

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 16th November, 2006

The House met at 2.30 p.m.

*[The Temporary Deputy Speaker
(Mr. Karaba) in the Chair]*

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Report of the Departmental Committee on Energy, Communications and Public Works on the Energy Bill.

(By Mr. L. Maitha)

(Applause)

ORAL ANSWERS TO QUESTIONS

Mr. M. Maitha: Mr. Temporary Deputy Speaker, Sir, I have no written answer.

Question No.394

INSECURITY IN TALA/KANGUNDO TOWNS

Mr. M. Maitha asked the Minister for Administration and National Security:-

(a) whether he is aware that many robberies have occurred in Tala and Kangundo towns leading to loss of lives and property;

(b) what steps he is taking to beef up security in the towns and their environs; and,

(c) when the Tala Police Post will be upgraded to a police station and supplied with a vehicle to enhance crime prevention.

The Temporary Deputy Speaker (Mr. Karaba): Is anybody here from the Ministry of State for Administration and National Security?

We will defer that Question until next time.

Mr. Mwandawiro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Kenyans hoped that this Government would perform more efficiently since very many Ministers and Assistant Ministers have been appointed. Once they are appointed, they get busy with meetings. This means there is no added value. Is it in order for new Ministers and Assistant Ministers to be appointed when they cannot be here to answer Questions?

The Temporary Deputy Speaker (Mr. Karaba): Maybe the new Ministers are still trying to locate their offices. The process of handing over is still taking place.

Mr. M. Maitha: Mr. Temporary Deputy Speaker, Sir, this Question was deferred yesterday because the House was told that the Assistant Minister is out of the country and the Minister was busy at that time. This Question is on security. My people are dying in Kangundo. When will this Question be answered?

The Assistant Minister for Education (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, could I request that the Question be asked again later as we wait for the Minister, whom I am sure is on the way after moving to the new office?

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, given the importance of this Question, could you order the senior most Minister to answer it because the people of Kangundo are dying?

The Temporary Deputy Speaker (Mr. Karaba): The Question is deferred. The next Question has also been deferred.

(Question deferred)

Question No.409

TARDA-FUNDED PROJECTS
IN KIRINYAGA DISTRICT

(Question deferred)

Next Question by Mr. Sudi!

Mr. Keter: Mr. Temporary Deputy Speaker, Sir, Mr. Sudi is on his way. He has been held up in a traffic jam.

An hon. Member: Sudi is here!

(Laughter)

Question No.531

UNDERSTAFFING IN MARAKWET
SECONDARY SCHOOLS

Mr. Sudi asked the Minister for Education:-

(a) how many secondary schools in Marakwet District are understaffed and what plans he has to address this problem; and,

(b) whether he could consider employing all the secondary school trained teachers from the district in order to meet the shortfall.

The Assistant Minister for Education (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Twenty three secondary schools in Marakwet District do not have adequate teachers.

(b) In the recently concluded recruitment of teachers, 11 vacancies were allocated to some of the schools that are understaffed in the district to alleviate the shortage. Following the freeze on employment by the Government, the Ministry has only been replacing teachers who leave the service by natural attrition to maintain the teachers national ceiling which has been agreed upon for many years.

Mr. Temporary Deputy Speaker, Sir, the Ministry, therefore, cannot employ all trained secondary school teachers from the district. We could not take all of them which is the case everywhere in the country. Recruitment is based on the ratio of understaffing in every district depending on the number of places that we have. We have been applying the same strategy. It is unfortunate that it does not conclude the problem but it will suffice for the time being until we have more resources to recruit all the teachers.

Mr. Sudi: Mr. Temporary Deputy Speaker, Sir, arising from the answer the Assistant Minister has given to this House, and given that he is about to graduate to be a professor and knowing the benefits of education, could he employ more teachers to teach students in Marakwet? There is no point of training teachers without absorbing them. The Assistant Minister has said that there is no money. The money is there. They should employ more teachers immediately.

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, the money is there but it is not sufficient to employ all the teachers we need. As soon as we have enough money, we will be happy to employ them. Mr. Sudi's problem is being experienced throughout the country. I would like to urge hon. Members to refrain from asking this question about teachers because the answer will always be the same.

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, it is a wondrous story from the Ministry to ration teachers in schools when they know that free primary education has increased the number of entrants in secondary schools. What plans does this Ministry have particularly for the students in secondary schools who are endeavouring to get to university? Do they expect these students to go to university without proper education?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, you will realise that if we do not have teachers, we get disadvantaged compared to those schools that have adequate numbers of teachers. We are doing many things that we think will address the problem. One of them is staff balancing. During this month and next month, there is a lot that is taking place in the provinces by way of checking to see which schools have more teachers than they need so that they can be redeployed to schools that are in greater need. This is what we can do for the time being until the financial situation improves. We have approached the Treasury to see if we can expand that ceiling. Until we get that go ahead, unfortunately, we have to bear with the situation and deal with it as things stand. We appreciate that it is a problem and we would like to do something about it.

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, I am very much concerned with the Assistant Minister's answer that the reply to this kind of Question will always be the same. If there are so many Questions regarding education, that can tell you that there is a problem in the education sector. Therefore, the answer should not be the same. Could the Assistant Minister inform the House that the answer should not be the same as there is a problem in the education sector? The fact that there are so many Questions should make him think of a different answer.

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, we have always said that it is good for hon. Members to also listen to answers before formulating their questions. I said that the answer is the same with regard to shortage of teachers in secondary schools. It will be the same with regard to the fact that we will only replace those we have lost through attrition and retirement. How can I say that the answer for every Question on education will be the same? Does that make sense?

The Temporary Deputy Speaker (Mr. Karaba): The hon. Member is asking you whether you have plans to employ more teachers.

Dr. Mwiria: Mr. Ahenda is not asking that.

Mr. Ahenda: Yes, that is what I asked.

Dr. Mwiria: If that is what he was asking, the answer would not be the same.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has just accepted that the Government will not employ more teachers. Instead it is replacing those who are dying and retiring. When will this Government employ fresh teachers because free primary education has

added the workload for secondary school teachers? Could the Assistant Minister tell us whether the Government has money or not?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, I said that we have submitted a paper to the Cabinet for us to be allowed to recruit more teachers. We have also approached the Treasury to give us more resources so that we employ more teachers. We have tried this for the last two years, but unfortunately, we have not been lucky enough. It is not for lack of trying that this issue is not being resolved, but it is just that we have not got any more resources. It is true that we do not have sufficient funds to employ more teachers, but we have money to do a lot of other things. That is why the Ministry of Education has the highest budget of all the Ministries. There is a lot of money that is being budgeted for the education sector and we are all aware of this. We are all benefiting from it. I know we would like to have more, but this is not possible. Even in our own homes, it is not possible to do all the good things we would like to do with our salaries because there are limitations. We really have to budget within our means.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, billions of shillings were returned to the Treasury by Ministries which did not utilise it. Could the Government employ secondary school teachers and bring Supplementary Estimates because I am sure this House will be more than willing to pass those Estimates?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, that will very much depend on specific Ministries and hon. Members of Parliament. If that is proposed and there are, indeed, resources and it goes through, who are we to refuse to recruit secondary school teachers?

The Temporary Deputy Speaker (Mr. Karaba): Last question, Mr. Sudi!

Mr. Sudi: Mr. Temporary Deputy Speaker, Sir, this Government was elected on the platform of zero-tolerance to corruption. However, the Government is still appointing more Assistant Ministers. Why can they not use that money to employ more secondary school teachers?

Dr. Mwiria: Mr. Temporary Deputy Speaker, Sir, first of all, who decides to appoint Ministers and Assistant Ministers has got nothing to do with my Ministry. The money that is used to pay Assistant Ministers and Ministers is not part of the budget of the Ministry of Education. So, I cannot say we have lost anything from our budget now that we have more Ministers and Assistant Ministers.

The Temporary Deputy Speaker (Mr. Karaba): Next Question, Mr. Lesrima!

Question No.050

NUMBER OF EARLY CHILDHOOD
TRAINING CENTRES

Mr. Cheboi, on behalf of **Mr. Lesrima**, asked the Minister for Education:-

(a) how many Early Childhood Training Centres are there in the country;

and,

(b) what plans the Government has to employ trainers and teachers for these centres.

The Assistant Minister for Education (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I beg to reply:-

(a) There are 83 Early Childhood Training Centres in the country. Of these, 32 are Government centres, while 51 are private centres.

(b) The trainers currently in charge of Government centres are the Teachers Service Commission (TSC) employees who work at the District Centres for Early Childhood Education (DICECE) and are deployed to train the teachers in the colleges during the holidays. The Ministry

is in the process of developing a scheme of service for the Early Childhood Development Education (ECDE) teachers. In addition, the Ministry with its partners, has already developed service standard guidelines and is in the process of implementing the same in relation to the terms and conditions of service for various levels of service providers. Plans are also being put in place for mainstreaming of the ECDE, who are four and five year old children into basic education by the year 2010.

Mr. Temporary Deputy Speaker, Sir, I have a list of the centres, which is quite long. I do not know if I should read or table it?

The Temporary Deputy Speaker (Mr. Karaba): Proceed, and lay it on the Table.

*(Mrs. Mugo laid the document
on the Table)*

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, there is need to standardise the curriculum for the ECDE teachers. How much money did the Ministry set aside in their budget to cater for the ECDE, especially now we have the Free Primary Education Programme (FPEP) in place?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, there is money in the budget for the ECDE. I do not have the figures here as it was not a requirement of this Question. However, there is money set aside for the centres which are already in operation in certain areas of this country. There are also funds which have been set aside for the training of these teachers. This programme will be expanded to include centres in all parts of the country. The ECDE will be part of the FPEP by the year 2010. As I have said, we have a National Centre for Early Childhood Education (NACECE) and together with the Kenya Institute of Education (KIE), are charged with the development of teacher training curriculum syllabus which is to be used by all ECDE centres in Kenya. So, we are streamlining the ECDE.

*[The Temporary Deputy Speaker
(Mr. Karaba) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Khamasi) took the Chair]*

(Loud consultations)

Indeed, it was there in the---

Mr. Temporary Deputy Speaker, Sir, if you could, please, protect me? Hon. Members are consulting in very high tones.

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Could we listen to the Assistant Minister?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, indeed, it was there in the just concluded Sessional Paper on Education. The ECDE figured prominently in that document. That means it is part and parcel of our education system. The only process that is remaining is assimilating and implementing it. At the moment, that is what we are doing.

Mr. Waithaka: Mr. Temporary Deputy Speaker, Sir, now that there is the FPEP, some parents have a tendency of delaying their children and not taking them for the early childhood education classes. They take them straight to primary school because it is compulsory. No teacher can deny a child from being enrolled in a primary school notwithstanding that they have not gone

through the early childhood education. What steps is the Ministry taking to ensure that every child enrolling in primary school has gone through the early childhood education programme?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, in the DICECE centres, we have programmes to encourage and involve parents, guardians and communities to take their children for early childhood education. Right now, we cannot make that compulsory until the system is included in the FPEP, which means that no child will be required to pay unless the parents decide to take them to private institutions. This is only three years away, but it sounds like a long time to come. However, by the year 2010, the FPEP will include the ECDE. In the meantime, we encourage parents and communities to make sure that they take their children for the early childhood education programme. We also have that problem in primary schools where children are enrolled before they get to six years because primary education free. For that child to keep up with the children in his or her class, we encourage the parents not to send them too early to school because they have not developed enough to keep up with the rest of the peers.

Mr. Temporary Deputy Speaker, Sir, we are also working in collaboration with the Ministries of Health; Water and Irrigation; Planning and National Development; Gender, Sports, Culture and Social Services; the Office of the Vice-President and Ministry of Home Affairs and other line Ministries because developing a child at that early stage is not only for them to learn how to read and write, it is a holistic approach. We have proper programmes to make sure that these children are offered holistic growth and development. That is what we are working on.

Mr. Temporary Deputy Speaker, Sir, let me add here that I agree that there are some children who are not able to attend early childhood classes. That is the problem we are tackling. We intend to come up with a proper programme by the year 2010.

Eng. Okundi: This is a very important subject, indeed, because it is dealing with early childhood education. The Assistant Minister has just said that there are plans to incorporate the early childhood education into primary schools by the year 2010. However, she has not stated when the teachers for Early Childhood Training Centres (ECTC) will be employed by the Government. As of now, they are employed on voluntary basis and it costs the centres a lot of money to pay them. It is, in fact, very difficult to contain them. Could the Assistant Minister, please, clarify this matter?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, we are working on the terms of service for these teachers as well as in the area of their training. Of course, during the implementation of the programme, the first thing would be to hire those teachers. They will be hired as soon as the programme is ready for rolling out.

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, these teachers undergo training for two years just as the primary school teachers. Could the Ministry consider employing these teachers as primary school teachers and then deploying them in pre-primary schools?

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, we really have enough primary school teachers. In fact, there are so many others who are currently not employed. First and foremost, we will employ those ones because they are the ones who have been prepared and trained for that particular task.

However, some of these teachers are employed in the ECTCs and they are paid salaries. As soon as the budget is worked out and we roll out the programme, we shall definitely employ those teachers. So, I ask them to be a little bit patient because, at least, now we have a programme. We have focused to start at a certain time. Before, these teachers had no hope, but we are doing something for them now.

SHORTAGE OF AGRICULTURAL OFFICERS
IN KHWISERO DIVISION

Mr. Arungah asked the Minister for Agriculture:-

- (a) if he is aware that Khwisero Division has an establishment of 11 agricultural officers to serve over 25,000 households;
- (b) if he is also aware that out of the 11 agricultural officers, six have been transferred without replacement; and,
- (c) what he is doing to rectify the situation.

The Assistant Minister for Agriculture (Mr. Kaindi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) I am aware that Khwisero Division has an establishment of 10 agricultural officers.
- (b) I am also aware that the officers were reshuffled in the recent rationalisation exercise and replaced with an equal number of officers.
- (c) All the seven locations in Khwisero Division now have extension officers. However, my Ministry will consider deploying two more officers to the said area.

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. However, could he name the officers who were posted to Khwisero and when they were posted there?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, I have a list of the officers who were there before and another one of the officers who have now been sent there. There is only one officer who is to serve in Kisa South Location and we have already deployed him to the area. For the benefit of the hon. Member, I could lay this list of names on the Table of the House.

The Temporary Deputy Speaker (Mr. Khamasi): Is it a long list?

Mr. Kaindi: No, it is not a long list.

The Temporary Deputy Speaker (Mr. Khamasi): How many names are on the list?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, they are just 10 names.

The Temporary Deputy Speaker (Mr. Khamasi): Okay. Go ahead and read the names.

Mr. Kaindi: The names are: Daniel Ng'ang'a Chege, at the divisional headquarters; Joseph Omwanya Chiteri, divisional headquarters; Bonny Patrick Kisusu, Kisa North Location; Enock Ikutwa, Kisa East Location; Joab Auka, Kisa West; Nelson Shisoka, Namusanda Location; Rose Mulaa, Kisa Central; Sena Madra, Eshirombe Location; Benedict Nabutola, Kisa South Location; and Albert Ochinye, Bukura College of Agriculture.

Mr. Waithaka: Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister read out the names of the agricultural officers he has deployed to Khwisero Division and yet the hon. Member for Khwisero has just told this House that there are no agricultural officers in his constituency. Is the Assistant Minister aware that officers affected by the reshuffle during the rationalisation exercise have not reported to their new stations and that is why the records show that officers have been deployed, but in the real sense they have not reported to work?

Mr. Temporary Deputy Speaker, Sir, this has not only affected Khwisero Division, but also my constituency. There is resistance by some of the agricultural officers to move to their new places of work. What action is the Assistant Minister taking against officers who are resisting the reshuffle?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, the Ministry realises the fact that some officers have overstayed in their stations to the extent that they do other things apart from what they were employed to do. So, we have directed all District Agricultural Officers (DAOs) to report to our offices the names of those officers who have not yet reported to work in their new stations. If that does not happen, in the next two weeks, I can give a commitment to this House that we shall

address that matter and if necessary discipline the officers concerned.

Mr. Mwanzia: Mr. Temporary Deputy Speaker, Sir, the lack of agricultural officers is not only experienced in Khwisero Constituency. Indeed, it is a common phenomenon in the whole country. There is a very high shortage of agricultural and extension officers in the country. What is the Assistant Minister doing to make sure that enough agricultural officers are employed so that they can be posted in every constituency?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, for about 10 years, the Ministry of Agriculture just like many other Ministries had not been allowed by the Public Service Commission (PSC) to recruit officers. However, this year, we were allowed to recruit 300 agricultural officers. We also have been given authority to recruit 300 teachers. It is true that when you look at the present ratio of agricultural officers to our population, it is wanting. The officers are hardly enough to serve the large population. We hope that as we continue to pressurize the PSC to give us authority to recruit, they shall allow us to do so. We are cognizant of the fact that there are very many trained agricultural officers out there in our agricultural institutions.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, with time, as illustrated here in this Question, the number of extension officers has gone down. That means that the remaining extension officers have more work to do because they have to cover larger areas. What is the Government doing to make them more efficient in their work particularly with regard to transport? Could the Government consider providing them with transport, perhaps, in the form of bicycles or motorcycles in order to make them more effective?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, the concerns by the hon. Member are pertinent. It is true that for our officers to be efficient and effective they need to be equipped in terms of logistics, that is, transport and provision of more money. This will enable them move from their work stations to the field. It is true that, as a Ministry, we have been allowed to buy a number of vehicles. However, the policy shift has been that we need to have about three to four motorcycles within each division and location. This is the direction we are taking.

Mr. Temporary Deputy Speaker, Sir, at the moment, through the Swedish International Development Association (SIDA) we are going to buy another extra 100 motorcycles which will be used by the agricultural officers. The question of bicycles is one of the pertinent areas that we are supposed to look at. This is because the interaction between the farms and the extension work cannot be underestimated.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir the issue of agricultural extension officers and veterinary officers is very worrying in this country. Although the Ministry has the names in the office, some of these people must be ghost workers because we never see them in the field. So, could the Assistant Minister consider privatising those services?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, the policy is that we should be in charge of overall extension work. It is true that we have also encouraged private sector partnership and there are extension workers from other organisations supplementing our efforts. However, it is our responsibility to ensure that extension service is given to our people in the locations and sub-locations.

Mr. Temporary Deputy Speaker, Sir, we will continue to ensure that we have sufficient agricultural extension officers given the availability of money and permission from the relevant authorities. I would like to confirm to this House that we are consulting the PSC to ensure that they give us the authority to recruit more agricultural officers. We know that there are so many people out there who are trained to do this work.

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, assuming that the seven officers have indeed been posted to Khwisero Division and they have all reported, could the Assistant Minister

tell this House what methodology these seven officers are going to use to reach 25,000 households in Khwisero Division even if they have to pay a visit once a year?

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, again, we are talking about logistics. We have sent two brand new motorcycles to Khwisero Division although they have another two new serviceable bikes and one motor vehicle. We have also tried to increase the money that is available for these officers. In fact, we have now given them Kshs500,000 to start operations. We are re-looking at our budgetary provisions to ensure that most of the money is within that area. So, I wish to confirm to the hon. Member that we need to appreciate that it is an enormous task but we need to make maximum use of the officers who are there so that they can extend their mandates and give farmers the service that they so much desire.

The Temporary Deputy Speaker (Mr. Khamasi): Next Question by Mr. Ojode!

Question No.586

AWARD OF TENDER FOR RENOVATION
OF PALA/OMBO HEALTH FACILITIES

The Temporary Deputy Speaker (Mr. Khamasi): Is Mr. Ojode not here? The Question is dropped.

(Question dropped)

Next Question by Mr. Mwandawiro!

Question No.445

AMOUNT OF TAX COLLECTED FROM
PRIVATE SCHOOLS IN 2005/2006

Mr. Mwandawiro asked the Minister for Finance how much tax the Government collected from private schools in the 2005/2006 Financial Year.

The Assistant Minister for Finance (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

During the Financial Year 2005/2006, a total of Kshs75,320,251 was paid by 256 private education service providers registered with the Kenya Revenue Authority (KRA). In addition, the sector collected Kshs2,607,152 as Pay As You Earn (PAYE) and Kshs32,961,168 as Withholding Tax on agency basis.

Mr. Mwandawiro: Mr. Temporary Deputy Speaker, Sir, as you know very well, education in this country is used to increase the gap between the rich and the poor. The more money one has, the better the education you can provide for your children in this country. Out of this money which is collected as tax, could the Assistant Minister tell us how much the Government has used to try to narrow the growing gap between the rich and the poor that is encouraged through education in this country?

Mr. Kenneth: Mr. Temporary Deputy Speaker, Sir, the role of the Ministry of Finance is to collect taxes. The role of provision of education is left to the Ministry of Education. However, to answer hon. Mwandawiro's question, this Government has provided free primary education which is funded by taxes paid by Kenyans.

Mr. Mwandawiro: Mr. Temporary Deputy Speaker, Sir, my question has not been answered adequately. We have been told that private schools have paid their taxes and the

Assistant Minister has stated their amounts. We are not talking about free primary education but of poor facilities in schools where the children of the poor attend compared to those of private schools. Could the Assistant Minister inform the House how much of this money has been used to directly improve the poor facilities in schools attended by children from poor parents so that they can have a level playing ground with their rich counterparts? How much of this money has been used to narrow this gap?

Mr. Kenneth: Mr. Temporary Deputy Speaker, Sir, when it comes to taxation, money collected as taxes from a taxation point of view cannot go to the same sector it has come from. I said that what has been collected as PAYE goes to KRA and from there that is when you get things like free primary education which has indeed helped to bridge the gap between the poor and the rich. That is where Members of Parliament get a share of their Constituencies Development Fund (CDF) and I assume hon. Mwandawiro has allocated some to schools.

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ojode had requested me to ask his Question on his behalf. May I seek your humble discretion to allow me to ask his Question? I apologise that I was consulting the Clerk as per your directive and, therefore, I was not able to respond.

The Temporary Deputy Speaker (Mr. Khamasi): The Chair has already made a ruling on that matter. If you want a review, visit the Speaker's Office and consideration will be made.

Next Question by Rev. Nyagudi!

Question No.475

ISSUANCE OF ID CARDS
TO KENYAN MUSLIMS

Rev. Nyagudi asked the Minister for Immigration and Registration of Persons:-

(a) whether he is aware that several Kenyans who are Muslims and have attained the age of 18 years cannot be employed as they have been denied issuance of National Identification (ID) cards;

(b) whether he is also aware that Muslims who obtain the ID cards are subjected to a very frustrating vetting process; and,

(c) what steps he is taking to ensure that Kenyan Muslims who have attained the age of 18 years are issued with ID cards and the process harmonised with that applicable to other Kenyans.

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) I am not aware that Muslims who obtain ID cards are subjected to a very frustrating vetting process on account of their faith.

(c) The current practice, rules and regulations are applicable to all Kenyans irrespective of race, faith or convictions in accordance with the law.

Rev. Nyagudi: Mr. Temporary Deputy Speaker, Sir, I am very shocked by that answer from the Assistant Minister, considering that he represents a constituency from Coast Province that is predominantly Muslim.

(Applause)

I want to warn him that his constituents will read the newspapers tomorrow and they will not be

very happy with him.

Hon. Members: What is your question?

Rev. Nyagudi: Mr. Temporary Deputy Speaker, Sir, my question is: I have two relatives; one is called Salim Otieno and the other one is called Richard Ochieng. Salim Otieno has to go through a vetting process while Richard Ochieng does not have to go through it. Is the Assistant Minister giving us the correct position or is he misleading this House?

Mr. Mwaboza: Mr. Temporary Deputy Speaker, Sir, first I want to inform the hon. Member that this is a secular state and there is no discrimination whatsoever in terms of religion, creed, race or colour. The problem of ID cards is countrywide and as a Ministry, we are trying our level best so that all the applicants are issued with them. In fact, we are in the process of reviewing various laws which are obnoxious now because they were passed long time ago so that they may address this issue of issuing ID cards to all people who are attaining the age of 18 years irrespective of any discrimination whatsoever.

Ms. Abdallah: Mr. Temporary Deputy Speaker, Sir, I thought being away for a while I would get answers that reflect the reality on the ground. Could the Assistant Minister clarify what this special requirement for Muslims and people living in border areas is so as to be given ID cards? For now, we are required to bring ID cards from our grandparents either maternal or paternal, depending on the area. So, he must be answering this Question from another country's situation because the reality here is different from what he is saying.

(Applause)

Mr. Mwaboza: Mr. Temporary Deputy Speaker, Sir, there are classified areas whereby, although the rules are applicable generally, we have cross-border communities; for instance, we have Digos in Tanzania and also in Mombasa. Therefore, to safeguard non-issuance of Kenya national ID cards to people who are not nationals of this country, we have put up some regulations and it is not just intended to discriminate.

Secondly, there are requirements for one to be registered or to be issued with an ID card and these are follows: A birth certificate; school leaving certificate, a baptismal card and an age assessment certificate from a qualified medical officer of health or a clinic attendance card. This requirement is applicable to all Kenyans. On the issue of people of Arab or European origin and other descendants, the following is applicable to safeguard the citizenship of this country: Applicant's birth certificate; one of the parents' birth certificate, and one of the grandparents' birth certificate. This is applicable for applicants who were born after 12th December, 1963. In any case, all other births must have taken place in Kenya.

Mr. Ndolo: Mr. Temporary Deputy Speaker, Sir, this Government does not know what it is doing. They issued the *mamluki* with national identity cards. That is a shame on the part of the Assistant Minister.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Mr. Ndolo! This is Question Time. We want to hear your question. Could you proceed on those lines?

Mr. Ndolo: Thank you, Mr. Temporary Deputy Speaker, Sir. It is not just a matter of issuing identity cards to people. There is the problem of those who issue identity cards and passports. Last week, a lady boxer in our country was arrested on suspicion of holding Kenyan identity card or passport. What is the Assistant Minister doing to the officers under him who issue passports and identity cards to *mamluki* and those suspected of not being Kenyans?

Mr. Mwaboza: Mr. Temporary Deputy Speaker, Sir, in the event that any of our officers is reported to have been involved in any corrupt practice that furthers the issuance of Kenyan documents against the law, he will be suspended.

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is aware that every time his boss goes to Coast Province, the most important issue that is raised by Muslim leaders is issuance of identity cards and passports because of the discrimination being perpetrated against the people of not just the North Eastern and Coast provinces but wherever somebody bears the name of a Muslim. The recent example is that lady boxer who had a Muslim name. The other example is the Kenya Television Network (KTN) editor who had a Muslim name. The concern here is the very frustrating vetting process. Even after vetting has been done in the North Eastern Province, it is done again in Nairobi. Could he tell the House whether his Ministry is ready - if we give him concrete examples of that vetting process - to take action to reverse or eliminate some of the processes which actually discriminate against Muslims? This is no way to reduce the number of Muslims in the country.

Mr. Mwaboza: Mr. Temporary Deputy Speaker, Sir, as I said earlier, we are in the process of reviewing all the laws that give us the power to issue these documents. In fact, we will be tabling Bills to amend the immigration and registration of persons laws. We believe that once we bring those Bills here, hon. Members will unanimously support them.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, discrimination of Muslims on issuance of identity cards is a serious matter. In fact, if you closely look at the KTN editor who was arrested recently, you will notice that he resembles the Assistant Minister. I do not know whether the two come from the same place. The frustration has reached a level that some Muslims have thought of adopting Christian names, so that they can get identity cards. This is a very serious matter.

Could the Assistant Minister undertake to ensure that they do not tighten the rules to an extent of causing some Muslims to think along the lines I have just mentioned? This is a serious matter.

Mr. Mwaboza: Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member that we have, in fact, had a meeting with the Supreme Council of Kenya Muslims (SUPKEM). All these issues have been addressed. Some administrative measures have been taken with regard to the conditions that do not fall within the purview of registration laws.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Rev. Nyagudi!

Mr. Kimeto: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): What is it?

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, would I be in order to request the Assistant Minister to issue identity cards to all secondary school students?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Mr. Kimeto, could you be orderly? Resume your sit so that Rev. Nyagudi can ask his last question on this matter.

(Mr. Kimeto resumed his seat)

Rev. Nyagudi: Mr. Temporary Deputy Speaker, Sir, you can see the interest that the Question has generated. Given that I am asking the Assistant Minister the last supplementary question on this matter, would I be in order to request the Chair to give the Question more time?

The Temporary Deputy Speaker (Mr. Khamasi): Rev. Nyagudi, I will not allow you to do the job of the Chair. Ask your last question.

Rev. Nyagudi: Mr. Temporary Deputy Speaker, Sir, the applicants who have been issued with waiting cards cannot register as voters. I believe that the serial number on a waiting card is the same one that comes with the identity card. Could he tell the House whether he has put in place any measures to give the people with waiting cards the opportunity to register as voters?

Mr. Mwaboza: Mr. Temporary Deputy Speaker, Sir, the issue of registration of voters falls

on a different Ministry. Our work is issuance of identity cards.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Karaba, since you will be presiding over the Committee of the whole House, you may ask your Question now.

Question No.409

TARDA-FUNDED PROJECTS IN
KIRINYAGA DISTRICT

Mr. Karaba asked the Minister for Regional Development Authorities:-

- (a) what projects TARDA has funded in Kirinyaga District to date; and,
- (b) what is the value of those projects.

The Minister for Regional Development Authorities (Mr. M.A. Mohamud): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) TARDA has funded the following projects in Kirinyaga District to date:-

- (i) The study and design of Kibirigwi Irrigation Scheme in Ndia Division through a grant provided by the Netherlands Government.
- (ii) The study for Rupingazi Irrigation Scheme in Mwea through a consultancy by M/s Booker Agriculture International and M/s Vine Consulting Engineers.
- (iii) Currently, the TARDA is appraising a multi-purpose project in Gichugu, in Kiangurue Sub-location.

(b) The study and design of Kibirigwi Irrigation Scheme project cost Kshs8.3 million. The cost of the consultancy for the study of Rupingazi Irrigation Project was Kshs5 million. Kiangurue Multi-purpose project is at its primary stage of implementation and is estimated to cost Kshs51 million. Further, TARDA has already provided Kshs1.1 million to the local community for the catchment conservation component of this particular project.

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for that very good answer. However, Kirinyaga District is a catchment area for many rivers in Kenya, and particularly River Tana, and due to the previous heavy rains and the current rains falling, that area has lost so much soil through erosion. When it rains, as it is now, most of the water flows to the Indian Ocean. What provision does the Ministry have to construct dams upstream River Tana, so that this menace can be stopped?

Mr. M.A. Mohamud: Mr. Temporary Deputy Speaker, Sir, I know that Kirinyaga district and its environs is a very important conservation area. The district supplies water to the dams downstream River Tana. Right now, TARDA does not have adequate funds with which to do what the hon. Member has asked. However, we are trying to source funds to ensure that we conserve the forest and the catchment areas of the rivers that flow from the area.

Mr. M'Mukindia: Thank you, Mr. Temporary Deputy Speaker, Sir. In view of the fact that most of the sources of River Tana and its tributaries are totally eroded, and the forests and tree cover has been destroyed, could the Minister tell us how many trees have been planted in the country or in that region through the efforts of Tana and Athi River Development Agency (TARDA) for the last five years?

Mr. M.A. Mohamud: Mr. Temporary Deputy Speaker, Sir, I do not have the figures, because that is a separate Question. But I would like to inform the House that it is very critical for us to have a lot of conservation efforts in the whole of the River Tana area and its tributaries, including the sources. As I had said earlier, we do not have adequate funds. Right now, as you are aware, KenGen has taken over some of the generating assets of TARDA and Kerio Valley Development Agency (KVDA). We are trying to negotiate with them to ensure that those two agencies are compensated. Once we get that money, we will plant more trees.

Mr. Odoyo: Thank you, Mr. Temporary Deputy Speaker, Sir. As you can recall, I was the Assistant Minister in this particular Ministry, and the hon. Minister was my boss. When will TARDA get enough funds to be able to revive all the projects that were started when they were generating electricity? Since the job of generating electricity was removed from them, TARDA has no teeth; they have no money to fund any project. Could it be that the Minister is misleading this House by implying that TARDA is able to fund any project in Kirinyaga District, whereas in reality, they have no money?

Mr. M.A. Mohamud: Mr. Temporary Deputy Speaker, Sir, it is not true that TARDA has no funds. They have funds for their other operations. As I said earlier, their main source of income was electricity generated from the local dams, namely Masinga and Kiambere, and because these generating sets have been given to KenGen, negotiations are at an advanced stage to ensure that TARDA gets about Kshs360 million annually for their work.

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think that the Minister's answers are very cosmetic. The first thing is that the design only cost Kshs8.3 million and consultancy cost Kshs5 million. Is the Minister in order to mislead this House that the money spent on documentation was enough to make TARDA come off the ground and fulfil the projects that were abandoned?

Mr. M.A. Mohamud: Mr. Temporary Deputy Speaker, Sir, the project studies were done a long time ago and the objectives of some of them were achieved. For example, the first one, Kibirigwi Irrigation Scheme, is operational and about 300 farmers are already benefitting from that project. I think that Kshs8.3 million is adequate and reasonable for a study.

Mr. J. Nyagah: Mr. Temporary Deputy Speaker, Sir, is the Minister aware that TARDA specializes in feasibility studies and that very little work is done on the ground in this particular region?

(Applause)

Is the Minister satisfied with the amount of money that Kirinyaga District has received, given that it is the source of that river?

Mr. M.A. Mohamud: Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the amount of money given to Kirinyaga District because I know that Kirinyaga District requires a lot of water and we need to do a lot of conservation in that area. As I said earlier, the funds which are available to TARDA are not enough. Once we get adequate funds, we will definitely consider funding Kirinyaga District and other districts that serve TARDA.

The Temporary Deputy Speaker (Mr. Khamasi): Last question, Mr. Karaba!

Mr. Karaba: Thank you, Mr. Temporary Deputy Speaker, Sir. Considering that most of the three projects that he has mentioned are distributed in various constituencies, could he try to, maybe, bring in Kerugoya-Kutus Constituency so that it can benefit from TARDA projects?

Mr. M.A. Mohamud: Mr. Temporary Deputy Speaker, Sir, I appreciate that question. In future, we will try to look into funding that particular constituency once funds are available.

The Temporary Deputy Speaker (Mr. Khamasi): Order! That brings us to the end of Question Time.

COMMUNICATION FROM THE CHAIR

VISIT BY E-PARLIAMENT MEMBERS

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, We have got

distinguished hon. Members who are seated in the Speaker's Row, and we would like to recognize them.

They are:-

Dr. Kwame Amputo from Ghana, and hon. M. Chaylor from the UK.

They are accompanied by Mr. Nicholas Dunlop, the Secretary General of E-Parliament, Mr. Jesper Grolin, the Executive Director of E-Parliament, and Ms. Sally Gardan, who is the Programme Officer of E-Parliament. They are visiting our Parliament on matters relating to E-Parliament and we wish them a happy stay during their visit to Kenya.

Thank you.

(Applause)

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Deputy Speaker
(Mr. Khamasi) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. M'Mukindia) took the Chair]*

THE KENYA INSTITUTE FOR PUBLIC POLICY RESEARCH AND ANALYSIS BILL

The Temporary Deputy Chairman (Mr. M'Mukindia): Hon. Members, we are now in the Committee of the whole House. Before us is the consideration of the Kenya Institute for Public Policy Research and Analysis Bill from the Ministry of Planning and National Development. You notice on the Order Paper that there are a number of amendments proposed by the Minister.

Let us proceed!

Clause 2

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to [**The Minister for Planning and National Development**] move:-

THAT, Clause 2 of the Bill be amended in the definition of "Minister" by deleting the word "economic".

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Clause 3 agreed to)

Clause 4

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 4 of the Bill be amended by inserting the words "or such other place as may be determined by the Board and approved by the Minister", immediately after the word "Nairobi."

(Question of the amendment proposed)

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

(Clause 4 as amended agreed to)

(Clause 5 agreed to)

Clause 6

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 6 of the Bill be amended-

(a) by deleting the expression "(1)";

(b) in paragraph (b)-

(i) by deleting the expression "and" appearing immediately after the words "money and finance" and substituting therefor a comma;

(ii) by inserting the words "and microeconomic" immediately after the word "macroeconomic".

(Question of the amendment proposed)

(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)

(Clause 6 as amended agreed to)

Clause 7

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

- THAT, Clause 7 of the Bill be amended-
- (a) in sub-clause (1)-
 - (i) by deleting paragraphs (a) and (e);
 - (ii) by deleting the words "to the Treasury" appearing in paragraph (b) and substituting therefor the words "in the Ministry of Finance;"
 - (iii) by renumbering paragraphs (b), (c), (d), (f) and (g) as paragraphs (a), (b), (c), (d) and (e) respectively;
 - (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause-
- (2) The President shall appoint the chairman of the Board.

(Question of the amendment proposed)

(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)

(Clause 7 as amended agreed to)

(Clauses 8, 9, 10 and 11 agreed to)

Clause 12

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

- THAT, Clause 12 of the Bill be amended-
- (a) in sub-clause (1) by deleting the words "appointed by the Board" and substituting therefor the words "recommended by the Board and appointed by the Minister;"
 - (b) in sub-clause (5)-
 - (i) by inserting the following new paragraph at the beginning of the clause-
- (a) a doctorate degree in social sciences;
- (ii) by renumbering paragraphs (a), (b) and (d) as paragraphs (b), (c) and (d) respectively.

(Question of the amendment proposed)

(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)

(Clause 12 as amended agreed to)

(Clause 13 agreed to)

Clause 14

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 14 of the Bill be amended by deleting the expression "(1)."

(Question of the amendment proposed)

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

(Clause 14 as amended agreed to)

(Clauses 15, 16, 17 and 18 agreed to)

Clause 19

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 of the Bill be amended by-

(a) deleting the expression "(1)";

(b) by inserting the word "day" after the word "thirtieth."

(Question of the amendment proposed)

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

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

(Clause 19 as amended agreed to)

(Clauses 20 and 21 agreed to)

Clause 22

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 22 of the Bill be amended in sub-clause (2) by deleting the words "it may determine" and substituting therefor the words "the Treasury may approve from time to time."

(Question of the amendment proposed)

(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)

(Clause 22 as amended agreed to)

(Clauses 23 and 24 agreed to)

Clause 25

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 25 of the Bill be amended by renumbering the existing clause as sub-clause (1) and inserting the following new sub-clause-
(2) The Board shall design ways and means of protecting the research findings of the Institute.

(Question of the amendment proposed)

(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)

(Clause 25 as amended agreed)

Clause 26

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 26 of the Bill be amended-

(a) by inserting the following new sub-clause at the beginning of the clause-

(i) All officers, members of staff and agents of the Institute shall uphold and observe ethics.

(b) in sub-clause (2) by deleting the expression "(1)" and substituting therefor the expression "(2)".

(c) in sub-clause (3) by deleting the expression "(1)" or "(2)" and substituting therefor the expression "(2)" or "(3)"

(d) by renumbering the existing sub-clauses (1), (2) and (3) as sub-clauses (2), (3) and (4) respectively

(Question of the amendment proposed)

(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)*

(Clause 26 as amended agreed to)

(Clauses 27 and 28 agreed to)

(First and Second Schedules agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Kenya Institute for Public Policy Research and Analysis Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*(The Temporary Deputy Speaker
(Mr. Sungu) in the Chair)*

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE KENYA INSTITUTE FOR PUBLIC POLICY RESEARCH AND ANALYSIS BILL

Mr. M'Mukindia: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Kenya Institute for Public Policy Research and Analysis Bill and approved the same with amendments.

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Justice and Constitutional Affairs (Ms. Karua) seconded

*[The Temporary Deputy Speaker
(Mr. Sungu) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Khamasi) took the Chair]*

(Question proposed)

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I would like to commend the Minister now that we are passing this important Bill. I would like to reiterate that we have many educated Kenyans. We have too many doctorate degree holders who are not utilised in their relevant fields of distinction. I would like to appeal that this Government utilises these resource people to avoid the brain drain that is bedeviling this country. Thank you.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Minister because many times when we debate here, Ministers take notes but when we go to the Committee Stage, they do not introduce the proposals that hon. Members raise on the Floor of the House. This Minister has responded to each of the proposals that we made during the debate to the Bill. Now that we are passing this Bill, we want to see research being given the place it deserves in the development of this country.

With those few remarks, I beg to support

Mr. M'Mukindia: Mr. Temporary Deputy Speaker, Sir, I also wish to thank the Minister for bringing this Bill to the House.

We know that research is critical in the development of this country. However, we need money, and this is where the Minister for Finance comes in. We must give sufficient money to the Ministry of Planning and National Development to ensure that sufficient money is given to the Kenya Institute for Public Policy Research and Analysis in order for it to do its work. As a rule, any country that wants to develop has to spend at least three percent of its Gross Domestic Product (GDP) on research. How much are we spending? I would like to encourage the Minister to strongly request the Minister for Finance to give him three per cent of the national Budget.

With those few remarks, I beg to support.

(Mr. ole Ntimama walked across the Floor)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. ole Ntimama. Please, take your seat.

(Question put and agreed to)

The Minister for Planning and National Development (Mr. Obwocha): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Kenya Institute for Public Policy Research and Analysis Bill be now read the Third Time.

The Minister for Regional Development Authorities (Mr. M. A. Mohamud) seconded.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

The Temporary Deputy Speaker (Mr. Khamasi): Next Order!

BILLS

Second Reading

THE TOBACCO CONTROL BILL

*(The Assistant Minister for Health
(Dr. Kibuguchy) on 15.11.2006)*

*(Resumption of Debate
interrupted on 15.11.2006)*

The Temporary Deputy Speaker (Mr. Khamasi): Who was on the Floor? Yes, Capt. Nakitare, you had 25 minutes left. Please, proceed.

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, I wish to revisit my discussion yesterday on the ills of tobacco as a crop promoted by multinational companies. This is done not withstanding the constraints caused by the tobacco industry. These cannot be left without challenge. We have heard statistics as provided by the World Health Organisation (WHO). We have been told that tobacco, as a crop, has only 15 per cent lead. The lead is traced to atoms that are not understood by those who smoke.

Mr. Temporary Deputy Speaker, Sir, we have also heard that industries blend this crop in factories with additives, which have high lead content. As you know, the industries have realised that lead is a metal that causes ailments to human beings. These ailments include cancer.

I talked about the anatomy of a human being yesterday. We want to take it in a preliminary plate. We would like to tell people who smoke to examine their tongues and oesophagus. I talked about how effectively carbon dioxide from smoking tobacco can penetrate through bronchioles to the extent that it absorbs oxygen and weakens the growth of a person. When you look at an expectant woman who smokes--- We have been told by doctors that a pregnant woman should not smoke. This is correct. There is no food value in tobacco. When a pregnant woman smokes, 0.2 per cent of the lead atoms get to the foetus through blood. As a result, babies can be easily deformed before birth.

Mr. Temporary Deputy Speaker, Sir, many times we have talked about the origin of this crop. We know very well that tobacco was consumed as far back as 3,500 B.C. We are aware that Francis Drake exported tobacco to England to 1455. We are also aware that the explorer, Christopher Columbus, landed in the new world in the 14th century and exported this crop from St. Domingo in the Dominica to North America, which includes California. Because of the interest that man had, it was discovered that the crop has only one value, smoking. It does not have any other value. I challenge people who say that they grow tobacco as an income earning crop. It is a crop, I agree, but why can we not replace it with cotton? Cotton is a shallow-rooted plant that can withstand drought. It does not require rich soil. The same applies to tobacco. Where tobacco grows, cotton will grow.

*[The Temporary Deputy Speaker
(Mr. Khamasi) left the Chair]*

[The Temporary Deputy Speaker

(Mr. M'Mukindia took the Chair)

Mr. Temporary Deputy Speaker, Sir, it would be very interesting if the Ministry of Agriculture can pay attention to this and help the Ministry of Health. It should promote fruit farming in arid areas, because we know there are fruit trees which are drought resistant. We have the example of macadamia. When we come to the analysis of tobacco as a valueless crop, a crop that is only valuable to very few people, we can substitute another cash crop such as cotton, macadamia or cow peas for it. These crops have food value. A farmer in Western Province cannot say: Well, you have denied us the chance to grow tobacco; therefore, we will not have a source of income. They should do alternative farming.

Mr. Temporary Deputy Speaker, Sir, we have been told that Kenyans smoke six million sticks of cigarettes every year. Six million sticks!

Mr. Temporary Deputy Speaker, Sir, you know, it is tantalising for me to say this because you might be a smoker. I am not challenging you.

The Assistant Minister for Health (Dr. Kibuguchy): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, I do not need information. I have done enough research, just as Dr. Kibuguchy has.

Mr. Temporary Deputy Speaker, Sir, it is known that 87 per cent of current smokers in Kenya began smoking when they were still young. This is a fact. However, we are in two lanes. Muslims do not smoke as much as the heathens do. When it comes to religious beliefs, I think there are more strict rules of behaviour and social norms in Islam than there are in Christianity and the world of heathens, who do not care about how their children are raised. This is true. I am not praising Muslims, but I admire the way they live. We have deficiency in Government laws that has resulted in the promotion of some of these dangerous crops because of desire for money. We cannot love money more than life.

Mr. Temporary Deputy Speaker, Sir, in the year 2002, we have been told that 4.9 million people died of tobacco related diseases. But it is also estimated that in the year 2020, we will have lost 10 million, people who will have died as a result of smoking, which causes cancer and other diseases. It is a big concern! The Government has to come up with stringent rules. As an international traveller, let me tell you that in the developed countries, now there are areas where smoking is not allowed.

Mr. Ochilo-Ayacko: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since our Standing Orders indicate that hon. Members must be responsible for the accuracy of the information they give to the House, would I be in order to ask the hon. Member to state the source of the alarming statistics he is giving the House?

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, research has been done by organisations. I will name one of them---

The Temporary Deputy Speaker (Mr. M'Mukindia): Capt. Nakitare, I do not think Mr. Ochilo-Ayacko is in order to ask you to substantiate information that is in the public domain, unless he has a specific query as to the inaccuracy of what you have said. He cannot raise a challenge unless he has a basis for it. I feel that, that is not a fair point of order.

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, the right information that is in public domain is that 10 million people will die by 2030. Kenyans smoke seven billions sticks of cigarettes every year.

The Temporary Deputy Speaker (Mr. M'Mukindia): In which event, those are more alarming figures that what Capt. Nakitare alluded to. Are they not?

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, Dr. Kibunguchy is an Assistant

Minister for Health and he is responsible for this document. He should wait until we have had enough time to study this document and then he can reply later on.

We have certain movements against substance abuse in Africa, which are the source of this data. Publications on the issue have been written by research institutions. If the hon. Member wishes to get more information, he should go to hospitals and see for himself how ugly it is to operate on cigarette smoking related cancer cases. Ten million people is not a small number. Even one life is a big loss to God because he is the one who gives life. We should talk about this issue with sobriety. We are talking about the inclusion of lead in the tobacco crop as a blend that makes people addicted. Addiction is what makes people smoke cigarettes and even other hard drugs like *marijuana* or *cannabis sativa*.

We should be concerned about the product of tobacco. The Government should follow international laws. In aviation, it is forbidden for people to smoke while airborne, not even in toilets. There are no hide-outs for smokers in an aircraft. All smoking zones in aircrafts have been shut down. It is very interesting for a Kenyan to smoke over 200 sticks of cigarettes per year. There is no food value in that. Cigarette smoking addiction paralyses the body. It causes ailments and deformities in un-born children. We should stop the production of tobacco in order to save our people's lives. Tobacco is poisonous to the body. It blocks the transportation of oxygen and calcium in the body and interferes with the circulation of blood. This is despicable! Therefore, however sweet cigarettes are, we must substitute the production of tobacco and regulate the behaviour of smokers. We should promote the production of crops which have some food value. We should emphasise on the production of crops which do not harm our people.

Mr. Temporary Deputy Speaker, Sir, the Government will say that tobacco companies are paying Kshs5 billion as taxes. However, there is no comparison between Kshs5 billion and the many deaths that are being caused by cigarette smoking related cancer. It is very expensive to take care of a cancer patient. Cancer patients are treated by chemotherapy which involves passing electric waves in the affected areas to kill the cancerous cells. Others are operated on day in, day out until they die. This is a serious issue. I congratulate the Ministry of Health for coming up with this Bill. It is not intended to deny the country revenue, but this is a concern for human beings. We should be fair when we are talking about crops which are of no benefit to our bodies. The level of food value in any crop is a big concern to us. In general, there are very few smokers compared to the number of people who wear clothes which are made from cotton. Therefore, we should replace the tobacco crop with the cotton crop, which is of benefit to all of us.

With those few remarks, I support the Bill.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make my remarks regarding this very important Bill.

From the onset, I would like to declare my interest. I come from Migori District, which is a tobacco growing district and my Rongo Constituency, also has tobacco growers. The biggest challenge in that part of the world, just like in most parts of Kenya, is the paltry earnings that the tobacco growers and generally the Kenyans who live there, earn from this cash crop.

The present administration, just like the past administration, has done very little for our people. We have had no new cash crop. The only cash crop that we have had in that district is sugar-cane and this administration, just like the previous one, has done very little to inject additional or new capital into the growing of sugar-cane. So, what is earning people some little money in this era of widespread unemployment is tobacco. As we discuss this Tobacco Control Bill, let us know that we are doing very little to make sure that farmers carry anything more than what they have been carrying previously.

The first thing that is disappointing about this Bill is that it is eager to control the exaggerated effects of tobacco, but it is not eager to do anything to increase the earnings that our

people are making from Migori and Teso Districts, some parts of Meru and other parts of this country where poverty is widespread. The biggest threat to life in this country is poverty and if this is not addressed, even if we talk about the dangerous effects of tobacco, we will still be addressing the surface issues of what affects our people.

The tobacco industry has also contributed positively to the development of this country. If you look at what the Exchequer carries home, you will find that tobacco is one of the rural crops that contribute positively to the Exchequer. If you look at the ratio of smokers in Kenya compared to the people who earn something little out of growing of tobacco, you will find that it is not as alarming as it is in places where this Bill is originating from.

I know that similar Bills are being propagated by the World Health Organisation (WHO); that is, fully-backed by the Western countries, where alternatives are numerous, and where you can elect to do one thing but opt to do something different tomorrow, because opportunities abound. I want to tell you that opportunities are not numerous in the parts of the country where we come from.

There are parts of this Bill that if you read them very closely, you will find that they make propositions that if made into law, may be very difficult to implement and actualise in a day. So, it is important to capture the effect of the proposed Bill in its entire structure. You will find that it proposes certain adjustments, including designated areas of smoking, without giving sufficient time for implementation of the Bill when it becomes law. So, it is important to know where we are coming from, and give stakeholders, particularly manufacturers like Mastermind, BAT and any other interested investor in the tobacco industry and the hotel industries, sufficient time to comply with certain provisions in this Bill if such provisions are to be enacted and made into law. So, those are areas that the Ministry needs to consider because when it is passed into law, the Bill will occasion culpability and if implemented, certain people may find themselves in trouble, and opportunity shall not have been given to them to comply with the law as it is supposed to be.

I want to comment on certain statistics that have been read to this House by hon. Members, such as the ones that indicate that 10 million people will die all over the world by the year 2020, and a certain number of them will come from Kenya. For instance, the statistics that were read by the hon. Member who spoke before me indicated that about 4.9 million people die annually, out of cigarette smoking. That means that out of the 10 million people who shall have died by the year 2020, the fraction that will have come from Kenya will be over 50 per cent. I think such statistics are alarming. I think people die---

The Assistant Minister for Health (Dr. Kibunguchy): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is completely out of order for the hon. Member who is contributing to mislead the House. These statistics apply world-wide and not in Kenya.

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, if the Assistant Minister was listening, he would have known that I was referring to the hon. Member who contributed before me, and that I was trying to correct the misinformation that he had imparted to this House. The hon. Member indicated that Kenya loses 4.9 million people, annually to tobacco related diseases. The statistics available, that the hon. Assistant Minister read, indicated that by the year 2020, 10 million people will have died of tobacco-related diseases. If that was correct, that 4.9 million people die annually, then the share that Kenya will have contributed to the 10 million deaths in the year 2020 is over 80 per cent. I am sure that those are the alarming statistics that are intended to frighten Kenyans. I think what should frighten us more is poverty, insecurity, unemployment and we must appreciate and give the devil its due.

Tobacco has provided and continues to provide revenue to this country. I, for instance, went to a school that was built by revenue from tobacco. That is where I sat for my Certificate of Primary Education (CPE). Those are facts that we cannot deny. My district, Migori, is one of those

which get a lot of revenue from tobacco. If we pass this law without making alternative arrangements for the earnings of those people, we are likely to cause more poverty among them. We would also make those people who depend on it vulnerable to deaths that are associated with poverty, violence and malnutrition. So, it is important to put certain measures in place, as we try to control the use of tobacco, knowing that what is one person's food may be someone else's poison. We must understand that is what sustains that group of persons.

I also want to state that most of these regulations do not apply universally. You will find that certain regulations that most countries are adopting and making into law may be more intended to protect certain economies. As they protect those economies, they may have adverse effects on other economies, where a lot of pressure is being put for their enactment. That is why we must warn ourselves as the only Legislative body that Kenyans have. I also want to say that as we regulate the use of tobacco in this country, let us know that countries are moving towards professionally constituted regulatory agencies. You will find that the regulatory agency that is proposed under this legislation has a heavy hand of Government in it, and that hand may not be seized of the professional dynamics that govern the sector. So, it is important to professionalise the regulatory agency that we will put in place and make sure that we democratise the manner of passing resolutions in this regulatory agency. Those are areas that must be captured, otherwise we will be setting, not an agency that is regulating, but regulating to a department of Government that will be barking out orders to stakeholders. So, it is important to capture the professional nature of the agencies.

We need to take on board the stakeholders who will be affected by these decisions and make sure that the agency balances itself, in the a manner in which decisions are made. It is also important to make sure that we check the nature of sub-legislations that may arise from this Bill. If we are giving to the Minister unfettered authority to give out delegated legislation, we may end up creating tyranny out of a department of Government. It is important to make sure that we check it so that any delegated legislation that may arise out of the Bill does not choke this sector. I think, in general, if we warn ourselves about the dangers and balance what the sector should do, we will have a good Bill that will make sure that we control the use of tobacco and maximise the earnings and benefits that growing of tobacco has given to our country.

I want to admit on behalf of the Kenyans I represent, that tobacco is not just harmful, but it is also beneficial to a certain extent. If we harness it as a crop, we will increase the earnings for the people associated with it, particularly the tobacco farmers and ensure that poverty does not run amok in this country.

Mr. Temporary Deputy Speaker, Sir, with those very many remarks, I beg to oppose.

The Assistant Minister for Youth Affairs (Mr. ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. First, I take this opportunity to thank His Excellency the President for appointing me as an Assistant Minister in the Ministry of Youth Affairs. I wish to say it is an honour to the people of Kajiado South Constituency and to the youth of this nation. It is my sincere belief that I will measure up to the task ahead.

On the subject matter, I want from the outset to support this Bill, it is long over due. This Bill has been brought before this House on many occasions, since 2001. It is high time that this House took this Bill very seriously and passed it, so that it becomes law.

I am very encouraged by the object and aim of this Bill, that is to protect the health of Kenyans. It is good to regulate the sale, use and advertisement of tobacco products for several reasons. Clause 3(a) of the Bill says:-

"The object and purpose of this Act is to provide a legal framework for the manufacture, sale, promotion and use of tobacco products in order to-

(a) protect the health of Kenyans in light of conclusive evidence implicating tobacco use in the incidence of debilitating and fatal diseases;"

There is reason to protect the health of Kenyans because of the alarming statistics and results of research that have been carried out.

According to the National Campaign Against Drug Abuse (NACADA), in every eight seconds, someone dies as a result of using tobacco products. This translates to about 45,000 people dying annually. It is high time we came up with measures and a legal framework to try and reduce the number of deaths. Research conducted by NACADA also shows that out of every 10 smokers seven start smoking at teenage. In relation to this issue, Clause 3(c) says:-

"there is need to protect the health of persons under the age of eighteen years by restricting their access to tobacco products."

Many people start smoking when they are under the age of 18 years. There is need to restrict smoking of tobacco products to people above the age of 18 years. I agree with all the items under Clause 3 of this Bill.

Mr. Temporary Deputy Speaker, Sir, I support Clause 4 on Administration, which gives the Minister power to enforce several things. However, I have an issue with Clause 4(a) which says:-

"Notwithstanding the provisions of any other written law for the time being in force, the Minister, on the

recommendation of the Board, may-

(a) prescribe the permissible levels of tar, nicotine and such other constituent of tobacco products or their emissions as the Minister may specify, which levels shall not exceed the levels set by the International Standards Organisation"

This is a very good idea. My only worry is how to enforce it and measure those permissible levels to ensure that they are not above certain levels. That is the only way we can achieve the objectives of this Bill, by controlling the permissible levels of such constituents of tobacco and tobacco products.

Mr. Temporary Deputy Speaker, Sir, on Clause 5 on the Establishment of the Board, this is well constituted. The board is made up of professionals from various institutions. However, I have an issue with Clause 5(1)(i) which says:-

"There is established a board to be known as the Tobacco Products Regulatory Board which shall consist of-

(i) one representative of religious organisations appointed by the Minister;"

If you look at all the other members of the proposed board, they are all appointed by their respective institutions apart from the representative from the religious organisations who is supposed to be appointed by the Minister.

It is my considered opinion that it is good to have such a representative, but why not leave it for the religious organisations to appoint him or her? For example, the National Council of Churches of Kenya (NCCCK) for that matter and other religious organisations should be left to appoint one of their own to be a member of the board.

Mr. Temporary Deputy Speaker, Sir, the Director of Medical Services, the Chief Public Health Officer and a representative of the Kenya Medical Association will all come from their respective organisations. It is only fair that religious organisations are given an opportunity to nominate one of their own as a representative to the proposed board.

Mr. Temporary Deputy Speaker, Sir, Clause 8(1) says:-

"No person shall sell a tobacco product to a person under the age of 18 years."

This is very good. It goes in line with one of the reasons why we should pass this Bill into a law. That is to stop the sale of tobacco and tobacco products to young people. In relation to the issue of

age, there is an issue I would like to raise with regard to Clause 8(4), which says:-

"For purposes of this section, the following documentation may be used to verify a person's age-

- (a) a national identity card issued by the Republic of Kenya;
- (b) a driving licence issued by the Republic of Kenya or any other country;
- (c) a passport issued by the Republic of Kenya or any other country; or
- (d) any other documentation as the Minister may prescribe."

In Kenya, to get a passport or driving license, someone must first have a national identity card. That is the most important document to verify the age of a person who is buying tobacco products. This reminds us of the common problem of the lack of identity cards by Kenyans. I really wonder what the practicality of this Clause is. It is very good that we restrict the use and the sale of tobacco and tobacco products to people above the age of 18 years.

Mr. Temporary Deputy Speaker, Sir, in some parts of this country, there are people who have attained the age of 18 years, but they do not have national identity cards. That is why I was questioning the practicability of Clause 8. This particular clause will help the Ministry in charge of registration of persons to ensure that every person who has attained the age of 18 years and above has a national identity card. That, for sure, will be a blessing because it will enable those people to get jobs and even register as voters.

Mr. Temporary Deputy Speaker, Sir, it is common knowledge that it is not a mistake of the youth of this country not to have identity cards. The problem has been caused by existing rules and procedures. If you do not have a national identity card, you definitely will not have the other documents that one requires to produce in order to prove that he or she is not under the age of 18 years. We all know that, in this country, you must have a national identity card before you get other important documents.

Clause 21 is about promotion at sporting events and so on. It states as follows:

"No person shall advertise tobacco or a tobacco product by means of organising, promoting, or sponsoring a sporting, cultural, artistic, recreational or entertainment programme, event or activity---".

This particular Clause is very good because whenever we have such activities, the youth attend in large numbers and those who promote the use of tobacco products should not use such avenues as promotion centres.

With regard to involuntary exposure to tobacco smoke, that is a very good point. Clause 29 addresses this point when it talks of prohibited smoking areas. It is very important because, from what we have read, non-smokers who inhale the smoke that has been exhaled by smokers are exposed to serious health risks. So, it is good that this Bill defines the prohibited smoking areas. I totally agree with the contents of Clause 29(2). However, we need to include pubs as areas where smoking is prohibited. Owners of pubs must be made to provide specially designated smoking areas. I think that Clause 31 elaborates that particular point.

The Schedule of the Bill refers to some of the diseases that are directly or indirectly caused by use of tobacco products and inhaling tobacco smoke. The Schedule has endeavoured to summarize all of them. I was looking at a research that was done by NACADA and it shows how the use of tobacco can harm every part of the body. For instance, the research reveals that as a result of smoking one can suffer from the following: loss of hair on the head, loss of sight; reduced blood flow to the ears; skin cancer; teeth decay; lung cancer; weakening of bones and reduced bone density; heart disease; stomach ulcers; staining of fingers and finger nails to a yellowish-brown colour and so on. Every part of the body is, therefore, affected as a result of inhaling tobacco smoke.

We are told that use of tobacco causes skin wrinkling. In women, tobacco use causes miscarriages, still-births, low birth-weight babies, Sudden Infant Death Syndrome (SIDS). In men,

tobacco use causes impotence, infertility and so on. I think those are reasons enough to make us support this Bill which seeks to regulate the growing, sale, use and distribution of tobacco and its products.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Chepkitony: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Bill.

I support this Bill fully because it is long overdue. It ought to have been brought before this House a long time ago. I have gone through the objects and purposes of this Bill and I am convinced that they adequately address issues to do with regulation of smoking, manufacturing and promotion of tobacco products. The Bill also stipulates how the law will be enforced.

It is high time we controlled smoking in our country. Smoking has been proven beyond doubt to be hazardous to human health. It has been proven that tobacco smoking, or exposure to tobacco, causes certain types of cancer. Since it has been proven beyond doubt that tobacco use is hazardous to human health, we should not waste time allowing people to smoke recklessly and carelessly thus exposing even non-smokers to these dangers.

I am looking forward to the implementation of this Bill once we pass it here so that we safeguard the lives of innocent Kenyans who are not smokers. We should also enforce various regulations which will discourage people from smoking. Our youth should not be exposed to tobacco smoking.

Mr. Temporary Deputy Speaker, Sir, it will be beneficial to the society to see that we have punitive ways of discouraging smoking. In short, we shall also be able to control the manufacturers as far as the content of nicotine in various brands of cigarettes is concerned. They should conform to international standards so that their cigarettes contain amounts of nicotine which are not dangerous to smokers. Although the tobacco industry is beneficial to the economy of the country since the Government collects huge taxes from tobacco farmers and benefits from it, we should control smokers who have put their lives at risk. So long as we enforce the measures and regulations which are going to govern smoking and discourage young people from smoking, I think there will be no problem. Since time immemorial our fathers smoked, chewed tobacco or snuffed it. This is a traditional and cultural issue. This Bill does not mean we are banning smoking. Those who choose to chew, smoke or snuff it should do so privately.

Mr. Temporary Deputy Speaker, Sir, I have seen the composition of the Tobacco Products Regulatory Board. While its composition is okay as far as the Government and the public are concerned, I have not seen the representatives from farmers and manufacturers. They need to be included so that it is not seen to be one sided. They also need to be represented so that they can share knowledge in order to protect the public. I can see that the secretary to the Board should be a public health officer or his representative. I think this is going to be a full time job and we should appoint a full time secretary, not only representing the chief public health officer. I think we should have said that "the chief public health officer will appoint a secretary who shall perform the duties of secretary on a full time basis". This is an important industry and we would not like to risk the lives of Kenyans by not having a properly constituted Board. The Board has got to be effective. They have to implement and enforce the Bill. They have to carry out surveillance, check the cigarettes and ensure that the manufacturers are conforming with all that is required in the Bill. This Bill is providing for a legal framework for the regulation of the industry and it has to be really enforced so that it takes effect the way it is intended.

With those few remarks, I support this Bill.

The Minister for Water and Irrigation (Mr. Katuku): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make my views on this Bill. At the onset, I want to say that I support this Tobacco Control Bill. I also want to thank the Minister and her team for

introducing this Bill which we have been waiting for a long time. At the same time, I also want to thank hon. Sungu who also had introduced a similar Bill. I also want to recognise the efforts the Ministry has put in to take hon. Sungu on board on this issue because their common purpose is to give Kenyans a regulatory system as relates to this industry.

Mr. Temporary Deputy Speaker, Sir, I hope the spirit of this Bill has nothing to do with punishing anybody. We should take it positively. Those who are in the industry, system, Government and Ministry should not be seen as being punitive in any manner but rather protecting the rights of each individual in the industry and in this country. The rights of smokers must be respected but the rights of non-smokers like me must also be respected. That is why this Bill is very important and I support it. My rights also must be respected because I do not see why I should suffer in the hands of a smoker who wants to smoke around me and then I suffer the same effects.

So, the arguments which have been advanced by some of the players in the industry that the Government is out to kill the industry are not true. Nobody wants to kill the industry. We appreciate the role being played by the tobacco industry, the taxes collected and employment created by this industry either directly or indirectly. There are those who are doing tobacco business, selling cigarettes and growing the products. Those are the basics. Nobody in this country would want to see those people lose their jobs but in the same breath, those who are engaged in that business must make sure that others who are not interested in it are also protected.

Mr. Temporary Deputy Speaker, Sir, the revenue we get as a Government from the tobacco industry compared to what we spend in treatment or managing those who are affected by the effects of this substance is minimal. When I was working in Treasury, we used to get very handsome cheques from some of the companies involved in this industry but at the same time, Treasury gives a lot of money to the Ministry of Health to manage those who are affected by the effects of cigarette smoking. So, we must balance this and that is why I am saying the Bill must be seen in that light. I would want to appeal to hon. Members of this House that when we come to the Committee Stage, we must rise above influences because some of us might be influenced by their positions like personally I will be influenced by the way I hate smokers and anybody affecting me. We should also guard against those people who might be influenced by those who are benefiting from the industry and look at the Bill with sober minds, so that we do not punish anybody in this country in terms of the extent to which one may have been influenced.

Mr. Temporary Deputy Speaker, Sir, I am not saying that hon. Members have been influenced in any way. I am saying, nobody should imagine that whatever we do here is out of influence. What we do here should be aimed at safeguarding the rights and interests of every Kenyan. We would want to see those who are in the industry to continue with their work without affecting other people who may not be interested in consuming their products.

The Bill contains some specific clauses which seek to protect under-age people. I want to fully agree with the Assistant Minister that some of our youths are being dragged into smoking unduly through influence. There was a time when smoking was regarded as fun among the youth. During that time, if you were seen smoking, you would be highly regarded by your peers.

However, subsequent anti-smoking campaigns turned smoking into a shameful act. It is no longer fashionable to smoke in public. In fact, many people find it shameful to do so. That is what we look forward to inculcating into our children in school. Smoking used to be fun. Most of the youths started smoking due to peer influence. About 45 per cent of smokers in this country are below the age of 20 years. That is why I am saying, we should guard against influence on the youths.

Mr. Temporary Deputy Speaker, Sir, some of our youths have been affected because they no longer smoke the ordinary cigarettes. They find themselves smoking bhang. Some fellows are very crafty. They pack bhang in cigarette packages. Due to the fact that it is illegal to trade in

certain substances, crafty individuals access ordinary cigarette packaging material which they use to package bhang. So, the fellow appears to smoke an ordinary cigarette when he is actually smoking bhang. Some people have been tricked and found themselves smoking the wrong substance.

Many years ago, while I was in school, there was a day we went out on a school trip. One of my fellow students went smoking with a group from another school and got drugged. When asked what happened, he replied that he smoked something which was like any other smoke. We found that he was drugged by a certain substance. I am, therefore, saying that we should ensure that the people who handle such substances do not access young people. We must protect our young people from being tempted to indulge in these substances. So, I fully support the clause that prohibits the sale of cigarettes to young people.

Mr. Temporary Deputy Speaker, Sir, it is also important to note that, in this country, we have people who grow tobacco. They earn their living through tobacco cultivation. As we discourage smoking, the demand for tobacco will decline, and tobacco farmers may lose their economic activity. I note that one of the clauses of this Bill proposes that part of the taxes to be levied on tobacco be channelled towards promoting alternative activities for the people who will lose their economic activities as a result of this legislation.

This provision will assist the affected people to undertake new activities. Obviously, the passage and implementation of this Bill, among other measures, will lead to reduced consumption of tobacco products even if we try to balance matters. Therefore, we must have a programme in place to ensure that tobacco farmers are cushioned as we implement the resultant law of this Bill.

Mr. Temporary Deputy Speaker, Sir, I note that the Bill talks about limiting advertisement of tobacco products and certain activities on social responsibility. We will also lose support in those areas. Therefore, I would like some provisions to be made for those advertising to sponsor some of those activities like football.

The aspect of social responsibility by companies dealing in tobacco will not go away. I do not expect those companies to pull out of their social responsibility. However, I would like the Minister to introduce a clause that will provide some kind of support for some of the social responsibilities that are being curtailed by this Bill, so that players in this industry can be cushioned against budgetary shortfalls.

With those many remarks, I beg to support.

Mr. Sungu: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill.

I would like to take this opportunity to thank the Minister for Health for bringing this Bill before the House. I also want to thank the hon. Members who have commended me. As we know, I have also brought to this House a Bill of the same nature. I also accept the fact that, under the rules of this House, the Government Bill on the issue takes precedence.

Mr. Temporary Deputy Speaker, Sir, let me quote the Bible, which says: "Come. Let us reason together." Let us not make this issue personal. Let us look at the issues as they are. Let those who support and oppose the Bill say their bit but, at the end of the day, as a nation, we should rise to the occasion. We should realise how important tobacco control is in Kenya and in the world. It hinges on the future of this country and future generations.

The key issue here, according to the World Health Organisation, is that tobacco is the most preventable cause of death, disability and disease in Kenya and the world over. That is paramount. Secondly, growth, manufacture, sale and use of tobacco is not regulated by any law in Kenya despite the fact that, as a country, we have ratified the World Health Organisation Framework Convention on Tobacco Control.

Mr. Temporary Deputy Speaker, Sir, the fact that this Bill is here means that the Cabinet

approved it. So, it is upon this House to consider this Bill and rise to the occasion. Let us do away with the speculation that the Minister for Health, through this Bill, wants to punish anybody. This Bill is not against the tobacco industry. It is not against the farmers. It is not against the consumers. The Bill seeks to protect the rights of everybody.

While moving this debate, the Assistant Minister for Health, Dr. Kibunguchy, referred to the numbers of deaths caused by smoking in the world each year, which are alarming. The projected increase in deaths associated with smoking is also alarming. It is telling that 13 per cent and 45 per cent of youths in primary and secondary schools respectively, smoke. It means that our children are growing up, hooked to tobacco.

Mr. Temporary Deputy Speaker, Sir, why are our people getting hooked to tobacco? Why, particularly, are our children getting hooked to tobacco? The simple reason is that tobacco is now genetically modified to ensure maximum addiction. Those people who push these products deliberately target the young generation because it is a gullible lot. They are vulnerable because they are not able to make an informed choice. A teenager cannot make an informed choice as we, in this House, can. We know some of the facts. We cannot do something because somebody else is doing it or because of peer pressure! We cannot do something because we have seen it on television, which shows romantic scenes where celebrities are depicted smoking, which appear fantastic to children. This is what this Bill is aiming at; to protect our children and to ensure that nobody can deliberately target them.

Mr. Temporary Deputy Speaker, Sir, let me turn to environmental health. The effect of smoking on non-smokers has been well put by hon. Members who have spoken before me. Tobacco does not only affect smokers, but it also affects the non-smokers. We should look at this issue from several points of view. For example, those parents who smoke in their houses, do they take the opportunity to protect the children in those houses? The children are more affected by smoke more than anybody else. What about that person in a bus, train or bar? Those people who do not smoke also have rights. So, the so-called "second-hand smoke" is a major issue. It has been said here that smokers also have rights, and I agree with that! But non-smokers also have rights. The legal maxim is: "Your rights end where my rights begin", and this august House is called upon to ensure that it protects the rights of every individual Kenyan, whether they smoke or not. I will come back to that issue again because I want to show, under this Bill, how smokers are also protected.

Mr. Temporary Deputy Speaker, Sir, there is medical evidence that the tobacco plant affects the farmers who handle it. We have here, in the Speaker's Galleries, Prof. Odhiambo, who is a very well known forensic and heart surgeon in Kenya. He has operated on numerous cases, and I have consulted him many times. There are many people who have been affected by tobacco. There are farmers who have lost their legs, and so on. The farmers are never given protective gear and yet, when we plant tobacco, we use chemicals. The tobacco plant itself is a chemical; it has over 400 chemicals! These chemicals affect human beings. If you ask hon. Omamba, who talked to me yesterday, he told me how this plant affects the farmers. As a result of the use of chemicals in the curing process in areas where tobacco is grown, even the soil is affected. You cannot grow other plants on that soil! This Bill is addressing that issue squarely, because we want to make sure that the Government is given the responsibility of ensuring that cessation activities are promoted to the extent that those farmers are expended for alternative cropping; that they are actually able to treat the soils which have been affected by this harmful bacteria that is generated by the tobacco plant.

Mr. Temporary Deputy Speaker, Sir, we must remember that, even though an hon. Member said that trees are no longer used by the British American Tobacco (BAT) and other companies in the curing process, trees are still being used and forests have been decimated. Therefore, whatever they are saying is fiction. There is no synthetic material that BAT is using even now. What have we

done as a Parliament? What has the Ninth Parliament done to ensure that the people of Kenya are protected? The Ministry of Health has published this Bill more than five times since I came to Parliament. It was on the Floor of this House in 1999, and it was never debated. Year in, year out, it has not been debated. Even this year, the Ministry of Health published this Bill on 21st March, 2006, and the First Reading only came when the Speaker made a ruling from the Chair. Yet my Bill, which I brought for the First Reading could never be debated because of that! I want to congratulate the Minister for pushing this Bill through. They are very consistent but, maybe, there was some lack of co-ordination somewhere. But this should not be the case. We, as a Parliament, must rise to our responsibilities and make sure that we pass this Bill.

Mr. Temporary Deputy Speaker, Sir, as we have signed the WHO Framework on Tobacco Control, we must also ensure that we domesticate it, as some hon. Members have said. Let us open our eyes to what goes on elsewhere in the world. The issue of tobacco is a "hot potato"! A Member of Congress lost his seat because he was influenced by tobacco companies to press some issues on behalf of the tobacco industry. In Canada, UK and the USA, it is illegal to advertise tobacco! It is also illegal to smoke in public places. Why not in Kenya? When we talk about tourists coming here, those laws that apply in their countries should also apply here. We are just protecting Kenyans!

Mr. Temporary Deputy Speaker, Sir, even here in East Africa, we are lagging behind. Kenya ought to be a leader in this region! We are the leaders economically and in many other respects. But in the line of legislation, Tanzania and Uganda are ahead of us because they have some form of legislation. Recently, BAT closed the Jinja factory and brought it to Kenya because we do not have such legislation. What a shame to us, as a Parliament! I am saying that as an hon. Member; I am ashamed of myself also!

Mr. Temporary Deputy Speaker, Sir, protocol demands that we protect the health of the public and consumers. It also demands that we should eliminate misleading advertisements. We must also enhance public awareness and protect the rights of non-smokers, especially children. We must also have public education, encourage cessation activities with a friendly face, so that we can help our people. If they are going to replace that plant at their own volition, we should help them do that by funding them. In that respect, we must also encourage tax measures which will have the dual effect of increasing Government revenue, so that we can fund these activities, and also hike the prices of cigarettes so that--- It is a win-win situation.

The tobacco industry will tell you that they have got what they call the "corporate social responsibility". That is a misnomer in the sense that they will tell you that they have planted forests, yet you cannot see any of those forests! They will tell you that they have built schools, but at what cost to the community? They will tell you that they have built some health centres, but at what cost to the community? We have never heard them say that they are not encouraging our children to smoke. The tobacco industry has very powerful lobby groups, and this is not unique to Kenya. This is happening all over the world! The other day I was lucky enough to attend a meeting of the Committee on Health, Housing, Labour and Social Welfare. At the end of the meeting, when BAT and various other organizations presented their matters to the Committee - the Chairman of that Committee is here and he is going to tell you - I had the audacity to ask the finance director:- "Do you smoke?" The white guy turned white and he blushed. Most executives in these organizations do not smoke because they are aware of the chemicals in tobacco, like nicotine. They know tobacco kills. Why do they lobby or promote something that they admit is harmful to people's health? They have printed on the cigarette packets: "Cigarette smoking is harmful to your health".

Mr. Temporary Deputy Speaker, Sir, mosquitoes cause malaria, and malaria kills. But mosquitoes do not have lobbyists. We do not have a single mosquito lobbying anywhere saying: "Please, leave us alone. Do not bring DDT!" HIV/AIDS also kills, but there is public education

about it. Some of us who are still young and virile know how difficult it is to prevent some of these things. Everyone will agree with me that it is not easy, but it takes a lot of effort. But we have created public awareness and people are aware that if they do not use condoms or abstain to save themselves, then they may take the chance of becoming sick and dying. Yet, with tobacco, there is no public education! That is what this Bill is saying.

Mr. Temporary Deputy Speaker, Sir, I am calling upon this Parliament to use its power to prevent the tobacco pandemic. There are several myths that have been spread by the tobacco industry, and I want to counter them right now. There is no intention to make smoking illegal; no! The Bill is very clear on that issue. We want to encourage awareness of the health implications of smoking. So, when we talk about "warning" in the various languages, both in English and Swahili, and in the predominant languages of the areas where people come from, we are merely trying to make sure that our people are aware that they are going to smoke at their own risk! We are not advocating, and I want to assure my honourable friend, the hon. Member from Kuria Constituency, who is also the Assistant Minister for Health, that the letter and spirit of this Bill is not going to advocate for the stoppage of tobacco farming. It aims at protecting the interests of the farmer. We will encourage cessation, but it will not be forced. Let those who want to continue growing tobacco do so. There is an intention to protect non-smokers and children. There is also an intention to provide those who may be harmed by tobacco with an opportunity to have access to legal redress. I have talked to a number of smokers, including some hon. Members in this House. They told me how it is difficult to come out of the smoking habit once an individual is hooked to it. They also told me how they feel when they have an urge to smoke. Since they are educated, they also know that smoking is harmful to their health. At the moment, there is no law in Kenya which allows anybody to sue the BAT Company or any other manufacturer for compensation, if he or she got injured.

As a young man working at the Kenya Airports Authority (KAA), I had an uncle who was a chain smoker. He was an aircraft engineer; a very important man. He was admitted to Aga Khan Hospital after developing cancer. Before he died he became very thin and black, but still he insisted on smoking. It was a pity, that he would want to stop smoking, but he could not do it. There are many other Kenyans who are suffering because of this.

Mr. Temporary Deputy Speaker, Sir, several concerns have been raised about petty traders who sell cigarettes by sticks. I want to say that this is the most dangerous thing that this Parliament can allow to take place. This is how our children get access to tobacco for the first time. These traders sell sweets and tobacco by sticks, because most people cannot afford a packet. That is how they get hooked.

Mr. Temporary Deputy Speaker, Sir, even those tourists we talked about in the Departmental Committee on Health, Housing, Labour and Social Welfare, have stiff regulations with regard to tobacco use in their countries. Therefore, the tourism industry will not be affected.

Under this Bill, the Government will have a responsibility to make sure that if farmers want seeds, then they will have alternative crops to grow. I also want to proffer that employment will not be threatened. Likewise, civil liberty will also be protected.

Under the Bill, the Tobacco Board is purely representative. But we also admit the fact that interested parties, like manufacturers, cannot, and will not, be sitting as judges upon matters that affect them. When somebody argues that control and regulation are different, that is not true according to me. The difference is the same, because Parliament must provide a legal framework. Under that framework, only the judges can say whether somebody is wrong or right.

Mr. Temporary Deputy Speaker, Sir, this Bill will not take effect immediately. It has to go through Second and Third Readings before it is sent to the Office of the Attorney-General and, finally, to the President for assent. It will not be implemented immediately. So, this situation of

giving time to the stakeholders in the industry is already there. Let those who are in this industry know that the Ninth Parliament will pass this Bill. Let us make sure that we recognise the rights of others and give responsibility to the premise owners. We should give the time frame for those who are there to make sure that they put their house in order.

Mr. Temporary Deputy Speaker, Sir, even promotion advertisements affect our children. We have done countrywide consultation with all the stakeholders, including the BAT and other manufacturers. Their rights and concerns have been raised in the Bill and the amendments to come.

Although we are few here, passionately, I want this House not to look at this as a Ministry of Health Bill only, but to look at it as the property of the Ninth Parliament. If we pass this Bill, we will be taking responsibility for the future of this country; to protect our children for posterity.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

Dr. Manduku: Thank you, Mr. Temporary Deputy Speaker, Sir. I am speaking on behalf of the Committee on Health, Housing, Labour and Social Welfare, as the Chairman. This Bill was referred to my Committee on 1st November, 2006, when it was read the First Time. I must take this opportunity to thank the House and all those whom we have worked with to make it possible for it to come before this House at this time.

Mr. Temporary Deputy Speaker, Sir, history shows that the Tobacco Bill has been coming to this House, year in, year out; from 1999. However, it has not had the opportunity to pass or be enacted as a law for this country. The World Health Organization (WHO) had a treaty called the Framework Convention on Tobacco Control which came into effect in 1999. It was ratified in 2003. Kenya was one of the signatories to that treaty. However, since that time, Kenya has not domesticated this treaty. It is now time for us to domesticate it, although we may have quite a number of people who, maybe, do not understand the reason why it is here. The Minister for Health has brought a Bill. I must thank Mr. Sungu who brought a Private Members' Bill. We, as a Committee, had to merge the two Bills. We have been working together with the Ministry of Health, and Mr. Sungu, in my Committee, to make sure that the Bill has been put in the right perspective. We, as a Committee, are now happy that it is here.

The objective of this Bill is to protect the health of Kenyans, from the proven and globally-accepted negative consequences of tobacco use. We are all aware that tobacco has got very strong chemicals which affect the health of the human body. I am talking as a doctor. Tobacco is a cause of very many serious diseases. It is the cause of deaths of many people from high blood pressure, because it constricts the blood vessels. As a result, people can suffer stroke. It also has got an effect on the respiratory system. People who smoke cough nearly all the time. They also have bronchitis all the time. At the end of the day, it also causes cancer of the respiratory system. In addition, it has an effect on the liver and generally every part of the body. So, for these reasons, this Bill is meant to protect the health of our people. We cannot just sit and watch our people suffer simply because, maybe, we want to make money from taxes that the tobacco industry contributes.

Mr. Temporary Deputy Speaker, Sir, after the Committee went through this Bill and after merging the two Bills, it discussed the issue. We consulted with the Ministry of Health and very many stakeholders, including the manufacturers of tobacco, farmers, civil society and smokers. They all agreed that we should control the use of tobacco in the country. That is the reason why we have this Bill here. We hope that this House will support it, so that it becomes a law. I should also mention here that we are not passing this Bill, so that we punish any interested party, particularly the manufacturers.

We support cigarette manufacturers, but we are also here to protect the health of our people. We know that tobacco has got a lot of harmful chemicals. We must let our people know about it. Our youth are easily tempted to smoke. We should give them early education. We have proposed in the Bill that such education can be offered in schools, so that our children know of the

harmful effects of cigarettes as they grow up. In that way, they will stop smoking and safeguard their health. We need to develop this country, but we cannot develop it using unhealthy people. So, we want our children to grow up as healthy people, so as to develop this nation.

It is, indeed, true that diseases caused by cigarette smoking are often chronic. Chronic illnesses normally take very long to cure. Illnesses caused by cigarette smoking, or tobacco consumption, require a lot of money to treat. Therefore, for the economy of this country to grow, we must avoid spending a lot of money on the treatment of illnesses caused by cigarette smoking. There should be a rule to prohibit children under 18 years of age from smoking cigarettes. We have also said that retailers should be prevented from selling cigarettes to people under 18 years. Young persons should identify themselves by producing national identity cards when buying cigarettes. We also say that parents should also not send their children to buy cigarettes on their behalf from shops. Shopkeepers should not allow young people under 18 to buy cigarettes for their parents. Of course, if you send your child to buy cigarettes for you, your child will also follow your example and smoke. Therefore, children must be educated and must know of the dangers of cigarette smoking from examples by elders and parents.

We have also proposed in the Bill that we must also protect non-smokers. If you sit with someone who is smoking, you will also inhale smoke. In this circumstance, you will also be affected just like the person smoking. So, how do we avoid that? We should have designated places for smokers and non-smokers. So, we must ban smoking in public places such as social halls, bars, hotels and airports. When you travel overseas, you will see sign boards reading "No smoking area", or "smoking area". Provisions on similar designating should be in our laws, so that we have designated places for smokers and non-smokers. In that way, we will protect non-smokers from being affected by cigarettes smoke.

We must have in our laws designated places where smoking is prohibited. I know that in Parliament Buildings and precincts there are no designated areas for smokers. We often see some hon. Members smoking anywhere within Parliament premises. We should have designated non-smoking areas within Parliament's precincts. We do not see this anywhere now. We must show a good example to others since we pass laws on non-smoking designated areas. After this Bill is passed, we would ask you, Mr. Speaker, to designate areas for smokers in the precincts of Parliament. I am not a smoker and do not want to go to smokers' areas. We should put smokers in a separate area, where they can smoke and take their beer. We should have two bars, a bar for smokers and another one for non-smokers of this House.

Public transport should also be one of the prohibited places for smoking. I think, we cannot also smoke in banks. I am sure if this was done, there would be a reduction on the effects of cigarette smoking.

We have also looked at the positive or negative effects of manufacture and sale of cigarettes. On advertisements, we know that any business needs advertisement. But we do realise that cigarette smoking is dangerous to our health. So, we will also restrict advertisement of cigarettes. This is because it induces children to smoke. Some adverts show young beautiful ladies smoking on television. This kind of advertisement will be restricted. Even promotion of cigarettes will be restricted. We know that the BAT has done commendable work in this country. It supports many of our institutions. It also supports our agricultural shows and many other sporting activities. Much as the BAT promotes our sporting activities, it should not advertise cigarette smoking. It should not be allowed to openly advertise cigarette smoking. It should not display advertisements saying that "cigarette smoking is good for your health" On every cigarette packet there should be a bold advert, indicating that cigarette smoking kills. Cigarette smoking causes death through cancer or high blood pressure. These warnings should appear on cigarette packets. Retailers and wholesalers of cigarettes should display bold warnings against the dangers of smoking. If this is

done, we will win this war against smoking.

I want to say that we should support this Bill. This proposed law may not please everybody. So, it is a question of give-and-take. On the one hand, we will win a war but on the other hand, we will lose something. This country cannot just continue having no laws on cigarette smoking. It is good that we are now debating this Bill. I wish to urge hon. Members to support this Bill so that Kenya can have laws on tobacco control in accordance with the World Health Organisation treaties.

With those few remarks, I beg to support.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for Health, hon. Sungu and the Departmental Committee on Health, Housing, Labour and Social Welfare for giving a keen attention to health issues in relation to tobacco substances.

I was told that when the Portuguese came to East Africa, they came with tobacco plants. Hitherto, there were no tobacco plants in this country. This may be an issue we may need to take up with the Portuguese later on.

Mr. Temporary Deputy Speaker, Sir, we are now being told that there are 4,000 substances in tobacco, 400 of which are harmful. Forty of them are agents of cancer. The tobacco farmer is at risk. We may say that it is an agricultural product that gives the farmer some income, but coming into contact with tobacco makes the farmer take in some of those deadly substances.

Mr. Temporary Deputy Speaker, Sir, the person on the factory floor is at risk. The risk is greater when the substance has been crushed. It attacks the worker, and yet we are saying that it creates employment. What kind of employment is this? At the end of the chain, we have dead people as a result of cancer and other related diseases.

The smoker, himself or herself, is on direct attack by the substances. I want to agree with Dr. Manduku that, even I, who does not smoke, have to suffer the consequences of tobacco smoking because of careless smokers who send all these substances into the air without control. I

[Mr. Bett]
totally agree that we must have designated areas for smokers. That is in the assumption that air does not move and is static. Anyhow, that is what is happening the world over. We must also have that kind of situation.

Mr. Temporary Deputy Speaker, Sir, young people and children who have no choice in life and, worse still, the unborn suffer from tobacco effects. What am I saying? One of the substances in tobacco is lead. Lead is a killer. In this country, the Minister for Energy is going to spend Kshs14 billion to introduce unleaded fuel so that we do not suffer from lead poisoning. This is happening yet no penny is being spent to remove lead from cigarettes. What an irony! We are saying that cigarettes bring revenue to this country and, therefore, we cannot touch it. Yet, it gives our people lead which kills.

Mr. Temporary Deputy Speaker, Sir, you will remember a clergyman in Guyana South America, Rev. Jim Jones, who gave people cyanide to take as a tool for reaching heaven. They all died. One of the substances contained in tobacco is hydrogen cyanide. It kills instantly, yet we are still saying, "Let us protect the industry and the traders".

Not long ago, people went blind at Mai Mahiu because they drank a brew containing ethanol. That substance is among the 400 harmful substances in tobacco. Yet, we are still saying protection should be given to this industry. We must protect our people from ill health and suffering.

(Applause)

Mr. Temporary Deputy Speaker, Sir, as a country we get a revenue of Kshs6 billion from

the tobacco industry yet we spend Kshs18 billion to treat tobacco-related diseases. We are saying that, we are throwing away Kshs12 billion. The Kshs6 billion that we get as revenue is only one-third of what we use to treat diseases. This one-third is our benefit, while the other two-thirds is our loss. The United States of America (USA) spends US\$50 billion to treat tobacco-related diseases. Germany spends US\$22 billion. The United Kingdom spends US\$46 billion and New Zealand US\$42 billion. Each of these countries receives only one-third of what it uses as benefits from the tobacco industry. If I was asked today, I would tell the Minister for Health that the law to be enacted should simply read, "No smoking or taking of tobacco substances" period! That should be the Act of Parliament. In this way, we would save ourselves so much loss that we will get into, as a people.

Mr. Temporary Deputy Speaker, Sir, statistics available to me indicate that we lost over 12,000 people last year as a result of tobacco-related diseases. Out of this number, 4,000 were non-smokers like myself. Why should I die because another person is smoking across the table? Let smoking be dealt a blow through this law. We need proper control, or complete elimination of tobacco from our country.

Mr. Temporary Deputy Speaker, Sir, we have heard about cancer; cancer of the skin, cancer of the uterus and cancer of the lungs, all related to smoking. However, there is one other problem which I do not think I have heard anybody mention, and I am asking if there is a possibility of research being undertaken into it. I understand that tobacco reduces the flow of blood into the male organs. That means there is no erection of the male reproductive organ.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, I also understand that it damages sperms. This may be a useful substance for researchers, so that it can be used for family planning purposes.

(Applause)

It can be extremely useful if controlled. I understand that if smoking is not controlled, it results in birth of deformed, under-weight babies and still-births. We do not want that. But its bad effects can be controlled by scientists and its useful substances used to help in population control.

Mr. Temporary Deputy Speaker, Sir, I want to express my dismay and wonder that in this country six billion cigarettes are smoked every year. My pastor tells me that every time you smoke, the fire comes towards you. Every time you smoke a cigarette, the fire comes closer to you. That means that by the time you are through, you will have been burnt to death.

With those few remarks, I support.

Mr. Mirugi: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. I will try to be brief.

Mr. Temporary Deputy Speaker, Sir, I want to register my disappointment in hindsight for what happened in this House last week. We had a grand opportunity to rein in on these tobacco manufacturing companies. The Ministry of Finance brought the Finance Bill that was to increase taxes on tobacco products. However, this House rejected it. It was very sad. We could have killed two birds with one stone.

Mr. Temporary Deputy Speaker, Sir, the target groups that have been misused by multinationals are the youth. I want to urge this House that, as we sensitize our youth to the dangers of tobacco use, we must also find for them alternative activities. The media plays a big role. Sometimes, it seem fashionable for our youth to smoke. They are very impressionable. They want

to explore. That is why most of them fall into this smoking trap. It is high time we held multinational companies accountable for the ills of smoking. Our people should sue the companies through Class Action for their losses. We should not have a limitation on the fines that are imposed on these companies.

Mr. Temporary Deputy Speaker, Sir, for example, in the United States of America, the Congress came up with a pay-out plan for the Philip Morris Company which has the best stocks in the US Stock Exchange. For the next 50 years, they will be paying a fine to all the States in the US. This House should also hold these companies accountable. Just like we want to inject accountability in this country, we cannot allow these people to bring in poison and kill our people everyday. It is highly treasonable for them to come here and manufacture cigarettes, which have about 4,000 chemicals. They add lead, which is the addictive factor in cigarettes among other chemicals. We should criminalise these acts that are killing our people. Unknown to many people, cancer is one of the biggest killers in this country. After a person dies, that is when we find out that he had cancer of the brain or lungs. Because of poor detection mechanisms in our health institutions, we never know that our people have cancer until they have passed away.

I would like to urge the Government to put in place more stringent measures and heavy fines against people who are caught trying to lure our youth into the bad behaviour of smoking.

With those few remarks, I support the Bill.

Mr. Raila: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the debate on this Bill, which is, of course, very important.

Listening to other hon. Members' contributions, I must admit that I have been thoroughly educated about certain things that I did not know about tobacco. I want to quote basically three sources. Firstly, the object of this Bill is very clear. Its purpose is basically just to have a comprehensive legal framework to regulate the manufacturing, selling, labelling, advertising and promotion of tobacco products in order to protect the health of Kenyans from the hazards of using such products.

Secondly, the World Health Organisation (WHO) Framework Convention on Tobacco Control states in the preamble as follows:-

"Parties to this convention, recognising that the spread of the tobacco epidemic is a global problem with serious consequences to public health, call for the widest possible international compression and participation of all countries in an effective, appropriate and comprehensive international response".

Thirdly, the Minister for Health conducted a global youth tobacco survey in Kenya. I have the survey's report here. At the beginning, the report states as follows:-

"The global youth tobacco survey is timely as tobacco is contributing to several deaths worldwide. Recent trends indicate that the age of tobacco initiation is becoming younger and younger. Most people begin using tobacco before the age of 18 years. The health of smokers is affected even in the early stages and, therefore, precious lives are lost before the prime time".

Mr. Temporary Deputy Speaker, Sir, we are dealing with an issue which is just not local. It is an international or a global issue. The tobacco epidemic is global and, therefore, needs serious national response. The trend worldwide is that younger and younger people take to smoking particularly because of the massive advertisement by the tobacco manufacturing companies.

Tobacco is addictive just like other drugs and I can speak from personal experience. Once a upon a time, I was in remand in Kamiti Maximum Prison. I saw certain behaviour among the prisoners that even if I had been a smoker, I would have stopped smoking thereafter. Smuggling of tobacco into prison is a very serious offence, but it is done all the same. When prisoners go to the courts, their relatives bring cigarettes to them. They are then wrapped in silicon paper and then

pushed through the anus into the rectum. They are then smuggled into prison. Somebody who manages to take cigarettes into prison becomes a lord because he exchanges one stick of cigarette with three pieces of meat. Prisoners are entitled to three pieces of meat a week. This means that if you are given one stick of cigarette, you forego your pieces of meat for the whole of that week, and, of course, you will be very happy.

It is forbidden to smoke in prison. The only place that prisoners find opportunity to smoke is in the toilets. In the toilets, human waste is usually heaped in buckets. In the presence of buckets filled with human waste, prisoners risk smoking. They smoke until the stick is finished; until it burns their fingers. I know that smoking is a hazardous affair. Cigarette smoking is addictive and, therefore, we must take some preventive measures to ensure that our children do not get addicted to cigarette smoking.

*[The Temporary Deputy Speaker
(M'Mukindia) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Khamasi) resumed the Chair]*

Mr. Temporary Deputy Speaker, Sir, the argument which is flaunted all the time is that this is a commercial activity that benefits the farmers. Hon. Sungu has elaborately explained here, and I concur with him, that, in fact, it facilitates exploitation of farmers. The interest earned is very big, yet the portion that goes into the pockets of the farmers is negligible. They get peanuts! The land on which tobacco is grown can easily be converted into the production of other equally profitable crops. I have in mind Southern Nyanza in Oyani and Kuria areas. These areas could easily be converted into sugar-cane production, which is less harmful and more rewarding than tobacco farming. So, the argument that tobacco growing is profiting farmers does not hold water.

Internationally, actions have been taken to control smoking. If you travel to Europe today, you will find that smoking is banned in most public places. Most airlines have banned smoking. You will find that most flights these days are smoke-free. When the plane is about to take off, they warn you that smoking is not allowed in any section of the aircraft, including toilets. In the toilets, there are smoke detectors. People have been arrested in aircraft because of trying to smoke in toilets and have been prosecuted for doing so. You are not allowed to smoke in a lift or in offices.

We, as a country, need this law. In fact, we needed it yesterday to impose stringent measures, so that our people can be moved away from the cancer of smoking. It has been said, and, of course, this is not new, that smoking causes cancer. Cancer, as you know, has very little cure. We now know that smoking causes impotence. To say nothing about what hon. Bett has said, it interferes with one's reproductive organs. He said that we can use tobacco for birth control. I am sure that will not make women very happy. We need to go beyond this.

Mr. Temporary Deputy Speaker, Sir, I have compared the Bill that was published by the Ministry, and the other one that was prepared by hon. Sungu, and found out that there are certain areas which the Ministry left out and should be considered. One is the issue of compensation to the victims and secondly, the issue of education. We need to introduce in the schools' syllabus, education regarding the use of tobacco so that children are inducted at an early age about the dangers of smoking. I do not see how this is harmful because we will only be informing them about the consequences of smoking. If we succeed in disseminating this information to our children, at that early age, we will succeed in controlling cigarette smoking.

We know that there are several toxins found in tobacco; quite a number. One, which is very harmful is the lead content. Lead is a very harmful substance. We are moving towards using lead-

free gasoline. That is already in effect in Europe and North America. The lead content of the tobacco products manufactured in this country is ten times higher than it is in other countries. This is something that requires urgent attention because it affects skin and causes skin cancer, as we know. This Bill needs to be passed by this House, as a matter of urgency, so that it can come into effect.

The area that I do not agree with regards the composition of the members of the board. This is in Clause 5 of the Bill, which establishes the Tobacco Products Regulatory Board. I feel very strongly that, if we will to have a Board that will regulate the products produced by manufacturers, then manufacturers ought to be represented. I think it is unfair, and the law of natural justice requires that no one should be condemned unheard. Since there are already 12 members in the Board, there is no reason why we should not have one more member to represent the industry, sitting in the Board. That is something we intend to propose during the Committee Stage; that, we include a member of the tobacco manufacturing industry in that Board. He will represent the minority, but the Board will, at least, get professional information from the industry while making decisions.

I support, strongly, the introduction of this Bill because I know it will help our children and enable us to respond to the serious international crisis of smoking tobacco.

With those few remarks, I beg to support.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise in support of this very important Bill, which is seeking to regulate the manufacture, sale, labelling, advertising, and promotion of tobacco products, and also smoking in public areas.

We are doing this a little bit late; but, better late than never. Most of the countries in the Developed World, and even in the Developing World have laws regulating the sale, manufacture and advertising of tobacco. Most of us have travelled and we know that over 10 years ago, in the early 1990s, smoking in public places was banned all over, in the Western World. We are coming up with a Bill, almost two decades later. Let us not dilly-dally any more. Let us go forward and regulate the sale, advertising and the issue of smoking in public places, to save ourselves from the harmful effects of tobacco.

The debate today, is not about whether to allow smoking or not. It is about regulations so that those who knowingly choose to smoke do not force others who do not wish to smoke to become passive smokers. That is why we must talk about designated public places. Those of us who do not smoke know the agony of sitting next to a smoker in a public place, and having to endure the pungent smell of tobacco, because for those who do not smoke, it is a pungent smell. We know that one is forced, not only to endure the smell, but also to share in the harmful effects of tobacco. It is an issue of introducing respect for one another. Do what you wish, but do not force me to become a participant in your way of life, which is self-destructive. That is why we must come into the realm of what advertisements should be allowed. As our children grow up, if they will only be used to the tantalising advertisements, without being informed that smoking is dangerous to their health, without warnings enumerating the dangers of smoking, they will grow up thinking that smoking is the in-thing. Most of them will try; either, majority of them will become smokers and a few will not. We want our children to be informed so that they make responsible choices. I know most of them will not smoke.

I heard a colleague say that, perhaps, the Board regulating the tobacco industry should have a manufacturer. This is the era of lobbyists. Big money can constitute dangerous lobbying methods. We know that even Bills passed by Parliaments all over the world are sometimes initiated through membership of the National Assembly by monied lobbyists. It will be self-defeatist to admit a member from the industry to the Board. It defeats the purpose. However, are we shutting them out?

I think not. When you look at Section 5(1)(g) you will see that there is representation by one representative of the business community in Kenya, nominated by the Kenya National Chamber of Commerce and Industry. I would expect that those who manufacture and sell tobacco are members of it. Their interests will be championed through that. Not every interest is represented in the Board. Anybody with a conflicting interest should not accept to serve on a board. That is why we are giving indications and codes of conduct; that, one should declare interest and not affect deliberations by self-interest. We want people who are able to raise the bar on their ability to participate, by deliberating with national interests and the interests of the majority of citizens in their mind and not their selfish business interests. This is the reason why I am advancing that it is self-defeating to allow people who have interest in this industry to sit in this Board. This Board should not only be regulated by the Government. Let it consist of the people enumerated in the Bill because they will look at diverse public interests. There is nobody in the proposed list who can be said to belong to a faction that has narrow interest. I would, therefore, urge the Minister to retain the proposed Board as it is in the Bill.

Mr. Temporary Deputy Speaker, Sir, I want to laud this Bill. Many hon. Members have talked of the harmful effects of tobacco products. I need not repeat any of that.

Looking at the Schedule, I am happy to see the recommended advertising messages such as "smoking harms people next to you." Smokers must know that they are actually declaring war on the people seated next to them when they smoke, without caring about them.

Mr. Temporary Deputy Speaker, Sir, other health messages that should be displayed on every package of a tobacco product are: "Tobacco use kills and harms the unborn baby." Those who are seeking to conceive must know that they must keep away from smoking and smokers. If it is a couple and either of them, or both of them are smokers, they need to discuss the welfare of their unborn baby. It is also good that we all know that smoking causes cancer, heart and lung diseases. There are people who get very shocked when they are told they are suffering from terminal illnesses after years of smoking. We know that even people who do not smoke suffer from similar illnesses, but someone increases his or her chances of these very debilitating illnesses by smoking. We need to be reminded of this.

Mr. Temporary Deputy Speaker, Sir, looking through this legislation, I have seen very useful clauses which I need not enumerate save to say that, we, as a House, should look through each clause so that, at Committee Stage, if we feel there is room for strengthening it, we can do so. Let us be, as Parliament, lobby for the good of the nation, but not for the good of sectional or factional interests. We are not outlawing tobacco farming or manufacturing, but there has to be a demarcation of what can be done lawfully and what is not in the interest of the majority of the citizens of this country.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this Bill and commend the Ministry.

Dr. Shaban: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to add my voice by saying that this country requires a tobacco regulatory body, so that certain issues are looked into. It is important for us, as Kenyans, to have our home-grown law which will regulate the tobacco industry. I know it is easy for hon. Members to say that we have been left behind in regulating tobacco use by other countries. However, when we look at the percentage of smokers in our country, they are actually very few. This is simply because when we were growing up we were told that smoking was a bad habit. We grew up knowing that. Since we have put so much emphasis on the issue of smoking, most of our children do not smoke. Studies have shown that all over the world where this regulation has been enacted, the number of smokers has increased because everyone's curiosity is focused on the smoking habits. It is important for us to look at our own country and decide what is good for us and we move on.

Mr. Temporary Deputy Speaker, Sir, issues affecting tobacco farmers have not been addressed adequately. Tobacco farmers have been left poor over the years. I want to see a situation where farmers make maximum profits out of the tobacco that they grow. So far, there are no regulations with regard to the structures that farmers use to dry tobacco leaves. We need the law to stipulate how those structures are supposed to be constructed so that when the tobacco leaves are being dried, smoke does not cause harm to the health of farmers. Also, I would want to see, in place, a law that is meant to protect the farmer. We must assist farmers to make maximum profits out of growing of tobacco.

Considering the fact that big companies are owned by foreigners, and as much as we want to regulate the use of tobacco products, we want to see a situation where much of the profits that are made by the big companies are ploughed back to the country. This can be done through initiation of projects in this country by those multinationals. If that is not done, we will continue to see companies declare huge profits, but taking away every cent to their mother countries.

Prof. Olweny: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the debate on this Bill has been exhausted. I wish to propose that the Mover be now called upon to reply.

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): Well, that application seems to have got a lot of support. I, will, therefore, want the House to decide on this matter.

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

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, first, I would like to thank all my colleagues in this House who have contributed positively to this Bill. Their concerns have been taken in and we are going to consider them when looking at the amendments to this Bill.

I wish to reiterate the point that the essence of this Bill was really to domesticate the World Health Organisation (WHO) Legal Framework Convention on Tobacco Control. There are a number of things that I really would like to touch on. One of them is the composition of the Tobacco Products Regulatory Board. A number of ideas were brought forth for instance, the idea of making the post of Chairman of the Board substantive. Secondly, it was proposed that we must include in the Board the following people: The Managing Director of the National Environmental Management Authority (NEMA), the Managing Director of NACADA and the Director of Agriculture.

Many hon. Members have also questioned the statistics that we gave out. For instance, it is true that we use Kshs18 billion every year towards the cost of treating illnesses caused by use of tobacco. These are not just statistics from Government hospitals. They have also been derived from private clinics, out-of-pocket expenditure and faith-based organisations.

My colleague, hon. Bett, said that the tobacco industry contributes Kshs6 billion to the Exchequer. That figure has been banded around so much, but when you go to the records of the Kenya Revenue Authority (KRA) the true figure that is contributed from BAT to the Exchequer is actually less than Kshs1 billion. So, we just want to put the record straight and say that the amount of money that is contributed to the Exchequer in relation to the money that we use to treat diseases caused by tobacco use is negligible.

I would like to pay glowing tribute to hon. Sungu and the Departmental Committee on Health, Housing, Labour and Social Welfare for having come up with very brilliant ideas with

regard to what will be included in the amendments.

Mr. Temporary Deputy Speaker, Sir, one of the areas that I would really like to touch on is that of education and communication. It is extremely vital that we are not just going to mete out punishment but we also want to give education so that in the long-run, we get a population of Kenyans who will change their perception, habits and culture. Once we reach that stage, then it will become extremely important and helpful. Ideas have been raised about agriculture and that these tobacco growers will lose their livelihood but I would like to assure them that we are going to put forth a fund that will go towards economically viable alternatives to tobacco growing.

Mr. Temporary Deputy Speaker, Sir, as I conclude, I want to say that we are not banning smoking. I want to say that the idea of this Bill is to protect the non-smokers because they also have a right to a smoke-free environment. The idea of this Bill is to protect our young. Statistics have shown that the young are very easily manipulated and vulnerable and so we must protect them through this legislation. We also know that eventually the people who graduate to smoke bhang and hard drugs will always start with smoking tobacco. The other thing is that we would like to have responsible advertisements so that our young are not excited, manipulated and confused.

Mr. Temporary Deputy Speaker, Sir, as I finish, I throw the challenge to the Ministry of Transport to come in strongly and rein in the smoking vehicles that we see on our roads and also the trains because really to stop people from smoking cigarettes and yet there are harmful fumes that come from our vehicles, will be an exercise in futility.

With those few remarks, I would like to move.

(Applause)

(Question put and agreed to)

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

The Temporary Deputy Speaker (Mr. Khamasi): Next Order!

Second Reading

THE ENERGY BILL

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Energy Bill be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, Sessional Paper No.4 of 2004 on Energy has articulated the legal and regulatory framework challenges impacting adversely on the efficient operation of the energy sector. To address such challenges, the Sessional Paper has called for a critical review of the existing energy sector legislations and also made recommendations on appropriate changes to be effected to improve governance in the sector. The Energy Bill, consistent with the policy, has taken a broad new clause, amended and consolidated others in the current Electric Power Act and the Petroleum Act, Cap.116, to ease implementation of the legal and regulatory framework in a clear and predictable manner.

Mr. Temporary Deputy Speaker, Sir, to lead the debate, I would like to highlight some of the critical issues which have been addressed in the Energy Bill. Part II of the Bill provides for the establishment of the Energy Regulatory Commission to undertake the regulatory functions of the

Electricity Regulatory Board as provided for under the Electric Power Act and those undertaken by the Minister for Energy as vested in the Petroleum Act, Cap.116. In addition to regulating the electric power and petroleum sub-sector, the functions of the Energy Regulatory Commission have also been expanded to include precedential regulations on production, distribution, supply and use of renewable and other forms of energy.

The Temporary Deputy Speaker, Sir, the new Energy Regulatory Commission has also been given powers to issue, renew and revoke licences and permits for all undertakings in the energy sector which, among other things, include electricity and petroleum businesses, while the powers of the Minister have been confined to making regulations on recommendations of the Commission. The Bill gives the Minister authority to direct the Commission on energy policy for exploitation and development of various forms of energy sources, consistent with the national social economic aspirations as appertains to regulation. In addition, licensing of petroleum stations will be delegated to the Provincial Administration by the Energy Regulatory Commission in recognition of the fact that it is not economically and administratively feasible for the Commission to issue such licences in all parts of the Republic.

Mr. Temporary Deputy Speaker, Sir, Part III of the Bill deals with electrical energy. Unlike the current electricity law which does not allow individuals or communities to generate and distribute electricity to their neighbours without approval of the Kenya Power and Lighting Company, the Bill, among other things, provides for issuance of licences and or permits for generation and distribution of electricity to such persons or communities. This provision, which is favourable for small-scale hydro power plants for use by rural communities, is contained in Clause 27 of the Bill. Another very important aspect of this Bill is that it enables power generators and distributors to negotiate long-term licences with the Energy Regulatory Commission, strictly on the basis of the merit of each applicant. The provision enables the Commission to, over time, demand efficiency and better utilisation of resources by licensees with changing technologies.

Mr. Temporary Deputy Speaker, Sir, the Rural Electrification Authority also comes under Part III. As hon. Members are aware, Kenya's national electricity access rate is extremely low at 16 per cent of the total population and 5 per cent of the rural population. This compares very unfavourably with the average for developing countries, which is more than 34 per cent. It is for this reason that the Rural Electrification Authority is being established with the mandate of mobilising resources to accelerate implementation of the Rural Electrification Programme.

Mr. Temporary Deputy Speaker, Sir, the resources that will be at the disposal of the Authority will include appropriation by Parliament, levies and proceeds from fines, including external borrowing. The Authority will, among other things, manage the Rural Electrification Programme funds, develop and update the Rural Electrification Masterplan and explore least-cost supply options, including small hydro-electricity generation and the solar voltaic hybrid system, taking into account specific needs of certain areas. The Authority will have adequate staff complement to undertake preliminary route survey, followed by detailed design of projects and wayleave accession after which we will have them tendered for construction on turn-key basis. In addition, it will be expected to build capacity for handling transmission and power distribution systems covering rural areas, as is the case in some African countries, such as Egypt. Through this strategy, the current inability of the Kenya Power and Lighting Company (KPLC) to handle the substantial annual Government funding since 2003/2004 fiscal year under the Rural Electrification Programme will become a thing of the past.

Mr. Temporary Deputy Speaker, Sir, petroleum is covered under Part IV of the Bill, and as you all know, concerns have continued to be raised on the high fuel prices and the cartel-like behaviour by the major oil companies leading to inadequate competition in the market. The Bill empowers the Commission, under Clause 5(3)(e) to monitor and ensure observance of the principle

of fair competition and has provided for enhanced fines under Clause 95 for sale of low quality fuel or motor fuels adulterated with kerosene. The penalty proposed for this offence is a fine not exceeding Kshs2 million or a maximum term of imprisonment of two years or both. Unlike the existing petroleum law, Clause 96 of this Bill takes into account the need for industry operators to maintain maximum operational stocks and empowers the Minister to prescribe the quantities and locations of holding such stocks. Clause 97 of the Bill also gives authority to the Minister to provide finance, manage or procure national strategic petroleum stocks. This provision is currently non-existent in the Petroleum Act, CAP.116.

Mr. Temporary Deputy Speaker, Sir, the Bill also makes it mandatory for all persons engaged in petroleum businesses to comply with environmental, health and safety standards, including those set for equipment, facilities and installations. In the case of marine pollution, failure to observe any of the regulations in the Bill relating to the precautions to be taken with respect to vessels carrying petroleum within a port or within Kenya's exclusive economic zone, the ship master will, on conviction, be liable for a fine not exceeding Kshs2 million or a jail term of up to two years, or both.

Mr. Temporary Deputy Speaker, Sir, Part V of the Bill covers renewable energy and conservation. For the first time, and consistent with Sessional Paper No.4 of 2004, provisions have been made for promoting exploitation and conservation of renewable energy. Under Clause 103, the Bill gives the Minister authority to promote the development and use of renewable energy which, among other things, includes solar, biogas---

ADJOURNMENT

Mr. Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Assistant Minister! You still have got time to continue to move the Bill when debate resumes next week, if it will be listed on the Order Paper.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 21st November, 2006, at 2.30 p.m.

The House rose at 6.30 p.m.