

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 1st September, 2010

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

### QUESTION BY PRIVATE NOTICE

DEATHS OF EVANS K. KEITANY /BRIAN K. BIRIR IN POLICE CUSTODY

**Mr. Lessonet:** Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security, the following Question by Private Notice.

(a) Could the Minister explain the circumstances under which Messrs. Evans Kipkoech Keitany and Brian Kiptanui Birir died while in the custody of police officers at Katarakwa Police Post in Koibatek District?

(b) Could the Minister provide the post-mortem reports and state what action he has taken against the police officers responsible?

(c) What action will the Minister take to ensure that such deaths, now occurring at high frequency at the Police Post, do not recur?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode); Mr. Deputy Speaker, Sir, we received this Question last night. I beg for its deferment so that I can answer it appropriately. Maybe, because of the nature of the Question, I beg the indulgence of the Chair to defer it up to tomorrow. That is because the Order Paper for this Afternoon is already out. It is not possible to answer this Question this afternoon.

**Mr. Deputy Speaker:** Mr. Lessonet!

**Mr. Lessonet:** Mr. Deputy Speaker, Sir, I agree to the request by the Assistant Minister.

**Mr. Deputy Speaker:** Fair enough! The Question is deferred to tomorrow afternoon.

*(Question deferred)*

### ORAL ANSWERS TO QUESTIONS

*Question No.279*

RELEASE OF SEWAGE INTO LAKE NAIVASHA BY NW&S COMPANY

**Dr. Otichilo** asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware that Naivasha Water and Sewerage Company is releasing raw sewage into Lake Naivasha and, if so, why no action has been taken to stop the pollution; and,

(b) what damage control measures the Ministry is taking to restore the lake and what plans are in place to compensate the fishermen for loss of income.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Deputy Speaker, Sir, I beg to reply.

Following your direction on Question No.279 that was asked by Dr. Otichilo, I visited the site on 25<sup>th</sup> August, 2010 in the company of Mr. Mututho and Dr. Otichilo. From the outset, I would like to apologize to the House for the inadequate answer given earlier and action is being taken against the officers responsible. I now wish to give the facts as established on the ground.

*(Applause)*

(a) The team observed that sewage emanating from Naivasha Municipality ends up at Naivasha Sewerage Treatment Plant which was constructed in 1980 to serve a population of 30,000 people, as opposed to the current estimated population of 300,000 people. Therefore, the facility's capacity is inadequate.

*(Mr. Kiunjuri read a newspaper while seated in his place)*

**Mr. Shakeel:** On a point of order, Mr. Deputy Speaker, Sir. I am seeking your advice. Is it in order for Members of Parliament to read newspapers in the House?

**Hon. Members:** Who is that?

**Mr. Deputy Speaker:** Proceed, Mr. Kajembe!

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Deputy Speaker, Sir, I would like to point out that my Ministry works through lead agencies and the issue at hand falls under the docket of the Ministry of Water and Irrigation which deals with water and sewerage services in the country. However, my Ministry, in the interest of the environment, is required to point out to lead agencies what needs to be done under Section 12 of the Environment Management Co-ordination Act, 1999.

(b) My Ministry developed the Lake Naivasha Management Plan Legal Notice No.108 of 3<sup>rd</sup> September, 2004 and gazetted it on 1<sup>st</sup> October, 2004. That would have ensured sustainable management of the Lake. However, the same is yet to be implemented due to a pending court case. On the issue of compensation to fishermen for the loss of income, that should be directed to the relevant Ministry if there is any sufficient evidence.

**Dr. Otichilo:** Mr. Deputy Speaker, Sir, first, I want to take this opportunity to thank the Assistant Minister for the action he took to go to the site and confirm for himself what the situation was on the ground. I also want to thank the Assistant Minister for admitting that the issue of disposal of raw sewage in Naivasha is real. So, what I

would like the Assistant Minister to further elaborate is why the strategic plan which was prepared in 2004 has not been implemented. That is because he has talked about a court case. What is in the court case which is stopping the strategic plan from being implemented?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, it is true that the implementation of that plan was delayed. It will continue to be delayed because the very moment that committee was appointed to manage the lake, wananchi from that area went to court to stop that committee from functioning. That was way back in 2004. Since then, this matter has not come up in court. My legal officers have tried their best to approach the court, but nothing has happened. So, this matter is in the hands of the Judiciary.

**Dr. Monda:** Mr. Deputy Speaker, Sir, I request for your indulgence to inform the House that by direction of the Chair, as chairman of the health committee, we were able to visit the lake and sewerage treatment plant in Naivasha on Monday the 30<sup>th</sup> in the company of the National Quality Control Laboratory technicians, who took samples. The samples have already been tested and the results are worrying. In summary, by your direction, we were able to come up with a result that confirmed that the company is unable to handle waste water from the town. The company treats sewer only up to 25 per cent.

In scientific terms, the UN and World Health Organization (WHO) requires that before sewer water is discharged into a lake, it should be treated to a level of 10 parts per million. In the case of Naivasha, the treatment is up to 300 parts per million. Those are results from the laboratory. This now gives us full evidence that the lake is actually being polluted. I do not want to engage in debate because I know it is Question Time; it is not debate time.

Observations that are worrying indicate that Naivasha Water and Sewerage Company does discharge raw sewage into the lake. What is of concern are the contents of what is discharged. The contents of the waste water that goes into the lake from the sewerage are suspended solids, bio-degradable organics, biogenic organisms, refractory organics and dissolved inorganic constituents. What is worse is priority pollutants and heavy metals that are highly toxic. They are carcinogenic, meaning that they cause cancer; they are also mutagenic. This is quite worrying. We are exposing the population of this country, who depend on fish and those of us who enjoy fish, to danger. We do fishing in this lake. What is the Ministry of Environment and Minerals doing to ensure that the fresh water lake is fresh, and that those who depend on fishing for their livelihood continue doing the business of fishing in a fresh water lake, as it was before?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I said earlier on that my Ministry is to identify areas where the environment has been violated and advise those who are concerned to take action. On our part, as a Ministry, specifically on this subject matter of Lake Naivasha, it is known that we have already taken the Naivasha Water and Sewerage Company to court. The matter is in court.

On how to improve whatever went wrong, we have advised lead agencies. The lead agencies in this case are the water company, the local authority there and the Ministry of Water and Irrigation, which is supposed to fund and support the water company.

**Mr. Njuguna:** With the admission by the Assistant Minister that this is a court matter, and that it is serious because it affects the lives of innocent people, what special

efforts is the Ministry making to liaise with the Attorney-General to facilitate a solution of this matter?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, our legal officers have tried to go to court to tell the Judiciary that this matter should come up. We are not tired. We will continue to liaise with the Ministry of Water and Irrigation, so that the two Ministries can push for this subject matter to be concluded in the courts of law.

**Dr. Monda:** On a point of order, Mr. Deputy Speaker, Sir. The situation in Naivasha is a matter of life and death. Is it in order for the Assistant Minister to continue talking about liaising with the Ministry of Water and Irrigation without giving us a concrete plan and a definite time when this matter will be attended to and a solution arrived at once and for all?

**Mr. Deputy Speaker:** Mr. Assistant Minister, you work under an Act of Parliament. Are you limited by the Act or you are not using your regulatory powers under the Act?

Proceed.

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, under the Act, our responsibility is to take to court anybody who violates the environment. As far as improving the water in the lake and stopping raw sewage from going into the lake, that is the responsibility of the Ministry of Water and Irrigation. I have been repeating this but it appears as if people do not want to hear.

**Mr. Lekuton:** Mr. Deputy Speaker, Sir, it is submitted that it is not only the sewerage companies that discharge waste into the lake; even flower companies do so. My question to the Assistant Minister is this: Every flower company wants to make profits. The more dangerous pesticides they use, the higher the yield from their flower farms. Does the Ministry have any regulatory body that regulates the amount of pesticides that are used by these companies that later on discharge the harmful pesticides into the lake?

**Mr. Kajembe:** Yes, Mr. Deputy Speaker, Sir. We have the National Environment Management Authority (NEMA). NEMA is the body charged with the responsibility of ensuring that everything is done correctly and to the required standards.

**Mr. Shakeel:** Mr. Deputy Speaker, Sir, the matter of Lake Naivasha is now becoming not just a national issue, but is on the verge of becoming a national disaster. I have been the mayor of Kisumu City and I know what they do. It is high time that the Ministry of Environment and Minerals, together with the Ministries of Public Health and Sanitation and Water and Irrigation, went and shut down with immediate effect the sewerage system, and that will be effective action. What can the Assistant Minister do to co-ordinate with his counterparts to take immediate action? We do not want to hear that this will take another two or three months. We are demanding immediate action. We do not want NEMA to be a dog that barks. We want it to be a dog that bites.

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, we have already played our part and taken the company to court. So, it is up to the other lead agencies to do their job.

**Mr. Gabbow:** Mr. Deputy Speaker, Sir, the Assistant Minister is taking this matter very lightly. I would urge the Chair to allow the Departmental Committee on Local Authorities and the Departmental Committee on Health to investigate this matter and report back to us. This is a grave matter.

**Mr. Deputy Speaker:** The Chair has already directed the relevant Department Committees to move with speed and report back to the House as a matter of urgency based on the gravity of the matter itself.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, this House, in its wisdom, enacted relevant laws to ensure that the National Environment Management Authority (NEMA) is empowered and has teeth. Indeed, NEMA has teeth.

Mr. Deputy Speaker, Sir, you do recall, although the Assistant Minister has apologised, that his officer misled him until he was forced to go to the ground. This means that officers from NEMA are, indeed, conspiring with these water companies. Pollution of water resources is not only in Naivasha, but also Athi River is polluted. The issue of Athi River being polluted has already been brought before this House. What is he doing to ensure that anybody who is in contravention of the Act of Parliament in as far as issue of environment is concerned is taken to court as soon as possible, including his own officers who do not do their job?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, I was disappointed when I heard hon. Gabbow say I am taking this matter very lightly. This is a very serious matter. I am not taking it lightly as he alleges. That is why I went to Naivasha. I am very much concerned about this matter. I salute the relevant Departmental Committee for going to Naivasha to see for themselves what is happening on the ground. We are trying to sort out this problem collectively.

With regard to what hon. C. Kilonzo has raised, we must take action. I have already instructed my Permanent Secretary to institute disciplinary action against those two officers in the Ministry who misled me. I have further instructed him to charge some of the NEMA officers immediately. I will also suspend Board Members of Naivasha Water Company and charge them in court.

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** On a point of order, Mr. Deputy Speaker, Sir. In the spirit of collective responsibility, I can assist my fellow Assistant Minister with information. However, I stood on a point because he has raised very serious allegations about my Ministry not having taken any action. This is a matter of grave concern. It is a very sensitive matter. It is now a national issue. It is not only the people of Naivasha suffering, but the whole country, including you, Mr. Deputy Speaker, because I usually see you eating fish during lunch hour. So, it is only important that an inter-Ministerial Committee takes up this issue. Let that committee consist of members from the Ministries of Water and Irrigation, Public Health and Sanitation and other relevant Ministries. Given the seriousness of this Question, it is important that we push it to the Office of the Prime Minister. The Chair can direct the Prime Minister to co-ordinate all the relevant Ministries and come up with an appropriate answer to this matter.

If Members are really serious with their questions, then they should allow very serious action be taken.

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker, Sir. I appreciate the steps to be taken by the two Ministries. But Mr. Kiunjuri has made some allegations which will hurt the economy of my place. He alleged that the fish we eat here could be dangerous. I would like to inform him that not all fish comes from Lake Naivasha. His allegation may affect the economy of my constituency which relies heavily on fish. So, could he withdraw that allegation?

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. First of all, let me appreciate the comments by the Assistant Minister for Water and Irrigation. In view of the comments he has made and the position his colleague has taken, I plead that this issue be deferred to give the Government time to form an inter-Ministerial consultative committee that will bring a concrete answer to this matter. They should bear in mind that the Minister for Environment and Mineral Resources only enforces the law. They cannot actually put up the structures. So, if the Assistant Minister has, indeed, confirmed that there is problem and they need an inter-ministerial consultative committee, it is only fair that they be given more time and they come back to the House with a concrete solution to the issue.

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, suggestions given here are good. I would concur with the sentiments of my colleague that this issue be directed to the Office of the Prime Minister because it is a very serious matter. We need an immediate action to solve this problem.

**Mr. Deputy Speaker:** Indeed, the Chair notes with a lot of gravity the dangers that Kenyans are being exposed to now. Also with a lot of regret, the Assistant Minister is feigning inability or lack of authority to do so. The Act empowers him sufficiently enough to close down all outfits and organizations that are polluting the lake. The Chair does not understand entirely why he needs the matter to be taken to the Prime Minister. Maybe, yes, in the long term. But in the immediate term, Mr. Assistant Minister, the Chair is convinced that you can take affirm action yourself, using the powers that are given to you under the act. You have the authority under the Act. Could you explain that?

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, NEMA has those powers under Section 12 of the NEMA Act. I have already instructed them to close down those institutions forthwith.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, if you recall very well, you were in the Chair last week and you gave directives. The Assistant Minister says that he has put in a lot of effort. He has not put any initiative at all. It is out of your ruling that he was prompted to go to Naivasha. I believe there is more he can do. I think you better make a further ruling on this, so that he can look at the Act again. It appears he does not have information on this matter. I am sure the Act empowers him to take action, the way you have said. So, can you make a final ruling so that we can proceed?

**Mr. Deputy Speaker:** Mr. Assistant Minister, are you in a position to report back to the House, at the very latest tomorrow afternoon, that you have taken the action that you have promised the House now; very latest tomorrow afternoon and, indeed, even better this afternoon? You do not have to be physically there for your directives to be enforced.

**Mr. Kajembe:** Mr. Deputy Speaker, Sir, as I said, I have already directed these institutions be closed down forthwith. The Naivasha Water and Sewerage Company and the treatment plant will be closed down. We have even taken these people to court. We have done our job.

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. There are two issues here. The Assistant Minister is in charge of the National Environment Management Authority (NEMA) which falls under his Ministry. However, the Ministry of Environment and Mineral Resources cannot put up the treatment plant. That is the role of the Ministry of Water and Irrigation. We agreed with his colleague that they need to

have an inter-ministerial committee to deal with this issue. This is because even if he prosecutes all of them, the sewage will still not be processed. So, we plead with the Chair that this matter be deferred and, perhaps, the Prime Minister comes and responds to it because it is cross-cutting.

**Mr. Deputy Speaker:** The Chair directs that this Question be directed to the Prime Minister as a matter of urgency, given the magnitude of the risk that Kenyans are faced with. Perhaps, the Prime Minister, in his wisdom would like to give direction on the same this afternoon.

*(Question deferred)*

*Question No.346*

DELAYED DISBURSEMENT OF FREE  
PRIMARY/SECONDARY EDUCATION FUNDS

**Mr. Chanzu** asked the Minister for Education:-

(a) whether he is aware that continued delays in disbursement of Free Primary and Secondary Education Funds is adversely affecting the running of schools;

(b) whether he is also aware that, as a result of the delays, most of the schools are unable to meet their financial obligations, such as payment to their suppliers; and,

(c) what action he is taking in view of the situation.

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the delay in the disbursement of Free Primary Education (FPE) and Free Day Secondary Education (FDSE) funds has affected the running of schools.

(b) I am also aware that the slow disbursement of these funds has affected payment of suppliers and academic performance in our schools.

(c) The Ministry will disburse a total of Kshs3.568 billion for the FPE grants by the end of September, 2010 and another Kshs4.832 billion by April, 2011. The Ministry forwarded the payment schedule for the FDSE to the Treasury on the 25th August, 2010 for the disbursement of a total of Kshs9.7 billion which will be available in the school bank accounts before opening of the third term this year, that is, before 6th September, 2010.

In future, the Ministry will disburse both the FPE and the FDSE funds immediately to schools and districts which have submitted their financial returns, bank accounts and enrolment data for the preparation of payment schedules. On the other hand, schools and districts which fail to submit their documents in time will have their funds delayed.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the answer he has given. However, if you look at part “b” of his answer, you will find that he is admitting that they are slow in disbursing the funds. Part “c” of the answer says that they will disburse some money at the end of September, 2010 and make another disbursement in April, 2011. This is the case and yet the Budget was read in June, 2010.

This is a very grave matter because it is a promise that the Government made to Kenyans and the schools are relying on this money. The situation in schools is very pathetic.

It is as a result of the Ministry receiving this Question that it submitted its requirement to the Treasury on 25<sup>th</sup> August, 2010. Why did they not submit this immediately or even before? Why have they taken too long?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I appreciate the concerns of the hon. Member. Our biggest challenge in the Ministry has been receiving relevant statistics in time. There have been delays from our officers on the ground. That is why I have started at the end of my answer that in future, we will disburse funds to the schools and the districts that submit their information in time.

I would like the hon. Member to appreciate the fact that we took action immediately we received this Question. A lot of work has already been done. Indeed, I have talked about the end of September, but the reality is that it could be earlier than that.

**Mr. Waititu:** Mr. Deputy Speaker, Sir, while on this Question on funds from the Ministry of Education, we are also supposed to receive some bursary funds from the same Ministry for secondary students. Could the Assistant Minister tell us when we will receive those funds?

**Mr. Deputy Speaker:** Order, Mr. Waititu! The Question before the House is on the FPE. If you want to ask a Question on secondary education bursaries, file it. You are not supposed to divert a Question. You do not take away very important time from a matter that needs to be addressed by asking another Question.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, the Assistant Minister, in his answer, has admitted that there was delay. I wonder whether he has really read the Question. He has admitted that there is delay in the disbursement of these funds. Unfortunately, he has also said that the last disbursement was triggered by this Question which is very dangerous. Be that as it may, there is an obvious loss of learning time by the public primary school pupils and yet they undertake the same exams as those in private schools. They are graded the same and they compete for secondary school opportunities based on how they perform in their Kenya Certificate of Primary Education (KCPE). What has the Ministry done to level the ground because they have already lost time? That will certainly affect their performance in the KCPE.

**Mr. Deputy Speaker:** Hon. Waititu, indeed, the Chair observes that the FDSE is on the Question. You will have your shot. It is regretted.

Mr. Assistant Minister, could you answer Mr. Kioni's question?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I have admitted that there are delays and they affect performance in public schools. One reason for the delays is the reception of data. We have 19,000 primary schools, and we have to get all the information from them before we disburse the money. Indeed, that is a mammoth exercise. That is why I said that we will try our level best to get the funds in time in future. The delay is definitely due to the volume involved. That is why they--

**Mr. Kioni:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is still endeavoring to explain what he will do in future in terms of disbursement of the funds. I have asked what the Ministry has done to ensure that the ground is level for candidates, both in private and public schools, now that they compete for the same places, based on their performance in the exams that they are about to undertake.



**Mr. Deputy Speaker:** Hon. Minister, the Chair notes that it is a very basic provision of both the old Constitution and the one which has just been promulgated. You cannot just come here and flip your hands and say: “Yes, there is inequality and basically, it is like nothing can be done.” I think that is a very bad admission on the part of the Government itself. Could you give a fitting answer to that? How do you make sure that nobody is unfairly affected in the process since they are all doing the same national examinations together?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, the damage that has been done should not continue to be done. That is why we are doing our best to make sure that in future, the disbursement is out in time.

**Mr. Waititu:** Mr. Deputy Speaker, Sir, I wish to remind the Assistant Minister that schools are opening next week and some of the students are eagerly waiting for the bursary money, so that they can pay their fees. Actually, we have even written some letters to the schools to wait for the bursary money. Could the Assistant Minister clarify on the specific date when we will receive the bursary funds for secondary school students?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, you had given a ruling earlier on that bursary funds are different from the free day secondary education money, which is true actually. The first position that you gave was right. Bursary money is different from free day secondary school education money. So, I think I can only investigate about the bursary element and give the answer tomorrow.

**Mr. Deputy Speaker:** Order! There was an oversight on the part of the Chair regarding that issue because the Question is comprehensive. It tackles both the free day secondary education as well as the bursary fund. If you should look at the Question very well, it addresses both. It asks whether the Minister is aware that continued delays in disbursement of free Primary and secondary education funds are adversely affecting the running of schools. Indeed, the written answer that you put in addresses the issue of free day secondary education.

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, there is a big difference between bursary money and free day secondary education funds.

**Mr. Mbadi:** On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Is the Assistant Minister interested in having information from a Member?

**Mr. Mwatela:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, I just wanted to inform the Assistant Minister that the Question talks about secondary education funds and not free or day secondary education. It is secondary education funds which includes bursary funds which are part of secondary education funds. That is the information I am giving him. I hope now he is informed. So that includes bursaries.

**Mr. Deputy Speaker:** Hon. Minister, I think hon. Waititu is in order to ask on that, because the Question as well as your own written answer addresses both. Can you answer the question?

**Mr. Mwatela:** Mr. Deputy Speaker, sir, I am willing to find out exactly when the bursary funds will be released, because they are treated from a slightly different department. I am willing to find out and give the answer tomorrow.

**Mr. Pesa:** Mr. Deputy Speaker, Sir, now that the Assistant Minister has acknowledged that there is a problem in the disbursement of these bursary funds, I expect that some primary schools for the whole month will not be able to operate. Will it be in order for these schools to charge the parents money so that they can continue with their programmes?

**Mr. Mwatela:** No, Mr. Deputy Speaker, Sir. We will not allow schools to charge money to parents. Indeed, from our new Constitution, our pupils are now entitled to free and compulsory primary education. So, it is incumbent upon my Ministry to ensure that these monies get to the schools in good time.

**Mr. Gaichuhie:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that the compilation of information from the schools is what causes the delay. It is common knowledge that we have very few education officers who can assist in that. When is the Ministry planning to employ more education officers who will assist in the compilation of the information and deliver it to the Ministry in good time?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, yes, we are challenged as far as personnel is concerned, but collection of information about schools could be effectively done using the officers who have been on the ground, considering the earlier larger districts that we had.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, from the answers that the Assistant Minister has been giving, you will realize that the Ministry is still lagging behind, because this is a scheme that was started in 2003. It is now over seven years. On the last part of the Question the Assistant Minister says that the schools which fail to submit documents in time will have their funds delayed. Could the Assistant Minister assure this House that where these delays will occur, it is the officers who will be involved in the delays who will be punished and not the whole sector, just because of delays by a few individuals?

**Mr. Mwatela:** Mr. Deputy Speaker, Sir, I appreciate the question by the hon. Member, but you realize that these are public funds and we have to be very careful and ensure that we disburse money to students who exist, so that where there have been--- There are cases where actually enrolments have changed and we would not want to send money to schools when the enrolment has been lowered, for example. So, we have to be very careful, otherwise, we will end up with situations where we disburse money to officers or schools and they are no students in those schools. So, I want to appreciate your concern that we deal, indeed, with the officers who delay giving the information, but at the same time, we will be very careful not to disburse money to areas where we have not gotten adequate statistics.

**Mr. Deputy Speaker:** Next Question, by hon. C. Kilonzo!

*Question No.264*

NON-DISBURSEMENT OF FPE FUNDS TO KATANGI SPECIAL SCHOOL

**Mr. C. Kilonzo** asked the Minister for Education:-

a) whether he could explain why the Government has not been providing funds for Free Primary Education (FPE) to Katangi Special School; and,

(b) when the Government will start availing the funds.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The newly established Katangi Special School is not registered and, therefore, cannot benefit from FPE funding. Nevertheless, the school is receiving Annual Special Needs Education Top-up Fund (ASNETF) of Kshs98,000. That translates to Kshs2,000 per pupil for specialized teaching and learning materials, through the parent school which is Katangi Primary School.

(b) The Government will start funding the school after receiving the District Education Board minutes and registration certificate approving the establishment of the school.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I am amazed that this Ministry does not know what it is doing. The Assistant Minister has said that this school is not registered, but it was registered on 6<sup>th</sup> August, 2009. If he bothered to talk to the District Education Officer or teachers, he would have been given those details. The registration certificate is No.SP/ED/121/09. When this Question was brought here, we knew that the school is already registered.

**Mr. Deputy Speaker:** Are you laying that as evidence of registration?

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I do not need to lay it because I am helping him and appear to know what is happening in the Ministry. Indeed, as I speak now, there is a file already open on this matter. So, all I wanted to know is why there is so much delay. The issue of the school not being registered does not arise. When are we going to get this money because this special school has not received money over the last one year?

**Mr. Mungatana:** On a point of Order, Mr. Deputy Speaker, Sir. In view of the fact that the Assistant Minister is not seized of the knowledge of the registration number, would I be in order to ask the Chair to defer this Question so that the Assistant Minister can cross-check this information and get proper information? He should also check with the office of the *Mheshimiwa* so that he can get proper information before he comes to deal with this matter.

**Mr. Deputy Speaker:** Mr. C. Kilonzo, when was the school registered?

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, the school was registered on 6<sup>th</sup> August, 2009. Just to inform the Assistant Minister, just in case he has forgotten, hon. Members sit in the District Education Board meetings. So, the information we have is with the District Education Board and the officers on the ground.

**Mr. Deputy Speaker:** Mr. Assistant Minister, do you want to do further consultations with your own officers?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, this is the second case in two days. We have received misleading information that a school has not been registered. Yesterday, we had one case from hon. Ethuro. I have confirmed this morning that some of our officers do not care to check properly. I have given an order that action must be taken against them. However, hon. C. Kilonzo could do me a favour by giving me a copy of the registration certificate. It will help me.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, we are not debating on whether the Assistant Minister was given the wrong information. All he needs to do is to pick up his phone, call the District Education Officer in Yatta and he will be given the details. He

could even call the headteacher of the school and he will be given the details. It is not up to me to give him documents as if he is doubting. If they are missing, I can organize and get them for you.

**Mr. Deputy Speaker:** Hon. Assistant Minister, it seems as if your answer was predicated upon the assumption that the school had not been registered. Since you admit that you have been misled by your officers in the course of the week, the Chair directs that this Question appears on the Order Paper tomorrow afternoon. In the meantime, please do your work.

*(Question deferred)*

Next Question!

*Question No.164*

#### STALLING OF MZIMA SPRINGS PROJECT

**Mr. Mwadeghu** asked the Deputy Prime Minister and Minister for Finance:-

(a) whether he could state what caused the stoppage of “Mzima Springs Phase II Project” as well as the position of funding by the Chinese Government;

(b) whether he could provide the estimates in terms of costs for both Phase I and II, considering that the project has also received funding from the Central Government; and,

(c) how much money was earmarked for the project in the 2009/2010 financial year and why it was not released.

**Mr. Deputy Speaker:** Where is the Minister? Hon. Mwadeghu, the Chair has communication from the Deputy Prime Minister and Minister for Finance. Both the Minister and his Assistant Minister are engaged. They would wish that this Question be deferred to another day. When is it convenient for you?

**Mr. Mwadeghu:** Mr. Deputy Speaker, Sir, tomorrow will be convenient to me.

**Mr. Deputy Speaker:** Fair enough! The Chair directs that this Question appears on the Order Paper tomorrow afternoon.

*(Question deferred)*

*Question No.313*

#### NUMBER OF BOREHOLES DRILLED BY WATER MINISTRY COUNTRYWIDE

**Mr. Chachu** asked the Minister for Water and Irrigation:-

(a) to provide a list of boreholes successfully drilled by the Ministry in all the 210 constituencies in the last 3 years;

(b) whether the Minister is aware that no borehole has been drilled successfully in North-Horr by the Ministry in the last three years; and,

(c) what plans the Ministry has for developing water points in North-Horr Constituency.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In the last three years, my Ministry has drilled and equipped 408 boreholes spread over the 210 constituencies as per the attached list.

(b) I am aware that North Horr Constituency is an area with poor ground water potential. However, my Ministry has drilled 22 boreholes in that area and, so far, only six have been successful. That is at Turbi, Dosaocha, Chur, Chulwa and Bubisa, serving about 42,600 people and over 5,000 animals. There is also a water boozier in that area.

(c) In this financial year, the Ministry plans to drill and equip three boreholes at Kwakwa, Dukana Division Headquarters and Gor Dasinachi Shagila along Lake Turkana. In addition, a 20,000 cubic meter water pan will be constructed at El Beso. My Ministry is also carrying out drilled geological surveys to explore deep ground water potential in the area to minimize drilling of dry bore holes. Ten more water pans are also planned for the area in the coming financial year.

**Mr. Chachu:** Thank you Mr. Deputy Speaker, Sir. My Question was very clear. I want equity in terms of water resources allocation in this country. That is why I asked about the number of boreholes which have been drilled in the last three years in the whole country; in the 210 constituencies. Looking at this document from the Ministry, the issue of equity is not a concept that is applied.

In this document, from the tabulation that they have given us, from No.263 to 374, 111 boreholes have been dug in one sub-region - Ukambani. I have no problem with my fellow citizens in Ukambani benefiting from boreholes. However, I demand equity in terms of resource allocation and distribution of water points in this country. I would like the Assistant Minister to explain what criteria the Government used to commit 30 per cent of all the resources allocated for drilling of boreholes to one region in the last three years. I want to know the criteria used by the Ministry to allocate 30 per cent of all the water resources to one region. I want to know what informed that decision.

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): On a point of order, Mr. Deputy Speaker, Sir. Does he mean that all the boreholes have been dug in Ukambani?

**Hon. Members:** Yes!

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): No! Where is the evidence?

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir. Have you realized that hon. Ms. Ndeti has put forward a frivolous point of order which is out of order?

**Mr. Deputy Speaker:** Hon. Ndeti, in all honesty, whereas it was not a point of order, you wanted to be educated on exactly where the boreholes have been drilled. She has a right as an hon. Member.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I have clearly indicated that we have drilled 22 boreholes but only six yielded water. We cannot blame the Ministry. All we can do now is to make sure that we go deeper and look at aquifers that have water.

**Mr. Letimalo:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Chachu asked specifically what informed the Ministry to drill 111 boreholes in one sub-region. That is the question. It is not about aquifers.

**Mr. Deputy Speaker:** Hon. Assistant Minister, can you proceed and answer the Question that was asked by hon. Chachu?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, supplementary questions raised in this House should not deviate completely from the original Question.

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir. This question does not deviate at all. It is a question of equity. It says 30 per cent of the boreholes have been sunk in one region. This is a very valid question; it is not out of the way completely.

**Mr. Deputy Speaker:** Hon. Assistant Minister, the question is valid. Can you proceed and answer as to what has informed the action?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, if you look at the distribution of these boreholes, although I had not looked at what the Member is leading to, you will find that Nairobi, for example, has almost over 70 boreholes. According to the census as indicated in today's newspapers, Nairobi has 75 per cent of water coverage while Nyanza Province has only 9 per cent coverage. North Eastern has 11 per cent coverage. I request for more time to look at the list and distribution---

**Mr. Kioni:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is asking for more time to look at the list that he has brought to the House. This does not add up. If you go through this list, you will find that 126 boreholes have been drilled in one sub-region. If you look at the Upper Eastern, you will find that only one borehole was drilled in the last three years. If you go to the Nyandarua County, you will find that only two boreholes were drilled in the last two years. No single borehole has been drilled in Ndaragwa Constituency since Independence. Where is fairness in this allocation of resources?

The Question cannot be satisfied by the answer that the Assistant Minister has given. We would want to have an opportunity to interrogate this issue thoroughly. Therefore, we request that the issue be referred to the relevant Departmental Committee.

**Mr. Deputy Speaker:** Hon. Kiptanui! Probably, this will be your first question as a Back Bencher.

**Mr. Kiptanui:** Mr. Deputy Speaker, Sir, I want to agree with the Assistant Minister. The information that he has is not correct. The boreholes that have been drilled are not 408. If you go through this list, there is a lot of duplication. For example, number 45 has been repeated as number 100, number 49 as 101 and number 59 as 103. So, there are so many other repetitions. Therefore, the boreholes which have been drilled are not 408. He has the wrong information.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I agree with the hon. Member. Last year alone, we drilled over 50 boreholes in Nairobi which is not indicated in the list. It is only important that I go back to the Ministry and ask for a proper answer. I am not asking for something that has never happened in this House. Secondly, the Question was very clear. The Member asked for the distribution of boreholes per constituency, but not about equity. Now that there is a question on equity and the distribution is questionable, I seek the indulgence of this House that I be given more time. I can be given until next week---

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker, Sir. The Ministry prepared this answer and the Assistant Minister brought it to the Floor of the House. Given the

skewedness of the allocation of resources, this is a matter of equity and abuse of public office. Could this matter be referred to the relevant Committee of the House, so that it is properly looked at? There are so many regions in this country that need water. He cannot make us drink lake water which is killing us and take all the money to a particular region. So, I want to request that this matter be referred to the relevant Committee of the House to deal with it. It should also be referred to the Committee on Equal Opportunity.

**Mr. Deputy Speaker:** Hon. Mbadi, the Chair has repeated time and again that the idea of asking the Chair to refer a matter to departmental committees is no longer the case in our Standing Orders. The Standing Orders expressly provide for Committees to take up any matter that is of interest. In the event that the Committee wants to undertake investigations and resources are needed for both mobility and logistics, the Chair, as the Chairman of the Liaison Committee, has always facilitated. So, it is not a matter for you to always seek a direction from the Chair. You can proceed and do your own scrutiny and investigations without necessarily getting that direction from the Chair.

**Mr. Kioni:** On a point of order, Mr. Deputy Speaker, Sir. Could you then give a timeframe within which that Committee should come back to the Floor of the House with the answer?

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. In fact, you are quite correct in your ruling that a departmental Committee can on its own motion move to carry out investigation or do what it needs to do to find information from the Minister. But also, there is a clear provision under the Standing Order No.198(e), which states that one of the functions of a departmental Committee shall be to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.

When the House refers a matter to a departmental Committee, it carries with it the urgency and the gravity of the situation. You can see from the reaction of the House that the Assistant Minister stands here accused of completely ignoring some regions in the distribution of water resources in terms of drilling of boreholes. In fact, there is a serious accusation that almost 30 per cent of the entire Budget went into one sub-region. The House needs to know that it passed the money. This money is not for the Minister to use as he or she wishes. So, the House must take its responsibility now, give a direction to this Minister to come and face that Departmental Committee. We do not want the Assistant Minister because we feel that he is not involved in this one. The Minister herself must come to the Departmental Committee on Equal Opportunity to explain why all the water is being taken to her area and not to the rest of the country and whether this Vote is supposed to be for her use or for the use of the Republic of Kenya.

**Mr. Deputy Speaker:** What is your point of order, hon. Bahari?

**Mr. Bahari:** Mr. Deputy Speaker, Sir, water is life! Globally, water is a scarce resource. In this instance, if found guilty on these accusations, this is a matter of near genocide! It is a matter which can even attract the attention of the International Criminal Court (ICC). It is in this light--

*(Mrs. Ndeti and Ms. Shebesh stood up in their places)*

**Mr. Deputy Speaker:** Order, Ms. Shebesh! Order, hon. Wavinya! The hon. Member is on a point of order. You cannot stand on a point of order when somebody else is on a point of order. You wait until the person raising the point of order is through.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, in these circumstances, because this matter is of great national importance, and given the national values and issue of leadership and integrity as enshrined in the current Constitution, I think the House, with your permission, needs to be given directions within a specific timeframe for this matter to be taken up along the lines hon. Mungatana has stated.

**Mr. Deputy Speaker:** What is your point of order, hon. Shebesh?

**Mrs. Shebesh:** Mr. Deputy Speaker, Sir, with all due respect and understanding of the gravity of the issue, I feel that the previous speaker must withdraw the terminology “genocide” and the kind of implications that his statement is capable of, because we have agreed that the matter should be referred to the Departmental Committee. Can the previous speaker, with all due respect – because we are talking about an hon. Member of this House and an Assistant Minister here – withdraw such serious allegations as he used the word “genocide”?

**Mr. Kiunjuri:** On a point of order, Mr. Deputy Speaker, Sir. Since you gave me the opportunity to answer this Question, I have not been heard. Justice demands that, although the majority rule, the minority have their say. One should not be condemned unheard. I am convinced that this Question is not adequately answered. Before any action is taken by this House, it is important, just as is the tradition of this House, in which I have been for the last 13 years, that we are given opportunity---

**Mr. Outa:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, hon. Outa! Allow the Assistant Minister to be heard. Every hon. Member has been rising on a point of order persistently, thereby denying the Assistant Minister an opportunity to be heard. So, can we hear him first and then you can raise your point of order?

**Mr. Kiunjuri:** Thank you, Mr. Deputy Speaker, Sir.

It is important, even for hon. Members to be able to interrogate the Minister in a more informed way; we should be given an opportunity, even if it is tomorrow afternoon or Tuesday next week, to come back here with a comprehensive answer. In case Parliament will not be convinced then, then any other action can be taken against the Ministry. I believe that it would be unfair for the Ministry to be condemned unheard.

**Mr. Deputy Speaker:** What is your point of order, Mr. Outa?

**Mr. Outa:** On a point of clarification, Mr. Deputy Speaker, Sir. I need clarification from the Assistant Minister; he referred to the Government as a minority in this matter. Could he clarify his allegation that in this matter, the Government is a minority?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, we have one Assistant Minister versus Parliament. As you have seen, every hon. Member who rose up here required an explanation. I understand because water is scarce. You have seen from the last census results that only about 15 per cent of Kenyans have access to water. Therefore, we expect every hon. Member to be concerned, because none of them can rise up here and say that they do not have water problems back in their homes. Now that we have agreed, it is important that you rule that the Minister be adequately heard.



**Mr. Lekuton:** On a point of order, Mr. Deputy Speaker, Sir. The answers are here. There is nothing new that the Assistant Minister will bring. It is in black and white. There are lots of discrepancies and segregation. The answers are here. We do not want him to bring any more answers, because his written answer is adequate. It is not insufficient. So, can you, please, rule that the Committee on Equal Opportunity, of which I am the Vice-Chairman, tackles this issue? I do not think it is the first time this is happening.

**Mr. Deputy Speaker:** Order, hon. Members! This Question has had ample time. The Chair now directs that the Question appears on the Order Paper tomorrow afternoon. Mr. Assistant Minister, you had better come fairly prepared tomorrow afternoon.

**Mr. Chachu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am in agreement with your ruling, but as the Assistant Minister does that, my Question was very specific---

**Mr. Deputy Speaker:** Order, hon. Chachu! The Chair directs that the Question appears on the Order Paper, and it be given the first or second priority tomorrow afternoon. At the same time, the Chair directs the relevant Departmental Committee to move with speed and carry out its own investigation in line with what is provided for not only in our Standing Orders but also in the Constitution of Kenya, and report back to the House with speed.

*(Question deferred)*

Next Question!

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): On a point of order, Mr. Deputy Speaker, Sir. There were serious allegations raised. Hon. Shebesh requested your ruling on the statement made by hon. Bahari about genocide. The matter is serious, and I wish you would address that point of order by hon. Shebesh.

**The Assistant Minister for Youth and Sports** (Ms. Ndeti): On a point of order, Mr. Deputy Speaker, Sir. I am raising an issue on the word “genocide” again. It is very unfair for any Member of Parliament to stand here and say that a Minister is committing genocide.

**Hon. Members:** Aaah!

**The Assistant Minister for Youth and Sports** (Ms. Ndeti): Mr. Deputy Speaker, Sir, that statement needs to be withdrawn!

**Mr. Deputy Speaker:** Order! Order! Hon. Members, indeed, the word “genocide” has a very strong definition. Whereas it is not provided in our Standing Orders as to exactly what amounts to genocide, we are privy to the practice all over the world and the seriousness with which the whole world views what is called “genocide”. Therefore, under the circumstances, the Chair directs that hon. Bahari withdraws only the word “genocide”.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I want to put the record right. I am an experienced hon. Member of this House. I said: “If proven, it is near genocide”. So, I am afraid that there is nothing for me to withdraw. You can check the HANSARD.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order, hon. Wavinya! The business of the House must be transacted. The Chair is, indeed, going to look at the HANSARD and give direction on the same tomorrow.

Next Question, hon. Mwaita!

*Question No.287*

CONSTRUCTION OF DAM AT PERKERA RIVER

**Mr. Mwaita** asked the Minister for Water and Irrigation:-

(a) to indicate when the Government will put up a dam upstream at Perkera River to harvest excess water and boost irrigation within Perkera Irrigation Scheme; and,

(b) what plans the Ministry has to revitalize the scheme.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry, through the National Irrigation Board (NIB), has allocated Kshs40 million to carry out a detailed design study for expansion of Perkera Irrigation Scheme. The tendering process is almost complete. Water storage infrastructure is among the key output from this exercise. Once the study is completed, the Government will seek funds to implement the project.

(b) The Ministry, through the Economic Stimulus Programme, is financing the rehabilitation of the irrigation and drainage infrastructure to increase irrigation water supply efficiency and, therefore, increase productivity.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Mwaita:** Mr. Deputy Speaker, Sir, I wish to congratulate the Assistant Minister for the answer but on part “b” of the question, I had asked him to specifically tell the House what specific plans they are putting in place to revitalize the scheme. In his answer, he is just talking about generalities; like financing and rehabilitation of the scheme. What specific actions have they put in place? For example, how much money have they set aside? I would like him to clarify.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I was very categorical that we have set aside Kshs40 million for drain design. This design is the one that will give us directions. For example, for a dam to be constructed, they have to consider how many cubic metres of water it will hold, how many people it will be able to serve, the piping system and so on. We cannot answer you adequately until the design is conducted so that we can know what is required. For the information of the hon. Member, we are now irrigating only 400 hectares of land but we are targeting over 3,000 hectares.

**Mr. Kigen:** Mr. Deputy Speaker, Sir, I would like to congratulate the Assistant Minister although he has not come out clearly as to when the design is going to be complete. Could he inform us when we expect to see the actual design and when it will be implemented?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, now that we have the money, we are going to start the tendering process. The tendering process is very clear according to the Procurement and Disposal Act. Therefore, we do not hope to go for more than six months

before the tender process is completed. When the design process is completed, we shall go for the tender process and that is when we need more money.

**Mr. Deputy Speaker:** Mr. Mwaita, could you ask the last question?

**Mr. Mwaita:** Mr. Deputy Speaker, Sir, the Perkera Irrigation Scheme was started prior to Independence in 1956 and used to be the leading producer of onions in this country but now nothing is happening. Could the Assistant Minister confirm that as part of the detailed study, it would also include the type of crops to be recommended to be grown within the scheme?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, that is one of the issues that we are going to investigate; crop requirement or what would be suitable for that irrigation project. Those are the issues that will come out when a detailed survey is conducted.

*Question No.365*

NON-PAYMENT OF AP CONSTABLE SAMUEL  
MUNYAO'S SERVICE GRATUITY

**Mr. Kiilu** asked the Minister of State for Provincial Administration and Internal Security:-

a) whether he is aware that the next of kin of APC Samuel Nzive Munyao (P/No.93056951), who died on 18<sup>th</sup> July 1995, have not been paid his service gratuity; and,

(b) whether he could inform the House what has occasioned the delay and when the Ministry will pay.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) APC Samuel Nzive Munyao (P/No.93056951) who died on 18<sup>th</sup> July, 1995 has not been paid his death gratuity due to unavailability of the following requisite documents for processing the same:-

(i) Original death certificate.

(ii) List of dependants from the deceased area District Commissioner (DC).

(iii). Next of kin ID duly certified by the deceased area chief.

(iv). Next of kin contact address.

Mr. Deputy Speaker, Sir, several letters have been written requesting for the same. The last correspondence requesting for the same was addressed to Mr. Peter Munyao Nzive, Mbikini Location, Mutiso Sub-location, P.O. Box 158 Sultan Hamud, who is the father, on 11<sup>th</sup> August, 2010.

(b) The above documents have occasioned the delay and the Ministry will process the death gratuity as soon as the documents are received.

**Mr. Kiilu:** Mr. Deputy Speaker, Sir, while I thank the Assistant Minister for that answer, you will appreciate that this young man died 15 years ago under mysterious circumstances and all that the Assistant Minister is saying is that he has sent several letters to the next of kin of this officer. At this age of technology and the Assistant Minister having an elaborate system ranging from the Permanent Secretary to the Assistant Chief on the ground, why has he not used the alternative system to get that information to the next of kin if he is interested in settling this case?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, we have written several letters but apparently, I have to admit that it seems that several letters which were written to the relatives were not reaching them and I must take this responsibility to thank Mr. Kiilu because he has met the person we require personally. He seems to be in touch with the father of the deceased and he seems to have some documentation. As soon as he avails those documents which are not many, I will be able to process this gratuity.

**Mr. Deputy Speaker:** Mr. Kiilu, are you satisfied or do you want to ask the last supplementary question?

**Mr. Kiilu:** Mr. Deputy Speaker, Sir, I was just asking the Assistant Minister since he has an Assistant Chief in Mutiso Sub-location where the next of kin of this officer stays, why has he not used those services in establishing contact with him? It appears that even today, the letter written has not reached the father of the deceased but I am prepared, if the Assistant Minister so wishes, to assist him in tracing the next of kin.

**Mr. Deputy Speaker:** Mr. Assistant Minister, do you need to be assisted in tracing the next of kin?

**Mr. Lesrima:** Mr. Deputy Speaker, Sir, I wish to be assisted to trace the next of kin, in this case, the father. The deceased was not married and he had served for one year and ten months. The father will be able to get his entitlement and I am sure Mr. Kiilu is in a position to do that.

*Question No.255*

ILLEGAL CONSTRUCTION OF POLICE  
FLATS AT CENTRAL POLICE STATION

**Mr. Ochieng** asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he could confirm that the Government is likely to lose Kshs.16 million as a result of the demolition of police flats at Central Police Station, Nairobi, which were constructed on a road reserve despite a warning by the Ministry of Roads; and,

(b) why the construction was allowed to go on and what action he has taken to ensure that the officers responsible for the loss are held to account.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) It is true that the Government may lose Kshs16 million following the demolition of police flats at Central Police Station. The Ministry of Public Works had not sent a prior warning that the flats were being constructed on a road reserve as alleged. The Ministry of Roads was part of an inter-Ministerial Police Task Force on Kenya Police Housing formed in March, 2004. The Ministry of Works carried out on-site investigations, topographical survey, design works and preparation of tender. During the site layout by the Ministry of Works, it was deliberately made sure that the new buildings were ten metres away from the Moi Avenue, University Way. However, during the whole process, it never occurred to the police department that the site encroached into the road reserve. It is at a later stage when the construction had already begun that Nairobi City

Council wrote to the contractor informing him that parts of the new blocks were going to be affected by the expansion of the University Way, Moi Avenue. On receipt of this letter, the contractor stopped the works and contacted the project manager who liaised with the Ministry of Roads to ascertain the position.

(b) On being informed by the City Council that parts of the new block would be affected by the expansion of the University Way Moi Avenue, a joint meeting between the Ministries of Roads, Public Works and the contractor was later held on 25<sup>th</sup> January, 2008 and a resolution made to the effect that the construction should go on as the proposed landing of the link road from Globe Cinema Round-about to Uhuru Highway through the site had been changed and, therefore, the new buildings would not be affected as previously indicated. Therefore, the contractor was allowed to continue with the works to completion.

**Mr. Ochieng:** Mr. Deputy Speaker, Sir, this is a very sad affair indeed. If you can remember, this particular Assistant Minister has been complaining about shortage of housing for police officers. At the same time, they have been complaining of being underfunded by the Office of the Deputy Prime Minister and Ministry of Finance and then they allow this kind of loss to take place in their Ministry. Could he tell us clearly who was actually to blame for this kind of loss?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, it is true that we have to reprimand the Ministry of Public Works. We have lost money and there was an interministerial meeting which I would want to share with my colleagues here. On 26<sup>th</sup> January, 2008, there was site meeting. I will just read one line on the way forward when they met. It says: "Engineer Nyakundi informed the meeting that the proposed landing of the link road from Globe Roundabout to Uhuru Highway, through the site had been changed, therefore, the buildings will not be affected as previously indicated." That was the meeting of January 26<sup>th</sup>, 2008 by the Ministry of Public Works. The reason why I am blaming the Ministry of Public Works is because they were not serious. In fact, we will send a demand note to get our money back in order for me to construct the housing units for the police. A consultative meeting took place on 26<sup>th</sup> January and resolved that the construction works continue as the landing for link road from Globe Roundabout to Uhuru Highway was changed to Old Nation roundabout along Tom Mboya Street. In other words, they were giving us a go ahead to do the construction of the housing units. So I squarely reprimand the Ministry of Public Works.

**Mr. Lagat:** Thank you, Mr. Deputy Speaker, Sir. I think the Government is not very good in planning because it spent a lot of money building a very big flat along that area and only when it was complete, they started demolishing the same building. Could the Assistant Minister tell us how much money had been spent on the flat that was demolished along that road?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I mentioned in my earlier reply that we have lost Kshs16 million as a result of the demolition of that particular block. You are aware that even within our CDF projects, we are having problems with the Ministry of Public Works. So this is nothing new to us. It is known that the Ministry of Public Works is not serious in doing their work. This House has to decide on what to do in order for us to have value for our money. On this particular one, I must give a demand note that Kshs16 million must be returned to us in order for me to construct the housing units for the police. Full stop!

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, the Assistant Minister has forgotten that the money being lost is not Government money *per se*. It is Kenyan taxpayers' money which has been lost. So if he is saying that he is going to raise a demand note to the Ministry of Public Works, it is again us Kenyans who are going to pay that Kshs16 million. I think the question is not who is to blame here. Could the Assistant Minister tell us what mechanisms he has put in place to surcharge this Eng. Nyakundi or whoever, so that Kenyan taxpayers can get back their money? If you send a demand note to the Ministry, it is Kenyans who will pay again. We want to know what mechanisms he has put in place to surcharge those people so that the officers we entrust with our money can get serious.

**Mr. Ojode:** That is a good question. Our client was the Ministry of Public Works. If the Ministry erred, they have to surcharge the engineers who misled them. As the Ministry of State for Provincial Administration and Internal Security, we are demanding money from the Ministry of Public Works. Let the Ministry demand and surcharge the officers who misled them.

**Mr. Deputy Speaker:** Hon. Ochieng, you have a supplementary one on the same?

**Mr. Ochieng:** I think the Assistant Minister has addressed my concerns. If they are going to surcharge the Ministry of Public Works and then in the end the Ministry of Public Works would now look for the money from whoever misled the entire Ministry, then that is okay.

**Mr. Deputy Speaker:** Fair enough. If you are satisfied, that is okay!  
Next Question, hon. Letimalo!

*Question No.333*

DELAYED DEPLOYMENT OF DISTRICT REGISTRAR OF  
PERSONS/DISTRICT CIVIL REGISTRAR IN SAMBURU EAST

**Mr. Letimalo** asked the Minister for Immigration and Registration of Persons-

(a) why it has taken so long to deploy the District Registrar of Persons and the District Civil Registrar to Samburu East District and when he will post the officer;

(b) why the processing of the National ID Card applications in the headquarters is slow and why there is a high number of rejected applications; and,

(c) whether he could consider decentralizing the processing of ID cards as a way of reducing congestion at the National Headquarters.

**Mr. Deputy Speaker:** The Minister of State for Immigration and Registration of Persons not here! The Question is deferred to next week. Yes, Deputy Leader of the Government Business!

**The Minister for Agriculture** (Dr. Kosgei): Mr. Deputy Speaker, Sir, I have no notification of their not being here. So they will be duly informed to be here on Tuesday.

**Mr. Deputy Speaker:** The Chair takes serious note of the manner in which Ministers quite often do not take the business of the House seriously. The Question is going to be deferred to tomorrow afternoon.

*(Question deferred)*

*Question No.338*

ISSUANCE OF TITLE DEEDS TO RESIDENTS OF KANGONDE LOCATION

**Mr. Mbai** asked the Minister for Lands:-

(a) whether he is aware that Kangonde Location was adjudicated in the year 1993; and,

(b) whether he could indicate when title deeds will be issued to the people of the location.

**The Assistant Minister for Lands (Mr. Rai):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Kangonde Location was adjudicated in 1993.

Identification of 3,532 records of Kangonde Adjudication Section have been finalized.

(b) The records are being processed in readiness for issuance of the title deeds due to commence in October, 2010.

**Mr. Mbai:** Thank you, Mr. Deputy Speaker, Sir. I would like the Assistant Minister to assure the House that these title deeds will be issued and there will be no further delay.

**Mr. Rai:** Mr. Deputy Speaker, Sir, my position is that issuance of title deeds will be done in October as planned.

**Mr. Deputy Speaker:** Fair enough! Yes, hon. Linturi!

**Mr. Linturi:** Mr. Deputy Speaker, Sir, the issue of inordinate delays in the issuance of title deeds by the Ministry of lands is not a new phenomenon. Maybe it would be of interest to know from the Assistant Minister what is the approximate time in which a Kenyan should wait for issuance of titles after the adjudication has been done and the maps have been submitted to the Director of Survey so that we do not permanently wait without knowing when we are likely to get them because this is happening, including in my constituency.

**Mr. Rai:** Mr. Deputy Speaker, Sir, if this House can grant my request for more finances, this work can be done within time, something I would really appreciate. Thank you.

**Mr. Deputy Speaker:** Next Question, hon. Chepchumba!

*Question No.349*

MEASURES TO CURB SPREAD OF "THE ROUGH DWARF" MAIZE DISEASE

**Ms. Chepchumba** asked the Minister for Agriculture-

(a) whether she is aware of a devastating new maize disease, "The Rough Dwarf" that has emerged in Uganda, threatening food security and

livelihoods of millions of people and, if so, what precautionary measures she is taking to ensure that the disease does not spread to Kenya; and,

(b) if she could clarify whether the disease has been fully characterized by strain and indicate the rate and scope of its spread in East Africa.

**The Minister for Agriculture (Dr. Kosgei):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the devastating new maize disease called “Rough Dwarf” which has been reported in some parts of Uganda. The following measures are currently being undertaken to ensure that the disease does not spread to Kenya:-

(i) The Kenya Plant Health Inspectorate Services (KEPHIS) is currently liaising with the National Plant Protection Organization (NPPO) and the National Crops Resources Research Institute (NCRRI), both of Uganda, to understand and characterize the causal organisms and magnitude of the disease.

(ii) The Ministry of Agriculture, together with its technical organization such as KEPHIS and Kenya Agricultural Research Institute (KARI), are currently creating awareness of the disease among agricultural extension workers and farmers, with a view to advising them on what precautions to take in the event of notification.

(iii) KEPHIS is currently carrying out surveillance at the Kenya/Uganda border to check disease entry by conducting grain and seed certification of imported grain and seed. KEPHIS ensures that visor-sanitary requirements that include seed treatment and imported grain permit issuance are met.

(b) The disease has not yet been fully diagnosed and characterized to understand its causes in Uganda and, therefore, I am not able to give the characteristics as requested because that is not yet available. The scientists have not concluded that research.

**Ms. Chepchumba:** Mr. Deputy Speaker, Sir, I want to thank the Minister for giving such an answer. This allays fears from the farmers. However, I would like the Minister to tell this House how many resistant varieties of maize have been developed in the country to resist such unexpected attacks?

**Dr. Kosgei:** Mr. Deputy Speaker, Sir, as I said, the scientists are still trying to establish what really causes that particular problem. In that event, it would be impossible to answer that question with statistics. But we are very alert and very aware. As you probably know, we have been aware for many other reasons, one of them being that we produce some of our seeds in Uganda. Therefore, we are totally focused on this issue. So far, it has not been detected here and, therefore, it is not possible to tell you how many varieties are resistant to a disease that has not been fully diagnosed.

**Mr. Deputy Speaker:** Ms. Chepchumba, are you satisfied or you have a final question?

**Mr. Chepchumba:** Mr. Deputy Speaker, Sir, I am satisfied.

**Mr. Deputy Speaker:** Fair enough!

*Question No.358*

STATUS OF FIGHT AGAINST MALARIA IN MIGORI

**Mr. Pesa** asked the Minister for Public Health and Sanitation:-



(a) whether she could clarify what has been accomplished in the fight against malaria and how many Insecticide Treated Nets (ITN) have been distributed throughout the country, particularly in Migori Constituency, since the project was initiated;

(b) whether she is aware that the trend in diagnosis and treatment has been negative, particularly on children, and is expensive and that artemisin-based combination therapy is also beyond reach; and,

(c) whether she could provide the breakdown of episodes and deaths in Migori Constituency and what remedy the Government contemplates, considering that the World Health Organization (WHO) has documented that approximately 250 million malaria episodes occurred in the year 2008, leading to 850,000 deaths.

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The fight against malaria in Kenya has received a steady increase in annual funding from Kshs120 million in 2002 to nearly Kshs4 billion in 2010. All of it comes from development partners. In this regard, my Ministry has achieved the following to date:-

(i) Decline in malaria prevalence in children less than five years from highs of 80 per cent to 17 per cent in 2007.

(ii) Decline in malaria admissions by 56 per cent in sentinel districts and by up to 63 per cent in parts of Coast Province.

(iii) Reduction in child deaths by 44 per cent attributed to the use of ITNs.

(iv) A 36 per cent reduction in under five mortality from 115 deaths per 1,000 live births in 2003 to 74 deaths per 1,000 live births in 2008/2009

(v) Infant mortality dropped by 31 per cent from 75 deaths per 1,000 live births to 52 deaths per 1,000 live births.

(vi) Approximately, 20 million ITNs have been distributed to children less than five years of age and pregnant women. Out of those, about, 9.5 million are the long lasting ITNs distributed since 2006. From January 2008 to March 2010, 164,440 long lasting ITNs have been distributed in Migori Constituency since that project was initiated.

To date, artemisin-based combination treatment or ACT is the most effective treatment for malaria in the world. ACTs were adopted as first line treatment in Kenya in 2006 and since then, are given free of charge in all Government facilities, mission hospitals and clinics. The subsidized medicines started to arrive in Kenya in August 2010 and will now be sold at a maximum of Kshs40 for the adult dose, down from an average of Kshs700 in private pharmacies.

(c) Data available shows that in 2008, there were 129,380 malaria cases and an estimated 260 deaths attributed to malaria reported from Government health facilities in Migori District. My Ministry is implementing the following interventions to curb illness and deaths:-

(i) Distribution of ITNs to pregnant women and infants through the clinics.

(ii) Mass distribution to cover the rest of the population is planned later in the year when funds become available. The funds have already been promised.

(iii) Treatment for malaria is given free of charge in all Government and mission health facilities. We should encourage people to seek treatment within a day of feeling unwell. Most deaths in children occur because treatment is sought too late.

(iv) Affordable artemisinin-based combination treatment is now available in private chemists and hospitals from August this year. In-door residual spraying in some districts around Lake Victoria as well as epidemic prone highlands districts to reduce malaria burden. Migori was one of the districts that were sprayed this year.

(v) Currently, pregnant women receive a free net and a free preventive treatment from the clinics during pregnancy.

**Mr. Pesa:** Mr. Deputy Speaker, Sir, I want to appreciate the answer given by the Minister. It is very elaborate; it actually goes very deep to explain to our Kenyan brothers and sisters what the Ministry is undertaking and, more so, the preventative measures that it is taking against malaria in this country. So, she should keep it up!

What I want to ask is whether she is aware that, despite the fact that she is stating here under the last page that malaria drugs are given for free, many people are still asked to go and buy malaria drugs once they have been diagnosed and found that they are suffering from malaria. Are you aware that those drugs are not available for free in our hospitals, especially in Migori?

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I am not aware that they are not available for free in Migori. I do not know whether the hon. Member means that the drugs are there but they are sold to patients. Does he mean that they are not there at all? If they are not there, then we will make sure that they are there. They should be there because, as you are aware, it is Kenya Medical Supplies Agency (KEMSA) which is responsible for distribution of all the medicines. My understanding is that they distribute. But I will double-check!

**Eng. Rege:** Mr. Deputy Speaker, Sir, I want to appreciate the work that the Ministry is doing in trying to eradicate malaria in our country by spraying insecticides to kill mosquitoes. I have noted recently in my constituency that there is an army of people going from house to house killing mosquitoes. I have a lot of mosquitoes in my house, and they told me that I would still see mosquitoes because they were trying to kill anopheles mosquitoes. Could the Minister assure this House that the spray that they are using is actually killing anopheles mosquitoes and not the male mosquito?

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, I do not know whether the hon. Member means that the male mosquitoes are not subject to killing, but we are spraying insecticides that kill all mosquitoes. Should there be any difference we would like to study it. I thought all mosquitoes die from insecticides.

**Mr. Ochieng:** Mr. Deputy Speaker, Sir, could the Minister explain whether this exercise of spraying mosquitoes in households will still continue around Lake Victoria? Could the Minister confirm whether the exercise will continue after the first phase, including in my area in Nyakach?

**Mrs. Mugo:** Yes, Mr. Deputy Speaker, Sir. It will continue. I know there was this worry that there was a shortage of funds for malaria, which appeared in the Press for quite a while. That was round nine of Global Fund. We have been able to secure enough money for spraying and for nets. The Global Fund will reschedule to round four. There have been different rounds awarded Kshs30 million. We have covered the whole shortage that existed. So, the spraying will continue.

**Mr. Pesa:** Mr. Deputy Speaker, Sir, while I still appreciate the answer given by the Minister, malaria is a big problem in Nyanza, in particular Migori. Statistics show that about 0.125 people died of malaria related diseases in the year 2008. This is a very big number, looking at our population of about 191,000.

Could the Minister step up her campaign against malaria in Migori, especially by taking over the facilities we have put up using CDF money? This will ensure that the distance covered by people travelling to Migori District Hospital may be reduced and they save time.

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, we have put a lot of effort in this area. I personally went to launch the spraying in Rachuonyo with the hon. Member for the area. My officers in that area really put a lot of effort and money into the exercise because those are the most difficult areas. We will step up the exercise as much as we can. As far as the clinics are concerned, we are now allowed to employ new nurses and other health officers. We will try and step up and open as many facilities as possible. The hon. Member must make sure that the nurses employed in his district do not get transfers and go elsewhere; we are working on that.

There is a discussion going on, but I do not know how it will go. Many countries in this region have actually switched to spraying DDT. It is something that we are looking into for public health only, and not for food and horticultural farms. South Africa, Tanzania and Uganda are using the DDT. Infact, we are the only country which is not using DDT. Swaziland has eradicated malaria through use of DDT. This is something I have discussed with the Minister for Agriculture. I hope that we will be able to come to a good decision, because many countries which have eradicated malaria, or mosquitoes, have used DDT for public health but not for agriculture.

**Mr. Deputy Speaker:** Fair enough. Hon. Members, Question No.362 by Mr. Waibara and Question No.378 by Mr. Mwakulegwa are deferred until tomorrow afternoon, and should be given priority on the Order Paper.

*Question No.362*

MEASURES TO ADDRESS UNEMPLOYMENT  
AMONG YOUTH IN GATUNDU NORTH

*(Question deferred)*

*Question No.378*

DELAYED REPAIR OF VOI-TAVETA ROAD

*(Question deferred)*

Next Order!

**POINT OF ORDER**

CLOSURE OF BUTALI SUGAR COMPANY

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. Two weeks ago you directed that the Minister for Agriculture responds to a Ministerial Statement which I raised on Butali Sugar Company in Kakamega. You had given her time because there were issues of the *sub judice* rule and so on. I notice the Minister has just stepped out. Could you direct that she responds in the afternoon?

**Mr. Deputy Speaker:** There will be a communication on the matter of the *sub judice* rule or no *sub-judice* rule. That will be done by the Chair; my presumption is for some time next week. Under the circumstances, until a communication is made from the Chair on the same the Minister cannot proceed with the matter, because that is the tradition; the Chair has to give direction.

Next Order!

**Mr. Mwadeghu:** Mr. Deputy Speaker, Sir, you have given directions on the last two questions on the Order Paper today. Are they meant to come today in the afternoon?

**Mr. Deputy Speaker:** No, tomorrow in the afternoon.

**Mr. Mwadeghu:** We were seeking your indulgence. It is not that we want to overturn your decision. The last Question on the Order Paper is so vital to us and the Minister is here to answer it. If it can be brought to the House this afternoon, we will really appreciate.

**Mr. Deputy Speaker:** With all your concerns and even those of the Chair too, it cannot be done because the Order Paper for the afternoon is already out. So, the earliest that you can have an opportunity to have it on the Order Paper is tomorrow. The Chair has directed that it be given priority so as to appear somewhere up there on the Order Paper.

Next Order!

## MOTION

### STRENGTHENING/WIDENING MANAGEMENT OF HELB

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, cognizant of the fact that since the creation of the Higher Education Loans Board (HELB), many students have benefited from the financing; aware that there has been an exponential increase in the number of students joining institutions of higher learning; concerned that the funding projections and amounts did not take into account the prevailing economic trends, this House urges the Government to treble funding to HELB, decentralize the operations of HELB, direct HELB to extend funding to all deserving cases of students joining institutions of higher learning, and strengthen and widen the management of HELB by ensuring representation from every part of the country.

Mr. Deputy Speaker, Sir, this Motion has been informed by the fact that the number of students joining universities has increased drastically over the past years.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Dr. Laboso) took the Chair]*

It has been a burden for both parents and guardians. All of us have had experience of how burdensome it is to assist students to join universities and pay for their fees. That is why I have brought this Motion, so that the Government can review the Higher Education Loans Board (HELB) once more with a view to increasing funding three times. We want to enable many students to access university education in this country.

Madam Temporary Deputy Speaker, at Independence, we did not have a university of our own. We had a technical college. In 1972, University College of Nairobi was upgraded to a fully fledged university. That served us up to 1981 when Moi University was established. Thereafter we had Kenyatta and Egerton universities. Since then the number of universities in the country has increased. We now even have private universities. This is a very noble idea because it is assisting our students to access university education instead of going to overseas universities.

We all know that many of students who join local universities come from poor families. Students run all over the place looking for Members of Parliament to assist them to pay fees. This is a very big burden to us. The Government should consider this Motion and if possible, triple the amount allocated for this purpose. In the current Budget, the Ministry of Education was allocated Kshs128.6 billion for Recurrent Expenditure and Kshs7 billion for Development Expenditure. To me, this is pathetic. The Ministry of Higher Education, Science and Technology was allocated Kshs7 billion for Development Expenditure and Kshs26 billion for Recurrent Expenditure.

Madam Temporary Deputy Speaker, considering that education is key to development of any nation, including our country; it is time that we had our priorities right. We need also to fund those sectors which will generate growth and development for our country. It is through investing in education that we will talk about developing our country. Even as we talk about Vision 2030, we shall require highly educated and highly experienced people who will be able to steer the economy to that level. So, we need to have educated people. Therefore, our people need not struggle so much to access education. The responsibility of the Government is to provide for its citizens. It is not good for our students to struggle for education and then, by the end of the day, they feel that there is nothing to contribute to the economy. They go and work at odd hours to fund education. We have institutions in this country which can also lend, but they do so at very high interest rates. This is why I came up with the idea that if the Government can look at the funding of this sector and allocate more money to HELB, it will benefit more students. Currently, the maximum loan HELB gives to a student is in the region of Kshs40,000 to Kshs45,000. The university fees for those going to private universities ranges from Kshs130,000 to over Kshs200,000. If a student is lucky to get a maximum of Kshs45,000, there is still big shortfall. If we triple this amount, we will be talking of about Kshs170,000. We now have a new Constitution and we want the economy to grow. We hope that we will be able to create employment for these students once they finish university so that they can pay back their loans. If they take a loan of about Kshs150,000 per year, times four years, it will come to about Kshs600,000. They should be able to pay back after they have completed their university education. We do not want our students to

do odd jobs and beg the entire place to pay for their education. I am sure we shall have many students joining university in future if we tripled allocation to HELB.

Madam Temporary Deputy Speaker, the allocation for HELB for the Financial Year 2010/2011 is about Kshs2.9 billion out of which Kshs2.7 billion is to be loaned to the students. The balance of Kshs200 million will be used towards administration and operation costs. Last Financial Year 2009/2010, the allocation was Kshs1.5 billion out of which Kshs1.4 billion was to go towards loaning to the students and about Kshs100 million towards administration and operations. When I compare these figures with the figures I have just talked about which we are putting to the sectors of education; both higher and basic education, it is a very minimal fraction. This is why I am urging the Government to relook at budget provisions for both higher and basic education and increase this amount three times, so that we have enough funds for administration and operations. I am recommending that the operation of HELB be decentralised. This is because some of the students who are supposed to benefit from this scheme do not get information on what goes on. As a result they do not know where to go. Most times they do not know what is available to them. As a Member of Parliament, it took me a long time to know how the Higher Education Loans Board (HELB) operates. You can imagine what happens to a student who is in the rural areas. Our country is vast. Think of the areas where we come from. There are areas which are far and communication is a problem.

We are, therefore, lucky that we have come up with counties as administrative units in the country. I recommend that we decentralize the HELB so that many institutions, students and parents can access information about its roles and the help they can get from it. The amount of money given for administrative purposes, for example, Kshs200 million in this financial year has to be increased so that we can run these offices within a decentralized set up.

Madam Temporary Deputy Speaker, giving loans to university students started between 1974 and 1975 although little amounts were given. However, to date, the loaning aspect of the Ministry has undergone a lot of transformation. I would like to stress that this was a very noble idea for those who accessed information on the operations of the HELB. The idea of decentralizing the operations of the HELB is meant to enable more students get more information and access the funding.

The other thing I noticed about the HELB is its conditions. In its forms, there is a space where Assistant Chiefs and chiefs endorse that they know where the students come from. With computerization and the kind of information we have, as long as somebody is a Kenyan, he or she should access the loans from the HELB. Loans from this Board are meant for children of this country. If you want a document signed in a certain area, you will be asked to produce a biro pen and so on. This is the case and yet we are talking about people who cannot afford some of these things. These are the people we want to assist.

Madam Temporary Deputy Speaker, I am happy that some sectors in this country are working. Many parts of this country are being connected to power under the Rural Electrification Programme. With computerization any eligible person, including those from well to do families, can cater for themselves. The loans from the HELB should be optional to those who can afford. That is how you make people responsible. It is in view of this that we should increase Government support to education so that our citizens can

access it. That is why I found it necessary to bring up this Motion. I believe all Members of Parliament have had problems in their constituencies with regard to assisting students pay for their education, particularly higher education.

The roles that will be played by the HELB, if we go by the new constitutional dispensation, will require men and women of high integrity. The roles will also require people who are well versed with education matters and problems that affect this country. We will also require people of credible reputation because we will deal with a lot of funds. I recommend that apart from decentralizing the HELB, it should also be restructured properly so that qualified and experienced people in this country can run it. We should restructure the HELB and strengthen it so that it can run on its own without interference from Government quotas.

Madam Temporary Deputy Speaker, with those remarks, I beg to move and request Dr. Khalwale to second this Motion.

**Dr. Khalwale:** Thank you, Madam Temporary Deputy Speaker. I wish to thank the Mover of this Motion because he has distinguished himself by the interest he has had in education matters during this Session. I hope the people of Vihiga have noted this because these are the kind of contributions that this country expects from us, as Members of Parliament.

I have a compelling basis for seconding this Motion. This is captured in the noble letter and spirit of this Motion which to me, I can only see two arms. The first arm is that the Motion intends to increase, in fact, by tripling the amount of money the Government will allocate the HELB. I beg all Members of Parliament to support this. The second arm is that the hon. Member urges the Government to ensure that the management of the HELB is done properly. The hon. Member, therefore, suggests that we decentralize the operations of the HELB to make it more accessible to those who deserve if not all.

It is very encouraging to note that just a few weeks ago Kenyans came out in their millions to give this country a new Constitution. Unknown to many Kenyans who voted maybe because their best politicians urged them to do so, by so doing, they have brought into force Section 53(1)(b) which makes education at all our learning institutions free and compulsory. If we will make education compulsory and free, we should ask ourselves where we want to drive these children to. Surely, from primary schools we want to drive all of them to secondary schools and thereafter to the university.

There is, however, a very worrying trend in this country. If the Government does not stem it, we will create a time bomb that will explode in our faces sooner than later. I say this with reference to the census that was released yesterday. The census told us that whereas we have 9.4 million children in our primary schools, just after eight years, only 1.7 million children will join secondary schools. Let us look at that dropout rate. After secondary school, it drops from 1.7 million children – the census results taught us yesterday - to only 198,000 children in all our universities. With 198,000 children in our universities, it means that only 2 per cent of the children who enrolled at primary school found their way to the universities. Even more worrying characteristic about that census was that the majority of these children who are at the university are actually from Nairobi, where the rich and moneyed of this country come from. We are, therefore, risking the creation of a class society. If we want to get rid of the tribal militia including *Mungiki, Jeshi la Wazee, et cetera*, we have to make sure that we fight the creation of a class society in this country. This is because they are the children of the poor who after

running out of options of graduating to the higher level of education, end up in petty crime and in the process, make our entire country insecure.

Madam Temporary Deputy Speaker, I want to cite Section 55(a) of our new Constitution. It provides that our youth must be given access to relevant education and training. Therefore, by so saying, this Constitution has now actually made in that particular Section 55(a), this to be a constitutional right. Therefore, the Government must be innovative through such a Motion to make sure that this Section 55(a) is implemented through the innovation as founded in this sort of Motion.

Madam Temporary Deputy Speaker, I cannot conclude without making a small comment about our teachers. Our teachers are the ones who preside over national examinations that enable our children to go to universities to access this Higher Education Loans Board (HELB), and I am glad the Minister is here. It is very embarrassing to see that the welfare of teachers is not addressed during national examinations. These teachers, to mark those examinations, are accommodated in dormitories where little boys and girls sleep. We allow adults like hon. Mwatela to go and sleep in a dormitory in a girl's school because they want to mark examinations. This kind of teacher is not properly motivated to be alert to give what the student deserves. More so, the remuneration is poor and even that poor remuneration is late to come.

Madam Temporary Deputy Speaker, I want to give a case in point and I hope the Minister will take action. The teachers of Kakamega East, that is, Shinyalu Constituency who supervised and invigilated the Kenya Certificate of Primary Education (KCPE) in the year 2009 have not been paid to date. We are expecting that in another one-and-a-half months time, they should go back and mark without being paid for the previous year. Is there any reason you singled out in the entire Republic, the teachers of Kakamega East, in particular Shinyalu Constituency not to be paid? Is it because in the entire Kakamega East, Kakamega Central and Kakamega South where I come from, there is no Minister? Is this a scheme to make us lose our re-election because our teachers will obviously say that we do not push their agenda?

Madam Temporary Deputy Speaker, I want to conclude by commenting on just one thing about the quality of university education as we now vote for more money to go to HELB. The quality of education at our universities is now in question because in my humble view, there is a lot more emphasis that these days is being put on the capacity of a student to finance his or her education rather than the capacity of that student to be able to sit for examinations and satisfy both the internal and external examiners. It is no wonder that these days, I meet some of my former classmates in "O" Level who did so badly and today they tell me; "I now have a degree or Masters in Business Administration and so on." What went wrong to the high standards at the universities where students used to be referred or discontinued? We cannot joke with the standards of education in this country if Kenya wants to be a model country in Africa. I say "no" to post-menopausal degrees. Let us allow those classroom spaces for our young people who got C+ and fund them through the HELB, and the old people retire and go and look after goats at home.

Madam Temporary Deputy Speaker, Sir, with those remarks, I beg to second.

*(Question proposed)*



**The Assistant Minister for Education** (Mr. Mwatela): Madam Temporary Deputy Speaker---

**Mr. Mungatana:** On a point of order, Madam Temporary Deputy Speaker. I was under the impression that he is the relevant Minister for Education and, therefore, should rise to respond and not contribute.

**The Temporary Deputy Speaker** (Dr. Laboso): As far as I am concerned, he is the Minister for basic education.

**The Assistant Minister for Education** (Mr. Mwatela): Madam Temporary Deputy Speaker, thank you for that correction.

Madam Temporary Deputy Speaker, I stand here to vehemently support this Motion. I have whispered with my colleague from the Ministry of Higher Education, Science and Technology that this is one of the best Motions that have ever come to this House. The system of funding education in our country has helped to perpetuate inequalities rather than encourage students who are able from all walks of life to acquire education. You will notice that a student who gets a C+ from a rural school in essence, has the same capabilities mentally with a student that gets an A in some of the so-called top schools in towns. It is my recommendation that as the Government, we do all that is within our ambit to ensure that all the students who meet the qualifications to go to universities get funded and access university education. I would like to say that, in the past, university education was for the selected few and the rich. It was the rich man's child who went to the best school and, therefore, got the best grades in the KCPE. He or she accessed the best secondary school and ended up with the best KCSE grade. He or she would then end up at the university through the Joint Admissions Board and end up accessing money from HELB automatically. We need to change that so that all the students who meet the minimum grade of C+, which is the minimum grade to access the universities, get the funding. They will then pursue the courses which they are qualified for.

The need to improve our transition rate right from primary schools to secondary schools cannot be over-emphasized. I would like to thank hon. Khalwale for pointing out that, indeed, our transition rate is very low. Only 2 per cent of those who join primary schools end up in universities. That is a shame to this country. In order to achieve the intentions of Vision 2030, we definitely need to change that as a matter of urgency. I will ask the relevant Ministry to ensure that this Motion is supported so that we can get extra funding. I am sure that this House will approve extra funding and we will fund not only students who attend local universities, but also those who attend universities in neighbouring States as well as abroad. If they can get access to those universities, they should be funded.

I beg to support.

**Eng. Rege:** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. I would like to support this Motion, but I will be very brief. Education is at the bottom of my heart and in my constituency, it is priority number one.

I want to ask the relevant Ministry to give HELB loans to all Kenyans who are seeking higher education, including those in technical schools and training institutes. I would like to see education being priority number one in this country, based on what I saw in Cuba. Education is a big investment for any particular country.

Three-quarters of students in institutions of higher learning are from very poor families which earn less than Kshs1,000 per month. Those families have, at least, more than two students in institutions of higher learning. It is most probable that they have sold almost everything that they ever owned in their homes to educate their children. We want to see Kenyans achieve better living standards. If we continue to tax them so that their children can go to school, I do not know where this country is heading to. I support this Motion by asking the Government to make funds available for all students who have achieved C+ and above who would like to achieve higher learning. They should get 100 per cent financial assistance so that they can achieve education and bring development to this country.

The Ministry of Higher Education, Science and Technology has not been given good funding. I would like to see the Ministry expanded to take care of higher education. When that is done, Kenya will get to where it is supposed to be in terms of academic achievement, industrial development and better living conditions. So, if we do not start doing that right now, Vision 2030 will find us at the bottom of the pot.

I support the Motion.

**Ms. S. Abdalla:** Thank you, Madam Temporary Deputy Speaker. First, I take this opportunity to congratulate hon. Chanzu for bringing this Motion which is very important and long overdue. Education is key to development of any country. It is important for the Ministry to establish the beneficiaries of that Fund. You will realize that those funds do not benefit the right children who are in need of getting to the universities. It is important that the universities put up systems where--- Most Kenyans are not aware of the existence of those funds, particularly at the grassroots level. It is important for the Ministry to come up with a system where all schools are aware, including parents and children that the funds exist and they can access them. Children who do well, particularly at the grassroots, should be in a position to access those funds.

HELB was established in this country over 30 years ago and every year, the Ministry allocates a certain amount of money to that organization. If this money was properly utilized and there was a system to recover it, by now, there would be a lot of money for students who are needy. But due to mismanagement or whatever it is in the Ministry, those funds are not enough to benefit the right needy children.

Hon. Mwatela has raised a very important issue about children who go to study outside the country. Their parents conduct fundraisings to educate them in universities outside this country. Sometimes, those children are not able to complete their education because of lack of funds. The parents are not, at times, in a position to finance them.

With those few remarks, I beg to support.

**Mr. Mungatana:** Madam Temporary Deputy Speaker, I would like to thank you for giving me the opportunity to also contribute to this Motion. The purpose of HELB is to help students waiting to join colleges and universities by providing finances in form of affordable loans or scholarships. The Motion that hon. Chanzu has brought deals squarely with the issue of financing students who are supposed to go to universities, but they cannot afford to do so.

Madam Temporary Deputy Speaker, it is good for us to remember the history of students financing in Kenya. In 1952, the Higher Loans Fund, a form of HELB, was formed. Its purpose at that time when we were still under the British colonial rule was the same as today; to help finance students for further studies. At that time, the financing that

was available was strictly for those who wished to study outside East Africa. It was on scholarship basis; there was nobody who was going to pay back. At that time, the students used to go to universities in the United Kingdom, South Africa and United States of America. Those were the days when the student population was very low. In 1952, the conditions were allowing even for full scholarships for students and many people benefitted. But times have changed just like the Motion has stated. The prevailing economic circumstances have changed. In fact, it is not the first time that we are thinking about how to change students financing. At that time, it became impossible to continue funding students solely on scholarships. It became impossible to cope because the numbers started increasing. The Government then responded by saying: Let us put up another scheme, which they called the University Students Loans Scheme. This was put and formatted in a way that showed that instead of people getting scholarships, which had become unaffordable, they should get loans. This means that people will be educated, but afterwards, they are expected to pay back. That was not successful because, at that time, people had the attitude of the earlier scheme in which people were not paying back the money. In fact, the University Students Loan Scheme, which was in place at that time, did not even have legal power to take back the money when people had already used. They could not effect the recovery of the money legally from those who defaulted the loans.

When HELB was set up in 1995, part of the things that it gave power to and created was the Act of Parliament that gave it power to legally recover the loans. The idea is, as we all know, to set up a revolving Fund. This Motion is saying that, indeed, the money that is available is insufficient. I wholly concur with the Mover of this Motion that the Government needs to treble these funds. A lot of times, whenever we in Parliament push for things to happen, the standard Government answer has always been that “we do not have enough funds”. I know that when political will is there and, indeed, we have some desire to push education forward in terms of higher education, we can move on. So far, we have done so well in terms of basic education, but there is no political will on the part of the Government to put enough funds for us to treble the funding that HELB needs to get. Our Motion here is urging the Government to find in itself, the will to find money from somewhere and triple the allocation for HELB. One of the things that this Motion is requesting, that I am also wholly in support of, is that we need to strengthen and widen the management of HELP by ensuring representation from every part of the country.

One of my favourite clauses during the Referendum campaigns in many parts of the country that I went to was Clause 130, which we now call Section 130, which requires that Cabinet Secretaries, read Government, will be appointed taking into consideration, ethnic and regional balancing. This is supposed to reflect the entire structure of the Government. This was not one of the sections that we said should be left hanging. It is a section that came into effect when the President promulgated the new Constitution on 27<sup>th</sup> August, 2010. This means that people from the Coast, where I come from, who have been marginalized, particularly in the education sector, must under the new Constitution, be given proper positions within the HELB management. We expect ethnic and regional balancing in this Board and in the management of HELB. You will find that many of our students who apply to HELB from Garsen Constituency and many other places get negative response. They are told that they cannot get these loans and yet,

when you try to find out, people tell you that “there is a way in which we can assist you”. This means that if you know some people there, then students are given this support.

Madam Temporary Deputy Speaker, this is a very critical element that must be addressed. There is complete imbalance in HELB as it stands right now. I am singling out HELB because it is on the Motion here, but there are many Government institutions that will have to be looked at afresh. For the life that is remaining of this Parliament, we are going to put the Prime Minister into a lot of intense scrutiny under the Prime Minister’s Question Time. He needs to show us how they are effecting the issue of ethnic and regional balancing in these institutions. Today, you heard it in the House how water resources are being taken to one place. It is a reflection of what has been going on in many Government departments. When the head is from a certain area, you find that all the members of the management team will be from that area. When the head is from a certain tribe, you find that all members of the management team are from that tribe. Here, we are saying that the people of Garsen, Coast and the rest of the country have equally contributed. This Motion is saying that we must strengthen and widen the management of HELB by ensuring representation of every part of the country in it.

Right now, if you look at HELB, you will find that the number of students who can be accorded loans for doctorate and masters studies is limited to only 200 per year. Right now, if you look at the demography of the students and go back to history, you will see that the Coast region has been completely marginalized. It is *kimenyano*. It is those people who know who that are awarded those scholarships. This Parliament is saying with one voice that we must pass this Motion and a message must be sent to HELB that it must reform with the new Constitution.

With those remarks, I beg to support.

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Madam Temporary Deputy Speaker, I thank you for giving me the opportunity to contribute to this Motion.

Although my party’s Secretary-General has really said what I wanted to say, I will continue from where he left – the issue of limiting the number of the masters and doctorate degrees students to 200. This shows that there is lack of capacity. It would be very sad for this country to have only 200 students undertaking masters’ and doctorate studies in public universities each year, given that we are talking of becoming a country with skilled labour.

You also realise that this small number is only based on merit. I think that is why hon. Mungatana was talking of the demography, whereby the Coast Province and other areas are left out. The 200 chances for masters and doctorate students are chosen on merit, and not on needs. It is, therefore, important that the official Government respondent takes this matter into consideration, because one could be going for masters or doctorate degree studies, but one has no financial needs. So, basing the distribution of these chances only on merit will marginalise many people.

Madam Temporary Deputy Speaker, the HELB was started in 1952, when Kenya was a British colony. During that time, it was called the “Higher Education Loans Fund (HELFL). As my colleague has said, the former HELFL had the capacity to offer scholarships then. That was changed after we took over Government. We liberalised it through an Act of Parliament in 1995. Its mandate was changed to be granting loans, which have to be paid back. Since 1995, only 279,534 students have benefitted in all our

public universities. The current enrolment in our public universities stands at 170,000 students.

For 15 years, we were able to give loans to only 279,000. This translates to a transition rate of only 2 per cent of those who enrol in Standard One annually; as hon. Mungatana said, this is the percentage that makes it to university. This is a very small number. Therefore, it is of paramount importance that we triple this Fund.

Madam Temporary Deputy Speaker, there is the issue of de-centralisation. Now that we have the counties, which we are targeting as the principal units of devolution, I was thinking that the problems we have had were due to lack of information, even though HELB has tried. They have had some achievements. For instance, the issue of online application. I know, is still limited to a certain number of people. We can enhance information dissemination by having officers based at the District Education Officers (DEOs) offices. I believe that we can have DEOs in all our constituencies, who will be dealing with HELB issues.

If we could have officers based at DEOs' offices to handle matters to do with HELB, those officers can visit secondary schools to explain to candidates how to access the HELB funds. Such an initiative can be of great importance. We also need to extend the access and eligibility of HELB to both private and public institutions, including to students who are abroad, as my colleagues have said.

Madam Temporary Deputy Speaker, more importantly, is the issue of middle-level colleges. This Motion talks of institutions of higher learning. My understanding of "higher learning" is any institution after a secondary school. We are leaving out a lot of very important middle level colleges, which also need to benefit from this Fund. That is the level at which we get the technical skills. This is where we need to train our people in order to be able to achieve what we are targeting in Vision 2030.

The process of downloading the HELB application form and going through it can be improved by making it a little bit simpler for the applicants to understand it better. There is also a lot of bureaucracy, where you have to start from the Assistant Chief. By the time you reach the HELB officer to whom you should hand your application, a lot of time is wasted. I feel that the information that the HELB wants to capture on that form can still be captured by simplifying that process.

Madam Temporary Deputy Speaker, even at the undergraduate level, HELB is limiting lending to only those students who are studying in Kenya. Previously, when we were a British colony, we were extending the scholarships to those students who were going to study outside Kenya, so long as they were going to Britain, South Africa and the United States of America (USA). However, we have now limited lending to students pursuing undergraduate studies in this country.

As much as we would like to promote our local institutions of higher learning, it is also good to diversify knowledge rather than be strict. We may have some students who may want to pursue their undergraduate studies outside this country. It would be fair for them, as citizens of this country, to be able to access and benefit from the HELB.

With those few remarks, I beg to support.

**Dr. Machage:** Madam Temporary Deputy Speaker, Sir, I thank you for giving me the opportunity to contribute to this Motion. I congratulate hon. Yusuf Chanzu for this very noble exercise of bringing this Motion to the Floor of this House.

Indeed, the increase of students has been exponential. During my time at the university in the 1970s, the total university population in the country was slightly below 2,000, about 30 per cent of whom were foreign students. We now have over 200,000 students in the universities, most of whom are from needy backgrounds.

Madam Temporary Deputy Speaker, the Fund, which was established in the 1970s, initially used to give grants. I remember that when the law was passed in 1995, HELB got powers to demand payment from all the students who had benefitted from it, even from the 1970s. I was a beneficiary at that time, and I paid back.

HELB is a revolving fund which used to have proper auditing and proper collection modalities; this enhanced the capacity of this Fund to support many students. I would not want to agree with Dr. Khalwale, who talked of exclusion from the Fund from what he called “people who have gone into menopause”. I think that was derogatory. When does men’s menopause start anyway? I think it was gender insensitive.

Madam Temporary Deputy Speaker, in any case, Dr. Khalwale may be propagating what I may call “academic dwarfism” by limiting the age at which people should have education. We would not have very eloquent and well exposed professors, whose lives are about having education throughout their lifespan; that was a bit myopic.

HELB should be seen to be well distributed. I am proud to say that one of the earlier chief executives of HELB was somebody from my own constituency. Indeed, Prof. Chacha Nyaigoti Chacha did a good job. Others may have followed his footsteps.

Madam Temporary Deputy Speaker, I do not agree that we have poorly qualified people in the management of these funds. They do not have enough funds to manage and hence, the poor management. Tripling this fund may not even be enough. I may not agree with Mr. Chanzu that the average amount of money paid by a student is between Kshs170,000 to Kshs200,000. Indeed, medical students pay up to Kshs800,000 per year. So, the scope which this fund has to cover should actually be wider than the originator of this Motion envisaged and hence, I think that this is the minimum that should be considered. We should consider tripling this fund. Decentralization of the fund is important in view of the new Constitution and the decentralization of most of the funds to the county level.

We should have equitable distribution of these funds. I would be very interested to see the records kept on who has benefitted from this fund. If that was to be tabled in this House, we could see how skewed this fund has actually been distributed to marginalize certain areas on purpose, either by design or whatever. You will be surprised at how this has been done. But anyway, we cannot really cry much about that. Let us solve and correct the situation as very well put by Mr. Mungatana.

Madam Temporary Deputy Speaker, the fund should be expanded to private institutions and we should redefine what we call higher education. I support what Mr. ole Metito said; that, Higher education does not only mean university education. We have post-secondary institutions which produce quite capable technicians, some of whom have been found to be more capable than university trained graduates in terms of professionalism. Therefore, the definition of higher education should be re-looked at in terms of the management of this fund.

The amount that is allocated to this fund, that is, Kshs2.9 billion this Financial Year, is a total abuse to the principle of giving education to Kenyans and making the society of Kenyans more literate. That is maybe, because of our limited resources. I think

there are certain Ministries which need more funding than others and it is important that higher education and especially, technically-based higher education, should be given more priority in terms of financing. The Higher Education Ministry is not a small or side Ministry as many people may want to believe.

Madam Temporary Deputy Speaker, we should also consider the distribution of this fund to different regions on the basic consideration of the poverty index. There are certain regions which are poorer than others. That is where the fund should be more concentrated. It should not be a fund that encourages more marginalization of poor areas by subjecting many students to a situation where they cannot be able to access higher education because they cannot fund themselves. Therefore, the poverty index should be very much used in deciding on where this fund should be distributed.

Madam Temporary Deputy Speaker, university education is a right. It is unfortunate that not everybody who has qualified to go to the university gets that access. This is an anomaly that must be corrected and must be corrected very quickly. Indeed, like one hon. Member said, a student who attains a mean grade C+ in rural schools could even be better than a student who has attained an A in the city. In any case, the distribution of resources in secondary schools is not equal and, unfortunately, the kind of education that we are going to encourage using the county system of government is completely going to negate our views on education achievements at a certain level because all the national schools as we know, are concentrated to certain very lucky counties. This could either be by design. I think that is what was aimed at in creating some of these levels of government. Alliance High School is now just a public school. This is a school that used to accept students from rural areas. It might not be possible now because of the political system that we have accepted.

**Dr. Khalwale:** On a point of order, Madam Temporary Deputy Speaker. With all due respect to my professional colleague, who is my senior, is he in order to mislead the country that the new Constitution will make it impossible for children to be admitted in schools outside their counties? Could he quote the section of the Constitution that provides for that?

**Dr. Machage:** Madam Temporary Deputy Speaker, the hon. Member who has raised the point of order is known to encourage academic menopause. He has said so eloquently in this House and I believe that is what he intends for the marginalized community.

**The Temporary Deputy Speaker (Dr. Laboso):** Dr. Machage, please answer the question as posed?

**Dr. Machage:** Madam Temporary Deputy Speaker, the understanding of the Constitution is subjective and my understanding of the Constitution---

**The Assistant Minister, Ministry of State for Defence (Mr. Musila):** Madam Temporary Deputy Speaker, my good friend used a terminology that I do not understand. Perhaps, he could enlighten the House and shed some light. He used the terminology “political menopause” and I wonder whether it is me who does not understand English? Is it Parliamentary? What does he mean?

**Dr. Machage:** Madam Temporary Deputy Speaker, indeed, I share the sentiments expressed by Mr. Musila. This is a statement that was introduced to the House by Dr. Khalwale. It is a medical term that describes a state at which a woman stops being fertile and he extended the statement to men and I complained to the Chair before Mr. Musila

came in. It is unfortunate that this time, it had to be used in that context, because this is a serious issue.

**The Temporary Deputy Speaker** (Dr. Laboso): Dr. Machage, your time is up!

**Dr. Khalwale:** On a point of order, Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Dr. Laboso): What is your point of order, Dr. Khalwale? Maybe, you could also explain because you are the originator of that term.

**Dr. Khalwale:** Madam Temporary Deputy Speaker, we are at a new point in life of this country. If members of the public will live thinking that some children will not be admitted to a school which is outside their county because of this new Constitution, that is going to have a direct impact on national cohesion. I beg that you insist that the hon. Member cites the part of the Constitution that provides for what he is saying or withdraw and apologize.

**The Temporary Deputy Speaker** (Dr. Laboso): Dr. Machage, could you please cite or withdraw that statement?

**Dr. Machage:** Madam Temporary Deputy Speaker, since the hon. Member knows that I have come to loggerheads with the Committee referred to as the National Cohesion and Integration Committee, he wants now to knock my head against that Committee. So, I will withdraw for that reason.

**Mrs. Shebesh:** Madam Temporary Deputy Speaker, thank you for giving me the opportunity to support this Motion brought by Mr. Chanzu. As I support it, I just want to mention a few issues. In the years before, during the time when we did not have many graduates, companies would actually go to the university and get students before they graduated. Today, we have many people who have graduated and who are selling maize on the roadside, are *matatu* touts or just lazing around.

Madam Temporary Deputy Speaker, the reason I am speaking about these issues is because I think it is about time the Government spoke with one voice. There is no point that this Ministry goes ahead to do good work in terms of uplifting the standards of the universities, increasing the number of students who are graduating but the same Government within the civil service trains its own people who have been working there for years; they get a degree and are promoted. The moment another position appears that needs a Masters Degree, they go for parallel course and get a Masters Degree, never creating the opportunity for the graduates who these universities are churning out in large numbers.

Mr. Minister, it would be good to hear from your Ministry really, when you do this work and then you get a block or a failure because the new graduates cannot get jobs in this country, and they instead become criminals or lay bouts--- Is there no way this Government can talk about honestly for once, implementing the issue of retiring people who have reached retirement age from the Public Service or giving us through the Ministry of Youth, what is the plan of creating new avenues for jobs for the young people of this country? We cannot be talking here about these things in isolation, congratulating you and knowing very well that at the end of the day, you will not have reached the goals for which we intend by giving these loans that we are giving. Anyway, how do you expect to collect the money that these students have been given because you can only collect from those who are working so that you can be able to increase your money? Where will you get it from that man who is a tout or that one who has decided to become a shoe shiner simply because they have no alternative? Really, the point I want to put



across is that the Government needs to work on issues of the youth together, the Ministry of Education, the Ministry of Public Service, in terms of jobs and I am sure, many other Ministries that you can think about but please work in tandem so that we do not do zero work. So that we do not do work that is called zero sum because you do good work but it does not translate at the end of the day, to jobs and sustainability for the young people of this country---

I beg to support.

**The Assistant Minister for Labour** (Mr. Ojaamong): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. First, I want to thank the hon. Chanzu for having brought this Motion at this time. If you went to the village in your constituency, in fact, the problem now is the students who have qualified to go to the university but they cannot afford to join. Even those who have applied are not sure as to when they will get loans from the Higher Education Loans Board (HELB). We have been doing fund raising in the villages to assist but this Motion tends now to address this problem in a holistic way. This is why I have to thank the hon. Chanzu. Now that we have the well performing Minister for Higher Education, Science and Technology, hon. Samoei, I am very sure the parents and students in the villages are going to have a sigh of relief when the problem that has been bedeviling them is sorted out.

Madam Temporary Deputy Speaker, I have been under pressure from my constituents that I allocate all my constituency CDF money to educate their children in the universities. In fact, if I was going to contest for a parliamentary seat next time, it was going to be a very big problem; thanks, that I am going for a governor's seat now. Otherwise, it was going to be a very big campaign issue. It is very unfortunate when you have students in the village who have qualified to join university but are unable to do so because they cannot access funds. We want to build the HELB so that it responds to the needs of our people. I want to be a part of those who contributed to this noble Motion which was brought by hon. Chanzu. I want to thank him very much because when we go for recess, at least, we shall tell our people that we have talked on their behalf and we have told the Government to do something about those students who are unable to finance their university education.

I beg to support.

*(Mr. Musila stood up in his place)*

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): On a point of order, Madam Temporary Deputy Speaker. This Motion has been sufficiently debated and we appreciate that we still have some Members who wanted to speak but also, we realize we are short of time. I beg to move that the Mover be called upon to reply so that we may dispose this important Motion.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Musila, I am informed that this is a timed Motion. Therefore, we cannot bring it to a closure and so, we will allow more Members to contribute.

**The Assistant Minister for Tourism** (Ms. Mbarire): Thank you Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion and I want to begin at the outset by congratulating the Mover of this Motion, hon. Chanzu, for seeing it fit to bring it to the floor of the House.

I stand here as a beneficiary of the HELB and I am very sure had I not had the opportunity to get access to loans to do my university education, I probably would not be standing here as a Member of Parliament. Therefore, I am standing first as a beneficiary who has paid back the loan and one who believes that this is a very important role that HELB plays and also, as an MP who has seen the number of university students who cannot access the loans. I want to begin by saying that this is a timely Motion. It is important that HELB gets more money from the Government to be able to give more loans to university students, especially now that we are having universities almost in every county where there is either one that has come up or is coming up. The major universities that we were aware of have now decentralized and moved to new places down to the villages. Therefore, university education is becoming readily accessible to many in the villages but we have the challenge of financing.

As an MP, I want to say that the bursary fund that we get through CDF is far from adequate in terms of financing university education and especially so, for those students who have joined university under the parallel programme or private universities. Therefore, it is important that HELB money is tripled. I think it needs much more than they already have, so that we can have more university students accessing this money and we can have more children, especially those from poor families being able even to go for a diploma and after a diploma, a degree because now the universities are readily accessible to them at the grassroots level. I hope that the Ministry responsible and I see the Minister here, will take this Motion very seriously and give the young people the chance to access university education.

With the promulgation of the new Constitution, I wish to remind this House that the Constitution says that the youth have a right to training and employment. Therefore, to make this possible, having HELB being able to give financial services to university students, will ensure that this right becomes a reality.

With those few remarks, I beg to support.

**Mr. Njuguna:** Madam Temporary Deputy Speaker, I also take this opportunity to contribute to this Motion in a very brief manner. Let me start by commending the Mover of this Motion, Mr. Chanzu, because the Motion is very timely. That is so because the population of students in our universities continues to improve. Let me also register my appreciation for the manner in which the CEO of the Higher Education Loans Board (HELB) is managing the institution. Let me indicate that the money that is allocated to each applicant amounting to Kshs50,000 is very much inadequate and, at times, parents who are vulnerable are forced to conduct many harambees in order to retain their kids at the universities. Therefore, that money is very inadequate and must be increased. We should also recognize the role that is being played by private universities like Catholic University of Eastern Africa (CUEA) and PCEA. Students admitted in those universities must also be supported. We need to expand the loans base. On the appointment of membership to that Board, the Board members must have a national outlook in terms of representation. Those appointed must be people guided by competence and ability to perform. Even the leadership of the Board should not be based on ethnic or tribal backgrounds. Therefore, this is a very important Motion that should get the support of the entire House.

With those few remarks, I very strongly support the Motion.

**The Temporary Deputy Speaker** (Dr. Laboso): I will now call upon the Government Responder to make his comments. I hope he is going to have enough time.

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Madam Temporary Deputy Speaker, I know the Mover will also be called upon to reply. So, I do not know if we have enough time. In other words, we want some kind of compromise. Otherwise, I would like to support the Mover of this Motion.

(Applause)

Indeed, we need to increase the amount of money that is available to our students in public universities as well as those in other institutions of higher learning. So far, as it has been said, almost 300,000 Kenyans have benefited from HELB. But we need to do much more. I also appreciate the fact that the allocation to the Ministry has not been as much as we would like. This year, we got only Kshs1.45 billion. Together with the recovery of Kshs2 billion, we had a total of Kshs3.45 billion available, although the demand is actually Kshs6 billion. So, there is the need for expansion.

I also want to say that with regard to information, there is much more than we know, beginning with secondary schools. There is information at the universities. There is also available information online for students. About 70 per cent of the applicants do it online. In fact, 80 per cent of eligible children apply and 94 per cent get that support. We agree on decentralization, but we need to harmonize and widen the net from where we get money to lend to our students. We can include the private sector, Constituencies Development Fund (CDF), religious organizations and research. We need to aim for more equity, even though that is already a target for the Ministry.

I would not agree that there is *kimenyanization* with regard to who gets the bursaries or scholarships as some hon. Members have said. I also do not agree that with the new Constitution, we are going to limit the number of candidates who benefit from national opportunities in higher education. I will conclude by saying that, ultimately, the number of students we will reach will depend on what progress we make in this country. If we make major strides in economic development, we will have parents who can pay. We will also have more resources from the Government to make them available to interested students.

With those few remarks, I beg to support.

**Mr. Chanzu:** Madam Temporary Deputy Speaker, I want to thank all hon. Members who have contributed to this Motion, starting with the seconder, Dr. Khalwale and ending with the Assistant Minister. I want to thank them for the keen attention that both the Assistant Minister and the substantive Minister have shown.

I am grateful that out of this, all hon. Members have agreed that the issue of trebling this fund should just be the bare minimum. We received information about issues which we did not take into account. There is a lot of information, for example, what Dr. Machage was talking about. I did not go into the technical and highly professional courses, which I am aware, cost much more. These are the areas where we need to train our people on mostly, if we are to industrialize by the year 2030. So, I really appreciate.

I would just want to mention the support by Mr. Mwatela, Ms. Shakila, Mr. Mungatana, Eng. Rege, Mr. ole Metito, Dr. Machage, Ms. Shebesh, Mr. Ojaamong, Ms. Mbarire, Mr. Njuguna and the Assistant Minister, who was the official responder. Mr.

Assistant Minister, the ball is in your court. It is gratifying that you are an educationist of high standing, and you understand what we are talking about. So, we are sure that you will help us to push this. We are talking about trebling the amount. I am talking about moving from about Kshs3 billion to about Kshs10 billion.

We have been very happy talking about a huge budget. We have been bragging that in the larger region here, we are the most prosperous economy, with a budget of Kshs1 trillion. So, if we have our priorities right, we do not even need to go and look for money elsewhere. It is a matter of just trying to juggle around with the figures. If within the last few days, when we were engaged in the celebrations we had at Uhuru Park--- I think the Minister for Finance or the Minister of State for Provincial Administration and Internal Security, has to come here and give us an account of the amount of money that was spent.

Almost Kshs300 million was spent on a single day's event and we are giving this institution only Kshs200 million to administer its activities for the whole year. I think we have our priorities upside down.

It was good we spent that money because we were celebrating an event which has taken us many years to achieve. It has taken people's lives. Maybe, it was also good for us to spend that money to bury some of the bad evils. If we can do that, it means we can actually raise money when we need it.

When we introduced the CDF in this Parliament, it was two and a half per cent. The former regime resisted it.

With those few remarks, I beg to move.

*(Question put and agreed to)*

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, it is now time to interrupt the business of the House. The House now stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.