

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 16th May, 2012

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker
(Prof. Kaloki) in the Chair]*

PRAYERS

QUESTIONS BY PRIVATE NOTICE

UPSURGE OF HIGHWAY BANDITRY ALONG MARSABIT-ISIOLO ROAD

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, although I have not received the written reply, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that a truck owned by M/s Sarimo Cooperative was attacked on 18th April, 2012 and six bullets remain lodged in the body of the truck driver, Mr. Gurachi Roba Gaache?

(b) Could the Minister indicate the number of incidents of highway banditry as well as the respective number of people killed or injured along Marsabit-Isiolo Road for the last two years?

(c) What measures will the Minister take to curb highway banditry along the road?

The Temporary Deputy Speaker (Prof. Kaloki): Well, the Assistant Minister is here and he will tell us why you have not received the written reply.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, it is true that I have not availed a copy for him, but I have it here with me.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Ojode, why did you not provide that particular answer prior to the hon. Member getting into the Chamber?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I have just received it a few minutes ago. So, I would plead with my colleague to let me continue.

The Temporary Deputy Speaker (Prof. Kaloki): Proceed, I think that would be all right with Mr. Chachu.

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

(a) I am not aware of any incident involving a truck owned by Sarimo Co-operative on 18th April, 2012 where the driver, Mr. Gurachi Roba Gaache, has six bullets lodged in his body as no records held by police in the area contains such a report.

(b) The following incidents of highway robbery have been reported along Marsabit-Isiolo Road in the last two years:-

1. In 2010, there was one incident where nobody was killed or injured.
2. In 2011, there were five incidences where one person was injured.
3. Since the beginning of this year, five incidences have been reported where one person died and another injured.

In total, there have been eleven cases for the last two years where one person has died and two others injured.

(c) The following measures have been put in place to curb the highway banditry:-

(i) Arresting of suspects with the most recent one occurring on 29th April, 2012 where a suspect by the name Benjamin Lematonyie, a notorious highway robber was arrested at Silolipi.

(ii) We are also intensifying both foot and mobile patrols along the road. It has also been proposed that mobile network providers boost communication along the route by constructing base transmission stations to enhance reporting of incidences to reduce delays in reporting once an incident occurs.

(iii) Police communication networks have been upgraded to link Marsabit South and Samburu East to help coordinate security operations within that area.

(iv) Plans are also underway to establish a new police station or a post at Loglogo and Kor divisional headquarters once resources are available. We have already requested for the money in order for us to establish a new police station at Loglogo and Kor. This is what we had already promised the people on the ground there sometimes back.

(v) Plans are also underway to post more security personnel along the area. Several *barazas* have been organized and held through the Provincial Administration to educate the area residents on the importance of the road and encourage them help police with information leading to arrest of bandits.

(vi) Community policing initiatives have been revitalized. More police officers have been deployed along the hotspots notably the Nomad, Tractor and Kambi Gada areas.

Those are some of the cases where we are getting keen interest on. I think that once these are put in place, incidences of insecurity will be reduced dramatically.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, on behalf of five Kenyans who were killed between the year 2011 and 4th May, 2012, I would like the Assistant Minister to listen to me carefully. There were those who were injured and have six wounds in their backs and some with broken legs. I can identify those people by name. On behalf of the six Kenyans who were robbed of all their properties, their animals off-loaded as they were going to the bus terminus in Nairobi--- I want to speak on behalf of the five other Kenyans who were attacked in the vehicle although they were not injured. I plead with him because Kenyans who are using this great road linking Cape Town and Cairo are listening.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Chachu! What is that you want the Assistant Minister to do for your people?

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I am explaining this for you to understand and appreciate because the Assistant Minister says he is not aware of this particular incident which happened on 6th April, 2012 where Mr. Gurachi Roba Gaache driving a lorry; KAS 704Q, belonging to Sarimo Co-operative was attacked and had six bullets lodged in his back. This incident was reported at the police station and then the driver was taken to Isiolo General Hospital. It is a pity he says he is not aware.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Mr. Chachu, I know you are upset.

Mr. Chachu: I am very upset!

The Temporary Deputy Speaker (Prof. Kaloki): I know you are upset and it is, indeed, correct that your people were attacked. Would you be specific on what you want the Ministry of Provincial Administration and Internal Security to do?

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I just wish you gave me the chance and listened to me, please, on behalf of those Kenyans listen to me. The Assistant Minister says he is not aware that Mr. Gurach Roba was attacked. It was reported at the police station and he was ferried by an ambulance to Isiolo General Hospital.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Ojode, are you aware of this incident and what measures are you taking to correct the situation?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the hon. Member is a friend of mine and he normally comes to my office, so that we can tackle some of these issues. I do sympathize with his emotions, but the police will only be aware when one reports at a police station. What he has said is true but if it is not reported to the police, you will not indicate that somebody has been killed. It will not be possible.

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very able Assistant Minister but he stands here in front of the entire Republic to tell the country that he is not aware yet the hon. Member is saying that it was reported in a police station and yet he is thinking about the emotions of an hon. Member. It is not the emotions of an hon. Member; it is the security of Kenyans. This Assistant Minister should be serious!

The Temporary Deputy Speaker (Prof. Kaloki): Fair enough! Assistant Minister, are you sure you do not know about this incident?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, for them to challenge my statement, they should give me the OB number. The reason why I am saying this is because if it is not reported---

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the hon. Member give specific details of not only the person who was attacked but the ownership of the vehicle and where the patient was taken. Indeed, I know as a matter of fact that this particular Kenyan was taken to Isiolo, then Meru Hospital and is currently at Nairobi West Hospital. Why does he need an OB entry when he is being told even from the Floor of the House that this happened? What steps will he take now that he has been informed because this is a fact? He can visit Nairobi West Hospital from here and find this Kenyan in hospital. What will he do when he visits and finds that?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a very genuine question and Mr. Imanyara has put it right. If it is true that this person has been transferred to the hospital and they never reported to the police, I would want this Question to be deferred so that my officers can go and check whether this particular person actually had a problem on the ground. I would also request that we go and visit the fellow in hospital and we will also take a statement from him. Otherwise as at now, we are not aware because he did not report this matter to the police station.

The Temporary Deputy Speaker (Prof. Kaloki): All right! Hon. Members, if you heard the Assistant Minister, he is requesting the Chair to allow additional time so that we defer the Question so that his officers can visit Mr. Gurach Roba Gaache at the hospital and take statements from him. You also need additional time to consult and come with an appropriate answer. You need time to complete your investigation and come with an answer and so I will

give you until tomorrow afternoon. That way you can use this afternoon to complete this because---

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I would request that you give me one week because I will send---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Assistant Minister! You have the police who can locate where this particular individual, Mr. Gaache is and you have the Member here. You can also consult with him and come with an answer tomorrow afternoon. That is the time I am giving so that we can handle it.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I undertake to take him to Nairobi West and even to Coptic Hospital where another patient is lying.

The Temporary Deputy Speaker (Prof. Kaloki): Very well! I am just directing that you consult with the Assistant Minister so that, first of all, you are satisfied that the particular investigation is going on and the Assistant Minister will come tomorrow to issue that particular statement with information pertaining to that particular individual.

Mr. Chachu: That is okay, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

SUBMISSION OF DETAILS ON KQ RIGHT ISSUE

Mr. M'Mithiaru: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) What is the Government's stake in the just concluded Kenya Airways Rights Issue and who were the transaction advisors or sponsoring stockbrokers?

(b) Is the submission of Provisional Allotment Letter (PAL) in a public placement like Kenya Airways Rights issue a separate service from the advisory services provided by Transactions advisors?

(c) What is the procedure of selecting stockbrokers for the submission of the Provisional Allotment Letter and does the Provisional Allotment Letter service attract a commission, and if so, how much will be paid to the submitting stockbroker(s)?

The Temporary Deputy Speaker (Prof. Kaloki): Where is the Minister for Finance? Let us allow him some time to get to the Chamber.

We will take the Question by Mr. Affey!

ORAL ANSWERS TO QUESTIONS

Question No.1296

PROVISION OF ID CARDS TO YOUTHS IN WAJIR SOUTH CONSTITUENCY

Mr. Affey asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that youths in Wajir South Constituency lack National ID cards;

(b) how many cards have been issued in the constituency since 2008 and if he could provide a per-administrative location list of recipients; and,

(c) what urgent measures the Minister has taken to register residents of the constituency.

However, I do not have a written answer.

The Temporary Deputy Speaker (Prof. Kaloki): Alright! Is the Minister of State for Immigration and Registration of Persons here? Let us allow some time for the Minister to get to the Chamber!

We will go to the Question by Mr. Mbai!

Question No.1468

UPGRADING OF SINGLE PHASE TRANSFORMERS
TO 3-PHASE TRANSFORMERS

The Temporary Deputy Speaker (Prof. Kaloki): Is Mr. Mbai in the Chamber?

An hon. Member: No!

The Temporary Deputy Speaker (Prof. Kaloki): Alright! We will give the hon. Member some time to get to the Chamber. I think we are also allowing some time for the Ministers and so, we will do the same for hon. Members.

We will now take the Question by Dr. Nuh!

Question No.1477

STATUS OF CONSTITUTIONAL BILLS

Dr. Nuh asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) whether he could explain the respective status of the constitutional Bills scheduled to be enacted by 27th August, 2012 in line with the Fifth Schedule of the Constitution; and,

(b) when each of the said Bills will be published.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, the answer I have for this Question is not sufficient to address the issues raised by my colleague. I have already shared with him and with the indulgence of the Chair, we have agreed that I answer this Question on Tuesday so that I avail proper information for this Question.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Dr. Nuh, I think you consulted with the Assistant Minister and you have agreed for the Question to come on Tuesday.

(Several hon. Members stood up in their places)

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, indeed, the Assistant Minister consulted with me and a number of hon. Members standing up and rising on points of order shows the importance this House attaches to this Question. I wish that the Assistant Minister who has shared with me that he will be ready with the answer on Tuesday comes true to his word and I

know he has done it in the past. I have no reason to doubt him and I think it is proper to indulge him until Tuesday.

Mr. Mbadi: On a point of order. Mr. Temporary Deputy Speaker, Sir. This Question is an Ordinary Question and so I expected the Assistant Minister to have had a bit of time to look at it. But this just shows that the Government is not even sure and aware of how far the constitutional legislations are. This is a very straightforward Question. If this Government was on top of things, this is a Question that should be answered in a matter of hours. The Assistant Minister has not given genuine reasons as to why this Question cannot be addressed today. I do not think this House should be satisfied just by blanket request that we should give him more time.

The Temporary Deputy Speaker (Prof. Kaloki): Very well! Can the Assistant Minister, please, take that note!

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir. Given that the Ministers depend entirely on civil servants who serve in their offices for answers, what measures is he going to take to ensure that the information that he is going to take once we give him this time to go back will be sufficient given that this is not the first time? Every Thursday when the Leader of Government Business stands up in this House to give Government legislative programme for the coming week, this side of the House is always rising to remind the Government that they are behind schedule in constitutional amendment Bills that ought to have been brought to this House. So what assurance can he give to this House that the people whose constitutional duty it is to prepare for these Questions which will be brought to the House, in fact, perform their task so that the Ministers can come to the House and actually give the National Assembly information that is not only accurate but is up to date? What assurance can we get that we will not get the same answer tomorrow and the same excuses given that there is no provision for us to take action against these officers who continuously mislead Ministers with information that is not accurate?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Assistant Minister, are you not consulting with the Attorney-General? This Question seems to be so obvious. Why do you need additional time to prepare for something which is so obvious? When will these Bills be published? The Question is so clear. Do you need a week to come with the answer? What is that you are going to research?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Temporary Deputy Speaker, Sir, the issue my colleagues have raised is really genuine. When we come before the House to answer Questions, it is important that we give answers that are satisfactory to our colleagues. I do not think my colleague, Dr. Nuh, is asking the Question in vain. He wants to know. I have always been very diligent because I would like my colleagues to have proper answers. You realize that these Bills are being done by various Ministries. The line Ministries are the ones who have been dealing with some of the matters. Then we have various stakeholders, for example, the Constitutional Implementation Oversight Committee (CIOC). So, when I answer the Question, I would like to give a specific position in terms of where we stand. You can only state when a Bill will be published when you have clear indication.

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. You realize that Ministers have a habit of walking into the Chamber and insinuating that they have spoken to Members. Are they aware that when a matter is before the House, it is no longer a Member's matter, but a matter of the House? Also, when did the Assistant Minister realize that the answer

he got from his officers is not good enough? He waits until the day he comes to the House to tell the House that he does not have a sufficient answer. This is intolerable. It is unacceptable. He should have known a lot time ago when he got the answer that it was not good enough and took a remedial action. We are wasting valuable time of this House.

The Temporary Deputy Speaker (Prof. Kaloki): You have done well, hon. Kabogo. Hon. Assistant Minister, the Chair will direct that you consult with all the relevant departments and come with an appropriate answer next Tuesday to deal with this matter.

(Question deferred)

Question No.1490

LACK OF ICU AT MACHAKOS LEVEL 5 HOSPITAL

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Munyaka not here? Let us wait a little bit for the Member to get to the Chamber.

Question No.1499

DELAY IN CONSTRUCTION OF KATITO MARKET

Mr. Ochieng' asked the Minister for Local Government:-

(a) why the construction of Katito Market under the *Economic Stimulus Programme* has stalled and how much money has been paid to the contractor so far;

(b) why the tender for the construction works was awarded to the second highest bidder contrary to the procurement procedure; and,

(c) when the construction works will be completed and handed over to the traders in Nyakach Constituency.

The Temporary Deputy Speaker (Prof. Kaloki): Is the Minister for Local Government in the Chamber? Hon. Ochieng', let us allow the Minister to get to the Chamber, then we will deal with that Question.

Question No.1500

MANDATE OF HIV/AIDS TRIBUNAL

The Temporary Deputy Speaker (Prof. Kaloki): Dr. Laboso! The Question will come up for the second round. Let us give Dr. Laboso some time to get to the Chamber.

Question No.1514

SKIRMISHES BETWEEN RESIDENTS OF ARABAL/KISERIAL LOCATIONS

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

(a) whether he is aware of skirmishes over grazing land that occurred between the residents of Arabal and Kiserial locations in early February 2012;

(b) when the Government will put up police posts at the two locations as resolved at high level peace meetings chaired by the Rift Valley Provincial Commissioner (PC); and,

(c) when he will also post an OCPD to Marigat District.

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

(a) I am aware of the skirmishes which were caused by animosity between the Turgen and the Njemps following the release of the preliminary report by the Independent Electoral Boundaries Commission on delimitation of electoral boundaries. The Njemps felt short-changed by the proposed merger---

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Have you heard the Assistant Minister referring to ethnic communities yet the Question is so clear. Is he not out of order?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, when we are dealing with an issue of this nature, we should sober up. The Questioner has a problem in his constituency and he wants us to assist him to solve that problem. Even if you want me to use other names, I will but the fact is that there are some who are dissatisfied with the delimitations of boundaries. So, can I continue?

The Temporary Deputy Speaker (Prof. Kaloki): You can continue! The Question is: Is the Minister aware of skirmishes over grazing land that occurred between the residents of Arabal and Kiserial locations in early February, 2012? He is dealing with the matter, hon. Kabogo! Proceed, Assistant Minister!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will continue.

Those people felt that they were short-changed by the proposed merger of Marigat and Saliban wards, which in their view would diminish their chances of ascending into positions of leadership. They were also arguing that the move would increase the number of those other people in the constituency. They therefore, moved their cattle to the boundary, sparking a bitter cross border cattle rustling between the two communities which left two people dead. The police moved in and recovered 97 herds of cattle and 24 goats which were later handed over to their owners. The police did a good job because they recovered all that was taken.

Marigat Police Station Inquest No.2/212 and 3/212 were opened to inquire into the deaths of Sarpti Lesita, aged 17 years and John Kedagor, aged 44 years, respectively. The two cases are pending under investigations and appropriate action will be taken once investigations are finalized.

(b) The Government also has established two Administration Police camps with adequate personnel at Muthulo and Musukulur within Kiserial Location which are six kilometers apart. The PSIC in collaboration with the local community is also in the process of putting up another AP post at Chamacha. Frequent mobile and foot patrols by the Marigat Police Station have also helped to curtail the recurrence of such incidences leading to restoration of normalcy. Security

surveillance and use of community policing initiatives to sensitize the locals on the need to co-exist peacefully are also contributing a lot to the maintenance of peace in the area.

In the last few years, the Government has created over 200 new administrative districts across the country in line with Vision 2030. However, development of new police divisions in the newly created districts requires considerable budgetary allocations. Given that we have limited resources available, developing these new divisions has been taking into consideration requisite security factors that inform prioritization of each based on the following:-

- (i) Availability of human resource or personnel.
- (ii) Trends and frequency of crime.
- (iii) Availability of funds.
- (iv) Demographic factors and population distribution.
- (v) Proximity to the existing police stations and divisions.
- (vi) Availability of land.

(c) Consequently, several new police divisions have been operationalised and the remaining including Marigat will be upgraded and an OCPD posted in line with the current development plan once the requisite structural and logistical facilities are put in place.

Mr. Mwaita: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has given a comprehensive answer and I am satisfied with what he has said. However, he has mentioned about the creation of two AP posts within Marigat. The issue was not about ethnic clashes. Could he avail a vehicle, so that the officers who have been posted there can track cattle rustling which is so rampant in the area? When will he do that?

Mr. Ojode: We intend to open two police posts within that area. That can be with immediate effect. Within two weeks from now, I will do that because it borders on security. Again, we are clearing some vehicles which are at the Port of Mombasa. Once we have cleared them, I will allocate one vehicle to patrol that area.

It is not just you! Once the vehicles have been cleared, we are going to distribute those vehicles to the constituencies. But I want to assure you that we are waiting for 97 vehicles. But the bigger fleet will be coming in the course of next financial year, which is July.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, how long will the clearing of the vehicles take?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I have already spoken to the Minister for Finance. I saw him here. I am just waiting for him to give us the letter of waiver in order for us to clear the vehicles from the port. So, if the Minister gives us that letter today, I am assuring Members that within a week or two, we will be able to give out those vehicles.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, if the cause of conflict between the two communities is about boundaries, what plans does your Ministry have to forestall future clashes between the two communities?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we have already encouraged leaders to sit down and talk among themselves. The MP has already agreed that he is going to do that in order for us to forestall the skirmishes.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that two people were killed. What measures is the Ministry taking to apprehend the suspects in order to lower tension in that area?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is why we have opened an inquest file. Investigations are going on and we will definitely zero in on those who did the killing.

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has acknowledged that the skirmishes were as a direct result of dissatisfaction with the electoral boundaries delimitation. Now, the law is very clear on what procedures ought to be followed when there are such disagreements about the boundaries. What steps has the Government taken to ensure that the law relating to the settlement of such disputes is followed, rather than invoking police mechanisms and opening inquests, when the law states clearly what steps should be taken and within what time so that the matter can go to court? What steps have been taken?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that particular incident was a local affair. It was local politics. So, what we encourage is that the local people should agree and sit down with their leader, who is the MP. The MP has categorically said yes. We are pursuing that. They have agreed to sit down and agree on what should be done and, whether the boundary will include those other locations or the boundary will not actually jump or consume the other locations.

They have agreed to go ahead. It is a local matter. Once they have decided on what they are going to do, then they will inform the Electoral Commission accordingly. Just like my friend is saying, the law must be followed. You cannot take the law into your hands and start beating or killing people simply because the other location has been included in the other boundary. So, we prefer encouraging people to follow the law to the letter. If you do not follow the law, we will show you how to do it by arresting you.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, some of our constituencies are along the Kenyan-Ethiopia, which are very porous and with no military presence but we have police stations with no vehicles. What will the Assistant Minister do to ensure they are facilitated to defend our intentional borders, which are so porous?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I have just mentioned here that we are waiting for vehicles. Once they arrive, we will give priority to areas which are expansive and prone to insecurity.

Mr. Temporary Deputy Speaker, Sir, then, we will have to wait again for the shipment of the rest of the vehicles which will be coming after July. I think he is one of the beneficiaries.

Mr. Temporary Deputy Speaker, Sir, it is not just Thika. Whatever we have, once we release them from the port, we are going to give them out to constituencies. That is because there are some police stations which do not have vehicles at all. So, we will start with those ones and then we go to the expansive areas.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for assuring this House that the Government will import vehicles for combating crime in this country. Could he tell this House what type of vehicles they have imported? That is because, ordinarily, they import saloon cars which are used in urban areas and not in rural areas. Could he assure us that they have imported proper and ideal four wheel drive vehicles that can be able to combat crime in the rural areas?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we have imported assorted vehicles. Ordinarily, I cannot release a saloon car to go to hon. Chachu's place. Definitely, we will use the saloon cars within the city centres or towns and then the Land Rovers, which are in those areas, will now be transferred to those areas where the terrain is not good.

Mr. Mwaita: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has mentioned about upgrading Marigat Police Station. Already, housing is available. He has given factors that they consider. Could he post an OCPD because the housing is already in place and the police

station is operational? Could he post an OCPD immediately, so that he or she can deal with the problem of insecurity in that area?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I will send my team to go and check whether there is housing and other facilities. It is not just a residential house. Once they come back and give a report, then I will be able to post an OCPD immediately. But let me, first of all, get the report from my team as to whether you have the facilities, which goes hand in hand with the housing.

Question No.1519

STATUS OF INVESTIGATIONS ON MURDER
OF KITHOME KING'OLA

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

(a) whether he could provide the report on the police investigations on the murder of Kithome King'ola whose body was found lying at Kyuuni Valley in Mutanda Sub-location, Mutyambua Location on 18th July, 2011, and,

(b) whether any suspect(s) have been apprehended and charged before a court of law.

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

(a) On 18th July, 2011, at about 6.00 a.m., some pupils spotted a naked body lying along the banks of Kyuuni seasonal river valley and reported the matter to the area Chief Mr. Raphael Mutaiti Kimilu, who reported the matter to the police. The police visited the scene and on searching, recovered a mobile phone and court bond bearing the names of Munga King'ola. The body was positively identified as that of Kithome King'ola, a known and notorious criminal, who had been charged with various charges of stock theft. At the time, he was serving a probation sentence after being convicted for the offence of stock theft vide criminal case No.432/137/2011 and 432/1130/2008 by Makindu Law Courts on 13th June, 2011.

(b) Following the incident, an Inquest File No.8/2012 was opened and it is pending under investigations. Once investigations are finalized, appropriate action will be taken against whoever is found culpable.

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, while I thank the Assistant Minister for the answer, I am amazed that the Assistant Minister is calling Mr. King'ola a notorious criminal. I am not aware that he was a criminal. What I know is that he is a citizen of this country and that his family has a right to be told by the Government who killed their father and their kin. The reason why I am asking this Question is to know whether the Government, through the Assistant Minister, is now able to establish who killed Mr. King'ola. I would like the Assistant Minister to tell us who killed Mr. King'ola. That is why this Question is here. We want to know - a year later - whether the family can now settle down knowing who killed their kin.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, it looks like this particular person was killed through mob justice. We are not encouraging mob justice. We are encouraging people to take whoever has wronged them to a court of law, so that the court decides what to do with him whether that person is a notorious criminal or not.

Mr. Temporary Deputy Speaker, Sir, the reason we have opened an inquest file is for us to identify the person who killed this particular fellow. I encourage hon. Member's constituents to avail information in order for us to speed up or fast track the investigations and arrest the person who might have murdered this particular individual.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has made an attempt to answer this Question. We know the cases of people being murdered all over the country are always discussed in this Parliament. I still have a similar case with the Ministry having not given a report of three of my constituents who were murdered a year ago. Whether this fellow is described by the Assistant Minister as a criminal or not, he is a Kenyan citizen who need to be protected. It is the responsibility of this Government to protect Kenyans and their property. His answer shows that they have already condemned him even before the investigations are completed. Could he assure this House that under whatever the circumstances a Kenyan is killed or murdered, it is the responsibility of the Government to protect all its citizens and their property.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, yes, indeed, it is the Government's duty to give protection to its own citizens and their property. Some of these cases happen at night. So, the Government would not immediately identify the person who actually killed this particular individual until investigations are complete. We concluded that he was a notorious criminal because we found on him a number of bonds and cases which are still pending in courts.

The Temporary Deputy Speaker (Prof. Kaloki): What items were found on the body?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we found on him the court bonds and the cases which he was attending.

Again, according to the preliminary investigations which we had done, we found that he used to steal cattle from the people locally. So, that notwithstanding, it does not necessarily mean that you can take the law into your hands and kill. That is why I was saying that I would not expect a Kenyan to take the law into his hands and kill an individual. It is better for that person to take him to court and argue his case there that this guy has stolen your cattle, cow, bull or whatever. It is the court to decide whether he is to be jailed, fined or whatever else it deems fit.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, are you assuring the House that you will continue with the investigations to find the killers?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we are continuing with the investigations and sooner or later, once the investigations are over, I will also be able to report what we have so far received.

The Temporary Deputy Speaker (Prof. Kaloki): Very well, I will get the last question from---

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to stand before this House and say that the reason and justification for referring to a Kenyan as a known and notorious criminal is because bonds were found on this person? We know that bonds are not evidence of crime, but evidence of a case going on in court. Is he suggesting that when a Kenyan is charged and before a court of law finds him or her guilty or not guilty, the Government or the police come to the conclusion that he is a notorious criminal? Is it in order for the him to shape the burden of proof and associate a person who is merely facing a criminal charge with the commission of crime; and then go on to say that he even knows that he was a victim of mob justice and then seek to justify that they have sought an inquest to legitimize what he is telling the House, that this is a known and notorious criminal? The only thesis they had is that they had possession of bonds in his pockets. Is this in order?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I did mention here that the preliminary report when the body was identified, the chief of that location did mention that this particular individual was a criminal. I believe that maybe he was wanted by the chief. The good thing is that it is commonly known within that location that he used to steal cattle from his neighbours and from the locality.

Mr. Temporary Deputy Speaker, Sir, I am not saying he was a criminal because we found a bond in his pockets, but I said that the preliminary report shows he was a notorious criminal.

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

The Temporary Deputy Speaker (Prof. Kaloki): What is it, hon. Imanyara?

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, under the provision of the Constitution, a person is presumed to be innocent until proven guilty by a court of law. Now the Assistant Minister is talking about a preliminary report from a chief, which he used to find the basis that this was a notorious criminal. We cannot let him get away lightly with this.

(Applause)

It is the same Government that every day, through the police spokesman, say “A notorious criminal was gunned down on some streets of Nairobi” without offering any evidence. Would he table the evidence before this House to show that conviction had, in fact, been imposed on this person he calls a notorious criminal, so that we can believe what he says, because I do not believe him?

The Temporary Deputy Speaker (Prof. Kaloki): All right, hon. Imanyara! Assistant Minister!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, ordinarily, in a population of 40 million people, we will indefinitely have criminals and it is known. Hon. Imanyara is a lawyer and he has been defending people, including those criminals also to bail them out.

Mr. Temporary Deputy Speaker, Sir, what we are saying is that the preliminary report is what we are using here. That is why we have opened an inquest file so that we know what happened to this particular person and who killed him.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Kiilu, ask your last question.

(Several hon. Members stood up in their places)

Hon. Kiilu, proceed, please!

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, I am amazed by the line of argument that the Assistant Minister is taking about. He has already criminalized this person and that he is already condemning him and asking constituents to give him support.

Mr. Temporary Deputy Speaker, Sir, last week, I had asked a similar Question where another citizen from my constituency and from the same area of Sultan Hamud Police Station jurisdiction was murdered on 2nd June last year. The Minister, by that time, had not concluded the investigations. Is it that the police in Sultan Hamud are overwhelmed and that they are not able to cope up in detection? This is now the second person to be killed.

Mr. Temporary Deputy Speaker, Sir, in Mutyambua, where this person was killed, we used to have Administration police officers in the chief’s office as part of beefing up the security in addition to the police. Could he consider posting back the Administration police officers to man Mutyambua Chief’s Office as a way of guaranteeing *Wananchi* that there is some form of

security and give them confidence that even if there are criminals, they are protected?

The Temporary Deputy Speaker (Prof. Kaloki): Very well; Assistant Minister, that is a fair request!

Mr. Ojode: That is quite fair, Mr. Temporary Deputy Speaker, Sir. If that can reduce the level of insecurity in that area, I want to assure the hon. Member that I will do exactly that. If that will reduce the incidences of insecurity, I will do exactly that.

The Temporary Deputy Speaker (Prof. Kaloki): Assistant Minister, by when? When are you likely to put post the APs to that place?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, we will have to sit with him so that we can identify the site, because I will need the housing; I will need other amenities in order for me to post them there---

(Mr. Kiilu stood up in his place)

The Temporary Deputy Speaker (Prof. Kaloki): What is it, Mr. Kiilu?

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, I have already said that there used to be Administration police officers in Mutyambua Chief's Office and the houses and the chief's office is there. All that we need are the Administration police officers to be posted even today and they will find housing. Could the Assistant Minister confirm that he can do so?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Ojode, could you confirm?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I will post the officers as from next week.

Question No.1585

DEATH OF ELIZABETH WAMBUI IN MOZAMBIQUE

*(Mr. Kabogo started reading out the
Question from the Order Paper)*

The Temporary Deputy Speaker (Prof. Kaloki): Order! Order! Hon. Kabogo, it is clear and the Minister will be able to take it up.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, precedence in the House is that it is allowed, unless you would want to change that precedence.

The Temporary Deputy Speaker (Prof. Kaloki): Just call it Question No.1585 and the Minister will proceed to answer. I think that has been the tradition.

Minister for Foreign Affairs!

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Just for the sake of procedure and rules, would I be in order to state that you have now changed the fact that an hon. Member can read a Question, so that we know that it is a new rule?

The Temporary Deputy Speaker (Prof. Kaloki): Order! Hon. Kabogo, we have been calling out the Question numbers. That has been the tradition that we have been following. Even this morning, that is how we have been dealing with Questions.

Proceed, Minister!

Mr. Kabogo asked the Minister for Foreign Affairs:-

(a) whether he is aware that a Kenyan citizen, Ms Elizabeth Wambui Macharia, died and was cremated in Mozambique, leaving behind her two sons Messrs George Kanja Wambui and Jeremy Scott Sippo aged 17 and nine years respectively, stranded in Maputo since November 2011; and,

(b) what urgent measures he has taken to ensure safety of the two children and when they will be repatriated to the country.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Bw. Naibu Spika wa Muda, mhe. Kabogo---

Mr. Chachu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to respond to this Question in Kiswahili when it was asked by the Questioner in English?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Chachu, you are right. Hon. Kabogo asked the Question in a language which is different from the language that the Assistant Minister is responding with. You are using Kiswahili, when he used English. Could you, please, answer the Question in English, also to allow hon. Kabogo adequate proficiency to interrogate you?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Temporary Deputy Speaker, Sir, I oblige.

I beg to reply.

(a) Yes, we are aware that Madam Elizabeth Wambui Macharia died and was cremated in Mozambique. Elizabeth's mother came to the Ministry of Foreign Affairs on 24th January, 2012 and informed the Ministry that she had passed on while in Mozambique. Madam Wambui left behind two sons, one George Kanja, who is 17 years old and Jeremy Scott Sippo, aged 9 years.

(b) I would like to inform the House that Madam Elizabeth Wambui's mother, Mrs. Nelius Kanja, asked the Ministry of Foreign Affairs whether we could provide the necessary help that she required of repatriating the ashes of her daughter and bring to Kenya her two children. After we received this information at the Ministry of Foreign Affairs, we then authorized employees of the Kenyan Mission in Harare – because Harare is accredited to operate in Mozambique and other states in the southern Africa – to travel to Mozambique and find out whether:-

(i) the children were surviving and comfortable wherever they were; and,

(ii) there was a possibility that these two children could actually be brought back to Kenya.

The officials of the Kenyan Embassy, after travelling, gave us a report back and told us that we had two problems. First, the children did not have travel documents to travel back into Kenya, because their names had been superimposed on their mother's passport. That had to legally be sorted out before they could be brought back. Secondly, after the Kenyan Government officials who work with the Ministry of Foreign Affairs contacted the children, they agreed that they were willing to come back home, as per the wishes of their grandmother, as soon as the necessary arrangements were done.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, that is a very sad story. From the answer given by the Assistant Minister, he has left out the fact that the Government found out that these kids were malnourished and the elder one was doing menial labour to feed the younger one. It is in his written answer. This Government is spending millions of shillings and every weekend Ministers shuttle in helicopters, yet they cannot bring young Kenyans back to this country. Is this not a shame? When will these children be brought back to Kenya?

Hon. Members: Shame! Shame!

The Temporary Deputy Speaker (Prof. Kaloki): Order, Assistant Minister! First, what immediate measures is your Ministry taking to make sure that these two kids are taken care of in terms of foodstuffs and their wellbeing? Is that taken care of at the moment?

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, I actually was not evading the answer which I drafted and gave to my colleague. The reason I did not discuss the details is because I did not want to belabour the House with a lot of details on the issue. But, one, we are very proud that Government officers travelled down to Mozambique and looked for these children. They ascertained their health status and it was not good. They brought the report back to the Ministry of Foreign Affairs and we are now preparing tickets for these children to be brought back. The grandmother to these children had actually done a mini-fundraising and raised Kshs100,000. The Ministry of Foreign Affairs has committed to raise the balance of the money for the tickets for the children to be brought here as soon as possible.

Mr. Temporary Deputy Speaker, Sir, before I sit down, I would request this House that since we are currently discussing the Budget, it is imperative that this matter is discussed. Funds should be available to us, so that when a Kenyan dies anywhere in the world, we are able to bring them back home. The reason the Ministry of Foreign Affairs has had problems with this, is because we have never been given budgetary allocations for the same.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Assistant Minister! There is the issue of this particular child who is nine years old. What is the immediate assistance that your Ministry is providing to the two kids to meet their needs before you bring them back to the country? Are you meeting their day-to-day needs?

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, as I said, the Ministry of Foreign Affairs officials travelled to Mozambique and since then, they have been providing the basic necessities for the children to survive on until we can bring them back. We have been giving them some little money to buy food and sustain themselves as we prepare the documentation for them to come back.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, in the written answer, the Assistant Minister has told us that the little boy, aged 9 years, is not going to school. He has also told us that the 17 year old boy is doing casual work, which in effect also amounts to the fact that the child is being abused. In view of the fact that in the Assistant Minister's office and all the Ministries of the Government they are even supplied with fresh flowers every morning and spend millions of shillings on them, why is it taking too long for them to bring the children, because a ticket does not require two days to prepare? When are you going to bring the children? Is it tomorrow or Monday?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, is the 17 year old still engaging in child labour down there in Maputo?

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, I cannot verify that aspect right now. What I can verify is that, yes, we have made arrangements. Sometimes Government procedures take a little longer, but we have verified and these children---

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, in the event that the Assistant Minister's memory has a problem, I would like to read for him. He says:-

“Through telephone communication and visit, it was established that since the demise of the late mother, the children have been living with her friends. However, the family which is accommodating them is not able to provide food daily and so, the elder brother has to do some casual jobs to supplement food provision.”

Mr. Temporary Deputy Speaker, Sir, that means that the boy is working!

Hon. Members: Shame! Shame!

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, what is the Ministry doing at the moment to provide basic needs to these children who belong to Kenya?

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, this report about what the young man is doing was written about a month ago. This is what we found on the ground. After our Government officers left Mozambique, they went back to Harare and the Ministry of Foreign Affairs authorized them to release some money to the children to survive on until we bring them back. If the Member wants me to lay on the Table how much money we have spent, I will do that. However, it is not money that will make them enjoy luxuries but they are surviving and feeding themselves until we are ready to bring them back.

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I would like to ask the Assistant Minister whether he would like us who are in this House to do a fundraising for the Government to bring these children back to Kenya.

(Applause)

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, if the House Members feel in good faith that they would like to contribute money towards this good course---

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister---

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, I have already said that the Ministry of Foreign Affairs will give them tickets as soon as possible.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Assistant Minister! When will you issue the tickets to make sure that you bring the two kids back to Kenya? By when?

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, I cannot give you that answer right now because I have to speak to my Permanent Secretary who will then authorize. However, the commitment on the amount of money to be given for tickets is in the report that I have given my colleague.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Assistant Minister. Can you handle this matter a little bit more professionally and within a week or two? Give an assurance to the House and to the country. When will you handle this issue? Do you need two weeks?

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, I need about a week to make sure that the children come back to this country.

Mr. Mwangi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The children could have walked to Kenya.

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has indicated that one of the problems he is having in getting these children back in Kenya and presumably that is why the officials who drove to Harare left the children to suffer in slavery is because their names were superimposed in their mother's passport and, therefore, they do not have travel documents. Could the Assistant Minister tell this House what specific steps he has taken to ensure that these children have travel documents; that even if they have the tickets today, they are able to travel? This is because there is no point in providing the tickets if they do not have travel documents.

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, I would like to inform the House that the travel documents are now ready. We are just waiting for the approval of the funds for the tickets to be provided.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, the issue of two little boys whose mother is dead and cremated being left in servitude in a foreign country is so critical that I request that this Question be deferred until the Assistant Minister comes to report to this House, at the end of the seven days that the children are back in Kenya, safe and landed.

Mr. Chachu: That is the point of order, Mr. Temporary Deputy Speaker, Sir, I wanted to raise. The Chair should postpone this Question until the Assistant Minister gives us an assurance that the children are back home.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, while I want to support Dr. Khalwale's sentiments, I also wanted to request, through the Chair whether the Assistant Minister could tell us whether they have already airlifted these kids from Mozambique and that they are in safe custody of the residence of the Ambassador in Harare because that is what it should in ordinary sense if this Ministry cares for Kenyans abroad.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Assistant Minister! Where are the kids at the moment?

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, there is a Kenyan who is the head and the Chairman of the Kenyan members of the Diaspora in Mozambique who is staying with these children. Number two, I wanted to mention to you and to the House that the issue which Dr. Khalwale has raised over the fact that we should wait until we give a report in one week--- Every single commitment that the Ministry of Foreign Affairs has given on repatriating Kenyans from, for instance, Libya we did it and finished it. We repatriated Kenyans from Lebanon. We have repatriated Kenyans from West Africa, and in this case, we will do it. The only challenge we have been having, as I said, has been on money and I believe that the Ministry is doing something about it. We have made a request to this House for you to give us emergency funds which will help to repatriate Kenyans once we have these problems.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, because I want this matter to rest there, could you assure the House that by Wednesday, next week, the two boys will be in this country?

Mr. Onyonka: Much obliged, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Kabogo, your last word!

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, this Government of collusion---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Hon. Kabogo! This is a Government of grand coalition!

Mr. Kabogo: Yes, it is a Government of grand coalition, Mr. Temporary Deputy Speaker, Sir. I beg your pardon. If you heard the last sentence that I read, it says: "As a result of the circumstances, the boys were in bad shape, malnourished and looking sickly. They also do not attend school." This is from the Government and yet you will remember that a few weeks ago when the Mr. Minister in charge of that Ministry was held in Mali, they took a Jumbo Jet 747 to get him from Mali and bring him back to Kenya. This is the case and yet they cannot bring two young boys back to Kenya.

(Applause)

Hon. Members: Shame! May God forgive them!

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, what is the priority of this “collusion” Government if they cannot bring young boys back to the country? When will they bring them back? I am offering myself to go with the Assistant Minister to Mozambique and get them on my account. I will go there myself. This Government has failed. It has failed completely!

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, your last word. I want you to be very brief. You have already given an undertaking. Just confirm that by Wednesday the children will be back in the country.

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, I believe that unless something drastic happens, the children will be here by Wednesday. However, I want to state that, at least, the Ministry of Foreign Affairs has given you the true position of these children. We do not try to sugar-coat this position. However, the Ministry of Foreign Affairs does not have funding which is used for repatriating anybody. However, we will bring the children back to the country.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, just confirm that again!

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, we will repatriate the children back to Kenya because we love them.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, by when?

Mr. Onyonka: Mr. Temporary Deputy Speaker, Sir, by Wednesday, next week.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you very much.

(Applause)

QUESTIONS BY PRIVATE NOTICE

SUBMISSION OF DETAILS ON KQ RIGHTS ISSUE

The Temporary Deputy Speaker (Prof. Kaloki): Hon. M’Mithiaru for the second round!

Mr. M’Mithiaru: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) What is the Government’s stake in the just concluded Kenya Airways rights issue and who were the transaction advisors or sponsoring stockbrokers?

(b) Is the submission of Provisional Allotment Letter (PAL) in a public placement like Kenya Airways rights issue a separate service from the advisory services provided by transactions advisors?

(c) What is the procedure of selecting stockbrokers for the submission of the Provisional Allotment Letter and does the Provisional Allotment Letter service attract a commission, and if so, how much will be paid to the submitting stockbroker(s)?

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I apologise since I was not here during the first round. We have spoken with the hon. Member. This Question was only received in our office yesterday and in fact, immediately we received it we wrote to the Clerk that it will not be possible to answer it today but I have talked to the hon. Member and we have agreed that we can deal with it tomorrow afternoon.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. M’Mithiaru, can you confirm that?

Mr. M’Mithiaru: Mr. Temporary Deputy Speaker, Sir, indeed I have talked to the Minister and I agree that we can deal with the Question tomorrow afternoon.

The Temporary Deputy Speaker (Prof. Kaloki): Very good. Then I will defer the Question to tomorrow.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.1296

PROVISION OF ID CARDS TO YOUTH IN WAJIR SOUTH CONSTITUENCY

Mr. Affey asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that youth in Wajir South Constituency lack National ID cards;

(b) how many cards have been issued in the constituency since 2008 and if he could provide a per-administrative location list of recipients; and,

(c) what urgent measures he has taken to register residents of the constituency.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Temporary Deputy Speaker, Sir, I want to apologise for coming late and I have informed the hon. Member that I did not have a comprehensive answer because there were two different Questions asked by the same hon. Member and somehow my staff answered a different Question from the Question that is on the Order Paper. So, we have agreed that if you allowed us two weeks, we will come with a proper answer.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Affey, can you confirm that discussion?

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I confirm only that it is important to note that his staff are not aware of the Questions that are asked and answered in this House. I agree with the Minister that we defer it but in the meantime since time is of essence, that the registration exercise of ID cards begins in Wajir South as soon as possible because it is not happening.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Temporary Deputy Speaker, Sir, let me confirm that the registration is actually going on in Wajir South. What is not going on is intensification of that registration and I am going to take it upon myself to make sure that mobile registration is intensified and by the time we come back, I will give an update of what we have done.

The Temporary Deputy Speaker (Prof. Kaloki): Then we will defer that Question to two weeks from today.

(Question deferred)

The Temporary Deputy Speaker (Prof. Kaloki): Next Question by Mr. Mbai!

Question No.1468

UPGRADING OF SINGLE PHASE
TRANSFORMERS TO 3-PHASE TRANSFORMERS

Mr. Mbai asked the Minister for Energy:-

(a) whether he is aware that electricity projects at Ikatini Market, Ikatini Secondary School, Kathiini Market, Kathiini borehole, Kathiini dispensary, Itunduimuni Market, Itunduimuni dispensary, Mathauta Secondary School, Kwawanzilu Market, Kwawanzilu borehole and Kwawanzilu Secondary School were commissioned in 2008;

(b) whether he is further aware that all these institutions were supplied with single phase transformers; and,

(c) what measures he will take to ensure that the transformers are replaced with three-phase transformers.

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

(a) I am aware that electricity projects at Ikatini Market, Ikatini Secondary School, Kathiini Market, Kathiini borehole, Kathiini dispensary, Itunduimuni Market, Itunduimuni dispensary, Mathauta Secondary School, Kwawanzilu Market, Kwawanzilu borehole and Kwawanzilu Secondary School were commissioned in 2008.

(b) I am also aware that all these institutions were supplied with single phase transformers.

(c) Kenya Power Company (KPC) will replace single phase transformers with three-phase ones when consumption of power in each area demonstrates the need for three-phase electricity connectivity. I would also like to add that single phase transformers are installed on the basis of demand assessment undertaken both by KPC and Rural Electrification Authority (REA). However, as demand rises such transformers are replaced with three-phase ones.

Mr. Mbai: Mr. Temporary Deputy Speaker, Sir, if you look at this Question it is addressing public institutions like secondary schools and boreholes. These are very important institutions for the public. The Assistant Minister is not addressing this Question to my satisfaction. When he says that KPC will replace single phase transformers with three-phase ones when consumption of power in each area demonstrates a need for three-phase electricity connectivity, I do not understand him because these people need these services.

Could he come out clearly and tell this House when he is going to replace these single phase transformers with the three-phase transformers because people are suffering in that area?

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, if the hon. Member heard me clearly, I said that the single phase transformers are always fixed and the three-phase ones can be put on demand and while I appreciate the fact that these are public institutions if---

Mr. Mbai: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to inform the hon. Assistant Minister that the single phase transformers were put there by the officer who was in charge in 2008 during the December celebrations. He told me that he was going to put up the transformers so that people could celebrate their Christmas and then later he would replace them. Could the Assistant Minister come out and tell us when he will put up the three-phase transformers?

The Temporary Deputy Speaker (Prof. Kaloki): Order, Assistant Minister! These are institutions within the Rural Electrification Programme which normally have three-phase transformers. I think that is the question. When are you going to install and change the transformers from single phase to three-phase?

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, in all public institutions, we supply electricity on demand. We have provided the connectivity. The transformer installations depend on what the customer requests to be connected with. If they ask for a single phase connection that is what is going to be done. The hon. Member has just confirmed that it was a stop gap measure to allow his people celebrate Christmas. So, I think he is confirming that there was an arrangement and since he has brought this to my attention, I am going to ensure that the promise is fulfilled, the way it was agreed upon.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Assistant Minister! Are you then assuring the House that you will be able to convert all the single phase connections, depending on the demand, into three-phase?

Mr. Magerer: Yes, Mr. Temporary Deputy Speaker, Sir. I said that if there is a demand we will do that and since the hon. Member has raised the issue, I am going to instruct my officers, especially the KPC to ensure that this is done with immediate effect and it also applies to any other connections that need to be done for the public and that requires a three-phase connection. It is not really a problem to change the transformers. We have them. We have single phase and the three- phase ones and we do not need to put a three-phase transformer where there is no such demand.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I want to commend the Assistant Ministry for the supply of electricity to rural areas. However, is he aware that several transformers that they have been fixing have been blowing up within a day or two days? Could he inform the House what he is doing to ensure that they purchase quality transformers that can last longer?

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, transformers that we put up are above board in terms of the standard specifications. However, you cannot rule out a situation where we have transformers blowing. I think we have been able to replace and ensure that Kenyans remain connected. I would also want to urge the hon. Members to help us since some members of the public have a habit of siphoning oil from transformers. So, if we work together in this way, we will be able to secure more funds and ensure that more Kenyans get connected rather than replacing a transformer that has been vandalized.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, we have, on several occasions, put requests for transformers but we have been told that they are not sufficient. In my constituency, we demanded about ten transformers but the KPLC has not been able to provide them for the last one year. Could the Assistant Minister now confirm that the transformers are available, and that they will proceed to install them in my constituency and in other places as promised?

The Temporary Deputy Speaker (Prof. Kaloki): Assistant Minister, that is a different Question but you may proceed and answer it.

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, I am an Assistant Minister in the Ministry of Energy. So, I can answer any time.

We have had a surge in the demand for transformers and sometimes we have been unable to fulfil all the requests by Kenyans. Therefore, in this connection, I would like to urge the hon. Members of this House to ensure that they support the Ministry's budget requests for the next financial year, so that we can get more resources to enable us fulfil the requests of Kenyans.

Mr. Temporary Deputy Speaker, Sir, our mandate is to ensure that more Kenyans get connected to electricity all the time and we want to do it like never before. So, I urge the House to support us, as a Ministry, when our Vote comes here in the next Budget, so that we can have more funds and fulfil that mandate.

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to suggest to the House that we allocate more funds to the Ministry of Energy when we know that the Ministry gets a budget allocation every financial year? I would like to know whether he is aware that there is inadequate supply of transformers in most parts of the country, and particularly in Samburu East, where they have installed electricity. Could he tell us what he is doing, instead of asking us to vote more funds for the Ministry?

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, I think I am in order. Even looking at the performance of the Ministry of Energy lately, we were rated the second best Ministry in the recent past. We were able to demonstrate that we can serve our people in the manner we have been mandated by the Government. We have been unable to supply transformers to all parts of the country because of inadequate funding of the Ministry. My request was very simple: That, hon. Members support our budget request, so that we can get more funds and be able to connect more citizens of this country to electricity, especially the citizens of Samburu East Constituency, where we have long power lines that sometimes we are forced to spend so much money.

The Temporary Deputy Speaker (Prof. Kaloki): Last question, hon. Mbai!

Mr. Mbai: Mr. Temporary Deputy Speaker, Sir, I appreciate that the Assistant Minister has now agreed that we need three-phase transformers in that area. The two secondary schools in that area, namely, Mathauta Secondary School and Kwawanzilu Secondary School have already paid for the three-phase transformers. So, could he give a timeframe within which they are going to install the three-phase transformers in that area?

The Temporary Deputy Speaker (Prof. Kaloki): Assistant Minister, you talked of “immediate”. How soon is “immediate”?

Mr. Magerer: Mr. Temporary Deputy Speaker, Sir, I said “immediate” and I stand by my word. I want to assure the hon. Member that we will have the transformers installed and those institutions served with power in not more than two weeks’ time. My officers will be on the ground as soon as tomorrow.

The Temporary Deputy Speaker (Prof. Kaloki): Very well! Hon. Mbai, the three-phase transformers will be installed within two weeks’ time.

Next Question, hon. Victor Munyaka!

Question No.1490

LACK OF ICU AT MACHAKOS LEVEL 5 HOSPITAL

The Temporary Deputy Speaker (Prof. Kaloki): Is the hon. Member still not here? The Question is dropped.

(Question dropped)

The Temporary Deputy Speaker (Prof. Kaloki): Next Question, hon. Ochieng!

Question No.1499

DELAY IN CONSTRUCTION OF KATITO MARKET

Mr. Ochieng asked the Minister for Local Government:-

(a) why the construction of Katito Market under the *Economic Stimulus Programme* has stalled and how much money has been paid to the contractor so far;

(b) why the tender for the construction works was awarded to the second highest bidder, contrary to the procurement procedure; and,

(c) when the construction works will be completed and handed over to the traders in Nyakach Constituency.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members on the Government side, where is the Minister for Local Government?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, with due respect, I want to indulge the Chair to allow us to answer this Question on Tuesday. In the meantime, I am going to call the Minister and inform him that he must be here to answer the Question on Tuesday. You can take any action against the Minister but in the meantime, let me trace him in order for him to come and answer the Question on Tuesday.

The Temporary Deputy Speaker (Prof. Kaloki): We will do as requested.

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister was here yesterday on a similar Question from another constituency. According to me, this is an attempt by him to evade answering Questions in this House, especially Questions relating to fresh goods markets. As we speak, my people are trading on the tarmac of the Kisii-Kisumu Highway. They have nowhere to trade. So, the matter is very urgent.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Ojode, inform the Minister that we have deferred this Question for the last time, and that it will be coming up for answering tomorrow afternoon. So, get him to prepare to come to the Chamber to answer the Question.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will do exactly as you have directed.

(Question deferred)

The Temporary Deputy Speaker (Prof. Kaloki): Next Question, Dr. Laboso!

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, before I ask the Question, I would like to apologise profusely for coming late.

Question No.1500

MANDATE OF HIV/AIDS TRIBUNAL

Dr. Laboso asked the Minister of State for Special Programmes:-

(a) what the mandate of the HIV and AIDS Tribunal is;

(b) what she is doing to ensure that the tribunal is fully operationalised;

and,

(c) why the tribunal has not handled any cases to-date.

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The mandate of the HIV and AIDS Tribunal, as stipulated in Part Seven, Section 25 of The HIV and AIDS Prevention and Control Act, 2006, include the following:-

(i) to hear and determine complaints arising out of any breach of the provisions of the Act;

(ii) hear and determine any matter or appeal as may be made to the tribunal, pursuant to the provisions of the Act; and,

(iii) to perform such other functions as may be conferred upon it by the Act or by any other written law.

(b) The tribunal came into operation in July, 2011 after its members were sworn into office. However, by that time, the Budget for the financial year 2011/2012 had already been prepared. Hence, there are no funds to fully operationalise the tribunal. We, however, ensured that the tribunal secretariat acquired offices, and that they have been working through the National AIDS Control Council (NACC). We continue to provide them with funds and we have respectively requested for funding this year, amounting to Kshs31 million but only Kshs19 million has been approved. This will enable us to train the members of the Tribunal, rent space, advertise and create advocacy, so that members of the public may be aware of the existence of the Tribunal.

(c) It is not true that the tribunal has not handled any cases. The tribunal has actually had ten sittings and has listened to nine complaints. One of the complaints was settled mutually out of court. Another one was referred to the Industrial Court. Two cases were found inadmissible and the rest are ongoing.

Thank you.

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for the answer but I would like her to clarify one thing. In her answer, she has indicated that the Ministry has been taking care of the tribunal's secretariat. She has also talked of acquiring offices. She further said that the Ministry is looking for funds to look for office accommodation for the tribunal. Do they now have office accommodation or do they not have?

Secondly, could she confirm that the tribunal was started and commissioned, and that it had no money whatsoever? Did the Government not plan ahead before it set up the tribunal?

Ms. Murugi Mathenge: Mr. Temporary Deputy Speaker, Sir, the tribunal does not have offices. So, we are accommodating them in the same offices accommodating members of the NACC. Since they had not been commissioned by the time the budgeting for Financial Year 2011/2012 was going on, there was no way we could have allocated any funds to them. However, we are making do with whatever funds we have for the NACC.

Mrs. Odhiambo-Mabona: Thank you, for that comprehensive answer. Could the Minister clarify what action she has taken to inform the public of the existence of the tribunal given that there are many cases of discrimination that relate to HIV/AIDS? What has the Minister done to popularize and sensitize the public of the awareness of the tribunal?

Ms. Murugi Mathenge: Mr. Temporary Deputy Speaker, Sir, the reason why we had asked for the budget of Kshs31 million was to sensitize and be able to create awareness so that the public can know that this tribunal is in place. Once we get the money from June, that is one of the first assignments that we will undertake so that all Kenyans can know that the tribunal is in

existence and anybody who has been discriminated can know they can go there and get a hearing.

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, it has been many years since the Government declared the HIV/AIDS epidemic a national disaster. Despite the fact that the law was passed in 2006 it was not until last year that she effected the operationalization of the law. Could the Minister assure this House that now that the Global Fund has re-opened a window of opportunity for Kenya to apply for available funds, she will encourage this tribunal to immediately apply for funding from the Global Fund so that it can start the process not only of informing Kenyans what role it performs but also in ensuring that the very many cases of stigmatization and discrimination against HIV patients throughout the country can be brought to the tribunal for consideration?

Ms. Murugi Mathenge: Mr. Temporary Deputy Speaker, Sir, I think that one just needs a “Yes” answer and it does not need a lot of elaboration. The UNAIDS has actually recognized this tribunal. Any funding that will be given--- We have already told the tribunal how to apply for the funding through the Global Fund and the PEFA or any other organization that is willing to help us so that we can reach the zero stigmatization and zero discrimination.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, now that the Minister has mentioned the National AIDS Control Council which is a very important body, could she confirm to this House that this body does not operate on any law? What has she done to ensure that the National AIDS Control Council Bill is brought to this House to enable them operate legally and with clear directions within that Bill?

The Temporary Deputy Speaker (Prof. Kaloki): Madam Minister, did you get the question?

Ms. Murugi Mathenge: Mr. Temporary Deputy Speaker, Sir, I did get the question, but I think it is a completely different Question from what I had been asked. So, if he wants me to answer him I think he needs to put a specific Question so that I can come and answer him properly.

The Temporary Deputy Speaker (Prof. Kaloki): Final question, Dr. Laboso!

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, because of lack of awareness from the public about the existence of this tribunal, I would like to find out from the Minister how the tribunal was put together and the process of electing or nominating the membership into it. If possible the Minister should tell us who the members of this tribunal are.

Ms. Murugi Mathenge: Mr. Temporary Deputy Speaker, Sir, there was an advertisement for people to apply and they applied. There was a gazette notice that indicated who they were. The Chairman is Ambrose Dickson Otieno Rachier. The other members of the tribunal are Joy K. Asiema, Mohammed Noor Kulo, Julius Muasya Kiambi, Ephantus Njagi Chomba, Anjelina Siparo and Joe Muriuki.

The Temporary Deputy Speaker (Prof. Kaloki): Dr. Laboso, that was your last question and that is the final answer. So, we are done with Questions.

Let us move on to the next Order!

MINISTERIAL STATEMENT

MEASURES TO CURB INSECURITY IN NAIROBI

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I want to issue a Statement which I promised the House with regard to rising armed violence in Eastleigh.

On Tuesday 13th March, hon. Yusuf Hassan Abdi rose on a point of order seeking a Ministerial Statement on measures to curb rising armed violence or robberies in Nairobi. In his statement, he sought to know whether I am aware of the rapidly rising armed violence and robberies and the number of armed violent attacks in Nairobi since October, 2011 and the areas affected.

Mr. Temporary Deputy Speaker, Sir, he also wanted to know the number of people who have been killed or injured, cases that have been resolved and perpetrators arrested and charged before court. He further sought to know the measures that my Ministry has taken to ensure Kenyans are protected against violent armed attacks.

Further, Mr. Imanyara, the Member for Imenti Central also sought for clarification on the basis upon which it was concluded that the perpetrators of the Machakos grenade blast were all *Al Shabaab* militia. Lastly, he wanted to know why the suspects were arrested and later released.

Mr. Temporary Deputy Speaker, Sir, I wish to state as follows: One, I am aware that in the recent past---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Assistant Minister! Who sought that Ministerial Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I said Mr. Yusuf, the hon. Member for Kamukunji.

The Temporary Deputy Speaker (Prof. Kaloki): I just wanted to be sure that he is the Chambers.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): He is here!

The Temporary Deputy Speaker (Prof. Kaloki): All right! Proceed, Mr. Ojode!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I am aware that in the recent past Nairobi City has experienced a series of armed and violent crime incidents during which some residents have lost their lives, others injured and/or lost their property. The following is a list of incidents which were recorded in the City Centre from October, 2011 to April, 2012:-

Mr. Temporary Deputy Speaker, Sir, one, murder offences were committed on 9th October, 15th November and 13th December, 2011; 15th January, 12th, February and 17th March, 2012---

I will table this tabulation because it is a long list.

(Mr. Ojode laid the document on the Table)

Mr. Temporary Deputy Speaker, Sir, out of the violent crimes reported 88 suspects were arrested and successfully prosecuted. One hundred and sixteen cases are under investigation and two are pending arrest of known accused persons who have gone underground but we will also arrest them because we know where they are now.

On the Machakos Bus stage incident where unknown persons hurled improvised explosive devices to the public, it is still under investigation. The three suspects who had earlier

been arrested were released for lack of evidence. The police rushed and arrested three suspects who were later released.

During the investigation the following areas were found prone to violent crime incidents: Within Makadara Police Division, they are Kaloleni, Mbotela Estate, Mombasa Road, Hazina Estate, Kwa Reuben slums, Falcon Road, South C Estate, South B Estate, Vision Plaza and Dunga Road.

Within Buru Buru area, they are Savanah Estate, Kariobangi North, Dandora, Gikomba, Majengo, Maringo Estate, Outering Road, Umoja Estate, Eastleigh, Kinyago slums and Jogoo Road.

Within the Central Division, we have Sheikh Karume Road, Ukwala/Rendile Road, Muthurwa Market, Tom Mboya Street and Nation Centre Area. In Kayole Division we have Kayole/Spine Road, Kayole/Mihang'o, Komarock, Mwiki, Nyando, Matopeni and Saba Saba, Kayole junction, Sakwa and Obama estates, Soweto, Ruai, Stage 17B, Maji Mazuri, Red Soil---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to request the Assistant Minister, given that he is naming almost the whole of Nairobi, that he gives us the areas that are not affected? I think that would be much easier.

The Temporary Deputy Speaker (Prof. Kaloki): Assistant Minister, do you have a safe area in the entire city?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I had said that these are areas that are prone to insecurity. These are areas where we get a number of criminal activities. I think it is important for the hon. Member who sought this Statement to know them.

The Temporary Deputy Speaker (Prof. Kaloki): Of course, Assistant Minister, please, proceed. Name the areas as requested.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): She should also know that these are areas she should not be visiting, especially at night. However, I will be beefing up security in those areas.

Mr. Temporary Deputy Speaker, Sir, in Starehe Division---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Assistant Minister! Are you saying that there are some areas you do not want the Member to visit in the evenings and at night?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, what I am saying is that these are some of the areas that are prone to criminal activities. However, I am beefing up security in those areas. But I want them to be alert when they are in those areas.

In Starehe Division, we have Thika Road, Muthaiga North residential estate, Utalii Drift, Korogocho, Mathare, Kosovo, Mathare 4A, Laundry Estate, Ruaraka, Wood Street, Eastleigh, Wood Housing of Miracles International Church in Ngara.

In Gigiri Division we have Runda, Parklands, Spring Valley, Ruaka areas and Kirazi.

In Kilimani Division we have Kibera, Kilimani, Upper Hill, Kenyatta Market, Ruapa Road, Othaya Road, Hospital and Elgon roads.

Mr. Temporary Deputy Speaker, Sir, in Kajiado North Division we have Ololua, Matasia and Ngong'.

In Dagoretti Division we have Kabiria, Ngando, Uthiru, Kangemi, Lavington, Waithaka, Mzima Springs and Kawangware Stage II.

In Embakasi Division, which is the last one, we have Tassia, Mukuru kwa Njenga, Imara Daima and Pipeline.

Mr. Temporary Deputy Speaker, Sir, the following measures have been put in place to curb the crime rise:-

- (i) foot and mobile patrols have been intensified in those areas which I have mentioned;
- (ii) Security vigilance around vital installations has also been intensified;
- (iii) Screening and surveillance within church compounds have been intensified;
- (iv) Officers have been deployed in hotels, bus stages and churches as we speak;
- (v) Random ambushes and raids have been intensified.

Mr. Temporary Deputy Speaker, Sir, Nairobi is not as bad as people might think. Nairobi is a safe city; I would like to tell my colleagues that I have beefed up security in the areas I have mentioned. There are police patrols 24 hours and you need not panic at all.

Mr. Hassan: Mr. Temporary Deputy Speaker, Sir, if you recall, my request for a Ministerial Statement was triggered by the tragic grenade attack at the Machakos County Bus Station, in which ten Kenyans died. One of the things I wanted to know from the Minister was how many people had been arrested and how many have been brought to court in respect of the incidents of this kind that have taken place in our capital city. From his own admission, apart from investigations going on, no one had been arrested for these ghastly attacks that have claimed so many lives in our capital city; so are the many cases of grenade attacks that have taken place in Nairobi since last year. Not one person has been arrested and brought to court. This means there has been total failure on the part of the Ministry and our security apparatus to protect our citizens, and to make our capital city and country safe for day to day activities, business and tourism.

I would also like to say that since I requested for that Statement the security situation in Nairobi has deteriorated further. There have been more armed attacks in many parts of our capital, and in particular Kamukunji. We have had a series of armed robberies in Eastleigh and Pumwani. In an unprecedented action last Tuesday, Eastleigh Business Centre was shut down in protest against the growing insecurity.

On Tuesday, a prominent businessman, Maalim Adu, was gunned down in daylight in Eastleigh. I just want to know---

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Hassan, I think you need to be specific with your question. That way the Assistant Minister can answer you.

Mr. Hassan: Mr. Temporary Deputy Speaker, Sir, I am just trying to show that, in fact, from what the Assistant Minister has said, there is not a single safe neighbourhood in Nairobi, and his Ministry has completely failed. What I want to know from him, as far as Eastleigh and Kamukunji are concerned, is, with increased robberies in Eastleigh, what are the chiefs in Eastleigh North and Airbase doing? Have they not failed in their jobs?

In Pumwani, robberies have increased in Gikomba. There is a police station in Shauri Moyo; are the police officers there not sleeping on their job? What action is the Assistant Minister taking?

We have had no District Commissioner (DC) in my district for the last six months; when is the Assistant Minister going to appoint serious officials who are going to take care of the security and the administration of Kamukunji?

The Temporary Deputy Speaker (Prof. Kaloki): Very well. Let us have Mr. Imanyara and then Mrs. Millie Odhiambo

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, you heard the Assistant Minister make a very shocking admission that as a result of very poor investigations in the cases that were taken to court, two suspects were acquitted. This is with respect to a very serious incident at the bus stop. Will the Assistant Minister agree with me that part of the reason for these acquittals is that instead of investigating there is every likelihood that security personnel, police officers, may be involved in these acts of terror that have made every place in Nairobi unsafe? The Assistant Minister should not tell us that Nairobi is safe when, in his own admission--- He has out read every location of Nairobi, including Thika Road, which starts from the city centre all the way to Thika, as unsafe.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to know that from the Statement he has shown almost every part of Nairobi is unsafe. He then concluded that we should be relaxed because Nairobi is safe. In fact, he has just advised me to avoid some areas, which are so numerous, and include where my friends live. That is, Kamukunji, Runda, Muthaiga and Mathare. Is the Assistant Minister in effect basically telling me that I should not be travelling at all at night? Can the Assistant Minister tell me which place is safe and which I can visit at night, so that he does not curtail my freedom of movement at night?

The Temporary Deputy Speaker (Prof. Kaloki): Let us deal with that and then we will come for the second round.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will start with hon. Odhiambo-Mabona. I said that the areas which I mentioned are prone to criminal activities. There are a number of criminal activities happening within those areas. I also gave a rider that we have since posted enough security officers within those areas. Therefore, there is no need for her to panic. Visit that area even at night and nothing will happen to you. I have said, and want to repeat, that Nairobi is a safe city; travel as and when you want. Nothing will happen to you. If something happens to you, call my number, call the Commissioner, call anybody--

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

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): *Wewe kaa chini!*

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Mwadeghu, what is your point of order?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, when the Assistant Minister is on his feet--

Mr. Mwadeghu: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to tell hon. Odhiambo-Mabona that Nairobi is safe yet he is the very same Assistant Minister who advised her to avoid certain areas in Nairobi? That is a contradiction.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): You see! That is a frivolous point of order. This is because I mentioned here that those are areas which were not very safe. What have I done for them to be safe? I have posted there a number of police officers in civilian clothes; you would not even recognize one. You can now walk in those areas during the day or at night and nothing will happen to you, because we have enough security in the areas I have mentioned.

Mr. Gitobu Imanyara asked me whether or not the security personnel are involved in this problem. No, they are not involved, not in any case that I am aware of. If, indeed, it is true that

some of the security personnel are involved they know the consequences. There is nothing like transferring them. I will dismiss them on the spot. We will not allow any security personnel to involve themselves in criminal activities. The law will take its course.

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir. He is not addressing the issue I raised. In your answer, Mr. Assistant Minister, you talked about the reasons for acquittal. You talked about lack of investigations – rushing to court without thorough and comprehensive investigations. What steps are you taking to ensure that such serious incidents are properly investigated? Please, do not dramatize. This is not an issue to trivialize.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, this is a very serious issue. Ordinarily, we arrest suspects after doing preliminary investigations. After arresting the suspects and they are taken to court, we are told that the evidence we have produced in court is not enough to charge somebody with murder. So, we have re-investigate the matter thoroughly. That is exactly what we are doing. Hon. Gitobu Imanyara knows what the Constitution says; it states that within 24 hours you have to take the person you have arrested to court.

Hon. Yussuf Hassan is requesting that we should be transferring those who are not performing. Yes, I agree with him. If he feels that those police officers, or chiefs who are there are the ones causing insecurity in Eastleigh, I will transfer them. I will, if, indeed, it is true!

Mr. Duale: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Assistant Minister must be very serious with this House. He is in charge of intelligence, the Criminal Investigation Department (CID), the General Service Unit and the whole security arm of the Government. It is not a Member of Parliament who is in charge. Is it in order for him to wait for a Member of Parliament to tell him that these are rogue police officers? Is it for the Member of Parliament to tell you that the police officers you have in Eastleigh in Kamkunji are the ones colluding with thugs? It is your intelligence officers who are supposed to tell you that. Do not mislead the House!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, he rightly says it. The intelligence officers have told me that these officers are doing a good job. You are very right. However, I will investigate what the hon. Member has stated in this House, that there are some who are colluding with criminals. I will investigate. It is subject to investigations.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, of late we have been experiencing grenade attacks and suspects are held, but later released. Why is the police so casual in their investigations, thus allowing the security situation in the country to worsen?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, Kamkunji and particularly Eastleigh, is a commercial hub that is only second to the Central Business District (CBD) and Westlands in terms of revenue generation in this country. The Kenya Revenue Authority (KRA) can confirm that. For reasons known to this Assistant Minister and the Government, Eastleigh has no sewerage, road network, or any Government infrastructure. Today, the business community in Eastleigh cannot do business because its members are being shot one after another. He visited Eastleigh. Could he confirm when he will put up a police station in Eastleigh? The business community in Eastleigh had a session with him and they are ready to provide land. Why is the Assistant Minister not putting a police station in the middle of Eastleigh business hub? What is the Government doing if it cannot guarantee the security of businesses and investors in this country? You had better resign as a Government!

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, this is a very important matter that we are discussing this morning, the matter of security in Nairobi, particularly in Eastleigh in Kamkunji. It has been the trend that any time there is an unfortunate incident, the police conduct an operation where innocent victims are harassed. What is the Assistant Minister doing to stop the police from harassing innocent people, who have nothing to do with insecurity in Eastleigh or the City of Nairobi.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, security is very important and I think the Government is not taking its responsibility very seriously. I do not think the solution lies in building and operationalizing police stations – it is too expensive. Why can the Government not invest in surveillance cameras? Why did we invest billions in the Thika Highway and fail to invest a billion shillings in buying surveillance equipment that will solve the myriad of problems? Even yesterday people died in Mombasa. If cameras were installed, I know the people who did that would have been arrested. What is the Assistant Minister doing?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, those concerns are quite important, especially in helping us reform the whole department.

With regard to hon. Pollyins Ochieng's question, acquisition of CCTVs is underway as we speak. In fact, yesterday we appeared before his Committee, and said that we had received some money and that we were going to install CCTVs within Nairobi and later on expand to Mombasa, Kisumu, Eldoret, Nakuru, Nyeri and Meru. We have some money for that. We have about US\$100 million for purposes of installing the CCTVs.

Hon. Affey said that during police raids innocent *wananchi* get harassed. Innocent *wananchi* should not be harassed at any time we are raiding a place. This is because we want to get rid of criminals and we know some of them stay with innocent *wananchi*. When you are staying with a criminal, you, the innocent Kenyan, will not know that this person is a criminal. You will see the guy staying in the house the whole day sleeping. At 7.00 p.m. he goes out. What is the guy going to do? He is going to harass businessmen in order to make a kill. Those are some of the areas we are now zeroing on. We are not going to harass any innocent Kenyan. We are looking for those criminals to get rid of them, so that business in Eastleigh continues without any problem.

Hon. Duale was talking about some failed departments in Eastleigh. He said that there is neither a sewerage system nor street lights. I want to assure the hon. Member that when I visited Eastleigh, we agreed that we need to partner in terms of getting good services with regard to security matters. We must encourage private partnership. Again, I will be visiting Eastleigh very soon. I want the hon. Member to identify a building within Eastleigh, where I can post some officers. Those officers will be patrolling day and night. That is the only solution. Eastleigh is a hub where Kenyans are making money. In return, they are giving a lot of money to the Exchequer which we cannot afford to lose.

Mr. M'Mithiaru says that investigations are casually done. No, that is according to him. There is no way a police officer--

The Temporary Deputy Speaker (Prof. Kaloki): Are you referring to Mr. Njuguna?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, I am referring to Mr. Njuguna and not M'Mithiaru, I am sorry. The hon. Member for Lari is a good friend of mine. There is no way a police officer who is trained to investigate a matter can go out there, use taxpayers' money and do a casual investigation. These officers are doing an excellent job and that is why we have contained the

situation. Otherwise, the situation would have been bad, especially in Nairobi. Therefore, I want to tell people that there is no need of fear. Do not panic. Nairobi is a safe place; walk as you want. We are still going to continue patrolling the streets of Nairobi, Mombasa and other towns.

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

The Temporary Deputy Speaker (Prof. Kaloki): I will take that point of order and then go to Mr. Hassan for the final question.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to say that investigations are thorough and conclusive and yet, over 116 cases so far have been reported to the police, but nothing serious has been done about them?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I mentioned that 116 cases are under investigations. At the same time, I also mentioned that 88 suspects had already been arrested and taken to court. So, police officers are doing an excellent job.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Hassan, you can now take your time to ask your final question then we will stop there.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir---

Mr. Hassan: Could I give him one minute?

The Temporary Deputy Speaker (Prof. Kaloki): Order! Ask your final question if you have any!

Mr. Hassan: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister went around on the key issue that I asked him. What action is he taking against corrupt and incompetent police officers and chiefs in my constituency? The failure to maintain law and order must surely lie in one particular place which is the officials that he has placed there. I have mentioned our concerns about the inability of those officials to undertake the responsibilities that they had been given.

The second issue I raised is the fact that we have not had a District Commissioner (DC) in my constituency for a long time. He has not replied to that one as well. Security is a very serious matter. I am very concerned that the Assistant Minister has become the master of cock and bull stories in our House. I think he should take these things very seriously, including the plight of our city. Security hinges on development. So, our inability to provide security is making us lose billions of shillings in investment and trade. But he stands up here to say that Nairobi is a safe city when we know that it is not the case. He has mentioned 116 cases which have been reported. However, not a single case or person has been found guilty. They have all been acquitted. So, there is total failure in investigations and in maintaining law and order. I must urge him to take his job seriously and make our neighbourhoods safe and secure.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, generally my work is to arrest---

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have noticed that while the Assistant Minister was addressing the House, the substantive Minister, watching his performance, decided to come and assist him. Would I be in order to request that the substantive Minister answers that last bit because his Assistant Minister is not going to answer all the issues that have been raised? Now that the substantive Minister is sitting next to him---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Imanyara! While I know the substantive Minister is here in the Chamber, but Mr. Ojode is also a competent Assistant

Minister in this particular Ministry. He is competent to answer this Question, even the last portion.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Manyara knows that according to the Constitution of this country, Mr. Ojode is an Assistant Minister and a capable one to answer those questions.

That notwithstanding, the hon. Member was complaining that not even a single suspect whom we have taken to court has been taken to jail. That is not my work. That is the work of the Judiciary. My main job is to arrest the criminals and then take them to court. Whatever happens to the court is left to the Judiciary and not Ojode. Mr. Ojode only arrests.

He also mentioned that there are some officers who are incompetent. As far as---

The Assistant Minister for Water and Irrigation (Mr. Waititu): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): *Wee keti chini!*

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Ojode, do you want to be informed by your colleague?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I do not want to be informed and that is why I was telling him to wait.

As far as I am concerned, I have officers who are competent and can deliver. But if there is one or two who are rotten or incompetent, share with me the names and I will investigate. After that, I will take action. But you cannot just condemn my officers of being corrupt and incompetent. We do not entertain incompetent officers in the 21st Century in the Government.

Again, he has suggested that he wants a DC posted to that place. Yes, we will post a DC to that place if we have a place where he will be having an office for seeing people. I am ready to post a DC---

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

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Why can the hon. Member not let the Assistant Minister finish then he can see him later?

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Hassan!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I have agreed that I will post a DC in that area.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Hassan, do you have a valid point of order?

Mr. Hassan: Mr. Temporary Deputy Speaker, Sir, I wanted to inform the Assistant Minister that, in fact, we do have a district called Kamukunji. We have had a DC, but it has been vacant for the last six months. I want to know whether our district has been completely forgotten or it no longer exists in the mind of the Assistant Minister. When are they going to appoint a DC given the many problems that we have?

The Temporary Deputy Speaker (Prof. Kaloki): Please, deal with that matter.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I have accepted if it is, indeed, true that the DC has---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Assistant Minister! You should be able to know that there is no DC in that particular station.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, there are some DCs whom we had taken for a course. After finishing the course, they will go back to their stations. At that time, the District Officer I (DO) will be acting. I will check whether that is the scenario. In a nutshell, I am saying that those are small things which I will deal with today. I will make sure that a DC is posted to that place today.

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

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Hassan! What I have gathered from the Assistant Minister is that by the end of today, he will be able to deal with the matters pertaining to your constituency and also the matter of the DC.

Mr. Hassan: Could he assure this House?

The Temporary Deputy Speaker (Prof. Kaloki): He has already done that. By the end of today, he should be able to deal with that matter.

Next Order!

BILL

First Reading

THE SOCIAL ASSISTANCE BILL

*(Order for First Reading read –
Read the First Time and ordered to be
referred to the relevant Departmental Committee)*

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Deputy Speaker
(Prof. Kaloki) left the Chair]*

IN THE COMMITTEE

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

THE NATIONAL DRUG CONTROL AUTHORITY BILL

Clause 2

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 2 be amended—

- (a) by deleting the definition of “Authority” and substituting therefor the following new definition—

“Authority” means the National Authority for the Campaign Against

Alcohol and Drug Abuse established by section 4:

(b) by deleting the definition of “Board” and substituting therefor the following new definition—

“Board” means the Board of the Authority constituted pursuant to section 6;

(c) by deleting the definition of “chemical substance”;

(d) in the definition of “drug”, by deleting the word “both” appearing before the word “lawful” and substituting therefor the words “alcoholic drinks”;

(e) by deleting the definition of “Minister”;

(f) by inserting the following new definitions in their proper alphabetical sequence—
“alcoholic drink” has the meaning assigned to it under section 2 of the Alcoholic Drinks Control Act, 2010;

“Cabinet Secretary” means the Cabinet Secretary of the Ministry for the time being responsible for matters relating to national security;

“drug abuse” means—

(a) a habitual use of drugs to alter one's mood, emotion, or state of consciousness;

(b) the use of drugs for a non-therapeutic effect;

(c) an excessive or improper use of drugs, especially through self-administration, for non-medical purposes;

(d) the use of a psychoactive substance for purposes other than medicinal purposes which impairs the physical, mental, emotional, or social well-being of the user;

“lead agency” means the relevant department of Government or body responsible for the implementation or enforcement of any law or policy relating to drug abuse control;

“youth” has the meaning assigned to it under Article 260 of the Constitution.

(Question of the amendment proposed)

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

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

(Clause 2 as amended agreed to)

(Clause 3 agreed to)

Clause 4

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 4 be amended in sub clause (1) by deleting the words “National Drug Control Authority” and substituting therefor the words “National Authority for the Campaign Against Alcohol and Drug Abuse”.

(Question of the amendment proposed)

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

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

(Clause 4 as amended agreed to)

Clause 5

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 5 be deleted and replaced with the following new clause—

**Functions of
The Authority**

5. The functions of the Authority shall be to-

(a) carry out public education on alcohol and drug abuse directly and in collaboration with other public or private bodies and institutions;

(b) coordinate and facilitate public participation in the control of alcohol and drug abuse;

(c) coordinate and facilitate inter-agency collaboration and liaison among lead agencies responsible for alcohol and drug-demand reduction;

(d) in collaboration with other lead agencies, facilitate and promote the monitoring and surveillance of national and international emerging trends and patterns in the production, manufacture, sale, consumption, trafficking and promotion of alcohol and drugs prone to abuse;

(e) in collaboration with other lead agencies, provide and facilitate the development and operation of rehabilitation facilities, programmes and standards for person suffering from substance use disorder;

(f) subject to any other written law, license and regulate operations of rehabilitation facilities for persons suffering from substance use disorders;

(g) coordinate and facilitate, in collaboration with other lead agencies and non-state actors, the formulation of national policies, laws and plans of action on control of alcohol and drug abuse and facilitate their implementation, enforcement, continuous review, monitoring and evaluation;

(h) develop and maintain proactive co-operation with regional and international institutions in areas relevant to achieving the Authority's objectives;

(i) in collaboration with other public and private agencies, facilitate, conduct, promote and coordinate research and dissemination of findings on data on alcohol and drug abuse and serve as the repository of such data;

(j) in collaboration with other lead agencies, prepare, publish and submit an alcohol and drug abuse control status report bi-annually to both Houses of Parliament through the Cabinet Secretary;

(k) assist and support county governments in developing and implementing policies, laws and plans of action on control of drug abuse;

(l) carry out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the Cabinet Secretary.

(Question of the amendment proposed)

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

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

(Clause 5 as amended agreed to)

Clause 6

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 6 be deleted and replaced with the following new clause—

Board of the Authority.

6. (1) The management of the Authority shall vest in a Board which shall consist of-

(a) a chairperson appointed by the President with the approval of the National Assembly, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector;

(b) the Principal Secretary in the Ministry for the time being responsible for national security;

(c) the Principal Secretary in the Ministry for the time being responsible for finance;

(d) the Principal Secretary in the Ministry for the time being responsible for public health;

(e) the Principal Secretary in the Ministry for the time being responsible for education;

(f) the Principal Secretary in the Ministry for the time being responsible for children and youth affairs;

(g) the head of the anti-narcotic police unit or the agency for the time being responsible for enforcement of narcotic drug laws;

(h) three persons appointed by the Cabinet Secretary from among healthcare providers, researchers, policy and legal practitioners, media and communication professionals, educationists, security, safety and environmental experts, provided that no more than one person shall be appointed from one category;

(i) two persons nominated by the joint forum of religious organizations referred to in subsection (3) and appointed by the Cabinet Secretary;

(j) one person nominated by the Medical Practitioners and Dentists Board and appointed by the Cabinet secretary;

(k) one person nominated by a most representative organization working with the youth and appointed by the Cabinet Secretary; and

(l) the Chief Executive Officer.

(2) A persons shall not be appointed under subsections (1)(a), (h), (i), (j) and (k) unless such person-

(a) is of impeccable character and high moral standing in relation to drugs and chemical substances of abuse;

(b) has the capacity to inspire and achieve the objectives of the Authority.

(3) The joint forum of religious organizations referred to in subsection (1) (i) shall consist of representatives of –

(a) the Supreme Council of Kenya Muslims;

(b) the Kenya Episcopal Conference;

(c) the National Council of Churches of Kenya;

(d) the Evangelical Alliance of Kenya; and

(e) the Hindu Council of Kenya.

(4) The functions of the Board shall be to—

(a) ensure proper and efficient exercise of the powers and performance of the functions of the Authority;

(b) advise the management of the Authority generally on the exercise of the powers and the performance of the functions of the Authority;

(c) approve the estimates of the revenue and expenditure of the Authority;

(d) perform such other functions as are provided for under this Act or any other written law.

(Question of the amendment proposed)

Mr. Njuguna: *(off-record)*

Ms. Amina Abdalla: Mr. Temporary Deputy Chairman, Sir, the amendment has been agreed upon between us and the Departmental Committee on Administration and National Security. We wanted to ensure the membership of the board that was going to manage NACADA is chaired by an individual who is vetted by Parliament and that individuals who are experts in health care, research policy and legal matters are also included in addition to the regular boards that include principal secretaries who are working in the sectors involved in the control of drug and alcohol abuse. So basically the major issue here is that we want the Chair of the board to be an individual above board in the fight against alcohol and drug abuse.

The Temporary Deputy Chairman (Mr. Imanyara): Are you satisfied, Mr. Njuguna?

Mr. Njuguna: Yes, Mr. Temporary Deputy Chairman, Sir.

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

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

(Clause 6 as amended agreed to)

(Clauses 7 and 8 agreed to)

Clause 9

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 9 be deleted and replaced with the following new clause—

**Remuneration of members
of the Board.**

9. The remuneration payable to members of the Board shall be determined by the Salaries and Remuneration Commission.

(Question of the amendment proposed)

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

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

(Clause 9 as amended agreed to)

Clause 10

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 10 be deleted and replaced with the following new clause—

Chief Executive 10. (1) There shall be a Chief Executive of the

Authority who shall be Officer appointed by the Cabinet Secretary on the recommendation of the Board.

(2) A person shall not be qualified to be appointed as a Chief Executive Officer unless that person—

- (a) holds a degree from a recognized university;
- (b) has at least five years post graduate working experience in a relevant area.

(3) The Chief Executive Officer shall hold office for a period of five years, on such terms and conditions of employment as the Board may determine, and shall be eligible for re-appointment for a further and final term of five years.

(4) The Chief Executive Officer shall be an ex-officio member of the Board but shall have no right to vote at any meeting of the Board.

(5) The Chief Executive Officer shall—

(a) subject to the direction of the Board, be responsible for the day to day management of the affairs and staff of the Authority;

(b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Authority, the exercise, discharge and performance of its objectives, functions and duties, and the general administration of the Authority;

(c) be the secretary of the Board.

(6) The Chief Executive Officer may—

- (a) at any time resign from office by notice in writing to the Board;
- (b) be removed from office by the Cabinet Secretary, on the recommendation of the Board, for—

- (i) serious violation of the Constitution or any other written law, including a contravention of Chapter Six of the Constitution;
- (ii) gross misconduct, whether in the performance of the functions of office or otherwise;
- (iii) physical or mental incapacity to perform the functions of office;
- (iv) incompetence; or
- (v) bankruptcy.

(Question of the amendment proposed)

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

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

(Clause 10 as amended agreed to)

(Clauses 11, 12 and 13 agreed to)

Clause 14

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 14 be amended in subclause (1), by deleting the word “Minister” appearing in paragraph (a) and substituting therefor the words “Cabinet Secretary”.

(Question of the amendment proposed)

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

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

(Clause 14 as amended agreed to)

(Clause 15 agreed to)

Clause 16

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 16 be amended in subclause (3), by deleting the word “Minister” wherever it appears and substituting therefor the words “Cabinet Secretary”.

(Question of the amendment proposed)

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

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

(Clause 16 as amended agreed to)

(Clauses 17 and 18 agreed to)

Clause 19

Mr. Ochieng: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 19 be amended by deleting the word “Minister” wherever it appears and substituting therefor the words “Cabinet Secretary”.

(Question of the amendment proposed)

Mr. Njuguna: Mr. Temporary Deputy Chairman, Sir, what is the motivation?

Ms. Amina Abdalla: Mr. Temporary Deputy Chairman, Sir, the amendments on clauses 14, 16 and 19---

The Temporary Deputy Chairman (Mr. Imanyara): We are on clause 19!

Ms. Amina Abdalla: Mr. Temporary Deputy Chairman, they are all related. They are basically to put in line the fact that we no longer have Ministers, but Cabinet Secretaries. So, it is a consequential amendment to our new Constitution.

The Temporary Deputy Chairman (Mr. Imanyara): Hon. Kapondi, is that the position?

Mr. Kapondi: Mr. Temporary Deputy Chairman, that is the position.

The Temporary Deputy Chairman (Mr. Imanyara): The Member for Lari, are you happy? He is not even here.

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

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

(Clause 19 as amended agreed to)

(Clauses 20, 21, 22, 23, 24, 25 and 26 agreed to)

Clause 27

Mr. Kapondi: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 27 be amended—

- (a) in Subclause (1), by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”;
- (b) in Subclause (2), by inserting the following new paragraphs immediately after paragraph (c)—
 - “(d) prescribe, subject to any other written law, the manner in which persons operating drug abuse treatment and rehabilitation facilities and persons practicing in the field of drug abuse treatment and rehabilitation may be licensed;
 - (e) prescribe guidelines for the prevention and reduction of drug demand and abuse.”

(Question of the amendment proposed)

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

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

(Clause 27 as amended agreed to)

Clause 28

Mr. Kapondi: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 28 be amended by—

- (a) deleting the word “Minister” wherever it appears and substituting therefor the words “Cabinet Secretary”;
- (b) inserting the following new sub clauses immediately after sub clause (2)—
 - “(2A) Any person who, at the commencement of this Act, is a member of staff of the former Authority shall, on the appointed day, become a member of staff of the Authority on the same or improved terms and conditions of service as may be specified by the Cabinet Secretary.
 - (2B) On the appointed day, every person who is a member of the Board of the former Authority shall, on and after such day, become a member of the Board of the Authority constituted under this Act for the remainder of his or her unexpired term.
 - (2C) Where on the appointed day—
 - (a) any disciplinary proceedings against any member of staff of the former Authority are in the course of being heard or instituted, or have been heard or investigated by the former Authority but no order or decision has been made thereon;
 - (b) any such member of staff is interdicted or suspended, the Authority shall—
 - (i) in the case of paragraph (a), carry on and complete the hearing or investigation and make an order or render a decision, as the case may be; and
 - (ii) in the case of paragraph (b), deal with such member of staff in such manner as it deems appropriate having regard to the offence committed by him or her, including the completion of disciplinary proceedings that have been commenced against that member of staff.

(2D) Where on the appointed day, any penalty, other than dismissal, has been imposed on any member of staff of the former Authority pursuant to disciplinary proceedings against him or her and the penalty has not been, or remains to be, serviced by such member of staff, he or she shall, on his or her transfer to the Authority, serve or continue to serve such penalty to its full as if it had been imposed by the Authority.”

(Question of the amendment proposed)

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

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

(Clause 28 as amended agreed to)

New Clause 24A

Mr. Kapondi: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, the following new clause be inserted immediately before Clause 25 under Part V—

**Convening of inter-
Agency Forum**

24A. The Authority, shall, at least twice a year, convene an inter-agency forum of Government departments and lead agencies involved in drug demand reduction and drug supply reduction for the purposes of establishing plans of action, strategies and collaboration in the development, implementation and enforcement of laws and policies relating to drug abuse control.
Authority to advice lead
Agencies, etc.

(Question of the New Clause 24A proposed)

(The New Clause 24A read the First Time)

*(Question, that the New Clause 24A be
read a Second Time, proposed)*

Ms. Amina Abdalla: Mr. Temporary Deputy Chairman, this new clause is intended to give the new NACADA the power to convene an inter-agency forum, so that they would be discussing emerging trends on how to reduce abuse of drugs and alcohol. The purpose of this is clause is to describe what exactly will be taking place in those meetings.

I therefore, second the amendment.

(Question, that the New Clause be read a Second Time, put and agreed to)

(The New Clause was read a Second Time)

(Question, that the New Clause be added to the Bill, put and agreed to)

New Clause 24B

Mr. Kapondi: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, the following new clause be inserted immediately before Clause 25 under Part V—

24B. The Authority may-

(a) advise a lead agency to take the remedial measures necessary to address gaps, weaknesses and loopholes in the enforcement of laws or implementation of policies in drug control;

(b) initiate inquiries into abuse of any drug or substance whether licit or illicit and submit recommendations for action to the relevant lead agencies in support of law enforcement;

(c) require reports from lead agencies relating to drug control to facilitate preparation of report for submission to Parliament.

(Question of the New Clause 24B proposed)

(New Clause 24B read the First Time)

(Question, that the New Clause 24B be read a Second Time, proposed)

Ms. Amina Abdalla: Mr. Temporary Deputy Chairman, I beg to second that the New Clause 24B be part of the Bill. It is describing the remedial measures the Authority would take in advising the inter-agency forum.

(Question, that the New Clause 24B be read a Second Time, put and agreed to)

(The New Clause 24B was read a Second Time)

(Question, that the New Clause 24B be added to the Bill, put and agreed to)

Schedule

Mr. Kapondi: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, the Schedule be amended in paragraph 2 by deleting the word “Minister” wherever it appears and substituting therefor the words “Cabinet Secretary”.

(Question of the amendment proposed)

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

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

(Schedule as amended agreed to)

Long Title

Mr. Kapondi: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, the Long Title be amended by—

(a) deleting the words “and chemical substances” appearing immediately before the word “abuse”;

(b) inserting the words “alcohol and” immediately before the word “drug”.

(Question of the amendment proposed)

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

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

(Long Title as amended agreed to)

Title

Mr. Kapondi: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, the title be deleted and replaced with the following new title—

“The National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012”.

(Question of the amendment proposed)

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

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

(Title as amended agreed to)

Clause 1

Mr. Kapondi: Mr. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 1 be amended by—

(a) deleting the expression “National Drug Control Authority Act, 2011” and substituting therefor the expression “National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012”;

(b) deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”;

(c) inserting the words “which date shall not exceed ninety days from the date of publication” immediately after the word “appoint”.

(Question of the amendment proposed)

Ms. Amina Abdalla: Mr. Temporary Deputy Chairman, I beg to support that amendment. This is a substantive amendment in that we had the title of the Bill as National Drug Control Authority Act, and having considered that alcohol is a bigger problem in Kenya and the fact that we have the Alcohol Control Act, we change it back to the National Authority for the Campaign Against Alcohol and Drug. That is the new title.

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

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

(Clause 1 as amended agreed to)

Ms. Amina Abdalla: Mr. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the National Drug Control Authority Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

**REPORT, CONSIDERATION OF REPORT
AND THIRD READING**

THE NATIONAL DRUG CONTROL
AUTHORITY BILL

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the Whole House has considered the National Drug Control Authority Bill, Bill No.16 of 2012, and approved the same with amendments.

Ms. Amina Abdalla: Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. Midiwo seconded.

(Question proposed)

(Question put and agreed to)

Ms. Amina Abdalla: Mr. Temporary Deputy Speaker, Sir, I beg to move that the National Drug Control Authority Bill be now read the Third Time.

Mr. Midiwo seconded.

(Question proposed)

Ms. Amina Abdalla: Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to thank NACADA and the Departmental Committee on Administration and National Security for the support they have given to this Bill throughout the process. I also wish to congratulate the Legal Department in Parliament for facilitating the drafting of this Bill.

Mr. Temporary Deputy Speaker, Sir, I have walked a very long journey since 2004 to ensure that NACADA is anchored in the law. I am, therefore, very grateful to all the members who have supported this process for the last six years.

With those few remarks, I beg to support.

(Question put and agreed to)

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

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

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

MOTION

PAYMENT OF DUES TO RETIRED TEACHERS

THAT, noting that the Government has not paid teachers who retired between 1997 and 2003 their dues in revised pension funds amounting to Kshs.17.6billion; aware that the Minister for Finance on 22nd February 2012 informed the House that the money had not been paid due to a query by the Controller of Budget which required the guidance and opinion of the Attorney General; further aware that Kshs.3.34 billion has been factored in the 2011/2012 budget and risks being returned to the Treasury at the end of this Financial Year; noting that the Minister stated that payment of those funds will be effected as soon as the Attorney General renders an opinion; mindful that the delay has caused the parties untold pain and suffering; this House urges the Government to pay the retired teachers their dues without further delay.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. John Pesa! Is he out on official business? I understand the hon. Mover of this Motion is away on official parliamentary business. So, the Chair defers the consideration of this order to such other time as will enable the Member to move it, when he comes back from parliamentary business.

(Motion deferred)

Next Order!

BILL

Second Reading

THE TRAFFIC (AMENDMENT) BILL

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I beg to move:-
THAT, the Traffic (Amendment) Bill be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, this Bill intends to amend the existing Traffic Act. The Traffic Act as it exists today is not sufficient to control a whole array of violations on our roads.

Mr. Temporary Deputy Speaker, Sir, I believe that no country can become civilized if there is rampant disorder on the roads. Too many of our people are dying because of the carelessness and recklessness of our drivers.

Mr. Temporary Deputy Speaker, Sir, last year in July, my daughter who goes to Loreto Primary School was on a school trip to Meru. But because there is total disregard for the rules, a school bus that is supposed to carry 51 people was carrying over 80 people on a long distant trip. Somewhere along the way, the driver was over-speeding. The vehicle was not in good mechanical condition. The vehicle rolled and a couple of kids died. Seven kids had their limbs amputated because of that carelessness.

Only four years ago, my follower was involved in an accident along the Kisumu-Busia Road that ended her life because of the carelessness of an un-roadworthy lorry driver. Every day, traffic accidents occur that take the lives of even members of one family in a colossal proportion. Something has to happen. You can blame the police. You can blame the authorities. But it is the

duty of this House to act. We should realize that the laws that we have are archaic and are not sufficient to deter people from recklessness and lawlessness on the streets.

Mr. Temporary Deputy Speaker, Sir, a few years ago, people rode bicycles in rural areas and many other towns. If you go to Eastlands today, there are *boda bodas*. Those *pikipiki*s are now the greatest killer of people. If you go to any hospital, there is a dedicated ward for *pikipiki* accidents. If you go to Kisumu, it is Ward No.2. If you go to Siaya, there is a ward. If you go to Migori, Embu and other hospitals, there is a ward dedicated for *pikipiki* accident victims.

Mr. Temporary Deputy Speaker, Sir, we understand that our youth are trying to make a living, but they have to make it within the law. The amount of lawlessness on our streets transcends all cadres of people. We see even when Cabinet Ministers are driving their vehicles or being driven with those flags, they are driven as if they are above the law. Even the policemen are scared of these vehicles. In this law, we want to bring this to an end and make everybody to live within the law.

Mr. Temporary Deputy Speaker, Sir, I have made a few proposals, but I hope that stakeholders will meet before we take this Bill to the Third Reading, so that we can cover every loophole that makes our roads “killer roads”.

Mr. Temporary Deputy Speaker, Sir, in this Bill, I am proposing that, in a bid to create order on the streets and end crimes such as those of misuse of vehicles which are stolen through people having multiple tags or vehicle registrations, we want the vehicle registration plates to belong to the Kenya Revenue Authority (KRA). If you buy a vehicle, you have to get a licensed plate which is yours. We will link it with insurance, so that we do not have people driving around without insurance. This will also ensure that we do not have people taking a license plate from one vehicle to the next for criminal purposes. We want the KRA Department of Motor Vehicles to be the custodian of that. Before you get a plate, you have to show proof of insurance, so that everybody with any motor vehicle or motor cycle must show, at all times, proof of insurance. If not, we impose a penalty.

Mr. Temporary Deputy Speaker, Sir, if you sell your motor vehicle or if you park it or if you stop paying insurance, you have to take back that plate to KRA. The day that you will get insurance, you will go and get another license plate at a fee. That is how some states collect their revenue and create order.

So, Mr. Temporary Deputy Speaker, Sir, the end of this is to make penalties stiffer. We have said that too many people are on our roads under the influence of alcohol and drugs. They are killing our people carelessly. Even if it is me who will be found driving under the influence of alcohol, I want to be jailed because I will kill myself and kill other people. I think something has to be done at this point because too many of our people are dying and nobody seems to care.

Mr. Temporary Deputy Speaker, Sir, I have, therefore, said in Section 4 of the Bill that:-

“A person who when driving or attempting to drive or when in charge of a motor vehicle on the road or other public place is under influence of drink or drug to such an extent as to be incapable of having proper control of the vehicle, commits an offense and shall be liable upon conviction to imprisonment for a term not exceeding 10 years or to a fine not exceeding Kshs500,000 or both.”

Mr. Temporary Deputy Speaker, Sir, the reason for this is to deter. You saw what the police officers did with the alco-blow gadget. We will put regulations in place. We will have the Police Authority furnish us in this House with regulations which we shall approve, so that we do not experience the abuse we saw the police meting out on Kenyans during the use of the alco-blow gadget. We want this done in a civilized manner.

Mr. Temporary Deputy Speaker, Sir, we have to do something because many of people are dying. They are not getting a chance to live. Road accidents kill the elite of this country. People who travel from here to Nakuru or from here to Voi are mostly traders of this country; they drive the economy of this country. Most of them are working class people. We do have a duty and a role to do something to curb road carnage on our roads.

Mr. Temporary Deputy Speaker, Sir, we are also amending the Traffic Act in Section 45 and we are saying that:-

“This principle Act is amended in Section 45 by deleting Section 45 (1) and replacing it with the following.”

Mr. Temporary Deputy Speaker, Sir, Section 45 (1) says:-

“PSV Drivers are only charged Kshs15, 000 when they are caught drunk.”

Mr. Temporary Deputy Speaker, Sir, these people drive on those terminals where they can find cheap drinks. In fact, when they are going to the stage, the assigned driver of a vehicle gives it to a *manamba* and goes into a *chang'aa* or a drinking den. The *manamba* loads the vehicle, they get into the driver's seat and drive long distance with the people on board. If you see what these public service drivers do on the road, something has to happen immediately if we want to reduce the number of accidents on our roads. In fact, such a driver can kill these people before he drives them to their destinations. I have even had to stop some of them on the road and call the police. This is because you are seeing somebody who is hell bent on killing people. The job of a driver of a public service vehicle should not be that of killing people; it should be of protecting people during that job. After all, nobody leaves their home to go about their business just to go and die willingly. As it were, today, it is like if you reach a destination, you are very lucky.

So, Mr. Temporary Deputy Speaker, Sir, we are saying that a person who when driving or in charge, or during any period of duty in connection to the driving of a public service vehicle, drinks any intoxicating liquor or drug, commits an offense. They shall be liable upon conviction, to imprisonment for a term not than 10 years or to a fine of not less than Kshs50,000 or both. We want to jail public service drivers who get behind the wheels when they are intoxicated.

I am sure that if we implement that in only two weeks, we will save tens and tens of lives in this country. You cannot pay fare in a *matatu* and entrust your life to somebody who does not care about even his own life. So, we have sought to draft this Bill like that. We learnt a lot of from hon. Mututho's Alcohol Control Act; that when you put a stiff penalty, you will see change immediately.

Mr. Temporary Deputy Speaker, Sir, further, in creating order, in Clause 6, we are putting a further amendment to Section 45 of the existing Act, to cure a problem which is rampant all over with even private drivers. When there is a traffic jam, you will see a sane person doing what Cabinet Ministers are fond of doing; just driving on a pavement as though the rest of the people lining up in the traffic jam are not going anywhere. So, where there are two lanes, *matatus* create a third, fourth or fifth lane. It is that kind of impunity that we want to end through this Bill. We want to give the police tools to stop those people. This is because in the existing Act, Cap.403, the penalties have not been brought up to speed. They do not conform to the population explosion and number of vehicles on the roads. So, we are saying:-

“No motor vehicle shall, in order to avoid build-up of traffic on a road, be driven on or through a pavement or pedestrian walkway or petrol station as the case may be. A person who contravenes sub-section 1, commits an offence and shall be liable upon conviction, to imprisonment for a term not less than three months or fine of not less than Kshs30,000.”

Mr. Temporary Deputy Speaker, Sir, if a *matatu* steps out of a road, it is an instant fine of Kshs30,000. If you, as a private citizen, think that you are in a hurry--- The Tanzanians say that if you are in a hurry, you should have left yesterday. So, we are telling our people that if you are in a hurry, we want you to begin your journey early, so that you do not think that you are the master of the roads. This will create order.

Mr. Temporary Deputy Speaker, Sir, we go further in Clause 7 to say that the principle Act is amended in Section 47 by deleting the words “a term not exceeding ten years and the court shall exercise the power to--- I beg your pardon. In Clause 69 we are saying:-

“The Inspector General of Police may by notice in the Kenya Gazette designate a place along a public road, on which a police roadblock may be mounted.”

Mr. Temporary Deputy Speaker, Sir, sometimes we even see “*Askari Kanga*” mounting a roadblock just to collect taxes. You will see a *matatu* which gave money in the morning just passing the roadblock even if it is overloaded. When they see the one which has not given money, they stop it. We want the Inspector General to tell Kenyans that if you go from point “A” to “B” there shall be a roadblock. This will ensure that we know it. We can mount cameras and the Press may access it, so that if you take a bribe--- We have even criminalized bribe-taking on the road because it must end. If you drive from Kisumu to Siaya, there are about 15 police roadblocks purely for taking bribes. In fact, sometimes an overloaded *matatu* passes by a roadblock and 100 metres from there, it is involved in an accident. We cannot blame the Government for that. We want people to take individual responsibility. So, we are also going to criminalize bribe-giving and bribe-taking. We will jail you when you take or give bribes, so that we get serious on the war against corruption.

Mr. Temporary Deputy Speaker, Sir, we are saying:-

“A roadblock shall not be mounted in a place other than the place designated under subsection 1, but may be mounted in a non-designated place only in exceptional circumstances certified as such by the Inspector General or an officer authorized on that behalf by the Inspector General.

Mr. Temporary Deputy Speaker, Sir, we will still allow the police, if they have a tip that there is a crime being committed or about to be committed, to mount a temporary roadblock in order to intercept a motor vehicle which is suspected of crime. The only thing that we are outlawing is the cases of having traffic policemen everywhere. People who own Public Service Vehicles (PSVs) do not make a lot of money, because of the amount of money they give on the roads. It is like going to work for another authority which really does not care about you. So, when you get a loan and buy a Nissan and get into this business, you will soon get to know that you have to pay two bills; one on the road and the other to the owners of the loan. We want to end all that.

Mr. Temporary Deputy Speaker, Sir, I have heard complaints and people telling me that by outlawing the Traffic Department, I am doing something so wrong because these people have been trained in their duties and so on. The reason the Traffic Department of Police must go with this Bill immediately is that if you are crossing the road in front of County Hall, for example, and there is an accident, and an ordinary police officer is passing by, he will just proceed and you will have to wait for a traffic police officer. Also, if somebody is being mugged – and people get mugged in the roundabouts all over Nairobi by *chokoras* and other thieves - the traffic police officers will just look. With this Bill, all policemen, whether they are Administration Police, Regular Police or General Service Unit (GSU), will be able to enforce the law. Whether it is a traffic offence or robbery, all policemen must be equal because their calling is enforcement of

the law. I think making some to be traffic officers and others not, is in itself discriminatory. I believe that it may even be a violation of our current Constitution. I even have an experience where a police officer came and told me that if I knew somebody, he was even willing to pay him Kshs300,000, so that he could remain a traffic officer. So, it is lucrative. It is not law enforcement, but a money-making enforcement. So, we are proposing that all officers – uniformed and otherwise – must enforce the law on the roads. Whether it is robbery or whatever, it has to go that way.

Mr. Temporary Deputy Speaker, Sir, just to go further, we are saying that the Highway Authority must put signs on the roads that spell out speed limits. The roads must be clearly marked. They have said, and I think the figure needs to be verified that this year alone 78 people have died while crossing our new super highway – Nairobi-Thika Road and through other accidents.

The other day I used the Thika Road while going to the CID Headquarters when they were hunting me. On Thika Road, people drive whichever way they want and there is no single sign. I was wondering how the Chinese do their roads. Is the road done the China way or our way? Even though it is called a superhighway, when you drive on that road, you do not know whether you are going or coming back because there is no signage.

Mr. Temporary Deputy Speaker, Sir, I have been told that they attempted to put signs. However, if they put them today, they will all be gone tonight. They are sold as scrap metal.

We will put a clause in this Bill that if you touch a road sign, that is a crime and you will pay Kshs1 million for it. If you are caught touching a road sign, because they save lives and organize our roads, you will pay Kshs1 million or go to jail for up to 10 years.

We want our motorists to obey pedestrian signs. If you walk around the streets of Nairobi even where there is a Zebra Crossing, you will see a private car blocking it. Like everywhere else in the world, we will criminalize blocking a Zebra Crossing and crossing a red light among other things and enforce penalties. Anybody who is that reckless needs to pay something to the Government. That is how Governments raise money. They will feel it and be deterred from recklessness and carelessness against the law.

If a public service vehicle carries excess passengers - this is for the late Michuki - the law now says they should be charged up to Kshs20,000. However, we will say that you will be charged for the Kshs20,000 but for each additional excess, the Government shall charge you Kshs5,000 to make it non-lucrative. You will pay Kshs20,000 but for every additional passenger, we shall charge you Kshs5,000.

Mr. Temporary Deputy Speaker, Sir, I am then going further to propose that in the Michuki rules of order, Public Service Vehicle (PSV) workers must wear uniforms and badges bought from Kenya Revenue Authority (KRA) and not given free. If it is going to be a job that we are going to streamline so that people can eat from it, we are going to have to make sure that people who are doing it are disciplined and not disorderly, I am therefore proposing that the uniforms shall be prescribed by the Registrar of Motor Vehicles and shall in case of a driver be navy blue in colour and in case of a conductor be maroon in colour just as hon. Michuki proposed. The special badges required under Sub-section 1 shall be provided by the Registrar of Motor Vehicles upon certification of all requirements and upon payment of prescribed fee and if you do not have your badge so that we can identify you, the penalty would be an instant Kshs5,000.

Mr. Temporary Deputy Speaker, Sir, every driver of a PSV shall undergo compulsory testing after every two years to ascertain his or her competence. Every owner of a PSV shall

employ at least one driver and one conductor who shall be a holder of a certificate of good conduct issued by the relevant authority. Why do we want that? We want that because a lot of the accidents that happen do so because of greed. If you want to engage in transport business, you must create permanent employment for at least a driver and a conductor and shall be certified because the Government will be drawing taxes from them.

Mr. Temporary Deputy Speaker, Sir, we are saying every conductor or driver of a PSV shall only take up employment upon being vetted pursuant to sub-Section 5 and shall be paid a permanent monthly salary by the owner of a PSV. A person who contravenes or fails to comply with the provisions of this section commits an offence and shall be liable upon conviction to imprisonment for a term not exceeding 12 months or to a fine not less than Kshs10,000 or both and that is the owner of the PSV. A person including a passenger shall not ride a motorcycle of any kind, class or description without wearing a helmet or a jacket that has reflectors.

I said earlier that motorcycles are now our biggest killers. Some of these young people do not even put on shoes. They are in slippers which are slippery and you cannot ride a motorcycle in slippers and without a helmet. We appreciate that this industry is employing our youth but it should be done in a structured manner in a way that does not kill our people.

Mr. Temporary Deputy Speaker, Sir, on murrum roads, these things are finishing our people. Such a thing is happening minute by minute. A formula must be found by the Inspector General of Police where even the Administration Police (APs) control the speed of these people and control the conduct of motorcycle riders and make sure that they cannot do it without licences. In my constituency, I am now doing it for the second year in a row. I am providing the willing young people with motorcycle rider licences and it is very interesting. However, as much you try, you still find a small clique that do not even think they need a licence to ride those things. Majority are not complying. So, we have said that a person shall not ride a motorcycle unless that person has a valid driving licence issued in accordance with the provisions of the Act.

Mr. Temporary Deputy Speaker, Sir, I am going further to say that the traffic rules shall be enforced by every law enforcement officer and the fines shall be instant. The Inspector General of Police shall do a check-list for every violation and that penalty shall be spelt out. So, if we catch you crossing a red light and the penalty for that offence is Kshs10,000, you will pay in court, if you do not want to contest the charge in court. We also have the option of contesting the charge in court. You can also pay at the nearest city hall or at the nearest police station. There is so much money that can be collected for lawlessness on the streets. We will increase the revenue of this country by about 10 per cent, if we enforce these laws. We will also save a lot of lives. Our people are so scared.

At some point, the Minister for Transport had said that the last time we want to see a trailer on the road is at 6.00 p.m. but it is interesting to note that most of the accidents that happen at night, particularly on the Nairobi-Mombasa highway, are caused by trailers – trailers which should not have been on the road after 6.00 p.m. We are saying that if any trailer is found on the road between 7.00 p.m. and 6.00 a.m., it is a violation of this law and the operators of that trailer shall be fined Kshs1 million instantly. Our people commute at night. The trailers are not giving our people any space. They are killing everybody. To make it worse, they are 99 per cent foreign trailers. If they want to use our roads, they must do so within our laws.

Mr. Temporary Deputy Speaker, Sir, the buses that ferry people to Busia or Garissa or wherever have no roads at night because the trailer drivers do not want to sleep. The cabins of the trailers have sleeping space. So, they do everything as they continue travelling. We shall not allow this to continue. Trailers must be off our roads by 7.00 p.m. and that is final. If a trailer

passes a police roadblock after 7.00 p.m., a police officer shall be surcharged. Let us create order on our roads.

We do not want to say that the rural violators of the law have to go to court or to the local authorities to pay. We want to give them an opportunity to pay at the nearest police stations. This is to ensure that we do not overburden our motorcycle riders but we want to make sure that they pay for the crimes they commit.

Mr. Temporary Deputy Speaker, Sir, there is one other offence we are criminalising, namely, littering on the road. You see a grown up person in a car, drinking water, rolling down the window of the car and throwing the empty bottle on the road. Plastic bottles are non bio-degradable. Who do you want to pick up your trash on the road? Therefore, we are saying that if you throw any litter on the road in the city or anywhere, you pay an instant fine of Kshs2,000.

So, I am trying to do a lot of things here, including keeping our cities clean, keeping law and order, and teaching the Government new ways of raising revenue, in addition to the traditional ways of raising revenue.

Mr. Temporary Deputy Speaker, Sir, I have said that taking bribery will be outlawed. If you give bribes on the road we shall jail you for five years. If you take bribes on the road, we shall also jail you for five years. I am sure this will end rampant corruption. Let us deal with corruption at the top and let us also deal with corruption at the bottom.

Many corruption cases that you see at the top are not extraordinary. If I am corrupt, I am a product of my people because I came from somewhere. What we see is a reflection of our people. The people you think are thieves in Nairobi come from somewhere and they have learnt those things from where they have come from. Let us fight corruption whether it is mega or meager because corruption is corruption. We shall criminalize it at every level we get it.

Mr. Temporary Deputy Speaker, Sir, before I conclude I want to say that unroadworthy vehicles cannot be on the road. We shall criminalize anybody who thinks that they can put any vehicle on the road without proper maintenance. They are a hazard because they kill our people. We will not, through this law, allow them.

Lastly, you will not be allowed to fix a broken vehicle on the road to obstruct our roads. You will find a trailer parked crossways on the highway and a mechanic under it. That cannot be allowed because roads cannot be garages. If your vehicle is broken down, tow it away to a garage and have it fixed.

With those very many remarks, I request Dr. Noah Wekesa to second the Bill.

Thank you.

(Applause)

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to say that this is a very good amendment to our Traffic Act. You are aware that we have moved on. At Independence we were seven million Kenyans but now we are almost approaching the figure of 40 million. The trend in the numbers of our motor vehicles has increased proportionately.

So, there is need to amend some of the laws that we have been using more especially now that we have a devolved government and many of our laws will be amended.

Mr. Temporary Deputy Speaker, Sir, I have witnessed atrocities on our roads. Some of these atrocities are an act of our own making. We could avoid many deaths and injuries on our

roads only if we plan well. I think this is one of the ways we can plan by amending the existing law.

The Traffic Act as it stands is archaic. As I have said, we have very many Kenyans now driving. We also have *boda boda* now but we still have very narrow roads. We still have roads being constructed without any consideration of the increased numbers.

For example, how can we construct a road from Mombasa to Kampala and make it a single lane? We are not thinking ahead! Surely we passed the age of single lane trunk roads. A road from Mombasa through Nairobi, Nakuru, Eldoret and Webuye to Kampala should be a dual carriageway. We should not have traffic through our cities and towns. This is one way of decreasing traffic jams that cause accidents. Therefore, every town, for example Nairobi, Mombasa, Mariakani, Voi, Sultan Hamud, Mlolongo, Naivasha, Nakuru, Eldoret and Webuye--- We must have ring roads along these towns. This should be done so that we decongest our towns.

Mr. Temporary Deputy Speaker, Sir, this is what is happening in the so called developed countries. You cannot get traffic coming from Mombasa to Nakuru going through Nairobi. What we have done by creating the Northern Corridor and the Southern Corridor is the right way to address congestion in all our cities and towns. Eldoret is very notorious for this; all the traffic goes through Eldoret Town. I live in around those areas; you can travel very fast from Nakuru to Eldoret, but to go through Eldoret you take half an hour. After Eldoret, you take half an hour to be in Webuye. On the two kilometers that you travel through Eldoret Town, you take half an hour, because we do not have ring roads around this town. Therefore, we should be careful now as we spend taxpayers' money, that we construct roads properly. Within our towns we should create sections for pedestrians, cyclists and for the disabled.

In Kenya we are notorious for this. We construct roads and buildings as if we do not have disabled people. This is the 21st Century and every road that is constructed should take care of pedestrians, cyclists and the disabled.

Mr. Temporary Deputy Speaker, Sir, the drinking menace is still with us. Here we are requesting that the police should do their job properly, but without corruption. We are also requesting Kenyans not to drink when they drive.

The *boda bodas* are something that has created jobs for our youths. We have them in every county, but I think we in Government must do more to make sure that this industry survives. I think we should train our youths to be safe on the roads. They should not be any more different from those driving cars. Once you are on a main road, whether you have a bicycle or a motorized vehicle such as a motor cycle, you should be subject to the code of regulations that governs good behavior on roads.

Within our hospitals, we have now created wards that are purely for *boda boda* victims. The *boda boda riders* and their passengers are dying. I have seen a motor cyclist carrying four adults on a motorbike. I have also seen a *boda boda* carrying timber. These are things that we should discourage through the law. We should not discourage our youth from doing the business of transportation. They have been very useful. They have provided an avenue for those who cannot get access to cars, or those who reside in places where we do not have roads for cars. They are doing a good job, but many of them are dying. Our people are dying and many more getting injured.

Mr. Temporary Deputy Speaker, Sir, we still see unserviceable motor vehicles on our roads. I think severe penalties should be provided for in this law to discourage this.

With regard to the issue of trailers and long distance haulers, I want to disagree with my colleague, the Mover of the Bill. Let us just enforce the law. If we say that trailers should not move at night, we will be killing the transportation industry. There are many trailers that obey the law. There are many drivers who obey the law. They have to move goods at night because some of those goods are perishable. I happen to be a farmer who exports flowers to Europe. Personally, I would be affected. I know many trailers on our roads carry medicines and perishable goods. We should allow them to travel at night to save on time, provided they obey the law.

The issue of *matatus* is the same as that of *boda bodas*. We need to make it possible for *matatus* to have their own lanes, so that they do not hinder movement of other motorists. In fact, this is something that we see in many towns. If you go to London, you will realize that there are lanes for motor vehicles, buses, cyclists and so on. We should do the same here. We cannot reinvent the wheel. What is being done in China and Europe, we should emulate and do the same here instead of increasing traffic on our roads.

Traffic rules offenders should pay fines on the spot in minor incidents. This used to happen, but I see a whole lot of traffic offenders being taken to court. It is a waste of time for them. We used to have a document that you would sign and plead guilty. If one did not have money, then he would be expected to go to the nearest police station or court to pay. This should be brought back. I have seen so many traffic offenders being hauled to courts. They stand there waiting for their cases to be called and wasting a lot of time. We should make it possible for traffic offenders in Kenya to pay fines on the spot, or pay in court or at any police station and obtain a receipt. I think this is one way of saving time.

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

(Question proposed)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is now time to interrupt the business of the House. This House, therefore, stands adjourned until today, Wednesday, at 2.30 p.m.

The House rose at 12.30 p.m.