

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 18th September, 2012

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Financial Statement of the County Council of Turkana for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

Financial Statement of the County Council of Wareng' for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

Financial Statement of the Town Council of Londiani for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

An abstract of Accounts of the County Council of Marakwet for the six years ended 30th June, 2000 and the certificate thereon by the Auditor-General.

Financial Statement of the Town Council of Ogembo for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

(By the Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry) on behalf of the Minister for Local Government)

Mr. Deputy Speaker: Maj-Gen. Nkaisserry, can you lay the balance of the---

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): I am sorry, Mr. Deputy Sir; I think the Clerk gave me only page one.

Mr. Deputy Speaker, Sir, page two contains the following:-

Financial Statement of the Municipal Council of Bungoma for the two-year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the Municipal Council of Bungoma for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

Financial Statement of the Municipal Council of Kerugoya-Kutus for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

Financial Statement of the Town Council of Maralal for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

Financial Statement of the County Council of Turkana for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

Financial Statement of the Town Council of Litein for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

Financial Statement of the County Council of Marakwet for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

Financial Statement of the Municipal Council of Naivasha for the year ended 30th June, 2010 and the certificate thereon by the Auditor-General.

(By the Assistant Minister, Ministry of State for Defence (Maj-Gen Nkaiserry) on behalf of the Minister for Local Government)

Mr. Deputy Speaker: Next Order.

QUESTIONS BY PRIVATE NOTICE

REPATRIATION OF MS. ROSEMARY W. NDUATI FROM SAUDI ARABIA

Mr. Kabogo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware that Ms. Rosemary Wariera Nduati is missing and had earlier complained of detention and mistreatment by her employer of phone number +966551782526 in Jeddah, Saudi Arabia?

(b) What urgent measures is the Minister taking to ensure that she is traced, released from her exploitative employer's custody and repatriated?

(c) What is the Government doing to ensure that Kenyans living and working in the Middle East are safe from such dehumanizing occurrences?

Mr. Deputy Speaker: Minister for Foreign Affairs is not here?

We shall come back to this Question.

(Mr. Onyonka entered the Chamber)

Assistant Minister for Foreign Affairs, this Question has been coming in and out of this House. I presume that you are going to give a satisfactory answer today. Can you proceed and answer the Question?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Ms. Rosemary Wariera Nduati is missing. The telephone number of her employer, which was given by the hon. Member, was conveyed to the embassy in Riyadh and the embassy tried on several occasions to reach this lady but Kenya's ambassador was unable to raise her. The next of kin of Ms. Nduati are requested to contact the recruitment agency that arranged for her to travel to Saudi Arabia to provide us with the alternative contacts of the employer, so that we can try and see whether we can reach her.

The increase in the reports of cases of harsh working conditions for domestic workers in Saudi Arabia as well as more cases of mistreatment, including reports of slave-like conditions, torture and even death in the countries where our people go to work have been a worry to the Ministry of Foreign Affairs. I would also like to say that even though these issues have been raised, there are also Kenyans who are working peacefully and earning a decent living in many countries within the Arab World and, indeed, globally. Therefore, some of the cases that we have been receiving have been unique in the sense that they have been one-offs; in most occasions the

Kenyan Government, through the Ministry of Foreign Affairs, has always followed up to know what the problem is and we have tried to resolve some of these cases.

(b) The Ministry of Foreign Affairs is also in the process of trying to negotiate with the embassy of the Kingdom of Saudi Arabia, so that we can address most of these cases because many of them have arisen in Saudi Arabia. The Saudi Government, through the ambassador here, has promised that they are going to make sure they do everything necessary for us to solve these problems.

The actions which have been taken are that when we realized that we had many Kenyans being exposed to cruelty, we banned Kenyans from travelling to Saudi Arabia, Qatar and United Arab Emirates (UAE); the purpose for that was to enable us to streamline the recruitment of Kenyans to make sure that no Kenyan is further harmed. There were meetings between two or three of the embassies from the Middle East. Following these meetings the Government put in place the following measures:-

(i) We suspended recruitment of domestic workers to go to the Middle East.

(ii) A clearing process was introduced, and we are now in the process of making sure that anybody who is travelling, particularly those people travelling to go and do jobs other than domestic work, is provided with the necessary clearances, including issuing a clearance letter before somebody can get a visa from the Saudi Arabia embassy and two other countries.

(c) Mr. Deputy Speaker, Sir, the Ministry of Foreign Affairs usually makes sure that we follow up through due diligence to find out whether the employers who give jobs to our people exist and whether they have followed Saudi law; we make sure that the process is conducted freely, fairly and is within the law of Saudi Arabia.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I am not sure whether the Assistant Minister listened to your remarks when he was coming in late. You asked him to remember that this Question has been coming to the House many times; actually this is the fourth time.

He then comes and tells the country, the Republic of Kenya, that he is not aware that this lady, Rosemary Wariera, is held captive and is missing. He comfortably said so. He then came up with long stories and details about how difficult it is, and how Kenyan girls have been tortured and enslaved. He has said it here before the whole country.

Mr. Deputy Speaker, Sir, for three weeks we have been waiting for him to come to the House and answer the Question, but he has not found out whether this lady is in Saudi Arabia, has been killed or is held anywhere else. What is this Government doing if they cannot trace their nationals in other countries? Is he in order to show the House that there is nothing he has done, yet he has had all the time?

Mr. Deputy Speaker: Could you, please, ask your question, Mr. Kabogo?

Mr. Kabogo: Mr. Deputy Speaker, Sir, when will the Ministry find out where this lady is?

Mr. Deputy Speaker: He says he has not found out where the lady is. Could you ask him a question that essentially will make him take responsibility because he has already told you that he is not aware?

Mr. Kabogo: Thank you, Mr. Deputy Speaker, Sir. My question is very straightforward. When will they find her and bring her home? When will they resolve the issue of this cartel and who is responsible for these cartels? Which Minister or Permanent Secretary is responsible for these cartels?

Mr. Onyonka: Mr. Deputy Speaker, Sir, I sincerely take the concerns of hon. Kabogo. The recruitment of Kenyans to work abroad, particularly the ones who are going to the Middle

East, has a problem. There is no policy document which is supposed to be shared between the Ministry of Foreign Affairs, the Ministry of Labour and the Ministry of State for Provincial Administration and Internal Security. Up to now, discussions are taking place. The hon. Members know sometimes the Government takes a long time to resolve some of these issues. For example, a case like this would not have happened if the Kenyan Embassy in Jeddah, Saudi Arabia, had maintained the contacts of where this lady had gone to work. As I said, with the information we have, it is becoming a bit impossible for us and, indeed, our Ambassador in Saudi Arabia to actually trace where this lady works. For me to trace this lady, I would want hon. Kabogo to provide me with any contacts that he might have of where this lady is working in Saudi Arabia, so that our Ambassador can go there physically.

Mr. Deputy Speaker: Order! Mr. Assistant Minister, you said that you are not aware.

Mr. Onyonka: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You have not qualified what you are not aware of; whether the woman exists or whether the conditions that the hon. Member talked about do exist. There is a number given there. Did you try to make an effort to contact this number?

Mr. Onyonka: Yes, Mr. Deputy Speaker, Sir. The Kenyan Ambassador tried to get through this number, but it sounded as if it is not working. As a result, he called us back and he enquired whether the hon. Member has any other contacts which he could use to try and trace where the lady lives.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. Is it order for the Assistant Minister to mislead this House at this time and age of technology? He knows very well that if he went to the Safaricom company, it would show the trail of the numbers that have been used and even the handsets. Is he telling us that Saudi Arabia is so backward that they cannot trace what phone this person is using? This Ministry is colluding with Saudi employers to mislead Kenyan women, holding them captives there and even using them as sexual slaves.

Mr. Deputy Speaker: Order! Order! Hon. Kabogo, I think you need to take certain responsibilities in the very sweeping statements you make on the Floor of the House. The Standing Orders are very categorical. A Member cannot describe another state in the manner that you have described Saudi Arabia. A number of hon. Members of Parliament think that by getting very emotional, they are sending a message home. Please, give the Assistant Minister information because your interest is to find out where this lady is. I was in Saudi Arabia myself. Basically, when you want information, there is a way to get it. Do you have the information? If so, pass it to him.

Mr. Duale: Thank you, Mr. Deputy Speaker, Sir. Through your indulgence, there are 18 million foreigners working in Saudi Arabia. Out of that, Kenyans constitute less than 3 per cent. If you go to the airport on Tuesday and Saturday mornings, 90 per cent of the passengers on Saudi Arabia Airlines are Kenyans going there to look for work. We do not want to jeopardize the jobs or the lives of those Kenyans because of isolated cases. Could the Assistant Minister confirm and tell the country that these are isolated cases and that there are thousands of Kenyans working in the Middle East? I think the issue must be very clear. There are thousands from our own constituencies who are working in Saudi Arabia. If the Ministry feels that there is a problem, do they have a policy to address those isolated cases?

Mr. Deputy Speaker: You have made your point.

Yes, Mr. Assistant Minister?

Mr. Onyonka: Mr. Deputy Speaker, Sir, I want to totally agree with what hon. Duale has said. The Saudi Government, the Government of United Arab Emirates (UAE) and the Kingdom

of Qatar have been very supportive in making sure that they provide opportunities for our people to go and work in their countries.

But, Mr. Deputy Speaker, Sir, as I said earlier, we have no guidelines---

(Mr. Onyonka leaned forward to reach the microphone)

Mr. Deputy Speaker: Order, hon. Onyonka! You really do not have to bend so hard, so that you become uncomfortable. The microphone will always capture you.

Mr. Onyonka: Thank you very much, Mr. Deputy Speaker, Sir.

The point I want to make is that the Departmental Committee on Labour and Social Welfare of this House needs to come up with a policy document and the law that will guide the recruitment of Kenyans to any part of the world. This is the only way we can make sure that when Kenyans travel, they are secure and they go without much incident. But I would like to reiterate that there should be---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, I am on a point of order.

Mr. Deputy Speaker: Order, Mrs. Odhiambo-Mabona! Use the technology and do not shout “on a point of order.” You are not the only one who is on a point of order. The fact that the rest are not shouting does not mean that you are the only one on a point of order. Could you, please, use the technology?

Mrs. Shebesh: Mr. Deputy Speaker, Sir, is it in order for the Assistant Minister to say that this House should come up with guidelines and policies when this House has passed an Act on human trafficking? This Ministry itself has also come out clearly and admitted that there is a problem which is documented.

Mr. Deputy Speaker, Sir, we know there is victimization and human trafficking in these countries where our women are going to work.

Mr. Deputy Speaker, Sir, is it in order for him to push the issue back to us when we have even passed an Act here on human trafficking? The Assistant Minister has admitted on the Floor of this House that there is a problem and that they are trying to come up with a way to ensure that all the girls who go to Saudi Arabia and other places to work are traced, known where they are, and that their passports will not be confiscated? Is he in order to mislead the House?

Mr. Onyonka: Mr. Deputy Speaker, Sir, I have absolutely no problem with the position of Mrs. Shebesh. However, the implementing agencies have a problem of effectively implementing the policy to make sure that when Kenyans seek employment outside the country, they follow due diligence, for example, know who the employer is, how much they will be paid and whether they are secure wherever they are going to work.

Mr. Deputy Speaker, Sir, that cannot be done by the Ministry of Foreign Affairs. The Ministry can only follow up when a Kenyan is in trouble. That is why we come and answer Questions when Kenyans are in trouble.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Imanyara: Mr. Deputy Speaker, Sir, listening to the Assistant Minister for Foreign Affairs one would be forgiven to suggest that he is taking this House for a ride because the recruitment agencies that send Kenyans; both girls and boys, to the Middle East are registered by this Government. They maintain a list of all the registered recruitment agencies. These agencies maintain a register of the Kenyans they are sending out and they have details of the employers. This information is with the Government.

So, Mr. Deputy Speaker, Sir, is it right for him to come and say that his hands are tied when this information is with Government which maintains the register of recruitment agencies who maintain the names, contacts and the places of employment of all Kenyans who go to the Middle East?

The Deputy Speaker: Mr. Minister, do you not have a standard advice to all Kenyans whenever they get to those places, so that when they reach there they can register their details with the embassy? What is the system that you use?

Mr. Onyonka: Mr. Deputy Speaker, Sir, the Ministry of Foreign Affairs gives very clear instructions. We always tell individuals who go to work in these countries that immediately they land at the point of entry, they should get in touch with the Kenyan ambassador and with the officers in the embassy. It is true that we have agents who are doing this job, but many of them are quacks. The Ministry of Labour should be held accountable because they are the ones who have been registering these agents. I believe the Ministry of Labour should handle the matter.

Mr. Deputy Speaker: If you are saying they are quacks and you are the regulatory body, what are you doing to make sure that you put them in their right place? The definition of a “quack” is somebody who is practising a profession for which he or she is not qualified? Respond also to Ms. Amina Abdalla’s question.

Ms. Amina Abdalla: Mr. Deputy Speaker, Sir, my question is a follow up to the fact that the Assistant Minister is admitting that the agencies involved in taking Kenyans to the Middle East are quacks, in his opinion. My question to him is, as the Ministry of Foreign Affairs they are responsible for looking after these persons when they are in these foreign countries; what efforts have you made to ensure that we have solid labour agreements with all those countries to whom we export labour, especially in the Middle East, where there are serious accusations of human trafficking?

Mr. Deputy Speaker: Are you sure those are not abuses? Human trafficking are very strong words.

Proceed, Mr. Onyonka.

Mr. Onyonka: Mr. Deputy Speaker, Sir, as I stated earlier, I am in a way agreeing with Ms. Amina Abdalla. One of the issues we have is a half of the countries Kenya has signed bilateral agreements with on many other issues have not signed labour bilateral agreements to protect Kenyans. Regarding the internationally accepted best practices--- The country that has done the best is the Philippines. We have said that sometimes we may not even have to modify anything. We have said that we need the Ministry of Labour, the Ministry of Foreign Affairs and the Ministry of State for Provincial Administration and Internal Security to set up an inter-Ministerial Commission which will sit down and come up with the way forward. This has been going on for the last two years; up to now nothing has been done. I believe that the Ministry of Foreign Affairs is engaged--- We have asked the other Ministries to come on board, so that we can have bilateral agreements signed with Saudi Arabia, Qatar, the United Arab Emirates and many other friendly Arab countries that are helping our people. I believe this should be done very soon.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to request that this Question be referred to the Minister for Gender, Children and Social Development because it is a case of human trafficking? According to the Counter-Trafficking in Persons Act the relevant Ministry is that of Gender, Children and Social Development. It should then consult the Ministry of Foreign Affairs. This is a case of trafficking.

Mr. Deputy Speaker: Order, hon. Member! Whereas there is a reason for every hon. Member to try and get to the bottom of this matter, this is an August House. We have relationships, including employment relationships, with many countries. You do not want Kenyans to be blacklisted because of the kind of reckless statements that come from Parliament itself as an institution. So, can you deal with these things in a much more mature way? Get to the bottom of it; try to get the facts right and relevant Ministry to work with.

Mr. Duale: On a point of order, Mr. Deputy Speaker, Sir. Earlier on I set the record straight. It should be removed from the HANSARD that the Question Mr. Kabogo brought has nothing to do with human trafficking. Let us make this issue very clear. Even when Kenyans who go to work land at Jeddah International Airport, they report to a different counter at the immigration section from Kenyans going to visit the Holy Mosque. The Assistant Minister must provide a list. The problem is not the Saudi Government, but it is with the agencies based in this country. We are asking the Assistant Minister to provide a list of agencies and look for the company that sent Ms. Nduati to Saudi Arabia.

Mr. Deputy Speaker: Fair enough; you have made your point.

Mr. Mututho, proceed.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. It is a fact that the Government of Kenya now receives from the Diaspora up to US\$1 billion. In whatever capacity and whatever they are doing out there, we receive that much. Am I in order to request the Attorney-General of the Republic of Kenya to urgently draft a Bill to establish a Diaspora Authority, which will be dealing with this matter as it is supposed to be dealt with? Such cases should be dealt with because we cannot recall all the Kenyans overnight. We are benefitting from remittances from them, yet we sit here and pretend that there is no problem. Am I in order?

Ms. Amina Abdalla: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has spent a lot of time blaming the fact that efforts to set up labour relations with the Ministry of Labour and other stakeholders in the Government have not borne fruit. Would I be in order, given that the “*nusu mkate* government” has not been able to facilitate labour agreements, to suggest that we either take this Question to the Prime Minister or refer it to the Committee of this house on labour relations to deal with it?

Mr. Deputy Speaker: The Chair was under the impression that Mr. Wetangula, who has been in this business for a long time, would lend a helping hand to his colleague, but I can see he is not interested. Mr. Wetangula, are you sure you do not want to help your colleague in this area?

Mr. Onyonka: Mr. Deputy Speaker, Sir, my senior will indulge you shortly. I would like the House to note that because of the efforts the Ministry of Foreign Affairs has been making, I have decided to come and table a document here showing that out of the total 800 Kenyans who got jobs in Saudi Arabia this month, only 16 went there as house-helpers. If you look at this list, and I will table it, many of the workers on it did not go to Saudi Arabia as house-helpers, neither did they go there to do menial jobs. There are Kenyans working for construction companies. One is an industrial footwear company and another one is a company that provides security services. I would like to table the list just to show members of this House that we should be very careful about what we say, because many of these countries have been very kind to our country; many of them are trying very hard to make sure that they provide the necessary framework to make sure that our people work well. Where we have nasty cases, I promise that the Ministry of Foreign Affairs will do everything within its power to solve the problems.

Mr. Deputy Speaker: Mr. C. Kilonzo and then Mr. Kabogo will do the last.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, this Government has acquired a very good reputation for doing physical things like constructing good roads, but when it comes to issues where human beings are concerned, it has no idea. That is why they are not able to deal with the strike by teachers, lectures, doctors and many others that are coming. Could he tell us, since he has confirmed that the problem is not with the Saudi Government but is with the quacks we have here, why then we are not able to deal with the human beings called quacks, as a Government?

Mr. Deputy Speaker: Before you respond to that, let me take one point of order from Mr. Wambugu.

Mr. Deputy Speaker: Before you respond to that, let me take the final point of order from the retired Captain, Wambugu.

Capt. Wambugu: Mr. Deputy Speaker, Sir, I am still very current. I got my licence renewed last week.

On a point of order, Mr. Deputy Speaker, Sir. When the Assistant Minister was replying to this Question, he said that the Ministry normally intervenes when a Kenyan is in trouble. We have information that the Ministry is aware of one girl, Anesta Muthoni Gariega, who died in Saudi Arabia sometime in June but up to now, it has not done anything. Is the Assistant Minister in order to say that they only intervene when somebody is in trouble? When are they going to bring the remains of that girl back to Kenya?

Mr. Onyonka: Mr. Deputy Speaker, Sir, I am not aware that the lady died. If we receive information as to where her remains are, the Ministry will make sure that we bring her body home.

Mr. Deputy Speaker: Last question, hon. Kabogo!

Mr. Kabogo: Mr. Deputy Speaker, Sir, you earlier said that we are showing emotions. I wonder how one would avoid showing emotions when it comes to---

Mr. Deputy Speaker: Show them, but also, do not mess opportunities for 100,000 Kenyans.

Mr. Kabogo: Mr. Deputy Speaker, Sir, if you could give me a minute; I am building my question.

Mr. Deputy Speaker: Proceed!

Mr. Kabogo: Mr. Deputy Speaker, Sir, earlier on, the Assistant Minister said that I should supply him with a number. I have supplied this Assistant Minister with the number and he says that Saudi is a place where technology works. A Kenyan girl is held captive - that is the claim - yet he comes with a long story and papers. I wonder, if this girl was from Kitutu Chache, what he would say. Could the Assistant Minister go back and give this information to the Saudi Government about this phone, so that they can trace where it was registered? This girl is being held against her wish and this is why you hear the hon. Members say that this is human trafficking. We have the register of who---

(Mr. Duale consulted loudly)

Mr. Deputy Speaker, Sir, protect me from hon. Duale.

Mr. Deputy Speaker: Order, hon. Duale!

Mr. Kabogo: Mr. Deputy Speaker, Sir, this is a very important matter as far as I am concerned. I would wish the Assistant Minister to give the House an undertaking that he will go and do just a little bit of common sense work, where you put one and one together and get two. He should find the location of the employer, the girl or man who sold this lady, so to speak, to

Saudi or the agency that got the licence. Where did they send this girl? I request that you defer this Question until he comes with an appropriate answer. Remember that this is a Kenyan girl.

Mr. Deputy Speaker: Order! Order! On the basis of the information that you have furnished the Assistant Minister with, he says that he is not aware. Under such circumstances, the most prudent thing for you to do--- I am sure you have a way of communicating for you to be very categorical---

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

Mr. Deputy Speaker: Order! Order, hon. Kabogo! The Chair is telling you to get some more information. If you do not have it, tell him that there is no more information. It is on the basis of that, that the Chair can give direction. This is not a place where we just go for the cameras and show emotions, much as we are getting closer to the elections. But, nonetheless, it is a Kenyan whom we are all supposed to worry about. We have a responsibility to get to the bottom of this. So, the hon. Assistant Minister will do all that is within his capacity. At the same time, if there is any information from the mother, father or any person who is already in a position to have certain information, it will help us. In any case, even within our own country, when your vehicle is robbed somewhere and you have information, you will still go to the police and tell them: "I think we can find the car somewhere." The police will arrest. Let us all be very sensitive to our own young lady there. There is need for us to take this collectively.

Hon. Assistant Minister, you have a responsibility to report back to the House, with as much more information as you can get. But in the meantime, you also have a responsibility to look for the agent and family, and try and get to the bottom of this matter.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. I just want to seek the indulgence of the Chair. The Chair has just suggested that I may be withholding some information, but I have not given it to the Assistant Minister. I am not holding any information. I am only asking for the right of a Kenyan girl, who is held captive in Saudi Arabia. I am requesting the Chair to defer this matter until this Assistant Minister has done enough work, to find out whether he can get this Kenyan girl free. That is all I am saying.

Mr. Deputy Speaker: Hon. Assistant Minister, you have my direction.

Mr. Onyoka: Mr. Deputy Speaker, Sir, if I am able to raise the names of the agent who initially recruited this very lady and the contacts--- At the same time, I will send an SoS to our Ambassador in Jeddah to see if there is anything more he can do, and report back to the House in the next one week.

MURDER OF MR. PATRICK K. KIPRONO BY
KFS WARDEN AT KAPCHEMUTWA

Mr. Chepkitony: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) Under what circumstances was Mr. Patrick Kibet Kiprono (ID No.9865647) killed by a Kenya Forest Service Warden while harvesting dry firewood at Kapchemutwa Forest near Chebiemit in Keiyo District on 12th August, 2012?

(b) Why has the responsible warden been released by the Police without being taken to court?

(c) What compensation will the Government give to the deceased's next of kin?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, I had answered this Question last week, but there were some facts that were not correct,

which have now been corrected in the answer which we delivered to Parliament early this morning.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) On 12th August, 2012, two rangers---

Mr. Chepkitony: On a point of order, Mr. Deputy Speaker, Sir. I want to bring to your notice that I have not got a written answer to this Question.

Mr. Deputy Speaker: This is a Question by Private Notice and he does not have to furnish you with a written answer.

Proceed, Assistant Minister!

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, the answers were delivered to Room 8 of Parliament at 9.00 a.m. If the hon. Member was diligent enough, he should have checked with Room 8.

(a) On 12 August, 2012, two rangers who were conducting routine patrol duties in Chebiemit Forest, at 7.00 a.m., came across two people who had illegally cut tree logs and were preparing a kiln to convert the logs into charcoal. When they were challenged to stop what they were doing and surrender themselves to the forest rangers, one of the two persons ran away while the second one proceeded menacingly towards one of the rangers and attacked and injured him by cutting his right arm which was holding a rifle. The ranger in pure self defence released a bullet from his gun which, unfortunately, resulted in the death of the aggressive attacker. The second accompanying forest ranger, immediately reported the incident to the police station and District Criminal Investigation Officer, Keiyo; the Officer Commanding Station and the local District Officer. The local Kenya Forest Officer Inspector based at Kaptagat Forest Station, Chepkorio Division in Keiyo South District, also promptly visited the scene. The body of the late Patrick Kiprono Kibet was subsequently taken to the Iten District Hospital Mortuary.

(b) The forest ranger who was concerned, Mr. James Bore, was arrested and placed under custody where he was charged with manslaughter. The case will be mentioned on 19th September, 2012. He is still under police custody as of the information we have now.

(c) The Kenya Forest Service (KFS) does not pay compensation in respect to persons who are injured or killed by forest rangers who act in self defence in the course of their duties.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Last week, the House spent about 20 minutes debating whether the Assistant Minister was familiar with malice aforethought, murder, manslaughter and how different they are because on one hand he was saying that the forest warden was acting in self defence but on the other side he is charged with manslaughter. All these come together and this is the same answer he is repeating. Is it in order for the Assistant Minister to continue misleading the House?

Mr. Nanok: Mr. Deputy Speaker, Sir, if the House was listening very keenly, I said this is on account of what was reported by the two officers from the KFS who are under my Ministry. I have also said that this is a matter that has been taken up by the investigative arm of the Kenya Police and it is in court. I want to quote case No.67 of 2012, Eldoret High Court.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, I still want to express my disappointment with the answer as has exactly been said by Mr. Olago. It is the same answer and he repeats the same mistake of calling the forest Chebiemit while it is not Chebiemit but Chemutwo Forest. He is not serious in his answer and I will still request that he goes back to bring a proper answer.

Mr. Nanok: Mr. Deputy Speaker, Sir, I have crosschecked this name following last week's intervention with my officers and they have still confirmed in our records that this is Chebiemit Forest. My understanding is that Kapchemutwo and Chebiemit are in the same

vicinity and in our records we call it Chebiemit Forest. Maybe the hon. Member has their own local name of that forest which may not necessarily be in our records.

Mr. Njuguna: Mr. Deputy Speaker, Sir, the Assistant Minister has just asserted that one of the forest wardens was approached and injured. Could he table documentary medical evidence to show that this really took place?

Mr. Nanok: Mr. Deputy Speaker, Sir, this is a case in the Eldoret High Court and I do not want to proceed further with the information.

Hon. Members: No!

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to use the fact that the case is in the High Court to refuse to answer the question? Furthermore, noting that those people were going to collect dry firewood and were shot at, yet we know that the KFS have been making millions out of sandalwood and two of them are Ministers in this House, including in his own Ministry. So, could he tell us why there seems to be a discrepancy between people who are selling sandalwood and these two people who were collecting dry wood?

Mr. Nanok: Mr. Deputy Speaker, Sir, I do not think you expect me to answer that question as asked but in relation to this particular question, what I gave here was the account of our officers. The investigative arm of the Kenya Police together with the courts has taken up this matter. This House---

Mr. Langat: On a point of order, Mr. Deputy Speaker, Sir. Mr. Njuguna has asked a very important question and the Assistant Minister is trying to run away from it. Is the Assistant Minister in order to avoid answering the question by Mr. Njuguna specifically because the Assistant Minister alleged that the person who was killed was going to attack the warden and in the process hurt the warden? Could he show us the medical records for the treatment so that we can confirm that allegation?

Mr. Nanok: Mr. Deputy Speaker, Sir, the Standing Orders of this House respect the separation of powers between the Judiciary, Executive and Parliament. This matter is *sub judice*. It is under the High Court and the case is coming for mention on 19th September, 2012. I think we should leave it at that. Delving further into it means that I am going to be a judge and arguing a case that is before a High Court Judge.

Hon. Members: No!

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister keeps on saying that the matter is in court when he is asked to provide proof that an officer was injured. This House has no intention of taking over the court case but we want to know the truth of his statement that a warden was injured.

Hon. Members: Yes!

Ms. Karua: Mr. Deputy Speaker, Sir, is it in order for him to refuse to table medical evidence certifying that, indeed, a warden was injured?

(Mr. Kabogo consulted with the Chair)

I hope you heard, Mr. Deputy Speaker, because you appear quite busy.

(Laughter)

Mr. Deputy Speaker, Sir, you appear quite busy. I have finished my point of order and it looks like Mr. Kabogo is interfering with the proceedings of the House.

Mr. Deputy Speaker: Mr. Nanok, can you proceed and respond to the point of order raised by Ms. Karua?

Ms. Karua: Mr. Deputy Speaker, Sir, this requires your direction.

Mr. Deputy Speaker: What did you say? Can you repeat it?

(Laughter)

Ms. Karua: Mr. Deputy Speaker, Sir, Mr. Kabogo should be remorseful. The hon. Member who had immediately asked a question asked for medical proof that, indeed, a warder was injured. Yes, the matter is in court; Parliament has no wish to interfere with court proceedings but nothing stops the Assistant Minister from tabling medical evidence to prove the warder's injury before the House. Is he in order to withhold that information from us? He is the one who has offered that the warder was injured. All we want is proof!

Mr. Deputy Speaker: That is a valid point of order, Mr. Nanok but just before you respond to that point of order, can you respond to another one by Mr. Olago so that you can jointly deal with both of them?

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Following up on Ms. Karua's point of order, the Assistant Minister appears to me to be seeking the defence of *sub judice* and he is nodding his head. If that is true, then he must tell the House which Standing Order he is relying on and how it applies to the proceedings he is referring to otherwise if he is not able, the onus of proving it---

*(Mr. Kabogo continued consulting with
the Deputy Speaker)*

Mr. Kabogo is at it again!

(Loud consultations)

The point I am addressing to the House is this: If the Assistant Minister wants to raise the issue of *sub judice* in his defence of refusing to answer to the House, then the onus is on him to prove to the House that the Standing Orders are in his favour. He has not even attempted to do so. Is he in order?

Mr. Deputy Speaker: Order, hon. Members! The provisions of the Standing Orders on matters of *sub judice* are very categorical and express. A Member alleging that a matter is *sub judice* shall provide evidence to show that paragraphs two and three are applicable. I will read paragraphs two and three of Standing Order No.80. Paragraph two says:

“A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.”

Not any matter that is in court can be deemed to be *sub judice* here; it is only to the extent that the deliberation in this House can become prejudicial to its determination. “In determining whether a criminal or a civil proceeding is active, the following shall apply---” You must have the criminal proceedings. The Standing Order states:

"Criminal proceedings shall be deemed to be active when a charge has been made or summons to appear has been issued. Criminal proceedings shall be deemed to have ceased to be active when they are concluded by a verdict and sentence or discontinuance."

Nonetheless, the point I am trying to indicate here is that the moment you say that a matter is *sub judice*, you must have the relevant documents to prove that. Also, the Chair will determine whether or not the matter is going to be prejudicial to the determination of that case. In many cases in the past we have said that though a matter is in court, it is not *sub judice* and one can proceed to ask a question.

The question that has been raised now, of the medical proof of the officer who was injured and who used force to save his own life and in the process somebody else suffered, you must produce that evidence too. You have said it and it is on record that, indeed, the warder was injured.

Mr. Nanok: Thank you, Mr. Deputy Speaker, Sir, for reading the Standing Orders. This is because they totally agree with the position that I have presented in this House. This case is live. The documentation is in court. Although I may not be having it here, Case No.67 of 2012, High Court, Eldoret is a live matter that is coming for mention tomorrow. I need not add anything more on that because it is a matter that is before court.

Mr. Deputy Speaker: The determination of whether it can fall under the provisions of *sub judice* or not is to be done by the Chair and not you. So, the moment you claim *sub judice* then you have a responsibility to bring a copy of the file itself for the Chair to go through and determine basically whether or not the matter is *sub judice* within our practice.

Mr. Nanok: Mr. Deputy Speaker, Sir, we will try to pursue with Iten Police Station to get a copy of the court case. However, since my colleague from the Ministry of State for Provincial Administration and Internal Security is here, I think we will request him to facilitate that on our behalf so that we table these documents, but I want to say that this is a case that is live and it is coming for mention on 19th September, 2012.

Mr. Deputy Speaker: Hon. Chepkitony, now that this Question will be deferred, do you wish to ask a supplementary question?

Mr. Chepkitony: Mr. Deputy Speaker, Sir, I suggest that we defer this Question until Thursday, this week.

Mr. Deputy Speaker: That is too soon because the matter---

Mr. Chepkitony: Tuesday, next week.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper on Tuesday next week.

PROTECTION OF SAMBURU EAST WOMEN EMPOWERMENT
FORUM FROM INTERFERENCE BY STATE

(**Mr. Letimalo**) to ask the Minister for Gender, Children and Social Development:-

(a) Could the Minister clarify whether or not a women group namely Samburu East Women Empowerment Forum (SEWEF), has ever held elections for office bearers?

(b) Why did the Provincial Administration in Samburu East District stop the forum from holding its elections on 25th August, 2012 at Wamba District Headquarters?

(c) Why did the District Officer one (Mr. Okoth) forcefully demand a cheque from the forum's secretary and what measures will the Minister take to ensure that the group conducts the election without interference from the Provincial Administration?

Mr. Deputy Speaker: Hon. Letimalo! He is not present. The Question is dropped!

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Question No.1548

CRITERIA FOR ALLOCATION OF MONEY TO COUNTIES

Mr. Deputy Speaker: Is Mr. Mahamud Sirat present?

Mr. Linturi: On a point of order, Mr. Deputy Speaker, Sir. On Thursday last week, I had a Question that was listed on the Order Paper, but when you deferred these Questions you ruled that the Questions that had been deferred last week be prioritized this week. Unfortunately, the same Questions that appeared last then are still appearing last in today's Order Paper. I am apprehensive that we may not get these Questions answered. I seek your guidance on that matter because you had ruled that they be given priority.

Mr. Deputy Speaker: Fair enough. The Chair remembers that and I will give a direction on it.

Mr. Mahamud Sirat!

The Question is dropped.

(Question dropped)

Question No.1651

APPOINTMENT OF PRICEWATERHOUSECOOPERS TO INVESTIGATE CRIMINAL OFFENCES IN CHARTERHOUSE BANK

Mr. Mwau asked the Minister for Finance:-

(a) whether he could confirm that the Central Bank of Kenya appointed a manager to Charterhouse Bank Ltd. in 2006 and thereafter contracted M/s PricewaterhouseCoopers Ltd., to ascertain commission of criminal offences and, if so he could provide a copy of the letter appointing Price Waterhouse Coopers Ltd., the terms of reference, and their letter of acceptance,

(b) whether he could state the scope of the investigations and state whether the bank's customers and/or the Directors of the Bank were given an opportunity to comment or to respond to any allegations prior to the publication of the report and if he could he provide a copy of the final investigation report; and,

(c) if he could confirm whether the investigation report was discussed with the Minister for Finance, the Governor of CBK, the Permanent Secretary, Treasury and the manager appointed to Charterhouse Bank Ltd. prior to its publication.

Mr. Deputy Speaker, Sir, I want to confirm that I have not received any answer.

Mr. Deputy Speaker: Do you want the House to proceed with the Question?

Mr. Mwau: I cannot proceed if I do not have the answer.

Mr. Deputy Speaker: Under the circumstances, hon. Minister, this is an Ordinary Question and you should have furnished the hon. Member. Wherever it is, the Question cannot be prosecuted now. He has to have it well in advance.

Mr. Mwau: Mr. Deputy Speaker, Sir, the Standing Orders are quite clear that the Executive will provide answers five days after the Question has been asked. It seems that the Executive has been taking advantage of the---

Mr. Deputy Speaker: Precisely. How soon do you wish this Question to be listed on the Order Paper this week?

Mr. Mwau: Mr. Deputy Speaker, Sir, tomorrow.

Mr. Deputy Speaker: Minister for Finance, our records show that we do not have a written answer from your office on Question No.1651. If you have a written answer, please, furnish it to the Clerks-at-the-Table so that they can furnish the same to hon. Mwau.

Hon. Mwau, is Wednesday, morning okay with you?

Mr. Mwau: That is okay.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper tomorrow afternoon.

(Question deferred)

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. I do not know what to say at this point, but I wanted to say, similar to hon. Mwau's problem, I had put a Question to the Ministry of Roads, but a Question which only requires a written answer which shall never appear on the Order Paper as per our Standing Orders. It is now one month down the line and I have not been supplied with an answer. However, more importantly, what I wanted to put across is that as a Back Bench you caucus the whole day on issues of Questions and how they should be addressed by Ministers. Unless you want the Back Bench to accuse the Chair of complacency on this issue, that now it is our Chair who is incapacitating the Back Bench from being duly answered in a manner that is accorded for by the Standing Orders, we are still requesting that the direction or the ruling we requested from the Chair on this particular matter be addressed.

Mr. Deputy Speaker: Which is what? You realize that the powers of the Chair---

Dr. Nuh: Mr. Deputy Speaker, Sir, we had requested that the Chair gives direction as to how Questions are supposed to be handled in terms of answering; when answers are supposed to be provided; and what happens to Ministers when they do not provide answers within the five days stipulated in the Standing Orders.

Mr. Deputy Speaker: That is precisely what the Chair did last time. It is upon you as a Backbencher to take into consideration and employ the requisite censuring methods and mechanisms in the Standing Orders. The Chair has no powers to sack a Minister. The Chair has no powers other than to say that a Minister cannot transact business in the House. In many cases, the punishment is as a result of inadequate transactions or failure to transact. So, when the Chair

says that a Minister cannot transact, it is fine with the Minister. Actually, they are happy to be barred from transacting. So, there is a limitation on how far the Chair can go as far as setting the record straight is concerned. The Chair has been reading to the Ministers the riots act in the manner they transact business on the Floor, particularly Questions. The Chair has been categorical on many occasions.

If anybody has failed to do the needful, it is two institutions, namely, the Executive through none other than the Principals, who should be cracking the whip on their fellow Ministers here and the other one is the Backbenchers like you, who should be bringing up Censure Motions on Ministers who fail to perform at par. That is not a matter for you to try and shift to some other institution. The Chair has no powers beyond what it has done.

Next Question!

Question No.1661

STALLING OF CONSTRUCTION OF CLASSROOMS
UNDER KESSP PROJECT

Mr. Langat asked the Minister for Education:-

(a) whether he is aware that construction works for classrooms under the Kenya Education Sector Support Programme (KESSP) have stopped in many parts of the country due to lack of funding; and,

(b) what urgent action he will take to ensure that all classrooms and other facilities under this programme are completed?

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

(a) I am aware that construction works for classrooms under the Kenya Education Sector Support Programme stopped in many parts of the country in 2010 due to lack of funds. The KESSP was the framework upon which the Government, the Ministry of Education, Non-Governmental Organizations (NGOs) and development partners jointly supported the education sector for the period between 2005 through to 2010. The KESSP wound up in 2010. The Ministry, however, continued to support the building of classrooms and school expansion through the School Infrastructure Support Programme including the Economic Stimulus Programme.

(b) The Ministry appreciates that the provision of infrastructure is key in improving access and quality learning. In order to implement the constitutional requirement of providing free and compulsory basic education, the Ministry has developed a Draft Education Policy 2012 and a Draft Education Bill, 2012, which will be brought to this House very soon. The Ministry has also developed the National Education Sector Support Programme 2012 to 2018, under which a new infrastructure development programme will be rolled out. During the KESSP life, the Ministry constructed 6,200 classrooms as part of the targeted 14,700 classrooms for primary schools. The balance, together with the pre-primary classrooms requirements will be met during the National Education Sector Support Programme life, which is from 2012 to 2018. As a policy priority, the Ministry of Education will ensure that the development and maintenance of the infrastructure is well coordinated and linked to the recurrent budgetary provisions, both by the Central Government and the county governments. The Ministry will also develop a public

private partnership regulatory framework to allow private providers to supplement classrooms deficits.

Mr. Langat: Mr. Deputy Speaker, Sir, the Assistant Minister has not answered part “b” of the Question. I have asked him to tell us the measures he has taken to ensure that all the classrooms which had been started are completed. He has talked about the policies and programmes that have been put in place for 2012/2018. What action is he taking in terms of budgetary provisions to complete the classrooms that had been started and were stopped?

Prof. Olweny: Mr. Deputy Speaker, Sir, we have been handling that problem through the infrastructure funds when money is availed to us. This year, the Ministry of Education has been presenting its budget in the House and some of it has gone through well. We have given out the infrastructure money to schools across the country so as to handle this unfinished business of KESSP. We have been doing it and we shall continue doing it until all that work is finished.

Mr. Pesa: Mr. Deputy Speaker, Sir, it is common knowledge that this programme was very useful for this country especially with the introduction of the free primary education system which brought in more pupils and students to our schools. There were issues that forced some of the donors to withdraw the funds they were giving us. Is the Assistant Minister prepared to tell Kenyans the steps they have taken to address these issues, so that the donors can give back the money that they were giving this country for us to build more classrooms in our schools?

Prof. Olweny: Mr. Deputy Speaker, Sir, some of the issues that made the donors withdraw their funds have been handled. Some of them are even in court. Some of them were related to queries involving spending which have been handled by the Ministry. Through that, the donors have our confidence again.

Mr. Langat: Mr. Deputy Speaker, Sir, this is a very serious matter. The Assistant Minister has said that they are continuously funding the schools so that they can complete the classrooms that were started under the KESSP. Could he tell us whether they have some formula or programme, so that we can move from one district to another? In Ainamoi Constituency, all the classrooms that were not completed have not been started since.

Prof. Olweny: Mr. Deputy Speaker, Sir, as I have said, we handle this through the infrastructure funds. We know that these cases are pending, but the request should also be supported by the minutes from the District Education Boards and then the money is given out.

Question No.1229

GAZETTEMMENT OF KORA NATIONAL RESERVE

Dr. Nuh asked the Minister for Forestry and Wildlife:-

(a) when Kora National Reserve was gazetted as a Game Reserve and whether he could table the Gazette Notice;

(b) whether the consent of the Tana River County Council was sought before the gazettement and, if so, whether he could provide the Council minutes approving the same; and,

(c) when the facility was upgraded to a National Park, whether the Council was involved in the process and, if so, whether he could table evidence of such involvement.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Kora National Reserve was gazetted as a Game Reserve vide Legal Notice No.269 dated 12th October, 1974. I hereby table Annex I of the Wildlife Animal Protection Act, that gazette the reserve.

(b) The consent of the Tana River County Council was sought and secured as per the provisions set out under the Wildlife Conservation and Management Act, Cap.376, Laws of Kenya. It is also a requirement under Section 6(1)(b) and Section 8(a). I hereby also table Annex 3 of the same. If you allow me, I can read Annex 3 which is basically the minutes of the Tana River County Council. I beg your pardon, it is written in Kiswahili. If I may read the relevant section of Annex 3, minutes of 29th March, 1989, particularly Minute No.7 of 89, it says that:-

“Ikaamuliwa - Baada ya mabishano mafupi, kukaamuliwa kwa kauli moja ya kwamba Baraza hili la Tana River---”

Mr. Deputy Speaker: Order! Order! The Standing Orders are very clear, you cannot mix the two languages. You can either speak in English or Kiswahili language. Reading or no reading, you have to do your reading in just one language.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, I requested for your permission, if I could read it verbatim. But any way, I will table it and it is for you to decide.

(c) The facility was upgraded to a National Park vide Legal Notice No.339 of 6th October, 1989. The consent of the Tana River County Council was also duly sought and secured as per their minutes No.8/89 of 29th March, 1989. I hereby also table a copy of the gazette notice and the relevant Tana River County Council minutes, which I am tabling as Annex 2 and 4 respectively.

(Mr. Nanok laid the documents on the Table)

Dr. Nuh: Mr. Deputy Speaker, Sir, I have not been able to see the Minutes of Tana River County Council meeting which gave the consent for the establishment of Kora National Reserve. The Assistant Minister referred to minutes of 1989 which gave the consent, upgrading of Kora National Reserve to a national park. He referred to Minutes of 1989, when I had asked for Minutes of 1974 when the gazette was first done.

So, maybe, with your indulgence, I will seek that he tables the relevant minutes which gave consent for the establishment of the national reserve in the first place. But more importantly, in the said minutes that allowed Kora National Reserve to be upgraded to Kora National Park, the agreement was that in 1989, the Kenya Wildlife Service (KWS) or the national Government was to pay the County Council of Tana River, Kshs300,000. In the second year of 1990, they were to pay Kshs500,000; and in 1991, they were to pay the County Council of Tana River, Kshs800,000. Thereafter, they had five other undertakings to fulfill for the youth in Tana River from gate fees collection and other issues. For example, they were to provide employment to the youth, among other conditions. I want to ask him whether any of those conditions which were prerequisite for Kora National Reserve to be upgraded to a National Park were met either by the national Government or the KWS. Could he table documents showing that those payments were done or conditions were met?

Mr. Nanok: Mr. Deputy Speaker, Sir, I believe the hon. Member can bear me witness that I shared the minutes with him. If I referred to the same minutes, Tana River CCF/8/56, Minute No.8 of 1989, indicates very clearly the approval that the Tana River County Council had given with conditions.

Mr. Deputy Speaker, Sir, since this matter was being handled by the former Wildlife Department and not specifically KWS, I have not yet checked to establish whether the monies as indicated here were paid or not. But I think that is the information we can cross check and provide the hon. Member with the requisite answer.

Mr. Bahari: Mr. Deputy Speaker, Sir, in view of the fact that the Question hon. Dr. Nuh asked is very key and relevant and given that the Assistant Minister has no answer, the department having changed hands and KWS created, will I be in order to seek direction from you, so that he can go and find the correct answer and bring it to the House? In the event that it is not there, then that agreement is invalidated because the other side of the bargain has not being met.

Mr. Deputy Speaker: Hon. Assistant Minister, how soon can you have that comprehensive answer to all the issues that were raised?

Mr. Nanok: Mr. Deputy Speaker, Sir, what has been reported are the Minutes of the Tana River County Council full Council meeting. It is not an agreement between the Ministries that were then responsible for the Tana River County Council. But this is something that I need to follow up and find out.

Mr. Deputy Speaker: How much time do you need?

Mr. Nanok: Mr. Deputy Speaker, Sir, this Question has been with us for quite some time now. We got a lot of this information from the Kenya National Archives. Therefore, I think I will need about two weeks. My officers will peruse all the documents and provide an answer to this House. The answer may not be necessarily the answer that the hon. Member may want to hear because it will be according to the available records.

Mr. Deputy Speaker: Hon. Dr. Nuh, are you comfortable with that?

Dr. Nuh: Mr. Deputy Speaker, Sir, as hon. Bahari rightly put it, the Question I posed is key as to whether the Kora National Park as it is and gazetted holds any water as a National Park or it will revert back to a reserve.

Mr. Deputy Speaker, Sir, if I quote verbatim Minute No.7 which is in Kiswahili language, it says:-

“Na kuvunja mojawapo ya moja, mbili, tatu, nne na tano hapo juu, ni maana ya kwamba mapatano haya yatavunjika rasmi.”

These are agreements.

Mr. Deputy Speaker: Order! Order! You have to say that in the language that you are using right now. It is the Standing Orders---

Dr. Nuh: Mr. Deputy Speaker, Sir, I was just quoting a document verbatim and that is allowed by the Standing Orders.

But now to translate to those who do not understand Kiswahili Language like hon. Nanok, the essence is that if the agreements as per the minutes stipulated are not met by the KWS or whoever was in charge then, the Kora National Reserve does not or will not take the status of a National Park. Unless he states whether those seven conditions were met, then we cannot validate the existence of Kora National Park.

Mr. Deputy Speaker: Hon. Nanok, what is your position? You have heard all the concerns and it is presumption that you will answer all those questions, but how soon? Are you okay with two weeks?

Dr. Nuh: Mr. Deputy Speaker, Sir, I have no problem with two weeks, if only the Assistant Minister knew that this Question has been in abeyance for one year and that is what the Executive usually does.

Mr. Deputy Speaker: Hon. Assistant Minister, it is the presumption of the Chair that you will have a very comprehensive answer that essentially will put to rest this matter. It is all understandable. This was all one Government those days. It is not like the openness you have today. If there were those minutes, it must have a negotiated settlement between the County Council of Tana River those days and the body which was vested with the responsibility of game reserves and game parks. So, it should not be a problem for you to get to the bottom of it.

Mr. Nanok: Mr. Deputy Speaker, Sir, I think within two weeks, we can check and see whether we can get the data. But you have to realize conservation of wildlife has actually been moving from one Ministry to the Office of the President.

Mr. Deputy Speaker: Precisely, that is why you have all this time to go and sort yourself out.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: On the same? But we have just given a direction on that one. This Question is coming to the Floor of the House.

What is your point of order?

Mr. Shakeel: I was going to keep quiet, but he has actually said it.

So, bearing in mind that the Assistant Minister has said these responsibilities have shifted, in the two weeks that the Deputy Speaker has kindly given him, could he also tell us the status of the Wildlife Bill, which has been sitting in his Ministry for over two years because that will also answer some of these questions?

(Question deferred)

Mr. Deputy Speaker: Next Question No.1605, hon. Mohamed Hussein Ali.

Is hon. Mohamed Hussein Ali out of the Chamber today on any official Parliamentary business?

Question dropped!

Question No.1605

LACK OF POLICE STATION
IN LAFEY DISTRICT

(Question dropped)

Hon. Ruteere! Question dropped!

Question No. 1780

AWARD OF TENDER FOR REHABILITATION
OF LOWER SIO IRRIGATION SCHEME

(Question dropped)

Hon. Mututho had indicated that he wants this Question to be deferred to 24th of September. So, the Chair directs that this Question be deferred to 24th of September.

Question No. 1717

STALLING OF WORKS ON
MAIELLA-NGONDI-KONGONI ROAD

(Question deferred)

Hon. Itiku Mbai, Question No.1757 also wants his Question to be deferred. I think we will have to deal with this at the appropriate moment and when convenient to the hon. Member.

Question No.1757

NON-RESETTLEMENT OF SQUATTERS
IN KWA DREK/KASEKU

(Question deferred)

Mr. Deputy Speaker: Question No.1742, hon. Moses Lessonet.

Question No.1742

DISBURSEMENT OF FUEL LEVY FUNDS
TO KENYA ROADS BOARD

Mr. Lessonet asked the Minister for Finance:-

- (a) how much money was collected in fuel levy during the period ended 30th June, 2011 and 30th June, 2012 and for what quantities of fuel; and,
- (b) how much of this amount has been submitted to the Kenya Roads Board (KRB).

Mr. Deputy Speaker: Hon. Franklin Bett, are you on a point of order?

The Minister for Roads (Mr. Bett): Yes, Mr. Deputy Speaker, Sir. Regarding the Question asked by hon. Mututho, did I hear you say that it is deferred?

Mr. Deputy Speaker: Yes, it is deferred to 24th September.

The Minister for Roads (Mr. Bett): Why, Mr. Deputy Speaker? Really, I also deserve to know.

Mr. Deputy Speaker: Order! It is deferred because the hon. Questioner informed the Chair that he was in another engagement and that he would not make---

The Minister for Roads (Mr. Bett): I also seek your concurrence---

Mr. Deputy Speaker: Order! This Question is deferred to 24th September. We have passed it. Let us go to the next Question.

Proceed, hon. Minister. Answer Question No.1742.

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

(a) During the period ended 30th June, 2011 and 30th June, 2012, Kshs48,283,121,593 was collected as revenue for fuel levy. This amount was for 5,731,073,531 quantities of fuel.

(b) During the 2010/2011 and 2011/2012 financial years, a total of Kshs46,748,291,998 was submitted to the KRB.

I thank you, Mr. Deputy Speaker, Sir.

Mr. Lessonet: Mr. Deputy Speaker, Sir, you would have noticed from the response of the Minister that he did not remit the entire amount he collected during the period we are referring to. I want him to give us the reason why he has not remitted more than Kshs1.5 billion to the KRB.

Mr. Githae: Mr. Deputy Speaker, Sir, the balance of about Kshs1.7 billion is agency commission by the Kenya Revenue Authority (KRA).

Mr. Shakeel: Thank you, Mr. Deputy Speaker, Sir. Could the Minister be a little bit more detailed? What agency agreement is there with the KRA? Is it recorded somewhere as part and parcel of an agreement? Could the Minister also tell us whether that agreement was endorsed by Parliament because one arm of the Government cannot take agency fee from another arm of the Government?

Mr. Githae: Mr. Deputy Speaker, Sir, in fact, I asked for a copy of that agreement that was signed with the KRA but I could not get it because I was coming here. However, I am told that it is something that was agreed upon. In any case, the KRA collects money even for other bodies on commission basis. We even want the KRA to start collecting the National Health Insurance Fund (NHIF) fee, the National Social Security Fund (NSSF) fee and the Catering Levy Trustees (CLT) fee so that we centralize these collections. This is because it is quicker, cheaper and more efficient. I am sure that there must be an agreement. I can bring that agency agreement later on.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Not only should the Minister bring that agreement but he should also bring the document or anything that approves a Government agency to take a commission from another Government agency. The Minister has also said that they intend to have KRA collect other funds and yet this Authority has problems in collecting funds from taxpayers. There is one taxpayer who has been mentioned in this House who owes the Government over Kshs4 billion but the KRA cannot collect it. This is the case and yet the Minister is asking the same KRA to collect money on behalf Government parastatals. We would like to know who gave the KRA the authority to do that. Is the authority within Government procedures?

Mr. Githae: Mr. Deputy Speaker, Sir, I want to bet with hon. Shakeel that if the KRA were to do this, they would collect more money than those organizations. When the KRA was given a job by the Nairobi City Council to collect their rates, their rates tripled. So, I can guarantee that if the KRA were to do it, they would collect more. However, I will bring the agreement.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. I think the Minister should have listened to the question raised earlier on. It is not a question of whether the KRA is not capable or not. He has been requested to ascertain that the authority and proper procedures were followed to get the KRA collect, as an agent of Government, funds for the same Government. Could he be clear? Since the Minister has no documents, the Question should be deferred.

Mr. Deputy Speaker: Hon. Minister, because you are not in a position to comprehensively answer this Question, I think that it is only fair that the Question be deferred. When would you like this Question to be listed on the Order paper, hon. Lessonet? Is it on Tuesday Next week?

Mr. Lessonet: Mr. Deputy Speaker, Sir, this is a very serious issue and I think tomorrow will be okay because this Question was on the Order Paper last week and it was deferred to this week. I want to request that the latest we can hear it is tomorrow morning. As the Minister comes with that document, I would like him to take a pen and multiply what he is calling “quantities of fuel” by nine and tell us why the answer he will get is not the Kshs48 billion collected. As the Minister comes tomorrow with an answer, he should tell us why there was an under-collection of Kshs3 billion during that period. We do not want when he comes here tomorrow to tell us that he wants to go back and look for a calculator to calculate and find out why it is not Kshs50 billion.

Mr. Deputy Speaker: Hon. Minister, are you comfortable with tomorrow?

Mr. Githae: Mr. Deputy Speaker, Sir, I would rather go by your earlier guidance of Tuesday because we need to look for these documents.

Mr. Deputy Speaker: It is only fair to give a little bit longer time given the fact that you even have additional information that you would like the Minister to furnish the House with. So, the Chair directs that this Question be listed on the Order Paper on Tuesday next week!

(Question deferred)

Let us move on to the next Question by Mr. Linturi!

Question No.1748

SHORTAGE OF SURVEYORS IN IGEMBE

SOUTH DISTRICT LANDS OFFICE

Mr. Linturi asked the Minister for Lands:-

(a) whether he is aware that there is an acute shortage of surveyors in Igembe South District Lands Office;

(b) what measures he will take to address the shortage; and,

(c) how many title deeds have been issued to the residents of Igembe South from May, 2010 to June, 2012.

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

(a) I am aware that there is a shortage of surveyors in Igembe South District.

(b) Plans are at an advance stage to recruit more surveyors. The posts were advertized by the Public Service Commission (PSC) in May, 2012. I will post more officers because the recruitment exercise is ongoing. So, I will post surveyors to Igembe South before the end of this month.

From May, 2010 to 2012, 3,000 titles were prepared for Amwathi-Maua Registration Section in Igembe South District, out of which 692 titles have been collected and 2,308 are awaiting collection in Maua Land Registry.

Mr. Linturi: Mr. Deputy Speaker, Sir, allow me to commend the Assistant Minister for the good work that he has done in my district. Amwathi-Maua was declared an adjudication section in 1966 until 2010 when the Minister was able to give us the first title deeds. So, I am happy for what the Ministry has done. But since this good work has to progress and move with speed, could the Assistant Minister kindly tell this House how many surveyors he will be posting to my district because other than Maua-Amwathi, there are other adjudication sections that require serious attention for purposes of completing this exercise?

Mr. Rai: Mr. Deputy Speaker, Sir, I have actually indicated that already a surveyor has been posted and we are actually still in the process of trying to add more surveyors to the ground. So, I believe by the end of this month, the hon. Member will be in a position to say I am happy because the surveyors have already reported.

Mr. Linturi: Mr. Deputy Speaker, Sir, the Assistant Minister has said in his answer that a surveyor has been posted. I did not get that clearly but I am happy. Could you now kindly tell us the name of that surveyor and when he reported because early this morning, I was talking to the man in charge of the Ministry in my district and no surveyor had reported by 11.00 a.m. today? Who did you send to the Ministry and when?

Mr. Rai: Mr. Deputy Speaker, Sir, what I said is that we have posted the officer but he has not reported because the exercise of posting surveyors started yesterday. The exercise was done by the Public Service Commission in May. As late as yesterday, we were now actually posting surveyors. I can confirm to him that a surveyor has been posted. By the end of this month, we want to look into the hon. Member's problem so that at least we can send there more surveyors. But a surveyor has actually been posted and I believe in the course of this week, he will have reported at the station.

Mr. Deputy Speaker: Mr. Linturi, you are satisfied, I hope?

Mr. Linturi: Mr. Deputy Speaker, Sir, I have no reason to doubt what the Assistant Minister is promising the House because he has always kept his word. So, I will be waiting for the surveyor. In case he does not appear, I will be in your office in another week's time.

Question No.1725

STALLING OF WORKS ON ISIOLO-MODOGASHE ROAD

Mr. Bahari asked the Minister for Roads:-

- (a) whether he is aware that the Bill of Quantities (BQ) for Isiolo-Modogashe Road (B9) was prepared many years back; and,
- (b) when the construction works on the road will commence.

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the design documents which included the Bills of Quantities for Isiolo-Modogashe Road were completed in 2007.

(b) My Ministry, through the (Kenya National Highways Authority) KeNHA, is currently negotiating with the development partners to provide finance for the construction work. The construction work will commence once the financing agreement is signed between ourselves, the financier and the Ministry of Finance.

[Mr. Deputy Speaker left the Chair]

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

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, this is one of the most disappointing answers I have ever heard in my two terms in this House. I will give reasons. In 2004, I asked a very similar Question to this Ministry and the right hon. Prime Minister who was then the Minister for Roads indicated to me that the works will commence in 2005. In many other

subsequent times, I have asked the same question. Could the Minister tell this House when other roads in this country are being done, why are the people of Isiolo where this road, which passes across Isiolo all the way to Modogashe, being discriminated against and why is this agreement not being signed on time?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I want to assure the hon. Member that over my watch, I would not wish to discriminate against any people. I would wish to serve them equally. I have indicated that I have already submitted an Economic Feasibility Study Report to the Arab Bank for Economic Development in Africa (BADEA) and I am waiting for their response to my request for them to finance this particular road.

Yes, I do agree with the hon. Member that this is a very crucial road. I have assured him several times that while I am discussing Modogashe-Wajir-El Wak Road, I will not leave out Isiolo-Modogashe Road because they are all linked up and it will serve the people better.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I hope the Minister will live up to his word because then it makes a mockery of Government statements in this House if these things are not complied with. Could he indicate the timeframe within which this negotiation will be completed?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I do not wish to speculate because I am waiting for them to respond. I am sure as soon as I get a reply, we will then commence negotiations.

I also want to assure the hon. Member that I am concerned also with the condition of the road. This financial year, I have allocated Kshs65.5 million for routine maintenance of that road.

Capt. Wambugu: Mr. Temporary Deputy Speaker, Sir, in his answer, the Minister said that he is negotiating for some funds from the BADEA to do that road but we have other roads in this country which are being funded by the Government and even the design and funding has been released. An example is the Murang'a-Gitugi Road which I think was allocated to a contractor sometimes back. The contractor came on the site and took over but up to now, we do not know when the contractor will mobilize equipment to start work on that road. Could the Minister tell the House when he will mobilize that contractor to start work on the Murang'a-Gitugi Road which has been at the centre of a lot of controversy?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I can assure the hon. Member that the contract for that particular road is alive. I would want to urge him to be patient for the contractor to mobilize the site.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, the Minister has talked about Modogashe Road. For some reason, Modogashe is totally cut off. There was some time back when the Garissa-Modogashe Road was actually reflected on paper as having been done. Colossal amounts of money were involved and on paper, it was indicated that the works had been done. The Prime Minister has been requested to do an inspection and he promised an audit which he said had been done. Is the Minister aware of any audit? Could the Minister tell us whether on the actual site, the Garissa-Modogashe Road has been done?

Furthermore, could the Minister also tell us---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Ask one question at a time.

Mr. Shakeel: It is on the same point. I could have put them together.

The Minister has told us that the contractor needs time to mobilize. The contractor who is on site on the section of the road at Molo has been mobilizing the site for three years. This contractor has just dug up the whole road and Kisumu has only five entries. All five entries are blocked. The Minister keeps on promising us that this construction work will be done. Is it only

in certain parts of the country that these are flagship projects and in other parts like Modogashe, which you probably understand as Mogadishu, you have left us out?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I do not want us to lose sight of the Question asked by hon. Bahari and move on to Questions which have not been asked. I would want to request the hon. Member to bring a substantive Question, which I will deal with at that time.

The Temporary Deputy Speaker (Mr. Imanyara): I agree with you, Minister.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, it is a known fact that for the last 49 years, all the successive regimes of the Government have been giving the same answer – that they were consulting, looking for donors and doing the design. I thought, as a country, we have moved away from this kind of hypocrisy. Development is now the right of every Kenyan.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Keynan! Ask the question, please. This is not debating time.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, for now, I will respect that suggestion. When is the Government going to fund the carpeting of that very important road, linking Isiolo with Garissa, Wajir, Moyale, Somalia and Ethiopia; from the national Budget, just as it has done for a number of other critical roads?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I share the sentiments of the Members of this House. I also face that frustration when I look at the road network in the country. That is why I am trying as much as I can, under my watch; to make sure that there is at least one or two kilometres of tarmac road heading to hon. Bahari's and hon. Keynan's world. I am negotiating with our development partners because, as a country, we do not have adequate funds. I want to indicate that every time a development partner funds a project, as a country, we also put in money for consultancy services as well as for the total cost of the project.

Coming back to the question asked by hon. Keynan, I have indicated, specifically with regard to the Isiolo-Modogashe Road, that I am having discussions with our development partners. Regarding the Modogashe-Nuno Road, I have just received a letter of "no objection" from our development partners to start work. I could not have started work until I received a formal letter of "no objection" from our development partners. I have now received that letter.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, Dr. Nuh.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, the Minister knows that Isiolo is one of the flagship cities. The Government wants to construct an airport and make it a resort city. How many roads in other places in the country have had their BoQs prepared and approved after 2007 – after the BoQs for the one in Isiolo had been approved – and the Government has gone ahead to fund them? Could he tell us which roads they are?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I can only admit that it cannot be one road. They should be many roads, but I am not able to list them down at this particular moment.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, Dr. Kutuny. Oh, I am sorry, Mr. Kutuny. You are not a doctor.

Mr. Kutuny: Ahsante, Bw. Naibu Spika wa Muda, kwa kunipa tuzo la udaktari. Hivi punde, nitakuwa daktari.

(Laughter)

Bw. Naibu Spika wa Muda, Waziri ameelezea mikakati ya Serikali kuhusu barabara hizi. Barabara zinazoangaziwa hapa, ambazo zimefanyiwa makadirio ya gharama za ujenzi, ziko

katika sehemu za wafugaji. Tunakumbuka wakati fulani Rais Kibaki alitembelea eneo hilo na kutoa ahadi kuhusu barabara hizo, lakini hakutimiza ahadi hiyo. Waziri Mkuu pia alitembelea eneo hilo hivi majuzi na kutoa ahadi kama ile ya Rais, lakini hajatimiza ahadi hiyo. Alipokuwa akizindua rasmi shughuli ya ukarabati wa barabara kule Kitale, Rais Kibaki alitoa ahadi lakini mpaka sasa ahadi hiyo haijatumizwa. Je, ni mikakati gani ambayo Waziri ameweka kuhakikisha kwamba viongozi hao vigogo hawataendelea kuwahadaa wananchi kwa kuitisha mikutano ya uzunduzi rasmi wa shughuli za ujenzi wa barabara na baadaye kutokomea, wasionekane tena mpaka baada ya uchaguzi?

Mr. Bett: Bw. Naibu Spika wa Muda, hilo ni swali nzuri lakini si langu. Ni swali la wenyewe. Mhe. Mbunge ameuliza ni nini Waziri atafanya kuhakikisha kwamba Rais na Waziri Mkuu hawatoi ahadi za kujenga barabara humu nchini. Hiyo ni kazi ngumu kwangu, kwa sababu wao ni wakubwa wangu, na siwezi kuwaamrisha waseme nini ama wasiseme nini.

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, hon. Shakeel?

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, the Minister is misleading the House. He should know that the Modogashe-Garissa Road issue should be sorted out. The money that has been advanced to the Government of Kenya (GoK) has not been accounted for. There is no development partner, including the Arab bank, to which the Government has applied for funding, is going to give funds to the GoK. The Arab bank has asked the Government where the funds it received from the World Bank for the construction of the Modogashe-Garissa Road are. So, donors will not give the GoK any more funds. The Minister knows that, that is the truth of the matter.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, as the current Minister, I am not aware that funds advanced to the GoK by the World Bank for the carpeting of the Garissa-Modogashe Road were diverted.

Mr. Were: Mr. Temporary Deputy Speaker, Sir, I would want to ask the Minister what the length of the road he is talking about is, and how much money he is negotiating for.

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I assume that the hon. Member is talking about the Isiolo-Modogashe Road. The road is 200 kilometres long, and we are negotiating for Kshs2 billion.

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, hon. Keynan?

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, is it in order for my good friend, hon. Bett, to mislead Kenyans and this House that he has just received a “no objection” letter from donors for the construction of the Garissa-Modogashe Road? In 2010, the entire leadership of Northern Kenya visited His Excellency the President, who told us that the contract for the construction of that road would be advertised in less than two months’ time but two years later, nothing has happened. Is he in order to mislead Kenyans when we know that the funds for that particular road have been diverted to regions which are politically-correct?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I want to confirm to hon. Keynan and the House that the money from the development partners – who are four, if I am not wrong – has not been diverted to any use other than the original use, in respect of which I have just received a letter of “no objection”.

The Temporary Deputy Speaker (Mr. Imanyara): Last question, hon. Bahari.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, the Minister has heard the sentiments of the Members of this House. Fifty years after Independence, the northern Kenya region has not

had a kilometre of tarmac road. The Kshs65.5 million that he has allocated to this road is actually peanuts given the condition of that road. He knows the condition in which it is. At one time, we were prepared to visit it with him. Could he double that fund, so that the road can be made motorable as we wait for the substantive works to commence?

Mr. Bett: Mr. Temporary Deputy Speaker, Sir, I agree with hon. Bahari. I had discussed the matter with him, and I had agreed to visit the road. I want to tell him that I want to renew that arrangement, so that we can visit it and get to know its condition and see whether we can top up what we have already allocated to it.

Question No.1772

ISSUANCE OF IDENTITY CARDS TO YOUTHS IN GARISSA COUNTY

Mrs. Noor asked the Minister of State for Immigration and Registration of Persons:-

(a) why it is so difficult for youths in Garissa County to be registered and issued with national identity cards;

(b) whether he could provide a per-constituency list of people issued with national identity cards in Garissa County since 2010; and,

(c) how many people applied for the document and are yet to be issued and what measures he is taking to reach the youth who have attained 18 years in the county.

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

(a) Yes, I am aware that youths in Garissa are facing difficulties to be registered and issued with national identity cards because of the geographical challenges within the region. I am also aware that because of the number of foreigners in the constituency, all the applicants must present themselves before an identification vetting committee and once identified, application forms are processed and forwarded to the National Registration Bureau Headquarters for processing of the identity cards.

(b) The breakdown of the number of persons per constituency issued with national identity cards in Garissa County since 2010 is attached. It has a total of 18,820 persons who have been issued with national identity cards. A total of 3,034 persons have applied for national identity cards and are yet to be issued with the same. The application forms are at various processing stages of the production system and once they are through the process, identity cards will be produced and delivered to the stations.

(c) The Ministry has taken the following measures to register the youths who have attained 18 years in the country:-

(i) Mobile registration programmes are currently going on in the four constituencies.

(ii) Enough registration materials and equipment have been issued to all the district registrars in the county.

(iii) The Ministry has waived fees for initial registration and duplicates to encourage the eligible youth to register.

(iv) The Ministry has opened more district registries in Fafi, Lagdera and Mbalambala in an attempt to reach more youths.

(v) In the 2012/2013 Financial Year, the Ministry has budgeted for Kshs6,688,400 for the county, out of which Kshs3,344,200 has already been issued to the district registrars to facilitate mobile registration.

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, you have heard what the Assistant Minister has said. He has said that the Ministry is facing many challenges because of geographical challenges and influx of foreigners. I had requested for a breakdown of per constituency list of people who have been issued with identity cards. I have a big book but it does not reflect the registration per any constituency. It has some numbers that I do not understand. So, I do not know whether all the names in the list belong to foreigners or locals.

The Temporary Deputy Speaker (Mr. Imanyara): Are you requesting for time to look at it?

Mrs. Noor: Yes, Mr. Temporary Deputy Speaker, Sir. I want this Question to be deferred so that he can go back---

The Temporary Deputy Speaker (Mr. Imanyara): How much time do you require?

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, by Thursday so that he can break down the information---

The Temporary Deputy Speaker (Mr. Imanyara): No. You have said he has provided but it is very bulky and you need to go through it.

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, not only that. He has not even indicated the breakdown per constituency. So, I am requesting if he can go back and do it according to my Question. After that, I can look at it.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, what do you have to say about that?

Mr. Baya: Mr. Temporary Deputy Speaker, Sir, I do agree with the hon. Member that in most of the places, the constituencies were not indicated. I shared this earlier in a sitting with her. We agreed that I could correct that anomaly by Tuesday next week.

The Temporary Deputy Speaker (Mr. Imanyara): So, this Question will be deferred until next Tuesday. You will have provided, at least, by Monday, the hon. Member with the breakdown of the information that she has requested so that in the following day, she is in a position to ask for clarifications. So, the Question is deferred to Tuesday next week. Is that sufficient time for you, Mr. Assistant Minister?

Mr. Baya: Yes, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

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

MINISTERIAL STATEMENTS

The Temporary Deputy Speaker (Mr. Imanyara): Are there any Ministers with Ministerial Statements for delivery this afternoon? If there are none, we can proceed to Points of Order.

POINTS OF ORDER

SECURITY SITUATION IN TANA DELTA

Mr. Mungatana: On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand to seek for a Ministerial Statement from the Minister of State in charge of Provincial Administration and Internal Security on the situation of security in the Tana Delta.

Mr. Temporary Deputy Speaker, Sir, previously before yesterday, there have been attacks and retaliatory attacks between the two communities which live in the Tana Delta. But there has been a strong development in which a strong allegation has been made against the Government security, which has attacked its own citizens in a village called Ozi in the Tana Delta. I seek the following clarifications in respect of:-

(i) Could the Minister confirm whether General Service Unit (GSU) officers attacked Ozi Village in Tana Delta at 5:45 a.m. or thereabouts on Monday 17th, 2012?

(ii) Did GSU officers raze down 67 houses apparently in search of firearms?

(iii) Who gave the command for the houses to be burnt down and was there no other way to search for weapons?

(iv) Could the Minister clarify what disciplinary action he is going to take against the officer who ordered the burning down of homes belonging to citizens?

(v) If the security officers claim they were not involved as they have claimed in the media, could the Minister confirm whether the security officers were infiltrated and, if so, by whom were they infiltrated?

(vi) Could the Minister cause an investigation to take place to determine the truth of what exactly transpired in view of the story by the police, and in view of the claims by the citizens of Ozi Village?

(vii) Could the Minister clarify why GSU officers stopped the Red Cross from accessing Ozi Village to offer humanitarian assistance and why, up to now, the road to that area is still not accessible to either the Press or the Red Cross?

(viii) What plans does the Government have to replace the homes that were burnt down?

(ix) When will the Government pay for loss and suffering of people who were innocent and lost property in the early morning raid?

(x) Could the Minister confirm whether he can remove both Cushitic and Coastal hailing GSU officers or *askaris* who are involved in that operation so that it may not be, in any way, understood or misunderstood that there is favouritism in the carrying out of the operation?

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I want to confirm that the Government has made a commitment to have a Judicial Commission of Inquiry to investigate the matters that the hon. Member has referred to.

I can also confirm to the House that the process of setting up this Commission is very advanced. I expect by Friday this week, the Commission will be named and that it will start its work immediately. Therefore, the matters raised by the hon. Member will be dealt with in that forum.

Mr. Mungatana: On a point of order, Mr. Temporary Deputy Speaker, Sir. Among the terms of this Commission is to look into the causes of those clashes. What we are asking for is something different---

The Temporary Deputy Speaker (Mr. Imanyara): Prof. Githu, have the terms of that Commission been published? I thought the Attorney-General said in the very near future, the Government will issue the terms. It is only from the terms that you will know whether those issues will be addressed.

Mr. Mungatana: I stand guided, Mr. Temporary Deputy Speaker, Sir. There has been community fighting and the Government has sent officers there to attack villagers. So, what I am asking is different from what is supposed to be inquired on. That is the clarification I want from the Attorney-General.

The Temporary Deputy Speaker (Mr. Imanyara): The Attorney-General, what do you have to say to that? From where I am, it looks like unless really the hon. Member has the terms of reference, he would not be able to challenge your undertaking that the issues he is raising will not be the subject of a Judicial Commission of Inquiry that you undertook to set up, latest by Friday, as I understood you saying.

The Attorney-General (Prof. Muigai): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to concur with you respectfully that what we can commit to do is; for all those matters not covered by the inquiry that are specific to the ongoing operation as of now, I can request my colleague, the Minister of State for Provincial Administration and Internal Security, to provide a Statement to the hon. Member latest Thursday next week.

The Temporary Deputy Speaker (Mr. Imanyara): Is Thursday next week okay with you, hon. Mungatana?

Mr. Mungatana: No, Mr. Temporary Deputy Speaker, Sir. I stand guided by you, but if you look at the situation now---

The Temporary Deputy Speaker (Mr. Imanyara): I understand. Could it be earlier, Prof. Muigai?

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, there has been a humanitarian crisis because the Red Cross has been stopped from going there. Nothing is going on there. We want to know by tomorrow what is happening.

The Attorney-General (Prof. Muigai): It can be issued on Tuesday, next week, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Okay. The Chair directs that the Statement with regard to those issues that are not covered in the terms of reference be delivered by the Minister in charge of Provincial and Internal Security on Tuesday next week.

Were there any other Statements or requests that were due?

DELAY TO RELEASE CONSTITUENCY ROADS COMMITTEE
FUNDS TO NYAKACH CONSTITUENCY

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, I requested for a Ministerial Statement last Wednesday which was meant to be delivered today by the Minister for Roads, but I have just seen him walk out.

The Temporary Deputy Speaker (Mr. Imanyara): With regard to what?

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, it was in respect of whether he was aware that the roads in my constituency are in a terrible situation and whether he was going to release monies to repair them soon.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Member, if you saw him walking out and he had an undertaking, you had an obligation to bring that to the attention of the Chair, so that he could be arrested before he leaves the Chambers!

(Laughter)

Mr. Kimunya, do you have anything to say to that, as the Leader of Government Business?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I was aware there was the request. But now that the Minister has walked out, perhaps, we could ask him to appear tomorrow and issue the Statement then.

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, Mr. Kimunya. Since you have brought it to my attention and it is published; and this document, as we agreed previously, is circulated to the Ministers, and it clearly indicates that Statement was due this afternoon. So, indeed, it amounts to disorderly conduct on the part of the Minister to walk out of the Chamber while knowing that he was due to deliver a Ministerial Statement which is reflected in the Annex to the Order Paper of the day.

So, I do direct that the Minister addresses this issue tomorrow at 2.30 p.m., with an explanation as to why he walked out, knowing that the request that he undertook to act on by today, was pending and that the time for it had not been reached when he walked out. Could you bring it to his attention that he issue this Statement tomorrow at the end of Question Time?

The Minister for Transport (Mr. Kimunya): Yes, I will do so, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Is there any other request?

Yes, I see a point of order from Mrs. Noor. What is your point of order, Mrs. Noor?

RETRENCHMENT OF STAFF BY KENYA AIRWAYS

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, is that I had requested for a Ministerial Statement from the Minister for Transport and he was directed---

The Temporary Deputy Speaker (Mr. Imanyara): With regard to what?

Mrs. Noor: The Kenya Airways retrenchment programme.

The Temporary Deputy Speaker (Mr. Imanyara): I think the Minister had indicated to the Chair that he would be addressing that issue.

The Minister for Transport (Mr. Kimunya): Yes, Mr. Temporary Deputy Speaker, Sir, indeed, I promised to have the Statement and, also, in good faith, also give a copy to the hon. Member because it came in last week when we were in between saying that it was not with me; and then before the end of Statement's time--- But since that time, the union has gone to court and that may complicate matters. I am also aware that the matter on the affected workers has been referred to the relevant Departmental Committee which is chaired by Mrs. Noor.

Mr. Temporary Deputy Speaker, Sir, I would like to ask that, perhaps, we process the matter through the confines of the Committee, so that we do not prejudice the matters in court over the same matter.

The Temporary Deputy Speaker (Mr. Imanyara): First, could you confirm that the matter is in court? Could also confirm that your Committee is investigating this same matter?

Mrs. Noor: First, Mr. Temporary Deputy Speaker, Sir, I am not aware if this matter is in court. I requested for this Statement before the petition was tabled in the House on Thursday, when the Chair directed that it be referred to our Committee. So, it is officially going to our Committee, but I am not aware whether it is in court or not.

The Temporary Deputy Speaker (Mr. Imanyara): In those circumstances, would you not be better served if the issues you raised are brought to your Committee and then you can

address them and file your Report to the House and then, when your Report comes to the House, you could prosecute it further?

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, I do not have any problem doing that, but remember that the people of Kenya who have lost their jobs because of this retrenchment programme are young people and they have young families. They are people who have committed themselves knowing that---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mrs. Noor! Are you the Chair of that Committee?

Mrs. Noor: Yes, I am, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): If you are the Chair of the Committee and the matter is before it, you will be addressing those issues.

I can see that Eng. Gumbo has a point of order on the same issue. What is your point of order?

Eng. Gumbo: On a point of order, Mr. Deputy Speaker, Sir. If that business if transacted, it will be *sub judice*. Our rules are very clear. This matter has been clarified this afternoon. Could the Minister guide the House by tabling papers to show that that is the situation, because this matter is of grave national importance, and we want to be clear? Our people are bothering us on this matter. Foreigners are being employed by the Kenya Airways---

The Temporary Deputy Speaker (Mr. Imanyara): Eng. Gumbo, the issue is not so much about the *sub judice* rule. Whether the matter is *sub judice* or not is the discretion of the Chair according to the Standing Order. I am concerned about the matter being before the Committee chaired by the hon. Member who is requesting this Statement. We should limit ourselves to that. These issues should be addressed in the Committee within the shortest time frame, and that would probably better serve the purpose rather than seeking a Ministerial Statement where you can only seek a clarification. In the Committee, you can even summon the Kenya Airways management and other witness. That is the way I am looking at it.

Eng. Gumbo: Mr. Temporary Deputy Speaker, Sir, I am much obliged by that guidance. I just thought that, considering the intensity and sensitivity of the matter, unless we are plugging into the province of *sub judice*, it would have been a good idea for the Ministry. This matter has actually gripped the country. We interact with these people who have been affected and in their view, Parliament is not doing enough to help them.

Capt. Wambugu: On a point of order, Mr. Temporary Deputy Speaker, Sir. About two weeks ago---

The Temporary Deputy Speaker (Mr. Imanyara): Are you on the same issue?

Capt. Wambugu: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): We do not want to lose the point that they are raising.

Capt. Wambugu: It is on the same point of Kenya Airways. About three weeks ago, I raised the issue in this House through a supplement question and the Minister said that they were not retrenching Kenyans to bring in foreigners. It is true that when they lay off Kenyans, the same company recruits foreigners to come and take over our jobs. This issue should be dealt with a lot of urgency, because very many people are actually heading to hospitals because they were shocked. They do not have anything to survive on and their children might not be going back to school because they have no funds. Most people had loans and might lose their houses and farms. This is because they were retrenched without being given a good notice. It would be good if you gave a ruling and ordered the Committee to bring the report at the latest next week.

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. Considering that this matter is of great concern to Kenyans, and is already with the Committee on which I also sit, could you also direct that the Minister stops the Managing Director of Kenya Airways from laying off more staff until we conclude the report in the Committee? This matter is grave and people are getting high blood pressure and are being hospitalized because of fear of losing jobs. Could the Managing Director be stopped from retrenching more staff?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kimunya, do you have anything to say before the Chair makes a ruling on the issue?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, my understanding of the retrenchment exercise affecting the 600 members of staff has already taken place. So, we cannot stop what has already taken place. The other issue that I would like to bring to the attention of the House is that Kenya Airways is a company listed on the Nairobi Stock Exchange---

An hon. Member: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Why can you not let him conclude what he has to say?

The Minister for Transport (Mr. Kimunya): Our rules are very clear. For a company listed on the Nairobi Stock Exchange, the only people who can direct them in terms of what to do is the regulator, which is the Capital Markets Authority (CMA), in terms of compliance of stock exchange issues or the courts. We, as Parliament, cannot interfere.

The Temporary Deputy Speaker (Mr. Imanyara): Surely, you are not suggesting that the House is helpless?

The Minister for Transport (Mr. Kimunya): Within the framework of the Committee, we can look at all the policy issues and other issues can be brought concerning humanitarian issues. Kenya Airways can appear before the Committee but not here on the Floor of the House to explain some things that need explanation.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kimunya, these issues came from hon. Members that the Office of the Prime Minister had intervened, but Kenya Airways ignored that intervention. So, these are issues that concern this House, not only as a law making body but also as representatives of the people who were gravely affected by the decision of Kenya Airways. Nevertheless, because the matter has been referred to the Committee, and Members of that Committee are here together with the Chair, I direct that the Committee conducts its hearing as expeditiously as possible and files its report in the House within the next two weeks.

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, I appreciate your direction, but the Statement that I sought was to contain more than just retrenchment, but also outsourcing, career direction and so on.

The Temporary Deputy Speaker (Mr. Imanyara): There is no limitation to the issues that your Committee can investigate. You are perfectly entitled to investigate all aspects of this retrenchment exercise. It is within the powers of your Committee. So, let it be within two weeks.

Any other requests?

Mr. Kathuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Minister, as much as he says that his hands are tied on this matter---

The Temporary Deputy Speaker (Mr. Imanyara): Order! If it is on the issue of retrenchment by Kenya Airways, then you are out of order. If it is on another matter, yes.

Mr. Kathuri: I just wanted to make a further comment not really on what has been discussed. Now that they are retrenching, would I be in order---

The Temporary Deputy Speaker (Mr. Imanyara): Without interfering with what you are saying, I have already made a ruling. You are aware that any Member of this House can attend the sittings of any Committee whether he or she is a Member or not. So, you are perfectly entitled to appear before that Committee and raise those concerns because I have already made a ruling on it.

Any other issues relating to Ministerial Statements that have not been addressed?

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. You remember I was trying to interject the Minister and you told me to allow him to complete his rejoinder. What I wanted to get a clarification on---

The Temporary Deputy Speaker (Mr. Imanyara): I am sorry, I will not allow that because you are perfectly entitled to pursue that avenue before the Committee where you are a Member.

Any other issues that were coming in form of requests for Ministerial Statement? If none, can we go to the next Order.

Hon. Members, with regard to business falling under Order No.8, I am informed that this matter is not yet mature because the Committee has not completed its report. Therefore, business under Order No.8 is deferred until further notice.

DEFERMENT OF COMMITTEE OF THE WHOLE HOUSE

THE NATIONAL TRANSPORT AND SAFETY (AUTHORITY) BILL

(Committee of the Whole House Deferred)

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

BILL

Second Reading

THE TRAFFIC (AMENDMENT) BILL

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Traffic (Amendment) Bill be now read a Second Time.

This Bill is coming hot on the heels of a similar Bill, although of smaller version, brought by Mr. Midiwo; it has already been discussed in the House and gone through the Second Reading. Following the ruling by the Chair last week that any similar Bills should be processed through the Second Reading, so that they can go to the Committee Stage in the order in which they appeared before the House, I discussed this with Mr. Midiwo and we thought that the best thing would be to let this Bill be processed. We can then harmonize the two at the Committee Stage hopefully in the near future. The two Bills basically seek to bring order to the transport sector. They are seeking to ensure that people who do not observe order in terms of traffic laws are made to pay for their omissions and commissions in a way that will deter them from repeating the same mistakes in future.

Looking at this Bill, we hoped today that it would come hot on the heels of the Committee Stage on the National Transport and Safety (Authority) Bill, which has been deferred. I am sure at the Committee Stage, we will harmonize them. This will create the institutional framework for the implementation of this Bill. The good thing is that this House had an opportunity to discuss most of the issues that have to do with the fines required and the issues related to traffic management within the framework of the first Bill that was brought by Mr. Midiwo, and I thank him for that. Since our Bill was delayed, Mr. Midiwo took the opportunity and brought a Bill to the House. His has 15 clauses and ours has 47 clauses. I do not intend to take hon. Members through the 47 Clauses, because for most of them, once you agree on principle, the rest are details and can be dealt within the Committee.

Mr. Temporary Deputy Speaker, Sir, the Bill intends to really look at all the penalties that appear within our laws, in terms of traffic offences, which have not been updated for a long time. Under the existing economics and with the number of vehicles having grown from what we had in the 1950s, 1960s and 1970s, we are now talking of millions of drivers on the roads and new means of transport that we did not have before. Is it not time we actually looked at bringing all those fines into reality in terms of an amount that will be deterrent enough for a person not to repeat the offence? The cost of administering some of these fines also goes beyond even the fine that is required. People are then tempted to negotiate on the roadside with the enforcers, because if you are dragged to court where you will pay, say, Kshs500. Given the time, cost and all those things, people will then argue that, perhaps, it is easier to negotiate with your challenger and pay the same Kshs500 on the spot, but obviously, without the benefit of indicating to the official system. That is really the essence of this Bill.

Mr. Temporary Deputy Speaker, Sir, we believe that in addition to having the institutional structures to manage this, deterrence is, obviously, one of the ways we are going to ensure that people obey the law. That is for those who flout it. Basically, we are imposing some reasonable penalties, again, in keeping with the rate of inflation. We are making them more stringent to address the issues of impunity on our roads and more importantly, again, to ensure that those who flout the rules will feel the pinch and not repeat the same thing.

Mr. Temporary Deputy Speaker, Sir, in terms of the various causes, again, we have gone through literary every item within the Traffic Act and amended it. Mainly, anything that is Kshs1,000 has moved to Kshs10,000. That is the multiplier that we will be looking at. Again, also, we will be looking at the other fines and the benefit of review by all the stakeholders, including from the Attorney-General's Office, Traffic Police and all the people. We will have the benefit of getting through the Committee on Transport, Public Works and Housing, and I am sure that we will then agree on the harmonization of the various bits and pieces before we then look at it here, in the Committee Stage.

Mr. Temporary Deputy Speaker, Sir, the clauses all the way to the very end are about fines and enhancing one or the other. But two new issues have come up that I just need to highlight. Clause 42 seeks to insert basically a new section which requires the drivers of public service vehicles to undergo an eye test as a condition for renewal of a driving licence. You will realize from the analysis that we have, that 84 per cent of the accidents on our roads are caused by behaviour of drivers. It could be because of being drunk, tired, stressed or just bad behaviour. But it is also because some of them do not quite see clearly what is happening. Some of us have now realized that unless you are tested for your eyesight, you will always assume that your eyesight is good until you are forced to go for the spectacles. But it is a reality of life that as we

grow older, we need to get these. So, this will be one of the mandatory conditions for people, especially those who will be driving public service vehicles.

Mr. Temporary Deputy Speaker, Sir, the other new addition to this, which is not in the current Act, comes under Clause 47, which is inserting a new section that introduces a system through which a person who holds a driving licence will accumulate what we call demerit points, if convicted for a specific offence. So, if you are stopped and convicted because of, for example, not having headlamps on your vehicles, you will have six points knocked off your driving licence. If you are driving a defective vehicle, you will have another two points knocked off. Failure to obey commands by a police officer will be another two points knocked off. Basically, the whole point of this is that once you have all these points being deducted from you, and you get ten or more, but less than 14, you could be disqualified from holding a driving licence for a period of six months during which time you will then be expected to have recovered and confessed all your sins. After six months, you can then go back to driving. If you accumulate more, then you are suspended. It is a practice that is working in other countries, because at the end of it all, fining people or jailing them will not necessarily make them better drivers. But this will give an incentive for people to drive well. This point system will also affect your insurance cover. It is part of creating some behavioral patterns in some of the drivers. You will be able to see who is a repeat offender or those who fail to obey the law, not because they wanted to, but because of the circumstances. This point system will now allow us to influence the behaviour of the drivers by themselves, because none of them wants to be caught in this act. So, that is a new introduction.

Mr. Temporary Deputy Speaker, Sir, basically, again, we have looked through several other issues that have been raised by stakeholders. Since the publication of this Bill, other stakeholders have come and said that perhaps this Bill has not addressed the issue of school transport. We have seen vehicles with school kids having accidents and members of the public have sent us some amendments that we have looked at and are happy with. We will be processing them jointly with the Committee and introduce them during the Committee of the whole House. Again, there are lots of small bits and pieces that people have brought in. Some are administrative and some legislative. We will be taking this on board.

Mr. Temporary Deputy Speaker, Sir, since most of the debate had taken place within the framework of the first Bill, this is additional to what was already discussed. We have taken note of the deliberations of Members and will be, again, looking at it together with the Committee. I do not want to go through, again, what hon. Members said on this matter. I would want to reserve most of the time for the hon. Members who are here to make their contribution, so that we can then move quickly to give Kenyans the law that will ensure that--- Hopefully, before the end of this year, we can have all these in place, so that we can save lives this Christmas or next month. That is really what we want to achieve, because with the superhighways that we are getting and modernization of our roads, people are driving faster. Also, since the economy is growing, people can now afford to buy more cars and get to drive cars at a younger age than we used to do in our days. With all this excitement, we would want also to make sure that we can safeguard our roads and the public from accidents that do not need to happen.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to move and ask the Attorney General to second.

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I rise to second this Bill.

Mr. Temporary Deputy Speaker, Sir, this Bill seeks to bring the Kenyan law in line with international best practices in the management of traffic. The area of traffic law in this country represents a very critical part of our criminal justice system. As most hon. Members are aware, our courts spend a lot of time everyday hearing traffic cases.

This method we have in place is now archaic; it is not used in those parts of the world where the matter has received considerable progression over the last couple of years.

Mr. Temporary Deputy Speaker, Sir, when you look at what is happening on our roads, you will realize that this is symptomatic of the general lack of respect for the rule of law that we intend to address. In particular, when you look at the conduct of those who we have been placed in charge of public transport vehicles, there is an indiscipline that cannot be permitted to continue. This indiscipline erodes and undermines our bigger commitment to the reform of the justice sector to bring everyone under the rule of law. I must commend the Minister for bringing this Bill because it is a very important addition to that.

Two things are sought to be achieved by this Bill. First, is to empower law enforcement. We need to empower our traffic officers with the right tools to do the job that we expect from them. At the same time, we need to protect the citizens of this country from processes and procedures that infringe on their rights as citizens and as motorists. For example, you are aware that not so long ago, we have had terrible incidences of men and women, sometimes children on their way to school, greatly inconvenienced by vehicles being towed to police stations in a most inhumane and degrading manner. We want to put this behind us. We want to make the process simple, straightforward and we want citizens not to have to negotiate with law enforcement but to be able to pay a fine where they have committed an offence without their being inconvenienced.

With those few words, I beg to second.

(Question proposed)

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill strongly and thank the Minister. We have lost too many lives on the road and it is time that Parliament does something about the situation that is in the country.

Having said that, I would like to point out that there are certain things that I would like the Minister to look at so that when we come to the Committee Stage, he may consider improving on them. On the proposed Clause 5(2), the Minister is proposing that every vehicle that is more than four years old should be subjected to inspection by the Motor Vehicle Inspection Unit (MVIU). What I recall in terms of the practice up till now that this proposal is coming is that we have always had the eight-year old rule. I am wondering why we cannot be consistent with the rule that the importers and exporters of motor vehicles know. If there is change, could the Minister confirm whether the stakeholders had an input in this? We do not want to have a problem where things are being loaded and then we have a problem in the industry as a whole. So, my proposal to the Minister would be that we should stick to what we know; the eight-year old rule.

Mr. Temporary Deputy Speaker, Sir, there is the proposal in Clause 8 that if a driver of a public service motor vehicle seeks to renew his licence, he should undergo a driving test every year. We are going to propose that this should be after every two years, the reason being that this would be too costly for those people who are involved in that industry. Let us also think on the side of matatu drivers, it would be punitive for them to have this renewal every 12 months. It will

cost too much and, therefore, add the cost to the ordinary citizen who is used to pay a certain amount of fare for matatu. This extra cost will, obviously, be passed on to the citizen and it is unfair to increase the cost of living which is already very high. So I was proposing that this should be done every two years and not annually.

There is the proposal in the New Clause 14 which creates New Clause 45(a). I want to make a general statement about the proposed penalties. If you look at the formulation that has been utilized in Clause 39, I am very happy with that formulation because it proposes that a person who contravenes or fails to comply with that section and is found guilty of that offence, for the first conviction, there is a fine and they state the amount. But for subsequent convictions, there is increased severity in the punishment in that on top of a fine, there is an imprisonment sentence. This means that on the first conviction, there is a fine and then on the subsequent conviction you have imprisonment and a fine or both of them. That consistency is lacking because you will find like in Clause 15 that directly someone is on the first conviction he is being subjected to imprisonment. I think we should have consistency. All of them should follow the way Clause 39 had been formulated where we have on the first conviction you have a fine and after that, with subsequent conviction, you have imprisonment and a fine or both. But let us not have in certain sections imprisonment even on the first conviction. I was going to propose that the Minister should consider Clause 14 which has also an imprisonment on the first conviction to be re-formulated so that we have a consistency so that throughout the traffic law, on the first conviction, we should have a severe punishment as far as the fine is concerned, Kshs30,000 or more but we should not have imprisonment on first conviction at all because there could be many things and it is necessary for us to look at it that way.

This goes right through the proposed Clause 16. The first conviction in Clause 49 goes right through to the proposed Clause 18. I believe that once we pass this law--- What we need is to create in the minds of Kenyans that now Parliament is saying that we must respect our traffic rules and things must be done differently. However, we do not want to imprison everyone. The Minister in charge of Home Affairs will tell you that they do not have that kind of space. In any case, we do not want to throw everyone there.

So, on every first conviction, there should be a serious fine, but on subsequent convictions I propose to the Minister that there should be imprisonment and a possibility of fine or both of them going together.

Mr. Temporary Deputy Speaker, Sir, there is a new clause that I was proposing that the Minister formulates. We do not want a situation where all these traffic problems will have to go to court. We have to come up with a clause that allows for fines to be imposed on the spot. Like the Attorney-General suggested, we do not have to remove people from *matatus*. These are people going to school and work. We must, therefore, formulate a clause that allows the policeman to write to you the fine on the spot. To guard against arbitrariness, we must create a situation---

The Minister for Nairobi Metropolitan Development says that they want to put cameras along the roads. If there is photographic evidence that you jumped the lights, there should be no issue. It will be taken to your address. I can see a nice and innovative approach that when you now purchase a new car, your postal address, the e-mail address, the telephone number of the new owner are all there, including the residence. We should not be stopping vehicles. Once there is photographic evidence then this fine can be sent directly to the home of this person. If he does not pay, then the matter becomes as serious as it is in the western world where someone's licence goes and so on.

I am very happy with most of the innovations here, but we have to go directly and give power to the Traffic Department to deal with these matters in a summary manner so that not every person goes to the traffic court when *ab initio* there is photographic evidence as we surely expect the metropolis to have.

Mr. Temporary Deputy Speaker, Sir, about ophthalmic tests, Clause 42 of the proposed amendments states that the person driving a Public Service Vehicle (PSV), when he wants to renew the licence, must also get a report produced to the licensing officer coming from a qualified ophthalmologist certifying the condition of the applicant's eyesight and indicating whether the applicant is fit to drive a motor vehicle.

I think this is not a very fair requirement. I think it is going overboard. I am going to propose that we do away with it. We have already said that they will be renewing their licences biannually. When they go to renew the licence, obviously, the person who is going to test them will do so in all ways. It is unfair to create a job here for ophthalmologists in Nairobi and other places just for them to be earning fees or something. I think it is not right. If we are going to go this way, then let us do it all the way; let us take them for mental tests, let us test them for epilepsy, let us determine their fitness, let us check their blood pressure and so on. We cannot just pick ophthalmologists. Why them?

It seems there is somebody who was a stakeholder in the Committee that was looking into this matter who thought: Why not create a job for ourselves in this matter? I think it is wrong and unfair and also discriminatory in terms of health. So, this whole new section does not make sense to me and I will propose to the Minister to remove it altogether because the person who will be checking this person will be doing all these things at the same time. Maybe we can create any other powers for him to reject a person if he believes that the person is not fit to drive for any reason.

Mr. Temporary Deputy Speaker, Sir, with those few proposed amendments, I support this Bill.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, for your guidance, the order in which I propose to recognize the speakers is the order in which requests were made. After this it will be hon. Kathuri followed by hon. Millie Odhiambo-Mabona, hon. Lagat, hon. Were, hon. Mwadeghu, hon. Anyang'-Nyong'o, and hon. David Njuguna.

Mr. Kathuri: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this chance. Let me declare from the onset that this is the sector that has brought me up, that is, the transport sector, specifically the PSV subsector. It is even what gave me a paying goodwill which made me land in this House.

Mr. Temporary Deputy Speaker, Sir, this is one sector that really requires a lot of attention. These amendments are long overdue. However, while I am supporting the Minister for having brought them in the House, there are quite a number of issues that were, perhaps, addressed with a bit of emotion. Others may have been omitted. Let me start with those that were omitted.

In the National Transport Authority Bill, there is a proposal that there will be a levy to take care of the activities of the Authority. I want to propose that under the Transport Act, we set up a tribunal which will be taking care of all the interests of the stakeholders and assist you in ensuring that you also stamp out corruption on our roads. These tribunals could be set up in every county. You will be able to get rid of all the traffic cases from the ordinary courts. The cases will be handled by the tribunal which should be funded by the motor vehicle owners

specifically the PSVs which form the bulk of those cases that go to court – they can really contribute towards this in the form of a levy.

This way, you will have sorted out many issues, for example, the judiciary backlog and corruption. Enforcement also becomes consistent. I believe that if we set up this tribunal, it will move this sector many strides forward. It will create sanity right, left and centre. This is because it is supposed to include the stakeholders who I believe want to see the sector flourish.

The Bill should have a clause directly transferring the Traffic Police Officers from reporting to the Office of the President to reporting to the Ministry of Transport. We should have that in black and white the way we see it in the Railway Police, the Anti-Fraud Police, the Kenya Ports Authority Police and the Airports Police.

I wish the Traffic Department could exclusively be handled by the Ministry of Transport, so that the duties and responsibilities can be very clear for the Minister to issue policies and ensure that they are implemented by the officers who report directly to him. This way, we will be out of the crisis.

It is also important to implement what the previous speaker has just said. I do not see why you need an ophthalmologist. Eye sight is one of the areas where you do not need machines. You only need to stand in front of big and small numbers and letters and whoever is confirming will just say that you cannot read 30 metres away. For that matter, your eye sight must be either improved or you are not fit to drive a vehicle. We should do away with anybody else examining the eye sight. The examining officer should assess whether a person has good vision or not. If he does not have it, then he should be denied the license to drive. Since we intend to introduce regular examinations, I propose that it be done after three years and not two years. I believe this will be adequate enough. An ophthalmologist will not even check whether one of your limbs is shorter yet it is a very vital organ of the body when you are driving. When many people are involved in accidents, one of their legs becomes shorter. Who will ascertain that? It should be the examiner. These are the things that we need to check.

The issue of instant fines has been omitted from this Bill. I wonder whether what the Minister for Finance proposed some three years back has been thrown out of the Cabinet shelves. It was a proposal that was echoed by many of us and it has not been captured in the Bill. This is one of the ways of reducing corruption. It should be introduced in this Bill if we want to stamp out corruption from our roads. It should be very clear that the instant fines will be fair to everybody because you do not have to waste time. You just pay what you have been fined. This will assist in repairing the roads and ensure supervision. That is very important so that we can move forward.

Testing the drivers annually is a bit too much. These drivers earn an average of Kshs10,000. I am an authority and I know how much they are paid. Leave alone the talk in the streets that they are paid Kshs1,000 daily, you cannot drive a vehicle for 30 days. You can only drive for four days and by the fifth day, you cannot wake up. The job requires that you wake up at 4.00 a.m. and sleep at 10.00 p.m. so, how many hours do you have for sleeping? By the third day, you will be dozing at the steering wheel. There is no way you can work for all those days. This money has to include transport, lunch and bribes for the City Council askaris, the police officers and the *mungiki*. All these are borne by the very same salary. It is important for us to be realistic. They do not have this kind of money. Where they enjoy protection by the employer, they are paid an average of Kshs10,000. You can quote me there as an authority. They do not enjoy more. If you want more, you are given *squads* daily and you run the risk of not being on the job the following morning. You also run the risk of going to Industrial Area Police Station

that afternoon or being detained at Kamkunji Police Station over the weekend. These are some of the risks that are borne by the high salary. It is good for us to be aware that when we subject the drivers to some of these heavy fines, it is being unrealistic. It is because we imagine that they earn a lot of money. I can tell you for sure that that is not true.

The fines are very high. For example, in Clause 30(6), we are imposing very high fines. Fines are good, but it is good for the Bill to address the fact that when the law becomes harsh and excessive, the only solution will be to create shortcuts. I am not the one who said this. It is in the books of law. Those who have read the law like the Chair, they know that that has been a very big debate everywhere. I would like to remind you of what happened with the KANU regime. Before Section 2A was scrapped, they thought that the solution to govern this country was to throw everybody to the gallows. They did it, but for how long? There was an outcry. This was all because of imposing a condition that you must be a KANU life member, dance, sing and dream KANU. At the end of the day, we never achieved anything. In fact, I wish they did not even do it. They threw people outside imagining that they would not have any other shelter, but the people ended up constructing other houses, and those houses, in form of parties, are the ones that threw KANU out. Let us not move in a direction which will make everybody look at these fines as excessive to the extent of even wanting to divert the very original agenda. The officers in that line will definitely make a kill if the fines are excessive. I am not saying that the fines are bad, but if they are excessive, they will lead to many other problems.

The whole issue is to ensure that offences are not repeated. With first offenders, the fine should be realistic. Let us even maintain the old fines, but make them very stiff for repeated offenders. The Minister has proposed that if a driver commits an offence with the same vehicle twice, the vehicle should even be deregistered. That is the right move. If the offence is repeated twice, you can see that the owner of the vehicle is condoning misbehavior. In terms of first offenders, we should be realistic and allow the offence to carry a small fine, so that we can reduce the exposure. Every human being has a price. The moment you impose a Kshs50,000 fine on a driver, if it is my son or myself, I will not go in. I will just sell my cow and give Kshs10,000 to an officer, who goes to construct a five storey building in Kayole. You will find that we, legislators, as people without brains, will be making a kill for these officers. It will be very harmful to this country if we move in that direction.

There are many issues which have been raised by the previous speaker. I would like us to address this Bill without emotions. Of course, when death occurs, emotions go to the extent of even making us to shed tears. At that time, if you are asked what should happen to the person who caused the death of your relative, you would say that he should go to the gallows. I remember the first time I wept in a burial; it was the burial for my sister's husband. She was only three years in the marriage. I did not imagine that anybody can cry in the presence of others, but I found myself shedding tears. It is so painful. If you are asked what should be done to the person who caused the death, you can say that he should also face similar consequences. But these are emotions. We should be sober and think about this matter on a very sober note. The only way we can do this is by ensuring that whatever we put in this Bill should address these issues, but clear the element of emotions from the Bill, so that it can carry everybody on board.

I want to touch on the frequency of inspection of vehicles. The Bill proposes this to be done on vehicles which are four years old. For those of us who joined Parliament in 2008 and bought new cars, they are now four years old. A politician's vehicle is extremely busy. It is used many times, but many of them are still in good shape. They are still serviceable. This clause should be consistent with the requirement of eight years as imposed by the Kenya Bureau of

Standards (KEBS). Then after that, you can subject the vehicle to inspection every other year, so that we can become consistent and safeguard the lives of our Kenyan citizens. Let me also remind you that the vehicles that cause accidents on our roads are the new vehicles. The old vehicles never exceed 80 kilometres per hour. They will never do 140 kilometres per hour because they are rattling and wobbling. The new vehicles are the ones that always kill. Pedestrians under-estimate the new vehicles' distance and within seconds, they are together. So, it is also important for us to be aware that while we are imagining that we are going to address the issue of road worthiness to cure accidents, this will only be partly true. Yes, if a vehicle stalls on the way, definitely, it will cause obstruction and oncoming vehicles can also have a serious problem. But while addressing that, we should be cautious, so that we do not also overdo it.

Mr. Temporary Deputy Speaker, Sir, which vehicles would be inspected thereafter? Let us take the case of a saloon car which is eight years old; after it runs ordinary errands from house to office and used on weekends, chances are it will require touch-ups again after three years. Even those who work with us, here in Parliament can attest to that. They can use a vehicle even for ten years without having touched any major parts. Therefore, it is also good for us to separate and classify which vehicles will be subjected to yearly inspection. For Public Service Vehicles (PSVs) to be inspected after one year, it is too long time for them. If we can get rid of police officers standing on the highway who arrest vehicles even with an inspection sticker, I would rather propose we ensure inspection is done quarterly. This is because Government officers must be paid. The stickers must be scrapped and be replaced with others. But we should not allow crackdowns on the road because it is not effective since the owners of these vehicles hide them from the police officers. After that, they are back on the road. After all, even when you do crackdowns, what do you do to the vehicles that operate at night? For example, vehicles in Kahawa West operate throughout the night when the officers are not there. They operate without any licenses and police officers are not there to check. Most of them are road unworthy.

Mr. Temporary Deputy Speaker, Sir, when we address those issues, let us also come out very clearly on which classes will be inspected annually. Before we even start inspecting them quarterly or annually, we ensure that the crackdown of unworthy vehicles is completely done away with.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Two minutes!

Mr. Kathuri: Mr. Temporary Deputy Speaker, Sir, let it be very clear that there is no way we can achieve much with the crackdowns on the highways.

We just ensure that we categorize which vehicles would be inspected quarterly or annually, or bi-annually or after three years. That is the only way we will achieve the objective of this Bill.

Mr. Temporary Deputy Speaker, Sir, I would have said more, but let me just make this passionate reminder that when the law becomes harsh and excessive, it does not achieve the desired goals.

With those many words, I beg support.

Mrs. Odhiambo- Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I am not too sure whether I want to congratulate the Minister for bringing this Bill or not. The reason is because he is not facilitating us to make good use of our time. I have looked at this Bill and the Bill that was brought by hon. Jakoyo Midiwo, but I do not see much difference. Other than three provisions, the rest of the provisions here have to do with enhancing sentences. If you could have just sat with hon. Jakoyo Midiwo, then you would have made better use of the Members' time by not bringing another Bill. So, I want to encourage him

that, next time he knows there is a private Member bringing a Bill, he should enhance it by proposing his amendments instead of letting us to go through the same stuff twice.

Mr. Temporary Deputy Speaker, Sir, having said that, I want to also indicate from the outset that I do not agree with hon. Kathuri. I am glad that he has declared his interest in this sector, having worked in it. I want to say that, indeed, having looked at the proposals that the Minister is bringing, in terms of enhancing sentences, I think the Minister is being extremely lenient. I want to distinguish an example that hon. Kathuri has given in relation to the sentences that are given here.

Hon. Kathuri has indicated that when we provided for Section 2A of the Constitution, Kenyans went wild and failed to follow the law. That was because we were violating their human rights. That is why Kenyans were not willing to respect that. But this is a case where other Kenyans are violating other Kenyans' rights. It is not a case that we are taking away the rights of people in the industry. We have provided for laws and they must be followed. I keep saying whenever we talk about the issue of impunity; we always presume that the issue of impunity is only in the realm of grand corruption. Impunity is about failure to follow laws, however basic they are. If we provide for laws that govern our lives, transport and traffic, they must be obeyed. There are people who have the habit of breaking rules. They are not interested in following them. That is the problem in this country. Laws are made to be obeyed. Until Kenyans know that, we will never change this country for better.

Mr. Temporary Deputy Speaker, Sir, everybody knows in the United States, you do not park in a place designated for persons with disabilities. If you do so, the fines are extremely hefty. So, you would spend a little more time looking for parking for persons with ability. They do not joke around with you. Nobody drives while drunk because of hefty fines. This can even lead to your licence being cancelled. But in Kenya, we do not mind about that. People drive their vehicles when they are drunk. We have this culture of saying I know this and that judge or magistrate---- We really empathize with you; while we do that, we will be losing lives.

When I spoke to hon. Midiwo on his Bill, I told him exactly one year ago, a young man, who was in his early 20s called Griton Owia, who was coming for my mother's funeral was involved in a road accident. He was in hospital for a period of one month. He was at the Kenyatta Hospital and not even a private hospital. The bill ran to over Kshs1 million. He came from an ordinary family and it was very difficult for them to raise money. He lost one leg, one hand, one eye and eventually died anyway after suffering for one month. But we say let us not give harsh rules. I am not emotional, but I just want to be practical that we must preserve life. We must be very serious. I have since had occasion to meet another lady, Bright, who goes to Nairobi Pentecostal Church, who used to be an usher. She is now in a wheel-chair. I know she is one of the people the Minister is saying has brought proposals in relation to this Bill. She has now founded an organization that talks about safety. She was an able bodied person, but now she has been subjected to a life of disability because of a road /traffic accident. Unless we are serious, we will lose many more people through careless driving.

Mr. Temporary Deputy Speaker, Sir, I just want to make certain brief comments in relation to some clauses. I want the Minister to separate issues in Clause 2. He says the Registrar may, where, he has reasonable grounds to believe that a motor vehicle has been registered in error or fraudulently, or in any manner contrary to the provision in this Act, with wrong registration--- I will want the Minister to separate these clauses. Where somebody does something in error, it is different from where somebody does something fraudulently. Where somebody does something fraudulently, there is wilfulness and therefore such a person should be

punished and we should provide heavy penalties. But where somebody registers something in error there is no wilfulness and therefore, we should not provide the same punishment. Where a person does something in error, all we need to do is to correct. But where somebody does something fraudulently, you need to punish. So, I want to encourage the Minister to correct that when this matter goes to Committee Stage.

Mr. Temporary Deputy Speaker, Sir, I know that hon. Mungatana has spoken about Clause 8 but I also want to speak on it. This Clause provides that drivers of Public Service Vehicles (PSVs) shall be required to undergo a driving test annually as a basis for renewal of their licences. I want to use constitutional standards. If we think that this is a good standard, then it should apply to everyone. This provision should not only apply to drivers of PSVs. However, if we think that because they drive them more regularly, we must provide constitutional standards for providing limitations, otherwise we are being discriminatory. My background is human rights and that is why I am very careful about standards that we provide that appear discriminatory. So, if the Minister wants to say that we should provide different standards for persons driving PSVs, we must say why we are departing and giving a standard that is different for one category of persons as opposed to another.

Mr. Temporary Deputy Speaker, Sir, if you look at this Bill and even the parent Act, you will see that the focus is more on vehicles and the drivers who drive them and not, for instance, on the touts. If there is one area that vulnerable persons are violated, then it is in PSVs. So, I would like us to provide for protection of vulnerable persons like women, elderly persons and persons with disabilities especially when they are disembarking. We should provide penalties for people who violate the rights of those categories of persons.

I would also like to indicate that we need to differentiate and define what reckless driving is in clauses 15 and 16 so that we distinguish it from---

The Temporary Deputy Speaker (Mr. Imanyara): There is a point of order from hon. David Njuguna. What is it?

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir. Because of the great or immense interest we have in this Bill, would it be possible for us to take three minutes each as we contribute?

The Temporary Deputy Speaker (Mr. Imanyara): Actually, we only have five people who have expressed interest which is well within the time left. So, let the Chair use its discretion but I am aware of the number of people who have sought requests to contribute to this Bill.

Continue, Mrs. Odhiambo-Mabona!

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Very well!

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, I know that hon. Anyang'-Nyong'o is very excited about "his wins" but that does not give him a chance to harass me even as my Secretary-General.

Mr. Temporary Deputy Speaker, Sir, I was indicating that the Minister should define reckless driving because you cannot distinguish reckless driving from driving without due care and attention. From the way the clauses are worded, it looks like reckless driving could as well be driving without due care and attention, if the Minister does not define it.

Again, I am glad that the Minister made reference to the issue of school children using PSVs and their safety in those vehicles. I want to encourage that we provide for hefty penalties especially if you endanger the lives of school children in PSVs. Right now, that is not provided for. I have been thinking very seriously about the provision on Clause 42 that requires drivers of PSVs to undertake tests from ophthalmologists. Again, I would like to say, using the same

constitutional standards that this should not only be for PSV drivers but for everyone. I do not know why you should be lenient. If your eyesight is not good, I do not know why you should be driving and compromising the lives of everyone.

Again, on Clause 47 on demerits, the Minister should clarify that the demerits seem to take effect after the matter is before court. My understanding is that the demerits should come way before that.

Finally, I was hoping that the Minister would have come with amendments in relation to causing deaths by dangerous driving and more enhanced penalties for hit and run motorists. I was trying to go through the Traffic Act to see what the provisions say but I know that when I was in active practice, the penalties for causing death of a person were laughable. Kenyans should know that if you want to drive a car for 24 hours, unless you are sent from heaven by the Lord as an angel, you cannot humanly do it. If, therefore, you deliberately endanger peoples' lives and cause their deaths, we should not be lenient with you.

I very grudgingly support this Bill because, I do not want to say that the Minister is wasting our time, but to be polite, I want to say he is making us not use our time appropriately.

Mr. Lagat: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to also contribute to this Bill. I support the Bill because of the changes that it makes. We understand and know that there are very many issues in our traffic rules that have cost the lives of people. On the clause that says that drivers should be tested yearly, I thought that whenever someone drives, he or she gains experience and becomes better. I think the best test can be done after two or three years to confirm whether a driver is conversant with and seriously follows traffic rules.

With regard to imprisonment, I do not think that somebody who commits an offence for the first time should be imprisoned. However, I think fines should be increased to three times because that is what is happening in the Western world. On the clause on imprisonment, I think fines will be okay because it is also painful when somebody pays fines for committing an offence. Such a person will try not to commit any offence because he knows how painful it is to pay fines.

I want the Minister to note that when the former Minister for Transport, the late hon. Michuki, introduced speed governors and safety belts, the number of accidents reduced in the country. I want to inform the Minister that as we try to pass this Bill the same law can be enforced so that we can reduce the number of accidents on our roads. This is because most of the accidents occur because of speeding while others occur because somebody has not fastened his or her safety belt. We know that chances of being injured in an accident are minimal if you fastened your safety belt compared to somebody who did not fasten his or hers. So, I still want to request the Minister that I think he should take this matter seriously so that the road-users can be safe on the roads.

Mr. Temporary Deputy Speaker, Sir, when we talk about this Bill, that he wants people to follow the traffic rules, most of us have been using this road from Nairobi going to Nakuru. There are some sections where the road has three lanes but you will find the slow drivers using the third lane. You will find most of the lorry drivers using the third lane and some the second lane so that those who are overtaking are forced to use the first lane. According to the law, the slow drivers should be driving on the first lane, while those who are overtaking should use the second and the third lane.

I think the traffic police should be serious in ensuring that drivers adhere to the traffic laws. We should ensure in this law that when somebody is using the third lane and is driving

slowly, action should be taken against him and a fine imposed on him. We have been using roads in the western world but you will find that the slow drivers there use the first lane. Drivers there do not use the third lane when they are not overtaking and are driving slowly.

Mr. Temporary Deputy Speaker, Sir, there is still another problem in Kenya. Most of the drivers obtain their licences through illegal means. I think it should be made clear in this law that somebody should attend the driving school for a course so that he qualifies and understands the traffic rules. Some of them can just get to know how to drive today and tomorrow they have a driving licence even before they are conversant with the traffic rules. I think all drivers should enrol in a driving school whereby they can learn the traffic rules.

Most of the accidents occur because somebody is using a wrong lane or does not understand the traffic rules. Most of the motorcycle riders are now dying because of not knowing the traffic rules. Most of them graduated from riding a bicycle and somebody is now purchasing a motorcycle. He then rides a motorcycle the way he has been riding a bicycle. That is why in most of the hospitals right now, we have wards for the motorcycle riders. This is so dangerous. In this law we want to ensure that all traffic rules are observed so that the road users can be safe while using the road.

Mr. Temporary Deputy Speaker, Sir, when we talk about the penalties, one serious issue that we have to look into is the traffic police. You will find somebody driving an unroadworthy vehicle but that person drives past policemen. The car is not supposed to be on the road, but still the police allow them to drive these vehicles on the road. You will find that these drivers are allowed to drive unroadworthy vehicles because they have given the police officer “something small”. This issue should be addressed and when somebody with an unroadworthy vehicle passes past the police without being stopped, then action should be taken against that police officer.

Personally I support this law because I learnt to drive in the western world and I can see that this Bill brings rules that can actually make the drivers to be disciplined.

Mr. Temporary Deputy Speaker, Sir, I support.

The Temporary Deputy Speaker (Mr. Manyara): Hon. Members, there are five hon. Members who still want to speak. I see it is getting to 6.00 p.m. So, if you bear that in mind and limit your contributions to be around five minutes, we could give everybody an opportunity to speak. The next one is Mr. Were followed by Mr. Mwadeghu, Prof. Anyang’-Nyong’o, Mr. Duale, Mr. Githae and Mr. Onyancha, in that order.

Mr. Were: Mr. Temporary Deputy Speaker, Sir, I also rise to support this Bill. I will only make a few comments on some of the Clauses. The first clause that I will deal with is Clause 5(2) which talks of inspection of motor vehicles beyond four years after registration.

Mr. Temporary Deputy Speaker, Sir, you will realize that most of the vehicles that come into this country are used vehicles. Most of them are more than four years old. If we allow this Clause to remain as it is, what it means is that the majority of vehicles that come through the port of Mombasa would directly require to be inspected. I think it would be quite cumbersome if we allowed this. So, this is a clause that requires amendment.

On Clauses 12 and 13 there is a proposal of imposing a fine on drunken driving and on drivers of PSV vehicles of Kshs500,000 or 10 years in jail. As much as we want to improve the quality of driving on our roads, I still feel that the imposed penalties are quite high and they need to be looked into. I feel that this could easily encourage corruption, especially where police officers know that the fines are this high, they might use this opportunity to solicit for money from the drivers.

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

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

Mr. Temporary Deputy Speaker, Sir, on Clause 14, this one is on driving on the pavement and pedestrian walkways. I agree with the amendment as proposed but I feel that the penalty that is proposed of three months or Kshs30,000 is quite low and might not be a deterrent for these drivers. I would propose that the sentence be increased to six months and the fine not exceeding Kshs50,000.

Mr. Temporary Deputy Speaker, Sir, on Clause 49 there is a proposal that the principal Act be amended by inserting a new schedule. While it is a good idea to have this schedule on demerit points, I find there is a problem there because most of the driving licences that we have are mostly fake. With the kind of driving licences which we have currently, I do not know how these points would be captured for us to know who has lost how many points unless we change the driving licences to the new generation driving licences. I think this is something that we should look into and see how effectively these demerit points will work.

With those few remarks, I beg to support.

Mr. Mwachugu: Asante Bw. Naibu Spika wa Muda. Ninaomba nitoe mchango wangu kwa Mswada huu ili ibainike wazi wazi kuwa Waziri amejaribu awezavyo kuleta mabadiliko katika idara hii ambayo inahusika na usafiri.

Kitu cha kwanza ningepomba Waziri atie maanani ni kuwa tumepatwa na maafa mengi sana barabarani na kuwa nia haswa ya Mswada huu ni kuhakikisha kuwa maisha ya binadamu yanaangaliwa vilivyoo. Kwa hivyo, itakuwa ni jambo ambalo litatufaa tukiangalia hivi vipengele vyote ambavyo vinajaribu kulegeza sheria ili uendeshaji wa magari njiani uwe unakosa nidhamu.

Kitu cha kwanza, sijaona popote katika Mswada huu ambapo Waziri ameangalia kwa uangalifu utumiaji wa rununu wakati mtu anapopeleka gari. Kwa wale ambao labda hawajaelewa sawa sawa, ninamaanisha wale watu ambao wanatumia simu za mkononi wakati wanaendesha magari. Naomba Waziri aangalie kuwa hawa watu wameadhibiwa vikali kwa sababu huwezi kutumikia mabwana wawili. Aidha unapeleka gari ama unasikiza simu. Mara nyingi tumeona ajali zimetokea kwa sababu ya watu wanaozungumza kwa simu baadala ya kushughulikia mambo ya kuendesha gari.

Bw. Naibu Spika wa Muda, nilifadhaika kumsikia mwenzangu akitoa maoni yake kuhusu Mswada huu, kuhusu uendeshaji wa gari ukiwa mlevi. Ninamshukuru Bi Odhiambo-Mabona, kwa matamshi yake ya kusema sheria lazima izingatiwe. Huwezi kutoka pahali ulipokuwa huku ukiwa mlevi na unaingia ndani ya gari na unajua wazi wazi kuwa unaenda kusababisha vifo vya wengine.

Ukienda kwa mahospitali hivi sasa, utapata watu wengi wamelazwa, miguu imepandishwa juu kwa sababu ya ajali za barabarani. Nyingi za ajali hizi zinatokana na uendeshaji mbaya, hasa mara nyingi watu wakiwa walevi. Ni ombi langu kwa Waziri ahakikishe kuwa adhabu kali inatolewa kwa watu ama mtu yeyote anayepeleka gari akiwa amelewa.

Vile vile, ninamwomba Waziri aiangalie sheria hii ili tuhakikishe kwamba madereva wa magari ya abiria hawayaendesha magari hayo kwa kasi zaidi ya kile kiwango ambacho kimeruhusiwa na sheria. Mara nyingi, tunakutana na magari ya abiria kutoka Nairobi yakielekea Mombasa. Licha ya kwamba uko na gari ndogo, unaona magari hayo yakikupita kana kwamba

umesimama barabarani. Magari hayo huendeshwa kwa kasi zaidi. Yanapokutana ya mnyama ama mtoto akivuka barabara, mara nyingi ajali hutokea.

Bw. Naibu Spika wa Muda, jambo lingine la kusikitisha ni kwamba, chini ya Kipengele 36, Waziri amependekeza kwamba mtu atakayepatikana akiendesha gari bila ya leseni ya kuendesha gari apigwe faini ya Kshs100. Ninamwomba Waziri ayatilie maanani mambo haya. Kwa nini mtu apigwe faini ya Kshs100? Kama ni hivyo, basi haina haja ya kumpiga mtu faini kwa kosa hilo. Ni lazima tuweke faini ambazo zitawafanya watu kuogopa kuvunja sheria. Mara nyingi, watu huvunja sheria wakijua kwamba watakaposhikwa na polisi na kushtakiwa, watapigwa faini ya Kshs100 ama Kshs1,000. Mtu kama huyo atalipa faini na kuendelea na mambo yake.

(Mr. Kimunya consulted loudly with other Members)

Ninamwomba Waziri anisikize, kwa sababu ninaona anajishughulisha na “mjadala” mwingine. Ninamwomba anisikize kwa sababu yeye pia hutumia barabara ya kwenda Mombasa mara kwa mara, na huenda akapatwa na adhabu kama hii. Ni lazima walevi watakaopatikana wakiendesha magari waadhibiwe. Mswada huu unasema kwamba dereva asiendeshe basi kwa muda wa masaa manane kwa siku. Safari ya basi kutoka Nairobi hadi Mombasa huchukua zaidi ya masaa manane. Jee, madereva wa mabasi watabadilishwa zamu njiani ama itakuwaje? Ninamwomba Waziri afikirie kuhusu suala hilo.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Mwadeghu! Your time is up.

Yes, Prof. Anyang’-Nyong’o.

The Minister for Medical Services (Prof. Anyang’-Nyong’o): Mr. Temporary Deputy Speaker, Sir, I thank you very much for giving me the opportunity to contribute to this Bill, which I support, but I would like to make some observations on it.

While contributing to this debate, hon. Mungatana made some observations on the provision for fines, and particularly fines on minor traffic offences and the penalty involving sending someone to prison for committing such offences. Whereas we want to make sure that people obey the traffic rules, we should not be too punitive, especially when it comes to serving prison terms. So, the point made by hon. Mungatana should be borne in mind by the Minister when it comes to proposing amendments to this Bill.

Mr. Temporary Deputy Speaker, Sir, the area in which I do not agree with hon. Mungatana is that of requiring those who are licensed to drive, particularly those licensed to drive Public Service Vehicles (PSVs), to be tested by ophthalmologists before their licences are renewed. This is very important because hon. Mungatana was saying that they should also be required to take other tests. I do not think other tests are as important as the test on one’s ability to see. That is why when you go to get a driving licence, one of the things you are tested on is your ability to read certain letters from afar. That is to determine what your vision ability is. Quite often, people do not know their ability to see.

I remember that when I was practising driving, the person giving me the practice asked me to read a road sign ahead of me, which I could not. Before then, I had not realised that my sight was that bad. So, this requirement should be retained, because it is extremely important for drivers. One thing which is missing in this Bill is the penalty that should be levied on people who drive trailers which are overweight. I do not know whether such provision exists in any other law or the Traffic Control Bill, but it is very important to preserve our roads.

Mr. Temporary Deputy Speaker, Sir, we should also punish traffic police officers who check the weight of PSVs but let overweight trucks pass. This is what ruins our roads, particularly the road from Mombasa to Busia. You can see ripples in certain places, because overweight vehicles have been let loose on that road. The weight vehicles are allowed to carry on our roads is something which should receive much more attention in the traffic rules than it is receiving at the moment.

At the moment, drivers of overweight trucks go scot-free. They just pay-off police officers and continue spoiling our roads. Both the drivers and the police officers they pay-off should really be visited harsh penalties. So, if appropriate penalties are not in the traffic rules at the moment, they should be included.

Mr. Temporary Deputy Speaker, Sir, I want to refer the House to---

The Temporary Deputy Speaker (Mr. Ethuro): Professor, you have less than a minute to go.

The Minister for Medical Services (Prof. Anyang-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I want to refer the House to page 1783 of the Bill, on restrictions to be put on motorcycles carrying more than two passengers. This is extremely important but there is another restriction which should be looked at very carefully. That is the restriction that says that passengers on motorcycles should only sit with each of their feet on either side. I have seen women being carried on motorcycles sitting sideways precisely because of the way in which they dress. Whereas I sympathise with women, it is extremely dangerous. I think this rule is extremely important.

The Temporary Deputy Speaker (Mr. Ethuro): Yes, hon. Duale.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill.

This Bill proposes a raft of measures and changes to the existing traffic law. For some people, it is only when they lose a dear one in road carnage that they can come to this House and support this kind of law. Of course, we will bring quite a number of amendments to this Bill but I think what made the Minister bring these amendments is the fact that, for many years, there has been no decrease in road carnage. Road accidents happen day in, day out. So, we must pass this law to save the lives of the people of this country.

Mr. Temporary Deputy Speaker, Sir, I tend to agree with hon. Midiwo's proposal to the effect that the Traffic Police Department must be abolished. I will bring an amendment to that effect. It should be mandatory for all police officers to man traffic. You will see an instance where there is a heavy traffic jam and there is confusion, but when you approach a police officer in a patrol car for help, he tells you that he is not in the Traffic Department. The Traffic Police Department has become a den of corruption and nepotism.

Tougher penalties are needed in this country, if we have to save the lives of Kenyans. One of the areas on which I support the Minister is that of driving licences. You see people who have major sight problems driving cars. Even some Members of Parliament have good drivers but once it becomes dark, you find yourself asking him: "My friend, do you have some sight problems?" You see the guy veering off the road. So, we should start with Members of Parliament. Most of our drivers cannot drive safely at night. The moment you have somebody else with a similar problem driving from the opposite direction, an accident happens. Therefore, I support the proposal on presentation of a medical report as a pre-requisite for issuance of driving licence.

Mr. Temporary Deputy Speaker, Sir, another area I would like to comment on is ownership of motor vehicle registration, which is the preserve of the Kenya Revenue Authority

(KRA). When I sell a vehicle to Prof. Anyang’-Nyong’o, he must, first, return the number plate to the KRA and get full registration. If he does not do so, he might end up buying a vehicle which has been stolen, as it happened to hon. Gumo, a very straightforward man who, for the first time in this country, has been seen by many people as the one who went and stole the vehicle of former President Moi. God forbid! So, registration is very key! The moment this was happening, I flew with hon. Gumo to Mombasa. I did not know I was flying with a man who had been accused of stealing a Range Rover. So, registration is very key.

Mr. Temporary Deputy Speaker, Sir, on adulteration of fuel, I am very happy that the Minister has pointed it out. *Matatus* and trucks look for cheap fuel. They just go and buy adulterated fuel which affects the engine and the system of any vehicle. That is the major cause and I think there is a penalty for that. Overlapping, driving on pavements and sidewalks, avoiding traffic jams and going through petrol stations is the craziest menace *matatus* do in this City. I am very happy that the Minister has brought a law to curb that menace. You cannot imagine how petrol stations become from 5.30 p.m.

The Temporary Deputy Speaker (Mr. Ethuro): You have less than a minute to go.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, give me one minute because we belong to the same party.

(Laughter)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Duale! The Chair does not belong to any party; it belongs to the House.

Mr. Duale: Okay. I withdraw and apologise. But, Mr. Temporary Deputy Speaker, Sir, as a good friend and as the Chairman of the Pastoralist Parliamentary Group, give me one minute.

Mr. Temporary Deputy Speaker, Sir, for the first time in this Bill, roadblocks must be designated. They must be gazetted. It must be the preserve of the Inspector-General of Police. You will find the Kenya Wildlife Service (KWS) officers mounting road blocks. You will find forest guards mounting road blocks. You will also find city council *askaris* mounting road blocks. We will bring amendments but, for the first time, I want to thank hon. Amos Kimunya for bringing this Amendment Bill and, of course, hon. Jakoyo Midiwo.

The Minister for Finance (Mr. Githae): Thank you Mr. Temporary Deputy Speaker, Sir. I just want to speak on two issues because I understand we need to finalize the Bill before 6.30 p.m.

The first one is on compliance of the law. Yes, it is true that we are increasing and adding new laws. But we need to comply with the existing laws. We need to enforce the existing laws. I will give you one example. It is stated very clearly in the Traffic Act that slow traffic should use the left lane. In fact, on highways they say: “Keep left unless overtaking.” What do we see on our roads? You will find a smoking lorry carrying stones and sand using the right lane. As a result, it slows down traffic. You are now forced to overtake on the left instead of the right and yet, for that, we do not need any new law. It is already there. I would like to request the Minister to enforce that rule.

Mr. Temporary Deputy Speaker, Sir, the other one is on driving under the influence of alcohol. Sometimes, when you speak to people and hear them say: “Oh! Yesterday, I do not even know how I arrived home. *Gari yangu inajua nyumbani!*” You look at that person and wonder: “What is he saying? He seems to be very proud of it; “that my car found its way home!” Already,

we have a rule against driving under the influence of alcohol. Let us enforce that rule and we are going to save lives. We are going to prevent accidents and we are going to enhance our safety record.

The other one is on traffic lights, particularly, in the City. The traffic lights we have are outdated and obsolete. I can say that, speaking from experience. When I was the Minister for Nairobi Metropolitan Development, I offered the Nairobi City Council (NCC), under the former Town Clerk, to install new modern traffic lights. But I did not know I was touching a live wire. At the moment, if you want to change the duration of the traffic lights, you have to go physically to where they are and change the duration. You cannot do it from the office. That is the main problem. In addition, there is a conspiracy where hawkers, *in tandem* with the City Council officials, want to create traffic jams specifically to sell their wares as you wait for the traffic to move. Again, that is well documented. We need to improve traffic lights. When I was the Minister for Nairobi Metropolitan Development, I offered to do so, but they refused. Even more, I offered to install street lights on all the roads in Nairobi. What did I get? I got a letter from the Town Clerk himself saying that I am increasing his electricity bill by installing more traffic lights. I was shocked! I thought I was trying to help the citizens of Nairobi, so that they can be able to live in a serene and secure environment.

The Temporary Deputy Speaker (Mr. Ethuro): You have less than a minute to go.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, lastly, I want, again, to speak about the use of mobile phones when driving. Again, the law is clear. You should not use your mobile phone while driving. Please Minister, enforce that. We are told that using a mobile phone while driving is worse than driving under the influence of alcohol.

Lastly, I am glad that we are now enforcing a rule. I see our ladies, when they are being carried by *boda bodas*, sitting on one side. It is dangerous. Even if you are wearing a mini skirt, it is better to put your legs astride. Let people see.

(Laughter)

The Temporary Deputy Speaker (Mr. Ethuro): Minister, your time is up. Hon. C. Onyancha and hon. Njuguna, you should speak for three minutes. That is what the previous Speaker ruled.

Mr. C. Onyancha: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill and thank the Minister and the Chief Whip for introducing it and bringing all these amendments. I want to stress something that hon. Githae has just said. The enforcement of the Traffic Act is a key pillar in making this Bill a success. We have enacted previous laws relating to traffic. But they are moribund because they are not enforced. They are not enforced for many reasons. Corruption is one. But the other one is lack of manpower by the police. Third is the unwillingness of *mwananchi* to report on their fellow *wananchi* when *matatus* are driving on the wrong side of the road. We want to have a situation where we can promote the culture of reporting law breakers especially on our roads. Eventually, those are the people who cause trouble and accidents.

Mr. Temporary Deputy Speaker, Sir, let me congratulate the Minister on Clause 103 on touting. Touts have been a big disturbance to people who work in offices in Nairobi and elsewhere, especially with all the noise they make all the day. I think this is a very big step towards becoming a more civilized society.

On the issue of obstruction where huge trailers just park on the road or break down on the roadside, I have seen a clause which says that it should be removed as soon as possible. I do not think that is good enough. I would like to urge the Minister to put a limit or, at least, show that there is some urgency by imposing a time limit. When he says it should be removed during darkness hours from 6.30 p.m. to 6.30 a.m., it implies that the trailer can stay there for 12 hours. I propose that it should be much less because those trucks cause accidents at night.

The Temporary Deputy Speaker (Mr. Ethuro): You have one more minute to go.

Mr. C. Onyancha: Mr. Temporary Deputy Speaker, Sir, on the penalties, I am happy that there are going to be very tough on all the road users. But there are other road users who have not been addressed. For example, there are cart pushers in the City centre. I think that should be discouraged so that they can give way to more mobile traffic.

On the issue of driving eight hours a day, I absolutely agree. Any truck owner or company which encourages drivers to drive more than eight or 24 hours continuously is not a serious business operator. I would urge that we support the Minister on this.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir. Very briefly, let me support the Minister for his efforts and for this reformed Bill. I would like him to address the issue of traffic police because this has been a minting ground for money. The police require retraining. They have disappeared from the roadside. Heavy penalties and serious jail times must be imposed.

On touting, Mr. Temporary Deputy Speaker, Sir, the suggested penalties are very high because requesting a tout to raise Kshs2,000 is very punitive. I would rather suggest that we lower the fine to Kshs1,000.

With regard to over speeding, the penalty suggested of Kshs200 is too low and not deterrent. I would, therefore, suggest something like Kshs2,000.

On those petrol station operators who are making millions and millions of money, deterrent action must be taken, so that they sell the required amount of fuel to motorists. I, therefore, propose a fine of Kshs20,000 instead of Kshs10,000.

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

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, I call upon the Minister to reply.

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir. I realize that I have three minutes and I am aware that Mr. Wambugu has been trying to catch your eye. I can donate one minute to him---

The Temporary Deputy Speaker (Mr. Ethuro): Okay; Mr. Wambugu, you have one minute.

Capt. Wambugu: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to also thank the Minister for giving me one minute to contribute to this Bill.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate him for the good work he has done. I just want to raise a few points. The issue of accidents in the country mainly is because of indiscipline of drivers. We have got the issue of drunkenness, especially at night. I would propose that rather than waiting until morning for somebody to be taken to court to be fined, we should have a 24-hour court that is running throughout, so that in case you are caught drunk, you do not need to wait until the following morning to be taken to court. By then, you will be sober. You need to be taken to court that time of the night and be fined or be jailed.

Mr. Temporary Deputy Speaker, Sir, the other issue is about stopping on highways, an issue which is prevalent here on the University Roundabout. Matatus have even made that spot a pick up place yet it is on the highway. It is causing a lot of inconvenience. Anybody stopping---

The Temporary Deputy Speaker (Mr. Ethuro): Your time is up.

Proceed, Minister?

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir. I know that there is a lot of interest in this Bill. I will encourage that any hon. Member who still has some points to make - because I would be happy to take them on board when we meet in the Committee on Transport - to fine-tune what was said here and what may not even have been said.

Mr. Temporary Deputy Speaker, Sir, let me just take the opportunity to thank hon. Members for the input and to confirm to them that we will be taking all those comments on board in the course of our discussions in the Committee tomorrow. Hopefully, by the time we come to the Committee Stage, we will bring the necessary amendments to make this Bill a Bill that would benefit Kenyans. I also want to encourage all hon. Members to also invest in some programmes to help their *boda boda* operators and the drivers in their areas because it is a joint effort that we all need to do together to ensure that our roads are safe. We are all safer when all our drivers drive well.

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

(Question put and agreed to)

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

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! It is now time for interruption of Business. The House is, therefore, adjourned until tomorrow Wednesday 19th September, 2012, at 9.00 a.m.

The House rose at 6.30 p.m.