

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 23<sup>rd</sup> May, 2013

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### INVITATION TO NATIONAL PRAYER BREAKFAST

**Hon. Speaker:** Hon. Members, the Kenya National Assembly Prayer Fellowship Group shall host a national prayer breakfast on Thursday, 20<sup>th</sup> June, 2013 at the Safari Park Hotel, Nairobi. It is expected that over 500 guests shall be in attendance. The national prayer breakfast shall be an inter-denominational prayer meeting solely sponsored by Members of Parliament. All Members of Parliament shall soon receive invitations to this event, and I request you to confirm attendance in order to facilitate sitting arrangements. Hon. Members are, therefore, requested to confirm attendance with the Office of the Clerk at least by Friday, 31<sup>st</sup> May, 2013. You will also be requested to make contributions towards the cost.

Thank you.

#### CONSIDERATION OF ESTIMATES OF REVENUE AND EXPENDITURE

**Hon. Speaker:** Hon. Members, Article 221 of the Constitution of Kenya requires that, at least, two months before the end of each financial year - that is 30<sup>th</sup> April of every year - the Cabinet Secretary responsible for Finance submits to the National Assembly Estimates of Revenue and Expenditure of the National Government for the next financial year to be tabled in the National Assembly. To this end, the three arms of the Government submitted their respective budget estimates for the Financial Year 2013/2014 and Medium-Term Expenditure to the National Assembly within the stipulated constitutional deadline of Tuesday, 30<sup>th</sup> April, 2013. The Estimates were laid before the House on Thursday, 2<sup>nd</sup> May, 2013 and were, subsequently, committed to the Departmental Committees.

The Departmental Committees are required to scrutinise and review the Estimates according to their respective mandates and submit their reports and recommendations to the Budget and Appropriations Committee. Under Standing Order No.234 (4), this should be done within 21 days following the laying of the said Estimates. This period expires today, Thursday, 23<sup>rd</sup> May, 2013. Hon. Members will agree with me that the deadline cannot be met due to delays in the formation of the various committees, as well as the

appointment of the various Cabinet Secretaries. The Budget and Appropriations Committee is required to discuss and review the Estimates and make recommendations to the National Assembly taking into account the recommendations of the Departmental Committees, the views of the Cabinet Secretary responsible for Finance and members of the public, as stipulated in Article 221, Clause 5 of the Constitution of Kenya, 2010.

Hon. Members, in line with the public finance principle of openness and accountability, including public participation in financial matters, as enshrined in the Constitution under Article 201, Clause 1; the Budget and Appropriations Committee is required to conduct public hearings on the Budget Estimates for 2013/2014. This exercise is anchored in Article 221, Clause 5 of the Constitution and further, provided for in Section 39(2) of the Public Finance Management Act, 2012, which mandates the relevant Committee of the National Assembly to whip the Budget and Appropriations Committee to discuss and review the Estimates and make recommendations to the National Assembly, taking into account the views of the Cabinet Secretary responsible for finance and members of the public on the proposed recommendations.

The Committee shall seek views from the public and their recommendations shall be taken into account when the Committee makes its report to the National Assembly. The public hearing exercise is expected to provide an opportunity for the National Assembly to collect and seek views from members of the public to inform the finalisation of the 2013/2014 Budget Estimates. In particular, the National Assembly should obtain views on the following:-

(i) Areas where more resources are required to enable creation of more job opportunities; and,

(ii) identify areas of wastage and possible areas of rationalisation.

Hon. Members I am, indeed, informed that the House is expected to adjourn on Thursday, 23<sup>rd</sup> May, 2013, as per the gazetted legislative calendar of the National Assembly. The Committees can scrutinise the Estimates and submit their recommendations by Monday, 3<sup>rd</sup> June, 2013 in order to facilitate rationalisation of the Reports by the Budget and Appropriations Committee. I am also informed that the Budget and Appropriations Committee held a meeting on Tuesday, 21<sup>st</sup> May, 2013, where it resolved to hold public hearings on the 2013/2014 Budget Estimates on 30<sup>th</sup> May, 2013 simultaneously in nine centres; namely, Mombasa, Nakuru, Embu, Kisumu, Nyeri, Garissa, Isiolo, Eldoret and Kakamega. Members of the Committee are scheduled to travel to the respective centres on Wednesday, 29<sup>th</sup> May, 2013 and depart on Friday, 31<sup>st</sup> May, 2013. The Committee resolved that the culmination of the exercise will be in a national public hearing to be held in Nairobi on 3<sup>rd</sup> June, 2013 before the Committee embarks on the final report writing retreat.

The Committee needs to go through the Budget, meet the various stakeholders in the budget process before collating their views for submission to the Budget and Appropriations Committee. I hereby direct as follows:-

1. The Departmental Committees should continue with the scrutiny of the Estimates, which they have already embarked on, with a view to completing and submitting their respective reports to the Budget and Appropriations Committee by Thursday, 31<sup>st</sup> May, 2013.

2. The Budget and Appropriations Committee should continue with the review of the Estimates and consider the Reports of the Departmental Committees and table its Report in the House on Tuesday, 4<sup>th</sup> June, 2013 pursuant to Standing Order No.235(5).

Thank you.

## **MESSAGE**

### **NOMINATION OF CABINET SECRETARIES**

Hon. Members, this is the Message from the President on nomination of Cabinet Secretaries.

Standing Order No.42 (1) relates to Messages from the President and provides that the Speaker shall read to the House any Message from the President delivered to the Speaker for communication to the House. In this regard, therefore, I wish to convey a Message from His Excellency the President in exercise of the powers conferred upon him by Article 152(2) of the Constitution, received in my office on 23<sup>rd</sup> May, 2013. His Excellency the President has nominated Hon. Joseph J. ole Lenku to be approved for the position of Cabinet Secretary for the Ministry of Interior and Co-ordination of National Government and Hon. Samuel Kazungu Kambi to be approved for the position of Cabinet Secretary for the Ministry of Labour, Social Security and Services.

Hon. Members, Article 152(2) of the Constitution provides:-

“The President shall nominate and, with the approval of the National Assembly, appoint Cabinet Secretaries.”

Section 3 of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011 provides for the exercise of powers of appointment under the Constitution. Under the Public Appointments (Parliamentary Approval) Act and the Standing Orders, the National Assembly is required to conclude the process of approval or rejection of the nominee within 14 days from the date of notification.

Hon. Members, I now direct that the nominees’ names and curriculum vitae be forwarded to the Committee on Appointments for the necessary approval hearings to be conducted. Accordingly I wish to guide the Committee and the House as follows:-

The Committee on Appointments should notify the nominees and the general public on the time and place for holding the approval hearings, at least, seven days prior to the hearings. On the strict statutory deadlines, I now order that a notification be made on Saturday, 25<sup>th</sup> May, 2013.

The Committee may, therefore, commence the hearings on Monday 3<sup>rd</sup> June, 2013. The Committee hearing shall be open to the public. I also order that the tenets of public participation provided for in the Act be strictly adhered to.

Thereafter, the Committee should table its Report before this House on or before Wednesday, 5<sup>th</sup> June, 2013 for consideration.

Hon. Members pursuant to the provisions of Paragraph 3 of Standing Order No.42, I now refer the Message from His Excellency the President containing the names of the nominees, together with their curriculum vitae, to the Committee to conduct the approval hearings.

## **PETITION**

### **PAVING OF ROADS IN MURANGA COUNTY**

**Hon. Kang'ata:** Hon. Speaker, Sir, I do hereby present a petition on behalf of 20 members from Kiharu Constituency. It is dated 16<sup>th</sup> May, 2013. The Petition seeks the following Prayer:-

We want to obtain an undertaking from the Cabinet Secretaries in charge of the Ministries of Finance, Roads and Public Works that the Mbombo-Keria-Gatara Road, which traverses Mbiri, Mugoiri and Murarandia wards within Kiharu Constituency, will be paved in the next financial year. There is also Road D421 - Maragua River-Kagaa and Road D422 - Kagaa-Githambo.

The other alternative Prayer is that this Parliament causes the paving of the said road to be provided for in the Government budget for the Financial Year 2013/2014 by way of appropriating funds.

The grounds are as follows:-

Kiharu Constituency is the biggest constituency in the entire Murang'a County. We have a 40-kilometre road which traverses the three wards that I have mentioned. That road has never been tarmacked. The region through which it traverses is the most densely populated within the entire Murang'a County. It is presently in a very poor condition. There is also a second dam that is about to be constructed in Murang'a. It is going to bring water to Nairobi. It is set to be established at the tail end of Murang'a region; that is, Gatanga. That multi-billion project is not going to be feasible if that road remains un-tarmacked. We have a road that is presently being paved. It is called Marimira-Kahuti-Kandara Road. The road will crisscross the contentious road at Kagaa Shopping Centre. If both roads are tarmacked simultaneously within this financial year, taxpayers' money will be saved due to economies of scale.

The Ministry of Finance and that of Roads and Public Works have failed to give an indication as to when that road will be paved. We have written several letters. We have made oral presentations to the concerned parties that, that road should be tarmacked, but since Independence, it has never been tarmacked. We have seen roads in other regions within Murang'a County being tarmacked but when it comes to that particular road, nothing is being done.

We, therefore, kindly, pray that this Parliament does intervene and cause that road, which is popularly known as "Mugoiri wa Tiri" to be tarmacked within this financial year.

I am much obliged.

**Hon. Speaker:** Hon. Kang'ata, pursuant to Standing Order No.227, your Petition is, hereby, referred to the Departmental Committee responsible for transport, public works and housing. The Committee shall, in not more than 60 calendar days from the time of reading the prayer, respond to the Petitioners by way of a report addressed to the Petitioner or Petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed. But the Speaker may, in exceptional circumstances, allow comments or observations in relation to the petitions for not more than 20 minutes. In the present circumstances, I do not consider that there is anything exceptional and, therefore, there will be no comments allowed. The petition stands referred to the said Departmental Committee.

## PAPERS LAID

The following Papers were laid on the Table:-

The Foreign Investments Survey 2010 Report from the Kenya National Bureau of Statistics.

The Annual Report and Accounts of the National Cereals and Produce (NCPB) for the year ending 30<sup>th</sup> June, 2010 and the Certificate thereon by the Auditor-General.

The Annual Report and Accounts of the National Cereals and Produce Board (NCPB) for the year ending 30<sup>th</sup> June, 2011 and the Certificate thereon by the Auditor-General.

The Report of the Auditor-General on the Financial Statement of the Cotton Development Authority for the year ending 30<sup>th</sup> June, 2012 and the Certificate thereon by the Auditor-General.

The Annual Report and Accounts of Kenya Marine and Fisheries Research Institute for the year ending 30<sup>th</sup> June, 2011 and the Certificate thereon by the Auditor-General.

The Report of the Auditor-General on the Financial Statement of the Kenya Power and Lighting Company (KPLC) Ltd, Rural Electrification Scheme (RES) for the year ending 30<sup>th</sup> June, 2007 and the Certificate thereon by the Auditor-General.

The Report of the Auditor-General on the Financial Statement of the KPLC (RES) for the year ending 30<sup>th</sup> June, 2008 and the Certificate thereon by the Auditor-General.

The Report of the Auditor-General on the Financial Statement of the KPLC (RES) for the year ending 30<sup>th</sup> June, 2009 and the Certificate thereon by the Auditor-General.

*(By Hon. A.B. Duale*

## **STATEMENTS**

### **BUSINESS FOR THE WEEK COMMENCING 28<sup>TH</sup> TO 30<sup>TH</sup> JUNE, 2013**

**Hon. A.B. Duale:** Hon. Speaker, Sir, pursuant to Standing Order No.44(1) and on behalf of the House Business Committee (HBC), I beg to give a Statement regarding the Business appearing before the House next week.

The following Motions whose notices have been given are scheduled for debate next week:-

(i) The Motion by Hon. Wario urging Tana and Athi Rivers Development Authority (TARDA) and Ken Gen to immediately stop draining water from their dams to Tana River and come up with a mechanism to control the flooding and consider compensating the people who have been affected.

(ii) The Motion by Hon. Mustafa Idd urging the Government, through the National Land Commission to register, adjudicate and issue title deeds to all squatters residing on the land owned by the Government, all absentee landlords, ancestral and all other community land that has not been adjudicated.

(iii) The Motion by Hon. Wandayi urging the Government to put in place measures to ensure that no further irregular payments are effected with regard to schemes to avoid further loss of public funds.

(iv) The Motion by Hon. Bowen urging the Government to liberalize the power distribution thereby breaking the monopoly of KPLC in order to encourage competition, improve efficiency, reduce the cost of power and to offer compensation to those who have encountered fires and loss of property due to power outages and surges.

Without appearing to anticipate debate, hon. Members are already aware that we have scheduled a Motion for Adjournment of the House to a day other than the next normal sitting day. Upon passing of the Motion, hon. Members will break off for the next 11 days and resume back on 4<sup>th</sup> June, 2013. That break gives the various Departmental Committees an opportunity to sit and scrutinise the proposed budget items and programmes of the Ministries and departments within their purview. Committees are, therefore, expected to finalize this exercise by the turn of the week and submit their reports to the Budget and Appropriations Committee for tabling in the House when we resume on Tuesday, 4<sup>th</sup> June, 2013.

Hon. Speaker, Sir, I hereby table the Statement.

*(Hon. A.B. Duale laid the document on the Table)*

There are hon. Members who have requested to seek Statements. Hon. Moroto?

#### DOUBLE ALLOCATION OF ADC LAND

**Hon. Chumel:** Hon. Speaker, Sir, thank you for this good opportunity to request for Statements. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the chairperson of the Committee on Lands regarding the issue of double allocation and issuance of allotment letters in relation to a block of land formerly owned by Agricultural Development Corporation (ADC) in Chepchoina. The land in question was allocated to the people who were working for ADC in 1994 and 1997. About 700 people were issued allotment letters in respect of their respective pieces of land. However, in 2013, the District Commissioner, in collaboration with the lands office, facilitated issuance of allotment letters to a different set of people in respect of the same land that had already been allocated to the above 700 squatters. Further, police officers who are supposed to provide security to the locals in the area have been constantly evicting the old squatters from the land. The matter was reported to the District Security Committee and the Inspector-General of Police but to date, nothing has been done to address the same. In his Statement, the chairperson should:-

(i) Give reasons for the double issuance of allotment letters in respect of the same piece of land.

(ii) Table a list of all the beneficiaries of the said allocations and indicate who the *bona fide* owners of the land are.

(iii) Indicate from whose instructions the police officers are acting and why.

(iv) State measures taken by the Government, if any, to solve the problem and ensure peace prevails in the area.

**Hon. Speaker:** The Hon. Nakuleu.

#### FAILURE TO RELEASE KCSE CERTIFICATES

**Hon. Nakuleu:** Hon. Speaker, Sir, pursuant to Standing Order No. 44(2)(c), I wish to request for a Statement from the chairperson of the Departmental Committee on Education, Research and Technology regarding the failure by the Kenya National Examination Council (KNEC) to release Kenya Certificate of Secondary Education (KCSE) certificates for 71 students who sat for exams in 2010 in Lokitaung Secondary School. Those 71 students sat for their exams in 2010 and KNEC went ahead to release their results slips but to date, they have not released their KCSE certificates. On contacting KNEC, it demanded the principal should pay Kshs5,000 per student for the production of certificates, which translates to Kshs355,000.

Hon. Speaker, Sir, in the Statement, the chairperson should state what plans KNEC has regarding those certificates. Two, explain if it is in order for KNEC to withhold those certificates and yet, there were no cases of examination cheating or irregularities which was exhibited by issuance of results slips for the same students. Three, explain if it is in order for KNEC to impose a Kshs5,000 fee which, in my opinion, is too punitive and exorbitant. Four, the chairperson should also give the exact date when those students will be issued with their certificates so as to access the labour market.

I beg to seek the Statement.

**Hon. Speaker:** Very well. The next Statement is to be sought by the Hon. Bishop Robert Mutua and I will kindly request that the respective chairpersons of those committees take note of the requests because, as you know, in the new dispensation, it is you who will be bringing reports and statements.

#### STATE OF AFC LOANS IN LOWER EASTERN REGION

**Hon. (Bishop) Mutua:** Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives regarding the current state of the Agricultural Finance Corporation (AFC) loans, and whether the Government could consider to write off the loans that are owed by farmers in the Lower Eastern Region.

Hon. Speaker, Sir, in his Statement, the chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives should:-

(i) Disclose the amount disbursed in form of loans to farmers in Lower Eastern Region in the last 10 years.

(ii) State how much of the loans have been paid back and indicate the outstanding balance.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** The next request for a Statement is supposed to come from Hon. John Waluke. There is a list which I am following and, of course, we want to encourage that the chairpersons of the various departmental committees and other committees to be always present when statements are being sought because we require them to rise in their places and indicate the period within which they are going to give the reports to the House. It is not a blanket order. There must be timelines within which those reports should be tabled in the House because hon. Members who request for statements obviously have issues that they would want this House to express itself on. Hon. John

Waluke? Absent and not desiring to be present. The next is Hon. David Losiakou Pkosing. Where are you?

#### STATE OF ROADS IN POKOT AREA

**Hon. Losiakou:** I am here. You have not seen me. Maybe, I am too short but thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(c)(2), I wish to request for a Statement from the chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the current state of roads in the Pokot area that were destroyed by the recent heavy rains. Political and other leaders were promised an emergency allocation of funds for urgent repair by the now defunct Ministry of State for Special Programmes due to inaccessibility of the area which led to the loss of large quantities of milk and other produce. The chairperson should inquire into and:-

(i) clarify to the House whether the emergency monies promised by the Permanent Secretary, Special Programmes to Pokot leaders for fixing roads destroyed by the rains in the entire Pokot area were forwarded and, if so, what has been done so far, specifying the roads that have benefitted.

(ii) Since the money was for emergency interventions, how much was allocated to fix the dilapidated roads in the entire Pokot County or, if not yet allocated, was the issue an emergency?

(iii) Finally, could the chairperson assure the House that something will be urgently done to assist farmers in Pokot County who have lost lots of milk and other products due to the poor state of the roads?

Hon. Speaker, Sir, it is my prayer that this assurance will be given urgently so that Pokot residents can resume their normal lives after the rehabilitation of the dilapidated roads.

Thank you, Sir.

**Hon. Speaker:** Where is the chairperson of the relevant Departmental Committee to give an indication as to how long or soon they will table their report? Hon. Mohamed.

**Hon. (Eng.) Mahamud:** Hon. Speaker, Sir, on behalf of the Departmental Committee on Transport, Public Works and Housing, let me give an undertaking that we will issue the Statement in the next two weeks.

**Hon. Speaker:** Very well. Hon. Pkosing, you are not happy about that?

**Hon. Losiakou:** Yes, hon. Speaker, Sir. I am not happy because it was an emergency. The roads were damaged by the rains. Milk is not being transported to the markets. How can it take two weeks and yet, the issue was raised two months ago? You see it is an emergency. How can it take two weeks or, maybe, the Chairman is getting used to the office? This is an emergency. Could you direct that?

**Hon. Speaker:** Well, they will be seeking the information and the assurances you are seeking from elsewhere. So, I think it is only fair that we do not ask them for the report on Sunday since, in any event, the House does not sit on Sundays. I am following some sequence here. The next Statement is sought by Hon. Benson Mutura.

#### STATUS OF DIRECTIVE ON USAGE OF GOVERNMENT VEHICLES BY STATE OFFICERS



**Hon. Kang'ara:** Hon. Speaker, Sir, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the chairperson of the Departmental Committee on Finance, Planning and Trade, regarding the directive by the Ministry of Finance, 2009, ordering State officials to use vehicles with an engine capacity below 1800cc. It has come to my attention that some State officers are currently using vehicles whose engine capacity surpasses 1800cc. In his Statement, he should:-

(a) Clarify whether that directive is still in force.

(b) If so, why are the State officers, Cabinet Secretaries, the Leader of the Majority Party and the Leader of the Minority Party using cars with an engine capacity above 1800cc?

**Hon. Speaker:** Very well. The Chair of the Departmental Committee on Finance, Planning and Trade, Hon. Langat.

**Hon. Langat:** Hon. Speaker, Sir, I will attempt to give that Statement within two weeks from today.

**Hon. Chumel:** On a point of order, hon. Speaker, Sir. You have directed some chairpersons to indicate when they will respond. I have not got an indication as to when my request for a Statement will be responded to. I come from West Pokot and we cannot even go home if we go on recess today because the roads are impassable. After Hon. Pkosing raised the issue, I was expecting that the officers would be going with us to work on the roads immediately. However, it has not been indicated when my Statement will be delivered. What is happening now is that the TJRC issues are coming up.

**Hon. Speaker:** You sought your Statement from which Departmental Committee?

**Hon. Chumel:** From the Ministry of Lands.

**Hon. Speaker:** Who chairs the Departmental Committee on Lands? Hon. Alex Mwiru, who is just behind you. Kindly give an indication when you think the Statement could be ready?

**Hon. Mwiru:** Hon. Speaker, Sir, in fact, I was on my feet before he rose to ask for your indulgence. The matter that he has requested is a bit weighty and evidence must be in volumes. We will even get to the ground to check exactly what could be happening. So, I am seeking your indulgence and the indulgence of the Member that he gives the Committee about two months, so that I can get back to him.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Well. Order, Members! Members, it is instructive that Hon. Moroto who sought the Statement is saying that the area is inaccessible. So, I suppose that gives the Committee an excuse of not travelling to Leseru to go and find out how the situation is on the ground. Hon. Moroto, your reaction?

**Hon. Chumel:** Hon. Speaker, Sir, two months is a long time. In fact, people are ploughing to get food. So, if you talk about two months and yet invaders from outside have come to evict the people who are there, that will cause a problem. The Chair should even talk about two or three weeks. He should meet with these people, go to the police and move to the ground to save the situation immediately.

**Hon. Mwiru:** Hon. Speaker, Sir, Hon. Moroto is my friend and you can see the way he is looking at me. But, sincerely, there is quite a lot to be done if we have to be thorough. However, because we have to strike a balance, he should give me one month.

**Hon. Speaker:** Of course, bear in mind that in the meantime, you are also supposed to be engaged in the scrutiny of the Budget Estimates as earlier directed by the Chair, even as you make those other undertakings. The next request for a Statement is from Hon. (Ms.) Shebesh.

**Hon. Nakuleu:** On a point of order, hon. Speaker, Sir. I wish to confirm the timeframe given by the Chairman of the Committee on Education, Research and Technology.

**Hon. Speaker:** The chairperson or the vice-chair. Indeed, Members, it is important that those who have assumed those responsibilities know that they are required to be in the House when the House sits. In the previous dispensation, I am sure that Members used to require that Cabinet Ministers be in the House and if they were not, there would be a lot of animosity vested on them. So, similarly, the chairs and the vice-chairs should take note. You are required to be in the House to make responses.

Hon. Nakuleu requested to know from the Chairperson of the Departmental Committee on Education, Science and Technology when they are going to deliver the Statement on the issues he has raised. I also want to encourage the chairpersons and their deputies that if you are not present, constantly, liaise with the HANSARD office because it is important that everybody starts to take their responsibilities seriously. Who is the chairperson or the vice-chair? Hon. Sabina Chege, who is her vice-chair? Hon. Mary? Both of them are absent not desiring to be present in the House? Very soon, the House will have to express itself also on the conduct of chairpersons and their vice-chairs who are absent. It cannot be provided in the Standing Orders that when Members are absent from Committee meetings, certain disciplinary action can be taken against them and then the chairpersons and their deputies absent themselves from the Chamber. Obviously, it will be a great degradation of duty.

**Hon. Kimaru:** Hon. Speaker, Sir, on behalf of that Committee, I am sure my chairperson would have been here. Something must have come up. But I will communicate the same. We should get back to the House in about two weeks.

**Hon. Speaker:** Approximately how long?

**Hon. Kimaru:** Hon. Speaker, Sir, in two weeks' time, we shall get back to the House.

**Hon. S.S. Ahmed:** On a point of order, hon. Speaker, Sir. I would like to seek your guidance on the mode of dressing that is allowed in this House. We already know that hats and a *Kitenge* are allowed. However, are colourful *Kitenges* like the one worn by Hon. Mwaura allowed in this House? I think he should stand up so that everyone can see it. Is this the right mode of dressing in this House?

**Hon. Speaker:** Hon. Mwaura, maybe, you could stand up so that the rest of us can see your attire.

*(Hon. Mwaura stood up in his place)*

Hon. Mwaura, I have a little background that you have done a lot of activism out there, but look at the Speaker's Rules on the mode of dressing as well as your Standing

Orders. You are excused today to remain in the House in the manner you are dressed. However, you will face the full force of the law next time!

*(Laughter)*

**Hon. Kombe:** On a point of order, hon. Speaker, Sir. Yesterday, I sought a Ministerial Statement from the Ministry of Lands but the Chairman of the Departmental Committee on Lands was not here. Could I have an indication as to when he will issue that Statement?

**Hon. Speaker:** The Chairman, Departmental Committee on Lands, go to the HANSARD, read through and see the nature of the Ministerial Statement sought by Hon. Kombe. It is only then that you can be able to correctly and appropriately give an undertaking unless you are aware of the nature of the Statement. Are you aware?

**Hon. Mwiru:** Yes, hon. Speaker, Sir.

**Hon. Speaker:** How long will you take to issue the Statement?

**Hon. Mwiru:** Hon. Speaker, Sir, I am already privy to the matter which involves displacement of people by salt manufactures in his Magarini Constituency. I wish that he could give me about two-and-a-half weeks.

**Hon. Kombe:** Hon. Speaker, Sir, as I speak now, people's crops are being uprooted from their parcels of land by tractors. I fear that, that could result into a fight between the salt workers and the residents.

In the Statement, the Chairman should state what action will be taken against those people---

**Hon. Speaker:** Do not repeat the Statement because you made your request yesterday.

**Hon. Kombe:** The timeframe is too long, hon. Speaker, Sir.

**Hon. Speaker:** Hon. Mwiru, can you respond? The Hon. Member is saying that the timeframe you have given is too long.

**Hon. Mwiru:** Hon. Speaker, Sir, I understand and I really sympathise with the situation. This is not just a matter of telling the people to stop doing it. We have to get records so that we are able to bring things that are acceptable to the people who are being evicted. At the same time, it is necessary to know whether the people who mine the salt have the right papers for that kind of business. So, we have to dig deep in order to get the information. So, two weeks is not too much. I know that this is an emergency but I seek two weeks from the hon. Member to issue the Statement.

**Hon. Speaker:** I will also encourage Members who seek statements to also appear before those Committees to help them with any information they may have. This is important.

Yes, Hon. Shebesh!

**Hon. Members:** On a point of order, hon. Speaker, Sir.

**Hon. Speaker:** We will never progress at this rate. This is not time for debate. I will rule all of you out of order now because we must make progress. We are governed by time.

Yes, Hon. Shebesh!

**Hon. (Ms.) Shebesh:** Thank you, hon. Speaker, Sir. Last week, I requested for a Ministerial Statement from the Departmental Committee on Education, Research and

Technology and it is obvious that I have not received it. I would also like, with your indulgence, to request the Leader of the Majority Party to issue it because it cuts across three committees; that is Education, Security and Justice? I would like to get a comprehensive answer.

**Hon. A.B. Duale:** Thank you, hon. Speaker, Sir. First, I want to tell the Chairs of various Committees who are now acting in the place of Ministers that the Government is ready to offer the information that hon. Members seek through my office as fast as possible. If the Statement touches on lands, it should be given within seven days and if it touches on education, it should be given within four days. That is because we do not want the Government to appear as if it wants to keep Members' questions for two months. So, the Chairs of various Committees should know that the Government will give the information as soon as they seek it within 24 hours.

Secondly, on Hon. Shebesh's request, I will issue the Statement on Thursday, next week.

**Hon. Speaker:** Hon. Members, we have very little time left. If we start debating, we will just have to cut short whatever statements you are seeking. I appreciate that there is no Member who has indicated that he or she wants to seek a Statement and is doing that without serious concerns from the people that he or she represents. The next Statement is to be sought by Hon. Midiwo.

#### REQUEST FOR CONSIDERED RULING ON S.O.44(2)(C) ON STATEMENT HOUR

**Hon. Midiwo:** Thank you, hon. Speaker, Sir. I would like to seek a Statement from the Chair and not from a Committee Chair. Arising from the goings-on in the House, I am about to request you to rule on something very relevant.

As the House may be aware, the new dispensation is very different from the dispensation where we used to request for Statements from Ministers. The Government is not sitting in this House and it will be prudent and wise for Members to know that the information that is being sought from Committee Chairs is the information that is coming from the Executive.

I am of the opinion that Standing Order No.44(2)(c) will cause conflict in this House because it is not in line with the new Constitution. I wish that you do rules of engagement for us if we are to keep this Standing Order.

Hon. Speaker, Sir, you will realise that Members are now seeking statements from these Committee Chairs even on issues of crop husbandry and yet those are county issues. It is important that you guide us even when you say that a statement can be issued in two months. Where is the compelling order from the House to the Executive that a Minister in the Executive will respond in two months? It is fair as we begin, now that we have Committees that we do this thing right and we deal with the repugnant laws that we may have in our books that may impede our work. I think it is important because we are here as a House to oversee the Executive. But I think it will be overreaching for a Committee or a Committee Chair to purport to issue or answer on behalf of the Government. I think we must find a middle ground because we are not the first ones to go to a pure presidential system. This will enable us to borrow from other jurisdictions and see how that is done.

Hon. Speaker, suppose every day we asked for statements from Chairs, how would the Executive be free to work other than just dealing with parliamentary issues? So that we have a better organized country, we need not impede the work of the Executive. I will be seeking your ruling; I want to say that I am not sure, looking at how the new dispensation is treating us, having Ministers away from Parliament was a good idea. I am not sure. I think going into the future we may need to do it differently.

Hon. Speaker, most importantly, in your ruling, I want you to address one fundamental issue: The Leader of Majority Party has been making these statements on behalf of Government. I raised this issue here about three weeks ago, and I thought you rightly said there is no Government in this House. In fact, the Standing Orders, and even the Constitution, talk about Leader of Majority Party and Leader of Minority Party. So, a report like the one which has just been tabled by the Leader of Majority Party is one which comes to the Office of the Clerk, and is passed to whichever person is available, just for onward transmission. It cannot be for either of them to issue a statement on behalf of Government. I think if we do not do this, we will not be doing right as per the Constitution.

I want to say that it is important that this Parliament realizes that in the new dispensation, we are beginning from zero. If we set a wrong precedent that is what this country shall live by going into the future. Therefore, hon. Speaker, I want you to do this for the sake of order.

Lastly, while I am at it, if I am allowed, I will seek to engage one of the new committees on a matter that I want probed. I do not want a statement but I would want a report tabled on the Floor of the House. I seek your guidance, if you allow me.

**Hon. Speaker:** I think there will be a ruling giving directions to the House as to how this is going to be done. This will be for the benefit of the institution, and the country as a whole. Of course, we all know that Committees of the House as well as the House, when they sit, they exercise powers similar to those of the High Court. Therefore, I do not think that there is anything that prevents a committee from either inviting or summoning any Government functionary to their sessions when it is interrogating matters within their dockets. But a considered ruling will be given.

**Hon. Midiwo:** Hon. Speaker, I also request you if I could go ahead and make a request to one other Committee.

**Hon. A.B. Duale:** On your guidance, hon. Speaker---

**Hon. Speaker:** Let him finish.

**Hon. Midiwo:** Relax! It is not about you.

**Hon. Speaker:** Hon. Leader of Majority Party, you have the Floor.

**Hon. A.B. Duale:** Hon. Speaker, on the guidance that you are going to give, it is the Kenyan people who, in their wisdom, in 2010 chose this particular presidential system.

Hon. Speaker, Sir, Article 108 of the Constitution creates the Office of Leader of Majority Party and further says that the Leader of the Majority Party will lead the party or the coalition of parties with the highest number of Members of Parliament. Similarly, the Leader of the Minority Party will lead the caucus or the party that has the next biggest number.

Hon. Speaker, in any case scenario, in terms of interpretation, that means there will be one coalition, whether it is the minority, as is the case in the USA, or the majority,

as is the case in Kenya, in which the Government will be represented in the House. Article 108 clears that.

Hon. Speaker, Standing Order 44 (2)(b) states as follows:-

“The Leader of the Majority Party, or the Leader of the Minority Party, as the case may be, or their designees may make a statement relating to their responsibilities in the House or the activities of a Committee.”

Hon. Speaker, this dispensation is very clear before I come to the Constitution. In devolved democracies where the presidential system of Government is used, and both in the USA where the minority is the Government, in Kenya where the majority coalition is the Government, it is the Leader of the Majority, in the Kenyan case, who will always be the bridge between Parliament and the Executive; he will be the one to bring the sentiments of the Government to the Floor of the House, and will take the sentiments of Parliament to the Executive.

Hon. Speaker, Sir, to be more categorical, I beg to read out Articles 132(2) of the Constitution. It says:-

“The President shall nominate and, with the approval of the National Assembly, appoint and may dismiss—

(a) the Cabinet Secretaries, in accordance with Article 152;

(b) the Attorney-General, in accordance with Article 156

(f) in accordance with this Constitution, any other State or public officer whom this Constitution requires or empowers the President to appoint or dismiss.

But within this Article 132; the functions of the President, the President can appoint any person, including Leader of the Majority Party, to represent the coalition that is in Government, and bring the sentiments---

Hon. Speaker, in the presidential system, it is very clear. In the previous dispensation - I am sure you were in this Parliament - Parliament had no leadership to deal with. But Article 108 has created the Office of the Minority Party and the Office of the Majority Party and the respective whips as per the Standing Orders.

What does this mean? If a single Member of Parliament from either the coalitions does not fulfill his mandate in committee, there is a structure in which Parliament, the Office of the Speaker, the Office of the Clerk and the whole management of Parliament will deal with them. There is no confusion here.

Even in the USA, which is a well structured and pure presidential system, the Leader of the Minority or the Majority Party in any case scenario that is in government is known as the fore manager; he represents or takes the views of Members to the Executive and brings the views of the Executive to the hon. Members. So, these Standing Orders and this Constitution, in their wisdom created offices. That is why I said from the outset that when committees have a question from a Member that has replaced the ordinary Question Time session.

When a Chair of a committee has to dispose of a question through the structure of Parliament, and through the two main offices of the Leader of Majority Party and Leader of Minority Party in either way, or in a reverse way, he will communicate and make sure the Government gives the relevant information to the relevant committee of Parliament.

Hon. Speaker, let us not create confusion; we want you to give us that guidance based on the Constitution, the Standing Orders and traditions.

Thank you.

**Hon. Speaker:** Very Well. Do you want to prosecute it further? Okay go ahead.

**Hon. Midiwo:** Thank you, hon. Speaker, for indulging us. The section of the law that creates the party leaderships in Parliament talks specifically of National Assembly. This Majority and Minority leaders are the leaders of the parties in Parliament as an institution. It is fundamental and it is also---

**Hon. Speaker:** Hon. Midiwo, it does not talk of Parliament, it talks of the National Assembly.

**Hon. Midiwo:** Exactly, hon. Speaker, Sir. That is precisely what I was referring to. I am sorry. I withdraw that bit. I was referring to the National Assembly because I am aware of the debate that has been going on between the National Assembly and the Senate.

Article 132(2), which the Leader of the Majority Party seems to be referring to, says:-

“132 (2)(f) in accordance with this Constitution, any other State or public officer whom this Constitution requires or empowers the President to appoint or dismiss.”

Hon. Speaker, Sir, the President cannot dismiss a Member of Parliament, can he? It is important that we deal with the fundamental issue. I want to convince my brother that this is not about him. This is something fundamental in the implementation of the Constitution. I want to plead with him because it is fundamental. Only three weeks ago, we were in a debate related to this issue. The Leader of the Majority Party is on record in the HANSARD as saying that everybody here oversees the Government. Now he cannot be the same person saying that he can bring issues of Government and defend them on behalf of Government. Yesterday, there was a very robust debate about some escapade of a Government official. The Leader of the Majority Party purported to bring audit receipts relating to a trip, but he could not verify them because he did not work for the Executive.

**Hon. Speaker:** Yes, Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, Sir, it is very unfortunate that Hon. Midiwo missed the facts that were presented here, including the good offer from Hon. Odhiambo-Mabona. We do not want to go back to that debate. Is he in order? I did not speak for Parliament. What I was talking about was the link. Whether it is the minority or the majority, the provision is that there must be a bridge linking the Executive and the Legislature. Finally, I want to say that under Article 133, the ruling coalition leader, who is none other than His Excellency the President, through the coalition Members, can remove the Leader of the Majority Party. They might not remove me as the Member of Parliament for Garissa Township, but the leadership and the membership of the coalition can remove me as the Leader of the Majority Party. I want the Member for Gem, who is a good friend of mine, to read the Constitution well when an issue comes up next time. The jet issue is over. We have placed the facts on the Table and ashamed those who were peddling rumours outside this House.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Hon. Members, you are not going to continue on this matter. I rule all of you out of order. Resume your seats. We are dealing with none issues. I have already indicated that I am going to make a ruling. I do not need to be educated on these matters. These are simple matters. In less than 20 minutes, I will give you a ruling. It is

not anything complicated. Since you want it in writing, I will do it but not now. For now, let us leave this matter and go to other business. We are eating too much into the time of the business that is already on the Order Paper.

Hon. Midiwo, you wanted to seek a Ministerial Statement. Please, proceed.

#### INVESTIGATIONS INTO BIOMETRIC VOTER REGISTRATION KITS PROCUREMENT

**Hon. Midiwo:** Hon. Speaker, Sir, I would like to request the Public Accounts Committee (PAC) to conduct an investigation into the issues and the facts surrounding the Biometric Voter Registration (BVR) system, which was ordered by a court, so that this country can know the role played by various individuals at the Independent Electoral and Boundaries Commission (IEBC) in the procurement of this equipment, so that the committee can, in a way, bring the issue of corruption relating to the BVR kits at the IEBC to a closure.

Hon. Speaker, Sir, two weeks ago, you chaired the Appointments Committee. During the vetting hearings, one of the nominees delved so much into this issue and gave a lot of facts to the Committee. We did not contradict that particular nominee, because he said that, in his view, the country should never have spent money on the BVR kits. He said this in full view of the media. So, as a Kenyan and leader, I want to be at peace, knowing that somebody did not do wrong to Kenyans, or was not involved in billions of shillings in a way that led this country to have an election which people are not sure of.

Thank you.

**Hon. Members:** On a point of order!

**Hon. Speaker:** Order, hon. Members! You just want to engage in debate. Hon. Midiwo has sought a report from the PAC. Let the Committee prepare the report which you will debate. Those of you who may want to participate in the hearings of the Committee are at liberty to do so, as Members of Parliament.

Hon. Gitari, seek your Statement.

#### STATUS OF LEGAL NOTICE NO.16 OF 2003 ON TEACHERS' ALLOWANCES

**Hon. Gitari:** Hon. Speaker, Sir, pursuant to Standing Order No.44 (2)(c), I rise to request a Statement from the Leader of the Majority Party with regard to the legal status of Legal Notice No.16 of 2003, whose intention was to cancel Legal Notice No.534 of 1997, which was to implement the automatic House Allowances, Medical Allowances and Commuter Allowances of our teachers. In his response, I would like him to clarify the following:-

(i) what the recommendations of the Committee on Delegated Legislation were, following deliberation of the same upon petitioning of the National Assembly by the Kenya National Union of Teachers (KNUT) on the legal status of Legal Notice No.16 of 2003, which was tabled in this House on 3<sup>rd</sup> January, 2013;

(ii) what the Government has done so far in honouring their part of bargain on the Memorandum of Understanding (MOU) between the Government of Kenya and the KNUT on harmonisation of teachers' salaries with the salaries of civil servants, and on the terms and conditions of service, dated 3<sup>rd</sup> September, 2012;



(iii) whether the Kshs103 billion factored in the 2013/2014 Budget is sufficient to cater for the teachers' salaries and allowances sought by the KNUT; and,

(iv) whether the resolution under Minute 402, 2013, of the meeting between the Teachers Service Commission (TSC) and the KNUT held on 6<sup>th</sup> February, 2013 has so far been implemented.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Hon. Ng'ongo, what is your point of order?

**Hon. Ng'ongo:** On a point of order, hon. Speaker, Sir. I rise on a point of order with regard to the Statement sought by Hon. Gitari in relation to Standing Order No.44. I remember that we allowed the Leader of the Majority Party to bring Statements here because we did not have chairpersons of Committees. Our Standing Orders are very clear that a Member may request a Statement from the chairperson of the relevant committee and the Speaker may direct that the Statement be issued on the same day. So, that request for Statement is good and I support it, but it should be directed to the relevant committee; the only provision in our Standing Orders that allows the Leader of the Majority Party to issue a Statement in the House--- In fact, it is not just the Leader of the Majority Party who can issue Statements. This needs to be very clear.

Hon. Speaker, Sir, I think that request for a Statement is good, but it should be directed to the relevant Departmental Committee, which I think is the one on Education, Research and Technology.

**Hon. Speaker:** Hon. Ng'ongo, I quite agree with you that the request for a Statement should surely be directed to the Departmental Committee on Education, Research and Technology. This is the Committee that will delve into the details that Hon. Gitari has asked for. The Chair of that Committee is absent, but the Member for Laikipia East will take charge.

**Hon. Kimaru:** Hon. Speaker, Sir, we had our Committee meeting in the morning and this must have been one of the issues we sought clarification on. The Chairman of the Committee undertook to invite the Cabinet Secretary in charge of education to come before the Committee and clarify some of these issues. So, in due course we shall be able to report accordingly and sufficiently.

**Hon. Speaker:** Due course! Bear in mind---

**Hon. Kimaru:** Hon. Speaker, Sir, we have another meeting on Tuesday next week; we shall be meeting the relevant Cabinet Secretary. We should get a report by the time Parliament reconvenes.

**Hon. Speaker:** There is a request to make a Personal Statement under Standing Order No.84 by Hon. Jude Njomo. Hon. Members, remember that there is no debate on Personal Statements. I can see that we are not learning our Standing Orders fast enough.

## PERSONAL STATEMENT

### ALLEGED RESIGNATION FROM PARLIAMENTARY SEAT

**Hon. Njomo:** Thank you, hon. Speaker, Sir. I rise under Standing Order No.84 to make a Personal Statement. It is in connection with allegations reported by a section of the media that I intend to resign as Member of Parliament on matters related to remuneration.

*(Laughter)*

Hon. Speaker, Sir, from the outset let me remind those making the allegations that I was overwhelmingly elected by the great people of Kiambu to represent them in the National Assembly. I am on record thanking the voters for the show of confidence in me. I took oath of office and swore to uphold the interests of the people of Kiambu and Kenya at large. I recognize my duties and responsibilities in my capacity as Member of Parliament, and I will continue to serve in this capacity till the next general election and beyond, God willing.

Hon. Speaker, Sir, it is unfortunate that I was misquoted by members of the Fourth Estate as having said that I would resign as a Member of Parliament for Kiambu if our salaries are not reviewed. I want to state that I had an interview with the media and I stated categorically that it is the responsibility of the Parliamentary Service Commission to negotiate with the relevant commissions of the Government and agree on the terms of remuneration for the Members of Parliament. Once this is done then it is upon every Member to decide whether that remuneration is enough for him, so that he continues working. If it is not enough a Member has the option of resigning and going back to his people.

However, the media purposely chose to block the entire interview except that particular statement and threw it out of context. The nation was made to believe that I had threatened to resign. What happened was truly unfortunate and regrettable. In my attempt to contribute to an issue that has elicited a lot of emotions from the public, my words were twisted against my will and knowledge, leading to gross misinterpretation and that only managed to add fuel to the already existing fire.

I urge my colleagues to also be careful when expressing their views to the media, especially concerning the issues that have attracted national concern for the same may happen to them. The situation has caused me, my family and supporters a lot of anxiety and discomfort. I want to assure all of them that I am and will remain the Member of Parliament for Kiambu until the next general election.

Regarding the issue of salaries for Members of Parliament, I am well aware that the issue has been referred to the Parliamentary Service Commission, and there are ongoing discussions between the Commission and the Salaries and Remuneration Commission (SRC). I am confident that those discussions will be fruitful and whatever the outcome I will accept it. I, therefore, leave the matter to them for resolution.

I am proud of the people of Kiambu and the people of this great nation. I have fully immersed myself in my work and the work of this House, which is legislation. I have already given a notice of a Motion on industrial training, which will benefit the youth of this country. I also intend to propose legislation that will not only benefit the people of Kiambu, but the entire nation. This is my mandate as a Member of this House and I will continue to discharge it fully for as long as my constituents continue to have faith in my ability as their leader and continue to elect me as their Member of Parliament.

I want to thank my family, friends, constituents and the people of Kenya for their support and understanding. I also want to recommit myself to working for the people and for the betterment of this country.

Thank you.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, I know it is necessary to consult, but, please, consult in low tones, so that those who are on the Floor making contributions can be heard not only by you but also by other Kenyans who may be listening through other channels. Again, this habit of remaining on the passages is obviously offending under Standing Order No.88. So, please, be informed.

For the chairpersons of committees, I would like to repeat this because some of you have arrived late. You want to be given a chance to say this or the other; I want to tell you that, that does not happen. Once a matter is finalized you can only raise it the next day or through a substantive Motion. Whatever has been raised or the Statements sought, you can get them from the HANSARD.

**Hon. Cheptumo:** Hon. Speaker, Sir, I want to seek your direction on the undertaking I gave before the House on Tuesday that I would not be able to table a report referred to the Committee on Delegated Legislation. Indeed, as a Committee we finalized our report and it is already in your office. We were waiting for your concurrence, so that we are able to table it. I wish to seek your direction; perhaps, with your discretion and considering practice in this House you allow me to table it in the course of the sitting. I have the report and it is also in your office.

**Hon. Speaker:** Maybe in the course of the proceedings once I have gone through it you will be able to table it with the leave of the House. I am sure that the House will grant you leave happily. I can see the Leader of the Minority Party nodding in concurrence.

*(Laughter)*

From the records, Hon. Wanyonyi, you were on the Floor and I am also informed that you were speaking to the amendment proposed by Hon. (Ms.) Odhiambo-Mabona, and you had eight more minutes. You still have them.

#### ESTABLISHMENT OF FISHERMEN FUND

THAT aware that the fishing industry makes a major contribution to the economy by producing over Ksh10 billion in foreign exchange and further aware that the industry provides employment both directly and indirectly to many people; noting that the potentiality of this sector is under threat due to use of non-scientific ways of fishing and continued use of wrong fishing gears due to poverty levels affecting the fishermen; this House urges the Government to establish a fund from which fishermen can be given grants and access cheap loans to buy the recommended fishing gear to help them acquire correct and scientific fishing gears.

*(Hon. Ng'ongo on 22.5.2013)*

*(Resumption of Debate interrupted on 22.5.2013)*

**Hon. F.K. Wanyonyi:** Hon. Speaker, Sir, I was contributing to the Motion by Hon. Ng'ongo on fish and fish farming. I was suggesting that if this Motion is passed - and I hope hon. Members will have it passed - it will improve the livelihoods of our people, particularly those who depend on agriculture and fishing. As you know, this sector has been neglected or it is looked at as if it is for the poor. I am supporting the Motion because it will lead to expansion of farm produce and farm use, because most farmers along the rivers engage in vegetable, maize and livestock farming. I am sure that if this Motion is passed, it will increase the farm use by almost tenfold. You know the price of fish out there; when you sell a kilogramme of fish in an ordinary market where I come from you get about Kshs400. Therefore, I support this Motion because it will indirectly increase employment. You will find that most of our youth at the countryside are idle; these farm activities will definitely reduce insecurity and will lead to a reduction in idleness.

*(Hon. (Eng.) Gumbo and Hon. Ng'ongo stood up in their places and shook hands)*

**Hon. Speaker:** Hon. (Eng.) Gumbo, you are shaking hands with Hon. Ng'ongo. Please do it when you are seated.

**Hon. Ng'ongo:** He is my father-in-law.

**Hon. Speaker:** Well, I have noticed that you sit next to him. Hon. F.K. Wanyonyi, I am reliably informed by the Clerk that there was a proposed amendment by Hon. (Ms.) Odhiambo-Mabona. Those of you contributing now should be speaking to the amendment, whether you are supporting it or not, so that once we dispose of it, then we can go to either the Motion as amended or to the original Motion, if the amendment is defeated. Please, it is good to be orderly. Hon. F.K. Wanyonyi, you will continue. The amendment by Hon. (Ms.) Odhiambo-Mabona is by deleting the words "and access cheap loans" appearing after the word "grants" in line eight and inserting the words "and further urges that the annual closure season for fishing to be reduced from four months to one month commencing from 1<sup>st</sup> of April to 1<sup>st</sup> of May." That is the amendment proposed. That is the gist of the amendment by Hon. (Ms.) Odhiambo-Mabona which we should be speaking to, so that if we carry it then we will have the Motion as amended.

**Hon. F.K. Wanyonyi:** Hon. Speaker, Sir, from the outset, if you check with the HANSARD, I support the amendment by Hon. (Ms.) Odhiambo-Mabona, and I am saying that if the Motion is passed, I mentioned some of its benefits. I think the original Motion was that we will go on--- For me the amendment means we will go for grants; it means we replace loans with grants and I support it.

**Hon. Speaker:** You support the amendment?

**Hon. F.K. Wanyonyi:** Yes, Hon. Speaker, Sir.

**Hon. Speaker:** Then the Motion will still be live in the House after the amendment is carried. So, you support the amendment?

**Hon. F.K. Wanyonyi:** Yes, hon. Speaker, Sir; I do.

**Hon. Speaker:** That does not deny you a chance to contribute to the original Motion after it has been amended. So, if you are speaking to the amendment---

**Hon. F.K. Wanyonyi:** Hon. Speaker, Sir, I am speaking to the amendment. With it then you will find that most farmers, youth and women will have fish ponds. It will be

easier for them to be given money to do farming. I support the amendment and the Motion.

Can I continue?

**Hon. Speaker:** How? Hon. Wanyonyi, you have supported the amendment. I was not in the Chair; so, I need to get the facts right. I note that there are no further contributions to the amendment.

Hon. Members, so that we contribute now from a position of knowledge---

*(Hon. F.K. Wanyonyi stood up in his place)*

Hon. F.K. Wanyonyi, when the Chair is on his feet you should be seated. You are not a very young person, and I am wondering why you want to remain on your feet all the time. I know you want to continue contributing, and I will give you the chance. But let me remind the House about the Motion as amended. It reads as follows:-

“THAT, aware that the fishing industry makes a major contribution to the economy by producing over Ksh10 billion in foreign exchange and further aware that the industry provides employment both directly and indirectly to many people; noting that the potentiality of this sector is under threat due to use of non-scientific ways of fishing and continued use of wrong fishing gears due to poverty levels affecting the fishermen; this House urges the Government to establish a fund from which fishermen can be given grants to buy the recommended fishing gear to help them acquire correct and scientific fishing gears, and further urges that the annual closure season created for fishing to be reduced from four months to one month commencing 1<sup>st</sup> April to 1<sup>st</sup> May.”

*(Question, that the words to be left out  
be left out, proposed)*

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

*(Question, that the words to be inserted  
be inserted, proposed)*

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

*(Question of the Motion as amended proposed)*

That is the Motion as amended. Hon. F.K. Wanyonyi because you appear extremely eager, you can continue.

**Hon. F.K. Wanyonyi:** Hon. Speaker, Sir, thank you for giving me this opportunity; I have worked in this industry and I just want to share my experience with my colleagues, Members of Parliament, here. This is a sector that, with this amendment, will enable our youth to one, get employment. Two, we will be able to have our youth engaged in meaningful activities. Most of our youth are out there idle, and you find that there is insecurity in the countryside because they are not fully occupied.

Hon. Speaker, Sir, I also want to tell those who maybe in cold areas that there is a scientific way of actually handling this particular sector. You can put up the green house where, due to the warmth it generates, the production of fish will increase. That again will lead to higher income. It also encourages innovation, because you will also find that most farmers will have fish ponds plus goats or sheep grazing around the fish ponds. You will have chicken, for example. Chicken drops are food for the fish. So, you will find that most of the farmers will actually be earning more money than if they put one acre of land under say maize or *wimbi*.

Therefore, I am asking that the Government comes in and constructs storage facilities in areas that rear fish. For example in my area of Kitale, we are thinking of having storage facilities so that we can expand the market.

Thirdly, if you find it very expensive to use electricity, you can use solar energy to be able to have your cold storage facilities running. The other thing I want to encourage Members of Parliament to do is to get back to our constituencies and have the youth form groups, because out there we have regional development authorities, I had the privilege of working with the Lake Basin Development Authority (LBDA), Tana and Athi River Development Authority (TARDA) and Ewaso Nyiro South Development Authority. They have actually a section on fish farming; if you are in their area and you want to get technical service from these particular regional development authorities, you will be able to get it.

Hon. Speaker, Sir, the other thing which I am impressed about is that the other day I was reading that the new Cabinet Secretary, *Mhe. Felix Koskei* is suggesting that he will introduce fish farming in secondary schools. I think it is a good idea because once our youth are used to this kind of activity, after they finish school, they will be able to come out strong enough and be able to practise fish farming in their homes. Therefore, I am also promising that, maybe, I will be seeing the Cabinet Secretary to be able to encourage him, so that he can take this idea in schools.

Hon. Speaker, Sir, I want to say that I support this Motion because I know it helps our youth to get employment and keeps them engaged. Where they are not engaged you can see a lot of insecurity; some of them are just doing nothing. So, fish farming itself is very good and I ask Members of Parliament, who are present and those who are out there, to support this Motion.

**The Member for Turkana Central** (Hon. Nakara): Mhe Spika, asante sana kwa kunipa nafasi ya kuchangia Hoja ya Mhe John Ng'ongo. Pia nataka kuchukua nafasi hii kutoa hotuba yangu ya kwanza; katika siku za nyuma sikupata nafasi kamili ya kupeana hotuba yangu ya kwanza Bungeni. Ninaitwa Mishonari Lodepe Nakara, Mbunge wa Turkana ya Kati.

Ningependa kuchukua nafasi hii kushukuru watu wa Turkana ya Kati kwa kunichagua na kunifanya kuwa Mbunge wao wa kwanza chini ya Katiba mpya. Turkana ya Kati ni moja ya maeneo ya Bunge ambayo yako katika kaunti ya Turkana, na ni moja ya maeneo ya Bunge ambayo yamekuwako tangu Kenya ipate Uhuru; nawashukuru wananchi wa Turkana ya Kati kwa kunichagua kuwawakilisha katika Bunge hili la Kumi na Moja.

Nikichangia Hoja ambayo iko mbele yetu, ningependa kusema kwamba kama kuna wavuvi ambao wanaumia, ama wanateseka sana katika nchi ya Kenya, ni wavuvi wa Ziwa Turkana. Shida yao ni mambo yafuatayo, kwanza ni barabara. Barabara

inayoelekea Ziwa la Turkana, ambalo ni kubwa katika nchi hii, ni barabara ambayo ni kama inayoenda mbinguni. Ina shida nyingi. Magari yanaharibika. Kuna mashimo mengi barabarani. Usalama ni mbaya na umefanya wavuvi wasiweze kupeleka mazao yao katika miji iliyo karibu na Ziwa la Turkana ili kupata soko. Hilo ni tatizo moja ambalo wavuvi wa Turkana wanapata.

Bw. Spika, tatizo la pili ni soko. Nilishangaa juzi nilipoenda kwenye hoteli moja hapa Nairobi, na kuagiza nipewe samaki. Samaki aliyeletwa, kule kwetu Turkana anauzwa Kshs20. Hapa niliuziwa Kshs200. Nilishangaa sana. Nilisema kama tungekuwa na soko kama hilo, samaki ambao tunawauza Kshs20 huko Turkana hata tukiwauza Kshs50 itakuwa ni faida kwa watu wa Turkana. Naiomba Serikali iangalie jinsi ambavyo wavuvi wa Turkana wanaweza kuleta samaki katika mji wa Nairobi ili wapate soko nzuri.

*[Hon. Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Kajwang') took the Chair]*

Bw. Naibu Spika wa Muda, shida nyingine ambayo wavuvi wa Turkana wanapata ni mambo ya kuvua samaki kwenye ziwa. Wanatumia teknolojia ya zamani, na jambo la kushangaza ni kwamba wakati upepo unapokuja unasukuma hawa wavuvi mpaka katikati ya ziwa. Wanapofika katikati ya bahari wanashikwa na Kenya Wildlife Service (KWS), ama na Marine forces na kupelekwa Marsabit. Mimi nauliza sasa hawa watu ambao wamesukumwa na upepo, kwa nini washikwe? Si kupenda kwao kuingia kwenye sehemu ambayo hawastahili kuwa, lakini upepo unasukuma hadi mahali anaposhikiwa. Baada ya kushikwa badala ya kuletwa Turkana na kushtakiwa pale wanapelekwa Marsabit na kushtakiwa. Sasa tunatumia nauli kubwa ya kwenda mpaka Marsabit kutoa hao wavuvi kwenye jela, na tena kuwarudisha mpaka Turkana. Hii ni shida kubwa sana. Hii ndio sababu unasikia tunasema kwamba wakati tunakuja huku tunasema tunaenda Kenya; hii ni kwa sababu ya mambo kama hayo.

Bw. Naibu Spika wa Muda, nikimalizia ningependa kusema kwamba wavuvi wa Turkana wanahitaji msaada wa kifedha wapewe bure na Serikali ili upate kuwasaidia katika kununua vifaa vizuri kama neti. Hii itafanya hali yao ya maisha kuinuka.

Mwisho kabisa kuna shirika la Turkana Society ambalo lilibuniwa. Mpaka leo wana majengo makubwa makubwa pamoja na mashini kubwa kubwa lakini kwa sababu ya uzembe wa Serikali hawajajaribu kuzitengeneza bidhaa ili shirika lao lipate kujisaidia. Ninapounga mkono Hoja hii ninamwomba anayehusika na mambo ya samaki ahakikishe kwamba shirika hili limepewa msaada ili liwasaidie watu wa Turkana.

Asante. Naunga mkono.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, hon. Bunyasi.

**Hon. Bunyasi:** Thank you very much, hon. Temporary Deputy Speaker, Sir. I rise to contribute to this Motion, and I am inclined to support it. I would like to say at the outset that if poverty is a big issue within fishing communities not only in Kenya but in many other parts of the world, pulling those communities from poverty has not been successful in many parts of the world. I would, therefore, suggest that in a Motion of this nature we need to adopt a slightly broader perspective when it becomes a draft law; we will, probably, look at the livelihoods of the fishing communities. It is not just fishing. It

is about improving the livelihoods of the people we designate as fishing folk. Livelihood improvement interventions would affect fishing areas, but they might also affect non-fishing areas. Major problems that we face are in relation to access to services like health, education and so on.

There may be other areas in which you can support them in diversifying their income sources, so that there is a measureable intervention. Otherwise, the proposed intervention tends to recycle poverty over and over again. This has happened in the Far East and in many other places.

Hon. Temporary Deputy Speaker, Sir, fishing is no longer a preserve of people around natural water bodies. We have moved significantly to fishing ponds and other forms of artificial water bodies. I would suggest that we look a little bit more comprehensively at how we can support the industry beyond supporting the fishing folk. As somebody from Nambale, I would strongly urge that we begin to look at possibilities of expanding fish farming to areas that are not natural water bodies. As has been suggested by some hon. Members, it would be a major opportunity for our youth to find gainful employment and generate income. As you know, significant fish production has moved away from Lake Turkana and Lake Victoria into the hinterland of Kenya. It is gaining ground and attraction. We should accept that trend. Therefore, we should be a bit more creative in the kind of intervention that we are going to provide for our traditional fishing folk.

I agree that given the levels of poverty and the relative lack of sophistication in the use of loans, grants might be the right thing to provide. But once you give grants, you will have started an income transfer system. You will have to look at it as an income transfer system, and decide on who gets it; is it the right person who gets it? There will be the risk of elite capture, as they call it. You will have to see if the right people are the ones who get it. So, we need a fairly comprehensive look at how to do it. I am glad that this Motion has begun to throw the spotlight on a sector that has a huge potential, perhaps even bigger than what maize contributes to this country in terms of farm income aggregates when compared to what you can get from fisheries.

In marine fisheries, we have major issues of encroachment by international fishermen and companies right next to our coast. The other day, somebody wondered what the Kenya Navy is supposed to do. Remember we have the Kenya Maritime Authority, the Kenya Navy, the Kenya Marine Authority and Research Fisheries which have ultra modern vessels plying the oceans. We need to get a co-ordinated approach to this, so that we can conserve and preserve our resources for the benefit of our communities. We have also to think about how to facilitate provision of not just small grants--- We need to see how significant programmes can support and upgrade the fishing capacity, so that fishermen can go further afield, but within our fishing zones.

I support this Motion, as broadly defined, because it opens up a new window in the agriculture sector. What it says will not only grow incomes, but will also grow our GDP. It will also lead to much greater employment of our communities and the youth.

With those few remarks, I support.

**Hon. (Dr.) Nyikal:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. Fishing is an industry with a big potential for economic growth, particularly around the lakes and the coastal areas of this country.



**The Temporary Deputy Speaker** (Hon. Cheboi): Why do I see Hon. Wandayi on my console, yet this card is for a Member of the Senate? Are you using the same cards?

**Hon. (Dr.) Nyikal:** Hon. Temporary Deputy Speaker, Sir, so far, there has not been adequate support. There have been no bonds as you find in the tea, coffee and the sugar subsectors. There are no existing extensions, particularly as regards fishing around the lakes. In the last one or two years, there have been a lot of activities from the Ministry concerned, but this has to a large extent been in fish farming in ponds.

As a result, there is a lot of poverty in the fishing areas around the lake. This is associated with diseases. If you go to the beaches, there is extreme poverty. There are a lot of communicable diseases. There is poor sanitation in those areas, and the beach organizations do not do much. There is massive exploitation. Fish is perishable and the middle men who buy fish tend to come late in the day, particularly where there are no cold storages, and get fish at take-away prices. Then they sell it, as one Member has said, at very high prices in other areas. You also find that because of this poverty, there is very low school enrolment. Children are sent to the lake to fish and just get some little income, yet their potential is great. The fish is sold and processed, but most of the profit that comes from the fish goes to the middle men. There is poor infrastructure. The roads are not good. There are even no banking facilities; so, even the little money that they get, they use it on a daily needs.

This Motion needs a much broader approach so as to bring in other Government organisations like co-operatives, the Youth Enterprise Development Fund and the Women Enterprise Development Fund. In this way we can train the fishermen on better fishing methods, marketing and business skills. If we do that, then we will see a much bigger growth in this industry. I support the amendments regarding the grants.

I want to say something about grants because this is an area where I have had experience in the last two or three years. Grants are good for incubation of industries. When we want fishermen to start off, we provide some little money for them to start off, get the training and buy equipment. But in the long-run, our experience with the Women Enterprise Development Fund is that when people are left on grants, they tend to depend on them. The best way is to give grants to start them off and then later on, wean them off to loans at low interest, and for which they do not require a lot of collateral. If we do it that way, we will see a lot of improvement in this industry. The idea of starting with grants and later on graduating to loans would take us a long way.

With those remarks, I wish to support this Motion as amended.

**The Member for Kathiani** (Hon. Mbui): Thank you, hon. Temporary Deputy Speaker, Sir. This is my maiden speech.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Member, you will have the sympathy of the Chair and nobody will interrupt you.

**The Member for Kathiani** (Hon. Mbui): Hon. Temporary Deputy Speaker, Sir, my name is Robert Mbui, Member for Kathiani Constituency. I want to take this opportunity to thank the good people of Kathiani for electing me to represent them for the next five years. I am happy that the technology that we have switched to enabled me to get this opportunity; previously, I did not know whether I was not able to get up fast enough, but now we are able to communicate.

Hon. Temporary Deputy Speaker, Sir, there are some issues that I feel I cannot

fail to point out before I contribute to this Motion. I have noted that many of us were respected members of the society, but our respect seemed to have waned as soon as we were elected to this House; we started interacting and we got involved with the media and the civil society.

On the salary of Members of Parliament that has been discussed, it is unfortunate that we, hon. Members, are supposed to keep quiet about things or issues that affect us, yet we were elected to this House so that we can represent people. If we cannot represent our own interests, I wonder how we will be able to represent the people who elected us to this House.

I would like to contribute to this Motion on fish-farming and the fishing industry. We have the Jubilee Government and this Motion is basically trying to assist the Government to realise part of its manifesto. The Jubilee Government is talking about improving the economy to double digit growth. Of course, that means that we have to look for ways in which the economy can be improved. This Motion talks about improving the economy, because if we improve fish-farming or the technology that is used in fish-farming, what will happen is that we will have a larger income for our people and better economic activities in this country.

Hon. Temporary Deputy Speaker, Sir, I would also like to say that part of the Jubilee manifesto is on how to reduce unemployment. The intention of John Ng'ongo's Motion is to improve the fishing sector, and this will create employment for our youth. We are looking at ways in which the Jubilee Government will be assisted to implement its manifesto. I believe that the Jubilee side of the House will support this Motion to the last man.

Finally, the Jubilee Government is digital and it is shocking to hear the kind of fishing gear our youth in the lake region are using. We know what better technology is when we talk about a digital Government. We are basically talking about a Government with the latest technology.

I urge our friends on the Jubilee side to use the numbers they have in this House to ensure that this Motion carries the day.

Thank you, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, this Motion seems to be very popular. I have about 17 requests and I am wondering whether we can reduce the 10 minutes that appear on the Order Paper to five minutes. What do you think, Hon. Members?

**Hon. Members:** Five minutes

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. (Dr.) Nyongesa, you were the former Minister for Fisheries. Can you say something about this because I can see your request here?

**Hon. (Dr.) Nyongesa:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. You have put it very correctly that I was in charge of this sector as a policy maker for three years. That was from 2008 to 2010.

It is very unfortunate that almost 50 years after Independence this has been one of the most neglected sectors. When I tried to transform the Department of Fisheries into a Ministry, I was very much shocked because if you visited many fishing communities they would take you back by almost 2,000 years, to the times when Jesus was standing on

the shores of Galilee and people were casting nets into the lake hoping to catch some fish. This hunter-gatherer economy cannot transform Kenya or those communities into the 21<sup>st</sup> Century.

If you visit Lake Victoria, notwithstanding the fact that Kenya has only 6 per cent of it - the rest of the lake is shared between Uganda and Tanzania - you will find that almost a quarter million people go to the lake daily. This is the case yet visiting it is not regulated, nor are there rules to guide them. People just throw nets into the water and hope to catch some fish. It is no wonder that if you visit some of the places, you will find that poverty has dominated for a very long time. You will find that poverty levels are very high in any fishing community that depends on water bodies and practises hunter-gatherer kind of economy.

You will be surprised that 50 years after Independence, there was no proper policy to guide this sector when I was on the Government side. No wonder there are no resources that have ever been allocated to these places. We developed a fisheries policy but it still remains a policy up to now. We must pass the necessary legislation to implement that policy. Otherwise, this Motion is good, but the problem is bigger than what we are seeing. This is the case, yet the potential in this sector to give our young people employment, provide nutrition to this country and earn money from exports by this country is enormous. We have hardly scratched the surface.

Hon. Temporary Deputy Speaker, Sir, we also have to think differently. This is because, as I said, Kenya has only 6 per cent of Lake Victoria. If you look at what is happening to Lake Turkana, you will find that it is being dammed in the Ethiopian side and the lake is diminishing at a tremendous rate. So, the population in that area will be affected. If you go to Turkana you will find that the lake is receding, and even the fishing areas have reduced by almost two or three kilometers; you can no longer see the landing sites any more. That is one of the biggest challenges that we are facing regarding the main water bodies that we have today.

You will also be shocked that the current Fisheries Act was developed in 1948 to help the colonial settlers to do sports fishing, and not the kind of fishing that we are doing. This is the Act, in addition to a few legal notices that the Director of Fisheries uses. It is no wonder that the sector is in the state that it is today.

Hon. Temporary Deputy Speaker, Sir, one of the ways forward is to make sure that the fisheries policy is implemented and the necessary legislation is passed.

I have also said that most of our natural waters are also trans-boundaries. Being trans-boundary means that we must have a regional approach. I want to support the amendment by Hon. Odhiambo-Mabona. As one of the speakers has said here, we need to think slightly more than what the amendment has just said. This is because when we talk about banning fishing in Lake Victoria, we should also realize that this is a trans-boundary resource, and activities on it must be coordinated by all countries that share it. Even today, if we ban fishing---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you. Yes, hon. Anthony Kimani Ichungwah!

**Hon. Ichung’wah:** Hon. Temporary Deputy Speaker, Sir, it is “Ichung’wah” because “Chungwa” means “orange” and my name has no relation at all to oranges.

*(Laughter)*

I rise to support this Motion. At the outset, I want to say that I was very much inclined to oppose it, but after a fruitful discussion with Hon. Odhiambo-Mabona, I understood the very serious problems that people in the traditional fishing areas have. These are problems that we are also alive to in the areas where we come from.

I rise to support this Motion on the understanding that the grants that we propose to be given to farmers, who are involved in fishing will not be restricted to fishing around water bodies. The grants will also be accessible by farmers in areas like Kiambu, Nyeri, Murang'a and Eastern Province, where people have no water bodies, but are involved in rearing of fish in fish ponds. I think the Jubilee Government has promised young people and women in this country a fund that will fund their businesses that can generate income. The establishment of a fund for the fishing industry, including training and capacity building in fishing, will be a thing to look forward to in the coming days. Young people and women in our areas should access these funds, so that they can generate income for themselves. It is time that the Government started looking seriously in the area of fisheries by establishing a board or an authority that will specifically deal with fishing. Traditionally, we have been made to believe farming is all about maize, tea and coffee farming. Therefore, fishing and fisheries have been neglected and when we put these things together in authorities and Ministry of Agriculture and Fisheries, all the money gets swallowed up in the maize farming and other agricultural farming and fisheries are left without funds at all.

I, therefore, support the establishment of a board or an authority that will specifically deal with fisheries.

I support that Motion.

**Hon. Ogolla:** Thanks a lot, hon. Temporary Deputy Speaker. I rise to support the Motion as amended and very quickly I want to mention a number of things. One, if you look at this country in terms of the foreign currency earners, we have had the very five main ones over a period of time. This includes horticulture, tourism, tea, fish and coffee. They have been rotating in that manner, either one picking number one or two over a period of time. If you look at all these five, each one of them has had a bit of public funding in them. There is some kind of public money in them, apart from fish. There is some kind of order or an arrangement that is very specific to each of these foreign exchange earning sectors other than fish. So, as we are discussing this, we really need to remind the Government that fish, in as much as we have mentioned it here many times, has been facing quite a lot of neglect over a period of time yet it remains one of the main top five foreign exchange earners in this country.

If you look at it, one way or the other, where the public funds are used to bail out some of these sectors, it is always the fishing sector that has never benefitted from any bailout because there is organized arrangement where public funding gets into it. Bailouts have even extended to some of those sectors that, in the real sense, hardly contribute the way fishing sector contributes. We have seen bailouts in milk sector, particularly Kenya Co-operative Creameries (KCC); you have seen bailout in pyrethrum, some of the sectors that are going down even now. But we have never seen anything in the fishing sector. So, the neglect that we are talking about here really needs to be looked at in a very serious manner.

Hon. Temporary Deputy Speaker, the next thing that I wanted to say is that, if you look at how the fishing economy is run and you relate this with other sectors, you will realize that a lot of times, large scale or plantation farming is what earns foreign exchange and 60 per cent of it is contributed by peasant farming or small scale farmers. If you bring that to the side of fishing arrangement, if you look at who the fishermen are now or who it is that is investing in fish, they are not really the local people or the small-scale, or peasant farmers that you might want to talk about here. So, the issue of the grant is so critical that if at all you want to have the economies of the fishing communities come up, it is important that some very deliberate funding arrangement must be put in place to benefit these communities.

Hon. Temporary Deputy Speaker, I am trying to compare that with the plantation arrangement. The 60 per cent from the peasant or small-scale farmers is going to be lost, if you try to relate that with the fishing arrangement.

Hon. Otuoma was trying to bring in an element which I will try to bring forward again as he was cut off because of time; the whole issue of the ban. As we are talking, there is a fish ban. We are executing the ban in our 6 per cent portion of the lake, but Tanzania and Uganda do not have this kind of an arrangement. So, when we are talking about the ban of four months, the other side; the two countries do not have the ban, and we are talking about two or so million people who are supposed to be dependent on this economy. For a period of four months, what is it that these people are feeding on? We have been talking about *omena* and all that – many people think that *omena* is a small fish. It is as mature as any other big fish. So, when the ban is imposed and we have closed the harvesting of *omena* as at now, it means that we are closing in a big percentage of people. We are in actual fact impoverishing this economy further.

There has been no deliberate effort, and I think this is the main thing. When we talk about dwindling stock in the lake, we talk about many other challenges in many different sectors. The Government comes in many times to see how we address it, whether it is through research or through a serious kind of involvement. But when we are talking about dwindling stock in the lake, there has never been a deliberate arrangement to restock the lake. We have been restocking our livestock from time to time as a very deliberate exercise, but nobody is really taking time to restock the lake. I think if there is an arrangement---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Alego Usonga, George Washington Omondi.

**Hon. G.W. Omondi:** Thank you hon. Temporary Deputy Speaker. I rise to support the Motion as amended for several reasons.

One, the fishing industry is one industry which has been misunderstood and misused and wastefully utilized. The problem we have in the fishing industry, as others have said is taken as a poor man’s industry or job. But I do not know whether you are aware or we are all aware that some of the richest people and some of the biggest industrial estate developers are actually getting their money from the fish.

I happen to be involved in this industry and I can authoritatively say that the Government has neglected it. The people who are in this industry are simply exploiters. They are people who do not have a long-term interest in this resource. I say so because when you look at the Nile Perch, most of it at the moment comes from Lake Turkana but

the Government has not even bothered to build roads leading to that area. So, if you put your factory there, you will not transport your fish to the market.

Hon. Temporary Deputy Speaker, Sir, another problem I wish to talk about is that even the figures given as contributing Kshs10 billion in foreign currency is an understatement because there is a lot of under-invoicing that takes place. I can say that the true figure could be over Kshs15 billion because most of the money is left out there. If the Government could take interest in this industry, just like in any other industry; this kind of behaviour or practice would be rectified. Due to negligence, we keep on saying that the fish catch in Lake Victoria is dwindling. As a fisherman, I know that that is not true because currently fishing is done in very shallow waters due to lack of good fishing gear. The Nile Perch is a deep water fish. Most of the Nile Perch in Lake Victoria is dying of old age. If we could get better fishing gear, we would go to the deep waters and stop people fishing in the shallow waters, where baby fish is caught.

If this Motion is passed and the Government takes interest in the industry and gives grants, as per the amendment, we will have a lot of fish in Lake Victoria. We talk about the fish catch dwindling but the problem we have is that the Mbita Causeway in Lake Victoria is stopping fish from coming from Uganda and Tanzania. The fish breeds on the gulf. If we could remove the Mbita Causeway and exchange it with a bridge, we would not have the problem of Kenya lacking fish and Uganda having more fish, because their fish would come and breed in our area. When they come, we just catch them. So, the Government should make sure that those who are simply interested in extracting our raw material and going away with it are controlled.

Hon. Temporary Deputy Speaker, Sir, this Motion is overdue. If need be, the Mover should turn it into a Bill and we---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Members, it is not true that the matter of fish is a preserve of men. Let us have the ladies also contributing to the Motion.

Yes, Hon. Joyce Akai Emanikor.

**Hon. (Hon.) Emanikor:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to support the Motion with amendments. Coming from Turkana County, there is no reason for me not to support this Motion because fishing is our main means of livelihood.

Generally, the fishing industry in Kenya creates jobs for the youth. It provides nutritional values to mothers and children and, therefore, reduces child mortality and maternal problems, particularly those connected to health. We know very well that the fishing industry is improving food security not only in the regions where fish is produced but in the whole of Kenya as well as outside this country, as we export fish.

Hon. Temporary Deputy Speaker, Sir, Turkana County is home to Lake Turkana, the largest desert lake in the world. It is the cradle of mankind. It was registered as a UNESCO world heritage in 1997. Lake Turkana has the potential of sustaining 60 species of fish. It has the potential of employing thousands of youth through the beach management units and other groups that operate along the lake. It has the potential of producing 22,000 metric tonnes of fish out of the 167,700 metric tons of fish produced nationally. If fishermen are given grants, we know what this figure could rise to. Lake Turkana might produce about 50,000 metric tonnes of fish. Giving grants to fishermen will go a long way in the realisation of Vision 2030, particularly if we look at the socio-

economic pillar of Vision 2030 with a keen interest in reducing the poverty indices of places like Turkana County.

However, there is another threat to Lake Turkana, and this has already been alluded to by Hon. Otuoma. Lake Turkana receives its water from River Omo. Ninety per cent of the water of Lake Turkana comes from River Omo. So, as we think of giving grants to farmers in order to enhance the capacity and the potential of the lake, we should also think of protecting it. Currently, the construction of Gibe II Dam in Ethiopia is threatening the livelihoods and the biodiversity along this lake. It is threatening wildlife and the entire ecosystem that support life along the lake. It will be very unfortunate if Lake Turkana disappears within our life time. We will not forgive ourselves for not protecting it.

Hon. Temporary Deputy Speaker, Sir, therefore, I support the Motion with the amendment but I would also like to urge that we protect the industry by all means, including protecting our lake and its environs.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Yes, hon. Lisamula Silvas Anami.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to support the Motion, especially the aspect of providing grants to traditional fishermen.

In Africa, we have technologies which we have used every now and then to sustain our livelihood. While providing grants to fishermen, it will be prudent to, first, encourage them to develop their traditional technologies, and not going scientific just for the sake of it. We need to be sure that the methods that we engage in can sustainably promote our fishing industry. Therefore, I propose that we use grants to also build the capacity of our fishermen around the lake as well as those around small rivers that could sustain the fishing industry. So, we should extend this to all parts of the country and encourage young people to indulge in fish farming. This will go a long way to not only enhance productivity but also provide employment and guarantee us food security. This is an area where we will achieve this. I recall during the Economic Stimulus Programme (ESP) many co-operatives were encouraged to develop fish ponds, but these were abandoned along the way. These grants should be an opportunity for us to revive the fish ponds some of which are built around small rivers. This will help us to guarantee food security.

There is the element of value addition. It is a little disheartening to find that after the fishermen work throughout the night to catch fish, they sell them at a throw-away price. The middle men seize the opportunity to process this into lucrative business. These funds should be used to develop processing factories near the fishing points because then this will provide employment. We cannot wish away the fish industry. It is an opportunity that has been provided to us by the almighty God. You know the value of white meat to growing societies like ours. It is more important than the red meat. Therefore, the Government should be interested in promoting fish industry so that we alleviate poverty and improve healthcare of our people.

Hon. Temporary Deputy Speaker, Sir, I support this Motion together with the amendment.

**Hon. Muzee:** Thank you, hon. Temporary Deputy Speaker, Sir. I really want to thank Hon. Mbadi and our dear Hon. Millie Odhiambo for this great Motion. I come from Malindi Constituency in the great county of Kilifi. As you know Malindi is all about tourism, agriculture and, of course, boat fishing. So, the issue being raised here about fishing really touches on my people. As you all know, fishing has been neglected. All the issues that have been raised here including fishermen using rudimentary equipment and fishing in the shallow waters are issues that my people face every day. I am grateful that this House has come up with this Motion and I rise to support it with all the amendments that have been raised. I look forward to the Bill so that we can deliberate it comprehensively to ensure that we give leadership in terms of fishing.

This Government has been talking about double digit economic transformation and I know that fishing has a place in that. However, the issues of marketing, capacity building, and value addition are very serious issues. Look at it this way: Selling a piece of fish at Kshs20 and selling the oil from the fish. The Government should come clean and support our fish farmers across the country not just in the lakes, rivers or the Indian Ocean. The Government should support co-operative movement. Most of the fishermen are youth and so that way we shall be contributing to the job issue.

I stand here to support this Motion because it is very close to my people in Malindi and I know that they are watching. I am positive that we will have a Bill that will seek to compel the Government to support this industry. That will be a great day for me, my people and this country. I beg to support.

**Hon. Shimbwa:** Hon. Temporary Deputy Speaker, Sir, I stand to support this Motion. I am a product of a fisherman and you can see how healthy I am. The problems encountered by the societies that practise fishing have been enumerated by those who spoke before me. I would like to add the following points which may enrich the debate.

We have seen in a number of Agricultural Society of Kenya (ASK) shows plants and animal husbandry being promoted for people to learn more about these things. We have, however, never seen one with regard to the fishing industry.

There are no proper fishing grounds when it comes to repair and landing sites. I am referring to the areas in Coast Province where the beaches are a preserve of the lucky ones who are well connected to the Government. Most times the fishermen are removed from the landing sites and this causes problems.

The other challenge the fishermen are faced with is marketing. The Government should come up with arrangements to help in transportation of fish from the source to the market areas. This will definitely enable these people to be economically stable. Most of the communities which practise fishing have very poor people. They have remained so for a long while. If we can assist them in marketing, then we will be assisting them to become economically viable. We will be also encouraging them to stay in their areas especially at this time when there is a lot of urban migration as people move out to look for jobs in the urban areas.

We have seen people from our neighbouring countries benefit from use of our coastal area. I am referring to persons of Tanzanian origin who come to do fishing in Kenya. They sell fresh fish. Some dry and smoke the fish and take them to their country. We need to assist our people to do the same.



There is the issue of interference of the breeding grounds. Nothing has been done to stop this menace. There is a lot of cutting of the mangrove trees which are supposed to be the breeding grounds for fish and prawns. Nothing is being done about this. We have seen Ministries being established but I can say that there is no willpower to make these Ministries or boards to work for the people of such areas. There is the Fisheries Department that Hon. Otuoma has been quoting and several other bodies like the Ministry which was created for arid areas. It did not assist much because there was no will from the Government to make sure that those Ministries did something for the people from those areas.

Finally, hon. Temporary Deputy Speaker, Sir, when it comes to compensation like for the people of Changamwe and Port Ritz area and the side of Mtongwe where there is a project by the KPA, those people have been compensated very slowly. They were paid only Kshs70,000 which is their only source of livelihood for about the 100 years they have been there.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Your time is up.

**Hon. Okoth:** On a point of order, hon. Temporary Deputy Speaker, Sir. I wanted to ask if we could move this a little bit faster so that people may speak for a shorter time, two or three minutes, because we have reached a point where everyone is in agreement on this issue.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you but let us hear Hon. Kaluma.

**Hon. Kaluma:** Hon. Temporary Deputy Speaker, Sir, thank you for granting me the opportunity to speak to this Motion. Homa Bay Town Constituency sits on a bay and most hon. Members may not understand what a bay is. What it means is that it is a land partially entering a water body. So the main economic activity of the people of Homa Bay Town Constituency is, indeed, fishing. It is a source of food. It is a source of employment. It is a source of income. The fishing industry, as has been confirmed by other hon. Members, has forced its way to contribute to the national economy. The situation we have had over the years is that all sectors that are gaining any income to the country have either boards or commissions. We have had the Pyrethrum Board of Kenya, the Coffee Board of Kenya, the Kenya Sugar Board but the fishing industry has never had any such Government institution or policy in terms of its working. In fact, it is a punishment to engage in fishing as an economic activity.

The people of Homa Bay Town Constituency being fishermen mainly depend on fish as a source of food and for their economic purposes. So imagine a situation where we have a whole four months in a year and that is usually between April and August. The question you want to ask is how people have been feeding in Homa Bay Town like in other fishing oriented societies. How are the children of the fishermen and the fishmongers going to school? It is a problem. The manner in which the closing season has been applied by the Government is something I needed to bring to the attention of the House; they do not only ban fishing but immediately the season for closure is proclaimed, you are not expected to sell fish even in the markets. There is high level of extortion on our fishermen and it is a complaint that we have in our constituency every day. So it is a punishment. You cannot move with fish; you cannot do fishing and you cannot take children to school.

In that period of four months, the fishing gear you have wastes away. So that is the problem we have had to deal with as a people whose mainstay is this industry. I was going to support this Motion and urge that the amendment be implemented immediately. May we also remember that the fishing environment, particularly around Lake Victoria has not been good. We have the water hyacinth issue and you cannot do any proper fishing. When you have four months of compulsory leave without any compulsory sustenance, I would propose that there be a firm policy by the Government in terms of how we deal with the fishing industry. Let us have a grant in terms of enabling the fishermen and people in the industry to survive and to better exploit this important industry. However, it should not end at that. Even the fish that is harvested particularly around the lake, the profits are going to the people with the industry, the people with cold storages. This is a perishable good. You fish the whole night in the middle of crocodiles and wild animals and by 10.00 a.m. you are selling fish that would fetch over Kshs1,000 in Nairobi at Kshs20 because otherwise it would rot.

*[The Temporary Deputy Speaker  
(Hon. Kajwang') left the Chair]*

*[Hon. Deputy Speaker took the Chair]*

So, hon. Deputy Speaker, I support this Motion and urge that we need a more comprehensive policy and if possible a Bill that could enable us serve something that is more sustainable than this.

**Hon. Deputy Speaker:** Your time is up. I am guided that we only have three minutes to the end of this Motion and, therefore, I want to call the Mover to respond before we call a vote on it. There is a long list of people who are interested in it but we cannot give it more than the three hours it is entitled to.

**Hon. Ng'ongo:** Thank you, hon. Deputy Speaker. Let me take this opportunity to sincerely thank the membership of this House and all the hon. Members who took time to contribute to my Motion. I am glad that all hon. Members supported it and even those hon. Members who found no time, I have just heard there was a very long queue. I thank you very sincerely and promise that now as I get your mandate to move ahead with this Motion to make it a Bill, I will take into consideration the contribution by hon. Members and enrich my Bill.

Finally, I would like to point out that this sector, unlike other sectors, has no board and I propose that as we move forward, we should think seriously of constituting a board to handle and manage the fishing industry. I want to guarantee you that the people of Suba are happy because their main economic mainstay is fishing. They are happy that this august House of 349 men and women supported the very Motion that is going to help them come out of poverty.

Thank you very much and I beg to move.

*(Question of the Motion as amended  
put and agreed to)*

*Resolved accordingly:*

THAT, aware that the fishing industry makes a major contribution to the economy by producing over Kshs10 billion in foreign exchange and further aware that the industry provides employment both directly and indirectly to many people; noting that the potentiality of this sector is under threat due to use of non-scientific ways of fishing and continued use of wrong fishing gears due to poverty levels affecting the fishermen; this House urges the Government to establish a fund from which fishermen can be given grants to buy the recommended fishing gear to help them acquire correct and scientific fishing gears and further urges that the annual closure season for fishing be reduced from four months to one month commencing from 1<sup>st</sup> April to 1<sup>st</sup> May.

## POINT OF ORDER

### REFERRAL OF ELECTION ISSUES TO RELEVANT COMMITTEE

**Hon. Deputy Speaker:** Hon. Chepkong'a, what is your point of order?

**Hon. Chepkong'a:** Thank you, hon. Deputy Speaker. I rise on a point of order pursuant to Standing Order No. 83 as read together with Standing Order No.205(1) and the Second Schedule. The Hon. Jakoyo Midiwo this afternoon rose on a point of order and made a statement requesting the Public Accounts Committee (PAC) to deal with an issue that arises out of the elections that have just gone by. The committee that was referred to deal with this matter which is the PAC does not deal with issues of elections. I thought that this matter was erroneously mentioned by Hon. Jakoyo Midiwo but the Speaker did not make any particular ruling.

I would like to particularly refer to Standing Order No.205(2). It reads:

“The Public Accounts Committee shall be responsible for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit.”

Hon. Deputy Speaker, I have been previously the head of a parastatal. This is not a matter that has been audited by the Auditor-General. I have appeared on several PIC meetings. It can only come before the Public Investments Committee (PIC) or PAC when it has been audited by the Auditor-General and who has made a certificate that there are people who have committed a wrong and that matter therefore be investigated by PIC.

Hon. Deputy Speaker, I have referred to the schedule which deals with the Departmental Committee on Justice and Legal Affairs Committee. Among the offices that it deals with are constitutional affairs, the administration of law and justice including the Judiciary, public prosecutions, elections, ethics, integrity and anti-corruption and human rights. In light of the clear provisions of the Standing Orders, could this matter be committed to the relevant committee as indicated in the Standing Orders? I am most obliged.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I will be very brief. I agree with Hon. Chepkong'a that the role of the PAC as a select committee is well defined both in the Constitution and in the Standing Orders and Standing Order No.205(2) says: “The Public Accounts Committee shall be responsible for the examination of the accounts showing

the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit.”

Hon. Deputy Speaker, as a House we have not received the audited accounts by the Auditor-General of that institution – the Independent Electoral and Boundaries Commission (IEBC). Secondly, the matter at hand is a matter of procedure, operation and administration. I totally agree with Hon. Chepkong’ a that the matter before the House be referred to the Departmental Committee on Justice and Legal Affairs that is responsible to the said institution.

Thank you.

**Hon. Deputy Speaker:** I see a point of order by Hon. James Opiyo Wandayi. Is it a point of order or a contribution?

**Hon. Wandayi:** Hon. Deputy Speaker, I want to respond to the issue raised by Hon. Chepkong’ a.

**Hon. Deputy Speaker:** So, you are contributing and it is not a point of order?

**Hon. Wandayi:** Yes, I am contributing, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Go ahead.

**Hon. Wandayi:** Hon. Deputy Speaker, in my own understanding of the function of the PAC according to Standing Order No.205, nothing limits it from addressing some of the issues raised earlier on by Hon. Jakoyo Midiwo. The issues being addressed or raised by Hon. Jakoyo pertain to the matter of procurement of the Biometric Voter Registration (BVR) machines. These matters are purely and squarely under the limit of the PAC. So, my submission is that this question was rightly directed to the right committee which is the PAC and it is already seized of the matter and, therefore, to take us back to the issue of which committee should address it is really to split hairs.

Thank you, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Another point of intervention by Hon. Benjamin Langat.

**Hon. Langat:** Thank you very much, hon. Deputy Speaker. I think this is a matter of procedure as the Chairman of the Departmental Committee on Justice and Legal Affairs. If we were to allow this matter to go to the PAC directly, then we are going to cause chaos in the departmental committees because the PAC deals with matters which have been tabled and audited by the Auditor-General. Unless Hon. Jakoyo was seeking for a special audit after which they can now take over as the PAC, that matter should go to the Departmental Committee on Justice and Legal Affairs under Standing Order No.216(5)(a) which says:

“The functions of a Departmental Committee shall be to-

(a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments.”

Hon. Deputy Speaker, so, I request that you accept what the Chairman of the Departmental Committee on Justice and Legal Affairs has said and refer this matter to the relevant departmental committee as a matter of procedure so that we do not cause chaos among the watchdog committees and the departmental committees.

**Hon. Members:** On a point of order, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Now, we have too many points of order. Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Deputy Speaker for giving me this opportunity. I stand on a point of order seeking your guidance and ruling on this issue. When the substantive speaker was speaking I am sure probably you were not in the House at that time. This matter was canvassed at length and the hon. Members who were in the House had that opportunity to raise the issues that they are raising now. So, what they are going to do in effect is that by backdoor they are trying to get you to reverse the ruling of the substantive Speaker. Speaking especially on this platform as a woman legislator, I know that in this House people always try to make women leaders look bad. I know you know that this thing is tied to a bit of geopolitics and I do not want these people to leave you with an egg on your face. If they have issues, they need to raise them with the substantive Speaker and not make you make a decision that will make you look bad especially knowing where you come from.

**Hon. Deputy Speaker:** Hon. Jakoyo Midiwo.

**Hon. Midiwo:** Thank you, hon. Deputy Speaker. This is a bizarre happening. You know, I wish I was not in Parliament, I would have used some very interesting language. I asked for investigations on a matter that is spent. It is an accounting matter. The Supreme Court said that the investigations need to be carried out on how this BVR equipment was procured. The word was “procurement”. It is: “was procured” and not “is procured”. It is not a live issue; it is a dead issue. The Auditor-General may not have done - I am sure Hon. Langat has no idea - some works on it but the members of the PAC can ask for a special audit if it has not been audited. Really, that is how Parliament works.

Hon. Deputy Speaker, I am an aggrieved voter. I am dealing with people who stole my votes. I am dealing with thieves and what is happening---

*(Laughter)*

**Hon. Deputy Speaker:** Order, Hon. Jakoyo! Members, let us be sober about this. This is a House of order and Hon. Jakoyo Midiwo you cannot really call people thieves. I do not know who exactly the thieves are. I do not know whether it is the IEBC. Please withdraw that name.

**Hon. Midiwo:** Hon. Deputy Speaker, I do not want the Members who purport to be on the other side to be jittery. If they feel offended, let me put it in the right perspective. I know you are a heckler, but it is okay. I can deal with you. I have been here long enough to deal with hecklers. I know how. But let me say that---

**Hon. Deputy Speaker:** Hon. Midiwo!

**Hon. Midiwo:** Hon. Deputy Speaker, the issue of the BVR is one that benefits this House if it is sorted out. In fact, in my language, they always say that the person who poops is always ready to fight. That is a saying in my language. Anybody who is jittery that I am asking about the irregularities which the Supreme Court, the last court of the land, found with the procurement of the BVR is certainly out of order.

I want to ask you not to be intimidated to get into matters which have already been dealt with by the substantive Speaker. This is not a joke. This is a matter that, because of what the IEBC did, the police killed my innocent people in Kisumu without aggression. We are aggrieved and somebody is sitting at State House while he lost by over 2 million votes. Read the ruling of the Supreme Court. I do not want the Supreme

Court ruling. You may have the IEBC, but now we want to deal with them scathingly through the PAC. We will. Do not fall a prey to the shenanigans of these crooks!

**Hon. Deputy Speaker:** Order, Hon. Midiwo!

**Hon. A.B. Duale:** On a point of order, hon. Deputy Speaker. The substantive issue raised by Hon. Chepkong'a is not about the last general election. The people of Kenya went to vote and they elected their leaders. The Constitution provided for the aggrieved parties to go to the Supreme Court and that was done. The matter before this House today, and I want you to rule, is on the role and the function of the PAC. That is the issue. I want to read it for the benefit of the House and the nation. It says that:-

“The Public Accounts Committee shall be responsible for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit”.

The issue that is at hand is that it is for the IEBC accounts, for the last financial year, first to be tabled on the Floor of this House and for the PAC to take up the matter. Departmental Committees deal with investigations on daily operations of each and every department that falls under them. The IEBC, CIC and all the constitutional commissions within the Ministry of Justice fall under the Departmental Committee on Justice and Legal Affairs.

**Hon. Members:** No!

**Hon. A.B. Duale:** Hon. Deputy Speaker, there is another opportunity in 2017 when Kenyans will elect another President. You have the chance to campaign. If every day you claim that your cow has been stolen, you must be a good farmer to make sure that your cow is in a good den. Why should your cow be stolen every day? Why do you lose elections every year? The matter is not that.

**Hon. Deputy Speaker:** Order, Members! Let us have order in the House. Members, this is, indeed, a very weighty matter and very substantive arguments have been given on both sides of the House. You have asked me to make a ruling on this. As one of the Members has clearly said, a ruling was made by the substantive Speaker. So, I do not intend to overrule what the substantive Speaker ruled this morning. However, I will ask the substantive Speaker to again make a ruling on this matter in view of the position that has been given on whose mandate it is to handle this matter. Is it the PAC? I am sure the Members are also aware that we have always said that any committee is seized of the matter once it comes on the Floor and it is at liberty to begin investigations on a matter that they feel is likely to be under their docket.

Members, we will leave this matter so that we do not go on discussing it. We will leave it as had been ruled by the Speaker and ask that the Speaker gives any further ruling that he deems fit to explain which of the committees is supposed to discuss this matter. Let us leave that matter to rest. That is my ruling. Hon. Chepkong'a, I hope it is not on the same because I think we have now moved on.

**Hon. Chepkong'a:** On a point of order, hon. Deputy Speaker. I sat here throughout. I made attempts to catch the Speaker's eye, but it was not possible. The Speaker never made any ruling. The HANSARD is very clear. Hon. Midiwo himself made attempts of referring this matter to the PAC. It is not for him to choose and pick. The issues are very clear in the Standing Orders. I am a lawyer and it is not---

*(Members booed Hon. Chepkong'a)*

Hon. Deputy Speaker, it is not how much they can shout. They better listen to me because if it is a question of speaking loudly, I have the voice to speak loudly. We are used to speaking loudly.

**Hon. Deputy Speaker:** Order, Members! Order, Hon. Chepkong'a! Members, I have made a ruling and I have said that we leave the matter as it was when you finished the matter and whatever the Speaker comes to rule on when he comes, he will rule on it. We have the HANSARD to know whether he ruled or not. I am saying that we are not going to make a different ruling or any ruling at this point until after the substantive Speaker comes and then he will make the decision at that point. So, let us leave that matter to rest, Hon. Chepkong'a. There is Tuesday when the House sits next. We want to move to the next matter.

**Hon. Cheptumo:** On a point of order, hon. Deputy Speaker. The Speaker had indicated to me that he will give me a chance to lay the Report on the Table.

### **PAPER LAID**

The following Paper was laid on the Table:-

The Report of the Select Committee on Delegated Legislation on the constitutionality of the *Kenya Gazette Notice* Nos.2885, 2886, 2887 and 2888 published in the *Kenya Gazette* of 1<sup>st</sup> March, 2013, by the Salaries and Remuneration Commission.

*(By Hon. Cheptumo)*

### **NOTICE OF MOTION**

#### **ADOPTION OF REPORT ON CONSTITUTIONALITY OF GAZETTE NOTICE BY SRC**

**Hon. Cheptumo:** Hon. Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Select Committee on Delegated Legislation on the constitutionality of the *Kenya Gazette Notice* Nos.2885, 2886, 2887 and 2888 published in the *Kenya Gazette* on 1<sup>st</sup> March, 2013, by the Salaries and Remuneration Commission.

**Hon. Deputy Speaker:** Hon. Members, before the Majority Leader moves the Motion for Adjournment, I would like to guide the House as follows: Hon. Members, appearing on the Order Paper under Notices, is Motion for Adjournment of the House in accordance with the Calendar of the Assembly. This Motion should be debated for no more than three hours. In order for us to execute this business, I order that immediately we conclude Order No.8, the Leader of the Majority Party moves the said Motion for Adjournment of the House.

Hon. Members, the procedure of this Motion is different from previous Motions for Adjournment in that at the end of the debate the House shall adjourn without putting the Question in accordance with Standing Order No.28(3).

Hon. Members, any Member wishing to negate this Motion is advised to move an amendment to the effect of altering the Calendar of the Assembly and the adjournment day. This is provided for under Paragraph 4 of Standing Order No.28. Such a Member should approach the Table for guidance on the text of the amendment and procedure. I hope that is very clear.

## **MOTION FOR ADJOURNMENT**

### **ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY**

**Hon. A.B. Duale:** Hon. Deputy Speaker I beg to move the following Motion for Adjournment:-

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until Tuesday, June 4, 2013, in accordance with the Calendar of the Assembly (Regular Sessions).

Hon. Deputy Speaker, under the new Standing Orders that you have just explained to the Members, if hon. Members feel that they do not want to adjourn based on very serious issues such as the Constituencies Development Fund (CDF) and the salaries and remuneration, I urge that they follow the relevant Standing Orders in order to do otherwise.

I urge my colleague, Hon. Jakoyo Midiwo to second the Motion for Adjournment.

**Hon. Midiwo:** Hon. Deputy Speaker, I second.

*(Question proposed)*

**Hon. Gitari:** On a point of order, hon. Deputy Speaker.

I beg to move that the Motion for Adjournment be amended as follows:-

THAT, the Motion for Adjournment be amended by deleting all the words after the words "this House" and inserting thereafter the following words "resolves to alter the Calendar of the Assembly by resolving not to adjourn as indicated in the Calendar".

I request the Leader of the Minority Party to second the amendment.

**Hon. Nyenze:** Hon. Deputy Speaker, I second.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

**Hon. Cheptumo:** Thank you, hon. Deputy Speaker. I know you were very keen. When I stood to give notice of the Motion on the Report laid before the House, there was complete silence in the House. This is because there are serious issues that are affecting these Members. I support the amendment moved by the vice chairman of my committee on the Motion for Adjournment that we continue with the proceedings of the House.

**Hon. Members:** Put the Question!

**Hon. Deputy Speaker:** If that is the feeling of the House, I will put the Question.



*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

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

*(Question of the Motion as amended proposed)*

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, pursuant to the provisions of Standing Order 28, this House resolves to alter the Calendar of the Assembly by resolving not to adjourn as indicated in the Calendar.

**Hon. Deputy Speaker:** Hon. Members, it is now back to business. We are not adjourning and therefore, it is back to business.

## **MOTIONS**

### **ESTABLISHMENT OF FERTILIZER BOARD**

THAT, aware that the National Cereals and Produce Board (NCPB) is now procuring fertilizers, which is not its core mandate; cognizant of the fact that this had led to delays in the importation and procurement of the necessary inputs for the farmers in a timely manner; noting with concern that fertilizers are arriving after the planting season; deeply concerned that this is affecting food security in the country as fertilizers are key inputs in farming; also noting that this lack of inputs is affecting farm yields, and impoverishing farmers, this House urges the Government to set up a fertilizer board that manages issues of fertilizers and other farming inputs, while offering subsidized inputs to farmers, and also fast-tracks the process of setting up a factory to produce fertilizers and other farming inputs locally in the long-term.

**Hon. Deputy Speaker:** I am told Hon. Chris Wamalwa is not around because of some personal matter.

*(Motion deferred)*

Next Order!

### **UPGRADING OF HOSPITALS INTO CANCER/RENAL CENTRES IN COUNTIES**

THAT, aware that according to statistics released by the Government of Kenya in July 2012, cancer and renal diseases are currently the highest killer diseases in the country with at least 22,000 cancer related deaths; concerned that kidney related deaths in Kenya have reached 2,912 or 0.92% per year of total deaths according to World Health Organization (WHO) data released in April 2011; noting that there is limited access to cancer screening, treatment, and affordable dialysis at county levels; further aware that the Government received a Kshs.522 billion grant from the French Government to establish cancer and renal centers with well equipped facilities; this House urges the Government to consider upgrading at least one (1) hospital in every county and supply necessary equipments to each of the facilities to enable them perform chemotherapy and dialysis procedures.

**Hon. Deputy Speaker:** Hon. Members on Order No. 10, the Mover has asked for the Motion to be moved to Tuesday next week.

*(Motion deferred)*

Next Order!

#### UPGRADING OF ROADS TO BITUMEN STANDARD

THAT, aware that the road network in the country currently stands at approximately 160,886 Km, out of which only approximately 11,189 Km are paved; noting that the extent of the unclassified rural and urban roads remain unknown with most of such roads in bad condition; aware that good infrastructure facilitate trade, economic development and improvement in the quality of life; this House urges the government, through Kenya Rural Roads Authority (KeRRA), Kenya National High Authority (KeNHA) and Kenya Urban Roads Authority (KURA) to upgrade a minimum of twenty (20) and a maximum of thirty (30) Kilometers of roads to bitumen standard in every constituency across the country in every financial year to enhance the road network in the country and subsequently enhance agricultural productivity and job creation.

*(Motion deferred)*

**Hon. Deputy Speaker:** Hon. K.K. Mburu is not here! Then can we all be upstanding?

#### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, it is now time for us to adjourn the business of the House. This House therefore stands adjourned until Tuesday, 28<sup>th</sup> May, 2013 at 2.30 p.m.

House rose at 6.00 p.m.