

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 16th July, 2013

The House met at 2.30 p.m.

[The Speaker [Hon. Muturi] in the Chair]

PRAYERS

PETITION

STATUS OF COMMUNITY-SPONSORED PUBLIC SCHOOLS IN WESTLANDS

Hon. F.K. Wanyonyi: Hon. Speaker, I wish to present to the House a petition by Highridge Girls Secondary School, Parklands Arya Girls and Aga Khan Primary School as follows: -

“We, the undersigned citizens of Kenya and members of the aforementioned schools, draw the attention of the National Assembly to the following: -

That, Highridge Girls Secondary School, Parklands Arya Girls and Aga Khan Primary Schools are located in Westlands Constituency and sponsored by the Asian Community. Those schools were established as public institutions to provide education to students from the locality but the above-mentioned schools have been receiving funding from the Government through the Ministry of Education and have teachers that are employed by the Teachers Service Commission (TSC).

However, the teachers and students of the said schools have been at loggerheads with the Asian Community, who claim ownership of the schools. That has affected the smooth running of those schools. Through the head teachers, parents teachers associations (PTAs) and board of governors (BoGs), we have sought the assistance of the Ministry of Education on the ownership of the schools, but the issue has never been resolved conclusively.

The issues within this petition are not pending before any constitutional, legal or judicial body. Therefore, the humble petitioners pray that the National Assembly engages with the Ministry of Education to give the official position on the ownership of the schools and any other schools that are sponsored by the Asian Community within Westlands Constituency. Your petitioners will ever pray.”

Hon. Speaker, I hereby table the petition and request that the Chairperson of the Departmental Committee on Education, Research and Technology gives an undertaking as to when we can appear before the Committee to present the petition.

I would also like to request that if hon. Members have any comments on this petition, you allow a few minutes for them to comment.

Thank you, hon. Speaker.

(Hon. Wanyonyi laid the document on the Table)

Hon. Speaker: Is there any hon. Member who is desirous of making comments on the petition?

Yes, hon. Chanzu.

Hon. Chanzu: Hon. Speaker, I think the petition by the hon. Member is important because we must have harmony in the country so that our youngsters are able to get education, wherever they are. I am also in the Committee on Education, Research and Technology. Therefore, I will pass over the information to the Chairman, so that the necessary action can be taken.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Rachael Shebesh.

Hon. (Ms.) Shebesh: Thank you, hon. Speaker. I want, first of all, to congratulate my colleague from Westlands Constituency for bringing to the House an issue which was deliberated on this Floor during the 10th Parliament. It is obvious that there is going to be a crisis due to lack of clarity on what should happen to schools that were previously owned by communities, including church communities. Therefore, as this petition goes to the Committee, I would urge them to look at the HANSARD Report in which the debate on this matter was captured in the last Parliament and see the kind of victimisation that happens to students who go to such schools. Some of those schools are the best in Nairobi. We have put a lot of effort. Parents are concerned. It would be a shame that as communities or trustees take back their schools, the Government would sit back and watch, bearing in mind the fact that four major schools in Nairobi have parents and students who have been left in limbo.

I believe that this House has the capacity to deal with this matter. Therefore, we add our voices to the petitioners and ask the Government to look at the ownership of such schools because, at the end of the day, children should never be discriminated against. It does not matter whether one goes to a private school, public school or an informal school. All children are children of Kenya and have their rights under the Bill of Rights in the Constitution.

With those remarks, I beg to support the petition.

Hon. Speaker: Yes, hon. Paul Arati.

Hon. Simba: Thank you, hon. Speaker. I rise to support the petition. This matter does not affect Westlands Constituency only. It affects the whole of Nairobi where we have such facilities. There is also Khalsa School around Tom Mboya Estate. We should go there simply because a committee wanted to take it over. It is no longer running. A recent case is about Jacaranda Special School which was given to the Rotarians to take charge of it. That school is no longer running. So, there is a big problem.

Therefore, I urge the Committee on Education, Research and Technology not to look into the matter of Westlands Constituency alone but rather, look at all facilities of that kind in the entire City of Nairobi.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Joseph Mburu Kahangara.

Hon. Kahangara: Thank you, hon. Speaker. I also rise to support the petition presented to the House by hon. Wanyonyi.

I would also like to request the Committee on Education, Research and Technology to look beyond the City of Nairobi because there are various schools that

have been sponsored by churches, which have similar problems. I have one such institution in my constituency, where a polytechnic was put up and equipped but later on, a church claimed ownership of the institution. They chased away the students who were learning in the institution. The equipment was taken away by members of the church.

The Government's intention of giving institutions to churches, as sponsors, was good. However, along the way, some people became either selfish or within the management of churches and other sponsoring organizations they decided to take over such institutions for their own selfish needs. In that case, I would request the Committee to look beyond Nairobi and cover other constituencies because the problem is widespread.

With those remarks, I beg to support the petition.

Hon. Speaker: Yes, hon. Member.

Hon. Mohamed Abass: Hon. Speaker, this issue is of great concern to this country. We have schools which are sponsored by the Catholic Church, Islamic organizations or other religious organizations. I realize that most of the sponsorships are fake. Some of them come with difficult conditions for students and parents and, in between, sometimes, we have wrangles in such schools. At the end of the day, it is the parents and pupils who suffer. It is, therefore, very important that the Government provides clear policy guidelines because without such guidelines, students and parents will continue to suffer.

Hon. Speaker, in such schools, people who have vested interest will almost always increase the fees for the students and come up with other unnecessary conditions. So, sometimes, it becomes difficult to solve those issues. Therefore, the Ministry must holistically look into this matter. In my own constituency, I had one organization which was sponsoring a school and, in between, they ran dry of funding. At the end of the day, the students had to go home. We had to start afresh and register the school with the Ministry of Education. It takes a while for anything to be done. This issue is of concern to the country. Therefore, the Committee on Education, Research and Technology must deeply look into it.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, the petition is, accordingly, referred to the Departmental Committee on Education, Research and Technology to give an indication to the hon. Member as to when he may appear before it.

Next Order!

PAPERS LAID

The following Papers were laid on the Table: -

The Report on the Status of Control of Alcohol and Drug Abuse in Kenya by the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) covering the period between November, 2012 to April, 2013.

The Report of the Auditor-General on the Financial Statements of the Co-operative College of Kenya for the year ending 30th June, 2012 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the National Hospital Insurance Fund for the year ending 30th June, 2012 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Export Processing Zone Authority for the year ending 30th June, 2012 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the National Council for Persons with Disabilities for the year ending 30th June, 2012 and the Certificate of the Auditor-General therein.

The Forensic Audit of the CDF Secretariat Bank Transactions and Expenses by the Auditor-General.

[By hon. A.B. Duale]

Hon. Speaker: Next Order! Yes, hon. Gladys Wanga.

REQUEST FOR STATEMENTS

SECURITY OF TENURE FOR ATTORNEY-GENERAL

Hon. (Ms.) Nyasuna: Hon. Speaker, pursuant to Standing Order No.44 (2) (c), I would like to seek a Statement from the Chairperson of the Committee on Justice and Legal Affairs concerning the state of the Office of the Attorney-General (AG).

Hon. Speaker, Article 156 of the Constitution and the Office of the Attorney-General Act, 20112 are both silent on the tenure of Office of AG, thereby implying that the AG does not enjoy security of tenure. In his Statement, the Chairperson should clarify the matter of security of tenure for the AG, in light of the above noted concerns; state whether the independence of the Office of the AG is compromised due to that lack of clarity on the security of tenure of the holder of that office and clarify whether the AG is in office legally, considering that he is part of the new Cabinet and yet, he has not been vetted by the National Assembly.

Thank you, hon. Speaker.

Hon. Speaker: The request is referred to the Departmental Committee on Justice and Legal Affairs. Hon. Wanga will be notified when to appear before it. Hon. Chepkong'a, do you want to say something?

Hon. Chepkong'a: Hon. Speaker, we undertake to call her to appear before the Committee within two weeks. Thank you.

Hon. Speaker: Is that okay, hon. (Ms.) Wanga?

Hon. (Ms.) Nyasuna: That is in order, hon. Speaker.

Hon. Speaker: Yes, hon. Vincent Musyoka Musau.

ESCALATION OF CRIME IN MWALA CONSTITUENCY

Hon. Musau: Hon. Speaker, pursuant to Standing Order No.44(2)(b), I would like to request for a Statement from the Leader of Majority Party on the state of insecurity in Machakos County, particularly in Mwala Constituency.

Last night, Monday, 16th July, 2013, at around 3.00 a.m., two security guards were brutally murdered in Yathui Division of Mwala Constituency. That is part of coordinated crimes in Mwala Constituency by an organized gang that has been terrorizing my constituents. A few weeks ago, the gang attacked Kivandini area of Mwala Constituency. In his Statement, he should address the following :-

(i) Clarify the measures that the Government is taking to avert further crime in that area.

(ii) State how many vehicles were sent to police officers for patrol purposes in the constituency?

(iii) Clarify the preventive measures that the Government has put in place to avert crime as opposed to taking action after crime has happened.

Hon. Speaker: Yes, Leader of Majority Party.

Hon. A.B. Duale: Hon. Speaker, I will bring the Statement on Tuesday, next week.

Hon. Speaker: Is that okay, hon. Musau?

Hon. Musau: Hon. Speaker that will be in order.

Hon. Speaker: Yes, hon. Francis Kigo Njenga!

PLIGHT OF IDPS RESIDING IN KIENI FOREST

Hon. Njenga: Hon. Speaker, about 10 weeks ago or thereabout, I sought to know from the Chairperson of the Committee on Administration and National Security when, how and what position it had reached on those people who in 1991/92, left Subukia and other places like Burnt Forest and settled in Kieni Forest. I wanted to know when and how they were being settled. I further wanted to know what was happening to the integrated---

(Loud consultations)

Hon. Speaker: Order, hon. Shebesh and Cecily Mbarire! Member for Kikuyu, consult in low tones.

Hon. Njenga: Thank you, hon. Speaker, Sir. I also wanted to know the Government's position on the Internally Displaced Persons (IDPs) who are all over this country. Efforts to get the Chairman, hon. Asman Kamama, have not borne any fruits. I think it is high time that the Chair gave direction on what to do when one gets into such a position.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Yes, hon. Abongotum. Is there any Member of the Committee present who might want to give an indication as to when you would like hon. Njenga to appear before you to prosecute this matter? Not a single Member from that Committee is present.

Hon. Kimaru: Thank you, hon. Speaker, Sir. On behalf of our Chairman, I would like to request the hon. Member to give us two weeks. We can then call him to one of our meetings.

Hon. Njenga: Hon. Speaker, Sir, that will make a total of 12 weeks and yet, those are matters of national importance. The IDPs are Kenyans like any other and their plight

must be addressed. Some of them have lived in the camps for more than three governments. So, to wait another 12 weeks to get a reply from a Committee, surely, defeats the purpose of the Statement that I sought.

I am sure that, that is a responsible Committee and it can deliver. I find two weeks not acceptable to me. We will head for recess within two weeks and yet, Kenyans are waiting for the Statement. I find that period to be too long. He should probably talk about a week. That is a matter that has been presented and followed even outside this House.

Hon. Speaker: Nevertheless, the Committee has to also get this information from the relevant departments of the Government. It may have to do with the programme of the Committee. However, hon. Kimaru, are you able to accede to the request to meet hon. Njenga in a week's time?

Hon. Kimaru: Thank you, hon. Speaker, Sir. Considering the schedules and programmes that we have in the Committee, I think two weeks will be more appropriate than the one week he is talking about. I request him to give us two weeks and then we will give him a comprehensive report or statement on that matter.

Thank you, hon. Speaker, Sir.

Hon. Njenga: Hon. Speaker, since a vulture is a very patient bird, I have decided to be patient and wait. Hopefully, they will not seek another 10 weeks. I will be patient and accept his promise.

Hon. Speaker: Well, you have heard that from the horse's mouth. The hon. Member is no longer hon. Francis Kigo Njenga because he has assumed another name - vulture.

(Laughter)

POLLUTION BY CRYSTALLINE SALT COMPANY

Hon. Kombe: Thank you, hon. Speaker, Sir, for giving me this chance. I rise to seek a Statement from the Committee on Environment and Natural Resources. I would like to know what measures they have put in place to discourage Crystalline Salt Company from using firewood as a source of energy in this century. Very many indigenous trees have been cut down. Mango trees have also been cut down. Now, they have turned to cashew nut trees. Children are suffering from lung problems due to the smoke that is produced by that company at Gongoni. The salt company is very notorious and something has to be done. Many a times, officers from the National Environment Management Authority have visited the company, but no action has been taken. Something has to be done.

Thank you.

Hon. Speaker: I am worried that you have asked your colleague, the Chairperson of the Committee who is just behind you, about what measures they have put in place. That worries me because I do not think the Committee is supposed to put measures in place. Maybe, hon. Amina Abdalla, you may wish to say what measures you have put in place, for the comfort of hon. Kombe.

Hon. (Ms.) Abdalla: Thank you, hon. Speaker, Sir. I do not intend to put measures or plan to put any measures against the environmental impact of the salt company, but I will report back to the House and to the Member what measures the

Ministry of Environment, Water and Mineral Resources has taken to deal with the environmental impact of the salt company in Malindi.

Hon. Speaker: Therefore, you would like hon. Kombe to appear before you so that you can have an opportunity of inviting the company officials and other agencies of the Government.

Hon. (Ms.) Abdalla: I will invite hon. Kombe to the Committee in two weeks time. However, we will report back to the House in six weeks.

Hon. Speaker: Hon. Kombe, you appear amused.

Hon. Kombe: Hon. Speaker, Sir, soon Magarini Constituency will be a desert. What is happening now is terrible. So, six weeks are too many. I wish they could say that I appear before them tomorrow.

Thank you.

Hon. Speaker: Hon. Abdalla, what measures do you have to prevent Magarini from becoming a desert?

Hon. (Ms.) Abdalla: Hon. Speaker, Sir, I seek the indulgence of the Member. I do not want to give a half-baked Statement. That is because I have to consult with the Ministry of Environment, Water and Mineral Resources. Probably, the Committee will have to visit the site. Given the fact that we will be going on recess by the end of this month, I will not be truthful to tell him that I will be able to bring the report any earlier than those six weeks.

Hon. Speaker: Hon. Kombe, you may have to invite people to say some special prayers, apparently.

Hon. Kombe: Hon. Speaker, Sir, we will certainly have to bear with the situation.

Hon. Speaker: Hon. Maweu, did you make your request?

Hon. Maweu: I have not requested anything, hon. Speaker, Sir. However, I would like to say something. I have been sitting on this chair for a long time. Once in a while, try to remember that I am sitting here so that you can give me a chance to speak.

(Laughter)

Thank you.

Hon. Speaker: Hon. Maweu, all you need to do is what you did. Place your request like you have done and you will be recognized. I also admit that all of us have been sitting here for quite some time; similarly long periods. However, your point is noted. But be making requests.

Can we move on to the next Order?

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD

Hon. Chepkong'a: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, pursuant to the provisions of Standing Order 120, this House resolves that the publication period of the Marriage Bill (National

Assembly Bill No. 13 of 2013) and the Election Campaign Financing Bill (National Assembly Bill No. 14) be reduced from 14 to 12 days.

Hon. Speaker, this will allow the Committees to commence discussion immediately. It is not intended in any way to sanction marriages that are not within as described by the Bill.

Hon. Speaker: Is anybody seconding you?

Hon. A.B. Duale: Hon. Speaker, I second.

(Several hon. Members walked into the Chamber while the Speaker was on his feet)

Hon. Speaker: The hon. Members who are walking, freeze! Does that Member understand the meaning of “freeze”? Hon. Members this is a House of rules.

(Question proposed)

Hon. (Ms.) Abdalla: Hon. Speaker, I beg to support that Procedural Motion. The women of Kenya have for long been waiting for this Marriage Bill. We would like it to move as fast as possible.

With regard to the Election Campaign Financing Bill it is one that is long overdue.

I beg to support.

Hon. (Dr.) Pukose: Hon. Speaker, the reduction of the publication period from 14 to 12 days will ensure that this Bill is fast-tracked. It will be one of the first Bills for this House to discuss. The Marriage Bill is an important Bill. One of the foundations of the Jubilee Government is the importance of having a family. This formed part of our campaigns and we want to see to it that families live in harmony.

I beg to support.

Hon. Gikaria: Hon. Speaker, I rise to support. In fact, I even wanted the period to be further reduced so that we can come up with amendments to the clauses that are so punitive to us. I support the reduction, but if it could be reduced further, that would be far much better.

Hon. Kipyegon: Hon. Speaker, I rise to support this Motion. The Marriage Bill has been on the rise--- There has been a very serious need for this particular Bill to be passed. I support the reduction of the publication period so that we deal with it once and for all. You remember that this Bill was not dealt with in the last Parliament.

Hon. Angwenyi: Hon. Speaker, I rise to oppose the shortening of the period. Those are very important Bills. The Marriage Bill is going to impede our youth from creating relationships amongst themselves. The Bill on financing is equally a serious Bill. We must get time to go through it and digest it so that when we come here we make correct and proper resolutions.

Hon. Ogalo: Hon. Speaker, I oppose. There is neither need nor urgency on the Marriage Bill. People are getting married and they will continue getting married. This Bill will not make them get married in a better fashion. So, we can take our time and discuss this Bill and decide properly.

With regard to campaign financing, the next general elections are four years away. We can take time with those Bills and study them well.

I oppose.

Hon. Chea: Hon. Speaker, I also wish to join my colleagues in opposing this Procedural Motion. I realize that those are two fundamental issues to be dealt with, that is, marriage and elections. I want us to believe that we will require a good number of days to deliberate on them so that we come up with considered views on the same.

I oppose.

Hon. (Ms.) Mbarire: Hon. Speaker, I want to support. The matters before us are very important. The women of this country have been looking forward to a Bill that is going to protect the family from external influence. Therefore, it is about time. We are all really looking forward to pass those two Bills.

I support.

Hon. Shill: Hon. Speaker, I support the Procedural Motion. I would, however, like to urge hon. Members to scrutinize those Bills properly. You know same sex marriages could be introduced. You never know! Recently, when President Obama was visiting Africa, he was trying to force some African countries to accept it. We better scrutinize the Marriage Bill carefully so that same sex marriage is not introduced in this country.

Hon. Oyoo: Hon. Speaker, I rise to oppose reduction of the publication period of those Bills. Those are very important Bills and hon. Members need to interrogate them properly. They have serious impact on our lives. I do not see the urgency in the Marriage Bill. Marriage is a very serious institution in the life cycle of a human being. We, therefore, need to read and conceptualize the Bills well. The Bill on financing of election campaigns will impact on us and posterity. We need to take time. I do not see the urgency.

Hon. Njuki: Hon. Speaker, I rise to support the Procedural Motion that we reduce the publication period by two days. I believe the Mover of the Motion must be calculating the fact that we need to discuss this before we go for recess.

If you listen to the media houses and debates outside this Parliament, it is all on the Marriage Bill. I think it is an issue that we need to deal with before we go for recess.

I support.

Hon. Mwashetani: Ahsante sana mhe. Spika. Nasimama kupinga Hoja hii. Watu wamekuwa wakioana kwa muda mrefu. Tukifanya haraka tutapitisha suala ambalo litatusumbua baadaye. Naomba tulijadili hili suala baada ya kutoka kwenye mapumziko ndipo tuweze kufanya kazi bora.

Hon. B.K. Bett: Thank you, hon. Speaker, Sir. I rise to oppose this Motion. This is an issue which we require enough time to deliberate. The 14 days is even not enough. So, I oppose the move to reduce the 14 days to 12 days.

Hon. Iringo: Hon. Speaker, Sir, I rise to oppose this Motion. This is a very weighty Motion and we should not rush over it. Those who are married are married and those who want to marry can go ahead until we discuss this Motion and finalize it. This Bill does not prevent one from staying in his or her marriage or from marrying. We need enough time because it is a pertinent and important issue for our families.

I oppose.

Hon. Dido: Hon. Speaker, Sir, I rise to oppose the Motion. The Member has raised a very important point and has said that he has been sitting there. This is a very important Bill and Members must contribute to it. It does not matter how long it takes, but we must get a good Bill at the end of it.

Hon. (Ms.) Abdalla: On a point of order, hon. Speaker, Sir. I am rising on a point of procedure because I believe that there might be a misunderstanding. Those Bills were published on 5th July. It takes 14 days, which should have matured for First Reading on 19th. All the Member is asking is for it to go for First Reading today, which is the 14th day after publication. It has nothing to do with whether the consultation period is there or not.

Hon. Omagwa: Thank you, hon. Speaker, Sir.

Hon. Speaker: Members, even as hon. Omagwa makes his contribution, it is important to appreciate that what hon. Chepkong'a is moving, as rightly pointed out by hon. Abdalla, is a Procedural Motion to reduce the publication period by only two days. But I can see there are already over 45 requests. We are not yet debating the Bill. It is just to enable the Committee to begin engaging. Nevertheless, it is your right, Members, to make a decision one way or the other, whether the period should be reduced or not.

Hon. Omagwa: Hon. Speaker, Sir, I am not opposing this Motion, but I am opposing the reduction of the period from 14 days to 12 days. I have looked at those two Bills, which I have with me, and they require a lot of study and consultation. We are talking about marriage, which is an issue which Kenyans would want to understand what we do here. So, we have to consult, discuss and we need a lot of time to do that. In terms of the Election Campaign Financing Bill, we do not have any urgency and therefore, we need to sit down and agree on how to move forward. So, we need a bit of reading of those Bills before we can reduce the period. We should not reduce it.

Hon. Ekomwa: Hon. Speaker, Sir, I stand to oppose the reduction of the period. You understand very well that when this Motion will be approved, men will suffer. Even you, it means that some of your property will go away. So, you need time to think and consult.

Hon. Chepkong'a: On a point of order, hon. Speaker, Sir. I know this has generated a lot of interest in the Members because it affects a number of them. Notwithstanding that, I am sure a number of them are married. So, they know that it will affect them one way or the other. This is purely a Procedural Motion. The Marriage Bill is a consolidation of various laws, which are already in place. We are not talking about laws that do not exist. We are seeking the reduction from 14 days to 12 days to allow the Committees to commence work on this, so that by the time we come back from recess, we will have some work to do. This is purely a Procedural Motion. The Marriage Bill is a consolidation of various laws which are already in place. They are not talking about laws that do not exist. We are seeking a reduction from 14 days to 12 days to allow the Committees to commence work on this so that by the time we come back from recess we have some work to do in the House. This is purely a Procedural Motion.

Hon. Members are discussing the substance of the Bill.

Hon. Members: No! No!

Hon. Chepkong'a: Hon. Speaker, Sir, can I be protected from Simba Arati? This is because he is the one who is leading the troop of yelling. I am saying that we have not reached the substantive part of this Bill. We will discuss the Bill when it comes to the

House. Hon. Members will get a chance to ventilate. So, this is purely Procedural Motion. In any event even if it is defeated, it will take effect in the next two days.

Hon. (Ms.) Musyoka: Thank you, hon. Speaker, Sir. I rise to support the Procedural Motion. It is high time that we stopped procrastinating and made a decision on the Marriage Bill which has been in public domain. Men should stop fearing.

Thank you.

Hon. Waiganjo: Thank you, hon. Speaker, Sir. I rise to support the Procedural Motion. We cannot wait for this Bill to come to this House. We will make amendments and ensure that we settle that part of the law. This is a very important Bill and Kenyans have been waiting for it. That is why there is a lot of debate even in the media. Let the Bill come. We need to move serious amendments to that Bill and then pass it as amended.

Thank you.

Hon. Wangwe: Thank you, hon. Speaker, Sir. I rise to oppose this Procedural Motion because I do not see the urgency that is before us to proceed and reduce the period from 14 days to 12 days. This is only but issues to do with the marriage which all of us are in. If you are not in, there is nothing to restrict you from being in.

Therefore, I oppose the Procedural Motion.

Hon. Sitati: Hon. Speaker, Sir, I rise to oppose the reduction from 14 days to 12 days as proposed in this Procedural Motion because there is no urgency. People are married and even the campaigns are far away from now. So, let us just have the normal period.

I, therefore, oppose the reduction of the days.

Hon. Speaker: Hon. Members, it is important to bear in mind what was said by the Mover and hon. Amina Abdalla. Like I said, it is up to you to make the decision.

Hon. Ichung'wah: Thank you, hon. Speaker, Sir. I am actually lost on whether to support the Procedural Motion or not to support it. This is because it raises very weighty matters because the issue of marriage as many hon. Members have said is a very sensitive topic in this country. You can see that even in this House, as much as many of us profess to be in marriage, there are issues that we would like to scrutinize.

However, I would like to request the Mover of this Procedural Motion to probably consider withdrawing it and maybe separate the two very weighty issues because the issue of marriage is weighty. Financing political parties and campaigns is also a very weighty issue. In light of what we have been hearing outside this House, very old and retired men fighting the Independent Electoral and Boundaries Commission (IEBC), there should be a key element in this Bill to finance campaigns. I think we should give Members more time. I request hon. Chepkong'a to separate the two issues.

Of course, I will be opposing the element of rushing through campaign financing because as I have said, we have seen old men in this country who are having problems with the IEBC. We cannot rush issues that will touch on that Commission. I hope hon. Chepkong'a could consider withdrawing this Procedural Motion and giving Members more time to read the Bills and understand them more.

Hon. A.B. Duale: Hon. Speaker, there is a lot of misunderstanding which is making people very uncomfortable on their chairs.

Hon. Speaker, this Bill will go to the Committee. We have two weeks remaining. It can stay in this House for the next two months even after we come back. This is because there is the Second Reading where hon. Members will debate. There will then be

the Committee stage where we will bring amendments. If you want to extend the come-we-stay period from six months to 20 years, you will have the choice.

I want to dispel the fears; you have the powers to even reform the come-we-stay that you are scared of. What the hon. Member is asking is that we reduce the publication period so that the Departmental Committee on Justice and Legal Affairs can be seized of the matter and bring the necessary amendments. Hon. Members will then have an opportunity to debate this Bill, maybe, in September when we come back.

With regard to the Bill on financing of election campaigns, it is the responsibility of this House to set up the law. This Bill was part of the package of Bills for the last elections, but because of the many Bills in our in-tray we could not do it.

The hon. Member is not asking us to pass. We are not at the Committee stage neither are we at the Second Reading. He wants the First Reading to ensue so that the Committee can legally have the Bill and even interrogate it in the next two weeks and then by the time we come back from the recess, we shall have enough time to make amendments.

Hon. Members, please, read this Bill. I had to give a copy to the media and hon. Members read it through the media. They should read the Bills which are within the precincts of Parliament. After reading *The Standard* Newspaper now they realize how this Bill touches on their lives.

It is the prerogative of the House; we could still reject this Procedural Motion, but this is the procedure.

Hon. (Ms.) Ghati: Hon. Speaker, I support the Procedural Motion. If you look at the male hon. Members who are opposing this Procedural Motion – those who have spoken so far – I think they need to be investigated. What do they fear?

(Laughter)

There is nothing to fear. This is a harmless document. The hon. Members who are already opposing the Bill even before it comes to the House really need to be investigated.

I support this Motion.

Hon. Baiya: Hon. Speaker, I rise to support this Procedural Motion for the simple reason that the purpose of introducing a Bill in the First Reading is merely to give notice to hon. Members that the Bill will come for Second Reading and Members will have an opportunity to look at it and scrutinize.

I have personally gone through those two Bills. Even as has been explained by the Chairman of the Departmental Committee, the Marriage Bill is seeking to consolidate laws that have in the past existed in disparate legislation. They are being consolidated into one Bill. The purpose of seeking this limitation is to generate business for the House in time such that when we come there is actually business on the Floor. The reduction being sought is only two days. It behooves hon. Members to support the procedural mechanisms that are meant to facilitate the conduct of business in the House.

The Bill on election campaign financing had a deadline for last December. So, to say that there is no urgency is to miss the point. Under the new Constitution, we are supposed to have already enacted the Election Campaign Financing Bill. It is only proper that we give it priority so that the House can discuss other important Bills in the future.

I would like to urge hon. Members, notwithstanding their apprehension to see that there is no mischief and the Committee will give them full opportunity to amend or improve the Bill where necessary.

I support the Procedural Motion.

Hon. Gichigi: Hon. Speaker, I rise to support this Procedural Motion.

Hon. Speaker: There is a point of order, by hon. Ken Obura.

Hon. Mirenga: Hon. Speaker, I had wanted to inform hon. Baiya that we know---

Hon. Speaker: No! You do not just stand to inform.

Hon. Mirenga: Hon. Speaker, I had requested earlier that I inform him.

(Loud consultations)

Hon. Gichigi: Hon. Speaker, I support this because we are not going to debate this in a hurry. We will have time to debate it when it comes. I support the concept that we want to generate business for the House when we come back. However, it is high time this House stopped the habit of rushing everything. In the last three months that we have been sitting, the truth of the matter is that every other Motion is brought before us here and we have actually have had to pass Bills that we have just seen on the Floor. Since we are not pushing this to the debate level, I think it is important that we generate business for the coming Session.

I support.

Hon. Speaker: Hon. Members, I am sure by now you know, even those who have not been very avid readers that once a Bill is read for the First Time and referred to the relevant Departmental Committee that does not in any way limit hon. Members from contributing during Second Reading. Therefore, it is time for you to pick the Bill, go through it with a toothcomb and make whatever proposals you wish to make during the Second Reading and more importantly during Committee of the whole House.

Since I am sure that everybody is clear on the purpose of this Procedural Motion notwithstanding the pending 45 requests, I will now put the Question.

(Question put and agreed to)

(Several hon. Members stood up in their places)

May I know what the people standing are requesting. Are you claiming a division? Let me see how many of you are on your feet.

(Loud consultations)

Hon. Members, I am not able to know those who are standing claiming a division because there are several of you, like hon. Millie-Odhiambo, who are standing for other reasons. Others are just withdrawing.

Hon. Mbadi, what is your point of order?

Hon. Ng'ongo: Hon. Speaker, those who stood did not ask for division. Our Standing Orders are very clear that you stand and call for division. They only stood and

never asked for anything. They are, therefore, out of order and so we proceed with the next Order.

(Loud consultations)

Hon. Speaker: That is why I asked the question, but since hon. Members have refused to learn the Standing Orders, they stand all over and you do not know who is standing for--- Now, if you ask those ones, what will they say they are doing?

Who is claiming a division? I cannot just order---

(Some hon. Members stood up in their places)

You do not have the numbers. Please, sit down. Next Order!

BILLS

First Readings

THE MARRIAGE BILL

THE ELECTION CAMPAIGN FINANCING BILL

(Orders for First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committee)

MOTIONS

EXPANSION OF INDUSTRIAL TRAINING LEVY FUND TO INCLUDE SMALL AND MEDIUM ENTERPRISES

THAT, aware that the Industrial Training (Amendment) Act, 2007 provides for the submission of levy for each employee by the employer to the Industrial Training Levy Fund to facilitate the training of persons involved in the industry; concerned with the increasingly high number of apprentices engaging in drug and alcohol abuse after the programme due to lack of employment; noting further that the youth continue to have limited access to training and employment opportunities, this House urges the Government to enforce compliance with Article 55 of the Constitution and Vision 2030 in regard to the youth by expanding the structure of the Fund to include SMEs and setting up a Fund for the purposes of utilizing part of the Training Levy Fund to provide capital for the apprentices who have undergone instruction using the Training Levy to start businesses.

(Hon. Njomo on 11.7.2013)

(Resumption of Debate interrupted on 11.7.2013)

Hon. Speaker: Hon. Regina Muia, you were on the Floor and you have a balance of seven minutes. You are expected to have a card.

Hon. (Ms.) Muia: Thank you, hon. Speaker, Sir. I rise to support the Motion by hon. Njomo from the Departmental Committee on Labour and Social Welfare. This is a very important Motion and it calls for the creation and momentum---

(Loud consultations)

Hon. Speaker, the Members are consulting loudly and I am unable to speak.

Hon. Speaker: Hon. Members, you must allow the Member to be heard. Consult in low tones. That is what maintaining order is.

Hon. (Ms.) Muia: Thank you, hon. Speaker, Sir, for protecting me. I rise to support the Motion by hon. Njomo. The Motion is very important since it calls for the creation of a renewed youth training and investment strategy from areas of accessing training facilities through the ICT. It also seeks to empower the youth through our various strategy programmes and multiple focuses on ICT learning, formally or informally. This will be through the various skills development and programmes using mechanisms that facilitate youth action, support their learning and help them mobilize resources in creating a positive change in themselves and in the society.

Empowering the young generation is a broad investment, human and socio-cultural, which implies combined investment by the local communities, corporate bodies and various layers of Government and stakeholders.

Hon. Rop: On a point of order, hon. Speaker, Sir. Is it in order for the Member to read her contribution to the House?

Hon. Speaker: Contributions may not be read, but the Member is at liberty to make references to her notes.

Hon. (Ms.) Muia: Hon. Speaker, Sir, I was making reference the way you read your Standing Orders and consult articles from the Constitution. He is just jealous. Our youths are suffering in our constituencies and the 2.5 per cent of the CDF that is supposed to be used for the youth is not enough. I also propose to the House to see whether it can increase this percentage to even 5 per cent.

Generally, the youths are referred to as the leaders of tomorrow and we need to prepare them for this. After training, they go to the *Jua Kali* sector and they are not able to start small businesses because of the power connection fee that is charged by the Kenya Power. I urge this House to see whether it can reduce the power connection fee. After training, those youths cannot afford to raise Kshs70,000 to connect power so that they can start small businesses. As I speak, so many things are happening around us. During the referendum, our youths voted overwhelmingly for our Constitution thinking that the provisions of articles like Article 55 would help them. If you look at Article 55, which is referred to by the Member, it talks about the youth. It states:-

“The State shall take measures, including affirmative action programmes, to ensure that the youth—

(a) access relevant education and training”.

So, without money set aside for this, it cannot happen. In my constituency, there are no organizations which are dealing with that kind of training of educating the youth. They are just relying on the CDF, which is very little money.

Part (b) says:

“(b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life”.

After training, they should be employed. I urge this House again to look into the Kenya Power Act. We should look at the provisions of the Motion which we passed last week. The Kenya Power should reduce the connection fee to even Kshs15,000. We should break the monopoly of the Kenya Power. The 10th Parliament passed the Kenya Post Office Act and introduced other agencies like Safaricom to compete with the post office. This brought down the rates and many people were able to access communication services. The Kenya Power has no competitor at the moment. As we train those people and join the job market, they need to start small businesses. They should conduct their businesses without any problems. Even with the credit that they will be given, they might not be able to do any meaningful business. You can imagine a youth getting a loan and spending Kshs70,000 to connect power. He also needs money to buy equipment and run business. This is going to be very expensive for our young people in this country. I urge this House to come up with ways to deal with the issue of Kenya Power.

Hon. (Ms.) Shebesh: Hon. Speaker, Sir, I rise to support this Motion and congratulate hon. Njomo who has moved it. It speaks directly to an issue that is almost a crisis in this country which is youth unemployment. It also highlights a fundamental flaw that has been in the Government for long where we have set up beautiful institutions, which fail to work because of lack of implementation and structure.

It is shocking that employees pay a fee for everybody who is in the industry that goes to a training levy, which I am 100 per cent sure that if the Members were asked how many of their constituents have benefited from this training levy, we would not get a positive response. In Nairobi County, we have industries that have literally died. There was a time when you could tell Industrial Area from afar because you could see smoke and know that the industries are operating. Today, Industrial Area has been turned into godowns that are storing goods that come from China and South Africa. So, instead of building our industries, we have been killing them, yet we have funds like those, which can uplift the skills of our population.

One of the things that we are very proud of as a country is our labour force, which is probably the best in Africa. We have an educated and skilled population. We have university graduates up to master's level but it is because of our inadequacy that we are unable to implement the various programmes. I think it is superfluous for us to urge the Government. This House should resolve, so that the resolution can be taken up by the Implementation Committee of this House and then the Government can be forced to implement what they promised, in terms of the training levy. So, instead of talking about the House urging the Government, let us say that this House resolves that Article 55 of the Constitution be implemented, so that we do not speak here just for the sake of speaking but we start to do things that can be felt. I am sure that if the training levy is properly utilized, we will deal with the drug and alcohol abuse problem that has become very prevalent in this country, especially in urban areas, and particularly in Nairobi.

With those remarks, I beg to support the Motion.

Hon. Speaker: Yes, hon. Robert Pukose.

Hon. (Dr.) Pukose: Thank you, hon. Speaker, for allowing me to contribute to this very important Motion.

Hon. Speaker, this country has a big challenge, especially when it comes to middle-level colleges. The trend that we have been seeing is conversion of all the middle-level colleges to universities. We are forgetting that we have students who have not scored good enough marks to enable them join universities. Those people are languishing out there. We no longer have technicians. Even the technicians used by Chinese companies, and other companies, undertaking road construction works are from China and other places. We are not training technicians with diploma and certificate qualifications. We are not even absorbing into the job market the few who have done some certificate and diploma courses.

In its manifesto, the Jubilee Government has talked of putting up a polytechnic in every ward but what we heard last week is that we intend to begin by putting up a polytechnic in every county. That is commendable. If they manage to put up a polytechnic in each county, they will absorb most of our youths for middle-level training. Those institutions will also create a good source of people we can put on the job market, especially in technical works.

Hon. Speaker, we intend to rollout the youth fund and the women fund in the constituencies. Therefore, those people should be trained on how to utilize the money they are going to be given, so that they can put up businesses and begin projects that will enable them to move forward. The other challenge justifying the use of the training levy is access to leadership in this country. While at home over the weekend, I tried visiting one of the governors. It seems that in this country, it is easier to see the President than to see a governor. Even the common *mwananchi* is not allowed to go into the office of the governor. If you try to access the place he lives, even as a Member of Parliament, you will not be able to do so. So, if we are not able to assist the youth to get training, then it is a big challenge. If a Member of Parliament cannot access his local governor, how can the youth whom the Governor may look at as a person who may have gone to him to ask for handouts reach him?

Another thing we are witnessing, especially in our counties, is harassment of *boda boda* operators and hawkers. This is a trend we are seeing, which has to do with our governors. During election periods, we ask for votes from *boda boda* operators and hawkers. Why can we not create an enabling environment for those people, so that they can flourish in the businesses they are doing? Therefore, it is important that we introduce the training levy and empower those people so that at the end of the day, they do not have to depend on anybody for handouts.

With those remarks, I beg to support the Motion.

Hon. Deputy Speaker: Yes, hon. Wamalwa.

Hon. (Dr.) Kibunguchy: Thank you, hon. Speaker. I beg to support the Motion and congratulate the Mover for such a noble idea.

Hon. Speaker, youth and unemployment is a big problem in this country. No wonder when you look at the manifestos of CORD and Jubilee, you will see that the priorities for both groups are jobs creation. Research has shown that most of the Small and Medium Enterprises (SMEs) collapse in their third year of operation because of lack of training. Training is very critical as far as success of any business enterprise is

concerned. As the hon. Member puts it, when you look at Vision 2030, under the social pillar, you will see that the Government emphasizes on capacity building. In global business right now we have a lot of challenges, including the ever changing consumer trends and competition, arising from liberalization. So, in order for our youth to start any meaningful business, training is very critical.

Unfortunately, talking of the training levy, this levy is normally paid to the training service providers. Unfortunately, the training service providers that we have in this country are quacks. If you look at their competences, in terms of training, you will see that they are wanting. As we move forward, it is also important that before any payment is done from the training levy, we ensure that the training service providers have the relevant competences. We have the Association of Professional Societies of East Africa (APSEA) and the Professional Trainers Association of Kenya (PTAK). It has been a requirement that before you access any training levy money, you must be a member of PTAK. It does not matter whether you are in the security industry or the driving school business. This encourages training service providers to register and be members of PTAK.

Hon. Speaker, I am saying this because sometime back, we spent a lot of money on some organizations for people to be trained but those people were quacks. So, in terms of delivery so as to improve the effectiveness and efficiency of the trained persons, it is zero. It is negating the idea. So, mine is also to encourage that the training service providers be inspected, so that the training they provide can add value as far as the success of any business is concerned. No one has a monopoly of knowledge. The global trend shows that things have been changing. This country can move forward through SMEs. It is a noble idea that before the youth start up any business using the youth fund and the women fund that the Jubilee Government has talked about they are, first and foremost, trained. They must be trained before the funds are given to them. This will enhance returns on investment. If we just allow them to go in and we give them the funds, it is going to be wastage.

Therefore, I urge the Mover, who was actually my student at the university, to move quickly and come up with a Bill that will take this Motion to the next level.

With those remarks, I beg to support.

Hon. Speaker: The next person is hon. Priscilla Nyokabi.

Hon. (Ms.) Kanyua: Thank you, hon. Speaker. I am also happy to contribute to this Motion and support the Mover for bringing it at the right time, in terms of the strategies of looking at matters of job creation in this country.

Hon. Speaker, most of the time, many of us lament but we indeed need to do more to enable our youth to get jobs. I am glad that the Mover has brought a Motion that looks at an existing structure and urges that that structure be improved to allow for the support of apprentices. One of the biggest questions that have arisen is that of apprenticeship. We have students who get out of college and proceed to university to get the diplomas that they need. Unfortunately, there is not much on the job training. That is something which needs to be done. So, I support this Motion for that reason.

I also support what hon. Shebesh submitted earlier, in terms of translating this Motion into a resolution of this House. Moving towards a resolution, I would urge that the Mover gives a minimum figure of the amount that should be given to the apprentices, thereby creating a Motion that can be executed. We should state, for instance, that the

apprentices should be given between Kshs100,000 and Kshs200,000 to enable them set up their businesses. I would urge that we have a figure and resolution that can be executed forthwith. Our failure to provide for a figure leaves it to the Executive to make a decision on how to execute the Motion. I would urge that as much as possible, this particular House passes Motions that are well thought out and well ventilated, which are amenable to execution, beginning tomorrow.

The idea of supporting youth who have been trained is very commendable. The particular group of people that is targeted by this Motion will already have received the training that they need, which is the training we are asking that it be included in the other funds that have been supplied by Government, where the groups that got the money received absolutely no training and, therefore, we mistook the money for business with money meant for welfare. Funds meant for business should just be used for business. If there are other questions of welfare, they should be sorted out by other funds.

Since I am on the Floor, I urge that the youth also be taught about family matters. Unlike the Marriage Bill that we are trying to postpone here, which has been postponed since 1971, a lot of our young people need to be encouraged to move into the family way and set up families that are stronger and good. So, some of the measures we are putting in place will enable the young people to not only have business but also to move into the family way in a way that the country would appreciate.

With those remarks, I beg to support the Motion.

Hon. Speaker: Yes, hon. Iringo.

Hon. Iringo: Hon. Speaker, Sir, I rise to support the Motion and congratulate hon. Njomo for this timely Motion. I urge this House to support the same.

We train but we do not get the products of our training. Most of the people who are trained are released to the market, which is not lacking. Whenever graduates go to look for jobs, they find signs that read "*Hakuna Kazi*". They wonder what to do and at the end of the day they resort to drug abuse and other anti-social behaviour. The Government should ensure that when those youngsters are released to the service industry, there is some focus on where they will go. If the industries that could absorb them are not enough, there should be a fund whose money can be given to those youths to start business on their own.

For example, we have the catering and tourism levy which is charged by every hotel in this country. This money is collected and those who do not remit it are prosecuted. We wonder where this money goes. If this money was utilized well, it could be used to train our young entrepreneurs especially in the hospitality industry. After the training, they can be given some money to start a kiosk or cafeteria where they can earn a living. We are very poor planners as a country because we misplace our resources. We use too much to train but we do not know where that labour force goes. We also use a lot of energy to collect those funds but we do not utilize them well.

Hon. Speaker, Sir, I support the Motion and urge that let us have the product of our trainees put into proper employment where they can earn a decent living. Look at the National Youth Service (NYS) recruits in Gilgil, some of them are trained to be mechanics, drivers and plumbers. They know many things which they can do for this country. However, when they are released, they just go back and rot at their homes. Those people should be given some money to start garages where they can practise what they were trained.

So, let us train and also engage our trainees. I beg to support this Motion.

Hon. Muchai: Hon. Speaker, Sir, I rise in support of this Motion in principle. Listening to the Hon. Members' contribution, I think there is need for me to shed some light to the discussion at hand. First and foremost, we seem to be talking about training in general. I would like to clarify that the general training that is given in our training institutions right from the village polytechnics, technical institutions, national polytechnics and our universities is distinct and differing in content from industrial training administered under the Industrial Training Act.

The general training that is given in our institutions only enables the students to venture into the world of work. I would like to give an example. A student who leaves university with a degree in Business Administration has general knowledge about business administration. If that student secures employment in the banking sector, he will require to undergo special and relevant training in the banking industry. That relevant training will fine-tune him to the operations of the banking sector and give him the knowledge of the characteristics of the banking sector. Five or 10 years down the line this person would have undergone industrial training that is relevant to the banking sector. If he were to leave the banking sector after 10 years and go into the insurance sector, notwithstanding the fact that he has a degree in Business Administration and notwithstanding the fact that he has 10 years experience working in the banking industry, he will require to undergo relevant training for the insurance sector so that he can acquire the relevant skill and knowledge to work in that sector. It also goes for the person who leaves with a degree in Mechanical Engineering and is employed in the textile industry, for example. Ten years after that individual leaves the textile industry and goes to work in a food manufacturing industry, he requires training that is relevant to the food manufacturing industry in order to fine-tune his skills.

Hon. Speaker, Sir, I urge the Mover of this Motion to address himself to what exactly is meant by the use of acronym "SME". This is because it is likely to mean two things. It can mean "Small and Micro Enterprises" or "Small and Medium Enterprises". However, for the hon. Members' information all small and medium enterprises are involved in industrial training. This is because industrial training works on the principle that every employer based in a particular sector must pay levy for each employee employed by him. It is not the employees who pay training levy but the employers.

The problem that we have in this country is that whereas there are large employers who employ in hundreds and thousands, those employers end up under-declaring the number of employees to avoid payment of their appropriate training levy. Training for industry is different from training for economy. It is also different from training for individual's development. The industrial training seeks to ensure that an individual within a given industry is trained to be a better performer in that industry. He is also trained to improve his knowledge in the application of skills in that relevant industry. So, I urge the Mover of this Motion to make a clarification as to what exactly he seeks to achieve by seeking to expand the structure of the Fund. This is because by law, no person can access the industrial training levy unless that person is first and foremost an employee of an employer.

By law, that employer must also pay training levy which currently stands at Kshs50 per employee. That employer must identify the training needs within his operations and develop training programmes. He must also make application to the

secretariat which administers training levy and once approval is given, that employer will be reimbursed all monies that he has incurred in training his employees. So, this issue needs to be clarified before we generally talk about training without drawing clear distinction between general training in our tertiary and other form of training and the industrial training which as I have said is distinct and differing in content.

Thank you, hon. Speaker.

Hon. Bunyasi: Thank you, hon. Speaker, Sir. I rise to support this Motion. I want to thank my colleague and friend, hon. Njomo, the Member for Kiambu for bringing this Motion before this House. This country can be called a youth country. A large number of the youth are people who have left school – one level or another. Many places have training facilities but nothing happens.

I understand that the core part of this Motion is that there should be funding for post-apprenticeship so that when you leave your training institution, you have some resources to get started in the line of business similar to what you have trained in. In respect to Nambale where I come from, we have village polytechnics. One of the biggest challenges that the trainees face after they have completed their training is that they simply report back to their villages. With a facility like this in place, they can get their tools, resources to rent a place, form companies and bid for Government and private contracts because they have some resources to start a business. Nothing can be timely than a Motion of this kind.

I urge this House to support this Motion so that our little graduates have somewhere to start. I can say with great confidence that such an initiative will be a great boost to the economies of the various areas in which those facilities will be located.

With those few remarks, I would like to support this Motion strongly and urge this House to stand with hon. Njomo so that we can move this forward. There are many other things we can do but this is a specific proposal which I think is great. We should set aside funds and support those graduates to get out there, start a business and build the economy.

Thank you, hon. Speaker, Sir.

Hon. (Dr.) Nyikal: Thank you, hon. Speaker for giving me this opportunity to contribute to this Motion. I stand to support it.

This issue of unemployment amongst our youth is of major concern in this country. I know we talk a lot about it. I know there are a lot of programmes, but I am concerned that we are not really moving towards the implementation of programmes that can improve the welfare of the youth. All the programmes are scattered. We had *Kazi kwa Vijana* (KKV), the Youth Enterprise Development Fund (YEDF) and the SMEs. It was only last week when we were discussing the funding of the Youth Council, which was started a year back. This is an indication that we are not taking this matter seriously.

When we move around our constituencies we notice a large number of youth along the roads in the evening. They are all idle. They are not employed in any gainful manner. There is early marriage. There is use of alcohol and other drugs. Unless we move fast to address this issue, we are headed for a disaster.

We need a comprehensive national plan to address the issue of the youth unemployment. We need to start with education. Even our education curriculum has changed much from the time the colonialists put it in place basically to produce people who were going to seek employment. When you discuss with any youth, be they in

primary school, secondary school or university, they tell you, “When I complete my studies, I want to get a job.” You do not get a shift of thinking of people who can say, “When I finish my technical training, I will be supported to start something of my own?”

I think we need to start from the curriculum level. We need to start with the polytechnics. We have put emphasis on polytechnics, but we need to equip them. We need to give the youth training in business and basic financial issues. The issue of apprenticeship, in my view, is to a large extent about exploitation of the youth. During the whole period of apprenticeship they are actually employees who are not paid and at the end of it nothing is guaranteed for them to start something. You see it in terms of internship. Even in big companies youths are called interns. They are actually a labour force without support whatsoever.

I support this Motion and recommend strongly to the Mover that he looks at its rewording, so that it caters for the need to come up with a comprehensive plan in order to implement Article 55 of the Constitution on training and employment of youth. We also need to expand SMEs funding. It should be part of that, so that when the youth go for any apprenticeship at the end of it, they should be supported. When they come out of any training they need to access funds. We really need a programme for this.

With those remarks, I beg to support.

Hon. (Ms.) Kiptui: Thank you, hon. Speaker. I rise to support this Motion, although the Mover ought to have done more research. The issue of training of our youth and ensuring that they get opportunities is a noble idea. This will help a great deal in ensuring that they are busy and avoid indulgence in alcohol and taking drugs.

Training comes in many shapes. There are students being trained in the universities and middle level colleges. For sure, training alone does not help much. There is mass production of human resource in our country and those people are not specialized in any field. We have many people who are not specialized in any field.

It is good that we support our young people. Let us train them in specific areas, so that we know that when they finish training they will get gainful employment.

I support the Motion.

Hon. Shidiye: Hon. Speaker, first and foremost, I would like to move an amendment to the Motion as follows:-

THAT, the Motion be amended by deleting the word “urges” appearing on the sixth line and substituting therefor the words “resolves that”.

I would now like to contribute to the Motion as amended.

Hon. Speaker: It has not been amended.

Hon. Shidiye: I am sorry, hon. Speaker. It is clear that 75 per cent of Kenyans are youth and are unemployed.

Hon. Speaker: Hon. Shidiye, I would like to guide you that you move your amendment then if the amendment is carried, you will retain your right to contribute to the Motion as amended. That way, hon. Members will understand the thrust of the proposed amendment. So, prosecute the amendment and then I will put the Question.

Hon. Shidiye: You can put the Question, hon. Speaker. I beg to move.

Hon. Speaker: No; we do not put the Question before the amendment is seconded. Who is seconding the amendment?

Hon. Gikaria: Hon. Speaker, I second the amendment to the Motion.

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

Hon. Speaker: The Motion as amended now reads as follows:-

THAT, aware that the Industrial Training (Amendment) Act, 2007 provides for the submission of levy for each employee by the employer to the Industrial Training Levy Fund to facilitate the training of persons involved in the industry; concerned with the increasingly high number of apprentices engaging in drug and alcohol abuse after the programme due to lack of employment; noting further that the youth continue to have limited access to training and employment opportunities; this House resolves that the Government enforces compliance with Article 55 of the Constitution and Vision 2030 in regard to the youth by expanding the structure of the Fund to include SMEs and setting up a Fund for the purposes of utilizing part of the Training Levy Fund to provide capital for the apprentices who have undergone instruction using the training levy to start businesses.

That is how the Motion as amended reads. Hon. Shidiye, you may continue with your contribution now.

Hon. Shidiye: Thank you, hon. Speaker, Sir. I would like to support this Motion as amended. You are well aware that majority of Kenyan youth are unemployed. Poverty levels are very high in this country. You realize that when most of the youths leave school, they would like to have white colour jobs as opposed to blue color jobs. The crux of the matter is that we have not graduated our youths into strong and vibrant workers for this country. You realize that in Kenya, the majority of the youths want to go to universities since we have killed our middle level colleges. The middle level colleges provide them with the necessary skills to provide goods and services to other Kenyans.

When you look at where we were at Independence and where we are *vis-a-vis* other countries, you will realize that Kenya has not gone far ahead in development; we have slept in terms of development. You will realize that countries which have industrialized have invested heavily in their youth. Countries like Malaysia, Singapore, Taiwan and Puerto Rica have invested very heavily in the youth. They have trained them properly, equipped them with the necessary skills and created jobs for them. When they have excess human labour, they export it. We have made this country a retailer of products from China, Europe, Asia and India. When you import those goods, you are denying Kenyans jobs. We thought that our *Jua kali* sector would be one of the best, but today they are lame and a shadow of what we thought they would become.

The other issue in this country is that we have to fix governance. When we fix governance and leadership, we will create a conducive environment for investors to come in. When we do not have a good climate for investors, we will have a very difficult time convincing investors to invest in this country.

Hon. Murungi: On a point of information, hon. Speaker, Sir. I want to give some information to the Members pertaining to this Motion.

Hon. Speaker: No, no. It is never done that way. You are on the queue of the people waiting to contribute.

Hon. Murungi: Hon. Speaker, Sir, I thought I might not get a chance and it is very critical information for the Members as they contribute.

Hon. Speaker: You are already on the queue, quite high up on the queue. So, do not worry.

Hon. Shidiye: Hon. Speaker, Sir, the point I was trying to make is that our *Jua Kali* sector has not grown to the level that we wanted. We are importing *mitumba* and other substandard goods from China. We are not investing in our industries.

The agriculture sector, which is the main employer in this country, is dying because farms have been divided into small portions because of inheritance. People are leaving *en mass* from the rural areas to urban centres. The whole of Kiambu County is now covered by concrete blocks of real estate, which is now the in thing. It is a booming business. As a result, even in the agriculture sector, we are not adding value to our commodities. We export raw coffee, tea, pyrethrum and the same products come back to this country as processed products. At the end of the day, we are the ones who lose in terms of employment and foreign exchange. The moment you import goods, you use our foreign exchange reserves.

We are at exciting times now that the Jubilee Government is in power. The youth is on top of our agenda and we believe that this Government can transform this country. I know that in the first 100 days of this Government in power, we can say what we have done for the country. We must have a change of mind in this country, in the sense that youths who are trained must be trained to be socially responsible. This is because the majority of the youths have become addicts to drugs. You realize that many of them chew *miraa* and drink *chang'aa*. Even *miraa* should be banned in this country. It has really affected our communities. It is a dangerous drug and has affected many families. It makes people very lazy. You will realize that those are the things that have caused underdevelopment in this country. We are turning into a zombie state, where dingy state is the order of the day.

Time has come that rules and regulations must be made stringent. For instance, we have the National Campaign against Alcohol and Drug Abuse (NACADA) that gets minimal support from the Government. It should be given the necessary support. They get Kshs1 billion in our Budget Estimates, which is very little to do any meaningful work. When you have the majority of the youths drinking and chewing *miraa*, they end up being idle.

With those few remarks, I support this Motion. It has come at the right time. Money that is meant for training must also be used to support the SMEs. It must be used to support young entrepreneurs to grow this country to another level.

Hon. Speaker: The Member who said that has a lot of information.

Hon. Murungi: Hon. Speaker, Sir, first of all, I wanted to correct hon. Shidiye that this House formed an *ad hoc* committee to look deeply into the issue of *miraa*. This committee started its sittings today and I am a Member of the committee. So, it is not good for the Member to make insinuations about *miraa* while we have a committee which was approved by the House, to look into that issue. We should wait for the committee to complete its work and bring a report to this House. Then we can all debate the report. Today, the same Member, in the *Daily Nation* newspaper has agitated for the ban of *miraa* even in this country, leave alone in other countries. Hon. Shidiye has said that *miraa* should be banned in Kenya.

Hon. Speaker, Sir, please, give a ruling that the committee be given some time to complete its work, and then we can know the effects of *miraa* instead of prejudicing what the committee is doing in a big way.

Hon. Speaker: If he further comments on it, especially from the Floor of the House, that maybe prejudicial to the report. My instructions are that further debate on *miraa* should await the report of the committee. Now, contribute to this Motion.

Hon. Murungi: Hon. Speaker, Sir, I want to inform the Members that the Industrial Training Levy is contributed by employers so that employees can be trained. So, this money which is contributed by the employers cannot be used as provided by the Industrial Training Act of 2007 to train other people who are not employed in that industry. So, as we contribute, let us not take three hours contributing on the Motion without amending it, as hon. Muchai had requested.

If those in the SMEs want to be trained, they should contribute to the levy. That is the only way the money can be used to train those employees. So, the levy cannot be used to train the youth as per the provisions of Article 55 unless the Mover moves an amendment for the Government to set up another kitty, so that the youths can be trained.

Hon. Njomo: On a point of order, hon. Speaker, Sir. Is it in order for the Member to mislead this House that this Fund cannot be used to train people who are not employed in the industry? It is very clear that if any employer would like to recruit new people, he can get into an apprentice programme where he can train non-employees and at the end of the training, seek reimbursement from the Fund. He is at liberty either to employ the new people that he has trained or not to. I also agree with what hon. Muchai said---

Hon. Speaker: Hon. Njomo, you are the Mover of the Motion. If you want to start agreeing, you are not yet called to reply. What will you say when you are replying?

Hon. Njomo: Hon. Speaker, Sir, I just wanted to make that correction because there was a notion---

Hon. Speaker: Again, you can correct those wrong notions when replying.

Hon. Njomo: I am obliged, hon. Speaker, Sir.

Hon. Speaker: So, allow the Member to finish his contribution.

Hon. Speaker: Yes, hon. Murungi.

Hon. Murungi: Thank you, hon. Speaker. As I was putting it in black and white, the training levy money is only used by the people who contribute to the Fund. Therefore, I would urge the Mover to come up with an amendment, so that the Government, as per Article 55 of the Constitution, can provide another kitty, so that our youth can be trained and provided with employment.

[The Speaker (Hon. Muturi) left the Chair]

*[The Temporary Deputy Speaker
(hon. (Ms.) Mbalu) took the Chair]*

Hon. Temporary Deputy Speaker, I can donate a few of my minutes to hon. Ngugi Njuguna to contribute to the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): No, that is not allowed. It is only the Mover who can do that.

Yes, hon. Cecily Mbarire.

Hon. (Ms.) Mbarire: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to support the Motion and thank the Mover for bringing it to the House in a timely manner.

I want to begin by saying that not many Kenyans, or even Members of Parliament, are aware that there is the Industrial Training Levy Fund. The Industrial Training Levy Fund has been there for a very long time. I learnt of its existence in the last Parliament when one of the Kenya Tea Development Agency (KTDA) directors asked me back at home whether I was aware that the Fund existed, and that they had been contributing to it but they had never taken people for training. Therefore, the first question that one needs to ask is: who manages this Fund? How are the beneficiaries identified? Before we took some names to them, there had not been any beneficiary from Runyenjes Constituency. I imagine that people in many other places do not know of the existence of this Fund.

So, how is the Training Levy Fund managed? What is the accountability like as far as its management is concerned? Unlike the Industrial Training Levy Fund, I want to say that, having worked in the tourism sector, the catering levy fund is used for training students in the hospitality industry at Kenya Utalii College. There is an hon. Member who said that no one knows what the catering and tourism levy fund is used for. I want to inform this House that actually, the biggest supporter of Kenya Utalii College is the catering and tourism levy fund. Therefore, we need to look for ways of how the young people can be identified for training and what happens to them after training. We have a problem in this country. We are very good at building the capacities of young people through skills development but we are not keen about taking care of them beyond the training.

Hon. Temporary Deputy Speaker, I support this Motion because there is need for us to restructure this Fund in a way that it does not only train the young person but it goes further and facilitates acquisition of capital, so that the trained young person can begin his own business. If we go that way, we will be making better use of the Fund. There were some issues raised by hon. Muchai, some of which made a lot of sense. It is important that the Mover of the Motion takes those issues on board, especially in terms of making it known that there are certain industrial players who do not state the exact number of employees they have as a way of avoiding remitting the correct amount of money in respect of this levy to the Fund.

Therefore, I would like to urge the Mover to go beyond the Motion. My experience as a Member of Parliament is that it is so easy for hon. Members to bring many Motions to the House but those Motions are not binding on the Government. The only thing that becomes binding on the Government is when you make amendments to existing laws. So, I would like to urge the Mover not to end it here. Beyond this Motion, he should bring amendments to the Bill, so that they become binding on the Government. If he does not do so, it will be just like any other Motion and rarely does the Government take up Motions, unless they find them extremely interesting for them or if they have a particular interest in them. So, I urge the Members of this House to support this Motion. Anything that will add value to the empowerment of young people, in terms of skills development or establishment of a capital fund for them to start businesses and creating employment for them, should be supported by the Members of this House. We all

understand the pressure under which we are back home, from young people who expect jobs, knowing that the level of employment is very high in the country.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have hon. Nyamunga Ogendo Rose.

Hon. (Ms.) Nyamunga: Thank you, hon. Temporary Deputy Speaker. I also stand to support the Motion.

One thing that we must realize in this country is that there is a very big gap between the technically trained people and degree holders. Most parents opt to take their children to the university level. As it has already been said, some of the degrees may not add much value as compared to technical training. Let us take the example of Bachelor of Arts (BA) Degree. I am not saying that BA is a lesser degree but in the technical market today, and given the fact that we want to actualize Vision 2030, it is very important that the Government puts in place village polytechnics. The village polytechnics can be enhanced so that they can give our children who complete Fourth Form, further training. Right now, if we take my county, for example, I understand that most of our technical people come from as far as Uganda, because there is a serious shortage of technically trained young people in the areas of masonry, electrical, mechanical works, civil works, plumbing and carpentry. If we improve our technical colleges or our village polytechnics, we can cut the cost of training because most of the village polytechnics are within the reach of students. Most of the students can manage. If they go to train far away from home, then accommodation also becomes a problem.

So, I support the Motion and urge the Mover to make it a little bit wider. We need to have a bigger scope, so that some of those things can even be instilled so that it becomes a continuous process. For example, for those who did A-Level, there was a stage when students were forced to go for three months training at the NYS. It can also be a continuation from Form Four to accommodate those who cannot make it directly to the university. It can be made a rule, so that everybody gets some training. As of now, there are lots of school dropouts with no training at all. We are not going to achieve much if we do not give our young people some form of training. Even if we talk of businesses, we will not achieve much if we do not give our young people basic training. It is very important that we give the youth some basic training. It can be expounded to cover the technical courses as well as basic training like catering. Our young people can use some of those skills on the job market. They can also use them to start their own businesses.

Hon. Temporary Deputy Speaker, I rise to support this Motion which I know is very important. We will support it to the very end and make sure that it is expounded so that it can cover a larger aspect of this. This will ensure that it goes a long way in adding a lot of value to our students who drop out of school.

Hon. J.K. Chege: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. As I support it, I represent a constituency known as Limuru where we have the biggest shoe factory in this country.

This country has to be serious when it refers to unemployment for the youth. We have solutions but we do not seem to fulfill our promises. The shoe industry could create an additional 1,000 employment opportunities for our young people. This is only if this country makes a decision to buy shoes for the military, Administration Police and other armed forces, that are manufactured in this country. We continue to talk about

unemployment for the youth but we do not seem to come up with solutions. There are some areas where we already have skills but we have denied Kenyans the opportunity to get employment. This is because we have refused to address the issue of local content.

On Thursday, last week, we visited one of the biggest projects in the country at the airport. It was shocking that in that project, there were no young Kenyans being attached to it. This is the case and yet such a project sometimes comes after 20 or 30 years in this country. What was also shocking is the fact that the Chinese contractor has brought in young people for attachment in this project but our Kenyan side does not think that Kenyans need to be attached to such a project so that they can acquire skills.

I want to support this Motion because I know that there are some shortages of skills in this country. I have been involved in training engineers and technicians but one of the problems we have is that we do not have the right accreditation system to make sure that those people who provide this training are people who can deliver quality training programmes.

Hon. Temporary Deputy Speaker, we must also assess our demands in the skills that we need so that we prioritize them and do not just train. We should train for certain demanding industry because the whole plan is to support the industrial sector.

I believe that my friend, hon. Njomo knows that as a country, we have Vision 2030 and we should be rolling out programme to enable us achieve the targets that we have set. I believe that the only way to do this is to make sure that we expand the training levy so that we can get more people on board. We also need to come up with schemes so that once somebody has been trained, he gets down to the area he has been trained in. I will give an example. We have many welders in this country. However, because they have not qualified properly they cannot weld in health sector and for that reason they cannot earn a good living. However, if this training levy could be utilized to make sure that our welders are qualified to weld even for ships in Mombasa, pipelines and storage tanks for our oil industries or delivery pipes for the geothermal projects, we can create employment. I know we are importing welders into this country. It is embarrassing for a nation that has been there for 50 years.

I know that even at the university level, there are areas that are also having problems of skilled personnel particularly in their laboratories. We should also help the universities so that as they train our students particularly in engineering, they also have the capacity to impart skills within the workshops and the laboratories. This will ensure that when the students leave they can have skills in order to get direct employment.

Hon. Temporary Deputy Speaker, I support this Motion because it will help this country move forward.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. David Gikaria, you supported the Motion. Maybe you can make your sentiments on the Motion.

Hon. Gikaria: Hon. Temporary Deputy Speaker, I rise to support the Motion and thank hon. Njomo for bringing this timely Motion for deliberation in this House. I also want to take this opportunity to thank the previous lady speaker for, at least, enlightening us on this funding. It was a good presentation when she told us where, as hon. Members of this House can go, learn more and see how it can directly benefit our people.

I want to say that the founding fathers of this nation had very good policies and ideas for this country. Those are the good policies that the founding father had brought in by introducing industrial training institutes and amplifying that by creating the Kenya

Industrial Estates (KIE) so that he could address what hon. Njomo is saying. I think the Jubilee Government needs to go back to the archives and look into the very good policies that the founding father had brought to this nation. We can actualize the intention of the training institutes and those youths have to be engaged after training.

Hon. Njomo has come up with a very good Motion so that we can address and make a resolution in this House that we can follow up. I want to agree that drugs, alcoholism and prostitution have been on the rise among the young people because most of them are idle. It is not because they are not trained, they are trained but it is because they have not had an opportunity to put whatever they have been trained on into practice. If those monies can assist young people to start business through the SMEs, alcoholism and other vices will come down in this country.

The youth have not been given opportunity to train and if they have been trained they have not been given an opportunity to start businesses. It is high time this Government considered Article 55 of the Constitution seriously so that our youth benefit from training.

There has been an influx of Chinese products in this country and this is worrying. So many young people have been trained in carpentry, but we still prefer going for furniture from outside. We need to ask ourselves how we can engage the youth in starting things like furniture workshops and so on. In my constituency wood carving is a money earner for the young people. This is because tourists who visit Lake Nakuru and other sites buy those items. We have an industry in Nakuru that trains young people in wood carving. The problem is that after they leave college they have nowhere to go. They do not have money to start their own curio shops. We need to think further than just the training. I am sure my constituency will benefit given the high number of tourists who visit Nakuru. We could even be forced to get some of the wood carvings from other areas.

I want to agree with hon. Wamalwa. There are institutions that issue fake certificates. Most young people have attended those colleges, but they cannot use the certificates anywhere because they do not meet required standards. We have asked the Cabinet Secretary concerned to be vigilant with regard to the traffic police who issue driving licences to people who have not gone to a driving school, thereby causing many road accidents. The Government needs to address this matter of institutions coming up with fake training programmes.

I support.

Hon. Mohamed Abbas: Hon. Temporary Deputy Speaker, we have enough time deliberating on this Motion. I would like to request you to call upon the Mover to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Abbas, I have a lot of requests here. Many Members still want to contribute. I disallow that.

Hon. Wangamati!

Hon. Wangamati: Thank you, hon. Temporary Deputy Speaker.

Hon. Nakara: On a point of order, hon. Temporary Deputy Speaker. You have given an opportunity to some people who have logged after me. Could you, please, check your system?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, hon. Member. I am the Chair. It is under the discretion of the Chair that you catch my eye. However, thank you for notifying that you are around.

Hon. Wangamati: Hon. Temporary Deputy Speaker I rise to support this Motion. I thank hon. Jude for having brought this Motion at this time.

The issues in this Motion are national. This House ought to take this Motion seriously and in fact go ahead and make it a Bill. This country needs our youth to be trained. We need an industrial training institute so that we cater for our youth. It is only that way that we will develop this country. Many people have talked about training of the youth. I realize that in the rural areas we lack *fundis*. We are now going out to look for old men who have retired to come back and do this work.

Hon. Njomo has raised two issues in this Motion. He talked of this money that should be contributed by employers. However, they have relaxed and they are not contributing it. He also talked about the SMEs which should contribute towards industrial training of the youth. The Government should come out clearly on this.

One time I went to exile and during that time my children lacked school fees. I was away for about six years. They could not complete school. When I came back I had no choice but to take those children to industrial training in Nakuru. I do not know whether that institution is still working or not. Three of my children went through this training. I have never regretted that move. They have become very important people and they assist me greatly. Some of them are mechanics and others electricians. We started our transport company and they are doing very well.

So, really, we need industrial training if we want to develop Kenya. This issue should be taken to the relevant Committee which should come up with details more than what we have here. We need industrial training centres in this country to cater for our children.

I strongly support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Dennitah Ghati. Members, you have to understand that we have to balance issues like gender, regions and other interests. So, let us not have Members complaining.

Hon. (Ms.) Ghati: Thank you, hon. Temporary Deputy Speaker. I rise to support and congratulate the Member for moving this Motion. For a long time, the young people in this country have been given a raw deal when it comes to training, employment and other opportunities. This is a very critical Fund. I represent Migori County and every time I travel there, I pass through six counties. Along the way, the face of despair and unemployment is the face of the young person. It is high time the Government invested very heavily in terms of training. We need to have mechanisms of employing our young people. Every time institutions and companies think of people who can work for them for free, they think about interns from universities, polytechnics and colleges. We are giving the young people a raw deal.

About 70 per cent of the unemployed in this country are the young people yet the population of the young people is 70 per cent. I feel that we are not doing much. Our youth polytechnics in this country are ill equipped and are not competitive to ensure that the youths who do not make it to formal institutions of higher learning can access the relevant training that is found in those polytechnics. Therefore, we need to come up with an affirmative action for the young people and set aside seed capital to support them in terms of going back to their communities and start businesses. We need to train them in financial literacy. Entrepreneurship is very important for our young people.

With those few remarks, I support this Motion.

Hon. Dido: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. From the start, I want to say that Article 55 provides for access to relevant education and employment can almost be equated to the Bill of Rights. The youths of this country are entitled to everything under the sun that we can provide.

I wish to also echo what the Members have said. About 70 per cent of our population is the youth. This is a big percentage, which is not part of the Kenyan economy. Unless we bring this big population to the centre, this country will not make enough wealth. We hear of “Buy Kenya Build Kenya”, but if we are not going to invest in the youth, that will also be a pipe dream. At Independence, this country invested heavily in technical schools and polytechnics to move forward. Those in-house institutions have built today’s infrastructure and that is what we sit on today. But in the late 1990s, Kenya did not invest equally in technical education and polytechnics. The few that existed were turned into colleges and universities. This has created a huge gap in terms of skilled manpower for this country.

The Bill by hon. Njomo brings to light the gap that exists in Kenya in terms of skilled manpower that we require to build our roads, manufacture cars and be at the centre of engineering. In our Vision 2030, we are saying that Kenya should be a middle income country but also industrialized. If our youths are not equipped with the right skills, the high number of apprentices that are required to undertake the job, the Jubilee Manifesto and even Vision 2030 might not be actualized.

Once funds are availed to our youths, we must guard against corruption. This is not new because there is an Act to deal with this. This was not actualized. When we talk about the Training Levy Fund, one must ask: Once those funds are available, where will they be channeled and what is the structure? Many of us in this august House still insist that the CDF structure that has been successful and effectively implemented must be used to identify and group the youths at the constituency level, so that those groups can undergo training. Under the Vision 2030, we also see things like the Konza City, the construction of highways and dams and the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor project. They must be seized of this Motion. How can projects which are important to the lifeline of this country be actualized when we do not engage our youths? If we want to empower our youths, we should bring more people to the tax bracket, so that we can bake a bigger cake for this country.

I beg to support.

Hon. (Ms.) Tobiko: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to the Motion. I would like to thank the Mover for bringing this very important Motion to the House.

Hon. Temporary Deputy Speaker, the training of apprentices at our industrial training institutions is not really known to many Kenyans. So, hon. Wangamati must be very lucky to have had three of his children going through the institutions. It is not many Kenyans who have had such chance. The other day, I approached the East African Portland Cement Company to know how many apprentices have been enrolled for industrial training from my constituency. I was told that for the last three years, they have not been able to do so because their industrial training institution had put in place very stringent measures on employers, in terms of contribution.

Sometimes when employers train young people, they are not able to absorb all of them. So, people get the benefit of training, so that they can be absorbed elsewhere.

When it becomes difficult for employers to absorb such people, it becomes not very profitable for the companies to continue training apprentices. Therefore, we should urge the Government to support the industrial training institutions to enable them continue training Kenyans at manageable costs.

Hon. Temporary Deputy Speaker, I also support the thinking of hon. Njomo. Really, industrial training should be diversified to include some entrepreneurial training for those young Kenyans who are ready to get involved in SMEs because, as every hon. Member has said here, we have young, unemployed and needy Kenyans, who can be engaged very positively. We can harvest their energies, creativity and innovations. As the leadership of this country, we have not been able to give them opportunities.

Capital should be provided for those who have been trained for them to start businesses. We have had a lot of initiatives from the Government, including the creation of the Youth Enterprise Development Fund (YEDF) and the National Youth Council (NYC). However, all those initiatives have not been very coordinated. Those efforts should be coordinated to ensure that they achieve their purpose, so that we can save young Kenyans from the problem of unemployment. I believe that if we do this, as a House, we will have helped Kenyans who really need opportunities.

Hon. Temporary Deputy Speaker, the youth who have been trained can be given 30 per cent of Government tenders, so that they do not feel that they are barely trying to survive. That way, we can also save them from what has been mentioned here by many hon. Members – idleness.

Therefore, I really support the Motion and any action that will save our young people from unemployment.

Thank you.

The Temporary Deputy Speaker (Hon. Mbalu): Yes, Hon. John Owuor Onyango Kobado.

Hon. Kobado: Thank you very much, hon. Temporary Deputy Speaker. I rise to support the Motion.

Before we exhaustively debate this Motion, it is important for hon. Members to understand and appreciate the background and purpose of training levy. Training levy is a mechanism where firms within an industry come together with the express aim of increasing workforce skills via mandatory or voluntary agreement. I am happy that my brother, hon. Njomo, has come up with this Motion. This Motion is very timely, given the fact that 75 per cent of Kenyans are youth and given the fact that this Motion is targeting the informal sector. This sector has been neglected for a long time. In order for this Motion to make any impact on this nation, there is need for us to look at certain pieces of legislations which underpin and govern the training levy, as it has been pointed out by hon. Mucai. There is need for us to look at that, so that when we pass this Motion, it will change the lives of Kenyans.

Hon. Temporary Deputy Speaker, the SMEs sector plays an extremely important role in this country. In 2002, the SMEs sector contributed over 50 per cent of the new jobs that were created in this country. Unfortunately, three out of five SMEs in this country fail within the first six months. So, there is need for us to look at this very critically and see how the sector can be used to grow the economy of this country. There is need for us to look at how skills can be developed because I believe that the first step

in empowering an individual is to develop his capacity. Therefore, there is need for us to develop the capacity of the youth in this country, so that when we give them the Kshs6 billion that we intend to inject into the economy, they will be able to use the money to change their lives. It is not only capital that the youth require. They also require capital equipment. They also need to be given skills other than technical skills to enable them manage their businesses well and market their products, so that their products can be competitive.

Kenya is flooded with counterfeit products, particularly those that originate from China. If you go to the streets of Nairobi today, you will find that they are littered with substandard products. Therefore, if we inject funds into the sector, particularly into the informal sector, a lot can be done to help them improve the standards of their products. There is need for us to formulate the standards of products coming out of this particular sector. In that regard, we can involve the Kenya Bureau of Standards (KEBS) for them to come up with particular standards that the SMEs sector can use, so that the standards of the products manufactured by those in that sector can be improved. That will enable them to be competitive so that we can sell locally and even outside the borders of this country.

Hon. Temporary Deputy Speaker, setting products standards will really go a long way in enhancing the level of our productivity. The level of productivity in this country is extremely low. So, with products standards, we will be able to come up with products that can sell competitively. As a Member of the Labour and Social Welfare Committee, I would want this particular Motion brought to us, so that we can look at it. We will look at the Industrial Training Act, 2007, which sets out the purposes and powers of industrial training boards, with a view to making it effective.

With those remarks, I beg to support the Motion.

Hon. (Ms.) F.I. Ali: Thank you hon. Temporary Deputy Speaker, for giving me a chance to contribute. I was really getting discouraged before you called out my name. I want to support this Motion which is timely. This Motion is also very important to us.

This Act was enacted in 1960 and amended in 2007 and 2009. This country emphasized practical aspect of life and that is why it came up with the Industrial Training Levy Fund. It was meant to support the training of the youth. I would like to say that this Fund has not achieved much although we have isolated cases of success. By and large, this Fund has not achieved its intended purpose.

If you look at how much money this Fund has generated from 1960 and the number of youth who have benefited from it, it might not tally. I concur with the Mover of this Motion that we need to relook at this Fund. We need to find out why it has not achieved its intended purpose. My conscience is very clear that it has not achieved its intended purpose.

Hon. Temporary Deputy Speaker, illiteracy level in Wajir County which I represent stands at about 80 per cent and such a fund would have been very useful in that area. I know for sure that the Fund has not reached there and the unemployed youth have not benefited. Areas that are inaccessible like Wajir, Mandera, Garissa, Turkana and Samburu have not benefited from this Fund.

The youth who undertake a course like mechanical engineering are people from other counties in the country. I am not against that but this is excluding the locals. Any time you go to your county or constituency, you will find very many youths who have left Form Two or Form Four and have been jobless for the last five, six, seven or 10

years. Those people would have been self employed if there was industrial training that is funded by industries or the Government. Those people would not have flooded our offices since they would have been self employed.

Hon. Temporary Deputy Speaker, I want to encourage the Mover of this Motion that he should include monitoring of this Fund so that it is used for the intended purpose and it reaches the youth who are 55 per cent or 57 per cent of the unemployed population. Those people should benefit from this Fund so that they do not wait for jobs that are not forthcoming and are not visible.

Sometimes, the youth are excluded from opportunities that come up because of lack of experience. If training to support the youth immediately they complete their Form Four or those that have not gone to school like the ones in my area is done, they will acquire more experience and unemployment would be reduced drastically. This is because many people will be self employed and the economy will grow. This will ensure that more people are wealthier and healthier. The population will also be active.

Hon. Temporary Deputy Speaker, we need to turn around the Industrial Training Levy Fund to address the intended purpose. We should modernize it so that the 1960 objective changes. We need to enhance it to the current demand in the market so that the bulk of the illiterate youth who cannot get formal jobs can benefit. Those people can venture into self employment. This will turn around the economy of the rural areas so that we can also minimize rural-urban migration. We should strengthen the capacity of the counties now that we have devolved services. We should devolve industrial training in the counties so that they have sufficient trained manpower in terms of practical skills that are required daily in our counties.

For example, in Wajir County, it is sometimes hard to find an industrial training centre that is well equipped with the necessary trainers. We should not only take the Fund to the counties but we should also take the services and training to different villages where many of the unemployed people who have finished Form Four and those that have not gone to school can benefit. I must confirm and say that the Mover of this Motion is very creative. He has moved ahead with the time.

I beg to support this Motion. Thank you, hon. Temporary Deputy Speaker.

Hon. Nderitu: Hon. Temporary Deputy Speaker, I rise to support this Motion. In supporting it, I would like to congratulate the Mover, my friend, hon. Njomo for bringing this Motion to this House at this timely hour. When all of us were looking for votes in our villages, our main emphasis everywhere we went was that we were eager to see our youth get employed.

It is true that 75 per cent of the people who voted for us are the youths. It is, therefore, very vital for us to think deeply on the issue of employment. Hon. Muchai has said that there is need for the Mover of the Motion to come up and clarify two issues. One issue is whereby the employer contributes to the workers who are employed while the other one is where we train people who are not employed.

I will concentrate more on a scenario where I come from. I come from a constituency that has very few industries. My constituency which is part of Nyandarua County is partly agro-based. Most of the activities that we carry out are agricultural oriented. Therefore, the employers who contribute for the workers are very few. So, the small and medium enterprise businesses should contribute to the kitty so that even the few people who are not employed take advantage of that training.

I am looking at a scenario whereby we have issues with the Internally Displaced Persons (IDPs) who have come in large groups and have settled in some of our areas which are partly dry. Those people do not have a source of income. I am very sure that if training facilities are brought closer to the youth in the IDP camps and they are given simple training such as welding and plumbing, they will cope in the huge population that is in the urban areas.

I have seen that most of the technical services that we require in our villages, for example, electrical services, are got from workers in the urban areas close to us. I am very sure that if the money or the Industrial Training Levy Fund that is collected is well utilized and also devolved to the rural areas, our young people on the ground would access basic training. If you go to the villages where we come from, you will find that people cover long distances to get their cars repaired.

So, I support this Motion by hon. Njomo. I am saying that the Motion is timely and we should in future, like many of the speakers have said, find a way of coming up with a Bill so that we separate training with regard to those who are employed and training for those who are not employed so that they can get equal access to the training programmes.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to support the Motion.

The Temporary Deputy Speaker: (Hon. (Ms). Mbalu): Hon. Kimani, you have five minutes because this is a timed Motion.

Hon. H.K. Njuguna: Hon. Temporary Deputy Speaker, I support the Motion. It seeks to strengthen industrial levy in terms of expanding the scope and making it more effective. In my constituency, Gatanga, there are many entrepreneurial ventures that the youth are involved in such as car wash, garages and so on. I always ask myself how I can increase the capacity of the youth and empower them so that I make them more effective. I desire that they develop to the level of getting financial resources from the banks. How can I make them more competitive? This Motion offers one of the solutions because the focus is on continuous training of the youth. Even professionals like engineers, doctors and lawyers have realized the need for continuous training so that they continue being relevant in terms of their professional engagement.

With regard to SMEs, there is need to train people continuously. In any case SMEs play a very important role in terms of economic growth and development. If we want this country to attain a two digit economic growth rate then this Motion is vital. This is because SMEs create the bulk of employment opportunities and also generate a lot of income. The greatest challenges, however, for SMEs remain lack of capacity in terms of skills and marketing. So, even if you say that you want SMEs to get 30 per cent of public procurement without equipping them with the necessary skills, it is not possible. You will still have the goods from China penetrating our market.

By engaging the SMEs through training of the employees, we are likely to increase the capacity in the sector and make the SMEs compete both nationally and internationally. I would like to request hon. Njomo to bring amendments so that we do not put this Motion on the shelves. It is high time we implemented what this Motion is seeking. We would like to make the industrial levy more effective. This will address the issue of start-up capital for SMEs.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members this is a House of procedure and rules. The time for ventilation on the Motion is over now. I can see a lot of requests here, but I would like to call upon the Mover of the Motion to reply.

Hon. Njomo: Thank you, hon. Temporary Deputy Speaker. Before I reply---

Hon. Kariuki Ndegwa: On a point of order, hon. Temporary Deputy Speaker. I rise under Standing Order No. 53(3) to request you to defer putting the Question to the Motion until tomorrow when more hon. Members will be present.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The claim by the hon. Member is valid and pursuant to Standing Order No.53(3) and the powers conferred to me by the Standing Orders, I defer the putting of the Question until tomorrow, Wednesday 17th July, 2013 in the afternoon. This will be after the Mover replies.

(Putting of the Question deferred)

MECHANISMS TO CONTROL FLOODING OF TANA RIVER

Hon. Wario: Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that the heavy rains experienced across the country have caused flooding in many areas such as Tana River; concerned that the Tana and Athi River Development Authority (TARDA) and the Kenya Electricity Generating Company (KenGen) have been draining water from their dams to River Tana; deeply concerned that people living downstream have been displaced, property destroyed and loss of livelihood following the artificial flooding occasioned by those two government agencies, this House resolves that TARDA and KenGen should immediately stop draining water from their dams to River Tana, come up with a mechanism to control the flooding and consider compensating the people who have been affected.

Hon. Temporary Deputy Speaker, I earlier said in this House that the common characteristic between a rich and a poor pastoralist is the degree of availability. Why do I say this? You wake up as a rich pastoralist with a large number of livestock, but simply because of flooding, drought, or conflict, the next day you wake up a pauper.

Naturally, Tana River is a disaster prone area. We have been hitting the headlines for the wrong reason. We have been in the headlines because of flooding, drought and conflicts. A recurrence of those things has weakened, destroyed and dented our image as a community. Just for purposes of the background, it is TARDA and KenGen who run and manage dams. They release water from their dams into River Tana. The communities downstream have been at pains because of this action. Their role as public institutions is to announce via radio that they have released the water and so people should take care.

Those institutions release water into River Tana thereby destroying lives and livelihoods. They must be held responsible. They must come up with mechanisms to address the suffering of the people who live downstream. This artificial flooding has destroyed our lives and livelihoods. The fishermen, pastoralists and the small-scale farmers are displaced and disorganized annually. It is hypocritical of the Executive to come up with the Vision 2030 on one hand with policies claiming to build abattoirs,

markets and infrastructure in the Arid and Semi-Arid Lands (ASAL) and yet on the other hand releasing water from their dams sweeping away the few existing infrastructure and destroying lives and livelihoods.

As representatives of the people, we need to come up with appropriate policies and mechanisms. We cannot destroy lives and livelihoods simply to make profits. Yes, we know how useful KenGen is, but it should not operate at the cost of the lives of Kenyans. I decided to come up with this Motion so that we can control flooding. We need appropriate policies and mechanisms in place to compensate people affected by artificial flooding caused by TARDA and KenGen.

Hon. Temporary Deputy Speaker, in conclusion, I request all the Members to support this Motion. May I, therefore, call upon hon. Abass Mohamed to second this Motion.

Hon. Mohamed Abass: Thank you, hon. Temporary Deputy Speaker. I rise to second the Motion. As the Mover has said, KenGen and TARDA as government parastatals have for many years been destroying livelihoods of the lower stream inhabitants of Tana River. As you are aware, Tana River is a lifeline to many Kenyans. It flows almost 24/7 to the Indian Ocean and traverses six constituencies across the lower streams of the Tana River.

Most times, the river is utilized for irrigation and there is a lot of food production. It is used for livestock watering, fishing and many other livelihoods. However, whenever it rains and the dams like Masinga and Kindaruma get filled, KenGen and TARDA release large volumes of water without appropriate warning and planning. As a result, many farms are swept away and properties destroyed. Many gullies are formed and most farmlands are turned to unproductive areas because of high siltation. While we struggle hard to produce enough food for this country, whenever KenGen drains water into this river, a lot of food is destroyed and most people especially in the lower stream become marooned in a lot of water. Their farms are turned into non cultivatable areas. Big gullies are formed and as a result, people are fed with famine relief food, which is very unfortunate.

The KenGen and TARDA never give appropriate warning and the people are never compensated. Last year, we had a case where the KenGen station in Garissa was releasing oil into the rivers. When they changed oil, they drained it into Tana River. This has destroyed many farms and many farmers cannot cultivate their lands. The oil gets into the water and destroys even the fish and any other organisms that live in the waters of Tana River. This is impunity of the highest order. Those are government statutory bodies and they need to take care of other people's welfare. Many farmers depend on this river. Another thing is that at the lower stream of Tana River, there are many pastoralists who water their animals from this river. At most times, the Government spends a lot of money to do water trucking. If they feel that the water is going to destroy the dams, we can have an alternative ocean for this water. We can have other dams. We can even divert the same water to the dry areas where we can use it for irrigation and watering the animals instead of just destroying the well established farms and properties. It is high time this House took interest in the people living downstream of Tana River.

I beg to second the Motion.

(Question proposed)

Hon. Mulu: Hon. Temporary Deputy Speaker, I rise to support this Motion. It is really frustrating to Kenyans when we read this Motion that KenGen and TARDA release volumes of water into the ocean. As the water flows downstream, it causes a lot of damage to crops and even to animals in the communities which live near the river.

Most of the communities in those areas are on famine relief throughout the year. We ask ourselves: Why should we let such volumes of water go to the ocean when we are talking about famine relief in the same areas? I support this Motion because instead of this water flowing into the ocean, it should be tapped to be used for irrigation in such areas. If you look at the Ukambani area, where I come from, you realize that water is a major problem. People in big towns like Kitui and Mutomo just hear about water. They do not have even a drop of water and businesses have been affected. This ends up making people poorer than they are. Why should we have this water then release it into the ocean? I will propose that this water be used to irrigate all the neighbouring areas near the river. We have a target of irrigating about one million acres through the Government. I am imaging the Government should target such areas for irrigation. This will solve a lot of our problems in terms of food shortages; it will also solve a lot of problems if we get this water to areas like Mwingi, Kitui, Mutomo all the way to Kibwezi. Those areas have no water. I agree with recommendations that if at all those two institutions release water to the ocean, and as it does so it causes damage to crops and animals, I demand those communities must be compensated because of that damage.

Before we put in place mechanisms to irrigate and have the water for domestic use, it is important that there is proper and timely warning before the water is released. By the time the water is released, we should not have communities suffering as a result of that action. If we do that, we will be helping the communities and at the same time we will improve the economic welfare of our Kenyans.

With those remarks, I support this Motion.

Hon. Kariuki Ndegwa: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion. I come from the area that was affected, that is Lamu where floods destroyed property. I concur with my colleague, hon. Wario, that compensation is necessary. Most of the people who lost their property have no shelter. KenGen has not even come up with a mechanism to compensate those people. I urge this House and Government to impose sanctions so that they can compensate those members of the public who were affected by the flooding. We also need to look for a way whereby such a thing will never be repeated in future. It is not proper to destabilize people who have resided in certain areas for many years. Now those people cannot even do farming.

I sympathize with my neighbours who lost animals through the floods. We normally complain about drought but in this case, people from Garsen and other areas lost animals. I would like to urge the Government to ensure that KenGen and TARDA are held accountable for their actions. I would wish that a committee would be formed to investigate how much we lost at that time. I can remember this question was asked in this House and our Leader of Majority Party explained how food was given to those people. That food was nothing compared to the damage that was done. We need to devise a method to solve this problem once and for all. All those people who were affected need to be compensated. We do not think it is fair for an innocent Kenyan to suffer from damage which has been caused by a multi-billion company which collect

enough money from taxpayers. People are suffering when this money is kept somewhere. People suffered while the organization gained huge profits. They were doing this to generate electricity. Why should people suffer? I beg this House to devise a method to make sure that those people are compensated. It is important that this action is not repeated in future.

It is a good and timely Motion for people from Lamu, Tana Delta and any other areas that were affected by floods. I wish to support and urge the House to also support it. It is important for them to be compensated. Those people want to pay school fees for their children, they want medical care but they cannot afford all that because of the damage that was caused by this water.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, as per page 3 of your Order Paper and as per the resolution of this House, the Speaker, Leader of Minority Party, Leader of Majority Party and the Chair of the relevant Committees have priority in speaking and so I give this chance to the Leader of Majority Party in the House.

Hon. A.B. Duale: I will take very few minutes. I want to thank hon. Wario for bringing this Motion. This is a Motion of great national importance. Over the years, what KenGen has been doing to many farmers downstream from the district of Garissa, Tana River, Lamu and part of Ukambani is unimaginable in terms of loss to the livelihood of our people. KenGen is one of the fastest growing companies in the country listed in the Nairobi Stock Exchange, with a lot of dollar funding. I wish the donors who are funding KenGen knew what KenGen does, the water they release every time there are heavy rains in our country. The kind of damage they do is immense. Towns and villages are washed away by those floods. Those are not normal floods, they are artificial floods; water is released from big dams and reservoirs of KenGen. This year alone, all the investments that farmers have done along Tana River are huge. There are over 500,000 hectares of land from parts of Mwingi, the former Vice President's constituency, all the way to Balambala Constituency where my neighbour Abdikadir comes. They again stretch all the way to my constituency, Bura, Fafi, Ijara and Lamu. That loss is unimaginable. It is loss on poor subsistence farmers. I hope that the board and the management of KenGen are watching. I also hope that the shareholders are watching us. I also hope that the Ministry of Energy and Petroleum that oversees this institution is also watching. Once this Motion is passed, not only will they stop but they should also compensate the loss they made farmers incur 10 or 15 years ago.

Hon. Temporary Deputy Speaker, with those few remarks, I support this Motion and urge hon. Wario to go further and form a Select Committee to go and interrogate KenGen. The Committee should also go and sit with all those farmers to quantify the loss and bring a serious recommendation that calls for the compensation of those people.

I think a Select Committee of this House or the Departmental Committee on Agriculture, Livestock and Cooperatives and the Departmental Committee on Energy, Communication and Information should form a task force or a sub-committee to investigate this.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to support this Motion.

(Applause)

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I am happy that the Leader of Majority Party is here. I request you to give me more time to be able to explain. I hope the Leader of the Majority Party is listening to me. I want to explain the whole scenario so that we talk from the point of knowledge.

First of all, I want to take this opportunity to thank my brother whom I have known for quite some time because I happen to have been a Chief Executive Officer for TARDA in the past. I think I am talking from point of knowledge.

One part of the Motion is saying that KenGen and TARDA release water artificially. The Motion says that the two organizations at one time released water artificially. Secondly, the Motion asks the two organizations to stop releasing water from the two dams immediately. Thirdly, and I agree with hon. Ali, the Motion says that there should be a mechanism to control the flooding.

Hon. Temporary Deputy Speaker, Sir, I want to explain and you will be able to understand the whole scenario, if you take note. First, TARDA and KenGen do not release water artificially. I will explain this. I know that at the end people normally have problems downstream. The five dams are built along River Tana. They are Masinga, Kamburu, Gitaru, Kindaruma and Kiambere dams. Out of the five dams, Masinga Dam is the biggest with a capacity of 1.6 billion cubic metres of water. That is the volume of water it can hold. Therefore, during the rainy season, when the dam is full to capacity, the excess water spills over and goes down the river.

Those who know geography, the first dam is Masinga Dam. Once this dam is filled to capacity, it releases the water to other dams. The last dam is Kiambere Dam. Therefore, during the dry spell - I want this to be very clear and I want to go systematically so that we can understand - KenGen releases the water. We have talked about what happens during the rainy season. It is true that there is always excess water that spills over and goes downstream. However, it is taken by the other four dams which I have just mentioned.

So, during the dry season, KenGen releases some water and the purpose of releasing the water downstream is to sustain the projects that are downstream. We have rice farms downstream such as Bura Irrigation Scheme. That is how they sustain the projects downstream. I am saying that the other four dams are fairly small. Therefore, they are meant to generate electricity for our country. However, Kiambere also regulates the flow of water downstream although it produces electricity for our country.

Therefore, the experience we had in April and May, this year was because the reservoirs were exceeded and the water went downstream. You can imagine what would have happened if we did not have the four or five dams. The damage would have been much more.

Again, I am saying that the five dams upstream assist in regulating the flow of water going downstream the Tana River. Those who come from Central Province will agree with me that the five dams are upstream. However, there are three other rivers that cause problems. They are in the northern part of Mount Kenya and the Nyambene Hills. Those who come from Embu and Meru know this. There are three very big rivers. After Kiambere, River Tana is joined by three other rivers which have a lot of water during the rainy season. The rivers emanate from Mount Kenya which is a catchment area and

Nyambene region. We have Mutonga, Maara and Kathita rivers. The hon. Members who come from those areas know those rivers. Those rivers are the ones which cause more problems downstream.

Hon. Temporary Deputy Speaker, those who come from there know those rivers. They cause more problems downstream. I want to dispel the notion that water is released into Tana River by KenGen. I am not a shareholder at KenGen or TARDA, I just want to put the facts as they are. They have the mandate to address the social and economic benefits of the people living downstream. I know that when there is excess water--- I am going to bring an amendment to the effect that there are three other rivers that cause this problem.

Hon. Aden: On a point of order, hon. Temporary Deputy Speaker. Is the hon. Member in order to mislead this House that it is not the waters from the dams that are the cause of the problems downstream when we know that during the occurrence of this devastation, KenGen pays for radio communication to inform people living downstream that they are releasing water downstream? He is misleading this House by telling us that it is not the waters from the dams that are causing this devastation.

I seek your guidance hon. Temporary Deputy Speaker. While the hon. Member is at will to oppose this Motion, it appears that he is talking for TARDA and KenGen. That is where he worked a long time ago. Let investigations that will be triggered by this Motion give us a satisfactory answer from the companies involved and not an hon. Member here answering on behalf of those companies.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Wanyonyi, please, debate the Motion on the Floor and make your facts correct.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, it is in the Standing Orders that if you do not know anything you can also benefit from information---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Debate the Motion on the Floor.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, as far as I am concerned, the fact is that the water that is released from Masinga Dam--- I was trying to give information free of charge. I am saying that those are the facts and if the hon. Member is not satisfied with those facts, it is fine. My contribution is that the hon. Member who moved the Motion, I was going to advise him that this is to urge the Government to build a great dam that can capture the flow of three other rivers because that is where the problem starts; it is not River Tana.

I come from Trans Nzoia and I sympathize with my brothers there. I want us to provide a solution to the problem. The best way is to urge the Government to help KenGen or TARDA to build a grand dam downstream that can cover the three major rivers coming from Mount Kenya and Nyambene Hills. The three rivers cause major floods downstream.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Wanyonyi, please, debate the Motion and if you have any amendment bring it forth so that it is debated and either passed or rejected.

Hon. Chepkong'a: On a point of information, hon. Temporary Deputy Speaker. I see very good points that hon. Wanyonyi is raising.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Wanyonyi, do you wish to be informed?

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, yes.

Hon. Chepkong'a: I totally agree with the sentiments expressed by hon. Wanyonyi. In fact, the rivers that cause havoc downstream are River Mutonga, River Kathita and River Maara. They originate from Mount Kenya and Nyambene Hills. As a consequence, they have caused havoc in Tana River Delta. In consequence of what he has stated, I intend to move an amendment tomorrow. I have agreed with hon. Wario who is sponsoring this Motion that I make this amendment tomorrow.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, when we are not contented with information in a Motion on the Floor, it is important that we move an amendment. The Motion will be discussed as amended.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I just wanted to say that, that is the knowledge. Those are the facts. If the hon. Member comes with amendments then I will be the first one to support him, that is, if he is going to help our brothers and sisters who live downstream. The solution may come through the amendment. I will wait for the amendment.

Hon. Okoth: Hon. Temporary Deputy Speaker, I rise to comment on this Motion with a few concerns. The first one is that the Motion's goal is very valuable to see how we should manage our rivers and water resources. We should be thinking of turning them into benefits for our country in terms of energy, for example, cheap and affordable electricity that could be added onto our grid system. We have to make sure that the waters of the rivers do not damage property downstream. This means that we should have a mechanism in place to compensate the affected communities.

My biggest concern is in the area of agriculture. How can we turn the waters from the rivers mentioned into a resource? We need to pay attention to one of the key things that President Kenyatta mentioned here, that is, the Jubilee commitment to irrigation. I wish more of the hon. Members from The National Alliance side were here because they have the numbers to influence and move items like this. If they are in concurrence we can get this business done very fast.

I would like us to embrace the irrigation model that the President spoke about as a key Jubilee alliance issue. This will be a great accomplishment for Kenyans in general. How do we turn the water that gets wasted into irrigation? That way we will be able to reclaim very rich potential areas in Ukambani and others.

When we talk about the companies and compensation, we have a lot to learn. It is good to learn that there will be amendments coming tomorrow to try to review this Motion. My concern is that the goal is very attractive and important. The goal will be achieved just by this Motion. If we are urging and beseeching the Government to consider, I thought we are the Government. We are the third arm of the Government. Let us use our powers. Let us look at this information. Let us consult our colleagues and other stakeholders. Let us make law that is enforceable and can serve our people. Let us put caveat into that law and see how to turn the water system from a liability to an investment and asset for our people in terms of irrigation and electricity generation.

We could study models, for example, the Tennessee Valley Authority. It had the same problems we are talking about 56 years ago, but they changed completely their management of the Mississippi River. I hope that we will look for more information. I will be excited and pray that our hon. Members from the Jubilee side will agree to a Bill that will come up instead of just coming up with punitive policies against TARDA and

KenGen. What we need are helpful long-term policies for everybody involved in the system. It is not just about seeking compensation. We need to prevent situations where need for compensation is necessary.

With those few remarks I appreciate the chance to contribute. I thank the leaders who have brought this Motion and ask them to work a little bit more on it and enrich it. I am a little concerned that the Motions we discuss here cannot be implemented and so we work in futility giving an impression to our people that we are really working hard for them and yet we cannot turn those issues into results on the ground. If we do more work and convince more of our colleagues, we will actually get powerful policies and Bills here.

Thank you for the initiative. You have my support and commitment. I encourage you to keep pushing it and we work together to get this to the end.

Hon. Eric Keter: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. We are here because of our citizens. The communities which live along the rivers in this country have suffered a lot, but this particular case is man-made. They are natural disasters. The people along Tana River are displaced, schools and the infrastructure are affected and livelihoods are destroyed simply because of poor management of water. This is something that we can control. A Committee, as suggested by one of the Members, should be set up to study the situation and come up with recommendations of how those people can be assisted. When we have floods in Western Province and in Kano Plains, we blame the Government for not coming to the rescue of the people. This is being caused by KenGen, which was established some years back and is ruining the livelihoods of the people yet nothing is being done.

I concur with the Member who knows very well the suffering of those people, that those companies should provide services to the people who live along Tana River. If you look at other countries, for example, Nigeria, the Shell Company provides services to the people who live around them. We have people in total poverty, not because of their own fault, but because of the mistakes of a company which has been established to provide services. We are not against KenGen. It is a good generator of electricity and provides a lot of revenue to this country. At the same time, it should not cause problems to the people downstream. I am of the opinion that we look for ways of assisting those people and manage this water. We should have proper irrigation schemes, so that we can produce enough food and people can live in harmony with their environment.

I support this Motion. Although it is going to be amended, it will be for the benefit of the people.

Hon. (Ms.) Mitaru: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute on an issue that touches me deeply. I come from a county where that river passes through and there are dams. We have lost lives from the Embu County. We have lost livestock and crops. Every time we look at the seasons and see the river fill up and destroy properties, we feel very sad. This is because soon after, the climate changes and the harvest becomes poor. So, we have been looking forward to a Motion like this one, where we can support and help our people to come up with measures to ensure food security and security for themselves and their livestock.

Where we have the dams, we have crocodiles. When it becomes dry, the people go to the river to fetch water and the crocodiles attack them. There is proper technology in this country. We have KenGen and other people who are learned and educated, who

can come up with ideas on how to harvest this water, so that we can use it to irrigate our land. We have a lot of land in Mbeere, where it is dry. We also have livestock and people who can benefit from this water.

I support this very important Motion.

Hon. Nanok: Thank you, hon. Temporary Deputy Speaker, for the opportunity to contribute to this Motion. Flooding is a natural disaster. So, when we are made to understand that it can be caused artificially by the actions of institutions charged with the responsibility to regulate the flow of water downstream, it creates a feeling of desperation, especially for the people downstream.

The TARDA is not the only authority in this country. There is also the Kerio Valley Development Authority which is charged with the responsibility to handle issues of development and harnessing of water resources along our rivers in this country. It is supposed to work towards alleviating those natural disasters like flooding. The opposite of flooding is drought. I come from a constituency that occasionally goes through the flooding menace, especially when we have rains that result into flash floods and people are not prepared to mitigate against such. This is Turkana West in Turkana County. The devastation that is caused by floods is enormous. When we are supposed to be mitigating the effects of flooding, an institution is causing more damage.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, you will finish your contribution tomorrow and you have a balance of eight minutes.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 17th July, 2013, at 9.00 a.m.

The House rose at 6.30 p.m.