

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th May, 2013

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Muturi) in the Chair]

PRAYERS

MESSAGES

NOMINATION OF F.T. KIMEMIA AS CABINET SECRETARY

Hon. Speaker: Hon. Members, I have a message from the President. Standing Order No. 42(1), relating to messages from the President, provides that the Speaker shall read to the House any messages from the President delivered to the Speaker for communication to the House. Therefore, in this regard, I wish to convey a message from His Excellency the President, in exercise of powers conferred upon me by Article 154, Clause 2, Paragraph (a) of the Constitution, received by my office on 9th May, 2013; nominating Mr. Francis Thuita Kimemia, EGH, to be approved for the position of Secretary to the Cabinet.

Hon. Members, Article 154, Clause 2, Paragraph (a) of the Constitution provides as follows:-

“The Secretary to the Cabinet shall be nominated and, with the approval of the National Assembly, appointed by the President.”

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

Hon. Members, I now direct that the nominee’s name and curriculum vitae be forwarded to the Departmental Committee on Administration and National Security for the necessary approval hearings to be conducted. Accordingly, I wish to guide the Committee and the House as follows:

1. The Departmental Committee on Administration and National Security should notify the nominee and the general public on the time and place for holding the approval hearings, at least seven days prior to the hearings. Owing to the strict statutory deadlines, I order that the notification be made tomorrow, 16th May, 2013.

2. The Committee may, therefore, commence the hearings on Wednesday, 22nd May, 2013. The hearings shall be open to the public.

3. Thereafter the Committee is hereby directed to table its report before this House on or before Tuesday, 28th May, 2013 for consideration.

Hon. Members, pursuant to the provisions of Paragraph 3 of Standing Order No.42, I now refer the message from His Excellency the President, containing the name of the nominee together with the CV, to the Committee to conduct the approval hearings.

Hon. Members, I have yet another message from the President relating to the nomination of the Deputy Chief Justice of the Republic of Kenya.

NOMINATION OF LADY JUSTICE K.H. RAWAL
AS DEPUTY CHIEF JUSTICE

Hon. Speaker: Hon. Members, in exercise of the powers conferred upon him by Article 166, Clause 1, Paragraph (a), as read together with Section 24, Sub-Section 2, of the Sixth Schedule of the Constitution; His Excellency the President, vide a letter dated 28th February, 2012, nominated the Hon. Lady Justice Rawal Kalpana Hasmukhrai to be approved for the position of Deputy Chief Justice of the Republic of Kenya.

Hon. Members, Article 166, Clause 1, Paragraph (a) of the Constitution provides as follows:-

“The President shall appoint the Chief Justice and the Deputy Chief Justice, in accordance with the recommendations of the Judicial Service Commission, and subject to the approval of the National Assembly.”

Hon. Members, I hereby also confirm that the provisions of Section 24, Sub-Section 2 of the Sixth Schedule of the Constitution are duly complied with. This relates to consultations between the President and the former Prime Minister, in accordance with the National Accord and Reconciliation Act of 2008.

Section 3 of the Public Appointments (Parliamentary Approval) Act (Act No.33 of 2011) provides for the exercise of powers of appointment under the Constitution. Under the Public Appointments (Parliamentary Approval) Act and Part 11 of the Standing Order, the National Assembly is required to conclude the process of approval or rejection of the nominee within 14 days of the date of notification. Hon. Members will, however, recall that this approval exercise has not been attended to due to delays in the formation of committees and as indicated in the previous communication, this was one of the businesses that have been pending for too long. Given the importance of the office of the Deputy Chief Justice, I now direct that the approval process be expedited. Hon. Members, in view of this, I now direct that the nominee’s name and curriculum vitae be forwarded to the Departmental Committee on Justice and Legal Affairs for the necessary approval hearings to be conducted. As such, I wish to guide the Committee and the House as follows:-

(i) The Departmental Committee on Justice and Legal Affairs should notify the nominee and the general public of the time and place of holding of the approval hearings, at least seven days prior to the hearings. Owing to the strict statutory deadlines, I now order that the notification be made tomorrow, 16th May, 2013.

(ii) The Committee may therefore commence the hearing on Wednesday, 22nd May, 2013. The hearing shall be open to the public.

(iii) Thereafter, the Committee is hereby directed to table its report before this House on or before Tuesday, 28th May, 2013 for consideration.

Hon. Members, the matter of nomination of hon. Lady Justice Rawal Kalpana Hasmukhrai together with the selection report of the Judicial Service Commission stand referred to the Departmental Committee on Justice and Legal Affairs. Thank you.

NOTICES OF MOTIONS

ESTABLISHMENT OF REGISTER FOR KENYAN ATHLETES

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

THAT, noting the tragic events that occurred at Boston Marathon where two bombs went off killing and injuring a number of people; aware that there were many Kenyan athletes -I present too - also present at the events, who had no established network of reporting into confirmed status; deeply concerned that there was no mechanism available to account for the safety and wellbeing of each member of the Kenya athletics delegation, this House urges the Government to establish a register or other mode of tracking and accounting for all athletes who leave the country to attend the four years international athletics event to ensure their safety at all times.

ESTABLISHMENT OF DISASTER PREPAREDNESS AUTHORITY

Hon. (Ms.) T. G. Ali: Hon. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, aware that dozens of families in the country especially in Isiolo County have been marooned by floods; concerned that the flooding menace has led to immense negative impact on economy which *inter alia* include widespread destruction of property, crops and infrastructure such as bridges and roads hence curtailing the movement of people and goods from one place to the other; deeply concerned that the flooding has led to outbreak of waterborne diseases in some parts of the country, this House urges the Government to speedily establish Disaster Preparedness Authority to handle issues of such magnitude and to hasten the rehabilitation of all infrastructure destroyed by floods.

INCREASE OF ACREAGE FOR RICE PRODUCTION

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

THAT, aware that the country produces only about a third of its annual rice demand, about 300,000 tonnes with a bulk of shipment to fill the deficit imported from Pakistan, according to research done by the Ministry

of Agriculture on National Rice Development Strategy; further aware that locally produced rice is of high quality compared to imported rice and it is preferred by the consumers; and further appreciating that with improved water harvesting and innovative management technologies the current irrigation potential of about 540,000 hectares can be increased by a further 800, 000 hectares to 1.3 million hectares, this House urges the Government to consider increasing the acreage of both irrigated and rain-fed rice production by 800,000 hectares in order to promote increased production of rice which will ensure food security and save the much needed foreign exchange.

ESTABLISHMENT OF HEALTH CENTRES/HOSPITALS IN THE COUNTRY

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

THAT, aware that good health is crucial for the development of the livelihood; noting that North Horr Constituency with an area of 38,576 square kilometers, the diameter of 800 kilometers lacks a single referral hospital; further noting that the residents of the constituency have to travel for over 600 kilometers to access the services of the nearest Government hospital in Marsabit Town; concerned that the impact of lack of access of healthcare impends people's ability to meet their full potential and negatively affects their quality of life which in turn affects the economy of the entire nation; concerned that unless healthcare is made available to the people their development and livelihood will continue to be affected immensely, this House urges the Government to establish health centres and hospitals where such facilities are lacking in all the 290 constituencies across the country.

ESTABLISHMENT OF PUBLIC DATA BANK FOR BRIGHT/POOR STUDENTS

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

THAT, aware that bright students from poor family background who score 70 per cent or more of the total marks in the Kenya Certificate of Primary Education (KCPE) fail to join Form One every year for lack of school fees; noting that if such trend is not checked bright students from poor families will be left out of the learning process hence ruining their future; aware that Article 53(1) (b) of the Constitution guarantees every child the right to free and compulsory basic education; recognizing the need to identify bright students from poor backgrounds and support some in pursuing and completing their studies in public secondary schools, this House urges the Government to establish a public data bank of four bright and poor students to be in the custody of the County Director of Education and such information be disseminated and made available to the public

including the respective Constituency Development Fund Committee and such other institutions that maybe willing to support such students.

STATEMENTS

FLOODING IN TANA DELTA

Hon. A.B. Duale: Hon. Speaker, Sir, I wish to make a statement regarding the flooding in Tana Delta sought by the hon. Member for Garsen, hon. Sane.

It is true that the heavy rains have led to serious flooding in the Tana Delta in the recent past. It is, however, not true that eight per cent of the area residents have been displaced and that more than 30 schools have not opened. The data we have indicate that 8,000 people have been displaced, 12 schools have failed to open due to the floods and the only health facilities which were cut off are those of Chwele and Nanighi dispensaries which do not conduct deliveries. The Government considers disaster management a top priority. Why do I say so? You will recall that, upon assuming office, His Excellency the President constituted a committee of ten Permanent Secretaries to develop a national action plan for disaster risk reduction, control and mitigation. The document is ready for launching by the President. It covers short, medium and long term interventions. In addition, His Excellency the Deputy President launched the airlifting of relief supplies by the Kenya Defence Forces (KDF) to the affected people of Tana River, Isiolo, Garissa and many other parts of the country on 19th April, 2013. This, therefore, shows commitment by the Government in the management of the floods.

Hon. Speaker, Sir, in Tana Delta, the local Governor, in consultation with the District Commissioner have been coordinating the floods response activities and, with the help of the District Disaster Management committees, the following on-going interventions by the Government and partners have been done:-

(1) The evacuation of people marooned by the floods in the Tana Delta and Garissa by the Government through the availability of choppers. The people who were marooned and could not leave the farms were evacuated.

(2) The Government has provided food and non-food items as follows:-

- (a) 800 bags of 90 kilogramme bag of maize.
- (b) 1,800 bags of 50 kilogramme bag of rice.
- (c) 800 of 50 kilogrammes bag of beans.
- (d) 350 cartons of cooking oil.
- (e) 40 bales of blankets.
- (f) 200 pieces of soap.
- (g) Tents.

All that is valued at Kshs20,993,000.

(3) The Government has provided authority to incur expenditure of Kshs170,000 to all the District Commissioners of the affected districts - Tana River included – to enable them to do the transportation of the relief food to the various affected people.

(4) The Government, through the Ministry of State for Special Programmes has provided Kshs5 million for the rehabilitation of schools in the affected areas.

(5) The victims of the floods have been relocated to safer grounds in order to avoid negative effects of the floods.

(6) Tana Delta District is currently on a monthly relief food distribution programme and will continue on that programme until the situation improves.

(7) The Ministry of Roads has deployed engineers to undertake emergency repairs on the sections of Bura-Hola and Garissa-Hola roads that have been damaged by the floods.

(8) The Ministry of Livestock Development vaccinated the livestock in January, February and March in anticipation of the possible risk of Rift Valley Fever outbreak, which is commonly associated with the time of flooding. The Ministry has also increased surveillance on any possible outbreaks across the ASAL region.

(9) The Ministry of Health and Ministry of Public Health and Sanitation are currently utilizing the eight preposition emergency kits, each catering for a population of 12,000 people. In addition, three lorries of assorted drugs were sent to the affected areas to control diarrhoea, malaria and other respiratory infections. Water purification and treatment chemicals have been sent to all the 47 counties. Senior Government officials, including the Permanent Secretary for Special Programmes, Permanent Secretary for Environment and Mineral Resources, Permanent Secretary for Water and Irrigation, Permanent Secretary for Health and Sanitation and Permanent Secretary for Regional Development, among others, visited the Tana Delta on 18th April and 5th May, respectively, to assess the floods situation and to oversee the response therein.

Hon. Speaker, Sir, the Ministry of Public Health and Sanitation, in collaboration with UNICEF, is in the process of supplying 20,000 mosquito nets to the affected areas in the next one week.

Finally, the Ministry of State for Special Programmes will continue to provide relief food and non-food items to the floods victims. I also want to note here that the Kenya Red Cross, Medecines Sans Frontieres (MSF), World Food Programme and World Vision have also played a very big role in partnering with the Government in order to contain the situation.

In conclusion, I wish to state that the Government is monitoring the situation in Tana Delta and other affected areas and will continue to provide humanitarian assistance. I also want to inform the House that the Government has come up with a national action plan for floods, disaster, risk reduction control and mitigation, which will soon be launched by His Excellency the President. The work plan provides the short term, medium term and long term intervention to deal with floods. Further, as I table this Statement, I also want to table what the Government has done in all the other districts, regions and counties that have been affected by the floods. Therefore, I beg to lay the document on the Table.

(Hon. Duale laid the document on the Table)

Hon. Speaker: The hon. Ibrahim Sane.

Hon. Sane: Thank you, hon. Speaker. May I also thank the Leader of Majority Party for tabling the Statement as he promised. Allow me to make some corrections. One, Chwele and Nanighi are not in Tana Delta but Bura Constituency. Allow me also to share

this information with the House. These are the facts as per today. Nearly 10,000 families and households are displaced in Tana Delta alone. They are in 71 camps. 100 per cent of the crops have been destroyed. 100 per cent of livestock have drowned in the waters in the rivers. As per today, 18 schools are yet to open. Eight schools with a total of 2,296 pupils have been completely damaged. Ten schools with a total of 3,135 pupils are not accessible. That translates to a total of 1,431 pupils. They are yet to attend schools since they opened in the Tana Delta. When the Leader of Majority Party was reading his Statement, he generalized the responses of the Government to the disasters in the entire country. I specifically asked about the Tana Delta. This is the response of the Government as per today. The Government distributed the following:-

Foodstuffs - 30,000 kilogrammes of rice; 36,000 kilogrammes of beans; 2,700 litres of cooking oil.

Non-food items – 200 pieces---

Hon. A.B. Duale: On a point of order, hon. Speaker, Sir. The Standing Orders are very clear; when I gave the Statement, the Member was to interrogate it, but now it looks like he is also giving the House another statement. So, I think I want this Statement to be interrogated. If it is not correct, then the Member can say what is not correct. But not---

Hon. Speaker: The rest of you may not speak to the point of order. Read your Standing Orders properly. With time, you will understand them and get to know. The Member is supposed to seek clarification.

Hon. Sane: Hon. Speaker, Sir, I am not giving a Statement, but I am sharing the right and correct information with the House. This House should not be misled by giving incorrect information.

Hon. Speaker: Hon. Sane, kindly, seek clarification. If you also want to give your own statement, then you can go through the Standing Orders. You may seek to do so while you are making your Personal Statement. But when you are giving your own figures without seeking clarification--- You can very well go and say: "You said this was done, but as far as I know, this is what has been done and this is what has not been done. This has not been covered." But if you start giving your own statement then, surely, the time available to you will not be well spent.

Hon. Sane: Hon. Speaker, Sir, surely, the Statement that has been given by the Leader of Government Business in regard to my request does not reflect the right information about the Tana Delta.

Hon. Wario: Hon. Speaker, Sir, I thank the Leader of Majority Party for giving that Statement. Tana River has 38,700 square kilometers with over 200,000 people. The effect of these floods is across the county. When the Leader of the Majority Party is telling us that he has given an AIE of Kshs170,000 which is totaling to Kshs500,000, you mean the Government is that broke and cannot afford to intervene? Is that the message the Leader of the Majority Party is sending? Finally, this is an artificial drought caused by TARDA and KenGen. Is the Government planning to compensate the lives and livelihoods lost?

Hon. Speaker: Mr. Wario, I suppose that you intended to say artificial floods and not drought?

Mr. Wario: Hon. Speaker, Sir, there are artificial floods.

Hon. Dido: Thank you, hon. Speaker, Sir. For the record, I am hon. Dido Rasso, Member for Saku. I wish to thank the Leader of the Majority Party for his answer on this. But interrogating it, I find it quite inadequate. Tana is known for conflicts, floods, famine and high levels of poverty, but when you look at the water flow, Tana should be rich in food and the bread basket of this country. Perennially, Tana is fed on famine relief. We have heard what the Government has done, but what is the Government doing so that in future, it is able to prevent such catastrophic calamities from happening?

Hon. (Ms.) T.G. Ali: Mr. Speaker, Sir, let me appreciate the Leader of the Majority Party for informing us what the Government has done. Just giving food to the affected people is not enough. What Tana requires and other parts of the country is more than just food. We have shelters destroyed and people do not even have places to sleep. Children are out of school. We should better take care of their lives not just by giving them food. We also want to hear more of how the people whose houses have been destroyed have been resettled and they have gone back to their normal lives.

Hon. Ng'ongo: Hon. Speaker, Sir, I would also want to thank the Leader of the Majority Party for bringing this Statement to the House. I do not envy him because in the absence of chairs of committees, he will continue to address many of these issues. I have two clarifications from him. First, he has talked about policy documents and action plan that would help us have some permanent or a more long lasting solution to this problem that affects the whole country.

When is this policy document going to be tabled in this House, so that implementation can start? This issue of flooding recurs after a period of time over the years. Secondly, I have rightly heard the Leader of the Majority Party talk about deploying our Defence Forces. Article 241(2)(b) of the Constitution provides that our Defence Forces:-

“(b) shall assist and cooperate with other authorities in situations of emergency or disaster, and report to the National Assembly whenever deployed in such circumstances”. This is like the one in Tana River. When will this report be given? Finally, the Constitution provides that the Defence Forces:-

“(c) may be deployed to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly”.

Currently, you have deployed our troops. Why did you not bring that to Parliament because this is a Constitutional requirement that you need to first get Parliament's approval? The job they are doing is classic and fantastic and no one would dispute it, but the Constitution is the Constitution. Could the Leader of the Majority Party tell us what they are doing to comply with that constitutional provision?

Hon. A.B. Duale: Hon. Speaker, Sir, first I want to be on the HANSARD that I am not the Leader of Government Business. My position is drawn from Article 108 of the Constitution in creating the office of the Leader of Majority Party and the Leader of Minority Party. So, please, do not refer to me as Leader of Government Business because I am not a Cabinet Secretary. Two, the Member for Garsen, my good friend, did not ask for any clarification. So, I will go to hon. Wario's concern.

Hon. Wario raised the issue of Kshs170,000. The Kshs170,000 is an AIE for only the transportation cost where the DCs were allowed to use that money to transport the food and non-food items. The Government has spent over Kshs20,000,993 in the Tana

River District, Tana Delta and Bura. On the issue of KenGen, that is another issue. It affects my constituency. It is an issue that the new Cabinet Secretary for Water and Environment must look at in terms of how to harvest water. Water harvesting is a key issue in the pastoral areas. A policy document must be brought to this House stating that every time we have floods, what follows is drought. So, why can we not harvest that water and use it during the drought for animals and domestic use?

Canon Rasso raised the issue that Tana River is known for conflicts and floods, yet it has the potential of producing a lot of food. I want to assure you that today, the Cabinet that this House approved yesterday has been sworn in. The Jubilee Government will put one million acres of land under irrigation in Bura and Hola and food insecurity will be a thing of the past for this Government. I can assure you that. Hon. (Ms.) T.G. Ali also talked about a long lasting solution.

Hon. Speaker, Sir, hon. Midiwo is a bit disturbed. The Leader of the Majority Party happens to come from the coalition that is in power and when I speak, I speak for that coalition. It is not me that made the coalition that is in power to be that of Jubilee. So, I will always speak for them.

Hon. Speaker, Sir, hon. Tiya Galgalo raised the issue of the long term solution which was also raised by hon. Mbadi. This is a document and it is titled: *The National Action Plan for Floods Disaster, Risk Reduction, Control and Mitigation*. This is complete. It is done. It will be signed by the Cabinet Secretary in charge of that Ministry and I can assure you that the Head of State will launch it and then in a week's time I will come and table it on the Floor of the House. This is how a Government that is in office for barely 37 days can work.

Finally, hon. Mbadi asked about Article 241 of the Constitution. Article 241 of the Constitution specifically talks about deploying our Kenya Defence Forces (KDF) on issues of containing security within our borders. I am talking about flood disaster and tomorrow--- There is an impression that has been created by the media over the last one week---

Hon. Ng'ongo: On a point of order, hon. Speaker, Sir. I think I need to read to hon. A.B. Duale, Article 241(3)(b) of the Constitution. It says: "shall assist and cooperate with other authorities in situations of emergency or disaster, and report to the National Assembly whenever deployed in such circumstances."

Leader of the Majority Party re-baptized "Leader of Government Business", the one you are referring to is "will be deployed to restore peace." This is Article 241(3)(c) but the one I referred to first was Article 241(3)(b). So, they are both there. Just address yourself to the two of them.

Hon. A.B. Duale: Hon. Speaker, Sir, you know my good friend, hon. Mbadi, was a serious contender for this office that I am holding, if the other coalition could have won and that is why sometimes he loses it and thinks he is on this side.

(Laughter)

Hon. Speaker, Sir, that was on a light touch because he is my good friend. In Tana River, across Garissa, there is the biggest military camp. In Mandera, we have a military camp. In Wajir we have a military camp. Where the military camps are and they

are assisting the local people around there, that is not deployment. However, what hon. Mbadi said is what we did. Last year, in the Tenth Parliament, the Government sought an approval to deploy the military to Tana River but this week there were a lot of issues in the media that the Government is deploying the military or the KDF to deal with insecurity issues in Mandera. Chair, with the indulgence of the House, tomorrow afternoon I want to make a similar statement on insecurity and the deployment. I want to assure hon. Mbadi that days are gone when the Government used to disobey the Constitution. We obey the Constitution. We believe in the rule of law and that is why the Deputy President went to The Hague the day before yesterday.

Hon. (Maj.-Gen) Nkaissery: On a point of information, hon. Speaker, Sir.

Hon. Speaker: Hon. Duale, do you want to be informed by hon. Maj-Gen. Nkaissery?

Hon. A.B. Duale: Hon. Speaker, Sir, hon. Nkaissery does not seem to want to inform me.

(Laughter)

Hon. (Maj-Gen.) Nkaissery: I want to help you.

Hon. Speaker: Hon. Maj-Gen. Nkaissery, when someone declines your information, you just resume your seat like a gentleman that you are and a general, of course. Hon. David Eseli.

Hon. (Dr.) Simiyu: Thank you, hon. Speaker, Sir. The Leader of the Majority Party said that the Government is going to put in about Kshs5 million to rehabilitate schools and in the process he told us that there are about 12 schools, which was disputed by the person who asked for the statement. However, even if it were 12 schools and there is Kshs5 million and eight of those schools have been completely destroyed, when you do mathematics, it means each school is getting about Kshs416,000. Honestly, could the Leader of the Majority Party tell us that is adequate relief or is it relief at all? Thank you, hon. Speaker, Sir.

Hon. Speaker: Hon. Letimalo.

Hon. Letimalo: Thank you, hon. Speaker, Sir. My question is similar to what hon. Eseli has raised. In his statement, the Leader of the Majority Party said that 12 schools never reopened although the area Member of Parliament is disputing because he is talking of 18. The fact remains that over ten schools never reopened. Chances are that these schools could have been destroyed to the extent that it may take time for them to be reconstructed. My concern now is: What happens? The Government has not told us what plans it has to ensure that these students whose schools never reopened do not miss lessons.

Hon. Speaker: Hon. Dalmas Otieno.

Hon. Anyango: Hon. Speaker, Sir, the Tana flood disasters have been with us for many years and all along there have been plans to tame River Tana by building a 5.3 billion cubic metre dam, the High Grand Falls. What is the digital team doing to accelerate commencement of this so that disaster in the Tana Delta including food security, irrigation and so on are a thing of the past within three or four years?

Hon. Speaker: Hon. Rachel Nyamai.

Hon. (Ms.) Nyamai: Thank you, hon. Speaker, Sir, for giving me an opportunity to speak on this important matter. First, I would like to thank the Leader of the Majority Party for presenting this case to us and the action that the Government has taken in order to support the residents who live within the Tana Delta; but I have a concern that I have not heard the Leader of the Majority Party mentioning; availing safe drinking water for the community. In a case like this where there are floods, there is a possibility that they cannot access safe drinking water. I have also not heard any part mentioning anything to do with mobile clinics. If at all these areas can be reached, is there a possibility that mobile clinics can be brought closer to the people so that they can access medical care?

I would also like to mention that whenever situations like these happen and there is a disaster like this one, we tend to talk so much about materials and we forget that these people are psychologically affected and there maybe need for them to access counselling. I believe that our country can offer counselling services to these people, especially those who have lost their property and giving them hope that the Government will take measures in order to bring their lives back to normalcy.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Hon. Wanyonyi. F.K.

Hon. F.K. Wanyonyi: Hon. Speaker, Sir, thank you for catching my eye because I think I have been trying to stand for quite some time now.

Hon. Speaker: Even now I have not caught your eye.

Hon. F. K. Wanyonyi: You caught my eyes.

(Laughter)

I saw you and you saw me. Well, the eyes met and I think it is good.

Hon. Speaker, Sir, I want to share with the Leader of the Majority Party that for the benefit of the House, I happened to be the Chief Executive Officer (CEO) for TARDA and I think I quite agree with hon. Dalmas Otieno. I know for sure the problem on Tana Delta has been there for quite some time. I think there were plans to build what they call the check dams upstream because most of the problems in Tana Delta are not caused by the rains in the Tana, it is because of the rains in the Aberdares and other areas. I was expecting that the Leader of the Majority Party would report on how far they have gone with construction of the check dams upstream because basically the problems in Tana Delta are not caused by the rains that actually pour down there but they are because of the rains that occur in the highlands, that is the Aberdares and other areas. So, I think there is something that the Government should do now to be able to tame the river because we have heard of these floods year in, year out. I sympathise with the people of Garsen because I know they have suffered enough. I therefore expect the Government to come up with a lasting solution.

Hon. Speaker, Sir, besides that, I also want to find out from the Leader of the Majority Party whether we also have other problems elsewhere. In my area of Trans Nzoia, we have a river called Sabwani. It causes the same problems. In fact, as I am talking like this the river is actually destroying homes and even the little crops that people plant along that river.

Hon. Speaker, Sir, I want to find out from the Leader of Government Business, the Majority – whatever it is! I want him to issue a Statement because we have had problems along River Sabwani. In fact, when I was there last weekend, it had claimed about ten lives and quite a number of livestock. We have had problems on that particular river and none of the institutions he has mentioned have actually come to carry out investigations. Therefore, the problems affecting the Tana Delta have spilled to our side. We are experiencing an outbreak of foot and mouth disease. There is a risk of water-borne diseases because latrines and boreholes have been destroyed. So, I request the Leader of the Majority Party to issue a Statement about Sabwani River. The problems there are similar to those along the Tana Delta.

Thank you.

Hon. (Dr.) Pukose: Thank you, hon. Speaker, Sir. I am very close here and you may not be able to see me. Thanks a lot and I appreciate.

I want to contribute to this Motion and thank the Leader of Majority Party for the reply to the question that was raised by the hon. Member for Garsen. That was a good presentation. But the hon. Member for Garsen is not satisfied. It would have been prudent if they had met before and raised the issues that he is trying to raise on the Floor. Some of those issues could have been looked into and he could even have organized a visit to the place, so that he can be able to clarify the areas that he feels his people are not satisfied.

The other issue, as my neighbour, the hon. Wanyonyi has presented, is about disasters occurring in this country. Today, we have a disaster in Tana Delta. Tomorrow we may have another disaster at Ahero. There is a disaster at Sabwani as we are speaking today. The disasters are occurring all over the country. We might hear of a building collapsing and all those other things. Those things are here with us.

The disaster management teams that are formed at the district level only come up when there are disasters, but they are not prepared to manage those disasters adequately. We do not have a special fund to cater for them. In the budget preparation, I know that we set aside about Kshs5 billion for disaster management. But I think it would be good to have a permanent team at the national level to manage disasters everywhere. As we debate on the Floor today, we want to ask somebody to take responsibility. There is nobody who is taking that responsibility. We need to have a body that can manage disasters adequately; and that is managed by professionals who are able to address disasters. If we do not do that, then we are not moving in the right direction.

Otherwise, thank you for your answer.

Hon. Speaker: It is not contribution, but clarification. Let us have the Leader of Minority Party.

Hon. Nyenze: Thank you, hon. Speaker. I want to thank the Leader of Majority Party for that reply. But there is something that was raised by hon. Ali. Hon. Ali said that, that disaster was caused artificially by KenGen. I think that bit escaped the House. If it was a disaster that was artificially caused, then we can talk about compensation. People have to be properly compensated because that is a disaster that the Government cannot run away from. Giving just water, food and small things like Kshs400,000 to schools is not enough. Families lost everything they had. If that clarification can be done by the Leader of the Majority Party, then we need to pass this Motion and make the Government to compensate every victim of the floods because KenGen is making super profits. It is

doing projects for Kshs80 billion, geothermal, *etcetera*. People have lost their livelihoods because of those floods. The Government could have constructed a high grand falls that could have acted as a reservoir to collect all this water and not to punish the people who live downstream. If that clarification could be made, those people should be compensated. They should get Kshs2 million or Kshs5 million and not peanuts.

Thank you, hon. Speaker.

Hon. Speaker: You are going to let the Leader of Majority Party make some responses.

Hon. Sane: On a point of order, hon. Speaker.

Hon. Speaker: Let him respond and then you will ask more questions. I will allow you to ask more.

Hon. A.B. Duale: Hon. Chair, let me respond. I am ready to respond as the Chair has directed. Hon. (Dr.) Eseli has asked why we have allocated Kshs5 million for 12 schools. We have done an assessment and we have a department called Ministry of Public Works. An assessment was done based on the destruction to those schools and a figure of Kshs5 million was arrived at after a technical evaluation. So, we do not just bring figures.

Secondly---

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

Hon. Speaker: Yes, hon. Sane.

Hon. Sane: We cannot tolerate the Leader of Majority Party to continue misleading this House. If the schools are not accessible, how was the survey done? How was the survey done by the Ministry of Public Works officers? I know Public Works Officer on the ground. We were with him all the time.

Hon. Speaker, for your kindness, I have not raised this matter for the purpose of debate in this House. It is a matter of great concern because people and children are suffering. People are left in the cold. May I urge this House to appoint a special delegation to go and assess the situation in Tena Delta.

(Applause)

Hon. A.B. Duale: Hon. Speaker, Sir, I am really concerned, of course, about the people of Garsen, who are my neighbours. From the outset, I want to tell my colleagues that from the Floor of this House, I direct the Minister or the Cabinet Secretary in charge of this docket to liaise with hon. Sane and visit that area as a matter of urgency. That is a directive I have given as the Leader of Majority Party.

(Loud consultations)

Hon. Speaker: Hon. Duale, from this House, you do not have that capacity to give directions. Directives will only be given from here; not from where you sit. So, you could suggest that the Cabinet Secretary concerned will take action; or promise the hon. Member that you will consult with the Cabinet Secretary. But I am sure giving directives from where you sit, it could be wrong.

Hon. A.B. Duale: Thank you, hon. Speaker, for that correction. I am sure the Government is listening to me. On the issue of the school, I want to tell my colleague that we are providing food, non-food items and medicines to those victims. So, if we are giving them all those things, I do not think the person doing the assessment--- I want to confirm that if those schools are completely destroyed, it is the obligation of the Government, hon. Members through CDF and the county government which we allocated a lot of money last week, to also take part because it is collective responsibility on the leadership to do that.

Hon. Speaker, while I finish because it is my time to reply--

Hon. Speaker: He is on a point of order. Any time, look at the Standing Orders.

Hon. (Dr.) Simiyu: On a point of order, hon. Speaker. I rise on Standing Order 107 (1) (f), that the Leader of Majority Party's conduct is disorderly. The hon. Member is deliberately giving false information to the House that those schools were accessed, when we have been told by the area Member of Parliament that they are inaccessible and so, they could not have been accessed. So, the Leader of Majority Party is even giving false information to the House.

So, I rise on a point of order under Standing Order 107 (1) (f), that he be found grossly disorderly.

Hon. Speaker: The hon. (Dr.) Eseli, how did you establish that falsehood? What capacity do you have considering where you are seated, to start making inferences about falsehoods? You can say: "It looks like what he is saying is not tallying with what the hon. Member is saying." But, certainly, you cannot say that he is misleading the House. You have to show me the evidence of falsehood. Surely, you have not. You merely want to argue. The hon. Member for Garsen, the hon. Ibrahim Sane, is raising a very serious issue. I think he is making some proposal for this House to consider. I think we should be thinking in those lines.

Hon. A.B. Duale: Thank you hon. Speaker, for that guidance. I really wanted that kind of guidance at this moment because the Standing Orders are very clear.

Hon. Speaker, Sir, with regard to what hon. Rachael Nyamai has raised, I agree with her. In my Statement, there was the issue of water purification and treatment. In fact, it was not only done in Tana River, but all the 47 counties. Of course, ambulances in that region have been put on high alert. Without fear or favour, I wish to state that our digital Jubilee Government will put the biggest of the biggest dams upstream, to ensure that the Tana Delta never suffers flooding again.

The issue that hon. Dalmas Otieno is talking about is already in this document. It is only waiting for the Head of State to launch.

Hon. (Dr.) Pukose and hon. Wanyonyi have talked about River Nzoia. I agree with them. The document that I have laid on the Table shows each and every---

Hon. F.K. Wanyonyi: On a point of order, hon. Speaker, Sir. The Leader of the Majority Party is misleading the House. I never talked about River Nzoia. I talked about Sabwani River in Trans Nzoia, Kwanza District, which connects Endebess, where hon. (Dr.) Pukose comes from. Could he, please, get the facts right and answer the question well?

Besides, hon. Dalmas Otieno mentioned something. I had said that since I had worked for TARDA before, we had plans to build a grand falls upstream. The Leader of the Majority Party is not answering that question. Is he in order to mislead the House?

Hon. A.B. Duale: Hon. Speaker, Sir, the HANSARD will bear me out. He talked about River Nzoia. He also talked about River Sabwani and I was coming to that. With regard to the plans, hon. Wanyonyi should know that there is change of guard and that there is a new administration which will have its own plans on how to build huge dams upstream to make sure that what hon. Dalmas Otieno has talked about is done.

On Sabwani, Nzoia, Nyando and other areas where flooding is taking place, the document that I have tabled in the House gives reference to short, medium and long-term interventions that the Government is engaging in.

Hon. Speaker, Sir, to answer hon. Letimalo on the issue of schools, I want to confirm that, for the first time in the history of this country, within 37 days in power, the national action plan for floods, disasters and risk reduction---

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

(Several hon. Members stood up in their places)

Hon. Speaker: Since most of you are---

Hon. A.B. Duale: Hon. Speaker, Sir, I want to finish.

Hon. Nyenze: On a point of order, hon. Speaker, Sir. Is the Leader of the Majority Party in order to claim that in the first 37 days, they have come up with what he has mentioned when we know that it is the Kibaki Government that did that project and they only came in to change it?

Hon. Speaker: That is an argument, it is not a point of order.

(Hon. Simba stood up in his place)

Hon. Speaker: Hon. Simba *alias* the lion!

(Laughter)

Hon. Duale A.B: Hon. Speaker, Sir, I seek your protection so that I can finish. Some of us have a lot of respect for the legacy that the former President left. This is a document prepared by a Government that has been in power for 37 days.

With regard to the issue raised by the Leader of Minority Party, that is very factual. My constituency and that of the former Vice President who is also the leader of the Wiper Democratic Movement and others are victims. When flooding takes place upstream and KenGen dams are full, they release water.

Hon. Speaker: What is your point of order, hon. Member? Is that Outa?

Hon. Outa: My name is hon. Fred Outa and I want to thank you for the three days suspension that enabled me to be with the people of Nyando at a time when they needed me most. I want to tell this House that I really appreciate what the Government is doing in Tana River but, at the same time, I want the House to know that the bedrock of the floods menace in this country is Nyando. The Leader of Majority Party should tell us

what the digital Government has done for the people of Nyando who, as we speak today and with a lot of pain, 3,000 families have been rendered homeless. No digital Government has come to the aid of 25 schools including Ahero Girls Secondary School, which has been closed down and yet, here is hon. Duale making drama to the nation without the Government responding---

Hon. Speaker: You may now resume your seat, hon. Outa. I have sympathy with what you are saying because it affects Kenyans but, obviously, that is not a point of order. You made a statement and, in fact, I thought you should have sought a Statement from the Leader of the Majority Party on that particular situation because it affects Kenyans. Maybe, he needs to liaise with you.

Hon. A.B. Duale: Hon. Speaker, Sir, I have never been a member of any theatre club and the people of Garissa have sent me to this House to make contribution to change the lives of our people.

However, I want hon. Outa to hear very carefully. I want to tell him what the Jubilee Government has done. Today is a good day because the digital Cabinet has been confirmed. The Jubilee Government has, first, allocated Kshs3 million to Kisumu and Nyando for flood mitigation. It has also supplied 900 bags of rice, 900 bags of maize, 500 bags of beans, 200 cartons of oil and 200 mosquito nets to Nyando. I have tabled all the information, region by region. The most important point I was making was with regard to what was raised by the Leader of the Minority Party---

Hon. Wario: On a point of order, hon. Speaker, Sir. Due to the contradictions in the information given on the Floor of this House on the magnitude and the effect of floods in Tana, would I be in order to request the Chair, now that this is a unique House where we have the Leader of the Majority Party who has no powers to instruct the Government or a Cabinet Secretary to intervene at such a crucial time, to form a small committee to come up with the way forward on that problem?

Hon. Speaker: Hon. Wario, you have raised a very fundamental issue, of course, on the same issue that hon. Sane raised. Had you done something that I have been pleading with you for the last three weeks, this would have been a very simple matter because we could have resolved, as a House, to refer this matter to the relevant Departmental Committee to even visit the area and bring a report for debate in this House. Hon. Wario, we do not set up *ad hoc* committees in the plenary. This is the other handicap you have put yourselves in collectively as a House. I sympathize with that but until you do what you are supposed to do, we will just debate. You cannot form a committee in the plenary without taking it through the other processes such as the Committee on Selection and such like things. Or, you can move a Motion claiming to set up a committee with specific names of Members to serve in it. That Motion will be debated and adopted.

Hon. A.B. Duale: Thank you, hon. Speaker, Sir, for giving that very good guidance. There are procedures to be followed when forming Select Committees and committees of the House. The information I have provided is factual. If hon. Wario says that it is contradictory, in the world of contradiction and even from the English dictionary, you must offer a contrary opinion. So, there are no contrary facts that the hon. Member has given.

However, the issues that the Leader of the Minority Party raised are of great importance to the country. I want hon. Wario to hear me because that is where the gist of the matter lies. When it rains mainly upstream, Kindaruma Dam and other KenGen dams are filled up and the flooding affects the farmers downstream. This issue came up in the last Parliament and I agree with the Leader of Minority Party that, that is artificial flooding and the farmers must be compensated. I am sure that this is an area that hon. Members from that region need to look into and make sure that the Government builds more dams upstream, so that they can be used to generate power. However, to disagree with the Leader of the Minority Party, it is within law; it is in the interest of this country and it is within the Vision 2030 for KenGen, as a Kenyan company to make super profits. That is not a crime. They are involved in the geothermal sector and that is within law. However, they cannot release water from their dams and affect poor farmers downstream. That is an issue that the Government will look into and find a way forward.

What I have tabled here is information from Tana River, Migori, Elgeyo Marakwet, Murang'a, Kiambu, Kirinyaga, Nyandarua, Makueni, Nyando, Muhoroni and Kisumu. I have tabled all that information regarding the Government intervention and hon. Members can access it, read and challenge it.

From 1.00 O'clock today, we had a Cabinet Secretary of the Jubilee Government in office. Hon. Members can raise questions and they can visit Tana River. I would like to tell hon. Sane that this Government has a moral and constitutional obligation to the people of Tana River and other areas. So, it is not a choice. The right of the people of Garsen is enshrined in the Constitution and, more so, in a Government that listens and follows the rule of law. That is the Jubilee Government.

(Applause)

Hon. K.K Kinyanjui: On a point of order, hon. Speaker, Sir. I want to seek a clarification.

Hon. Speaker: We will not have clarifications by way of these arguments that you are all advancing. Hon. Kinyanjui, what is the clarification that you are seeking?

Abongotum: On a point of order, hon. Speaker, Sir. I rise to seek further guidance especially on the matter that hon. Wario has raised. As you know, this is a new dispensation and as they say, every day is a learning day. The Leader of the Majority Party has said that he, kind of, has the powers to instruct the relevant Ministry to take action. You said he does not have that power. This is with due humility because you know that I cannot have mischief. We want to know in a situation where we have an emergency, who is supposed to instruct Ministries. Is it the Majority Party Leader? Is it the relevant chairs of departmental committees or your office? That is because I know that we have the normal separation of powers. We want information to be left to a particular Ministry in case of an emergency so that action can be taken as a matter of urgency. Who is supposed to do that?

I also want to inform the Leader of the Majority Party that we have a serious problem in Baringo because schools are getting submerged. Those of you who love holidaying at Lake Baringo Club, as I speak, it is under water. There is also a danger of Lake Bogoria and Lake Baringo joining. What can the Leader of the Majority Party say

on this? However, we want guidance on the *modus operandi* between the Legislature and the Executive. We want that clarity.

Thank you, hon. Speaker, Sir.

Hon. K.K. Kinyanjui: Hon. Speaker, Sir, I would like the Leader of the Majority Party to clarify something about Nyandarua because I have seen that he only mentioned Kipipiri. Hon. Wanyonyi has said that he worked with TARDA and he mentioned Aberdares. So, I would like to get a clarification from the Leader of the Majority Party. They should know that all the floods come to Nyandarua, which is my constituency. The floods have affected that area so badly that the roads have been washed away. The dams have been damaged and yet, the report is only talking about Kipipiri, which is downstream. The main place is in Kinangop and when I took the initiative to go and see the Permanent Secretary, the one we confirmed as Cabinet Secretary in charge of infrastructure, I got a surprising story that this House would like to hear. In three weeks time, he has budgeted for floods and management of roads at a cost of about Kshs13 billion. He has already requested the Treasury to give him that amount, but it has told him that it can only afford to give him Kshs167 million. He is now in a dilemma as to how he can utilize that amount. That was three weeks ago. He conducted a second evaluation and the estimated cost for damaged and washed away roads shot to Kshs20 billion. So, I am kindly requesting the Leader of the Majority Party, when he will be issuing the Statement tomorrow, to get those clarifications. What are they doing about the roads and schools that have been washed away not only in Garsen, but also in Nyandarua - particularly in Kinangop.

Hon. Speaker: Hon. Members, in your Standing Orders, you have provided for a very unique committee to which a majority of you do not even want to pay attention to - the Committee on Implementation. What does it implement? What follow-ups does that Committee do? Undertakings by the Government relayed to the House by the Leader of the Majority Party. That Committee should make follow-ups. Who directs Cabinet Secretaries? If the House resolves that a particular Cabinet Secretary should undertake certain actions or responsibilities within their dockets, that is the method of giving directions to the Executive which is out of this House. But, more importantly, for the benefit of hon. Abongotum, in the Constitution, Article 153, Clause 3, it provides clearly that a Cabinet Secretary shall attend before a Committee of the National Assembly or the Senate when required by the Committee and answer any question concerning a matter for which the Cabinet Secretary is responsible. Clause 4 provides as follows:-

“Cabinet Secretaries shall (a) act in accordance with this Constitution; and, (b) provide Parliament with full and regular reports concerning matters under their control.”

When they do so, again, either it is to a certain departmental committee which will take up those reports as given by the Cabinet Secretaries, interrogate them and make a report to the plenary; which reports, if adopted, then will form the basis of further action for a Committee and more, particularly, the Committee on Implementation. So that is going to be the mode of operation.

Next Order!

MOTION

ESTABLISHMENT OF FREE NURSING UNITS IN COUNTIES

THAT, aware that according to the statistics released by the National Council of Population and Development (NCPD) in Policy Brief No. 25 of June 2012, Kenya's population, as that of all other Sub-Saharan African countries, is rapidly ageing and the population of persons aged 60 years and above has increased steadily from 1 million in 1989 to 1.9 million by 2009, and is projected to reach about 3 million people by year 2030; concerned that there is an increase in the number of neglected and/or abandoned elderly members of the society as a result of the financial inability of their immediate kin or lack of capacity to handle the health conditions of such senior citizens; noting that despite the legislation enacted to cater for the elderly, little further comprehensive action to enhance their well-being and specifically the health of older Kenyans has ensued, this House urges the Government to establish a free nursing unit for the aged in every hospital in all the counties.

(Hon. Mustafa on 8.5.2013)

(Resumption of Debate interrupted 8.5.2013)

Hon. Speaker: Hon. Macharia was on the Floor and has a balance of eight minutes. If he is in the Chamber, he can take advantage of those minutes.

Hon. Macharia: Hon. Speaker, Sir, it is true I had a balance of eight minutes. I would like to donate some of those minutes as follows:-

I would like to donate two minutes to hon. Gikaria and four minutes to hon. (Ms.) Mbugua. I was contributing to the Motion for the elderly and I would like to summarize my contributions by supporting the Motion. I have exhausted my points. I would like to donate my minutes to hon. Gikaria.

[Hon. Speaker left the Chair]

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

Hon. Gikaria: Hon Temporary Deputy Speaker, Sir, I want to thank my colleagues---

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Macharia, you cannot donate your minutes in that way because you were just about to use your eight minutes. It will not be in order for you to try and donate your minutes the way you are trying to donate them.

Hon. Macharia: Hon Temporary Deputy Speaker, Sir, I have exhausted my contribution to the Motion.

Hon. Kimaru: Hon. Temporary Deputy Speaker, Sir, I would like to support the Motion. Indeed, the elderly have been marginalized in the sense that, at that age of above 60, most of the elderly people are not productive or engaged in productive employment or in any kind of employment at all. Majority of those find themselves in destitute situations where they cannot provide for themselves. They lack food and even medical care. From my personal experience, every time I am at the constituency, I have to foot a number of medical bills for the elderly. That, indeed, is not the work of an MP. I think that should be the work of the Government to take care of its disadvantaged members; the senior members of this society appropriately.

I think it is not enough to just provide nursing units. My understanding of a nursing unit is where somebody will be admitted and be taken care of. Many of those elderly people require medical care throughout. Even the in-patient services that are there, many of them will not afford them. I know I am not alone in saying that from time to time, we have to foot those bills. Maybe, that is the reason why we ask for bigger perks. But even then, it is not our duty to provide those services. So, the Motion is timely and I think the net should be expanded like in many other countries that take care of their elderly. They should be provided with free health care at Government institutions. It is possible to do so because we know that the percentage of the population that constitutes the elderly group is not that big and, indeed, the Government can cater for them. As I said, it may not just be the medical care. We also need to have providence for them to keep them going. From a personal experience, I also pay rent where I live because it is in a slum area. Most of those people who come from that slum area are in rented premises and eventually as it is bound to happen with each one of us, they get elderly. They do not have homes of their own and have to rent those ones. Even at a mere Kshs200 or Kshs300, they are still not able to pay. So, we still have to provide for them.

When we talk about an elderly fund where the elderly people can be funded by the Government, I think it is also important that this stops being a pilot project. It has been a pilot project forever. It was started at the beginning of the last Government and up to the end of that Government it has still continued to be a pilot project. Even today, it is still a project. Within my constituency, we still have people who receive those stipends every now and then. But then the majority does not save that money. Is that not being selective? Why should a few people in the society who are aged get the benefit of those funds while a majority does not get it? People are asking all the time: "Where are the funds for the elderly?" When you tell them that it is still a pilot project, they cannot understand because if one person has a neighbor who is benefiting, you cannot tell him it is a pilot project while another person is enjoying the same. In Nanyuki where I come from, the people who were living in slums like Kanyoni and Kwa Mbuzi were kicked out. Those people still live in destitution. We have seen schemes started in the very same areas but they do not benefit the old and needy. But you have new people coming in and benefiting. Those who are supposed to benefit are not given the money. I think this is an opportune time to undertake to have people from Kanyoni and Kwa Mbuzi areas resettled by the Government. That is because the land was set aside to resettle them. But, instead of settling the *bona fide* members of those slums, it benefited other people.

So, I stand to support that, indeed, the elderly should get those benefits. Ahsante!

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Members, I will go back to the issue by the Member for Tigania. I refer to Standing Order No.82(3) where only the Mover of a substantive Motion may donate his or her time and only when in reply. So, the Member was contributing and under that Standing Order, it is not in order for him to donate his time as he sought to. That is why you were ruled to be out of order.

Hon. (Ms.) Ombaka: Hon. Temporary Deputy Speaker, Sir, thank you for this opportunity. This is a topic that is dear to my heart because I have seen many people in my area suffer greatly. There are many problems that I have noticed. It is not just long-term illnesses. Those old people are also abused. Many of them are accused of bewitching other peoples' children. I have read many times in newspapers that they are killed. A lot of their property is also snatched by their relatives and yet, those are very important and senior members of our society. Back at home, many of those old people, particularly women; look after orphans. They look after so many orphans and yet, they are living without a single penny. They have no income. They are abused, and they have children to look after. I find them to be highly abused members of the society.

When it comes to illnesses, this is an age when one suffers long-term illnesses, which are very expensive to treat. They have heart and bone problems. They have cancer and yet, they are abused. I was told that the experimental money that is being given to them in some areas is Kshs3,000 per month, while in other areas, it is Kshs4,000. Nobody knows exactly how much is supposed to be. There are those who do not receive any money at all. When I asked why such elderly people are not receiving any funds like other elderly people nearby, I was told that they have children who are educated and who are working.

Therefore, we need to understand that some elderly people are not qualified to get those funds because it is argued that they have children who are already working somewhere and that they are receiving support from their own children. That is not always the case. You may have children who are working, but they may not support you. So, most of those elderly people need State resources. They need to be supported and be given an opportunity to seek treatment and die in dignity. Many of them have no access to social justice. When their land is taken away by relatives because they are too old to "fight", they cannot even access legal assistance.

Therefore, this Motion is timely. We need to strongly support the fact that they are abused and that they need care. Medical care is very important. In this country, medical care is also very expensive for the elderly. So, let us give the Motion a big support because the elderly are also taking care of young children today. As a consequence of HIV/AIDS, many of them have become mothers once again, in addition to being grandmothers.

Thank you very much.

Hon. Temporary Deputy Speaker (Hon. Kajwang): Hon. Members, let me come back to Nairobi and have the Member for Roysambu.

The Member for Roysambu (Hon. Ndirangu): Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. About 21 years ago, when I was a young man, I represented Nyeri Constituency. So, I am making my maiden speech in this House after five Parliaments since I was in this House last. I must say that I am happy to see the changes that have taken place in this country. For example, in the Sixth

Parliament, we had only three women; namely, hon. Ndeti, hon. Grace Ogot and hon. Nyiva Mwendwa. Today, through affirmative action and extension of democracy, we have over 67 women Members of Parliament. So, we have recorded a lot of progress as far as democracy and affirmative action is concerned.

Initially, I used to represent Nyeri Town Constituency but, over the years, I moved to Nairobi. I now represent Roysambu Constituency. My name is Waihenya Ndirang'u. Roysambu is amongst the newest constituencies. It was curved out of the larger Kasarani Constituency. Chair, I am happy to be your neighbour, now that you represent Ruaraka Constituency.

Hon. Temporary Deputy Speaker, Sir, peace and thanks be upon the Mover of this Motion, hon. Mustafa Iddi, for remembering our senior citizens so that they can be provided with free nursing care in our local hospitals. The health situation in most of our urban slums, like the ones I represent in Roysambu Constituency; namely, Soweto, Githurai, Marurui and Kamae; is so dire. The truth of the matter is that many elderly men and women die in their houses. Some are as old as 80 or 90 years and have retired. Those are people who, during their productive ages, served in the informal sector as barmaids, labourers and plantation workers. When they are old, infirm and not employable, they suffer a lot. That problem is particularly severe for grandmothers whose daughters and sons have left behind AIDS orphans. So, you will find that it is the old and infirm who are caring for those orphans. It is necessary to provide free nursing care to them; to give them access to medical facilities. You will find that most of them lose their lives because of simple diseases; they cannot afford painkillers. They cannot afford drugs for malaria and diabetes. I want to thank the Mover of this Motion, which will go a long way to ensure that the old and infirm are taken care of. Allow me to say that our Government should provide a data-base so that they can capture all the people who are over 65 years and who are in circumstances that require medical help. We also need to set up parameters to evaluate and assess those that qualify for that help. We want to insist that the project, which the Government set aside for the old to be given a stipend, should be properly broadcast so that people know what systems are followed and who should benefit.

When we think about health facilities particularly in urban areas like Nairobi where the population is very high, we need to first tackle the issue of land. In my constituency, we are about 300,000 Kenyans. But you will find that most of the plots that had been set aside for building health facilities have been grabbed. When CDF money is allocated, it is not spent because most of those pieces of land have been grabbed. I think it is high time this Government implements the Ndung'u Report so that we can recover all the public land that is in private hands. If that is done, we can construct medical facilities.

I also have a word for our Members of Parliament who are here. As an old Member, I would like to tell them that coming to Parliament is easy, but returning is very difficult. I have been trying for four seasons. I must tell the Non-Governmental Organizations (NGOs), like the ones that were sponsoring the "Occupy Parliament" campaign--- I saw one of the sponsors was a former contestant for Nairobi governorship seat. I wonder whether he got over 100 votes. Members of Parliament are the representatives of the people; they are an expression of the sovereignty of this country.

Members of Parliament were not elected to come and enrich themselves here. I will give my own example. When I left the Sixth Parliament, we were earning Kshs18,000. I left this place as a pauper. But along the way, I have toiled in *Jua Kali* and every other general election, I have contested. I am not here to recover the money that I have lost. But I feel within my heart a patriotic duty to come and represent the people. The dignity and integrity of this Parliament is going to be compromised by the likes of Serem. I think it is important that, hon. Speaker, the motive of that Commission be investigated. How can they reduce the salary of Members of Parliament almost by half? It can be proven that when you are not paying Members of Parliament, you will not be getting quorum in the House. When I left Parliament, I was 24 years old. I got employed twice but, immediately my employer noted that I was a former Member of Parliament, they chased me away. I am an accountant by profession. The Press wrote that for many years, I have been a junk peddler; selling scrap metal. It is important that the interest of a Member of Parliament is taken care of. It is important---

Hon. Temporary Deputy Speaker (hon. Kajwang): Right, Member for Awendo.

Hon. Opiyo: Thank you, hon. Temporary Deputy Speaker, Sir. I want to add my voice to this---

The Temporary Deputy Speaker (hon. Kajwang): Order! You do not have to complete all you minutes. You can speak for the shortest time so that others can also get some time to speak.

Hon. Opiyo: Much obliged hon. Temporary Deputy Speaker. I want to add my voice to the many voices that have talked about this Motion. First of all, we must recognize the elderly people as having contributed immensely to our economy during their productive years. When it comes to their twilight years, it is the business of the society called Kenya to take care of them. In that regard, therefore, I want to add another angle to this Motion. That it is our obligation as Kenyans to give social protection to the elderly of this society. We are aware that there is some stipend that had been passed in this august House that is supposed to be paid to the elderly. For a long time, we have been told it is a pilot project. It is the highest form of discrimination to pay a section of the elderly population while denying another section that kind of privilege. I want to urge the Government of the day that when it finally presents its budget here, to ensure that it takes stock of all the elderly people in this country. It should present a budget that is able to take care of them so that they can live decently like the Kenyans they were when they were in their productive years. The kind of change that Kshs3,000 can bring to the lifestyle of an elderly person is amazing. If an elderly man is sure that, at the end of the month, he is able to get Kshs.3000 and spend it, he or she will be okay. He or she can walk into a shop and ask for sugar in the belief that, at the end of the month, he will pay for it.

I want to say that I was touched by the story of one former Member of Parliament, hon. Mark Onyango. The story appeared in the *The Standard* last weekend. It is unfortunate that 20 years down the line, an hon. Member of this House can live the kind of life hon. Onyango is living today. I think this House should be firm. I am told he won some award in court, but he has not been paid. I think this House should push for such a payment to be made.

I want to say that according to our African culture, old men and women should live among us because they are a store of folk knowledge, which we cherish. Rather than advocating for them to be accommodated in medical facilities for nursing purposes, I think we should ensure that the Government gives them a stipend and encourage home-based care so that we can gain from the store of knowledge that they have accumulated over years of experience. We should not practise discrimination against the elderly for the only reason that they are old. We should not put them away in some facilities and then take care of them away from their families.

I wish to say that we should look for ways of taking care of the elderly, even medically. We all know that there are a lot of challenges that come with old age; there are many diseases like diabetes that afflict the aged. Let us all, as members of this august, support the idea of paying stipends to all the elderly people. When we go back to the village, we say a lot of things about the youth and women. But when it comes to the elderly, we do not have much to offer them. This House must ensure the stipend approved in this august House is actualized in the entire country. Thank you, Sir.

The Temporary Deputy Speaker (Hon. Kajwang): I am trying to see from the mood of the House if we have ventilated a lot on this. Do we agree that we have an equal number of people from both sides of the House, so that we also fast-track the business of the House?

Hon. Members: Yes.

The Temporary Deputy Speaker (Hon. Kajwang): Let me have this hon. Member here. Will you just introduce yourself and give the constituency you represent?

Hon. Wangamati: Thank you, hon. Temporary Deputy Speaker, Sir. For those who do not know my names, I am Patrick Wangamati, nominated hon. Member on a FORD-(K) ticket.

I rise to support this Motion with all my mind! It is worth to be before this House for Members to discuss it. I want to thank the Mover, hon. Idd, because--- Maybe, I should say that I was involved in lobbying in the previous Government to have elders get facilities like medical services and payment of a little money that you have heard hon. Members referring to. The elderly really have a lot of problems. I started meeting with them after I came from exile in 1998. I have known all the problems the elderly face. I am happy that hon. Members who have spoken in this House seem to know the problems of the elderly very much.

Since you have spoken a lot about them--- When we were lobbying, the only Permanent Secretary (PS) who assisted us was hon. Nyikal. But today, he does not want to say anything. Maybe, you will give him a chance to guide us a little on what has been happening.

Hon. Members have spoken a lot on this Motion. I do not want to go into details about it. The only thing I want to say is that we must get committees to work. The committees can come up with some of the solutions that we want this House to provide. If the Budget Committee was working, we would just agree that 20 per cent of the population in the country is aged over 60 years; we would work with this percentage and determine how much the aged should be paid. If they are paid something, they will live a little longer. I am also old, but because I get something little, I am still going strong.

Those who do not have something, particularly widows--- When parents die of HIV/AIDS, their children are left with the elderly.

Those people have a lot of problems in their homes, but they do not talk. Even meeting a Member of Parliament is difficult for them. This also applies to me; for a man of my age, meeting a Member of Parliament is not easy. That is because a Member of Parliament is always surrounded by a lot of young men and women. You can only be sympathetic and offer an old man Kshs100 or Kshs200.

Let the aged get free treatment; let us pay them something. Five old men got the Shs2,000 for one and a half years and said they did not need to continue getting the money. They had used it on their farms to do some work. They bought fertilizer. I want hon. Nyikal to say something about this because he is the one who did it.

Hon. Lentoimaga: I want to thank you sincerely for giving me this chance. You know I have been standing since morning. I have noted a few things in this House since I came here. I think we have become a House of--- We are not doing very well in terms of who is supposed to speak. I have seen Members standing on points of order when there is nothing that is out of order. Some of us have failed to respect the rules of the House. They are the ones who stand on points of order. What is happening is that we will start talking on points of order, so that we can get chances to speak. I think I want to contribute to this Motion on the elderly.

Having seen the nursing services in the USA, I think I want to support this Motion half-heartedly. Why do I say that? I have seen how the elderly are treated within the nursing system in the USA. They are abused and a lot of things are done to them. In my own mind, I have always thought that the best way that an elderly member can get care is if he or she is taken care of by the members of the immediate family. I think our African traditions are enough to cater for that. In most places where I come from--- I think cultures are found everywhere in our country, we take care of our parents. I think that is the best care. I have seen a pilot programme that was brought by the last Government. I do not know which coalition it was between the two. I think it was very successful where I come from. I think it was brought by ODM. Let me say that. So, in my place, I have seen elders receive monthly stipends. The best way to gauge whether something is successful is to talk to the beneficiaries. Today, if we were to talk to all the people of Samburu, they would tell you that the money that is given to them is enough. But the money is not given to all the old people who are found in that county. So, I would suggest that, if this Motion is to assist the old people of our country, the best way is to make sure that we conduct a census of all the old people whom we have – aged 65 years and over – in every constituency and channel the money through the constituencies, just like CDF. I have found that the responsibility is within the elected leaders. You know, if you are elected, you have an obligation to serve the people. That is because you want to come back to Parliament as an hon. Member has said. So, I would like to say that this is a very good Motion and I want to support it. I wish the Mover could amend it to say that what we need is actually a stipend. I am not sure that healthcare and free medicine would help the elderly that much, if they have nothing to eat. I want to sincerely ask the Mover to consider bringing a Motion in this House to extend what we had from the last Government. All the elderly would receive a stipend at the end of every month.

Having said that, I want to move away from that Motion and say something about this House. You know when I came to Parliament yesterday, I was shocked beyond believe. One thing that I have always thought is that Parliament is a very secure place, and that when I come here, my security would be guaranteed. For me, to see pigs running inside my car was pathetic! You know, to be honest, yesterday I say an hon. Member whose car window was open and someone threw a pig inside the car! I do not know what else policemen of a country can protect, if they cannot protect elected leaders and Parliament, one of the greatest institutions of a nation. So, I would like to say that Parliament has to do more about its security. I also want to say that the activists who pretend to be popular--- By the way, yesterday I was shown about three of them who contested in the last elections and lost! They truly lost! So, if those people feel that they represent the people, how come they did not win the elections and I won? So, in essence, who represents the people, the winner or the loser? I tend to think that we might have a few issues within our electoral system, but I think, by and large, many of us were elected because we won.

The Temporary Deputy Speaker (Hon. Kajwang): Please, remember you have the sympathy of the Speaker, but stay relevant.

Hon. Lentoimaga: Thank you. I thought we could talk about those issues. Anyway, let me come back to the elderly again, before I sit down. I want to say that for us to be able to represent our people, including the elderly, we must have protection from the civil society people. We must have them away from Parliament and that is when we can have debates in this House, including the one touching on the elderly. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang): All right. Member for Seme, it has been said that you have some knowledge of the elderly---

An hon. Member: On a point of order---

The Temporary Deputy Speaker (Hon. Kajwang): Just one minute! Who is this? I cannot see you. Where are you?

Hon. (Ms.) Ghati: On a point of order. This is the Member of Parliament for Migori.

The Temporary Deputy Speaker (Hon. Kajwang): On what Order? Who is out of order?

Hon. (Ms.) Ghati: Hon. Temporary Deputy Speaker, Sir, I am noticing that you are not very gender sensitive and, therefore, I wish to “catch your eye”.

The Temporary Deputy Speaker (Hon. Kajwang): Thank you so much. But you will not catch my eye if you are rising on a point of order. Can we have the Member for Seme? I have said that you do not have to use all your minutes. I can see that within three minutes, you have actually put across the issues. So, can you allow Members to ventilate this Motion? We do not have a lot of time. Yes, Member for Seme.

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker, Sir. I am not very good at catching the Speaker’s eye. I think I will learn. Hon. Members, I think this is an extremely important topic and we must thank the Mover. The issue of elderly persons-- I have actually worked on it for three years. The numbers are getting larger. Just to give you a few figures, between 1989 to now, we have moved from a population of 1 million people of the age of over 65 years to now about 2 million. In another ten years, it will be about 2.6 million, approaching 3 million. Not only that, there is also a shift in the

proportion of population that is elderly, indicating that we are going to have a dependency problem, not only by the younger age, as we have now, but also at the other end of life. That is associated with a lot of problems; there is a changing pattern in life, particularly due to rural-urban migration. That is a problem in two ways. One, many elderly people are left alone in the rural areas, and many elderly people who move to the rural areas and do not move back get old. They are much worse off if they are old and poor in the urban areas. The other thing is the changing lifestyle. In our communities, children are really no longer looking after their elderly. I felt that those people who have means and do not support their families, we need a law that actually charges them with neglect, the way we do with our children. That is why their parents are left out. Those people are burdened by age. There is also a lot of discrimination against elderly people. There is generally increasing poverty. In our circumstances, many elderly people are now taking care of most of the orphans that are left by their parents due to HIV/AIDS. About two to three million orphans are being looked after. That problem has attracted a lot of concerns internationally. It was realized as far back as 1982 and there are UN conventions that we are party to. We have an African framework which was done in 2002 and an African Policy Framework that was done in 2008. In Kenya now, we have a policy framework that is being prepared; it is almost through. When it comes to this House, we should pass it. We should not look at it just in terms of the sick elderly persons being put in nursing homes.

In fact, the policy framework should be much broader. If you look at bodies like NSSF, NHIF and pension schemes, they need to be broadened to take care of the elderly persons. The policy we have now looks at all areas, and it is soon coming here. It looks at the areas of access to safe and affordable care, access to health, access to food, non-discrimination and abuse of old people.

We also have programmes in the Government like the one you are talking about regarding a stipend. This has been the most successful programme. Hon. Wangamati said that we started with Kshs4 million and now we are at Kshs1.5 billion. We started with 300 households and now the country is taking care of 60,000 households with Kshs1.5 billion. There are many elderly persons who have invested this money. You may not believe it, but this Kshs2,000 per month paid bi-monthly up to Kshs4,000 is invested; now they have their own means of income and they do not need that money. So, it is important.

Putting the aged in hospitals, in our circumstances will be disastrous. Hospitals are the most unhealthy places to live in. Never stay in a hospital if you do not have to. The diseases that you catch in hospitals are almost impossible to treat because drugs are used. So, I would not recommend that we put people in hospitals. I know it is done in Japan and that is where you find a lot of nursing units next to hospitals, but that is a private business enterprise; that has brought the units into being. The best way forward, and that is what the policy says, is whether we can support the old people at home. Two, can we bring all these policies into being? We are also working on a social protection policy, and I think it has been brought to this House, which is looking at all the vulnerable people, including the old people. So, in my mind, I support this Motion; but I would like it to be amended. I could be guided on exactly how to do it.

First, instead of saying that we establish a few nursing units for the aged in every hospital, my proposal would be to amend the Motion and provide for expanding the current cash transfer programme for the elderly persons to cover all the needy persons aged over 65 years within the next five years. Two, provide free NHIF coverage for all elderly persons, who are currently receiving the cash transfer with immediate effect. These old people say: "I have this money which I can use for food, but if I am sick, I cannot afford medical care". We can tomorrow give these people the NHIF card for free. It will not cost much. Three, we must expedite the completion and the implementation of the national social protection policy as well as the national policy on older persons. The two are in the process and the Jubilee Government must do this during its current tenure. It may not have another tenure after the next five years.

With those suggested amendments, I support this Motion.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Kajwang): Hon. Members, resume your seats and look at Standing Order No.54. I am going to allow hon. Members to debate it; address yourselves to that, so that we can have a written text of the amendments that you are proposing. But they must come now, because if they do not come now, when we call the Mover to reply you will lose the chance to amend it.

Hon. Members, we have a few more minutes. This debate began at 15.55 hours; it is scheduled to take one hour. It must be disposed of by 16.55 hours. It is now 16.45 p.m. or thereabout. I want to call the Mover to reply. If the Mover so wishes, or if he is so generous, then he may want to donate his time to whoever he may choose. But amendments must be in written text. How you get that done is your problem.

Hon. Mustafa: Hon. Temporary Deputy Speaker, Sir, first of all, I would like to take this opportunity to thank all the hon. Members who have contributed to this Motion. The Motion has received overwhelming support from the hon. Members who understood it. It proposes the establishment of free nursing units for the elderly in every hospital in all the counties.

This simply means that we should have special medical wings fully equipped to cater for the health needs of the aged in the country. This Motion does not propose to build care homes for the aged in hospitals. We are proposing to have free nursing units to cater for the medical needs of the aged. From the contributions of the Members, measures should be put in place to ensure that the senior citizens of this country have special cards to access free medical services. These services should be in every hospital. As some Members have said---

QUORUM

Hon. (Ms.) Sunjeev: On a point of order, hon. Temporary Deputy Speaker, Sir. Do we have a quorum to continue?

The Temporary Deputy Speaker (Hon. Kajwang): It is right when a Member says that. I will direct the Clerk to do a head count and find out if we have a quorum. We do not have a quorum and I will order the Division Bell to be rung for ten minutes.

Meanwhile, hon. Members, particularly the hon. Member who has brought it to our attention, nobody is allowed to leave the Chamber and we will only allow hon. Members to come in and not to leave. So, hon. Members, you will resume your seats until such a time that we are able to get a quorum.

(The Division Bell was rung)

Order, hon. Members! You cannot leave the Chamber when the Division Bell is being rung. You will have to stay put until we have got a quorum.

An hon. Member: We are 50 hon. Members.

The Temporary Deputy Speaker (Hon. Kajwang): I am waiting for an input from the Clerk. Order, hon. Members! The Clerk is doing the work that she is assigned to do – to let us know whether we have a quorum.

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Members, I am informed that we need one more person to have a quorum. Thank you, hon. Members. Now, the Division Bell can cease ringing. We have a quorum to resume the debate. Hon. Mover, you were on your feet. Could you, please, quickly wind up your reply before I put the Question? Go to a microphone right away.

Hon. Mustafa: Thank you, hon. Temporary Deputy Speaker, Sir. In reply, I said that I want to appreciate the contribution by the hon. Members who contributed to this Motion. Before the issue of lack of quorum was raised, I was actually saying that the Government should come up with measures or rather measures should be put in place to give senior citizens in this country special cards to enable them access free medical services. If this programme of establishing free nursing units for the aged in every hospital in all the counties is implemented, it will benefit very important persons including freedom fighters who are neglected. The Government should also do a census of all senior citizens who are suffering, so that the allowances, as was proposed by hon. Nyikal, the hon. Member for Seme Constituency, of between Kshs2,000 to Kshs4,000---

The Temporary Deputy Speaker (Hon. Kajwang): Order, hon. Member! May I inquire from you if you have an amended text of the Motion before the House?

Hon. Mustafa: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Kajwang): Do you entertain the idea of putting an amended text into this Motion?

Hon. Mustafa: Yes, I am in agreement.

The Temporary Deputy Speaker (Hon. Kajwang): Then let us have it before you finish your reply, otherwise you will not be able to proceed on the amendment. So, will you approach the Chair? Hon. Members, we need to be conversant with this system. First of all, it is good to caucus on some of these issues, so that any the time they are on the Floor of the House, they are well informed.

Secondly, if you have an amendment it is good to talk to the Mover, so that you can reach a consensus before you come here. Thirdly, we have a very able secretariat. The Clerk's desk is very able. So, you always need to consult with them, so that we can do it.

(Hon. Mustafa approached the Chair)

The Temporary Deputy Speaker (Hon. Kajwang): Order! Yes, you may resume your seats.

Hon. Members, in view of the desire to amend the Motion that is before the House, I want to propose the amended version.

(Question of the Motion as amended proposed)

Hon. Members, I will entertain one or two contributions on this before I can put the Question.

Resume your seats hon. Members!

(An hon. Member stood in his place)

You realize that we have debated the amended text. So, I do not expect any fresh debate, except just to accept it. So, can I first of all hear from the hon. Members who were involved in this amendment? Let them explain the amendments.

I will now call hon. Nyikal from Seme Constituency. I will time you now. I will give you two minutes.

Hon. (Prof.) Nyikal: Thank you, hon. Temporary Deputy Speaker. The essence of the amendment is to give a broader coverage to the well being of the elderly persons. Therefore, the first part of the amendment is to extend the cash transfer to cover all persons within the next five years; we want to give coverage as has been requested by many hon. members; let us remove discrimination.

Secondly, it is to make provision for free healthcare in Government facilities through NHIF programme; it is not only in Government but even in the private facilities where there is full coverage; these elderly people need to, at least, access some kind of healthcare.

Thirdly, is to implement the two policies that we are working on; if implemented they will cover all elderly persons. I am talking of the national policy on elderly and aging persons, and two, the national social protection policy.

With those amendments, we will adequately take care of the well-being of the elderly.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang): Some ventilation from this side. How far can I go? I think I will go to hon. ole Sakuda. You also have not more than two minutes.

Hon. ole Sakuda: Thank you very much, hon. Temporary Deputy Speaker, for the opportunity. I stand to support the Motion. This is a very important Motion; it is a very important step towards taking care of our elderly people. If you look at the current responsibilities that our elderly people around the country have been undertaking--- They are even becoming parents a second time by taking care of their children's children, because of many challenges posed by the HIV/AIDS. I think it is a burden that we as a country, government and people need to take care of. It is in that spirit that I really support it.

As the hon. Member said earlier, you find that every weekend that we go home, a lot of elderly people troop to our homes, trying to look for support, or a way of getting money; not even a lot of money, but as little as Kshs100. You can see the burden. Actually, if I was given the chance earlier - I have been trying the whole day - I would have even gone ahead and said that the units be not just in counties, but in every constituency. This is because when you look at counties, for instance Kajiado, if you just give that service in one hospital, the elderly people might not even have bus fare to travel all the way; it will be just one hospital and it is about 300 kilometers away, or at the other end of the county. So, I would even go ahead and delete the word "county" and suggest it be replaced by the words "every constituency."

With those few remarks, I support.

Hon. Members: Gender! Gender!

The Temporary Deputy Speaker (Hon. Kajwang): Yes, gender. But one minute please. Hon. Members, I can see some interest generated. I have five minutes that were taken away by the Quorum. That is what I want to allow you to ventilate on. Take one minute, so that we also have a member who feels very strongly that he has some burning issue. Just one minute.

Hon. (Ms.) Kedogo: My name is Dorcas Kedogo from Vihiga County. Just to add on to that, as our colleagues have said, it should not be even in constituencies. I would prefer that free medication be available in every dispensary, because these are easily reachable.

Also, I would just talk about the order of payments. This is because even those who are receiving the little money--- Sometimes it becomes difficulty to be given everything. Some even do not get and those who get may get 10 per cent of what should be given to them. I should also go on record that a committee be formed to handle this.

The Temporary Deputy Speaker (Hon. Kajwang): Thank you very much. The very last one is from the hon. Member over there.

Hon. Sane: Thank you, hon. Temporary Deputy Speaker. My name is Ibrahim Abdi Sane, Member of Parliament for Wajir North. Free nursing units, as espoused in the original Motion, may come with its own stigma. Our elderly persons may be assigned to a particular room, and that will attract its own stigma and some kind of indignation.

I come from a civil society background, and relief food has been the order of the day in northern Kenya. Over the years we have suffered, and I feel that it is the right time when the rights of those in need, or the vulnerable, were taken into account.

The hospitals also have capacity issues, but I support the amendments as proposed.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang): All right, hon. Members. You can resume your seats. I want to put the Question.

(Question put and agreed to)

Next Order.

WRITE-OFF OF PARASTATAL LIABILITIES

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Koyi: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, aware that over 90 % of the raw materials for the agro-based parastatals such as Nyayo Tea Zones, sugar and cotton factories comes from rural farmers residing in counties; noting that the farmers produce all the inputs but do not receive any benefits from their activities; deeply concerned that county governments are likely to face numerous financial challenges due to limited sources of revenue, this House urges the Government to write off all the liabilities of these parastatals and hand over the management of the same to the county governments to form part of the income generating activities for the respective County Governments.

Hon. Temporary Deputy Speaker, Sir---

QUORUM

An hon. Member: On a point of order, hon. Temporary Deputy Speaker, Sir. I want to bring to your attention that we do not have quorum in the House. Also, the seats on the Jubilee Coalition side are virtually empty. I want to inform the House that the Leader of the Majority Party looks like he only comes to the House in the morning---

The Temporary Deputy Speaker (Hon. Kajwang): Order! If there is a quorum problem let us deal first with that before you can come back to the matter that you want to ventilate.

Could the Clerk establish whether or not we have a quorum?

(The Clerk-at-the-Table took a count of the hon. Members in the House)

Hon. Members we do not have a quorum and, therefore, I direct that the Division Bell be rung for ten minutes.

(The Division Bell was rung)

The Temporary Deputy Speaker (Hon. Kajwang): May I order the Division Bell to stop now. Hon. Koyi, remember you have 20 minutes to move this Motion and you have used only three minutes.

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

The Temporary Deputy Speaker (Hon. Kajwang): There is nothing which is not in order. Please carry on. Could the Mover finish moving his Motion?

Hon. Koyi: Thank you, hon. Temporary Deputy Speaker, Sir, for protecting me.

We must empower various county governments. I know that all areas in this country are not equal, some are more developed than others.

By writing off the debts and transferring all the agro-based parastatals to the county governments, the Government will make management easy. The parastatals will

also generate revenue to the county governments. Nzoia Sugar Company, although Government-owned gets its raw material, which is sugar-cane, from farmers who reside in a county. The Kenya Government moved people in Bungoma County in order to build a sugar factory; as a result most of those people are now squatters in Bungoma and Trans Nzoia counties. The Government has never compensated those people at all, even though they were promised that they would be allocated land.

Hon. Temporary Deputy Speaker, Sir, the Nyayo Tea Zones in Mount Elgon should revert to the county government. A tea factory should be built in Mount Elgon to create employment opportunities and generate revenue for the people of the county.

Even Mwea and Awendo Irrigation Schemes for rice should revert to the respective counties. Coffee factories in Karatina, Central Province and the cashew nut factory in Coast Province should revert to the counties where they are located. The Government should not sell these parastatals; it should instead give them back to the county governments, so that more employment opportunities can be created for the residents of those counties. Therefore, we request the Government to move with speed and write-off all the liabilities and subsequently revert the ownership of these agro-based firms to the county governments. This is because farmers are not paid for the crop they deliver. They lack fees for their children and sometimes food. This matter should be taken seriously by the Jubilee Government, which promised to do a lot for Kenyans.

Hon. Temporary Deputy Speaker, Sir, the Kenya Seed Company, which is based in Mount Elgon, the KCC, Pan Paper in Bungoma County, the Nyayo Tea Zones in Rift Valley and Central provinces, coffee and tea in Central and Rift Valley provinces should revert to the respective counties.

Recently, the governors complained about the Budget. They said that the money they have been allocated is meant for salaries and not development. So, it will be a very big boost to those counties if these agro-based industries revert to them.

Hon. Temporary Deputy Speaker, Sir, agriculture should be given the first priority, so that the locals can also benefit in terms of employment, because 70 per cent of the youth in this country are unemployed.

An hon. Member: On a point of order, hon. Temporary Deputy Speaker, Sir. I need some guidance from the Chair. The hon. Koyi has been saying that we want these assets to revert to the counties, yet we know that the counties were established recently. So, are we going to revert these assets to the counties, or are we going to transfer them to the counties? Please advise me on that issue.

The Temporary Deputy Speaker (Hon. Kajwang): Well, I do not see a point of order here. Hon. Koyi, may you resume your debate?

Hon. Koyi: Hon. Temporary Deputy Speaker, Sir, in the spirit of corporate social responsibility (CSR), these agro-based firms should help the people in the counties, especially in healthcare, education, water and road infrastructure.

Hon. Temporary Deputy Speaker, Sir, I end my contribution by requesting my good friend, hon. Mwaura to second this Motion.

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Mwaura you have ten minutes to second the Motion.

Hon. Mwaura: Thank you, hon. Temporary Deputy Speaker, Sir. In 2000, an international movement called "The Jubilee 2000" was started. This movement was

aimed at helping developing countries to have their debts, which were termed as “odious” written-off. We are in a scenario similar to that faced by The Jubilee 2000.

If you look at our recent debate on the Division of Revenue Bill - our maiden Bill in the 11th Parliament - you will note that about Kshs345 billion is used to finance, or service, what is called “Consolidated Fund Services”. At the national level, this is equivalent to what we have dedicated to Development Expenditure.

Hon. Temporary Deputy Speaker, Sir, therefore, these agro-based parastatals owe the Government of Kenya in excess of Kshs72 billion, Kshs40 billion of which is owed by five sugar companies; this represents about 16 per cent of the total debt owed by State corporations. That forms about 35 per cent of what we have currently allocated as the funds to go to the devolved governments as unconditional grants, Kshs220 billion. Therefore, it would be in order to ensure that for the agro-based parastatals, the debts they owe are written off, because their primary business is to serve farmers. These farmers get returns based on the balance sheet of every parastatal that they are servicing. It determines, for example, how much they are paid in relation to their produce, or the material that they supply to these parastatals. So they become poorer because they are not able to be paid well. They are subject to the shenanigans of their managements.

The reason as to why these debts have arisen is primarily because of issues of poor management and corruption and, therefore, continuing to have the burden of these debts passed on to farmers is punishing farmers, who never contributed to the problems of the parastatals. It is also true that some of those debts, even when they are entered into with the Government of Kenya--- The legal process on how these parastatals incurred those debts remains murky. We know, as a country, we have come from a history where parastatals were given to cronies. They were given to the politically correct, who were not professional. This does not justify that these debts should be passed on to the farmers.

In support of this Motion, I would like to observe the following: If you look at our Division of Revenue Bill, we have allocated Kshs17.3 billion to some expenditure that we are calling “harmless allocation” and the explanation that has been given to this House is that this will go to counties that have a large service delivery mandate. Therefore, I would urge this House, and the Executive, to ensure that over and above cancellation of the debts that amount to the figure that I have mentioned above--- We should ensure that when those parastatals are transferred in the spirit of devolution, they are also financed adequately to ensure that they are productive and beneficial to the residents of the various counties where they are situated.

The establishment of regional authorities was meant to develop the regions where these authorities are based; examples are TARDA and Kerio Valley Development Authority. I think we have the requisite capacity through our county government system to ensure that their responsibilities are also transferred to the county governments. However, for this to be attained, we need legislation, first at this national level, to ensure that the transfers are guided by law. So, I would urge the Government to bring a Bill on how these agro-based parastatals are going to be devolved to the counties. Also, the various county assemblies should enact legislation so that we domicile in the counties these agro-based parastatals, and then we ensure that they are properly managed and do not fall prey to the same problems that have bedeviled parastatals at the national level.

If you look at the welfare of the people at the county level, we can directly attribute it to poor living conditions because of these debts. This is because when farmers are not well paid, this has an effect on how much they are able to have in order to take their children to school. When farmers are not well paid, this has an effect on how the health of the family is at any given point in time. When farmers are not well paid, this impinges on how, as a country, we are going to stop being a slave economy, which imports everything at a cost of over Kshs1 Trillion, and exports goods worth about only Kshs458 billion. We will encourage local productivity; in the spirit of the Jubilee message, I would like to urge the Jubilee Coalition to ensure that the counties that we have, if truly they are committed to the spirit of devolution, start on a clean slate. We would want to see that farmers do not just process raw materials but also there is value addition, so that we can create employment for our young Kenyans.

Parastatals in this country are also known to help in local knowledge management, because of the fact that they are managed by Kenyans. It would be in order to argue that people at any given locality are best attuned to managing their natural resources. If you travel across this great Republic of Kenya, you will realize that most of our people's lives are supported by subsistence agriculture. Therefore, it will be in order to have local knowledge harnessed through ensuring that we have a clean slate, and we have parastatals in the counties that are not interfered with, because of what we can call national interest, or whatever political thing, that may exist at the national level.

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

(Question proposed)

Hon. Kang'ata: Hon. Temporary Deputy Speaker, Sir---

Hon. Okoth: On a point of order, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Kajwang): He cannot be out of order; he has just stood up to speak, unless you want to say the Chair is out of order. The Chair cannot be out of order! But I will hear you.

Hon. Okoth: On a point of order, hon. Temporary Deputy Speaker, Sir. Do we have quorum?

The Temporary Deputy Speaker (Hon. Kajwang): I see; on the claim that we do not have quorum, I direct the Clerk to establish if we have a quorum to transact the business of the House.

(The Clerk at-the-Table confirmed quorum)

Hon. Members, we have quorum; so we will proceed.

Hon. Kang'ata: Hon. Temporary Deputy Speaker, Sir, this is a very good Motion, and we need to support it; I still reaffirm that---

QUORUM

Hon. Okoth: On a point of order, hon. Temporary Deputy Speaker, Sir. I believe it was indicated that we do not have a quorum.

The Temporary Deputy Speaker (Hon. Kajwang): Do we have a quorum? We seem to be struggling with quorum today. I, therefore, order the Division Bell to be rung for ten minutes.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Members, there being no quorum, the House stands adjourned until tomorrow, Thursday, 16th May, 2013 at 2.30 p.m.

The House rose at 5.50 pm