

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 24th July, 2014

The House met at 2.30 p.m.

[The Deputy Speaker (Dr. Laboso) in the Chair]

PRAYERS

PETITIONS

NON-PAYMENT OF ALLOWANCES TO
CLINICAL OFFICER INTERNS

Hon. Deputy Speaker: Hon. Members, will the ones at the back of the Chamber settle down? Please sit down because I have a Petition to present.

This is a Petition regarding non-payment of allowances to clinical officer interns.

(Hon. Nassir stood up in his place)

Hon. Nassir, can you leave the Chamber till the end of today?

(Hon. Nassir withdrew from the Chamber)

We have exercised enough restraint on non-compliance.

Hon. Members, as I was indicating, this is a Petition regarding non-payment of allowances to clinical officer interns. Standing Order No.225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I, therefore, wish to convey to the House that my Office has received a Petition regarding the non-payment of allowances to clinical officers serving as interns in the Ministry of Health. The Petition is signed by five executive committee members of the Kenya Union of Clinical Officers. Among other prayers, the petitioners pray that the National Assembly intervenes to compel the Ministry of Health to pay all allowances to clinical officer interns and set up a budget scheme for the aforementioned interns.

As per Standing Order No.227(1), this Petition will stand committed to the Departmental Committee on Health. The Committee is requested to consider the Petition and report its findings to the House within 60 days in accordance with Standing Order No.227(2).

There is another Petition by Hon. Macharia.

RESETTLEMENT OF 1992 CLASH VICTIMS

Hon. Macharia: Hon. Deputy Speaker, this is a public Petition by 1,192 Molo clash victims on the resettlement of the 1992 clash victims.

We, the undersigned members of the 1992 Molo Clash Victims Self Help Group residing in Molo Constituency in Nakuru County draw the attention of the House to the following: aware that the 1992 clashes led to massive displacement of people in various parts of the country, especially in the Rift Valley; that over 1,500 families eventually moved to Turi, Kasarani, Mwato and Elburgon areas in Molo Constituency, where they are living in sub-human conditions; that in the 2006/2007 financial year, the Government allocated Kshs400 million for purchase of land to resettle those victims; that out of the said Kshs400 million, only Kshs169 million was used to purchase 1,500 acres of land and the balance allegedly ended up in a fraud; that the land purchase was subsequently apportioned to persons other than the intended victims; that the actual victims of the 1992 clashes are still undergoing untold suffering, and are living in deplorable conditions; and that the matter in respect of which this Petition is made is not pending before any court; therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands, intervenes for those families and expeditiously, settles those people, fairly compensates them for loss from the money set aside to settle IDPs in the 2014/2015 financial year; and scrutinizes the utilization of funds meant for resettlement and compensation of the 1992 Molo clash victims

Your petitioners will forever pray.

Hon. Deputy Speaker: Those were the only two petitions.

(Hon. (Ms.) Chebet stood up in her place)

Hon. (Ms.) Chebet, do you want to contribute to the petitions that have been given?

Hon. (Ms.) Chebet: Hon. Deputy Speaker, I would like to take this opportunity to welcome students from my county, Kawochi Primary School; feel welcome.

Hon. Deputy Speaker: Hon. Members, it has now been agreed that any visitors whom we have in the galleries shall be acknowledged by the Speaker and the Speaker only, so that we can make progress.

(Laughter)

Your students are very welcome to our Chamber.

Hon. Members, do you also have visitors?

Hon. Ngong'o: Hon. Deputy Speaker, I really do not have specific visitors but they are all our visitors; so, I have visitors.

I just wanted to contribute a little on the second Petition. Whereas I support that Petition and empathize and sympathize with Kenyans who all the way from 1992 have not been settled, there are two fundamental issues that we need to look at. The first is that the idea of resettling IDPs in this country has become more or less like a cash cow for Government officers. I think as an oversight body, we need to start scrutinizing this issue very seriously to find out whether we are still resettling Kenyans or the people who are supposed to be resettled are not being resettled, yet the amounts allocated every year through the Budget go into the pockets of Government officers.

Finally, something that also needs to be looked into is if someone has been displaced from a place as a result of war, which is very unfortunate, or instability, why is it that when there is peace, we, as a country, cannot get that person back to his or her land, and we do not spend a lot of money resettling people when the land that they were occupying before is occupied by other Kenyans, some of whom are very rich. I think something needs to be done. This is a fundamental issue that needs to be addressed as the Committee looks into this matter.

Hon. Deputy Speaker: Thank you, hon. Ng'ongo. We will encourage the Committee to use the petition from the Member for Molo to dig deeper into the matter and not just what has been requested by the petitioners. As you know, this is an issue that touches on quite a number of Members of this House. You are even free to go beyond what the petitioners have asked us to address. This is because the resettlement of IDPs has been an on-going process for a long time in this country.

Hon. Members, if we go the route of addressing this matter, honestly we are not going to leave it. I do not want to go beyond that. We will enrich the report when the Committee brings it to this House. Hon. Gumbo, please feel sufficiently represented in this matter, so that we can make progress.

Hon. Members, we will now move on to the next Order, which is Papers Laid. We have several Papers to be laid.

Yes, hon. Majority Leader.

PAPERS LAID

Hon. A.B. Duale: Hon. Deputy Speaker I beg to lay the following Papers on the Table of the House today, Thursday 24th July, 2014.

The Report of the Auditor-General on the financial statements of the State Law Office for the year ended 30th June, 2013 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the financial statements of the Kenya Airports Authority for the year ended 30th June, 2013 and the certificate of the Auditor-General therein.

The Sugar Development Fund financial statements for the year ended 30th June, 2007.

The Kenya Sugar Board financial statements for the year ended 30th June, 2005.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: We also have a Paper from the Chair, Delegated Legislation. You are very keen on the hon. Chair for Administration and National Security. We will get to you. Just allow the Chair of Delegated Legislation to lay his.

Hon. Cheptumo: Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House today, Thursday 24th July, 2014:

The Report of the Select Committee on Delegated Legislation on the National Construction Authority Regulations, 2014.

The Report of the Select Committee on Delegated Legislation on the Child Welfare Society of Kenya Order, 2014.

The Report of the Select Committee on Delegated Legislation on the National Transport and Safety Authority Operation of Public Service Vehicles Regulations, 2014.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: The hon. Chair of Departmental Committee on Administration and National Security, it is now your turn to table your Paper.

Hon. Abongotum: Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today, Thursday 24th July, 2014:-

The Report of the Departmental Committee on Administration and National Security on the matter of the inquiry into the tender for the proposed national surveillance, communication, command and control system for the National Police Service.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: That brings us to the end of that Order. Let us move on to the next Order.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON PSV REGULATIONS

Hon. Cheptumo: Hon. Deputy Speaker, I beg to give notices of the following Motions:-

THAT, pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210(4)(b), this House adopts the Report of the Committee on Delegated Legislation on the National Transport and Safety Authority Operation of Public Service Vehicles Regulations 2014 laid on the Table of the House today, Thursday 24th July, 2014 and resolves to annul entirely the National Transport and Safety Authority Operation of Public Service Vehicles Regulations 2014.

ADOPTION OF REPORT ON CWSK ORDER

THAT, pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210(4)(b), this House adopts the Report of the Committee on Delegated Legislation on the Child Welfare Society of Kenya Order, 2014 laid on the Table of the House today, Thursday 24th July, 2014 and resolves to annul entirely the Child Welfare Society of Kenya Order, 2014.

ADOPTION OF REPORT ON NATIONAL CONSTRUCTION AUTHORITY REGULATIONS

THAT, pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210(4)(b), this House adopts the Report of the Committee on Delegated Legislation on the National Construction Authority Regulations 2014 laid on the Table of the House today, Thursday 24th July, 2014 and resolves to annul Regulation 20(4)(2) of the National Construction Authority Regulations 2014.

Thank you, hon. Deputy Speaker.

ADOPTION OF REPORT ON NATIONAL POLICE SERVICE TENDER

Hon. Abongotum: Hon. Deputy Speaker. I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the matter of the inquiry into the tender for the proposed national surveillance, communication, command and control system for the National Police Service laid on the Table of the House today, Thursday 24th July, 2014.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: The last one will be given when the Member becomes a *bona fide* Member of this House because he is a stranger this afternoon. That is in reference to hon. Sheriff Nassir.

Let us move on to the next Order.

Hon. Wandayi: On a point of order, hon. Deputy Speaker. I seek your indulgence on one matter. The Chair will recall that about two months or so ago the Member for Bomet Central, my friend, hon. Tonui, presented a petition before this House that outlined very serious reasons for the removal of the Cabinet Secretary for Labour, Social Security and Services. It is very clear in the Standing Orders that petitions are supposed to be dispensed with within 60 days.

We are aware that, that Petition is before the Committee on Labour and Social Welfare headed by my very good friend and able Chair, hon. Were. That Petition is special in the sense that it was touching on the competence or credibility of the said Cabinet Secretary. The rules of natural justice demand that it be disposed of within the shortest time possible because a Cabinet Secretary cannot serve endlessly with such very serious allegations hanging over their head. We are also aware that yesterday, there was a serious issue that was referred, again, to the same Committee touching on the actions of this very Cabinet Secretary. Would I be in order, therefore, to request that you make a ruling on this matter to the effect that regardless of the status of the investigations or inquiries, this House determines the competence or viability of the Cabinet Secretary, hon. Kazungu Kambi, continuing to hold office when there are more and more serious allegations being leveled against him by not only members of the public but also Members of this august House?

Deputy Speaker: Hon. Members, I think your point has been made; the Chair is here; he can brief us on the status of investigations.

Hon. Wandayi: Hon. Deputy Speaker, it is important---

Deputy Speaker: No; this is not the time to give your arguments; you will wait until that petition is brought, and then you can prosecute it. You will have all the time.

Yes, hon. Chair of Labour and Social Welfare.

Hon. Were: Thank you hon. Deputy Speaker. I have heard what the Member has said and I promise that a report will be tabled in the House next week on Thursday.

Hon. Deputy Speaker: Hon Members, we also need to be alive to whether we can remove our Cabinet Secretaries from office through petitions. I think we also have procedures that can be followed. I do not know whether hon. Tonui was the petitioner at the time. I see you laughing; I do not know whether you have since changed your mind

on your petition. Hon. Tonui, I will give you one minute, but the Chair has promised that he will bring a report next week.

Hon. Tonui: Thank you hon. Deputy Speaker. I feel frustrated by this Committee. You know that I tabled that Petition sometime in March. I waited for it for a long time. About two weeks ago one morning they called me at around 8.00 a.m. and said that they were going to meet, and that I should appear before at 10.00 a.m. on that same day.

After waiting for more than four months, I felt frustrated and lost confidence in the whole process because it was already being overtaken by events. My major issue was on the way Mr. Richard Langat was removed from office. By that time he had already landed somewhere else. I felt very frustrated because issues could not be tackled immediately. It is useless to continue with the Petition since it is just dragging on.

Hon. Deputy Speaker: In other words, did you withdraw the petition or what did you do?

Anyway Members, we shall stand by our Committee, which we have confidence in, and wait for it to give us the position we are in with regard to the Petition by hon. Tonui.

We will now move to the next Order.

STATEMENTS

Hon. Deputy Speaker: This is the day designated for responses to Statements requests and we shall go as per the Order Paper. Chair on Labour and Social Welfare, be on a request that was made by hon. Kihagi

Hon. Were: Thank you hon. Deputy Speaker. I have spoken with the hon. Member who requested the Statement, because we have a Statement which we received from the Ministry, and which is not conclusive. The Committee together, with the---

Hon. Deputy Speaker: Hon. Members passing between the Speaker and the person on the Floor, including the Deputy Majority Leader, can we abide by the rules that we set for ourselves?

Hon. Were: I was saying that the Committee, together with the Member who requested the Statement, visited Naivasha and had a feel of the situation there. We have already planned another meeting with the directors of Karuturi sometime next week; I am requesting that we be given more time, so that we conclude the meeting that we have already planned before we come and give our Statement. I have already spoken to the Member concerned and he is in agreement.

Deputy Speaker: Can he confirm that, that is the position?

Hon. Kihagi: Hon. Deputy Speaker, yes, I have talked with the Chair of the Committee and agreed that instead of him just reading the Statement, or the response, as given by the Cabinet Secretary, it is good for him--- I requested an inquiry and a report containing the inquiry that he did prior to the Cabinet Secretary's response. So, I am in agreement that we can delay it for another one week, so that the response can be more comprehensive.

Deputy Speaker: Okay; the next one is still yours but the request was made by hon. Anyanga. Is the hon. Anyanga in the House? Go ahead Chair; you have the floor.

PROVISION OF SPORTS CENTRES OF EXCELLENCY BY THE GOVERNMENT

Hon. Were: Thank you hon. Deputy Speaker.

Hon. Anyanga requested a Statement on Government programs on provision of sport centres of excellence throughout the country, particularly in Nyatike District as follows, He wanted to know the status of the Governments program on provision of sports centres of excellence in the Constituencies as one way of tapping and improving sporting talents of our youth. He wanted to know the plan the Government is has to ensure that sports centres are established in Constituencies, stating budgetary allocation for this project per constituency and timelines on when this project will be implemented.

The response is as follows; the Ministry of Sports, Culture and Arts, in collaboration with the Ministry of Education Science and Technology and the United Nations International Children Education Fund, has identified selected schools as centres of excellence where sports talent will be nurtured. The schools were selected regionally, depending on availability of relevant facilities as follows: Matuu Girls high School in eastern region for soccer girls and handball girls; two, Maseno School in Nyanza region for basketball and rugby boys

Hon. Deputy Speaker: Hon. Members somebody else risks being thrown out of the House. I have consistently cautioned hon. Lentoimanga, and now hon. Nyaga is also doing the same. Right now the person between you and the Chair is hon. Were; he has the Floor. Anybody who passes between myself and hon. Were from now--- Already the Chair has sent somebody out of the Chamber. The next one who does that will leave the Chamber as well. Can we, please, observe these rules, because it is us who set them. There is a very good reason for this; I am directly communicating with the hon. Member on the Floor. If you need to pass, pass behind him, but not in front of him.

Proceed, hon. Were.

Hon. Were: Thank you for the protection.

Number three is Upper Hill School in Nairobi region for Basketball boys and soccer boys in Nairobi county. Kakamega High School in the western region is for soccer boys, rugby, film and theatre. That is in Kakamega County. Shimba Hills High School in Kwale, Coast region is for basketball girls and netball girls. The next is St. Agatha in Elgeyo/Marakwet County, Rift Valley region. It is for athletics girls. The next is Cheptil High School, which is a mixed school in Nandi County, Rift Valley region; it is for volleyball boys and volleyball girls.

Then there is Kerugoya Girls High School in Kirinyaga County, Central region; it is for hockey girls and basketball girls. Garissa High School in Garrisa Counti, north eastern region for volleyball boys. Isiolo Boys High School in Isiolo County, eastern region is for soccer boys. Dadaab High School in Garissa County, north eastern region, which is a mixed school for refugees, is for Soccer boys and girls and volleyball boys and girls. Sagala International School in Taita Taveta, Coast region, which is a mixed school, is for soccer boys and girls and handball boys and girls.

We concur with the hon. Member for Nyatike that having centres of excellence will help tap and improve sports talent among our youth. The Ministry of Sports, Culture and the Arts, in collaboration with the Ministry of Education, Science and Technology, will continue to seek partnerships to help expand the programme, and will open up more centres of excellence when more funds become available. In the meantime, sub-county

and county sports officers have been instructed to open youth centres, which also train the youth in at least three different sports. This programme, too, will be expanded as more funds become available to the Ministry of Sports, Culture and the Arts. The Ministry of Sports, Culture and the Arts has continued to encourage the county governments to initiate similar programmes through the County Sports Officers with a view to engaging the youth in more sports activities.

In Nyatike Constituency, training venues are at St. Andrews in Sori, Karungu Division, where soccer boys and girls, athletics boys and girls, netball for girls and volleyball for boys and girls are taught; At Bondi in Muhuru Division soccer for boys and girls is taught. Other centres in Nyatike Constituency are Olasi in Kale Division for soccer. That is boys and girls and Bondi in Muhuru Division for soccer boys only.

The Ministry is further informed that in the current financial year the County Government of Migori has set aside funds to develop a sports academy with sports facilities and a hostel at Macalder. The academy will cost approximately Kshs10 million. The Ministry is further aware that the county has in addition approved the development of a sports ground at a cost of Kshs4 million, also at Macalder in the current financial year, 2014/2015.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Anyanga, the first chance.

Hon. P.E.O. Anyanga: Thank you, hon. Deputy Speaker. You have heard from the Chair of the Departmental Committee on Labour and Social Welfare that the answer to Statement No.014/2014 was not conclusive. This is also true of my Statement. He has talked of many centres within Nyatike Constituency, which, to me do not exist. St. Andrews in Sori, Karungu Division, does not exist on the ground. Bondi in Mihuru Division is not even there. He is saying that all these centres have been established for boys and girls training in athletics. That is not true. Could the Committee Chair tell me, or tell this House, how much money was allocated for these centres?

Thank you.

Hon. Deputy Speaker: Are these other Members like hon. Kombe interested in supplementary questions?

Hon. Kombe: Thank you, hon. Deputy Speaker. I thought we had gone the county way but the hon. Chair is still talking of Coast region, Rift Valley region and the rest. Could he get to the counties?

Hon. Deputy Speaker: Hon. Daniel Maanzo.

Hon. Maanzo: Thank you, hon. Deputy Speaker. I would like to seek a clarification because at one time I had an opportunity to work for the former Ministry of Sports as a Secretary. What criteria are used to distribute these sports centres of excellence in the country as a whole, and without discriminating against some regions? Secondly, how much money has been spent so far? This is because in many of the places he has mentioned I know nothing has been done or there is no input at all by the Government.

Thank you.

Hon. Deputy Speaker: Yes, Isaac Mwaura.

Hon. Mwaura: Thank you, hon. Deputy Speaker. I requested a Statement---

Hon. Deputy Speaker: No. Are you talking about the Statement that we are prosecuting at the moment? If you are not on it, then sit down. We want clarifications on

the current Statement. If no more requests for clarifications we can allow the Chair to respond to the ones that have been sought.

Yes, Limo, clarification on the same?

Hon. Limo: Thank you, hon. Deputy Speaker. One clarification is that we believe that it is also good to invest money and get value for it. The Chair listed centres of excellence where they are investing money; we know that there are several areas where athletes are training and they are really suffering, yet they bring a lot of income into this country. We have not heard from the Chair how many centres of excellence have been set up in high potential areas like Kericho and Bomet.

Secondly, I would like to know whether the Government is considering bringing in the private sector to assist in building centres of excellence. We know that there are companies like Safaricom which are---

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members. The consultations are too loud!

Hon. Limo: Thank you, hon. Deputy Speaker. I want to make it very clear that there are companies like Safaricom Limited in the private sector which are really looking for places to invest their money in, because they have a lot of it. Safaricom Limited has been fighting to take over Kasarani Stadium. We have so many places where we can build centres of excellence including the stadiums. So, the Chair should tell us what action the Government is taking to bring in the private sector to assist in this. We have a lot of land even in my constituency where they can come and invest instead of concentrating on rebranding stadia like Kasarani.

Thank you.

Hon. Deputy Speaker: Hon. Sunjeev.

Hon. (Ms.) Sunjeev: Thank you, hon. Deputy Speaker. I would like the Chair to shed light on the following. He mentioned Upper Hill Secondary School in Nairobi where they are going to put up a sports centre of excellence, but as far as I am aware there is no centre being put up in any schools in the slum areas, yet there are many schools in the slum areas of Nairobi. I would like some clarification as to whether there are any plans for putting up sports centres of excellence in the slum areas of Nairobi.

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! Consultations are too loud. Chair, can we get your responses?

Hon. Were: Hon. Deputy Speaker, I want to start with hon. Anyanga. The Statement I have delivered signed by the Cabinet Secretary for Sports, Culture and Services. I am not in a position to know if these centres exist; I only know what I have read out. This is because my Committee has not travelled to that constituency to go and confirm if actually these centres exist physically. So, it is very difficult for me to confirm whether what he CS has written here is true. I am not in a position to confirm that.

Hon. Deputy Speaker: The hon. Member must also know that you are not the Cabinet Secretary. Therefore, you are not on the ground. You can only look for confirmation from the Executive.

Hon. Were: Hon. Deputy Speaker, the best that the Committee can do is, maybe, visit one or two stadia to confirm whether they really exist or not. Maybe, that is something which the Committee can undertake to do, so that we can verify whether the information that we were given by the Ministry is correct or not.

Hon. Deputy Speaker: That was not the only question. There were other clarifications sought.

Hon. Were: Hon. Deputy Speaker, hon. Harrison Kombe has talked about counties. I remember that when I was reading out the centres, I mentioned Machakos and Kisumu counties. So, I am up to date when it comes to the requirements of the new Constitution.

Hon. Maanzo mentioned that in the previous Government, he was the Secretary for Sports. I thought he would be able to help us on the criteria they used to identify this particular one since he was in the Ministry. The criteria given in this response are that the schools were selected regionally, and depending on availability of relevant facilities. There is at least a centre in each of the previous provinces.

Hon. Limo has talked of private participation. I want to assure him that this is something which is being pursued. It is up to this House to encourage such partnerships to take place, rather than demonising partnerships that are already in existence. Saying that the existing partnerships are wrong only discourages the Government in terms of negotiating for more partnerships. This is something that the Government is taking care of.

Hon. Birdi has indicated that there is a centre in Upper Hill but she has not heard of any in the slum areas. In the last Statement, I indicated that the Ministry is liaising with the county governments to assist, because this is something which can be very expensive. It is also one of the functions of the county governments to develop sports facilities at their level. So, Nairobi County Government should ensure that slum areas are also covered in such activities.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, hon. David Ochieng.

Hon. Ochieng: Hon. Deputy Speaker, I am sorry for interrupting the flow of responses to Statement requests. I have an issue with the Leader of the Majority Party, whom I think will run away very soon. So, I have to raise the issue right away.

In March this year, I raised an issue about the very important subsector called “*boda boda*”.

Hon. Deputy Speaker: Hon. David Ochieng, you will get your time. Right now, we are finishing with the Statements that are on the Order Paper. You will get an opportunity, but not now.

Hon. Ochieng: Hon. Deputy Speaker, the Leader of the Majority will leave just now.

Hon. Deputy Speaker: Order! Order, hon. Ochieng!

Hon. David Were, can you respond to the Statement request by hon. Zakayo Cheruiyot, if he is in the House?

Hon. Were: Hon. Deputy Speaker, hon. Zakayo Cheruiyot requested a Statement on the construction of Kuresoi Stadium, which has stalled. He wanted to know the circumstances under which the construction of the stadium stalled a year after commencement of the project; how much money has been paid to the contractor to date, and the reasons behind abandonment of the project after payments, and the steps being taken to ensure that the contractor completes the works as initially scheduled and pays local suppliers.

Hon. Deputy Speaker, while appreciating that a sports stadium can be a lifeline of a community through generation of funds, providing a business venue, and a venue where our youth can nurture their sports talents, the Ministry of Sports, Culture and the Arts, or its predecessor, the Ministry of Youth Affairs and Sports; has not initiated any project of putting up a stadium in Olengurueni, Kuresoi District. Therefore, the Ministry is not aware of any such project, and it is not in a position to advise on the abandoned project, and how much has been spent on it.

However, the Ministry wishes to concur with the hon. Member that putting up a stadium has a lot of sports, social and economic benefits, and would advise the County Government of Nakuru to allocate funds to complete the stalled project, so that it can be of benefit to the community.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, hon. Cheruiyot!

Hon. Cheruiyot: Hon. Deputy Speaker, first and foremost, may I recognise the presence of pupils from Olengurueni DEB, who are here today?

Secondly, I want to register my concern on the response that has been given by the Chair. This is one of those Statements which bring embarrassment to the Government and the people of Kenya. The contract was given by the Ministry of Local Government in November, 2012. The project was supposed to be completed within two years. It is currently being managed by the Ministry of Lands. Apparently, one arm of the Government does not know what is going on. I am concerned that we have gotten a Statement which says that the project does not exist. Even if we asked the pupils who are here, they would confirm that their stadium was messed up. Nothing has been going on, and we are being told that it does not exist.

Hon. Deputy Speaker, can you direct the Government to give us information on the project? When I made the request, I requested the Leader of the Majority Party to note that this is a very important project, for reasons known to me and him.

Hon. Deputy Speaker: Is there any other hon. Member who is interested in this Statement? Waluke, is yours on this Statement?

Hon. Koyi: Hon. Deputy Speaker, I was wondering how the Chairman was answering some questions. This does not include all parts of the country. There are other areas which are still under-developed, like Bungoma County. I always regard Bungoma as a marginalised county because there is no good development there. Sirisia Stadium should have been included in the list of those regions where stadi are being built. In regions like western, there is only one stadium. Areas which are already developed are still getting more development than other areas. They should consider areas which are not developed.

Hon. Njagagua: Hon. Deputy Speaker, I pressed the intervention button earlier when hon. Cheruiyot was speaking. He was saying that he has not been in the

Government for a long time yet he belongs to the URP. Is it that he wants to officially defect, or quit, from the ruling coalition? He needs to come out clearly, so that we can venture into that territory.

While still on my feet and with your kind permission, may acknowledge the presence of the Kings Bridge Boarding School from Mbeere North Constituency.

Hon. Deputy Speaker: They are most welcome. As we have said, Members, just come and inform the Chair, so that we make it a quick affair. On the same note, I want the Members to also acknowledge the presence of Alliance High. As the Member would want me to say, he is an old boy of the school. Hon. Oyugi Neto is an old boy So, feel welcome in the National Assembly.

Hon. Were: Hon. Deputy Speaker, I have got the sentiments of hon. Cheruiyot. In the formation of the new Ministries, it seems like some projects were put where they do not belong. I do not understand how the stadium is under the Ministry of Lands. This is something that can be streamlined. However, as I speak, the Ministry of Sports, Culture and Arts is not aware of the existence of that stadium.

Two, in response to hon. Waluke's question, I want to remind him that if you look at the Fourth Schedule of the Constitution, more so at the functions of the county governments, the county governments are charged with the duty of providing infrastructure like stadia. It is not a function that is under the national Government. So, the county government of Bungoma should look after the stadia that are within the county and not rely on the national Government. The national Government is taking care of the two main stadia, namely the Nyayo National Stadium and the Moi Sports Centre, Kasarani. So, it is the responsibility of the county government to look after sports facilities within the county.

Hon. Angwenyi: Hon. Deputy Speaker, I would like to get a clarification from the Chairman. Is he abdicating his responsibility of ensuring that we have appropriate stadia in all the counties of this country? The amount of money that we give to the counties is not adequate to provide adequate and proper stadia in any of the counties. We cannot concentrate on Nairobi only. We also pay taxes. For instance, Kisii contributes 60 per cent of taxes from Nyanza. Could we have the Kisii Stadium included?

Hon. Serem: Hon. Deputy Speaker, I am a concerned citizen of this country, leave alone a Member of Parliament for Aldai Constituency. We should get value for money from the stadia that are being constructed. Moi Sports Centre, Kasarani is less than 20 years old, but it has consumed a lot of money on renovations, yet there is a stadium that was built in 1933 in Germany, and it has never been renovated. As we discuss how we are going to construct more stadia in this country, we should look at history, so that we do not construct more stadia and tomorrow morning they become cash cows for the officials who are in charge of them.

I am very concerned.

Hon. Deputy Speaker: So, what is the clarification that you are seeking?

Hon. Serem: I want to know whether the same thing that affected Moi Sports Centre, Kasarani is going to be repeated in building these stadia.

Hon. Deputy Speaker: Michael Onyura, we are finishing with this Statement.

Hon. Onyura: Hon. Deputy Speaker, at times, I really sympathize with the Chairs of these Committees. I sat here listening to the Chair of the Committee on Labour and Social Welfare responding to the Statement. He mentioned centres that those who are

on the ground are saying do not exist; he referred to a stadium that he knows nothing about, yet the Member has assured us that it exists. I keep wondering whether the drafters of these Statements take these things seriously, or they just do them casually.

Should the Committee find that they were given Statements that are not correct, what action will they take to ensure that those who bring those Statements here do a serious job?

Hon. Dido: Hon. Deputy Speaker, I wish to say that the answer provided by the Chairman is inadequate. Hon. Cheruiyot should have been called because that is his constituency. More importantly, if work is done at the grassroots and the officials in Nairobi are not aware of it, then we need directions from the Chair that such Statement should never be given in the House. We want to go further and ask how much money is allocated to build stadia across the country. In all the new constituencies and the old ones, we have been told that with devolution, new stadia are going to be built. When will that happen? Have resources been allocated for the same in this financial year?

Hon. Deputy Speaker: Members, questions are becoming very repetitive. If you do not mind, allow the Chair to give us responses to those questions.

Hon. Were: Hon. Deputy Speaker, hon. Angwenyi has talked about Kisii, but I thought I talked about the functions of the devolved governments, which include construction of sports facilities within their areas. The budget allocated to the Ministry of Sports, Culture and Arts is not adequate to enable it to construct stadia in the various parts of the country. It is not adequate. So, it will be difficult to say that we want the Ministry to go round the whole country building stadia in each county and constituency unless, funds are made available to it.

Hon. Serem has talked about Moi Sports Centre, Kasarani. I still want to repeat that it is not the duty of the national Government to deal with stadia in the various counties. It is the duty of the county governments. The national Government will only deal with the national stadia. During the campaign, the Jubilee Government promised to construct five international stadia. We should be asking what happened to the five international stadia that the Government promised. But talking about constructing a stadium in every constituency is not tenable.

Hon. Deputy Speaker: Any further interest can be handled through Committee meetings. When you call the Cabinet Secretary, the Members are very much interested in the criteria. You have been asked about the criteria used in selecting where to construct a stadium and where not to. This is short of us giving examples from our various constituencies. Hon. Cheruiyot, you have one last comment before we leave this Statement.

Hon. Cheruiyot: Thank you, hon. Deputy Speaker. May I ask that the issue be referred to the relevant Ministry; that is the former Ministry of Lands which owns and supervises this project and has got the money? Further, the contractor should be paid immediately, so that he can resume work.

Thank you.

Hon. Deputy Speaker: Hon. Cheruiyot, you know that the Chairperson of the Departmental Committee on Lands does not need a directive from the Chair to take up the matter. If, indeed, this matter is within the purview of the Departmental Committee on Lands, then the Chair knows what happens as a Committee Chair. Are you not aware of what the matter is about? Can you give him the microphone? To the rest of the hon.

Members, there is even no space because hon. Members just switch their microphones on.

Hon. Mwiru: Thank you so much, hon. Deputy Speaker. I am really wondering aloud whether stadia were really under the former Ministry of Lands or the Departmental Committee on Lands. I think I need to do some research first before I commit myself and the Committee to undertake an investigation. This is because this matter does not fall under my Committee and I am not in charge of sports.

Hon. Deputy Speaker: Hon. Members, I think this is a matter which can be sorted out by the Chair. When you look at the question directed to the Chairperson of Labour and Social Welfare, what made you think that this is really not within your docket? It is really about stadia!

Hon. Mwiru: On a point of clarification, hon. Deputy Speaker. I have not said that it is not within my Committee's mandate. I think the best thing to do is to go the way hon. Members indicated; we should write a letter to the Ministry of Lands and Urban Development to get a clarification on the position of that stadium. I think we can get it if at all they are working on it. They can shed light on how much has been spent, how much is yet to be spent and what is going on there. Therefore, we can write a letter for information, so that we can respond to it conclusively.

Hon. Deputy Speaker: You will do that and you do not need the Speaker to direct you to do it; you will do it as a Committee through the normal channels in Parliament. Get in touch with the hon. Cheruiyot when you next call the Cabinet Secretary (CS), and he can get all the clarifications at the Committee meeting. You do not have to bring that matter back to the Floor of the House.

Hon. Members, we have a few more unrelated matters. We are not responding to Statements, but I want to give hon. (Eng.) Rege an opportunity.

Hon. (Eng.) Rege: Thank you, hon. Deputy Speaker. At the entrance of Parliament lies the photograph of the late hon. (Dr.) Paul Adhu Awiti and a condolence book. On behalf of the people of Karachuonyo Constituency and my own behalf, I wish to announce the passing on of Dr. Paul Adhu Awiti, who was a Member of Parliament in the 8th and 9th Parliament.

Dr. Awiti was born on 15th October, 1939 and was brought up in Karachuonyo Constituency, which was then South Nyanza Constituency. Amidst the difficulties the family faced, Dr. Awiti was able to get his education up to, and through, Lorton College where he did his doctor of philosophy (PhD) degree.

Dr. Awiti served not only this country but also other countries of the world, including being a Member of this august House from 1997 to to 2007. He also served as the Minister for Planning and National Development from 2001 to 2002.

Before then, he was a lecturer at Dar es Salam University, where his students included President Yoweri Museveni and the Congolese rebel leader Maceio Ernest Wamba dia Wamba.

Dr. Awiti also worked as an advisor to the Founding Father of Tanzania, former President Mwalimu Julius Nyerere.

After his service as a Member of Parliament, he served also as an advisor at the Prime Minister's Office from 2008 to 2012. He was a member of various distinguished organisations; including the University of Dar es Salam, St. Edwards University Institute

of Social Studies, Lorton College, Institute of Institutional Development and Consultancy Services.

More importantly---

Hon. Deputy Speaker: Order! Order, hon. Members! The hon. Member is paying tribute to a former hon. Member, as we have done in the past to other hon. Members who passed on.

Kindly, let us accord him time.

Hon. (Eng.) Rege: More importantly, he served as a very dedicated Member of the Orange Democratic Movement (ODM).

He contributed to the total emancipation of our people. He fought for a just and equitable society, where all citizens enjoy equal freedoms, rights and opportunities. He participated in the fight for multi-party democracy which led him into prison and detention along with the former Prime Minister, hon. Raila Amolo Odinga. This will be remembered by all us for many years.

Hon. Deputy Speaker, Dr, Adhu Awiti will remain in our memories. May God grant his family, the people of Karachuonyo and this country, which he loved very much; the strength and wisdom to carry on his legacy?

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Members, I believe we share the sentiments expressed by our colleague about our departed former Member of Parliament.

Hon. Members because of time--- I do not know what hon. Iringo is trying to do. He seems to be unable to remain seated.

Hon. Iringo: Thank you, hon. Deputy Speaker for giving me this opportunity to air my sentiments.

Hon. Deputy Speaker, on 2nd July 2014, I asked a question to the Chairman of Departmental Committee on Administration and National Security. When I was requesting the statement he was not present; therefore, the matter was taken over by the Leader of Majority Party. The Leader of Majority Party said very categorically that my request was very simple and clear, and it would be responded to in one week's time.

When the Chairperson of the Committee walked in this Chamber, I gave him a copy of the request and he also told me that, that was simple; he promised to give a response in one week. The question I had asked has become a thorn in my flesh as regards the gazettement of constituencies and districts. We were talking of police and teachers' recruitment, and this featured in my constituency. I cannot give my constituents an answer and now it is three weeks since I was promised a response. I feel it is high time this matter was dispensed with, so that, at least, I can also have a breathing space.

Thank you.

Hon. Deputy Speaker: Was this supposed to be responded to by the Chairperson of the Departmental Committee on Administration and National Security, hon. Abongotum?

Hon. Abongotum: Hon. Deputy Speaker, I really wanted to give this Statement like yesterday, so that my good friend, the hon. Member for Igembe Central, can get satisfied together with many other hon. Members, who are actually affected by this policy. I will attempt to expedite this matter. We have actually many Statements and you all know the bureaucracy in Government. So, I will expedite it and bring a response to this House, probably, next week.

Hon. Deputy Speaker: Hon. Gikaria, are you on a point of order?

Hon. Gikaria: I was on the other issue. But I can pay tribute to the late Adhu Awiti.

Hon. Deputy Speaker: No! I remember I had earlier given a chance to hon. David Ochieng’.

Hon. Ochieng’: Thank you so much, hon. Deputy Speaker. Before I say what I would want say, I also would like to send my condolences to the people of Karachuonyo following the passing on of the great hon. Adhu Awiti.

According to Standing Order 44, we do not come here to do work for a short time. It is a time when Members of Parliament are supposed to get responses from Chairpersons of Committees and the Leader of the Majority Party on issues concerning the constituents. In March, 2014, I raised a very important issue through a Statement. Through the Leader of the Majority Party, I wanted to know the plans the Government of Kenya has to deal with a very important issue of motorcycle riders, aka *boda bodas*. They are all over the country and yet, there does not seem to be any policy, law or help from the Government, apart from the regular harassment by police officers. It is now five months since I sought that Statement. We are almost through with this Session and yet, I am still unable to get a response from the Leader of the Majority Party. Could you, please, hon. Deputy Speaker, come to my aid?

Hon. Deputy Speaker: Leader of the Majority Party, you have heard the plea from your colleague.

Hon. A.B. Duale: Hon. Deputy Speaker, I have no intention of running. I have never been a runner. I do not do night running or day running. I have brought that answer a couple of times, but hon. Ochieng has either been busy planning for a *Saba Saba* meeting or drafting the referendum question. Now, I am ready and I can do it next week on Thursday.

Hon. Deputy Speaker: Next Thursday then. Let both of you be in - the one who sought the Statement as well as the one responding.

The hon. Member with a temporary card! Your name shall be “temporary card” for the time being. Hon. Member!

Hon. Opiyo: Thank you, hon. Deputy Speaker. First of all, I want to send my condolences to the people of Karachuonyo and, indeed, to the family of the late hon. Adhu Awiti. I think that the lifestyles that Members of Parliament lead after leaving the House really accelerate their exit from this world. This House should really think of the Members’ welfare after they leave Parliament. However, I want to raise something with regard to the answer that was given by the Chairperson of the Departmental Committee on Labour and Social Welfare. It seems that there is a lot of confusion especially after the re-organization of the Ministries. Even the markets that were being built, initially they were being developed by the Ministry of Local Government. Lately, there has been confusion and the monies were taken to the Ministry of Lands. So, the issue that was being raised as to whether the stadia were being developed by monies from the Ministry of Lands or the Ministry in charge of sports is actually a valid issue. I think somebody should reorganize those things and put them in their rightful places.

Hon. Deputy Speaker: Do you want to respond to that Leader of the Majority Party? With the merger of the Ministries, I do not know whether there is some confusion as to where certain---

Hon. A.B. Duale: Hon. Deputy Speaker, there is no confusion on the Government side. There is confusion there because Statements are sought through a procedure. He stood up on a point of order and he talked about markets. If there is an issue about reorganization of Government, it should be done through a Statement. I was wondering---

(Loud consultations)

Hon. Deputy Speaker: No! I saw it as an example. He was giving an example---

Hon. A.B. Duale: There is confusion there!

Hon. Members: Where?

Hon. Deputy Speaker: Order, hon. Members! I think we have already given the responsibility to the Chairperson of the Departmental Committee on Labour and Social Welfare to give us guidance on where the stadia and markets are. We need to know in which department of Government they fall.

Hon. (Dr.) Pukose: Hon. Deputy Speaker, about four weeks ago, I requested for a Statement from the Leader of the Majority Party on the issue of Chepchoina land, where GSU and Anti-Stock Theft Units are doing farming instead of taking care of the citizens. As we recruit the police now, I am afraid that some might be sent there to do farming. He had promised to bring an answer to this House in two weeks time. Could he give an indication when he will be ready with my answer?

Hon. Deputy Speaker: Hon. Members, we have many of you asking for Statements. Some of the Statements were sought as early as in March, 2014. You have been telling Members here that you will respond in two weeks time and yet, you take three to four months to respond. Give us some guidance on this matter, Leader of the Majority Party.

Hon. A.B. Duale: Hon. Deputy Speaker, mine is ready. I will give it on Thursday. I always give seven days. Next week on Thursday, *inshallah*, I will give it out.

Hon. Ng'ongo: Hon. Deputy Speaker, remember that the Leader of the Majority Party promised this House that he will answer to the issue of deployment of KDF personnel in Lamu. I think this is a very important matter touching on the Constitution. We cannot continue to allow the Executive to flout blatantly and disobey the requirements of the Constitution by illegally deploying our troops in Lamu. Could he move with speed and answer that?

Hon. Deputy Speaker: Hon. Mbadi, you are pre-empting what was just about to happen. He was the last person to get an opportunity. Leader of the Majority Party, could you, please, deliver your Statement?

Hon. A.B. Duale: Hon. Deputy Speaker, first, I am going to issue a Statement on the National Police Service Commission with regard to what transpired yesterday in the House. I will be very brief.

RECRUITMENT OF POLICE CONSTABLES

This is to confirm that the recruitment exercise was conducted throughout the country in 289 designated and gazetted centres on 14th July, 2014, and the successful recruits are scheduled to report in the following police training colleges on 3rd October,

2014: The Kenya Police Training College, Kiganjo; the General Service Unit Training College and the Administration Police Training College, Embakasi. The intervening period between the recruitment date, that is, 14th July, 2014 and 3rd October, 2014, was to allow the Commission to audit and vet all the results and reports from the 289 recruitment centres and also to review all concerns from the stakeholders and the members of the public regarding the recruitment exercise.

In the meantime, an inter-agency committee, which includes the Ethics and Anti-Corruption Commission (EACC) and the Independent Police Oversight Authority (IPOA), has been constituted to fast-track the audit exercise with the view to investigating all the reported malpractices and report back to the Commission by 4th August, 2014.

The outcome of this investigation will inform the Commission on the next cause of action which will include cancellation of results and a repeat of the exercise in centres where there is adequate proof that the exercise was not above board. In addition, those officers found to have been involved in the malpractices and corruption will be disciplined and prosecuted.

This is, therefore, to assure the House and the country that the reporting date is on 3rd October, 2014.

Hon. Deputy Speaker: And not 5th August, 2014. The relevant Departmental Committee will continue with the exercise of carrying out its own independent inquiry as a way of exercising the oversight role. Continue with what you need to do and report to this House what your findings are.

Hon. A.B. Duale: Hon. Deputy Speaker, before I read the House Business Committee (HBC) Report, let me go to the Report on the KDF presence in Lamu. This is the Statement.

(Loud consultations)

Hon. Deputy Speaker: Order, Members! You were very passionate about this question. Can you, please, listen to the response from Government, so that you can interrogate it properly?

DEPLOYMENT OF KDF IN LAMU

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I want to confirm that the KDF presence in Lamu is within the Constitution of Kenya, Article 241(3)(b). There are a number of factors informing the KDF deployment in Lamu, bearing in mind the situation. The first is the nature of attack and the human suffering. The attacks in Lamu are widespread and are characterized by extreme brutality and have created immense human suffering. Again, the location, terrain and the area which the attacks have been orchestrated is adjacent to a densely forested area, where the attackers have launched operations and sought sanctuary. This has created the necessity of an emergency response, which is necessary because of the complexity of detection and apprehension of the attackers.

On the nature of weapons used, some of them are sophisticated and capable of producing many fatalities and injuries, as well as the destruction of property. This has

necessitated the deployment by the National Police Service (NPS) and other security agencies in the area to successfully apprehend the attackers within the terrain described, and further needed specific support of additional equipment from KDF in terms of emergency. In this regard, the NPS has sought the support of the KDF to contain the emergency in a very limited form. This form includes the use of aircraft, use of a minimal special force unit and use of the night vision equipment only used by KDF. That was necessitated by the element of emergency. Due to the organized nature of the attacks and the challenging terrain, the potential for escalation of the emergency within Lamu County and other counties was felt highly and, hence, the Cabinet approved, under Article 241(3)(b), for that equipment and minimal special force of the KDF to be deployed. The KDF has a constitutional obligation under Article 241(3)(b) of the Constitution to assist and support other authorities in situations of emergencies. This time, the other authorities mean the NPS and other security agents.

The circumstances obtaining in Lamu County as narrated above constitute a serious security emergency within the meaning of Article 241(3)(b). Parliament oversight and specific procedures are obtained through the obligation on the part of the KDF to report on its deployment during emergencies as provided in the same Article, and the Cabinet Secretary for Defence will provide a further report to Parliament on when the deployment of that equipment and special force has been discontinued as per the requirement of law. In that case, Parliament will receive a report on the number of equipment, the number of the force and the resources used in that minimal operation. Where the KDF and the Executive feels that they need to deploy the KDF in totality, Article 241(3)(c) will apply and this House's approval prior to that situation, if the situation arises, will be sought.

[Hon. Deputy Speaker left the Chair]

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

That is the position and the definition of an emergency within Article 241(3)(b), which is what the KDF has used.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I know who sought the Statement. Hon. Aden, do you have a point of order?

Hon. Aden: On a point of order, hon. Temporary Deputy Speaker. Mine was to seek a clarification on the same. I have pressed the intervention button for clarification.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Then let us allow Hon. (Eng.) Gumbo first. We will give you after him.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I thank you. I also thank the Leader of the Majority Party for attempting to answer the question. Our Constitution is clear that KDF is one of the national security organs. We do not have to talk about that one. But it is in public knowledge that KDF--- I want to say that none of us in this House is opposed to the deployment of KDF to maintain security. The Constitution provides for it. We are not opposed to that. We will support it. What we are saying is that it has to be done according to the law. According to what the Leader of the Majority Party is trying to say, he is suggesting that KDF is being deployed as per the provisions of Article

241(3)(b), which is not the case. We know and it is in the public domain--- The Leader of the Majority Party cannot come here and say that the debates in this House cannot or are impervious to public opinion. It is in public opinion and there is absolutely nothing wrong with the KDF helping to restore security in Lamu.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Get to your clarification!

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, when this matter came up on Tuesday, we got the assurance first from the Chief Whip of the Majority side, a man I highly respect, a former Minister for Internal Security who, in my opinion, did very well as the Minister. He has said that, yes, deployment had been done as per Article 241(3)(c), but because Parliament – and it is in the HANSARD - was on recess at that time, what is anticipated under Article 241(3)(c) will be done within seven days. Now the Leader of the Majority Party is trying to change course and telling us that what is happening in Lamu - and by the way, for your information, is also happening in Mombasa - is just an emergency. It is not an emergency as contemplated. So my clarification is: When is that request going to be brought to this House? We have all sworn to protect the Constitution – everybody in this House has sworn – and we are not saying what is happening should not be done. But what we are insisting on is that the Constitution must be followed. It is not an emergency. We have all gone to school.

Hon. Aden: Hon. Temporary Deputy Speaker, the clarification I want to seek is very much in line with what hon. (Eng.) Gumbo has asked. The Constitution is very clear. The deployment of KDF under the circumstances that we have seen now is one whose justifiability is not in question. We need to ensure that peace, security and normalcy returns to Lamu and Likoni. However, that must be done within the Constitution. It will be very unfortunate if we violate the Constitution under the excuse---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, please, seek your clarification.

Hon. Aden: Hon. Temporary Deputy Speaker, the hon. Leader of Majority has said that the deployment of the KDF has been as a result of emergency. To the Member who requested the Statement, it is on the HANSARD. It is on the same issue that I wanted to raise. He has said that, indeed, Parliament was not in Session. Therefore, it was to be recalled. Was there not an opportunity to recall Parliament if, indeed, there was an emergency to the magnitude of requiring the deployment of KDF? We have clear provisions under the law in which Parliament can be recalled to approve the deployment of KDF.

Hon. Temporary Deputy Speaker, it is not only in Lamu---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): No! No! Is your clarification to the Leader of the Majority Party clear?

Hon. Aden: Hon. Temporary Deputy Speaker, my clarification is: Was the reconvening of Parliament sought?

The Constitution is also clear under Article 3(b). I want to challenge the hon. Leader of Majority and the Chairman, Departmental Committee on Defence and Foreign Relations. The only time when there was an emergency of the magnitude that required the immediate deployment of KDF was the attack at Westgate Mall. The Constitution was not followed to the letter in that deployment either. The Constitution says that a

report must come from KDF after that emergency response is done. That report from the KDF is not in this House to validate the deployment and we ask why it is not there.

Hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Two clarifications are enough. Hon. Member, you are now going against the rules of the House. I can see the Chair, Departmental Committee on Defence and Foreign Relations, hon. NdunguGethenji.

Hon. Gethenji: Thank you, hon. Temporary Deputy Speaker. In addition to the Report read by the hon. Leader of the Majority, it is also obvious to the mind that the deployment of KDF was done under the provisions of Article 241(3)(b) of the Constitution. That provides for deployment in case of an emergency. I think it will do the House good to define what an emergency is. The dictionary says that an emergency is a situation that poses immediate risk to health, life, property or environment. It is clear the situation in Lamu fell in that category and it was an emergency.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Chair, are you seeking a clarification or giving information?

Hon. Gethenji: Hon. Temporary Deputy Speaker, I was contributing.

Hon. Members: No!

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Can we have order, hon. Members? Stop getting over-excited because there is nothing to get excited about. Are you seeking a clarification or giving information to the Leader of Majority. The Leader of Majority, would you like some information?

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I can answer all questions like before from the Floor of the House. So, I am ready. But the Chair can also give me some information.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Go ahead then. He has said that you can give him information.

Hon. Gethenji: Hon. Temporary Deputy Speaker, I just wanted to say in addition that CORD is on record last week as having made statements on the Floor of this House that are in the public domain that KDF should be withdrawn from Somalia so that they can be deployed in Lamu to beef up security. But now, it has become an issue when we deploy KDF in Lamu! I think that is dishonest on the part of CORD.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, the law is very clear. Article 241(3) says:-

“The Defence Forces-

(a) are responsible for the defence and protection of the sovereignty and territorial integrity of the Republic;

(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; and,

(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.”

I want to take situations and give examples. This Government believes in the rule of law.

Hon. Members: No!

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, if you allow me to speak, when we want to make a request, we will make it.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker---

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, hon. Gumbo should give me time. When we want to make a request, we will make it. We have done that before. When there were tribal clashes in Tana River - and I happened to serve in the last Parliament, we sought a request. When we wanted to deploy KDF in Turkana, Pokot and Mandera, we sought a request and this House approved it. This is according to Article 241(3)(b). I am very categorical. KDF is acting within that Article as far as its specialized equipment and special units are concerned. If the Executive feels that the situation is getting worse, I can assure you as the Leader of Majority that it will come with a request and you will have the benefit to deny it that request. However, for today, under Article 241(3)(b), you can define emergency whether you went to Alliance High School, Mangu High School, Moi Forces Academy or Maranda High School---

(Laughter)

Hon. Gumbo has asked why we cannot make a request and I would like to tell him that we will make it.

(Loud consultations)

The Member for Kisumu Central, we are not in Kondele Market! We are in the National Assembly!

(Laughter)

Hon. Temporary Deputy Speaker, the hon. Member for Mbalambala, hon. Abdikadir, raised substantial issues. I want to confirm to him that when KDF went to the Westgate Mall, it was gazetted as per the law and when they left, it was degazetted.

Hon. Temporary Deputy Speaker, I want the HANSARD to correct this. I have tabled the Report on Westgate.

Hon. Okoth: On a point of order, hon. Temporary Deputy Speaker. I want to take the House several steps behind. The President came to this House a few months ago and presented the State of the Country Report to the nation. He also gave us a report on security and another report on our international obligations. I asked the Speaker, hon. Justin Muturi, a few weeks ago if the House was in order not to have set aside time to discuss those issues. The Speaker advised, ruled and instructed the Leader of the Majority Party and the House Business Committee to set aside some time for those reports to be discussed in this House. It is more than two weeks since that last request was made and there seems to be no intention---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, I cannot get the gist of what is out of order.

Hon. Okoth: The House Business Committee has not set aside time for those issues to be discussed. We want to bring these issues of security into question.

Temporary Deputy Speaker (Hon. (Ms) Shebesh): Hon. Leader of Majority Party, you can handle that because you also sit in the House Business Committee

Hon. A. B. Duale: Hon. Temporary Deputy Speaker, he has raised a very substantial matter. But it is very sad that, in the House Business Committee, which I am not the Chair and the Speaker is the Chair, the top leadership of CORD Coalition led by hon. Nyenze sits there. So, it is not my obligation. You can use your leadership which sits in the House Business Committee to give priority to that Report.

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

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): I will take them as clarifications. Hon. Ng'ongo!

Hon. Ng'ongo: Thank you Temporary Speaker. Now you are taking it as a clarification. I have listened to the Leader of Majority. Even though he is trying to shift the deployment at Lamu to be under Article 241(3)(b), assuming it is an emergency, I wonder whether the Leader of Majority has read KDF Act, 2012. If he has, what does it say? I want him to clarify that. If you deploy under Article 241(3)(b), which he is telling us that, that is what the Government has done, you are required by law, under the KDF Act, to report within seven days - and not seven sitting days - to Parliament. I want to know if that is the case. Has this Government informed Parliament within seven days as per the requirement of KDF Act? By the way, I want him to further clarify whether the requirements of that Act as it is, including the details--- That is because when you report to us, you are supposed to tell us why you did it, how much you have spent on it and how much destruction you have caused or not caused. If the deployment was under 241(3)(b), can the Leader of Majority Party tell us whether they have not violated the law?

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): Your clarification has been made. Hon. Gikaria.

Hon. Gikaria: Thank you. It is a clarification to the Leader of Majority Party. I want to know the number of KDF personnel that has been deployed in Lamu and whether they are enough. If they are not enough, when do they want to increase the number of KDF in Lamu?

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): Chair, do you want to give information. Leader of Majority Party.

Hon. Abongotum: I have a point of order.

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): You have a point of order? Okay! Go ahead.

Hon. Abongotum: It is apparent that CORD leadership is not patriotic in this country. I want to say this, and I cannot be intimidated! I have the Floor. That is because when they say we should withdraw KDF from Somalia, and they are also saying that we should not deploy them locally, I think they are promoting---

(Loud consultations)

Would I be in order to declare that CORD is not patriotic?

(Several hon. Members rose in their places)

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): Let him finish!

Hon. Abongotum: Would I be in order to declare that CORD is not patriotic because they do not want us to deploy the army internationally and locally? So, what are they after?

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): Hon. Members, you are not going to be heard if you shout. I will not even be able to pick you. So, please, first of all, make sure your cards are in the intervention slots because I cannot see them. Let other Members complete what they are saying.

(Hon. Bosire interjected)

You definitely do not think that I am going to give you a position. I can tell you that I will ignore you if you try to raise your voice towards the Speaker. Please, walk out of the Chamber. Please, leave the Chamber! Hon. Bosire, I have said: Leave the Chamber! Proceed out of the Chamber!

(Loud Consultations)

(Hon. Bosire left the Chamber)

Hon. Abongotum: I just want to be heard!

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Chair, please, wait until we complete!

Hon. Members: Okoa Kenya! Okoa Kenya!

Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon Member, please, finish what you were saying.

Hon. Abongotum: Temporary Speaker, I just want to be heard by my friend. I am just trying to be heard by my friends. I am just saying that the CORD position is that we should withdraw the army from Somalia. That is their position. At the same time, they do not want us to actually deploy the army to solve the insecurity problem in this country. Would I be in order to declare that CORD is an un-patriotic party and they want chaos and anarchy in this country?

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): Member for Kisumu Town. But, I want to clarify that I have sent out hon. Bosire for the rest of the day.

Hon. Mirenga: Thank you, hon. Temporary Deputy Speaker. I want to begin by saying that this side of this House is absolutely patriotic.

(Applause)

And the biggest--- Please relax Chair for security. Without our patriotism, we would not raise matters touching on the constitutionality of the acts of this Government. So, when we ask a very important question and some Members are trying to trivialize it-- - I think, in fact, the Leader of the Majority Party was just attempting to imagine to respond to it through quoting Article 241(3)(b).

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): What is your clarification, please? I just want--- Members, have a seat. Please, if you are asking for a

clarification, get to it quickly. Otherwise, I will put off the microphone and give to the next person.

Hon. Mirenga: All right! I just wanted to say that within the meaning of Article 241(3)(b), one, what is happening in Lamu is not an emergency, neither is it a disaster!

(Loud consultations)

Even if it were--- Let me just finish! It is not an emergency because there are specific ways of declaring an emergency or even a disaster. Other than that, even if that were the case, this has not been reported to this House within the seven days.

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): What do you want clarification about, unless you are not able to---

Hon. Mirenga: Hon. Temporary Deputy Speaker, I think I am just building a case so that, in fact, the person who has asked this question can get to understand the question. Actually, the problem we have here is that the Leader of the Majority Party may have been responding to a question that he did not understand in the first instance. The clarification is: Was the Government in order to classify what is happening in Lamu as an emergency or a disaster? If so, then how come they have not reported back to this House within seven days?

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms) Shebesh): Go ahead Leader of the Majority Party.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, it is our obligation as Members of Parliament to, at all times, defend and protect the Constitution. Again, it is upon us not to read the provisions of the Constitution selectively and just for convenience purposes. I do not know where he has gone but hon. Mbadi quoted the KDF Act No.3, and he has left. That is because I am sure the Members will listen to me and the people of Suba will know the kind of person they have sent to Parliament who asks questions and leaves.

The KDF Act, Sub-section 3 talks about this scenario - and I said it that when a war, however small, like in the case of Lamu, falls within Article 241(3)(b), I am not the drafter of either the KDF Act or the Constitution. It is the people of Kenya through their elected representatives. Article 241 is like the Westgate and I want to tell the Member for Mbalambala that the Report from the KDF, after they exited from Westgate was reported. The HANSARD will prove me right. The Report of the two joint committees came to this House and it was rejected. For example, when we went to Westgate, the law under Article 241(3)(b)--- If you allow me, the first thing that KDF does is that they do a gazette that they have done an emergency. When they exit from that emergency operation, they do another gazette that shows they have left. Then the law is very clear that within the KDF Act Section 3, they must do a report to Parliament.

In the case of Lamu within the confines of Article 241(3)(b) it is where, on an emergency, the other security agencies have sought the assistance of KDF in a limited form. One, in terms of equipment like the aeroplanes and all that was used and in terms of the Special Forces unit of KDF – a well specialised group with night vision. The day the KDF will exit - and I have said it in my Report which I am going to table before the

House, the Cabinet Secretary for Defence will table a report showing the number of equipment used, the amount of resources used and the number of personnel used.

For Article 241(c) - and let us make it very clear -if we feel the issue in Lamu has escalated and we need a full deployment of KDF there, the Jubilee Government will make a formal request to this House. It will be for us either to agree or not. So, wait for that moment but for now, I can say it that it is a Government that believes in the rule of law. Look for the referendum but on this one, we are within the confines of Article 241(3)(b). Once we contain the situation and we exit, we will bring a report to the House. Then that report can be studied. Otherwise, we wish you well in your referendum questions.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh: Okay, Members. Order. Next Order. Hon. Leader of the Majority Party, make the usual Statement.

BUSINESS FOR THE WEEK COMMENCING 29TH TO 31ST JULY, 2014

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, pursuant to Standing Order No.44(2)(a), on behalf of the House Business Committee (HBC), I rise to give the following Statement regarding the business appearing before the House the week beginning Wednesday 30th July 2014.

Hon. Temporary Deputy Speaker, as usual, the HBC met on Tuesday this week and gave priority of the business that was to appear before the House this week and next week.

In this regard, on Wednesday morning, the House is expected to consider the Second Reading of the following Bills:-

The Children (Amendment) Bill, 2014, the Climate Change Bill, 2014, the Kenya National Aids Authority Bill, 2014, the Diabetics Management Bill, 2014 and the Order of Precedence Bill, 2014.

Hon. Temporary Deputy Speaker, on the same day, the House will debate on the Report of the Departmental Committee on Justice and Legal Affairs on the nomination of commissioners to the National Cohesion and Integration Commission (NCIC). Another business of priority on that day is the Report from the same Committee regarding the petition for the removal of the chairperson and eight other Independent Electoral and Boundaries Commission (IEBC) commissioners.

Hon. Temporary Deputy Speaker, this House is also expected to consider the Second Reading of the following Bills:-

The Mining Bill, 2014, the Insolvency Bill, 2014, the Prohibition of Anti-Personnel Mines Bill, 2014 and the Business Registration Service Bill, 2014.

On the same note, the House will commence the Second Reading of the Statute Law Miscellaneous (Amendment) Bill, Bill No.24 of 2014. On this Bill, I am aware that many committees have since concluded with their proposed amendments and are ready for tabling.

Hon. Temporary Deputy Speaker, on the Water Bill, the HBC has since received a request from the Departmental Committee on Environmental and Natural Resources seeking an extension of two weeks to enable them to conclude their report.

Hon. Temporary Deputy Speaker, regarding the six constitutional Bills, I would like to confirm that following yesterday's Cabinet meeting chaired by the President, the following Bills were approved:-

Environmental Management Coordination (Amendment) Bill, 2014, the Public Service Values and Principles Bill 2014 and the Persons Deprived of Liberty Bill 2014. Those Bills, as I speak, are within the precincts of Parliament and they should be published by the Government Printer by the end of Saturday evening so that the HBC can deliberate on how to slot those constitutional deadline Bills.

Hon. Temporary Deputy Speaker, it is my hope that these Bills will be published over the weekend and introduced to the House next week. I also wish to confirm that the Commission on the Implementation of the Constitution (CIC) in consultation with the Attorney-General has indicated that it may not be very possible for three constitutional Bills to be concluded in good time since there are still holding stakeholders meetings. In this regard, they have advised the House, through the Committee on the Implementation of the Constitution (CIOC), to seek the requisite extension.

(Hon. Mwaura stood up in his place)

Hon. Temporary Deputy Speaker--- Hon. Mwaura, please, the famous man in black and my very good friend. I hope he will be back in Kasarani very soon with his team if at all the Orange Party wants to do elections. In this regard, they have advised the House to seek the requisite extension for the passage of the following Bills:-

- (i) Fair Administration Action Bill, 2014.
- (ii) The Public Audit Bill, 2014.
- (iii) The Procurement and Assets Disposal Bill, 2014.

Hon. Temporary Deputy Speaker, finally, the HBC will meet on Wednesday 30th July 2014 at the rise of the House to consider business for the rest of the week.

As I conclude, allow me to take this early opportunity to wish the Muslim Members of Parliament and the Muslim community in general in Kenya a happy *Idd Ul Fitr Mubarak* which will be either be celebrated on Monday or Tuesday. I now wish to lay the Statement on the Table of the House.

Thank you.

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the Member of Parliament for Ainamoi Constituency, hon. Benjamin Langat, has requested that we recognise the presence of St. Therasas Primary School from Kericho County. We welcome them to our Chambers.

(Applause)

Hon. (Eng.) Gumbo.

Hon. (Eng.) Gumbo: On a point of order, hon. Temporary Deputy Speaker. While I do not wish to take the House back to what we have discussed, I think that it is not right when we on this side raise matters which border on the Constitution of this

country and we are being labeled to be un-patriotic. That is not right. We are responsible leaders. We have sworn to protect the Constitution and that must be respected. We raised the matter which borders on the Constitution and each one of us has a duty to protect and defend the Constitution.

Hon. Temporary Deputy Speaker, I want to go on record that I am not satisfied with the answer which the Leader of the Majority Party gave and I want, one day, if he has time, to come to me so that I can read to him the story of the thirsty pigeon and he will know what kind of a person he has become.

Hon. Temporary Deputy Speaker, I have been pursuing a matter here since 2012. That is the rules governing the Engineers Act. The Act was passed in early 2012. Almost two-and-half years have lapsed since then. We have buccaneers practicing as engineers in this country. The lives of Kenyans are being endangered. The rules are supposed to weed out people who are masquerading as engineers and yet, they are not. The rules are not coming through. This is the fifth time I am raising this matter. I am requesting the Leader of the Majority, as the link of this House to the Government, to plead with the responsible Cabinet Secretary, so that the rules can be brought to the House to help us weed out the buccaneers who are masquerading as engineers and endangering the lives of our people.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, Leader of the Majority!

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, it is true that I have changed from what I was before because I left hon. Gumbo a long time ago.

On the issue of KDF, it is very unfortunate that, sometimes, CORD and *Al Shabaab* speak the same language. So, some of us are wondering!

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Duale, you are making it very difficult for me to keep order in the House. Please, stick to the facts.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, on the matter of the regulations, I will bring it next week.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Duale, there is a statement which you have to withdraw, in order for us to continue calmly. Just withdraw.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I can substantiate.

Hon. Members: No! No!

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, *Al Shabaab* is saying that we should get out of Somalia. The CORD coalition is also saying that we should get out of Somalia. The two parties are speaking the same language.

Hon. Members: Point of order! Point of order!

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the more we continue with this matter, the more heated it gets.

Hon. Millie-Odhiambo, I hope that your comment is on the Leader of Majority's Statement for the week. That is what we are dealing with.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Speaker, I want to ask the Leader of the Majority Party, in terms of the issues that he has raised about next week's order of business. My concern is that we are trying to give time. I do not know if the Government is sleeping on the job. We have many constitutional Bills but you find that it is only Private Members Bills that are being brought. What I would need him to clarify is whether the Government is sleeping on the job.

Secondly, I need your direction on an issue under Article 27 of the Constitution, on discrimination. I have been waiting for a *kamukunji*. The leadership of this House mistreats CORD. This matter is going to blow up. You always chase Members from one side of the House. I am not talking of you as the presiding officer now. I am talking about the leadership of this House. Please, note that we were elected in the same way as TNA and URP Members were elected. We demand to be treated with respect, equality and dignity as provided by the Constitution. We cannot be chased away from the House all the time. Hon. Duale even now---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Millie Odhiambo--

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Speaker, I will appreciate if you, please, indulge me for a second. I have been waiting for---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I have already given you enough time, Millie.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Speaker, please, indulge me for a second because I am feeling it in my heart. The next moment I will blow up! Last time, I almost threw a glass at the Speaker. I am very honest.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Millie Odhiambo, I would like you to stop there. This issue is becoming very emotive. Therefore, we will proceed to the next Order!

Next Order!

MOTION

ADOPTION OF REPORT ON MEDIATION COMMITTEE ON DIVISION OF REVENUE BILL

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I now want to put the Question that, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 153, this House approves the Report of the Mediation Committee on the Division of Revenue Bill, 2014, laid on the Table of the House on Tuesday, 22nd July, 2014.

(Question put and agreed to)

Hon. Members: Division! Division!

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, we are going to a division. Therefore, I direct that the Division Bell be rung.

(The Division Bell was rung)

Order, Members! Let us settle down. Is there any other Member coming in? Members, please, get seated!

Hon. Deputy Speaker: Hon. Members, please get seated. We want the Bar closed. Just check to make sure you do not lock out hon. Members and then lock the Bar.

Hon. Members, you all know the procedure. I want you to remove your electronic cards now and then you insert them.

You can now insert your electronic cards.

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

Hon. Deputy Speaker: Order, hon. Midiwo! What is your point of order!

Hon. Midiwo: Hon. Deputy Speaker, this is quite an important vote. I would have liked you to say the meaning of “Ayes” or “Noes” vote so that hon. Members know the implication of this so that---

Hon. Deputy Speaker: Hon. Members that is an important point. Remember we are voting on the Report of Mediation Committee on the Division of Revenue Bill. What we are looking for is that the House approves the Report of the Mediation Committee on the Division of Revenue Bill, 2014 laid on the Table of the House on Tuesday, 22nd July, 2014.

A vote on “Ayes” would, therefore, mean that you have approved the Report while on “Noes”, it would mean that you did not approve the Report. The implication of this would be that you will be denying counties money.

Hon. Members, it is now clear.

Hon. Members: Yes.

Hon. Deputy Speaker: Therefore, can you now insert your cards and, of course, your password? Let us take this very seriously. You know the importance of this vote.

Your cards and PIN have been put in and now----

Hon. Members: No, hold on!

Hon. Deputy Speaker: The system will fail if we take long when we have already inserted the cards---

Hon. Members: No, hold on!

Hon. Deputy Speaker: You need to be voting now. We will deal with the results as they come. Remember all of us are using our cards. Those of us present can see on the screen that the number of hon. Members is 89. The “Ayes” are 79, “Noes” three and abstention one. So, the total number of votes is 83, those who have participated. Therefore, there are six hon. Members who may be present but have not voted. Six hon. Members have not done anything.

Order, hon. Members! The “Ayes” have it.

DIVISION

(Question carried by 79 votes to 3)

AYES: Messrs. Baiya, Wandayi, Kaluma, Aden, Nooru, A.B. Duale; Ms. Wahome; Messrs. Lentoimaga, Mwadime; Ms. Gathecha; Messrs. Washiali, Andayi, Langat, Kitungi, B.K. Bett; Ms. Ng’etich; Messrs. Iringo, Gikaria, Bowen, Ochieng, Were, Lagat; Ms. Kajuju; Mr. Nderitu; Ms. Duri; Messrs. Dukicha, Ahmed Abass, Kang’ata, Mwaura, Kiptanui, Macharia, Midiwo; Eng. Rege; Mr. Kamau; Ms. Wanyama, Ms. Teiya, Ms. Mbalu; Messrs. Olum, Omagwa, Nakara, Lempurkel, ole Kenta, Limo, Gethenji, M’uthari; Ms. Emanikor; Messrs. Abongotum, Kanini Kega, Murungi, Mirenga, Mulu; Ms. Munene; Messrs. Ng’ongo, Kisoi; Ms. Odhiambo-Mabona, Ms. Juma; Mr. Mohammed Abdi; Eng. Mahamud; Mr. Sumra; Eng. Gumbo; Messrs. Barua, Ngunjiri, Njuki, Dr. Nyongesa; Ms. Tobiko; Mr. Rotino; Ms. Muia; Dr. Pukose; Ms. Mitaru; Messrs. Mwaita, Gichigi, Ndiritu; Ms. Abdalla; Mr. Anami; Ms. Sunjeev, Ms. Chebet; Messrs. Wetangula, Kisang and Cheruiyot.

NOES: Messrs. Banticha, Koyi; Lomwa

ABSENTION: Mr. Sakaja.

Order, hon. Members! Before we contribute, can you read the long title of the Bill?

(Loud consultations)

Hon. Deputy Speaker: Order! Eng. Gumbo, what is your point of order? Do not belabour the point. You have already pronounced yourself on this matter. So, let us not again belabour the point.

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, it is not my wish to take us back where we have come from. I think it is important that as we debate in this House, we stick to the rules of this House as spelt out in our Standing Orders.

Hon. Deputy Speaker, I am raising this matter because when we come to the Order on petitions, I had a very burning issue which I wanted to raise.

Standing Order Nos. 224 and 226 are very clear that we have up to 30 minutes to do petitions. I felt that when we have issues that touch on our constituencies which we are raising within the confines of the Constitution and the Standing Orders and we are not allowed to do so, it makes our presence in this House to be in vain.

Hon. Deputy Speaker, I would wish that much as I do not want to be seen to be questioning the Chair’s ruling, but as we discharge the business of this House, we should do so in the manner anticipated by the Constitution and the Standing Orders. I would wish that at all times we try to stick to the Standing Orders.

Hon. Deputy Speaker: Your point is noted. Hon. Jamleck Kamau.

Hon. Kamau: On a point of order, hon. Deputy Speaker. Standing Order No.72(b) states:-

“If, on a question other than a question of procedure, thirty or more Members rise in their places to support the Member claiming the roll call division, the Speaker shall direct a division to be taken---”

That is exactly what the hon. Deputy Speaker did. This is a House of rules and procedures. Indeed, more than 30 hon. Members rose and that is why there was a Division in this House this afternoon. After the voting was finished, we only had one person who voted against. I am wondering whether this is actually in order. This is absolutely wrong. It is chameleonistic, hypocritical, unethical and it is in very bad spirit

and especially coming from our friends from CORD. They stood and said that they wanted a Division. They were opposing the Motion and eventually only one person voted “no”. That is taking for granted the rules and procedures of this House.

Hon. Midiwo: Thank you, hon. Deputy Speaker. You know, it is good for a Member who is a second-term Member of this House to understand the rules and procedures of this House. It is good to go on record that it is the other side and myself on this side and many other people who asked for the Division. During the Division, people lobby. I lobbied and offered leadership and said that this thing has no--- You even gave me a chance!

Hon. Deputy Speaker, that is what good leadership does. Uhuru keeps calling my people *Al Shabaab* and he knows they are the ones trading in charcoal in Somalia and that is why they cannot bring our troops back here. Look at these people, since when did our military become tax collectors in Kismayu Port? Bring our troops back here! I thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Order, hon. Jakoyo! I was in agreement with you in the beginning of your Statement with regard to lobbying. It is true that Division is one of the things that is done in this House. The thing is that, after the lobbying we saw a serious change of heart from the CORD side and now we are speaking. We are now speaking with one voice. As a House, we have pronounced ourselves that we want our counties to move.

(Loud consultations)

Hon. Sakaja, what is burning? Hon. Members, let us stop pointing fingers! We have seen the results of the Division and the “Ayes” have won overwhelmingly.

Hon. Sakaja: Hon. Deputy Speaker, without any fear of contradiction and whatever, I want to put it clearly that, indeed, when it came to asking for a Division many Members stood up, including myself and for very fundamental reasons, I hold that the Report ought to have been objected to. Everybody has a position. Apart from the lobbying that went on and especially by hon. Jakoyo who stood out the tallest from that side, when you explain what the implication is--- Hon. Deputy Speaker you are on record saying that this means denying counties money and that is why many people changed their minds, including myself. However, I did not vote “Ayes”; I abstained because the division of revenue is not there just for the counties only, it is also there for the national Government. It determines the amount of money that goes to the national Government and the county governments. If you make it look like it is just about the counties, then whoever voted “No”, you are making them look like they do not want devolution. I think Members vote out of their conscience and their own conviction. It is wrong for one to brand anybody as that.

I would like to urge that when such a vote is called, the interpretation of the implication of that vote be even left to the Floor and the Committee that has brought it and, maybe, a more informed implication--- The implication that this was just to deny counties money is not correct.

Hon. Deputy Speaker: Hon. Members, before we make any more comments on this, remember that a Communication had been given by the Speaker on this matter and the implications of not passing the Division of Revenue Bill were made very clear. This

is a matter that the Speaker had pronounced himself on. So, my mentioning that it was going to deny the counties money and not the national Government was something that already had been said.

(Loud consultations)

Hon. Ng'ongo, you cannot be expecting that you will speak at every instance. Please, we have so many Members here. We appreciate---

Hon. (Prof.) Nyikal: Thank you, hon. Deputy Speaker. I did not stand, but I voted "Ayes".

(Laughter)

I stand on Standing Order No.107 on disorderly conduct. First of all, I want to thank the Members of Parliament today for taking into consideration the needs of this country. The Leader of Majority Party has a significant responsibility to this country. He is the face of the Government. Therefore, it is not in order for the Leader of Majority Party, from time to time, to make statements and insinuations that incite people. I have said many times here that, maybe, I am not old enough in politics to be heard, but I want to say here today, as I said before, when you insult people's leaders and when you insult people's parties and when you demean and neglect people's parties, they get upset. A responsible leadership dictates that all the time we observe decorum and respect for others.

(Loud consultations)

When we have an important question like this one before us, the Leader of Majority Party and the face of the Government cannot incite people leading to that question. Whether you agree with me or not, that was the problem and hon. Duale must from now on be responsible and lead this country in a manner that has integrity and responsibility.

(Applause)

In fact, we should name him!

Hon. Deputy Speaker: Order, Members! Hon. Nyikal, I have given you time to speak. Hon. Members, we have done as I have said: A very honourable thing. Today, we have allowed our counties to continue. We have finished the exercise, hon. Members, why the continued emotions?

(Loud consultations)

Hon. Members, let hon. Duale say a word because his name has been mentioned. Let them be few words of wisdom that will bring us together.

(Laughter)

Hon. A.B. Duale: Hon. Deputy Speaker, hon. Nyikal was not in the House when I made my Statement and I substantiated. If I never did it, I can do it now. I will say it now, I will say it tomorrow and I will say it next year that the CORD Coalition and the *Al Shabaab* look like the speak the same language.

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! This is not taking us forward. That is uncalled for! Let us not cast aspersions. When you see the Maj-Gen. standing you can see---

Hon. A.B. Duale: Hon. Deputy Speaker, when hon. (Prof.) Nyikal was speaking, we were still quiet. If you bring order, I will substantiate. The substantiation is that *Al Shabaab* has called for the withdrawal of the KDF; CORD has called for the withdrawal of the KDF, so they are speaking the same language.

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! We are honourable Members of this House. Hon. A.B. Duale, your pronouncements are totally out of order. We cannot--- Order, hon. Members!

(Loud consultations)

Hon. Members, this is a House of decorum. We are not proceeding with that matter anymore. I am closing debate on that matter; can we move on?

Hon. Members: No!

Hon. Deputy Speaker: We are not talking on that anymore.

(Loud consultations)

Next Order! Hon. Members, this is a House of decorum and I have said--- I have already pronounced that the Leader of Majority Party is out of order with that allegation.

(Loud consultations)

Order! That is it! Can we move on? I now put the Question.

BILL

Second Reading

THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL

(Hon. Ganya on 25.6.2014)

(Resumption of Debate interrupted on 25.6.2014)

(Question put and agreed to)

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

Second Reading

THE MINING BILL

(Hon. A.B. Duale on 16.7.2014)

(Resumption of Debate interrupted on 22.7.2014)

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

Hon. Deputy Speaker: Hon. Midiwo, we have dispensed with that matter. Can you sit down? Is hon. Maanzo in the House? He was the last one to contribute and he still had some time. If he is not there, can the next Member, hon. Cheboi go on? Hon. Limo is the next one.

Hon. Limo: Hon. Deputy Speaker, I rise to support the Bill on mining and I want to say from the outset that we did not know for a long time that this country is greatly endowed with minerals. We thank the Government for setting up the Ministry of Mining.

(Loud consultations)

Hon. Deputy Speaker: Those hon. Members who are withdrawing from the Chamber, please do it quietly. Can we take the point of order from hon. Midiwo? Do not take us back.

(Several hon. Members stood up in their places)

Hon. Midiwo: On a point of order, hon. Deputy Speaker. Can they sit back and listen? I am on a point of order.

Hon. Deputy Speaker: Allow the hon. Member to speak.

Hon. Midiwo: I do not mean to inflame anything but I think the right procedure in here is that if a leader, not just a Member – Hon. A.B. Duale is the Leader of the Majority Party, ordinarily in many systems he is probably the prime minister of a country. If he makes such an accusation on a political party, we need to get an answer. The issues are very clear.

(Loud consultations)

Do not be silly, we are Members of Parliament. Who are you?

Hon. Deputy Speaker: Hon. Midiwo, can you address the House? Stop it Hon. Langat.

Hon. Midiwo: Hon. Deputy Speaker, you have the authority. Once you rule somebody out of order, he must withdraw. He must withdraw that we are a terrorist party. The least you could have done is to compel him to withdraw that aspersion and apologize. Since I am on a point of order that you have allowed me, let me set the record straight.

Hon. Deputy Speaker, it is hon. Duale who is trading in charcoal using the Kenyan military in Somalia? This is known. A terrorist cannot call innocent people terrorists. He is the one who is on record as asking people to bomb---

Hon. Members: Shame! Shame!

Hon. Deputy Speaker: Hon. Jakoyo, is what you are saying any different? You have had your say.

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

Hon. Midiwo: Hon. Deputy Speaker, why is our military collecting levies at Kismayu Port? Since when did we become an occupation force?

Hon. Deputy Speaker: Order, hon. Jakoyo!

Hon. Midiwo: Since when did this House authorize the military to occupy Somalia?

Hon. Deputy Speaker: Order, hon. Jakoyo! Order, hon. Members! Hon. Langat, you were on a point of order.

Hon. Langat: Hon. Temporary Deputy Speaker, I think it is very good to follow the procedure. We passed the issue that hon. Jakoyo is discussing long time ago. In fact, we are now on Order No.10.

Secondly, one Member from CORD has destroyed property in the House because he was angry. We want to know what action will be taken against the Member. This is because it is irresponsible to destroy seats just because you have been defeated by your colleagues in debate.

Hon. Deputy Speaker, I think you are supposed to create order in the House.

Hon. Deputy Speaker: Could the Serjeant-At-Arms confirm what hon. Langat has raised.

Hon. Members: Yes!

Hon. Deputy Speaker: So, necessary action will be taken. Yes, that has been confirmed.

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

Hon. Deputy Speaker: Order, hon. Members! Right now we are on Order No.10. We all know that being declared out of order does not necessarily mean that I have said that you must exit from the Floor. That one is always pronounced expressly and not by proxy or indirectly. What I pronounced was the Majority Leader was out of order. That can be confirmed in the HANSARD.

Hon. Members, we have already moved. I have allowed hon. Jakoyo speak because he is a leader in the Minority Party because I had already allowed the Majority Leader speak.

Hon. Members, he who looks for equity comes with clean hands. Hon. Jakoyo, is what you have done any different?

Hon. Members: No!

Hon. Deputy Speaker: Hon. Jakoyo, you have been demanding for the withdrawal of the remarks that the Majority Leader made. Hon. Members, can we be

serious on what we are saying? Why do you demand what you are not able to do yourself? Hon. Members, can we move on with the business that is before us? Those matters should be expunged from the HANSARD. This is because both sides are guilty of having done the same.

Thank you. Let us move on.

Hon. Members: No! No!

Hon. Deputy Speaker: Hon. Members, we are on Order No.10.

Hon. Deputy Speaker: Hon. Joseph Limo was on the Floor.

Continue.

Hon. Limo: Thank you, hon. Deputy Speaker. I hope hon. Members are now ready to transact the business of the House. I had started by saying that Kenya is endowed with many minerals and little did we know that until the Government formed the Ministry of Mining.

As we enact laws in this country to govern the operations in mining, we must bear in mind that most of the countries in Africa, and of course, the whole world are fighting because of these resources. This Bill has come at the right time when we have started getting many minerals in different parts of the country. This includes oil in Turkana. If we do not manage these minerals well, they are likely to bring conflicts between the Government and the communities that live around the mines. So, we must ensure that the formula that we are putting in the Act takes a lot of benefits to the community, especially the ones living around the mines. We must define very clearly what “community” means so that neighbours will not fight with the communities later on.

Hon. Deputy Speaker, we must also ensure that there is balance between the local miners, small miners and the big international companies. This is because I am sure that very many people will come from abroad looking for mining opportunities and pretending to be investors. We must ensure that we put very clear guidelines to ensure that the mines are well protected and that no unscrupulous dealers move out of this country with the minerals without following the right procedure.

We also have to take care of the welfare of the people working in the mines. We have heard all over the world that the welfare of the people who work in the mines is at stake. We must ensure that we specify in this Bill the standards which we want the companies mining to meet.

The powers of the Cabinet Secretary should be minimized so that anything which is not normal should be brought to this House. This will ensure that no individual has sweeping powers in approving or disapproving the operations in the mines.

Hon. Deputy Speaker, there is also the requirement that, at least, US\$500 million must be deposited, especially if you are a company from outside this country before you start mining. We need to be very clear on the ownership of those companies so that even if they put US\$500 million as a limit to allow them to do mining, we must also ensure that a certain percentage of their shares is owned by local Kenyans. We need to get the benefit of mining and limit them from doing things that are unknown to Kenyans and that are not directly beneficial to Kenyans.

Otherwise, this Bill is very good and we must ensure that it passes so that this country can start mining---

QUORUM

Hon. Wekesa: On a point of order, hon. Deputy Speaker. I rise under Standing Order No.35. Is there a quorum in the House?

Hon. Deputy Speaker: No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

Hon. Deputy Speaker: Order Members! Members it appears we are unable to raise the necessary quorum and I, therefore, want to adjourn the House. This House stands adjourned until Wednesday 30th July, 2014 at 9.30 a.m. I also wish all our Muslim brothers and sisters a very happy *Eid ul Fitr*.

The House rose at 5.40 p.m.