

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 20th August, 2014

The House met at 9.00 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Hon. Members, we are not properly constituted; we do not have quorum. Can the Division Bell be rung?

(The Division Bell was rung)

Hon. Members, we are now properly constituted and can begin our business.

STATEMENTS

Hon. Deputy Speaker: Hon. Members, this being a day that we have set aside for responses, we will begin with the one that was requested by hon. Akujah. This will be responded to by the Chairman of the Departmental Committee on Labour and Social Welfare.

Hon. Were: Hon. Deputy Speaker, thank you. I have the response but I do not know whether the hon. Member is in.

Hon. Deputy Speaker: Is Hon. Akujah in the House? We can move to the next one and give him one last chance later.

We will have the Chairman of the Departmental Committee of lands. Is Hon. Wekesa in the House?

Hon. Kanini Kega, I am told that you have been assigned the responsibility to respond. We can move to the next one. We seem to have

moved too fast. Again, this is for hon. Were and it was sought by hon. Mwaura; I see that he is in the House. Can you start with that one?

PLIGHT OF PERSONS LIVING WITH ALBINISM

Hon. Were: Thank you, hon. Deputy Speaker. Hon. Mwaura asked a question on albinism and I have the response.

On the first issue regarding the persistent reports in the media depicting non-action by police regarding several incidents over time involving people with albinism; there was an assertion that various such persons, including children, have been abducted or have disappeared without a trace, yet no investigations appear to have been carried out; this inaction by the police has left the victims to live in fear. The response is that no such cases have been reported to the Ministry. However, the Member is kindly advised to seek relevant information on this matter from law enforcement agencies.

On persons with albinism continuing to suffer from marginalisation in society, humiliation through derogatory name calling and facing the danger of ritual killings as has happened in the neighbouring countries as well as lack of public awareness of this condition and a delay in implementing a programme to provide sunscreens to persons with albinism, the response is as follows: The money to purchase sunscreen lotions was first allocated to the then Ministry of Gender, Children and Social Services in the Budget of 2011/2012 and after consultations it was found prudent to have the programme domiciled at the Council of Persons with Disabilities. The Council entered into an agreement with organisations for persons with albinism to create awareness in the public on albinism in order to fight the stigma; in particular the agreement was with the Albinism Society of Kenya, Kenya Albino Child Support Programme and Albinism Empowerment Network. These were the only organisations registered by the Council that were serving the sector. The awareness creation programme is ongoing.

The Council initiated a process of procuring sunscreen lotions in March 2013 and in October 2013, the lotions were delivered at KEMSA in readiness for distribution. This delay was a result of petitions to the Public Procurement and Oversight Authority (PPOA) and court cases by persons who did not win the tender to supply the lotions. It also took some time before the lotions were approved by the Pharmacy and Poisons Board (PPB) and other Government bodies that regulate drugs and pharmaceuticals.

At the same time, the board of the National Council for Persons with Disabilities was dissolved and the then CEO/Director was transferred. There was delay in getting the Ministry of Health to treat the medical personnel who were to dispense the lotions. That notwithstanding, there has been a lot of awareness creation and 2,678 persons with albinism (PWAs) were registered before the distribution of the sunscreen lotion.

Finally, the lotions were delivered to 117 selected health facilities across the country in February and March 2014; since April 2014, persons with albinism have been receiving their monthly supply of the lotions. The Ministry and the Council have been sensitizing communities. In this current year, 2014/2015, it will continue sensitizing communities in various fora on how to respect all persons without discrimination on the basis of disabilities.

Hon. Deputy Speaker: Hon. Mwaura, you can have the first chance, if you have any further clarifications.

Hon. Mwaura: Hon. Deputy Speaker, I wish to thank the Chairman of the Committee, but I want to say that this response from Kazungu Kambi is very shallow. It is very shallow and does not provide any new information with regard to the plight of persons with albinism. If you look at the reasons given as to why there have been delays in implementation of the persons with albinism programmes; money was allocated in 2011 and it lay idle in accounts; it came to the issues of procurement of sunscreen lotions and that is why you can see that a board was dissolved and a director transferred. This was because they procured sunscreen lotions at a rate that was four times the market rate.

Further, I want a clarification on what the Ministry is doing with regard to the death of people with albinism because of skin cancer. This is the case, yet the Persons with Disabilities Act provides that those who are in constant need of medical attention should be taken care of by that agency.

Hon. Deputy Speaker, I also need further clarification with regard to creation of structures for implementation of this programme. This is because currently, there are no administrative measures to ensure that there is a proper committee that co-ordinates this programme. In my view the response is good because it is administrative, but it is not adequate to answer to the plight and the needs of persons with albinism in this country, whom I represent in this House.

Hon. Wambugu: Thank you, hon. Deputy Speaker. I also rise to seek a clarification. While the Chair was reading his Statement, he said that people living with albinism do not face any danger---

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! Consultations are going loud again.

Hon. Wambugu: Hon. Deputy Speaker, it is in public domain that most of these people are sometimes kidnapped and taken to neighbouring countries for sacrifice. Could the Chairman tell us the security measures they have put in place, so that these people are not targeted for sacrifices?

If you listened to the Statement, you heard that the last time that this group was given any funds was in 2011/2012. I remember when we discussed this issue in this House and funds were transferred to the Ministry of Gender; unfortunately it went round and round and up to now we do not know how many people have benefited. How much did the Government give to this group for more support in 2012/2013, 2013/2014 and 2014/2015 financial years? That is the clarification I am seeking.

Hon. Wetangula: Thank you, hon. Deputy Speaker. I would like to seek a clarification from the Chair. He has mentioned something to do with the distribution of sunscreen lotions to people with albinism. Is that being distributed only in Nairobi, or throughout the country? This is because people with albinism are spread all over the country. Even within Nairobi, there are people with albinism who have no access to this facility. Where is it being distributed? I know that this is something that they require on a daily basis. If it is not properly distributed, then most of them will suffer.

When the Cabinet Secretary was reading the Budget here, he said that funds were allocated to the albinism society but we do not know whether that money was released or not. This is because, as hon. Mwaura has said, this money has not been disbursed. We would like to know from the Chair what happened.

Thank you.

Hon. Oyugi: Thank you, hon. Deputy Speaker. Article 27 of the Constitution is very clear in terms of right to equality and people should not be discriminated against on any ground. I have been listening carefully to the Chair of the Departmental Committee on Labour and Social Welfare. He has said that the albinism programme was first supposed to be implemented through the albinism society. He has also talked about the programme being implemented through our health centres by provision of sunscreens. Could he come out clearly in terms of how the programme on people with albinism is being implemented and what structures are in place, so that these people

enjoy their rights to sunscreens and others that they ought to enjoy? This is as opposed to telling us that there were hiccups here and there.

Hon. (Ms.) Shebesh: Thank you, hon. Deputy Speaker. Why is albinism and sunscreens which, to me, are health matters domiciled in the Ministry of Labour, Social Welfare and Services when other matters of health are under the Ministry of Health? Are these not normal people who should be looked after like other people? Sunscreens are meant to promote good health.

Hon. Maanzo: Thank you, hon. Deputy Speaker. Though some of the issues I wanted to raise have been tackled, I would like the Chairman to clarify what is happening to children with albinism. This is because children, especially the new born, suffer a lot. This is because they are unable to access facilities. What is the Ministry doing to reach children because the Constitution is very clear on care of children? This is with reference to my constituency, where there has not been any assistance at all to children with albinism.

Hon. Deputy Speaker: Hon. Kanini Kega, is yours a clarification or you are answering the question on lands? If it is on the Statement, can you hold your horses because I will come to it later?

Hon. (Ms.) R.K. Nyamai: Hon. Deputy Speaker, I also rise to seek a clarification from the Chair. Is there proper monitoring and evaluation to ensure that the most needed services are given to the people with albinism? I am asking this because I am aware that this matter is being handled within KEMSA, which is under the Ministry of Health. Are there proper consultations within the Ministry of Health to ensure that this product is given to the people who badly deserve it?

Hon. Midiwo: Thank you, hon. Deputy Speaker. I know the Chair is answering on behalf of somebody in the Executive. But just as hon. Mwaura has said, I do not think that answer alone will satisfy the question. There are issues to do with medicine; it will be good for the Chairman to ask the Cabinet Secretary the steps he is taking to solve this matter. If this is distribution of medicine, it is common sense to imagine that this is a devolved function. If you play around with it up there, I think somebody will squander the money and that should not go unchallenged. I would like the Chair to tell the Cabinet Secretary for Labour, Social Welfare and Services to, probably, disassociate himself from this thing, and make sure that it is a medical issue throughout the country.

Thank you.

Hon. Deputy Speaker: Yes, hon. Pkosing.

Hon. Losiakou: Thank you, hon. Deputy Speaker. I would like to thank the Chairman and seek further clarifications. You may recall that in 2009 to 2011 there was a big problem facing albinos in the Great Lakes region; I remember that their skins were being used for medicinal purposes.

Hon. Deputy Speaker, I would also like to inform my brother Mwaura that this is not a social welfare issue. It is a value issue. I am seeking further clarification about what the Ministry is doing, in consultation with the Ministry of Education, Science and Technology, to inculcate values even in schools that albinos are Kenyans and human beings, we should start appreciating our brothers from that point of view? That is why I have a problem with my brother approaching this question from a social welfare point of view. This is reducing its value.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Stephen Manoti.

Hon. Manoti: Thank you, hon. Deputy Speaker. Albinos are like any other human beings, but we have realised that they are neglected. I am sure most of them are not known. What is the Ministry doing to make sure that all people with albinism are registered and properly identified, so that they get the assistance they require? In my constituency, I see quite a number but I have not seen them being assisted in any way.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, there are too many of these clarifications. Some are very similar. Hon. Angwenyi, do you have something different?

Hon. Angwenyi: Yes, hon. Deputy Speaker. He just forgot to add something. Albinos are actually an endangered species, yet they are human beings just like anyone of us. In my constituency, there used to be a family which had seven albinos and two have disappeared. I understand they have been taken to Tanzania. What is the Government doing to make sure that albinos are not abducted and sold to Tanzanians?

Hon. Deputy Speaker: Okay. Hon. (Prof). Nyikal.

Hon. (Prof.) Nyikal: On a point of information, hon. Deputy Speaker. I think mine is a point of information. There is a background to this issue of sunscreen and albinos. This actually started way back in 2008/2009; at that time, we were dealing with the issue of people living with disability. It was noted that a lot of the problems of people living with albinism were now being put under disability; they have a lot of medical problems. It is not only the issue of cancer which arises from the nature of their skin, and effects of

the sun on them, hence the need for the sunscreen. There is even the issue of blindness and infections.

What we did at the time was that the first Kshs100 million was brought to support them get sunscreens. The plan that was in place - I do not know what has happened - was that we were working with the Ministry of Health because it is not possible to distribute drugs from any other Ministry. Our plan was actually to distribute them through health centres and dispensaries. So, ours was just to find out how we could work with the Ministry of Health to buy the drugs. I do not know what happened at that time.

My suggestion on that issue is that they must work with the Ministry of Health and look at all the areas that affect albinism and not only sunscreens. They cannot distribute sunscreens in any way other than through the Ministry of Health. I think we actually set up a committee and the then Ministry of Gender and Social Services was working with the Ministry of Health to make sure that sunscreens were distributed through health centres and dispensaries. From what I am getting, I think there is need to look back and find out exactly how the issue of albinism is going to be linked with health. The distribution of sunscreens must be through the Ministry of Health; even its purchase must be under this Ministry, otherwise people will just buy a cream and call it sunscreen.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. It is always a pleasure to hear your contributions, hon. Nyikal. You should be in Government. That is with a light touch.

Hon. Members, I think we should allow hon. David Were to respond to those queries. Now that we have given Dr. Nyikal a chance let us give Dr. Pukose on this side a chance before we allow hon. David Were to respond.

Hon. (Dr.) Pukose: Thank you, hon. Deputy Speaker. Basically I want to seek a clarification from the Chair because you know there have been some myths about people with albinism. The hon. Member for Kitutu Chache North talked of his constituents with albinism disappearing and being taken to Tanzania due to demand for their skin and other things.

On the issue of albinism what we need to know is--- Do we have any structured arrangement for identification and management of these cases? This is because you will find that it is not just a question of being exposed to ultra violet (UV) lights that cause skin cancers. They also need other social welfare support. I am talking in terms of shoes because any injury to an albino exposes him or her to even developing cancer on the limb and other

areas. So, what structured management do we have that is based on their social welfare? You will find hon. Mwaura putting on a cap to protect his head because of reduced melanin and exposure to UV light. Apart from provision of sunscreen what other mechanism exists to assist for prevention of these citizens with albinism from exposure to other dangers?

Hon. Deputy Speaker: Order, hon. Members! Hon. David Were, the Chair, please respond to those queries.

Hon. Were: Thank you, hon. Deputy Speaker. I think the requests for clarifications are many, but I will try to respond to them as much as I can.

First, in terms of them being endangered, the response that has been given---

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members. Please lower you're the volume of your consultations. We cannot hear the Chair's response.

Hon. Were: Hon. Deputy Speaker, I was saying that in terms of being endangered, the Ministry has indicated clearly that no report has been given, although we have read in the newspapers what has been happening in neighbouring countries. However, here it is indicated very clearly that no incident has been reported that the Ministry is aware of.

Hon. Deputy Speaker, on how much has been allocated in the current financial year and in the previous ones, I do not know because no figures have been given to me.

Hon. Deputy Speaker, on why the problems of people with albinism are with the Ministry of Labour, Social Security and Services and not the Ministry of Health, I think this is a Government structure; on re-organisation it can be taken to the Ministry of Health.

Hon. Deputy Speaker, in terms of steps taken by the Cabinet Secretary (CS) and the CS for Health, I think my colleagues---

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members. Who is standing with hon. Maanzo? It is hon. Serem. Members, really the consultations are loud. Those who need to retreat, please find a place where you can consult, so that we can allow hon. Were to make his contribution. Hon. Sudi, please find a place where you can consult.

Continue hon. David.

Hon. Were: On steps taken by the CS for Health and the CS for Labour, I think my colleague hon. Nyikal has tried to clarify exactly what the position is in terms of collaboration; but I am not aware of any collaboration with the Ministry of Education, Science and Technology, as requested by one hon. Member.

On registration and identification, there are societies to which people living with albinism belong. It is through such societies that registration and identification are done.

Hon. Deputy Speaker, hon. Pukose asked what other measures have been taken. The first measure that was taken was that of dealing with the sunscreen. We can consult further to ensure that not just sunscreens are supplied but rather all the other requirements that have been identified. Maybe, sunscreens alone will not help. There are many other disadvantages they face.

Thank you.

Hon. Deputy Speaker: Hon. Were, as it has been noted, you can only answer to the extent of the information that you have been presented with. I believe that the question of whether or not distribution of sunscreens should really be with the Ministry that your Committee oversees or with the Ministry of Health--- That is a matter on which you can make recommendations, as a Committee, because it looks like something which should be undertaken by the health docket.

Hon. Members, allow us to move to the next Statement requested, which was demanded by hon. Cyprian Iringo. It was directed to the Chairperson of the Administration and National Security.

Hon. Abongotum: Thank you, hon. Deputy Speaker.

On 24th June, 2014, the Member for Igembe Central, hon. Cyprian Iringo, requested a Statement regarding the posting of national Government officers to Igembe Central Sub-County. The hon. Member stated that the national Government had not posted officers to the sub-county, including a Deputy County Commissioner, Officer Commanding Police Division, District Accountant, Education Officer and Youth Officer. He sought to be informed on the following:-

- (i) reasons for non-deployment officers to the sub-county; and,
- (ii) measures that the Government is taking to ensure that the officers are posted to enable the residents access national Government services.

Hon. Deputy Speaker, in response, the Cabinet Secretary wishes to state as follows. Igembe Central is among the 80 constituencies that were created by the Independent Electoral and Boundaries Commission (IEBC) in

2012. It was carved out of Igembe North and Igembe South sub-counties. The Government has not deployed officers to the constituency since it has not yet been gazetted as a sub-county. At the moment, the residents of Igembe Central Constituency access national Government Services at Igembe South and Igembe North sub-counties. However, it is worth noting that there is a case pending before Meru High Court regarding the determination of the headquarters of the proposed sub-county, vide Constitutional Petition No.16 of 2013.

The question of gazettment of the sub-county is receiving due consideration. The Government will post officers to Igembe Central immediately the sub-county is gazetted.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, only the names of those who want to seek clarification on this Statement should be on my screen. If you want to speak on a different matter, please, do not put your name on my screen now.

Yes, hon. Cyprian Iringo!

Hon. Iringo: Hon. Deputy Speaker, first, let me thank the Chairperson for giving the response even though it has taken long. I was told that it would take only two weeks, but it has taken more than two months. At last it has come.

Hon. Deputy Speaker, whatever has been put on this paper, is what I already know and what is on the ground. I wanted to know when the decision would be implemented. So, there is nothing new that the Chairperson has brought to the House. He has just repeated what is known.

On the issue of the case, there are some people who filed a case with the High Court because of the location of the headquarters, but they were prevailed upon by the local leaders and the case was withdrawn. It is no longer there. I do not know whether whoever has provided this information sent somebody to the ground to verify the facts, or somebody just decided to put the court case in the Statement.

Hon. Deputy Speaker, last night, my people were terrorised throughout the night. I have not slept. I have been calling the police in Maua in South Imenti Constituency and in Lare in North Imenti Constituency. It took four hours for them to go to my constituency to rescue the people, because we do not have a motor vehicle, an OCS or any security machinery. For how long shall we keep on relying on our neighbouring constituencies? Can we get a clarification on that one?

On Sunday, a similar incident occurred, leading to two people losing their lives. Their bodies are yet to be buried. When I call Igembe South, they tell me that they do not have a vehicle. When they have a vehicle, they do not have fuel. When I ask the District Commissioner (DC), Igembe North, to come for a security meeting, they say that they are not available because they are serving their constituencies.

Hon. Deputy Speaker, let the Chairperson go back and seek clarification as to when this will be implemented. He should not say that they will do it as soon as the constituency is gazetted as a sub-county. When will it be gazetted? How many years will it take?

Hon. Deputy Speaker: Yes, hon. Kathuri Murungi!

Hon. Murungi: Thank you, hon. Deputy Speaker. I have severally shared information with my brother, hon. Iringo, who happens to be my good friend. I know the humiliation and the problems that he is going through in his constituency. I would like the Chair to clarify how long it takes to gazette a district. It should be on record as to how long it will take to gazette a district. Even during the police recruitment exercise, his constituents did not get any slots because they shared in the allocations of Igembe North and Igembe South constituencies. So, something should be done about the issues raised by my good friend, so that he can serve his people as per the mandate that has been given to him.

Hon. Deputy Speaker: Yes, hon. Ali Rasso!

Hon. Dido: Thank you very much, hon. Deputy Speaker. I would like to thank the Chairperson for the response, but I think it is inadequate. The purpose of the Provincial Administration is to give citizens access to services. Given that the district has been in existence for the last 10 years, it irrelevant for them to be told that they have not been gazetted and, therefore, they cannot have a police station, a DC and District Officers (DOs) posted there. This is part of marginalisation, and it is why we are having lots of security problems in this country.

Hon. Deputy Speaker, my clarification to the Chairperson is whether that district should revert to the current governance system under devolution and actually ask for services and support from the governor or they still have to resort to asking for administrative services from the national Government.

Hon. Deputy Speaker: Yes, hon. Peter Kaluma!

Hon. Kaluma: Thank you, hon. Deputy Speaker, for giving me this opportunity to contribute. The issue of sub-counties or districts is a fundamental because we use those units to distribute national resources, particularly when we are recruiting people to the police service, army and, of

course, when distributing national resources. The former districts or sub-counties were created without any proper consideration; a President or a Prime Minister would go somewhere and say that the place was then a district. I am seeking clarification from the Chair whether there are plans on the part of the Government to gazette all existing constituencies as sub-counties. I think that is the way to go, and not have each person who has a new constituency seeking to have it gazette as a sub-county.

May we have a deadline by which all the constituencies we represent will become sub-counties?

Hon. Deputy Speaker: Let us have hon. Gichigi.

Hon. Gichigi: Thank you, hon. Deputy Speaker. I am seeking clarification because where I come from, of the required four assistant county commissioners, there is only one who is serving the entire sub-county. Is the Committee also following up on the issue of these other officers instead of concentrating on just the sub-county level? Are they following up even on other lower cadre officers?

Secondly, last year the national administration indicated that the Government had slashed their recurrent expenditure by half. I think something like that has also happened in the course of this year. Could the Chairman indicate to us whether they are inquiring into the welfare of the officers, who are earning a salary without rendering services? They cannot even move from one end of the sub-county to the other because of lack of fuel money?

Hon. M'uthari: Thank you, hon. Deputy Speaker. This matter of gazette of sub-counties has taken a lot of time. I would like to say that I and my neighbour, hon. Iringo, are facing some challenges. We are neighbours and his constituency was hived from Igembe North and South. In fact, there are a lot of challenges as he has said. The challenge there is that yesterday, as you will recall, we were here also discussing the question of extension of time for important Bills. There seems to be inertia and somebody somewhere seems not to be doing what is right.

If it was declared that every constituency will be a sub-county--- Why has it taken so long for the Government to gazette this matter, so that citizens can get the services? Without an OCPD and co-ordination within a sub-county, it appears that people cannot get services. When we are allocated slots--- Even during recruitments like the one we had recently, which is in dispute--- Even recruitment at the sub-county level is not possible.

Therefore, people come in central go to the north and people in the north feel as if their slots are taken. People of central feel as if their Member of Parliament does not do enough. I think the Government should rush and gazette all constituencies which have not been gazetted. I do not know what it costs to gazette them, given that there is need to provide services closer to the people.

I would like the Chairman of this Committee to follow up and get clear indication from the Ministry as to when we expect our people to get their right share of services from the government.

Hon. (Ms.) Gathogo: Asante sana, Mhe. Naibu Spika, kwa kunipatia nafasi hii. Kitu ambacho ni muhimu katika nchi hii ni usalama. Wakati mambo ya usalama yanachukuliwa kama mzaha, kila Mkenya anaona kwamba mambo hayaendi vizuri. Nilisikia mhe. mmoja akisema kwamba wakati mwingine unaitana na unaambiwa gari la polisi halina mafuta.

Katika mwezi uliopita, kuna wakati niliuliza Mwenyekiti wa Kamati ya Utawala na Usalama nchini kwamba--- Wakati mwingine tunasema tuna magari mengi sana yaliyopeanwa katika kila kituo cha polisi. Lakini ninataka kuuliza jambo moja; nilimwuliza OCPD kama hayo magari yamepeanwa kama maua ama ni ya kufanya kazi. Kama magari ni ya kufanya kazi, kwa nini useme kwamba una shida halafu isemekane kwamba gari halina mafuta? Kama gari limeletwa na ni la kufanya kazi, basi tuelezewe ni kwa nini halina mafuta.

Kazi inakuwa ngumu, haswa katika maeneo ya uwakilishi Bungeni. Tunaona kwamba wananchi wanaumia, na hata wanauliwa. Lakini wakati wa kwenda kuwasaidia, unasikia kwamba kuna shida ya mafuta.

Wakati mwingine hatuwezi kuelekeza kidole cha lawama---

Hon. Deputy Speaker: Order, hon. (Ms.) Gathogo!

Hon. (Ms.) Gathogo: Yes.

Hon. Deputy Speaker: Now, you are going into a different question all together. This is not the question that was being addressed. It was about a constituency being made into a sub-county. Now you have gone into security matters. It is not in order. Can you stick to the question that was asked?

Hon. (Ms.) Gathogo: Mhe. Naibu Spika, nilikuwa nimeguzwa sana kwa sababu mhe. Mbunge amesema anapoitisha gari anaambiwa hakuna mafuta.

Kwa hivyo, tuangalie hilo na tena kuweka maafisa wa usalama ndio waweze kumsaidia; hili pia lifanyike katika maeneo mengine ambapo watu wanalia kama yeye.

Hon. Deputy Speaker: Hon. Members. I think the question you need to address is what hon. Members keep on asking. When is it going to happen? This is the whole idea of gazetting all constituencies as sub-counties. When is it going to be? That is really what all hon. Members are asking. This is because we will be giving examples of all the constituencies that are not gazetted as sub-counties.

Therefore, I want you to respond to the questions that have been asked. The rest really feel that we have exhausted, apart from giving personal examples.

Hon. Lentoimaga: Thank you, hon. Deputy Speaker. This is a very important Statement, and I actually sympathize with most of the hon. Members, who are operating in constituencies that are not sub-counties. I want to say that the Committee has been following this issue very fast.

All the time, even in the Committee we have been following up on this issue. There are more than 46 constituencies that are not gazetted as sub-county registration centres, or operational areas for census delivery. We have been with the Principal Secretary to fast track this issue. I am saying that it is very important because of service delivery as well as recruitments.

Last time when the police were being recruited, most hon. Members were complaining because their areas were not designated as recruitment centres. For the hon. M'uthari, I want to say that we are going to ensure that these centres are gazette immediately. What is remaining is only the signature. The rest is ready. We will ensure that signature is put and gazette is effected. It is only the signature that remains for the Cabinet Secretary to gazette the areas.

Hon. Deputy Speaker: Hon. Members, you know that the hon. Member is just an hon. Member like yourselves; he is just being frank and he is telling you the real situation.

(Loud consultations)

Hon. Lentoimaga: Protect me, hon. Deputy Speaker.

Hon. Deputy Speaker: Order, hon. Members!

Hon. Lentoimaga: I want to assure this House that within the next one week, we will tell the Cabinet Secretary to ensure that it is signed and gazetted.

Hon. Deputy Speaker: I hope you remember that you are not the Executive. Therefore, do not make promises on matters that you are not totally in control of.

Hon. Members, there must be a reason for that. What you are going to do is to urge or to demand or do whatever you can, or recommend. But the final decision really rests with the Executive.

Hon. Lentoimaga: Hon. Deputy Speaker, they have assured us that they are going to do that. We need not trust what they have told us.

Hon. Deputy Speaker: Therefore, you are speaking from the knowledge that they have said it is going to be done?

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

Hon. Deputy Speaker: What is your point of order, hon. Washiali?

Hon. Washiali: Thank you, hon. Deputy Speaker. We actually sympathize with the Chairman, because he is one of us. But usually when there is a Statement that is not clearly responded to, we give that hon. Member of that Committee time to look for a suitable answer, and bring it to the Floor of the House.

Would I then be in order, now that we have not had adequate response to the Statement request by hon. Iringo, to propose that the Chair be given more time? Can we give the Committee and the Chair some time to come back with a better response, because that is the response we have been waiting for? All of us are asking when those constituencies would be gazetted as sub-counties. Would I be in order to propose that we give the Chair two more weeks to come back with a satisfactory response?

Hon. Deputy Speaker: That was the response, hon. Members. What is it that is burning so much, hon. Wangwe?

Hon. Wangwe: Hon. Deputy Speaker, the Chairperson has brought a very nice answer, but it is skewed towards those sub-counties which are not registered. There are those sub-counties which are registered, but they do not have officers posted to them. I request that in the next response he addresses the issue of sub-counties which are registered and gazetted like mine, yet they do not have the requisite officers.

Hon. Deputy Speaker: The question is twofold: First of all is the registration or gazettment of all constituencies as sub-counties, and secondly the question of deployment of officers to those sub-counties. How long do you need, hon. Lentoimaga? It is a very specific answer. It is not one that you are going to look for. When can you bring an answer?

Hon. Lentoimaga: Hon. Deputy Speaker, I am willing to bring the answer two weeks from now. Just as hon. Wangwe is saying, we would also like to know which are these other constituencies that are not in the--- We do not have the records. We are not the Executive.

Hon. Deputy Speaker: The ones that are not gazetted will not have officers because there is no district. You will assume, for example, that all the ones that are not gazetted will not have officers. That will be the first assumption. Let us get information on the gazettelement first.

Hon. Iringo: Hon. Deputy Speaker, I appreciate the concern of my colleague and the efforts the Chair is trying to make. However, he is promising to bring the answer after two weeks, yet this is just a follow up. He has just said that signatures are being awaited. I do not know who is going to sign. He said that within a week he will bring a gazettelement. Why does he push it again to two weeks?

Hon. Deputy Speaker: We are just giving him that for the benefit of doubt. The Member has done his best, and told you that we give it two weeks.

What is it hon. Kombe? Why are you agitated, so that you cannot sit up?

Hon. Kombe: Hon. Deputy Speaker, it is, indeed, a pity that the Chairpersons respond to requests made by hon. Members. We agreed that we were going to have Cabinet Secretaries in this House, so that whenever we seek clarifications they take responsibility. When are we going to have this? I urge the Chair to act as fast as possible, so that we can have these people in the House.

Hon. Deputy Speaker: That is a valid point of order. Yes, that is a matter that is currently on the table and is being discussed. There was some technical hitch in it, which is still being discussed between Parliament and the Executive. Once the hitch is sorted out we will continue with the matter, because we have already passed it in this House.

Allow us to move to the next Statement requested by hon. Serem, which is to be delivered by the Chairperson of the Departmental Committee on Health.

MEASURES TO MITIGATE EBOLA OUTBREAK

Hon. (Ms.) R.K. Nyamai: Hon. Deputy Speaker, on 14th August, 2014, hon. Serem sought a Statement regarding the preparedness of the country in dealing with the Ebola disease outbreak. He sought information on the following:

(a) comprehensive measures the Government is taking to safeguard the health and lives of Kenyans from this disease;

(b) the state of preparedness of the relevant institutions in terms of drugs, personnel and equipment in case of an outbreak in the country, and whether there are any plans the Government has put in place to reduce, or suspend, Kenya Airways flights to and from West Africa to diminish chances of spreading the disease.

Hon. Deputy Speaker, WHO has declared Ebola outbreak in four countries in West Africa as a public health emergency of international concern. Currently, 2,127 people have been infected and 1,145 have succumbed to the disease in the four affected countries, namely Guinea, Sierra Leone, Liberia and Nigeria. Further, WHO has described this outbreak as an extraordinary event and a public health risk to other States. WHO has also indicated that there are possibilities of further international spread, particularly in view of the virulence of the virus.

In view of the above, WHO has admitted that the magnitude of the Ebola in West Africa was at first underestimated, and that the current outbreak is expected to continue for some time. The Ministry of Health has been closely monitoring the evolution of this outbreak in West Africa, and assessing the risks to the country.

In order to prevent the importation of a case of Ebola into Kenya, and also to deal with any case of the disease that might find its way here, the Ministry of Health, in collaboration with other stakeholders, has put in place the following measures, which I would like to highlight now that this matter has been discussed widely in various forum.

The first one is on Ebola alerts. The Cabinet Secretary, Ministry of Health, issued a press statement on 27th March, 2014 six days after the first case was reported in West Africa, informing all health providers and the public about the outbreak of this disease in West Africa. The purpose was to enhance awareness in the country.

The second point is the circulation of case definition and standard operating procedures to health workers. On 8th July, 2014 the Ministry of Health circulated to all hospitals a clear guideline on how to detect suspected Ebola and the actions to take.

The third one is screening of travelers from/through West Africa. Following the Ebola alert, the Ministry of Health, in conjunction with the Ministry of Transport, the KAA and airline operators, has been screening all passengers originating or transiting through West Africa.

With regard to information on Ebola Virus, Ebola fact sheets, information posters and frequently asked questions materials have been developed and disseminated. In addition, travelers' information sheets

indicating the mode of infection, signs and symptoms have also been properly circulated.

An Ebola Outbreak Task Force has been set up. The Ministry has set up this task force to ensure that there is readiness to handle any Ebola case that may find its way into Kenya.

There is also the Ebola Passenger Screening and Assessment Committee. The Ministry of Health, in conjunction with the Ministry of Infrastructure and Transport, Immigration Department, Kenya Airports Authority; Ministry of Interior and Co-ordination of National Government and Kenya Airways, have set up a special committee that looks into screening and advice accordingly.

With regard to isolation of suspected cases, the Ministry of Health has established temporary holding rooms at the JKIA, where cases determined to be of high risk will be detained and assessed further while awaiting possible transfer to isolated facilities. So far an isolated facility has been set up at the Kenyatta National Hospital, and possible isolated places have been identified in other health facilities. The Ministry has also procured personnel protection equipment which has been distributed to strategic facilities for use if needed. So far, we have 1,000 sets of such kits.

Hon. Deputy Speaker, the National Ebola Contingency Plan has also been put in place. The Ministry has developed a comprehensive Ebola contingency plan and sought funds from the Treasury in order to facilitate this and to ensure that they are ready for any eventuality. They have also suspended entry of passengers originating from or transiting through Guinea, Sierra Leone and Liberia into Kenya. In the interests of public health, the Government of Kenya decided to temporarily suspend entry into Kenya by all passengers travelling from and through the three West African countries affected by Ebola, namely Sierra Leone, Guinea and Liberia effective midnight on Tuesday, 19th August. This suspension applies to all Kenya's ports of entry. The suspension will exclude health professionals supporting efforts to contain the outbreak.

Hon. Deputy Speaker: Hon. Serem, you can have the first chance.

Hon. Serem: Hon. Deputy Speaker, let me thank the Committee for this wonderful piece, but I still have a lot of issues. I asked that all flights to West Africa be stopped, but we are being told that they have stopped to three countries. We are not being given reasons as to why we are still flying to Nigeria and other countries in West Africa.

Secondly, we heard from the media that the Ministry of Health, which has been devolved, is not asking the governors to give money. Instead, they

want to invoice innocent Kenyans to the tune of Kshs670 million to handle the issue. I thought they should have invoiced the Kenya Airways. Why would you want to invoice innocent Kenyans when Kenya Airways is the beneficiary of travels to West Africa?

The other issue that I am not satisfied with is that we seem to be so fascinated with money instead of being proactive in protecting Kenyans. The story we are hearing here is not how the Government is trying to prevent an outbreak but how it is working hard to cure the disease when breaks out here.

Hon. Deputy Speaker: It was a clarification, Hon. Serem.

Hon. Serem: Hon. Deputy Speaker, I am seeking clarification of their story. From the Statement, I am wondering whether the Cabinet Secretary (CS) read the Statement, or it was just written and sent to Parliament. Even the figure that we are given in the Statement of Kshs670,960, is not correct. Is it Kshs670,960,000 or just stories we are hearing? If this is the Statement we are being given, I do not think the CS is serious.

Hon. (Dr.) Pukose: On a point of order, hon. Deputy Speaker. I stand on a point of order because what hon. Serem is reading is misleading the House. I do not know whether he is in order. He is talking of Kshs670,000 and at the same time he is talking of Kshs670 million. Which is which? Secondly, has he looked at what that money is for. It is contingency money from the Consolidated Fund for the emergency preparedness. I do not know whether he is in order to---

Hon. Deputy Speaker: Well, is it hon. Serem who is not in order or is it the person who was typing the Statement? He is not the originator of the Statement.

Hon. Serem: Hon. Deputy Speaker, I thought that hon. (Dr.) Pukose went to school.

Hon. Deputy Speaker: He did!

Hon. Serem: What I am seeing in this document – I am just reading from it - is Kshs670,960. It is not Kshs670 million as is in the document. You can miss words and figures; it shows that you are not careful.

Hon. Deputy Speaker: Okay. I think your point has been made. Yes, I have the Statement before me and it must either be a typing error or, as he said, somebody made a mistake; what he wrote in words is different from what is written in figures.

(Hon. Ochieng stood up in his place)

What is your point of order? Let it be a point of order.

Hon. Ochieng: On a point of order, hon. Deputy Speaker. Something that has been said by hon. Serem should not be left in the HANSARD. He insinuated that a Member did not go to school, yet we know that hon. Pukose is a doctor; we should not leave it in the HANSARD; you need to rule on it. We know he has a doctorate and he must have gone to some school.

Hon. Deputy Speaker: Hon. Members, do not cast aspersions. I do not think we have any doubt in our minds as to whether hon. (Dr.) Pukose went to school. I do not think any Member here would doubt his having gone to school. So, Hon. Serem, you are out of order for casting those aspersions, which you know--- Let us take it with a light touch. Hon. Serem, your colleague is offended by your comments.

Hon. Serem: Hon. Deputy Speaker, it is him who interjected. He was inviting a problem to himself. It was not me!

(Loud consultations)

Hon. Deputy Speaker: Let us not make a mountain out of a mole. This is not a matter that is--- Hon. Serem, you have seen that this is a typing error; can you just dispense with it quickly? Apologize to your colleague and we move on.

Hon. Serem: Hon. Deputy Speaker, the issue of Ebola is so serious that I am willing to walk out.

Hon. Deputy Speaker: Hon. Serem, I have told you to apologize because the issue is not about Ebola. The issue is about your claim that he has not gone to school.

Hon. Serem: I will not apologize on this. Honestly, what is in the document---

Hon. Deputy Speaker: Order, hon. Serem. You cannot say that you are not going to apologize for making the allegation that he has not gone to school. It is nothing to do with Ebola. That is what you are being told to apologize for, and not for your contribution. Apologize for calling him---

Hon. Members: Out!

Hon. Deputy Speaker: Order, hon. Members. Let us give him an opportunity to understand where we are coming from.

You said - and it is in the HANSARD - that you did not know whether he went to school. That is what is in contention and not your contribution

about Ebola. This is a very small matter. You just need to apologize and we move on.

Hon. Serem: Hon. Deputy Speaker, I apologize but let me make this statement. I said Hon. (Dr.) Pukose has gone to school.

Hon. Deputy Speaker: You have apologized; so, can you now finish your contribution?

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! Small trivialities are making us lose more meaningful contributions that we can make in the House. Avoid and desist from making these comments so that we can move in an orderly manner.

Proceed.

Hon. Serem: I had finished my presentation, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. You can then allow other Members who want to seek clarifications.

Yes, hon. Nakara.

Hon. Nakara: Thank you, hon. Deputy Speaker. I just want to inquire something from the Chairperson of the Departmental Committee on Health. Turkana is in danger because of bordering three countries. Turkana County borders Uganda, Ethiopia and Sudan. The people from Uganda, Sudan and Ethiopia move in and out of Turkana County without being checked. Has the Ministry of Health put in place any measures to ensure that the Turkana are not affected by Ebola from those countries?

Thank you, hon. Deputy Speaker.

Hon. Gikaria: Thank you, hon. Deputy Speaker. First of all, I appreciate the Statement given by the Chair with regard to the Ebola status and an indication that we do not have even a single case of this disease in the country. I think that is good news for our country.

At the same time, I want to seek two clarifications about the preparedness and the flights. If you look at the JKIA, you will find that we have deployed our *askaris* to check on people who come in and get out of the airport. Those people do not have detectors. They just ask you to open your boot; they look at it, touch it using their hands and nothing happens. Do we have the facilities to detect this disease and what are we doing to avoid exposing those people to the disease?

Secondly, the entry point was just being referred to as the airport, airport and airport. What about the other places where people can get into the country by road or sea? What is happening at the other entry points?

Lastly, even by road or by sea, there are those designated entry points but we understand that there are some people who use *panya* routes, as they are always called. Are they also prepared to handle people who are coming in, in that manner? It was in the media this morning. We were told that people are running away from those countries to this country. So, we just want to know the entry points and how prepared we are. We also want to know the people who are supposed to do the screening and whether they are properly equipped.

Hon. Aden: Thank you, hon. Deputy Speaker. I rise to seek clarifications from the Chair, Departmental Committee on Health with regard to Ebola.

This is a very serious disease and it is a pandemic that is spreading at a very alarming rate. What is the level of threat of this particular disease in Kenya? We have heard the World Health Organisation issue threat levels in Kenya. Are we really at Level 2? Does it mean that we are likely to see any case of Ebola any time soon? What are the mitigating factors that we have put in place against the risk to our first point of contact; that is our staff that work at our airlines, airports and medics? Knowing that this is a disease that has killed one of the top health practitioners in the world; the renowned doctor who was fighting this disease in West Africa, how well equipped or trained are our staff at the first point of contact?

Finally, has Kenya established the likely economic potential threat so that we can ask Kenya Airways to stop flying to West Africa? For God's sake, Kenya Airways needs to stop flying there immediately. This is because the greed to make Kenya Airways to continue flying to those countries could cost us, not only the lives of Kenyans but also our entire economy. This is because Kenya is dependent on tourism. The moment a single case of Ebola is reported in this country, we will have complete fright of tourists, cancellation of tourists and serious devastations to our economy. Kenya Airways must be forced to stop flying to Nigeria and not just the two countries that have been mentioned.

Thank you, hon. Deputy Speaker.

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, I am also extremely concerned because my constituency is on the border. I understand this morning people are crossing without being checked at the border. As much as the Chairlady has said that there is awareness from the Ministry, she is

only talking about the airports. However, *panya* routes particularly in Busia which is very close to my constituency and the entire western Kenya, Nyanza and now Turkana, pose a problem. This was highlighted by the media. Could we get assurance from the Chairlady that the Ministry has stepped in to provide facilities and is checking the people are using *panya* routes? Who are these people she is saying are aware? Awareness could just be in the Press. The people who are supposed to handle the entry points are the immigration officers, customs officers and the police. Have they been sensitized to ensure that these people are checked before they enter the country?

Hon. Sang: Thank you, hon. Deputy Speaker. I know I may be out of order because I am in this Committee, but one of my constituents who works in Mombasa called me today morning. I want to seek clarification from the Chair on the issue of healthcare workers' strike. I know that these workers are on strike and if Ebola strikes today, with the disorganization that is in our counties in connection with the management of healthcare, things will be bad.

Hon. Kobado: Thank you, hon. Deputy Speaker. I seek a clarification on the same issue. Ebola is one of the most deadly diseases of our time with a fatality rate of close to 90 per cent. The focus has been so much on those entering the country by air. However, we should also take cognizance of the fact that several people are entering this country by water through Lake Victoria and by road.

Hon. Deputy Speaker, already, there is one reported case of Ebola in Tanzania. Although my county borders that country, there is no screening at the border. Secondly, what is the Government doing to create public awareness in terms of the mode of transmission, symptoms and precautionary measures?

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, the issues being raised now are the same. They are about means of transport apart from air. Hon. Members, can we really not feel represented by what others have asked so that we can get answers? Hon. Members, I have just said that you are going to give us examples of different modes of transport. Hon. Kangongo, it had better be a different point.

Hon. Bowen: Thank you, hon. Deputy Speaker. We have heard the Cabinet Secretary (CS) talking about the Kenyatta National Hospital (KNH) being very prepared for this Ebola. However, what has the Government done in those hospitals which are situated in our border points? This is because

when the CS for Health was addressing a Press conference, he only talked of KNH.

Hon. Deputy Speaker, could the Chairperson also clarify the issue raised by the hon. Member on strike by health workers? Thank you.

Hon. Deputy Speaker: Hon. Sumra, what is different?

Hon. Sumra: It is a different point, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Sumra is showing a lot of vigour. Let me allow him to say a word.

Hon. Sumra: Thank you, hon. Deputy Speaker. I was with the Chief Executive Officer (CEO) of Kenya Airways and he has a message for Members of Parliament.

Hon. Deputy Speaker, 19 planes have been grounded. They have no problem but they are saying that Ethiopian Airlines which flies to West Africa comes to Kenya. So, the Departmental Committee on Health or the Ministry of Health should look into that.

Hon. Deputy Speaker: That is other airlines. That is a different point and a good one.

Hon. Sumra: Yes, other airlines. Secondly, there is a request from the CEO of Kenya Airways that we do not make a lot of noise about this disease. We have made a lot of noise that even people from Asia and Europe have cancelled their flights to Kenya. It is like we, Members of Parliament, are showing that there is Ebola in Kenya. So, as a member of the Departmental Committee on Finance, Planning and Trade I am requesting the Members not to show that Ebola is in Kenya. Kenya Airways has this message; there are some neighbouring airlines which are flying to West Africa and they should also be stopped.

Hon. Deputy Speaker: Now, hon. Sumra, are you representing the Government or what?

Hon. Sumra: No, hon. Deputy Speaker. I was in a meeting with the CEO of Kenya Airways yesterday and he said that other airlines are landing from West Africa.

Hon. Deputy Speaker: No, I am just saying it with a light touch but it is a very important point that we might scare away tourists by our continued insistence that Ebola is in the country.

Hon. Sumra: The humble appeal from Kenya Airways is that; let us not scare away tourists.

Hon. Deputy Speaker: Order, hon. Members! I want one who has not spoken and not the ones who are speaking all the time. Hon. Regina Ndambuki, proceed.

Hon. (Ms.) Muia: Thank you, hon. Deputy Speaker. I also appreciate the Statement which has been given by the Chair of the Departmental Committee on Health. We are just talking of Kenya Airways. We are not even thinking about other airlines which land at Jomo Kenyatta International Airport (JKIA). So many people have come to Kenya through our borders.

Hon. Deputy Speaker: Order, hon. Members! Hon. Regina, that point has already been made. Members, I am going to give the Chair a chance to respond.

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

Order, hon. Members! No matter how many times you stand, I have given this chance to the Chair of the Departmental Committee. Hon. Rachel Nyamai, please could you respond to those ones? Members, we can go on the whole morning. You already know what is being discussed in the media and a lot of the questions are around the same issues of other means of transport and other airlines, apart from Kenya Airways. So, let us feel sufficiently represented.

Hon. (Ms.) R.K. Nyamai: Thank you, hon. Deputy Speaker. I will attempt to respond to some of the clarifications that have been sought by the hon. Members and for those which require further information, we will request to be given time so that we can seek further information from the Ministry.

The first question by hon. Serem is why we are still flying to Nigeria and yet other three identified flights have been suspended. I would like to point out, and this question has been asked by several Members, that the Ministry is targeting passengers and not the airlines only. This is because if we target an airline then it will be difficult but we are targeting the passengers themselves.

So, hon. Deputy Speaker, it is not only Kenya Airways but it is the passengers who may have originated from or transited through those countries. A patient can originate from the same country but pass through a different country. So, our officers are checking on whether they may have originated or transited through those countries so that these passengers are banned.

Hon. Deputy Speaker, I would also like to mention something about the emergency kitty. Yes, I would like to agree that there is a typo, this is Kshs670 million. I know there is a typo which says Kshs670, 000.

Hon. Deputy Speaker, I would like to make reference to a public statement that was made by the Cabinet Secretary for Health. This is a contingency fund and it is from our emergency kitty. As a country, we cannot say that we give this bill to Kenya Airways. At the end of the day, it is the country that must take responsibility for the health of the Kenyans. So, I agree that there is a typo and as it is, it is Kshs670 million. This fund is meant to ensure that we are properly protected. There is the contingency plan which I have here and which I am also going to table. It is for anyone who may want to peruse to see what this Kshs670 million is meant to do.

Hon. Deputy Speaker, in terms of treatment in case we got a case, there is a drug that has not been tested on humans. This is a question that we also sought clarification from the Cabinet Secretary. He pointed out that there is a drug called ZMapp. This drug has not been tested on humans. I would also not want to make further comments on this, but the question is: Suppose we got a case of Ebola in this country and this is the only drug that is available, would this drug be administered to a Kenyan patient? The clarification we got is that this drug may be used but since we do not have a case, we should just get the comfort that our country has done so well. So far, we do not have a case of Ebola.

I would also like to comment on what hon. Sumra has said. Yes, we are talking too much about Ebola and it is okay because everybody is scared. We also want to find out whether our country is properly prepared. What I can say, from the information that we have received from the Ministry, is that this country is properly prepared and we should not worry as Members of Parliament. We should inform our constituents that Kenya is properly taken care of. We are prepared in case of any emergency and we should be happy that we do not have a case so far. So, the Ministry has done very well on that line.

Hon. Lodepe, the Turkana Central Member of Parliament has said that some people might be walking in and out of the country. I would like to say that for all legal points of entry we have health workers who have been properly trained. Their capacity building has been done properly and as long as they are legal points of entry, we have officers from the Ministry of Health who are taking care of that. However, I also take note of the fact that we have illegal points of entry and it is something that the Ministry needs to worry about. It requires collaboration just as we did here when this matter was brought up. We had collaboration from various departmental committees because it is a security and health issue. So, it requires

collaboration and I can see from the statement from the Cabinet Secretary that there is proper collaboration with all departments that are concerned.

Hon. Deputy Speaker, I will also attempt to respond to the hon. Member for Nakuru and that is hon. Gikaria who asked whether our own health workers are properly protected. I would like to link it to the question which has been sought by the hon. Member. Yes, it is very important that we safeguard the people who are doing the screening. I would like to assure the House that our people are properly trained and they have the right protective gear that is required. So, we have total protection of all individuals who might be exposed and not only the health workers. This is clearly shown by the statement by the Cabinet Secretary; that there is proper training that has been done.

Hon. Abdikadir has asked whether Kenya has a high possibility of getting this disease. I can say that yes we have a high possibility of this disease reaching here and that is why we have suspended some flights. As to why we are still flying to Nigeria, that is a matter we are going to take up with the Ministry. We will ask the Ministry whether this can also be stopped and whether there are reasons for proceeding with these flights.

Hon. Ferdinand Wanyonyi has also asked a similar question about the points of entry and he has said that according to him, there is a border point which he believes is not secure. As the Chair, all I can say is that let us get information on a point of entry which is not secured, so that we can also inform the Ministry for it to be properly secured.

Hon. Deputy Speaker, hon. Sang has raised a matter which is outside what is being discussed here today. I appreciate that he has raised a question on the issue of the health workers who might be on strike in some counties, and on a go-slow in other areas. This is a serious matter of concern.

As a Committee, we are concerned that the health function is not being held properly at the county level. We have brought a report to this House, which was adopted. It is important for us to ask whether our people in the counties are really being taken care of properly as far as health is concerned.

Hon. Deputy Speaker, some of the matters raised here are not matters that I can respond to---

Hon. Deputy Speaker: What about the issue of other airlines, and not necessarily the ones being operated by the Kenya Airways?

Hon. (Ms.) R.K. Nyamai: Hon. Deputy Speaker, I would like to go to point number ten on suspension of entry of passengers originating from, or transiting through Guinea, Sierra Leone and Liberia, into Kenya. We are

talking about the passengers irrespective of whether they use Kenya Airways or other airlines. As long as they have transited through Guinea, Sierra Leone and Liberia, they are banned from entering Kenya.

(Loud consultations)

Hon. Deputy Speaker: Order! Order! Hon. Members, I know that we are not going to exhaust questions on this matter. This is an ongoing issue. I believe that the Chair is going to continuously update this House on the progress being made. Otherwise, we are right in the middle. You are not going to add anything more than what the Chair has given us.

Hon. (Ms.) R.K. Nyamai: Hon. Deputy Speaker, I would like to request hon. Members to, first of all, appreciate that we do not have a single case of Ebola infection in Kenya. That is something we need to give our Ministry credit for. For matters which are not clear, we clarify. I would like to call upon my Deputy Chair, in case he feels that there is something that I did not clarify properly, so that he can also support me.

Thank you very much.

Hon. Deputy Speaker: Hon. Savula, what is your point of clarification?

(An hon. Member raised his hand)

Hon. Members, what is this new idea of putting up your hands? Remember the disparaging remarks that were made about this House? You remember what was said about this House by one governor. So, please, let us not confirm it by some of our actions.

Hon. Angatia: Hon. Deputy Speaker, I thank you very much for giving me this opportunity. The concern of all these Members is from the background of how we handle issues in this country. If we may compare the issue of insecurity in this country, our authorities always come in on intervention basis. We, the leaders seated here, have concern over the Ebola issue because, going by past experience where we were assured that something would not happen, and that the Government had taken charge only for us to lose many lives, is worrying. So, we are saying that we appreciate what the Committee is doing, but I want to send a strong message to the Government, on behalf of the people of Kenya. If you look at what is happening---

Hon. Deputy Speaker: Please, hon. Savula, get to the point. What is your clarification?

Hon. Angatia: Hon. Deputy Speaker, I am coming---

Hon. Deputy Speaker: What is your clarification?

Hon. Angatia: Hon. Deputy Speaker, I am encouraging people to speak the truth. When we speak, we are telling one another the truth. Let it not only be a story only for us to find ourselves the next day---

Hon. Deputy Speaker: Hon. Savula, you should address a specific thing. The specific issue is Ebola.

Hon. Members, you can see that we have taken too long on this matter.

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

Hon. Deputy Speaker: Order! Order! Hon. Sumra, you have already been given an opportunity to speak. What is your point of order?

Hon. Sumra: Hon. Deputy Speaker, I appreciate what the Committee is doing. Firstly, I would request them to go to the Ministry of Health and have it announced that Kenya is Ebola-free because we are losing customers. Secondly, if Kenya Airways stops flights to West Africa, flights of Air Tanzania, Air Rwanda and Ethiopian Airline still operating from West Africa should not come to Kenya until the problem is fully addressed.

Hon. Deputy Speaker: Hon. Sumra, that is a point of argument! It is not a point of order!

(Several hon. Members stood up in their places)

Order! Order, hon. Members! I have asked the Committee to give this House continuous status reports on this matter. That is what they are going to do, even if it means doing so weekly, as this issue progresses.

Deputy Whip, what is your point of order?

Hon. Washiali: Madam Deputy Speaker, I thank you for recognising me as the Deputy Whip. Is the Chairperson of the Committee in order to mislead this House by saying that passengers transiting to other countries through our airports are being inspected, when we do not have any structure in place for that purpose? I say so because last Wednesday, I came back from Zambia but there was nobody from the Ministry of Health who attempted to find out whether we had transited from West Africa or whether we were coming straight from Zambia. Is the Chairperson in order to mislead this House?

(Several hon. Members stood up in their places)

Hon. Deputy Speaker: Hon. Members, we are not going to go on forever on this matter.

Hon. Nassir, what is different? Maybe, since you are from Mombasa, you feel threatened by passengers from the sea.

Hon. Nassir: Thank you, hon. Deputy Speaker. My colleague had asked a very specific question. There are currently ongoing strikes by health workers. There is both a fully-fledged strike and a go-slow. I can personally give the status of the situation on the ground because some of us have been in touch with our constituents. In Mombasa County, we have only one person who has been trained to handle the issue of Ebola. Mombasa is a border entry point for both sea and air. So, we would like a clarification. I agree with what hon. Sumra said; that if we are to ban Kenya Airways from operating flights to West Africa, we have to ban all other airlines operating in West Africa from coming to Kenya. We now have airlines coming in from foreign countries, and all of them are flying directly to Mombasa. All of them are flying from the countries that have been affected.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: The Committee Chair had indicated that the Vice-Chairperson would also respond to those questions.

Hon. (Dr.) Pukose: Thank you, hon. Deputy Speaker. I think there is an issue which was raised by hon. Washiali about whether we are screening patients at the airport. It is true they are being screened. The airport receives manifests of all the passengers entering into the airport prior to the landing of the plane. From there, passengers who have any contact and who have travelled through West Africa have to go through a different entry port within the airport.

The Ministry is now in the process of acquiring a thermo scanner where you go through it and it detects your body temperature and everything. That is what the contingency money is being used for.

The issue is not to ban other flights because that is beyond the control of this country. You cannot ban other flights; we are talking about passengers transiting through West African countries. All those passengers, whether they come through other airlines, must be screened when passing through Kenya. Once they enter Kenya they have to be screened.

We should not defer issues. If hon. Sumra could just listen; we are not banning Kenya Airways. The Ministry of Health has not banned Kenya Airways. What has happened is that we are dealing with any passenger, either transiting or from the three West African countries. The other issue is that Kenya Airways has suspended flights to those areas that are thought to be Ebola within.

The other issue was whether we are in level two or level three in terms of threat. The aim of the Ministry of Health is to make sure that this country moves to level three where we have no contact with any Ebola case.

Thank you.

Hon. Deputy Speaker: Thank you. Hon. Members, we feel represented. Can we now move to the next Statement by hon. Shehe? It is for the Chair of the Departmental Committee on Labour and Social Welfare?

Hon. Were: Thank you, hon. Deputy Speaker. The Statement was sought by hon. Peter Shehe, Member for Ganze Constituency.

The request wanted us to inquire into and report on:-

(i) the criteria used to identify the beneficiaries since most persons aged 65 years and above living in Ganze Constituency are not beneficiaries of the programme on cash transfer; and

(ii) why the local committees that identify the beneficiary as well as the officers who vet and identify beneficiaries of the programme are not facilitated in terms of transport and allowances by the Government.

First, I wish to give the background of the programme. The programme was started in 2007 with the objective of contributing to poverty reduction in households with vulnerable old people of over the age of 65 years. It is done through a provision of regular and predictable cash transfers. The intention of the programme is to cushion older people and their households from income threatening risks such as sickness, poor health and injuries, thus improving their livelihood.

The programme started on pilot basis in three districts of Thika, Busia and Nyando, targeting 300 households in each district; with each person receiving Kshs1000 per month. In 2009, it was scaled up to cover 33,000 households in 44 districts; each with 750 beneficiaries across the country; with the transfer amounts increasing to Kshs1,500 per month and distributed monthly.

By 2011/2012 Financial Year, the cash transfer was scaled up once more to all the 210 constituencies in the Republic. This increased the number of beneficiaries from 33,000 households to 36,036 and the transfer value rose to Kshs2,000.

By the closure of 2013/2014 Financial Year, the programme has reached a total of 164,000 beneficiary households. This represents a phenomenal growth in the Government support to the older persons. The older persons' cash transfer programme targets poor and vulnerable older persons above 65 years of age. The programme is not universal but targeted to cover the poor and vulnerable persons.

(Loud consultations)

Hon. Deputy Speaker: Those hon. Members who are holding another meeting in the Chamber! Hon. Nyamai, you can take your team to another more appropriate place for you to finish the discussion.

Hon. Were: Ganze Constituency, then under Kilifi District is one of the locations in the 44 districts that were identified as having high poverty incidences and was targeted in 2009; each location in respective districts enrolling 750 beneficiary households. The constituency further benefitted by an additional 150 beneficiary households in the just concluded Financial Year, 2013/2014; bringing the total number of poor and vulnerable older persons recipient in the constituency to 900 families.

Hon. Deputy Speaker, a few documented case stories of recipient old persons in Ganze Constituency have shown beneficiaries now living in improved houses, investing in livestock and also contributing to the Household food security, health, nutrition and education of children.

As stated earlier, the programme is not universal but not all deserving cases are covered. There is a vetting process and criteria used to identify deserving cases.

Recognizing that resources to support the programme are limited in the face of competing priorities, the programme has developed and documented participatory procedures---

Hon. Deputy Speaker: Hon. Were, since the hon. Member has a copy of the response; can you just try to summarize? I believe he has a copy.

Hon. Were: Hon. Deputy Speaker, I have even skipped some paragraphs.

Hon. Deputy Speaker: Okay. You mean you have received additional information? You want to add more or you are skipping?

Hon. Were: Who?

Hon. Deputy Speaker: Yourself! I am saying that, since the hon. Member has a copy, could you try to summarize as much as possible in the interest of time? We have taken long on the Statement.

Hon. Were: Hon. Deputy Speaker, I do not know how to summarize it because --- I have skipped some paragraphs. I have not read some paragraphs because of trying to summarize.

Hon. Deputy Speaker: Just proceed and finish.

Hon. Were: Let me just go to the community level programme committees. We have locational committees which are formed through participatory process by community members in community *barazas* and they are facilitated by the District Social Development Officer. Formation of locational committees takes place after the community has been mobilized. This could be done through chief's *baraza* and any other forum that presents an opportunity to reach the community.

The Constituency Social Assistance Committee: This is the overall committee that is based at the constituency level and comprises elected and religious leaders as well as technical officers with the area Member of Parliament as the patron. The committees have been functional in the last one year and provide overall guidance on targeting as well as oversight on the implementation of all cash transfer programmes, including the OPTC. This committee was institutionalized through the Departmental Committee on Labour and Social Welfare.

Why the local committees and programmes officers are not adequately facilitated by the Government: Due to inadequate budgetary provisions, the Committee has not been able to cater for sitting allowance for the committee members. This will be considered in future subject to availability of funds. A small Authority to Incur Expenditure (AIE) is normally issued to the area Social Development Officers to facilitate targeting, validation and enrolment of beneficiaries among other activities.

Similarly, in terms of transport allocation, the Ministry relies on one vehicle that is based in Kilifi County Headquarters office. This is inadequate but the Ministry has no immediate plans of procuring vehicles due to budget constraints. The Ministry will continue to mobilize transport from other Government departments in order to enhance programme delivery.

Thank you.

Hon. Deputy Speaker: Okay. Hon. Shehe, get the first chance to ask a question.

Hon. Shehe: Thank you, hon. Deputy Speaker. This is a very technical reply from the Chair, Committee on Labour and Social Welfare. I wish to inform him that following the explanation that he has made to us, he should go deep and consider the effectiveness of one vehicle in seven sub-counties. How effective is this programme in terms of reaching the people of

Ganze, with an area of 3,300 square kilometers? How is it going to reach the interior? It is a good thing for the people who are benefiting from the facilities and the infrastructure, but in Ganze, it is only hearsay. The people who stay right inside---

Hon. Deputy Speaker: What is the clarification, hon. Shehe? What do you want him to clarify?

Hon. Shehe: The reply that the Chair has given is a technical one, but this does not apply in Ganze. Ganze alone has 3,300 square kilometers and there is only one vehicle catering for seven sub-counties.

Hon. Deputy Speaker: You have made that point, hon. Shehe. So, allow other Members to also seek any further clarification.

Hon. Dawood: Hon. Deputy Speaker, I wish to seek clarification from the Chair. He has said that there are committees which are chosen to go and look for the people in communities. Apparently, there is nothing like that in North Imenti and I had to give my vehicle for a month, so that they could go and look for the people. There are some underhand deals which are done. Is the Government aware that not all the intended beneficiaries are getting the money? Even before the money gets to the beneficiaries, some of them are being asked to part with some of it and give it to the officers and chiefs. Are the Members of Parliament supposed to provide transport for the committee members? How fool proof is this cash transfer programme? It does not get to the beneficiaries. Why could the Government not use Mpesa instead of them going to the post office and looking for the names when some of them do not appear there?

Hon. Ngikor: Thank you, hon. Deputy Speaker for this chance to seek a clarification on this issue because I am really affected. Since this exercise started last year, the aged in Turkana East Constituency have not received the money. The Chair has said that they were supposed to be identified and given the money. What was the criterion for identifying the beneficiaries? In my constituency, people have been told to travel from Turkana East Constituency; 275 kilometres to Lodwar to go and collect the money. We are targeting people who are 65 years and above. Without public transport in Turkana and other areas in northern Kenya, how can these people cover those kilometres to go and get that money?

Secondly, within what timeframe are these people supposed to get this money? Is it weekly, monthly, biannually or annually? Since we started, in some areas, people have not received the money. If it is monthly, maybe the Chair can tell us. The other one is the issue of the Government vehicles that we are talking about, which facilitate the committees to go round and get

information about the aged people. In Turkana East, I do not even have a Government vehicle and the Chair is talking of Government vehicles being used. What vehicles are the committees from my constituency going to use?

Hon. Deputy Speaker: Okay, hon. Ngikor, you are going on and on. Please, can you allow others also? Hon. F. Wanyonyi, is it on the same?

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, I wish to seek a clarification from the Chairperson. First of all, he talked about the members of the Constituency Social Committee being paid. When will they start paying these people? They rely on the Member of Parliament to pay them hand outs and transport allowance. Is it possible for us to increase the number of the vulnerable people? At the moment, the number is small yet if you go to the rural areas, there are very many people who should be benefiting from this. Can we increase the number to 1,000, so that we can bring other people on board?

Lastly but not the least, when we debated this issue at the beginning of the last Parliament, we said that at the time of registering these people, they should also be registered for the National Hospital Insurance Fund. What has happened? They are supposed to get the Kshs2,000 plus the NHIF card. Has this been put in place?

In my constituency, a man of over 80 years travels to the post office, 100 kilometres away. He cannot go on his own and is assisted. Is it possible to change the Act, so that we can have mobile paying points? We should then pay these old people either at the chief's or the sub-chief's centres. In Kwanza, for example, an 80 year old person travels all the way to Endebbes and spends Kshs800 only to get Kshs1,000. As the Chair rightly said, he gets there and finds that maybe his name is not there. So, can we have mobile paying points other than going to the post office?

Hon. Wandayi: Hon. Deputy Speaker, I just want to ask for a clarification. This is something which has been talked about. Could the Chairperson come out clearly as to the plans the Government has in so far as sustaining the committees that are spearheading this cash transfer programme in the constituencies is concerned, rather than going round in circles? We need to have something very definite, so that we can work with.

Hon. (Ms.) Emanikor: Hon. Deputy Speaker, the programme of social assistance in this country is experiencing difficulties in implementation. My colleagues have spoken of the costs that the beneficiaries incur in accessing these funds. The Government should device mechanisms that are efficient to give out this money. Considering the costs

that the beneficiaries incur, which go way beyond what they get, could the Government then increase this money to, for example, Kshs5,000?

Hon. Njuki: Hon. Deputy Speaker, I would like to seek clarification from the Chairman. The problem of this cash transfer programme is not the money not being enough; it is the act of getting that money to the right people that is a problem. I do not know about the other constituencies, but in my constituency, when we did an audit, 13 people were rising from the graves and collecting money and I do not know for how many years. That had not been detected by the system. When you ask the Social Services officials, they say that they did not have the capacity and they were not facilitated to be able to do an audit to know who among the beneficiaries passed on and therefore, should stop collecting the money. We are talking about 65 years of age, but most of the people who receive the money in some places are 85 years old and above. They are not able to move from their houses to the towns to get the money. So, they have appointed caretakers who collect the money on their behalf. These caretakers go to the post office and they do not have any supervision, sometimes, they collect the money and the money does not get to the beneficiaries. They give the reason that since the Government changed hands, the money has not been coming. Sometimes they give names of their relatives. We had issues in allocation whereby 45 people are benefiting, about 15 of them being relatives of the chiefs. Therefore, what is the Government doing about capacity building to ensure that this gap of losses is reduced? They are very important.

Hon. Deputy Speaker: Chair, can you handle those, time is not on our side. We have spent far too long on Statements today. Respond to those and what you are able to, what you are not, you can tell us when you can respond. Hon. Hellen Sambili, I know you want to say something but can you let it rest? We have talked of three main issues which are coming up from every hon. Member that has spoken, it is either criteria, beneficiaries not being well identified---

Hon. (Prof.) Sambili: I am sorry to raise my hand. I think there is an issue that I really need clarification on, hon. Deputy Speaker. In my constituency, there is no vehicle and no furniture. Out of the 401 people who were targeted, only 321 had their money brought. 80 of them are missing. We also had three people whose names were brought to my constituency and they were from another sub-county. So, I would like to know when the 80 people will get their money. I also want to know why Members from another sub-county were brought to my constituency. I heard that people decide on the locations from which to get the old people

and I do not understand why this is the case. Our committee refused and insisted that they wanted people from all locations to be brought, not just those that have been identified. I really do not know why they should decide on the locations. Thank you for the opportunity.

Hon. Deputy Speaker: Hon. Members I am sure you are aware that the Member of Parliament is part of the committee. Some of the questions you are asking, you should be able to control particularly the question of criteria, existence or like the ones hon. Njuki was talking about; people earning when they are not there or they have died. Those kinds of things even as Members of Parliament--- You are included in the new Act. We should take responsibility. I can see hon. Chidzuga, I can see hon. Christine Ombaka. Members, we are not going to go on, on this issue of cash transfer. I am trying to see the ones who do not speak all the time. I am trying to give them an opportunity. Hon. Chidzuga, proceed.

Hon. (Ms.) Chidzuga: Ahsante sana Mhe. Naibu Spika. Kwanza, ningetaka kumkosoa Mwenyekiti wetu kwa kusema kwamba kamati ziko katika lokesheni; hakuna kamati ambazo ziko katika lokesheni, bali ni mtu mmoja ambaye anasimamia Wadi. Mwanakamati ni mmoja katika kila wadi. Kwa hivyo, hata hii kazi ni ngumu kwa hao wanakamati kwa sababu ni wachache. Pili, ni lazima tuweze kuelezwa ni vipi ambavyo wataweza kuwasaidia hao wanakamati kwa sababu wengine wanatoka sehemu ambazo ziko mbali sana na ile ofisi kuu ambayo inasimamia mambo ya hizi pesa. Inawabidi wao kutumia pesa zao za mfukoni kuzunguka. Hakuna gari la serikali ambalo linawasaidia hawa watu wanapokua wakizunguka nyanjani ili kuweza kuwatambua watu hawa. Ukweli ni kwamba, pesa ambazo zinatolewa ni kidogo sana, inafaa ziongezwe, na hao wanakamati waweze pia kupatiwa kitu ambacho kitawasaidia katika usafiri wao.

Ahsante Mhe. Naibu Spika.

Hon. Deputy Speaker: Okay, hon. David Were, please respond to those ones.

Hon. Were: Thank you, hon. Deputy Speaker. I will start with the question by hon. Peter Shehe. I quite agree that one vehicle in a county is not sufficient. I think that is something we can follow up with the Ministry concerned, so that additional vehicles are purchased. I know this is something that is affecting nearly all constituencies because even in my own constituency, we do not have a vehicle. It is something that is widespread but it is something that we can follow up, especially in the constituencies that are vast. Not all constituencies are of the same size, some are big, while

others are small. We will pursue and ensure that at least additional vehicles are found.

Hon. Dawood has talked of underhand deals. Well, it is something that I have not heard, but it is something that we can now pursue; if we have documented cases, you know we do not press here as evidence. What we need to do is, if you know of any underhand deals, I think it is important for us to say, so that we can stop that problem. On the mode of payment, they are using Equity Bank and Post Bank. They demonstrated to us and we thought the payment through Equity Bank Card seemed much better and superior. It is something that they are trying to improve on. Unfortunately Equity Bank is not everywhere, it is also not nationally spread across, but we will see how best it can be done. There was a proposal that we can even use MPESA because MPESA is more wide spread.

The hon. Member from Turkana, this amount is paid bimonthly. It is Kshs.2,000 per month but it is paid after every two months. That is how the system works. Hon. Wanyonyi wanted to know when the committees that we formed will be paid. In the Budget for this Financial Year 2014/2015, we provided 156million which is to be distributed to all the constituencies so that these Committee Members can receive their allowances. So, we will link up with the Ministry to see that this amount is taken to the constituencies for Members to be able to be paid. On increasing the number of beneficiaries, it is something that even the President when he was launching this programme in February talked about. He said it was his wish for the numbers to increase. Right now, we are at 164,000 but the target was that it goes to half a million. It is only that, as I had indicated earlier, we have too many priorities. So, we will also try to push so that the number goes up.

On the National Hospital Insurance Fund being also included, it is something that we can follow up as a Committee so that as they receive this, they also have the National Hospital Insurance Fund cards. Hon. Wandayi wanted to know about sustainability and it is something that we have been concerned about. This is a Government programme that was just started without any policy paper. We are in touch with the Ministry and the Ministry is planning to walk us through a policy document, so that it is officially documented, and if possible made through an Act of Parliament so that it is something that is official and legal. Hon. Emanikor said that the amount should be increased to at least 5,000. That would be the wish but then, as I have said before, the Government is also constrained because of several requirements. Maybe in the near future, it might go to shs.3,000 from

Kshs.2,000. Hon. Onesmus wanted to know more about this problem of caretakers. I do not know how that can be sorted out. However, the problem we had in the 2013/2014 Financial Year was that money was delayed. The money was released nearly towards the end of the financial year. So, if Members who had been shortlisted were not getting their money, it is true that it had not been released. We insisted that the money could not be released until we formed the constituency committees. It is after that, that money was released. That was about one or two months ago. The money was released and paid to the beneficiaries.

On hon. Sambili's problem, I think this is something that can be taken care of by the Ministry. We can also assist you in finding out when the amount will be paid to the remaining 80 beneficiaries and why people from other constituencies are paid in your constituency.

With regard to hon. Chidzuga's clarification, I think I have indicated that money has been budgeted for and the committee members will be paid their allowances. This is because we provided Kshs156 million in the Budget for 2014/2015.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Members, as we have seen, we have really taken a very long time on the business which is not business. In other words, we are now going to begin business. I know there were two Statements that were not handled. I will request the Members to kindly hold until--- They can be given the earliest opportunity, not today. This is Wednesday, the day for Members to prosecute their Bills and Motion and we have already done two hours of no business.

Hon. Members, we want to move on to the next Order. This is Order No.8.

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

Hon. Deputy Speaker: Hon. Wafula, I know you were one of the affected Members but you will hold on because we cannot spend almost two-and-a-half hours on Statements. We are not allowed to do that.

Hon. Wekesa: Hon. Deputy Speaker, I am not going against your ruling. I request that the Statement be put on the Order Paper latest by Wednesday.

Hon. Deputy Speaker: Thank you. That is what I said, that at the earliest opportunity. I think that has been taken into account.

BILL

Second Reading

THE CHILDREN (AMENDMENT) BILL

*(Hon. Kaluma on 13.8.2014)**(Resumption of Debate interrupted on 13.8.2014)*

Hon. Deputy Speaker: Who was on the Floor? Hon. Njagagua is not in. So, any Member can contribute to this Bill.

Hon. Members, you will remember you had limited time on this Bill. We only have 30 minutes from what we had agreed. I can see 17 requests. So, let us be fair to each other. Each hon. Member is supposed to contribute for five minutes.

Yes, hon. Junet.

Hon. Nuh: Thank you, hon. Deputy Speaker, for giving me this opportunity to contribute to this Bill. I rise to support it because it is a very important amendment Bill. This Bill would not have been brought in a better way by any other Member other than hon. Kaluma himself. The sections that the Bill is trying to amend are sections that to some extent contravene the Constitution.

Article 53 says:-

“(1) Every child has the right—

(e) to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not.”

Hon. Deputy Speaker, that gives authority or power constitutionally to both parents to provide for the child. That is whether those parents are married or not.

Section 25 of this Act is being amended. It says that where a child's father or mother were not married at the time of his birth, the court may on application of the father order that he shall have parental responsibility for the child. If the Constitution has expressly said that both parents have responsibility for parental care whether they are married or not, I am wondering why the father should be subjected to a court process; that he should go and get a court order so that he can have his right to care for the child. This means that the main Act that is being amended provides the first right of responsibility of caring for the child to the mother. So, it is

inconsistent with the Constitution when the father has to go to court so that he can get a court order to get his rights of being responsible over the child.

Hon. Deputy Speaker, you know very well that in the African culture, the father is responsible for the child and he is the one to take care of the child. So, when you subject him to go to court so that he gets a court order to get his right to take care of his child, is not fair.

Section 2(b) says that the father and the mother may by agreement – a parental responsibility agreement- provide for the father to have parental responsibility for the child. What we are discussing here is the child and not the parents. When you again subject the father to enter into an agreement with the mother so that he can take care of the child, what about a situation where the father and the mother do not want to talk to each other? This is where the father hates the mother so much and only wants to take care of the child. How will you force that father to look for that mother so that he can have an agreement with her? This one is now making life even more difficult for the child. This is because the father has to look for the mother, sit down with her and make an agreement with her.

You know some of the parents especially the ones who are not married when they get a child, he disappears and he does not want to look for the mother. Now you are telling him to go, look for the mother and make an agreement with her. There are fathers who want to take care of their child. They want to take the child to a school, pay for him but he does not want to talk to the mother. So, that also contravenes and deprives the father the right to take care of the child.

Hon. Deputy Speaker, I can see my time is up. However, hon. Kaluma's Bill is also trying to repeal Section 26 of the Act which says that a parental responsibility agreement shall have effect for the purpose of this Act, if it is made substantially in the form prescribed by the Chief Justice. This is where one of the parents just goes to court so that he or she can extort money. A child is being used to exhort. This is what this Act is trying to address.

Hon. Deputy Speaker: Your time is up, hon. Member. Could we have Makali Mulu?

Hon. Mulu: Thank you, hon. Deputy Speaker for giving me the chance to contribute to this amendment.

Hon. Deputy Speaker: I hope that hon. Members know that you do not contribute twice to the same Bill. So, if anybody had contributed last week, do not contribute again now.

Hon. Mulu: Hon. Deputy Speaker, I can confirm that I did not get a chance to contribute to this Bill. This is my first time.

The original Children Act was enacted to protect the interest of the child and make sure that children are taken care of in situations where the father and the mother do not agree.

At the time this Act was being enacted, we had not passed any Constitution. With the passing of the Constitution in 2010, the right of the child has now been guaranteed to both parents. I support this amendment because it just makes that process of ensuring that the child's interests are taken care of.

Hon. Deputy Speaker, I think the interest of this Bill is to make sure that the children that we bring to this world do not suffer as a result of us parents not agreeing. It is normal for parents to disagree.

However, there is a child who is born as a result of that relationship. I think the law should ensure that children who are in such a situation do not suffer as a result of the disagreement between the parents. That is what this amendment is trying to do.

Hon. Deputy Speaker, when you look at the earlier Act, you can see that it actually gives some kind of priority in terms of who takes care of the child and, more so, in a situation where the mother and the father do not end up marrying each other. So, what happens in a situation where you are not married to a lady and you have a child? It then forces the father to have access to the child as frequently as he might want and even then, there is that requirement where you must go to court to see your child. I think this is very unfair and, more so, in a situation where the mother is not in a position to take care of the child. The mother wants the father to take care of the child in terms of financial support, paying the school fess and taking him or her to hospital. At the same time, the father is being restricted from seeing the child.

Hon. Deputy Speaker so, I think this amendment is very important and that is why I support it. It will now enable the father to take care of the child without really going through the court. To me, this is really also Biblical because by the time you are getting this child, you are agreeing either with your girlfriend or wife and you know when you look at the child, he or she has done nothing wrong. The child is innocent and it becomes very tricky when the child is now subjected to that kind of treatment where, for the father to see the child, he must go to court and get either a court order or you are forced by circumstances to agree with the mother for you to see your child.

Hon. Deputy Speaker, in most cases, you see, if you do not succeed to marry a lady and you have a child, more likely, the lady will never be a friend to you. That is because you have a child with her and you did not end up concluding that process by marrying the lady. So, that relationship is actually very bad. In most cases, you find you cannot agree and anytime the lady sees you, it is a situation where she wishes that you are dead.

[Hon. Deputy Speaker left the Chair]

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

So, hon. Temporary Deputy Speaker, with that kind of situation, I think it is important that this House supports this amendment so that the father and the mother can have virtually equal opportunities or chances of accessing the children and, if you need to support your child even if you are not married, then you have that free hand to go and support your child. At the end of the day, then you find that the child will be protected and taken care of without those restrictions.

So, with those remarks, I want to support this amendment. Thank you very much for giving me the chance to speak.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Abdul Dawood.

Hon. Dawood: Thank you, hon. Temporary Deputy Speaker. From the outset, I want to oppose this Bill and my reason for doing so is because I believe the child is the most important person as the other speakers have said. However, the person who brings the child into this world is even more important and parental responsibility does not just end with conceiving a child or bringing forth a child. It goes a long way and I think a woman or a mother is superior in the responsibility for a child. So, when we say that equal parental responsibility, yes it should be equal but it should be equal in a sense that the father has to know that he has a responsibility and by going to court does not make it any less harder to start taking care of the child because I think we should be taking responsibility for our actions. The lady has carried that baby for nine months and when she is nursing and all that, she needs to take care of the child. The father is not there when she is taking care of the child.

So, I oppose this amendment. It should go the way it is and people should come out clearly and ask: What is the reason for this amendment

really? Is it to protect ourselves as male Members of Parliament or is it really in favour of the child? We have to be sure that this amendment is in the best interest of the child and not just to protect ourselves.

With those few remarks, I wish to oppose this amendment.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Onyura. Hon. Members, you will be a little patient. We are aware time is about over and so we will wait for the time. It is probably two more Members.

Hon. Onyura: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this Bill and as I do so, first and foremost, it is indicated that it is an Act of Parliament amending the Children Act but, as shown as in the Memorandum of Objects and Reasons, it is really to give effect to the Constitution.

Hon. Temporary Deputy Speaker, I am aware that as we go along, we will need this kind of initiative so that we align the Acts and laws that we have to the Constitution.

Secondly, hon. Temporary Deputy Speaker, I think anything that is in the interest of children is something that we should support and give priority. That is because, as we keep on telling them, this is our future generation, leaders, citizens and so on. So, we really need to take care of them right from the beginning. We should give them a good start and grounding right from the beginning.

Hon. Temporary Deputy Speaker, I think it is only right to say that children are innocent when it comes to bringing them up and developing them. It must be the responsibility of both the father and the mother. With the breakdown of traditional systems, cultural and traditional values, it is important that legislation takes over.

Hon. Temporary Deputy Speaker, in some communities like the Luhya – and that is where I come from – that is obvious. It is just obvious that when you sire a child, it is your responsibility. But I think with the breakdown of such systems, it becomes important that some other mechanism be found, including this legislation, to take care of the children. That is so that as you engage in any activities--- We were told at one time that choices have consequences. So, if the consequence of your choice is conception of this child, I think that they have every right to expect to be cared for.

Hon. Temporary Deputy Speaker, to me, this is a fairly straightforward proposal and it is in the interest of the child. I support very strongly.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): I see hon. Millie would be the one in line here but, unfortunately, I want to cross to the other side, but only if you want to speak briefly to it. That is because we have a few minutes and I would also want to get one Member from this other side. So, I will give hon. Millie and I hope you will be brief. You really do not need to take your ten minutes. Proceed, hon. Millie Odhiambo. I am well informed that you have five minutes.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Temporary Deputy Speaker. I will rush. I want to indicate that I can only support this Bill with amendments.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Millie Odhiambo! What is it, hon. Neto?

Hon. Oyugi: Thank you, hon. Temporary Deputy Speaker. Would I be in order if I requested that we limit the debate time for each Member to three minutes?

The Temporary Deputy Speaker (Hon. Cheboi): No! You will be out of order. First, we have very few minutes remaining. Secondly, as the Speaker ruled, and as per the Standing Orders, you can only do so at the beginning of the debate on a Motion.

So, proceed, hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Speaker, perhaps, I can project what hon. Neto told me. He has told me that he is opposed to the Bill. Therefore, I will put it on the Floor. Hon. Shabbir also told me that he is opposing. Prof. Nyikal has also told me that he is a bit uneasy with the Bill.

It is unfortunate that we do not have time. I am supporting the Bill, but with amendments. On the face of it, the Bill looks good because it talks about equality. Kenya has ratified the Convention on the Rights of the Child as well as the Convention on Elimination of all Forms of Discrimination against Women. Under Articles 26 and 27 of the Constitution---

The Temporary Deputy Speaker (Hon. Cheboi): Order, again, hon. Millie! Hon. Kiptanui, what is it?

Hon. Kiptanui: Hon. Temporary Deputy Speaker, if you heard hon. Millie very clearly, it is like she is speaking on behalf of hon. Shakeel and the hon. Member on the other side of the House. Is she in order to purport to be speaking on behalf of other Members of this House?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kiptanui, you are a senior Member of this House. She is totally in order. Hon. Members consult and sometimes get to know the views of other hon. Members. For

those who do not have the opportunity to speak, something will have been put on record anyway.

Proceed, Millie.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Speaker, you can see that two of my minutes have already been chewed up. I have the authority to speak. Otherwise, they would have protested.

The reason why I wanted to say this is that on the face of it, it looks like it is a good Bill. But under those conventions and under the Constitution of Kenya, the best interest of the child is primary. It does not matter whether the father or the mother have agreed. I will give you an example. My good friend and uncle, hon. Kaluma, has a case in court. I do not mean to disparage him because he is very good. He is good because he has come forward and he wants to better the situation because when he went to court, he realised the situation was not balanced.

Hon. Kaluma is a Member of Parliament. I do not know the background of the lady who has taken him to court. Assuming that she is a lady with no means, and you say that they provide equally, what would that mean – that if hon. Kaluma gives Kshs400, a woman with no means also gives Kshs400? So, I know that the intention of hon. Kaluma, who is my uncle, is very good. However, the way this Bill is put does not give effect to what hon. Kaluma intends to do. I have actually talked to hon. Kaluma and told him that I will only support if we include a proviso to say that the best interests of the child shall prevail at all times.

It is not about the interests of a woman who, out of some excitements, decides to have a child with a man. It is not out of the goodwill of another man who wants to have a child with another woman. I am one of the persons who pushed for the particular Article of the Constitution. We took up the matter up to the Court of Appeal. We were also taking it to the African Court in a case of M.R. versus the Attorney-General of Kenya and Millie Odhiambo versus the Attorney-General of Kenya. We wanted to make sure that we put the child ahead of men and women.

With those remarks, I beg to support with amendments.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Millie, make sure that you do not be excited. Otherwise, we will be in trouble.

Yes, hon. Emanikor!

Hon. (Ms.) Emanikor: Thank you, hon. Temporary Deputy Speaker. From the outset, I want to strongly oppose this Bill.

Much as the Bill is anchored on Article 53 to protect the rights of the child, and much as it identifies care and protection of the child as a

responsibility of the parent, I am concerned with the wording “equal responsibility”. There is need to define these responsibilities. There are financial responsibilities. There are other responsibilities that women undertake, which women cannot do. Therefore, there is need to identify circumstances in which the word “equal” will be applicable – for instance, where parents have equal income. There are situations where we have housewives and working husbands. I do know how the word “equal” will apply in such an instance, particularly with regard to the financial responsibilities.

This Bill should call for the costing of all household chores that women undertake, including carrying of pregnancies and enduring labour pains as well as cooking and other activities that women undertake in their homes. The Bill is a clear indication that the well-to-do spouses want to run away from their responsibilities. The Mover of the Bill should declare his interest.

The Temporary Deputy Speaker (Hon. Cheboi): We will have hon. Shakeel Shabir.

Hon. S.S. Ahmed: Thank you, hon. Temporary Deputy Speaker.

I do not support this Bill in the format it is. Even on the issue of children, we are an African society. I know that I am one of the least qualified to speak about African culture but I know the African social system. An African child is a child of the village and a child of the country. As the Constitution has set it out, the issue of equal rights should not be prejudicial rights. The issue of equal rights should not be used to force somebody to do something which does not conform to the Constitution.

The fact that you may be the parent of a child does not require you to have equal rights of access to the child if you have never looked after that child before and you are using the provision for prejudicial purposes. It can be done by both the woman and the man. There are cases where children have been abducted not for the sake of the child, but for the sake of property, and for the sake of emotional blackmail. So, that is something I am totally against. We will bring our amendments.

Hon. Millie has said on my behalf, what I wanted to say. So, I will not spend more time on it. I oppose the Bill in its present context.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ochieng, you will have the last shot, which will last a minute and a half.

Hon. Ochieng: Thank you, hon. Temporary Deputy Speaker. I support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Take the remaining half a minute, hon. Nyikal and then I will give direction.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I can only support this Bill with amendments. The most important thing to consider is taking into account the best interests of the child and custody. Think of a month-old or a day-old baby. If we say that both parents have equal rights, where will the custody of the baby be? If the two parents are not in agreement, what will happen to the child? We need to introduce amendments to take care of the interests of the child.

The Temporary Deputy Speaker (Hon. Cheboi): Very well! Hon. Were, you have 30 seconds.

Hon. Were: Thank you very much, hon. Temporary Deputy Speaker. On the outset, let me say that I support the Bill.

As the Chairperson of the Departmental Committee on Labour and Social Welfare, I can tell this House that hon. Kaluma appeared before us. We looked at this Bill at length. On the concerns raised by hon. Members, as a Committee, we are coming up with a rider.

We accept hon. Kaluma's amendments but there is a proposal that the mother of an infant shall have parental responsibility in the first instance, but nothing shall stop a court of law from awarding such responsibility to the father in the second instance, or any other suitable person, if it is in the best interest of the child, provided that the provision does not deny or interfere with the parental responsibilities of either parent.

We are also proposing that the father or mother of child may be denied their parental responsibility of the child on the ground of cruelty, insanity or child neglect.

With those remarks, I beg to support with the proposed amendments.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, the allocated time for this debate is over. It is, therefore, now time for the Mover to respond.

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order, hon. Millie Odhiambo-Mabona? You have just had your say.

Hon. (Ms.) Odhiambo-Mabona: On appoint of order, hon. Temporary Deputy. My point of order is arising from what the Chairperson of the Departmental Committee on Labour and Social Welfare is indicating. If you listened to what the hon. Member has just indicated; in my view, it is exactly what the Bill provides now. Therefore, why would you be negating totally what hon. Kaluma is doing? Is it in order to totally negate the intent

of the Bill? I agree with the issue of equality, but with a proviso not to take it back to what hon. Kaluma is trying to do.

The Temporary Deputy Speaker (Hon. Cheboi): You have said it, but let us have hon. Kaluma to respond.

Hon. Kaluma: Thank you, hon. Temporary Deputy Speaker. May I start by thanking all hon. Members of the House who had occasion to look at this Bill and the Constitution and, of course make presentations. I take it that all the presentations, whether in support or in opposition of the amendment proposals, were made objectively and in the best interest of our Kenyan children in mind.

Hon. Temporary Deputy Speaker, this issue of hon. Kaluma' interest has kept coming up. Let me say that I have interest in the children of this country and, indeed, all of us should also be interested. I want to see hon. Members or the leader who says that he has no interest in the children of Kenya.

Hon. Temporary Deputy Speaker, I had said before that the perpetuity of our country depends on how many children we get and how well we bring them up. I, therefore, wanted to urge all of us not to personalize this issue; I beg for the objectivity of all.

If you look at Article 53 of the Constitution and cross-check against the provisions I am seeking to have repealed for being inconsistent with the Bill--- If you agree, let us have the best interest put forward and let us have proposals in terms of improving this Bill.

As I end, I am grateful to hon. Millie Odhiambo-Mabona and the Chairperson of the Departmental Committee Labour and Social Welfare, hon. Were, for making suggestions. That is the reason why I am thumping my feet. It does not fall on me alone to think of the care and protection of our children. It befalls on all of us leaders to think on how best to improve this. I am confirming to hon. Members that I am going to be very open to hear suggestions, if you have any; which can improve how we take care of our children. Let me have them so that we can factor them in at the legislative stage, which is actually the point at which we legislate. May God bless of us as we do this.

Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, it looks like we have quorum. We have slightly over 50 hon. Members. In fact, we have 52 hon. Members in the House. You, therefore, have the ability to make a decision.

(Question put and agreed to)

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

MOTION

GOVERNMENT POLICY ON COMMERCIAL MOTORCYCLE OPERATORS

The Temporary Deputy Speaker (Hon. Cheboi): Let us have hon. Ochieng to move his Motion.

Hon. Ochieng: Thank you so much, hon. Temporary Deputy Speaker. I am happy that we have been able to get a chance for this Motion today and, therefore, I beg to move the following Motion:-

THAT, aware that there is increased use of commercial motorcycles as a means of transport all over the country, which in turn has led to concomitant increase in the number of commercial motorcycles; commonly known as *boda bodas*; acknowledging the role played by the *boda bodas* in enhancing access to transport, communication and commercial activity especially in the rural Kenya; which is characterized by poor road networks; deeply concerned that most of the *boda boda* operators are not properly trained and licensed to operate the motorcycles, leading to frequent motorcycle accidents and loss of lives; noting the prohibitively high cost of acquiring training and motorcycle riding licenses; deeply disturbed that most *boda boda* operators face incessant harassment from law enforcement officers; taking into account the invaluable contribution of the *boda boda* operators to the Kenyan economy; this House resolves that the Government immediately develops a policy on operations of commercial motorcycle (*boda boda*), subsidizes the costs of acquisition of training and commercial riding licenses, establishes regional motorcycle riding licensing units and develops public awareness campaigns to ensure safety in commercial motorcycle transport in Kenya.

Hon. Temporary Deputy Speaker, this Motion is borne out of a very simple fact that the use of motorcycles is becoming a major means of transport for more than 50 per cent of the Kenya population. It is, therefore, important that we ensure the use of this means of transport is not only feasible or safe, but effective, so that those who ply using the motorcycles are well protected, provided for and well regulated.

Historically, *boda bodas* or motorcycles or bicycles for that matter were not a major means of transport. But if you go to Busia today – I have been reading competing literature on this subject and I have found out that on the Ugandan side, they are saying that the *boda boda* term originated from Uganda and on the Kenyan side, they are also saying that the *boda boda* term originated from Kenya. This is from the Busia County, at the border.

At the Busia County border with Uganda, we have a “no man’s land” which is almost half a kilometre and, therefore, for the small-scale traders there--- I grew up in that side of the country and we would buy maize and beans from Uganda. Those who used to drink *busaa* would cross the borderline, go and drink *busaa* and come back in the evening.

Therefore, the bicycles would then ferry them from the Kenyan border to the Uganda border; hence the term *boda boda*. Ideally, border to border – moving from the Kenyan Busia border to the Uganda Busia border hence they came up with the name “*boda boda*”.

On the other side of the country in Uganda, they have the same history and they claim that they are the ones who started this. Therefore, from that time, it then moved into the interior of these countries. I can assure you, it is not only a border issue, but a whole East African-wide issue and it is a continent wide-issue.

In Africa now, the use of *boda boda* is everywhere. In Nigeria they call them *Okada*. It is being used all over the continent as a means of transport. That is why it is very important that we recognize the people who use this means of transport and recognize it; not only as a transport function, but also as an economic and social function.

Hon. Temporary Deputy Speaker, the use of motorcycles as means of transport is pro-poor. Most people who are poor cannot afford a motor vehicle. Above all, there are areas in this country where the only means of transport or the only way of moving from one point to the next point is either you walk or you take a *boda boda*. Therefore, what those people do cannot be gainsaid.

Hon. Temporary Deputy Speaker, in some cases, this is the only means of transport available. If you are driving in Nairobi, you will realize that most of the time-- I was being told this morning by those who do business that if you are going to delay in presenting your tender, the only thing you need to do is to call a *boda boda*. That is because he is able to manoeuvre through the traffic and get where you would have got in 30

minutes in ten or five minutes. Therefore, the manoeuvrability of use of *boda bodas* is also a big advantage.

If you go to Industrial Area, you will find that the use of *boda boda* means of transport is just to spur business – to make business move so fast.

Transporting goods from Kuresoi to Nakuru Town with a very poor network down there relies so much on *boda boda*. Therefore, the main gist of this Motion is that we must make the use of this means of transport, because it is not only cheaper, but safer. We should ensure that the Government puts resources in regulating this sector, without necessarily harassing the *boda bodas*.

Research done in Kakamega, Nakuru, Kisumu, Busia, and Machakos county, showed that more than 30 percent of the youth in this counties depend on their day to day earnings and day to day work on this means of transport. So, it is a big source of employment. I have also heard - and I have seen--- Politicians like you and I may not like them, but those are guys we rely upon to heckle our opponents during our campaigns. *Boda Bodas* have so many purposes. As parliamentarians, we do not want to take that next level to ensure that those people also have a good living that is decent from the kind of trade they ply. The reason this Motion was brought is because there are challenges that, that sector faces. There are also challenges that people who ply that trade face. One of the major challenges - and which I think this country needs to look at very keenly – is that there are people in that sector who pay school fees for their children in high school and university through that business. We take them as boys. We think they are just some young boys or people who are idle. That is a very big business and, therefore, there is need to recognize it as a formal means of transport. The Government can create jobs on the upstream and downstream of that sector. From Ugenya where I come from, if somebody is at Sega and wants to repair his motorcycle, he has to travel like 50 kilometers to get the next motorcycle repair shop. This is a very big business going on. But the Government has not taken the initiative to train those who will be able to repair and service those motorcycles. This is a big challenge but also a business opportunity, an opportunity for the Government of Kenya to provide the young people with jobs. They can become the artisans. They can get jobs after being trained to repair motorcycles. Regulations with regard to how *boda bodas* should operate has been haphazard. It has been reactionary and largely, prohibitive. Even as we speak, without anticipating debate, you know their regulations have been made by the National Transport and Safety Authority. I think they are before the Committee of

Delegated Legislation. The Committee tried to put in stiffer penalties for *boda boda* riders and that kind of a thing. This is what I am talking about. The regulations that we came up with, are not geared towards making business easier. They are geared to tighten the noose as it were, on the people who operate that kind of business. What the Government must do is to recognize that, that is something that is happening. It is with us here. Can we do a policy, like we have done for the *matatu* and bus industry? Can we do a policy to help those people operate and operate well?

There is a reason why this Bill is important. You will find the police hiding somewhere in the paths and not on the main roads waiting for the *boda boda* operators to come and they pounce on them. In the rural areas where burials are done mostly on Saturdays, you will find the police leaving their bases to go somewhere in the bush, park their lorries somewhere and wait for *boda boda* riders as they transport people to burials. On Saturdays, hundreds of people are arrested and the police get money from them without even being charged. About Kshs3,000 to Kshs6,000 is given in bribes. This is not well regulated. Instead of the business being a source of income for those who are plying the trade, it is a source of income for the police and law enforcement officers. That is why we must ensure that we make that trade legal and put parameters that will make those who ply it get something out of it. Because of what I have just said, you will find that most of those people are indisciplined. They do not want to follow the law. That is because they say: "Whether I follow the law or not, if I meet a police officer, I will be asked for a bribe." That contributes to the indiscipline and not following the law in that regard. If you recognize that, that is a very important thing in this country; if you realize, for example, that it transports people from Embakasi to town, then why do we not, as policy makers--- This country is now embarking on very serious and major infrastructural projects. Can we not provide for lanes for those people on our roads? Can we have lanes dedicated to them so that even as a user of motor vehicles--- Sometimes, they are ahead of you and, instinctively, you find yourself hooting at them and yet, they also have a right to the road! They have a right but you find most drivers hooting at the motorcycle riders ahead of them as if they do not have the right to use the road. That is what we are talking about. If we do not think they should be using the road, let us put a lane for them. But if you think they should be using the road, then we must do public awareness. Motor vehicle drivers must know that those people are genuinely and legally entitled to use the road network.

So, do not hoot at them when you see them. Hooting at them makes them try to manoeuvre and avoid using mainstream roads and follow the traffic laws. I have talked about police harassment. Safety of passengers in that means of transport is very key. You have heard in this House before and read in the papers that there are hospitals in this country that have dedicated wards for people who are injured while using that means of transport. The idea here is: Can we - through the policy that you are going to create - make it easy for the operators of that means of transport acquire the necessary safety gadgets as they go about their businesses? The number of deaths, the number of injuries and people being maimed through that means of transport is alarming. I think we cannot cover our heads in the sand and say: "This is for the young people. Let them go about their business as the police take money from them and people lose their lives every day with this means of transport." So, the policy will then address the safety aspects of this. Most people who own those motorcycles are not the riders. Most of them are teachers, some of whom are in the villages. They are people of means. It would be good to work on a policy that will help those who ride motorcycles and who would wish to own their own motorcycles. Get them means of accessing finance. Get them means of getting the motorcycles and paying for them in installments. That way, we will ensure that the riders are careful in the sense that they own them. But because they do not own them, they do not care. They do not have responsibility. If you enable them to have means of owning them, they will be fine.

Theft of motorcycles in the last one year alone is really bothering the owners and endangering the lives of those who lease them. They do not steal the private ones. They steal those that are being used for business. The people are being waylaid and motorcycles stolen. This is a challenge that is facing this Bill. As I end, I just want to propose what needs to be done. One, like I said, the Government of Kenya is developing the necessary physical infrastructure to enable the operations of *boda bodas* to be something meaningful, easy and without hustles. On the implementation of the laws and regulations, let this not be a cash cow. Let the police not think that they are going to use the motorcycle industry as a cash cow. Let the riders also know that they must follow the regulations for them to operate in this country. So, that enforcement of the law should be done to ensure that the operations are safe. Can we, as a Parliament, get a way of getting cheap insurance cover for that means of transport, either as the business or as passengers? Is it possible to get a cheaper cover? Currently, we are using the cover that is used by motor vehicles and the cost is a bit prohibitive. Can

we get a way of having those people access insurance cover that meets the kind of trade they are plying in? Just like any other venture or business, if we are able to train those people - because they are young people and they are Kenyans - and develop business skills because whatever little they earn from that business, they can invest. They can go into horticulture and animal husbandry so that they can diversify. That way, when a young man does not go to the road, he is still able to fend for himself. Not that when they get sick, they cannot even fend for themselves.

What this Government needs to do is to recognize the role that those people play in the development of the economy of this country. This is also tied down to education and public awareness on SACCOs, investment practices and running of rural economies. This will really go a long way in helping them. It is very important not only to the motorcycle riders, but the whole country. Everybody should be put in a point of knowledge. Public awareness will be very important on the safety. When you travel all over Africa, either in Rwanda, or Freetown or in Gaborone or Harare and you are using a motorcycle, you will find most of them require you to put on an helmet, even if it is dirty. The passenger will be required to put on an helmet. So, the public should be made aware that there are things that they need to have as they use that means of transport. Therefore, public awareness is very important.

As I move the Motion, I wish to inform hon. Members that if this Motion is passed, we will be resolving that the Government of Kenya prepares an all encompassing policy on *boda boda* operations and that the Government subsidizes the cost of acquisition of training and commercial motorcycle riding licences. Currently, so much money - Kshs7,000 - is not easy to come by. If we could reduce it to about Kshs3,000 or Kshs4,000, it will be very easy for those people to get it. That is because one of the major ills in the industry is lack of training and licences. So, if we can subsidize that and devolve the process of issuing licences to the counties and sub-counties, it will be very easy for our young people to acquire them.

Finally, hon. Temporary Deputy Speaker, the Government will develop a public awareness campaign to ensure safety in commercial motorcycle transport. If this Motion is passed, I am very sure that if we combine it with other laws available, it will make the business and the use of motorcycles as a means of transport worthwhile and something to look forward to using.

With those many remarks, I beg to move this Motion and request my worthy neighbour and son of Ugenya, hon. Wandayi, to second.

Hon. Wandayi: Hon. Temporary Deputy Speaker, thank you. Of course, I must clarify that I am not a son of Ugenya. I am a son of Ugunja, which I ably represent in this House.

I rise to second the Motion. Indeed, I must thank my good friend, hon. Ochieng, for coming up with this Motion. It could not have come at a better time. The way in which the Government has continued to treat the *boda boda* industry - if I may call it so - is to suggest that the *boda boda* industry is the problem. I want to submit that *boda boda* is just but a symptom of a much deep-seated problem - a social and economic problem. If you went to the countryside today and in major towns, you will notice that the *boda boda* business is no longer a preserve of those who did not go to school. It is no longer a preserve of people who have had no chance of being exposed. You will notice that the *boda boda* business is now a business of people, some of whom have gone to school up to university level. Why are people who have gone to school; people who are able-bodied; people who are intelligent engaging in *boda boda* business? The reason is that those people are frustrated. They are frustrated because they are unable to get access to other alternative sources of gainful employment. It is a fact that the unemployment crisis in the country is reaching a boiling point.

Hon. Onyango: On a point of order hon. Temporary Deputy Speaker. I am sorry to interrupt hon. Wandayi. This is a very important national issue about the *boda boda* industry. However, the fact that hon. Ochieng of Ugenya and hon. Wandayi of Ugunja are the people proposing and seconding may make it look like they are sorting a local problem using the national means. I do not know what you have to say about that. That is with a light touch!

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): I do not think that would be the case. I think hon. Members are free to bring any Motion and whether a neighbour or cousin seconds it, does not make it less of a national issue.

Hon. Wandayi: Hon. Temporary Deputy Speaker, Ugunja and Ugenya are representative of the country as it is. Having said that, what I was trying to stress is the fact that people are getting engaged in the *boda boda* business as a last resort.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Wandayi. What is hon. King'ola?

Hon. King'ola: On a point of order, hon. Temporary Deputy Speaker. I want to support what the latter Member of Parliament has said that this Motion is national. Although the word “*boda boda*” originated from western Kenya, I would have wished the Seconder to just nod his head so that we contribute to this Motion. That is because this is a very important Motion.

I want to support hon. David Ochieng's Motion. I request that we are given five or three minutes so that we can ventilate on it.

The Temporary Deputy Speaker (Hon. Cheboi): You now know the rhythm. If you wanted to have the five or three minutes, you should have raised the issue at the beginning of the Motion. However, the issue of him having to nod or otherwise is entirely with him. The time he has now in the Standing Orders is ten minutes. He has a choice to use three, five or one minute. That is entirely up to him.

Hon. Wandayi: Thank you very much, hon. Temporary Deputy Speaker. My tradition is that I speak very economically. Really, if I have nothing to speak, I would not take much time on the Floor.

Since this business has become a business of the last resort due to the frustrations that our young people face as a result of lopsided policies by successive regimes in this country, it is a phenomenon that is here with us. This is going to be with us for a long time to come unless of course, the Jubilee Government takes definite steps to address the issue of unemployment. But I do not see them doing that the way they are moving.

Having said that, *boda bodas* still provides the essential services of transporting people and goods. Therefore, it is a contributor to the economic development of the country. That cannot be over-emphasized.

Hon. Temporary Deputy Speaker, what worries me is that, despite the fact that *boda bodas* play a central or key role in the development of the country, those who operate that business are continuously demonized by the society. This is done left, right and centre. To add insult to injury, those people undergo perpetual harassment from law enforcement agencies, particularly the police.

The *boda boda* business has become a “milk cow” for the rogue Police Service. Many a times, I am called upon to bail out *boda boda* operators from police stations in Ugunja, Sidindi and Sigomre in my constituency. That is because those people have got no recourse. Therefore, it is upon this House to come out clearly and support them.

One thing that the Government can do and must do is to create an enabling environment - and that is the primary role of any Government – for *boda boda* boys to operate safely and securely. That can only happen

through an enactment of a policy paper. That is a policy paper to regulate the *boda boda* industry as it were.

Hon. Temporary Deputy Speaker, it is important that we develop the *boda boda* operators into responsible citizens so that the business can be sustainable. There is a lot of potential that can be harnessed and this can be done through encouragement of those operators to form SACCOs so that they can save money, invest and make profits so that, in future, they can leave the *boda boda* business and engage in other forms of gainful employment. So, this is an opportunity as a county. What we require is a policy framework and a Government that has goodwill.

As I conclude, I also want to encourage the Government to consider encouraging foreign investors to come and establish assembling plants in the country so that we do not have to import *pikipikis* or motorcycles from China and India and yet, we have the capacity in the country to assemble them locally. That will create employment for the youth.

Hon. Speaker, Temporary Deputy Speaker, therefore, as I conclude, this is a very important Motion that needs to be supported by all Members of this House. It is a Motion that should have come even much earlier and, therefore, with those very many remarks, I second. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well.

(Question proposed)

Hon. Members, as we proceed to this one, I see Members have an issue with the time to be contributed to by Members. I want Members to be disciplined on their own. Let us regulate ourselves. We really do not need to pass a Motion at this bit. If we are talking about three minutes, you are free to contribute for three minutes. I see many times when Members say they want three minutes and they end up speaking for much longer than that.

I would consider this the beginning of the Motion and if Members really genuinely want to put that, we could be able to handle it at this point in time. What is it hon. Member for Migori, hon. Ghati?

Hon. (Ms.) Ghati: Hon. Temporary Deputy Speaker, I want to contribute to this Motion.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. Then you will have your time. You had placed it at the intervention slot. I have seen you. Hon. Iringo, what is it?

Hon. Iringo: Thank you, hon. Temporary Deputy Speaker. I was just going towards the direction you have just mentioned. I was requesting that

due to the interest this Motion is generating, we limit the time to five minutes.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, we have five minutes on the Table and, therefore, that is what I am going to put the Question on.

(Question, that Members contribute for five minutes each, put and agreed to)

The Temporary Deputy Speaker (Hon. Cheboi): I still see there is something from hon. Onyura. What is it hon. Onyura?

Hon. Onyura: Hon. Temporary Deputy Speaker, I had also noted the interest and the observation here that this is something that will be of nationwide interest. I was actually going to suggest that we go for three minutes so that everybody that is here has a chance to contribute.

The Temporary Deputy Speaker (Hon. Cheboi): Well, the House can easily pronounce itself on this. You make your decisions. We had five minutes and now you want three minutes. I will do my duty, which is that Members contribute to this Motion for three minutes each.

(Question, that Members contribute for three minutes each, put and agreed to)

The Temporary Deputy Speaker (Hon. Cheboi): Three minutes it is and we will start with hon. Njuguna of Gatanga.

Hon. Njuguna: Okay. Thank you, hon. Temporary Deputy Speaker. Right from the outset, I want to support this Motion. I want to say that as the legislator for Gatanga, I have been involved in *boda boda* issues; be it releasing the *boda boda* riders from police stations and funerals because there have been a lot of accidents arising from *boda bodas* and even building *boda boda* sheds.

Hon. Temporary Deputy Speaker, so what am I saying? *The boda boda* phenomenon in this country cannot be ignored just like the way we had the *matatus* in the late 1960s and 1970s. It is a new mode of transport that is national.

We do not want it to go the way the *matatu* industry has gone over the years. We all know the prevailing chaos in the *matatu* industry. We want the *boda boda* mode of transport to be taken care of such that we are able to come up with a proper legislative framework that takes into account the

social and economic challenges facing the transport industry. Just like the hon. Member who seconded the Motion noted, the *boda boda* sector has created employment and some form of social engagement that has assisted the youths to stay away from bad social habits like drug abuse. So, we cannot ignore the role that the *boda boda* sector has played in the social and economic development of this country.

We also note the challenges that prevail in this sector, like the fact that there is no training. The *boda boda* operators have had problems with insurance such that they always get harassed by the police and the county governments. As a form of transport, we note that currently, they form the most affordable alternative mode of transport. For me, the way forward is that we need to accept that this area requires a proper legal framework, in terms of training and provision of a conducive environment for their operations. Buses have stages. We have seen an attempt, in our constituencies, where we have come up with *boda boda* sheds. We can do better for them. An hon. Member noted that perhaps we can come up even with a fund for *boda boda* operators, so that we can encourage them from their form of engagement with a view to pushing them to a higher level like *matatus* or buses. They can move from the public industry to finally---

The Temporary Deputy Speaker (Hon. Cheboi): Those are your three minutes. Allow me an opportunity to give the Member for Westlands Constituency.

Hon. Wetangula: Thank you, hon. Temporary Deputy Speaker. From the outset, I wish to support this Motion.

Promotion of the *boda boda* business is the best way to empower the youth, if the Government is serious about youth empowerment. It is also a way of creating jobs for our young people. Most of the young riders do not own the motorbikes. The motorbikes are owned by other people. The youth are just riders. They are treated in a very crude manner. Sometimes, they are paid Kshs100 for a day's job. As leaders, we should put a regulatory policy in place. The Government must come up with regulations to make sure that, that important sector of the economy is properly regulated.

I have personally taken it as my own petty project within Westlands Constituency. I am working with all the stakeholders, including the riders, to make sure that there is order. If those youngsters are helped, they can even set themselves in groups. We have seen what is happening in Kitengela. Those who own motorbikes there have opened a savings and credit society, where they are investing their money. Most of them now own homes because of the regular income they get from their motorbikes.

That is a very good way of trying to remove our youth from criminal activities and from the streets. That is because many a times, when we do not harness the energy that our youth have, they use it in the negative way.

Hon. Temporary Deputy Speaker, if we do not regulate the *boda boda* means of transport at this early stage; if we leave it to go on the way it is going, it will end up the way the *matatu* industry has; whereby there is a lot of indiscipline and the police use that as a “cash cow”.

Hon. Temporary Deputy Speaker, sometimes---

The Temporary Deputy Speaker (Hon. Cheboi): Sorry, your three minutes are over. Hon. Members, on this one, since we are contributing for only three minutes each, I will strictly go as per the list as it is here. I really do not need to juggle between the sides of the House.

Therefore, we will have the hon. Member for Chuka/Igambambuzi--- Sorry, Chuka/Igambang’ombe and not Igambambuzi.

(Laughter)

Hon. Njuki: Thank you, hon. Temporary Deputy Speaker. Just for clarity, my constituency is called Chuka/Igambang’ombe Constituency; a very beautiful name. I should let you know the meaning of the name “Igambang’ombe”. It is very nice.

Hon. Temporary Deputy Speaker, I want to note with a lot of appreciation that before 2008, the motorbikes used to be a preserve of the rich, the NGOs, the Government or companies that could afford them. That is because, at that time, they were very expensive.

Until the Government of President Kibaki removed the duty or actually waived duty of importing motorbikes; there was then an influx of motorbikes into this country. Of course, it also came with delusion in quality because that is when we started having motorbikes from China, India and all other places.

Hon. Temporary Deputy Speaker, we have to admit that the motorcycle industry popularly known as *boda boda* has revolutionized transport in this country. It has cut the time of movement because of infrastructure as we are able to use even trucks. They do not have to use the main roads that favour 4WD vehicles. They have cut distances and of course, because of that, we have been able to contribute very highly to the Gross Domestic Product (GDP) and the economy of this country.

However, the paradox of the *boda boda* transport industry is that it is also the highest contributor to the mortality rate in this country. The number

of deaths we get from motorcycle accidents and kidnappings and the whole malpractice that goes with the industry is worrying. There are parts of this country where we have wards in hospitals that are reserved only for motorcycle accident victims because they are usually a lot in every county.

Hon. Temporary Deputy Speaker, this Motion will regularize and bring some order, meaning or discipline to this sector. We can actually have an organized transport system just like the one we have in the *matatu* industry. Today the capacity of a *matatu* is normally written on the door. It shows very well; fourteen passengers. How many passengers is a motorbike is supposed to carry? It can carry as much as it can be able to move; as long as the rider switches on an accelerator and it is able to move. He does not really care how many people he is carrying because the idea of the capacity a motorbike can be able to carry is if it is able to move. That is actually the reason to worry because that is one of the reasons why we have very fatal accidents caused by motorcycles.

Hon. Temporary Deputy Speaker, today, the private motorcycle owner; the one who uses his motorcycle for private means cannot be differentiated from the one who is using it for *boda boda* business. But in the *matatu* industry, we can be able to do that.

The Temporary Deputy Speaker (Hon. Cheboi): Sorry, your time is over.

Hon. Njuki: No! My time is not over, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): It is over.

Hon. Njuki: It is not over because the light is not on.

The Temporary Deputy Speaker (Hon. Cheboi): Order! Order, hon. Njuki!

Hon. Njuki: Hon. Temporary Deputy Speaker, you cannot---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Member for Chuka/Igambang'ombe! Your time is over. We will have hon. Dennitah Ghati.

Hon. Njuki: Hon. Temporary Deputy Speaker, can the Clerk save me because the time is not over---

The Temporary Deputy Speaker (Hon. Cheboi): Your time is over. We will have hon. Dennitah Ghati to contribute. Hon. Member for Kaiti, did you remove your card? Let us hear from hon. Dennitah Ghati.

Hon. Members, when we make decisions, we must live by them. You are the ones who decided that it is three minutes and you stick to your three minutes. Proceed, hon. Ghati.

Hon. (Ms.) Ghati: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. Allow me to support this very important Motion that seeks to sanitise the *boda boda* industry. In Migori County, every other young person is a *boda boda* operator. Those *boda boda* operators do not even own *boda bodas* that they ride. They are owned by some other tycoons who lease them out for work. For me, this Motion will try to look at how we can empower those young people. Every time we think about *boda bodas*, we think of academic dwarfs and people who have not gone to school and yet, that is an industry that even graduates are participating in.

It is a very important industry that we need to regulate. One of the things that has been affecting the *boda boda* industry is harassment from the police. We need to address the issue of police harassment against *boda boda* operators. In every constituency, the policemen do not stand around road blocks. They hide somewhere in the bush so that the *boda boda* operators cannot see them. They collect bribes and all manner of money from those operators.

This is a very important Motion. We need to recognise that the *boda bodas* contribute a lot to this country. So, as we move on into the Second Reading, I wish to say that this is a very important Motion that needs a lot of support, so that our young people are able to eke a living with dignity from an industry that they will all love.

Hon. Chanzu: Thank you, hon. Temporary Deputy Speaker. This is a very important sector. So, we all support it. It is something that has just emerged voluntarily. It was not organized in order to come up. So, it is now time for us, as the leadership and the Government, to put in place mechanisms to organise the sector. In most of the hospitals, we have special wards catering for victims of motorbike accidents.

I have tried to assist the operators to get licences, so that they are not bothered by the police. Insurance is also a very important issue. If we get the industry organized, it will be possible for us to find affordable insurance premium which can cover both the motorbike operators and the passengers. Occasionally, you will find that a passenger is on a motorbike and when he or she falls off, the operator just rides away. Many people have been hurt. This is a very important sector because even for us here in Nairobi, it is much easier to move around on a motorbike. I have sent somebody to the airport to deliver some mail and it is much easier to use a motorbike than a motor vehicle in the traffic jam. So, I support the Motion. This is a source of livelihood to many people. If the industry gets organized, it will be easier to operate.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Kaiti for one minute and then you will have your two minutes later.

Hon. Makenga: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. It is a very important Motion to me. The *boda boda* operators, especially in my constituency, have been facing a lot of challenges, especially the harassment from the police. Whenever they are taking their customers to their destinations, they are stopped by the police and if they do not have driving licenses, they end up bribing the police. In fact, this Motion has come at the right time because the Government will develop a policy to ensure that, that very important sector in our society is very well regulated.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Member! You will have your two and a half minutes when this debate resumes.

ADJOURNMENT

Therefore, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.