

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 11th February, 2009

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following paper was laid on the Table:-

Report of the Parliamentary Delegation to the 4th Session of the World Urban Forum held in Nanjing, China, from 3rd to 5th November, 2008.

(By Mr. Kaino)

QUESTION BY PRIVATE NOTICE

GOVERNMENT'S SLOW RESPONSE
TO NAKUMATT DOWNTOWN
FIRE DISASTER

Mr. Washiali: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Could the Minister explain the extremely slow response to the recent inferno at Nakumatt Downtown Supermarket in Nairobi?

(b) Could the Minister table a casualty list showing the deaths, injuries as well as the state of those in hospital?

(c) What urgent arrangements have been made to ensure compensation for the deaths and injuries?

(d) What measures has the Government since taken to enhance its level of preparedness for disasters in Nairobi and other towns in the country?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The response to the inferno at the Nakumatt Downtown Supermarket cannot be termed as extremely slow. The fire started at about 14.45 hours and the Police cordoned the area immediately the fire broke out. The Police Control, on its part, mobilized the fire departments which were able to make it to the scene in less than ten minutes.

The Nairobi City Council Fire Brigade were the first to arrive with two fire engines. Group 4 Security Firm came with two fire engines. Life Support First Responders arrived with two fire engines, the military with five and the Kenya Airports Authority with two.

The National Disaster Operation Centre (NDOC), on its part, quickly set up an incident

command centre, mobilized the responders and together with the police and other stakeholders, coordinated the operation to the end.

(b) So far, 31 people have been confirmed dead as a result of the inferno. However, none of these bodies have been positively identified due to the extent of the burns caused by the fire. This has resulted into a conflict in identification as several bodies are being claimed by several different people as those of their relatives. DNA tests have been undertaken by the experts and the results are being awaited before positive identification can be done. Towards this end, the Government is unable to table the names of the dead as required by the hon. Member. For those who were injured, their names are as follows:-

(1) Jeremiah Pius Omwoyo who is admitted at the Kenyatta National Hospital and is in fair condition.

(2) Stephen Kemei who is admitted at the Kenyatta National Hospital in fair condition.

(3) Kamau Gachara who was treated at the Kenyatta National Hospital and discharged.

(4) Caroline Wanjiku was treated and discharged at the Kenyatta National Hospital.

(5) Beatrice Njeri was also treated and discharged at the Kenyatta National Hospital.

(6) Veronica Wanjiku was treated at the Kenyatta National Hospital and discharged.

(7) Yumba Mwang'ombe was also treated and discharged at the Kenyatta National Hospital.

(8) Stephen Musyoka was treated and discharged in the same hospital.

(9) Peter Njoroge was treated in a private clinic in Dandora and discharged.

(c) No arrangements have been made by the Government, so far, to compensate the deaths and injuries because compensations are determined after court proceedings.

(d) The Government has embarked on improving and strengthening disaster preparedness for effective response by fast-tracking training curricula on disaster management at all levels.

A task force has been set up at the Office of the President to produce a training manual that will facilitate a crash programme aimed at bringing together stakeholders and Local Government institutions in the Nairobi City Council and further to the District Disaster Management Committees down to division level.

In respect to the Kenya Police, a Disaster Management Team to deal with any disaster that arises has been established within the Nairobi Area Command. In addition to this, officers are deployed on daily basis to be on stand-by duties for quick and easy mobilization and response to any disaster.

Mr. Washiali: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the answer he has given. This Question is raising very serious matters on how much we are prepared in managing disasters. He has talked about the Nairobi City Council (NCC) in terms of how they responded to this disaster.

The Nairobi City Council Fire Brigade are located 150 metres away from where we experienced this fire. It is on record that they took a whole 30 minutes to move 150 metres from where they were to the fire scene. Besides the Government Ministers rushing to the scene of disaster to mourn, how prepared are we in the event of another disaster?

Mr. Lesrima: Mr. Deputy Speaker, Sir, there are many challenges we face when a disaster happens. This is because disasters occur when they are least anticipated. With regard to the NCC, I cannot say what problem they had with regard to their water hydrants. That made it very difficult to access water so as to assist. However, the Nairobi Water and Sewerage Company and the NCC are looking at the challenges.

Mr. Shakeel: Thank you, Mr. Deputy Speaker, Sir. The disaster management, of course, has been a problem. Is the Assistant Minister aware that the NCC does not have sufficient fire brigades and fire fighting equipment? I also want to know if this issue falls under his docket or that of the Ministry of Local Government.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I do not think that there is any country that can have

adequate fire fighting facilities. The role of the Office of the President is to coordinate the stakeholders. As I said, seven organizations---

Mr. Nguyai: On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister says he does not think that there is any country that has the capacity to be totally prepared for disasters. Is he in order to mislead this House in this way?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I am sure that hon. Members have been looking at what is happening in Australia. This depends on what type of disaster we are talking about. Let me go back to the issue of the NCC. Yes, I do not think that they have all the facilities.

However, in this incident, the organizations that came to support the operation, for example, the Kenya Airports Authority, Group 4 Security and First Responders were part of the team that handled the disaster. They will continue to be part of the team. This matter cannot be handled by one operator or the NCC only. It has to be a coordinated effort by various stakeholders.

Mr. Njuguna: Thank you, Mr. Deputy Speaker, Sir. I would like the Assistant Minister to tell this House what security measures he has taken as a result of this fire that affected very many people in Nakumatt Supermarket Nairobi. It has also been indicated that there were no adequate exits in that building. What overall security measures has he taken to safeguard the interest of customers whenever they visit business premises and assure them of their safety back to their homes?

Mr. Lesrima: Mr. Deputy Speaker, Sir, an audit of all the public places in Nairobi is being carried out under the supervision of the Provincial Commissioner (PC). We intend to audit all the public places to ensure that they meet safety requirements.

Mr. Mbugua: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that there were enough exits in Nakumatt, but people were locked inside? What steps is he taking to ensure that the management of Nakumatt is liable and is charged for murder as a result of the fire tragedy?

Mr. Lesrima: Mr. Deputy Speaker, Sir, the police are carrying out investigations to establish the facts. If there are legal issues surrounding the tragedy, we will leave that to be concluded by the police. I am also pleased to note that the insurance companies that are concerned have been co-operative. They have committed themselves to meet the obligations when the investigations are finalised.

Mr. Washiali: Mr. Deputy Speaker, Sir, the building in question was just a two-storey building. What would happen if the Nyayo House or the Kenyatta International Conference Centre (KICC) caught fire?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I pray that those buildings do not catch fire. However, we need to be in a permanent state of preparedness. Each organisation should work out its own contingency plans to deal with tragedies like the one that occurred at Nakumatt. These plans should be implemented by the organisations depending on what tragedies they are targeting, for instance, fires and earthquakes. We should also have simulation exercises, so that we are in a permanent state of preparedness.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. The building that housed Nakumatt was only one-storied, yet all the eight fire fighting units could not put it off. Is the Assistant Minister in order to say that they are prepared to deal with tragedies when we know that they were unable to put off the fire in a one-storied building?

Mr. Lesrima: Mr. Deputy Speaker, Sir, there were a number of challenges in putting off the fire in the one-storied building. I do not think that is a point of order. It is a question. We are prepared, with the co-operation of all the stakeholders, to meet the challenges. Irrespective of the height of the building, in future, we should be able to deal with such situations effectively.

ORAL ANSWERS TO QUESTIONS

*Question No.316*UNDER-UTILISATION OF POTATO
RESEARCH FACILITY IN MOLO

Mr. Kaino asked the Minister for Agriculture:-

(A) whether he is aware that the Potato Research Facility in Molo is doing very little for potato farmers in the country; and,

(b) considering the importance of this crop in this country, what steps he is taking to ensure its quality is improved and storage facilities are established.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, Sir, this morning, I had a very candid discussion with Mr. Kaino and we agreed on how to sort out this problem of the potato crop. On Friday, this week, we will have a meeting with him and my Permanent Secretary to see how we can tackle this issue.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister says he had a candid discussion with Mr. Kaino. The Question belongs to the House. Is he in order to mislead the House that because he had a private discussion with the hon. Member, he does not need to answer the Question in the House? The answer is being waited for by the hon. Members!

Mr. Deputy Speaker: Order, hon. Assistant Minister! If you are satisfied that the answer you have is not adequate and you would want to go back and bring another one, then you can seek the Chair's indulgence in that. Other than that, you cannot have a private arrangement with the Questioner because the Question is now the property of the House.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, Sir, I have an adequate answer. I brought up the issue following our discussion with the hon. Member. However, I am willing to proceed to answer the Question.

Mr. Deputy Speaker: Proceed!

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Potato Research Facility in Molo is not adequately facilitating potato farmers as they deserve.

(b) The Ministry, together with other stakeholders is undertaking the following steps to ensure quality of potatoes is improved and storage facilities for the crop are established.

(i) By reviving the Seed Potato Project under the Agricultural Development Corporation (ADC) after rehabilitation of the 13 ruined ADC Molo Potato Cold Stores with a capacity of 50,000 by 50-kilogramme bags.

(ii) By developing a policy which will guide the development of the industry.

(iii) By producing certified seed at the seven acres ADC Asante Farm in Molo.

(iv) By capacity building for all the stakeholders in the potato quality control protocols.

Mr. Mututho: Mr. Deputy Speaker, Sir, is the Ministry of Agriculture really serious when it talks about seven acres of land only, to serve the whole Republic of Kenya in terms of potato seed production? Furthermore, the facility at Molo has been idle since it was established. Are there concrete plans for this Ministry to take potato production seriously?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, I have indicated that there are 700 acres at the ADC, Asante Farm, and not seven acres. The Ministry of Agriculture is taking potato production very seriously.

We want to invest more resources in the production of potatoes in this country. We are going out of our way to ensure that farmers are not exploited by ensuring that each bag weighs 110 kilogrammes instead of the current 170 kilogrammes.

Mr. Kaino: Mr. Deputy Speaker, Sir, the Chairman of the Departmental Committee on Agriculture, Lands and Natural Resources has taken over my Question. However, I wish to confirm that the Assistant Minister came to me and we ironed out the issues that I had. But for the sake of the potato growing areas in this country, potatoes are widely used in urban areas. Chips are eaten everywhere in this town and the Government is not taking potato production seriously. Could he tell us what steps the Ministry is taking to improve the production of this crop?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, the Ministry of Agriculture is taking potato farming very seriously. We also acknowledge that it is the second-most important food crop after maize in the country. We intend to improve the quality of the potato crop.

In 2007, out of the total 98,400 acres planted, the country's production of potatoes went up by 2 million metric tonnes. We are putting in a lot of time in research to ensure that the farmers can get quality seedlings at the right time. We have been having problems and challenges in the area of cold rooms, which helps to ensure that the quality of the potato is high. I want to assure the hon. Members that the Government is going to establish storage facilities in hon. Kaino's constituency, so that the quality of the potatoes is improved and the market prices are high.

Mr. Baiya: Mr. Deputy Speaker, Sir, we are aware that several acres of land meant for research were grabbed and taken over by individuals. This deprived the country land available for seed development and further research. Some parcels of land have already been recovered. Could the Assistant Minister confirm what he has done to recover land that is meant for research, for example, in Tigoni and other areas?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, most of the land has been recovered. The Ministry of Lands is going out of its way to ensure that the grabbed land is recovered and returned back to the Ministry of Agriculture.

Mr. Kaino: Mr. Deputy Speaker, Sir, the Assistant Minister comes from a millet growing area. I want to bring to his attention the fact that when the production of potatoes is high, the prices go down. If we have storage facilities, the prices can be controlled. The prices go down from Kshs3,000 to Kshs100. The Ministry should establish storage facilities in areas where potatoes are grown.

Mr. Mbiuki: Mr. Deputy Speaker, Sir, I want to thank the Member for that information. I want to assure the House that I will establish storage facilities in all the potato-growing areas in this country to ensure that no potatoes really go to any waste.

Question No.637

GOVERNMENT POSITION ON EMERGENCE
OF PRIVATE PENSION SCHEMES

Mr. Nguyai asked the Deputy Prime Minister and Minister for Finance:-

- (a) with the emergence of many privately managed pension schemes, what the Government is doing to ensure that employees are not defrauded of their pension;
- (b) whether he could indicate the amount of money held by these private schemes and reveal recent incidences of these schemes becoming insolvent; and,
- (c) what percentage of Kenya's working population is within the pension bracket and what plans have been put in place to include the non-working class.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Deputy Speaker, Sir, I beg to reply.

(a) With emergence of many pension schemes, the Government has taken necessary regulatory measures through the Retirement Benefits Authority (RBA) to ensure that employees are not

defrauded of their pensions.

(b) The assets held by private determined benefit schemes amount to a total of Kshs203 billion as at June, 2008. In the recent past, there are no schemes which have become insolvent. However, we have a number of old schemes which existed before the Authority came into existence in 2000, which operated as defined benefit schemes with under-funded liabilities. The schemes were required to be, at least, 80 per cent funded. However, they are not insolvent because they are still in operation.

(c) Fifteen per cent of Kenya's working population is within the pension bracket. However, my Ministry is developing a national pension policy to increase the coverage of retirement benefits and to consider the feasibility of providing basic pension for non-working class or elder persons who are living in absolute poverty.

Mr. Nguyai: Mr. Deputy Speaker, Sir, I would like to thank the Minister for the quick and speedy response in answering this Question. However, I would like him to be a little more specific. When he says that the Government is taking necessary measures, which measures are these, particularly taking into account the fact that we know a number of organisations that have folded up recently? For example, within the stock market, there are a number of stock brokers who have folded up. We know that the workers who used to work within those organisations still have not been paid and do not know what happened to their pension schemes.

Mr. Kenyatta: Mr. Deputy Speaker, Sir, amongst some of the safeguards that have been taken include that the Retirement Benefits Authority (RBA) which is, first and foremost, mandated to register all pension schemes before they are allowed to operate.

Key service providers of schemes which include custodian companies, fund management companies and scheme administration companies must also equally seek to obtain registration before they are allowed to offer services to schemes here in Kenya. All schemes are also required to have prudent investment policy statements prepared by approved professionals to guide the manner the assets will be invested by the asset managers.

Mr. Deputy Speaker, Sir, furthermore, all schemes are required to make periodic returns to the Authority to enable off-site inspection of the position of the scheme's assets and indeed, the state of governance of those schemes.

Mr. Deputy Speaker, Sir, equally, the Authority makes on-site inspections of schemes regularly to ensure compliance with the law. These, amongst other measures, ensure that the Authority is regularly monitoring the activities of all schemes, especially in light of the current situation that exists in the financial sector.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, the Minister acknowledged that there are some pension schemes which have been under-funded. What immediate measures is he taking to ensure that the under-funded schemes are immediately capitalised so as to safeguard pensions of the hard working Kenyan workers?

Mr. Kenyatta: Mr. Deputy Speaker, Sir, as I said, there were a number of under-funded schemes which were in existence prior to the introduction of the Authority in the year 2000. However, the Authority is carefully monitoring and each one of those schemes have been asked to provide remedial plans to the Authority and the Authority is closely monitoring those particular schemes to ensure that they move towards compliance in the shortest possible time. Of all the schemes that fall below the 80 per cent requirement, only two have yet to provide us with remedial plans. All the others, as of now, have provided us with remedial plans.

Mr. Deputy Speaker, Sir, furthermore, there are other schemes that have been established as defined contribution schemes and which under the law are required to be 100 per cent funded. However, owing to failure by employees to remit contributions to such schemes, they are not fully funded. These schemes, however, have been placed under interim administration and have also submitted remedial plans towards fully funding as is required by the law. The schemes affected by

these problems have been meeting their commitments regularly.

Mr. Deputy Speaker: Last question, Mr. Nguyai!

Mr. Nguyai: Mr. Deputy Speaker, Sir, the Minister indicated that only 15 per cent of the working population is covered under the pension bracket. He also did indicate that he has a National Pensions Policy. How soon will this National Pensions Policy be in place? Does it include the informal sector which forms more than 50 per cent of the working population?

Mr. Kenyatta: Mr. Deputy Speaker, Sir, the scheme is basically developed to take care, first and foremost, of those in our population who are living in absolute poverty. However, the hon. Members will have an opportunity, because the Ministry is planning to hold a national conference in May this year where we intend to discuss the Draft National Pensions Policy with all stakeholders prior to it being brought to the Cabinet and being put before this House. The hon. Member will have full opportunity to go through the policy itself and make his contribution.

Mr. Deputy Speaker: Next Question, by Mr. Musikari Kombo!

Question No.584

GOVERNMENT POSITION ON EPAS

Mr. Deputy Speaker: I understand that Mr. Kombo is sick and, therefore, the Question will be deferred to when he is back in the House.

(Question deferred)

Question No.658

SHORTAGE OF TEACHERS/INSPECTORS
IN MOMBASA PRIMARY SCHOOLS

Mr. Yakub asked the Minister for Education:-

- (a) what the current shortfall of teachers and inspectors in primary schools in Mombasa District is; and,
- (b) when the Ministry will employ more to meet the shortfall.

The Assistant Minister for Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Mombasa municipality is short of 135 primary school teachers and 14 Quality Assurance and Standards Officers (QASO).

(b) The district will be considered for more teachers during the next recruitment exercise which is expected to take place later in the year. As for QASO (school advisers), my Ministry will liaise with the Ministry of Local Government with a view to addressing the shortage in Mombasa and other municipalities.

Mr. Yakub: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for the answer. However, I would like to inform him that the standard of education in our district, especially in public schools is declining every year.

Mr. Deputy Speaker, Sir, on the issue of the school advisers, I would like to get the timeframe. Could the Assistant Minister tell this House when his Ministry will liaise with the Office of the Deputy Prime Minister and Ministry of Local Government to address this issue?

Mr. Mwatela: Mr. Deputy Speaker, Sir, I concur that in order to have quality education, we need teachers. However, the problem of shortage of teachers arises out of our budgetary constraints.

So, we are trying our best as a Ministry. We hope that this House will approve more funding for the Ministry so that we can employ more teachers to cater for our students.

Mr. Deputy Speaker, Sir, on the issue of QASO, as I said, the Ministry is going to put in motion the consultation process as soon as possible. I cannot say exactly when this will happen.

Mr. Lekuton: Mr. Deputy Speaker, Sir, the Ministry has a problem of attracting and maintaining teachers. Some of these shortages are created by poor pay. We have lost many of our teachers to South Africa, Botswana and other countries. Could this Ministry devolve some kind of incentives to keep teachers interested in teaching our children? The quality of education keeps going down because there is lack of interest in teaching. What is the Assistant Minister going to do to ensure that there are some incentives to appreciate these young men and women who sacrifice to teach our children?

Mr. Mwatela: Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that salaries for teachers have just been harmonised with effect from July this year. So, the teachers are now basically on a new arrangement. I believe the teachers will be highly motivated.

Mr. Deputy Speaker: Last question on this, Mr. Yakub!

Mr. Yakub: Mr. Deputy Speaker, Sir, I would like to inform the Assistant Minister for Education that in Mombasa District, we have 108 public schools.

In many of the schools, the number of students per class is more than 45. Therefore, with that kind of situation, I would really ask the Assistant Minister to hasten the process of getting us school inspectors.

Mr. Mwatela: Mr. Deputy Speaker, Sir, I agree with that. We will hasten the process.

Mr. Deputy Speaker: Next Question, Mr. J.M. Kamau, MP for Kandara!

Question No.631

ESTABLISHMENT OF LANDS OFFICE IN
MURANG'A SOUTH DISTRICT

Mr. J. M. Kamau asked the Minister for Lands:-

- (a) when the Government will establish a lands office in the newly created Muranga South District; and,
- (b) what urgent steps he is taking to deploy a physical planner and provide motor vehicles for his use.

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) A lands office in Muranga South District will be opened in the 2009/2010 Financial Year. Currently, services are being accessed from Muranga Town.

(b) There is a physical planner stationed at Kenol Trading Centre, the headquarters of Muranga South District. The office of the physical planner has been operational since 1998.

My Ministry is experiencing an acute shortage of motor vehicles following the implementation of the new Government transport policy. That led to inadequate transport in the Ministry, thereby hampering provision of services in most districts across the country. I cannot, therefore, confirm when a vehicle will be available for use by the physical planner in Murang'a South District.

Mr. M. Kamau: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for attempting to answer my Question. I would like him to tell this House why it has taken 13 years to put up a lands office in Kenol, considering that, that is a huge area with a population of about 500,000 people. The people are struggling to move from one end to the other. Some people are very old and they have no money to take matatus. I do not think it is a big deal to create a lands office in Kenol.

Secondly, the area we are talking about here is over 800 square kilometres and we have only

one physical planner. The Assistant Minister has told us that they have an acute shortage of vehicles. If you go to any Ministry headquarters, you will find many vehicles lying idle. Some of them have minor damages.

Mr. Deputy Speaker: What is your question, Mr. J.M. Kamau?

Mr. M. Kamau: Could the Assistant Minister consider giving us those vehicles that are not badly damaged, so that we can repair them at our place? If that is not possible, could he consider giving us a motor cycle?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, you must have seen it one day when I was driven in a pick up. That shows the shortage of vehicles in our Ministry.

Mr. Deputy Speaker, Sir, if an Assistant Minister could be given a pick up, that means we do not have vehicles. We are asking the Government to give us some money to buy the vehicles. If that is done, definitely, I will send vehicles to every district.

Dr. Khalwale: Mr. Deputy Speaker, Sir, this Assistant Minister has been going round over the weekends announcing to the public that he intends to ban title deeds.

Could he confirm to this House whether he is saying that in his capacity as an Assistant Minister for Lands or in his private capacity? Whichever way he is saying it, does he expect us to believe him, knowing that he wants to abolish title deeds and yet, he is going to build a lands office?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I want to respond to that because I have even written to the editor that the reporter misunderstood me. The truth of the matter is: When I will become the president, I said I will cancel the title deeds of all the grabbed land in this country. I said that in my private capacity as a presidential candidate in this country.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, Ministries are expected to play a proactive role. Many a time, when we listen to the Ministers, particularly with regard to purchase of vehicles, they keep on saying: "When we get funds, we shall buy the vehicles." They say that as if they have no plans.

If they are not going to plan for this country, who the hell is charged with planning for this country and its citizens? Could the Assistant Minister tell us what plans they have to provide vehicles in this current financial year or the next one? We all know that the Government plans for now, in the mid-term and in the future. Could they be responsible and tell us what they want to do?

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to use unparliamentary language? He said--- I do not even want to repeat what he has said. But if you force me to repeat it, I will.

An hon. Member: Let him repeat!

Mr. Shakeel: He said: "Who the hell"!

Mr. Deputy Speaker: Hon. Assistant Minister, proceed and answer the question!

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I think my brother is an old Member of this House. He knows very well that every Ministry gets money from the Treasury to purchase vehicles. I know that we generate money, but we take the same money to the Treasury. It is up to the Treasury to allocate money to the Ministry with the approval of this House. Now that you know the torture we are going through, I am sure that when we request you to allocate us some money, you will readily give it to us to purchase the vehicles.

Mr. Deputy Speaker: Hon. J.M. Kamau, last supplementary question!

Mr. M. Kamau: Mr. Deputy Speaker, Sir, I am not yet satisfied. I said that we have only one physical planner, who is a lady. She cannot move from one end to the other, given that the area is 800 square kilometres.

Why can the Assistant Minister not get another physical planner? We understand the importance of a physical planner in any new district. Could he also confirm that he is going to give us an old vehicle? We are going to repair and use it in Murang'a South District? Could he do that?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I do not know whether my brother's problem is having a lady or a man. But the truth is that he has a physical planner and the only problem the Ministry is having is lack of a vehicle. If we get a vehicle, we shall give it to the lady who is our able physical planner.

Mr. Deputy Speaker: Next Question! Hon. Nyamai is not with us today in the House. This Question is deferred to tomorrow.

Question No.557

CONSTRUCTION OF SYOMAKANDA
/SYOTUVALI BRIDGE

(Question deferred)

Next Question by hon. Mututho!

Question No.188

CONSTRUCTION OF FLY-OVER AT
NAIVASHA-KINANGOP JUNCTION

Mr. Mututho asked the Minister for Roads that considering over 100 lives have been lost in the recent past at the Naivasha-Kinangop Junction (next to the Caltex Petrol Station), when the Government will construct a fly-over at the junction.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry has no plans to construct a fly-over at the Naivasha-Kinangop Junction. However, the Ministry of Roads in conjunction with the Ministry of Transport, Automobile Association of Kenya and the International Road Assessment Programme commissioned a study in September, 2008, to assess the most feasible safety measures at that junction. That study will take about one year and will recommend safety measures to be implemented immediately. The Naivasha-Kinangop junction lies on the Nairobi-Nakuru Highway. That is Road No. A104 near Naivasha Town. According to police records and our Ministry's data, the following accidents have occurred in the last three years.

Total fatal cases since 2003 - four. Total serious injuries since 2003 to date - four. Total slight injuries since 2003 to date - 19. That brings it to a total of 27 cases. Recommendations from the accident study will expeditiously be implemented with the assistance of the International Road Assistant Programme and development partners.

Mr. Mututho: Mr. Deputy Speaker, Sir, this section is 600 or 700 metres from the junction. Fourty one people died, including my uncle. Ahead is Kinungi junction which is part of that pile up, where so far, 78 pedestrians have been knocked down. Even if it were one person, how much will this study that will take one year cost?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the study was not necessarily for only that section of the road, but it was among other sections of the road that have actually recorded very high incidents of accidents. However, the Ministry is doing everything possible and we will be conducting road safety exercises to try and sensitize members of the public, especially from those areas where we have recorded high incidents.

I would also like to remind Members that, that road has not been in its best condition for a long time. But one of the things that the Ministry has seen is that after the roads are repaired and the

vehicles are moving at a high speed, the most likely case is that we have an increase in accidents. So, we will be conducting road safety exercises to ensure that we reduce that problem.

Dr. Nuh: Mr. Deputy Speaker, Sir, indeed, along our trunk roads, there are very many bumps, but there are no signs to show them. This leads to very many accidents, especially along the Nairobi-Garissa Highway and Nairobi-Mombasa Highway.

Sometime back, the Assistant Minister said that the construction of these road signs are part of the contract that the contractors are supposed to undertake. Could he tell this House when they are going to erect these road signs because they are very useful road safety measures?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, whenever we commission new roads, the road markings and furniture are part and parcel of the contract. Unfortunately, more often than not, you will find that once road signs have been put there, it does not take long before they are knocked off. As a result, passengers have to travel without the road signs and this leads to accidents. I want to agree with the Member that there is need for us to ensure that we do that. We undertake to, at least, take care of the roads that he has mentioned, among many other ones that do not have road signs, and are, therefore, a cause of accidents on our roads.

Mr. Deputy Speaker: Last question, hon. Mututho!

Mr. Mututho: Mr. Deputy Speaker, Sir, I am still not quite comfortable with the feasibility studies, because this Ministry has behaved very well lately. They have done a wonderful intersection at Naivasha Junction, just a few kilometres down the road. They know the problem.

Could they take it a bit more seriously and get us on course next financial year, so that we do not lose any more people at that particular junction?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the inter-change that he is talking about is a very costly venture, to be honest. If we were to construct an inter-change at every junction in this country, it would indeed be very expensive. But I do appreciate the concern of the Member. Once this report is forwarded to us, we will share with him and give the way forward.

Mr. Deputy Speaker: Hon. Shakeel, I understand that there is an understanding between you and the Minister for this Question to appear on the Order Paper sometime later.

Mr. Shakeel: Yes, Mr. Deputy Speaker, Sir. The Minister has requested that he answers this Question at a later date.

Mr. Deputy Speaker: The Question is deferred!

Question No.635

RE-ORGANIZATION OF HEALTH FACILITIES
UNDER LOCAL AUTHORITIES MANAGEMENT
(*Question deferred*)

Question No.648

GOVERNMENT RESPONSE TO FOURTH
ASSESSMENT REPORT BY THE IPCC

Mr. Lekuton asked the Minister for Environment and Mineral Resources:-

- (a) what the Ministry's response to the recent 4th Assesment Report of the Intergovernmental Panel on Climate Change on the possibility of global average temperatures and sea levels rising and an increasing number of heat waves as well as severe tropical storms bringing about more floods is; and,
- (b) what measures the Ministry is taking against such possibilities.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry responded to the recent 4th Assessment Report of the Inter-Governmental Panel on Climate Change (IPCC) as factual. It concurred with the findings of the Report that human activity in form of greenhouse gas emissions is contributing to global warming, leading to climate change.

My Ministry noted that resultant change in climate has led to increased climate related disasters such as floods, droughts, desertification and in some cases, landslides. These disasters have in turn led to an increase in rural-urban migration which has led to socio-economic and political instability in the over-populated regions.

Mr. Deputy Speaker, Sir, my Ministry further observed that the increased temperatures, coupled with reduced precipitation has resulted in water stress and extinction of the diverse heritage of flora and fauna, which adversely affect ecosystems, people's livelihoods, decline in agricultural productivity and food security. This adverse situation has also led to an increase in the water and vector-borne diseases among others.

The impact of the climate change are here with us and my Ministry unequivocally concurs with issues in the IPCC 2007 Report.

(b) My Ministry will continue to take measures to mitigate against such possibilities. These measures include:-

(i) working closely with the Ministry of Forestry and Wildlife and other relevant stakeholders to increase the country's forest cover from 2 per cent to 10 per cent;

(ii) promoting adoption of community-based coping strategies to reduce negative impacts of climate change;

(iii) encouraging adoption of green technologies that allow development with low carbon emissions such as adoption of sanitary land fills, solar and wind energy;

(iv) the Ministry will endeavour to develop detailed vulnerability maps to guide the country in developing response mechanisms; and,

(v) the Ministry has initiated a process aimed at developing a national strategy on climate change. The strategy will identify priority areas that need urgent action as well as the necessary actions.

Mr. Lekuton: Mr. Deputy Speaker, Sir, I am glad the Assistant Minister has accepted that global warming is real and here with us to stay. All of us have seen the effects of global warming. Countries like India have been monitoring global warming and the recession of the glaciers for the last six decades; from 1935.

Could the Assistant Minister give specific surveys that have been undertaken by the geological and meteorological departments, that actually ascertain the actual rates at which our catchment areas are being affected by global warming? How much ice have we lost in Mt. Kenya for the last two years due to global warming? What is the Ministry doing about it?

Mr. Kajembe: Mr. Deputy Speaker, Sir, my answer has been very clear. We are now forward planning, which means that we want to improve the climate change situation in this country from 2 per cent to 10 per cent. We have rain towers like the Aberdares, Mt. Kenya, Mt. Elgon and Mau Forest. You can see how much we are fighting to put Mau Forest back to its original position.

As regards Mt. Kenya, things are not very bad. We are doing it. Let me be specific that when we talk of climate change today, we are not as badly off as the developed world. The developed world has been affected by industrialisation. So, countries in the world, including Kenya, do sit together to make sure that destruction of the environment does not come to developing countries. We are doing it for the sake of the globe.

Dr. Khalwale: Mr. Deputy Speaker, Sir, the Minister has said something very good; that the

Government intends to increase forest cover from 2 per cent to 10 per cent. Could he tell us where that afforestation is going to take place? Which forests does he want to develop?

Mr. Kajembe: Mr. Deputy Speaker, Sir, areas which have been affected include Mau Forest. We are all out to make sure that we put the forest back to its original position. Regarding Mt. Elgon, everybody knows what happened to it, especially at that time when the warlords were in its forest. A lot of things happened there. I can just mention to you a few examples, namely Mau Forest, Mt. Elgon and the Aberdares. In a bid to develop new forests, this weekend, I will be at Karura for tree planting. That is an effort to put these rain towers to a position where they will be able to bring us rain.

Mr. Baiya: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not responded to the question that Dr. Khalwale asked. We know that most forest cover has been destroyed as a result of land being taken over by private individuals. What are they going to do to restore forest cover if they do not recover the land back?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I was very clear in my answer. If there were any people, or citizens, who invaded those forests for purposes of grabbing land, we are working together with the Ministry of Lands and the Ministry of Forests and Wildlife to make sure that nobody who invaded our forests will remain there.

We will put those forests back to their original positions, especially for Karura Forest. In the past, some people grabbed land in Karura Forest. This weekend, I will personally, accompanied by my officers and wananchi living near Karura Forest, will be there. I am asking hon. Members to join us at Karura Forest this weekend.

Mr. Deputy Speaker: Mr. Lekuton, ask your last supplementary question.

Mr. Lekuton: Mr. Deputy Speaker, Sir, I like the Assistant Minister's passion on the issue of forests. In other countries, they have the capacity to monitor fine dust pollution, or particles of less than 2.5 micron in size. That means that these are particles that the naked eye cannot see. In our country today, we have so many vehicle smoke emissions, which continue to inject hazardous materials into the air. We even have thousands of *tuk tuk*s. We are breathing bad air in this country. What is the Ministry doing to make sure that Kenyans know the status of pollution in this country, or in this City.

Mr. Kajembe: Mr. Deputy Speaker, Sir, we are now in the process of forming a special team of experts to give awareness to the Kenyan people on how best we can stop pollution in our waters and air. Let me assure this House that we have began doing it in the districts. The Ministry of Environment and Mineral Resources, we are working hard because we want to leave a legacy by the end of our current term in office. We want Kenyans to be satisfied with what the Ministry is doing. To do that, we only need to put forests to their original positions; grabbed land has to be repossessed and so on. That is what we are doing.

Mr. Lekuton: On a point of order, Mr. Deputy Speaker, Sir. I simply asked the Minister to say something about air pollution and not forests. I am asking him again, what is the Government doing to make sure that the pollution status of our country is known?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I have said that we have programmes for doing away with pollution. We have seen massive pollution in Nairobi River. My team is working on Nairobi River and other rivers, which discharge waste into Nairobi River. We have reduced pollution of Nairobi River by 50 per cent, and we are going on.

Question No.373

DENIAL OF MEDICAL SERVICES TO
POLICE OFFICERS AT AFMH

Dr. Eseli asked the Minister of State for Provincial Administration and Internal Security:-

- (a) why the Regular and Administration police officers are denied medical services at the Armed Forces Memorial Hospital (AFMH) except in extreme circumstances;
- (b) when the registration with the National Hospital Insurance Fund (NHIF) will be effected to ensure the officers are accorded affordable medical care; and,
- (c) whether, being prone to frequent critical injuries, a land and air ambulance system could be set up to back up the activities of the Police Department.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Regular and Administration Police have an existing arrangement where the officers are treated at the Forces Memorial Hospital for emergency cases, including gun shot injuries. The practice has been going on for long and has served the officers very well.

(b) All officers are automatically registered with NHIF by virtue of their being civil servants. Through the Medical Insurance Fund, the officers are accorded affordable medical care.

(c) the Department has an established air wing that is always deployed to attend to casualties in far flung areas. In the event that our aircraft are not available, the military has always been handy in providing this service. The department has a fleet of ambulances that are used to ferry casualties to health facilities.

Dr. Eseli: Mr. Deputy Speaker, Sir, I beg your indulgence because this Question appeared on the Order Paper last week and it was inadequately answered. He was asked to bring a better answer this week. Unfortunately, what has been brought is exactly the same answer that was given last week. There is a total misunderstanding and misreading of the Question.

Mr. Deputy Speaker, Sir, the first part of the Question is: "Why are Regular and Administration Police (APs) officers denied medical services at the Armed Forces Memorial Hospital except in extreme circumstances?"

The Assistant Minister has gone ahead to answer thus: "Yes, indeed, they are denied medical services except in extreme circumstances." He has not told us why they are denied medical services except in extreme circumstances.

Mr. Deputy Speaker, Sir, I still find the whole Question not well-answered. So, I would like the Assistant Minister to tell us whether he really understood the Question or if he would like us to consult further so that he can understand what the Question is meaning.

Mr. Lesrima: Mr. Deputy Speaker, Sir, this Question was asked before and it was handled by my colleague. The requirement was that we consult with the Ministry of State for Defence. The hon. Member, who is an ex-military major, knows very well as a doctor who has served in that hospital that it is a military hospital.

Therefore, it cannot serve all the police for minor injuries and other illnesses. They are catered for under the civilian National Social Insurance Fund (NHIF). That is the position. It is a military hospital. We are, however, in the process of developing a Police Group Accident Policy. We are also working out an arrangement where we will set up a police hospital in the near future. For now, it remains a military hospital and we think the services they are providing are good enough.

Mr. Shakeel: Mr. Deputy Speaker, Sir, the Assistant Minister has not yet answered the Question. For a person like me, the Regular Police and the Administration Police are thoroughly military. In all countries that I know, all police officers are entitled for treatment at a military hospital. Is the Assistant Minister in order to state that the Regular Police and the APs are not military?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I have not said they are not better than anybody. I just said that this is a military hospital and it provides services to some level for the APs and the Regular Police. I also said that police officers are covered under the NHIF and we are working on a

scheme for group insurance for the police. I think I have answered the Question. I am in order in saying what I said.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I remember this Question very well. What the Assistant Minister was required to do was to go and consult the military and come and inform this House whether pending the realisation of the policy to put up a police hospital, the Armed Forces Memorial Hospital will accept Regular Police and the APs on similar terms as they do with the military. The AFMH is not a military hospital. It is an armed forces memorial hospital and the police are part of the armed forces in that they carry arms.

(Applause)

The Assistant Minister has not told this House whether he held consultations that he was directed by the Speaker to do.

Mr. Lesrima: Mr. Deputy Speaker, Sir, the consultations were not complete. I can go and bring a proper answer. It is an adequate answer, but for the time being, I can only say that the hospital cannot adequately provide services to the Regular Police and the APs as it does to the military. We can continue to consult and see what can be done.

Dr. Eseli: Mr. Deputy Speaker, Sir, as you can notice, there are still consultations that need to be done. I think this Question should be deferred. Even the second part of the Question has not been answered at all. I wanted to know when the AFMH will be registered with NHIF. The answer he has given is about the police being registered with the NHIF. So, the Question has not been answered totally.

Mr. Deputy Speaker, Sir, I hope that you will defer this Question to a later date. I will also join them in that consultation so that I give them some guidelines on what I meant by this Question.

Mr. Deputy Speaker: Hon. Assistant Minister, you realise that you have not answered this Question and it is now the second week running. You have to come with an answer that addresses the specifics of the Question itself. If you had given an undertaking that you were going to consult with the Minister of State for Defence or other departments in that Ministry, then the expectation was that we would have a conclusive report this morning. You cannot answer a Question with a question! When you are asked why Regular Police and APs are denied medical services at the AFMH, you cannot say, "Yes, they are denied", and assume that is an answer in itself.

For the last time, the direction of the Chair is that you bring a comprehensive and definitive answer to this Question next week, this time round.

Mr. Lesrima: I will do so, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Question, Mr. Ethuro!

Question No.427

KILLING OF FISHERMEN
IN LAKE TURKANA

Mr. Deputy Speaker: Hon. Ethuro had sought the indulgence of the Chair that this Question be deferred until end of Question Time.

Next Question by hon. Bahari!

Question No.640

UPGRADING OF INFRASTRUCTURE

IN EASTLEIGH

Mr. Deputy Speaker: Is hon. Bahari on official Parliamentary business outside the country? He was seen today. So, the Question is dropped!

(Question dropped)

Question No.629

POLLUTION OF RIVERS BY NIB

Mr. Gitau asked the Minister for Water and Irrigation:-

(a) what steps she is taking to ensure that the National Irrigation Board (NIB) stops polluting rivers by draining dirty water into them; and,

(b) what the Ministry and the NIB have done to purify the water which is not good for human/domestic use.

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The routine water quality tests undertaken by the NIB in conjunction with the Kenya Water Institute on water draining into rivers from the irrigation fields has established that the water is suitable for domestic use.

The Board also carries out annual environmental audits of its irrigation schemes to ensure compliance with the Environmental Management and Co-ordination Act (EMCA) of 1999.

(b) As mentioned above, the quality of water discharged to the rivers is suitable for domestic use.

Mr. Gitau: Mr. Deputy Speaker, Sir, I fail to understand how water which has been contaminated with fertiliser, pesticides and fungicides can be used for irrigation and drinking.

Could the Assistant Minister qualify whether water contaminated with chemicals fertilisers, pesticides and fungicides is suitable for domestic use?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I considered all those facts when answering the Question. We are aware of them. We do enough research and the water is clean. It is good for use.

Mr. Njuguna: Mr. Deputy Speaker, Sir, given the response by the Assistant Minister, could he produce a certificate of compliance on any one test that has been performed on the water?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, first of all, we do not issue certificates of compliance. We do thorough research and check. Once again, in that region, we have the research centre in Mwea Irrigation Scheme which deals with the monitoring of the water quality and at the same time, analyzing the water samples collected from the intakes on various discharge points. So, that is enough. However, if the hon. Member wants a compliant certificate, then he should write to us and tell us exactly what he wants because that is a very different question and we shall issue one if it is possible.

Mr. Gitau: Mr. Deputy Speaker, Sir, I do not understand how water contaminated with fertilisers, fungicides and pesticides can be good for domestic use. Could he clarify how such water can be palatable because it is part of the causes of the water-borne diseases in the rice irrigation schemes?

Mr. Deputy Speaker: Hon. Minister, is it the understanding of the Chair that this water is actually used for irrigation in the farms and then it is again put back into the river without treatment?

Mr. Kiunjuri: No, Mr. Deputy Speaker, Sir. First of all, the hon. Member is raising very serious allegations and it is very easy for him to prove what he is asking from the House because he

can even carry the water samples, take them for testing and then he can substantiate his claim which is very serious. It is very unfortunate that his people are hearing this and the Government is not aware of it.

Mr. Deputy Speaker, Sir, I undertake and challenge the hon. Member to give us samples of the water and appropriate action will be taken.

Before we answer questions, we take officers on the ground and ask them to give us proper answers and especially when it comes to contamination of water.

Mr. Gitau: Mr. Deputy Speaker, Sir, the water used in the irrigation scheme belongs to the National Irrigation Board (NIB) and it is not fair for the Assistant Minister to request me to bring him water samples when he has field officers who can do that.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I have said that we have asked our field officers to do that because this Question is about contamination of water. Our field officers recommended to us that the water is good for domestic use. They have really tested the water. The only person who can now come with a contrary view is the hon. Member. We have done that, unless we are proved to the contrary. However, for us, as it stands, the water is good for use since it has been tested by our officers.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. It is the responsibility of the Assistant Minister to convince the House that his answer is correct. Would it not be in order that you instruct him to table here, the results of the analysis of the water so that we believe that what he is telling us is scientifically correct?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the questioner is a doctor and knows for sure, that on any point that we have been challenged on whether the product is of quality, we have the relevant organisations that carry out the research. If it is the case of Kenya Bureau of Standards (KEBS), we go ahead and proceed from there. In terms of water, the Ministry has its own way of testing it. We have done exactly that.

Now, the only question that can come up is when he questions our integrity and asks us to bring a sample that has been tested and proven. So, I can ask the hon. Member to let me know the exact point he is talking about. We should then go there the two of us, draw the water and ask for its testing and see whether the report I have is false. However, we have tested the water. This is not a matter we can play about with. The canal is there and it is being used for irrigation and at the same time for domestic use and, therefore, we must be very careful on this issue.

Mr. Deputy Speaker: Hon. Gitau, the Assistant Minister is giving an undertaking that you go out with his own officers. I think the House has had that tradition of establishing the truth on the ground. I think that is not a bad way of getting to the bottom of this issue because your word against his word is not enough for the House to know the exact truth here.

So, whereas the Assistant Minister gives an undertaking now that he will go with you or rather that he will let his officers to go with you to establish exactly what is the portability of the water and how safe it is, I think it is fair that you go on the ground with him.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. With due respect to your ruling, is it in order for the hon. Assistant Minister to publicly tell Kenyans that they can go ahead and use canal water for domestic use without it being actually purified in the proper manner? I thought it is the responsibility of his Ministry to ensure that Kenyans get clean water but he is now making a statement that canal water is good for domestic use.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we must face the reality. We have canals all over the country. We have rivers that are being used. It depends on the hygiene measures people take when using this water. Even people consume water from dams. It is the truth because I cannot come and say canal water is not being used while in my own constituency, people are using it. We should not shy away from the truth.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. The statement the Assistant Minister is making is very serious. It runs counter to the Government policy espoused by the Ministry of Public Health and Sanitation. All the public health officers are going round this country telling Kenyans not to drink water that is not processed. The Assistant Minister in charge of water is telling us that you can drink raw water everywhere. Which Government should we listen to? Is it the one where this particular Kiunjuri is leading or should we listen to the Ministry of Public Health and Sanitation? We need guidance on this now!

Mr. Deputy Speaker: Order, hon. Ruto! He is the Assistant Minister and not "this Kiunjuri"!

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the hon. Member thinks that because I am a party leader, I lead a certain Government. I am still in this Government. However, I undertake to either go with the hon. Member of Parliament or his representative alongside the representative from my Ministry to establish the truth.

Mr. Gitau: Mr. Deputy Speaker, Sir, could the Assistant Minister then give a date when we can go?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, you agree with me that I do not have my diary with me here but I am a hon. Member and I can take an undertaking which is honourable, that I walk out with him and we take a date.

Mr. Deputy Speaker: Then you report to this House at the earliest possible opportunity.

Mr. Kiunjuri: Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Question by Mr. Ruteere!

Question No.454

SUPPLY OF WATER TO IMENTI
NORTH CONSTITUENCY

Mr. Ruteere asked the Minister for Water and Irrigation:-

(a) whether she is aware that no river or stream flows across any part of Kiirua and Rwarera locations and that there are no dams in these semi-arid parts of Buuri Division;

(b) what she is doing to supply water to residents of Naari, Kiirua, Ruiiri and Rwarera locations of Imenti North District.

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that no rivers or streams flow across any part of Kiirua and Rwarera locations and that there are no dams in these semi-arid parts of Buuri Division.

(b) Construction of the Naari-Nturukune Water Project is ongoing. Once completed, the water supply will serve over 30,000 people in Naari Location. Construction of the intake is already complete and large diameter off-take pipes are being laid.

A further population of 15,000 people in the area is being served by Naari-Mutethia Water Project whose construction is 90 per cent complete. Kiirua Location will be served by the proposed Kiirua-Buuri Water Project whose intake is at Kathita River. Survey and design of the project is being finalised. Ruiiri and Rwarera locations will be served by the ongoing Ruiiri Water Project which targets 50,000 residents of these areas. Phase I and II of this water project has been completed at a cost of Kshs40 million.

Mr. Ruteere: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the comprehensive answer he has given. However, I think he does not understand the problems facing the residents of Naari, Kiirua and Rwarera locations. Currently, they have to trek several kilometres to get water, even

for domestic use. Does the Ministry intend to construct a dam in that area any time at all? Even if they provide piped water to the area, this will not be sufficient for irrigation.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I am one of the best persons suited to understand these problems because I also come from a semi-arid area. I know the problems the hon. Member is experiencing. I cannot undertake right now because we are going through budgetary allocations for the Financial Year 2009/2010. After the proposed Budget is passed, we can be able to know how many more dams we can construct or whether we shall have enough money to do so. However, hon. Members must appreciate that the budget allocated to the Ministry of Water and Irrigation cannot be enough to deal with all the projects that require to be financed by this Ministry. It is upon hon. Members for the first time to make sure that huge allocations are made to the relevant Ministries so as to alleviate poverty and make sure that we sustain the lives of the poor in this country.

Mr. Ruteere: Mr. Deputy Speaker, Sir, NturuKune Water Project has been ongoing for the last ten years. It is only the intake tank that has been completed. How much longer will it take before the residents consume that water which has taken ten years?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, this is a community project. We are also trying to fund it. What we do is to try and see whether we can allocate more money in the coming financial year. As I have said, I do not know how much the Ministry has been allocated.

Mr. Deputy Speaker: Next Question, Mr. Ethuro!

Question No.427

KILLING OF FISHERMEN
IN LAKE TURKANA

Mr. Ethuro asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that four people were killed while fishing on the eastern side of Lake Turkana on 10th September, 2008, and that this is a perennial problem that has continued unabated for many years; and,

(b) what urgent steps he will undertake in order to stop these attacks on fishermen.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that four Turkana male adults from Namukuse Sub-Location within Amicusi Location in Turkana Central left for a fishing expedition in Lake Turkana and were later shot dead by Shangila tribesmen from across the border. However, the problem is not perennial but just an isolated case.

(b) Immediately the report was received, the Government mobilised a combined force of both the regular and Administration police who pursued the culprits. The culprits later disappeared towards the Ethiopian border. Security forces are under strict instructions to intensify border patrols in order to prevent any further incursions by any bandits across the border from entering the country.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for answering part "a" properly, except for the last sentence. When you mobilise security forces after the event when the next police station is about 100 kilometres away, you do not expect to really deal with the problem.

Mr. Deputy Speaker, Sir, the Assistant Minister has said that, however, the problem is not perennial but just an isolated case. I want to demonstrate to him that this is a perennial problem and has been persistent.

Since 2000, we have lost 30 lives on this lake because the Government has not provided

security to the local fishermen who are already running away from famine and looking for fish in order to get some income. What kind of security measures will the Assistant Minister employ on the lake and when will he do so in order to secure the lives of these poor fishermen on Lake Turkana?

Mr. Lesrima: Mr. Deputy Speaker, Sir, in addition to current patrols being implemented by the Provincial Administration, we also have Kalokol Police Post and an Administration Police camp located within the shores of Lake Turkana. We hope to increase the number of KPR so that they can jointly work with the KWS in patrolling the shores of Lake Turkana.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just said: "In addition to the patrols". I am not talking of the highway. I am talking about water on the lake. How can policemen without a motor-boat patrol the lake?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I have just said they can do so with the facilities borrowed from the KWS.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! The lives of Kenyans are being lost. You should not say: "They can do". Could you be definitive in this and give a proper undertaking to the House that you are making an effort to save the lives of Kenyans?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I have just mentioned that we have Kalokol Police Post which is located within the shores of the lake. Together with the KWS, they jointly patrol the lake and the shores in order to enhance security. I know that the hon. Member is looking forward to additional KPRs to assist in patrolling the border together with the police.

Mr. Ethuro: Mr. Deputy Speaker, Sir, you should have allowed my good friend, Isaac, to ask a supplementary question.

The Assistant Minister must admit to the Republic that the Ministry has failed to enforce security on Lake Turkana. The statement says that the problem is not perennial but just an isolated case.

I have demonstrated, unless he wants me to read their names, that 30 Kenyans have lost their lives since 2000 on this lake. On 25th February, 1998, the then DC for Turkana, Mr. Reuben Rotich, promised, which was announced in the only national broadcast radio, KBC, that they would recruit more Kenya police reservists to assist the fishermen when they go on their fishing expeditions. It is now 11 years since then.

Mr. Minister, when are you going to provide additional Kenya Police Reservists (KPR) to protect fishermen? We do not want regular police officers. Keep the regular police officers at the police station, where they belong. We want the KPR to protect fishermen when they go fishing.

Mr. Lesrima: Mr. Deputy Speaker, Sir, this lake is surrounded by five constituencies, including mine. It also borders Ethiopia. We have the East African Police Association. We intend to pursue this issue through bilateral talks to ensure that we jointly work with our neighbours. Of course, one of the biggest threats is our neighbours, but also, we, as leaders from the communities living around the lake, need to deal with the issue.

On the last question, I have just said that we will re-visit the promise that was made several years ago to make sure that the hon. Member gets KPR to support his people in these activities, because it is only KPR who can effectively patrol such rough terrains, including the border with our neighbouring country.

COMMUNICATION FROM THE CHAIR

WORKSHOP TO SENSITIZE MEMBERS ON NEW STANDING ORDERS

Mr. Deputy Speaker: Order, hon. Members! Before I allow a few hon. Members to make

Personal Statements and Ministerial Statements, I have a Communication to make. As you are aware, on 10th December, 2008, the House adopted Sessional Paper No.3 of 2008, which is essentially the new Standing Orders.

Hon. Members, the House also resolved that the said new Standing Orders start operating at the commencement of the Third Session of the Tenth Parliament. Having adopted the new Standing Orders, the next step is to sensitize hon. Members on the new rules of procedure prior to the commencement of the Third Session.

Hon. Members, therefore, the Chair has organised a one day workshop for purposes of taking hon. Members through the new Standing Orders. The workshop will be held on Friday, 13th February, 2009, at Safari Park Hotel, commencing at 8.30 a.m. This workshop was officially programmed to be held tomorrow, Thursday, 12th and Friday, 13th February, 2009. However, I am informed that the House Business Committee has decided that the House meets tomorrow to consider urgent business that is pending.

Hon. Members, the Standing Orders, being the basic rules of procedure, are of vital significance to every House as they govern the way Parliament executes its legislative, representative, oversight and deliberative roles. It is, therefore, imperative that every hon. Member acquaints himself or herself on the new Standing Orders.

The Chair appeals to all hon. Members to spare this one day to participate in this vital workshop as you prepare to commence their application during the next Session.

Thank you.

Mr. Robinson Githae, you have a Personal Statement to make. Please, be very brief, because we have other Personal Statements as well as Ministerial Statements. We should be able to accommodate as many hon. Members as possible before we proceed to the substantive business of the House.

PERSONAL STATEMENTS

MEDIA MISREPRESENTATION OF MEMBER'S LETTER TO NCPB

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Thank you, Mr. Deputy Speaker, Sir. I rise to make a Personal Statement on an issue that has been reported on page one of today's *The Standard*, with a beautiful photograph of myself. The newspaper says that I assisted Kinyua Mbui to obtain 3,000 bags of maize.

I wish to state that hon. Kinyua Mbui, a former Member of Parliament for Ndia Constituency, my predecessor, is one of the biggest maize millers in Kirinyaga District. This fact is well known. He is one of the millers with very reasonable prices. I am not a shareholder in his company. I am not a director in his company. I am not even related to him. At that time, he had no maize in his factory. He came to me and said that he had been trying to obtain maize from the National Cereals and Produce Board (NCPB), but he had been unable. We tried to call the Managing Director of the NCPB. He never returned any of my more than 20 calls. That was the time I asked for his request. I enclosed a covering letter, which I gave him to take to the NCPB. Unfortunately, after doing all that, he was not issued with even a single bag of maize.

Mr. Deputy Speaker, Sir, this factory was on the verge of closing, because it had not received maize. Even today, the factory has actually been closed, resulting to a loss of more than 100 jobs, because of non-availability of maize. Part of my concern is that the NCPB has conveniently revealed this letter, but there are other letters I wrote on non-payment for maize delivered to the Board by farmers in my constituency, asking them to pay for the maize delivered to them. Conveniently, those

letters have not surfaced. There is even a letter about a poor lady who had supplied to the Board about eight bags of maize, but who has not been paid to date. That one has also not sufficed.

I even wrote another letter when the NCPB stopped selling less than ten bags of maize. I protested that they should continue allowing people to buy even a bag of maize at Sagana Depot. I was just doing my job, as a Member of Parliament, to assist my constituents. I have even written a letter to the Minister of State for Special Programmes, asking for maize. What is wrong with doing so? We were given 200 bags of maize as famine relief.

What I am saying is that I will continue to assist my constituents to get more famine relief. Right now, I have about four cases of students who have missed admission to national schools even though they scored marks within the bracket of those to be admitted to national schools. I will continue writing letters to national schools to have students in my constituency get admission.

Mr. Deputy Speaker: Mr. Githae, you have covered your Personal Statement on the relevant issue. So, please, conclude, so that other hon. Members can also get an opportunity to make their Personal Statements.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Deputy Speaker, Sir, I am just trying to emphasise the point. We have even written to the Police Force on provision of police officers. Is it wrong doing so?

In conclusion, I am saying, if a constituent comes to me for help, I will continue to help. That is my job. That is why I am serving my second term in this House. This is clear campaign to divert attention from the real thieves of maize.

Thank you.

Mr. Deputy Speaker: Mr. Ruto, you also have a Personal Statement to make.

MEDIA DISTORTION OF CONTENT OF MEMBER'S LETTER TO NCPB

Mr. Ruto: Thank you, Mr. Deputy Speaker, Sir, I also rise to issue a Personal Statement. I want to refer to the same page one of today's *The Standard* newspaper. Under its banner headline the newspaper, has conveniently placed a title questioning whether some Members of Parliament, whose photographs appear underneath, used their offices to influence where maize from the NCPB went, and for whatever purposes.

On 23rd October, 2008, Mr. Ethuro asked the Minister of State for Special Programmes a number of questions relating to shortage of maize. On the same day, I rose on a point of order and brought to the attention of the House the fact that maize had been removed from the Bomet NCPB stores, and added that this development was brought to the attention of the District Development Committee. I did raise the issue, and I was given a sufficient answer by the Minister of State for Special Programmes. I was asked to liaise with the NCPB, to ensure that there was enough maize to sell to the locals.

Subsequently, on 5th November, which was only seven days from the day I raised the issue on the Floor of this House, I wrote to the NCPB, raising with them the same issue, which is in the HANSARD. I told them that maize was then selling, in my constituency, at Kshs3,600 per 90-Kilogramme bag. So, I pointed out this development to the NCPB and asked them to make sure that there was maize to be sold in Bomet, Mulot, Siongiroi and Sigor. I was very concerned about Sigor and Siongiroi, because those are places I represent in this House. I wrote that letter during my normal business as a Member of Parliament. In the letter, I asked the NCPB to liaise with the District Development Committee and the District Development Officer (DDO) to ensure that maize went to the correct recipients. I wonder how a letter I wrote in my normal course of business as a Member of Parliament could be a subject to Ringera to ask me to explain anything. I think Ringera has lost

direction and does not know what he is supposed to do!

(Applause)

He cannot purport to summon Members of Parliament when we do our work! That is in the HANSARD. I have written that letter! It is still there and I will write even more!

Mr. Deputy Speaker, Sir, I want to indicate that three weeks ago, the National Cereals and Produce Board actually started selling maize in both Siongiroi and Sigor divisions of my constituency. The residents are happy because they are now buying maize at Kshs20 a kilo instead of Kshs50 a kilo! I think that is okay. That is what hon. Members should be doing. We will not do anything else! We want to urge *The Standard* to apologise for purporting to make us look like we are misusing our offices! If we are not supposed to have maize, could NCPB start giving us *ugali* so that we do not need to grind maize and cook it? We can receive *ugali* if we can no longer receive maize from NCPB.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Eng. Maina, you can now seek your Ministerial Statement!

POINT OF ORDER

SHORTAGE OF AFFORDABLE MAIZE FLOUR

Eng. Maina: Thank you, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Ministry of Agriculture on the crisis facing this country with regard to the availability and price of maize flour.

Mr. Deputy Speaker, Sir, sometime back, this House was entertained by a display of two packets of maize flour; one costing Kshs52 and the other costing Kshs72. We all felt relieved that, at last, Kenyans were to enjoy some availability of food.

Mr. Deputy Speaker, Sir, the position today is such that the cost of maize flour for a two-kilogramme packet is well above Kshs100 and, sometimes, Kshs150! The maize flour which was to cost Kshs52 has not been available anywhere. Wananchi are looking for it and they cannot get it!

So, Mr. Deputy Speaker, Sir, food is a security matter. I think we are playing with a very serious matter when the country cannot afford to have sufficient food for its countrymen.

Now, I want to ask the Ministry: When will the Kshs52 packet of maize flour be available to Kenyans as was promised? I also want to ask the Ministry to tell us when this country is going to be self-sufficient in food security? When is this country going to ensure that basic things like food are available?

So, Mr. Deputy Speaker, Sir, I wish the Ministry to confirm whether that flour is available at Kshs52 or even at Kshs72. I, for one, had opted to be eating the Kshs72 maize flour, which I never got anywhere!

So, Mr. Deputy Speaker, Sir, let this matter be treated with the urgency it deserves!

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Member! You have made your point. Where is the Minister for Agriculture? Is the Minister for Agriculture here? Could you give an undertaking on when you will bring the Ministerial Statement on the concerns of the hon. Member?

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, Sir, I will give a comprehensive Statement next week on Wednesday.

Mr. Deputy Speaker: Very well.

Proceed, Prof. Sambili!

MINISTERIAL STATEMENTSADMINISTRATION OF FOOTBALL
IN KENYA

The Minister for Youth Affairs and Sports (Prof. Sambili): Thank you, Mr. Deputy Speaker, Sir. I stand here to issue a Ministerial Statement on the football situation in the country.

Mr. Deputy Speaker, Sir, sport disciplines are organised by sports federations which have been registered in the country as societies under the Societies Act, Chapter 108 of the Laws of Kenya. The sports federations enjoy a certain amount of freedom to promote and develop their respective games within the provisions of their Societies Act and their respective constitutions.

Mr. Deputy Speaker, Sir, the game of football has, hitherto, been administered by the Kenya Football Federation (KFF), which is regionally affiliated to the Council of East and Central Africa Football Association (CECAFA) and continentally to the African Football Confederation (CAF), and globally, to the World Football Governing Body, FIFA.

For Kenya to participate internationally in football, it has to abide by the FIFA Statutes, that is regulations and rules. The management of football has had serious mismanagement issues which have, sometimes, bordered on the interpretation of their registered constitutions, personality clashes and downright ineptitude. Efforts by Ministers in charge of sports to resolve those wrangles have only yielded temporary respites before the issues flare up again. Those Ministerial interventions, a good number of times, have not gone down well with the international football governing body which has, sometimes, termed them "Government interference" and proceeded to suspend or ban Kenya from participating in international football.

Mr. Deputy Speaker, Sir, in 2007, two factions of the federation emerged; one was allied to a Mr. Mohamed Hatimy and it was recognised by the international governing body, FIFA; and the other was allied to a Mr. Samson Nyamweya, which was registered by the Registrar-General of Societies, but was not recognised by the international governing body.

Mr. Deputy Speaker, Sir, the two factions have engaged in numerous court cases and many rulings of the Court of Appeal have been made. In May, 2007, the two groups held their annual general meetings. One team held their meeting in Kasarani, Nairobi, and it was endorsed by their leaders and got registered. That was the team led by Mr. Nyamweya. The Hatimy-led group held theirs in Malindi and also endorsed the officials, who were given due recognition by FIFA.

Mr. Deputy Speaker, Sir, the two factions have continued to engage in several court cases and in the most recent court case, the Nyamweya faction went to the High Court of Kenya to seek an injunction against the Hatimy Group to stop them from interfering with football management in Kenya. The order was granted by the High Court. Consequently, the Hatimy faction appealed against the High Court ruling.

The Court of Appeal agreed with the High Court ruling that the Nyamweya faction was legally registered in Kenya under the Societies Act, Cap.108, and, therefore, bonafide officials in Kenya. However, the Court of Appeal considered the following three issues: First, the national team, Harambee Stars, were taking part in the Africa Cup of Nations (CAP) and the 2010 World Cup qualifying matches. Secondly, according to the registered Kenya Football Federation (KFF) Constitution, elections were due in two months' time. This ruling was in October. Thirdly, any ruling against the FIFA recognised Hatimy group would lead to the suspension of Kenya. Following the three reasons, the Hatimy group was granted stay orders pending elections by 29th December, 2008. This situation of two parallel offices continued within the KFF until 15th November, 2008 when the Hatimy group held a special general meeting at Kasarani and changed the name of the Federation to "Football Kenya Limited (FKL)". This is a company limited by guarantee, and is currently recognised

by FIFA as the body mandated to run the affairs of football in Kenya. However, the faction led by Mr. Nyamweya is still registered under the Societies Act as the bonafide officials of the Federation and are still operating under the title "KFF".

Mr. Deputy Speaker, Sir, it is this confusing and unfortunate state of affairs in our football that compelled the Ministry to hold a meeting with the FIFA President, Mr. Sepp Blatter at the FIFA Headquarters in Zurich, Switzerland on 22nd January, 2009, which discussed, among other things, how to resolve the wrangles.

Mr. Deputy Speaker, Sir, at the meeting, it was recognised that those two factions exist in the management of football in Kenya, and there was need to reconcile them. It was agreed that a reconciliation committee be formed with representatives from the KFF, the FKL, CAF, FIFA and the Government of Kenya. The mandate of the Committee is to reconcile the two groups, and bring football under the management of one single organisation in Kenya.

Mr. Deputy Speaker, Sir, consequently, a meeting between the KFF and FKL was called on Thursday, 5th February, 2009 at the Ministry's headquarters boardroom. The lengthy discussions were facilitated by two neutral people appointed by the Government, namely Mr. Vimal Shah, CEO Bidco, who is also the Chairman of the Kenya Association of Manufacturers (KAM) and Dr. Kipchoge Keino, Chairman of the National Olympic Committee of Kenya (NOCK). The consultations are still going on.

Football and all other sports have the potential to be not only self financing but also a major source of revenue to enhance and upgrade the quality of our football players, facilities, sports infrastructure and other such related organisations that will promote Kenya's global competitiveness.

Kenya has the potential to play football with the best team in the world. This latent ability has also been shown by our cricketers, swimmers and, recently, our super rugby team and, of course, the athletes. We are all extremely proud of them. For football to excel and sustain itself, we must have an administration and management that is absolutely professional, full of integrity, transparent and democratic. We want an all-inclusive system that embodies our democratic process and in this end, the Ministry of Youth Affairs and Sports will continue to facilitate dialogue between the wrangling groups towards attaining a lasting solution.

We appeal to all Kenyans and, of course, my colleagues, hon. Members, to support this process to achieve a solution to this problem. We will invite all football stakeholders to a one-day conference to discuss and air their views on the football we want, similar to the recent "the Kenya We Want" one. In this manner, we will segregate the personalities from the institutions. Our institutions must be strengthened, so that we take football to the level that we aspire to. The modalities shall be worked for its sustainability and development.

Mr. Deputy Speaker: Order, Madam Minister!

The Minister for Youth Affairs and Sports (Prof. Sambili): I am finishing, Mr. Deputy Speaker, Sir.

Despite these wrangles, the bottom line is that Kenya has to play in the FIFA World Cup/CAF matches. The FKL, which is backed by FIFA will, therefore, go ahead and prepare the Harambee Stars for the qualifying matches starting in March 2009. This is the recommendation that has been given by the committee that is chairing the reconciliation meetings.

The Kenyan team going for the World Cup also needs facilities to prepare and excel for the qualifying rounds of the World Cup/CAF. In order for this to happen, the facilities of the project require the immediate attention and management of the Sports Stadia Management Board (SSMB), which will also allow the Kenyan team full access thereto.

Thank you.

Mr. Deputy Speaker: Mr. Thuo, I remember it was you who sought the Ministerial Statement.

Mr. Thuo: Mr. Deputy Speaker, Sir, first, I want to commend the Minister for giving a very comprehensive Statement. It seems we now have serious progress towards resolving the wrangles. However, in her Statement she stated that she is organising "The Football We Want" conference. I just want to inform her that before we can have whatever football we want, we are going nowhere if we are not recognised by FIFA. So, the emphasis must be on one unified FIFA-recognised body, which will then make all the other benefits to flow. Could she, therefore, confirm that in the absence of an agreement, she will postpone the proposed "The Football We Want Conference" until we have reached some agreement?

Mr. Deputy Speaker: We want to take a few clarifications then she can respond to them at once.

Dr. Nuh: Mr. Deputy Speaker, Sir, I think the Minister is talking big football, and we have leagues as well. We cannot attain excellent and big-league football of the KFF, or whatever it is, if we do not have the grassroots mechanisms for small kids to be nurtured into playing good football. There are sports funds, Kshs1 million, that the Ministry of Youth Affairs and Sports has allocated to various constituencies. The policies under which those funds are allocated are so disjointed. For example, the committee that it supposed to monitor these funds does not have the wide acceptance in the constituency. That money will just be manned by a few Sports Officers and District Development Officers (DDOs) who are signatories to the account. In fact, even in the letters circulated to hon. Members, we were supposed to be the patrons of those committees at the constituencies. It is not indicated who is supposed to be holding imprests. Is it supposed to be the Treasury?

Mr. Deputy Speaker: Order, Dr. Nuh!

Dr. Nuh: Mr. Deputy Speaker, Sir, just to finish, could the Minister clarify whether she is in a position to call a *kamukunji*, so that we discuss in finer details how we are going to manage these sports funds in the constituencies before the situation gets out of hand?

Dr. Khalwale: Mr. Deputy Speaker, Sir, the Minister has explained that FIFA recognises the FKL. Could she clarify that it is not her Ministry which is adding to the confusion? If she knows that FIFA recognises the FKL, why are they still encouraging the KFF, which, even if it participated in football, FIFA would not recognise it anyway? Why can she not have an inter-Ministerial session, where she asks the Registrar of Societies to de-register the KFF, so that the FKL can go ahead and do what they are supposed to do?

Finally, could the Minister clarify whether she is convinced that the current state of affairs--- She has allowed the league to go on in spite of the confusion! Is this not dangerous? Last weekend, we had a serious soccer match, which was sanctioned to be played in Kawangware and it almost led to a disaster equal to the one that we saw in Nakumatt.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, there is a worrying trend that is emerging in this country since the Grand Coalition Government came into place. There is a trend where losers would always want to hang in there so that they can get a way of being reconciled with the winners and end up getting half-half.

(Applause)

Mr. Deputy Speaker, Sir, the Ministry knowing very well who the *bona fide* officials of football in this country are, has continued to entertain the two factions. Why has the Ministry not cracked the whip?

Mr. Deputy Speaker, Sir, while the Minister has told us that the Kenya Football Ltd., (KFL) are the ones who are recognised by FIFA, why are the offices of soccer in this country still being held and managed by officers of the Kenya Football Federation (KFF) and the Government is not doing anything about it? The KFL is operating from the streets. If that is the position, could the Minister

clarify and direct that KFF officials vacate offices so that KFL can occupy them?

The Minister for Youth Affairs and Sports (Prof. Sambili): Mr. Deputy Speaker, Sir, I would like to begin by clarifying the issue of sports fund. I want to assure hon. Members that we are not giving them ultimatums. When we wrote the letters in November and December, we asked hon. Members to give us account numbers to which we could send the money. By two weeks ago, several constituencies had not forwarded their account numbers. We asked hon. Members to give us the account numbers because we want this money to be used by the youth.

Mr. Deputy Speaker, Sir, I want to assure hon. Members that according to the guidelines that we gave, the Member of Parliament is the patron. You are involved in the identification of the committee members. The money that should have been given to every constituency is Kshs781,940. The remaining money will be used for facilitation of teams at the provincial and national levels.

Mr. Deputy Speaker, Sir, I would like to combine the points of clarification by Dr. Khwalwale and Mr. K. Kilonzo and respond to them together. We have not said that we can de-register any of the two factions because we believe in seeking a lasting solution which should involve dialogue. This is the era of dialogue as has been said by one hon. Member. Mr. Deputy Speaker, Sir, as for the half loaf, we cannot just de-register one of the factions and give the office to the people who are considered to be losers. We want a lasting solution to this problem. FIFA would not want us to interfere. I read in the Statement that these Government actions can be misinterpreted as interference.

Finally, to the hon. Member who sought this Statement, I would like to say that the main emphasis is on the second last statement. Despite the wrangles that exist, the bottom line is that Kenya has to play in the FIFA World Cup. Therefore, FKL, which is recognised by FIFA will prepare our team.

Mr. Deputy Speaker, Sir, as for the office, even the records of the laws of this country, the Goal Project is owned by the KFF which is registered under the Sport Stadia Management Board (SSMB).

If the hon. Members listened, I said that we are proposing---

Mr. Deputy Speaker: Hon. Minister, please, conclude your clarifications!

The Minister for Youth Affairs and Sports (Prof. Sambili): I am sorry about that, Mr. Deputy Speaker, Sir

Mr. Deputy Speaker, Sir, we have said that the management of the Goal Project be done by the Sports Stadia. It is not ownership. It is the position because we want a lasting solution.

Mr. Deputy Speaker: Prof. George Saitoti, do you have the Ministerial Statement that was sought yesterday by Mr. Mwathi or do you have some communication to do with that?

ARREST AND DISAPPEARANCE OF THREE FAMILY MEMBERS IN LIMURU

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, it is, indeed, true that the Member for Limuru sought a Ministerial Statement from me with regard to the disappearance and whereabouts of about three people in his constituency.

Mr. Deputy Speaker, Sir, I would like to seek the indulgence of this House to be given time so as to get the root cause of these problems and bring the information. This is because I have asked the police to carry out investigation on this matter. This is going to require just a few days for me to get that information and give it here.

Mr. Deputy Speaker: When do you wish to do that?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, in the light of the gravity of the matter I would wish to be allowed to bring it

about Wednesday, next week.

Mr. Deputy Speaker: Mr. Mwathi, are you agreeable to that?

Mr. Mwathi: Absolutely not, Mr. Deputy Speaker, Sir! We are talking about three people who we do not know whether they are alive or not. One of them is an old man who is under medication. We do not know whether he is still getting the medication. In the circumstances, I seek the indulgence of the Chair to rule that this Statement be brought to the House tomorrow afternoon.

Mr. Deputy Speaker: Prof. Saitoti, I think you were not in the House yesterday and the mood of the House is that, that Ministerial Statement should be expedited to the House. Would you be in a position to bring it to the House tomorrow afternoon?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, I do not, in any way, wish to be seen to be under-valuing the importance of this matter. It is very clear that this matter is very grave. That is why I have directed the police to get down and carry out investigations very expeditiously and give me the information. On the basis of that, I have been informed that the information will be available next week.

Mr. Deputy Speaker, Sir, I would not wish to bring a speculative Statement here. This matter is very important.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Given that the complaints are directed at the police, is it fair for the Minister to say that he has directed the police to conduct investigations? Would it not be fair for him to ask the Kenya National Human Rights Commission (KNHRC), which is a Government department, to conduct independent investigations?

(Applause)

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, until proven otherwise, we have to rely on the institution. If I am given a report by the Commissioner of Police, which I feel is not satisfactory, I reserve the right to put an investigation team which will consist of other institutions.

Mr. Waititu: On a point of order, Mr. Deputy Speaker, Sir. This issue of extra-judicial executions is very common in Embakasi. I have talked to the Minister directly and he, in fact, promised that he was going to disband the Kwekwe Squad which is responsible for the killings. In his Ministerial Statement, could he categorically say when he is going to disband this squad which is killing Kenyans of Kikuyu origin?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, I can answer that particular bit.

Mr. Deputy Speaker, Sir, I gave instructions to disband that particular squad. To the best of my knowledge, it has been done.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. It was just the other day that the Chair deemed it fit for this Ministerial Statement to be brought much earlier. It was none other than the Leader of Government Business and Vice-President and Minister for Home Affairs that you directed to ensure that this Ministerial Statement is brought this afternoon. That is because it is a grave matter. Only the other day, the police killed a young professional lawyer who had a PhD and reported that he was a *Mungiki*.

Mr. Deputy Speaker, Sir, is it really in order for the Minister to continue waiting for a report of the police who may be implicated? Why does he not use the Kenya National Human Rights Commission, as suggested by hon. Gitobu Imanyara?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, I have already answered that question. I have said that until we disband our own institutions, we will use them. At the same time, I do deserve a right that, if the information that is

brought before me after the investigations is not adequate, I can set up an inquiry team which will have other people investigating, other than the police.

An hon. Member: When will that be done?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): No! No! That has already been done. It is important to understand that I have directed the police to carry out investigations and give me the information. The police comprises the regular police, CID and the Administration Police.

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

Mr. Deputy Speaker: Order! Order, hon. Members! Freeze, hon. Members! Hon. Minister, indeed, the Chair takes note of both the mood in the House and the country too. Very important Kenyans including professionals are losing their lives in manners that are very suspicious. The Chair, indeed, because of the urgency of the matter, and with the undertaking of the Leader of the Government Business, directed yesterday that the Ministerial Statement should be available today.

There is a possibility that this House might adjourn tomorrow, if the Motion of Adjournment passes. That is essentially the mood of the House Business Committee. When the Minister gives an undertaking for next week, that might be a long time before the House resumes. Hon. Minister, the Chair directs and, indeed, directs very firmly that this Ministerial Statement be available to the House tomorrow afternoon.

(Applause)

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir. You have ruled and I will oblige. But one thing I must make very clear is that on the issue of extra judicial executions, I have pronounced myself fully and clearly. The latest time I did that was last Friday at the conference of the "Kenya We Want". I made it clear that, that is not acceptable and it is illegal. I made it clear that, if anybody is caught, that person will be dealt with firmly and clearly.

But, Mr. Deputy Speaker, Sir, I wish to ask for your permission. There is a Statement that was requested by hon. Ethuro.

Mr. Deputy Speaker: Order, hon. Prof. Saitoti! I understand that there are Ministerial Statements that you intend to deliver today by the ruling of the Chair. The same also applies to hon. J. Nyagah, the Minister for Co-operative Development and Marketing and hon. Mwakwere, the Minister for Transport. In view of the fact that we have not started the substantive business of the House, and the urgency for us to go into Committee because we have Order No.7 which is the Committee of the whole House, the Chair directs that those Ministerial Statements should be delivered tomorrow after Question Time.

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Imanyara) took the Chair]*

THE MERCHANT SHIPPING BILL

*(Several hon. Members withdrew
from the Chamber)*

The Temporary Deputy Chairman (Mr. Imanyara): Order, hon. Members! We are now in the Committee of the whole House in order to consider the Merchant Shipping Bill, 2008.

Clause 2

The Temporary Deputy Chairman (Mr. Imanyara): The Chairman of the Committee, I understand that you have an amendment on this Clause. Where is the Chairman? Mr. Minister, is it yours or the Chairman of the Departmental Committee.

An hon. Member: It is the Chairman!

The Temporary Deputy Chairman (Mr. Imanyara): Chairman of the Committee! Eng. Rege.

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I would like to thank my colleagues in the Committee for their dedication in the search for answers to contentious issues in the Maritime Shipping Bill. I would also like to thank Mrs. Nancy Karigithu, the CEO and her team at the Kenya Maritime Authority for their support in providing us with prompt answers to our questions during the many meetings we had with stakeholders in Mombasa and Nairobi.

Mr. Temporary Deputy Chairman, Sir, during our tour of the Coast---

The Temporary Deputy Chairman (Mr. Imanyara): Eng. Rege, please, move your amendment first!

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT Clause 2 of the Bill be amended-

(a) by inserting the words "as may from time to time be amended" at the end of the definition of "Load line Convention 1966";

(b) by deleting the words "by a ship of less than five hundred gross tonnage" appearing in paragraph (a) in the definition of the "near coastal voyage";

(c) by introducing the following new definitions in proper alphabetical sequence-

"Maritime service provider" means any person providing in the maritime industry the service of crew agencies, pilotage services, clearing and forwarding agent, port facility operator, shipping line, shipping agent, terminal operator, container freight station, quay side service provider, general ship contractor, ship broker, ship breaker, ship chandler, cargo consolidator, ship repairer, maritime training or such other service as the Minister may, by notice in the Gazette, appoint;

"Pollution" means the introduction, directly or indirectly, by human activity of wastes into the sea which results or is likely to result in deleterious effects including harm to living resources and maritime ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Mr. Imanyara): Order, Eng. Rege! On the same clause, we have a notice of amendment from Ms. Odhiambo.

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, I propose that Clause 2 be further amended as per notice that I gave earlier.

The Temporary Deputy Chairman (Mr. Imanyara): Hon. Member, because the notice was not circulated, it is not appearing on the Order Paper. Please, give a brief of what you are proposing to amend and the reasons for it.

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT Clause 2 of the Bill be amended in Sub-clause 1 -

(a) by inserting the following definition: "Managing Owner means a person other than the registered owner who undertakes day to day management of the ship on behalf of the owner" after the definition "local voyage" and before the definition "Maritime casualty."

The reason being the words "Managing Owner" are referred to in the main body of the Bill, but there is no definition for them in the Bill.

(b) by deleting Sub-clause (c) in the definition of the word "passenger".

Currently, there is a clause that excludes a child under one year of age as a passenger. I really do not see the reason for excluding a child under one year of age as a passenger.

(c) The clause be also amended by including the following paragraph-

"Submersible craft means a ship that can travel under water but which operates on a tether or umbilical to a tender such as submarines, surface vessel or platform but shall, in any event, not include a sub-marine" immediately after the paragraph commencing with the word "STCW Convention means---" and before the paragraph commencing with the "surveyor of ship means---"

The reason is that we make reference to submersible crafts within the main body of the Bill, but there is no definition thereof in the definition section.

(d) By deleting the words "young person" and inserting the words "a child".

This is in conformity with the Children Act and for consistency in our law.

Mr. Temporary Deputy Chairman, Sir, I will drop part "e" where I had suggested a definition of "inland water", but the technocrats have advised me that my definition is wrong.

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

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

(Clause 2 as amended agreed to)

*(Clauses 3, 4, 5, 6
and 7 agreed to)*

Clause 8

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
 THAT, Clause 8 be amended in Subclause (2) by inserting the following new paragraph after paragraph (f)-
 (g) the granting and withdrawal of licences for maritime service providers;
 (h) the oversight and monitoring of service delivery in the maritime sector, having regard to availability, quality, standards of service, cost, efficiency of production and distribution of such services.

(Question of the amendment proposed)

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Chairman, Sir. I think the House is entitled to some explanations when amendments are being proposed.

The Temporary Deputy Chairman (Mr. Imanyara): If you need any explanation, seek it. That is why we are in the Committee of the whole House. If you have none to seek, I will put the Question.

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

(Clause 8 as amended agreed to)

(Clauses 9, 10, 11, 12, 13 and 14 agreed to)

Clause 15

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
 THAT, Clause 15(a) be amended to read as follows:-

The Temporary Deputy Chairman (Mr. Imanyara): Is it as it appears on the Order Paper?

Eng. Rege: No, Mr. Temporary Deputy Chairman, Sir. They do not have this. After reading it I can give it to you.

The Temporary Deputy Chairman (Mr. Imanyara): We are on Clause 15. Is the amendment the one on the Order Paper?

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, it is the one, but I would like to add something else after that amendment.

Mr. Njuguna: On a point of order, Mr. Temporary Deputy Chairman, Sir. Could the proposer of the amendments read them out so that we are clear on what we are passing?

The Temporary Deputy Chairman (Mr. Imanyara): The amendments are on the Order Paper. If you need any clarification on them, you are fully entitled to seek it when I propose the Question.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Chairman, Sir. I think what my colleague also meant is: Yes, we can read it on the Order Paper, but there is explanation given for proposing that amendment. I think the House is entitled to some explanation.

The Temporary Deputy Chairman (Mr. Imanyara): That is why you are allowed to seek for it. If you do, the Chair will allow you to ask for an explanation.

Continue, Eng. Rege!

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, do we agree that we further amend Clause 15 by inserting 15(a)?

The Temporary Deputy Chairman (Mr. Imanyara): You are adding the words "shipping agents."

Eng. Rege: It is not only that, Mr. Temporary Deputy Chairman, Sir. I would like it to read as follows:-

(i) no person engaged in business as a maritime service provider shall, while so engaged, undertake the business of clearing and forwarding, port facility operator, terminal operator, key service provider, inland port operator---

The Temporary Deputy Chairman (Mr. Imanyara): Order, Eng. Rege! It has just been indicated to me that you did not submit those amendments for approval, for them to go into the Order Paper. So, you are not entitled to bring them.

So, you can move the amendments that you proposed and are contained on the Order Paper. Any supplementary amendments ought to have been given notice of in accordance with the Standing Orders.

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 15 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding five years or to both such fine and imprisonment" immediately after the word "shillings" appearing in Subclause (3).

(Question of the amendment proposed)

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

(Clause 15 as amended agreed to)

(Clause 16 agreed to)

Clause 17

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 17 be amended:-

(a) In Subclause I by adding the words "corporation registered in Kenya" after paragraph (b) before paragraph (c)

(b) in Subclause (2) by deleting the word "may" after the words "the Minister" and substituting therefor the word "shall".

This is because we have not included corporations as being capable of owning ships and yet, in law, they can own ships in the country.

(Question of the amendment proposed)

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

(Question, that the word to be

*inserted in place thereof be
inserted, put and agreed to)*

(Clause 17 as amended agreed to)

(Clause 18 agreed to)

Clause 19

The Temporary Deputy Chairman (Mr. Imanyara): There is an amendment to this Clause.

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Chairman, Sir, there is no amendment on the Order Paper.

The Temporary Deputy Chairman (Mr. Imanyara): Notice was given in good time and approved by the Speaker.

Proceed and just explain what it is, because it is not on the Order Paper, as the hon. Member said.

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 19 be amended by inserting the following new paragraph 3 after paragraph 2-

"Anyone aggrieved by the Registrar's decision may appeal--

Mr. Temporary Deputy Chairman, Sir, I do not know whether I am allowed to make a minor amendment, so that instead of the word "Minister" I put in "Director-General". Therefore, the Clause now reads:-

"Anyone aggrieved by the Registrar's decision may appeal to the Director-General and the Director-General's decision shall be final."

Mr. Temporary Deputy Speaker, Sir, the reason for this proposed amendment is that for governance---

The Temporary Deputy Chairman (Mr. Imanyara): I am sorry; I may have to cut you short. Did you say "Director-General?"

Ms. Odhiambo: Yes, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Imanyara): In the notice of amendment that we have you are referring to the "Minister".

Ms. Odhiambo: That is why I was seeking your guidance as to whether I could move an amendment to my amendment.

The Temporary Deputy Chairman (Mr. Imanyara): Yes, you can because you are just changing a word.

Ms. Odhiambo: The reason is that for purposes of accountability, and in human rights practice, you cannot have one level of authority. For enhanced accountability, there must be a second level for appeal, so that accountability is spread to more than one person.

(Question of the amendment proposed)

Mr. Njuguna: On a point of order, Mr. Temporary Deputy Speaker, Sir. Does that not contravene your earlier ruling that indicated that the amendments you were allowing were only those which had earlier been communicated to the Speaker?

The Temporary Deputy Chairman (Mr. Imanyara): This had been communicated. I think it was a typographical error.

Mr. Njuguna: What about the change of the word "Minister" to "Director-General".

The Temporary Deputy Chairman (Mr. Imanyara): That is not a major amendment and it is within my discretion to allow it, and I have allowed it.

Mr. Njuguna: I agree.

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

*(Clause 19 as amended
agreed to)*

Clause 20

The Temporary Deputy Chairman (Mr. Imanyara): I notice that there are several amendments by both the Chairman and Ms. Odhiambo. Is that so? Let us begin with Ms. Odhiambo's amendment.

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, after consultations, I agreed to drop my amendment.

(Ms. Odhiambo's amendment dropped)

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 20 of the Bill be amended-

(a) in Subclause (5) by inserting the words "for cancellation." at the end of paragraph (c);

(c) in Subclause (6)-

(i) by inserting the words "or to imprisonment for a term not exceeding three years imprisonment or to both such fine and imprisonment" immediately after the word "shillings" appearing in paragraph (a);

(ii) by inserting the words "or to imprisonment for a term not exceeding three years imprisonment or to both such fine and imprisonment" immediately after the word "shillings" appearing in paragraph (b).

(Question of the amendment proposed)

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

*(Clause 20 as amended
agreed to)*

(Clause 21 agreed to)

Clause 22

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 22 be amended by inserting the words "or to imprisonment for a term not exceeding three years or to both such fine and imprisonment" immediately after the word "shillings" appearing in Sub-Clause (3).

*(Question of the amendment
proposed)*

Mr. Ethuro: Mr. Temporary Deputy Chairman, Sir, if you have noticed, the Chairman has been proposing things to do with "imprisonment for a term not exceeding three years", but he is not explaining why he is doing so. That has happened almost four times.

The Temporary Deputy Chairman (Mr. Imanyara): Mr. Chairman, can you explain why you are making those amendments? I am assuming that the Committee met and proposed these amendments. If that is the case, indicate that the amendments have been discussed by your Committee, and that you are only proposing what the Committee has directed you to bring to the House.

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, the Member of the Committee was not available on that day. Nonetheless, I can explain the rationale.

Mr. Temporary Deputy Chairman, Sir, the reasons are that these amendments require owners of ships to take a third party insurance against risks to life and property in their vessels.

The sentence is meant to encourage Kenyan ship owners to take insurance cover for loss ensuing from the negligence of their crew and agents. It also covers negligence resulting in injury to the crew members.

The Assistant Minister for Medical Services (Mr. Mungatana): On a point of order, Temporary Deputy Chairman, Sir. With a lot of respect to the Chairman, I think he is referring to a different Clause, because in Clause 22 we are just enhancing the punishment for those who will fail to surrender the certificate of registration. That should be the only reason. The insurance bit does not come in.

Nevertheless, we support it.

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, this covers a lot of Clauses like Clause 15(3), 26(a), 20(d)---

The Temporary Deputy Chairman (Mr. Imanyara): Order! You should restrict yourself to Clause 22. That is where we are.

Eng. Rege: Could I give a general explanation, because this will apply to all.

The Temporary Deputy Chairman (Mr. Imanyara): No! No! The question was asked on Clause 22.

I will now put the Question.

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

*(Clause 22 as amended
agreed to)*

Clause 23

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 23 be amended by deleting the word "neither" and inserting therefor

the words "no action shall lie against" and by further deleting the words "nor" and inserting therefor the word "or" and by deleting the words "Act shall be liable for any loss or damage accruing to any person by reason of any act, omission or default of such officer" and inserting therefor the words "in respect of anything done or omitted to be done by him or her in good faith in the exercise or performance of any power, authority or duty conferred or imposed on him or her under the Act".

Mr. Temporary Deputy Chairman, Sir, the reason for this proposed amendment is that as currently crafted, the provision allows anybody to get away with any **[Ms. Odhiambo]** negligence act; the proposed amendment only covers you to the extent that you are not negligent. The wording is borrowed from elsewhere in this Bill.

(Question of the amendment proposed)

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

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

(Clause 23 as amended agreed to)

(Clauses 24 and 25 agreed to)

Clause 26

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 26 be amended-

(a) by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment", immediately after the word "shillings" appearing in subclause (4);

(b) by inserting the words "or to imprisonment for a term not exceeding two years or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (6).

(Question of the amendment proposed)

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

(Clause 26 as amended agreed to)

*(Clauses 27, 28, 29, 30,
31, 32, and 33 agreed to)*

Clause 34

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 34 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding five months or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (2).

(Question of the amendment proposed)

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

*(Clause 34 as amended
agreed to)*

Clause 35

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 35 be amended by inserting the words "or to imprisonment for a term not exceeding six years or to both such fine and imprisonment" immediately after the word "shillings".

(Question of the amendment proposed)

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

*(Clause 35 as amended
agreed to)*

Clause 36

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 36 be amended by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (4).

(Question of the amendment proposed)

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

*(Clause 36 as amended
agreed to)*

Clause 37

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 37 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (6).

(Question of the amendment proposed)

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

(Clause 37 as amended agreed to)

(Clause 38

agreed to)

Clause 39

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 39 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding two years or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (5).

(Question of the amendment proposed)

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

(Clause 39 as amended agreed to)

(Clauses 40, 41, 42, 43, and 44 agreed to)

Clause 45

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 45 be amended by inserting the words "or to imprisonment to a term not exceeding twelve months or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (5).

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted,

put and agreed to)

(Clause 45 as amended agreed to)

(Clauses 46 and 47 agreed to)

Clause 48

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 48 be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings".

(Question of the amendment proposed)

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

(Clause 48 as amended agreed to)

Clause 49

Ms. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I beg to move:-
THAT, Clause 49 be amended by inserting a new paragraph (a) "there shall be kept by the Registrar a register book for ships under construction that shall contain names of ships under construction".

The reason for this is that we actually make reference to a register book for ships under construction and yet it has not been introduced elsewhere in the Bill for purposes of clarity.

(Question of the amendment proposed)

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

(Clause 49 as amended agreed to)

Clause 50

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 50 be amended by deleting the words "and in addition, to a fine of ten thousand shillings for every day during which the offence continues after conviction" appearing in subclause (4) and substituting therefor the words "or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment and, in addition, to a fine of ten thousand shillings for every day during which the offence continues after conviction and the ship shall be liable to forfeiture in case of default to comply within one month".

(Question of the amendment proposed)

Mr. Njuguna: Mr. Temporary Deputy Chairman, Sir, I would request the Mover of this very important amendment to give a brief account on this weighty amendment. We note that after a conviction is given, a penalty fee of Kshs10,000 shall be paid every day.

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, the reasons for these target ships identification aims at discouraging configuration of vessels without notifying the authorities. For example, in Kisumu we have had cases of people converting tubs into tankers. Such alteration and construction affects the stability of the vessel and thus it will compromise it's safety.

The Temporary Deputy Chairman (Mr. Imanyara): Mr. Njuguna, it seems you are satisfied. I will put the Question now.

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

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

*(Clause 50 as amended
agreed to)*

(Clauses 51 and 52 agreed to)

Clause 53

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 53 be amended-

(a) by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub clause (3);

(b) by deleting the words "and, in addition to a fine of ten thousand shillings for every day during which the offence continues after conviction" and substituting therefor the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and, in addition to a fine of ten thousand shillings for every day during which the offence continues after conviction and, in the event of failure, to comply within a period of one month, the ship shall be liable to be expelled from Kenyan waters.

(Question of the amendment proposed)

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

(Question, that the words to be

*inserted in place thereof be
inserted, put and agreed to)*

(Clause 53 as amended agreed to)

*(Clauses 54, 55, 56 and
57 agreed to)*

Clause 58

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 58 be amended by inserting a new sub-clause (i) "exemption of ship from licensing".

The reason being that Clause 58 gives the Minister power to make regulations over several issues but no power for regulation on exemption of ships from licensing. This would enable the Minister to have direct discretion.

(Question of the amendment proposed)

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

*(Clause 58 as amended
agreed to)*

Clause 59

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 59 be amended -

(a) by inserting the words "or to imprisonment for a term not exceeding six months" immediately after the word "shillings" appearing in paragraph (c) of sub-clause (2);

(b) by inserting the words "or to imprisonment to a term not exceeding four months" immediately after the word "shillings" in sub clause (6).

(Question of the amendment proposed)

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

(Clause 59 as amended agreed to)

(Clause 60 agreed to)

Clause 61

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 61 be amended at sub-clause (1) by deleting the word "committee" and replacing it with the word "trustee".

This is because "committee" under this context has actually no legal definition but "trustee", if you look at the rest of the Act, actually has meaning.

(Question of the amendment proposed)

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

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 61 as amended agreed to)

Clause 62

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 62 be deleted.

The reason is actually that, if you look at Clause 61 you will find that it recognises that you can find incapacity by infancy and other situations and, therefore, recognises that you can go to court and have trustees recognise that. However, if you go to Clause 62, it then creates an incapacity by indicating that you cannot register a trust which, therefore, means that somebody can actually take away the rights of children whose parents have died who may have beneficial interest in a ship if we retain Clause 62.

So, my reasoning is that if you actually read Clause 61 together with Clause 62, Clause 62 is a dangerous clause in relation to persons who are incapacitated such as children, persons with mental incapacities and that category of persons. So, I propose that it be deleted.

(Question of the amendment proposed)

The Assistant Minister for Medical Services (Mr. Mungatana): Mr. Temporary Deputy Chairman, Sir, the Government opposes that proposal. The reason is that we had the benefit of discussions with the experts in this matter, in particular, the Director-General. It seems that the interest of the children which the hon. Member is concerned about is already well taken care of under the Clause 61 that we have already agreed to. However, if we delete Clause 62 it will mean that all the vessels especially those that are floating mortgage or something like that will be insecure. Vessels that we have seen within Kenyan waters are of people who are supposed to secure their interests and they will not feel secure within the registry of Kenya and, therefore, this exposure is not just about the children and the people with mental incapacity who are already taken care of. So, we have had the benefit and I think that if this Clause is deleted, we will expose all the shipping vessels and this is dangerous for this country.

Mr. Temporary Deputy Chairman, Sir, I would urge the hon. Member to withdraw that proposal so that it is better to have that law to protect, than not to have it at all, so that Kenyan ships and other shipping companies from abroad will feel safe.

I beg to oppose and I can see the Chairman of the Committee supporting me.

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, Clause 62 is very important for banks and others with financial interest in the vessels. Being a floating asset, the mortgagee needs to be reassured that only non-beings may adversely affect his rights in the ship. If constructively implied or expressed, trust can be allowed to water down his asset, then banks and others will be on very shaky grounds.

I may not inject the capital needed to develop the sector so that a ship can be used as a security if you check Clause 93. Clause 104 restricts the instances which are very limited in nature whereby the ship as an asset can be diluted. The question of infants rights to ownership in a ship are well articulated in Clause 61.

The Temporary Deputy Chairman (Mr. Imanyara): Ms. Odhiambo, your interest appears to be the protection of the child and Clause 61 appears to take care of that.

Ms. Odhiambo: Mr. Temporary Deputy Chairman, Sir, if you look at Clause 61, it gives certain categories of persons the power to deal with interests of children except as per Clause 62. Clause 62 says that we shall not put a trust in the same manner that you can put a mortgage or a lien.

Mr. Temporary Deputy Chairman, Sir, in other words, we are considering the right of ship owners or bankers who are financing as more important than the lives of children. This is very unfortunate for me because it means that if you are a rich adult, you can put a mortgage and a lien. If you are a child, then your interests are precluded under Clause 62 to be put in the form of a charge the same way that you would put a mortgage or a lien. To me, that is really unfortunate.

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

(Clause 62 agreed to)

(Clauses 63 and 64 agreed to)

Clause 65

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 65 be amended by inserting the words "or imprisonment for a term not exceeding two years or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (3).

(Question of the amendment proposed)

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

(Clause 65 as amended agreed to)

*(Clauses 66, 67, 68, 69, 70, 71, 72,
73, 74, 75, 76, 77, 78, 79,
80, 81, 82, 83, 84, 85, 86,
87, 88 and 89 agreed to)*

Clause 90

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 90 be amended-

(a) by inserting the words "or to imprisonment for a term not exceeding two months or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (2);

(b) by inserting the words "or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (3);

(c) by inserting the words "or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (4).

(Question of the amendment proposed)

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

(Clause 90 as amended agreed to)

*(Clauses 91, 92, 93, 94, 95, 96,
97, 98, 99, 100, 101, 102, 103,
104, 105, 106, 107, 108, 109,
110, 111, 112, 113, 114,
115 and 116 agreed to)*

Clause 117

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 117 be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings" appearing in subclause (4).

(Question of the amendment proposed)

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

(Clause 117 as amended agreed to)

*(Clauses 118, 119, 120, 121, 122, 123,
124, 125, 126, 127, 128, 129,
130, 131 and 132 agreed to)*

Clause 133

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT Clause 133 be in sub clause (2)

(a) by deleting the words "discharge book" appearing in paragraph (b) and substituting therefor the words "continuous discharge certificate";

(b) by introducing a new paragraph (c) as follows:-

(c) the form, validity and contents of the continuous discharge certificates referred to in paragraph (b).

(Question of the amendment proposed)

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

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 133 as amended agreed to)

(Clauses 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162 and 163 agreed to)

Clause 164

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 164 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding nine months" immediately after the word "shillings" appearing in subclause (5).

(Question of the amendment proposed)

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

(Clause 164 as amended agreed to)

Clause 165

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 165 be amended in subclause (4)-

(a) by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the words "one hundred thousand shillings";

(b) by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment" immediately after the word "shillings" appearing in paragraph (a);

(c) by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment" immediately after the word "shillings" appearing in paragraph (b).

(Question of the amendment proposed)

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

(Clause 165 as amended, agreed to)

*(Clauses 166 and 167
agreed to)*

Clause 168

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 168 of the Bill be amended-

(a) by deleting the words "Manning, Qualifications and Training" appearing in the sub-heading of the sub-part and substituting therefor the words "Training, Certification and Safe Manning";

(b) by deleting the words "and also to every ship registered under the law of a country outside Kenya which carries passengers" and substituting therefor the words "operating anywhere in the world and also to every ship registered under the law of a country outside Kenya to which the STCW Convention applies and which plies".

*(Question of the amendment
proposed)*

Mr. Mureithi: Mr. Temporary Deputy Chairman, Sir, could the Mover explain to us why he has found it necessary to bring that amendment?

The Temporary Deputy Chairman (Mr. Imanyara): Eng. Rege, why do you want that amendment?

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, which part of the amendment?

Mr. Mureithi: Mr. Temporary Deputy Chairman, Sir, I am specifically referring to part "a" of the proposed amendment, where we have the words "Manning, Qualification and Training" and "Training, Certification and Safe Manning".

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, this is a maritime terminology, if I may put it that way. Unless the Minister has some intervention.

The Minister for Transport (Mr. Mwakwere): Mr. Temporary Deputy Chairman, Sir, it is exactly as Eng. Rege has said. Terminologies change. We are guided by the International Maritime Organisation and other conventions.

The Temporary Deputy Chairman (Mr. Imanyara): Are you satisfied, hon. Member?

Mr. Mureithi: I am comfortable, Mr. Temporary Deputy Chairman, Sir.

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

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

(Clause 168 as amended agreed to)

Clauses 169

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 169 of the Bill be amended-

(a) by deleting the words "Safe manning Regulations" appearing in sub-clause (1) and substituting therefor the words "Training, Certification and Safe Manning Regulations";

(b) by inserting the words "or to imprisonment for a term not exceeding fifteen months imprisonment or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (6).

*(Question of the amendment
proposed)*

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

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

(Clause 169 as amended agreed to)

(Clauses 170 agreed to)

Clauses 171

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 171 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (1).

(Question of the amendment proposed)

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

(Clause 171 as amended agreed to)

Clauses 172

The Temporary Deputy Chairman (Mr. Imanyara): Eng. Rege, you have an amendment to this clause.

The Assistant Minister for Medical Services (Mr. Mungatana): On a point of order, Mr. Temporary Deputy Chairman, Sir. The proposed amendments from Clauses 173 all the way to Clause 176 are actually in the same manner and in the say way, only changing the wording to enhance the punishment provided. We are not objecting to them. So, could the Chairman of the Committee move them together?

The Temporary Deputy Chairman (Mr. Imanyara): Eng. Rege, if that is true, just indicate as much. Is that so?

Eng. Rege: That is so, Mr. Acting Chairman, Sir.

The Temporary Deputy Chairman (Mr. Imanyara): Very well. Move them all at once.

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 172 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (2).

(Question of the amendment proposed)

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

(Clause 172 as amended agreed to)

Clause 173

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 173 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (2).

(Question of the amendment proposed)

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

(Clause 173 as amended agreed to)

Clauses 174

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 174 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (1).

(Question of the amendment proposed)

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

(Clause 174 as amended agreed to)

Clauses 175

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 175 of the Bill be amended by inserting the words "or to imprisonment
for a term not exceeding nine months or to both such fine and imprisonment"
immediately after the word "shillings" appearing in sub-clause (2).

(Question of the amendment proposed)

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

(Clause 175 as amended agreed to)

Clauses 176

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 176 of the Bill be amended by inserting the words "or to imprisonment
for a term not exceeding nine months or to both such fine and imprisonment"
immediately after the word "shillings" appearing in sub-clause (4).

(Question of the amendment proposed)

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

(Clause 176 as amended agreed to)

*(Clauses 177, 178, 179, 180, 181,
182, 183, 184 and
185 agreed to)*

Clause 186

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 186 of the Bill be amended by inserting the words "or to imprisonment
for a term not exceeding nine months or to both such fine and imprisonment"
immediately after the word "shillings".

(Question of the amendment proposed)

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

(Clause 186 as amended agreed to)

(Clauses 187 and 188 agreed to)

Clause 189

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 189 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding three months or to both such fine and imprisonment" immediately after the word "shillings" appearing in paragraph (b) of sub-clause (1).

(Question of the amendment proposed)

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

(Clause 189 as amended agreed to)

*(Clauses 190, 191, 192, 193,
194, 195 and 196 agreed to)*

Clause 197

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 197 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (10).

(Question of the amendment proposed)

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

*(Clause 197 as amended
agreed to)*

(Clause 198 agreed to)

Clause 199

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 199 of the Bill be amended by inserting the words "or to imprisonment

for a term not exceeding four months or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (3).

(Question of the amendment proposed)

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

*(Clause 199 as amended
agreed to)*

(Clause 200 agreed to)

Clause 201

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 201 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding nine months or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (2).

(Question of the amendment proposed)

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

(Clause 201 as amended agreed to)

*(Clauses 202, 203, 204, 205, 206,
207, 208, 209, 210, 211, 212,
213, 214 and 215 agreed to)*

Clause 216

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 216 of the Bill be amended by inserting the words "or to imprisonment for a period not exceeding eight months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Sub-clause (4).

(Question of the amendment proposed)

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

(Clause 216 as amended agreed to)

Clause 217

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 217 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Sub-clause (2).

(Question of the amendment proposed)

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

(Clause 217 as amended agreed to)

*(Clauses 218, 219, 220, 221
and 222 agreed to)*

Clause 223

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 223 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding three years or to both such fine and imprisonment", immediately after the word "shilling".

(Question of the amendment proposed)

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

*(Clause 223 as amended
agreed to)*

(Clause 224 agreed to)

Clause 225

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 225 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Subclause (2).

(Question of the amendment proposed)

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

(Clause 225 as amended agreed to)

*(Clauses 226, 227, 228, 229,
230, 231, 232, 233
and 234 agreed to)*

Clause 235

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 235 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Subclause (8).

(Question of the amendment proposed)

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

(Clause 235 as amended agreed to)

*(Clauses 236, 237, 238, 239, 240,
241, 242, 243, 244, 245, 246,
247 and 248 agreed to)*

Clause 249

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 249 of the Bill be amended by inserting the words "or to imprisonment for a period not exceeding fifteen months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Sub-clause (3).

(Question of the amendment proposed)

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

(Clause 249 as amended agreed to)

*(Clauses 250, 251, 252
and 253 agreed to)*

Clause 254

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 254 of the Bill be amended-

- (a) by inserting the words "or to imprisonment for a term not exceeding fifteen months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Subclause (1);
- (b) by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Subclause (2);
- (c) by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Sub-clause (3);
- (d) by inserting the words "or to imprisonment for a period not exceeding five months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Sub-clause (4);
- (e) by deleting the words "two years" appearing in Subclause (5) and substituting therefor the words "six months".

(Question of the amendment proposed)

Mr. Njuguna: Mr. Temporary Deputy Chairman, Sir, could the Committee Chairman explain to us why he is deleting two years and substitute them with "six months"? That is in part (e).

The Temporary Deputy Chairman (Mr. Imanyara): Eng. Rege? Mr. Njuguna, just explain to him again. I think he did not get it.

Mr. Njuguna: I am saying that the Committee Chairman is proposing to delete the words "two years" and substitute them with "six months". Could he explain to us why he got motivated to reduce it to six months?

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, we did that, as with the others in the past, to harmonise the fines that--- As a matter of fact, we can say here that the ship proceeding to sea without being compliant to safety at sea is a serious offence. That is because the safety of such a ship cannot be guaranteed. Unless there is a certificate, the Authority cannot guarantee the safety of the vessel and the lives and property on board, including the ship itself. All those would be at risk. That is all I can say.

The Temporary Deputy Chairman (Mr. Imanyara): Mr. Assistant Minister, do you want to voice your concurrence to that? Are you satisfied?

The Assistant Minister for Medical Services (Mr. Mungatana): I am very satisfied, Mr. Temporary Deputy Chairman, Sir.

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

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

(Clause 254 as amended agreed to)

*(Clauses 255, 256 and
257 agreed to)*

Clause 258

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 258 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Subclause (3).

(Question of the amendment proposed)

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

*(Clause 258 as amended
agreed to)*

*(Clauses 259, 260, 261
and 262 agreed to)*

Clause 263

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 263 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding two years or to both such fine and imprisonment" immediately after the word "shillings" appearing in sub-clause (2)

(Question of the amendment proposed)

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

(Clause 263 as amended agreed to)

Clause 264

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 264 of the Bill be amended:-
(a) by inserting the words "or to imprisonment for a term not exceeding three years" immediately after the word "shillings" appearing in Subclause (1);
(b) by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings" appearing in Sub-clause (4).

(Question of the amendment proposed)

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

put and agreed to)

(Clause 264 as amended agreed to)

Clause 265

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 265 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings".

(Question of the amendment proposed)

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

*(Clause 265 as amended
agreed to)*

*(Clauses 266, 267 and
268 agreed to)*

Clause 269

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 269 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings" appearing in Sub-clause (3).

*(Question of the amendment
proposed)*

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

(Clause 269 as amended agreed to)

Clause 270

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 270 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment" immediately after the word "shillings".

(Question of the amendment proposed)

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

(Clause 270 as amended agreed to)

(Clauses 271 and 272 agreed to)

Clause 273

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 273 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding two years or to both such fine and imprisonment" immediately after the word "shillings" appearing in Sub-clause (3).

(Question of the amendment proposed)

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

(Clause 273 as amended agreed to)

(Clauses 274 and 275 agreed to)

Clause 276

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 276 of the Bill be amended in the marginal note by deleting the word "customs" and substituting therefor the word "port".

(Question of the amendment proposed)

Mr. Njuguna: Mr. Temporary Deputy Chairman, Sir, could Eng. Rege give an explanation, or clarify why we are removing the word "customs" and inserting "port".

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, the marginal note is being aligned to the contents of the provision. Ships normally produce such certificates for the purposes of clearing the ship for port operations; for example when off-loading cargo and seeking clearance to sail, a ship is not required to produce such documents to customs.

The Temporary Deputy Chairman (Mr. Imanyara): Are you satisfied?

Mr. Njuguna: Yes, Mr. Temporary Deputy Chairman, Sir.

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

*(Question, that the word to be
inserted in place thereof be
inserted, put and agreed to)*

*(Clause 276 as amended
agreed to)*

*(Clauses 277, 278, 279, 280,
281, 282 and 283 agreed to)*

Clause 284

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 284 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding fifteen months or to both such fine and imprisonment" immediately after the word "shillings" appearing in Sub-clause (4).

(Question of the amendment proposed)

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

*(Clause 284 as amended
agreed to)*

(Clause 285 agreed to)

Clause 286

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 286 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding six months or to both such fine and imprisonment" immediately after the word "shillings" appearing in Subclause (2).

(Question of the amendment proposed)

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

*(Clause 286 as amended
agreed to)*

Clause 287

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 287 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding four months or to both such fine and imprisonment" immediately after the word "shillings".

(Question of the amendment proposed)

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

(Clause 287 as amended agreed to)

*(Clauses 288, 289, 290, 291
292 and 293 agreed to)*

Clause 294

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 294 of the Bill be amended:-

(a) by inserting the words "or to imprisonment for a term not exceeding three years or to both such fine and imprisonment" immediately after the word "shillings" appearing in Subclause (1).

(b) by inserting the words "or to imprisonment for a term not exceeding three years or to both such fine and imprisonment" immediately after the word "shillings" appearing in Subclause (2).

(Question of the amendment proposed)

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

(Clause 294 as amended agreed to)

Clause 295

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 295 of the Bill be amended:-

(a) by inserting the words "Notice by grain ship" as the marginal note clause;

(b) by inserting the words "or to imprisonment for a term not exceeding nine months or to both such fine and imprisonment" immediately after the word "shillings".

(Question of the amendment proposed)

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

(Clause 295 as amended agreed to)

(Clauses 296 and 297 agreed to)

Clause 298

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 298 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding three years or to both such fine and imprisonment" immediately after the word "shillings" in Subclause (1).

(Question of the amendment proposed)

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

(Clause 298 as amended agreed to)

*(Clauses 299, 300, 301,
302 and 303 agreed to)*

Clause 304

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 304 of the Bill be amended by inserting the words "or to imprisonment for a term not exceeding two years or to both such fine and imprisonment" immediately after the word "shillings" appearing after Subclause (1).

(Question of the amendment proposed)

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

*(Clause 304 as amended
agreed to)*

(Clause 305 agreed to)

Clause 306

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 306 of the Bill be amended-
(a) by inserting a new paragraph in Subclause (2) as follows-
(u) any other matter that the Minister may deem fit to enhance the safety and security for vessels plying the inland water as well as preserve the aquatic environment"
(b) by inserting a new sub-clause as follows-
(3) In making the regulations referred to in this section, the Minister shall take into consideration regional agreements that may have been concluded and adopted in Kenya in that respect.

(Question of the amendment proposed)

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

*(Clause 306 as amended
agreed to)*

*(Clauses 307 and 308
agreed to)*

Clause 309

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 309 of the Bill be amended by inserting the words "or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment" immediately after the word "shillings".

(Question of the amendment proposed)

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

*(Clause 309 as amended
agreed to)*

(Clause 310 agreed to)

Clause 311

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 311 be amended by inserting the words "or imprisonment for a period of three months or to both such fine and imprisonment" immediately after the word "shillings" in Subclause (3).

(Question of the amendment proposed)

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

*(Clause 311 as amended
agreed to)*

*(Clauses 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325,
326, 327, 328, 329, 330, 331,
332, 333, 334, 335, 336, 337,*

338, 339, 340, 341, 342, 343,
344, 345, 346, 347, 348, 349,
350, 351, 352, 353, 354,
355, 356, 357, 358 and
359 agreed to)

Clause 360

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 360 of the Bill be amended

(a) by inserting the words "or imprisonment for a term not exceeding four months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Subclause (4)

(b) by inserting the words "or imprisonment for a term not exceeding three months or to both such fine and imprisonment", immediately after the word "shillings" appearing in Subclause (5)

*(Question of the amendment
proposed)*

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

*(Clause 360 as amended
agreed to)*

*(Clauses 361 and 362
agreed to)*

Clause 363

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 363 of the Bill be amended by deleting the words "and excise" appearing in paragraph (b) and substituting thereof the word "service"

*(Question of the amendment
proposed)*

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

*(Question, that the word to
be inserted in place thereof
be inserted, put and agreed to)*

*(Clause 363 as amended
agreed to)*

(Clauses 364 and 365 agreed to)

The Temporary Deputy Chairman (Mr. Imanyara): Hon. Members, I now ask the Minister to move that the Committee do report progress since we cannot obviously finish the business of the House today.

The Minister for Transport (Mr. Mwakwere): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee do report progress and seek leave to sit again.

(Question proposed)

(Question put and agreed to)

[The House resumed]

*[The Temporary Deputy Speaker
(Prof. Kaloki) in the Chair]*

PROGRESS REPORTED

THE MERCHANT SHIPPING BILL

Mr. Imanyara: Mr. Temporary Deputy Speaker, Sir, the Committee of the whole House is considering the Merchant Shipping Bill and has instructed me to report progress and seek leave to sit another day.

The Minister for Transport (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said report.

(Question proposed)

*(Question put and
agreed to)*

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now 6.30 p.m. and the House, therefore, stands adjourned until tomorrow, Thursday, 12th February, 2009, at 2.30 p.m.

The House rose at 6.30 p.m.