

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 2nd November, 2010

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:-

The Joint Recommendations of the Reports of the Local Authorities and Funds Accounts Committee and the Departmental Committee on Local Authorities on Purchase of Land for Cemetery by the City Council of Nairobi.

(By Mr. Mwadeghu)

NOTICE OF MOTION

ADOPTION OF REPORTS ON PURCHASE
OF CEMETERY LAND BY THE NCC

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

THAT, this House adopts the joint recommendations of the Reports of the Local Authorities and Funds Accounts Committee and the Departmental Committee on Local Authorities on the purchase of land for cemetery by the City Council of Nairobi laid on the Table of the House today, Tuesday, 2nd November, 2010.

QUESTIONS BY PRIVATE NOTICE

APPOINTMENT OF KBC BOARD

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice. Why did the Minister, in appointing the Kenya Broadcasting Corporations' Board, fail to comply with the provisions of Section 4(1) of KBC Act (Cap. 221) of the laws of Kenya?

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Deputy Speaker, Sir, I beg the indulgence of the House for this Question to be called later on because the Minister, hon. Poghisio, is on his way with the answer.

Mr. Deputy Speaker: Let us move on to the next Question by Mr. Kutuny!

Mr. Kutuny: Mr. Deputy Speaker, Sir, although I have not received a copy of the written answer I beg to ask my Question by Private Notice.

NEGOTIATIONS BETWEEN GOVERNMENT/EPAS

Mr. Kutuny: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Trade the following Question by Private Notice.

(a) Could the Minister confirm that the Government has been negotiating with European Union for Economic Partnership Agreements (EPAs)?

(b) What is the progress of the negotiations?

(c) How will the country benefit from EPAs and what is their potential negative implication on the agriculture sector?

Mr. Deputy Speaker: This is a Question by Private Notice and you do not need to have a copy of the written answer.

Proceed Mr. Assistant Minister!

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

(a) The Government has been engaged in EPA with the European Union. The negotiation started at the regional level in 2004. Kenya, along with other African Caribbean Pacific (ACP) countries that have been trading with the European Union (EU), under the preferential trade arrangement that entails duty free access to the EU market covered about 97 per cent of the total tariff lines. This trade arrangement was defined in the Cotonou Partnership Agreement signed in June, 2000 and expired at the end of December, 2007.

According to the provisions of Cotonou Trade Agreement, this trade regime was to be replaced by negotiated World Trade Organization (WTO) compatible trade arrangement with effect from 1st January, 2008. The WTO compatible trade arrangement is the EPA. Kenya, along with East African Community (EAC) partner States have been negotiating with the EU on behalf of the EPA, both negotiating parties initiating economic partnership agreement framework with the FEBA in Kampala in November, 2007. In the FEBA, both parties agreed to continue negotiating all outstanding issues in the FEBA Article No.37, and to complete negotiations on these issues on 31st July, 2009. This deadline was not met as both parties were unable to conclude the negotiations.

The EAC partner States and the EU have continued these negotiations at technical levels namely senior official level and Ministerial level. All these levels of negotiations have not been finalized due to outstanding issue in the FEBA; that is export duty in Article 15; most favored nation treatment, Article 16; and the outstanding issues listed in Article 37 of the FEBA.

In the last joint negotiating meeting at the Ministerial level held in Dar es salaam on 9th June, 2010, both parties reviewed the progress of the negotiations and noted that the progress had been made in the EPA and before the end of 2007, this should be completed.

Kenya, as a developing country, would access the EU market under the Generalized System of Preferences (GSP) if it does not negotiate the EPA at duty ranging between 5.3 per cent and 15.7 per cent. Other EAC partner States, as they are Least

Developed Countries (LDC), will continue to access the EU market at zero per cent as they would move to everything, but arms arrangement. This means that the countries' export to the EU will become uncompetitive.

The EPA will sustain employment and investment already in place in horticultural, fisheries and related industries whose growth has been propelled over the years by the preferential market access in the EU.

There is no potential negative implication on the agricultural sector. This is because the market access offers Kenya and other EAC partner States access to the EU under the EPA negotiations. This was initiated on 27th November, 2007 in Kampala. It ensured that all agricultural products were excluded from the EPA negotiations.

This comprehensive exclusion---

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. We are actually not following what the Assistant Minister is saying because he is reading very fast. Could he answer the Question in short so that we can interact with him?

The Assistant Minister for Trade (Mr. Mwau): Mr. Deputy Speaker, Sir, as I conclude, this was initiated on 27th November, 2007 in Kampala. It was ensured that all agricultural products were excluded from the EPA negotiations. This comprehensive exclusion list of over 17 per cent was prepared by the national negotiating team which included members from line Ministries, private sector and civil society organizations.

Mr. Kutuny: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister talk about the Government negotiating for this partnership. The Government is showing a lot of commitment. It is very sad that the Government can engage in such a partnership knowing very well that it will give advantage to the developed world. As we speak now, farmers in Kenya do not have a place where they can sell their farm produce. Kenyans do not have a place where they can export their flowers. They also do not have a place where they can export their wheat. The EPA will be to the advantage of the developed world where governments subsidize farmers in production.

What informed the Government to take such a step which will kill the infant industry in this country?

Mr. Mwau: Mr. Deputy Speaker, Sir, the negotiations with the EU do not only refer to Kenya. The EAC partnership is the negotiating tool and there is no way Kenya, as a country, can exclude itself from the EAC.

Mr. Mungatana: Mr. Deputy Speaker, Sir, normally, when you negotiate, you will have a lawyer on one side and another on the other side. The capacity to negotiate on both sides should be fairly equal. I want the Assistant Minister to tell us how many trained negotiators we have as a country. What capacity do we have? We are informed that a country like the USA, when they go to negotiate for any trade instrument in Geneva, they will pack a room with 20 people against one of our own. We want to know today the capacity the Ministry has in terms of trained negotiators on the EPAs. If there is no capacity, what plans does the Ministry have to increase that capacity to enable us have advantage on old market trade?

Mr. Mwau: Mr. Deputy Speaker, Sir, the question is well meant. As a country, we do not have a data bank for negotiators. However, the Ministry has been hiring consultants as and when need arises.

Mr. Imanyara: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that there is no way Kenya can negotiate outside the EAC. Suppose there is conflict

of State interest, for example, the interest of Rwanda and Tanzania may be very different from the interest of Kenya--- What will the Assistant Minister do in the event Kenya's national interests are not adequately dealt with through the EAC?

Mr. Mwau: Mr. Deputy Speaker, Sir, unfortunately, that situation has not arisen.

Mr. Deputy Speaker: Mr. Assistant Minister, are you sure that the answer you have given is adequate? Are you satisfied with that answer? This is a Legislative Assembly and it deals with policy matters and other things. The hon. Member has asked you, "What happens if Kenya's interests are not adequately dealt with through the EAC?" You cannot answer by saying that, that situation has not arisen. Could you give an adequate answer on the same?

Mr. Mwau: Mr. Deputy Speaker, Sir, it will be difficult for me to answer that question in the time being. This is because I said---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! When the interests of Kenya and Rwanda are not in synergy, that is, when we have an interest separate from Rwanda's--- What happens when the interest of Kenya is not met? Is that not so, Mr. Imanyara?

Mr. Imanyara: That is the point, Mr. Deputy Speaker, Sir. He is my good friend and I do not want to put him to task. However, what is the policy in the event such an eventuality occurs? For example, with respect to the EAC Protocol, one of the main obstacles was the Tanzanian interest. They felt that Kenya was way ahead and they needed to catch up in certain areas including land ownership and freedom of movement of individuals. We had to ensure that Kenyan interests are taken on board. What is the policy of the Government where there is a conflict of interest between the interest of the partner States in the EAC and those of Kenya? Surely, the Assistant Minister cannot say that he will wait until the situation happens.

Mr. Mwau: Mr. Deputy Speaker, Sir, I think I now understand the question. However, the question I am answering relates to negotiations with the EU. These negotiations have taken another step because the EAC States have already taken a common position in which they will negotiate at the EU level. However, if there is any dispute at the EAC negotiation level there will be nothing that will be carried forward as negotiation to the EU.

Mr. Ogindo: Mr. Deputy Speaker, Sir, aware that most of the commodities that are being targeted in the EPAs from the Kenyan side are raw agricultural produce; aware that in the EU these commodities are produced there, for example, chicken and pig and considering the fact that the agricultural production in the EU is heavily subsidized and ours is developing, what are the merits of this agreement in our favour? Could the Assistant Minister clarify that?

Mr. Mwau: Mr. Deputy Speaker, Sir, the importance and benefit of this agreement is only when we access the EU market through a preferred duty entry. Currently, Kenya is considered as a partly developed country while others are considered less developed. Theirs will be considered at zero per cent while ours will be considered at a minimal percentage.

Mr. Koech: Mr. Deputy Speaker, Sir, it is very clear that these negotiations are likely to have a negative implication on the agricultural sector in our country given the fact that we are negotiating with a developed world. Knowing very well that the farmer is fully subsidized in the developed world, could the Assistant Minister confirm that in the

event these negotiations succeed, the Kenyan Government will be fully prepared to subsidize the farmer of this country?

Mr. Mwau: Mr. Deputy Speaker, Sir, it will not be possible for me to guarantee the House that in case this agreement is carried forward the Government will subsidize the farmers because that falls in a different Ministry.

Mr. Kutuny: Mr. Deputy Speaker, Sir, based on the answer that the Assistant Minister has given, it is apparent now that the Government has not put the mechanisms and modalities to continue with the negotiations. So could the Government consider suspending these negotiations until a proper policy framework is put in place before we continue engaging in these negotiations?

Mr. Mwau: Thank you, Mr. Deputy Speaker, Sir. Unfortunately, it is not possible for the Kenya Government to suspend the negotiations because already they have moved up to another level where now they involve the East African Community partner states. Therefore, if we have to decide to get out of the negotiations, already we have commitments that we cannot renege from.

Mr. Deputy Speaker: Next Question by Dr. Monda!

APPOINTMENT OF KENYA MEDICAL LABORATORY TECHNICIANS/TECHNOLOGISTS BOARD

Dr. Monda: Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following question by Private Notice.

Why did the Minister, in appointing the Kenya Medical Laboratory Technicians and Technologists Board, fail to comply with the provisions of sections 6(1), (7) and 6(1)g, 6(1)e, 6(1)f, 6(1)c and 6(1)h of the Medical Laboratory Technicians and Technologists Act, (No. 10 of 1999)?

The Minister for Medical Services (Prof. Anyang-Nyong'o): Mr. Speaker, Sir, I beg to answer.

I dissolved the Board of the Kenya Medical Laboratories Technicians and Technologists early this year following numerous complaints by stakeholders for various malpractices including financial impropriety. I reconstituted the Board on 24th September, 2010, through gazette notices Nos.11519 and 11520. In doing so, I was guided by the Kenya Medical Laboratories Technicians and Technologists Act No. 10 of 1999 as well as by the recommendations of a task force that I had formed in September 2009 to probe the previous board.

The task force recommended further review of the operations of the previous board by the Efficiency Monitoring Unit (EMU) in the Office of the Prime Minister. I similarly took considerations of its findings and recommendations in constituting the new board.

As regards the specific sections of the Kenya Medical Laboratories Technicians and Technologists Act, No. 10 of 1999; that is alleged I failed to comply with, I wish to provide explanations as follows:-

(i) Section 6 (1) specifies the general membership of the board which I have adhered to. I have not appointed any member into the board outside the provisions of the Act. However, in the interest of stakeholders and the public good, I have taken action to prevent persons of questionable character from transacting the board's business.

(ii) Section 6 (1)(c) provides for the registrar to be a member of the board and he is, in fact, a member of the board. Being an *ex-officio* member especially recognized in the Act, it was not necessary to gazette the occupant as a member.

(iii) Section 6(1)(e) provides for the Medical Laboratories Technologists in charge of the division of vector bone diseases to be a member of the board. Again, this is an *ex-officio* member who does not need to be gazetted as the office is expressly recognized by the Act as a member. However, the current occupant of the office, Mr. Wilson Njeru Kaaria, was adversely mentioned in the EMU Report and the office is, therefore, not invited to attend board meetings until the Ministry of Public Health and Sanitation replaces him.

(iv) Section (6)(1)(f) provides for the association to elect three registered laboratory technicians, two of whom should be in private practice. I received names of the three representatives of the association and gazetted two of them namely; Miss Margaret Wanjiku Muchaba and Mr. Maina Ogutu. I declined to register the third representative, Mr. Jackson Abuya, because he was adversely mentioned in the EMU Report.

(v) Section (6) (1)(g) provides for the association to elect three registered laboratory technologists to the board, two of whom shall be in private practice. I received names of three representatives of the association and proceeded to gazette one of them, Mr. Silas G. Muguongo. I declined to gazette the other two; Messrs. Laban Omondi Onono and Raphael Gakonde Gikera, because they were adversely mentioned in the EMU Report.

(vi) Section 6 (1)(h) provides for the Executive Chairman to be a member of the board. The current chairman is Mr. Moses Collins Onono Olole who having been adversely mentioned in the EMU Report is not invited to meetings of the board.

(vii) Section 7 relates to powers of the board and is therefore not relevant to appointments. It is important to note that regardless of the members who do not attend board meetings on account of not being gazetted or not being invited, the board has been able to attain the quorum of 11 as provided for in the schedule of the Act on Section 34. It is, therefore, not impeded from transacting business.

Dr. Monda: Mr. Deputy Speaker, Sir, you have heard the Minister talk about certain members whom he could not appoint because of the EMU Report and, therefore, he declined. What has he done to ensure the board is constituted according to the law? Since he has declined to gazette those who were proposed by the association and various organizations, what is he doing to ensure that he follows the law to appoint all those who were supposed to be appointed and in those areas where he declined?

Prof. Anyang-Nyongo': Mr. Deputy Speaker, Sir, in the areas where I declined to gazette members, it is because they were adversely mentioned in the Report. I have, therefore, not reappointed them until such a time that a committee that I have set up looks into the recommendations of the Report, discusses with EMU further to ascertain that the allegations that were reported against these people are indeed ascertainable and that once that decision is done---

(Dr. Monda stood up in his place)

(Loud consultations)

Mr. Deputy Speaker: What is your point of order, Dr. Monda? Order, hon. Members!

Dr. Monda: Mr. Deputy Speaker, Sir, you heard the Minister talk about a task force he created to look into the conduct of those members he did not appoint. I am concerned that the Minister is avoiding to answer the question. Why did the Minister then not defer the appointments until such a time that all the members who were brought before him have been cleared? The Minister is avoiding to answer the question.

Prof. Anyang'-Nyongo: Mr. Deputy Speaker, Sir, if the hon. Member had been patient, he would definitely have followed my logic. I am making the point that the EMU did mention these people adversely, and so we cannot appoint them to the board. But they must be given a hearing because you cannot just assume that because the EMU has given us this Report, we should, therefore, forever condemn them to what has been said. What is certain is that---

(Loud consultations)

Mr. Ngugi: On a point of order, Mr. Deputy Speaker, Sir. Hon. Members are consulting too loudly. Even the hon. Questioner here cannot hear the answer.

Mr. Deputy Speaker: Order, hon. Members! Surely, we have facilities in this House at the taxpayers cost for us to consult loudly. There is the lounge and other facilities. We have come here to transact business. Hon. Members and the Minister need to be heard. The hon. Members who have come to transact business need to transact it and no other business. Could we have silence so as to be able to hear one another?

Proceed, Mr. Minister.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I was telling the hon. Member that according to the new Constitution, when such a report mentions you adversely, then you step aside while investigations are going on. If you are deemed to be okay, then you are cleared.

According to the recommendations of the Report, these people were mentioned adversely. Some of the allegations that had been made against them by members of the association, as well as the public, were actually confirmed by the EMU. So, what we did was to put them aside and constitute the board, so it can function. There are certain positions in the board which are not yet filled because of this. The non-filling of those positions does not stop the board from functioning because it can attain quorum.

Further, the EMU also recommended that members of the board who had served more than two terms should not be re-appointed to the board. During the six years they served there was a tendency for impunity to set in, in terms of the use of the board's resources. So, most of them have been left out for two reasons.

One, they were adversely mentioned. Two, they had been in the board for more than two terms. So, they cannot actually serve on the board. In the meantime, the Ministry's committee looking into the implementation of this Report will, obviously, give these people a hearing. If they have anything that they want to put before the committee, we will listen to it and make sure that when we make a final decision, justice is done.

Mr. Deputy Speaker: Final supplementary question on the same, Dr. Monda.

Mr. Outa: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: On what? Somebody has to be out of order for you to rise on a point of order.

Mr. Outa: On a point of clarification, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: By whom now? By the Minister or the Questioner?

Mr. Outa: By the Questioner.

Mr. Deputy Speaker: Dr. Monda, do you want to be informed by Mr. Outa?

Dr. Monda: Yes, Mr. Deputy Speaker, Sir. I want to be informed.

Mr. Deputy Speaker: Proceed, Mr. Outa.

Mr. Outa: Mr. Deputy Speaker, Sir, with the spirit of the new Constitution, you have heard the Minister talking about the task force. He is mentioning the name of an individual who cannot defend himself. I want to inform the House that because this is something that mentions an individual who cannot defend himself, would the hon. Member be interested to have this Question referred to the departmental committee on health?

Dr. Monda: Mr. Deputy Speaker, Sir, Standing Order No.197(3) reads as follows:

“Unless otherwise provided for either expressly or by necessary implication, under any written law all subsidiary legislation shall be tabled before the House upon publication in the *Kenya Gazette*”.

My question to the Minister is this: Why did he not find it prudent to table this appointment to the board in this House, so that the House could interrogate it, before he appointed some of the nominees and left out others and then purport to have completed the appointments?

Prof. Anyang’-Nyong’o: Mr. Deputy Speaker, Sir, appointment of members of a board is not subsidiary legislation.

Ms. A. Abdalla: Mr. Deputy Speaker, Sir, the Minister has told the House that one of the reasons why he has not appointed these individuals, who were elected by their professional organizations, was that they were implicated in an EMU report. What measures has he taken to communicate back to those professional organizations now that he has appointed some of the members elected by those organizations?

Prof. Anyang’-Nyong’o: Mr. Deputy Speaker, Sir, the Ministry has in actual fact informed the association of these procedures. Rather than the association coming back to the Ministry to discuss with us, it preferred to take the matter to court. They knew full well when the EMU team was going there. They were aware of it. They accepted it. They knew full well that the EMU would give us a report. But once the report was out, and since it was unfavourable to some of the officials who had used their six-year tenure in that board to misappropriate valuable resources, they were not prepared to come back and discuss the matter with us. They preferred to take it to court. We, as Ministry, cannot stop anybody from going to court; but we welcome them at any time to come and discuss these issues with us.

Dr. Monda: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to ask the Chair to direct that this matter be referred to the Committee on Delegated Legislation for further interrogation?

Mr. Deputy Speaker: As a matter of fact, the Chair did allow Ms. A. Abdalla, who is the Chair of the Committee on Delegated Legislation, an opportunity--- Instead of calling upon the Questioner to ask the last supplementary question I gave her the chance

because I thought maybe she had an issue to raise on the same. My understanding of this – that is not to say that the Chair understands everything – is that this is not about delegated legislation, unless Ms. A. Abdalla wishes to say something to the contrary.

Ms. A. Abdalla: Mr. Deputy Speaker, Sir, I would suggest that, that should not be the case because he has not appointed anybody outside the list presented. So, the issue cannot be about delegated legislation.

Mr. Deputy Speaker: Fair enough. As for your own committee, the departmental committee on health, you do not need to be directed by the Chair to carry out your investigations, and you are the chairman of that committee.

Next Question!

APPOINTMENT OF KBC BOARD

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

Why did the Minister, in appointing the Kenya Broadcasting Corporations' Board, fail to comply with the provisions of Section 4(1) of KBC Act (Cap. 221) of the laws of Kenya?

The Minister for Information and Communications (Mr. Poghio): Mr. Deputy Speaker, Sir, again, my understanding is that the Question had been fully answered. The only thing left is---

Mr. Deputy Speaker: Order, Minister! You came late. Apologize to the House before you proceed.

The Minister for Information and Communications (Mr. Poghio): Mr. Deputy Speaker, Sir, I profusely apologize for coming late.

The Question had been fully answered and the only thing pending was the tabling of the Curriculum Vitae of the Board members and I hereby table them.

(Mr. Poghio laid the document on the Table)

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the Question was not fully answered. That is why we had requested for the Curriculum Vitae.

I wish to refer to Standing Order No.97 (1)(f) which reads as follows:-

“Conduct is grossly disorderly if the Member concerned deliberately gives false information to the House”.

Mr. Deputy Speaker, Sir, when this Question was being answered the Minister informed the House that they could not appoint somebody on the board with qualifications in radio communication on the basis that this was a very rare and specialized profession. In the words of the Minister, “it is hard to find engineers in this field of radio communication”. This is the only area where the Minister has not complied with.

We have four organizations so far which offer this course. There is the Multimedia University (formerly KCCT) offering a degree course in radio communication. We have the Kenya Institute of Mass Communication (KMTC) offering a diploma course on the same. We also have the Kenya Polytechnic offering the same and many other private colleges offering training in radio communication.

I seek the ruling of the Chair on this matter. Finally, I wish to ask for time to be allowed to peruse those CVs.

Mr. Deputy Speaker: Mr. C. Kilonzo, can you proceed and peruse the CVs?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I am asking for more time. Rather than waste the House's time, I ask that the Question be brought back tomorrow. These are many CVs and I cannot peruse them now.

Mr. Deputy Speaker: I want to look at the HANSARD myself if indeed the Chair did direct the Minister to make those CVs available to the Questioner for him to be in a position to study it and prosecute the Question adequately. Under those circumstances, I think you have a point and this matter can be deferred to another date.

Minister, was that the direction of the Chair?

The Minister for Information and Communications (Mr. Poghio): Mr. Deputy Speaker, Sir, this is a Question by Private Notice. I am sure it has been on the Order Paper many times. If you look at the HANSARD you will find that as of last week, I had offered to read the Question all over and the Chair ruled that it was not necessary and I only needed to bring the CVs. I have the answer if you would like me to read it.

I do not understand the hon. Member when he talks about gross misconduct. Not everybody who qualifies as a radio engineer also qualifies to be on the board. These are mostly young people who are looking for jobs. Board directors have different qualifications from just having people qualified for the job. That is what I was saying. I leave it to you to make a ruling. I am saying this sincerely. I also want to suggest that if --

Mr. Deputy Speaker: Fair enough! This Question has been coming back and forth and it is only fair that we give it all the fairness in terms of prosecution from the Backbenchers and the Minister to explain himself.

Under the circumstances, we will proceed to the next Question. This Question will be last to be done after the last Question on the Order Paper.

ORAL ANSWERS TO QUESTIONS

Question No.276

EXPANSION OF MERU SEWERAGE SYSTEM

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

(a) to explain in which financial year she will finance the expansion of the Meru sewerage system in view of the rapid expansion of the town;

(b) whether she is aware that Makutano Town is not connected to a sewer despite the Minister's promise to connect it two years ago; and,

(c) what measures the Ministry is taking to connect Makutano to the sewerage system.

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

(a)Tigania East Constituency had been allocated funds during the last eight years to the tune of Kshs43 million---

Mr. Ruteere: On a point of order, Mr. Deputy Speaker, Sir. I think the Minister is answering the wrong Question. My Question is on Makutano in North Imenti.

Mr. Deputy Speaker: Minister, are you sure you are answering Question No.276?

The Minister for Water and Irrigation (Mrs. Ngilu): Sorry, Mr. Deputy Speaker, Sir, I could be having two answers.

Mr. Deputy Speaker: We will come back to that Question later while the Minister is organizing herself.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, the Question on the Order Paper is No.276 about North Imenti.

North Imenti Constituency has been allocated funds during the last eight years to the tune of Kshs43.9 million. Out of this total Kshs37.5 million has been allocated for water supply projects and Kshs6.4 million was allocated to irrigation projects---

Mr. Ruteere: On a point of order, Mr. Deputy Speaker, Sir. I am sure the Minister is not in order to answer a Question on Tigania East while I am asking about North Imenti.

Mr. Deputy Speaker: Minister, do you have a Question that essentially reads as indicated on the Order Paper? Question No.276 asks you to explain in which financial year the Minister will finance the expansion of the Meru sewerage system in view of the rapid expansion of the town.

Do you have a different Order Paper? Questioner, is that not your Question?

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I apologize. Both Questions are mine.

I beg to reply.

Mr. Deputy Speaker: Which Question are you ready to answer now?

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, the one on North Imenti.

Mr. Deputy Speaker: Question No.276?

The Minister for Water and Irrigation (Mrs. Ngilu): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed and answer!

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

(a) In this Financial Year, 2010/2011, my Ministry will undertake detailed design and the costing of Meru sewerage systems. Funds for implementation will be sourced from development partners once the plans are ready. Negotiations with the partners are expected to start next financial year after finalizing the plans.

(b) I am aware that Makutano, the upper town of Meru, is not connected to the existing sewerage system.

(c) Makutano will be connected to the sewerage system once the proposed expansion of Meru sewerage system is implemented.

Thank you, Mr. Deputy Speaker, Sir. I apologise to the hon. Member.

Mr. Ruteere: Mr. Deputy Speaker, Sir, the Minister, in the year 2008, gave an answer to the same question. The answer was that the design for that sewerage system would be done and it would cost Kshs700 million and that in the following financial year, they would look for money, either through the Treasury or development partners. So,

they were to factor it in the 2009/2010 Financial Year. I find that the Minister is now misleading the House because she has forgotten what promise she made during that time. Is she serious in her reply to this Question today?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it is true that, that is the undertaking I made. I actually promised that we were going to look for strategic development partners who could support this project and we did. However, the preliminary draft showed that it required over Kshs750 million. What we were able to get was less than that, that is, Kshs600 million. We thought that it would be better for us to use that money in the same area, that is, Maua. I know that, that is not his constituency, but we decided that we would rather use that money in the same region and then look for money for this project in the next financial year.

Mr. Ogingo: Mr. Deputy Speaker, Sir, I find the Minister hugely speculative in her answer. She says that after the design, they are going to look for development partners. Could she be categorical whether she is looking for a grant or loan?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the development partner that we had actually approached is the African Development Bank (ADB). Since they could not give us up to a tune of Kshs750 million and they were ready to give us Kshs600 million, which is adequate to do Maua, we decided that we could not let it go. So, we decided to get Maua sewerage system done and then get other development partners to do Makutano.

Mr. Deputy Speaker: Was it a grant or loan?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, this was a soft loan.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I am glad the Minister, at least, used the Kshs600 million to go to part of Meru. But Makutano Town is actually the commercial capital of the County of Meru. The Minister has been there and has seen the population of that region. Given that we do not have these funds and from 2008, we have not had any monies, what urgent measures is the Minister taking, at least, to address the issue of sewer because a Question has come in this House regarding lack of sewerage facilities? This affects the flow of water even in Meru Prison, which is just next door. What urgent measures is the Minister taking in the meantime to ensure that a possible outbreak of cholera and other diseases does not happen in this region, while she is sourcing for money to connect Makutano?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the hon. Member is right really. Where there is no sewerage, development is very slow and the outbreak of diseases is rampant. But I want to assure hon. Members that we are in the process of looking for and engaging development partners and it looks like we will be able to get people who will respond positively. So, I just do hope that between now and next year, we will be able to engage some partners who will support us. I am unable to say absolutely that by next year, I will start it. But I want to assure the hon. Members that I will be at it.

Mr. Ruteere: Mr. Deputy Speaker, Sir, could the Minister be serious this time and assure the residents of North Imenti – now that she took the money that was meant for North Imenti to Maua which is part of Meru – that they will get this facility because it is seriously needed due to the expansion of Makutano Township which is part of bigger Meru Town? Could she assure this House that this sewer system will be put in place before long?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I want to assure them that they will certainly be on the drawing board, but I do not want to undertake that for sure, I am going to get a development partner who is going to commit himself. However, what I can do is to check whether the Exchequer can give us some money to do this project in phases, should I fail to get a development partner. That is what I can undertake to do.

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

Question No.502

CONSTRUCTION OF MARAGUA DAM

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

(a) whether she is aware that on 28th July, 2009, Athi Water Services Board advertised for the expression of interest for design and building of Maragua Dam, whose site is downstream of Maragua and Gikigii rivers confluence;

(b) what area the dam will cover upon completion and how many farmers will be affected; and,

(c) whether she could assure the House that the farmers will be compensated.

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

(a) I am aware that on 28th July, 2009 Athi Water Services Board advertised for the expression of interest for the design and building of Maragua Dam, whose site is downstream of Maragua and Gikigii rivers confluence.

(b) When constructed, the Maragua Dam reservoir is expected to cover an estimated area of four kilometres square. However, to establish the actual area, my Ministry has engaged a consultant to undertake aerial surveys for the proposed dam area. On completion of this survey, it will be possible to map and identify the number of farmers whose land will be affected by construction of the dam.

(c) Once the farmers affected by the dam are identified, they will be compensated in line with the law.

Mr. Mwangi: Mr. Deputy Speaker, Sir, while I appreciate the answer given by the Minister, I want to draw her attention to the fact that when that dam will be constructed, it will affect four constituencies; Mathioya, Kangema, Kiharu, Kigumo and even Maragua. An area covering four kilometers square is a large area. That is one of the resources of the Murang'a County. We have Ndakaini Dam which serves Nairobi County. The advert that was posted on the papers said that they will use Irate Mathioya and Maragua rivers. That dam is going to serve Nairobi and Ongata Rongai among other areas. My question is with regard to the impact that the dam will have on the communities. The communities will be denied their high potential land. Up to now, the consultant who was engaged has not made an effort to talk to the communities. What would be the economic value addition to farmers who will be losing their productive land? Has the Minister made arrangements to go and address the concerns of the communities for losing that large area?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I said, we are in the process of designing. Once that is done and we have identified the farmers and stakeholders, they will certainly be compensated. However, much more than that, we ensure that in the area where water is coming from, if the people living there cannot get water from the same source that will bring water to Nairobi, we find another source of water for them. With Vision 2030, we are looking at areas where Nairobi is going to get adequate water. The water that is being used in Nairobi comes from the mountains. Water that comes down with gravity is cheaper and affordable. Sometimes, where the water comes from, the residents of those areas do not get enough water. However, we make sure that we have other sources. That dam, for sure, will benefit all of us.

Mr. James Kamau Maina: Thank you, Mr. Deputy Speaker, Sir. Some time ago, Ndakaini Dam was put up in the same area; that is in the larger Murang'a District. When that dam was being put up, the people living in that area were separated. When the Government will be compensating them, could it consider giving them cash and land so that the families that have lived together for generations are not separated?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, that is a true observation. However, there are laws which govern how people are compensated. Therefore, you cannot compensate much more than what has been set out. You cannot take families to live together. However, when a dam is constructed somewhere, people are compensated financially.

Mr. Mbau: Mr. Deputy Speaker, Sir, hoping that I have heard the Minister correctly, she has assured the people of that area that, unlike the residents of the areas around Ndakaini Dam, the residents of the region will be considered in terms of providing either a line or an additional source of water to cater for them. That is because their area will be the main source of water to the residents of Nairobi, Ongata Rongai and the environs. Could the Minister consider, in her stated surveys and designs, to utilize the water reservoir in generating some power from that dam? That power can then be utilized to serve the people of the region?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, at this point, that was not part of the design. However, I can ask the consultants and engineers to see whether they can do that. If they find that to be feasible, then it will be done. However, I know that we have already talked to the financiers. We have been talking to some Chinese companies which have shown interest to do that. Since that has not been concluded, it is possible to talk to them and find out whether that can be done. If it can be done, it will be well and good.

Mr. Mwangi: Mr. Deputy Speaker, Sir, having experienced some problems in the development of dams in this country, could the Minister commit the Government and tell this House that before the dam is operational--- She has talked about other sources that will supply water to the community. Could those sources be identified now so that the communities are provided with water before the dam is operational? That is because once the dam is completed, no one will talk to the communities.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I think the hon. Member is misinformed because Ndakaini Dam was completed long time ago and it has been providing water to the people of Nairobi and its environs. The fact that the water from Ndakaini does not serve the people of that area does not mean that we have forgotten them. We will put up another big dam called Delta Dam which will give water to the people in Ndakaini. So, we will ensure that those people who give water will also get water. The same thing is happening in all the other areas where we are constructing large dams to help people.

Question No. 420

STATISTICS ON IDPS IN CAMPS

Ms. Karua asked the Minister of State for Special Programmes:-

- (a) to state the number and location of Internally Displaced Persons (IDPs) still in the camps; and,
- (b) what she is doing about their resettlement.

The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There are various types of camps which are in existence, but which are not necessarily occasioned by the 2007 post election violence. So, first of all, it is important to note that. The 2007 post election IDP camps were in schools, show grounds, police stations and other public grounds. All those camps were closed down during the Operation *Rudi Nyumbani* Programme. Other existing camps can be classified as follows:-

(i) We have transit camps for temporary habitations for farmers whose homesteads were destroyed. They opted to stay on so as to access their farms. Those camps are 13 in number and are located in various locations as documented in the answer that I will lay on the Table. The total number in that group is 475.

(ii) Category number two is that of self-help groups. That is a category of people who had previously been settled by the Government and used their Kshs10,000 and Kshs25,000 compensation to buy themselves pieces of land. Unfortunately, those pieces of land were too small and congested. That is the group that the Government is trying to give alternative allocation. That group totals 7,328. They are currently occupying 345 acres of land.

(iii) The third category of camps are those in Turkana District. They total 2,593 households and they camp at Lodwar Municipal Council. They are living in six camps which are on the land that has been given to them.

Mr. Deputy Speaker, Sir, the fourth category is from the forest. This total to 10,152 evictees from the forest and their locations are shown on the table attached.

(b) The Ministry has rolled out a programme to construct 19,000 houses under African Development Bank (ADB) programme for IDPs who return to their farms. About 3,700 houses have already been constructed in the larger districts of Molo and Uasin Gishu as shown on Annex No.1. The hon. Member can refer to it. To supplement Government efforts, we have entered into partnership with Non-Governmental Organizations (NGOs), Faith Based Organizations, Private Sector and other donors to assist in constructing houses for those IDPs who return to their farms.

In this regard, partner agencies have constructed 20,235 houses in various parts of the country as shown on the table.

Mr. Deputy Speaker, Sir, intervention number three, when we realized that the land bought by those who had been resettled is congested and they are living in deplorable condition, the Government decided to buy each one of this self help groups, who have decided to help themselves, two and a quarter acres of land each for the 7,328 households. The houses are constructed on a quarter piece of acre and the rest are for

their farming, so that they will be able to attain better livelihoods and can go back to normal life as before.

Mr. Deputy Speaker, Sir, intervention number four is that the Government is in the process of constructing houses for IDPs in the larger Turkana. The Government, through my Ministry, has arranged to resettle the profiled forest evictees.

Finally, in conjunction with the United Nations High Commissioner for Refugees (UNHCR), the Government is organizing to bring back the IDPs who migrated to Uganda for safety at the peak of the violence of which 159 have already returned to the country. The remaining 421 IDPs are in the process of being encouraged to return to the country.

Ms. Karua: Mr. Deputy Speaker, Sir, I must thank the Assistant Minister for a very comprehensive statement unlike the earlier one. I wish to also appreciate the fact that for the self help groups, the Ministry has now committed itself to ensuring that all the 7,328 households get alternative land and houses. My question is: Are the IDPs at Kikopey Farm part of the 20 self help groups he is talking about? Kikopey is missing from his answer.

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I appreciate the hon. Member's concern. However, as she may realise from the list given, the answer was generally about IDPs in the country and there was no specific reference to Kikopey. For Kikopey, they may have already been dealt with and are, therefore, not in the current camps. However, there are other emerging IDPs who were not originally in the camps. They are, possibly, in the process of coming up, but I am not aware of them. Otherwise, I will have to go back and specifically check.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. When the Question came up the first time, I particularly mentioned the name "Kikopey". The order of the Chair was that the Minister goes and checks. While I admit that the answer is comprehensive, but there is no mention of "Kikopey". So is it in order for him to say he is not aware?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, indeed, I am sorry about this. I have just perused the list and maybe she did not do enough justice to the list. If she checks carefully on page 4, Kikopey in Gilgil is very well documented. We have a camp at a place called Ebenezer with 165 households and another one with 107 members in Kikopey, Gilgil. So, I refer her to page four of the answer.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the comprehensive answer. As Chairman of Amani Forum, I had an occasion to visit various IDP camps in this country; Limuru, Eldoret, to mention but a few. In his answer, he is talking about 2,593 houses for IDPs in Turkana, but he has not put the camps in Turkana on the schedule. There are 13,000 IDPs in the larger Turkana region. You have only given them Kshs10,000. Why have you not constructed for them houses as you promised during your visit early in the year? How long does it take for this Government to respond to a situation like this one, when they are busy building big mansions for the Prime Minister, the Vice President and Minister for Home Affairs and the President?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I appreciate that concern. I strongly believe that hon. Members must also really appreciate what the Government is doing. We must all recall that we had over 350,000 IDPs in various camps in the country. We are not yet done with the initial group where IDPs in Turkana fall. However, we are in the process of resettling all the IDPs and ensure they are given proper shelters.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that we should appreciate what the Government is doing, when the reason for this Coalition Government is because of these IDPs?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I am not sure whether I am supposed to respond to that. I am not too sure that, that qualifies to be a point of order. As a Coalition Government, I am not aware that we are not supposed to appreciate any good thing that has been done by anybody.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to tell Members that they must appreciate what the Government is doing? The Government cannot keep IDPs in camps for three years and then they tell us to appreciate while they are busy building big houses for Ministers and powerful individuals in this Government!

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, first of all, the hon. Member must realize that I am not the one building any of these houses he is referring to. Nevertheless, possibly, my colleagues got irritated by the word “must.” I simply wanted to really bring forward the fact that we are doing a lot. It is only that this issue of IDPs is really overwhelming us. The Government has made a lot of efforts. However, all the remaining IDPs in the camps will be resettled. We have a lot of challenges which we should all appreciate.

Mr. Kioni: Mr. Deputy Speaker, Sir, I must appreciate that for the first time after a long time we have a comprehensive answer given by the Assistant Minister. I would like to know what the Ministry has done to the IDPs who are still waiting for the second payment of Kshs25,000. It will also be important for him to confirm how the over 300,000 integrated IDPs are being considered in the programmes that he has, and whether he will consider helping the IDPs that have formed self help groups and bought pieces of land on their own volition. Will he settle the balances that are outstanding? An example is Kanyotu Farm which has about Kshs1,600,000 outstanding for them to be able to buy six acres of land to settle. Could the Assistant Minister confirm whether that help is available?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, for those who are yet to receive the Kshs10,000 start-up capital, I assure them that everybody will receive it so long as he or she is properly profiled and registered in our custody. Those one will be compensated. As far as the self help groups that the hon. Member has referred to are concerned, if he listened to part “b” of my answer, I indicated that the groups which were initially compensated with the Kshs10,000 and they went and bought themselves some land, the Government has decided to help them by allocating them two and a quarter acres of land. If one is in the category of self help group then be assured that he or she will be assisted.

Mr. Mwathi: On a point of order, Mr. Deputy Speaker, Sir. He has given a very good statement but when Mr. Kioni asked a question on when he will pay the balance of Kshs25,000 he started talking about Kshs10,000. I have heard this clearly. Is the Assistant Minister in order to talk about a figure that he has not been asked? I am listening because I have 2,000 people who are waiting. They have received Kshs10,000. They have not received the Kshs25,000.

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I appreciate the fact that the IDP issue is very emotive because everybody wants to be heard by their people in various areas, be it integrated or otherwise. However, if the hon. Member listened carefully, I repeated the

words of Mr. Kioni of about Kshs10,000 start up for the original IDPs. The Kshs25,000 which is outstanding will equally be paid. So, treat it the same way you treated the first answer I gave you about the remaining amount which will be paid.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Could we consult in low tones?

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. While I thank the Assistant Minister for giving us a comprehensive answer, I would like to know the fate of the unregistered IDP camps which are in Mai Mahiu and Pipeline because all of them are IDPs and we cannot forget them. What steps has he taken to make sure that they are also resettled?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I am sorry I have not got that question.

Mr. Deputy Speaker: Could you repeat your question, Mr. Kiuna?

Mr. Kiuna: Mr. Deputy Speaker, Sir, there is a category of IDPs who are unregistered in Mai Mahiu and Pipeline. What steps has he taken to make sure that they are also resettled like the others he will resettle in Rift Valley?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, as I have said, the Government is dealing with the IDPs who are captured in our registers and are properly within our records. The profiling exercise was closed on 31st December, 2008. Once we close the register, that is the end of the story. However, we have seen other people come up purporting to be IDPs but they did not register initially. I am very certain that there could be a number among those people who may not be genuine IDPs. We have instructed the District Commissioners we rely on to verify so that the genuine IDPs, even if they came in late, are not punished unnecessarily and that they are treated according to the programmes that we have.

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Order, Mr. Mbadi and Mr. Ethuro! If you have to be in such a loud and animated consultations or discussion there are facilities in the garden for you to go and discuss.

Proceed Mr. Kiuna!

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by purporting that the unregistered IDPs are not IDPs and yet he has stated that they are in IDP camps? Is he in order to mislead the House that there are some people who are purporting to be IDPs?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, we all must be able to listen to each other when we are contributing. Honestly, if my colleague listened very carefully, I simply said that we have instructed the DCs to verify the genuine IDPs from the groups that have emerged. That is simple. It does not mean anything else.

Mr. Deputy Speaker: Ask the last supplementary question, Ms. Karua!

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is it Mr. Mututho? Do you want to contribute to the Question?

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Hon. Mututho is the Member for Naivasha where we have 80 per cent of all the IDPs. I have just come from there and I have seen children dying. Is the Assistant Minister in order to talk about the new bogus IDPs when those old people who are still there are dying in the tents which are torn and cannot be assisted?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I think that should be directed to the rest of the hon. Members. I simply attempted to answer the questions the rest of the hon. Members asked. They were asking about the IDPs who were not initially registered and what I have in store for them. I have said that we have to verify but we are giving priority to the IDPs who were initially captured in our profile and we can say with confidence that they are genuine IDPs. Those are the ones that we are concentrating on.

Mr. Deputy Speaker: Proceed Ms. Karua with the last supplementary question on the same.

Ms. Karua: Mr. Deputy Speaker, Sir, while again thanking the Assistant Minister for the comprehensive answer, I must also thank the Chair for referring the Question for further investigation. Now that the Assistant Minister has committed to resettling the IDPs by December, could he also undertake to report to this House after he resettles them? Could he also tell us what he intends to do about the integrated IDPs who have not received any support whatsoever from the Government?

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, I thank the hon. Member for that genuine concern. At the beginning I mentioned about the integrated IDPs and the programme that we have for them. Though integrated, if they are captured in our register, they will be treated like other IDPs.

Mr. Nyambati: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed Mr. Assistant Minister and finish!

Mr. M.M. Ali: Thank you, Mr. Deputy Speaker, Sir for protecting me from some of these very agitated points of order. I was saying that the integrated but properly captured IDPs will be treated like other IDPs. As far as the deadline is concerned, our work is progressing and we endeavour to meet that deadline. If we do not meet the deadline, I suppose that it will be by a small margin and I will gladly come back and report to this House.

Question No. 476

NON-PROVISION OF DIESEL POWER GENERATOR
TO LAFEY TOWN

Mr. M. H. Ali asked the Minister for Energy:-

(a) why the Ministry has not provided a diesel power generator in Lafey town despite a commitment by the Minister in the House in 2008; and,

(b) what assurance the Minister could give to ensure that electricity will be connected to open up the town to economic prosperity.

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Installation of a diesel power generator in Lafey town was shelved after it was established that it would be more economical to extend the power lines from Elwak Town, where we have an isolated power station that was commissioned in 2008.

(b) The question of a power line from Elwak to Lafey Town has been earmarked for implementation during this current financial year, that is 2010/2011 at an estimated cost of Kshs60 million.

Thank you.

Mr. M.H. Ali: Mr. Deputy Speaker, Sir, I must thank the Minister for this answer, but could he consider extending this line from Mandera Town to Lafey because there are several other towns in between – about five of them - and they will be able to benefit, rather than put the line from Elwak, where there are no towns in between?

Mr. Murungi: Mr. Deputy Speaker, Sir, as you know, it is the policy of the Government to connect all market centres in this country to electricity and, indeed, all secondary schools. If you saw last week, we launched a Kshs160 billion project for existing upgrade and extension in this country. During the implementation of that project, we will consider whether we can connect all the other towns between Lafey and Mandera.

Mr. Yakub: Mr. Deputy Speaker, Sir, on 9th July, 2008, on the issue of the project from the national grid for the northern part of Kenya, the Minister said that the project is in progress. But, 27 months up to now, the national grid has not reached Mandera. When will the national grid reach this particular area?

Mr. Murungi: Mr. Deputy Speaker, Sir, I explained that, indeed, we did not proceed to provide a diesel-powered generator in Lafey because after further cost analysis, it was found that it is more economical to supply power from the diesel power plant at Elwak Town. So, there was a change of mind and that is why it was not implemented. If you look at my answer in part “a”, the project in Elwak was commissioned in 2008. At the time that the previous answer was given, this project had not been commissioned. So, there has been a change and we hope to use that power plant to connect Lafey, which is not too far from Elwak.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I wish to thank the Rural Electrification Program under the stewardship of the able Minister for the work they have done in the country. However, I would want the Minister to tell us when we are going to get transformers. For instance, in Mutito Constituency, the wire lines have reached Zombe Market, yet transformers in this country are a big problem. Mr. Minister, what is your Ministry doing to ensure that where the lines have reached, the transformers are there for *wananchi* to get electricity?

Mr. Murungi: Mr. Deputy Speaker, Sir, it is true that we have not been able to energize very many of the lines that we have constructed in many constituencies in the country. There was a problem with one batch of procurement of the transformers which threw our program back. We are now receiving transformers and we have agreed with the Rural Electrification Authority that by the end of this year, all the completed projects should be energized. We are getting monthly reports on all the projects which are going on.

Mr. Mungatana: Mr. Deputy Speaker, Sir, Mandera East and other areas in the northern parts of the country have a lot of sunshine. Now, the question that begs for an answer is why the Minister would find it – and we all know the difficulties of the hydro power generation – necessary to bring, all the way from Elwak, this type of power instead of using the one that is more renewable and cheaper in the long run for the people of Mandera East?

Mr. Murungi: Mr. Deputy Speaker, Sir, my Ministry has been connecting public institutions, schools, health centres and other public institutions which are far from the grid with solar power. Indeed, many secondary schools in northern Kenya have been connected with solar power. The challenge we are facing is that the unit cost of solar power is more expensive than other sources of power, including diesel power, especially when you try to bring in large units which could connect even a small town.

So, we are trying to look at wind generation which is cheaper than solar, to see whether we can combine it and move it to areas where we are not able to reach with this kind of grid. As we are talking now, we have installed wind masts in 33 different sites around the country to be able to collect reliable wind data regarding velocity and reliability so that we can use it to know where to install wind masts, because that will help us to supplement and provide this country with cheaper power.

Dr. Laboso: Mr. Deputy Speaker, Sir, considering the very good work that the Rural Electrification Authority is doing in distributing power to rural Kenya, what informed the decision to cut their budget to each constituency so that now we are hardly able even to complete one project because of the very huge cut that was done in their budget?

Mr. Murungi: Mr. Deputy Speaker, Sir, it is true that we had asked for Kshs6 billion this financial year to enable us to continue our rural electrification program, but we only got Kshs3 billion. There is a lot of competition for resources at the Treasury and that is why we were not able to access adequate resources this financial year. But we are still discussing with the Treasury. I am appealing to my colleagues, especially those in the Budget Committee to assist us to access more resources for these important projects.

Mr. Deputy Speaker: Ask the last supplementary question on the same, Mr. M.H. Ali!

Mr. M.H. Ali: Thank you, Mr. Deputy Speaker, Sir. Could the Minister also consider extending the line from Mandera Town to Kalalio Sub-district Headquarters, which is only about 18 kilometers from the town? Another one is from Rhamu to Sala, which is only three kilometers from the town.

Mr. Murungi: Mr. Deputy Speaker, Sir, let me ask the hon. Member to write a letter to me and then I will send some surveyors to go and look at the new locations he is talking about and then we will see whether we can accommodate them through the Budget. It is a policy to connect all the district headquarters to electricity. So, if there is any district headquarters which is not connected, please, let us know.

Mr. Deputy Speaker: Question No.485 by hon. Kioni!

Question No.485

VEHICLES OF RETURNING RESIDENTS
EXEMPTED FROM EIGHT-YEAR RULE

Mr. Kioni asked the Minister for Industrialization:-

(a) to table a list of the number of vehicles belonging to returning Kenyan residents which have been exempted from the 8-year rule for the last 5 years, indicating year of manufacture, year and month of importation, name and passport numbers of the beneficiaries; and,

(b) whether he could also provide details of the names, passport numbers, dates of departure from Kenya, respective return dates and the organization each returning resident was working for.

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I hereby table a list of 186 names and details of cars, which are over eight years old, belonging to returning residents who were exempted from the requirement of the KS15152000, Legal Notice No78 of 15th July, 2005. Information on the year of manufacture, year and month of importation, name and passport of beneficiary, and day the Ministry issued the letter, is indicated on the schedule. The information covers the period 2006 to 2010.

(Mr. Kosgey laid the document on the Table)

(b) The information required is also on the schedule I have just tabled.

Mr. Kioni: Mr. Deputy Speaker, Sir, the answer that has been given by the Minister is inadequate. I say so because part (b) of the Question seeks details of the passport numbers, the dates of departing from the country, and the dates those Kenyans came back into the country. The enabling Act, partly, says as follows:-

“The Minister may, on the advice of the National Standards Council, exempt any imports from the provisions of this order where the Minister is satisfied that it is in the national interest”.

If you go through the information on the document that has been tabled, you will notice that out of the 186 vehicles that were exempted, the passport numbers of 85 of the persons who received the exemptions are unknown. In other words, we do not even know whether they had actually left this country.

Mr. Deputy Speaker, Sir, again, going through the list, you will see that out of the 186 persons listed here, the dates on which 125 of them left this country are unknown. We do not even know whether they actually left this country. Again, out of the 186 who received exemption, the dates on which 137 of them returned to this country are also not known.

Given that the Minister is supposed to give these exemptions on the advice of the National Standards Council, and that he needs to be satisfied that such exemption is in the national interest, could he tell this House the basis of those exemptions, how he received the advice from the National Standards Council, and whether those people whom we do not know how they departed from this country and when they returned are actually Kenyans?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I have tried to be as comprehensive as possible. You realise that the period covered is the last five years. I actually requested this House to give me more time, because the information sought about passport numbers, dates of departure, dates of return, and the countries in which the beneficiaries

were was not adequately tabulated. I requested more time and since that time, I have been able to cover sufficient ground. If you look at the schedule, you will see that in the year 2006, we had 13 beneficiaries; 2007, 15 beneficiaries; 2008, 35 beneficiaries; 2009, 72 beneficiaries, and in the year 2010, 52 beneficiaries.

Mr. Deputy Speaker, Sir, the number of those beneficiaries we have indicated we do not know where they came from is 16, 13 of whom are in respect of the year 2006. Regarding the issue of passports, I have brought samples of the letters written by various applicants. In some cases, copies of passports were not attached, but copies of the logbooks were attached.

(Mr. Kioni stood up in his place)

Let me finish answering the question, hon. Kioni.

Mr. Mbugua: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Mbugua! Somebody is already on a point of order!

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. The Minister has said that the beneficiaries whose details are unknown are 16. According to the list he has just tabled, the beneficiaries without passports are 85, which means that 47 per cent of those who were given exemptions did not have passports. It is not known when 74 per cent of them came back to the country. We do not even know when 67 per cent of them left this country. Is he in order to mislead this House by alleging that only 16 beneficiaries have their details missing while, according to the list that he has tabled, the facts are as I have indicated?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I was going to explain further---

Mr. Mbugua: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, Mr. Mbugua! The Minister is responding to a point of order! You still need to learn again!

(Laughter)

Mr. Kosgey: Mr. Deputy Speaker, Sir, I agree that the details are not fully covered, because of the five year period we were supposed to cover. However, each one of the applicants wrote and said: "I am a returning resident." I was going to quote one of the letters. Many Kenyans returned home in 2009 and 2010 due to the global economic meltdown. They lost their jobs because where they were working, the firms had financial problems. So, they came back. At that time, the Ministry made a policy decision that where there were Kenyans returning home for various reasons, we should allow them to come with their old cars.

Unfortunately, not all of them attached copies of their passports on the applications, but they were given exemptions. Also, not all of them indicated their dates of departure, but they were given exemptions. If you look at the list, you will realise that it is as comprehensive as we could possibly make it. Where we could find the passport number and the date of departure, we have indicated. Unfortunately, as the hon. Member has also explained, not all the details were provided.

Mr. Mungatana: Mr. Deputy Speaker, Sir, is the Minister satisfied that, in fact, there is no racket on the list he has tabled? A cursory look at this list shows at No.92, on page 28, one Abdi Ali, who brought in a Mercedes Benz tractor; at No.93, Abdi Ali, Mercedes Benz Prime Mover; at 94, Abdi Ali, Mercedes Benz truck; at No.179, Abdi Ali, Mercedes Benz tractor. How many times did this man leave the country and return? Is the Minister satisfied that there is no racket or abuse of this facility? If so, what action is he taking against those who have abused the facility?

Mr. Kosgey: Thank you, Mr. Deputy Speaker, Sir. I am satisfied that there is no racket. In the case of Abdi Ali, I will explain this because I know. I later re-examined this case. This was a business man who ran a business in Uganda. He was doing construction work and he had no business. He ran short of business in Uganda and he got a job in Kenya. He wanted to re-relocate and he actually wrote in his application that he had trucks and he wanted to come back and do the business here. So, really, it would have been a punishment for me to tell him: "sell your assets and come back and do business." On many occasions, we have had also Kenyans who have businesses in Ethiopia, for example, and they have been allowed to move their trucks, complete their business and come back. In this particular case, we allowed this Kenyan to come back with his assets.

Mr. K. Kilonzo: Thank you, Mr. Deputy Speaker, Sir. I want the Minister to confirm and, indeed, to tell this august House why he is misleading it. I have with me a list of 400 cars which this Minister has exempted within a period of six months which he is not disclosing here. Assuming that the owner of each vehicle paid Kshs50,000 just like the way his driver was caught by the Kenya Anti-Corruption Commission (KACC) while soliciting for Kshs50,000, then it means in six months' time, the Minister would have made Kshs20 million.

I table the documents on the Table and want the Minister---

(Loud consultations)

Mr. Deputy Speaker: Order! Order! We have express and explicit Standing Orders and rules of engagement in our debates. You have a right to ask why these vehicles have been exempted. You cannot impute improper motives on a fellow Member of Parliament without a substantive Motion. Can you withdraw and apologise to the House?

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, if you listened to me---

Mr. Deputy Speaker: Order! Order! Can you withdraw the remarks?

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I want to withdraw and apologize. But if you listened to me, it was fairly hypothetical but I have withdrawn and apologized. But my question---

Mr. Deputy Speaker: Prosecute the question with the professionalism and the facts that will take you somewhere.

Mr. K. Kilonzo: Thank you, Mr. Deputy Speaker, Sir. I wish to table here a list of 400 vehicles which were exempted in the period between 1st January, 2010 and 31st June, 2010. They are here, and I want the Minister to confirm or deny that indeed he exempted these vehicles and under what circumstances he did so.

(Mr. K. Kilonzo laid the documents on the Table)

Mr. Mbugua: On a point of order, Mr. Deputy Speaker, Sir. The Minister has powers to give the exemptions. I do not know why it is a big issue with our fellow Members here because the Ministers have powers to give exemptions. Under Standing Order No.81, could the hon. Member who has asked this Question declare his interest in this Question?

Mr. Kioni: Mr. Deputy Speaker, Sir, I asked this Question---

Mr. Deputy Speaker: Order! Order!

Mr. Kioni: The hon. Member for Kamukunji is a dealer of vehicles!

(Loud Consultations)

Mr. Deputy Speaker: Proceed, hon. Kioni! You understand the provisions of the Standing Orders. If there is any interest you have to declare, you may actually declare now.

Mr. Kioni: Mr. Deputy Speaker, Sir, I have no interest to declare. On the reverse, it is actually the Member for Kamukunji who should declare his interests because he is the one who deals in vehicles. This Question has a lot to do with exemptions of people who have brought vehicles beyond the eight year rule and only the Minister himself can give these exemptions as allowed by the law.

Mr. Deputy Speaker, Sir, when you have vehicles in the region of 400 being exempted within six months, as Members of Parliament, it is only logical and expected of us to interrogate and check whether there is corruption in it.

Mr. Deputy Speaker: Order! Hon. Mbugua, you realize much as you are a first timer, you have to declare your interest before you engage in any debate. Is it true that you have an interest that you have not declared before you interrogate this Question?

Mr. Mbugua: Mr. Deputy Speaker, Sir, I do not have any interest. It is only that under the laws of this country, the Minister is allowed to give exemptions. I am not in the business of selling vehicles. I retired five years ago.

(Laughter)

Mr. Deputy Speaker: Order! Hon. Minister, you may proceed. Hon. Mbugua has said he has no personal interest to declare. It is accepted.

Mr. Kosgey: Thank you, Mr. Deputy Speaker, Sir. We were talking of this---

Mr. Deputy Speaker: The Chair cannot be satisfied or dissatisfied with the declaration of interest until facts otherwise are proven on the Floor of the House. So under the circumstances when a Member stands up and says I have no interest to declare, the Chair has no business. He goes with the position of the Member until or unless somebody else is in a position to prove otherwise.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. It is in the public domain that the Member for Kamukunji has been in court on matters relating to importation of vehicles and for vehicles that needed to have been paid for, but were not, for one reason or another. It is in the public domain that he is a dealer of vehicles.

(Mr. Mbugua stood up in his place)

Mr. Deputy Speaker: Order! Hon. Members, Standing Order No.81 states that: “A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.” The word “shall” is mandatory, which means that before you make any contribution, you declare your interest. It is in the HANSARD that the hon. Mbugua has said he has no interest to declare in the matter on the sale of motor vehicles.

Order! So whatever you know, you need to prove it on the Floor of the House.
Proceed, hon. Minister!

Mr. Kosgey: Mr. Deputy Speaker, Mr. K. Kilonzo has tabled a list here of some 400 vehicles. I am not aware of that list. We were talking specifically about this. I am not aware of that list. I do not even know how authentic it is. But he has already withdrawn and apologized.

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Kosgey: Let me finish, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed, Mr. Minister.

Mr. Kosgey: We are talking specifically about returning residents. If we are now going to go into the total list of the people who have been exempted in the last few months, then I need time to prepare that one.

This Question asks about returning citizens. The law is very clear. The purpose of having the eight-year rule is to protect our environment. Since the cost of running an old vehicle is high, it is also meant to protect the importer or the consumer. If somebody imports an old car and sells it to somebody else, it is too expensive to run. So, the purpose of saying that this law should be adhered to is to protect the environment and also the consumer.

Mr. Deputy Speaker, Sir, I note the figure of 400, but I cannot talk about it. I do not believe that so many cars have been given an exemption. On several occasions, on the advice of the Managing Director of the KEBS, I have given exemptions, particularly to people who imported cars but took a lot of time to register them and, therefore, exceeded the eight-year rule by, maybe, a year or two. They happen to have already paid duty. After paying taxes they realized they could not register the car---

Mr. Oyongo Nyamweya: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to tell the House that you can pay your duty and all the charges and fail to register your vehicle? Once you have paid your duty and other charges, it is obvious that you get the car registered. That is not the reason.

Mr. Deputy Speaker: Hon. Members, the tabling by Mr. K. Kilonzo of a document that is signed by the acting Managing Director of Kenya Bureau of Standards, which indicates--- The letter is to the Commissioner of Investigations and Enforcement Department, the Kenya Revenue Authority, Exemption from Eight-Year Rule Requirement to Facilitate Registration of Vehicles. It states:

“This refers to your letter---“ The letter is indicated there.

“Enclosed herewith are details of motor vehicles which have been waived from the requirements of KS 1515.”

The list contains 455 vehicles and covers waivers granted between 1st January, 2010 and 30st June, 2010. This is in line with the rules of the House and Standing Orders. It is acceptable because it is headed and signed. So, I rule that this is acceptable.

Proceed, Mr. Minister and answer the question.

Mr. Kosgey: Mr. Deputy Speaker, Sir, I have not had time to examine that list. Actually people pay duty before registration; it is true that you cannot register a vehicle before you pay your duty. Sometimes people pay duty and then they find that they have exceeded the fixed time and then seek exemption. The same Managing Director would advise them to seek exemption from the Minister. In the case of returning citizens, or other citizens, who have incurred costs and the Government has collected revenue and duties, we have allowed them to register the vehicles. We know very well that a lot of the vehicles which are in the country and in our neighbouring countries of Uganda and Tanzania are allowed up to 15 years. As I said, this rule is intended to protect the environment. It is intended to also protect the consumer from very high running costs.

Whenever there is an exemption, the importer is required to pay, in full Government taxes and other duties.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether you have noticed that the Minister has avoided responding to that issue. Is it in order for the Minister to avoid responding to this particular issue of vehicles which are past the cutline? I do not know what procedure would be required, because there is no way you can get this permission without the Minister's authority. So, there is no way those 400 vehicles would have come in without authority from the Minister. So, could the Minister address this particular issue?

Mr. Deputy Speaker: Allow the Minister to acquaint himself with the list.

Mr. Kosgey: Mr. Deputy Speaker, Sir, the original Question concerned returning citizens. Now we are dealing with a large list here, which I have not had the time to examine. The Chair has declared it is authentic because it is signed by the Managing Director. Unfortunately, this list was not copied to me and I have not had time to scrutinize it. It shows 400 vehicles. I am not sure that all these have been actually been given an exemption by me.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to feign ignorance of a document of such nature and magnitude, given that the only person who can exempt a vehicle that has exceeded eight years is the Minister? He can only request you to allow him more time, so that he can come back to us and give a satisfactory answer.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Could somebody quote the section and the Act under which the Minister is empowered to exempt a vehicle?

Mr. Deputy Speaker: You are out of order, Mr. Shakeel.

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. Standing Order No.97 is on disorderly conduct. It states as follows:

“Conduct is grossly disorderly if the hon. Member concerned (f) deliberately gives false information to the House, or (g) refuses to answer a legitimate question by a Member”.

Mr. Deputy Speaker, Sir, this matter borders on breach of this Standing Order. I invite your ruling because he has given us a list of 186 vehicles. The document that has been tabled here contains more than 400 vehicles which have been exempted in the last six months. I invite your ruling to ask the Minister to go back and bring us proper

information, failing which we will have to cite and name him, because it seems there is a problem here.

Mr. Mbugua: On a point of order, Mr. Deputy Speaker, Sir. The Question that was asked concerns returning residents' vehicles.

Mr. Kosgey: Mr. Deputy Speaker, Sir, I can defend myself.

Mr. Mbadi: Mr. Speaker, Sir, you realize that my colleague has stood on a point of order which is very serious because it borders on improper conduct by the Minister. Looking at the Question critically, it requests the Minister to table a list of the number of vehicles belonging to returning Kenyan residents. Based on this Question, I think the Minister is not disorderly. However, if there is a question that requires the Minister to supply the information of all the vehicles which should be exempted then the Minister should be given a clear Question. We need to be fair to the Minister so that he can answer adequately.

Kosgey: Mr. Deputy Speaker, Sir, that is what I was going to say. This Question was with respect to returning residents during the last five years. In particular, I was supposed to give details of vehicles, passport numbers and details of their departure and return. I concentrated on that figure. With respect to this list, it is a very long list. This letter was not copied to me. It was addressed to the investigation officer at KRA. It goes on to say:-

“Due to the number of units, we are unable to attach in this list copies of letters granting waivers”.

These are vehicles that have been given waivers but they are unable to confirm who gave the waiver. It is true that I am the only person empowered by law to give that waiver, on the advice of the National Standards Council. Going back to the Question, it is clearly stated that it is in respect of Kenyan residents who are returning.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. It is true that the question that was asked is about returning residents. However, noting that Clause 8 of the regulations made under the Standards Act (Legal Notice No.78) - the same clause that exempts returning residents is the same clause the Minister uses to exempt other vehicles - the supplementary question on the list of 400 is a foreseeable and probable question. Is it in order for the Minister to decline to answer that Question instead of asking for more time to peruse and give this House a satisfactory answer?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I have actually barely analyzed this list. I really need time to analyze it since you have said it is authentic.

Mr. Deputy Speaker: For purposes of the Standing Orders of the House, look at whether it is headed and signed. For that purpose, it is authentic.

Mr. Kosgey: Mr. Deputy Speaker, Sir, with respect to the Question, although Ms. Karua says that it is foreseeable, I really did not anticipate a whole list of 400 vehicles to have been given exemption by the Ministry. The Question is specifically talking about returning residents. I have given the list of 186. If another Question is put forward to me I will prepare the answer.

Mr. Baiya: On a point of order, Mr. Deputy Speaker, Sir. In view of what the Minister has said; that he is not in a position to respond to the auxiliary aspects of that question, is it not proper that he is given time to actually respond sufficiently to the concerns by the Members? The matter is serious. We are talking about over 450 vehicles being imported into the country within a space of six months. We know they are having

problems. Even the Kenya Revenue Authority (KRA) is holding some of these vehicles in Mombasa with a view to selling them. The nation, therefore, needs to hear from the Minister clearly what these vehicles are for.

Mr. Kosgey: Mr. Deputy Speaker, Sir, I said that I could answer that as a specific Question. If I am asked to prepare, I will give a suitable reply. With respect to the importation, every year there are vehicles impounded. Usually they are crushed if they are over eight years old. So, for all the vehicles that are already in Mombasa, normally the KRA will arrange to crush them. I do not think any of those fellows are claiming that they have exemptions. So they should be crushed.

Mr. Deputy Speaker: Minister, are you pleading for more time to look at this list and come back to the House or you are saying that you have adequately answered the Question that was asked and you feel that this can be addressed through a different Question?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I feel that I have adequately answered the Question that was asked. Any other matter concerning this exemption can be addressed through a different Question.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. The Minister is saying that he feels he has answered the original Question adequately. However, it is crucial that we note, if you are exempting cars of returning Kenyans and you do not know their passport numbers, the dates the Kenyans left this country and the dates the Kenyans came back to the country, how else did you proceed to exempt those vehicles?

Mr. Deputy Speaker, Sir, Mr. Mungatana cited Standing Order No.97. It is true that this Question has not been answered properly. The Minister has given false information on those people who are returning because you are only returning if you have a passport so that we know when you left and when you came back. Under Standing Order No.97, if the Minister is not able to satisfy this House, I will ask that he be cited.

It is important to note that we have people in court who have been charged for soliciting bribes so that they can be exempted. We do not know whether there is any link between what is happening in the courts and the answers we are getting here.

Mr. Deputy Speaker: Minister, for the benefit of the Chair, what other categories of vehicles can be brought into the country on tax-free basis which are above eight years old other than for returning Kenyans? Can you elaborate on that for the benefit of the Chair, before I make a ruling on this matter?

Mr. Kosgey: Mr. Deputy Speaker, Sir, no vehicle has been given tax-free exemption. I said that there are Kenyans who for one reason or another imported vehicles claiming not to have known the eight year rule. Others find that by the time they clear and pay duty, they have exceeded the eight year rule. For example, even these returning citizens are people who brought cars manufactured in 2002 but by the time they register such vehicles, they have exceeded by a few months or one year. In that particular case, we have allowed them to register because the Government has already collected duty. I would like to repeat that duty is collected before registration. You cannot register a vehicle before duty is collected.

Mr. Deputy Speaker, Sir, there is no other category of people who have been given exemption except returning residents and those Kenyans who would have incurred losses after paying duty.

Mr. Deputy Speaker: Hon. Minister, ideally, apart from that list of 454, there is nobody else who has the authority to give exemption from that eight years rule, except yourself.

Mr. Mwathi: On a point of order, Mr. Deputy Speaker, Sir. The Minister is giving the reasons as to why he exempts some of the vehicles. One of the reasons is that some of them get late in payment of duties or registration. The other reason is that the returning citizens are allowed to import vehicles which are over eight years old. However, be that as it may be, I have been perusing this document and seen just out of interest that there is one particular company--- I have letters here which the Minister has signed. The exemption for this particular one is given to Panken Investment Limited on 17th June, 2010 and the car was manufactured in the year 2000. There are others which were manufactured in the years 2000, 1999 and 1998. The same company has another exemption on 8th June, 2010 for a vehicle manufactured in the year 2001. There are other exemptions for the same company for vehicles manufactured in the years 2001, 2001, 1999, 2001 and 2001. There is a third exemption for the same company. Panken Investments Limited was given exemption on 8th June, 2010 for cars of the following years: 2000, 2000, 2001, 2001, 2001 and 2001. That is exactly two years beyond the time which is required. All these letters are signed by the Minister for Industrialization, hon. Henry K. Kosgey, EGH, MP. I want to table them here. It is only that one company which has got 15 cars exempted, all being Toyota station wagons. Is the Minister in order, therefore, to mislead this House that he only gives exemption for those ones which are late in payment of taxes?

I wish to table the letters.

(Mr. Mwathi laid the documents on the Table)

Mr. Kosgey: Mr. Deputy Speaker, Sir, I did say that the exemption is not because of late payment of taxes but registration, because they all have to pay taxes. It is true that under the law, it is only the Minister responsible for industrialization that has powers to give exemption. I said at the beginning that where somebody has imported a car and found it necessary while paying duty to register late, I have given exemption because of late payment or registration. Therefore, I am not actually misleading the House.

Mr. Deputy Speaker: Order! Order! Hon. Minister, the Chair notes that when a Question is asked, it has to be as exhaustively addressed as is possible. Even going by the spirit and letter of the Question itself, to table a list---

(Mr. Kabando wa Kabando consulted loudly)

Order! Hon. Kabando wa Kabando, one further consultation and you will spend the rest of the afternoon outside this House!

The Question asks:

“(a) Could the Minister table a list of the number of vehicles belonging to returning Kenyan residents which have been exempted from the eight year rule for the last 5 years, indicating year of manufacture, year and month of importation, name and passport numbers of the beneficiaries?”

(b) Could the Minister also provide details of the names, passport numbers, dates of departure from Kenya, respective return dates and the organization each returning resident was working for?"

The Chair is satisfied that this is the information that under normal circumstances must be within the domain of the Minister. Even the answer itself does have a lot of grey areas in that it says the date of departure is not indicated. A lot of information is not indicated. Essentially, it is in the knowledge of the Chair that, that information is mandatory for the exemption itself to be given. Under those circumstances, the Chair is satisfied that this Question has not been adequately addressed and would ask the Minister to indicate how much time he needs for this Question to be exhaustively and comprehensively addressed, including the possibility that this list which has been given now could be also for returning residents. His answer should also include and any other question that is supplementary and can be asked by hon. Members, including policy matters.

Hon. Minister, how much more time do you need to be able to exhaustively deal with this Question?

Mr. Kosgey: Mr. Deputy Speaker, Sir, you will recall---

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Deputy Speaker, Sir. In this House, the Kenya Broadcasting Corporation (KBC) has been given exclusive rights to screen and dub the proceedings, but there is a stranger in the House who is tape recording the proceedings of this House at the Gallery and all hon. Members are seeing.

Mr. Deputy Speaker: Could the Sergeant-at-Arms ascertain the claims by the hon. Members?

Mr. Kosgey: Mr. Deputy Speaker, Sir, you will recall that last week, I actually sought extra time to be able to fill in the information which you are now asking. In some cases, relating to the year 2006/2007, I have not been able to locate that information despite even going to the Ministry of Trade. But nevertheless, I can endeavour after looking also at that list, in the next two weeks, to answer again because it requires going back to the archives and digging. I can endeavour to answer the Question in the next two weeks.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. The exemption of vehicles in this country is done through a procedure and it is clearly spelt out how it is given. This is done by the Minister on the advice of the National Standards Council and, again, on matters of national interest. It is not conceivable that when these exemptions are being given, the information that we are seeking will be scattered all over. It actually gives us a feeling that, perhaps, proper procedure has not been followed. But since this information should be in a known place, seven days is adequate for the Minister.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. My request is that while the Minister endeavours to come and answer that Question, whether he can also clarify to the House what matter of national importance he cited to exempt the 400 vehicles.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I also wanted to contribute in terms of time. When you look even at the numbering of Questions on the Order Paper, there are Questions Nos.497, 507, 508, 502 and 476. This Question is actually much earlier than the rest of the Questions that have been answered. So, I just

want to inform the Chair that the Minister really has no reason whatsoever, in addition to what hon. Kioni has already stated in law, to seek for more time. Parliament cannot be an excuse for an incompetent Government.

Mr. Kosgey: Thank you Mr. Deputy Speaker, Sir. I still request the indulgence of the House because as I have said, at one time, the Ministry was called the Ministry of Trade and Industry. Some of the information I have been searching for in respect to 2006/2007 is missing. I said that I need time to study that list. The first time that this Question appeared in the Order Paper was last week. It may appear like an old Question but, the first time it appeared was last week. I ask for two weeks which is not too much.

Mr. Deputy Speaker: Whereas the Chair appreciates that, indeed, there are many of those vehicles whose papers as indicated here were processed in 2007, according to the list that the Chair has here, there are only 28 of them. You still have, in addition to that, 100 plus more which were processed from April 2008 to date. The Chair is convinced that one week is adequate. I direct that this Question---

Mr. Njuguna: On a point of order, Mr. Deputy Speaker, Sir. As the Minister prepares to give us a statement in two weeks' time, I request him to reflect on this statement. Instead of crushing those vehicles, could he help by donating the unclaimed vehicles to hospitals and schools?

Mr. Deputy Speaker: Order, hon. Njuguna, you are out of order. It is not a statement. It is a question. Secondly----

(Mrs. Odhiambo-Mabona stood up in her place)

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is it, Mrs. Odhiambo-Mabona?

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, my point of order is that we have been on this Question for the last one hour. As much as we have the right to information, this is a Question and not a statement. The supplementary issues that hon. Members are asking are tantamount to statements. If we want the Minister to answer comprehensively, could we ask him to present a statement and not a question that would take one hour?

Mr. Deputy Speaker: Order! The timing of the Questions and the transactions of business here, the interest that it generates and the decisions on how long a Question takes solely relies on one person; and that is the Chair. Hon. Odhiambo-Mabona, you are out of order! Given the interest that this Question has generated and the importance to the nation at large, the Chair directs that this Question be listed on the Order Paper on Tuesday next week.

(Question deferred)

Hon. Members, you will notice that the Chair has taken quite a bit of liberty to allow a lot of leeway during Question Time. It is precisely for one reason more than anything else. It is precisely because of the Government and Backbenchers inability to generate sufficient business for the House. The Chair has been approached by the Deputy Prime Minister and Minister for Finance. He said he is not in a position to move the

matter which is Order No.9 – the Competition Bill - in the Order Paper. Is that not so, hon. Kenyatta?

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Yes, Mr. Deputy Prime Minister. That is because we have to finalize with the Departmental Committee. Therefore, we have agreed with the Committee – and the Vice-Chair is here – that this matter is---

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. The Minister is speaking from the back, and last Thursday you ordered hon. Otuoma to----

Mr. Deputy Speaker: Order, hon Deputy Prime Minister and Minister for Finance! You are out of order! Unless you have since resigned from the Government---

(Mr. Kenyatta moved to the Front-Bench)

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Deputy Speaker, Sir, I apologize but as I said, we have agreed with the Departmental Committee because there are still a number of outstanding issues that we need to iron out before this Order is put back in the Order Paper.

Mr. Deputy Speaker: Fair enough! Is it still in the knowledge of the Chair that, indeed, the Motion by the Departmental Committee on Finance, Planning and Trade will not be moved today?

Prof. Kaloki: Mr. Deputy Speaker, Sir, we are in agreement with the Minister that we need more time to consult. After that, we will come to an agreement and have the issue put in the Order Paper.

Mr. Deputy Speaker: Fair enough. That one is, indeed, taken care of. What about Order No.10? Will the Departmental Committee on Finance, Planning and Trade be in a position to move the Motion today?

Prof. Kaloki: Mr. Deputy Speaker, Sir, we are ready to proceed with that Motion.

Mr. Deputy Speaker: Fair enough! Hon. Members, under the circumstances, Question No. 497 by Dr. Otichilo, Question No. 507 by Mr. Warugongo and Question No. 508 by Mr. Yakub are deferred to tomorrow.

Question No. 497

PROGRESS OF NATIONAL POLICY ON
DISASTER MANAGEMENT

(Question deferred)

Question No. 507

PROJECTS IMPLEMENTED BY MINISTRY
IN KIENI CONSTITUENCY

(Question deferred)

Question No.508

ELEPHANT ATTACK ON NYAE MBEGA KALINGA

(Question deferred)

Question No. 1 will be disposed of now.

QUESTION BY PRIVATE NOTICE

APPOINTMENT OF KBC BOARD

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

Why, in appointing the Kenya Broadcasting Corporation's Board, the Minister failed to comply with the provisions of Section 4 (1) of the KBC Act (Cap.221) of laws of Kenya?

Mr. Deputy Speaker, Sir, you asked for a copy of the HANSARD which I believe you have. I would like to refer you to it. When this Question was deferred, you said the following from the Chair:

"It is the presumption of the Chair that he (the Minister) will come with a comprehensive answer, meaning that the CVs will also be here. As I ask the Question, I have also perused the CVs."

You will recall the remarks that were made by the Controller and Auditor-General, that these CVs are wanting and do not meet the requirements of the law. The law in question is the Kenya Broadcasting Corporation Act which specifies--- Section 4(f) gives specifications on who should hold those four positions. There are others which are not specified. After going through the CVs, those people are qualified but do not meet the provisions of the law. With your permission, the first person has a degree in Mathematics and Meteorology which is not what is required under the Act. The second one has a Bachelor of Theology which is not what is provided under the law. The third one is a Form IV school leaver and that is not what is provided under the law. The other one is a lawyer. I will bring to your attention what the law requires. It requires somebody who has specialization or experience in matters connected with radio communication or radio communication apparatus. None of them has those qualifications. Number two, it requires someone with specialization or experience in radio or television programme production. None of them has that experience. Number three, the law requires someone with specialization or experience in print media, but none of them has this qualification.

Mr. Deputy Speaker, Sir, finally, there is the requirement for specialization or experience in financial management and administration. None of them has this qualification. That is why the Controller and Auditor-General had the following to say and I quote:-

"However, verification of the copies of the academic and professional qualifications and CVs of appointees to the Board of the Corporation revealed that the above section of the law was not complied with by the Minister in the appointment of the Board members. It is not clear why the appointing authority did not invoke the said section of the law while appointing Board members."

Mr. Deputy Speaker, Sir, he says on implication:

“The appointing authority was, therefore, in breach of law and the KBC Board as now constituted does not comply with the provisions of Section 4(1)(f) of the KBC Act, Cap 221 of laws of Kenya”.

Mr. Deputy Speaker, Sir, that is very clear. I have confirmed. So, I really want to know from the Minister what he has got to say.

The Minister for Information and Communications (Mr. Poghiso): Mr. Deputy Speaker, Sir, if the interest of the questioner is to find any fault with the Minister, it is important that the Minister be given an opportunity to look at that report. I do not have the Controller and Auditor-General's report. It was not part and parcel of the documents required by us. So, I would definitely want to be privy to that report.

Mr. Deputy Speaker, Sir, I believe that the Question as asked has been responded to, experience in any area of specialization. We have tried to let everyone know through this answer who are the people and what they have in terms of experiences. So, if there is a report from the Controller and Auditor General, then I have to get a copy of the report. It was not part of the Question. It was not part of the documentation required. That is new to me now as being introduced here, after many days of this Question.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. The Chair will realize that this issue has been with us for a very long time. The last time when this Question came up, there were other issues which we raised, including the issue of the Board going ahead to put up an advertisement that was tailored towards a specific individual. Beyond that, there is even a report from the Prime Minister's Office through the Inspectorate of State Corporations, which has indicted the current acting Chief Executive Officer (CEO) of the KBC.

Mr. Deputy Speaker, Sir, with all these matters coming up, and given the time constraint that we have, would it be in order for me to request the Chair to make a declaration and formal order to the relevant departmental Committee to look into this matter in detail because the KBC is a very important State corporation in this country.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. I look at this section of the law that my friend and brother has cited--- Again, looking at some of these gentlemen whom I know, truly four of them, including the lady who passed on, this Saturday, meet those requirements.

Mr. Deputy Speaker, Sir, I need directions from you whether we can continue behaving the way we are behaving, having ruled on many occasions, including 4th February last year, that we must conduct debate with decorum. The Chair cautioned that we must be accurate with the information that we give to this House, in accordance with Standing Order No.82. I want to say that Mr. Ben Gituru falls within that general bracket of the four members. They are supposed to be seven directors. Four of them are clearly captured and have these general qualifications.

Mr. Deputy Speaker, Sir, the other point---

Mr. Deputy Speaker: Hon. Mututho, what is out of order?

Mr. Mututho: Mr. Deputy Speaker, Sir, is the hon. Member in order to constantly bring down this debate of KBC just because the next he likely to be appointed is from a tribe he does not like.

Mr. Deputy Speaker: Order! Order, hon. Mututho. The Chair just heard when you said that the debate in the House must be conducted in decorum. That means among

other things, you do not impute an improper motive on a Member unless you do so, in accordance with the Standing Orders. You will have to withdraw that and apologise to the House.

Mr. Mututho: Mr. Deputy Speaker, Sir, I wish to withdraw and apologise.

I want to say that the CEO has been acting in that capacity for three years. He is 43 years old. He is not 44 years.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order because this is Question Time and you have obligations to the House to provide leadership here.

Hon. Members, this is the second time a backbencher is purporting to answer on behalf of Government. You have to protect the House. It is our job to ask the Questions and it is the job of the Minister to answer them. That is the way it should be during Question Time.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, my Question is strictly on how the Board is constituted. It has nothing to do with the recruitment of the Managing Director. I am only asking what the law provides. The Minister has tabled CVs here which do not comply with the law. He has not given any certificates to show that these people have experiences in radio communication. Only last week, they said that this is a very rare profession while we have not less than four institutes and one university offering these degrees. Yes, these people have experiences. They are very qualified, but in other fields. My interest is very simple. If, indeed, they have the necessary experience, could he produce CVs and certificates showing these people have either diplomas or degrees in radio communication or print media?

Mr. Deputy Speaker, Sir, earlier, I rose on a point of order that they misled the House by saying that radio communication is a rare profession in this country, while we have not less than four institutes and a university offering this specific profession.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. my good friend hon. Mututho did not refer to a specific Member, but two of us spoke just ahead of him. So, it may either be Mr. C. Kilonzo or Mr. Mbadi. I want to put it clear that---

Mr. Deputy Speaker: Order! The Chair has ruled. The Chair will be very firm on any Member of Parliament who is imputing improper motive on another Member of Parliament. He has withdrawn. But nonetheless, in future, the Chair will be very firm on that.

Hon. Minister, indeed, this Question has come back and forth. There are issues here. The Chair will want to study the HANSARD, look at the documents that have been tabled and give a direction on the same at a later date. But nonetheless, this is the question. The Chair still cannot play the role of the Parliament itself. The Chair directs that the relevant departmental Committee does move with speed look into this matter because of its importance and urgency, in that it is the question of the law being broken. The Government side, the Minister insists and maintains that the law has not been broken. I am not sure if that is the case. However, the Chair will hesitate to give a direction exactly whether the law has been broken or not. But nonetheless, the Chair directs that the relevant Committee moves with speed to look into this matter and report back to the House in two weeks.

Next order!

POINTS OF ORDER

INVASION OF VETERINARY LABORATORY SPORTS CLUB LAND

Mr. Konchella: On a point of order, Mr. Deputy Speaker, Sir. I rise to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the invasion of the Veterinary Laboratory Sports Club land on Saturday, 30th October, 2010 at 5.30 a.m. by people claiming ownership of the land and used earth movers, excavators and a fleet of vehicles ferrying hooligans to destroy property of the club worth Kshs3.1 million. The land has been allocated to powerful individuals in the Government directly and through proxies. The title deeds were subsequently revoked pursuant to the Ndung'u Report and Cabinet register on 18th January, 2010 forbidding registration of any dealing with the said land. The Minister for Lands, in a letter to the Minister of State for Provincial Administration and Internal Security on 13th October, 2010 stated that the purported letters of allotment or title deeds which may be in the possession of the claimants claiming ownership cannot be genuine or lawful as the land has never been available for alienation. It has been reserved for exclusive use of the Department of Veterinary Services via Gazette Notice No. 751 of 1963. The primary concern is that the private developers were able to use---

Mr. Deputy Speaker: Order, Mr. Konchella! You are issuing a Statement. Just seek the Statement and then indicate the kind of clarification that you would like to be issued in it. Could you conclude?

Mr. Konchella: Mr. Deputy Speaker, Sir, I am concluding. The concern is that the developers were able to use the police to invade the land, despite the presence of the Administration Police who were hired to protect the land by the club. The Minister should clarify the reason why he had failed to protect the public land which was later forcefully acquired and people have been erecting structures, regardless of the presence of security provided by the Provincial Administration.

Mr. Deputy Speaker, Sir, secondly, could the Minister clarify what action he has taken against perpetrators of this heinous crime of destroying public property and acts of impunity?

Thirdly, he should state why and how the police could be used to defeat the course of justice and the rule of law. Lastly, could he come up with names of the companies which have been allocated this land and the names of the directors so that this House can know how powerful they are because they are causing a lot of havoc?

Mr. Deputy Speaker, Sir, if I may just add one or two points---

Mr. Deputy Speaker: Order! You are now contributing on the Ministerial Statement sought.

Mr. Minister, could you tell us how soon we can have that Ministerial Statement?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I would like to ask that because of the complexities of the inter-Ministerial consultations that are required between the Ministry of State for Provincial Administration and Internal Security, Ministry of lands and the Ministry of Livestock Development, I request that we have the Ministerial Statement by Tuesday next week.

Mr. Konchella: On a point of order, Mr. Deputy Speaker, Sir. There are correspondences between the Minister of State for Provincial Administration and Internal Security and Minister for Lands. Right now, six people are in police custody and have been taken to court and given bonds of Kshs5,000. That is something that is out of this world. The manager of the club is locked up right now. This is very serious. Property worth Kshs7 million was destroyed. This includes excavators and houses which were burnt. Anything can happen. I would like the Minister to issue this Ministerial Statement tomorrow.

Mr. Deputy Speaker: Mr. Minister, given the urgency of the matter and the security dimension, how soon can we have that Ministerial Statement to the House?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, as the hon. Member was asking for the Ministerial Statement, you realized the complexity of the matter. It is not just the security situation but also the documentation of the people who have been allocated that land and what has happened. I would like to ask that we take the next two or three days to consult and give a comprehensive answer because of the seriousness of the matter rather than give a half baked answer on Thursday and the balance of the answer on Tuesday. Let us do enough consultations and issue the Ministerial Statement on Tuesday.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. In view of the security dimension, we urge you to ask the Minister to make sure that there is a Ministerial Statement on Thursday to avoid a deterioration of an already very bad situation.

Mr. Deputy Speaker: Mr. Minister, you will realise that in this age and time, information is at our fingertips and given the security dimension of the situation and the seriousness involved, the Chair directs that you issue a comprehensive and complete Ministerial Statement on Thursday this week.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, we will oblige.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. Last week, the Chair ordered that the Minister for Industrialization issues a Ministerial Statement which had been requested by Dr. Eseli but is now the property of the House. I am asking whether it is in order for him to issue the Ministerial Statement.

Mr. Deputy Speaker: Mr. Minister, are you ready to issue the Ministerial Statement?

The Minister for Industrialization (Mr. Kosgey): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Under the circumstances---

(Mr. Musila stood up in his place)

Order! What is the matter with you, Mr. Musila?

Under the circumstances, the Chair directs that this Ministerial Statement by Mr. Kosgey be delivered tomorrow morning.

RE-INTERVIEWING OF CHIEFS

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and

Internal Security on the re-interviewing of chiefs who had been recruited previously. I would like the Minister to confirm that he had actually invited chiefs for a re-interview and under what circumstances are they being re-interviewed when they had already been interviewed, given appointment letters and are actually working. I would also like him to confirm how many chiefs were affected, from which areas and on what basis are they being called to Nairobi. Even after being invited to Nairobi, the Minister decided to change the date from Monday 1st to 8th which is one week. Some of these chiefs come from very far. What arrangement has the Minister made to re-imburse their transport and provide accommodation until the next due date?

Finally, could the Minister reconsider the decision to stop this exercise because I think it is discriminatory and biased?

Mr. Deputy Speaker: Mr. Minister, could you give an undertaking on the Ministerial Statement sought by Mr. Ethuro?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, given the fact that the same Minister will issue another Ministerial Statement on Thursday next week as directed, could I request that he issues this Ministerial Statement on Tuesday, next week? This is because this is a routine Government exercise that is going on and does not affect anything. It will not change the order of doing things. For the clarification of hon. Members, I think Tuesday next week will not be unfair.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I am usually inclined to abide by what the Minister requests because I think he is competent and does a good job, except in this circumstance. The next interview is scheduled for 8th November, 2010 which is on Monday. So, if he issues the Statement on Tuesday, it will be after the event and will not be relevant. More fundamentally, the Minister responsible made an undertaking in this House that chiefs, especially the ones from arid areas will be recruited on different qualifications. Since that undertaking was made, we suspect that he is trying to re-do the exercise which has already been agreed upon. Some of these chiefs have not been earning, although they have worked for over a year. How can it be a routine government exercise not to pay people?

Mr. Deputy Speaker: Mr. Minister, you realize that if, indeed, that is the state of affairs then, you will have to give that Statement before Tuesday. So, can you tell us when you are going to give that Statement?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I was expecting that the Minister will be living up to the commitment he gave to this House. So, whether the meeting takes place on Monday and he gives the Statement on Tuesday, he is still bound by the Statement he made to the House.

Mr. Deputy Speaker: Order! Order! The matter is a policy matter, honorable Deputy Leader of Government Business in the House!

The Minister for Transport (Mr. Kimunya): Thursday this week then, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: It is so directed!

The Minister for Industrialization (Mr. Kosgey): On a point of order, Mr. Deputy Speaker, Sir. You directed that I give a Statement tomorrow morning, but I will not be in tomorrow morning. Could I give it tomorrow afternoon?

Mr. Deputy Speaker: You should have risen immediately and indicated the same before the ruling. Nonetheless, the Chair quashes that ruling and allows you to deliver your Statement tomorrow afternoon.

The Minister for Industrialization (Mr. Kosgey): Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is your point of order, Mrs. Ngilu?

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I rise to ask you whether the House can allow me and other Ministries to bring a Statement in the next two weeks or so. I am not even very sure because it has not been possible to bring all the Ministries together to discuss the Ministerial Statement that was sought by hon. Lekuton two weeks ago, asking that we share with the House the agreement made between Kenya and Ethiopia on the construction of the Gibe 3 on River Omo. So, I do not have that Statement today and, therefore, I wonder whether I can be given more time. I am unable to say that I will give it in the next one or two weeks because I need to bring all the Ministries together.

Mr. Deputy Speaker: You can do so two weeks from now! You realize that it cannot be open ended, Mrs. Ngilu!

The Minister for Water and Irrigation (Mrs. Ngilu): Yes, Mr. Deputy Speaker, Sir. It cannot be open ended. Give me three weeks.

Mr. Deputy Speaker: Mr. Lekuton?

Mr. Lekuton: Mr. Deputy Speaker, Sir, I asked that Question because I wanted the truth about River Omo. If the Minister thinks that with all the Ministers involved – the Ministry of Energy and others – can be able to come together and give us a very comprehensive answer that will satisfy this House and Kenyans, then I have no problem.

Mr. Deputy Speaker: How long?

Mr. Lekuton: Mr. Deputy Speaker, Sir, two weeks is okay with me.

Mr. Deputy Speaker: Two weeks! That is fair enough!

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I am trying to say let us get three weeks so that we are on the safe side.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I have the HANSARD Copy of an answer that the Minister gave me on a similar matter on 11th December, 2008. Madam Minister made an undertaking to this House and I quote:-

“I want to assure hon. Members that something is being done.”

Mr. Deputy Speaker, Sir, if something is being done or if something has been done from December, 2008, and she is still looking for more time; not only two weeks ago, but another three weeks, which is basically like another one and a half months--- Have you been doing something, Madam Minister? I feel as if it is an abuse; I feel as if the Minister and the Government are not taking the issue of the livelihoods and the ecosystem of Lake Turkana Basin seriously in the same way they have condemned us to poverty and death.

Mr. Deputy Speaker: Hon. Minister, as much as this was entirely private between you and the Chair, but the Chair recollects that you had asked that you wanted two weeks.

The Minister for Water and Irrigation (Mrs. Ngilu): It is true, Mr. Deputy Speaker, Sir, but you know this is a very complex matter, quite honestly and even the hon. Member knows that. This is an international matter and, in fact, it is a very complex

matter, considering that we will also deal with the multilaterals who are doing this or who are giving money to these people. So, it is not an easy issue to deal with. I ask for three weeks.

Mr. Deputy Speaker: Nonetheless, the Chair now directs that this matter appears on the Order Paper three weeks from today and it had better be three weeks this time. The Chair will not even hesitate to wonder why the relevant Parliamentary Departmental Committee is not doing its work on such a sensitive and important matter. Given that the relevant Committee has not taken the trouble of delving into such a serious national, regional and even continental matter, the Chair directs that the same Committee also moves with speed and brings the report to the House on the same issue which has been with us from sometimes in 2008.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Thank you for your indulgence and for your direction. But as you realize, even the Committee will still interrogate Ministers. So, when Ministers are not really ready before the Floor of the House, do you expect them to be ready in Committee?

Mr. Deputy Speaker: The Committee has the capacity, the possibility and the means, if it has the will to interrogate this matter not only within the borders of this country, but anywhere in this world where it needs to be interrogated.

Hon. David Musila!

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Deputy Speaker, Sir, I seek the indulgence of the House to issue a Ministerial Statement in connection with an allegation of unfair disqualification of Gladys---

Mr. Deputy Speaker: Order! Order, hon. David Musila! Indeed, the Chair is aware of the fact that this is a Ministerial Statement that should have been delivered today. But the Chair did indicate he will give you an opportunity to deliver that Ministerial Statement. Given the kind of Business that was transacted today and the need for us to transact one Business, at least, before the House adjourns, the Chair directs that this Ministerial Statement be delivered tomorrow morning and you will have the priority tomorrow morning. Usually, Statements come after Question Time tomorrow morning.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): I am much obliged, Mr. Deputy Speaker, Sir.

Mr. Lekuton: On a point of order, Mr. Deputy Speaker, Sir. I had sought a Ministerial Statement from the Minister for Defense and hon. Musila has been coming with that Statement for two weeks. Last week, he accused me of not being here to receive it and I drove all the way from Laisamis. Could he give that Statement today?

Mr. Deputy Speaker: Hon. Musila cannot give that Statement today because of the time constraint, but he can do that tomorrow morning at the same time.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Yes, Mr. Deputy Speaker, Sir. I have it even now, if he wants it.

Mr. Deputy Speaker: That is fair enough. Tomorrow morning! It is so directed.

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. Last week in my Statement on Thursday, I did indicate that there are a lot of pending Statements that hon. Members are expecting and that Ministers are holding to give to the House. Could I ask that you instruct that we limit Question Time and dedicate enough time to clear all the pending Statements so that the matters that we are now

talking of; of national policy, can be cleared either tomorrow or Thursday, and we can get it questioned the week after?

Mr. Deputy Speaker: Hon. Kimunya, you have been in this Parliament for a while now; it is your second term. Is it your third term or your second term?

The Minister for Transport (Mr. Kimunya): Second term.

Mr. Deputy Speaker: It is your second term. The order of Business in the House is set; it never changes from the day we started, right from the Administration of Oath down to Statements and down to other matters. So, there is no way we can delete Questions from the Business of the House. But, nonetheless, the Chair takes note of the fact that there are a lot of Statements that need to be disposed of.

Next Order!

BILL

First Reading

THE TRAFFIC (AMENDMENT) BILL

(Order for First Reading read – Read the First Time - ordered to be referred to the relevant Departmental Committee)

Mr. Deputy Speaker: Hon. Members, regarding Order No.9, the Chair had already given direction. It is going to appear on the Order Paper at a time convenient to the relevant Departmental Committee. So, it has been deferred because of the amendments the Committee has indicated it wishes to bring.

COMMITTEE OF THE WHOLE HOUSE

THE COMPETITION BILL

(Bill deferred)

Mr. Deputy Speaker: Let us proceed to Order No.10!

MOTION

ADOPTION OF REPORT ON APPOINTMENT OF DIRECTOR-GENERAL OF PPOA

Prof. Kaloki: Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the appointment of the Director-General of the Public Procurement Oversight Authority laid on the Table of the House on Wednesday 27th October, 2010.

Mr. Deputy Speaker, Sir, on behalf of the Members of the Departmental Committee, I would like to take this opportunity to present to the House the Committee's

Report on the appointment of the Director-General of the Public Procurement Oversight Authority. The membership of the Committee is as follows:-

Hon. Chris Okemo, MP	-	Chairman
Hon. (Prof.) Philip Kaloki, MP	-	Vice-Chairman
Hon. Jakoyo Midiwo, MP;		
Hon. Musikari Kombo, MP;		
Hon. Lukas Chepkitony, MP;		
Hon. Nelson Gaichuhie, MP;		
Hon. Ntoitha M’Mithiaru, MP;		
Hon. Hassan Shabir Shakeel, MP;		
Hon. Nkoidila ole Lankas, MP;		
Hon. Lenny Kivuti, MP; and,		
Hon. Sammy Mwaita, MP.		

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. Ethuro) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, the Public Procurement Oversight Authority and the Public Procurement Oversight Advisory Board are established by the Public Procurement and Disposal Act, 2005. The Act also creates the position of the Director-General, who is the Chief Executive Officer of the Authority. The appointment of the Director-General is governed by Section 10 of the Public Procurement and Disposal Act, which provides as follows:-

“10(1). The Authority shall have a Director-General, who shall be the Chief Executive Officer of the Authority, and who shall be responsible for direction and management.

(2)The Director-General shall be appointed by the Authority with the approval of Parliament.”

In order to qualify for appointment as Director-General, a person must have the following qualifications:-

(a) degree in Business Administration or Economics or in engineering or related field of study from a recognised university;

(b) professional qualification in supply management from a reputable organisation; and,

(c) have experience in management, and be of outstanding honesty and integrity.

Mr. Temporary Deputy Speaker, Sir, the recruitment process took place in accordance with the mandate conferred on the Public Procurement Oversight Advisory Board by the Act. The Board engaged the services of a human resource consultancy firm to initiate the recruitment process and conduct the short-listing of the prospective candidates in a transparent and fair manner.

A few steps were taken. Advertisements were placed in the following local dailies: *Daily Nation*, *The Standard*, and *the East African* on 23rd and 26 October, 2009. Also, the registration of applicants was done online. Out of the 88 applicants received by the consultants, only 54 were duly completed. Applications were received from both

Kenya and Uganda. Only 17 candidates were shortlisted, out of whom 12 were males and five were females.

Mr. Temporary Deputy Speaker, Sir, the first interviews were conducted by the consultancy firm on 25th to 27th November, 2009. During that particular interview process, there were 16 candidates. The consultancy firm presented its report to the Advisory Board on 27th November, 2009. Ten candidates were able to make it to that list. There were seven males and three females. They were selected and invited for the final interview.

The final interviews were conducted by the members of the Advisory Board on 14th and 15th December, 2009. Eight candidates attended that interview. The candidates were shortlisted individually by the Board members, and the top five candidates proceeded to the next stage, where due diligence was carried out by the National Security Intelligence Service (NSIS), the Kenya Revenue Authority (KRA) and then the Kenya Anti-Corruption Commission (KACC) took up further scrutiny.

Mr. Temporary Deputy Speaker, Sir, after all that was done, the Advisory Board forwarded two names: Mr. Morris Juma John Oduor and Miss Jayne Wangari Njoroge. We must also note that the due diligence exercise by the NSSIS, KRA and KACC came up with a negative report on an individual, who was disqualified to safeguard the integrity of the process. I will not mention the name of that individual. The Advisory Board resolutions and recommendations were as follows:-

“Further to the results of the due diligence report received, the Advisory Board, in its meeting held on 17th March, 2010, recommended unanimously that, subject to Parliamentary approval, the appointment of Juma Morris John Oduor to the position of the Director-General on the following grounds:

- (i) technical knowledge with advanced academic qualifications;
- (ii) professional and management experience since he has been acting for two years since September, 2008 to-date and, therefore, has leadership experience in that particular position;
- (iii) has been dealing with high-level Government officers, and has received favourable responses from the Ministries; and,
- (iv) has international exposure that will assist him in that particular position.

Mr. Temporary Deputy Speaker, Sir, therefore, the Advisory Board passed the same recommendation to the Departmental Committee of this House. We met on Thursday, 7th October, 2010, and confirmed the resolutions of the Board. The Departmental Committee, unanimously, supported the Advisory Board resolution and recommended that one Juma Morris Oduor be appointed to the position of the Director-General.

With those remarks, I beg to move and ask Mr. M’Mithiaru to second this Motion.

Mr. M’Mithiaru: Mr. Temporary Deputy Speaker, Sir, I rise to second the Motion on the appointment of the Director-General of the Public Procurement Oversight Authority.

Our Committee has already deliberated on this issue as presented to us by the Board. We even called the Board, which appeared before our Committee. They brought all the necessary information required, namely; qualifications of the applicants, both academic and professional and the experience required.

Mr. Temporary Deputy Speaker, Sir, as we were going through the documentations, there is one issue that we wish that Parliament can take up. This is the issue of appointment of all the chief executive officers and all senior appointments, especially where we have the board members trying to give different views. Once things have been passed through a Parliamentary Committee and the committee calls the board to appear, if there is any disagreement among the members of the board, it has to be pointed out and this is where we encourage that kind of approach, especially where the board is not split and we see them unanimously agreeing on the appointments that they make.

There is also the other issue that we wish Parliament can have; we have seen issues where appointments of CEOs are in dispute like the appointment of the CEO of the Kenya Bureau of Standards. We have seen the appointments like the one that was coming up for the Kenya Broadcasting Corporation. Those issues can be avoided if this kind of due diligence can be followed.

We would also wish that Parliament, with all the Parliamentary committees can come up with some kind of a universal format that can be agreed on which the committees can use to vet all those names that are presented to them to ensure that all the due diligence was actually followed. Even to our satisfaction on the board of Public Procurement Oversight Authority, we even went through the advertisement that they put in the press, including the qualifications that they had put for all those who had to apply. We satisfied ourselves that all those had been followed.

Lastly, as Members of Parliament especially in the Committees, the issue of a designed format on what we are supposed to follow as we grill the Members, will really go a long way so that also, we do not have committee members giving different formats, so that we all have something which is standardized and which is acceptable to all Members of Parliament, and when it is presented to the House, there is nobody who is going to say that you used double standards here or any other questionable means of presentation.

I beg to second the Motion.

(Question Proposed)

Mr. Kombo: Thank you, Mr. Temporary Deputy Speaker, Sir. I am a member of the Committee on Finance, Planning and Trade. I rise to support the Motion. As our Vice-Chairman has ably indicated, when the name of Morris Oduor was brought to us, we were keen to see whether the proper process had taken place and as a Committee, we were absolutely satisfied that due process had taken place. There was no conflict amongst the members of the board, and so, as a committee, we were satisfied and happy that Maurice Oduor was properly nominated to be the director.

Mr. Temporary Deputy Speaker, Sir, if you look at Mr. Oduor's qualifications, you will see that he fits the bill quite well. He has been acting in that position for quite a while; so, he has got the experience and institutional memory for continuity on the board. Therefore, we strongly accepted what was brought to us.

While on this, the issue that Mr. M'Mithiaru has raised, and as members of the Committee when we were looking at this, we actually realized that the idea of vetting is a

new thing to the institution of Parliament. At the moment, we have no vetting laws in place. So, committees have their own different rules on how to do vetting.

I want to say that those who have listened to news today heard that Mr. Mungatana and I have actually drafted a Vetting Bill, which we intend to bring to the House as a Private Members' Bill, so that we institutionalize and standardize the idea of vetting. This will ensure that any committee of Parliament given that responsibility will do it within a framework of the law and nobody will question it.

Mr. Temporary Deputy Speaker, Sir, within the new constitutional dispensation, it is very clear that the public should participate in nominations and appointments. We want to put in that Bill how the public can participate. I think it is an issue that, as a house, we should take very seriously. When this Bill comes to the Floor of the House, I want to appeal to hon. Members to support it strongly, so that we can have a way to move forward as a country within the framework of rules.

With those few remarks, I beg to support.

Mr. Oyongo Nyamweya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me time to support the appointment of Mr. Juma as the Director General of PPOA. One thing I want to make clear here is that the Director-General of the Public Procurement Oversight Authority plays a major role in terms of safeguarding public assets and educating Government officers and parastatals on how procurement procedures should be followed. He will help the Government, if he takes his job seriously as prescribed by the Act, to save a lot of money for this nation.

He is expected to take time to train officers in the civil service on the importance of following the rules on public procurement. We have a problem in this country because of a situation where--- Last week in this House, we were dealing with a Motion where the Government was procuring goods without following procedures. I hope this man, who has been given this job as the Director-General, will move with speed, first and foremost, to set up a budget on which it will work. Secondly, he should employ more qualified staff to assist him in engineering, accounting and law.

This department is very critical in reducing corruption in this country and saving money for the Government, so that there will be fairness in business practices outside there, where currently, institutions make mistakes.

I hope with the appointment and confirmation of this man, he will be able to take necessary steps on how he is going to come up with a system to control Government expenditure and a system to stop tenders after investigations, where he feels the due process is not being followed. The Act gives this man the authority to do that. He will be able to stop any issue before a mistake is committed and cases go to court. If this man is strong enough and he gets enough staff to assist him to run the Authority, he will be able to stop most of these issues which end up in Parliament. He will stop the misuse of funds which is taking place. In my view, this is the best thing that has happened to this country. This job is very critical for this country. I hope this man will move with speed to set out branches or county offices. This is because more money will go to the counties. The persons need to be educated on how they are going to do their procurement.

Mr. Temporary Deputy Speaker, Sir, sometimes, hon. Members do not want to talk about procurement. However, for this nation to move forward, save money and get value for money, we need people who are more qualified on procurement. We need people who will safeguard the interest of the public in terms of procurement. I hope as he

is confirmed, he will move with speed to restructure the Authority and to set up county offices. He should be able to know what Ministries are doing. He should not sit and wait for complaints alone. This is because sometimes when people have complained and tenders have been awarded, it becomes a legal issue. Sometimes, people may be punished for not following the right rules. I hope as he is confirmed on his job, he will be able to set officers in Government Ministries. I hope he is going to be pro-active in his approach and take time so that staff can be trained. Overall, we should all be aware on what needs to be done on procurement. I hope he is going to work because I have my own reservations.

Last time, we were discussing the Ministry of Foreign Affairs where he wrote letters. He advised the Ministry but he did nothing. He, however, had the authority to stop the procurement of those premises but he did not do that. I give him the benefit of doubt; he was not substantive on the post. Now, he has been confirmed on the job. If Parliament approves his name, I hope he will live to the expectations of the country. He is going to save this country money if he works according to the way the Act is framed. The Act is very clear on how he should do his job. The Act gives him authority. He is an appointee of Parliament. He has not been appointed by the Executive. His name has been vetted. It has been brought here and Parliament is going to appoint him.

I beg to support his appointment and I trust he will live to the expectations of the office.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion.

I sit in the Committee that did the vetting but I only want to raise one issue. First of all, I want to congratulate Members of that Committee for pioneering the vetting which is now envisaged in our Constitution. The more this happens, the less of what we are seeing in the House. We are coming from a past where people were used to making appointments arbitrarily without reference to the House.

I am very happy, but I want to urge Ministers not to be afraid of Parliamentary Committees. We shall help them in their work, so that we give Kenyans people who are worthy of appointment to public office. The noise which we are seeing around the country today may sound mere politics, but I can tell you that it is the beginning of the end of Kenya as we know it. I was recently referred to read a book written by the Prime Minister of Singapore. It is entitled "Third World to the First World." The story is very interesting because when Singapore occasioned the Constitution which has made it a first world, all the Prime Minister's men and women had to disappear. Many of them found themselves in jail and even one of his deputies had to run away and till today, he lives in Bangkok. The point I am trying to make is that we may have passed this law that requires us to be accountable in some kind of ways without realizing the consequences which are facing us. So, I want to plead that we do more of this, but I also want to say that it is the responsibility of this Parliament to accept what is coming. It is not only going to be Cabinet Ministers. There are many of us even in the Back bench, who in the eyes of Kenyans are not fit to hold public offices.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. C. Onyancha: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to rise and also support this Motion.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I do it with the realization that procurement is the most important function of Government, where all

funding has to pass through. It is in procurement that the Government and Kenyans as a whole have lost funds over the years through corruption, overpricing, non-delivery and all manner of tricks and fraud. It is my hope that this new appointment and the law in place will actually be properly exercised and followed and that, as a result of that, the Government will be purchasing goods and services at optimal prices; indeed, at lower prices than one can purchase from the market for many reasons, but mainly because of economies of scale. It is very embarrassing to find that most of the Government's purchases are at higher prices than a single individual purchases from a shop. You wonder what happened to discounts that are given for bulk purchasing.

Mr. Temporary Deputy Speaker, Sir, one of the other issues which I would like to see come into play in procurement is transparency. For many years, we have been told that there are certain purchases and procurement, which are confidential and cannot be disclosed to the public and, yet, that is where most corruption occurs. I have in mind purchases for military purposes, non-essentials that go to the National Security Intelligence Service (NSIS) and other departments which claim that if their purchases became public knowledge, they would be compromised.

A case in point is the recent matter regarding the purchases of jets and aircraft fighters from Jordan. Those jets are not even able to take off from their fields and yet, this Government spent billions of shillings to procure them. There are many other cases which I hope will be looked into by the relevant Committees. My major point is that procurement is the nerve center of corruption and it must be addressed urgently. The new political dispensation introduces the issue of counties which I hope will be given the opportunity to hire their own procurement officers. Those procurement officers must, nonetheless, come under the ambit of this Act and the Department of Public Procurement headed by Mr. Juma. It is my hope also that those officers will be trained well from the beginning so that they can be able to deliver services to *wananchi* in such a manner that we will experience savings and offer more to *mwananchi* in terms of services and purchases with the same amount of funds.

With those few words, I wish to support.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Report. First, I would like to thank the Committee that sat for so many hours to generate this Report. Secondly, I would like to take this opportunity to thank the Mover of this Motion who has very ably presented this Report to this House. I also wish to recognize the time taken by the interview committee to come up with the most experienced and qualified candidates. With those qualified candidates, many concerns raised by Kenyans will also be addressed. I note with concern that a project that should have been completed 25 years ago has not been done even now. This is the Kenya National Examination Council project which is situated in Nairobi. The delay in the completion of that project has really compromised the security of examinations in this country. It has taken more than 24 years to complete that project. This is an issue that needs to be addressed by the new Director-General.

Concerning Kenya Medical Supplies Agency (KEMSA), drugs in this country are never made available to our hospitals in good time. Therefore, that affects the lives of innocent Kenyans. At times, very common drugs like the ones for Malaria and other small ailments have not been distributed to our hospitals. At times, you find two women

lying on one bed in a hospital's maternity ward. That should not be seen in modern Kenya. It is an issue that should be addressed very quickly.

We have noted that ferries that have been bought from foreign countries are yet to operate safely. We have not given security to our passengers at the Port of Mombasa after purchasing those ferries. A lot of money was invested so that the security of our people in the waters is guaranteed. Therefore, it is important for the Director General to address the issue of quality and worthiness of the ferries.

I note, with appreciation, the good work that has been done by a very young Ministry, the Ministry of Nairobi Metropolitan Development. This is a Ministry that is implementing the projects that it has earmarked in different areas. For example, in my constituency, there is street lighting and all the necessary materials have already landed there. I hope that in a month's time, the streets will be lit and business and security in my constituency will be guaranteed. That is the direction to be taken.

Finally, I hope that the new Director-General will give new management and leadership at that oversight Board so that Kenyans can get the required services that they have been missing for the last 24 years. Those are the kind of Kenyans who should be chosen to lead those sectors.

With those few remarks, I fully support the good work that has been accomplished by this Committee.

Mr. Gaichuhie: Thank you, Mr. Temporary Deputy Speaker, Sir. I will be very brief. I rise to add my support to this Report. Having looked at the qualifications of the person who has been appointed, he is a person who has a lot of experience and has worked with the Authority. The firm that did the work is reputable. I would also like to thank the Deputy Prime Minister and Minister for Finance because we have seen Ministers who have gone ahead and appointed individuals directly, without referring the matters to the Committee. The Deputy Prime Minister and Minister for Finance followed all the procedures. He brought the Report to the Committee. The Committee went through the Report and brought it to the House. Having known the experience of the officer appointed and also the firm that did the recruitment, I wish to support the report and say it was a job well done.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this report.

I want to commend the Committee for the work that they have done. As other hon. Members have said, I also want to commend the work that the Committee put in, number of meetings they had and also the Ministry of Finance for this appointment.

Mr. Temporary Deputy Speaker, Sir, the work of the Procurement Director is very important work in our country. A lot of the things that have occupied this House are in the manner in which people have been appointed to positions of authority; also, the manner in which Ministries have continued to procure goods and services. It is important that we have a person at the helm of this organization who is a person of integrity and an honest person. Mr. Juma seems to answer to those qualifications.

Mr. Temporary Deputy Speaker, Sir, while we were out doing the work of the departmental Committee on Defence and Foreign Relations on issues of procurement out of the country, the conditions that prevail are completely different from those within our country. It is important that the Director General, even as he takes over the running of this institution, he looks at how possible it is that the Act can be reviewed to make it

possible for those outside the country to be able to fulfil terms that will ensure we get value for money. One of the things that are clear is that the way people tender for jobs outside this country is not the same way that we do in this country. Some of the maintenance works in our mission; those outside the country do not find value in tendering for the same. The contract sums are such that one is expected while out of the country, to just go ahead and handpick those who have applied. They do not expect the rigorous tendering process that we go through to take place outside there. If we do not review the requirements of the procurements work, some of the work like maintenance will continue not being done. Our properties will continue deteriorating. It is important that we review the Act to make it possible for us to acquire services out of the country while still making sure that we are getting value for money and make sure that we do not have people corrupting the process.

Mr. Temporary Deputy Speaker, Sir, I expect the new Chief Executive Officer, Mr. Juma to look into this and propose amendments to the Act to suit those out of the country and especially our missions in other countries so that we can also continue getting services in a manner that is good for this nation. This will also ensure that we do not get our properties wasted because of our strict procurement regulations.

With those few remarks, I support this Report.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for granting me the opportunity to support the report by the Departmental Committee on Finance, Planning and Trade. In supporting the appointment of Mr. Maurice Juma, I wish to point out that the Procurement and Supplies Department in the Government is the fulcrum of corruption. I would like to say that pilferages, theft of public resources and deals are made in the Department of Procurement and Supplies. I also want to thank the former Minister for Finance, Mr. Mwiraria, who is not in Parliament for actually instituting a radical surgery on this department. We all know that almost all procurement or supplies officers as they used to be referred to at that time were sacked and told to apply afresh. A few of them were actually taken by the Government. This is an area where Dr. Lumumba, who is carrying out investigations on corrupt people, must post most of his officers. I recommend that he posts one officer in all Ministries to ensure that there is no corruption in the Procurement and Supplies Department. I support this report and advise the officer who has been recommended by Parliament not to let Kenyans down.

Mr. Temporary Deputy Speaker, Sir, according to investigations, we are being told that almost 50 per cent of all corrupt cases are in this department. So, he must move very fast and put in place, systems that are fool-proof and are water-tight to ensure that Kenyans get value for money. This officer should also make sure that he has good officers right from the districts all the way to the headquarters. Those officers who have been found to be involved in corrupt practices or officers with warning letters should be sent packing. We really appreciate the momentum to deal with both present and past corrupt cases. I think Dr. Lumumba should stay in the course and deal with corrupt public officers firmly, quickly and decisively.

With those few remarks, I beg to support this report.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, I thought the Minister was interested in contributing to this Report.

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since there seems to be no interest---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Midiwo! Mr. Minister, you have the Floor

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, in fact, I was hoping that you will give me a chance to support this Motion. This is a step again in the right direction so that we can start sending signals to the rest of the world that this country is serious about transparent activities, starting from appointments all the way to the handling of corruption cases.

I would like to join my colleagues who have so openly supported the work that the Kenya Anti-Corruption Commission (KACC) under Dr. Lumumba is beginning to emerge for the country. I want to assure the country that I am beginning to see reports of people thinking that Parliament is moving too fast. As far as I am concerned, Parliament is not moving fast enough. We ought to be able to smoke out more people as quickly as possible so that the image that the country is beginning to receive accolades from a magazine; if you forgive me for citing a newspaper – *The Economist* – and other world newspapers, saying that there is still hope in this country. This is the sort of thing that a lot of people in this country have been praying for, for a long time.

I want to wish parliamentary Committees Godspeed so that they can also recognize the need to ensure that they respect the Constitution, which requires that they operate like a High Court; give everybody the right of a fair hearing, investigate – when they do so – in a manner that earns transparency. I want the next accolades to come from *The Economist* and other world newspapers like *The Wall Street Journal*, to be accolades of parliamentary Committees; to recognize the procedures that elevate parliaments all over the world, to the level of recognition that the country is running in a good order.

Mr. Temporary Deputy Speaker, Sir, the media itself is beginning to create an impression that Parliament is usurping functions from the Executive. We have created a Constitution with separation of powers. Let the Executive also demand its stake as required by the Constitution. I would like the country to recognize that the Executive that we have--- I am happy to see the Chief Whip drinking water. I do not know why he became thirsty after I started speaking. The fact of the matter is that the Executive has been extended under Section 3 of the Transitional Clause under Schedule Six and the Executive is structured under the sections of the old Constitution to be able to offer leadership to the country and, therefore, it is for the Grand Coalition partners to offer leadership to the country and to ensure that the Executive does not appear it is under attack. I do not agree that whenever you are challenging a Minister to take political responsibility for his Ministry, that alone in itself, is what you might call “witch-hunt.” I differ completely with the Right Honorable Prime Minister to start creating the impression that we are targeting Ministers for the sake of political parties.

With those few remarks, now that my colleague, the Deputy Prime Minister and Minister for Finance is here, I beg to support.

God bless!

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I just want to thank the Committee for that Report. What the country is witnessing is---

(Mrs. Shebesh and Mr. Midiwo consulted loudly)

Mr. Temporary Deputy Speaker, Sir, can you protect me? Hon. Midiwo and Mrs. Shebesh are consulting very loudly.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, hon. Members! You are protected! You can proceed now!

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir.

We have a new Kenya and I want to agree with the Minister for Justice, National Cohesion and Constitutional Affairs that we have received accolades, even from *The Economist*. This is because our Constitution provides very new standards of accountability.

Mr. Temporary Deputy Speaker, Sir, the issue of corruption must be tackled by the country head on. However, I want to note that I totally agree with the Prime Minister that even as we are tackling the issue of corruption, we must do so following the rule of law. We have parliamentary privilege and we cannot abuse that privilege because it would be counter-productive; because then the issue of corruption would cease to be an issue of corruption but a case of witch hunting. Therefore, I am happy when we slay the dragon when it is a dragon. But when we slay a cat that looks like a dragon and think we slay the dragon, I shall not be party to that. Because of that, I have said before and I want to repeat that we must have a threshold of accountability by these Ministers that we are holding accountable.

Some of the issues we must look at are what is the proximity to the transaction? Number two, what is your knowledge of the transaction? Number three, did you exercise due diligence on the matter?

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, Mrs. Odhiambo-Mabona!

Mrs. Odhiambo-Mabona: I have not finished, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Mrs. Odhiambo-Mabona, you will have 17 minutes when the matter will be on the Order Paper!

ADJOURNEMENT

Mr. Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members. It is now time to adjourn the Business of the House. The House now stands adjourned until tomorrow, Wednesday, 3rd November 2010, at 9.00 a.m.

The House rose at 6.36 p.m.