

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 14th April, 2010

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

EXPIRY OF GOVERNMENT HOSPITAL BOARDS' TERMS

(Dr. Monda) to ask the Minister for Medical Services:-

(a) Is the Minister aware that the terms of most Government Hospital Boards are long expired?

(b) How are these hospitals currently being managed in view of the expiry?

(c) What has delayed the appointment of the new boards and when will the appointments be made?

Mr. Deputy Speaker: Is Dr. Monda not here?

Let us move on to the next Question!

ORAL ANSWERS TO QUESTIONS

Question No.114

TARMACKING OF ISIOLO-MANDERA/GARISSA- MANDERA/WAJIR-MOYALE ROADS

Mr. Keynan asked the Minister for Roads:-

(a) why it has taken so long to tarmac Isiolo – Wajir – Mandera, Garissa-Wajir-Mandera and Wajir-Moyale roads in North Eastern Province; and,

(b) when the roads will be tarmacked.

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

(a) I recognise the concern of the Member that it has taken long to tarmac the mentioned roads in North Eastern Province because the extent of work required and the costs involved are escalating.

(b) My Ministry has completed the designs for upgrading of the roads and is now sourcing for funds from our development partners.

Mr. Keynan: Mr. Deputy Speaker, Sir, first of all, were it not for Dr. Machage who is one of the key architects of the rights of the minority, this is not an answer. Honestly, I do not even know how to describe it because the magnitude and answer I expected--- The roads I asked covers the entire northern Kenya. It not only covers North Eastern Province--- I have talked about the road between Isiolo – Wajir – Mandera, Garissa – Wajir – Mandera and Wajir – Moyale roads. The Assistant Minister has said in his answer that it has taken too long to tarmac the mentioned roads because of the extent of works involved. In his part “b” of the answer, he has said that they have completed design works. This answer is the same one the Colonial Government provided when Kenya became a colony in 1920. To date, the Government of Kenya has been struggling, whether under the colony, protectorate, Kenyatta regime, Moi regime, Kibaki regime or Kibaki/Raila regime. This answer has remained the same. Do you have a different answer because this one is not satisfactory?

This answer is an insult to the people of northern Kenya. Literally, the Assistant Minister has said that we do not deserve tarmac roads! Could he give a more satisfactory answer because this is not an answer?

Dr. Machage: Mr. Deputy Speaker, Sir, may I appreciate the appreciation of the hon. Member that Dr. Machage fights for the rights of the minorities of this country. Indeed, I have taken the sentiments by the hon. Member with great concern. However, I would like to convince him that things are a little bit different from where the colonial persons did reply him or his Member of Parliament at that particular time over the same issue. This is because we have made great progress in many aspects on nearly five roads. Actually, the Bodea – Apec – Kuwait and Saud Frand has now shown interest to fund the Nuno-“Mogadishu” section of the roads in question. That is a great gratitude to this group.

We have finished the design for Garissa – “Mogadishu” – Wajir Road which is 330 kilometers. This has been done by M/S East Africa Engineering Consultants. This has never been done before.

We have finished the designs of Wajir – Mandera Road which is 380 kilometers, which has been done by M/S. Gibb Africa Consulting Engineers. The design of Isiolo – Gabartula – “Mogadishu Road” which is 195 kilometers has been completed by M/S. Otieno Odongo Consulting Engineers. The Wajir – Mandera Road was also completed. Its design was done by Gjibb Africa Consulting Engineers. I included funds in the Supplementary Estimates you passed yesterday for the maintenance of these roads. In the 2009/2010 Budget, I allocated Kshs4,281,000 for this road. This money was enough for patching. However, in the next Budget, I have indicated that I want Kshs45 million for the periodic maintenance of these roads before construction starts. I think I have tried!

Mr. Abdirahaman: Mr. Deputy Speaker, Sir, doing feasibility studies and design works is one thing and donors showing interest is another. What we are asking for as people from that region is getting a commitment from the same donors the Assistant Minister has talked about. That is why Mr. Keynan said this Ministry and successive governments have not been keen to develop the northern Kenya region in terms of road infrastructure. I want to be specific. Could the Assistant Minister show us any commitment because the Ministry of Finance has been frank with us? It has been able to conduct meetings with people from that region and has plans to help us. However, the Ministry of Roads has not been able to put its priorities right. Could the Assistant Minister tell us that in the 2010/2011 Financial Year, there is a commitment for such a road, for example, the Nuno – Madogashe – Wajir Road?

Dr. Machage: Mr. Deputy Speaker, Sir, my willingness of developing the road network in North Eastern Province cannot be in doubt. Take my word for this, unless other factors deter me from achieving what I have planned.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, it is very obvious that successive governments had considered the North Eastern Province and northern Kenya as Kenya B or part of another country. When will the roads be tarmacked? The Assistant Minister has said that they are looking for money. This is the same as the normal answer as “when funds will be available”. Could the Assistant Minister tell this House the plans that are there and when these roads will be tarmacked? Could they also stop considering northern Kenya as Kenya B?

Mr. Deputy Speaker: Mr. Assistant Minister, it is not “Mogadishu”, but “Modogashe”! There is a difference between the two.

Dr. Machage: Mr. Deputy Speaker, Sir, pronunciations will depend on where you were born and where you went to school. However, I take the correction.

Mr. Deputy Speaker: Mr. Assistant Minister, “Mogadishu” is in Somalia, while “Modogashe” is in Kenya!

Proceed!

Dr. Machage: Mr. Deputy Speaker, Sir, I have considered the opinion and request by Mr. C. Kilonzo who has just asked that question. It is sometimes difficult to say, as a Ministry, when we are going to start a project when we do not have the cash at hand. Let me again repeat my commitment---

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to hide in the Ministry? We are talking about collective responsibility in the Government. He is the Government and his Minister sits in the Cabinet. We want to know whether you consider this part as part of this country. I am not expressing an opinion! It is a fact! You treat the north Eastern and northern Kenya as Kenya “B”.

Dr. Machage: Mr. Deputy Speaker, Sir, I am not aware that north Eastern and northern Kenya has been mistreated as Kenya “B”, but I know this area is inhabited by marginalized groups like those in my own constituency. I take seriously the request by hon. Members of this region because it is true they have been forgotten by the history of this country. God willing, if I am still in the Ministry, I promise to always look at this area and do my best.

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister does not know when these roads will be tarmacked. I want to advise him that he does not know his part of the answer. Could he confirm that he does not know?

Mr. Deputy Speaker: Dr. Machage, part “b” of the Question is: When?

Dr. Machage: Mr. Deputy Speaker, Sir, the hon. Member could be right. I have not fixed the timeframe when we are starting to tarmac these roads because the funds are not available.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Therefore, it is very clear that the Assistant Minister has no answer for part “b” on when the roads will be tarmacked. Could this Question be deferred so that the Government can consider and come up with an appropriate answer?

Dr. Machage: Mr. Deputy Speaker, Sir, if the hon. Member so wishes, it can be deferred until when I will have the funds.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister is evading the question because when we met the Ministry of Finance officials yesterday, they confirmed to us that they released funds in order of priority. So when are they going to prioritize those roads in North Eastern Province in order to get funds?

Dr. Machage: Mr. Deputy Speaker, Sir, I do not need to repeat for the third time that these roads are a priority to the Ministry and so I am waiting for the funds. If you discussed with the Ministry of Finance and you were assured like that, then I am waiting for those funds.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I plead with the Chair to come to our rescue. The question is: When? If he does not know when, then this section is totally not planned for. So it is very clear that this is now Kenya "B". They have not planned for it. It is obvious they are not planning to consider that area for tarmacking.

Mr. Deputy Speaker: Dr. Machage, you cannot say that this has been a priority for three years and still fail to tell the House when you will have the funds available. Has priority become something that is indefinite?

Proceed and give an answer!

Dr. Machage: Mr. Deputy Speaker, Sir, priority can even be for ten years. What I have just told the House is that I am in the process of sourcing for funds. Patience is of essence here. Give me time!

Mr. Mbugua: On a point of order, Mr. Deputy Speaker, Sir. I think this Assistant Minister is not being genuine with the answer that he is giving the House. The question is "when" if he understands English!

An hon. Member: Maybe, we can get a Kuria who can translate for him!

Dr. Machage: Mr. Deputy Speaker, Sir, I think I have been in school longer than you! I was in school for 26 years!

(Laughter)

Mr. Deputy Speaker: Proceed!

Dr. Machage: Mr. Deputy Speaker, Sir, I think I have answered this question. I will tell you when, when I have the funds at hand.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. What the Assistant Minister needs to tell us is that, a feasibility study will be done at such and such a time and that it is in our plan for the 2011/2012. So, could he be very frank? Is there a feasibility study which has been done, planned or is the target of the work plan set in, like normal organizations plan for five years ahead? Is it anywhere within his five year plan for the roads targeted for tarmacking? That is what he needs to answer!

Mr. Deputy Speaker: The Assistant Minister has been very categorical. He said that designs are available.

Dr. Machage: Mr. Deputy Speaker, Sir, I was not talking Gujarati; I was talking in English and I indicated that all the feasibility studies of these roads---

(Several hon. Members stood up in their places)

Mr. Keynan: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to impute improper motive against an hon. Member because in this Chamber, we use only English and Kiswahili? We do not use Gujarati, Kuria, Somali or any other language! Is he in order?

Dr. Machage: Mr. Deputy Speaker, Sir, you stand to support me on this because I clearly---

Mr. Deputy Speaker: Indeed, the Assistant Minister said: “I talked in English!” and that is perfectly in order. The Assistant Minister can say: “I am talking in English!”

Proceed!

Dr. Machage: Mr. Deputy Speaker, Sir, I am talking in English and I indicated that all the feasibility studies of these roads and designs have been done and completed. I even gave the names of the consultants who have done those roads but hon. Members---

Hon. Members: When?

(Several hon. Members stood up in their places)

Mr. Abdirahman: On a point of order, Mr. Deputy Speaker, Sir. This is a very important Question to millions of people who live in the entire northern Kenya. It is not a Question we can allow the Assistant Minister to get away with, especially when he tells us very causally that it will be considered when funds are available. I wish he knows the passion with which we take these issues ourselves.

Is the Assistant Minister in order, because it is the Ministry responsible for prioritizing roads in this country, not to tell us when they can easily put this in the coming Budget? If he is not in a position to do so, could we have the substantive Minister coming to give the explanation to this House and defer this Question?

Mr. Deputy Speaker: Order, Mr. Abdirahman! The Assistant Minister is the substantive Minister!

Proceed, Dr. Machage! Could you give a firm undertaking when you will have funds available?

Dr. Machage: Mr. Deputy Speaker, Sir, I give a firm undertaking that I am looking for funds to build these roads as soon as possible.

Mr. Keynan: On a point of order, Mr. Deputy Speaker, Sir. In the light of the inability by the Assistant Minister to offer a satisfactory answer, coupled with the fact that this same answer is the one that has been offered by all the past Ministers including the colonial Minister who was in charge of Northern Kenya; taking into account the fact that northern Kenya has suffered because of attitude problem and lack of appreciation by those who plan, would I be in order to ask for the indulgence of the Chair to defer this Question until the Assistant Minister comes to the Floor and says when they plan to do this road? Even if it is 100 years from now when most of us will not be there, or whether it will be next year---

You know that in 2007 prior to the Elections – I want to say this for the purpose of informing the Assistant Minister – there was a time the entire Government was in Garissa and they launched a certain tarmac programme. That thing has stalled since then! Is he aware? So, I am pleading because of the failure by my good brother here to offer a satisfactory answer. Could this Question be deferred? When he comes back to the Floor of the House he should tell us, when, table the designs even if it is 100 years so that, at least, those children, where I come from, who are in school, the definition of a tarmac is “a black substance found in down Kenya, Nairobi.” We want to kill that psyche! We want to remove that stereotype from the minds of these greater leaders of tomorrow. So, will I be in order to ask the Chair to defer this Question?

Mr. Deputy Speaker: Fair enough! The Chair, indeed, takes note of the fact that the Government side has the responsibility to the House and the country at large. Dr. Machage, the Chair is satisfied that your answer is inadequate because part “b” of the Question said: “When will the road be tarmacked? Under the circumstances, the Question is deferred until we have a

satisfactory answer. The Question should be listed on the Order Paper next week on Wednesday morning!

(Applause)

Next Question!

*(Messrs. Washiali and K. Kilonzo
stood up in their places)*

Order, hon. Members! The moment the Chair says: "Next Question", we have to proceed to the next Question. The Chair has given the direction on that and, indeed, he is not going to entertain any further debate on the same, including points of order!

(Mr. K. Kilonzo continued standing in his place)

What is it Mr. K. Kilonzo?

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Thank you for indulging me. You have directed that this Question be listed on the Order Paper next week because of its importance. However, if this House will be going on recess, would I be in order to request this Question be answered tomorrow?

Mr. Deputy Speaker: Order, hon. K. Kilonzo! You are anticipating debate. In this House, we do not have "ifs", we only deal with the substances of the Motion of the day. The Chair has given a direction on the same. Indeed, if, for any other reason, including by the will of the House, the House goes on recess, the House will still come back together after the recess and the Assistant Minister will still have to fulfill the direction of the Chair.

Mr. Keynan: On a point of order, Mr. Deputy Speaker, Sir. First of all, while I appreciate your ruling, we must also take into account the fact that Parliament has also undergone some sort of changes. The statement that this question is anticipating debate is a lyric, repugnant and belongs to the past. Parliament has a programme and we know that tomorrow, there will be a Motion for Adjournment. So, it is no longer the privilege of the Chair and the House Business Committee.

Mr. Deputy Speaker: Order! You are out of order! It is a Motion for Adjournment and who tells you that the Motion will be carried?

The Assistant Minister for Roads (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir. While I appreciate and respect your ruling that I should give the answer next week or the earliest time possible this House calls for the answer, would I be in order to request that two to three months be given to me to be able to consult financiers, so that I can adequately answer the Question then? This is because next week, I will bring the same answer.

Mr. Deputy Speaker: Order, hon. Assistant Minister! Hon. Assistant Minister and the Members, you are out of order! The Chair has already given a direction on the same. We will now move on to the next Question!

(Question deferred)

Next Question!

Question No.015

REPAIR OF KISUMU-BUSIA ROAD

Dr. Otichilo asked the Minister for Roads:-

(a) whether he is aware that the road between Kisumu and Busia, particularly between Yala and Bumula, is dilapidated with numerous dangerous potholes; and,

(b) when he will undertake repairs on the road.

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

(a) I am very much aware that the road between Kisumu and Busia, particularly the section between Yala and Bumula is in great need of repair.

(b) As a short-term measure, I have allocated Kshs15,302,000 for the routine maintenance in this financial year. In addition, a further Kshs50 million has been issued for carrying out periodic maintenance of the section between Kisiani and Busia. The works have already commenced as I speak. Nevertheless, my Ministry plans to carry out a major rehabilitation of this road and I am currently sourcing for funds.

Dr. Otichilo: Thank you, Mr. Deputy Speaker, Sir. I want to thank the Assistant Minister for at least allocating some money for the rehabilitation of this road. It now takes five hours to drive from Kisumu to Busia when it should take less than one and a half hours. I am grateful the Assistant Minister, at least, has allocated some money.

However, I want him to clarify between these two figures. He says that he has allocated Kshs15 million for immediate rehabilitation and then he says that he has also allocated Kshs50 million. I want him to clarify whether this money has been allocated right away or the Kshs50 million will be allocated later?

Dr. Machage: Mr. Deputy Speaker, Sir, for clarity, I have said that in addition to the Kshs15 million, a further Kshs50 million has been allocated. It is there ready for use.

Mr. Ochieng': Mr. Deputy Speaker, Sir, could the Assistant Minister confirm that the contractors who are already on this particular road are M/s Haya Bishan Singh, who also did the original construction of this road hardly eight years ago and the road right now has gaping potholes? Why does the Ministry continue to use the same contractor to do this kind of repairs?

Dr. Machage: Mr. Deputy Speaker, Sir, if the same contractor worked on this road sometimes back and it is now dilapidated, it may not be his mistake. It is because of the tear and wear and the amount of weight that is put on this road. Specifications are given on what type of repair to be done. His work was inspected and approved at that particular time. He qualified for the current contract and I have no reason to doubt him.

Mr. Mwangi: Mr. Deputy Speaker, Sir, if you observe today's Order Paper, you will realize that many Questions on roads have been raised. The construction of roads has been a concern of this House and the contractors seem to be doing shoddy jobs. For instance, the road between Kenol and Murang'a was done---

Mr. Deputy Speaker: Order, hon. Mwangi! You do not ask a question on a road in Murang'a and other places. This is very specific. The Standing Orders do not allow that. You want to ask about another road, you put in a Question for the same.

Mr. Mwangi: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm that the Kshs65 million that has been given would be adequate to do the kind of work the hon. Member has requested to be done?

Dr. Machage: Mr. Deputy Speaker, Sir, yes, I think it will be adequate for the work that I want to be done now.

Dr. Otichilo: Mr. Deputy Speaker, Sir, who is going to rehabilitate the road between Kisumu and Kisiani? What the Assistant Minister had provided is to rehabilitate the section from Kisiani to Busia, but the road between Kisumu and Kisiani is also in a terrible state.

Dr. Machage: Mr. Deputy Speaker, Sir, that Question is a little bit different. I do not have an answer for it, but let me give this information to the Member. It may be useful. The World Bank will be funding the rehabilitation of Nyamasaria/Kisiani section which is 15 kilometers. The Kisiani/Busia Road which is 105 kilometers is on periodic maintenance funded by the Fuel Levy Fund and the works have started, and the Member should confirm this, on 9th March, this year. Consultations are underway to have the World Bank fund the construction of the rest of the roads that the Member has in mind.

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that roads in the hon. Questioner's area are in bad shape, would I be in order to ask the Assistant Minister to arrange for a tour of the area, so that he can ascertain---

Mr. Deputy Speaker: How is that a point of order? Write to the Assistant Minister in your capacity as a Member of Parliament for one of the neighbouring constituencies! These are matters that basically you can do!

Question No.175

DESIGN FOR KINYONA-NJABINI ROAD

Mr. Jamleck Kamau asked the Minister for Roads:-

(a) if he could confirm whether design work for Kinyona-Njabini Road was done and completed; and,

(b) when the Ministry will allocate funds to construct the road to bitumen standards.

Mr. Deputy Speaker, Sir, I have not received a written answer to this Question.

Mr. Deputy Speaker: Do you wish to proceed with the Question?

Mr. Jamleck Kamau: Mr. Deputy Speaker, Sir, I wish to proceed because the Assistant Minister is my good friend.

The Assistant Minister for Roads (Dr. Machage): Mr. Deputy Speaker, Sir, I would like to thank hon. Jamleck Kamau for his great consideration. I am sorry that he has not yet received my written answer, but I think this will be adequate.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) I confirm that the design of the Kinyona-Njabini Road was done and completed in December, 2008.

(b) My Ministry will allocate funds once the outstanding environmental concerns are cleared by the National Environment Management Authority (NEMA).

Mr. Jamleck Kamau: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that answer. But I would like him to clarify to me and the people of Kigumo in relation to the fact that when the Minister for Roads came to my constituency during the Prime Minister's visit,

he categorically told the people of Kigumo: “The road between Kinyona and Njabini will be *nyweeee!*” That is exactly what the Minister said. When do we expect this NEMA clearance to be finished so that we can get some funding for this road?

Dr. Machage: Mr. Deputy Speaker, Sir, with all respect to my colleague, I have to ask for the meaning of “*nyweee,*” because I do not know what he meant. However, I assume that he meant that you will have a well carpeted road but that is an assumption. It could be *nyweee* or *nywiii*, whichever you pick on. But the concern and problem we have is that the design of roads through the Aberdares Forest has raised a lot of serious environmental concerns by stakeholders who are members of that constituency. They say that some things have not been sufficiently addressed. Indeed, the NEMA has already rejected one such project, that is, the Ihite-Kahuruko-Ndunyu Njeru Road. Similar concerns were also being raised on the road during the environmental impact assessment study by the same stakeholders. I have already used Kshs14,929,200 on designing this road, but I am tied by NEMA. That is the law.

Mr. Wambugu: Mr. Deputy Speaker, Sir, very many roads in this country have been put on design for as long as even ten to 20 years. Could the Assistant Minister advise this House how long it should take between design and allocation of funds for any road in this country? We have very many roads under design. Even in my constituency, there is the notorious Gitugi-Murang’a Road which has been under design for almost 20 years. Could the Assistant Minister tell us exactly how long it takes between design and allocation of funds to various projects?

Dr. Machage: Mr. Deputy Speaker, Sir, allocation of funds is the prerogative of this House. Give me the money I want and I will start tomorrow.

Mr. Deputy Speaker: Last question, hon. Jamleck Kamau!

Mr. Jamleck Kamau: Mr. Deputy Speaker, Sir, I just want to ask the Assistant Minister one very quick question. Could he confirm whether or not there is any likelihood that this road will be budgeted for in the coming financial year?

Dr. Machage: Mr. Deputy Speaker, Sir, there is a likelihood. We are negotiating with NEMA and are convinced that this road is necessary. There is a chance.

Question No.167

STATISTICS ON NUMBER/AGES OF STREET CHILDREN IN MOMBASA

Mr. Yakub asked the Minister for Gender and Children Affairs:-

- (a) whether she could provide statistics on the number and ages of street children in Mombasa currently; and,
- (b) what steps she is taking to assist the street children in the district, whose number is increasing rapidly.

The Assistant Minister for Gender and Children Affairs (Mr. Keya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There is no current and reliable statistics on the number and ages of street children in Mombasa, since no proper census has been done. However, in the year 2000, it was estimated that there were over 6,000 street children in Mombasa.

(b) In 2008, my Ministry, in conjunction with the Office of the Deputy Prime Minister and Ministry of Local Government, Municipal Council of Mombasa and UNICEF established a child protection centre at Tononoka Social Hall in Mombasa. At the centre, the children receive various services such as hygiene, sanitation, nutritional support, recreation facilities, referrals,

reintegration and counseling/psychosocial support as well as facilitation to go back to school and training in vocational skills. To date, over 900 children and youth have benefited from the services at the centre and since January of this year, the centre has registered 520 children from the streets who are currently receiving both formal and non-formal education.

Mr. Yakub: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for the answer. In part "a" of his answer, he has informed the House that in the year 2000, the estimated number of street children was around 6,000. That number has, definitely, increased. This issue of street children is in Mombasa, Nairobi and Kisumu---. When will the Assistant Minister through his Ministry, start a proper census for all the major cities?

Mr. Keya: Mr. Deputy Speaker, Sir, there are plans to carry out census of all street children in the country's major towns to establish their numbers, ages, gender and needs. This will help during policy formulation, planning and decision making with regard to street children with a view to rehabilitating them. The Child Protection Centre Programme is aimed at attracting vulnerable children to the centres where they are able to build relationships with social workers, as a first step towards developing support plans for each individual.

Mr. Yinda: Mr. Deputy Speaker, Sir, the state of street children in this country is alarming, because the Government is actually failing on its duty of taking care of the children. The Assistant Minister has talked about the Tononoka Social Hall where children are supposed to be rehabilitated or assisted. I have been to the hall and it is a joke. There is absolutely nothing going on at Tononoka Social Hall. There is no counseling or psychological support for the children. They eat and that is it. If something was happening and with 6,000 street children in Mombasa, we could not be having the numbers that we have now on the streets. Could the Assistant minister confirm to this House that the Government is going to take the case of children seriously and ensure that the street children are taken care of because this issue is a time bomb in this country?

Mr. Keya: Mr. Deputy Speaker, Sir, yes, I confirm that the Government will take serious action from now on.

Mr. Chanzu: Mr. Deputy Speaker, Sir, in the answer that the Assistant Minister gave, he said that they have not carried out proper census for the street children but you remember when Mr. Awori was the Vice-President and Minister for Home Affairs, there was an initiative that was made. Why can this Ministry not build on what had been done because the rehabilitation centres had been built in a number of places. Why can the Ministry not build on what had been done at that time?

Mr. Keya: Mr. Deputy Speaker, Sir, yes, the Ministry will take up from there.

Mr. Deputy Speaker: Mr. Yakubu, the last question on the same!

Mr. Yakubu: Mr. Deputy Speaker, Sir, could the Minister tell the House the where the 900 children that are being rehabilitated do sleep? I know that the area he has mentioned, there is no place for them to sleep. So, where do these children sleep at night?

Mr. Keya: Mr. Deputy Speaker, Sir, the hon. Member has asked where these children sleep. As I have told you, we have rehabilitated these children and at the moment, the centre provides extensive rehabilitation programmes after which the younger ones are re-integrated back to school while older ones are given vocational trainings.

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

Mr. Deputy Speaker: Order, Mr. Yinda!

Mr. Keya: Mr. Deputy Speaker, Sir, at the moment we have 39 children in nursery school, 144 in primary school, while 41 are in secondary school.

Mr. Yinda: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid answering the question? The question is: Where do the 900 children sleep?

Mr. Keya: Mr. Deputy Speaker, Sir, they are rehabilitated at Tononoka Child Protection Centre.

Mr. Yinda: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid answering the question? Where do the 900 children sleep? Do they sleep on the streets, in Tononoka Hall or under the bridge in Nyali?

Mr. Keya: Mr. Deputy Speaker, Sir, I will repeat. These children are rehabilitated at Tononoka Child Protection Centre.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! Is that where the children are living in hostels? There is a difference between rehabilitation and living. Would you want to go back and confirm the answer?

Mr. Keya: Mr. Deputy Speaker, Sir, I think I do not know exactly where the 900 children sleep.

Mr. Deputy Speaker: Under the circumstances, it is an important thing. We cannot talk rehabilitation of children when you do not know where they are hosted. The Chair directs that this Question appears on the Order Paper tomorrow in the afternoon and that you come with an adequate answer.

(Question deferred)

Next Question, Mr. Ochieng!

Question No.042

DEGRADATION OF WETLAND AREAS IN NYAKACH

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

(a) if he was aware that parts of Nyakach Constituency fall under wetland area, are vulnerable with a fragile and an unstable ecosystem, and that there is a serious degradation due to continued human activity; and,

(b) how he intends to take care of the situation in terms of food production, soil conservation and re-forestation.

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

(a) I am aware that parts of Nyakach Constituency fall under wetland area which are vulnerable, with fragile and unstable ecosystem, and that there is a serious degradation due to continued human activity. The areas affected include Rangul Location in lower Nyakach Division, Gem Rae in North Nyakach and parts of West Nyakach Location.

(b) My Ministry has taken care of the situation as guided by the legislative framework governing the management of wetlands, rivers and lakes. Section 42 of the Environmental Management and Co-ordination Act (EMCA) 1999, clearly stipulates how rivers, lakes and wetlands are to be protected.

In addition to that, I gazetted the Environmental Management and Co-ordination Act's Wetlands, Riverbanks, Lakeshores, Seashore Management Regulations in 2009 which have

greatly enhanced sustainability in the management of wetlands including those in Nyakach Constituency.

Mr. Deputy Speaker, Sir, my Ministry is working with the District Committee such as the one on agriculture to ensure that food production is enhanced in Nyakach area by encouraging the region's citizens to participate in the management of the wetlands ecosystem through wise-use activities as a guarantee to its conservation.

I further wish to confirm to this House that my Ministry is working closely with the Ministry of Forestry and Wildlife in matters of afforestation and re-afforestation programmes, currently being undertaken in various parts of the country, including Nyakach Constituency.

Mr. Ochieng: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm whether they have any programmes that will assist in curbing soil erosion which is taking place in the lower part of Nyakach?

Mr. Kajembe: Mr. Deputy Speaker, Sir, my Ministry is also involved in developing the Nyando Wetland Integrated Management Plan which will hold a stakeholder consultative process which will foster the management of wetlands within the Lower Nyando River Basin. Similarly, My Ministry is engaged in public awareness campaigns on wetlands through organizations of the World Wetlands Day celebrations and other suitable forums.

My Ministry will continue to play its role in co-ordination of wetland stakeholders as mandated by EMCA to enforce the above measures in order to enhance the conservation of wetlands in Nyakach and other parts of the country.

Mr. Ochieng: Mr. Deputy Speaker, Sir, during the Moi era, there used to be some programmes known as gabions. I am wondering whether the Ministry can consider reviving erection of gabions in all the areas that are affected by soil erosion in this country.

Mr. Kajembe: Mr. Deputy Speaker, Sir, for this specific area, Nyakach Constituency, what we are going to do is what I have just explained. My officers are on the site and whichever requirement that is needed, my officers will take care of it. Let me assure this House that we are all out to rehabilitate the wetlands in Nyakach Constituency.

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

Question No.084

LIST OF ALLOTTEES OF SOUTH NGARIAMA SETTLEMENT SCHEME

Mr. Gitau asked the Minister for Local Government:-

(a) to provide a list of the allottees who benefitted from the settlement in the South Ngariama Settlement Scheme, indicating their respective addresses, ID numbers, locations and the acreage allocated; and,

(b) whether he could also provide the maps from the Commissioner of Lands approving the sub-division.

Mr. Deputy Speaker: Is the Deputy Prime Minister and Minister for Local Government not here? We shall skip that Question until the end of Question Time.

Next Question, Mr. Shakeel!

Question No. 097

NON-IMPROVEMENT OF ROADS IN SUGAR-CANE GROWING ZONES

Mr. Shakeel asked the Minister for Agriculture:-

(a) why, in spite of the substantial funds designated for infrastructure improvement in the sugar industry, roads in sugarcane growing zones have not been improved;

(b) to provide a breakdown of Roads Levy and Sugar Development Levy Allocations and utilization by Sugar Factories for the period 2007/2008 and 2008/2009; and,

(c) whether he could explain to the House why the sugarcane farmers are still levied cess and yet, through the “Licensing Law (Amendments & Repeal) Act 2006” (which became operational in May 2007), farmers are exempted from paying Cess.

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

(a) Despite the substantial amounts designated for infrastructure improvement, roads have not been improved to the desired standards due to poor collaboration with the stakeholders in the sugar-cane growing areas.

(b) The allocation and utilization of Sugar Development Levy by the sugar factories is as per the list which I do hereby lay on the Table.

(Mr. Ndambuki laid the document on the Table)

The Ministry of Roads is best placed to provide the information on the road’s levy.

(c) Sugarcane farmers are levied Cess as stipulated under the Local Government Act, Cap265 and Agriculture Act, Cap.318.

Mr. Shakeel: Mr. Deputy Speaker, Sir, I have not yet received a copy of the answer. Under the circumstances, I am not able to---

Mr. Deputy Speaker: Order! Order, hon. Shakeel! When you are asking your Question is when you seek the Chair’s indulgence on the lack of an answer. You do not ask the Question, get the Assistant Minister to answer you and then come back and say that you do not have a written answer! The procedure is simple; before the Assistant Minister answers the Question, then you seek the Chair’s indulgence to have him defer it to another day, because you do not have a written answer to allow you to prosecute it efficiently. Now that you did not rise on that, proceed and ask your supplementary question.

Mr. Shakeel: Mr. Deputy Speaker, Sir, under the circumstances, I am unable to proceed because I do not have a copy of the written answer.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, Mr. Washiali; do you want to ask a question on the same?

Mr. Washiali: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed! The Question is the property of the House!

Mr. Washiali: Thank you, Mr. Deputy Speaker, Sir. My constituency, Mumias, is an area where we have had big problems with tractors that carry very heavy loads of cane to the factories, and whatever amount that has been given by the Kenya Rural Roads Authority has not been enough to maintain these roads. Now that there is a levy that has been paid through Mumias Sugar Company, or whichever factories, why is the factory not able to channel the same amount to improve the roads in our respective constituencies?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, first, I would like to apologize to the hon. Member if he did not get the written answer. But the answer was forwarded together with mine; so, I am sorry about that.

On the question which was asked by the hon. Member, in fact, up to date we have disbursed over Kshs600 million to the Kenya Sugar Board (KSB) for infrastructure in all the six millers, including Mumias. We have also given them money with which they can buy tractors or/ and patch up roads. So, as I said from the beginning, the stakeholders are the ones who are giving us a lot of problems, and I would like to urge hon. Members from those areas to also get involved and make sure that the money is used properly; it is a lot of money – Kshs600 million! Also, the Roads Department, or the Ministry of Roads, is also giving the money for the same roads. So, these roads should be in perfect condition, and we should not be having problems.

Mr. Ochieng: Mr. Deputy Speaker, Sir, how does the Ministry ascertain whether this money has been put into good use? In some instances, we have been told that this money is diverted to maintenance of some factories.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, this money is broken down; for maintenance of factories, it is given; for the roads, it is given. That is why I am saying that we need to involve even the leaders from those areas. Once we give the money to the factories, it is for the factories to make sure that their roads are done---

Mr. Ochieng: On a point or order, Mr. Deputy Speaker, Sir. I think my question is very straightforward; how do they ascertain that this money has been put into good use?

Mr. Deputy Speaker: What mechanisms do you have? Answer the question; it is a valid one!

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the KSB gets returns from the millers as to how the money has been used. We got some of the allocations and what has been done by some of the millers. The hon. Member for Mumias should follow up the matter with Mumias Sugar Factory.

Mr. Ochieng: On a point or order, Mr. Deputy Speaker, Sir. the answer is not satisfactory. The Assistant Minister was not prepared to answer this Question. Could we list it for another day so that he can come up with a proper answer?

Mr. Deputy Speaker: Order! What is not satisfactory, hon. Washiali?

Mr. Washiali: Mr. Deputy Speaker, Sir, the Assistant Minister is not explaining how they ascertain that the money that they disburse for roads in this particular sector is used. We have information that some of this money is diverted to repair some of the factories.

(Applause)

Mr. Deputy Speaker: Mr. Assistant Minister, what mechanism do you have to establish that the public money is properly used or used for what it is meant for?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I have said that the KSB gets returns from the millers. When the money is given, it is broken down. Factory development and rehabilitation is supposed to have 17 per cent. Industry infrastructure, it is 8.5 per cent of the money given. So, the money is well distributed to all the areas, and it is for the people of that area. If you leave it only to the millers, they will do whatever they want and then they will report some other things. I would like to urge the hon. Members of those sugarcane growing areas to get involved in these things.

*Question No. 125*DISMISSAL OF MR. ZACHARY ZILATEI
FROM NGO CO-ORDINATION BOARD

Dr. Laboso asked the Minister of State for National Heritage;-

(a) to explain why the former Chief Executive Officer of the NGO Coordination Board, Mr. Zachary Zilatei, was unprocedurally dismissed from office on 9th May, 2006, without being paid his terminal dues or other entitlements for the remaining years of his contract;

(b) why appeals to the Minister over his dismissal have not been acted upon; and,

(c) whether he could state how much the NGO Board owes Mr. Zilatei and confirm when the said dues will be paid?

The Minister for of State for National Heritage (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The former Chief Executive Officer of the NGOs Coordination Board, Mr. Zachary Zilatei, was not dismissed unprocedurally from office on 9th May, 2006. He was paid his terminal dues and all his other entitlements as per his contract.

(b) I confirm that all the appeals to me by Mr. Zilatei have been acted upon. Mr. Zilatei's contract was terminated on 9th May, 2006. On the 11th June, 2008, and on 9th July, 2008, two years later, Mr. Zilatei appealed to me and the Board Chairman, respectively, against a purported arbitrary dismissal. It is important to note that it took him two years to appeal after his dismissal. On 17th December, 2008, I asked the Board to deliberate on his appeal with a view to compensating him for his remaining contract period that he was supposed to have served. The Board was advised to look into the merit of the appeal. The Board immediately constituted an *ad hoc* committee which deliberated on the matter, and thereafter recommended that the said contract had a termination clause allowing for either party to terminate the contract by giving a three-month notice or equivalent of a three month's salary and house allowance. We exercised this option when terminating Mr. Zilatei's services. The appeal was, therefore, not upheld.

(c) The NGO Co-ordination Board does not owe Mr. Zilatei any money. In fact, Mr. Zilatei owes the NGO Co-ordination Board Kshs89, 600. Kindly note that he was paid his pension dues of Kshs2,183,017 as at 31st December, 2008, by CFC Life, which is the Fund Manager for the NGO Co-ordination Board Staff Pension Scheme.

Dr. Laboso: Mr. Deputy Speaker, Sir, I want to sincerely thank the Minister for a very comprehensive answer. However, I would really like the Minister to clarify on the first part of the Question on whether he was procedurally dismissed. I have a document with me here which clearly shows that there are guidelines, which were given by Mr. Muthaura, on how a Chief Executive can be dismissed. This document clearly shows that it is the Board of Directors that is supposed to carry out the dismissal. In the case of Mr. Zilatei, it was the former Minister, in your Ministry, who terminated his services. I would like the Minister to confirm whether that was procedural.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, with all due respect to the gracious lady, I think the man was dismissed procedurally. I checked on the issue and found that he was dismissed procedurally.

Dr. Khalwale: Thank you Mr. Deputy Speaker, Sir. I remember, vividly, that at the time when the officer was dismissed, the hon. Minister was the Minister in charge of Public Service. I remember that at that time, there was a desire by the then Government to purge all the Kalenjins. They sacked all officers for reasons which could not be explained to the public. Could the Minister explain now whether the real reason why this man was sacked was not because of the purge, and if it was not because of the purge, could he tell us why Zilatei was sacked from office?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, it is very interesting that the hon. Member is referring to issues that I do not know and I do not want to know. I still maintain that according to all the facts, the man was dismissed procedurally.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister being fair to me by saying that I am referring things that he does not want to know when it is a fact that the hon. Minister was the Minister for Public Service at the time when---- In order for us not blame him for effecting that policy, could he confirm the reason why this officer was sacked?

Mr. Deputy Speaker: Are you sure, Dr. Khalwale, that in May, 2006, hon. ole Ntimama was a Minister?

Dr. Khalwale: Mr. Deputy Speaker, Sir, he was a Minister and I used to visit him in his office and have a cup of tea with him.

Mr. Deputy Speaker: Hon. Khalwale, you definitely do not have your dates right. Hon. Minister, proceed!

Mr. ole Ntimama: Mr. Deputy Speaker, Sir I have read a very elaborate and long answer that my friend, my own doctor, hon. Dr. Khalwale, should know that I have no other thing to add, except to say that the person was dismissed procedurally.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. The hon. Minister has said that Dr. Khalwale is his doctor. We know what Dr. Khalwale specializes in. Is it in order for the Minister---

Mr. Deputy Speaker: Order! Hon. Ruto, you are definitely out of order!

Dr. Laboso, could you ask the last question on the same?

Dr. Laboso: Mr. Deputy Speaker, Sir, again, I want to ask the hon. Minister to consider giving, not only terminal dues, but all the dues for the remaining period that Mr. Zilatei was to have served since he was remaining with at least two and a half years for his contract to end. Could he consider giving him the dues for the period he was to serve?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, again, I have a lot of respect for the gracious lady. However, the man still owes us up to Kshs90,000. Therefore, what do we pay him? I think that hon. Ruto has his own personal interests. I said that Dr. Khalwale is my doctor. I consult him when I have a small problem. What is wrong with that?

(Mr. Ruto stood up in his place)

Mr. Deputy Speaker: Hon. Ruto, you are out of order! One qualifies, first of all, as a general practitioner to treat all diseases then he specializes. Do not make an assumption that hon. Dr. Khalwale only treats gynecological illnesses. He does, indeed, treat other illnesses in addition.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I want to thank you for that clarification. Allow me on this point of order to also further clarify that, whereas a medical

officer is first trained to do general practice, when they specialize, they still retain the capacity to do the usual practice. I am not a gynaecologist.

Mr. Deputy Speaker: What are you, indeed?

(Laughter)

Question No.139

REPLACEMENT OF TTCs AFTER CONVERSION TO UNIVERSITIES

Mr. Kaino asked the Minister for Education what plans the Government has made to replace the Teacher Training Colleges that have been converted into universities.

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

Under the Kenya Education Sector Support Programme II, which is running from this year to 2015, the Ministry will rehabilitate and expand the existing primary teacher training colleges in order to increase the number of teacher trainees annually from the current number of 8,000. The Ministry is committed to providing support for converting its institutions and other Government institutions into teacher training colleges once the authority has been granted by the Government and the local leaders.

Already Narok, Kitui and Bondo teacher Training Colleges and other Government institutions have been identified by local leaders and consultations are going on for conversion and establishment of teacher training colleges as follows: Narok Teacher Training College is to be relocated to the Farmers Training Centre, which falls under the Ministry of Agriculture. Kitui Teacher Training College is to be established at the Kenya Forestry Research Institute (KEFRI), which falls under the Ministry of Forestry and Wildlife. Bondo Teacher Training College is to be relocated to the Barkanyango Secondary School in Usigu Division of Bondo District; in fact, for Bondo TTC the ground breaking was done on Sunday. So, the construction has started on the new site of Bondo TTC.

Mr. Kaino: Mr. Deputy Speaker, Sir, I wish to say that the Professor is not saying the truth. He is misleading the House, because all that he has said is that he will rehabilitate institutions and do ABCD. How many generations will be lost? How many people have lost their chances of joining tertiary institutions such as TTCs and other colleges?

Mr. Deputy Speaker, Sir, I want the Assistant Minister to state exactly when the rehabilitation is going to be done so that the students can be admitted to the colleges.

Prof. Olweny: Mr. Deputy Speaker, Speaker, Sir, let me tell the hon. Member that previously, whenever the teacher training colleges have been converted into university colleges, expansions have been done in terms of the number of admission in other colleges so as to make sure that we do not lose in the number of Kenyans to be trained as teachers. We maintain the number of admissions.

Mr. Kaino is asking when we are going to do it, but I have already told you last Sunday, ground breaking was done at the Bondo TTC, and the construction has started at the new site of Bondo TTC. I have indicated that Narok TTC is going to be moved to a new site which has already been identified at the Farmers Training Centre (FTC) within Narok. Then Kitui TTC is also going to be relocated to the Kenya Forestry Research Institute. That means, already we have

identified places where we are relocating these TTCs. This is done in consultation with the local leadership because they have to help us identify land.

Dr. Kones: Mr. Deputy Speaker, Sir, the Assistant Minister has said that under the KESI Programme, these institutions are going to be rehabilitated and supported. We know this programme is already facing a lot of challenges particularly from donor support. How much funding has been withdrawn by the donors towards this programme?

Prof. Olweny: Mr. Deputy Speaker, Sir, through your chair, let him repeat the question.

Dr. Kones: You were looking at me, I thought you were very keen but let me repeat it again.

In your response, you are saying that through the KESI Programmes, these TTCs are going to be rehabilitated while we know there are donors who have threatened to pull out. How much support do we get from donors? What is the impact that the withdrawal of donor support going to have on us?

Prof. Olweny: Mr. Deputy Speaker, Sir, I cannot pre-empt on what the donors will give us. That I cannot say at this moment because this depends on the negotiations which are going on. At the same time, may I inform to the House that KESI depends on over 90 percent of Government money which is budgeted for through this House.

Dr Nuh: Thank you, Mr. Deputy Speaker, Sir. In the Assistant Minister's response, he said that the new institutes and new TTCs will be done and the sites he has identified are the ones where you have existing institutions; the Farmers Training Institute, and the Agricultural Institute in Kitui. What becomes of those institutions or is the Government involved in a zero-sum game where you have one plus one minus one?

Prof. Olweny: Mr. Deputy Speaker, Sir, I will give you an example of Bondo TTC where construction is going to start because the ground breaking was done on Sunday. Once the community of barkanyango accepted to give part of their land for Bondo TTC, they actually did not kill the school. They increased the amount of land that was meant for the schools and the school still remains. Negotiation with the relevant Government Ministries will help to determine whether that institution is moved or more land is given to the institution by the community and then part of that land is then given to the new site for the TTC. Those are the negotiations we are doing so that we do not kill these other institutions. So that is the spirit we are using to do the new TTCs.

Mr. Kaino: Mr. Deputy Speaker, Sir, the Assistant Minister has really evaded the question. I am really sorry that he has not answered my question at all. What I really wanted to know is:- Where are these Kenyans who are supposed to have joined these TTCs? There are some areas in this country where standards of education are still very low like Narok. The only saviour was the Narok TTC and now they have replaced it with the university where some people from Nairobi and other places have now gone to take up those places replacing the locals who could have been admitted into those colleges. The Ministry should have planned very early to see that all the TTCs or FTCs that have been converted to universities must get another alternative place before they take up or convert it to a constituent college or university. I would like the Assistant Minister to plan and arrange that they save these communities that have been deprived of the only institutions that they have.

Mr. Deputy Speaker: That does not look like a question. You have advised the Assistant Minister, fair enough. You did not ask a supplementary question.

Next Question, the hon. Dr.Nuh!

Question No. 176

PROVISION OF PER DISTRICT DETAILS ON DISTRIBUTION OF KPRS

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

(a) to provide the per district details on the distribution of Kenya Police Reservists (KPRs) and also indicate their distribution by gender;

(b) to provide the per-district information on the distribution and types of rifles in their possession and explain what informs the decision to provide different types of rifles among the districts; and

(c) to state the reservists' current remuneration and indicate when the Government plans to improve them.

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

(a) I have a breakdown of the KPRs per district. It is a long list, I do not know whether I should table it.

Mr. Deputy Speaker: Table it!

Mr. Ojode: Mr. Deputy Speaker, Sir, I hereby lay the list on the Table.

(Mr. Ojode laid the document on the Table)

(b) The following is the per-district distribution and types of weapons issued to the reservists. It is also a long list. I hereby lay the list on the Table.

(Mr. Ojode laid the document on the Table)

The Kenya Police Reserve will, when necessary, be armed with the same type of arms and ammunitions as are issued to and used by the regular police.

(c) The KPRs are volunteers and not entitled to a salary. However, they may be paid allowances while engaged on duty as they may be approved from time to time in accordance with the Police Regulations Act, as stipulated in the Police Act.

Dr. Nuh: Mr. Deputy Speaker, Sir, in the Assistant Minister's reply with regard to the distribution of types of rifles, in all the pastoral districts where the Kenya Police Reservists (KPRs) have been established, it is only in Tana River District where all the KPRs have the Mark IV type of rifles. All the other districts have the automatic rifles, that is, the G3 and the AK-47. Could the Assistant Minister give an undertaking in this House when the KPRs in Tana River will be given the automatic rifles just like in the case of the KPRs in other districts?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is not a question of giving an undertaking. The automatic rifles are given when need arises. You will agree with me that the crime rate within Tana River as of now is low. We can give the automatic rifles if there is need. That should be recommended by the Officer Commanding Police Division (OCPD) of the area. If the OCPD wants the automatic rifles, we will supply them. If he feels that he is able to use the other weapons, we will allow him to use them.

Mr. Kiilu: Mr. Deputy Speaker, Sir, the Assistant Minister has acknowledged the critical voluntary work that is done by the KPRs in beefing up security in these remote outposts. The

serviceability of the firearms used by these people is critical to the success of their work. Could the Assistant Minister undertake or commit himself to the fact that he will be able to pay or reimburse the KPRs fare whenever they take these firearms for inspection at the designated points?

Mr. Ojode: Mr. Deputy Speaker, Sir, I have indicated here clearly that we normally pay or reimburse whatever the KPRs use when they are engaged in official duties. We do not have any problem with that. If there is anything to be reimbursed, we will do that.

Mr. Olago: Mr. Deputy Speaker, Sir, the provision of security to every Kenyan is a fundamental right and it is the responsibility of the Government to do that. When it becomes necessary to have volunteers to provide security--- Why can the Government not provide its own security without having to rely on volunteers?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is true that the issue of security to every Kenya is a fundamental right. We have both volunteers and the security personnel. We will still have the volunteers assisting the police officers in gathering information and arresting those who create chaos. It is something that supplements what the Government does.

Mr. Gabbow: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to deny or accept that in North Eastern Province there are 651 KPR guns, and a single district has more than 844 guns. This is the case and yet we have 14 districts in North Eastern Province. For example, Wajir North, which is on the border, has very few guns. Could the Assistant Minister deny or accept those figures?

Mr. Ojode: Mr. Deputy Speaker, Sir, I accept those figures.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to confirm that there are many cases where the KPRs have used these weapons to actually engage in crime. Many of them are not paid and so they cannot make ends meet. As a result, they have engaged in crime. What has the Assistant Minister done as part of the police reforms to ensure that we curb these crimes committed by the KPRs who are armed and are not paid?

Mr. Ojode: Mr. Deputy Speaker, Sir, that used to happen. We had to vet those who were being engaged as the KPRs. Those who have been engaged now are people of good and sound background. They are honest people and they cannot engage in criminal activities. These are people who have been tested. Those are the people we have engaged now. If there is any hon. Member who knows of a KPR who is dishonest and is involved in crime, let him or her come to our office and we will act immediately.

Dr. Nuh: Mr. Deputy Speaker, Sir, while the Assistant Minister's response to my question as to why there is discriminate issuance of types of rifles in Tana River compared with the rest of the country is not convincing, I would like to say that the crime rate in Tana River has gone down since 2008, that is, with the advent of the Tenth Parliament. That is the time I came to Parliament. When pastoralists purchase guns, the initial intention usually is not to harm others, but to protect themselves because the Government has failed in its basic provision of security to these people. In 2008 and 2009, we helped in voluntary disarmament of the residents of Tana River District with a promise that the Provincial Administration would supply the KPR guns to guard the villagers who were disarmed. This is because we only have three police stations in the whole of Bura Constituency. The Government has failed to honour that pledge. When will the Ministry recruit the KPRs in the villages where people were disarmed on the promise that they will be provided with KPRs?

Mr. Ojode: Mr. Deputy Speaker, Sir, let me first of all, commend the hon. Member who has also assisted in disarming people by asking those who are in illegal possession of guns to

surrender them. We had agreed that where we disarm people whether forcefully or otherwise, we beef up security. This is because we know anything can happen within that area. We will recruit more KPRs and post them to the areas we are disarming people. I think that will be fair even for the people who are living there.

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

Mr. Deputy Speaker: Order, Mr. Keynan! Let the hon. Assistant Minister conclude his answer.

Mr. Ojode: Mr. Deputy Speaker, Sir, if there is a recommendation---

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

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

Mr. Keynan: Mr. Deputy Speaker, Sir, is it in order for Mr. Joshua Orwa Ojode, the famous designer of "Sirikali" in the old days when he was on the Opposition Bench to mislead Kenyans? We know that the Government of the day has deliberately abused the services and recruitment of home guards, the KPRs or whatever he calls them. There are less than 30 KPRs where I come from while in the neighbouring constituencies, and this has been used, there are more than 800 KPRs. They are more than the established security apparatus. Is he in order to say that they are disarming certain regions and in the same vein assisting those regions by providing them with KPR when we know that there is a deliberate attempt by the Government to arm and disarm particular groups in order to serve the politics of the day? Is he in order to do that?

Mr. Ojode: Mr. Deputy Speaker, Sir, you will agree with me that that is a point of argument. We only increase the number of KPRs to a certain area because of insecurity within that area. We do not just increase the number for the sake of it. If, for example, Tana River does not have a higher rate of criminal activities, why should I deploy so many KPRs in that particular area? Why can I not transfer them to Pokot or Samburu? The reason for beefing up security in certain areas is because of the criminal activities in those areas. We do not do this for the sake of it. We will beef up security in areas which are prone to insecurity.

Question No.179

NON-IMPLEMENTATION OF BRIGIDIA/LUKHUNA POWER PROJECT

Mr. Deputy Speaker: Is Dr. Eseli not here? He is not. His Question is dropped!

(Question dropped)

QUESTION BY PRIVATE NOTICE

Mr. Deputy Speaker: We will go back to Dr. Monda's Question by Private Notice.

EXPIRY OF GOVERNMENT HOSPITAL BOARDS' TERM

(Dr. Monda) to ask the Minister for Medical Services:-

(a) Is the Minister aware that the terms of most Government Hospital Boards are long expired?

(b) How are these hospitals currently being managed in view of the expiry?

(c) What has delayed the appointment of the new boards and when will the appointments be made?

Mr. Deputy Speaker: Is Dr. Monda not here? His Question is dropped!

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Question No.084

LIST OF ALLOTEES OF SOUTH NGARIAMA SETTLEMENT SCHEME

Mr. Gitau asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he could provide a list of the allottees who benefitted from the settlement in the South Ngariama Settlement Scheme, indicating their respective addresses, ID numbers, locations and the acreage allocated; and,

(b) whether he could also provide the maps from the Commissioner of Lands approving the sub-division.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, before I reply, let me apologise that I walked in slightly late because I was trying to gather as much information as possible. So, I apologise for coming late.

Secondly, before I give my reply, I would also like to point out that the reply that I had given earlier should now be treated as withdrawn, because we have since gathered that the matter is no longer *sub judice* because a decision had already been made.

Mr. Deputy Speaker, Sir, I now beg to reply.

(a) I hereby table the list of the allottees that benefitted from the South Ngariama Settlement Scheme for perusal.

I would like to point out that the list that I have tabled does not have the addresses and ID numbers of the beneficiaries. It may take a little time to provide those details. We have, quickly, been able to get the names of the allottees and the plot numbers they were allotted as a starting point, so that the hon. Member can take that into account.

Secondly, I would like to table the map from the Ministry of Lands, but I also want to state here that the copy that we have tabled has not yet been approved, because we are still waiting for the one that has the approval of the Ministry of Lands. So, I table both documents.

(Mr. Mudavadi laid the documents on the Table)

Mr. Gitau: Mr. Deputy Speaker, Sir, I would wish to peruse the documents before I ask further questions. The first answer that the Minister had given indicates that there was a court order, which order was attached to the document, restraining the council from interfering with the land. Now, having a register there indicates that the council has interfered with the land, which is a breach of the court order. There is also a document---

Mr. Deputy Speaker: Hon. Gitau, is the answer in your possession right now the same answer that the Deputy Prime Minister and Minister for Local Government wishes to withdraw? Is that the position?

Mr. Gitau: Mr. Deputy Speaker, Sir, the Deputy Prime Minister and Minister for Local Government is not withdrawing the answer. He was withdrawing the statement that he did not table the documents because of the case that was pending in court.

Mr. Deputy Speaker: Deputy Prime Minister and Minister for Local Government, could you clarify exactly what the position is? The hon. Member does not seem to come out clearly.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, what I said is that I am withdrawing the answer that I had given last time, because we have since learnt that this matter is not *sub judice* any more since a ruling had been made.

Mr. Deputy Speaker: Is that the answer that is in the possession of the hon. Member?

Mr. Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, that is the answer that is in the possession of the hon. Member. So, the one that I have now produced is the one that I am tabling the document. I think it will be better for him to peruse the document and then he can raise issues.

Mr. Deputy Speaker: Under the circumstances, I direct that this Question be put on the Order Paper on a later date to give the hon. Member ample time to be able to prosecute it.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. This issue has been in this House severally. Is it in order for me to suggest that the relevant Departmental Committee looks at this issue?

Mr. Deputy Speaker: Order! Order! We are dealing with a Question, and that Question has not been disposed of. In any case, no Committee needs to be directed by the Chair for them to undertake an investigation. Under the circumstances, I directed that the Question appears on the Order Paper next week on Thursday afternoon.

(Question deferred)

Next Order!

STATEMENTS

POINT OF ORDER

MEASURES TAKEN TO ARREST DEALERS IN ILLICIT BREWS

Mr. Mbugua: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security with regard to the tragedy that occurred in Shauri Moyo area of my constituency over the weekend, where close to 20 people died as a result of consuming illicit brew.

In that Ministerial Statement, I would like the Minister to inform the House the measures he has taken to apprehend those people dealing in the illicit brew that has caused many deaths. I would also like him to clarify whether it is true that brewing of illicit brew is as a result of inaction by the security organs, in the case of Shauri Moyo especially, by the Officer Commanding Police Station (OCS), who apparently consumes the same brew?

Thank you.

Mr. Deputy Speaker: Mr. Assistant Minister, when will you make that Ministerial Statement available on the Floor of the House?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, can I give an elaborate Ministerial Statement on Tuesday, next week?

Mr. Deputy Speaker: Did you hear exactly what the Ministerial Statement sought is about?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I did hear. It is about consumption of illicit brews in Shauri Moyo. I am sorry about what happened in Shauri Moyo. The Government will issue the Ministerial Statement on Tuesday, next week.

Mr. Mbugua: On a point of order, Mr. Deputy Speaker, Sir. Given the importance of the particular Ministerial Statement sought, could the Assistant Minister consider issuing it tomorrow? People are still dying, and there is no action being taken by the said Government.

Mr. Deputy Speaker: Assistant Minister, given the urgency of the matter, would you undertake to issue the Ministerial Statement tomorrow?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, people will die even if I issue the Ministerial Statement today. If he wants an elaborate Ministerial Statement as to what we have so far done as Government, I will be able to issue it on Thursday, afternoon.

Mr. Deputy Speaker: Order! Order, Assistant Minister! You cannot stand on the Floor of the House and say that people will still die. It is the responsibility of the Government to make sure that people do not die in the manner they are dying now. If they die of natural causes, that is a different issue.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I was referring to those who have consumed the illicit brew.

Mr. Deputy Speaker: Assistant Minister, given the urgency of the matter, with the lives of Kenyans being in danger, with the possibility of the same illegal brewing going on right now, the Chair feels that you should take this matter more seriously than you are doing now. Can you give an undertaking to issue the Ministerial Statement tomorrow?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I undertake to issue the Ministerial Statement tomorrow afternoon.

Mr. Deputy Speaker: Fair enough! It is so directed!
Yes, Mr. Gabbow!

NUMBER OF PERSONS FROM WAJIR NORTH SHORTLISTED
BY MINISTRY OF EDUCATION

Mr. Gabbow: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Education, in which I would like him to provide the number of clerical officers, drivers and subordinate staff members who have been shortlisted from Wajir North District.

I understand that the employment of simple clerical officers, subordinate staff members and drivers for this Ministry is being done at the national level, and I am aware that there is nobody from Wajir North District who has been shortlisted for interview.

So, could the Minister issue the Ministerial Statement and clarify this issue before the House goes on recess?

Mr. Deputy Speaker: Deputy Prime Minister and Minister for Local Government, probably, you need to make an undertaking on this one, and tell the House what exactly the policy and practice is on recruitment of such cadre of staff.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I would be misleading this House if I attempted to say what the policy is, because I do not know what policy position the Ministry of Education has taken on this issue. However, I undertake to get the Minister for Education to respond by tomorrow afternoon.

Mr. Deputy Speaker: Fair enough! It is so directed that the Minister for Education addresses this issue in a Ministerial Statement tomorrow afternoon.

IMPLEMENTATION OF HOUSE RESOLUTION ON MIGINGO ISLAND

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. About a month ago, I asked for a Ministerial Statement from the Ministry of Foreign Affairs with regard to the steps the Government has taken so far, in line with the resolution of this House, to repossess Migingo Island. However, on several occasions, the Ministers promised to issue the Ministerial Statement but he has not honoured that promise. Instead, I have just seen some Press reports about the same issue. When is the Minister going to bring the Ministerial Statement to this House?

Mr. Deputy Speaker: Deputy Prime Minister and Minister for Local Government, you have a responsibility to make an undertaking on the same.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I will remind the Minister for Foreign Affairs that he is required to deal with this matter. I will tell him that he should deal with it by tomorrow.

SECURITY OPERATION MOUNTED IN KUTURU/TARBAJ IN WAJIR

Mr. Deputy Speaker: It is so directed. Hon. Ojode, I understand you are giving a Ministerial Statement which was sought by hon. Affey. But hon. Affey is not in here today to be able to adequately seek clarification on the Ministerial Statement. Why do you not then give the same Ministerial Statement tomorrow in the afternoon?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, ordinarily when we promise to issue a Statement on a given date and time---

Mr. Deputy Speaker: Fair enough. There is indulgence on the part of the Chair on the same. So, it is so directed that you give this Ministerial Statement tomorrow in the afternoon.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Most obliged, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Order!

COMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

INDEMNITY (REPEAL) BILL

The Temporary Deputy Chairman (Mr. Wamalwa): Thank you, hon. Members. We are now dealing with the Indemnity (Repeal) Bill of 2010.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Chairman, Sir. It looks like it will be a bit difficult for us to proceed, could you direct that they give us copies of the Bill because they were not circulated to us? We cannot follow.

The Temporary Deputy Chairman (Mr. Wamalwa): I think we have copies of the Bill here. May the Clerks-at-the-Table pass them to the Members. We are now dealing with Clause 2 of that Bill.

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Mrs. Noor: Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Indemnity (Repeal) Bill and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Ms. Karua) in the Chair]*

REPORT AND THIRD READING

THE INDEMNITY (REPEAL) BILL

Mr. Wamalwa: Madam Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Indemnity (Repeal) Bill and approved the same without amendment.

Mrs. Noor: Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

Dr. Khalwale seconded.

(Question proposed)

(Question put and agreed to)

Ms. Noor: Madam Temporary Deputy Speaker, I beg to move that The Indemnity (Repeal) Bill be now read the Third Time.

Dr. Khalwale seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

MOTION

ESTABLISHMENT OF SMALL HOLDER IRRIGATION SCHEMES IN ALL CONSTITUENCIES

Mr. Kaino: Madam Temporary Deputy Speaker, I beg to move:-

THAT, considering that the country relies on rainfed agriculture for food production; aware that rainfall is inadequate and unreliable; appreciating the need to ensure that all households can reliably and affordably access basic food items; aware that government has put in place measures to develop and revitalize various irrigation projects which had collapsed; this House resolves that the Ministry of Agriculture in collaboration with the Ministry of Water and Irrigation move to set up small holder irrigation schemes of at least 2,000 acres in all constituencies where applicable as to facilitate food crop production.

Madam Temporary Deputy Speaker, while moving this Motion, my mind is very clear on what has been happening in the country in the past. I am also aware that most of the land that God gave us is arid. A very small area in Central Province and a part of Rift Valley Province are suitable for agricultural production.

God has endowed us with a lot of natural resources. We have a mountain like Mt. Kenya. All the water that comes from the mountains and rains--- We could sufficiently feed our people with the rains we receive. If we used our wisdom, we could not be having cases of starvation as we saw in Turkana, parts of North Eastern Province and even in Central Province. There are some people in this country who go without food.

Madam Temporary Deputy Speaker, I have come up with this Motion with the intention that the Government will take steps. It is long since we broke the colonial chains; this is more than 45 years ago. In spite of this, we are still begging for food. We visit our neighbours to beg for food. We beg for food even in Africa where we think Kenya ranks in the top ten. This is not very good.

We have institutions that offer agricultural courses. The Jomo Kenyatta University of Agriculture and Technology (JKUAT) is more than 20 years old. We have not utilized it, yet we have trained graduates who have spent a lot of money to study water, science, irrigation and agriculture. We have been churning them without utilizing them. We have never utilized the National Youth Service (NYS) and other institutions in order for this country to be food sufficient.

Madam Temporary Deputy Speaker, these are the problems we have in this country. Even the five-year plans that we have are not proper. Those plans will not carter for our people unless we change the attitudes of our people or even the Government.

As I proceed, I wish that the Government could start small irrigation schemes in all the constituencies where there is land. Even where there is no land, the Government can acquire it in order to make food available in every constituency. The water from Mt. Kenya and all the hills in Ukambani which drains into the Indian Ocean goes to waste. This is the case and yet our people continue to suffer and starve. There is a lot of water from Cherengany Hills and even Mt. Elgon that goes to waste in Lake Turkana. With all the brains we have especially, at the JKUAT, which was meant to fill the stores of this country with food--- We have let this institution down because we have never set the right priorities for ourselves.

Madam Temporary Deputy Speaker, I urge the Government to prioritise the setting up of irrigation schemes and dams in every constituency. This should begin in areas where there is scarcity of food. The Government should build cereal stores where our people can get food immediately in those areas.

We know that the areas that feed this country are very few. It will not be very expensive to construct dams in every part of this country with the help of young men and women from the NYS.

QUORUM

Mr. Chepkitony: On a point of order, Madam Temporary Deputy Speaker. Although this Motion is very important, there is no quorum in the House.

The Temporary Deputy Speaker (Ms. Karua): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Ms. Karua): Hon. Members, we are unable to raise the requisite quorum. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 11.05 a.m.