

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 20th July, 2010

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:-
Mr. Chirau Ali Mwakwere

PAPER LAID

The following Paper was laid on the Table:-

The Report on the Examination of financial estimates for 2010/2011 by the Departmental Committee on Health on the Ministry of Medical Services and the Ministry of Public Health and Sanitation.

(By Dr. Monda)

QUESTIONS BY PRIVATE NOTICE

CIRCUMSTANCES SURROUNDING DEATH OF JOYCE GAKII

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

(a) What circumstances led to the death of Joyce Gakii, a Form 3 student of Makuri Girls High School in Maara District?

(b) Could the Minister confirm whether there was negligence by the school administration, how long the girl was ill in school and how many times the school Principal visited the girl in hospital?

(c) Who reported the admission to hospital and subsequent death to the parents and who from the school attended the student's funeral?

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, we were through with this Question except that we were to provide a doctor's report regarding the death of Calroline Ntinyari. I have the report. Shall I table it?

Mr. Deputy Speaker: Yes!

(Prof. Olweny laid the document on the table)

(Mr. Mwakwere sat on the Front Bench)

Mr. Lekuton: On a point of order, Mr. Deputy Speaker, Sir. First of all, I would like to congratulate Mr. Mwakwere for being re-elected. But is he in order to sit on the Front Bench when he has not been appointed a Member of the Cabinet?

(Laughter)

Mr. Deputy Speaker: Order! Mr. Mwakwere definitely seems to presume that he is going to be appointed, sooner or later, to the Cabinet. In any case, the Front Bench is not so full; there are certain Cabinet Ministers who are in the back. So, allow him to sit there!

(Applause)

Mr. Ruteere: Mr. Deputy Speaker, Sir, although I have not studied the report, however, from the gist of it, it says partly and I quote: "The above named was presented on 31st May, 2010 with a one week history of cough, fever and chest pains for one week. An impression of pneumonia was made and the client was sent to the lab for investigations. Complete blood and QBC, Malaria parasites, slide MPS and thricircle." Going on through the report, they say that the student died after X-rays and everything else. It says: "The client passed away on 8th June, 2010, at 6.30 a.m."

This report by the doctor which is dated 5th July, 2010 is as a result of this Question. The last time we were in this House, the Assistant Minister promised that after the doctor's report, an inquest would be done to ascertain whether there was a case of negligence and whether this is true. The report here is an attempt to cover up the truth. Could I ask that an inquest be ordered so that we get to the bottom of the death of this child?

Prof. Olweny: Mr Deputy Speaker, Sir, when we were handling this Question last time, it was agreed in the House that an inquest would be done and it will be done.

Mr. Mungatana: Mr. Deputy Speaker, Sir, this appears to be a case of negligence. As a Government policy, does the Ministry insure public schools? If so, what arrangement is the Ministry making to ensure that the parents and relatives of this girl who passed away are compensated?

Prof. Olweny: Mr. Deputy Speaker, Sir, I do not think there is an arrangement by the Government to compensate parents if a student dies in a school, of natural causes. This student died of natural causes.

Mr. Ruteere: Mr. Deputy Speaker, Sir, it is alleged that the student died of tuberculosis. Has the Ministry checked the other students who were staying with that student and the entire school to find out if they also have tuberculosis, because tuberculosis is very infectious? That student was in Form Three. If she had contracted TB and was not isolated at any one moment, is it not likely that she then infected other students? Have you made arrangements for other students to be checked to find out whether they have tuberculosis? If so, what are the results?

Prof. Olweny: This is a serious case where a student died of TB. We are making sure that all the students in that school are tested, in case any of them contracted this infectious disease. So, that will be done.

SUSPENSION OF STUDY LEAVE BY TSC

Mr. Odhiambo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education following Question by Private Notice:-

- (a) why the Government, through the Teachers Service Commission (TSC), suspend study leave for teachers pursuing higher education?
- (b) What is the Government doing to revise this move, so that those willing could take up studies again?

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

- (a) The Ministry suspended study leave for teachers pursuing higher education as a result of the acute shortage of teachers due to lack of funds from the Treasury. Currently, the country is experiencing an acute shortage of 66,000 teachers in both primary and secondary schools. We have a shortage of 43,000 teachers in primary schools and 23,000 teachers in secondary schools.

However, despite this freeze, teachers are encouraged to enroll in school-based programmes for diploma and post graduate courses in the universities during the school holidays, evenings and weekends.

- (b) Once additional teachers are hired under the normal annual replacement exercise and Economic Stimulus Programme to address the current shortages, the temporary measure of freezing study leave will be reviewed.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, the reason the Assistant Minister is giving for this freeze on study leave is that there is shortage of teachers. Lack of teachers is a failure on the Government side. So, the Government failing to employ enough teachers for our schools should not be a good enough reason to punish the teachers who want to go and further their studies.

It is unfair that the Government is using punitive measures on these innocent teachers. The Government should, therefore, lift this ban with immediate effect. What is the Assistant Minister doing to ensure that the Government advises the TSC to lift this ban?

Prof. Olweny: Mr. Deputy Speaker, Sir, I have answered the question that the hon. Member has asked. Immediately we get teachers, the suspension will be lifted and those teachers who want to go for further studies will be given study leave.

Mr. Ruteere: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that even if teachers are employed under the ESP this will not address inequity and that, therefore, constituencies with a large number of schools and shortages will still continue suffering because the ESP teachers will be a drop in the ocean?

Prof. Olweny: Mr. Deputy Speaker, Sir, the distribution of teachers will be done once we get the opportunity to employ them. The problem the hon. Member is raising will be sorted out completely if we have a chance to employ 66,000 teachers today. If we get fewer, then we will have to balance the distribution of teachers. That will suggest that some schools will still have fewer teachers than they need.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, the Assistant Minister is aware that there are very many schools being put up with CDF funds, particularly secondary schools, and these schools need teachers. Just as my colleague has said, the ESP teachers will be just a drop in the ocean. The reason given by the Assistant Minister of shortage of teachers is not good enough to justify the Government stopping teachers from going on study leave. When you go for study leave, it means you are also paid some money while studying. Therefore, the Ministry should definitely allow teachers to go on study leave; by going on study leave, they also upgrade themselves---

Mr. Deputy Speaker: Order, Mr. Odhiambo. Much as it takes time for hon. Members to understand that Question Time is Question Time, the Chair always makes an effort to give you sufficient leeway because there are very important issues to be discussed. But this is Question Time; do not give a speech. Ask a question. You have not asked the Assistant Minister any question.

Mr. Odhiambo: My question is: Do you not think it is a punishment to teachers to be denied this right to go on study leave?

Prof. Olweny: Mr. Deputy Speaker, Sir, it is not a punishment to deny them study leave. It promotes them academically and professionally. However, because we do not have teachers today, the priority in the Ministry is to keep teachers in schools.

Mr. Deputy Speaker: Next Question! Ordinary Question by hon. Lekuton.

ORAL ANSWERS TO QUESTIONS

Question No. 061

NUMBER OF STREET CHILDREN IN KENYA

Mr. Lekuton asked the Minister for Gender, Children and Social Development:-

(a) whether the Ministry has a record of the number of street children in the country and, if so, whether she could provide the same indicating their distribution;

(b) what the Government is doing to deal with the sudden influx of street children in the City of Nairobi; and,

(c) what sustainable measures the Government is taking to deal with this problem.

The Assistant Minister for Gender, Children and Social Development

(Mr. Keya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry does not have comprehensive records of the number of street children in the country. However, a limited survey done in 1997, in collaboration with UNICEF, established that there were 60,000 street children in Nairobi, and estimated that the national population was about 250,000 street children. The countrywide distribution of this estimate is not known, since no proper census has been conducted.

(b) The Government has put in place various programmes and facilities to deal with the influx of street children in Nairobi. These efforts are collaborative, where other Government agencies as well as development partners are involved and include the establishment of Street Families Rehabilitation Trust Fund under the Office of the Deputy Prime Minister and Ministry of Local Government. My Ministry, in collaboration with the Trust Fund, is undertaking a programme of

establishing child protection centres countrywide, which are to be used as fronts in a co-ordinated support system for street children. Already such centres have been operationalised in Garissa, Eldoret and Mombasa. The above centers provide nutritional and psycho-social support, guidance and counseling, training in vocational skills, recreation and arrange for the children's re-integration to their families, communities and formal schools.

The establishment of the centers outside Nairobi is a strategy to stem the influx of children to the City. Furthermore, the Street Families Rehabilitation Trust Fund, in collaboration with UNICEF, is putting up a child protection center in Nairobi to serve those children who are already in the streets of the City.

(c) Apart from the above measures, other sustainable measures to deal with the problem of street children are the drafting of the Children's Act (Amendment) Bill, which is aimed at enhancing child care and protection in the country, hence stemming incidences of abandonment, neglect and all other forms of child abuse, which drive children to the streets. As soon as it is ready, the Bill will be brought to Parliament for debate.

The National Children Policy has been formulated and was approved by the relevant Cabinet Committee on 13th July, 2010. The policy will soon be forwarded to the full Cabinet for consideration along with a Sessional Paper, which will eventually be presented to this House for debate with a view to adoption.

The Ministry has recently opened 45 new district offices and recruited 50 officers to further decentralize and enhance service delivery. These officers are supported by volunteers at divisional and locational levels. This translates to a total of 129 operational district offices. This is in addition to the establishment of Area Advisory Councils, which are mandated to deal with children issues locally up to the locations. A further eight Children Officers have been posted to the City Council of Nairobi to handle child abuse cases.

Mr. Deputy Speaker, Sir, finally, my Ministry, in collaboration with partners, have established a toll-free child help line No.116 in Eldoret, Garissa and Nairobi, which serves the entire country and is used for reporting any form of child abuse. The facility is accessible to children as well as the entire public. Plans are in place to expand the capacity of the service.

Mr. Lekuton: Mr. Deputy Speaker, Sir, the Assistant Minister has given the answer as 250,000 street children in our country. This is a very worrying trend. In 2003, the Government had a programme of taking street children to the National Youth Service (NYS). I am wondering what happened to that programme. This programme was going to rehabilitate these children to know their social responsibility and even citizenship. What happened to that programme that was well prepared, well presented and well received by Kenyans?

Mr. Keya: Mr. Deputy Speaker, Sir, it was unfortunate that the programme stalled a bit. But we have put measures in place to restart it; it will start during this financial year.

Dr. Khalwale: Mr. Deputy Speaker, Sir, this Government licenses non-Governmental organizations (NGOs) that fight the same Government by way of encouraging children to remain on the streets. These NGOs during lunch time, Mr. Assistant Minister, supply Chapatis and cookies to please these children so that they

remain on the street for them to continue receiving funding from abroad. What are you doing by way of identifying these particular NGOs and making sure that they are de-registered for our children to go back home and go to school?

Mr. Keya: Mr. Deputy Speaker, Sir, NGOs are supposed to be our development partners, and do a lot to assist us in this area. But should we detect some doing what the hon. Member has indicated, we shall deal with them and have them de-registered.

Mr. Mwangi: Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that we have 250,000 street children in the country. Education is a basic right as a collective responsibility between his Ministry and the Ministry of Education.

What steps has he taken to take these children to schools in accordance with the Children Act that is in operation today?

Mr. Keya: Mr. Deputy Speaker, Sir, it is true that it is a basic requirement that children should be removed from streets and taken to schools. We are asking the Members of Parliament and members of the public to pass the proposed Constitution which has embedded all the rights of children in it, and that we shall be able to handle the whole thing.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to refer to a Constitution that is not even in place?

Mr. Deputy Speaker: Hon. Assistant Minister, you do not talk about a draft Constitution. You already have adequate laws that provide for the responsibility of the Government for children, and education is a basic right.

Could you respond to that point of order?

Mr. Keya: Mr. Deputy Speaker, Sir, I am sorry to have referred to the proposed Constitution. The Government has put in place every possible measure to take these children to school and we shall be doing so soon.

Mr. Bahari: Mr. Deputy Speaker, Sir, I want to thank Mr. Lekuton for bringing this issue up. This matter has been neglected a lot between 2003 and 2004. Since the Government works in collaboration with other stakeholders, and in order to confirm the Government's seriousness on this matter, like it has done with the Internally Displaced Persons (IDPs) of the 2007 post-election violence, could the Assistant Minister tell us how much money has been set aside for the 2010/2011 Financial Year? He needs to confirm the seriousness and the focus of the Government on this very sensitive matter.

Mr. Keya: Mr. Deputy Speaker, Sir, the Government has allocated Kshs53 million in the 2010/2011 Financial Year to Street Families Rehabilitation Trust Fund (SFRTF) through the Office of the Deputy Prime Minister and Ministry of Local Government.

Mr. Deputy Speaker: Mr. Lekuton, could you ask the last supplementary question on the same?

Mr. Lekuton: Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that we have over 250,000 known cases of street children. I am sure we have many more. They are mostly in rural areas such as Laisamis, North Horr and Garbatulla. Maybe, these children are not called "street children". Probably, they have another name which I do not know. I know for sure we have orphans who do not have homes. What has the Government done to ensure that its officers go to rural areas like Garbatulla, Laisamis and North Horr in order to know the right numbers of these children and take them to National Youth Service (NYS) or other institutions that will give them a better life?

Mr. Keya: Mr. Deputy Speaker, Sir, to sum up the hon. Member's question, the growing number of street children in the country poses a major social policy challenge not only to the public authorities, but to all Kenyans. There is a moral duty resting on each individual not only to consider personal contribution towards the solution of this social problem and also to offer constructive ideas for the formulation of suitable programmes, but also measures to eradicate the phenomena of street children. The Government is very serious on this and it shall be working on it.

Question No. 065

CONTRIBUTION OF LIVESTOCK
SECTOR TO KENYA'S GDP

Mr. Bahari asked the Minister for Livestock Development:-

- (a) if he could state what the potential and actual contribution of the livestock sector to the Kenya GDP;
- (b) if he could explain how the Government has harnessed this potential with particular reference to ASAL areas; and,
- (c) what percentage of the Government budget is allocated to the livestock sector.

Mr. Deputy Speaker: Hon. Members, the Chair has communication from the Minister and the Assistant Minister. They are both out of Nairobi and are, therefore, unable to answer this Question. The Question is deferred until Tuesday, next week.

(Question deferred)

Question No.090

UPSURGE OF CRIME DUE TO POOR
LIGHTING IN NAIROBI CITY

Dr. Otichilo asked the Minister for Nairobi Metropolitan Development:-

- (a) whether he is aware of the high insecurity in Nairobi City and its environs at night due to poor lighting of streets and roads (particularly bus-stops) and other social places;
- (b) what programme the Nairobi City Council has of lighting all the streets, bus-stops and roads including the road to Jomo Kenyatta International Airport (JKIA); and,
- (c) if he could also state what happened to the "Adopt-a-Light Initiative", which had in the early 2000 drastically improved the lighting of the City and its environs?

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Deputy Speaker, Sir, first of all, I would like to apologise that we were not able to answer this Question last week, but we are now ready. I beg to reply.

- (a) I am not aware.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Did you hear the Minister say that he is not aware of insecurity in Nairobi when he knows very well that the late hon. Mugabe Were was murdered in this city and that Messrs. Wekesa, Akula, Nguyai, Onyancha, and in fact, his former friend, Dr. Kituyi, have been victims of insecurity? Is he not aware of these incidences? How can he say that there is no

insecurity? Is he prepared to respond to this House or he came here to tell us his own stories? Is he in order to say that?

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Deputy Speaker, Sir, I think Dr. Khalwale has not read the actual Question which states: “Is the Minister aware of the high insecurity in Nairobi City and its environs at night due to poor lighting of streets and roads (particularly bus-stops) and area with vibrant social activities?”

Areas with vibrant social activities are well lit. The insecurity in Nairobi is not more or less than the insecurity in the whole country. So, I will just continue.

Dr. Khalwale: On a point of order Mr. Deputy Speaker, Sir. The reason I cited the names of those hon. Members is because they are closer to the Minister. So, if he does not see the weight of hon. Members being affected, how about the holo polo who are in those high activity areas at night? I beg that you make a ruling on whether the Minister is prepared or not prepared to answer this Question. He is taking the House for a ride.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Deputy Speaker, Sir, if only Dr. Khalwale would allow me to finish, I think part “b” of the answer will be very clear.

(b) The City Council of Nairobi and the Ministry of Nairobi Metropolitan Development have programmes of lighting up all streets, bus stops and roads in the City of Nairobi. The JKIA road is under construction and the City Council of Nairobi is under instructions to maintain the street lighting along Mombasa Road and the Airport Road. I will be giving further the programmes that we are currently engaged in.

(c) The Adopt-a-Light Initiative issue is before the court and the matter is, therefore, *sub judice* as it has not been finalized.

Mr. Deputy Speaker: Hon. Minister, just for the benefit of the Chair, you cannot answer the first part of the Question by saying that you are not aware and then proceed on to give an answer in which you actually admit that there is need for you to do some work. Are you sure you read the answer very well before you came here?

(Applause)

Mr. Githae: Indeed, Mr. Deputy Speaker, Sir, I have read this Question and the answer many times. It may be semantics---

Mr. Deputy Speaker: What is it that you do not admit? Are you saying that there is no insecurity because---

Mr. Githae: Mr. Deputy Speaker, Sir, there is insecurity but it is not in vibrant social places, that is, the night club areas. The insecurity brought by inadequate lighting is in other areas. I will elaborate and show the hon. Member exactly what we are doing and the areas that we consider to be crucial to the eradication of insecurity. These areas are actually outside the Central Business District (CBD). The incidences Dr. Khalwale mentioned happened outside the CBD.

We have installed street lights in the areas outside the CBD, for example, Mbagathi Way which connects City Mortuary and Nairobi West because of the rampant insecurity experienced there. Kapenguria Road which connects Nairobi City with Kikuyu Constituency was identified as a high security area. We have also done street lighting on

Kitengela Road in Lang'ata; Gitanga Road; Othaya Road; Loitoktok Road; Kiambu Road; Balozi; Coffee Garden Estate and Kasarani Crescent near Mathare.

Mr. Deputy Speaker, Sir, we have gone for high mast lighting because of rampant insecurity in such areas compared to social clubs. This is because high mast lighting lights a bigger area and, therefore, you get good value for money. We also intend to install high mast lighting in Kenyatta, Kibera and Mathare markets. After that, we will go to satellite towns such as Kitengela, Kangemi, Isinya and Ngong where there is rampant insecurity compared to the areas around social clubs.

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. In part "c" of the Question, the Minister has said that this matter is before court. Is it in order for him to avoid answering this part of the Question when he has not produced a plaint to the Chair for him to determine whether this Question, which looks, general is *sub judice*?

Mr. Deputy Speaker: Order! Hon. Minister, the tradition of the House is that you do not determine what is *sub judice* for purposes of any Question that is filed. It is the Chair that essentially looks at that and determines whether the Question itself falls strictly within the parameters of *sub judice*. Have you got the relevant documentation of the matter itself for the Chair to determine that?

Mr. Githae: Mr. Deputy Speaker, Sir, this is a matter of public knowledge. This case has been in the newspapers for a very long time, even as late as---

Mr. Deputy Speaker: Order! Order! Hon. Minister, acquaint yourself thoroughly with the provisions of the Standing Orders. We do not use information in newspapers as an authority on the Floor of the House. It is very explicit. Do you have the relevant documentation on this so that the Chair can have a look at it and rule whether or not it is actually *sub judice*?

Mr. Githae: Mr. Deputy Speaker, Sir, I thought the matter was so obvious that I did not come with the documentation.

Mr. Deputy Speaker: Order! Order! The matter is not just so obvious. It is very obvious when a matter is supposed to be *sub judice*, as a tradition and practice, for the right documentation to be furnished to the Chair. Do you have the right documentation?

Mr. Githae: Mr. Deputy Speaker, Sir, I do but I did not come with it.

Mr. Deputy Speaker: Fair enough! Under the circumstances, the Chair directs that this Question be put on the Order Paper on Tuesday next week. In the meantime, in the soonest possible, please, furnish the Chair with the documentation on the same for us to be able to direct on the same matter.

Mr. Githae: Much obliged, Mr. Deputy Speaker, Sir. I will do that.

(Question deferred)

Question No.213

BENEFITS FROM TRIPS AGREEMENT/
INDUSTRIAL PROPERTY ACT

Mr. Deputy Speaker: Is hon. Murgor not here? I will come back to that Question.

Question No.164

STALLING OF MZIMA SPRINGS PROJECT

Mr. Deputy Speaker: Is hon. Mwacheghu also not here? I will come back to that Question.

Question No.170

HUMAN/WILDLIFE CONFLICT IN TSAVO NATIONAL
PARK/SHIMBA HILLS GAME RESERVE

Mr. Deputy Speaker: Is hon. Mwachegwa not here? We will come back to the same.

Question No.261

UPGRADING OF HEALTH CENTRES IN NORTH HERR

Mr. Chachu asked the Minister for Medical Services whether the Ministry could consider upgrading the Government health centres in North Horr Constituency to sub-district hospitals and subsequently post a Medical Officer for Health (MOH), considering the high health care-related problems.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, I beg to reply.

In upgrading a lower level health facility to a hospital, the Ministry of Medical Services is guided by the following three considerations:-

- (i) An inspection report and recommendation of the District Medical Officer of Health;
- (ii) A minuted recommendation of the District Development Committee; and,
- (iii) The norms and standards for health service delivery adopted in June, 2006.

Mr. Deputy Speaker, Sir, the Ministry would consider upgrading the Government health centres in North Horr Constituency to sub-district hospitals if the relevant organs in the district initiate the processes in (i) and (ii) above, subject to the satisfactory conformity to norms and standards for public hospitals.

We will follow the staffing norms for health service delivery which permit deployment of medical officers in hospitals only. The Ministry can, therefore, consider posting a medical officer to North Horr only when the district has acquired a hospital. However, I have done my due diligence and we have realized that we have a medical officer in this health facility. So, I think my officers did not do good research, but I will deal with them accordingly.

Mr. Chachu: Mr. Deputy Speaker, Sir, this Question has been overtaken by events. This is because when I filed it in January, 2010, a Medical Officer for Health (MOH) had not been sent to North Horr, but as of now, one has been sent to North Horr and I thank the Ministry for that. However, how will the Ministry enable the MOH in North Horr to undertake this responsibility without having the necessary facilities,

especially transport? Could the Assistant Minister consider providing transport facilities or a vehicle to the MOH to enable him undertake inspection of all the health centres so that finally they can be upgraded to sub-district hospitals?

Mr. Kambi: Mr. Deputy Speaker, Sir, that is part of our programme. However, in this case, we have initiated a programme because we want to upgrade most of the facilities to sub-districts hospitals. So, as a Ministry, we are going to consider and see how fast we can send means of transport for this officer to move from one health centre to another, so that we can conclude this issue once and for all.

Mr. Ogindo: Mr. Deputy Speaker, Sir, aware that Kenya is a signatory to the United Nations (UN) Millennium Development Goals (MDGs) and also that health is one of the social pillars of our Vision 2030, could the Assistant Minister clarify to this House what the Ministry is doing to ensure the provision of health care services is adequately undertaken in North Horr Constituency?

Mr. Kambi: Mr. Deputy Speaker, Sir, if you look at our budget, we came up with the programmes so that we address these issues. We are restructuring most of our departments and I want to assure the hon. Member that we now have the capacity. We are going to achieve our Vision 2030 because everything now is budgeted for. I want to assure the House that we will address that issue.

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to avoid my question? What concrete steps is he taking to ensure that Vision 2030 and MDGs are achieved in North Horr Constituency?

Mr. Kambi: Mr. Deputy Speaker, Sir, could the hon. Member be clear? I have not heard what he said.

Mr. Ogindo: Mr. Deputy Speaker, Sir, could the Assistant Minister clarify to the House what concrete steps he is taking to ensure that the MDGs and Vision 2030, to which health is part of the social pillars, are achieved within North Horr Constituency?

Mr. Kambi: Mr. Deputy Speaker, Sir, I have said that we have a policy. If you look at our budget, and I have said this from time to time, we are in negotiation with some of the Members of Parliament. When we talk of health, we must also talk of the infrastructure. If you look at the budget, it is not sufficient. That is why I came up with a programme. If hon. Members could contribute part of their Constituencies Development Fund (CDF) to the Ministry--- If they give us Kshs5 million, we can also give them Kshs5 million so that we upgrade these facilities. It is our policy that by 2030, every constituency has well upgraded facilities.

Mr. C. Onyancha: Mr. Deputy Speaker, Sir, given the size of North Horr Constituency, which I believe is equal to that of Nyanza Province, Western Province and Coast Province put together and represented by one hon. Member, is the Assistant Minister suggesting that he will only give them one hospital and people have to travel for 1,000 kilometres to that hospital?

Mr. Kambi: Mr. Deputy Speaker, Sir, if we talk of North Horr which has a large area, we can put up so many health facilities, but every constituency is a district. We are asking for more sub-district hospitals to be upgraded to district hospitals, but we cannot do that if we do not have the necessary funds. In the meantime, every hon. Member should contribute at least Kshs5 million, so that we can add Kshs5 million as a Ministry, to make it Kshs10 million to improve on the infrastructure, so that it is easier for us to upgrade these facilities to district hospital level.

Mr. C. Onyancha: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to stand up and give us long stories about some issues which I have not raised? My issue was about the size of the constituency and whether one hospital will be upgraded. Please, let him answer the question. That is all I wanted.

Mr. Kambi: Mr. Deputy Speaker, Sir, the size of the constituency does not fall under the Ministry of Medical Services. What falls under the Ministry of Medical Services are the facilities where people are treated.

Mr. Bahari: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has indicated that if the hon. Member can avail Kshs5 million, he would also top up with the same amount. How ready is he? Is he ready during this financial year? He should confirm.

Mr. Kambi: Mr. Deputy Speaker, Sir, I am holding discussions with the Chairman, CDF Committee and sooner than later, all hon. Members will receive letters. At the Ministerial level, we have discussed and passed it. That is the only way we can develop and upgrade our district hospitals. We realized that the funds in the Budget are not sufficient. The only way we can do it is to cost-share between the Ministry and hon. Members. So, we are very much ready.

Mr. Chachu: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has said that he would consider providing a vehicle to the MOH North Horr, to enable him to carry out the undertaking. How soon will the Ministry provide that vehicle because my constituency is very vast? As of now, I have an MOH but he does not have a single vehicle, not even a motorcycle.

Mr. Kambi: Mr. Deputy Speaker, Sir, when I say it will happen soon, it means sooner than later. So, once I am back in the Ministry, I will talk to the Provincial Director and I am sure we are going to sort out that problem.

Mr. Deputy Speaker: The next Question is 266 by Mr. Mwaita.

Question No.266

RE-ALLOCATION OF FUNDS FOR NEW
MARIGAT DISTRICT OFFICES

Is he not around? Let us move on to the next Question.

Question No.258

CIRCUMSTANCES SURROUNDING DEATH
OF MR./MRS. NDUNG'U IN KWANJUI VILLAGE

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

- (a) if he could explain the circumstances under which Mr. Simon Ndung'u and his wife were shot dead in their home at Kwanjui village, Mitero Sub-location on 28th August, 2009 and what measures the Minister has put in place to ensure that the security in the constituency is improved;
- (b) why the only Land Rover vehicle meant for Kanjeria Police Post was

moved to Thika, and when the Minister will provide a motor vehicle; and,

(c) what plans he has put in place to ensure that there is a fully-fledged police station in Gatundu North District?

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

(a) On 28th August, 2009, at about 8 pm, a gang of six armed with an AK 47 rifle attacked the couple and their daughter Caroline Ngonyo Ndung'u at their home in Miteru Village of Gatundu North District. They shot dead Simon Ndung'u Kimani aged 79 years and his wife Anne Wangari Ndung'u. They only robbed their daughter Caroline Ngonyo Ndung'u of Kshs2,000. Following the murder, a report was made to the police and a case file No.CR264/331/09 was opened. A postmortem was carried out and the results were as follows:-

For Anne Wangari Ndung'u, the cause of death was found to be chest and abdominal injuries due to a single gunshot. With regard to Simon Ndung'u Kimani, the cause of death was found to be severe abdominal injury due to a single gunshot. Investigations which are ongoing point to a possibility that the murder could be linked to a long standing land dispute in Civil Suit No.648.1998 involving parcels of lands LR.No.13537/46 and LR.No.13537/47. Part of it had been sold to Gerald James Kariuki, James Waweru Mungai and Edward Ndehi Kamau by the brother of the deceased.

(b) The Government has posted more police officers to Mitero and Gatukuyu administration police posts and Kanjeria and Mwea police posts. Consequently, patrols have been stepped up within the area to ensure security of the residents. The vehicle for Kanjeria Police Post broke down and after repairs, it was redeployed to serve Gatundu North and Gatundu South due to shortage of resources. Once new vehicles are purchased, the police post will be allocated a vehicle of its own to serve within that area.

(c) To enhance policing in Gatundu North, the following police posts have been proposed to be elevated to fully-fledged police stations once we have sufficient funds. One is Kanjeria Police Post, Mwea Police Post and Karatu Police Patrol Base. The three have adequate land for expansion. Gakoi is being considered for elevation into a police post.

Mr. Waibara: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. However, given the numerous murder incidents of that nature that have been witnessed before or after this case, has the Assistant Minister considered a possibility that, that could be the work of organized crime? The killings could be carried out by cartels that the Government may not be able to control?

Mr. Ojode: Mr. Deputy Speaker, Sir, as I have just mentioned, it looks like an in-house job. The brother of the deceased was not very happy with the sale of the land. It is after he sold the land that the thugs struck and killed the two fellows. We now have very good links of apprehending the fellows who were in the process of taking the fellows to court. We have realized that those who were involved are hiding somewhere. I mentioned to the Questioner that I do not want to divulge some information about the incident. They will hide and it will be impossible for police officers to arrest them. In the process, we have decided to elevate some police posts in that area because of late - and it is true - there has been a lot of insecurity in that area. We are in the process of purchasing new

vehicles for the police. Once the purchasing is complete, I will ensure that they get a vehicle to patrol the whole constituency. That is exactly what we are going to do. Once we come up with a fully-fledged station, the insecurity which is evidenced now will go down completely.

Mr. Waibara: Mr. Deputy Speaker, Sir, is the new patrol vehicle that the Assistant Minister has talked about being bought and deployed during the current financial year? If not, when?

Mr. Ojode: Mr. Deputy Speaker, Sir, we are purchasing vehicles which are not only going to be given to his constituency, but to the rest of the constituencies. There are areas where we need vehicles of sound---

Mr. Deputy Speaker: Hon. Assistant Minister, the question is not for the four corners of the country. The question is for Gatundu North and you have given an undertaking. Could you proceed and say whether it is in this financial year or the next financial year?

Mr. Ojode: Mr. Deputy Speaker, Sir, I mentioned here that we are in the process of purchasing some vehicles for the police. I have also said that once the purchase is through, I will be able to give him one vehicle to patrol within the larger Gatundu District.

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

Question No.273

BREAKDOWN OF EXPENDITURE FOR
MAINTENANCE OF KISII-KEROKA ROAD

Dr. Monda asked the Minister for Roads whether he could provide a breakdown of the expenditure of Kshs12 million that was allocated for the routine maintenance of the Kisii-Keroka Road as of 8th April, 2010.

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

The Kshs12 million allocated to Kisii-Keroka Road for routine maintenance was not utilized since the road had deteriorated very fast and needed rehabilitation. In this connection, my Ministry has allocated funds for repair and rehabilitation of the mentioned section. I, therefore, confirm to the hon. Member of Parliament that we have already awarded the contract to H. Young and the works will commence in early August, 2010.

Dr. Monda: Mr. Deputy Speaker, Sir, while I very sincerely thank the Assistant Minister for considering to do a complete construction of the Kisii-Keroka Road which is currently impassable, I want to ask him the following question: In the meantime, what is he doing to make the road motorable while we wait for the contractor to take off with construction?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, as I have indicated, the contract was awarded to H. Young and we expect to commence works by early August and the latest will be around 7th August. So, essentially, we are talking about two weeks. In the meantime, we will try and mobilize our in-house equipment to ensure that the road is motorable in sections that are currently impassable.

Dr. Monda: Mr. Deputy Speaker, Sir, how long will the Assistant Minister take to have the road constructed and when is it scheduled to be complete? Further, what is the scope of works of this Kisii-Keroka Road so that the Kisii people and many other road users in that part of the country will be able to enjoy driving on it?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, as I said, my Ministry has awarded a contract to H. Young for the construction of the Kisii-Keroka Road at a total sum of Kshs264 million. The contract begins early September this year 2010 for a contract period of 12 months and we expect the work to be completed by July, 2011. The scope of works includes the drainage works, repair of the base, AC premix and recarpeting and lastly, on-road furniture.

(Hon. Nyambati stood up in his place)

Mr. Deputy Speaker: Are you on a point of order?

Mr. Nyambati: No, Mr. Deputy Speaker, Sir. I want to ask a question.

Mr. Deputy Speaker: Dr. Monda has asked the last supplementary question. I think the Assistant Minister has done a good job in answering the Question. The road works are set to start in two week's time. What more do you want?

Next Question by Mr. Warugongo!

Question No.290

ROADS EARMARKED FOR TARMACKING
IN 2009/2010 IN KIENI

Mr. Warugongo asked the Minister for Roads:-

(a) whether he could confirm that NaroMoru-BlueLine-Munyu-Karicheni-Warazo Jet-Kimahuri-Ndathi Road in Kieni East District and Kanyagia-Talai-Endarasha-Watuka-Bellevue-Githura-Nairutia Road in Kieni West District were both earmarked for tarmacking in 2009/2010 financial year;

(b) whether he is further aware that the Nairutia Bridge along the Nairutia-Bellevue Road collapsed recently and has not been repaired despite the fact that a contractor (M/S Triple 8) was awarded the contract to repair the murrum road; and,

(c) whether he could also consider construction of the road connecting Nyeri and Naivasha/Gilgil through the Aberdares and open it to the public, to ease congestion and open direct communication between the two areas, like the case of the road connecting Naivasha and Thika.

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

(a)Naro-Moru-BlueLine-Munyu-Katicheni-Warazo Jet-Kimahuri-Ndathi Road in Kieni East District and Kanyagia-Talai-Endarasha-Watuka-Bellevue-Githura-Nairutia Road in Kieni West District were not earmarked for construction in the financial year 2009/2010.

However, a design for Naro-Moru-BlueLine-Munyu-Karicheni-Warazo Jet-Kimahuri-Ndathi Road in Kieni East District is currently undesigned and the designed work is expected to be completed by December 2010. The design work is given for a

total sum of Kshs42,042,800.00. The Kanyagia-Talai-Endarasha-Watuka-Bellevue-Githura-Nairutia Road in Kieni West District will be considered for design subsequently.

(b) I am aware that the bridge on Nairutia-Bellevue Road was washed away in April 2010. The contract for gravelling did not include the repair of the wash-outs as it was not envisaged. Nevertheless, my Ministry has already disbursed funds to undertake reinstatement of the washed out section. The reinstatement works have already commenced and they are expected to be completed by the end of July, 2010.

(c) My Ministry has considered the possibility of constructing a road link between Nyeri and Naivasha/Gilgil and so far we have prepared two design options. However, our proposals have not been successful due to environmental considerations given that the Aberdare Forest is one of the key water towers of this country.

Mr. Warugongo: Mr. Deputy Speaker, Sir, let me first thank the Assistant Minister for the work he is doing on the Nyahururu-Nyeri Road. However, I would like him to clarify a few points. On part “a” of my Question, could he tell us when the redesigning will be ready?

Secondly, on the Nairutia Bridge, as it is now, there is no contractor on site. Could he inform the House the telephone number of the contractor so that I can try to contact him? Also, could he confirm how much money has been allocated to this bridge which was washed away three or four months ago?

Lastly on part “c” of my Question, I thought the Aberdares extends to Thika where there is another road which runs from Thika Town to Naivasha. Could he inform the House whether this road is affected by environmental considerations?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the hon. Member has asked three questions. The first one regards the design which will be completed by December 2010.

Two, is to do with the other section of the road; how much has been allocated to it. I am afraid I do not have the exact figure but I undertake to give the hon. Member the figures for him to be able to follow up.

Three, he has asked a question on the issue of the road that passes through the forest and whether the environmental concerns raised also affect the other road. My Ministry works in consultation with the other relevant Ministries when it comes to construction of roads. In this particular case, we already have two designs but we have asked for the input from the relevant Ministries. As soon as we are able to get the input from the Ministry of Environment and Natural Resources, we will be able to proceed with the appropriate designs.

Mr. Kiuna: Mr. Deputy Speaker, Sir, I would like to know whether the Assistant Minister is aware that there is a dispute between the World Bank and his Ministry regarding the construction of the major highway.

Mr. Deputy Speaker: Which highway?

Mr. Kiuna: Mr. Deputy Speaker, Sir, the major national highways in the Republic of Kenya, like the Nairobi-Thika Highway. If so, what measures is he going to take to make sure that this construction does not stall?

Mr. Deputy Speaker: How much justice would you want to do to hon. Warugongo, who has come up with a specific Question on a matter that concerns him and his constituency when you take the Assistant Minister to other roads? This is Question No.290. Do you want to ask a supplementary question on Question No.290? I think this is a practice that we need to desist from of trying to hijack the Questions of hon. Members

and take them to other Questions. Do you wish to support your colleague on the matter that is in hand right now instead of shifting to another area?

Mr. Kiuna: Mr. Deputy Speaker, Sir, this is a national issue and the Assistant Minister is in charge.

Mr. Deputy Speaker: Order, hon. Kiuna! Hon. Warugongo, can you ask the final supplementary question on the same?

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

Mr. Deputy Speaker: You file your Question on the same, hon. Kiuna! If it is a matter of policy, you should rise up and seek a Ministerial Statement because it is a national matter. But when it is a Question, the House tries to focus on specifics within the country, so that it gets fairness and it is heard. It is unfair to hijack a particular Question from a given constituency and turn it into what it is not.

Mr. Warugongo: Mr. Deputy Speaker, Sir, part “a” of my Question was whether the two roads are earmarked for tarmacking. The Assistant Minister gave me a very clear answer. However, he did not clarify when the designing of the Kanyagia-Talau-Endarasha-Watuka-Bellevue-Githura-Nairutia Road will be done. Secondly, most of the people in Nyeri have to pass Nairobi to go to the Rift Valley and the people in Embu and Kirinyaga do the same. Could the Assistant Minister find a way of making the road a bit shorter?

Mr. Deputy Speaker: Hon. Assistant Minister, how much can you do for the people of Central Kenya to go to the Rift Valley without necessarily having to go through Nairobi?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, the first part of the hon. Member’s Question was with regard to Endarasha-Kamuhura-Bellevue. As I have indicated, it is not earmarked for upgrading to bitumen standard in this financial year. However, we will prioritize it in future. With regard to the issue of the road that passes through the Aberdare Forest, my Ministry recognizes the importance of reducing the distance between these two areas. However, as we think about that, we must take into account the environmental aspect. It is for that reason that my Ministry has consulted the relevant Ministries in terms of environmental concerns. As soon as we get a go ahead, we will complete the road.

Allow me to say that the question by hon. Kiuna, much as it is not directly related to this Question, I will offer unsolicited Statement next week on Tuesday, so that we can allay the fears as have been expressed by the hon. Member.

Mr. Deputy Speaker: Next Question, hon. James Maina Kamau!

Question No.284

DELAYED ISSUANCE OF MOTOR VEHICLE NUMBER
PLATES AT MOMBASA PORT

Mr. James Maina Kamau asked the Minister for Transport:-

(a) whether he could state what the Ministry is doing to address the unnecessary delay in issuance of motor vehicle number plates at the Port of Mombasa to save importers from paying unnecessary storage charges;

(b) whether he could consider privatizing the services; and,

(c) what steps he is taking to improve the quality and efficiency of the services in general.

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

(a) In order to address the unnecessary delay in issuance of motor vehicle number plates at the Port of Mombasa, the Government has undertaken the following measures:-

(i) Ensuring that two series of number plates are allocated to the Mombasa station at any given time, namely, 2000 series number plates.

(ii) Signed a service level agreement with the contracted number plates manufacturers.

(iii) The Kenya Revenue Authority (KRA) has dedicated parcel delivery services to Mombasa and all number plates issuing stations on daily basis.

(b) The number plates are security items and as such, privatizing their manufacture may not be in the interest of the Government.

(c) The Government has taken the following steps to improve the quality of service:-

(i) The KRA is automating service provision in all regional offices. Requisition, ordering and approving of all stores items with number plates included is also being automated.

(ii) The KRA is also taking services closer to the people to reduce the cost of compliance as is the case with the current roll out of number plate issuance process to Nakuru and Kisumu.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. However, there are a few clarifications that I would like him to make. Anybody who has tried to clear a vehicle in Mombasa knows that after you pay duty and clear all the other port charges, you have to wait for the number plate. A vehicle cannot leave the port without a number plate. Many people are suffering because it takes even two weeks before they get the number plates. Could the Assistant Minister tell this House who is responsible for this delay? He should also tell us who is the Commissioner of Motor Vehicles and who is the Registrar of Motor Vehicles.

Mr. Mwau: Mr. Deputy Speaker, Sir, as far as I understand, it should be clear that if any delay in clearing a motor vehicle is necessitated by the lack of a number plate, then the department or the Ministry concerned should be held responsible. In this case, the KRA should be responsible for any delay in case the number plates are not available when they are required. Secondly, there is no Commissioner of Motor Vehicles. The law is very clear. There is a Registrar of Motor Vehicles who is appointed by the Minister for Transport under Section 3 of the Traffic Act. If there is anybody else saying that he is a Commissioner of Motor Vehicles, that is masquerade.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I still disagree with the Assistant Minister. In Kenya, there exists a Commissioner of Motor Vehicles and also a Registrar of Motor Vehicles. If those two positions are held by one person, it is not right. How can one person be allowed to hold two positions? At the same time, the Assistant Minister has said that number plates are security issues and the Ministry cannot privatize their issuance. In this country, money is printed by a private company. What is the difference between money and number plates? Why can they also not do the same with number plates?

Mr. Mwau: Mr. Deputy Speaker, Sir, Mr. Kiringoti is the appointed Registrar of Motor Vehicles under Section 3 of the Traffic Act. It will be unfortunate if, at the same time, he is a Commissioner appointed under the Kenya Revenue Authority Act. That will be a contradiction and no person should hold two substantive offices at the same time. Secondly, it is clear that number plates are security documents. Currently, they are manufactured by the Prisons Department. However, the Ministry is in the process of trying to source for people who can manufacture the number plates outside the prison.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I am still not satisfied here. The log books that we receive bear the logo of the KRA, but it is not the job of the KRA to print log books. It is a corporate body. This should be done by the Government Printer. Why is it so? At the same time, who should be responsible for paying the additional duty when duty has been paid and yet a vehicle cannot be released because of lack of a number plate?

Mr. Mwau: Mr. Deputy Speaker, Sir, I have said that if a vehicle does not leave the port because of lack of a number plate, KRA should be held responsible. So, any demurrage that would accrue, that should not be a problem. Secondly, the Registrar of Motor Vehicles is appointed under the Traffic Act. Mr. Kiringoti is the person appointed by the Minister for Transport as the Registrar of Motor Vehicles. The Commissioner of Motor Vehicles, if there is any, would be appointed by the Minister for Finance and not under the Ministry of Transport. Thirdly, if the log books issued by the Registrar of Motor Vehicles bear the logo of the KRA, that is wrong. A log book is a Government document and should be issued bearing the coat of arms. If it bears the KRA logo, it is not in order. The KRA is a revenue collection agency. It is not a Government body that executes Government's mandate.

Question No.310

REHABILITATION OF KAMANGAO
BOREHOLE IN MUTITO DISTRICT

Mr. D. Muoki, on behalf of **Mr. K. Kilonzo**, asked the Minister for Water and Irrigation:-

(a) whether he is aware that Kamangao area of Mutito District has a borehole which has water, but is broken down and needs rehabilitation; and,

(b) when the borehole will be rehabilitated.

Mr. Deputy Speaker: Hon. Members, the Chair has communication from the Minister for Water and Irrigation that both the Minister and the Assistant Minister are not in a position to answer this Question today. Therefore, the Chair directs that this Question appears on the Order Paper next week, on Tuesday.

(Question deferred)

Question No.213 by hon. Julius Murgor!

Question No.213

BENEFITS FROM TRIPS AGREEMENT/
INDUSTRIAL PROPERTY ACT

Mr. Deputy Speaker: Is hon. Julius Murgor not here? The Question is dropped!

(Question dropped)

Hon. Members, regarding Question No.164 by the hon. Thomas Mwadeghu, and Question No.170 by hon. Mwakulegwa, the Chair has communication that the two hon. Members will not be in today to ask them. So, the Chair directs that both Questions appear on the Order Paper next week, on Wednesday morning.

Question No.164

STALLING OF MZIMA SPRINGS PROJECT

(Question deferred)

Question No.170

HUMAN/WILDLIFE CONFLICT IN TSAVO NATIONAL
PARK/SHIMBA HILLS GAME RESERVE

(Question deferred)

Question No.266, hon. Sammy Mwaita!

Mr. Mwaita: Mr. Deputy Speaker, Sir, before asking the Question, let me apologise for coming late.

Question No.266

RE-ALLOCATION OF FUNDS FOR NEW
MARIGAT DISTRICT OFFICES

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

(a) to clarify why funds for construction of offices for the new Marigat District were re-allocated yet the tenders for its construction had been finalized; and,

(b) whether he could assure the House that the office will be constructed in the 2010/2011 Financial Year.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I have referred this Question to the Ministry of Works since the budgetary allocation is with them, and the tendering and construction is under their supervision. I have discussed this matter with the hon. Member.

Mr. Deputy Speaker: Have you also discussed the matter with the Ministry of Public Works?

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

Mr. Deputy Speaker: So, what is their position?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, we have referred the Question to the Ministry of Public Works for them to answer it. We have written a letter to them and copied it to the Clerk of the National Assembly.

Mr. Deputy Speaker: Yes, Mr. Mwaita!

Mr. Mwaita: Mr. Deputy Speaker, Sir, I concur with the Assistant Minister.

Mr. Deputy Speaker: Under the circumstances, the Chair directs that the Question appears on the Order Paper next week, on Thursday.

(Question deferred)

Next Order!

STATEMENTS

POINTS OF ORDER

DETERIORATING SECURITY SITUATION IN KAKAMEGA TOWN

Dr. Khalwale: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the deteriorating security in Kakamega, resulting in the shooting to death of a Kenyan Asian businessman two weeks ago, and the shooting of four others on 18th July, 2010.

I would like the Minister to clarify the following:-

(a) the reasons for the sudden upsurge of gun crime in Kakamega, a situation which has never been previously witnessed;

(b) what the Government is doing to bring back normalcy to that previously peaceful town of Western Province;

(c) whether the Government will compensate those affected so as to cushion their businesses and restore their confidence to invest in Kakamega Town;

(d) what the Government intends to do with the Provincial Police Officer (PPO), Mr. Kingori Mwangi, who has miserably failed to bring the situation under control, especially given that when the same Kingori Mwangi was in Nairobi Province, there was also a high incidence of crime, and when he was in Coast Province, there was also a high incidence of this kind of crime; and,

(e) why the Government has left the Officer Commanding Police Division (OCPD), Kakamega, with only one patrol vehicle, with which he is expected to respond to emergency calls from four districts, namely, Kakamega Central, Kakamega South, Kakamega North and Kakamega East districts.

CLOSURE OF BUTALI SUGAR FACTORY

Mr. Deputy Speaker, Sir, I have a second request for a Ministerial Statement, directed to the Minister for Agriculture, on the closure of Vutali Sugar Factory in Kakamega North District.

I would like the Minister to clarify the following:-

(i) why the Government registered and licensed Butali Sugar Company in the first place, only to close it when it was about start milling;

(ii) what law allows similar factories in the neighbouring Nyanza Province to operate under similar circumstances, and why those factories are not closed; and,

(iii) what special interests this Government has in a dispute between the proprietors of two competing firms in Kakamega North District, namely, Butali Sugar Company and West Kenya Sugar Company.

Thank you.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will be able to issue the Ministerial Statement on Wednesday next week.

Mr. Deputy Speaker: Hon. Questioner, are you happy with the matter of insecurity in Kakamega Town? The Ministerial Statement is going to be issued on Wednesday morning.

Dr. Khalwale: Mr. Deputy Speaker, Sir, if the Assistant Minister could just picture for a moment, in his mind, the catalogue of what I have said and appreciate the fact that for the last two days, business people in Kakamega Town have closed their businesses, including hardware shops, because they are pressing for action, he would be only kind to bring the Ministerial Statement on Thursday.

(Mr. Ethuro stood up in his place)

Mr. Deputy Speaker: Are you standing on the same matter, Mr. Ethuro?

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

Mr. Deputy Speaker: Very well!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I just wanted to support the Member of Parliament for Ikolomani given that the Minister himself promised this House two weeks ago that such incidences would never happen again. In effect, this means that he must have put in place sufficient arrangements, including getting that information, like yesterday. So, issuing the Ministerial Statement on Thursday will be good for the people of the Republic of Kenya residing in Kakamega Town.

Mr. Deputy Speaker: Mr. Assistant Minister, the Chair takes note of the gravity of the matter itself and, clearly, would want the Minister to issue the Ministerial Statement in the course of this week. Is Thursday okay with you? You have two good days!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I would not want to argue with the Chair but, given the weighty issues he wants me to address, I would request the Chair to allow me to issue the Ministerial Statement next week.

Mr. Deputy Speaker: Mr. Ojode, the heaviest part of the weighty issues is that the lives of Kenyans are in danger. The very fact that the lives of Kenyans are in danger, cannot wait any longer. So, the Chair directs that you issue the Ministerial Statement on Thursday afternoon. The Chair insists that the Assistant Minister confirms the same.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have no choice, but to comply.

Thank you.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, as regards the Ministerial Statement sought from the Minister for Agriculture on the closure of Butali Sugar Factory, I undertake to convey the same to the Minister.

Mr. Deputy Speaker: As Minister, you are not only supposed to convey the message to your colleague but, in line with the principle of collective responsibility, you are supposed to make an undertaking on when the Ministerial Statement will be delivered on the Floor of the House.

The Minister for Forestry and Wildlife (Dr. Wekesa): Accepted!

Mr. Deputy Speaker: When?

The Minister for Forestry and Wildlife (Dr. Wekesa): Next Thursday, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well!

Yes, hon. Lessonet!

GOVERNMENT POSITION ON CIVIL SERVANTS
PARTICIPATION IN REFERENDUM CAMPAIGNS

Mr. Lessonet: 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. I would like him to tell us the position of the Ministry on the directive that civil servants and specifically, Provincial Commissioners, District Commissioners, Provincial Police Officers, Officers Commanding Police Divisions, chiefs and Assistant Chiefs can now participate in the referendum campaigns.

Is the Minister aware that this directive has resulted in some people in Rift Valley being summoned by OCPDs and threatened with persecution and sometimes being told to go slow on the “No” campaign?

Finally, what will the Minister do to ensure that the participation of civil servants in the referendum campaigns, especially those who maintain law and order will not breach peace?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, that one is very easy. I can do it on Thursday afternoon.

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

RECRUITMENT OF LOW CADRE STAFF
BY THE MINISTRY OF EDUCATION

Mr. Ethuro: Mr. Deputy Speaker, Sir, I also rise to seek a Ministerial Statement from the Minister for Education on the current hiring of staff in that Ministry. I would like him to confirm how many clerks and subordinate staff were recruited from the larger Turkana region and to provide their particulars especially names, identity numbers, day of interview and when they were called to collect their appointment letters. Further, he should confirm that there are long queues of job seekers from all over the country in this Ministry in Nairobi and some of them have been queuing for a whole month awaiting the appointment letters. He should specifically confirm why the following are yet to be given their appointment letters even after being called to Nairobi to collect the same. They are Paul Erot Lokuland, Eliud Nyaoto Nalepere, Joseph Lokhale Khai and Peter Ekeno Esimit.

Mr. Deputy Speaker, Sir, in responding, I wish the Minister to tell the House why the recruitment of such low cadre staff is being done at the Ministry headquarters contrary to a circular from the Minister for Public Service specifying that such cadres should be recruited at the district or constituency level. He should confirm or deny that there are allegations of rampant corruption at the headquarters where money is exchanging hands and people who are qualified for these jobs are being denied jobs and those who can pay are being given the appointment letters. He should also confirm that poverty in this country is not becoming a factor to be discriminated against because you cannot afford, and particularly the poor of Turkana should not suffer the same discrimination. Could he consider giving a monthly stipend for the upkeep of these people in Nairobi and refund bus fares amounting to about Kshs10,000 and Kshs5,000 respectively?

Mr. Deputy Speaker, Sir, could the Minister confirm what steps he will undertake to stop the newly acquired notoriety of bringing people to Nairobi to look for jobs given that it was only a few months ago that parents were queuing along Sheria House looking for birth certificates of their children? I seek the clarification from the Minister.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, I undertake to deliver the Statement on Tuesday, next week.

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

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I do appreciate that it might need a one week notice but surely considering that some of these people have been in Nairobi for a whole month waiting for these letters, I think the Assistant Minister needs to show empathy with the plight of poor Kenyans who are desperately looking for jobs. They are causing more misery to already miserable people. Could he issue the Ministerial Statement sometime this week?

Mr. Deputy Speaker: Mr. Assistant Minister, I think the hon. Member has given a very compelling case for you to come with the Ministerial Statement in the course of the week. Tomorrow or the day after tomorrow, when would you like to issue the Statement?

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, it is not possible to do that this week. Allow us to issue the Ministerial Statement next week.

Mr. Deputy Speaker: Under normal circumstances, these are matters that the Government is supposed to respond to with as much spontaneity as possible. The gravity of the matter, as the hon. Member puts it, is that there are Kenyans who are suffering here

and who are supposed to be served by none other than your Ministry. Could you consider issuing the Ministerial Statement on Thursday? I do not think it is asking for too much.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, we are dealing with very large numbers.

Mr. Deputy Speaker: You are dealing with only one Parliament, Mr. Assistant Minister! The Chair directs that you issue this Ministerial Statement on Thursday, this week.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, we are dealing with several people in this exercise. So, I appeal to the Chair once more to allow us to issue the Ministerial Statement on Tuesday, next week.

Mr. Deputy Speaker: Fair enough! Much as the Chair is not very happy with the lackluster fashion in which Ministers take up their own responsibilities and mandates both to this House and the Government of Kenya and the people of Kenya, the Chair nonetheless states that we can have this Ministerial Statement on Tuesday, next week.

BILL

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

Mr. Deputy Speaker: Hon. Members, the next order is Order No.8 which is The Constitution of Kenya (Amendment) Bill (Bill No.11) by Mr. Jamleck Kamau Maina. Standing Order No.123 states:-

“Either before the commencement of business or on the Order of the Day for any Stage of the Bill being read, the Member in charge of a Bill may, without notice, move that the Bill be withdrawn.”

Mr. Jamleck Kamau Maina has written to the Speaker of the Kenya National Assembly and has duly withdrawn that Bill.

(Bill withdrawn)

Mr. Lessonet: On a point of order, Mr. Deputy Speaker, Sir. It has been indicated sometime back on the Floor of this House that hon. Members either raise Questions or bring Motions for the purpose of obtaining financial gain. I wish Mr. Jamleck Kamau Maina was on the Floor so that he could clarify to us whether he was paid for him to withdraw this Bill.

Mrs. Odhiambo-Mabona: On a point of order Mr. Deputy Speaker, Sir. Is the hon. Member in order to impute improper motive on an hon. Member when we all saw the hon. Member having discarded the “No” lies, moved to the “Yes” camp and was baptized wearing a green robe?

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

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it also in order for the hon. Member, my good Deputy Chair of CDF from Ravine, to cast aspersions on the character of the hon. Member, particularly when the Chair itself is satisfied that under the Standing Orders a Member can withdraw that particular Bill? Is he in order?

Mr. Namwamba: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member really in order to perpetuate the sentiments that have repeatedly been peddled around the country through the media and the civil society that the integrity of this House is questionable? Is the Member in order after your ruling having considered the very procedural manner in which the hon. Member withdrew his Bill properly so in accordance with Standing Orders? Is it not proper that this hon. Member be properly and effectively reprimanded for not only casting aspersions on the character of the person of an hon. Member of this House, but also casting aspersion on the integrity of this House? Is the hon. Member in order to insinuate that those of us who are confident of carrying victory on August 4, 2010, are in the habit of buying other people? Is the Member in order?

(Mr. Lessonet stood up in his place)

Mr. Deputy Speaker: Are you sure you have a case for yourself or you are going to make it even more difficult for yourself? Proceed, hon. Lessonet on your point of order.

Mr. Lessonet: On a point of order, Mr. Deputy Speaker, Sir. I just want to ask that you give me an opportunity to try and respond to the sentiments by the hon. Members---

Mr. Deputy Speaker: Order! The hon. Members rose on points of order subsequent to the point of order that you rose on and the statement that you made on the Floor of the House. It is gross disorder for an hon. Member to impute improper motives on another hon. Member. It is out of order for the character of an hon. Member to be discussed without a substantive Motion with the leave of the Chair. It is not in order for the hon. Lessonet to cast aspersions on the integrity and the dignity of a fellow hon. Member, none other than the hon. Jamleck Irungu Kamau. The Chair is just looking at what is an appropriate sanction on you.

(Laughter)

Order, hon. Members! We all have a duty and a responsibility to safeguard the dignity and integrity of the most important institution in this country, the legislative arm of the Government. Standing Order No. 79 reads as follows:

“(1) Neither the personal conduct of the President, nor the conduct of the Speaker, or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friend country shall be referred to adversely except upon a specific substantive Motion of which at least three days notice has been given.

(2) It shall be out of order to introduce an argument on any specific question upon which the House has taken a decision during the same session except upon a Motion to rescind that decision made with the permission of the Speaker.

(3) It shall be out of order to use offensive or insulting language whether in respect of Members of the House or other persons.

(4) No Member shall impute improper motive to any other Member except upon a specific substantive Motion of which at least three days notice has been given calling in question the conduct of that Member.”

The Chair, after a bit of soul searching and consideration, and the fact that you are a first timer, this is your first term in Parliament, wishes also to send a very strong message to the House, and thus directs that you unconditionally and very profusely withdraw and apologize to the House.

Mr. Lessonet: Thank you, Mr. Deputy Speaker, Sir, for that humble decision, and I oblige.

Mr. Deputy Speaker: Order! You apologise and withdraw! Hon. Lessonet, I want you this evening when you go home to go through these Standing Orders and see the other sanctions that essentially are there at the disposal of the House on you and the consequences of that and be happy and pray to God that you have escaped this time around. But the Chair will sooner than later send a very strong message to Members of Parliament to respect the dignity of the House. Could you apologize and withdraw unconditionally?

Mr. Lessonet: Thank you, Mr. Deputy Speaker, Sir. I withdraw and apologize unconditionally.

Mr. Deputy Speaker: Next Order!

MOTION

AMENDMENT OF REGULATIONS GOVERNING NOMINATION OF BOARD OF GOVERNORS IN PUBLIC SCHOOLS

THAT, cognizant that when the colonialists came to this country they sponsored education whereby they played most of the roles such as provision of physical facilities, learning materials, teachers and the like; aware at independence the government started playing a bigger role in provision of the facilities and services thereby diminishing the role of the so-called sponsors who were in most cases missionaries and that today those who play these roles are the Government, the local community and leadership; this House urges the government to consider amending the regulations governing nominations of Boards of Governors for public secondary schools such that community representation and special interests are each increased from 3 to 4 and sponsor representation be reduced from 4 to 2 in order that the role played by each group is commensurate with the role played in the provision of physical facilities, learning materials and teaching staff.

Mr. Deputy Speaker: Order, hon. Members! The hon. Chanzu communicated to the Chair that he will not be in to move this Motion today. So, the Motion is deferred.

(Motion deferred)

(Dr. Khalwale stood in his place)

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

Dr. Khalwale: On a point of order Mr. Deputy Speaker, Sir. When I look on the Order Paper, the fact that hon. Chanzu is not there, it means there is no further business this afternoon. I want to put on record that Members of the Back Bench have nothing to do with failure of the Government to bring business before the House. We remember that as Members of this House, we have had an opportunity to pass through First Reading the Chief's (Amendment) Bill, the Wildlife Management Conservation Bill, the Tea (Amendment) Bill, and then the Finance Bill and finally, the Insurance of Motor Vehicles Bill. These Bills are awaiting the Government to bring them before us so that we can do business for the country.

In view of the fact that we do not have a Leader of Government Business, and in view of the fantastic ruling that the Chair made that time when there was a stalemate, has it not come to time when the Chair should review that position since it is difficult to decide who between the Prime Minister and the Vice President deserves to be Leader of Government Business, such that now the Chair improves on the ruling by saying that half of the year, the Prime Minister will be dealing with the Leader of Government Business and the balance of the time, the Vice President? That way, the country can know who is failing Government. Some of these people want to be presidents in 2012. If they are unable to lead Government business in this important institution, then we will find ground to disqualify them for any presidential ambitions in future.

Mr. Deputy Speaker: Yes, Mr. Ethuro!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I also rise on a point of order. Recognizing that today is a Tuesday afternoon, if you look at Standing Order No.38 (2), it gives exception to Wednesday morning which is an ordinary Members' day. Obviously, this afternoon should be for Government business. Dr. Khalwale has spelt out the pending Government business that should have been brought before the House.

I rise on the last bit about the Leader of Government Business. I think failure of the business in the House is because the Government does not have a Leader of Government Business. Last year, the Chair ruled that the Chair was going to consult the two principals and that, in the interim period; the Chair would be the Leader of Government Business without a vote. In that ruling last year, the Chair also confirmed that he was expecting the two principals to dispose of this matter expeditiously and immediately.

Mr. Deputy Speaker, Sir, one year down the road cannot be expeditious and cannot be reasonable time. We therefore, want to plead with the Chair that it is high time the Chair decided whether it is there full time or it allocates the time the way Dr. Khalwale proposed. Better still, the Government can confirm to Kenyans that it is incompetent and it cannot manage.

Mr. Namwamba: Mr. Deputy Speaker, Sir, I also rise on a point of order. My concern is that the integrity of this House is on the line. There is public sentiment right now that we are idling here. We have deliberately refused to adjourn in the absence of business and the impression out there is that we have no business being around this House at this moment because there is no business. This is so yet we know there is a pile up of business that should be properly before this House for prosecution.

The hon. Member for Ikolomani has listed just a number of Bills that are already on the conveyor belt. If the right-hand side of this House was functioning properly those Bills should be appearing on the Order Paper starting today.

Mr. Deputy Speaker, Sir, is it in order that the rest of us should be held to shame in that manner merely because one side of this House is not undertaking its business?

I think it is in order for us to know what is going on in the House Business Committee (HBC) that is preventing it from listing on the Order Paper business that was already being prosecuted by this House, including those Bills.

Thank you.

Mr. Deputy Speaker: Hon. Members, the Chair frankly shares the frustrations of all the hon. Members who have voiced their views. The Chair did the intervention under the circumstances in the best possible manner to maintain Parliament as a functioning institution. But the Chair is the Chair of the HBC as an ex-officio Member without a voting right. The generation of Government business is the responsibility of the Government. It is the collective responsibility of the Government whether in an adversarial state or whether it is in harmony.

Within that cardinal doctrine of democracy or separation of powers, the Chair cannot organize the Government. It cannot even help in organizing the Government. But clearly the frustrations are shared. It is upon the Government to take up its responsibilities and mandate to the people of Kenya seriously to generate sufficient business to be transacted by the House. It is clearly because of the failure of the Government to generate business that the House has lately had a perennial and very bad show. This is not only in the eyes of Kenyans but also in the eyes of the region and international community who hold our democracy as the beacon of hope. This is because of the reforms that this country has achieved over a very short period of time.

Very humbly, because of the fact that the Chair's hands are tied; the Chair cannot direct the Government, the Chair cannot organize the Government, the Chair can only plead with the Government to take its responsibility seriously.

(Mr. Affey stood up in his place)

Mr. Deputy Speaker: Are you rising on a point of order?

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

Mr. Deputy Speaker: Clearly, do you want to rise on a point of order after the Chair has given a ruling?

Proceed!

Mr. Affey: Mr. Deputy Speaker, Sir, arising from your wonderful ruling which we applaud as a House; and given that we went into this stalemate because two sets of letters were written by the same Government, will I be in order to ask you to communicate officially on behalf of the House, to the Head of State to give you one name after consulting his colleague in the Coalition Government? Failure to this, you can use your discretion as the Speaker of the House.

Mr. Deputy Speaker: You can rest assured that the Chair, formerly and informally, openly and privately, did make a lot of effort to get the two principals to come together and decide on who is going to be the Leader of Government Business. It is only after it was not possible that the Chair was forced to interpret the law as it is.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to request that you take advantage of this good wind that is blowing with the

“Yes” Team and the principals to request them to appoint the Leader of Government Business?

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. At no time in this county should a single Kenyan whether in high, middle or low position, be allowed to think that he can hold the whole country at ransom. We cannot have a situation where the President or the Prime Minister or both think that they are doing our country a favour by giving the country a Leader of Government Business. It is their constitutional calling that they do the same.

Mr. Deputy Speaker, Sir, because of that extra-ordinary provision, I beg that the Chair considers allowing the Back Bench to move a Motion that will provide that Members vote between the Prime Minister and the Vice-President. Whoever gets the highest number of votes becomes the Leader of Government Business by force.

(Applause)

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Deputy Speaker, Sir, this is why I am hardly waiting for the 4th of August when we can vote for the new Constitution to have very clear separation between the Executive and the Legislature so that in future, Parliament has its own calendar and agenda. I think that is the way to go about it.

May I seek your indulgence on the issue of the Leader of Government Business? We are assuming it is because we do not have the Leader of Government Business that we do not have business. That notwithstanding and given that the Chair chairs the HBC today the Chair will be chairing the HBC; my request on behalf of the House is that the Chair chairs today’s meeting and ensures there is enough business for the House to sustain its debates.

Mr. Deputy Speaker: Hon. Members, the business of generating Government business is with the Government. It is the responsibility of the Government! The Bills are supposed to be brought by the Government. If sufficient business is not brought by the Government, the Chair’s hands are tied as an ex-officio member. So, the presumption is that with a proper leadership structure, there are people within the Government who are going to take the sole responsibility of making sure that business is there to be transacted. It is a matter that we all think about. But, nonetheless, the Chair has done what it could under the law and to the best of its own ability. For us to have more business to be transacted on the Floor of the House, the Chair can only, again, exhort the Government side to generate more business. It is not lost to the Chair that the Government actually wanted the House to adjourn. So, basically, under the circumstances, that is the best the Chair can do. For the purposes of moving Government Motions on the Floor of the House and, more so, Adjournment Motions which are traditionally done by the Leader of Government Business, the joint Chief Whips have done that over the period. I do not know how much more they can do themselves. That is because the business of the Government is generated by Ministers and their Ministries in consultation with the Attorney-General for that matter. Nonetheless, we have no choice but to adjourn because we do not have any other business to transact.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, we now interrupt the business of the House. To begin with, the Motion by Mr. Chanzu is deferred. There being no any other business for the House to transact, the House stands adjourned until tomorrow, Wednesday, 21st July, 2010, at 9.00 a.m.

The House rose at 4.33 p.m.