

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday 23rd November, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Report of the Kenyan Delegation to the 123rd Assembly of the Inter-Parliamentary Union (IPU) held in Geneva, Switzerland between 4th and 6th October, 2010.

(By Mr. Farah)

NOTICE OF MOTION

ADOPTION OF 123RD IPU ASSEMBLY REPORT

Mr. Farah: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House adopts the Report of the Kenyan Delegation to the 123rd Assembly of the Inter-Parliamentary Union (IPU) held in Geneva, Switzerland between 4th and 6th October, 2010.

(Mr. Speaker consulted with the Clerk and Mr. Imanyara)

Mr. Speaker: Order, hon. Members! I am sorry we had to consult on some matter which could not proceed until there is Communication on it. We will have to deal with it tomorrow.

QUESTIONS BY PRIVATE NOTICE

RECRUITMENT OF KBC CHIEF EXECUTIVE OFFICER

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

(a) Is the Minister aware that the Board of Kenya Broadcasting Corporation (KBC) proceeded with the recruitment of a new Chief Executive Officer of the

Corporation in spite of a resolution of the House to refer the matter to a Committee for consideration?

(b) Could the Minister give an undertaking to annul the exercise until the investigation on the competence of the Board is resolved?

Mr. Speaker: Is anyone from the Ministry of Information and Communications here? We will revisit that Question a little later.

INCREASE OF LEVIES/FEEES IN KISUMU MUNICIPAL COUNCIL

(Mr. Olago) to ask the Deputy Prime Minister and Minister for Local Government:-

(a) Is the Minister aware that the Municipal Council of Kisumu has effected an increase in fees and licences and introduced new ones to cover diverse activities including hawking, bicycle and motorcycle transport, bus park entry for passenger vehicles, and levies on various transporters of building materials, manufactured items and fish?

(b) What is the legal validity of these levies and did any level of stakeholder consultations take place before the levies were effected?

(c) Why has the Council ignored a court order declaring the levies and fees illegal?

Mr. Speaker: Is Mr. Olago not here? We will revisit the Question one more time.

DELAYED TREATMENT OF NYAYO STADIUM STAMPEDE VICTIMS AT KNH

(Mr. Ruto) to ask the Minister for Medical Services:-

(a) Could the Minister confirm or deny that some of the victims of the stampede that occurred on Saturday, 23rd October, 2010 at the Nyayo National Stadium died while waiting for treatment at the Accident and Emergency Unit of Kenyatta National Hospital because urgent and lifesaving treatment was not administered?

(b) Does the hospital implement quality assurance systems to ensure acceptable levels of service delivery?

(c) Could the Minister also explain why Kenyatta National Hospital, being the biggest referral hospital in East Africa, does not have a functioning CT Scan Unit and patients are referred to Nairobi West Hospital for the service?

Mr. Speaker: Is the Member for Chepalungu not here? I will give the Question a similar treatment.

ORAL ANSWERS TO QUESTIONS

Question No.059

CRITERIA FOR IDENTIFYING

PROJECTS IN ASAL AREAS

Mr. Lekuton asked the Minister of State for Development of Northern Kenya and Other Arid Lands:-

(a) how the projects to be undertaken by the Ministry are identified;

(b) what the details of projects undertaken by the Ministry since 2008 are; and,

(c) what steps the Ministry is taking to ensure that all arid and semi arid areas are treated fairly during the projects allocation.

Mr. Speaker: Is anyone here from the Ministry of State for Development of Northern Kenya and Other Arid Lands? We will revisit the Question later on.

Question No.382

DELAYED PAYMENT FOR MAIZE
DELIVERED TO NCPB

Mr. Speaker: Is the Member for Mosop not here? We will accord the same accommodation to him as the others. We will call it out one more time later on.

Question No.431

ESTABLISHMENT OF POVERTY
ERADICATION COMMISSION

Mr. Speaker: Is the Member for Eldoret South not here? We will give her the benefit of the doubt and revisit the Question one more time.

Question No.436

LIST OF *BONA FIDE* FARMERS IN
BURA/HOLA IRRIGATION SCHEMES

Mr. Speaker: Is the Member for Bura not here? The same will apply to him.

Question No.493

DELAYED PAYMENT OF RETIREMENT BENEFITS TO AFRICAN
SAFARI CLUB EMPLOYEES

Mr. Chanzu asked the Minister for Labour:-

(a) whether he could explain why it has taken long to pay retirement benefits, salary arrears and unpaid travelling allowances to the employees of M/s African Safari Club Limited in Mombasa;

(b) why deductions from the staff salaries such as co-operative (SACCO) savings by the company have not been remitted accordingly; and,

(c) what urgent steps the Minister is taking to resolve this matter.

Mr. Speaker: Is anyone here from the Ministry of Labour? The Front Bench should be calling for equal treatment. We will revisit that Question as well.

Question No.512

LIST OF HEALTH FACILITIES
IN TURKANA COUNTY

Mr. Speaker: Is the Member for Turkana Central not here? Let us give him the benefit of the doubt.

Question No.556

ESTABLISHMENT OF HOSPITALS IN COUNTIES

Mr. Speaker: Is Mr. Ethuro not here? We will revisit the Question a little later.

Question No.543

ESTABLISHMENT OF UNIVERSITY
IN NORTH EASTERN PROVINCE

Mr. Speaker: Is Amb. Affey not here? We will give him some indulgence.

Question No.544

FUNCTIONS/ACHIEVEMENTS OF KENYA AGRICULTURAL
PRODUCTIVITY AND AGRIBUSINESS PROJECT

Mr. Speaker: Is the Member for Maragwa not in? Some accommodation may do. The Member for Gichugu, I have noticed that you will ask Question No.548 on behalf of the Member for Makadara!

Ms. Karua: Mr. Speaker, Sir, the hon. Member for Makadara is temporarily restrained.

Question No.548

TRANSFER OF ASSISTANT CHIEF'S OFFICE
IN HARAMBEE SUB-LOCATION

Ms. Karua, on behalf of **Mr. Mbuvi,** asked the Minister of State for Provincial Administration and Internal Security: -

(a) whether he could state why the Assistant Chief's office in Harambee Sub-location in Makadara Constituency was transferred to Uhuru Location, which is in Kamukunji Constituency; and,

(b) whether he could also clarify why the land meant for the said Assistant Chief's office is currently occupied by a private developer.

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

(a) The Assistant's Chief Office, Harambee Sub-location was set up in 1998 after relocating the Assistant Chief from the District Officer's office in Makadara to Plot Nos.C29 and C31 in Harambee Estate, Infield. In May, 2010, Mr. Moses Ndung'u, a private developer claimed ownership of the land. The Government wrote to the Town Clerk, Nairobi City Council on 12th May, 2010 to verify the ownership of the said parcels of land. On 17th May, 2010, the Town Clerk confirmed that Plot Nos.C29 and C31 belonged to Mr. Moses Ndung'u of P.O. Box 795, Nairobi. The Office of the Assistant Chief is along Rabai Road in Harambee Sub-location, Makadara Location and not in Uhuru Location, Kamkunji District.

(b) The Ministry is taking up the matter with the Nairobi City Council so that it can allocate a plot for the Assistant Chief's Office within the Sub-location.

Ms. Karua: Mr. Speaker, Sir---

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. The hon. Member has indicated that she is asking this Question on behalf of another hon. Member who is "temporarily restrained". I am not sure whether that is part of our parliamentary language. Maybe she could explain what that means first.

Mr. Speaker: Order! The Member for Imenti Central, I think you are coming up belatedly because that statement was made by Ms. Karua even before the Assistant Minister rose to reply. You know what our Standing Orders provide and our practice of business in this House. If you think something is out of order, the language is not clear or is unparliamentary, you rise instantly while the event is current.

Mr. Imanyara: Mr. Speaker, Sir, you are aware that I was consulting you at the time the hon. Member stood to ask the Question.

(Laughter)

Mr. Speaker: That is the price you must pay unless Ms. Karua wants to be generous to still give you an explanation. However, I will not compel her to do so.

Ms. Karua: Mr. Speaker, Sir, it is a matter of public knowledge that the Member for Makadara is being held by police for what appears to be more than legal reasons. It could be political. I said "political" because he is being pressurized to resign his seat as a Member of Parliament.

Hon. Members: What!

Ms. Karua: Mr. Speaker, Sir, is the Assistant Minister following up the repossession of this plot which is clearly a public utility plot?

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. You have heard the hon. Member for Gichugu say that the Member for Makadara is being pressurized to resign his seat. I think that is a very serious allegation. Could she substantiate how the hon. Member is being pressurized to resign his Parliamentary seat?

Mr. Speaker: That you are entitled to. Hon. Karua, can you substantiate that assumption.

Ms. Karua: Mr. Speaker, Sir, while the wife came to deliver this message to me, she indicated that the husband is under pressure to resign his Parliamentary seat. He has already appeared before Kibera Court. He is now in Kileleshwa Police Station and is being pressurized to resign his seat. That is the report I received and it is not of my own knowledge.

To return to the Question, could the Assistant Minister confirm that they are following to recover this plot which is clearly a public utility plot grabbed by notorious land grabbers?

Mr. Lesrima: Mr. Speaker, Sir, I have not reached that stage yet because I have a letter from the Town Clerk indicating that the land belongs to Mr. Moses Ndung'u. The land was allocated by the City Council. There is no indication that this land was allocated to the Provincial Administration. So, I have not gone to that stage. We have relocated the office from the container to a proper place.

Ms. Karua: Mr. Speaker, Sir, it is only last week that Mr. Mbuvi asked Question No.548 to the same Minister and in this case, the land occupied by the offices of the City Council, Makadara Ward, had similarly been occupied by a private developer. In that instance, the Minister agreed to repossess. Is the Assistant Minister satisfied that merely because the chief's office was not a permanent building, that land should have been alienated to the developer? Is he giving a green light that all administrative offices and public utilities should now be parceled and shared out by developers in Makadara Constituency?

Mr. Lesrima: Mr. Speaker, Sir, I was not here last week when this Question was being asked. I was away and I need to be given more time because I was not here. There are two parts of the Question. The supplementary question Ms. Karua is asking is about land grabbing which I may have to go back and confirm. The first part of the chief's centre being in the wrong constituency, I think Mr. Mbuvi agreed and, in fact, he was preparing to drop the Question with regard to that part. That is the message I got but I am willing to go back and follow up on the supplementary question.

Ms. Karua: On a point of order, Mr. Speaker, Sir. It is not true that he was preparing to drop the Question. In the previous case, there is a letter from the Permanent Secretary confirming that the land was grabbed and requesting the Council to repossess it. Therefore, clearly, there is a pattern where the Ministry is giving all the public utility land. It is okay if the Assistant Minister wants to look at it further but it is not true that the Question was being dropped.

Mr. Speaker: Mr. Lesrima, I am inclined to defer the Question to give you time to gather more information, if you are comfortable with next week Thursday.

Mr. Lesrima: Mr. Speaker, Sir, I will be comfortable because I was not aware that the Provincial Administration is responsible for the allocation of land within the City of Nairobi.

Mr. Speaker: Very well! The Question is deferred to Thursday next week at 2.30 p.m.

(Question deferred)

Question No.464

EMPLOYEE TURN-OVER AT KENYA CIVIL AVIATION AUTHORITY

Dr. Otichilo asked the Minister for Transport:-

(a) whether he could confirm to the House that there is a high turn-over of competent and well-trained personnel at Kenya Civil Aviation Authority (KCAA) due to poor terms of service;

(b) whether he could further confirm to the House that KCAA is experiencing an acute shortage of Inspectors, Air-Traffic Controllers, engineers, flight operations personnel and licensing officers; and,

(c) what measures the Ministry will take to ensure that KCAA has and retains adequate professional staff who are well equipped with modern navigational equipment and technology.

Mr. Speaker: Minister for Transport! Well, we have to give some indulgence to the Minister just like we have done for the rest. We will go back to the first Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

RECRUITMENT OF KBC CHIEF EXECUTIVE OFFICER

Mr. Mbadi: Mr. Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice. I am asking this Question for the second time.

(a) Is the Minister aware that the Board of Kenya Broadcasting Corporation (KBC) proceeded with the recruitment of a new Chief Executive Officer of the Corporation in spite of a resolution of the House to refer the matter to a Committee for consideration?

(b) Could the Minister give an undertaking to annul the exercise until the investigation on the competence of the Board is resolved?

(Mr. Godhana moved to the Dispatch Box)

Mr. Speaker: Order, Maj. Godhana! Maybe, you may want to resume your seat for a little while. As you proceed to answer the Question, I have information that this matter was pursuant to a Question relating to the same subject referred to the relevant Parliamentary Committee and that the Committee is currently inquiring into the matter and that, perhaps, its report will be ready for tabling in this House as early as later this week or even next week. So, Mr. Assistant Minister, as you answer the Question, be aware that it has been referred to the relevant Committee. So, if you are going to address aspects different or away from what was referred to the Committee, then you may do so. Otherwise, you will have to await the report of the Committee.

The Assistant Minister for Information and Communications (Mr. Godhana): Mr. Speaker, Sir, I would like this matter to withheld until the report is ready.

Mr. Speaker: Mr. Mbadi, will you want to await the report of the Committee? I am told that there are areas where there is commonality.

Mr. Mbadi: Mr. Speaker, Sir, I think that would be the right way to go, although I have an answer here which does not necessarily say the same thing as the Assistant Minister is saying. So, could he confirm whether this answer is still valid or I trash it as we await the report of the Committee?

The Assistant Minister for Information and Communications (Mr. Godhana): Mr. Speaker, Sir, the issues are inter-related and although I gave an answer, I was giving it to just shed light on what really transpired. Since it is still in the hands of the Committee---

Mr. Speaker: That is fine Mr. Assistant Minister! So, for the time being, Mr. Mbadi, you will have to keep your answer as supplied by the Ministry on the shelf and await the Committee's report. If any matters are not adequately ventilated, then you will be at liberty to pursue further as necessary.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. When we read this Question, it is raising the issue that is bedeviling this country; the issue of impunity.

Mr. Speaker: Order, Dr. Khalwale! On this particular matter, I have given directions that the House will have to await the report of the Committee, which I am advised, as a matter of fact, that it is ready. So, unless you want to be in breach of the rule of anticipating debate or what the contents of the Committee report may be, I do not think it would be fair to proceed to interrogate this matter any further because we are all concerned about impunity. Even I, as your Speaker, I am concerned about impunity. But, maybe, there is a time to address it! So, wait until the report comes and you can say as much as you may feel inclined to on the aspect of impunity but, for the moment, let us safeguard the findings of the Committee.

Ms. Karua: On a point of order, Mr. Speaker, Sir. I have had the pleasure of seeing the answer the Assistant Minister had supplied and I want to draw your attention to paragraph (a) where he states categorically that the matter that was before the House was with regard to the constitution of the board of the corporation and not the appointment of the Chief Executive. I rise on that because unless you give directions, a Question cannot be on one thing and then extended to stretch to another. Otherwise, this House will become just a mechanism for lynching. It is necessary you give directions that the matter before the House was only about the legality of the board and nothing to do with the Managing Director.

(Mr. Mbadi stood up in his place)

Mr. Speaker: Fair enough! Order, Mr. Mbadi! I would like to deal with this matter in a manner that is a bit decent so that we are certain that we have satisfied the rules of the House and the concerns by Mr. Mbadi in this Question *viz a vis* what may have been referred to the Committee. If you want to help my thinking process on that, you may do so.

Mr. Mbadi: Mr. Speaker, Sir, I just wanted to help the House because the issue which was raised by Mr. C. Kilonzo was with regard to the competence of the board. But in the process, I raised an issue on a supplementary question on the capability to go ahead

with the process of recruiting the Managing Director which was in the process. The whole issue became a package!

Mr. Speaker: The whole issue became a package?

Mr. Mbadi: Yes, Mr. Speaker, Sir. That is what I mean.

Mr. Speaker: Okay! So in that case, I will want to actually give further directions after I have acquainted myself with the full scenario. Therefore, I will have to look at the HANSARD and see what was referred to the Committee *viz-a-viz* the sentiments expressed by hon. Members this afternoon covering all the aspects. There was impunity by Dr. Khalwale, conflict of certain areas by Ms. Karua and your part, Mr. Mbadi, that perhaps this may be all going together. I will give directions on Thursday at 2.30 p.m. and I hope by then the Committee will have tabled its report.

(Question deferred)

Hon. Members, we will take the next Question by Mr. Olago.

INCREASE OF LEVIES/FEEES IN KISUMU MUNICIPAL
COUNCIL

(Mr. Olago) to ask the Deputy Prime Minister and Minister for Local Government:-

(a) Is the Minister aware that the Municipal Council of Kisumu has effected an increase in fees and licences and introduced new ones to cover diverse activities including hawking, bicycle and motorcycle transport, bus park entry for passenger vehicles, and levies on various transporters of building materials, manufactured items and fish?

(b) What is the legal validity of these levies and did any level of stakeholder consultations take place before the levies were effected?

(c) why has the Council ignored a court order declaring the levies and fees illegal?

Mr. Speaker: Member for Kisumu Town West! He is not here!

(Question dropped)

DELAYED TREATMENT OF NYAYO STADIUM
STAMPEDE VICTIMS AT KNH

(Mr. Ruto) to ask the Minister for Medical Services:-

(a) Could the Minister confirm or deny that some of the victims of the stampede that occurred on Saturday, 23rd October, 2010 at the Nyayo National Stadium died while waiting for treatment at the Accident and Emergency Unit of Kenyatta National Hospital because urgent and lifesaving treatment was not administered?

(b) Could the hospital implement quality assurance systems to ensure acceptable levels of service delivery?

(c) Could the Minister also explain why Kenyatta National Hospital, being the biggest referral hospital in East Africa, does not have a functioning CT Scan unit and patients are referred to Nairobi West Hospital for the service?

Mr. Ruto: Mr. Speaker, Sir, I want to seek your indulgence. I have just received the response and, indeed, I wanted to consult prior to you calling the Question.

Mr. Speaker: You need time to acquaint yourself to the details of the answer?

Mr. Ruto: Yes, Mr. Speaker, Sir.

Mr. Speaker: Deputy Leader of Government Business!

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, I would like to seek your indulgence that the Question be deferred to another day because the Minister for Medical Services and his Assistant are out of the country.

Mr. Speaker: So, is it fair if we defer this Question to Tuesday, next week at 2.30 p.m.?

Mr. Ruto: yes, Mr. Speaker, Sir.

Mr. Speaker: Very well! It is so ordered!

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.059

CRITERIA FOR IDENTIFYING PROJECTS IN ASAL AREAS

Mr. Lekuton asked the Minister of State for Development of Northern Kenya and Other Arid Lands:-

(a) How the projects to be undertaken by the Ministry are identified;

(b) what the details of projects undertaken by the Ministry since 2008 are; and,

(c) what steps the Ministry is taking to ensure that all arid and semi arid areas are treated fairly during the projects allocation.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. I. E. Mohamed): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker: Order, Mr. Minister! Please, resume your seat for a minute. Mr. Minister, you were not here when this Question was called out just around 2.30 p.m. this afternoon and you seem not to want to offer any explanation as to why you were not here. Is it impunity that you want to enhance?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. I.E. Mohamed): Mr. Speaker, Sir, I beg to apologize for being late. I had not realized that I was a bit late when I came in this afternoon.

However, I beg to reply.

Mr. Speaker: Mr. Minister, are you satisfied with the explanation you are giving to the House for not being here?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. I.E. Mohamed): Mr. Speaker, Sir, I was late for 15 minutes and I am sorry. I came to the House a bit late.

Mr. Speaker: Minister, proceed, but you have not done very well.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. I.E. Mohamed): Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, I beg to reply.

(a) The Ministry of State for Development of Northern Kenya and Other Arid Lands was created in April, 2008, to address the unique challenges facing the region, which are multiple, inter-related and entrenched. The projects undertaken by the Ministry are, therefore, identified as follows:-

(i) The Ministry's interim Strategic Plan is one of the methods that we use.

(ii) Every project proposal is screened by the District Development Committees (DDC) such as the District Steering Committees (DSCs) and the District Education Boards (DEBs), among others, as may be appropriate.

(iii) The projects are vetted to ensure only socially inclusive, economically viable and environmentally friendly interventions are implemented.

(iv) All the proposed projects must be of high priority within the respective target districts in order to facilitate achievement of the highest impact with the least resources.

(v) Priority is given to co-funding of viable micro projects where communities are unable to raise enough funds for completion of such projects.

(b) The purpose of the Ministry is to address the unique challenges facing Northern Kenya and other arid lands, which are multiple and inter-related. The Ministry's role is to address these development challenges and help the people of these areas achieve their full potential. In this regard, the Ministry has been implementing projects and programmes which address key priorities in the region. These include natural resource management, food security, conflict and disaster management, water development, livestock develop and marketing, human health education and human resource development, integrated peace building and national cohesion. The list of the projects is long and detailed and the Member has it.

(c) The Ministry has undertaken specific steps to ensure that all arid and semi arid areas are treated equally during projects allocation. These include the following criteria:-

(i) All the 28 districts which are now counties are requested to prepare annual budgets and work plans in collaboration with their respective District Steering Committees. These budgets and the work plans are subsequently forwarded to the Ministry headquarters for review and compilation for the overall Ministry's Budget. The annual work plans and budgets for all the districts level activities are subsequently finalized for implementation by the respective districts. In this connection, I wish to indicate that the annual work planning activities are carried out through participatory and consultative processes which ensure that the Ministry's activities promote equity in funding allocation to the various communities in the ASAL districts.

(ii) The respective district DDCs such as the DSGs, DEBs and DDCs in the 28 ASAL counties are also assisted to identify projects which have meaningful impact.

(iii) The identified projects are finally prioritized based on priorities outlined in the Ministry's Strategic Plan and Medium Term Plan of Vision 2030. Specific consideration is given to projects focusing on natural resources and drought management,

capacity development, policy and institutional enhancements, vulnerable group targeting, equity in funding allocations to districts and vulnerable communities. Nevertheless, majority of the projects comply fully with the Government regulations and are fully justified.

I want to add that this Question was first asked in February and for reasons related to the Parliamentary Calendar and the availability of the Member and the Minister, it has come today.

Mr. Letukon: Mr. Speaker, Sir, I would like to thank the Minister for that long answer, which I think is quite good. I had some serious reservations on how some projects in Laisamis were identified, but I have discussed with him about that. However, one of the things that they say will help to alleviate poverty and encourage nomadic life is to plan and encourage townships along the main roads. How does this contribute to the betterment of nomadic life in Northern Kenya?

Mr. I.E. Mohamed: Mr. Speaker, Sir, the hon. Member is right in questioning the idea of planning townships along the road. The Ministry's mandate was set out when the Ministry was formed. Subsequently, the Ministry looked at it and adjusted it in accordance with Vision 2030. So, how we have incorporated that particular mandate of the Ministry is that where there are urban centres existing, we plan them. We also have in that same policy – which I think will be coming to Parliament soon for debate – recognised the essential element of pastoral livelihood, which involves mobility. Therefore, as a Ministry, we intend to make sure that the existing townships along the road are well planned, and we take cognizance of the need for mobility of pastoralists.

Thank you, Mr. Speaker, Sir.

Mr. Langat: Mr. Speaker, Sir, part “c” of this Question is asking about fairness in distribution of resources. I would like the Minister to confirm whether he is willing to ensure that part of the funds which are allocated for development in this Ministry are distributed equally amongst the areas which are covered by the Ministry.

Mr. I.E. Mohamed: Mr. Speaker, Sir, I did not say that we will allocate the money equally. We will be looking at the viability of projects. All the districts present their plans. In consideration of those plans against the Ministry's projection plan and Vision 2030, the viable projects are identified. However, we try to ensure that the projects are spread out as much as possible. For example, in the first year, we went to bigger projects. We did not cover every constituency. So, it is not as if we have got to divide the funds across constituencies. So, based on the merit of the projects that were proposed in each constituency, decisions were made.

Mr. Njuguna: Mr. Speaker, Sir, could the Minister indicate to this House the criteria applicable in designating constituencies “semi-arid”. To my knowledge, one third of Lari Constituency is semi-arid. That way, we will know how to consider those areas.

Mr. I.E. Mohamed: Mr. Speaker, Sir, I have, on several occasions, addressed the issue of how areas in this country are designated as “arid”. It is done by the Ministry of Agriculture. This Ministry only takes direction from that particular Ministry.

Mr. Letimalo: Mr. Speaker, Sir, this is a new Ministry. It does not have adequate staff to the extent that not every district has officers for this Ministry to be able to identify projects. Could the Minister explain how he ensures that the core projects, as per the needs of the people, are included in the strategic plan, particularly in areas where the Ministry does not have staff?

Mr. I.E. Mohamed: Mr. Speaker, Sir, I agree with the hon. Member that we do not have enough staff. The core staff members we have, who are implementing the project, are under a World Bank project. They cover the greater districts, which are now our counties. Therefore, the instruction to the District Development Drought Officers, who represent us in those places, is that they attend every District Development Committee meeting in all the districts within the greater district, which is now the county. We hope that the counties will resolve that problem.

Mr. Lekuton: Mr. Speaker, Sir, while the Minister was addressing a meeting for investors one year ago, he identified 50 investment opportunities, out of which 20 were prioritised for detailed feasibility study. Can the Minister tell this House whether, a year later, he has been able to carry out any feasibility study on any of those areas?

Mr. I.E Mohamed: Mr. Speaker, Sir, the hon. Member is right. We had commissioned the Kenya Industrial Estates (KIE) to identify all the projects that are viable and good for investment. We have identified 20 of them. We have since given them out for consultancy. We have, with the support of development partners like the UK-AID commissioned a consultancy to look at their viability; very soon, we hope to have projects, where somebody can take a loan and be able to implement.

Mr. Speaker: Next Question, Member of Parliament for Mosop!

Question No.382

DELAYED PAYMENT FOR MAIZE DELIVERED TO NCPB

Is the Member of Mosop not here? The Question is dropped!

(Question dropped)

Next Question, Member of Parliament for Eldoret South!

Ms. Chepchumba: Mr. Speaker, Sir, before I ask the Question, I want to apologise for coming late.

Question No.431

ESTABLISHMENT OF POVERTY ERADICATION COMMISSION

Ms. Chepchumba asked the Minister of State for Planning, National Development and Vision 2030:-

(a) what informed the decision to establish the Poverty Eradication Commission (PEC) ten years ago;

(b) to what extent the Government has supported the Poverty Eradication Commission, and why the Commission's activities are not felt in every part of the country; and,

(c) whether he could provide a list of districts and constituencies that have benefited from the Commission's programmes since inception, also state what criteria the Ministry applies to select regions to benefit

from the Commission's programmes and when Eldoret South constituency will be considered.

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Speaker, Sir, I would also like to apologise even though she was not there to ask the Question. I also came late.

Mr. Speaker, Sir, I beg to reply.

(a) The Poverty Eradication Commission was set up ten years ago through *Kenya Gazette* Notice No.2295 of 30th April, 1999 to oversee the implementation of the National Poverty Eradication Plan and co-ordinate the efforts of all poverty stakeholders in the fight against poverty in the country. The decision to establish the Commission emanated from the Government's decision to implement the commitments by the world leaders during the UN World Summit for Social Development held in Copenhagen in March, 1995, during which our own Government made firm commitments.

(b) The Government has to a limited extent supported the Commission to implement the mandates since inception as shown by the table, which I have given to the hon. Member, in terms of funds that have been allocated by this House to the Commission. They have been very limited in the fight against poverty.

(c) I have given the hon. Member the full list, showing how the money has been given out to the 71 original districts, with a breakdown. The criteria used to select regions to benefit from the Commission's programmes include poverty levels, regional balance, existence of ongoing poverty reduction interventions and existence of other commissions.

Eldoret South Constituency can only be considered once the level of money allocated to the Commission increases.

Thank you, Mr. Speaker, Sir.

Ms. Chepchumba: Mr. Speaker, Sir, I would want to ask the Assistant Minister how the feedback mechanism for the Poverty Eradication Commission is working to ensure that the funds are not channeled to bottomless pits.

Mr. Kenneth: Mr. Speaker, Sir, since the funds are not a lot, they have been monitored through the offices of District Development Officers, the International Fund for Agricultural Development (IFAD) programmes and the Millennium Development Goals Commission. I can say before this House that the funds allocated and distributed in the manner they have been distributed cannot have a big impact on poverty eradication. The onus is on this House to ensure that more funds are allocated to the Poverty Eradication Commission, because, as things are today, if we allocate Kshs300 million to that Commission to be shared out to the original 71 districts, we are talking of barely Kshs4 million per district. We all agree that at this time and era, Kshs4 million for projects and poverty eradication is a meagre amount. So, I want to appeal to the House that we need to think about this Commission, and see how we can allocate more money to it.

Mr. Speaker: Member for Marakwet West Constituency.

Mr. Chepkitony: Thank you, Mr. Speaker, Sir. I am a member for Keiyo North Constituency.

If we cannot feel the impact of the funds given, could the Assistant Minister tell us whether there is need to continue having this Poverty Eradication Commission? Is there a need to have a commission which does not fulfil its objectives?

Mr. Kenneth: Mr. Speaker, Sir, as I said, the Government has been committed to an international agreement signed in Copenhagen in 1999. I think the problem is not the impact. The problem is that the amount of money is not enough to create a major impact. I, therefore, appeal to the House that probably, we should take this seriously and see if we can allocate more money, so that we eradicate poverty that continues to bite this country.

Mr. Yinda: Mr. Speaker, Sir, I would like the Assistant Minister to confirm to the House how much money the Ministry budgeted for poverty eradication in this country. Out of what was budgeted for, how much money was actually allocated by the Ministry?

Mr. Kenneth: Mr. Speaker, Sir, the amount of money that has been allocated for poverty eradication during this financial year is Kshs150 million.

Mr. Speaker: Order, Mr. Assistant Minister! The Member asked you how much you budgeted for and how much was actually allocated.

Mr. Kenneth: Mr. Speaker, Sir, for us to have some little more impact in the districts, we need to have about Kshs500 million in one financial year. We applied for Kshs500 million, but we got Kshs150 million.

Mr. Chanzu: On a point of order, Mr. Speaker, Sir. I think the question the hon. Member asked has not been answered and I think you repeated it to the Assistant Minister. How much money had they budgeted for poverty eradication? He says what they have been thinking of.

Mr. Kenneth: Mr. Speaker, Sir, as I said, we asked for Kshs500 million, but we were allocated Kshs150 million.

Ms. Chepchumba: Mr. Speaker, Sir, I would like the Assistant Minister to tell this House whether PEC has been seeking for funds from development partners. If so, how have these funds been utilised?

Mr. Kenneth: Mr. Speaker, Sir, the issue of fighting poverty is not just an issue of PEC. That is why we have combined forces with MDG projects, IFAD and we look at other development partners like the Finnish Government to try and alleviate poverty by way of assisting in various projects.

Mr. Speaker: Next Question, Dr. Nuh.

Dr. Nuh: Mr. Speaker, Sir, I apologize for coming late and seek your indulgence that I ask the Question. I was attending to constituency matters until I realized it was past the time. So, I am really sorry.

Mr. Speaker: Proceed!

Question No.436

LIST OF *BONA FIDE* FARMERS IN BURA/HOLA IRRIGATION SCHEMES

Dr. Nuh asked the Minister for Water and
Irrigation:-

(a) whether she could provide a list of *bona fide* farmers for Bura and Hola Irrigation Schemes, clearly indicating the acreage of land held by each farmer;

(b) whether she could state how many acres of land are under cultivation by the National Irrigation Board and the National Youth

Service and also indicate the number of tones of maize harvested by each entity and how the proceeds are utilized; and

(c) state when the land under the two entities will revert to the residents.

Mr. Speaker, Sir, before the Minister answers, I would like to bring to your attention the fact that the Question was deferred because of an answer that was insufficient. As of 1.30 p.m., I even made a visit to Room 8, but I did not get the amended version of the answer. It is bulky because it is about names of individuals, totaling to 1,000 or 2,000. If she has an amended version of the answer she gave me, I seek your indulgence that the Question be deferred, so that I can also go through the answer.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Speaker, Sir, I agree with him that you can defer the Question, so that he can go through the answer.

Mr. Speaker: Do you have the list? Have you furnished the Member with it?

The Assistant Minister for Water and Irrigation (Mr. Waititu): I have not.

Mr. Speaker: Could you table it, so that the Member has access to it?

The Assistant Minister for Water and Irrigation (Mr. Waititu): Yes, I have it here and I can table it.

Mr. Speaker: Please, table it and then I will defer the Question to Thursday afternoon. Is that fine for you, Member for Bura?

Dr. Nuh: Mr. Speaker, Sir, that is fine.

(Mr. Waititu laid the document on the Table)

Question No. 512

LIST OF HEALTH FACILITIES IN TURKANA COUNTY

Mr. Speaker: Member for Turkana Central! His Question is dropped!

(Question deferred)

Mr. Chanzu: On a point of order, Mr. Speaker, Sir. You skipped my Question!

Mr. Speaker: Order, Member for Vihiga! That is not valid point of order. I have given directions on that before and you have been here dutifully since the beginning of the Tenth Parliament. So, you know.

Question No.556, Member for Turkana Central!

Question No.556

ESTABLISHMENT OF HOSPITALS IN COUNTIES

Mr. C. Kilonzo: Mr. Speaker, Sir, I am aware that the Member is outside the country on parliamentary duties. I think he travelled out yesterday.

Mr. Speaker: Order, Member for Yatta! You maybe aware, I am not aware! So, if I am not made aware---

Mr. C. Kilonzo: I am informing the Chair that he is, indeed, outside on parliamentary duties from yesterday.

Mr. Speaker: Let me ascertain.

(Mr. Speaker consulted with the Clerks-at-Table)

Mr. Imanyara: Mr. Speaker, Sir, the Member for Turkana Central sits in the Speaker's Panel with me. During our last meeting, he indicated that he would be travelling out on official business. Some of the work he was to do, you direct that I do it in his absence.

Mr. Speaker: That may be so, Member for Imenti Central, but as far as I am aware, I am informed that, indeed, I did allow the Member for Turkana Central to travel on Parliamentary business to China. In fact, he is scheduled to travel this evening. Flights to China take off at 11.00 p.m. So, I am reliably informed that the Member for Turkana is, in fact, still within the country. So, I will drop Question No.556. The Question is dropped!

(Question dropped)

Next Question, Mr. Affey!

Question No.543

ESTABLISHMENT OF UNIVERSITY IN
NORTH EASTERN PROVINCE

Mr. Affey asked the Minister for Higher Education, Science and Technology:-

(a) how far the Ministry has gone with plans to establish a university in North Eastern Province; and,

(b) what measures the Government has put in place to enable the people of North Eastern Province access university education.

Mr. Speaker, Sir, I apologise for not asking the Question early enough.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, first, I want to apologise for coming late. I was caught up in a serious jam and I really apologise for that.

(a) The need for a university in the North Eastern Province was previously cited by the Government appointed public university inspection board report in 2006. Among other places, the report proposed that a university be established in North Eastern Province.

Following consultations by leaders from North Eastern Province with His Excellency the President, the Head of Civil Service wrote to the Permanent Secretary,

Ministry of Higher Education, Science and Technology to explore the possibilities of upgrading Garissa Teachers Training College to a constituent college of Egerton University. The Ministry has, therefore, written to the Commission for Higher Education and the Government body responsible for establishment of universities to inspect Garissa Teachers Training College for the purpose of assessing its readiness for upgrading to a constituent university college. So, my Ministry is also liaising with the Ministry of Education for concurrence and the report will be ready within two months.

(b)The Government has put the following measures in place to enable people from North Eastern Province get access to university education.

(i)The Joint Admissions Board (JAB) applies affirmative action for intake of students from arid areas to public universities. The affirmative action covers 22 arid and semi-arid districts in our country.

The Kenya Certificate of Secondary Education (KCSE) candidates from the arid and semi-arid districts join public universities with qualifications between one to five points below the national cut-off mark every year. This rule is applied when the number of candidates from Arid and Semi-Arid Lands (ASAL) areas is less than the percentage of the total number of candidates admitted to public universities in any year.

(Loud consultations)

I think hon. Members are consulting very loudly and this answer is very detailed. I urge you---

Mr. Speaker: Order, Mr. Assistant Minister! Will you please proceed with speed?

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Speaker, Sir, also the degree weighted cluster points is lowered between one to three points. This rule is implemented in degree programmes where candidates from ASAL are less than 10 per cent in the programme. For instance, in 2009, the national cut-off mark was 63 but for the arid and semi-arid districts, it was 58 marks for university admission. As a result of this action, 55 students were admitted to the university courses including those from North Eastern Province. In 2008, the national cut-off mark was 65. Under the affirmative action, it was 60 marks for the candidates from the ASALs. Consequently, 105 students from North Eastern Province were able to access university education in public universities.

(ii) Students from North Eastern Province admitted to universities have equal access to education loans administered by the Higher Education Loans Board (HELB).

(iii) The University of Nairobi operates an extra-mural centre in Garissa Town for regular students who study in the evenings. Besides, Kikuyu Campus of the University of Nairobi has also distance education programmes in the larger three districts of Garissa, Wajir and Mandera.

(iv) Kenyatta University has an ongoing study centre based in Garissa Town for distance education.

(v) Moi University has a satellite campus in Garissa Town and the campus has a director and one member of teaching staff to co-ordinate learning programmes in the region. Most of the students registered in the centre are in the school-based programme while others are in the regular courses.

Lastly, in addition to the public universities, Mt. Kenya University which is a private university has also opened a learning centre in Garissa Town recently.

Mr. Affey: Mr. Speaker, Sir, I thank the Assistant Minister for the answer but you will realise that he has said that it was in 2006, almost four years ago, when the idea to establish a university in this province was conceived. Out of the 47 counties, it is only the three Counties of that province that have no access to a formal university institution which has a charter. Could the Assistant Minister tell us why they have defied the directive of the President? This is because in August this year, the President instructed the Ministry to establish a university and give it a charter. Why did they defy the President's directive in that respect? That was done in the presence of the Vice-President and Minister for Home Affairs and everybody else who attended the function in Garissa.

Mr. Kamama: Mr. Speaker, Sir, the Ministry did not defy the directive from His Excellency the President. We started working out the logistics of making sure that we have the requisite infrastructure in Garissa when we got the instruction. That is why we have appointed a team that will report on the 15th of next month. After that, we will start the ball rolling and make sure that Garissa Teachers' Training College is elevated to a constituent university college and the rest will follow.

Mr. Mwangi: Mr. Speaker, Sir, while we appreciate the comprehensive answer given by the Assistant Minister, it is a bit disturbing that they will take up a primary teachers college and elevate it to a university while North Eastern region has ample land. Is it fair for the Assistant Minister for Higher Education, having had the idea for four years to take an institution that is very important to the country because there is a shortage of primary school teachers? Why can the Ministry not establish a new campus because there is no shortage of land or resources in North Eastern Province? Is it advisable to deny primary school teachers a facility to train in?

Mr. Kamama: Mr. Speaker, Sir, that is a valid question. As I said earlier in my response, we will liaise with the Ministry of Education to make sure that students in Garissa Teachers Training College are allocated an ample place where they will continue with their programmes. However, the Ministry will implement the directive by His Excellency the President immediately.

Mr. Imanyara: Mr. Speaker, Sir, the number of questions that come up addressing the plight of North Eastern Province clearly show that this Government takes the people of that province as second class citizens. That is why we had to pass the Indemnity (Repeal) Act. Could the Assistant Minister confirm that this policy of discrimination against North Eastern Province will be discontinued?

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. I do not know whether the House can assist us because the point of order I am raising dates back to a long period of time. Mr. Imanyara is never audible. Could it be in order for the House to assist the hon. Member get a custom made microphone because we honestly never hear him?

Mr. Speaker: Order! At least, I heard the hon. Member for Imenti Central and yet I am sitting further from where he is than the hon. Odhiambo-Mabona. If there is something wrong then it is likely to be with Mrs. Odhiambo-Mabona and not the rest of the Membership of the House.

Proceed, Mr. Assistant Minister! Just leave that matter. Let it rest there.

Mr. Kamama: Mr. Speaker, Sir, Mr. Imanyara was audible enough and I wish to confirm to him that the policy of discriminating against the people of North Eastern Province is no longer there. It has stopped and we will make sure that it will not be repeated again. In the 1990s, as a young district officer cadet, I served in that place and we made sure that those people were assisted. The issue of second class citizens will not be there again.

Dr. Khalwale: Mr. Speaker, Sir, may I thank the Government for thinking about establishing a university in North Eastern Province. But more importantly, what programme has the Government put in place to ensure that the new university will have enough senior lecturers and professors because all the other universities in Kenya including the private ones are suffering from acute shortage of professors and senior lecturers to the extent that the standard of education in our universities has started to go down?

Mr. Kamama: Mr. Speaker, Sir, that question is also valid and I want to confirm to the House that we have instructed the Commissioner for Higher Education to ensure that all basic programmes are provided to the students in North Eastern Province. That will also be done in other universities.

Mr. Affey: Mr. Speaker, Sir, I just want the Assistant Minister to confirm that in two months time, as he has said in his answer, the Minister, himself and all of us who think about that place will go and celebrate with the people in that area the official opening of a university with a charter and not a constituent college?

Mr. Kamama: Mr. Speaker, Sir, I do not want to mislead the House. In my response, you will notice I said we are going to get the report in two months time and we will work out the logistics of ensuring that the Presidential directive on the creation of this university college is actually implemented.

Mr. Speaker, Sir, there are many issues that have to be covered when you are establishing a university. But I want to confirm to him that after we have received this report, this university will be opened next year and not in two months time.

Mr. Speaker: Next Question by the Member for Maragwa!

Mr. Mbau: Thank you, Mr. Speaker, Sir. I apologize for coming a little late.

Question No.544

FUNCTIONS/ACHIEVEMENTS OF KENYA
AGRICULTURAL PRODUCTIVITY AND
AGRIBUSINESS PROJECT

Mr. Mbau asked the Minister for Agriculture :-

(a) whether he could state the functions and achievements of Kenya Agricultural Productivity and Agribusiness project during its pilot phase;

(b) whether he could state why the project has continued in its pilot phase instead of expanding scope to other districts; and,

(c) whether he could state the budget allocation for the first phase, the scope and implementation status of the second phase which was due in 2009.

Mr. Speaker: The Minister for Agriculture not here? The Minister for Agriculture was here not very long ago. Could the Leader of Government Business explain what happened to the Minister for Agriculture?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Thank you, Mr. Speaker, Sir. Indeed the Minister for Agriculture left me with a set of documents and she asked that, because hon. Mbau had wanted the tabling of these documents, whether I could actually do it on her behalf.

Mr. Speaker: So all that is supposed to be happening is for the documents to be tabled?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Absolutely!

Mr. Speaker: You may then table them.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Thank you.

(Mr. Musyoka laid the documents on the Table)

Mr. Speaker: Hon Mbau, this Question was apparently deferred so that these documents can be tabled?

Mr. Mbau: Thank you, Mr. Speaker, Sir. I thank the Leader of Government Business. There was a rider to the Question and the rider was: 'In view of the criteria that was used to pick the districts where these projects will be implemented, could Maragwa Constituency, which is equivalent to Murang'a South District, be part of those districts because they were supposed to be ASAL districts? Maragua is mainly ASAL. If the Vice-President and Minister for Home Affairs could confirm that this is possible, we shall be okay.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, I have been to Maragua, courtesy of the hon. Member and I agree this is a worthy matter. I will advise the Minister for Agriculture to include Maragwa in this list.

Mr. Speaker: Very well!

Mr. Mbau: Thank you very much, Mr. Speaker---

(Mr. Mwangi stood up in his place)

Mr. Speaker: Order! Order!

Mr. Mwangi: On a point of order Mr. Speaker, Sir. Is the Minister in order to include Maragwa which is my neighbour and avoid to include Kiharu?

Mr. Speaker: Order! At any rate, that does not amount to a point of order. You are asking a question and I am afraid that cannot be valid.

Mr. Mwangi: Mr. Speaker, Sir, is the Minister in order to leave Kiharu out?

Mr. Speaker: Order, Member for Kiharu! That still just amounts to a question at best. So, it must rest there.

Next Question by the Member for Emuhaya!

Question No.464

HIGH EMPLOYEE TURN-OVER AT KCAA

Dr. Otichilo asked the Minister for Transport:—

(a) whether he could confirm to the House that there is a high turnover of competent and well-trained personnel at Kenya Civil Authority (KCAA) due to poor terms of service;

(b) whether he could further confirm to the House that KCAA is experiencing an acute shortage of Inspectors, air-traffic Controllers, engineers, flight operations personnel and licensing officers; and,

(c) what measures the Ministry will take to ensure that the Authority (KCAA) has and retains adequate professional staff who are well-equipped with modern navigational equipment and technology.

Dr. Otichilo: Mr. Speaker, Sir, I have not received a written answer and I have confirmed from the office of the Clerk.

The Assistant Minister for Transport (Mr. Ogari): Mr. Speaker, Sir, I am sorry about the written answer. I have just come in late. I was supposed to give him the written answer which I have in my hands with me but maybe it has been overtaken by events.

However, I beg to answer.

Mr. Speaker: Mr. Assistant Minister, please, resume your seat.

The Member for Emuhaya, will you be comfortable proceeding with the Question without the written answer?

Dr. Otichilo: Thank you, Mr. Speaker, Sir. I am ready to listen to the answer because I am ready to hear what he has to say.

Mr. Speaker: Very well!

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

(a) The Kenya Civil Aviation Authority (KCAA) is currently adequately carrying out safety and security oversight in line with the International Civil Aviation Organization (ICAO) standards and recommended practices. I, however, wish to agree that the Authority is facing a challenge of attracting and retaining competent and well trained personnel. The civil aviation industry in the country and worldwide is currently facing a shortage of aviation staff due to increased demand for aviation professionals, especially pilots, traffic controllers and engineers, among others. This worldwide shortage was raised during the recently concluded ICAO 37th Assembly held in Montreal, Canada, from 28th September to 8th October, 2010;

(b) I also confirm to the House that the Authority is experiencing a shortage of inspectors especially in flight operations and air worthiness.

(c) The Ministry is currently restructuring KCAA to enable the Authority attract and retain competent staff. Inter-Ministerial consultations are currently in progress between the Ministry, the Office of the Prime Minister; that is, the Ministry of State for Public Service and the State Corporations Advisory Committee, and Treasury to ensure that the Authority receives the support required so as to attract and retain competent professional staff. The Authority is currently upgrading its communication, navigation, and surveillance equipment - that is the air traffic management, equipment - in order to enhance air safety and improve surveillance in the Kenyan airspace.

Once this project is fully implemented by the end of 2010, we shall have the most modern equipment in the region and we will be able to more than double the traffic capacity.

Dr. Otichilo: Thank you, Mr. Speaker, Sir. You have heard yourself from the Assistant Minister. He has said clearly that this country has a serious shortage of air controllers, inspectors and engineers! So it is clear that our airspace is not well managed. Given what he has said, what measures is he taking to ensure that we have these very critical professionals who are necessary for our airspace to be secure?

Mr. Ogari: Thank you, Mr. Speaker, Sir. In my answer, I referred to a situation where the shortage of the professional staff is a global issue and is being addressed from ICAO itself, which is a global body. Where Kenyan airspace is concerned---

(Mr. Yinda stood up in his place)

Mr. Yinda: On a point of order Mr. Speaker, Sir. Is the Assistant Minister in order to tell this House that the shortage for the aviation professionals is because of the demand for the personnel internationally and yet we know for sure we have qualified people but they are leaving the country simply because they are being paid very poorly?

Mr. Ogari: Mr. Speaker, Sir, I think I answered. We are in the process of restructuring and improving the services. We are aware the competition is very high for the few available professionals in the aviation industry. We are also very much aware, all of us, that the aviation industry business has been booming very much lately to the extent that the competition is very high.

As the Ministry, through the Kenya Civil Aviation Authority (KCAA), we have undertaken a lot of training for these professionals to replace the ones who have left, because we have figures since 2007. We have about 37 professionals who have left and who have not been replaced because of this competition. The KCAA has realized this problem and we have been training ours. We have been restructuring to see if we can also compete with the other airports and airlines

Dr. Otichilo: Mr. Speaker, Sir, from his answer, it is clear that the Ministry is training a lot of personnel, but due to poor remuneration of the officers, they are leaving the industry. I wish the Assistant Minister to confirm that they engaged a consultant to look at the structure of the organization and come up with a new pay package but, to date, that report has not been implemented. Why is that so?

Mr. Ogari: Mr. Speaker, Sir, I am not able to answer the question regarding the issue of the report. I was not briefed on the issue of the report of any committee which was working on it but, as I said, we are admitting here that we are trying to offer competitive rates. We know the average rates paid by the others globally and as I said earlier in my answer, we have admitted that we have a shortage. The shortage is because of the lack of these people worldwide. So, we are trying first of all, to restructure and to add more funds to the KCAA and train as much as possible our own people and try and get others, like other countries are doing.

Mr. Speaker: Hon. Members, that brings us to the end of Question Time. We will not proceed to the next Order!

(Hon. Chanzu stood up in his place)

Order, honorable Member for Vihiga! We said we will revisit your Question. So, I have to rescind my decision, I think, in all fairness.

Proceed, hon. Chanzu!

Question No.493

DELAYED PAYMENT OF RETIREMENT BENEFITS TO
EMPLOYEES OF AFRICAN SAFARI CLUB LIMITED

Mr. Chanzu asked to ask the Minister for Labour:-

(a) whether he could explain why it has taken long to pay retirement benefits, salary arrears and unpaid travelling allowances to the employees of M/s African Safari Club Limited in Mombasa;

(b) why deductions from the staff salaries such as co-operative (SACCO) savings by the company have not been remitted accordingly; and,

(c) what urgent steps the Minister is taking to resolve this matter.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, I have to apologize for coming late. This is because it is my Minister who was coming to answer, but he was recalled to the Ministry to attend to urgent issues, so I had to come and take his place.

Mr. Speaker: You may proceed.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, I beg to reply.

The Minister had already answered the whole Question. What was remaining was to present the names of the directors of African Safari Club Limited.

Mr. Speaker, Sir, according to the company's annual returns which were last filed on 14th January, 2009, the directors/shareholders of M/s African Safari Club Limited are as follows: One, Renato Fabrizio Bechmann of P.O. Box 81443, Mombasa; two, Brigitte Hutzli of P.O. Box 81443, Mombasa; three, Karl Jacob Ruedin of P.O. Box 81443, Mombasa and, four, Frank Helge Neugebauer of P.O. Box 81443, Mombasa.

Mr. Speaker, Sir, the non-director shareholders are as follows: Coast Hotels Development Company Limited, Hans Peter Ruedin and Heier Agents Holding AG.

Thank you.

Mr. Chanzu: Mr. Speaker, Sir, I think the problem is with this non-director shareholder – Coast Hotels Development Company Ltd – who owns 191,162 shares. I would like you to disclose who the shareholders of this company owning 191,162 shares are.

Mr. Ojaamong: Mr. Speaker, Sir, we have sent for more information regarding the Coast Hotels Development Company, which actually owns majority shares, even though it is a non-director shareholder. So, given more time, may be up to tomorrow, we shall be able to get them.

Dr. Khalwale: Mr. Speaker, Sir, the African Safari Club Limited is a multi-million investment owned by multi-millionaires. The tourism industry has fully recovered and the workers in that particular firm continue to work without pay. Could the Assistant

Minister tell us how he is ensuring that this company does not continue practicing modern day slavery against Kenyans who work for them? They are making money and they do not pay them.

Mr. Ojaamong: Mr. Speaker, Sir, indeed, my Minister and I visited African Safari Club and the directors or proprietors of African Safari Club have been having a very big problem regarding the payment of salaries to their workers dating back to over 15 years, specifically. That is why we have put a team together which is looking at the problems there. So, there is a committee there which is yet to present a report to us, looking comprehensively at the problems at the African Safari Club Limited so that we can end this problem once and for all.

(Several hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members! This Question, as a matter of fact, was deferred from last week to this week and it had substantively been dealt with. What was lingering was just the particulars of the directors and the shareholding, which the Assistant Minister has given this afternoon, except that he is asking for more time to furnish details as to the directors and shareholding of Coast Hotels Development Limited. So, for that purpose only, we will defer the Question to Thursday afternoon at 2.30 p.m. Assistant Minister, since you have committed yourself to come with those details, please, do!

(Question deferred)

Order, hon. Members! That, then, brings us to the end of Question Time.

(Hon. Chanzu stood up in his place)

Order, honorable Member for Vihiga! I have given directions with respect to your Question. You will have another opportunity on Thursday at 2.30 p.m.

Next Order!

MINISTERIAL STATEMENTS

Mr. Speaker: Do you have a Statement, Leader of Government Business?

The Vice President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, indeed, I do not have a Statement, but I am armed with an apology---

Mr. Speaker: Order, Leader of Government Business!

The Vice President and Minister for Home Affairs (Mr. Musyoka): I actually do, Mr. Speaker, Sir.

Mr. Speaker: Order! If you have a Statement, then proceed and give the Statement. But the part of the apology will come after this Order.

PARLIAMENTARY BUSINESS FOR THE WEEK
COMMENCING TUESDAY, 23RD NOVEMBER, 2010

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, this Statement should have been placed before the House last Thursday; it is made pursuant to Standing Order No.36(4) and the Leader of Government Business is supposed to act accordingly. If you allow me, I would want to place before the House a Statement that should have been made last Thursday.

(Mr. Musyoka laid the document on the Table)

(Mr. Imanyara stood up in his place)

Mr. Speaker: Order Member for Imenti Central. That is still coming.

Leader of Government Business, according to Standing Order No.36(4) the Statement that you make as Leader of Government Business is supposed to be made every Thursday. So, the document that you are tabling now cannot really serve any purpose.

Let us hear the Leader of Government Business.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, I know there is no such thing as tabling it retrospectively, but this should have happened then. That is why I said that we will be ready this coming Thursday. I seek the Chair's guidance on this matter; what I wanted to do was to apologise profusely to the House because there was a bit of a mix-up. Mr. Kimunya was actually supposed to have tabled this Statement dated 18th November, but he was held up and could not get here in time. By the time he arrived here the House was on to the next Order. So, under the circumstances, I want to apologize to the House.

Mr. Speaker: Very well. Leader of Government Business, we have taken that, at that point, largely by default and also just to accommodate you. Otherwise, under Standing Order No.36(4), it is explicit that the Leader of Government Business shall, every Thursday or the last sitting day of the week, before commencement of business, lay the statement on the Table, in which case your statement should come just before Order No.8. So, that is why I was having difficulty with you making the apology at that point. We ought to have taken Statements which are due for delivery and any requests for Statements. After we finish that then we come to you, just before business.

Are there any Statements which are ready?

Mr. Mbadi: Mr. Speaker, Sir, I had asked for a Ministerial Statement from the Minister of Transport. I do not know whether he is ready with it.

Mr. Speaker: Pertaining to what subject?

Mr. Mbadi: The appointments in both the Kenya Ports Authority and the Kenya Airports Authority.

Mr. Speaker: Are you ready, Mr. Minister?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I am ready.

Mr. Speaker: Then you may proceed to deliver the Statement.

APPOINTMENTS IN KENYA PORTS AUTHORITY
AND KENYA AIRPORTS AUTHORITY

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, Mr. Mbadi did request one Statement, but I have broken it into two because he referred to two different entities. I want to start with the one on Kenya Airports Authority.

Mr. Speaker, Sir, I wish to make the following Statement on the names, qualifications and experience of the general managers of the Kenya Airports Authority (KAA) as requested by Mr. Mbadi.

Currently, the KAA has the following general managers. The first one is John Thumbi, General Manager for Finance. Qualifications as requested: five years served with KAA; 13 years served before joining the KAA. He has a Bachelor of Commerce. He is a certified public accountant and a member of the Institute of Certified Public Accountants of Kenya.

Lucy Mbugua is the General Manager, Marketing and Business Development. She has served the KAA for five years. She had worked for 15 years before joining the KAA. She has a Bachelor of Commerce in Marketing, has a postgraduate diploma in sales and management; she worked with NCR in Dayton Ohio, USA; she is a member of the Marketing Society of Kenya, among others.

The third General Manager is Ken Vincent Kaunda. He is the General Manager, Human Resource Development. He is five years with the KAA. He worked for 18 years before joining the KAA. He has a Bachelor of Arts in Economics and Government. He has a postgraduate diploma in human resource management. He is member of the Kenya Institute of Management and the Kenya Institute of Human Resource Management.

The fourth General Manager is Stanley Mutungi. He is the General Manager, Security Services. He has been with the KAA for five years. He had served for 30 years before joining the KAA. He did a KIA course in 1994 and a staff course at KIA in 1995. He took an administration of criminal justice course in Japan in 1995; he also undertook a command course in 1996, among others.

The two management positions, one in engineering services and ICT, are currently vacant and will be advertised soon.

Mr. Speaker, Sir, the Minister for Transport appoints the managing director according to the KAA Act. This matter has already been settled by this House. The Ministry then provides the general oversight over the Authority as per the KAA Act and is not involved in the recruitment of staff below the managing director level. The employment of the senior managers is the responsibility of the board of directors. We believe the authority has hardworking staff, and I have not found any reason to question their professionalism or efficiency. When the contracts for those currently working at the authority are over, their positions will be advertised and interested Kenyans will be free to apply for the positions.

That rests the matter for the KAA and I wish to proceed to the second matter on the Kenya Ports Authority (KPA).

Mr. Mbadi sought a Statement on the appointment of the Managing Director of the KPA and I wish to state as follows. The former Managing Director of the KPA, one Mr. Mulewa, was dismissed for gross misconduct by the board and an acting managing director was appointed. The acting Managing Director was in office for about six months, when the chairman of the board raised the issue with the Minister. The board was concerned that owing to the role of the authority in the economy of the country, and the entire region, the position needed to be filled expeditiously.

Mr. Speaker, Sir, under the KPA Act, Cap.391, Section 5(1), the power to appoint the Managing Director is vested in the Ministry of Transport. Section 5(1) of the Act provides as follows:-

“There shall be a Managing Director who shall be appointed by the Minister after consultation with the board, and whose terms and conditions of service shall be determined by the Minister in the instrument of appointment or otherwise in writing from time to time”.

I wish to confirm to the House that the relevant law in accordance with the Act was followed. That is my Ministerial Statement.

Mr. Speaker: Any Members interested in clarifications? Member for Gwassi?

Mr. Mbadi: Mr. Speaker, Sir, starting with the case of the appointment of the MD of Kenya Ports Authority (KPA), I would like to get a clarification from the Minister whether recruitment to that position was done competitively. Was there an advertisement? If you look at my request for a Ministerial Statement, I had asked the Minister to provide proof that there was an advertisement for the position, interviews were conducted and that it was done competitively. Could the Minister confirm whether the procedure was followed? There is a procedure for recruiting CEOs to State Corporations.

The other issue regards Kenya Airports Authority. The Minister has talked about four managers whose positions are currently filled. In my request for a Ministerial Statement, I had asked the Minister to explain to this House whether, in his opinion, the composition of the management reflects the face of this country. The Minister has technically left out that portion of my Ministerial Statement. From those four names, could he confirm whether they reflect the face of this country? The way I see it, three are from one region. Is that the way to go?

Mr. Speaker: Anybody else interested? Mr. Minister, take notes. Mr. Twaha.

Mr. Twaha: Thank you Mr. Speaker, Sir. I wonder whether the Minister could take this opportunity to tell us when work will commence with regard to the Lamu Port.

Mr. Jirongo: Mr. Speaker, Sir, mine is to seek direction from the Chair as far as the issue raised by the hon. Member for Gwassi is concerned. We have many Ministers in the Government today who have powers to appoint. Section 73(ii)(b) of the new Constitution is very clear on nepotism. The Minister has answered the question and cited the Act. Now that the new Constitution is in force, what do we do, as Members of Parliament? When we come here and ask a question like the one that hon. Mbadi has asked and, clearly, nepotism as mentioned in Section 73(ii)(b) of the new Constitution is clear from the answers that we are getting from Ministers. What are hon. Members expected to do?

Mr. Speaker: Mr. Minister, maybe, you may want to comment on that. That really is not so much for the Speaker.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I am not sure what we can do to hon. Members asking about the implementation of the new Constitution and its provisions on nepotism. That is because the new Constitution came on board effective from 27th August. There are people who have been in place and I want, with your permission, to join this with the request from hon. Mbadi that three of those people may be coming from one region. As I said, those people have been in KAA for the last five years. So, should we now sack them because of the coming into force of the new

Constitution because you are saying it must represent the face of Kenya and they come from one region? Are we saying that the three need to be sacked? The Constitution bars discrimination on account of race, tribe and gender, among other things. Who among those three do I go and tell; “you must go home because you are not all supposed to be from one region”?

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House when there is, clearly, a policy in place, particularly as far as Foreign Service is concerned? Members coming from a certain community or region seem to have been more than others and yet, a clear policy was made to ensure regional balancing. The officers were redeployed and there was an outcry from Rift Valley that members of the Kalenjin community were being targeted. Is he in order?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, KAA and KPA are not part of the Foreign Service. I am not sure about the policy he is quoting. The point I am making is that we all would like to see the face of Kenya in all organizations, including Parliament and other places. After the current census results, my dream would be to see the percentages of the population figures being reflected in every organization. However, what do we do with the people who are already in place? I said, in my answer, that as their positions expire, it may be a good time to start looking at the implementation of the new Constitution. However, you cannot go and tell somebody that a certain position has been advertised and no one from the Luhya, Kikuyu or Luo communities should apply because their quota is exhausted. I think we need to look at that reality ourselves before we start looking at those people.

Dr. Nuh: On a point of order, Mr. Speaker, Sir. I think I have heard the Minister very clearly. While he knows that it is the Constitution that gives the percentages which certain communities or geographical regions should not be represented beyond 25 per cent, he is now alluding in this House that, perhaps, when their terms expire--- He has used the word “perhaps”. Will the Constitution of Kenya be subjected to a “perhaps”? Is that when things might be implemented or he is giving a non-committal--- Is he committing himself to make sure that he is living within the provisions of the new Constitution?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, the reason I used the word “perhaps” is because the same Constitution bars discrimination on account of someone’s ethnic background. Therefore, we need to be guided as we do the implementation in terms of---

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House that it is only the Constitution that talks about over-representation of some ethnic communities in public service? The National Cohesion and Integration Act clearly spells that out. This Act has been in force even before the Constitution. Why is the Minister trying to use the Constitution, having come into effect on 27th August, as an excuse? Is he in order to ignore other laws that have been in place, and which do not allow members of one ethnic community to be over-represented in a public institution?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I was responding to a specific question that related to the Constitution as requested by hon. Wamalwa. I am yet to get to the issues as raised by the others.

Mr. Speaker: That is correct. Proceed!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I am not quite convinced, myself, that looking at the KAA in totality that we do not have the face of Kenya. Indeed, when you look at the other senior officers--- The question asked was about general managers. There are other officers above or below the general managers. For instance, the Deputy Managing Director is Mr. Matthew Wamalwa. The Chief Legal Officer, who is now on suspension, is John Ditoo. We have Eng. Chamwada.

(Mr. Jirongo stood up in his place)

Mr. Speaker: Why can we not relax over this matter?

Mr. Jirongo: On a point of order, Mr. Speaker, Sir. Could he confirm to us that the new Managing Director of KAA was a junior officer compared to Mr. Wamalwa who was then the Deputy Managing Director? It is just on other grounds other than seniority that he found himself being a Managing Director other than Mr. Matthew Wamalwa.

Mr. Speaker: Order! I am afraid that is not a point of order! You are asking a question and arguing reasons that should have been taken into account.

The Minister for Transport (Mr. Kimunya): Thank you Mr. Speaker, Sir, for protecting me on that.

I could go on with the list. As I said we have two positions that are vacant. I believe the sentiments of this House and my own sentiments in terms of wanting to see the face of Kenya represented will be taken on board. It may well be that when we put up the advertisement, we will specifically bar some regions from applying if that is what Members would like to see happening. However, I am not sure how constitutional that would be. So we need to get some guidance on this.

Mr. Speaker, Sir, going back into the terms of the Kenya Ports Authority (KPA), I wish to confirm that indeed, like I said in my Statement, when we discussed this matter with the Board, we have people who have been working at the KPA. They are as qualified as people working outside the KPA. They are eligible to apply. We decided that the first thing we should do is to look inside the Authority; do we have a successor before we open it up to outsiders? It gets very de-motivating for people to work within an Authority and every time an opportunity is available, somebody comes from outside. We need to look into this. The synergies of working together we realized, have problems.

We discussed with the Board and they convinced me that in this instance, they have five people who they would like me to consider. They looked at them and gave me all the paperwork. When we looked at them together, we concurred on the name they had settled on. We said we should go forward and appoint the person who had been acting for six months. If Members looked at his Curriculum Vitae they would be able to see the recommendation that came from the members of the Board. They themselves were convinced that they had the right candidate within the organization. There was, therefore, no need to look outside the organization. I granted them that wish and appointed the person they recommended to me who is Mr. Gichiri Ndua. Even at that point, Mr. Ndua was even the President of the Ports and Harbours Association on a global basis. With a Kenyan recognized at that level, it would look odd to look outside to remove him and bring somebody else.

Mr. Speaker, Sir, I want to confirm that there was competition internally and that we did not need to advertise because we had enough candidates in-house. If we did not

have the candidates, we would have gone to the next step to advertise and look for people outside the organization. I believe the performance so far has shown us that we had the people and we will continue developing more even for future positions so that people can grow from being managers at the lowest level to being the Chief Executive Officer (CEO) of the organization by their performance.

Otherwise, you de-motivate them by telling them you can only rise to a specific point and beyond that, somebody must come from outside.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House that if you put up an advertisement then you would discriminate against the members who are already working in an organization, while he knows very clearly that if you put up an advertisement even those who are working with KPA could still go ahead and apply?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, putting up an advertisement, from my training in management, is because you do not have the people. When you have five people to select from, what extra are you looking for from outside? I think it is important that we look at the fact that you have five candidates. With five candidates, you first of all ask yourself: "Do I have the talent that I am looking for in this place?" If I have the talent, why do I need to look for talent from outside?

Now, because of the other factor---

Mr. Affey: On a point of order, Mr. Speaker, Sir. This is a very serious matter and the Minister wants to make it trivial. Is the Minister satisfied that 40 million Kenyans who are qualified, be they at the KPA or outside, had equal access and opportunity to apply for this position? There is a question of equal access to all Kenyans.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I believe that not only the 40 million Kenyans but also the 120 million in East Africa have an opportunity. However, the competition must be created. I think the point I am making here is that there is some injustice we have been doing to people working in Government parastatals. In the private sector, you groom succession from within from the beginning so that you have successors who understand the organization and can take the organization forward. However, every time we have a position falling vacant, you advertise and lock out all the people who are inside. This is because of the competition that will come in and all these other factors. People who have been working very hard to bring the organization to where it is end up being left out. They will continue working for others, appoint new ones and they will feel they are just cogs in a wheel. It does not work well for motivation of staff.

I, for one, am prepared to, first of all, ensure that people who have dedicated their lives to work for public organizations are given a chance to realize the ultimate in the organizations. I would go for internal and if I do not have internal candidates, I will go for external candidates. It is the only way you can motivate people to work and be retained in Government.

Mr. Speaker, Sir, my Assistant Minister was answering questions about the sufferings we have in an organization because of people leaving. It is because of the same problems; they never see themselves rising beyond a certain point because somebody will be brought from outside to take up the top position. We need to look at it from a comprehensive angle.

Mr. Speaker, Sir, there was an issue about the Lamu Port. I would like to mention that work on the design is ongoing and we will come to the House with a more

comprehensive Statement when we are ready so that we can carry the entire House with us.

Mr. Speaker: Very well!

Hon. Members, that matter pertaining to the Kenya Airports Authority (KAA) and the Kenya Ports Authority (KPA) then must rest there.

Is there any other business on Statements?

POINT OF ORDER

SAFETY MEASURES IN MARINE TRANSPORT

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I had requested for a Ministerial Statement from the Minister for Transport two weeks ago. I do not know if he is ready with it.

Mr. Speaker: On which matter?

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, on safety measures in marine transport, with particular reference to the boat tragedy in Mfangano Island!

Mr. Speaker: Minister, how long is the Statement? Otherwise, we have run out of time for that order!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, in her characteristic self, Millie asked for a very comprehensive Statement. I have done enough justice and covered it within a full four pages.

If you do agree, I could table it. A lot of details were requested and I tried to summarize them in four pages. It might require Members to look at it and then we can have a discussion.

Mr. Speaker: Can you give an overview and then table it so that we finish in the next seven minutes?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I will try.

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

Mr. Speaker: What is it Mrs. Odhiambo-Mabona? We are trying to expedite the business.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I appreciate. I am just wondering whether within seven minutes, will we have time to interrogate or will we then reserve the interrogation for another time?

Mr. Speaker: We shall try. Given the nature of business in the House this afternoon, may be if we did the best we could, we may do another five minutes or so for Members to intervene and it will be done.

Minister, you may proceed. Give an overview and then table the Statement. After that we will hear what Members have.

MINISTERIAL STATEMENT

SAFETY MEASURES IN MARINE TRANSPORT

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I wish to make the following Statement on the safety measures on marine transport as requested by Mrs. Odhiambo-Mabona.

Mr. Speaker, Sir, on the 1st November 2010, at about 14.10 hours a passenger boat, *Nyamabi*, sailing on Lake Victoria on her way from Mfangano Island to Mbita with 15 persons on board capsized. The accident happened approximately 30 miles off Mbita and five persons were rescued immediately.

The Beach Management Unit coordinator relayed the accident report to the Fisheries Department, the Kenya Police and the Kenya Maritime Authority (KMA) office in Kisumu. The KMA inspector immediately went to the scene to coordinate the search and rescue mission. The KMA Search and Rescue Centre (SRC) sought the help of the Kenya Navy to assist in the search and rescue mission and ten divers were dispatched from Mombasa to Mbita via Nairobi on a Kenya Air Force aircraft. A total of 11 bodies were recovered. You will notice the discrepancy. Fifteen people were supposed to be on board; five were rescued and 11 were recovered. So, obviously, the numbers that were given by the boat were misleading.

Mr. Speaker, Sir, the initial search indicated that the cause of the accident was overloading of the vessel. It is reported to have been loaded with entertainment equipment; large speakers and tents, including heavy support poles and passengers. That is about the accident.

Mr. Speaker, Sir, the other issue is what we are doing on safety and insecurity. I would like to just say that the Kenya Maritime Authority (KMA) is the Government agency mandated in matters of safety of ships and preservation of marine environment. That mandate is carried out through boat and ship inspections aimed at ensuring that all Kenyan ships and boats, plying the territorial and inland waters are constructed and maintained in seaworthy conditions. As of now, the KMA is developing regulations setting out technical standards for lifesaving appliances on board vessels and the correct number and operational conditions. These standards will also cover the training of boat users as qualified coxswains.

Mr. Speaker, Sir, I will leave out the details on what is required on the training and curriculum, because that is being worked on. I just want to say that the KMA operates a regional search and rescue centre at Mombasa. A sub-centre at Lake Victoria is in development at Kisumu and a Global Maritime Distress Safety Communication System has already been installed with radio equipment with all the various frequencies. We have given details of that in the Statement which I will be tabling. One of the systems we have; the Sailor TRT 5022 is capable of operating on all international VHF channels. Other sub-centres are also at Port Bell and Mwanza Regional Centre within the East African Community (EAC) framework. Basically, I think we are working together with the police enforcement. As a result of that, we were able to intervene and rescue the people.

Mr. Speaker, Sir, in terms of rescue operations, again, I have detailed out what needs to happen. The regulations to be enacted makes it a requirement that all boats operating in the lake must have a mobile phone so as to have access to distress points and pilot number for search and rescue operations. I think this is part of the training and communication that will be given to all the boat users not just on that lake but on all the inland waters and Mombasa.

Mr. Speaker, Sir, other agencies that also have their boats within the lake, include the Kenya Revenue Authority (KRA), Kenya Railways Corporation, Fisheries Department, Immigration Department and Provincial Administration. All these have installed VHF radios for purposes of co-ordinating searches on the lake.

Mr. Speaker, Sir, in terms of accidents, records indicate that in 2008/2009 boat accidents that were reported were four, caused by capsizing in the lake. In 2009/2010 the boat accidents reported were nine, also caused again by capsizing in the lake. The reporting of accidents has improved, again, following the sensitization of the residents by the KMA, which is also conducting more sensitization of operators on the lake, so as to enhance safety measures like the use of life jackets and avoiding of overloading of the boats, which has been identified as the main cause for boats capsizing.

Mr. Speaker, Sir, also, there has been a marked change in the attitude of boat users, many of whom have started using life jackets. We believe that this decision will be enhanced to ensure that a safety culture is maintained.

Mr. Speaker, Sir, I have also included in the Statement some draft regulations that are in the process of gazettelement, so that hon. Members can appreciate the kind of thing that is coming to help regulate this sector better.

Mr. Speaker, Sir, I wish to table this Statement for further use by hon. Members.

(Mr. Kimunya laid the Statement on the Table)

Mr. Speaker: We will begin with hon. Odhiambo-Mabona to seek a clarification.

Ms. Odhiambo-Mabona: Mr. Speaker, Sir, first for clarification, I wish to inform the Minister that it is actually 14 persons who died in total. I was there and we received the bodies. I saw, personally, 14 bodies. I would also like to inform the Minister that some of the information he has given is not correct. One of the pieces of information that is not correct is that you rescued people. There are five people who swam to the shore, one of whom was a pregnant woman. She managed to swim to the shore and died three hours after arriving because there was no first aid. The first rescue team arrived after three hours when the people who could have reached the shore had reached on their own. The only thing they sought to do was to help recover the bodies. Even then, it is the fishermen who have expertise who did. I am not minimizing the help you tried to give, but there are very severe deficiencies. A lot of lives could have been saved if there was a patrol boat.

So, I would like to clarify that what you have given is futuristic. You are looking at what you will do in future. Many of these people use the islands daily and they have no other means. You either use the boats or fly. There are 16 islands in total between the two districts, which is the old Suba District. In the meantime, when is the Minister dispatching a patrol boat, because with a patrol boat, not even one life would have been lost because the distance was too short to have lost the lives?

Secondly, what are we doing to empower the local fishermen who are already better experts than your team, because that is the work they do daily, so that they can also provide emergency rescue as you are looking towards these future intervention measures? Could you consider providing a ferry between Mbita Point and Mfangano Island for now to help the people of Suba?

Mr. Mbadi: Mr. Speaker, Sir, as hon. Odhiambo-Mabona rightly puts it, actually, some of the people who perished stayed afloat for over three hours alive. She has cited actually the wife of one of my councillors who lost her life after swimming for three hours, coming out and dying on her way to the hospital.

Mr. Speaker, Sir, the Minister has talked about a lot of various Government departments with boats and VHF radios. Could he confirm what all these facilities were doing when that boat capsized and people stayed afloat for over three hours and lost their lives?

Mr. Shakeel: Mr. Speaker, Sir, could the Minister also clarify why the various boats we have that were donated to us are stagnant in Kisumu? Some of them are not even put on the water and they are rotting. If they are not able to be used in Kisumu for any reason, could one or two of them be taken to Suba?

Mr. Speaker: Mr. Minister, you may now make your responses.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I agree with hon. Odhiambo-Mabona that, indeed, there may have been deficiencies. These are historical issues. I have had the opportunity to tour the port site on the lake in Kisumu and see what needs to be done to revamp it. I have been discussing with the KMA and the Railways Corporation who as of now, are the ones who have been given that mandate of overseeing some of those operations. We will be bringing legislation here in the House to shift those responsibilities back to the Kenya Ports Authority, so that we now have the body that is specialized in water management being the one handling some of those issues rather than the Kenya Railways. It is a historical issue that has not been addressed but we have taken it up and we are addressing it.

It is also true that there are all those boats but everyone just does their own business. The Fisheries, the Kenya Revenue Authority (KRA) and the Provincial Administration have their own interests and what we are encouraging is the greater co-ordination and the sharing of the resources within the lake, so that a boat that is looking at revenue issues could also multi-task, and look at other issues. But it is unfortunate in terms of accidents. We only learn most of those things after the event. It is so easy that if a boat was there, we could have rescued the victims. It is never easy to synchronize with all those boats to say which boat should have been there to help during the accident. We will try to prevent accidents happening in the first instance and that is why we are sensitizing the boat owners and they are responding very well. We are getting them to start using live saving gear, which they are already accepting. By working with them, there will be no over-loading which is also a contributor to some of those accidents because there are so many boats there. It is only the over-loaded ones that seem to capsize. If we can help and work out on that in terms of the over-loading of those boats, then we will save several lives as we also try to use the equipment that is available to intervene, should an accident occur. In terms of the ferry for Mbita and Mfangano---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. My question was very specific. He has given me very broad policy issues. The people in Suba use water. They do not use land. The people who use land have ambulances and they also have the police that help whenever there are emergencies. They also have the fire department whenever there are emergencies. But in the water, I am saying that, while you are thinking of those grand plans, there was an element of the boat capsizing because of over-loading. But lives were not lost because the boat capsized. It is because there was no

emergency rescue. What are you doing to place one boat – a patrol boats costs about Kshs1.4 million – and post three or four personnel or train some of the fishermen? It does not cost the Government much but it would save lives. So what are you doing? That was a very specific question in terms of emergency rescue. We need a boat now.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, in fact, in terms of emergencies, we need to make sure that there is no accident at all. That is the point I am driving at. That if the boat did not capsize, we would not need to rescue anyone. If the boat was not over-loaded, it would not have capsized. So, the first thing we need to do is to work on the prevention. If we can get people to adhere to the standards, the prevention and quality of the boats that they put on the sea, then we would not need to rescue. We will use the boats that are there for rescuing any accidents coming because there is a storm or other issues that, perhaps, could not have been humanly intervened in the first place. So, we are working on all those things and the teams, like I mentioned, the Kenya Maritime Authority (KMA) and all those other people are conscious of the expanded business on the lake. Because of the expanded business on the lake, we know there will be more traffic. We are working on getting all those people working together with the boat people to ensure that there are no accidents in the future.

Prof. Kaloki: On a point of order, Mr. Speaker, Sir. I think the question is very specific on the issue of the boat and the accident that took place. Could the Minister assure the residents of that region, the users and fishermen of that lake that, the Government is doing something to address the issue? Just to be specific, is he going to provide a boat for emergency like an ambulance to assist the area?

(Applause)

Mr. Speaker: Mr. Minister, hon. Members want you to indicate from the questions and the clarification sought by Mrs. Odhiambo-Mabona and followed up now; whether or not you will have a rescue boat on Lake Victoria.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, the police have two patrol boats operating in the lake with three officers and six coxswains. They have all been trained and their boats have been fitted with VHF radios. So, there are already two boats on the lake owned by the police and operating on the lake. They have the equipment.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. I am concerned because the Minister seems to be ignoring this question. The question is about the rescue boat! The patrol boats are supposed to do other things; to look for pirates and whoever is bringing insecurity to the lake. So, can you assure this House that there is going to be a boat that is saving the lives of people in that lake and not the patrol boats? When will you do that?

Mr. Speaker: Mr. Minister, hon. Members are belabouring the point. They have asked you whether or not you can put a rescue boat on Lake Victoria.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I am telling them that we already have two boats that are patrolling the lake. They are owned by the police. They are also available for rescue---

(Several hon. Members stood up in their places)

Mr. Speaker: Order, Mr. Minister! Are they, rescue boats?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, they are patrol boats which can also rescue.

(Several hon. Members stood up in their places)

The people have been trained on rescue, search and all those things. So, what we are basically saying is that the police officers who are there have been trained. The boat owners are being trained on rescue. The KRA have their boats.

(Several hon. Members stood up in their places)

Mr. Bahari: On a point of order, Mr. Speaker, Sir. This is a very important matter! Is the Minister in order not to clearly or categorically come out because the issue in question as far as this Ministerial Statement is concerned is about the safety of the people who use the waterways when there is an accident? Is the Minister in order not to categorically come out and, in the process, confuse the issue of patrol and safety? That is a completely different matter?

Mr. Speaker: Mr. Minister, are you able to do any improvement at all?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I am finding it difficult to see the distinction between a police patrol boat and a rescue boat operated by the police. It is the same boat, but it is being used for patrol purposes on the lake. So, if there is an issue, it can intervene. It can also call for help! That is what we call search and rescue facilities.

(Several hon. Members stood up in their places)

Mr. Oyongo Nyamweya: On a point of order, Mr. Speaker, Sir. The Minister is not taking this issue very seriously. All we are asking is whether his Ministry could provide the boat and not the police. That is because the police are not under his control. Could he tell us whether he is able to provide boats which they control as a Ministry because they have an authority which is responsible for that and a budget to provide that? The purpose is to provide safety to the people who go to the lake.

The Minister for Transport (Mr. Kimunya): Mr. Speaker Sir, that is a very good question. It is the responsibility of the Government, of which the Ministry of Transport has a certain responsibility over the maritime safety, security and policy issues. We also have the same Government providing the police, the KRA and Fisheries boats. So, we have all those boats on the lake. They are all operated by the Government. What we are basically saying is that---

(Messrs. Mbadi, Shakeel and Mrs. Odhiambo-Mabona stood up in their places)

If you could give me a minute, I will explain to you.

Mr. Speaker: Order, Messrs. Mbadi, Shakeel and Mrs. Odhiambo-Mabona!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, what we are basically saying is that at the KMA, all those boats have been fitted with VHF radios. They have been connected to the search and rescue centre so that at any one point – and I mentioned that even all the boat operators are being encouraged to have mobile phones with a number that they can call – so that if there is an issue happening on the lake, people will call that call centre, then that centre will then gets the boat that is closest to the accident---

(Several hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members! I understand your concerns and I also understand the Minister. Mr. Minister, you can sit just for a moment! As I hear it, the Minister is saying that there are already rescue boats on Lake Victoria.

Hon. Members: Where?

Mr. Speaker: He is saying that those rescue boats are manned by the police. They are used as patrol boats but, at the same time, they can serve the purpose of being rescue boats. That is what I hear the Minister to be saying. Perhaps, the Member for Gwasssi and Mrs. Odhiambo-Mabona and, perhaps, Mr. Shakeel and the rest of hon. Members are feeling that whatever rescue boats are there are not adequate. So, Mr. Minister, they want a commitment that, perhaps, you will put a boat there that is expressly for the purpose of rescue. That is what they are looking for as I hear it.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. I did not want to say this, but this issue touches me personally. I lost my father in 1974 because there was no rescue boat between a distance like from here to the Door. To date, we still do not have a rescue boat and we still lose young people. When my father died, he was only about 33 years. Several years later, people are dying because of distances. The Suba people do not want to hear semantics. I do not want my children to live without a father the way I did. The Government should give a rescue boat in Suba. Please, do not give me stories about the police and the phone. When your boat capsizes, the phone falls into the water and you will not call anybody. Could we just find a rescue boat, so that we do not lose young people anymore?

Mr. Speaker: Mr. Minister, still the same thing?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, it is still the same thing. Even if we had a rescue boat on the lake and a boat capsizes, somebody needs to notify the rescue boat that an accident has happened. That is what we need to appreciate. It is a very complex issue that once a boat has capsized, whether during the day or in the night, somebody needs to notify the rescue team. We have created the network of those rescue operations, so that at any one time, anyone can notify and then an intervention is made to the point where the accident has happened. It is even easier to track a mobile phone in the water using the same technology to see that the people have been rescued.

Mr. Shakeel: On a point of order, Mr. Speaker, Sir.

Mr. Bahari: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Bahari! Order, hon. Shakeel! Mr. Minister, you have heard the sentiments of these Members, including those who are serious stakeholders. Can you, please, consider enhancing the security available on Lake Victoria? Please, consider enhancing what is available!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I mentioned that, but they stopped me with the points of order. I said that on Lake Victoria, we are witnessing increased trade. With the increased trade, there are more vessels on the sea. We will look at the capacity that we have and the capacity that is required and act appropriately to support the increased trade and the increased vessels on the sea. I mentioned that, but they did not want to listen because of the points of order.

Mr. Shakeel: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Shakeel! We have that commitment and we can review this position dutifully over the next three months. We will all still be alive and I will still be your Speaker. I will wait for that review. The Minister has undertaken to review security measures with a view to enhancing them on Lake Victoria. Those may include availing a ferry if the Government can afford it; that is my understanding, and that goes on the HANSARD.

MOTION

ADOPTION OF REPORT OF THIRD SESSION OF SECOND LEGISLATURE OF PAP

THAT, this House adopts the Report of the 3rd Session of the 2nd Legislature of the Pan-African Parliament held from 4th to 14th October 2010 in Midrand, South Africa laid on the Table of the House on Wednesday 10th November, 2010.

(Mr. Bahari on 18.11.2010)

(Resumption of debate interrupted on 18.11.2010)

Mr. Speaker: Hon. Imanyara, you were on the Floor and you still had 17 minutes to go.

Mr. Imanyara: Mr. Speaker, Sir, there is a Communication that you were to make.

Mr. Speaker: Communication on what matter, Mr. Imanyara?

Mr. Imanyara: Mr. Speaker, Sir, on the matter relating to the Paper that I had wished to lay. I understood you to be saying that you will give a Communication.

Mr. Speaker: I did indicate that we will do so, tomorrow at 2.30 p.m. Please, be here!

Mr. Imanyara: Mr. Speaker, Sir, I stand guided. I shall not be taking my full 17 minutes because both the Mover of the Motion and the Seconder did that for me. I want to highlight just a few matters before asking the hon. Members to adopt this Report.

[Mr. Speaker left the Chair]

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

The political objectives of the Pan-African Parliament (PAP) are; one, to represent the voice of the people of Africa; two, to promote and defend the principles of human rights, gender parity, democracy, peace and security; three, to enhance oversight capacity of the PAP; four, to promote the harmonization of continental, regional and national laws to foster continental integration and fifthly, to encourage and support inter-institutional and other deliberative organs. Had sufficient work been done to realize these objectives, some of the acute problems that the African Continent faces today, including the issues of refugees, insecurity and transportation difficulties, would have been addressed. But the continental body, namely; the PAP, like so many of the national Parliaments, lacks sufficient budgetary support and hence, we lag behind the objectives that we have sought to achieve for the last 50 years. During our deliberations in the House at PAP, calls have been made for the African Heads of States, who constitute the highest decision-making organ, to increase financial support for this body in order to achieve the objectives that were set out. This has not been done. As long as it remains undone, these problems will continue to be felt.

The final thing that I wanted to highlight is the issue regarding the removal of Mr. Murumba Werunga, from his position in the Pan-African Parliament without the due process. The failure to renew his contract, the manner in which he was dismissed, all of them undermine the principles of Pan-Africanism, given the fact that he had been seconded to the PAP because of his experience and expertise, both in this Parliament and in the East African Legislative Assembly. To be subjected to dismissal in the manner he was, leaves a lot to be desired in terms of raising motivation for other applicants. Although through the South African Parliament, his position and that of the deputy have been filled up, a lot of ill feelings prevail. Mr. Werunga managed to make an appeal to the Tribunal established under the Protocol setting up the Pan African Parliament, but as I present this Report to this House, that Tribunal has not sat and Mr. Werunga remains without justice in this particular matter.

The point that we make as representatives of this Parliament in the PAP is to request, not only the Minister for Foreign Affairs who sits in the Council of Ministers, but His Excellency The President also who sits in the highest decision-making organ of that body to bring to the attention of the need of the tribunals and other adjudicative bodies that are set up under the Protocol to do their job well if we are going to achieve the objectives that are set out in the Protocol establishing the PAP.

Because the other matters that I would have wished to address were well addressed by Mr. Bahari and Mr. Sirma when they contributed, I wish to conclude by calling upon those responsible for making appointments to do so as expeditious as possible, so that Mrs. Shebesh can be replaced, so that we can have a full complement of representation. If she is not replaced soon, I, perhaps, request that she continuous to sit, so that we can meet the requirements of the law that demand that we have, at least, one woman representative in the delegation. This is an issue that keeps cropping up. I wish that those responsible for making the necessary proposals to fill this vacancy do so urgently.

With that, I beg to support this Motion.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Imanyara, who is seconding the Motion? Was it seconded? Were you contributing?

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I want to echo what hon. Gitobu Imanyara has said – that hon. Rachel Shebesh has served us very well in the Pan African Parliament (PAP). I would also say that, if possible, she be given the opportunity to continue serving us there.

Thank you.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to support this Motion.

First of all, I would like to congratulate the hon. Members of this House who have ably represented us in the PAP. As we know, Kenya has been a fair example. I am sure that our hon. Members feel proud to represent this country. They received support from their colleagues in the PAP because they know that this country has come a long way.

One of the topics of discussion by the PAP was Democracy and Rule of Law, and the fight against impunity. As we thank our representatives and generally congratulate the PAP, I would like to underscore the fact that impunity, violence and conflict are generated when people feel that justice has not been done. As we speak in this House today, debate rages on whether or not, the Interim Independent Boundaries Review Commission (IIBRC) was fair and just in its desire to gazette some constituencies. It is commissions like the IIBRC which can reverse the gains we have achieved. It is commissions like this one which can create unnecessary tension and chaos in the country.

Mr. Wamalwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have a lot of respect for hon. Affey, but I am aware that there is a Motion pending before this House, relating to the issue he is discussing. Is he not anticipating debate? Is he in order?

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I am not aware of that. I will be very happy if a matter like that one comes up because, essentially, I will be speaking the way I am speaking now.

I am only speaking about the possibility of countries going into violence when commissions come up with reports that have the potential to reverse the gains we have made, as the IIBRC was just about to do. If the intention was granted to gazette a list of constituencies which, perhaps, would have polarised the country, then we have every right to say that, because our hon. Members will represent us at the PAP in South Africa, I have a right to feel proud that the commissions that we have established actually maintain the cohesiveness that we actually establish them to achieve. Therefore, if there is a Motion which will be coming to address this matter, I will definitely contribute to it and give my opinion because I believe that they never did the right thing in terms of the spirit in which we established the commission.

Mr. Temporary Deputy Speaker, Sir, I am generally talking about democracy, the rule of law and the chaos that we have seen in this region. They happen when people feel that justice has not been done. Definitely, people will protest.

As I read this Report, I noticed that the PAP considered in great detail, the issue of Somalia. We are now aware that the African Union has appointed the former President of Ghana, Mr. Kufuor, to see whether he can add to the political and diplomatic leverage the African Union has over this process. I think it is a good thing, and we congratulate them for doing so. If the issue of Somalia is not addressed, Kenya and Africa will continue to suffer because the issue of piracy is not only a Kenyan problem but a global problem, and it exists because there is no functional government to take care of the matters of Somalia.

Therefore, I would like to encourage our hon. Members to take up a more proactive role within the Assembly itself with a view to re-energising the African efforts to get this problem resolved. The more we have this matter remain the way it is, the more African governments will feel ashamed before the international community, because one part of the African Continent is likely to disappear from the world map if we are not careful.

Mr. Temporary Deputy Speaker, Sir, there is a matter we raised last time, which I am sure hon. Members are still thinking about – rotational sittings of the PAP in the regions. We have seen that our representatives in the East African Legislative Assembly (EALA), together with other hon. Members in that Assembly, have had occasions to come to Kenya and have their sittings here. That gives them the advantage of learning more about Kenya. It gives this country's tourism sector a chance to grow. It also gives hon. Members of the EALA the chance to engage directly with the citizens of member states. They have the opportunity of walking in the streets of Nairobi, and engaging with ordinary Kenyans. This may make them wiser in their debates.

Even though I know that Committees of regional Assemblies come to our Parliament and engage with us directly, we think in terms of whether they can have rotational sittings in, say, East Africa or Southern Africa or West Africa. Even though the base of the PAP remains in South Africa, the sittings can be rotated, so that there can be an opportunity for people to have access to PAP members.

With those few remarks, I beg to support.

Mr. M'Mithiaru: Mr. Temporary Deputy Speaker, Sir, I wish to congratulate our hon. Members who have been representing us in the PAP. Every time they go for a sitting, they have always had their Report tabled in Parliament. Even when Members of Parliament attend conferences, other bodies like the Commonwealth Parliamentary Association (CPA) or the Inter-Parliamentary Union (IPU), reports are always tabled in Parliament.

However, we have had delegations out of this country, led by Members of the Cabinet. We do not even know what they discuss in those meetings, or even though they handle important issues for the country. They also sign protocols on behalf of the country. They even go and commit the country out there and when they come back, we do not even know what they actually did. So, I would urge that whenever Members of the Cabinet go out there and commit the country, they must give reports on what they went out there to do.

A case in point is when there was a meeting in China about a month ago; it was about tourism export.

Mr. Temporary Deputy Speaker, Sir, I understand that the issues discussed there, including how Kenya became a dwarf in terms of participation despite our might in tourism--- We did not get a report on what the Minister went to do there. If we did, next time there is participation from our country, we must prepare ourselves to know as Members of Parliament, even how to challenge the Minister on that score.

Mr. Temporary Deputy Speaker, Sir, another case in point was in New York this year when the Minister went to represent the country about Millennium Development Goals (MDGs). All the countries of the world undertook to renew their commitments. But coming back to the country, we do not even know what transpired up there. Parliament wants to know what really happened. So, mine is to urge even Members of the

Cabinet when they represent the country, they too, should table a report in Parliament for debate.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Could the Mover reply.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Members who have shown interest in this Motion and contributed very positively on this Report.

Mr. Temporary Deputy Speaker, Sir, I just want to say that this Committee like few other delegations, have regularly submitted its report. We have ably represented this Parliament at the PAP.

Mr. Temporary Deputy Speaker, Sir, the Regional Economic Communities (RECs) form the building blocks for the African Union. It is important that the RECs as represented, perhaps, report back to this House on the progress in the regional assembly, they do pass law unlike PAP. It is important that they appraise this House of the laws that are passed in the East African Legislative Assembly. You realize that a number of laws have been passed by EALA and they affect this country, but they have not been brought to the Floor of the House.

Mr. Temporary Deputy Speaker, Sir, I appreciate the sentiments of hon. Amb. Affey that rotational sittings be done in various African cities or regions to publicise the role of the PAP. So far, that has not happened. But what PAP has done is that its Committees have visited various Parliaments. The President has addressed various Parliaments. We have also had, as PAP regional caucus meetings in various regions--- We had a regional meeting in Tanzania, Rwanda and Uganda. I have no doubt Kenya's will be soon. In fact last week, we had a Committee of Education, Culture and Tourism from PAP which was here in Kenya. We will discuss with PAP to see whether these sittings can also be rotational with a view to giving it the necessary publicity.

With those few remarks, I beg to move.

(Question put and agreed to)

BILLS

Second Reading

THE TRAFFIC (AMENDMENT) BILL

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I beg to move that the Traffic (Amendment) Bill, Bill No.18 of 2010 be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, this Bill seeks to amend Section 12 of the Traffic Act, which prohibits the use of vehicles on our roads without being properly registered and having number plates that are prescribed by law to have the right design, colour and inscription.

Mr. Temporary Deputy Speaker, Sir, we are urging that this Act be amended to allow for the Registrar of Motor Vehicles to have the powers to allow applications for personalized or customized number plates. This amendment will allow many Kenyans who, perhaps, wish to have their number plates personalized or customized, which is a

practice in many parts of the world, whether it is in Europe or America, or even in Africa. Our neighbours here in Uganda, Namibia and other parts of the African continent have this provision, which is a source of extra revenue for the country because this will allow people with disposable income to pay an extra fee for personalization or customization of their number plates. Apart from the fee prescribed by the Act and currently for registration in Kenya for ordinary motor vehicle would be about Kshs2,000. Instead of paying the Kshs2,000, one who wishes to apply for personalization or customization of the number plates, will pay a fee that will be prescribed by the Registrar of Motor Vehicles who will be empowered under the proposed amendment to make rules and regulations to allow for this.

Mr. Temporary Deputy Speaker, Sir, you will find that in a state like North Carolina, there is an extra fee of about US\$30 charged for anyone who wishes to personalize their number plates yearly. If we could allow that instead of paying the Kshs2,000 you would have famous athletes like Rudisha, great sportsmen like Mariga, Oliech and others who wish to have number plates in their number names like I saw Mariga with a vehicle that read Mariga 17. That is the number on his jersey. But if he would be allowed to come home to Kenya and have a number plate in his name--- I am sure even if you were to ask him to pay Kshs100,000 instead of the Kshs2000, Mariga would happily do so. Similarly, Rudisha would be very glad to do so. This provision will also allow for distribution. We will make rules to distribute these amounts to go to noble causes. It can go towards promotion of noble causes. You will find those athletes who would like to have stadia developed in this country, would donate generously through these customized plates and the money could go towards upgrading of our stadia. This extra revenue could also go towards beautification of towns and highways. This money could also go towards conservation for recreational and national parks.

Mr. Temporary Deputy Speaker, Sir, it is an avenue through which those wishing to donate towards causes and have disposal income and wish to do so, will actually be afforded an opportunity to do so. We also need to look at the possibility of making rules to enhance security features in number plates. This is an area that we want the Government to look at so that they can improve the security features by embracing modern technology. Other countries have embraced modern technology and number plates are made through the latest technology which is better. In our country, we still use our prisoners to manually make the number plates today. In other countries, they have privatized the manufacture of plates and have embraced technology and you cannot have any one making a number plate because of the enhanced security features. These are some of the areas that I invite the Government to look at. In introducing this amendment, we will have specialized number plates and advancement in technology in the creation of the same.

Mr. Temporary Deputy Speaker, Sir, apart from advancement in technology, you will find that because of the slow process of making number plates manually, the demand for plates is higher than the supply. On average, you will find that the Department of the Registrar of Motor Vehicles would supply about 6,000 number plates in a month. However, you will find that the demand for number plates is much higher; that is over 10,000. However, because of the process of manufacturing the plates being manual and outdated, it is very slow. The Government should make rules and regulations to embrace technology in order to meet the high demand. With the waiver of duty on motor cycles,

there is backlog at the Registrar of Motor Vehicles because of the high demand of number plates. Through the proposed changes, we will rectify the situation in order to provide more than the current demand. This will also enhance revenue because the more we supply, the more revenue will be raised. These are some of the areas that I invite the Government to look at.

We will also propose that the Registrar of Motor Vehicles is empowered to make rules that will specifically give requirements as to how the customized plates will be made and their colour. In order to promote conservation in other countries, there are special green number plates. Anyone seen with a green number plate would definitely be known to have contributed towards conservation. These are areas that the Government can possibly look into. They can also introduce rules to ensure that we do not have people abusing the privilege of making private plates by use of language or signs that could be offensive. This can be controlled through regulation that the Registrar of Motor Vehicles would be empowered to make through the proposed amendments.

Mr. Temporary Deputy Speaker, Sir, I do not wish to take much time except to invite my friend, Mr. Ruteere, to second the proposed Motion.

With those few remarks, I beg to move.

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, from the outset, I wish to say that I support and second this Motion about the amendment of Section 12 of the Traffic Act because the ideals are very noble and are meant to make sure that Kenya moves in line with other developing countries and those which have already developed. Our number plates seem not to have matched the demand that is already in the country, the choice of Kenyans and the taste of those using their cars. People are made to take what is offered by the Government without any alternative at all. In developed countries, number plates can be traced through technological development and computerization. You can know which car this one is. You can also know the car that has passed here. This will help fight crime like carjacking. It will also enhance the operations of the police in tracing the cars that are not known or have double registration; one car has two or three number plates. This is caused by the fact that number plates are made in a prison and once they get out of the prison and they have known the skill and the art, if they are not completely reformed, they try to make the same number plates. The amendment is simple but the result of that amendment will be very advantageous to the country. We shall earn a lot of revenue for other developments. We shall also create employment from the generated revenue. The technological development of this country will also improve. We are making major highways which will also use modern technology and we shall know who passed on that road. The CCTV cameras will be in very many places. Even the Ministry of Environment and Natural Resources will be able to conserve the environment better because there will be organizations which will want to get some number plates so that they are identified with the environment. Those organizations would like to be different and feel that they are contributing to a certain cause for this country.

Mr. Temporary Deputy Speaker, Sir, the objectives of these amendments are very obvious and are for the good of us all. We shall encourage more sportsmen especially athletes, conservationists and even leaders who feel that they want to be identified in their own right have personalized number plates on their cars. That is the purpose of this amendment.

Without taking much time because this is a very vital amendment to the Traffic Act, I appeal to hon. Members to support it and make sure that we amend this Act for the good of this country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Question proposed)

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this initiative by Mr. Wamalwa. It is an amendment that meets our support as the Ministry of Transport. Indeed, it goes in line with the same development in terms of modernizing our systems and ways of doing things but it has only come slightly faster than us in terms of fast-tracking it but it is something that we have been thinking about to give Kenyans an opportunity to have their names on the number plates. This happens in other parts of the world. This is as Kenyans enjoy the new freedoms in the new Constitution where people would like to be really happy and show what they want. So, the culture of people hiding their assets will disappear as we encourage them to show off that this or that car is owned by Eugene 1 or Cyrus 1. They will also be happy to make a contribution by paying slightly more for that.

Therefore, this is something that I support and I believe we will all support it. The only thing we will need to work on as a Ministry is the question of security. There is the chance of that disclosure being misused by some people if they know that this or that car is owned by Mr. Cyrus 1 or Millie 1--- For security purposes, we will find a way where if people want to track that vehicle, they cannot do it. We shall find a way to help people so that they do not become a target by advertising themselves. For example, if Rudisha or Mariga come s into the country and has his car with his name, we do not expose him to unnecessary dangers by registering his car that way.

The hon. Ruteere in his seconding alluded to the fact that our prison officers may be responsible for the duplication of number plates that we see on vehicles. I would like to give comfort to Members that indeed, the prison authority which is the source of number plates is a secure environment. We have no reason to believe that any of the numbers that we see duplicated on vehicles could be emerging from the prison authorities or indeed from our reformed prisoners who by the time they get out of prison as the correctional facilities as now called, have been reformed adequately not to get into any crime. So I would like to, first of all, clear the air on that; I do not believe that any of those people are involved. We are obviously actively involved in tracking the crime and the police have been very good at that and we have seen the number of vehicle thefts go down.

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

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

We are working together with the insurance industry in terms of creating the master databases for all those crimes and sorting it out. We are also working as the

Ministry of Transport through what we are calling the Transport Integrated Management System for integrating all the information on the vehicles on our roads which should help. This includes tracking the ownership, the changes of ownership, a vehicle that has been scrapped and some people have been tending to use those number plates for a vehicle that is currently on the road. Those are things which will become of the past as we move in technology in terms of managing the information that we have on vehicles.

So I support the initiative and I will call upon the hon. Members to support it. Like I said, it has only come a little faster than the comprehensive reforms we want to bring to the Transport Licensing Act and several other legislations that we want to combine and consolidate to make it more efficient and more modern.

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

Mrs. Odhiambo-Mabona: Thank you, Madam Temporary Deputy Speaker. I want to thank hon. Wamalwa for bringing this good piece of legislation and as usual, he has not disappointed us. He is keeping us on our toes, especially on legislative reforms.

I just want to say that I agree with the hon. Minister that the first number plate that should be given in that series is Millie 1 or if not Millie 1, make it a millo geza geza mrembo wa Suba. I do not know if it will be long enough to cover that long name. Otherwise, I support. It is an initiative that we see all over the world. I do not know whether our technology is at a stage where we are able to track and support that system. But if we are at a position where we can track and support that system, I fully support.

With those few remarks, I support.

Mr. Baiya: Thank you, Madam Temporary Deputy Speaker. I also rise to support the Bill. The purpose of the Bill is self explanatory; it is seeking to open a window for Kenyans who may wish to have their personal interests or tastes captured by our legislation system. In other words, it is being giving effect to diversification of the registration system to recognize different tastes. There is no harm that is going to be caused in doing this. It is only going to increase the range of freedom to be enjoyed by the user. For this reason, it is a very good Bill. I want to thank hon. Wamalwa for bringing this proposed amendment and I also support it.

The Temporary Deputy Speaker (Dr. Laboso): Could the Mover be called upon to respond if there is no other interest?

Hon. Members: Yes!

Mr. Wamalwa: Thank you, Madam Temporary Deputy Speaker. I wish to thank the Minister and all my colleagues who have supported these proposed amendments. We believe this will go a long way towards raising revenue for this country and encouraging our athletics, sportsmen and women to contribute to these noble causes.

With those few remarks, I beg to move.

(Question put and agreed to)

(The Bill was accordingly read a Second Time and committed to a Committee of the Whole House tomorrow)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, there being no any other business, this House, therefore, stands adjourned until tomorrow, Wednesday, 24th November, 2010, at 9.00 a.m.

The House rose at 5.30 p.m.