

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 28th September, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:-

Mr. John Olago Aluoch
Mr. William Kabogo Gitau
Ms. Margaret Wanjiru Kariuki
Mr. Gideon Kioko Mbuvi

QUESTIONS BY PRIVATE NOTICE

MEASURES TO CURB CATTLE RUSTLING IN MIGORI DISTRICT

Mr. Pesa: Mr. Speaker, Sir, although I have not received the written reply, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware, that in the recent past, several homes in Suna West and Suna Wasimbete Location, Migori District have been invaded by cattle rustlers that resulted in the loss of cattle which were driven to Tanzania, and that on the night of Sunday 22nd August, 2010, six head of cattle were stolen from one Mr. Otieno at Maemba Saba by cattle rustlers?

(b) Is the Minister further aware that on or about 22nd August 2010, armed robbers attacked and robbed two youths of all their clothes and shoes in the same region?

(c) What plans does the Government have in place to ensure the stolen cattle are recovered and what support is the Government extending to Community Policing which could help curb cattle rustling and other incidents of insecurity in the region?

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

(a) I am aware that on 22nd August---

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

Mr. Speaker: What is your point of order, Member for Migori Constituency?

Mr. Pesa: Mr. Speaker, Sir, I expected to have received a written reply to this Question before the Minister could proceed on to answer it. As I said, up to now I have not received a written answer.

Mr. Speaker: Order, hon. Member for Migori! I have heard you!

This is a Question by Private Notice. The nature of Questions by Private Notice is such that the time within which the Minister must answer the Question may not permit him to avail a written answer. Directions have been given on this before by my able Deputy Speaker and that really is the position. So, you should be guided accordingly.

Mr. Minister, if you have an extra copy of your written answer, please, furnish the Member with it.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I will definitely give the hon. Member a copy of this written answer. This Question was brought to my attention today. But with your indulgence and that of the House, perhaps, I could be allowed to proceed to answer this very important Question.

Mr. Speaker: Order, Mr. Minister! How soon do you anticipate that you will have an extra copy of your answer?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I hope to get it fairly soon because an officer is on his way bringing it to me.

Mr. Speaker: Okay then we can revisit this Question a little later, so that the hon. Member has the benefit of perusing your answer later on.

Hon. Members, Question No.2 by Private Notice is deferred by mutual agreement until Tuesday, next week.

NUMBER OF DEATHS CAUSED BY ILLICIT ALCOHOLIC BREWS FROM 1999

(Mr. Mututho) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Could the Minister provide the number of deaths caused by illicit alcoholic brews from 1999 to date?

(b) Could the Minister also provide names of manufacturers and brand names of all alcoholic drinks and beverages sold in the country and details of chemical analysis of such drinks, indicating whether the respective drinks are acceptable (fit) for human consumption or not?

(c) Could the Minister also indicate the number of those prosecuted for brewing and distributing such illicit drinks, and when will the Government close down all the businesses manufacturing, distributing and selling alcoholic beverages that do not meet World Health Organization (WHO) standards?

(Question deferred)

CIRCUMSTANCES SURROUNDING DEATHS OF EVANS K. KEITANY /BRIAN K. BIRIR

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

(a) Could the Minister explain the circumstances under which Messrs Evans Kipkoech Keitany and Brian Kiptanui Birir died while in the custody of police officers at Katarakwa Police Post in Koibatek District?

(b) Could the Minister provide the post-mortem reports and state what action has been taken against the police officers responsible?

(c) What action will the Government take to ensure that such deaths, now occurring at high frequency at the Police Post, do not recur?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I would like to seek your indulgence to answer this Question on Thursday. The reason is that the facts which I have received relevant to this particular Question are wanting. Therefore, I demanded for more information.

Mr. Speaker: Member for Eldama Ravine Constituency, what is your response to that?

Mr. Lessonet: Mr. Speaker, Sir, while I have heard what the Minister has said, this is a Question which came up about four weeks ago. I am just surprised he is indicating that he has not received relevant facts. But that notwithstanding, let us have it on Thursday.

Mr. Speaker: Very well, deferred to Thursday, 2.30 p.m. this week!

(Question deferred)

Member for Butula!

REGISTERED OWNER OF
LAND PARCEL LR.10743 IN THIKA

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

(a) Could the Minister indicate the registered owner of land parcel number LR.10743 in Thika Municipality, previously owned by Samuru Gituto Farmers Co-operative Society Limited?

(b) How was it transferred and who were involved in the signing of the transfer documents on behalf of the vendor?

(c) Is the Minister aware that the above property was previously charged to the Co-operative Bank of Kenya and did the bank execute the Discharge of Charge to accompany the registration documents?

Mr. Speaker: Minister for Lands! Hon. Gonzi Rai, I thought you are an Assistant Minister in the Ministry of Lands.

The Assistant Minister for Lands (Mr. Rai): I am sorry, Mr. Speaker, Sir. This Question is coming to the House for the second time. In the previous time, I had actually sought directions from the Chair that this matter is actually *sub judice*. It is in court vide the Miscellaneous Application Case No.815 of 2008. So, I am seeking your direction, Mr. Speaker, Sir.

(Mr. Rai laid a document on the Table)

Mr. Speaker: Mr. Odhiambo, what is your reaction to that?

Mr. Odhiambo: Mr. Speaker, Sir, I have a written answer from the Ministry indicating that this Question is not a *sub judice* matter. So, I would like the Assistant Minister to answer this Question because it seems as if he is hiding some information.

Mr. Speaker: Order, hon. Members. Given that the Assistant Minister is claiming this matter is a subject of *sub judice* rule and has even tabled a documents to demonstrate that it is a subject of litigation in the light of a case that is pending in court, I will need time to consider and give directions as to whether or not, in fact, this matter is *sub judice*. So, I will defer this Question to Wednesday, next week for that decision.

(Question deferred)

Next Question by Member for Ikolomani!

CONSTRUCTION OF DISTRICT HEADQUARTERS
IN CHEPALUNGU FOREST

Dr. Khalwale: Mr. Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that the Office of the President is currently constructing a district headquarters in Chepalungu Forest?

(b) Has Chepalungu Forest been delineated to allow the developments going on and, if so, could the Minister provide the Environmental Impact Assessment (EIA) Report, the Gazette Notice, Legal Notice and Parliamentary approval as required by law?

(c) What action is the Government taking to stop the destruction of the forest?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Speaker, Sir, I beg to reply.

(a) No, I am not aware that the Office of the President is constructing a district headquarter at Chepalungu Forest. However, I am aware that the Office of the President wrote to my Ministry requesting for a status report on forest land that had been proposed for extension of Siongiroi Town with a view of utilizing part of it for the construction of the proposed Chepalungu District Headquarters.

(b) Chepalungu Forest Reserve has not been delineated for construction of the Chepalungu District Headquarters. Consequently, my Ministry has advised the Government to look for the required land outside the gazetted forest area.

(c) My Ministry, through the Kenya Forest Service (KFS), is committed to stopping further destruction of Chepalungu Forest and others through the following measures:

1. Repossession of irregularly acquired forest land measuring 88 hectares (close to 220 acres). The occupants of this forest land have already been notified.
2. Survey of the forest boundaries.
3. Surveillance to avoid any form of encroachment into the forest.
4. Rehabilitation of the degraded forest areas.
5. Enhanced forest protection to allow for natural regeneration of the forest.

6. Assist farmers to undertake intensification of farm forestry on farm lands to reduce pressure on the natural forests.
7. Strengthening of KFS and community partnerships through formation of community forest associations for enhanced participatory forest management programmes.
8. Educate the public on the procedures for alienation of forest land that requires approval by Parliament before land is degazetted for such construction.

Dr. Khalwale: Mr. Speaker, Sir, I would like to thank the Minister and the Government for retracting from what had earlier obtained on the ground in Chepalungu, that is, through a roadside declaration the Government was going to delineate part of the forest. I want to thank the Minister for reaffirming that we are going to respect Sections 69 and 153 of the Constitution which require that a decision of the Cabinet must be in writing and not through a roadside announcement. I thank you and the people of this country are happy for that change.

Dr. Wekesa: Mr. Speaker, Sir, I agree with the hon. Member. However, for the purpose of information to Members of Parliament, the law, that is, the Forest Act, was changed in 2005 and it is very clear. That law underscores what is in the Constitution today, that should any part of the Government forest or county council forests require degazettement, the public is advised that the powers of the Minister for Forestry and Wildlife and those of the President were taken away. It is only this House that has powers to degazette any part of our forests. I have many requests of this nature and I would like my colleagues in the House to know that should they want part of the Government forests to be degazetted, proper steps must be taken. You have community forest associations where you live. They must agree to what you want and then you make an application to my office requesting degazettement. It is through consultations that I will forward the request to Parliament because it is only Parliament that has the powers to degazette any part of our forests.

Dr. Khalwale: Mr. Speaker, Sir, I am fully satisfied.

ORAL ANSWERS TO QUESTIONS

Question No.068

TARGETS FOR EMPLOYMENT GENERATION
IN 2008/2009;2009/2010

Mr. Speaker: The Member for Laisamis is not in? The Question is dropped!

(Question dropped)

Question No.164

STALLING OF MZIMA SPRINGS PROJECT

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

(a) to state what caused the stoppage of Mzima Springs Phase II as well as the position of funding by the Chinese Government;

(b) to provide the estimates in terms of costs for both Phase I and II, considering that the project has also received funding from the Central Government; and,

(c) how much money was earmarked for the project in the 2009/2010 Financial year and why the money was not released.

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

(a) The stoppage of Mzima Springs Phase I has been occasioned by lack of sufficient funds to finance the project. However, the Government is pursuing consultations with the Chinese Government as one potential financier of the project.

(b) The estimated cost of the rehabilitation of the Mzima Springs Phase I is such that one pipeline will cost Kshs1.3 billion. The estimated cost of Mzima Springs Phase II is Kshs40 billion.

(c) There was no budgetary allocation for Mzima II Project in the 2009/2010 Financial Year.

Mr. Mwachugu: I want to thank the Minister for that answer. However, you have noted that Mzima water has been consumed in Mombasa for well over 50 years. The residents of Mombasa pay for the consumption of that water. Where does that money go, to warrant us to go and borrow money in order to repair Mzima I and Mzima II projects?

Mr. Kenyatta: Mr. Speaker, Sir, money is usually received as Appropriations-in-Aid (A-i-A) but for the project itself, the requirements are far in excess of what we are able to generate from the water that is sold. There is, therefore, need to ensure that we get additional financing. That is why I said that we are looking at some of our development partners to assist us in the completion of Phase I and the starting of Phase II.

Mr. Mwachugu: Mr. Speaker, Sir, prior to the last recess, the Minister for Water and Irrigation had given an indication that Mzima Phase I was to be repaired at a cost of Kshs7 billion. The Deputy Prime Minister and Minister for Finance is now giving us a figure of Kshs1.3 billion? Why is there a contradiction while the money comes from the same Government?

Mr. Kenyatta: Mr. Speaker, Sir, I am not sure what the Minister of Water and Irrigation was referring to. So, I do not want to say there is a contradiction. But the fact and the figures that we have indicate that the rehabilitation for Phase I was going to cost Kshs1.3 billion. Maybe this has been reworked by the Ministry of Water and Irrigation and I do not want to state facts I do not have.

Mr. Outa: Mr. Speaker, Sir, you could see into this Question that the Deputy Prime Minister and Minister for Finance is not giving the correct answers. What is his office doing to inform Members of Parliament about the ODA projects in this country, because I believe this is one of the ODA projects that are funded by the Chinese?

Mr. Kenyatta: Mr. Speaker, Sir, I think I was very clear when I said that we are seeking funds. So, we cannot consider it an ODA project since we have not yet secured the funds.

Mr. Mwachugu: Mr. Speaker, Sir, it is saddening to note that the Deputy Prime Minister and Minister for Finance has denied any knowledge of the repairs at a cost of Kshs7.8 billion which is in the process of being awarded to Victory Construction Company. We wonder whether the two Ministries are working from two different sources

of figures. If that is the case, could the Deputy Prime Minister and Minister for Finance stop that contract if at all it is being awarded at Kshs7.8 billion and he has allocated Kshs1.3 billion?

Mr. Kenyatta: Mr. Speaker, Sir, what I can do is to undertake consultations with the Ministry of Water and Irrigation with regard to that particular Question, to get further information from the line Ministry.

Mr. Speaker: Next Question by the Member for Kisumu Town West!

Question No.199

LIST OF RETIRED/DEAD KISUMU MUNICIPAL
COUNCIL EMPLOYEES FROM 2000

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

(a) whether he could provide a complete list of former employees of Kisumu Municipal Council who either retired or died from the year 2000 but whose pension or death benefits have not been paid or paid partially, showing dates of retirement/death and amounts owed to date;

(b) who administers the pension, retirement funds and death benefits for the Kisumu Municipal Council; and,

(c) what steps the Ministry is taking to assist and encourage the council to make these payments without undue delay and to ensure that pension and retirement funds are administered.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Speaker, Sir, I beg to reply.

(a) As stated in my reply of 1st July, 2010 to the Question raised by hon. Olago, I wish to table the list of retirees and amounts remitted to the statutory bodies with the tabulation of their benefits. It is as follows:-

The list of staff who retired and were contributing to the National Social Security Fund (NSSF), the list of retirees deceased who were contributing to LAPTRUST and the list of retirees and deceased who were contributing to LAPROFUND.

(b) The administrators of pensions, retirement funds and death benefits of the Municipal Council of Kisumu are: The National Social Security Fund (NSSF), the Local Authorities Provident Fund (LAPROFUND), the Local Authorities Pension Trust (LAPTRUST) and the public trustee.

(c) The Ministry has taken the following steps to assist and encourage the Municipal Council of Kisumu to make these payments without undue delay and to ensure that the pension and retirement funds of the councils are administered prudently and in favour of those they are meant to cover as issued under Circular No.11 of 2010. This circular directed the local authorities to ensure that all outstanding debts are cleared by 30th June, 2010 in line with the LATF regulation No.19 which stipulated that all local authorities fully settle all outstanding debts owed to statutory creditors by 30th June, 2010. This was in order to qualify for the LATF allocation for 2010/2011.

Further, all local authorities are encouraged to explore available options through which they can raise sufficient funds---

(Loud consultations)

Mr. Ochieng: On a point of order, Mr. Speaker, Sir. Hon. Members are consulting so loudly that we cannot follow what the Assistant Minister is saying.

Mr. Speaker: Order, hon. Members! Please, lower the level of your consultations.

Proceed, Mr. Assistant Minister!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Speaker, Sir, further, all local authorities are encouraged to explore available options through which they can raise sufficient funds to repay their outstanding debts within the prescribed period without overburdening local authorities with further debts.

(Mr. Nguyai laid the documents on the Table)

Mr. Olago: Mr. Speaker, Sir, you will notice that part “a” of the Question asked for a complete list of former employees of the Municipal Council of Kisumu who are either retired or died from the year 2000 up to date and whose benefits have not been paid and the amounts owing. The amount owing is not shown on the answer but the Assistant Minister has informed me that he has not put the amounts owed to each member of staff who died or retired due to confidentiality and that he would give me these details later on. I hope he is going to do that.

Mr. Nguyai: Mr. Speaker, Sir, yes, I once again confirm that due to the confidential nature of the amounts involved in terms of benefits, it is in the best interest of the beneficiaries that I do give a confidential list.

Mr. Speaker: Very well!

Mr. Olago: Mr. Speaker, Sir, then in that case, my question is---

Mr. Speaker: Order, Member for Kisumu Town West! That was a question. Anybody else interested?

Mr. Ochieng: Mr. Speaker, Sir, I have heard the Assistant Minister mentioning here that he gave a directive that by 30th June, 2010 all the outstanding pension funds for the staff of various municipalities must be cleared. I remember he gave a directive in this House when I raised a similar Question for employees of Nyando and Kisumu county councils, but up to now the various local authorities have not been able to pay those beneficiaries. Could he further confirm that he stands by his word?

Mr. Nguyai: Mr. Speaker, Sir, yes, it is true that we gave a directive that all local authorities should clear all outstanding debts prior to benefiting from any additional LATF funding. We are now compiling a list and do realize that, that has not happened in totality. We have been given various reasons by various councils. In fact, I just want to give notice that we will try and bring a miscellaneous amendment Bill to further push that deadline in order to remove the many impediments that are stopping the local authorities from being able to clear their debts.

Mr. Outa: Mr. Speaker, Sir, the Assistant Minister came here and promised that the money will be paid to all these local authorities, including Nyando. To date, that money is not there and now he is talking of having another miscellaneous amendment Bill. Could he tell this House when we are going to have this budget so that we can inform these retirees, who are poor and cannot even take their children to school, when they can get their money?

Mr. Nguyai: Mr. Speaker, Sir, we have put in place quite a number of measures that will ensure that particularly, monies owed to pension funds, are paid first. In fact, even within the provisions of whatever funds the council is receiving, we have started negotiating and making sure that they follow a newer directive to ensure that, that will be paid. Unfortunately, because of the number of councils involved – 175 – I will not specifically give the answer of what is happening within Nyando. But I can also confirm to the hon. Member that we can give him the specific details either through a Question asked here or a visit to my office, where he is very welcome at any time.

Mr. Speaker: Last question, Mr. Olago!

Mr. Olago: Mr. Speaker, Sir, the failure of the council to remit funds to the administrators is causing a lot of concern and hardship to people who have given all their lives to the council and to others who have died while in service. Why is it necessary to spread those benefits to NSSF, Local Authorities Provident Fund (LAPROFUND), Local Authorities Pension Trust (LAPTRUST) and public trustees? What steps are being taken to ensure that monies are remitted regularly and accounted for?

Mr. Nguyai: Mr. Speaker, Sir, those outstanding funds are historical in nature and date back to a number of years. In recent years, through the implementation of the Local Authorities Trust Fund (LATF) and Local Authorities Financial Management System (LAIFOMS), we have been able to ensure that all recent remittances are taking place. We have been negotiating to ensure that those local authorities are getting funds either directly from LATF or from other sources. That way, those arrears will be cleared. With regard to the second question, all statutory deductions, whether it is the NHIF - which is a criminal offence if you fail to remit - and the pension fund are for the benefit of the employees and so, we treat them with equal respect.

Question No.333

DELAYED DEPLOYMENT OF DISTRICT REGISTRAR OF PERSONS/
DISTRICT CIVIL REGISTRAR IN SAMBURU EAST

Mr. Letimalo asked the Minister of State for Immigration and Registration of Persons:-

(a) why it has taken long to deploy the district registrar of persons and the district civil registrar to Samburu East District and when he will post the officers;

(b) why the processing of national identity card applications at the headquarters is slow and why there is a high number of rejected applications; and,

(c) whether the Government could consider decentralizing the processing of national identity cards as a way of reducing congestion at the national headquarters.

The Assistant Minister, Ministry of State for Immigration and Registration of Persons (Mr. Baya): Mr. Speaker, Sir, I beg to reply.

(a) The reason why it has taken long to deploy a district registrar of persons in Samburu East District is due to shortage of personnel. A district registrar of persons will be posted as soon as the Public Service Commission recruits or promotes an officer from within the service to that position.

(b) The processing of national identity cards at the headquarters is not slow as it is done according to what the service charter stipulates. That is within 38 days for border and ASAL areas. In the recent past, there have been cases of rejected applications due to poor quality applications. However, the following corrective measures have been taken to eliminate future rejections:-

(i) Induction of district registrars on quality applications.

(ii) The Department has been holding training workshops for district registrars at the provincial level.

(iii) All district registrars have been put on performance contracts which include monitoring of both quantity and quality of work.

(c) It is not possible to decentralize the processing of identity cards because of the following reasons:-

(i) The procedure for processing applications involves various sub-processes which are not possible to replicate due to their nature of operations. The processing system is so complex that it needs to be centralized in order to achieve cost effectiveness, synchronization of data and automated finger prints and identification system processing for authentication, comparison and verification purposes.

The Automated Finger Print Identification System (AFIS) consists of citizens, aliens and refugees' finger prints.

(ii) The process uses costly specialized equipment which requires security and specialized personnel to run.

Mr. Letimalo: Thank you, Mr. Speaker, Sir. I appreciate the answer that has been given by the Assistant Minister. He has said that there is shortage of staff. However, my concern is that both the District Registrar of Persons and District Civil Registrar are based in Maralal. The same officers take care of three districts - Samburu North, Samburu Central and Samburu East. Now, given the vastness of those districts and the distances involved between Maralal and other respective districts, is the Assistant Minister satisfied with the services being given to the residents and if not, what is he prepared to do to ensure that the residents get adequate services with regard to issuance of IDs and birth certificates which are critical documents for any operations in Kenya?

Mr. Baya: Mr. Speaker, Sir, it is true that, that area is very vast. However, the case in point here involves Wamba. In Wamba and, indeed, in every registration centre, we have enough officers. They are not at the level of a registrar. But we have officers who process the documents and send them to Maralal where the District Registrar is based. He then performs his work before the same forms are sent to Nairobi for finalization and issuance of identity cards. As recently as three weeks ago, we reminded the authorities concerned that we seriously need to fill the vacant positions. That is

because at the moment, we have 800 registration centers against less than 300 registrars. That creates a shortfall. However, we are doing our best to ensure that people do not suffer.

Mr. Njuguna: Thank you, Mr. Speaker, Sir. As I thank the Assistant Minister for that lengthy answer, could he inform this House what clear steps have been taken by the Ministry to curb the issuance of illegal identity cards in the country by unscrupulous people?

Mr. Baya: Thank you. Mr. Speaker, Sir. That is an issue that originates from the committees. That is because in every registration center, we have a committee that is charged with the responsibility of vetting. That is where, once in a while, people who should not have gotten identity cards get them. But that issue is being addressed. We are aware of it and it is being addressed.

Dr. Nuh: Thank you, Mr. Speaker, Sir. Recently, the Ministry communicated to chiefs and assistant chiefs on the maximum number of people who are supposed to be registered in one location. Could he confirm or deny the existence of such a circular and if it exists, why they have imposed such an irrational regulation?

Mr. Baya: Mr. Speaker, Sir, I am not aware of such a circular.

Mrs. Noor: On a point of order, Mr. Speaker, Sir. I have tabled that circular in this House. Is the Assistant Minister in order to deny a circular from his Ministry?

Mr. Speaker: Order! What did you say? You tabled the circular?

Mrs. Noor: Mr. Speaker, Sir, I tabled before the House the same document Dr. Nuh is talking about.

Mr. Speaker: When did you table it, hon. Noor?

Mrs. Noor: Mr. Speaker, Sir, I cannot remember exactly, but it is this year.

Mr. Speaker: You cannot remember? The Assistant Minister says that he is not aware. If you cannot remember, how can he then be aware?

Mr. Mungatana: Mr. Speaker, Sir, the problem of failing to post a District Registrar of Persons is not only restricted to Samburu East District. Even where the Assistant Minister has posted them, he has failed to transfer the votes from the original districts to the newly established districts. I want him to investigate why it has not been established how many people should be registered in the Tana Delta District Registrar of Persons but whose vote is still in Hola. Could he undertake to transfer the vote to the Tana Delta District Registrar of Persons to enable him to perform?

Mr. Baya: Mr. Speaker, Sir, first of all, I wish to correct the impression that we gave targets to District Registrars of Persons. Contracts are signed between the parties after the junior party says what he is able to work on condition that he is facilitated. Therefore, this is a contract between the District Registrar of Persons and the director. It is not a circular that states that a District Registrar of Persons must register so many people. The registrars themselves state that given the necessary facilities and other conditions remaining constant, they will register so many people within a specific timeframe. Perhaps, this is why some Members feel like we gave targets. That is not the case.

With regard to the Authority to Incur Expenditure (AIE), it is true that at the moment, we are not able to give AIEs to the newly established districts. The AIEs are still being given to the mother districts. At the moment, it will be very difficult to give

AIEs to the newly established districts and make it meaningful for them to operate because of the funds available.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister saying that he will not give AIEs to the Tana Delta District in Garsen or what is he saying? He needs to come out clear.

Mr. Speaker: Assistant Minister, could you be more precise?

Mr. Baya: Mr. Speaker, Sir, we were not able to do this during the current and the last financial years because some of these districts are so new. But I am not saying that this will be a permanent feature. Definitely, it will change.

Mr. Letimalo: Mr. Speaker, Sir, part “b” of the Question concerns rejected applications and this normally happens in Nairobi. Once an application has been rejected for whatever reasons, what provisions are there to ensure that it is processed without inconveniencing the applicant? How long does the process take before the applicant gets either his identity card or birth certificate?

Mr. Baya: Mr. Speaker, Sir, first of all, I wish to inform the hon. Member why an application can be rejected. It can be rejected when the fingerprints cannot be classified within the computer system. Secondly, an application may be rejected if the photograph cannot be processed by the same machines. When this happens, this is communicated to the applicant and he or she is given a second chance to re-apply.

Mr. Letimalo: On a point of order, Mr. Speaker, Sir. The Assistant Minister has not adequately answered the question. Once an application has been rejected for whatever reasons, besides the process that this has to take, how long does that process take before one gets the identity card? The mess is actually from the Ministry headquarters.

Mr. Speaker: Minister, restrict yourself to how long it takes.

Mr. Baya: Mr. Speaker, Sir, it depends on where the applicant is.

Mr. Speaker: On average?

Mr. Baya: Mr. Speaker, Sir, on average, it takes 38 days.

Question No.362

MEASURES TO ADDRESS UNEMPLOYMENT AMONG YOUTH IN GATUNDU NORTH

Mr. Speaker: Hon. Members, Question No.362 is deferred to Thursday, next week at 2.30 p.m. The Member for Gatundu North Constituency is involved in a court case; a petition, and as you all know, petitions these days are a matter of life and death. So, we have to defer the Question to Thursday, next week.

(Question deferred)

Question No.375

LIST OF ALL PRIMARY/SECONDARY SCHOOLS IN TURKANA

Mr. Speaker: Question No.375 is also deferred to Wednesday, next week at 2.30 p.m.

(Question deferred)

Question No.378

DELAYED REPAIR OF VOI-TAVETA ROAD

Mr. Mwakulegwa asked the Minister for Roads:-

(a) why the grant to tarmac Voi-Taveta Road given by European Union (EU) amounting to Kshs.3 billion was diverted to other projects; and,

(b) who authorized the diversion and what the reasons were; and,

(c) when the road will be repaired.

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

(a) The European Union (EU) had identified the road for possible funding, but it was later omitted because it was already included for funding under the African Development Bank (ADB) with the East African Community (EAC) infrastructure development framework.

(b) As stated above, there was no re-allocation of funds meant for the above mentioned road.

(c) My Ministry is carrying out a design review of the entire road with a view of upgrading it to bitumen standard. In the meantime, I have set aside a total of Kshs800 million for rehabilitation of the road section from Voi to Mwatate to Wundanyi. The remaining road section from Mwatate to Taveta will be done as soon as the ongoing design review is completed with financing from the ADB as an EAC regional project.

Mr. Mwakulegwa: Mr. Speaker, Sir, I beg your indulgence. I visited the EU offices in the company of the other two Members of Parliament from Taita, namely, hon. Mwadeghu and hon. Mwatela and we were told that Kshs3.2 billion was allocated for the Voi/Taveta Road. This was way back in February last year. If the EU re-allocated the money and the ADB was willing to fund the project, how much money has the ADB given and when will it be released for this project?

Mr. Kinyanjui: Mr. Speaker, Sir, I want to agree with the hon. Member that, indeed, the EU had identified the road for possible funding, but it was later discovered that the EAC had a regional road network that is to be funded by the ADB. The road connecting Kenya to Tanzania through Namanga is under that programme. If you look at the Merile Road, it is also under the ADB programme. The ADB had specifically requested to fund roads that are connecting Kenya to her immediate neighbouring countries. When the EU saw this, it used the money for other projects within the country. However, this was not a direct transfer of funds from this project to another.

Mr. Speaker, Sir, lastly, the hon. Member has requested to know when we will be able to do the project. The estimate for the project is about Kshs8 billion. We are about to complete the design review, and the African Development Bank (ADB) has given favourable response in terms of the funding of that particular project.

Thank you.

Mr. Gunda: Mr. Speaker, Sir, the question was when the road will be done. Could the Assistant Minister come out clearly and tell us when it will be done?

Mr. Speaker: Assistant Minister, when will it be done?

Mr. Kinyanjui: Mr. Speaker, Sir, we are at the design review stage. Until we complete the design and sign the agreements with the financing authorities, it may not be possible for me to give a specific date when work will commence. However, I want to assure the hon. Member that we hope to complete the design review within the current financial year and sign the financing agreements.

Mr. Joho: Mr. Speaker, Sir, I remember that for as long as I have been in this House Taita-Taveta Road has been discussed not less than five times. I want the Assistant Minister to come out clear. How long does it take to design a road? How long does it take for the tender procedure to be completed? There can be estimation in terms of the distances and the actual construction work.

Mr. Kinyanjui: Mr. Speaker, Sir, I want to admit to this House that, indeed, of all the roads that connect us to our neighbouring countries, this is the road which is in the worst condition. We appreciate the volume of business we do with Southern Tanzania, which will be greatly enhanced once this road is done. I want to assure the hon. Member that having done all the other major roads, including the roads connecting us to Ethiopia, Uganda and Tanzania, this is the next project. I am sure that we will be able to have something concrete before the end of this financial year.

Thank you, Mr. Speaker, Sir.

Dr. Khalwale: Mr. Speaker, Sir, my greatest concern is in respect of what the Assistant Minister has said – that the Kshs3 billion was diverted to other projects within the country. Given that Kshs3.2 billion does not just fall off trees – it is a lot of money – could he tell us the projects they chose to send the money to, and deny it to this very important project, which would solve the poverty problem in Mwatate, since farmers would use the road to take their fresh produce to Mombasa? We want to move from the bad old days. We also know that the Government diverted funds meant for the construction of Webuye-Barbaton-Endebes-Suam Road to some other project that we do not understand. Where did the Ministry direct the money meant for this road to?

Mr. Kinyanjui: Mr. Speaker, Sir, I have not at any one time said that we diverted funds to other projects. I have only indicated that all the donor agencies specifically take certain projects. For instance, as I have said, the ADB is specifically interested in roads connecting us to the neighbouring countries. Therefore, they have taken up all those projects.

When the European Union (EU) discovered that the ADB had already prioritised this project, they withdrew from it because there would have been double funding. No money from the donors would be transferred without the donor's agreement. No agreement had actually been reached on this particular project. It was only a Vote, but no money had actually been given. Therefore, the issue of transferring the money, or re-allocating it, does not arise.

Thank you, Mr. Speaker, Sir.

Mr. Mwadeghu: Mr. Speaker, Sir, I wonder what sense there was in the Ministry going to seek funding from the ADB, whose contract has not been signed up to now, and which could not be ascertained, and when we were assured that the Kshs3 billion EU funding was available? Does it make sense?

Mr. Kinyanjui: Mr. Speaker, Sir, by the time the EU came and expressed interest to fund this particular road, the ADB was already there. Therefore, it would be erroneous to state that the ADB came much later. I want to assure the hon. Members, whose concerns I appreciate--- That road serves a huge population and a huge economy; it will be prioritised and done.

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

Mr. Speaker: What is it?

Mr. Mwachugu: We needed to know from the Assistant Minister how much money the ADB has committed to this road.

Mr. Kinyanjui: Mr. Speaker, Sir, the design I have said is about to be completed will give the scope of the works to be done and, therefore, the amount of money that will be required. Only then will we be able to know how much money to expect and how much money the Government of Kenya will have to provide as a component in the development of that road.

Thank you, Mr. Speaker, Sir.

Mr. Mungatana: Bw. Spika, Waziri Msaidizi bado hajalijibu Swali hili kikamilifu. Kila Serikali ambayo imewahi kutafuta kura katika sehemu ya Pwani, imeahidi kuijenga barabara hiyo. Hivi sasa, viongozi kutoka pande zote mbili zilizokuwa zikipigania urais wako Serikalini. Sisi tunazungumza kwa niaba ya wananchi wa Taveta. Tungependa Waziri Msaidizi aseme ni lini ujenzi wa barabara hiyo utaanza ili iwekwe lami.

Tafadhali, Bw. Spika, kama Waziri Msaidizi hana jibu, ni afadhali kujibiwa kwa Swali hili kuahirishwe ili arudi hapa juma lijalo na atuambie ni lini barabara hiyo itaanza kufanyiwa kazi. Kwa hivyo, tunaomba Swali hili liletwe juma lijalo ili Waziri Msaidizi aweze kuleta jibu na kusema ni lini ujenzi wa barabara hiyo utaanza. Stori nyingi wananchi wamechoka nazo. Hawataki stori nyingi!

Mr. Kinyanjui: Mr. Speaker, Sir, I have already said as much as relates to this project. Even if we have to give an answer here next week or the week after, we will give the same answer. I have already indicated that we have given Kshs800 million towards the rehabilitation of 25 kilometres of the 107 kilometres. This will ensure that the road is motorable even as we look for a long-term solution. I would want to invite the hon. Members from the region and, of course, all the other hon. Members from the larger Coast region, because we are at an advanced stage to ensure that this project, indeed, takes off. I am sure that---

Mr. Ochieng: On a point of order, Mr. Speaker, Sir. The Assistant Minister is confirming that they have given some little money for some little repairs on that particular road. I was on that road three weeks ago. The kinds of repairs that are being carried on right now are very shoddy. Is he aware that the repairs that are being done are so shoddy? Can he confirm that fact?

Mr. Speaker: Assistant Minister, this is a very urgent matter. Can you address it with some seriousness?

Mr. Kinyanjui: Mr. Speaker, Sir, the scope of the work that the hon. Member has touched on is a matter I will be able to table before this House to indicate exactly what the Kshs800 million is supposed to do. However, that is purely beyond the scope of the Question at hand, which is about the funding of the road in question. The Kshs800

million is for rehabilitation of the 25 kilometre section. I will be able to avail the details to ensure that hon. Members are satisfied.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Order! Order, hon. Members! Because of the gravity of this matter, even I as the Speaker, I am not satisfied with the answer given. Hon. Assistant Minister, you may or you may not know that I actually practised law in Mombasa, and used this road for many years, going back eight years. There were promises every other year that this road would be done. So, I will defer this Question to two weeks away, so that you can come back to this House with a satisfactory answer, stating as follows:-

(a) when the design work will be completed;

(b) when funds will be available; and,

(c) what happened to the commitment by the EU to do the road.

So, the Question is deferred to two weeks away. Please, come back with a satisfactory answer.

Mr. Kinyanjui: I am much obliged, Mr. Speaker, Sir.

Mr. Speaker: Very well! Member of Parliament for Migori!

QUESTIONS BY PRIVATE NOTICE

MEASURES TO CURB CATTLE RUSTLING IN MIGORI DISTRICT

Mr. Pesa: Mr. Speaker, Sir, now that I have received the written reply, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that in the recent past, several homes in Suna West and Suna Wasimbete Location, Migori District have been invaded by cattle rustlers that resulted to loss of cattle which were driven to Tanzania and that on the night of Sunday 22nd August, 2010 six head of cattle were stolen from one Mr. Otieno at Maemba Saba by cattle rustlers?

(b) Is the Minister also aware that on or about 22nd August 2010, armed robbers attacked and robbed two youths of all their clothes and shoes in the same region?

(c) What plans does the Government have in place to ensure the stolen cattle are recovered and what support is the Government extending to Community Policing which could help curb cattle rustling and other incidents of insecurity in the region?

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

(a) I am not aware that in the recent past, several homes in Suna West, Suna Wasimbete Location, and Migori District have been invaded by cattle rustlers that resulted in the loss of cattle. However, I am aware that on 22nd August 2010, 13 head of cattle were stolen by four armed gangsters from the homestead of one Peter Wesonga and not Mr. Otieno. On receiving the information, police immediately visited the scene and pursued the rustlers but lost track of the animals at Ikerenge area which borders Migori and Kuria Districts.

For consistency, I seek your indulgence that I do answer part “c” which is related to part “a” of the Question. Following the cattle rustling incident, police acted swiftly and

six suspects were arrested and charged before court and ordered to keep peace for a period of six months vide Miscellaneous Application No.13/201.

Regarding the measures instituted, I would like to say that our security officers are in touch with their counterparts from Tanzania to have the animals returned to their rightful owners. In addition, border security has been beefed up.

The Government has also posted more Administration Police officers to Kopanga, Ngonjoi, Keribe and Bondo-Nyironge Police Post to beef up security. The Community Policing initiatives have been revamped to help curb such cases of insecurity in the area by involving all communities in this menace and all cattle rustlers brought to book.

(b) I am not aware of the report concerning youths who were reported robbed in the same region on 22nd August, 2010.

Mr. Pesa: Mr. Speaker, Sir, I am not satisfied with that answer. I do not think even the Minister read this answer before he came here. If you look at the answer to part “a” of the Question, grammatically, it is wrong. Secondly, when you look at the same answer under part “a” and you compare it with answer to part “b”, he is contradicting himself. In part “a” he says he is not aware that our animals have disappeared to Tanzania. However, in part “c” of his answer, he confirms that they have got in touch with police officers in Tanzania and that they are trying to recover the cattle from there. So, could he be clear in his answer because I am speaking on behalf of the people from Migori who are on the ground who have lost many head of cattle to rustlers from Tanzania?

Prof. Saitoti: Mr. Speaker, Sir, indeed there is a typographical error as far as part “a” of the Question is concerned. The position is that I am, indeed, aware of this cattle rustling. The key position is that the gangsters in this particular case stole the animals from one Peter Wesonga and not Mr. Otieno---

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

Mr. Speaker: Order! Order, hon. Member for Migori, that is not the way to do it. You stand up and if you catch the Speaker’s eye then you proceed to the microphone. So, you are out of order.

Proceed, Mr. Minister!

Prof. Saitoti: Mr. Speaker, Sir, as I have just said, there is a small typographical error in part “a” namely “not aware” instead of “aware”. The key correction is the fact that the information that we have is that the cattle were stolen from the homestead of Peter Wesonga where cattle rustling took place. It is not the homestead of Mr. Otieno. We are not aware of that of Mr. Otieno.

Mr. Konchella: Mr. Speaker, Sir, we live in an area where there is generally cattle rustling. There has been an insurgence of this problem for the last one month. Almost every week, cattle rustlers from Tanzania, including some of their brothers from the Kuria Community in Kenya, come and raid our people. Some of them have been killed. My people have been alert and no cattle has been stolen from my constituency. The Minister should put a General Service Unit camp between the two tribes of Kuria and Maasai because that is the route of all these problems from Nyanza and Trans-Mara.

The other issue that I would like to raise is that the Officer Commanding Police Division (OCPD) and the Officer Commanding Station (OCS) - Kilgoris have no vehicles. Sometimes, I have to give them my CDF vehicle to try and address the situation. Could I ask him to address the matter of South Nyanza and Trans-Mara. He

should set up a GSU camp at Nkorika area. We have already allocated land for the Government to put up a GSU camp and we will give the OCS and OCPD vehicles.

Mr. Speaker: Mr. Minister, just answer the last part.

Prof. Saitoti: Mr. Speaker, Sir, indeed, I will ensure security will be beefed up in South Nyanza and Trans-Mara which border Kuria in Tanzania. This is a situation that has brought a lot of problems in that area. There has been a lot of infighting between the Kurias of Tanzania and Maasai of Trans-Mara. We are in the process of making sure that we send GSU officers there. It is important that I tell the hon. Member that the issue of vehicles has been a problem as far as the police is concerned. We are in the process of working out plans to ensure that we are able to procure substantial number of vehicle for the police to be able to deal effectively with insecurity in this country.

Mr. Ochieng: Mr. Speaker, Sir, cattle rustling is a very serious problem even in my own constituency in Nyakach where I have lost 12 lives from the beginning of this year. Actually, it goes up to Nyando and Muhoroni. We are losing lives almost fortnightly. What tangible plans does the Minister have to stamp out this problem once and for all? This is a very small problem according to me if you compare it with the cattle rustling that is taking place in Isiolo, Samburu and Turkana.

Prof. Saitoti: Mr. Speaker, Sir, we are moving on two strong strategies to address the menace of cattle rustling. This is all over the country. The first part is that we will boost security. As I have just said, we will also purchase more vehicles. These plans are underway. Secondly, in order to be able to address the cattle rustling menace, once and for all, we will soon embark on comprehensive disarmament exercise in those areas.

Mr. Pesa: Mr. Speaker, Sir, I must appreciate the efforts that the Minister has done in ensuring that they bring a police post along the border, especially with Tanzania.

However, the Minister has just said here that he has several police posts along the border, which I accept. The problem is that in these stations, you have only four personnel. So, when two fall sick, it means that you have only two personnel. Could I ask the Minister to take the central post, which is Ngochoni and not Ngoya, the way it is written there, so that you can put up a post that can assist the other posts around it, so that the people of Migori can be relieved from this menace of castle rustling?

Mr. Speaker, Sir, recently four people were killed around Lichone, and at that time, there were four policemen in Ngochoni. What I have said here is that the two policemen who remained there could not fight back when the cattle rustlers struck that evening. So, I want to request the Minister to consider Ngochoni to be upgraded to a bigger post which can assist the other stations around there.

Mr. Speaker: Minister, just deal with the last part.

Prof. Saitoti: Mr. Speaker, Sir, I do accept to look into the issue of upgrading that police post to police station by boosting it with more personnel.

Mr. Speaker: Order! That brings us to the end of Question Time.

We will start with a Statement which is ready from the Ministry of Water and Irrigation and then we will do the rest.

MINISTERIAL STATEMENT

STATE OF WATER SERVICES BOARDS IN THE COUNTRY

The Minister for Water and Irrigation (Mrs. Ngilu): Thank you, Mr. Speaker, Sir. I want to bring this Ministerial Statement on issues raised with regard to some of our water services boards, the National Water Conservation and Pipeline Corporation (NWCPC) and Nairobi Water and Sewerage Company (NWSC).

Mr. Speaker, Sir, I want to do this because there have been too many questions being asked inside and outside Parliament and I would rather give these Statement so that as I await some of the reports that I am going to get, I put this to rest.

Mr. Speaker, Sir, I requested to make this Ministerial Statement to update hon. Members of this honourable House on issues regarding some State corporations and my Ministry which are of public interest. These are Tana Athi Water Services Board, National Water Conservation and Pipeline Corporation (NWCPC) and the Nairobi Water Company. I would like to deal with each institution separately and I would like to begin with the NWCPC.

Mr. Speaker, Sir, the NWCPC has legal mandate to develop water dams and pans and drill boreholes in the country. When I became the Minister in 2008, the institutions' performance was very poor, raising a huge public outcry, including from hon. Members. For instance, there were allegations of poor workmanship in dam and pan construction; high number of dry and capped boreholes.

My response to stakeholders' complaints and gross insensitivity was that, I called in the Inspector-General of State Corporations to investigate. The report revealed that the corporation had weak internal financial and procurement management systems that promoted misuse of financial resources and flouting of public procurement procedures, resulting in high pending bills, most of which were suspect.

Mr. Speaker, Sir, while the investigations were going on the allegations of misappropriation of funds based on internal audit that the board had requested for, the corporation's offices were gutted down by fire on 24th of September, 2009. On preliminary investigations, it was established that some payments were made without supporting documents and the management was aware of it. The board then requested the police and fire experts from the Ministry of Public Works to investigate the fire incident. Hon. Members will recall that I immediately dissolved the board of directors and sent the Managing Director and key members of staff on compulsory leave to pave way for thorough investigations.

Mr. Speaker, Sir, I promised this honourable House that I would give a report on the outcome of the investigations once finalized. I want to report that the police and the fire experts have finalized investigations and are waiting for the police to submit their report to us for action. The police will also take action on those suspected to have committed criminal offence.

On pending bills, I held a meeting with the main suppliers of goods and services on 26th of November, 2009, and requested them to submit any documents that they may not have gotten from the server of the NWCPC. We also contracted a leading international firm, Messrs. KPMG, to undertake a forensic audit on the pending bills. The forensic experts are required to review and analyze all pending bills documentation with a view to advising the corporation on those payments payable, those not payable, pending bills that require legal advice and also propose recommendations to prevent recurrence of such pending bills. The audit is expected to be finalized by 30th of October. This is what I have been told. We will implement the recommendations once we get them.

Mr. Speaker, Sir, may I also inform hon. Members that some claims are highly suspect. Like, for example, I was surprised to receive a letter from one of the suppliers who just brought a letter to me – and I have the letter – saying that he had supplied and done some work for the NWCPC to the tune of Kshs513 million. On asking for any LPOs, he said that he was still in the process of getting those LPOs, and yet he claimed that he had already given the service.

After dissolution of the board of directors, I have since reconstituted a new board comprising of reputable personalities and overhauled the management, which is currently being led by Eng. Madam Petronilla Ogut. Once I receive all pending reports, I shall take appropriate action within the framework of the law.

Mr. Speaker, Sir, on Tana Athi Water Services Board (TAWSB), this is one of the eight water services board with mandate to develop water and sewerage infrastructure and provide water services in the designated areas. On this, I would like to say that it is the last one that we formed in 2008; it was gazetted on June 4th. In a routine inspection, once again carried out by Water Services Regulatory Board in March, 2010, there were allegations of misappropriation of funds by TAWSB. Issues highlighted included pipes procured and not delivered, conflict of interest by the management on the procurement of goods and services and exaggerated prices on the procured goods.

Following these allegations, the Chief Executive Officer has been asked to step aside while the Board of Directors has also been dissolved to pave way for investigations by Kenya Anti-Corruption Commission, Efficiency Monitoring Unit and other investigative arms of the Government. Once the investigations are complete, I shall take appropriate action.

Mr. Speaker, Sir, I want to assure hon. Members that I will never allow misappropriation of public funds allocated to my Ministry for water and irrigation development.

Mr. Speaker, Sir, on Nairobi Water and Sewerage Company, let me touch on the performance of this company which is important for the water services provision in Nairobi. Athi Water Services Board is one of the eight water services boards under the Ministry, with a mandate of water service provision in the City of Nairobi and Kiambu County. Hon. Members will recall that the creation of water companies had a noble intention of improving water services countrywide through decentralization and practicing good governance values. Creation of these companies left the Ministry's role to be policy formulation and direction. When the Nairobi Water and Sewerage Company was established, it was expected to add value to water service provision within the city by using the revenue collected to improve services. When the company was established, it performed satisfactorily as witnessed by an increase in revenue from Kshs140 million to Kshs300 million per month between 2004 and 2006. However, serious corporate governance weaknesses cropped up which culminated to deterioration in water services provision, corruption, and nepotism, among other ills.

Mr. Speaker, Sir, at the height of drought last year, which hon. Members witnessed, the company had more or less gone to its knees prompting direct intervention by the Ministry through drilling of boreholes in Nairobi and water trucking. This was happening, despite water consumers paying their bills promptly and even higher bills that they were charging. It was not clear to me where part of the revenue collected from water was going as residents of Nairobi continued to suffer. As the Minister for Water and

Irrigation, I have obligations to ensure that water services are offered to consumers. Therefore, in consultations with the other relevant arms of the Government and the City Council of Nairobi, a change of management was put in place in June 2010 which has so far shown remarkable improvement in the performance. For instance water revenues have increased from Kshs250 million per month to Kshs350 million within one month and this month, Kshs460 million, which obviously shows that there was over Kshs100 million. We have not completed doing all the work that we are doing to ensure more resources from the Nairobi Water and Sewerage Company.

The Right hon. Prime Minister ordered the Efficiency Monitoring Unit to investigate the poor performance of the company. The preliminary report from the EMU has shown that in order to have a strong board of directors, there is need for effective stakeholders consultations in Nairobi before board members are appointed. The report has recommended that these consultations by Athi Water Services Board in consultation with the City Council of Nairobi and Water Services Regulatory Board be in place.

[Mr. Speaker left the Chair]

(Mr. Deputy Speaker took the Chair)

Mr. Deputy Speaker, Sir, my Ministry has scaled up infrastructure development in the city, whereby rehabilitation of Sasuma Dam will be completed next month and Maragua Dam is on the way to meet water demands in the medium term and indeed by 2030. I want to assure hon. Members that improved water service provision for domestic use by Kenyans is my top priority and that I will not entertain any mismanagement which aims to frustrate our vision to serve all Kenyans within the shortest time possible with water.

Thank you, Mr. Deputy Speaker, Sir, for allowing me to make this Statement.

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir. The Minister has told us that somebody came to her office claiming a payment of over Kshs500 million for work done. Could she tell us whether she is aware that within the Government, we have the Pending Bills Closing Down Committee which has been there for quite some time and it is a legal entity? And if she is aware, why did she choose to discharge the responsibility of trying to ascertain this and be tempted to allow him to be paid instead of referring the matter to the legal entity, the Pending Bills Closing Down Committee?

My last point of clarification is that the Minister has told us that the turnover has now gone up to a revenue of over Kshs400 million. Could she clarify whether this increment is not because consumers are being overcharged and not because of improved efficiency by her officers?

Mr. Konchella: Thank you, Mr. Deputy Speaker, Sir. Some of these service boards are very corrupt entities and the people are being ripped off because of the operations. In our own region, South Nyanza, Trans-Mara, Kuria and even Kisii, the water company that is collecting revenue from water is Mukutura (??) but it is not servicing or repairing those pipes or even adding more water. Kilgoris Town, which has a population of over 30,000 people gets water maybe once or twice a week after we have repaired those pipes using CDF money. Could the Minister consider creating water services boards based on the new constitutional dispensation? For example, she can

emigrate us from South Nyanza to Narok County so that we can be served by Narok Water Service Board. This will enable us to organize ourselves within our own county and be able to provide water to our people because we are depending on people who never turn or when they turn up, they come and collect money.

Mr. Mungatana: Mr. Deputy Speaker, Sir, we have heard the Minister giving lamentations on the people and the mismanagement of our money as people who pay taxes by Tana Athi, The National Water Conservation and Pipeline Corporation (NWCPC) and even Nairobi Water and Sewerage Company. This is not good for this country. Do we have a Government or not? In this particular matter, could the Minister tell us when she is getting one big fish arrested, charged and jailed because of stealing our money? We do not want to hear stories, too many stories, too many explanations. When is she getting one person arrested and charged in court for water related offences? I also pay water and I want to see this thing working. When is this going to happen?

Mr. Njuguna: Thank you, Mr. Deputy Speaker, Sir. We listened carefully to the Statement given by the Minister. It is in the public domain that there have been many illegal water connections in Nairobi, which means that there have been some people enriching themselves with this resource. What clear steps is the Ministry taking to stem this vice?

The Minister for Water and Irrigation (Mrs. Ngilu): Thank you, Mr. Deputy Speaker, Sir. I will start with the question asked by Dr. Khalwale as to why I did not refer these pending bills to the Pending Bills Closing Down Committee. Actually, what I was looking for was, first and foremost, to settle those bills so that I can get these people doing some work. But much as hon. Mungatana is saying that I am lamenting, it was an eye-opener for me. Sometimes I say, how nice that somebody decided to burn that place because I was already looking for this money from the Treasury to pay. I thought at that time, it was genuine and I did not have at that time a way of investigating these pending bills because they were all saying; these things need to be paid. Until when I got this letter written on somebody's letterhead and it said; "I did some work and this work has got to be paid Kshs512 million", I said because I had met the contractors and I had asked them: Please, while we were getting information from our server, can we get whatever you have, LPOs or LSOs so that that can help us, only for somebody to say unfortunately we used to deliver and then get LSOs. I asked them to give me a delivery note and they said: "We never used to do that." They said they never used to do that. That was before I got to the Ministry. I said, "Thank God that I have got a letter from you saying that you have no documents, because I do not know which court you are going to say we have failed to pay you". I went back to the Treasury quickly and said: "Do not give us Kshs512 million that is already settled because the person tried to steal".

Mr. Deputy Speaker, Sir, I believe that had gone on for a long time in the National Water Conservation and Pipeline Corporation (NWCPC). So, as much you think that I am lamenting, I am trying to put right what went wrong for a long time. Therefore, I did not bring it up because here I had a letter written on these people's letterhead and settled it. We are not paying that. If there is anything else that will come up with, I can bring it here.

You also said we are getting much more than we used to get; yes, we are now getting over Kshs400 million. Obviously, if we get Kshs250 million or sometimes less, it is because there are people who have put illegal connections and vendors who are making

people suffer. We are in the process of streamlining this. I cannot say I will do it overnight. I must be helped by the right arms of the Government. As much I am asking when I am taking one of these people to cells, I think that is not my mandate as the Minister. I will report anything that goes on to the right arm of the Government. Once they investigate, they must follow the law. That is how far I can go.

For Mr. Konchela, I agree that some of the water companies are not doing so well. However, we have already put a committee to look at the new Constitution and see how we are now going to ensure that our water companies operate. I want to say again that we are streamlining them. They are working with the Water Act (2000). It is not perfect. It has not even been understood very well by all the consumers and companies. We will continue to educate people so that they know what they have to do.

Mr. Deputy Speaker, Sir, Mr. Njuguna asked about illegal water connections in Nairobi. I am aware that they are many but we check every day. This is the reason we have not been making as much money as we should. In fact, in some areas, our people are threatened and they cannot go to those places without the police. When they go there, they find people carrying all sorts of weapons. We, however, will continue to ensure there are no illegal connections. It is just like what we used to see with the Kenya Power and Lighting Company (KPLC) Limited. I do not want to lament; I want to put things right for this Ministry.

Mr. Letimalo: Mr. Deputy Speaker, Sir, we raised our concern that there are certain water services boards that cover large areas to the extent that supervision and monitoring of projects is really wanting. We did recommend that these water services boards be split to be able to give efficient services. One of them is the North Water Services which covers the whole of the North Eastern Province and parts of Rift Valley Province. What could be the Minister's comment on the request?

Mr. Ochieng: Mr. Deputy Speaker, Sir, the Minister has talked about increase in collection within Nairobi but she has not talked about the issue of water rationing. Why are we still experiencing water rationing in some parts of Nairobi while collections have gone up?

Mr. Waititu: Mr. Deputy Speaker, Sir, I take this opportunity to first thank the Minister for work well done, especially in giving my people of Embakasi boreholes. We got 22 boreholes which are under construction but we still do not have electricity connection. Could the Minister clarify when they are going to connect electricity so that we can start using the water from the boreholes?

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, first and foremost, we have already decided that we are now going to look at the counties because we need to bring these services closer to the people. Once we line up these counties, we are going to call all Members from the areas and see how suitable it is and how to connect the counties. My thinking is that we should have four more extra water boards to bring them to 12. That will bring people closer to services.

About the availability of water in Nairobi, as you realize, we really had a long spell of drought. For that reason, I said that we should be careful so that we do not go the way we went last time. It is not as bad as it was last year. Water is not being rationed like last year. As I said here, about next month, Sasumua Dam will be completed and there will be no more water rationing because we would have adequate water.

On illegal connections, this means that people are connecting water for themselves and we are working with the police and other arms of the Government to ensure that there are no illegal connections. This is stealing and we are working on that.

Mr. Deputy Speaker, Sir, about the boreholes, they have been drilled and we will connect power to them. We dig the boreholes during drought because Nairobi City needs some services apart from water.

POINTS OF ORDER

STEPS THE MINISTRY IS TAKING TO BRING BACK SOCCER GLORY TO KENYA

Eng. Gumbo: Mr. Deputy Speaker, Sir, I wish to request for a Ministerial Statement from the Minister for Youth Affairs and Sports on what steps he is taking to bring back soccer glory to Kenya.

In the Statement, I want the Minister to clarify the following, in particular:-

1. What he is doing about the demonstrated inability of the Football Kenya to manage football in this country and why the officials of Football Kenya should remain in office.

2. What he is doing about Football Kenya's perennial inability to appoint a coach who can create a winning team from the millions of Kenyan youth who play and love soccer.

3. How he intends to tackle the reported disharmony between some players in the Harambee Stars team.

4. What steps the Minister is taking to develop soccer in this country, with particular reference to motivation of players and their welfare.

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, I undertake to inform the Minister for Youth Affairs and Sports about the Question. I will tell him today. I cannot commit him on the---

Mr. Deputy Speaker: Order, Mr. Kosgey! The whole issue, logic or rationale of the undertaking is that in collective responsibility, you give an indication of the date when that Ministerial Statement will be available.

(Applause)

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, Tuesday, next week!

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

COMMITMENT OF GOVERNMENT TO ICC

Mr. Mungatana: Mr. Deputy Speaker, Sir, I wish to seek a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs in which the following clarifications are sought. Did the Government commit to fully co-operate with the International Criminal Court (ICC) on their investigations of the post-elections violence? Can the agreement between the Government and the ICC be tabled in this

House? Has the Government afforded the ICC all the facilities they require to carry out their mandate? Has the Government failed to give information and necessary minutes of security meetings that were held during and after the post-election violence period? Can the Minister, finally, clarify whether, with the passing of the new Constitution, the Government will still co-operate with the ICC? Has the Government abrogated or changed that position?

Thank you.

(Applause)

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, again, I undertake to inform the Minister for Justice, National Cohesion and Constitutional Affairs about the Ministerial Statement being sought by Mr. Mungatana. Maybe, it will be issued on Tuesday next week. It was fairly simple!

Mr. Deputy Speaker: It is so directed, Tuesday next week!

THE KILLING OF A CIVILIAN IN KANGEMI MARKET

Ms. Karua: Mr. Deputy Speaker, Sir, on 21st July, 2010, I requested for a Ministerial Statement from the Minister in charge of internal security on the killing of a civilian in Kangemi, when the Administration Police (AP) and the police were trying to relocate the people from the market. Up to today, the Statement has not been given.

(Mr. Farah and Mrs. Odhiambo-Mabona consulted)

Mr. Deputy Speaker, Sir, this may require your attention! I sought a Ministerial Statement on 21st July, 2010 from the Minister in charge of internal security on the killing, on 17th July, 2010, of a civilian while the police were trying to relocate the people from the market at Kangemi. To date, it has not been given and I am seeking your direction. This is an old Statement and there is no reason why the Minister should not be ordered to give it tomorrow afternoon.

Mr. Deputy Speaker: Did the Minister made an undertaking to avail the Ministerial Statement the following Tuesday.

Ms. Karua: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Under the circumstance, the Chair directs that the Minister makes a Ministerial Statement available on Thursday this week. The Minister has until Thursday this week to deliver that Statement.

OPERATING LICENCE OF BUTALI SUGAR COMPANY

Dr. Khalwale: Mr. Deputy Speaker, Sir, similarly, before we went on Recess, I had requested for a Ministerial Statement from the Minister for Agriculture in respect of the operating licence of Butali Sugar Company. The reason she had given was that the matter was possibly *sub judice*. I want to inform the Chair that the matter has since been heard, determined and orders issued. So in view of that, could you direct that the Minister now comes and responds?

Mr. Deputy Speaker: Indeed, the matter was before the court then and the Chair was supposed to give a ruling on the *sub judice* aspect; the enforcement or lack of enforcement on the Floor of the House of this *sub judice* provision. But now that you have information to the effect that the matter has been determined, under the circumstances, I think then the Minister--- Does the determination of the matter in court put to rest your own matters that you raised in the Ministerial Statement or do you still want the Ministerial Statement?

Dr. Khalwale: Mr. Deputy Speaker, Sir, the point was that the issue being in court created a window of escape for the Minister and now that that has been sorted---

Mr. Deputy Speaker: Order, Dr. Khalwale! You better have the kind of civility and language that essentially befits the House. Do not say; “an escape”? The Minister is escaping from nobody under the circumstances. Nonetheless, a *sub judice* matter is *sub judice* and the Chair is the one which rules on that! Now that the matter has been determined in court, are your issues put to rest or do you still want the same Ministerial Statement to be delivered on the Floor of the House by the Minister?

Dr. Khalwale: My apologies, Mr. Deputy Speaker, Sir. I meant that it created an opportunity for her to delay the answer. I still need that she comes to respond because the gist of my Ministerial Statement is that we wanted an operating licence and we have not received it for our sugar company.

Mr. Deputy Speaker: Fair enough! ,

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, I can undertake once again to tell her to---

Ms. Karua: This Wednesday!

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, this Wednesday is too early; next Wednesday!

Mr. Deputy Speaker: Order! Ms. Karua, you do not engage a fellow hon. Member from across the Floor! Proceed, Mr. Kosgey!

The Minister for Industrialization (Mr. Kosgey): Mr. Deputy Speaker, Sir, next Wednesday would be ideal. But the Minister for Agriculture did not use the fact that this matter was *sub judice* to escape anything as he has put it. When answering again, Dr. Khalwale said that she used that as an excuse. The matter was *sub judice* and it remained *sub judice* until now that the court has determined. So the Minister for Agriculture will make the Ministerial Statement next Wednesday! Period! She did not use it as an excuse.

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

Next Order!

IMPLEMENTATION OF NEW CONSTITUTION

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. We had made presentations--- Indeed, the Law Society of Kenya (LSK) had presented a memorandum.

Mr. Deputy Speaker: The Chair is in possession of those presentations and the Chair is just about to give a ruling on it.

Mr. Mungatana: Mr. Deputy Speaker, Sir, thank you!

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. My point of order is informed by a very simple concern by Kenyans that the promulgation of the new Constitution was on 27th August, 2010. It is now 31 days ago. The Minister deliberately

allowed us to go on recess without bringing in the one crucial Bill for us to debate; the Bill on the formation of the Commission for implementation which is the engine of the implementation process. So, why I am rising on a point of order is that when I scanned the Order Paper, I did not see that as being part of the business of the House. Could the Chair direct that, since the implementation process has timelines - and we are remaining with only 59 days - this Bill comes to the House tomorrow?

Mr. Deputy Speaker: How is that relevant to Order No.8? What were you seeking from the Chair?

Dr. Khalwale: Mr. Deputy Speaker, Sir, I am not seeking a Ministerial Statement. I was just standing on this point of order to address the issue of arrangement of the Order Paper for the business of the House.

Mr. Deputy Speaker: Order! You are a Member of the House Business Committee (HBC). The business that is transacted on the Floor of the House is not determined by the Chair. It is determined by the HBC. How does the Chair give a direction on a matter that essentially should be directed by the HBC? You are a Member of that HBC and this is a matter that you should raise in the HBC today!

Dr. Khalwale: Mr. Deputy Speaker, Sir, I would not like to mislead the House. I sat in the last HBC meeting where we deliberated that this matter comes before the House. The Clerk, in his wisdom, in our pigeon holes, has already informed us that the business of this week was starting with that particular business as we had decided in the last HBC meeting. I am, therefore, worried that the Committee, being a smaller appendix of the entire House, it should hear it from the Chair - who does not sit in the Committee - that we want to transact that important business. The Government has gone ahead and created a stranger, who is unknown to Kenyans who voted for the Constitution; the stranger is called Cabinet Constitutional Implementation Committee. It does not exist anywhere in this Constitution. So, we would like them to save us that particular embarrassment and anxiety, so that we provide leadership for the country.

Thank you.

Mr. Deputy Speaker: The substantive business of the House is actually Government Bills. Everything else is peripheral and secondary. The Government Bills are determined by none other than the Government which has the majority in the House Business Committee. That is the practice. Under no authority, either constitutional or provided for under the Standing Orders, can the Chair direct how the House Business Committee and the Government should arrange its business.

You have talked about a stranger and all but there is no stranger because we do not even know about it. The Chair has no information on that. The matter can only be dealt with effectively in the Committee that you belong to yourself. If you decide to go beyond that, it is provided for in the Standing Orders. So, you can bring your own Motion to the Floor of the House. Maybe, with the leave of the House, you could seek that the same be implemented; you can use certain provisions in the Standing Orders.

The House does not adjourn because a Minister has played some tricks. The House adjourns because it believes that it has to go on a recess. It is by its own leave that the House can go on a recess. The House does not go on a recess by the direction of a Minister. So, we went on recess last time because the House so determined.

Hon. Members, Order No.8 is deferred to Thursday next week because the processing of the amendments is not complete. The amendments are not complete. Under

the circumstances, it is now deferred to Thursday next week. That is the information in the domain of the Chair.

COMMITTEE OF THE WHOLE HOUSE

THE INSURANCE (MOTOR VEHICLE THIRD PARTY RISKS) (AMENDMENT) BILL

(Bill deferred)

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. With respect to your order that the matter comes up on Thursday next week, I am aware that this Bill was never presented for deliberation by the Departmental Committee on Justice and Legal Affairs. Would the Chair be kind enough to order that before this matter appears on the Order Paper again, the Bill should be presented to the Justice and Legal Affairs Committee for discussion first?

Mr. Deputy Speaker: It stands committed to it.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): On a point of order, Mr. Deputy Speaker, Sir. My understanding is that the order that was to be postponed was Order No. 9.

Mr. Deputy Speaker: We have not reached Order No.9. We are on Order No.8.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Deputy Speaker, Sir, we are ready to proceed.

Mr. Deputy Speaker: Order, Mr. Minister. Order No.8 cannot be moved because the information with the Chair is that the relevant Committee has not completed amendments.

Mr. Olago, the moment the Bill is tabled before the House, it stands committed to the Committee. It does not have to be sent there by either the Minister or the Chair for that matter. The information that is in our domain right now is that amendments are not complete, and the Chair expects the relevant Committee to have the amendments complete for this matter to be moved on Thursday next week.

Next Order!

BILLS

Second Reading

THE FINANCE BILL

Mr. Deputy Speaker: Hon. Members, the information again in our domain is that the processing of amendments for to this Bill is not complete. The matter will appear on the Order Paper on Wednesday next week and the Chair expects the relevant Committee to have completed the amendments.

(Bill deferred)

Next Order!

Second Reading

THE RETIREMENTS BENEFITS (AMENDMENT) BILL

Mr. Deputy Speaker: Where is Mr. Wamalwa to move the Bill? Is Mr. Wamalwa out of the country on any parliamentary business or any business that has been communicated to the Chair, or to the Office of the Clerk for that matter?

(Mr. Deputy Speaker consulted with the Clerk-at-the-Table)

There being no Mover, Order No.10 is also deferred.

(Bill deferred)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, there being no other business on the Order Paper to transact this afternoon, the House stands adjourned until tomorrow 29th September, 2010 at 9.00 a.m.

The House rose at 4.35 p.m.