

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 28th October, 2010

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

Mr. Deputy Speaker: Order, hon. Members! Let us start with Question No.378 by Mr. Danson Mwazo.

The Assistant Minister for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. Page one of the Order Paper starts with Questions by Private Notice. The first Question is by Mr. Omondi Anyanga to the Minister for Public Health and Sanitation.

Mr. Deputy Speaker: That is fair enough! Let us start with Mr. Omondi Anyanga's Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

TESTING/TREATMENT OF DIABETES IN NYATIKE

Mr. Anyanga: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Public Health and Sanitation the following Question by Private Notice.

(a) What is the Government doing to make sure that there is comprehensive testing and treatment of diabetes at the lowest level of the community and particularly in Nyatike Constituency?

(b) Could the Government consider subsidizing the cost of diabetes treatment to make it affordable and available to many patients, especially in Nyatike Constituency?

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry, through the Division of Non-Communicable Diseases, has initiated a National Diabetes Comprehensive Care Programme. The purpose of this programme is to mainstream diabetes prevention and control at all levels of care, starting from the family; that is, the community level to the national level centres. In Migori District where Nyatike Constituency is located, five health care workers were trained on diabetes comprehensive care in August, 2010 and provided with the glucose testing machines. It is expected that the district clinics will establish community outreach services for screening and intensified health education for prevention.

(b) Treatment for diabetes is provided in public facilities at a subsidized price. For example, insulin is charged at Kshs200 in our health facilities, compared to Kshs1,800 in the private sector. However, this amount is not always affordable to many of our people due to high levels of poverty among our community members.

For those who cannot afford to pay for treatment, there is a waiver and exemption in place.

Mr. Anyanga: Mr. Deputy Speaker, Sir, may I take this opportunity to thank the Assistant Minister for this very elaborate answer. May I inform the Assistant Minister that Nyatike Constituency is within Nyatike District and not Migori District. There has never been any diabetes clinic in that constituency.

The community outreach that is supposed to be established has not been established in Nyatike District. Could the Assistant Minister assure this House that he will establish the same for the people of Nyatike Constituency so that they can also benefit from it?

Dr. Gesami: Mr. Deputy Speaker, Sir, I think Nyatike Constituency used to be under Migori District, but because of the number of districts we have created, it is now under Nyatike District. I will ensure that we have some trained officers in Nyatike to look into diabetes.

Mr. Outa: Mr. Deputy Speaker, Sir, today we have a number of people who suffer from either Diabetes Type I or Diabetes Type II in Kenya. This has really been a major concern to many Kenyans who have acquired this disease through their lifestyle and they cannot afford to pay for it. Is the Assistant Minister aware that most of the kits used to treat these patients attract Value Added Tax (VAT)? What will the Ministry do so that the kits can be categorized as non-pharmaceutical products?

Dr. Gesami: Mr. Deputy Speaker, Sir, I am aware that, in fact, some of the kits that we use in the treatment of diabetes are taxed. As a Ministry, we have requested the Treasury to exempt some of these products from duty. In fact, it is very expensive for a diabetic patient to undergo various laboratory examinations and we feel that we should approach the Treasury for assistance. This House has a responsibility to assist us to do that.

Mr. Mungatana: Mr. Deputy Speaker, Sir, the Assistant Minister is aware that with proper monitoring and treatment most diabetic people can live very happy, healthy and productive lives. However, almost one-third of those who have diabetes are actually not aware that they have it. Today, there are many patients in Kenya particularly, in the rural areas who are not aware that they are suffering from diabetes. Apart from the monitoring and treatment of glucose levels, this should also involve the use of basic instruments like the lancets and glucose monitors.

The question I want to ask on behalf of all Kenyans, particularly those who live in the rural areas is: What has the Assistant Minister done to subsidize the cost of treatment for those who are already involved in managing their sugar levels? What has he also done to subsidize the cost of testing so that people can know their status as far as diabetes is concerned?

Dr. Gesami: Mr. Deputy Speaker, Sir, it is true that diabetes is a silent killer. The Ministry has recently developed a comprehensive policy on diabetes. We have put this in a comprehensive package at the community level to make sure that the community health workers can reach every home. In actual fact, if you look at what we have in our community approach in every sub location, you will find that we have trained enough nurses and community health workers who can screen the patients so that those who are found to be diabetic can be given early treatment to prevent complications that are associated with this disease.

On the second question, I have already answered that the Ministry of Public Health and Sanitation is in consultation with the Treasury so that we can get the kits that we treat these patients with, duty free.

Mr. Mwangi: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us whether he is aware that for the last one month, there has been a shortage of insulin which is part of the treatment required for diabetic patients? In one hospital in my constituency, Muriranjas Hospital, there has not been any insulin since September, 2010. What has the Assistant Minister done to ensure that insulin is available in all our public hospitals?

Dr. Gesami: Mr. Deputy Speaker, Sir, it is true that insulin is a life-saving drug for diabetics, particularly Type I Diabetics, that is, the juvenile diabetics. It is also useful in the treatment of the Type II Diabetics, that is, the mature onset diabetes. However, I have already indicated that the Government has subsidized the procurement of insulin to an extent that one tube of insulin costs Kshs200 in Government hospitals whereas in the private sector, the same costs Kshs1,800. However, we are saying that most of our people may be unable to afford the Kshs200. I have answered a few of these questions in this House. One of our main challenges in the health sector is health care financing. The amount of money allocated to us cannot enable us procure all the drugs that we need.

The second challenge is the training of human resource. So, these are challenges that we shall continue surmounting as we go by.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister confirm whether insulin is available or not? For the last one month, it has not been available at Muriranjas Hospital. Has insulin been available since last month?

Dr. Gesami: Mr. Deputy Speaker, Sir, I know that we have been running out of insulin in our health facilities because of lack of funding. I cannot confirm whether Muriranjas Hospital has insulin at the moment.

Mr. Anyanga: Mr. Deputy Speaker, Sir, the Assistant Minister has confirmed to this House that treating diabetes is extremely expensive. However, insulin is not the only drug that is meant to treat diabetes. What measures has the Government put in place to zero-rate taxes and duties on all medical and laboratory consumables for diabetes?

Dr. Gesami: Mr. Deputy Speaker, Sir, I have already indicated that the Ministry will discuss with the Treasury to ensure that the gadgets for measuring blood sugar are acquired duty free. However, I know that all the drugs that we use in this country; if they are imported, they are duty free particularly the ones for diabetes. Really, there is no tax on most of the drugs we import from outside that we use for the treatment of diseases. I think the area we need to look at is the laboratory examination. This is where we are in touch with the Treasury so that we can waive duty on these products.

Mr. Deputy Speaker: Let us move on to Mr. Koech's Question!

Mr. Koech: Mr. Deputy Speaker, Sir, I asked this Question last week, it was interrogated and the Assistant Minister was supposed to bring to this House more information.

USE OF SUB-STANDARD MATERIALS IN CONSTRUCTION OF KABIEMIT HEALTH CENTRE

Mr. Koech: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Public Health and Sanitation the following Question by Private Notice.

(a) Why is the contractor who was awarded the tender to construct Kabiemit Health Centre through the Economic Stimulus Programme using sub-standard building materials such as blocks?

(b) What steps has the Ministry put in place to ensure that the contractor follows the contract specifications and ensure value for money?

Mr. Deputy Speaker: Mr. Assistant Minister, can you proceed and give the additional information that you undertook to bring today?

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Mr. Deputy Speaker, Sir, I seek the indulgence of this House to get the information later on. I thought it would take me one day to get the information I wanted but it has taken me longer. I undertake to give the information in the course of next week.

Mr. Deputy Speaker: Why has it taken long? Do you have any satisfactory explanation?

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Mr. Deputy Speaker, Sir, this is on the second tranche of money from the Economic Stimulus Package (ESP) to the health centres. The first tranche of Kshs8 million had been sent to all constituencies. Not all constituencies have got the second tranche. The Accounts Department in my Ministry requires a little more time to get this information.

Mr. Deputy Speaker: How much time do you need?

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Mr. Deputy Speaker, Sir, I will give the information next week, on Wednesday the morning.

Mr. Deputy Speaker: It is so directed. Let it be on Wednesday, next week, in the morning.

(Question deferred)

CLOSURE/PRIVATIZATION OF PUBLIC ROADS
BY M/S THIKA GREENS

Ms. Karua: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) Is the Minister is aware that Roads C71 (Old A2) Thika/Kabati/Murang'a and E1554 Thika/Mugecha/Naaro are being fenced off for closure and privatization to M/s Thika Greens in spite of the protest by the affected public?

(b) What are the legal and social considerations that have informed this Ministry's decision and what is the Government's policy on such issues?

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

(a) I am not aware that Roads C71 (Old A2) Thika/Kabati/Murang'a and E1554 Thika/Mugecha/Naaro are being fenced off for closure and privatization by M/s Thika Greens Limited. However, I am aware that Thika Greens Limited submitted a request to my Ministry for re-alignment of the mentioned road in order to consolidate their property. The matter is being studied by my officers and in the meantime, Thika Greens Limited has been advised not to interfere with the public road until the matter has been settled.

(b) As stated above, no re-alignment of the above-mentioned public road and the road reserve will be tampered with. Subsequently, no action will be taken until the Ministry gives a clear decision on that matter.

Ms. Karua: Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister has said that he is not aware. Could he confirm to this House that on 3rd February, 2010, a letter written by his Ministry headed “Closure and Re-routing of Old A2 Currently C71 and D1554 in LR---” Could the Assistant Minister confirm that he has given notice to the residents of the area that the Ministry wants to close this public road that leads to Kandara in order to give it over to a private company known as Thika Greens Limited? I will table the letter later on.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I want to confirm to this House that, indeed, my Ministry received a request dated 12th July, 2009 from M/s Thika Greens, requesting the closure of the said roads. My Ministry, through the Director-General, Kenya Rural Roads Authority (KRRA), wrote a letter, dated 16th August, 2009, which was addressed to M/s Thika Greens, indicating that my Ministry had received the request, and that nothing would be tempered with until such a time as a decision was made and communicated to the affected persons.

The letter also confirms that we have also received objections on the said closure. Therefore, as far as we are concerned, the matter is before the Ministry, and no decision has been arrived at.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I welcome the assurance by the Assistant Minister, but could he give a firm commitment to this House that whatever decision will be made will not lead to the closure of this road, because there is no policy consideration involved, and members of the public are complaining? Weighing the interests of the public against the private interests, clearly, the public interests of preserving the road outweigh those of the private company. So, could he assure this House that, pending that decision, no precipitate action will be taken to convert this public road into a private property?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I want to assure the hon. Member that, as I have said before this House, the public good will be taken into account. I have already indicated that even after receiving the request from M/s Thika Greens for us to close the road, we received complaints from members of the public, complaining that they would not want the road closed as requested by M/s Thika Greens. Therefore, we inform members of the public, who are opposed to this closure, that the file is still open; we would be more than happy to receive their complaints.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Njuguna: Mr. Deputy Speaker, Sir, arising from the tabling of the letter by hon. Karua, which letter raises some new concerns, what steps is the Ministry likely to take immediately to address the concerns raised by the communities in that area?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, as I have indicated, as far as we are concerned, this is a public road. As recently as this financial year, we allocated funds for the road to be constructed, and that has already happened. Therefore, we will not allow this road to be turned into a private road without due consideration of all the parties concerned. I want to assure this House that the Thika-Kabati-Muranga Road (C71/A32) was gazetted as a line of public travel through Legal Notice No.449 of December, 1959, with a road reserve of 36.58 meters. Therefore, being a Government road, we will not allow it to be taken over by any private developer without following the due process.

Mr. Deputy Speaker: Last question, hon. Karua!

Ms. Karua: Mr. Deputy Speaker, Sir, it is so very well for the Assistant Minister to say that no precipitate action will be taken, but noting that the Ministry

has already entertained the application by giving notice to the people that this road will be privatised, what are the public policy considerations of giving over a public road of as long ago as 1959? We welcome the development by M/s Thika Greens, but the new development cannot close a road which serves a large population – the population in Kandara and beyond. What are the public policy considerations?

The Assistant Minister for Planning, National Development and Vision 2030 (Mr. Kenneth): On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: To whom? To the Questioner or to the Assistant Minister?

The Assistant Minister for Planning, National Development and Vision 2030 (Mr. Kenneth): To the Assistant Minister, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Do you want to receive the information, Assistant Minister?

Mr. Kinyanjui: I welcome the information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed, Mr. Kenneth.

The Assistant Minister for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Deputy Speaker, Sir, the road being discussed falls within my constituency, which is Gatanga. I know that no conclusion has been arrived at on the issue the Assistant Minister is answering on to, because Mawn Group of Professionals objected in writing to the closure of the road. What I know was being discussed was not the closure of the road, but the re-routing to the same standards of that road to ensure that development takes place. Therefore, when we speak of closure, maybe, the Assistant Minister should also address the issue of re-routing the road, because the proposal we objected to had a better tarmac road than what is there today.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Assistant Minister, even the letter that was tabled here, which was written by the Ministry of Roads, talks about closure/re-routing. The presumption is that the road is to be closed and then re-routed. So, closure and re-routing are applicable. It is up to you to very openly explain these things.

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I welcome the information by the Member of Parliament for Gatanga. I wish to state clearly that my Ministry is looking at mitigative measures to be taken in the event that, that closure is to be done; one of which is to re-route the road. As I have said, that matter is still open. No conclusion has been reached as of now.

As we continue to look into this particular matter, it is important for the public to appreciate that we have said we have received complaints. One set of people is saying that they do not want it, while another set of people says they want it.

Mr. Deputy Speaker, Sir, the hon. Member said that we have entertained such a request. It is obviously improper to say that because, as a Ministry, we receive all manner of requests. The problem is whether we will be able to grant it without looking at other considerations and the public interest in this particular matter.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. I clearly asked what the public policy considerations were. The Assistant Minister has avoided the question. He has also avoided telling the House that the re-routing would occasion an additional distance of eight kilometres.

Mr. Deputy Speaker: Assistant Minister, part (b) of the question is very specific. It asks “what are the legal and social considerations---“. My assumption is that, that takes into consideration the public policy on the same, informs the best decision, and what the Government policy on such issues is. Are you sure you have

addressed yourself to those concerns in your answer, or is it the assumption of the Chair that the closure and the re-routing will happen in the sequence they are indicated? Will you re-route and then close the road? Which is which?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I think the hon. Member is presupposing that the road has already been closed and, therefore, asking what legal and social implications the closure will have. I have clearly stated that the road has not been closed. I also want to state that if there is any information contrary to that particular fact, we are ready to pay a visit to that area. We will do all that is necessary.

Lastly, I want to assure this House that the Ministry acts in the interest of the public. Indeed, I want to assure the hon. Member and all the users of this particular road that, my Ministry will pay attention to all the complaints and whatever decision will be arrived at, will ensure that every interest is taken care of, including the additional distance that would be there if we grant the request; but granting or not granting the request is a decision which will be arrived at much later.

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

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

Ms. Karua: On a point of order Mr. Deputy Speaker, Sir. You have directed the Assistant Minister to tell the House the legal and social considerations, whether or not the road is being closed. It is the right of this House and the Kenyan public to know what are the considerations, the parameters that will be used and therefore to object from a position of information. Is the Assistant Minister in order to defy your directive?

Mr. Deputy Speaker: Hon. Assistant Minister, I, as the Chair, has been explicit in the need for you to answer the Question. The feeling of the Chair is that the question is not adequately addressed, particularly part “b”. Can you proceed or should you ask for more time?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I do not require any more time than we have had so far. I have indicated that this particular road was created by a gazette notice of 1959 and, therefore, any change would also have to be gazetted. Secondly, I have indicated that my Ministry will be able to call all the stakeholders, including those who object and those who do not object. Therefore, we will be able to ensure that all the matters have been taken into consideration. I also want to state that the settlement pattern in this particular area, and I think this is a matter that I would like to really emphasize - that we have this huge investment that is coming and it is going to open up the whole area. I think it is not for us to put unnecessary obstacles in the path of such a development but we should come clearly forward and give viable options. Like I have said, my Ministry will be open to solutions from members of the public and specifically the users of this particular road. I am happy that the Member of Parliament from this particular area has said that negotiations are going on and that members are being consulted.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to constantly come and refer to people who have used that road from 1959 as “unnecessary” and “an obstacle” to development? Is he in order to come here on his portfolio and demand to take public property, privatize it and then wish to inform this House that this Ministry is indeed considering doing such a thing?

Mr. Deputy Speaker: Hon. Assistant Minister, my assumption is that you should have said this is a legal and Government policy consideration and cite your authority. If that authority is basically the way you have gone about it, can you proceed and say that?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, as I have indicated, this is a public road. It is, therefore, public property. For it to be converted into private ownership, the due process must be followed. I have assured this House that should we get to that stage, all that would be done. When we talk about compulsory acquisition, because it is the reverse of what we are talking about, the valuation is done and the market rates are paid. But right now we, as a Ministry, have only received a request. We have an obligation to look at both sides of the argument and as I have said, we are in the process. No road has been closed and I assure this House that it will not be done.

Mr. Deputy Speaker: Hon. Assistant Minister, compulsory acquisition is when a property is being transferred into public use and not from public to private.

Ms. Karua: Thank you, Mr. Deputy Speaker, Sir. That is what I wanted to ask the Assistant Minister. Is he in order to mislead the House that compulsory acquisition can occur where you acquire property from the public to privatize, while we all know that only the public can acquire from the private? Is this the public policy considerations he is talking about? Is he in order to mislead Kenyans?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, if any Member has been misled, I am sure it is the hon. Member for Gichugu. I have clearly stated that the reverse of compulsory acquisition is what is being requested; that a private developer has requested to take Government land, which is currently a road and we received the request. We have not granted the request. So at what point does this amount to misleading the House? I want to assure the House, and I think I have already said it, that we do not want to be an obstacle to development. However, any transfer of public land into private land must be done within the law and my Ministry will ensure that that is done.

Mr. Kigen: On a point of order Mr. Deputy Speaker, Sir. Can the Assistant Minister undertake to inform the House of the action he is going to take immediately now that it is clear the private developer has already started fencing the road off?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I am not aware that the road is being fenced off, but if that happens to be the case, we will send our team for inspection and necessary action will be taken if such a person is found to be doing so.

ORAL ANSWERS TO QUESTIONS

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 the European Union (EU) amounting to Kshs.3 billion was diverted to other projects;

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

(c) when the road will be repaired.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, I do not have a written answer signed by the Minister. I have a piece of paper given to me!

Mr. Deputy Speaker: Do you wish to continue prosecuting the Question or you wish to have a written answer before doing that?

Mr. Mwakulegwa: I would like to proceed with the Question!

Mr. Deputy Speaker: Proceed, hon. Assistant Minister!

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

This is the second time that this Question is coming before the House, having been deferred by the Speaker previously because no definite answer was given in terms of the actual commencement of the repair of this road. During that period, it was clearly noted that the road has been in dire need of repair for a long time and no clear commitment had been given. Therefore, I hope my answer will be able to address that particular detail.

(a) A detailed engineering design review of the road is currently ongoing and is due to be completed in April, 2011. I want to repeat again, the design review, which means we have already done the design and it is complete.

(b) The road project is being implemented jointly with Tanzania as part of the multinational Arusha-Holili-Taveta-Voi Road Project. The two governments have identified it for priority funding under the ADF 12-Funding Programme and funds will be availed as soon as the negotiations are complete.

(c) My Ministry is very eager to implement the construction of the Voi-Taveta Road and had approached several development partners including the European Union to support the project once the design review was completed. But when the ADB which was financing the design consultancy also undertook to provide the funding for construction of the road as a regional project under the East African Community, the Ministry decided to utilize the available European Union funding for implementation of the Merile-Marsabit section of the Isiolo-Moyale Road which was due for tendering.

Mr. Deputy Speaker, Sir, further to that, we have allocated within this financial year a total of Kshs800 million that will be used for the rehabilitation of the Voi-Mwatate section during this financial year. The advertisement for this particular contract was carried on 16th October, 2010 and a pre-tender cite was scheduled for 28th October, 2010, which is today and the tender opening will be on 5th November, 2010.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, this Question was deferred two weeks ago because the answer that was given then was not satisfactory. Even the one he has given today is not. The Question is: Why was the money relocated from the Voi-Taveta Road to elsewhere? When are they going to allocate funds? When is the road going to be done? The answer he has given does not indicate why the money was taken away from Voi-Taveta Road. It does not also indicate when the road will be constructed.

Mr. Deputy Speaker: Mr. Assistant Minister, can you answer those questions?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, in Part "C" of my answer, I said that my Ministry was eager to construct the Voi-Taveta Road and had approached several development partners, including the European Union, to support the project once the design review was completed. But when the ADB, which was financing the design consultancy work undertook to provide funding for the construction of the same road under the East African Community, the Ministry decided to utilize the available funds under the EU for the implementation of another road within the same county; that is Merile-Marsabit section of the Isiolo-Moyale Road. Lastly, the hon. Member has requested to know when exactly the road will be constructed. I am happy to inform the House that my Ministry, through the funding from the Government of Kenya and the ADB, are currently involved in negotiations towards arriving at a favourable contract for the rehabilitation of that road. A total of Kshs8 billion has

been earmarked for that road and the procurement process is due to start in April next year. The Tanzanian Government has undertaken to fund their section of the road - which is the Arusha-Holili Road - using the ADB facility.

Mr. Gunda: Mr. Deputy Speaker, Sir, in his answer, the Assistant Minister has said that a detailed engineering design review of the road is currently on-going and due to be finalized in April 2011. From the time I was in High School, that road has been under review of designs.

(Applause)

Could the Assistant Minister categorically confirm to the House that this is the last design review and by 2011, we will see work going on, on that road from Voi to Taveta?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, it is unfortunate that that road has remained in that state for that long. But I want to assure the hon. Member that their troubles are over because, as I have indicated, the Government of Kenya and the ADB are at a very high level in terms of agreeing and getting to the conclusion of this matter. We already have a design. What is going on is a design review. On the basis of the design that we already have, we will proceed and do the procurement by April next year.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, this Question has been handled very casually and I want to ask the Assistant Minister to confirm or deny that, that road will never be repaired. That is because if it is repaired, the produce from Taveta and Northern Kenya will find its way to Coast Province and, therefore, deny the produce from other parts of the country a chance? That is the only reason that, that road has never and will never be done!

(Applause)

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, it is unfortunate for the hon. Member to think that my Ministry has handled this matter casually given that three weeks ago, this House ordered that we come up with a definite answer as to when that road will actually start. I have given exactly that. In fact, I have not only given the year, but also the month. As to whether that road will ever be done and the issues that have been raised by the hon. Member, I can only say what we are currently doing. As to the future, I have no power to predict.

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

Mr. Deputy Speaker: Order, Mr. Joho! The Assistant Minister has given a categorical undertaking which has been captured by the HANSARD. He has said that the procurement process will start, at the very latest, by April next year. If it does not start, the Assistant Minister knows the consequences of that. So, I think the matter has been handled fairly well!

Mr. Mwakulegwa: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: To inform the Chair or the Assistant Minister?

Mr. Mwakulegwa: The Assistant Minister, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: We will go to the next Question!

Question No.482

SHOOTING OF TANA RIVER RESIDENTS BY POLICE

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

(a) whether he is aware that Administration Police Officers in Hola shot dead Mr. Mahrus Muhamud Wario and dumped his body into River Tana in March 2006;

(b) whether he is further aware that police officers from the regular police and General Service Unit (GSU) shot dead Mr. Rashid Abdi Daran, Abubakar Madhohe Abdi and Adhan Jirrow Abdille of ID Nos. 25895202, 8267635 and 8266689 respectively, in Charindende, Bura Constituency in March 2009; and,

(c) if he could confirm whether an inquest file was opened for each of the two cases and, if so, what the status of the inquests is, so far, and when the culprits will be apprehended.

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

(a) I am not aware that AP officers shot dead Mr. Mahrus Muhamud Wario and dumped his body into River Tana in March 2006. However, I am aware that on 17th July, 2007, Mahrus Muhamud Wario drowned in River Tana while running away from the AP officers who were on patrol. The incident was reported at Hola Police Station by the AP officers. The body was retrieved on 21st July, 2007 by the police with the help of public members and relatives and taken to Tana River District Hospital Mortuary. A postmortem was later performed and the cause of death was confirmed to be due to drowning. I hereby table the postmortem report.

(Mr. Ojode laid the document on the Table)

(b) Yes, I am aware that on 21st May, 2008 one Mr. Rashid Abdi Daran was shot during skirmishes between police and rowdy youth who had set on fire machinery owned by Yamata. Yamata is a mining company operating in Charindende area in Bura. Two other civilians who were in the rowdy mob, Abdi Daran Boya and Abdirahman Omar, were injured and not killed. The OCS, Bura, Siai James Tarus and IP Anderson Njagi from the GSU were also injured. All the injured were treated in hospital and discharged. They were later issued with P3 Forms which I also wish to table.

(Mr. Ojode laid the documents on the Table)

(c) Following the death of Mahrus Muhamud Wario, a Police Inquest File No.1/2007 was opened and later placed before Senior Resident Magistrate in Hola. The court, after perusal of the file, found that the cause of death was as a result of drowning and nobody would be held responsible for the death and, therefore, ordered the file to be closed. I hereby table a copy of the ruling.

(Mr. Ojode laid the document on the Table)

Following the shooting of Rashid Abdi Daran, a Police Inquest File No.2/2008 was opened. The file was forwarded to the Attorney-General's Chambers for perusal and advice is being awaited.

Dr. Nuh: Mr. Deputy Speaker, Sir, while I wish to go through the postmortem report and the ruling that the Assistant Minister has alleged was given at Hola Magistrate's Court, I wish to table a document from Hola Police Station stating when the inquest file was opened. It was opened on 24th July, 2007.

(Dr. Nuh laid the document on the Table)

I had made a request to the Attorney-General, the Commissioner of Police and the Minister of State for Provincial Administration and Internal Security requesting the status of the same inquest file on 11th December, 2008. That inquest file that was opened way back in 2007. I wish to table the letter which was not replied to!

(Dr. Nuh laid the document on the Table)

More importantly, the same kind of inquest file was opened for Abdi Rashid Daran in 2008. The Assistant Minister has the courage to tell this House that to date, they are still awaiting official response from the Attorney-General's Chambers. Time and again, we have had to put similar questions to ask the Minister. How long does it take to conclude an inquest? What is the average time required by the police to conclude an inquest file that is open?

Mr. Ojode: Mr. Deputy Speaker, Sir, by law, the Attorney-General must give directions. It does not matter how long it will take, the problem is within the Attorney-General's office, and not in our office. Once we have been advised, we will take appropriate action. In the event that we are not given direction by the Attorney-General, our hands will be tied. We must get directives from the Attorney-General.

Mr. Affey: Mr. Deputy Speaker, Sir, it is very clear that we do not expect the dead to speak for themselves. Regarding Mr. Wario's incident, the Assistant Minister says that he drowned when the police were on patrol. Ordinarily, when the police are on patrol, they do not force people to drown. There must be something the police did to this man. They either forced him into the river to make him drown or they killed him and threw his body into the river. Could the Assistant Minister confirm to the House the real cause of Mr. Wario's death, because to say that he drowned as a result of police patrol is not convincing?

Mr. Ojode: Mr. Deputy Speaker, Sir, he is right but let me give some background information as to how this fellow drowned. During the patrols of the Administration Police, there was Mr. Thunguri Omar Mohammed who had escaped from police custody. When the police were patrolling and looking for this person, they came across two male adults at Hola Water Pump Station. That is where Wario was with another gentleman.

Upon seeing the police officers, they ran away from the police officers. They wanted to swim across a river. This particular gentleman was with Ramadhan Abubakar Ali. Mr. Abubakar Ali managed to swim across, but Mr. Wario could not swim. That was the unfortunate incident that occurred. It is also fortunate that the Questioner ---

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister confirming that the Administration Police were intimidating Kenyans, and that on the sight of the administration police officers, these people ran into the river and drowned? Is that what he is confirming to the country?

Mr. Ojode: Mr. Deputy Speaker, Sir. Let me give some background information. There are those people who fear uniformed police officers. That was what made this particular gentleman and his friend to run away. He thought---

Mr. Deputy Speaker: Order, hon. Assistant Minister. If Kenyans were to run away because they have seen members of the security forces in uniform, then we would be having millions of Kenyans running in all directions all the time, because there are members of security forces everywhere!

Mr. Ojode: When this incident happened, the police were looking for this gentleman called Thunguri Omar Mohammed at the Hola Water Pump Station. There were two gentlemen within that area; those were Messrs Ramadhan Abubakar Ali and Wario. So, when they saw these police officers coming, they ran away from them. When they were crossing the river, one of them swam across but Wario never swam through.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister seems to be misleading this House, because he is not stating that Mr. Thunguri, whom the Administration Police officers were looking for was not with the two. So, why would these Kenyans run away upon seeing Administration Police officers in uniform, yet they had been seeing uniformed police every other day?

Mr. Ojode: Mr. Deputy Speaker, Sir, the Questioner has given me a document confirming--- He is the one who has given me this document confirming the following. This document was written by the OCS, Hola Police Station. He wrote to the Resident Magistrate and it reads as follows:

“ I regret to inform you of the death of one Mahrus Mohammed Wario, a Munyoyaya male adult aged 29 years, who drowned in River Tana on 17th July, 2006 while escaping from Administration Police officers who were on normal patrol along the river”.

This is his document and he has given me this document to confirm that the gentleman drowned.

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

Mr. Ojode: Let me table the same document.

(Mr. Ojode laid the document on the Table)

Mr. Deputy Speaker: Dr. Nuh, do not insist on raising too many points of orders; maybe you should get assistance from your other colleagues in the House. This cannot be turned into just an exchange between you and the Assistant Minister.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Okay, proceed with your point of order.

Dr. Nuh: Mr. Deputy Speaker, Sir, the Assistant Minister alleges that is my document. That is a police document. The fact that I brought it to the House does not make it my document. The authenticity of that document is only assumed due to the fact that it was issued by his office. So, he should not allege that, that is my document.

Mr. Ojode: Mr. Deputy Speaker, Sir, if you go through the documents which I have tabled, it is the same thing. I have tabled the postmortem, which states the same thing. He has aided me with that particular document from our officers and it states the same thing.

Mr. Imanyara: Mr. Deputy Speaker, Sir, the Assistant Minister is obviously giving us an answer that is drawn exclusively from the information supplied to him by police officers. These are the same police officers whom he alleges the deceased was running away from. Let us have some courtesy for the dead. They are not just

“fellows”. These are Kenyans who died under circumstances that have not yet been explained. The Assistant Minister has confirmed that one of the people, Ramadhama Abubakar survived. Could he tell us whether any statement has been taken from Mr. Ramadhan, because I suspect that his statement will not confirm what he is stating here? If so, could he table it before this House?

Mr. Ojode: Mr. Deputy Speaker, Sir, it is quite unfortunate that Mr. Wario lost his life while crossing the river. I have tabled the postmortem report from the doctor which states the same. The postmortem---

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. My question was very specific. The Assistant Minister told us that Mr. Ramadhan Abubakar survived. My question is: Has he recorded any statement from him? Does he have any statement in the inquest file, or with him from Mr. Abubakar, who survived, and who is the only independent witness? The police officers will obviously not give him neutral information?

Mr. Ojode: Mr. Deputy Speaker, Sir, I have a detailed postmortem report, which has been certified by the doctor.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! The questioner is asking you whether the survivor has recorded a statement with the police. Could you say “yes” or “no”?

Mr. Ojode: Mr. Deputy Speaker, Sir, the survivor recorded a statement and that is how we knew that they were running away together. When we doubted the survivor’s report, we had to get the postmortem done and it is very clear that he drowned.

Mr. Deputy Speaker: Mr. Minister, it is clearly seen by the Chair that, indeed, you do not even have the facts that are in your possession. You have tabled an affidavit here by the OCS, Hola, which says:

“I regret to inform you of the death of one Mahrus Muhamud Wario, a Munyoyaya male adult aged 29 who drowned into Tana River on 17th July, 2007, while escaping arrest from Administration Police officers.”

Why was he supposed to be arrested?

Mr. Ojode: Mr. Deputy Speaker, Sir, I said that I was aided by the Questioner himself. The fact of the matter was whether the man drowned or he was killed by the police. Let us separate the two. The man was not killed by the Administration Police. He died when he could not swim. That is the bit I wanted to bring to your attention. I have evidence through the postmortem which was done.

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. We cannot allow the Assistant Minister to get away with this. Surely, this is a very serious matter. Mr. Assistant Minister, please, do not be very casual on this one. We want to know the cause of death. The causes of death, according to your statement are two; one, you said that he died as a result of police chase and the other because of drowning. The one that came first is the chase. Could you confirm to us that this man died because of the chase? That is the cause of the death.

Mr. Ojode: Mr. Deputy Speaker, Sir, Mr. Wario drowned. As a result of that, he met his death. That is as far as I am concerned. In any case, if there is anything which is contrary to the papers which I have---

Mr. Lessonet: On a point of order, Mr. Deputy Speaker, Sir. First, I want to refer you to a similar situation about a month ago in this House when three people were shot dead in my constituency, Eldama Ravine. We succeeded to send a Parliamentary Committee on Administration and National Security to the ground to collect the facts. You will realize, from the Report which will be tabled here, that the

facts will be totally different from what the Assistant Minister presented. I want to request that this particular incident be referred to the Parliamentary Committee on Administration and National Security, so that this Ministry can stop taking us in circles and killing Kenyans with impunity.

Mr. Ojode: Mr. Deputy Speaker, Sir, that is not for me but for the Chair to decide, or the committee can do it automatically. But the duty of police officers is to protect the lives of Kenyans and their property. At no one time will you ever find police officers killing those whom they are supposed to protect. I do not think it is right.

Mr. Mungatana: On a point of order, Mr. Deputy Speaker, Sir. These assertions by the Assistant Minister are contradicted by his very statement. Is he in order? If really the duty of the police is to protect lives, has he given us any evidence that the police tried to help Mr. Mahrus? Did they dive into the river to try and help him or were they just ready to shoot him?

Mr. Ojode: Mr. Deputy Speaker, Sir, there is one thing which we have to consider here. If there is anything contrary to the papers which I have, why can they not also table them so that we compare with what they have? The postmortem report, which I have here, shows clearly that the person died through drowning. Is there evidence which contradicts mine?

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. We come to this House as Members of Parliament to ask Ministers Questions. The Assistant Minister cannot now ask us to table documents which he should be providing. Somebody died because the police were in hot pursuit and trying to kill him. I am sure they had their guns aimed at him. So, whether or not he drowned, it is because of the police action.

Mr. Ojode: Mr. Deputy Speaker, Sir, unfortunately, that has not been indicated in the postmortem report.

Mr. Deputy Speaker: Order, hon. Assistant Minister! The benefit of the Chair is that it also lives along River Tana on the other side of Garissa District. The community called Munyoyaya is a riverine community; they live along the river. If this man was 29 years old and he ran into the river and died, if he would just walk into the river any day and die, he would have died much earlier than that. There must have been something chasing him. It is a basic rationale. You have to take the lives of Kenyans a little bit more seriously. Please, for the umpteenth time, can you desist from taking the lives of Kenyans very casually when you are defending members of your own security forces?

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. We want to thank you for that ruling. If the Assistant Minister was doing his assignment properly, if Mahrus drowned, there was Abubakar who survived. Could he confirm that he has recorded a statement from Mr. Abubakar who can give a clear testimony to the circumstances in which Mr. Mahrus died?

Mr. Ojode: Mr. Deputy Speaker, Sir, that question had already been asked by my friend here.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. This is a very serious matter. The Assistant Minister has tabled a postmortem document which indicates that the person drowned while trying to avoid arrest. Is he in order to disown his own report here that he has tabled? Could he confirm that he was actually running away from being arrested?

Mr. Ojode: Mr. Deputy Speaker, Sir, the postmortem does not say what the hon. Member is saying. I like being honest. The only document that I have with me is a postmortem report saying that he died as a result of drowning.

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. Surely, you can see the way the Minister is behaving on this matter. He is evading the question by hon. Mungatana. The question was: Even as they saw that he was going into the river, what effort did the Government Security forces do to save this man? Was there an effort by his officers to save the life of this Kenyan? What was the effort or were they just in hot pursuit to kill him?

Mr. Ojode: Mr. Deputy Speaker, Sir, Mr. Wario was never killed by my officers. I still want to insist that Mr. Wario drowned. The postmortem is very clear and that is the only document I can rely on. The rest are speculations.

Mr. Mwathi: Mr. Deputy Speaker, Sir, I have listened to the answer and also the information that we are getting from the Questioner on this issue. It is becoming increasingly clear that it is very sensitive and there is something that is not coming out clearly. On one side, the Assistant Minister is saying that the person drowned while running away from the police and that he was not going to be arrested. They were in hot pursuit of another person. From the document tabled here – and we need that document to be authenticated – it says that he drowned while he was avoiding arrest. Will I be in order to seek the indulgence of the Chair to defer this Question so that the right information as to whether this person was running away after seeing the police officers in uniform or to avoid arrest is established in the next sitting?

Mr. Deputy Speaker: Order, hon. Members! The document which has been tabled here by the hon. Dr. Nuh is an affidavit or a letter written to the resident Magistrate, Hola Court, by none other than the Officer Commanding Hola Police Station, Inspector Tom Nyabuti, indicating that, indeed, Mr. Wario, an adult male drowned in Tana River, while escaping arrest from administration police men. This document is signed. Therefore, for purposes of our Standing Orders, it is presumed to be authentic.

I presume here it is the magistrate who is saying: “May we be furnished with the police record for perusal for further action.” All that the Assistant Minister is now using as an authority for his answer is the post-mortem report by the police. Clearly, the Questioner, the nation and the House deserves much more than that. The Chair directs that you come back with an adequate answer in two weeks’ time from today. At the same time, the Chair directs that the relevant Departmental Committee moves with speed to investigate this matter and reports back to the House in a maximum of three weeks.

Hon. Members, it is only fair that the lives of Kenyans are taken seriously by this House because we are a role model for the rest of the country. It is on that note that I am giving these two directions.

(Question deferred)

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. I laud you for your ruling. Arising from your direction, would I be in order to request that when the Assistant Minister comes with the sufficient answer, he also comes with the statements of the witnesses, which were recorded at the police station.

Mr. Deputy Speaker: That assumption is there because that is the gist of the most interventions from Members of the House here.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. You have given a ruling on two facts. One, you have deferred the Question. Two, the

whole matter has been taken to the relevant Departmental Committee. So, which one should we go with, or both?

Mr. Deputy Speaker: Order! Surely, as an old Member of this House, you should be well versed with the so called separation of powers. You are from the Executive. You have a responsibility to the country and the House. The Members of Parliament are from the Legislature and they have a mandate to scrutinize your actions. So, this is a parallel process.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I agree with your ruling.

Mr. Deputy Speaker: Next Question, Question No.488.

Mr. Kutuny: Bw. Naibu wa Spika, ninainuka kuuliza Swali Nambari 488 kulingana na ratiba ya leo ya shughuli za Bunge, ingawa sijapata jibu rasmi kutoka kwa Wizara ya Kilimo.

Mr. Deputy Speaker: Order, hon. Kutuny! Whereas the Chair is impressed with your mastery of the Kiswahili Language, which is very good and we are very happy about it, the rules of the House are very explicit. You cannot file a Question in the English Language and then you come to the Floor of the House and ask it in the Kiswahili Language.

You have to choose what language you are going to use. You can only prosecute the Question in the same language that you filed it in.

Mr. Kutuny: Fine! Thank you, Bw. Naibu Spika, for your guidance.

Mr. Deputy Speaker: It is Mr. Deputy Speaker and not Bw. Naibu Spika.

(Laughter)

Mr. Kutuny: Mr. Deputy Speaker, Sir, I decided to file my Question in the English Language because most hon. Ministers find it very difficult to understand Questions drafted in the Kiswahili Language. So, that is why I decided to do so, in the English Language.

Mr. Ethuro: Hoja ya nidhamu, Bw. Naibu wa Spika. Umemsikia mhe. Kutuny akidai kuwa waheshimiwa Mawaziri hawajui Lugha ya Kiswahili. Yeye mwenyewe alisema “ameinuka” badala ya “kuamka” kuuliza Swali lake.

Mr. Kutuny: Bw. Naibu wa Spika, mwenzangu anajaribu kuwa mkereketwa lakini nitamfundisha lugha yeye. Neno “kuamka” linamaanisha ni kama ulikuwa umeshikwa na lepe la usingizi halafu baadaye unaamka. Nalo neno “kuinuka” linamaanisha ulikuwa umeketi na sasa unainuka. Kwa hivyo, mimi niliinuka kuuliza Swali langu. Niko tayari kumfundisha mheshimiwa mwezangu lugha hii.

Mr. Deputy Speaker: Hon. Kutuny, could you, please, proceed and ask your Question?

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Hoja ya nidhamu Bw. Naibu wa Spika. Umemsikia mhe. Kutuny akidai hapa kuwa Mawaziri wengi hawaelewi Lugha ya Kiswahili kwa ufasaha. Ningependa kumjulisha ya kwamba Mawaziri wanaifahamu Lugha ya Kiswahili kwa ufasaha. Kwa hivyo, madai yake si ya kweli kwa sababu sisi tunafahamu lugha hii vizuri sana. .

Mr. Deputy Speaker: Hon. Kutuny, could you ask the Question?

Question No.488

BUYING OF MAIZE FROM FARMERS
BY NCPB

Mr. Kutuny asked the Minister for Agriculture :-

(a) whether he could inform the House when the National Cereals and Produce Board (NCPB) will start buying maize from farmers and how much money has been set aside for this exercise;

(b) what the official buying price of a 90kilogrammes of dry maize is, as well as that of a 50kilogramme bag of fertilizer; and

(c) whether he could consider providing free storage and drying facilities to farmers in order to attract competitive prices.

Mr. Kutuny: Mr. Deputy Speaker, Sir, I have not received a written reponse.

Mr. Deputy Speaker: Mr. Kutuny, do you wish to proceed with the Question without a written answer?

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

Mr. Deputy Speaker: Minister for Agriculture.

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

(a) The National Cereals and Produce Board (NCPB) depots and silos in the harvesting areas are open. Grain is being taken in from farmers who want to store their grain under the new Warehousing Receipt System (WRS). The Government, through the Ministry of State for Special Programmes, has authorized the NCPB to purchase maize worth Kshs500 million for the Strategic Grain Reserve (SGR). This activity will commence once the funds are released to the NCPB. Those farmers who have stored their maize under the WRS and wish to sell their maize will be given the first opportunity to do so.

(b) The new buying price by NCPB for a 90 kilogramme bag of dry maize is Kshs1,800. The Ministry does not determine the price of fertilizers on the market, although there are limited carry-overs, stocks of the subsidized fertilizers at the NCPB depot. A 50-kilogramme bag of DAT fertilizer goes at Kshs2,000, while that of 20200 goes at Kshs1,850 and that of CAN retails at Kshs1,700. However, my Ministry will endeavor to make sure that farmers are not exploited by unscrupulous fertilizer dealers.

(c) The current NCPB charges for storage and drying of maize for farmers are favourable. The Ministry has no budget for free storage and drying of maize for farmers during the 2010/2011 Financial Year.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. I have listened to the answer by the Assistant Minister. Part "a" of the Question, is very clear. It is not asking about when the NCPB will be opening the silos, but when they will start buying maize from farmers. Is he in order to avoid answering the Question? The Question is: When are they going to start buying maize from farmers?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, we have already instructed NCPB to start buying maize from farmers. As soon as we get funds from Treasury, we will start paying immediately.

Mr. Kutuny: Mr. Deputy Speaker, Sir, it is very sad because, from what the Assistant Minister has said, it is clear that the Government is not committed to addressing the plight of farmers. This is the harvesting season when there is plenty of maize. Surprisingly, a report was released recently by the Government to the effect that there will be a food crisis next year although it is not taking any action. So far, so good; if you talk to the National Cereals and Produce Board (NCPB), they will tell

you that they have not received any communication from the Government over the official price of Kshs1,800 per bag of maize. At the moment, the price of a bag of maize is Kshs1,500. This is the case and yet the Assistant Minister has said that the price is Kshs1,800 per bag of maize. Is he in order to tell us that the price is Kshs1,800 whereas the price that we know is Kshs1,500 per bag of maize? Most NCPB depots are not open at the moment and yet it is raining in the whole region. We want the Assistant Minister to give us a timeframe and stop taking farmers in circles. Could he tell us when they will open the NCPB depots in order for the farmers to supply maize?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, my Minister is just from a Cabinet meeting and I would like to request her to furnish this House with the current update on the price of Kshs1,800 per bag of maize.

The Minister for Agriculture (Dr. Kosgei): Mr. Deputy Speaker, Sir, this is a point of information. This is not to say that the Assistant Minister is not competent. He has the right answer and we have gone through it. However, the last question had to do with the fact that the Government said that the price of maize is Kshs1,800 per bag and that the farmers were still being paid Kshs1,500 per bag. That is correct. The reason for that is very simple. As you may have learnt from elsewhere, the Government is pressing for Kshs1,800 per bag of maize, and I announced that in Kitale. However, the way Ministries function is that they have to get a note to that effect from those who prepare those minutes. The relevant Ministry, which is not the Ministry of Agriculture, did not get that statement. I went back to the Cabinet this morning and my colleagues and I wanted to know why that note has not arrived. We have now been told that it will arrive. There was a technical error somewhere. It may be a human error, but the price - and I would like to repeat this - is Kshs1,800 per bag of maize. That is what has been decided. The purchaser is not the Ministry of Agriculture but the Ministry of State for Special Programmes. However, we have worked together to arrive at that price.

Mr. Mwiru: Mr. Deputy Speaker, Sir, we are aware that Kenya has different climatic zones and the time of harvesting is not the same. Sometime back, there was a bumper harvest in eastern and coastal areas of this country. At that time the Government was buying maize at Kshs1,500 per bag. So, what has informed the Ministry, now that there is no harvest in those zones and there is a harvest in other zones of Kenya, to increase the buying price to Kshs1,800?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, the Government prices continue fluctuating from time to time. At the beginning of this year, the price of maize was Kshs2,300 per bag and later on it was adjusted to Kshs1,500 per bag. You have heard the hon. Minister confirm that the Government has adjusted the prices upwards to Kshs1,800. So, we are delighted to inform the House that the Government is sensitive to the plight of farmers and that is why we have increased the price to Kshs1,800 per bag of maize.

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. We had a price of Kshs2,300 per bag last year, we had a price of Kshs1,500 and now we are being told the price of a 90-kilogramme bag of maize is Kshs1,800. What is the basis for this price? How did you arrive at that? Farmers are saying that for them to break even, you should get over Kshs2,000 per bag of 90-kilogrammes. Could he inform the House on that?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, it is the forces of supply and demand that determine the price. The current market prices are determined by a committee which sat and analyzed the current demand and supply in the market. That is why we

came up with the current price of Kshs1,800 per bag of maize which is also acceptable to the farmers.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I hate to interrupt the Assistant Minister. Surely, the NCPB is not just a market player to be dictated to by forces of demand and supply. The NCPB is supposed to be a Government agency that should actually be stabilizing prices. Is he telling this House that prices of maize fluctuate per season or is it between seasons? Unless the Minister can confirm that she needed to intervene in order to make the answer better. Do you want to borrow from the same?

Mr. Deputy Speaker: The Minister only rose on a point of information. There are two Ministers here!

Proceed, Mr. Assistant Minister!

Mr. Mbiuki: Mr. Deputy Speaker, Sir, I would like to confirm to this House that the current market prices of maize, even within the region is less than Kshs1,000 per bag. The Government is even offering a premium of more than Kshs800 per bag to our farmers. So, the Government has gone out of its way to ensure that the farmers really benefit from their farming.

Mr. Lessonet: Mr. Deputy Speaker, Sir, I have listened to the Assistant Minister respond to this Question and I can only say that this is a very big joke, considering the fact that this year in that part of the country where we grow maize, we will harvest more than 40 million bags. This is the case and yet he has indicated that he has Kshs500 million which is only enough to buy 200,000 bags of maize. Where will we take the other more than 39 million bags?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, the Government cannot only be able to buy eight million bags - and it is not the responsibility of the Government to mop whatever is in the field. The market is liberalized and if the farmers are not comfortable with whatever prices the Government is offering, then they can sell their maize to other market players.

Mr. Kombo: Mr. Deputy Speaker, Sir, as you know, last week I had a similar Question on maize and the answer that I got from the Assistant Minister, to say the list, demonstrates that the Government does not care about the farmers at all. He has talked about market forces. Does that mean that this Government is not interested in food security from now on, if the farmers sell their maize elsewhere?

Mr. Deputy Speaker: Hon. Members! The Chair presumes that you understand the basis or the rationale and the logic for having Government operators in any sector of the economy. It is not supposed to be part of the market forces. It is beyond that.

Mr. Mbiuki: Mr. Speaker, Sir, the Government is involved up to and including the production of this maize. The Government gives subsidized fertilizer and seeds. So, the Government is out to ensure that the cost of production is really low. The Government cannot be able to guarantee 100 per cent returns to maize only whereas, when the other crops are grown at a commercial level, it is the forces of supply and demand that determine the price. The Government has a moral obligation to ensure that we mop up the maize to the tune of eight million bags and we are in the process of doing so. Once we reach that limit, we will leave the maize to be sold in the market up to and including the export market.

Mr. Nyambati: Mr. Deputy Speaker, Sir, I am surprised that the Government does not take seriously the issue of food security in this country. We have just heard that it is not the business of the Government to ensure that the maize which farmers grow is stored and bought in the right way. Given the fact that the most important

duty of a Government is to feed its people; given the fact that the focus we have for next year is that we may have food deficiency in this country; and given the fact that in the past we have spent huge sums of money to import food from other countries, could the Government ensure that they subsidize farmers by ensuring that they dry and store maize in their stores so that we can be a food sufficient country? Could the Government consider doing that?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, I would like hon. Members to really appreciate that the Government is going out of its way. Last year the price was Kshs1, 500 and after a lot of consultations, we have adjusted our prices to Kshs1, 800 so that we can be able to attract more maize in our stores. This House has given the Minister of State for Special Programmes only Kshs1 billion to purchase maize from the farmers. So, it is the responsibility of this House to give us enough money so that we can continue buying enough stocks from the farmers.

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

Mr. Deputy Speaker: Order! Hon. Kutuny, ask the last supplementary question on the same!

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

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

Mr. Ethuro: Mr. Deputy Speaker, Sir, this is a very important issue. Kenyans are starving in this country. The Assistant Minister, in his answer, said that he has Kshs500 million which has been allocated. He has also confirmed that the strategic grain reserve is 8 million bags. The purchase price of a bag of maize is Kshs1, 800. Just divide that Kshs500 million by 8 million. Surely, is that money enough? As part of food security, you either leave the stock of 8 million bags or you leave the equivalent money for the difference.

Mr. Mbiuki: Mr. Deputy Speaker, Sir, this honorable House granted only Kshs1 billion to the Ministry of State for Special Programmes to procure maize. Where will we get more money to buy the extra bags of maize that you are talking about?

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! Hon. Assistant Minister, it is not the House or the backbenchers who provide money. The Budget of the State is prepared by the Government, of which you are a Member. The hon. Back Benchers here have a responsibility to interrogate you. You do not pass the buck to somebody who has no authority to do that.

Mr. Mbiuki: I am aware!

Mr. Deputy Speaker: Order! It is precisely because of the sensitivity and the importance of the issue at hand that the Chair is giving a massive leeway. But you realize also that we have some other Business to transact.

Hon. Kutuny, could you ask the last supplementary question? If you are not satisfied you know what to do.

Mr. Kutuny: Mr. Deputy Speaker, Sir, honestly I want to say that I am not satisfied with the answer given by the Government side. For your information, I have been whispered to by the Minister that he has two answers to this Question; one by the Permanent Secretary stating that the official price is Kshs1, 500 and then another price is Kshs1, 800. These are issues that are going to put the life of farmers in a quagmire.

I seek the indulgence of the House that this issue of food security in the country, perhaps, be handled by the Committee on Agriculture, Livestock and Co-operatives, so that we can have concrete issues and a way forward on how the Government is going to arrest the food crisis that is looming next year.

Mr. Deputy Speaker: Fair enough! The Chair takes cognizance of the fact that the mathematics does not add up. You want to buy 8 million bags of maize but you only have Kshs1 billion. It is only fair that you go back to the same Government and come back with a satisfactory answer. At the same time, the relevant Committee itself does not need to be directed by the Chair to go and carry out this exercise. But because of the urgency and seriousness of this matter – food security in this country – the Chair directs the relevant Committee to move with speed and investigate this issue.

(Applause)

Hon. Assistant Minister, when will you have a satisfactory answer for this House?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, you have referred the Question to the relevant Committee, but as a Ministry, we will continue camping at the Treasury to see if we can get an extra coin to mop up the maize in the market. But as at now, until we get the Supplementary Budget, we cannot do more than what we have said.

Mr. Deputy Speaker: Hon. Assistant Minister, as the Government, you have collective responsibility. Whether you camp at the Treasury or the State House or the Prime Minister's Office, the Chair only demands that a satisfactory answer be presented to the House.

Hon. Assistant Minister, how soon can you come up with a satisfactory answer, considering that you mentioned consultations yourself?

Mr. Mbiuki: Mr. Deputy Speaker, Sir, we will continue consulting as Government to see if we can be able to get extra funding. But as at now, we cannot do much.

Thank you.

Mr. Lessonet: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: To whom?

Mr. Lessonet: To the Assistant Minister

Mr. Deputy Speaker: Under the circumstances, given the seriousness of the matter, the Chair directs that you come back with a satisfactory answer exactly two weeks from today. That is the direction of the Chair!

(Question deferred)

(Applause)

(Several hon. Members stood up in their places)

Order! Next Question!

Question No.490

NON-ENFORCEMENT OF RULES
FOR MOTORCYCLE RIDERS

Dr. Otichilo asked the Minister of State for Provincial Administration and Internal Security -

(a) whether he is aware that due to lack of enforcement of Legal Notice No. 173 of 2nd December, 2009 on rules for motorcycle riders, many Kenyans have lost their lives while others have sustained serious injuries through “*boda boda*” motorcycle transport system; and

(b) what urgent and stern measures he is taking to enforce the rules.

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

(a) I am not aware that Legal Notice No. 173 of 2nd December, 2009, is not being enforced, thereby resulting into loss of lives and injuries. However, I am aware that with the introduction of affordable motorcycles into the market, there has been an increase in accidents involving mainly motorcycles and tricycles since the year 2005. Consequently, many people, including riders and the passengers have lost their lives and others have sustained serious injuries.

(b) Contrary to common belief, the Traffic Amendment Rule No. 165 of 2003, which is commonly referred to as the “Michuki Rules” and the Traffic Amendment Rule No. 173 of 2nd December, 2009 are all in force. The Police have recently embarked on a countrywide crackdown on “*boda boda*” motorcyclists who are flouting traffic rules and regulations.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, in addition, all traffic commandants at the district and provincial levels are carrying out road safety lectures and campaigns in their respective commands, targeting public service vehicles and motor cycle operators. The Traffic Department has also forwarded a proposal to the Ministry of Transport on the need to introduce instant ticketing for traffic offenders as well as the review of the Traffic Act punishments to deter offenders. The Government is also in the process of acquiring modern traffic law enforcement equipment, including alcoblow and radar speed detector cameras.

Dr. Otichilo: Mr. Deputy Speaker, Sir, while I appreciate the answer that has been given by the Assistant Minister, if you recall, I asked a Question in this House two weeks ago to the Minister for Transport, as to why we were having an increase in accidents through the motorcycle transport system. The Minister for Transport gave a very comprehensive answer and said that he has gazetted rules and regulations to control the motorcycle transport system.

Now, given the answer the Assistant Minister has given to me, he is confirming that---

The Temporary Deputy Speaker (Mr. Ethuro): What is your question, Dr. Otichilo?

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, why are accidents from motorcycles increasing despite the Assistant Minister saying that they have increased their surveillance to control this menace?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, as I have mentioned, there is a crackdown on motor vehicles and motorcycles. We have also said that while using a

motorcycle, you must have your helmet on. I am directing police officers that those who are not putting on their helmets are contravening the law. They will be arrested on the spot in order for us to reduce these cases of traffic accidents. That is the law!

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, I have a lot of respect for the hon. Assistant Minister who is normally very authoritative and comfortable even when he is mistaken. When handling the issue of *boda boda*, I expect the Assistant Minister to be very serious because this is one of the biggest single employer of young Kenyans. If you notice the answer, I believe the Assistant Minister has completely missed the point. The question is related to Legal Notice No.173 of 2nd December relating to *boda boda* transport. Instead, he went on a tangent, on affordable motor cycles, Michuki rules, instant ticketing, alcoblow and radar speed detectors.

If the Assistant Minister was aware about the Question, these rules were relating specifically to use of helmets, reflective jackets and driving licenses for motor cycles. He has not addressed that. Could he now address the issue that appertains only to that Legal Notice?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, you will agree with me that my officers are doing all that it takes in order to crackdown on those who contravene the law. I agree with the hon. Member and I want to say that those found to be contravening the law will be arrested immediately. The riders must wear helmets, reflective jackets, have insurance and register to have the plate numbers. They are also allowed to carry only one passenger. If all these are not done, my police officers will arrest them on the spot and take them to court.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that his officers are taking Kshs50 from every *boda boda*? In the process they are contributing to the accidents because they make the *boda boda* carry more passengers and move faster so as to make up for it. Is he aware of this, and what is he doing about it?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a very serious allegation. My officers do not take bribes---

Hon. Members: Ah! Ah!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, hon. Members are aware that we increased the allowances for our police officers. If there is any evidence that police officers take bribes, let me have that evidence and I will act on the particular police officer straightaway. I will fire him!

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, since the *boda boda* are here to stay, what is the Government doing in conjunction with the Ministry of Roads to make sure that the roads are re-designed to give room to *boda boda* motorcycles and pedestrians?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a policy issue. We are consulting with the Ministry of Transport. Those are policies we are looking into and once the technical people have come up with a draft, those are the areas we are going to tackle.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, noting that most people buying motorcycles have no places for training----. They just get onto the road and into the business of carrying passengers without adequate training and understanding of the Highway Code. What is the Assistant Minister doing to ensure that there is a licensing regime for *boda boda* riders which will require them to undergo training before being licensed to carry passengers or operate on our roads?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, that is a very good question. The problem we are facing is that we do not have training facilities for *boda boda* riders, not even a driving school. We are liaising with the Ministry of Transport so that we can come up with a policy where they are required to go through a driving school or training in order to ride their motor cycles.

Mr. Olago: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Assistant Minister say that the Ministry of Transport and the Ministry of State for Provincial Administration and Internal Security have not come up with a policy regarding *boda boda* transport. If there is no policy in place, why are these *boda boda* riders being punished instead of being trained?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I said very clearly that we are going to encourage the training and it will be a must for them to go through a driving school. You cannot just wake up today and then start riding your motorcycle in the middle of the road. We are encouraging those who buy motorcycles to pass through a driving school or a training school.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, you know that Kisumu is the headquarters of *boda boda* for the whole of East Africa, if not Africa. What the Assistant Minister has said has caused a little bit of consternation for me because if you make it a rule that every *boda boda* rider must go to school, it is going to be an additional expense. I think what you mean is that every rider must have a driving license for a motorcycle.

Could the Minister coordinate with the Minister for Transport so that we can have training by the police and the Ministry of Transport at a particular point in Kisumu and other places? Could the Assistant Minister reduce the test fees so that some of us can sponsor *boda boda* riders to get their licenses?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, every *boda boda* rider will be licensed after going through a training institution or a driving school. There is no way they can get licenses without undergoing training.

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

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Shakeel! That question has been extensively covered.

Last question, Dr. Otichilo!

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, I appreciate what the Assistant Minister is saying; that he is going to take stern measures to ensure that laws are followed. Could he assure this House that he will make sure that those *boda boda* riders who carry more than one passenger are punished and also those passengers who agree to be carried on the motorcycle when there is more than one passenger are also punished?

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

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Olago! You must appreciate that I have given you more than your fair share.

Mr. Ojode, please, proceed!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, in order for us to succeed in curbing this menace, I direct that the police officers must do their work. They must arrest those who flout or contravene the law.

I am equally asking the Assistant Chiefs and chiefs in rural areas where we do not have police officers to inspect whether these riders are flouting the law.

The Temporary Deputy Speaker (Mr. Ethuro): Next Question, hon. Hussein Ali!

Question No.494

EXTENSION OF MOBILE NETWORK
COVERAGE TO MANDERA EAST

The Temporary Deputy Speaker (Mr. Ethuro): We will come back to this Question.

Next Question, Mr. Mwangi!

Question No.500

COMPLETION OF KAMBIRWA AIRSTRIP

Mr. Mwangi asked the Minister for Transport:—

(a) to explain why the construction of Kambirwa Airstrip in Gikindu Location, Kiharu Constituency, was abandoned; and,

(b) what plans the Ministry has to complete the airstrip and how much money has been allocated to the project.

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

(a) The construction of Kambirwa Airstrip has not been abandoned since its work had never started in the first place.

(b) The Ministry does not have any immediate plans to construct the airstrip. However, the Ministry is currently developing a policy on the development of airstrips in order to establish the criteria to be utilised in identifying airstrips for maintenance and rehabilitation.

The inspection of 146 Government airstrips across the country is almost complete. The aim is to ascertain their condition so as to enable proper budgeting for maintenance and rehabilitation. Under the new constitutional dispensation, the Ministry considers that there will be need for at least one airstrip per county.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, I beg your attention. He has just handed over the written answer to me, and the paper here is giving incorrect information to this House. The airstrip was levelled in the year 2007 and maram was put on it. Shall we continue with the answer when it is incorrect?

The Temporary Deputy Speaker (Mr. Ethuro): Order! Is the written answer you have similar to that of the Assistant Minister?

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, it is similar to that of the Assistant Minister. The airstrip is there, but he has said that it is not there. Is it one of the 146 airstrips they have visited countrywide? I would request the indulgence of the Chair. If they do not know where the airstrip is, I am ready that we defer this Question, so that I can take the Assistant Minister to the site.

The Temporary Deputy Speaker (Mr. Ethuro): Fair enough. Assistant Minister, the hon. Member stresses that the airstrip exists, whereas you are saying that work on it has not even started.

Mr. Ogari: Mr. Temporary Deputy Speaker, Sir, if we are talking about Kambirwa Airstrip, the information we have in our records in the Ministry is that this airstrip was abandoned a long time ago. It is now a playground with even goal posts. Unless we are talking about a different airstrip--- If we are talking about the same airstrip called “Kambirwa”---

(Mr. Mwangi stood up in his place)

The Temporary Deputy Speaker (Mr. Ethuro): Order, both of you! Assistant Minister, obviously, there is a disconnect between your answer and his knowledge of the site. So, why do you not take the hon. Member's offer and visit the site. We can defer the Question until you feel satisfied, Mr. Mwangi, that the Assistant Minister has visited the site with you and then we can bring back the Question.

What is your position, Assistant Minister?

Mr. Ogari: Mr. Temporary Deputy Speaker, Sir, obviously, there is a disconnect between his position and the information we have. So, we are asking for two weeks to come back with a proper answer.

The Temporary Deputy Speaker (Mr. Ethuro): So, let us hope that we will get the answer after two weeks.

Mr. Mwangi, is that okay? Just agree, because that was your request.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, I agree, but we should go there and see the airstrip.

The Temporary Deputy Speaker (Mr. Ethuro): The two of you will make those arrangements.

(Question Deferred)

Next Question, hon. Mbuvi!

Question No.503

IMPROVEMENT OF HOUSING IN NAIROBI SLUMS

Mr. Mbuvi asked the Minister for Housing:-

(a) whether he is aware of the housing problem facing slum dwellers in Fuata Nyayo, Kaberera, Mariguini, Kisii, Shimo La Tewa, Hazina, Mukuru Kaiyaba and Viwandani villages in Makadara Constituency;

(b) what steps the Ministry is taking to improve the housing standards in the said areas; and,

(c) if he could inform the House whether there is a Budget allocation for construction of permanent houses in the said areas.

The Assistant Minister for Housing (Bishop Wanjiru): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the housing problems facing slum dwellers not only in Fuata Nyayo, Kaberera, Marigoini, Kisii, Shimo La Tewa, Hazina, Mukuru Kaiyaba and Viwandani villages in Makadra Constituency, but also in other slums and informal settlements in the country at large.

(b) A considerable amount of work has already been undertaken to improve the situation. The Ministry has undertaken several reform measures and initiated various social and physical infrastructure projects across the country to address the challenges in the entire housing sector, including in slums. Those measures include:-

(i) Development of National Housing Policy to serve as a blue print in housing development;

(ii) Putting in place of necessary legislative and regulatory frameworks in the form of a Housing Bill, 2010, which is compliant with the new constitutional dispensation;

(iii) Implementation of the Kenya Slum Upgrading Programme (KENSUP), which is geared towards improving the livelihood of an estimated 5.4 million people living and working in slums and other informal settlements;

(iv) Implementation of the Housing Infrastructure Development Programme, which is meant to open up new areas for housing development by providing track and onsite infrastructure and also in informal settlements;

(v) Capital restructuring of the National Housing Corporation by injection of more funds for low and middle-income housing construction;

(vi) Establishment of the Civil Servants Housing Schemes or Housing Funds to provide civil servants with mortgage facilities to encourage home ownership;

(vii) Establishment of Appropriate Building Technology Centres, which we call "ABTCs" to disseminate new building technologies and materials in order to reduce the cost of construction;

(viii) Promotion of public/private partnership in housing development in order to benefit from best practices that are cost and time effective;

(ix) Offering of incentives to investors in low and middle-income housing development; and,

(x) Motivating Kenyans living in the Diaspora to invest back home.

(c) Provision of adequate and affordable housing for our citizens as enshrined in the Bill of Rights of the new Constitution is an enormous task requiring substantial capital, which the Government alone cannot afford. In this respect, the KENSUP received a total allocation of Kshs747 million in the current financial year to facilitate upgrading projects nationally. As such, the desired approach by the Ministry is, therefore, to provide basic physical and social infrastructure as opposed to house construction, so as to cover as wide a spectrum as possible in the slums and other informal settlements.

It is upon this realization that the Government is calling upon our development partners and all other stakeholders in the industry to join hands and strive hard, if the country is to achieve housing aspirations for all Kenyans.

Thank you.

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, my Question is very clear. I have specifically asked the Assistant Minister to explain what steps her Ministry has taken to improve housing conditions---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Mbuvi! The Question is already on the Order Paper. So, do not repeat it.

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, when the Assistant Minister says that a considerable amount of work has already been undertaken to improve the situation, she should give examples within the slum areas in question. When and where were those projects initiated, and which contractors in particular did the work?

(Applause)

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, it would be extremely difficult to base our work on one or two slums or one constituency for that matter. As the Ministry of Housing, we give attention to the whole country. However, to the satisfaction of the hon. Member---

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

The Temporary Deputy Speaker (Mr. Ethuro): Let the Minister finish!

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, it is notable that we have earmarked Mariguini, which is within his constituency for upgrading, and the process has already begun. The communities have been engaged, mobilization has started and capacity building too has started.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, ---(Inaudible)

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

The Temporary Deputy Speaker (Mr. Ethuro): What is it, Mrs. Odhiambo-Mabona?

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, hon. Ruto is saying that reference to my husband is not correct. I was just wondering whether the hon. Kutuny was in order to interrupt the hon. Assistant Minister when she is giving her maiden answer to a maiden Question.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Mrs. Odhiambo-Mabona, you are also out of order. The Speaker had already ruled hon. Kutuny out of order.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, first of all, I want to congratulate the hon. Mbuvi because he has asked a very serious question here in Nairobi. There are eight constituencies here in Nairobi. Out of these eight constituencies, we have six Ministers which means, that the people of Nairobi, particularly the voters have not been represented. Those people who really speak, who come out to vote have not been talked for in this House. Six out of eight means 75 percent are Ministers here in Nairobi. That is why the question of slum dwelling has never been tackled seriously. I want to request the Assistant Minister to seriously look at this Question. The Question is very specific. It says: "What steps has the Ministry taken to improve the housing standards in the said areas? And in part (b) "Which areas? These are Fuata Nyayo, Kaberera, Mariguini, Kisii, Shimo la Tewa, Hazina, Mukuru Kayaba and Viwandani villages.

It is a shame that we go to these places only when we are looking for votes. We are asking the Assistant Minister to tell us specifically what she has done for these particular areas, noting---

The Temporary Deputy Speaker (Mr. Ethuro): Order! There is no noting!

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, if I have to repeat myself, I will do it again---

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Mungatana to actually cast aspersions on the good lady? Although she has been in Government, she has actually physically and personally identified with the down trodden in Nairobi. Every time they are harassed, she has actually been there. Is it in order to cast aspersions on her when we know her record is clean?

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, hon. Members! Hon. Mungatana was perfectly in order to ask the question and to specifically identify the slums as has been requested because the Assistant Minister invited it. She said you cannot take to your own constituency while the slums have been identified. So, he was not casting aspersions on the Assistant Minister. In any case, hon. Ruto, the Assistant Minister has capacity to defend herself.

Proceed, Madam Assistant Minister!

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, if I have to repeat myself, I will do it. I said that among the slum areas that have been identified by the area Member of Parliament, we have already started working in Mariguini. The

budget that we have cannot work. We cannot work in all the slums at a go. So, we have divided Nairobi into portions and he must also equally remember that I am a Member of Parliament in Nairobi where we have very, very many slums and even where I am an MP, it is not in every slum that we have projects ongoing from the Ministry of Housing. The fact that there is already ongoing work in Mariguini, that is a very good way forward. There are places that we have not even started one. We are still at the ground level of research. In Nairobi, we have done very well indeed, including the hon. Questioner's constituency.

(Mr. Mungatana stood up in his place)

The Temporary Deputy Speaker (Mr. Ethuro): What is it, Mr. Mungatana? It must be a point of order on this!

Mr. Mungatana: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that she does not have enough money? In fact, she quoted that they have Kshs747 million nationally for slum development while the construction of the House of the Vice-President has been allocated over Kshs800 million. Is she in order to say that they do not have money?

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, I said the money that we have is nationally. We have already ongoing projects across the country. However, we have earmarked Mariguini Slum for upgrading. Before we start demolishing houses and building new structures, we must, first of all, work around the land issues. Secondly, we have started engaging the communities---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Madam Assistant Minister! If it is a point of order, you respond to it and I think you have already responded.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir. In addition to the slum areas within urban areas, we also have squatters in the rural constituencies who are also in need of housing. What is the policy of the Ministry towards housing of squatters in the rural areas?

Bishop Wanjiru: That is a very good question indeed. In the rural areas, we are already working where there are slums. For example, in Thika, we have a slum called Kiandutu where we have already provided water and in-roads. We are doing great works there. We also have ongoing projects in Nyeri. We have ongoing projects in Mavoko which is in Athi River, although it is not in the urban Athi River. It is in the rural Athi River. So the answer is, yes, we have programmes that cater even for the rural slums.

Mr. Kioni: The answer the Assistant Minister has given touches on provincial headquarters. We are talking about rural constituencies like Ndaragwa that does not enjoy the neighbourhood of such big towns. What is the policy of the Ministry towards those Kenyans who also need to benefit from that programme?

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! We cannot bring points of order to interrogate the Assistant Minister. You asked a question about rural areas and Nyeri, as far as we are concerned, is rural.

Mr. Kigen: Thank you, Mr. Temporary Deputy Speaker, Sir. Considering that there are so many Kenyans even in the urban areas who are able to buy a house up to a certain amounts of , say Kshs4 million, what is the Assistant Minister doing to ensure that those who are doing construction in the city and outside are able to sell the houses at a cheaper price because now they are out of reach for man Kenyans who could easily buy for themselves?

Bishop Wanjiru: To be able to lower the prices of houses across the country, we have incentives for those who are building in large numbers. If one is building like a block of 20, there are incentives that will bring down the prices. However, we do not have incentives for one-one units. We only have incentives for those who are strictly in housing business and they are building large numbers of houses; then, we are able to give incentives and the prices will come down. Secondly, we are still at the negotiating level to see if we are able to bring down some of the prices that are used in the building materials. Thirdly, on the same note, we have introduced appropriate building technology (ABTs) which is a new technology that uses hydro form and it has drastically brought down the building costs up to about 30 percent.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister say that nationally, there are 5.4 million squatters and Kshs747 million. That is only Kshs13.83 per slum dweller. That is about half a loaf of bread!

(Applause)

We cannot sit in this House to be told by the Assistant Minister that they are doing something and yet, they are going to use only Kshs13.83 per squatter on housing per year. Can she be a bit more serious and tell us how much she has planned to cover the problem of squatters in this country, including IDPs who are also squatters and dying in Naivasha at night because they do not have shelter?

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, the hon. Member has just helped me out because what he has said is that we do not have enough money. That is the truth. However, Kenya has that amount of money that is divided to all the Ministries. You can only use properly what is allocated to you and what has been passed in this House. Once that is done, then in the next financial year, you ask for more funding. That is what we are doing. However, the hon. Member may be comforted by this fact; that, sometimes, we do not just go strictly head-on on housing. We also do the infrastructure; the sanitation blocks, providing lighting and water to make the livelihoods of Kenyans better.

(Mr. Mututho stood up in his place)

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

The Temporary Deputy Speaker (Mr. Ethuro): You are out of order because you have been answered properly.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, recognizing that the Assistant Minister is a Member of Parliament for Nairobi, I would like her to tell us whether there is a point of continuing to pay lip service to slum dwellers of Nairobi by saying that she is providing housing for them when she has said that the national budget is Kshs750 million and yet, we know that there was a house being built for the Vice-President that surpassed that amount and it is not complete? Surely, can she not – because she is also a Member of Parliament from Nairobi – say that the Ministry of Housing cannot deliver on the objectives that it was created for?

(Applause)

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, ironically speaking, the nominated Member of Parliament also comes from Nairobi. I think she has forgotten some of the work that has been done. The Ministry of Housing is one of the

best performing Ministries within the Kenyan Government; I mean literally performing. Let me jog your memories that recently, we delivered 600 units in the slum of Kibera and within those 600 units, we are housing over 1,800 families. It would be very rude for anybody to claim that we are not performing.

(Mrs. Shebesh stood up in her place)

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister – I know that she has done very well so far – to avoid answering the question which is why one house belonging to the Vice-President is costing Kshs1 billion, while the entire Ministry's budget does not even reach Kshs100 million? That is the question!

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, I was answering and then she stood up. Unfortunately, they do not have the patience to allow the Assistant Minister to answer in full. The work on the Prime Minister's house or whichever house was built---

Hon. Members: Ah!

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, the Vice-President's house was not being handled by the Ministry of Housing. It was being handled by the Ministry of Public Works. We deal with housing for slums, civil servants and we manage already Government built houses.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members. I appreciate there is interest in this matter but we also have time limitations.

Mrs. Shebesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I heard the Assistant Minister refer to my question as a rude question. Is it parliamentary to say that it is very rude for a hon. Member to ask that question? Is that parliamentary language?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Madam Assistant Minister! I did not hear that! What did you say? Confirm or deny it! We want to hear you. An allegation has been made that you alleged that the question was rude.

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, you did not hear. However, I would---

Hon. Members: Ah!

The Temporary Deputy Speaker (Mr. Ethuro): Order! The question was not whether or not the Chair heard. It is whether you said it or not.

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, I said ironically speaking, even the hon. Member asking that question is from Nairobi and so, she knows about the Kibera Project. She cannot say that we are not doing anything.

Hon. Members: You said it!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members. Hon. Members heard but the Speaker did not hear. We will check!

(Several hon. Members stood up in their places)

Order, hon. Members! We have a record of our proceedings. We will check, confirm and make that ruling tomorrow.

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, if there was anything like that, it was not intended. However---

(Laughter)

The Temporary Deputy Speaker (Mr. Ethuro): Order, Madam Assistant Minister! You are the originator of the statement. So, you either admit that you made the statement or deny! If you admit you made the statement, withdraw and apologize; simple.

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, if I said it, I withdraw. But I do not recall.

Hon. Members: You did!

The Temporary Deputy Speaker (Mr. Ethuro): Order! I have made a ruling but I also want the Assistant Minister--- This is very categorical from the Chair. You cannot have “ifs” here. You either made the statement or you did not! As an Assistant Minister in the Government, you are expected to work with honesty and dignity and particularly, for a bishop if I may add.

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, it seems like only the other side heard. However, whether said or not, I withdraw. Can that settle the matter? If they have any projects we can do for them, we will be more than willing.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Ethuro): Let us accept it but we will check the HANSARD. Then we will seek the appropriate remedy depending on the HANSARD. Let us have the last question!

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, Mariguini is within my constituency and I normally visit the slum areas on a weekly basis. I would like to correct the Assistant Minister who has said that there are some projects which have been undertaken by her Ministry in Mariguini. That is a total lie!

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Ethuro): Order!

Mr. Mbuvi: That is untrue! Mr. Temporary Deputy Speaker, Sir, I apologize for that statement!

(Applause)

That is untrue! There is no project that is being undertaken by the Ministry in the Mariguini area. In her answer, the Assistant Minister has told this House that her Ministry has set aside a sum of Kshs747 million to upgrade the housing in slum areas. Could she explain what formula her Ministry is going to use when allocating those funds to each and every constituency facing the same problem?

Bishop Wanjiru: Mr. Temporary Deputy Speaker, Sir, we have earmarked funds for upgrading the Mariguini slum. That means we have started the project of engaging the communities into discussions, sensitization and mobilization.

Mr. Temporary Deputy Speaker, Sir, the hon. Member is discussing while I am answering him. He will miss what I am saying; then he will say I did not answer him properly.

So, what formula are we using? One, we go and visit the slums and identify the priorities from the communities. What do they want first? Is it water? Is it roads?

Is it schools? Is it halls? Is it lighting? Whatever they want first is what we start with, and that is the stage where we are in Mariguini. Mariguini has been earmarked.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members. You will appreciate it is 10 minutes to 5.00 p.m. We are way off the time set aside for Question Time.

Next Question.

Question No.505

EXEMPTION OF KIENI SCHOOLS FROM
SCHOOL FEEDING PROGRAMME

Mr. Warugongo asked the Minister for Education to explain why Rurichu, Bellevue, Githura, Mweiga, Kiria, Wendiga and Embaringo primary schools in Kieni Constituency are exempted from the National School Feeding Programme.

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

Due to increased food prices and fuel costs, the World Food Programme (WFP) reduced its support for the School Feeding Programme by 38 per cent from 1.2 million to 750,000 school children in 2009. As a result, a retargeting exercise was carried out focusing on areas with high incidences of chronic food insecurity and poor educational indicators; that is low access, low net enrolment ratio, high dropout rates and poor attendance. Consequently, most of the districts in semi arid lands, including Kieni, were dropped out of the School Feeding Programme. In the process, Rurichu, Bellevue, Githura, Mweiga, Kiria, Wendiga and Embaringo primary schools in Kieni Constituency were affected.

These schools will only be reconsidered under the Government funded home-grown school feeding programme when the Ministry gets additional funding and support from the Treasury and our development partners.

Mr. Warugongo: Mr. Temporary Deputy Speaker, Sir, let me first of all, thank the WFP for giving food to some of these schools in my constituency for all that time. Let me also thank the Minister for having come to Endarasha Secondary School which had its dormitory burnt down last week. I want the Minister to clarify whether the Ministry can consider, as a matter of emergency, supplying some food to these schools that are now not receiving any food from the WFP.

Prof. Ongeru: Mr. Temporary Deputy Speaker, Sir, I will be extremely happy to supply food to all the ASAL areas and children in the pockets of poverty. However, because of the reasons that I have already stated, that we are unable to get resources from our partner, the WFP, because of the inflationary trend of prices worldwide, particularly touching on maize and other items---

Nevertheless, under the Government of Kenya programme, we have started the Home Grown School Feeding Programme. I am quite prepared to look at Kieni; at any rate, I have already assured the hon. Member. I was there about a week ago and I am ready to go back again on 7th of next month to one of the primary schools. I will have the opportunity to visit those primary schools.

One thing that I must also warn of at this stage is that one of the primary schools was given food under this programme; unfortunately, they let the food rot in

the stores and it was invaded by rats. Therefore, it appeared as if they did not need that food. But that does not constitute the main reason of not going there.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, because of the importance of this national food programme, I would ask the Minister to indicate to this House what extra-ordinary measures he is taking to attract funds from the Treasury and the development partners to make the programme a reality, and enhance learning in schools in the semi arid areas, Kieni being one of them.

Prof. Onger: First of all, this programme is a reality because it has been in place for the last 30 years. It started in 1980 and now we are in 2010. It has been running for 30 years. Secondly, this programme is a reality because we have successfully fed 1.35 million children. Thirdly, this programme is a reality because under a separate budget by the Government, there was Kshs400 million set aside on home grown food subsidy by accessing money directly to the individual schools, so that they can buy food from the surrounding communities. They will have fresh food and this will encourage local marketing strategies; that way, local farmers will get the money.

Fourthly, I have engaged the Treasury. We have had meetings with them. I have told them of the deficiency we have in the budget. We are talking of reaching out to the most vulnerable children; I consider hunger a bad situation. They should provide additional resources under the Supplementary Budget so that we can cover areas like Tetu and many other semi-arid regions that we have not been able to reach.

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, my constituency borders Kieni. Across the valley, we have schools in Kieni that benefit from this national food feeding programme. Schools in Ndaragwa, which is across the ridge, do not benefit. We have children from Ndaragwa who actually feel discriminated against. When was this survey last done? How often is it reviewed, so that areas like Ndaragwa, which are also ASAL, benefit and stop suffering from this historical and political discrimination?

Prof. Onger: Mr. Temporary Deputy Speaker, Sir, we have no intention whatsoever, as a Ministry and as a Government, of discriminating against any child, particularly in relation to access to education and food in areas with harsh climatic conditions.

We do this periodic review with the WFP, who are the main partners in this effort. The only reason we suffered a setback is that the WFP came back last year when we were feeding these children and said they could no longer sustain feeding the population of 1.3 million children. They scaled the programme down to 750,000 children. That was why the Government came in with an additional programme, the Home Grown Programme, where we send money directly to the schools; this is an additional support of Kshs400 million. Even then, we consider this inadequate. Therefore, I am working vigorously, so that the Treasury gives me additional funds. I hope that the next Supplementary Budget will provide the additional resources we require.

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

[Mr. Deputy Speaker resumed the Chair]

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. The question was specific. When was the last survey done and how often is it reviewed? The Minister has given a lot of verbosity and I think he should be clearer.

Prof. Onger: Mr. Deputy Speaker, Sir, if the hon. Member cared to listen to me, I said that we review this programme yearly before we roll out the food programme. I even went to the extent of elaborating that last year when we were reviewing this programme, the World Food Programme (WFP) came back to us and said that they could not sustain to feed 1.35 million children. Therefore, they scaled it down to 750,000 children. So, it is a yearly review before the programme is rolled out.

Mr. Deputy Speaker: Last supplementary question on this, hon. Warugongo!

Mr. Warugongo: Mr. Deputy Speaker, Sir, could the Minister tell us whether there are chances that the WFP will resume supply of food to these schools, especially now that we have been told that come next year, the country may face drought?

Prof. Onger: Mr. Deputy Speaker, Sir, as it is always the practice, we are monitoring the situation very carefully, just like in the last drought and famine. We were able to push out additional resources to feed children during the school vacations. Therefore, they were guaranteed that they did not go back home hungry. It became an entry point for the parents to also access food for support at this level. So, consequently, we will be monitoring the situation, Ndaragwa and Kieni included, and many other arid and semi-arid areas, so that we take care of the problems as and when they arise.

Question No.494

EXTENSION OF MOBILE NETWORK COVERAGE TO MANDERA EAST

Mr. Deputy Speaker: Mr. M.H. Ali is in Mombasa on Parliamentary business. So, I direct that the Question appears on the Order Paper next week when he will be available.

(Question deferred)

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Before you read the next Order and the House goes into Committee, I wish to bring to your attention the fact that, the next Order relating to Mutual Legal---

Mr. Deputy Speaker: The next Order is Statements, hon. Imanyara!

Mr. Imanyara: I am sorry, Mr. Deputy Speaker, Sir.

MINISTERIAL STATEMENTS

Mr. Deputy Speaker: Hon. Members, in line with our provision of the Standing Order No.36 (4), the Leader of Government Business shall every Thursday or the last sitting day of the week before commencement of business for not more than 15 minutes, present and lay on the Table a Statement informing the House of the business coming before the House the following week.

Could the Deputy Leader of Government business proceed and do that?

ORDER OF BUSINESS FOR THE FOLLOWING WEEK

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, pursuant to the provisions of Standing Order No.36 (4), I take this opportunity to make the following Statement with regard to the business for the week commencing 2nd November, 2010.

Mr. Deputy Speaker, Sir, next week, we expect deliberations of the Committee of the whole House on the Competition Bill 2009. The House is also expected to continue with debate on the Finance Bill No.9 of 2010, which is expected to commence today. The House Business Committee will meet on Tuesday 2nd November, 2010 to consider any other business that the House may be required to consider. However, the House Business Committee is concerned at the lack of business originating from the Back Bench, such as Private Motions, and urges the hon. Members to make use of the Wednesday Morning sitting which is reserved for Private Members business.

Mr. Deputy Speaker, Sir, lastly, I am, indeed, concerned that we still have pending Ministerial Statements as requested by Members. It is for this reason that the Leader of Government Business undertook on Tuesday to ensure prompt reading of all the requested Statements and the office has embarked on both the written and telephone follow-ups with the relevant Ministers regarding the same. We do hope we will have adequate time today to clear the backlog.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. You heard the Deputy Leader of Government Business say that they are lacking business from the Back-bench. The truth is that there are so many reports we have done and have not been allocated time for debate in this House. If the House Business Committee can be fair to us and apportion time for us to debate and deliberate on those reports, then it would be much better than tainting us as not working, whereas it is you who do not have time to arrange and put them on the Order Paper.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I also wanted to challenge the Deputy Leader of Government Business, who is also my good friend, that only yesterday, Wednesday morning; we had two Motions by Members listed on the Order Paper, which we could not even finish. I do not think we have lacked business from Members on Wednesday morning.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. I just want to add to that and say that as a Member of the House Business Committee, we have not lacked business from Members. Instead, we have lacked business from the Government. Is it in order for the Deputy Leader of Government Business to accuse Members when it is the Government that is sleeping on the job?

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Karua, who has actually been a Deputy Leaders of Government Business, to allege that the Government is sleeping on the job when it is, in fact, the House Business Committee, Oversight Committee and Legal Committee who have blocked two Bills that the Government has published; the Vetting of Judges Bill and the Judicial Service Bill? The Judicial Service Bill covers a large area of the Judiciary. Is the hon. Member in order to cast aspersions on Government Business?

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. I do not think this blame game is taking us anywhere, especially when the hon. Minister is misleading this House. To give an example, the Mutual and Legal Assistance Bill was agreed by the Legal Committee together with the Attorney-General and the law reform; that, they form a sub-committee and bring amendments. Instead, he is sneaking one amendment without concurrence of that sub-committee. There is

nothing pending before the Oversight Committee of which I am the Vice-Chair. It is not in order for the Minister to mislead the House. We are on time and target. We are even overlooking him.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. The Minister for Justice, National Cohesion and Constitutional Affairs has mentioned about the Oversight Committee. He wants the Committee not to follow the Constitution. We, as a Committee, had the courtesy of inviting him and he did a good job. I do not know why he does not seem to be happy about his own performance. We agreed with him that the first job, as required by the Constitution, is to set up the Implementation Commission, which we passed in this House within 24 hours. It is up to the Government to bring those names to us and we will proceed with the rest of the business.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. Further to that, is it in order for the Minister to cast aspersions on the Departmental Committee on the Constitution and Legal Affairs when actually we have been sitting the whole morning sorting out the Judicial Service Commission (JSC) and also TJRC issues? We have actually cleared a lot. Most of the time when we invite him to our meetings, he does not come.

(Laughter)

Mr. Deputy Speaker: Order, hon. Members!

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for my very good brothers and sisters to cast aspersions on me when I work so well with them? It is only that they are not defending me when my Bills are blocked. I am the first Minister to give them a formal report. I am working very well with this Committee. But hon. Karua is saying that the Government is sleeping on its job. She left the job on her own; we did not force her out. It is not fair!

(Laughter)

Mr. Deputy Speaker: Order, hon. Members! Order!

Ms. Karua: Mr. Deputy Speaker, Sir, could you just allow me to tell the Minister that I left the job for him, but he should not sleep too much?

Mr. Deputy Speaker: Hon. Minister, the House Business Committee (HBC) is the Committee that is mandated with the generation of business for the House. The Government has the majority members in the HBC. So, the Minister cannot complain about the HBC or any other Committee, for that matter, for lack of generation of business on the Floor of the House.

In any case, the Chair's recollection is that there are so many reports that have been tabled on the Floor of the House. A good number of notices of Motion have also been moved. Why is the HBC not giving an opportunity for those businesses to be transacted?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I think we are mixing different issues here.

My appeal to hon. Members was to generate Members Motions for Wednesday morning sitting, which is reserved specifically for Members Motions.

Looking forward in terms of the Motions that are available, we will soon be running short of the Members Motions for the reserved Wednesday morning. That is

why we are appealing to hon. Members to utilize that slot for their Motions. But in terms of all the other business for the Tuesday, Wednesday and Thursday afternoon, the HBC has already committed itself to generate enough business.

For Members' Wednesday morning sitting, we are appealing to hon. Members to take advantage of their slots to generate more business for their Motions before that slot is allocated for other business.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to volunteer advice to my colleague, Mr. Kimunya that he should not attempt---

(Applause as Mr. Wetangula walked into the Chamber)

I have had to keep quiet as our good friend walks in. He has received some ovations. Karibu, Bw. Wetangula.

Is it in order for the leader of Government Business who has just been appointed two weeks ago to actually taunt the backbench and he knows the power of the backbench? It has bitten before!

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. Last week, I rose on a point of order and asked when the Minister for Industrialization will bring the statement that had been sought by Dr. Eseli Simiyu, which is now the property of the House.

I did indicate that as a Member of this House, my appetite to know the truth has been wetted. The Speaker ordered that, that statement be brought to the House today. I am wondering whether it is not time for us to hear that statement. I see the Assistant Minister.

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Deputy Speaker, Sir, it is true that the Leader of Government Business gave an undertaking last week on Thursday, that the Minister would issue the statement on the recruitment of Chief Executive Officer of Kenya Bureau of Standards (KEBS) today. I am aware that the statement was prepared. However, as you will notice on the record of the HANSARD, the Leader of Government Business referred to the Minister. He said Minister Kosgey will be here to issue the statement. Under those circumstances, I do not have the written statement with me---

Mrs. Shebesh: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister who has publicly contradicted his Minister to really be giving direction on this issue, when it has been put on record that he is contradicting the Minister? Therefore, their statements cannot be similar.

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Deputy Speaker, Sir, first of all, I am not giving direction on any matter. I am seeking direction from the Chair. I have plenty of information.

Mr. Deputy Speaker: Are you in a position to issue the statement?

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Deputy Speaker, Sir, I do not have the written statement that has been prepared. However, I can shed light on some of the facts around this matter.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. While desirous of having this statement and supporting the need by the hon. Karua and this House persistently seeking out for this statement--- I think this House cannot be part of the confusion in the Government side. We want written statements originated by Government from the Ministry, whether read by the Minister himself or by the Assistant Minister. But in a situation where there is a public declaration of a difference between the Minister and his junior, whom do you trust; the junior or

senior?

Mr. Deputy Speaker: Order! Could the Leader of Government Business give a direction; shed light on when this statement will be issued here.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, we expected the statement to be here today. But as the Assistant Minister indicated, the statement is in the process of being prepared. I would like to seek for the indulgence of the House that we have a conclusive statement by Tuesday, next week.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. For this House to accept that kind of explanation, we will not be doing our job. An appointment has been made. Somebody has purported to be performing duties. Contradictory statements are being made. How long does it take the hon. Deputy Leader of Government Business to prepare a statement? You are contradicting the Assistant Minister who said the statement is ready. In fact, he was more than ready to read it off head.

Mr. Deputy Speaker: The Leader of Government Business did give an undertaking that this afternoon, the Minister would be available to issue the statement. To begin with, why is the Minister not here?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I saw the Minister here earlier. I am not sure what has happened between now and then. But what I am aware is that the statement is not ready because I do not have a copy of it. We undertake to have that statement ready and in the House on Tuesday, next week.

POINT OF ORDER

PLIGHT OF KENYAN STUDENTS AT KAMPALA INTERNATIONAL UNIVERSITY

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Ministry of Foreign Affairs in connection with the safety of Kenyan students at the Kampala International University arising from the anti-riot police squad that was dispatched to the university on 15th October, 2010. The Ministerial Statement that I am seeking should address itself to the following issues. First, what action has the Kenyan High Commissioner in Kampala taken to establish the number of Kenyan students affected to ensure that none of them is victimized because of their positions in student leadership? Secondly, what were the underlying causes for the unrest of the students at the university, and how is the Kenyan High Commission engaging with the university and the Ministry of Education in Uganda to ensure the safety and security of the Kenyan students? Lastly, is he aware that some Kenyan students have fled back to Kenya for fear of violence against them by the police? What action is the High Commission taking to ensure safe return of these students back to Uganda?

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

Mr. Deputy Speaker: Is it on the same?

Mrs. Odhiambo-Mabona: Yes, Mr. Deputy Speaker, Sir. I was just wondering whether when the Minister will give a report on that, he could also clarify how many Kenyan female students were raped and what has been done to ensure that they get urgent medical treatment and justice.

Mr. Deputy Speaker: Mr. Minister, could you give an undertaking, given the urgency of the matter?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, whereas the statement on the first issue by Mr. Olago will be available on Thursday, next week, I would like the hon. Member who has alleged that some students were raped to provide more information as to where and when they were raped, so that we can know what to respond to.

Mr. Deputy Speaker: Order, Mr. Minister! The assumption is that the Government has the machinery to know that, unless you are disputing that did not happen. You do not expect an ordinary honourable member who is a Back-bencher without any machinery to go and carry out an investigation and furnish you with that information.

Could we have the comprehensive Ministerial Statement on Thursday?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I think there was a generality that some students were raped. If it is in connection with the riots, then it is okay.

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

Mr. Deputy Speaker: Order, Mrs. Odhiambo-Mabona! I think the matter has been addressed adequately.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Will I be in order, therefore, to ask the Minister that the zeal with which they took some people from Kenya who were said to have committed offences in Uganda, they bring the rapists who raped our daughters here?

DEMOLITION OF PRISONS HOUSE IN EMBU BY THE MUNICIPAL COUNCIL

Mr. Kathuri: Mr. Deputy Speaker, Sir, I also rise to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Local Government in respect of a plot next to scouts office, Embu Town. This plot was allocated to the Office of the Vice-President and Ministry of Home Affairs, Embu Prisons which constructed a house on the plot. The Municipal Council of Embu without any council resolution demolished the house a few weeks ago and efforts to get a clarification from the municipality were not successful. The demolished building was a Government property? Is this not malicious damage? If so, has any person or officer been charged with the offense? If the plot was allocated to a private developer, who will compensate Embu Prisons? Who is the new owner? When was the transfer done?

Mr. Deputy Speaker: Clearly, Ministerial Statement are supposed to be for policy matters. Sometimes, there seems to be a confusion as to whether one is asking a Question or seeking a Ministerial Statement but nonetheless, when will the Government have that Ministerial Statement ready?

Mr. Deputy Prime Minister and Minister for Local Government, could you give an indication as to when?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, the Ministerial Statement will be ready on Thursday, next week.

Mr. Deputy Speaker: It is so directed.

NYAYO NATIONAL STADIUM TRAGEDY

Mr. Munyaka: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Youth Affairs and Sports on, first,

the circumstances under which football fans died and others got injured as they waited to enter Nyayo National Stadium to watch the match between Gor Mahia and AFC Leopards last Saturday. Secondly, could he also state what plans the Ministry has to assist the victims with burial expenses and treatment for the injured? Thirdly, in the Ministerial Statement, could he state the Government position towards the recent ban by Football Kenya Limited (FKL) officials of all football tournaments in both Nyayo National Stadium and City Stadium? Fourthly, if the ban will be sustained, could the Minister state the alternative playing grounds for the incoming premier matches and other international games including other field events like athletics which take place especially in Nyayo Stadium? If the Government does not agree with the ban, what urgent steps will he take against the rogue official of the FKL?

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Deputy Speaker, Sir, first of all, I want to regret the tragic events and offer my condolences to the bereaved families. I offer to issue that Ministerial Statement by Wednesday, next week.

(Dr. Otuoma addressed the House from the Back Bench)

Mr. Deputy Speaker: Mr. Minister, whereas you have said that but the rule of the House is that Ministers will address the House at the Dispatch Box and not from the Back Bench. Could you come in front and address the House?

The Minister for Youth Affairs and Sports (Mr. Otuoma): Mr. Deputy Speaker, I want to apologise for that. As I said, I was really touched by what happened on Saturday last week and I want to take this opportunity to offer my condolences to the bereaved families. I will take the earliest opportunity on Wednesday morning to issue that Statement.

Mr. Deputy Speaker: It is so directed!

DAMMING OF RIVER OMO

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. If you recall, last week, Mr. Lekuton requested the Minister for Water and Irrigation to issue a Ministerial Statement in connection with the damming of River Omo which is affecting the water flow to Lake Turkana with an ecosystem affecting livelihoods of about one million inhabitants across the eastern and the western side of the lake. The Minister assured this House that she will issue the Ministerial Statement on Tuesday but on further reflection, she requested for Thursday which is today.

I also asked the Leader of Government Business what assurances he could give this House to ensure that the promises given by Ministers in terms of the days they agree to issue Ministerial Statement are honored. He confirmed that he was going to do it in writing. Today is on Thursday and the Minister has gone missing.

Mr. Deputy Speaker: Order! Indeed, Mr. Lekuton did seek a Ministerial Statement on the dam. The Minister for Water and Irrigation indicated that she needed more time because it is a cross-cutting issue and she had to liaise with many other Ministries. Indeed, the Chair who at that time was none other than who is in the Chair now, had directed that this Ministerial Statement be delivered on Tuesday, next week. That will be on 2nd November, 2010.

Ethuro: Mr. Deputy Speaker, Sir, I oblige. It is just that I want to save my people because they are on the verge of extinction.

Mr. Imanyara: Mr. Deputy Speaker, Sir, before the next Order is called and we go into the Committee of the Whole House, looking at the Order Paper, you will notice that we are seeking to debate the Mutual Legal Assistance Bill, No. 5 of 2009. That is the first Order in the Committee of the Whole House. My fear is that this Bill coming for debate in this era of new dispensation runs the risk of this House passing a law that is, on the very face of it, unconstitutional and contrary to the provisions of the Constitution that we have just enacted recently. We would be setting a very, very dangerous precedent. I have indicated this to the Minister for Justice, National Cohesion and Constitutional Affairs and he is aware of what I am raising.

In particular, I want to bring to your attention the fact that the Standing Orders specifically forbid discussions of Motions – this was a Motion going to the Committee – that are contrary to the Constitution without expressly proposing appropriate amendments to the Constitution. This Mutual Legal Assistance Bill does not seek to amend the Constitution and if you are to look at Article 24(1) of the current Constitution which deals with the Bill of Rights, you would see that it says:-

“A right or fundamental freedom in the Bill of Rights shall not be limited except by law---”

And then it goes on to say in the next stage that if such a law intends to limit, then it must specifically set it out in the Bill that it intends to limit a fundamental right.

Mr. Deputy Speaker, Sir, this Mutual Legal Assistance Bill does seek to contradict Article 31 of the Constitution which deals with the right to privacy and other rights. And because I had mentioned to the Minister and he is aware - I do not need to go into the details – I fear that we may go into the Committee of the Whole House and, therefore, be prevented from raising this issue so that you can make a ruling. I would urge the Minister that, rather than deferring this Bill, to actually withdraw it entirely so that he can be seen to be complying with the Constitution. He has done so well so far; much better than the Attorney-General and I pay tribute to him because since we passed this new Constitution, he has been at the forefront to ensure that we do comply with its provisions. I have no doubt at all that my learned senior counsel will see the point that I am making and I need not go to invite your ruling on this.

Thank you.

The Minister of Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Mr. Deputy Speaker, Sir, the new Constitution is the source of the earth for this country since the country was created. Therefore, I would never, at any one time, contemplate making proposals that contradict it or for that matter undermine it. Therefore, I had already shared this with hon. Imanyara. I have also discussed this with the Chairman and Vice Chairperson of the Justice and Legal Affairs Committee. I have also discussed it with the Chair and my recommendation is that you allow that this matter be taken out of the Order Paper for this moment; to be deferred, so that even if the Attorney-General is not around, I will offer myself to meet with the Committees and everybody who has an interest in this. I will not – I repeat – I will not participate in the abridgement of any right that is created in the new Constitution. I so plead.

Thank you.

(Applause)

Mr. Deputy Speaker: Fair enough! Under the circumstances, the Chair directs that this Order be deferred.

(Order No. 8 (i) deferred)

The Minister of Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Mr. Deputy Speaker, Sir, it is only Order No. 8 (i). We are ready to proceed with Order No. 8 (ii).

Mr. Deputy Speaker: Yes, it is only Order No. 8 (i). We will now move to Order No. 8 (ii).

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairlady
(Dr. Laboso) took the Chair]*

THE ANIMAL TECHNICIANS BILL

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Members, we are now in the Committee of the Whole House to consider the Presidential Memorandum on the Animal Technicians Bill, Bill No. 18 of 2009.

Proceed, Mr. Minister!

The Minister of Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Thank you, Madam Temporary Deputy Chairlady. I beg to present the amendments recommended by His Excellency the President, pursuant to Section 46 (4) of the former Constitution of Kenya, which has been saved expressly by Section 3 (2) of the Sixth Schedule to the Constitution.

Clause 3 (2)

THAT the Bill be amended in Clause 3(2) by inserting the words “medicine and” immediately before the word “surgery”

Madam Temporary Deputy Chairlady, these amendments, if you can allow me to go one at time at this point, I wish to propose that the recommendation of His Excellency the President that Clause No. 3 (2) be amended as per the notice. I would like to say without fear of contradiction that having looked at the recommendations of the President, particularly on this particular clause, they add value to the Bill.

I would like to thank hon. Lekuton because we have already shared and discussed these matters so that we can move this very, very important Bill forward.

I beg to move.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 3(2) as amended agreed to)

Clause 5(f) and (g)

The Minister of Justice, National Cohesion and Constitutional Affairs
(Mr. M. Kilonzo): Madam Temporary Deputy Chairlady, I beg to move:-
THAT Clause 5 be amended by deleting paragraphs (f) and (g).

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 5(f) and (g) as amended agreed to)

Clause 5(j)

The Minister of Justice, National Cohesion and Constitutional Affairs
(Mr. M. Kilonzo): Madam Temporary Deputy Chairlady, I beg to move:-
THAT Clause 5(j) be amended by inserting the following words at the
beginning –
“In collaboration with the Kenya Veterinary Board”.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 5(j) as amended agreed to)

Clause 6(1) (e)

The Minister of Justice, National Cohesion and Constitutional Affairs
(Mr. M. Kilonzo): Madam Temporary Deputy Chairlady, I beg to move:-
THAT Clause 6(1) (e) of the Bill be amended by deleting the words “health
care and”.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 6(1) (e) as amended agreed to)

Clause 17 (c) and (d)

The Minister of Justice, National Cohesion and Constitutional Affairs
(Mr. M. Kilonzo): Madam Temporary Deputy Chairlady, I beg to move:-
THAT the two paragraphs be deleted and replaced with the following –

(d) has successfully undergone a minimum of a two years' post-secondary school training in range management and leather technology in any training institution in Kenya recognized by the Council; or

(e) has attended a course of instruction recognized by the Council as being equivalent to the course specified under paragraph (c), at any training institution outside Kenya approved by the Council.

(Question of the amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 17 (c) and (d) as amended agreed to)

Clause 40(2)

The Minister for Justice, National Cohesion and Constitutional Affairs

(Mr. M. Kilonzo): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 40(2) be amended by deleting the words "except in any area which the Minister has, by notice in the Gazette, determined to be suitable for such practice by persons who are not registered or licensed except in such circumstances as may be specifically laid down in regulations made under this Act".

(Question of amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 40(2) as amended agree to)

Clause 42

The Minister for Justice, National Cohesion and Constitutional Affairs

(Mr. M. Kilonzo): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended by deleting clause 42.

(Question of amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 42 deleted)

Long Title

The Minister for Justice, National Cohesion and Constitutional Affairs

(Mr. M. Kilonzo): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, the Bill be amended by deleting the long title and substituting therefor the following:-

“An Act of Parliament to provide for training registration and licensing of animal technicians, to provide for the regulation of the standards and practice of the profession of animal technicians, excluding matters concerning animal health and food safety, and for connected purposes.

(Question of amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Long Title as amended agree to)

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Madam Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Memorandum by His Excellency the President on The Animal Technicians Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

THE ANIMAL HEALTH TECHNICIANS BILL

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Memorandum of His Excellency the President on The Animal Technicians Bill and approved the same without amendments.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Transport (Mr. Kimunya) seconded.

(Question proposed)

The Temporary Deputy Speaker (Mr. Ethuro): Yes, Mr. Lekuton!

Mr. Lekuton: Mr. Temporary Deputy Speaker, Sir, The Animal Technicians Bill is key to the economy and the people of this country, especially the marginalised communities. I chose to accept the amendments proposed by His Excellency the President, hoping that the Minister for Livestock Development will take into

consideration, in the new Constitution, and in his Para Veterinary Bill that is coming up, to have an audience with the animal technicians, so that amendments can be made to that Bill to incorporate some of the issues I have conceded to here.

The marginalised communities of northern Kenya, maybe, have one veterinary officer for about ten districts. Therefore, animal health technician personnel are very much needed. Therefore, I want a commitment from the Minister that he will have an audience with the animal technician personnel, so that he can give them the right to operate just like I had proposed in this specific Bill.

Thank you.

The Minister for Livestock Development (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, I would like to congratulate the Member of Parliament for Laisamis for his effort to appreciate and bring to this House the plight of Animal Health Technicians and have them recognised as key players in the livestock sector. It is true that after the Structural Adjustment Programmes (SAPs), the Government stopped hiring livestock officers, who included veterinary officers and technicians. A lot of diploma training has sprung up, and a lot of lower cadre practitioners have been trained, especially through the---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Minister! This is not Second Reading. Be very brief.

The Minister for Livestock Development (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, therefore, I would like to recognise his effort. I will just say that his comments will be taken into consideration, and that we will, definitely, upon the passing of the forthcoming Veterinary Surgeons and Para-Professionals Bill, we will bring together stakeholders. There are areas we can improve on and take care of the plight of the technicians by having them included in that Bill.

Thank you.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, as the Chair of Departmental Committee on Agriculture, I wish to state that I will be watchful, so that the promise made by the Minister is incorporated in the forthcoming Bill.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Mututho, this is about the Report of the Committee of the whole House.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, therefore, I want to congratulate hon. Lekuton for highlighting the issue. I am looking forward to a very good law.

Thank you.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I also take the opportunity to thank His Excellency the President for his very timely and fitting amendments on this Bill.

Secondly, I would urge the Minister to make sure that more funds are allocated to this sector, so that we can have more technicians, in the future, to address the kind of predicament we are in, in the country today.

Thank you.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, heroes are made in the manner in which hon. Lekuton has come to Parliament. This Bill is not just for the marginalised areas or those who keep livestock. This is a cross-cutting Bill, recognising technicians who work in the animal industry. Mine is just to thank him, recognise him and salute him, together with His Excellency the President, for bringing forth such a law.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Question put and agreed to)

BILL

Second Reading

THE RETIREMENT BENEFITS (AMENDMENT) BILL

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I rise under Standing Order No.123 to move that The Retirement Benefits (Amendment Bill) be withdrawn.

I beg to withdraw this Bill; before I brought this Bill, I had brought a Motion to this House last year and we passed a resolution in this House, allowing earlier access to retirement benefits of up to 50 per cent. After the passage of that resolution by the House, the Ministry of Finance undertook to implement that resolution passed by this House by gazetting the changes that had been proposed to the “Mwiraria Rule”, famously so known, under the Retirement Benefits Authority, to allow people who leave employment below the retirement age to access their employers’ contributions up to 50 per cent; this was not possible under the “Mwiraria Rule”.

Mr. Temporary Deputy Speaker, the Office of the Deputy Prime Minister and Ministry of Finance has gazetted and the Deputy Prime Minister and Minister for Finance has accepted to table this gazettment so as to confirm that the amendment which I seek to make to the Retirement Benefits Act to implement the resolution of this House through the Motion has already been dealt with by the Ministry of Finance through this gazettment.

Mr. Temporary Deputy Speaker, Sir, these changes will touch the lives of many young Kenyans who left employment before the retirement age. Pension reforms are very sensitive reforms that touch on the lives of many people. Today as we speak, in France, there have been riots over reforms in the pension sector. There have been reforms in Germany that have touched the lives of many and caused millions to come out to the streets. Indeed through these amendments, the gazette notice that the Minister will lay on the table today, we will know that changes are going to come, particularly to young people like James Gone who made me bring this Amendment Bill. He was a young man who left employment just at 42. He had about Kshs2 million held up by his employer and he could not access this money. Indeed, James Ngone after leaving his employment was forced to lose his house and he became destitute with his family just because he could not access these funds. If this rule had been there to allow James Gone access these funds, he could have saved the house and he would not be a destitute with his family. Today, I believe it will be a good step to help many young people to come up and access their benefits, even before the retirement age whenever it is necessary up to 50 percent. But it will also allow for the culture of saving their money for old age.

With these few remarks, I beg to move. I will invite the Deputy Prime Minister and Minister for Finance to table the gazette notice.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to take this opportunity to also thank the hon. Wamalwa for agreeing with us at the Treasury that the matter that he brought forward, as important as it was, was a matter that could be handled through amendments to the regulations. Towards this end as he has stated, he brought this matter to the House quite a while ago and I want to take this opportunity to

apologise because we should have acted on this matter much, much sooner. Nevertheless, we have made amendments and a legal notice has been published and the amended regulations will enable members of retirement schemes leaving employment before the mandatory retirement age to be entitled to their contributions and investments income accrued. The amended regulations will also apportion equally, the employers' contribution between members of the scheme and the amounts to be preserved. In the case for the benefit schemes, members will be entitled to a 50 percent of their accrued benefits as retirement by an actuary. So, therefore, the concerns that had been raised or that had prompted the Bill the hon. Wamalwa had presented before this House have been taken care of and to that end, I wish to table the gazette notice with the amended regulations.

(Mr. Kenyatta laid the Gazettee Notice on the Table)

The Temporary Deputy Speaker (Mr. Ethuro): The hon. Wamalwa has withdrawn this Bill under Standing Order No.153 which reads that either before the commencement of business or on the order of the day for any stage of the Bill being read, the Member in charge of a Bill may without notice move that the Bill be withdrawn.

The Chair would also want to compliment the Deputy Prime Minister and Minister for Finance for honouring the commitment he made to the Member. I remember when this matter came initially, there was an understanding reached that if the Deputy Prime Minister and Minister for Finance gazettes the regulations, then there will be no need for the Bill. I also want to thank the Member for keeping his part of the bargain. I was only hoping that the Deputy Prime Minister and Minister for Finance should have laid the regulations on No.4 so that it becomes the basis, so the Bill is withdrawn. So, that Order is withdrawn and we move to the next Order.

(The Retirement Benefits (Amendment) Bill withdrawn)

Second Reading

THE FINANCE BILL

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Finance Bill be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, I wish to thank the hon. Members for the support that they have continued to give to the fiscal and monetary policies and projects being implemented by the Government. Their support has enabled the Government to succeed in its efforts of bringing economic recovery back on track as evidenced by real GDP growth from 1.6 percent in 2008 to 2.6 percent in 2009.

Mr. Temporary Deputy Speaker, Sir, the measures I proposed in my budget speech are aimed at sustaining economic recovery that has continued to accelerate as a result of the increased confidence by consumers and businesses as well as capital markets basically.

The taxation measures I proposed in the Finance Bill are aimed at accelerating economic recovery, job creation and poverty reduction. The miscellaneous measures are aimed at enhancing the stability of the banking systems and reducing the cost of borrowing and restoring confidence in the capital markets.

Mr. Temporary Deputy Speaker, Sir, highlighting just a few proposals, we have the Excise Duty which has been a major challenge. This may have contributed to poor performance on Excise Duty revenue. In order to address the situation and to embrace international best practices, I propose to amend the law to grant the Commissioner, powers to prescribe in a gazette notice, metering devices that licenced manufacturers and the excisable goods shall provide and maintain in their premises for the purposes of accounting for Excise Duty.

Mr. Temporary Deputy Speaker, Sir, in order to make our airports competitive, I have proposed to amend the VAT Act to exempt landing and parking services provided to aircrafts from VAT. I propose also to scrap the advance tax payable by public service vehicle drivers and conductors before they are issued with PSV badges by the Registrar of Motor Vehicles. It is worth noting that PSV drivers, especially those that are yet to secure employment have experienced challenges in trying to cope with this requirement.

Mr. Temporary Deputy Speaker, Sir, in order to encourage Kenyans in the diaspora to participate in economic development of this country, I propose to amend Income Tax Act to grant tax amnesty to this class of people in respect of income earned by them prior to 2010.

The Government is also investing heavily in information technology in order to keep up with new technology and to reduce the cost of doing business. The Kenya Revenue Authority has not been left behind and several tax procedures and formalities have been automated. However, the public has been very slow to adapt to this new technology. In order to ensure the usage of new technology, I propose to amend the Income Tax Act to empower the Commissioner to gazette tax procedures or formalities, including persons who will be required to use the new system.

Mr. Temporary Deputy Speaker, Sir, in order to enhance the fight against corruption through procurement, I have proposed to amend the Public Procurement and Disposal Act, to require the Director-General of the Public Procurement and Oversight policy to consider recommendations for institutions such as the Kenya Anti-Corruption Commission (KACC), the Criminal Investigations Department (CID), and the Controller and Auditor-General (C&A-G) from barring any person from participating in public procurement.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move and ask hon. Obure to second.

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

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

The Minister for Public Works (Mr. Obure): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to congratulate the Deputy Prime Minister and Minister for Finance for the able manner in which he has moved this Bill. I also wish to congratulate the Government generally for the emphasis it has placed on economic growth. We have already witnessed the economy gaining momentum to a level where we have recovered from a growth rate of 1.6 per cent to approximately 5 per cent right now. That is something that we need to consolidate. All the efforts by all the people of this country must be channeled towards ensuring that, that momentum is sustained.

I want to take this opportunity to commend some of the measures that have been taken and, in particular, the Economic Stimulus Programme (ESP). We have already begun to see the fruits of that initiative. I would urge the Deputy Prime Minister and Minister for Finance not to give up or despair in any way but, rather, take encouragement from the fact that we are beginning to see the fruits of some of those initiatives. What we wanted to do is already being done. We have seen some of the projects already being concluded. I will ask the Deputy Prime Minister and Minister for Finance to come up with a similar programme that is targeting other aspects of the economy. We must do everything we can to accelerate economic growth and create employment, especially for our youth. More and more resources should be channeled in that direction.

I want to request the Deputy Prime Minister and Minister for Finance to address the issue which has been the subject of discussion and complaint by the private sector in respect to VAT refunds. The sooner we address that subject, the better it will be for this country, so that more resources can be available for re-investment. I also want to raise something about service delivery by line Ministries. We already have seen what devolved funds can do through the Constituencies Development Fund (CDF). There is a huge difference between the way devolved funds through the CDF are applied compared with the huge sums of money which are channeled through the line Ministries. I want to appeal to the Deputy Prime Minister and Minister for Finance and the Government generally to re-think, so that we can use Government funds more effectively through the devolved constituency system. I think we will get much better results by channeling that money through constituencies as opposed to line Ministries.

With those few remarks I beg to second.

(Question proposed)

Mr. Okemo: Mr. Temporary Deputy Speaker, Sir, I am going to comment very briefly because we have held very extensive consultations and discussions with the Minister, and many issues which were in contention have been ironed out. I would like to just observe that in the Budget Speech, the Deputy Prime Minister and Minister for Finance indicated that the revenue collected by the Kenya Revenue Authority (KRA) was projected to go up by almost 17 per cent in 2010/2011 as compared to 2009/2010. My only worry with that is that if you look at the historical performance, I think KRA has done a pretty good job. But I have a feeling that, sometimes, they give themselves very stretchy objectives. The problem with that is, if they do not achieve the objectives they have set, then this creates a distortion in the financing of the Budget. This means that all the items that have been budgeted for cannot be implemented, because the revenue that is projected is not realized.

Mr. Temporary Deputy Speaker, Sir, it is gratifying to note that the economy has picked up. If you compare the state of the economy during the last financial year with this year, I think there is a lot of optimism. According to the available projections--- I think when the Minister was in Washington DC the other day, I did get it from the media that the IMF have made a projection of the growth of the economy of between 5 per cent and 5.5 per cent. I think that is very encouraging. If we keep up with the programmes and the policies that the Government has put in place, I think it is an objective that we can realize.

There are few things that are contained within the Finance Bill, which I just want to comment on very briefly; one is the amnesty to the diaspora. After

discussions with the Minister, we came to agree that what he has got in the Finance Bill is acceptable. I think once we have had it, for the future, it will be very dangerous to provide an amnesty, because it works as a disincentive to the tax abiding citizens of Kenya. Once you give an amnesty to those who do not pay, the implication is that those who pay are actually being penalized and those who do not pay are actually being rewarded.

So, it is a good thing as a one-time measure and we agree with the Minister's proposals. But it is not something to be encouraged, because it works as a disincentive to those who are compliant tax payers.

Mr. Temporary Deputy Speaker, Sir, we discussed at length with the Minister the question of VAT refunds; I think Mr. Obure correctly alluded to this. It is an issue that has been a problem to the business sector, because a lot of time is taken before the VAT that has been collected is refunded to the business community. Since that is their money which they can use as capital to do business; once it is denied for a prolonged period of time, then they are forced to go to banks to borrow to cover up that gap and that leads to an increase in the cost of doing business.

I would, therefore, like to emphasize that even though we received a lot of assurances from the Minister that a lot of discussions are underway, and that it is a subject they will pursue and ensure that the period of delay is cut down to, preferably, a maximum of 60 days, it is something we want to watch carefully between now and the next Finance Bill to ensure that--- If it can be done administratively, then it will not be necessary to enact a law to demand that the KRA should refund VAT after a specified period of time.

I want to end by saying that the amendments that will come at the Committee Stage are amendments we have discussed at great length with the Minister. I just want to add that the Government, as a policy matter, should make sure that when they increase, vary or change a tax law, it is not punitive to any sector of the economy; where there is competition one competitor should not appear to be disadvantaged. I think the Government appreciates that. We have discussed that and have agreed with the Minister that we are going to look into it. This is because in the past, there have been a lot of complaints. Keroche is a good case in point, which is something we have discussed on the Floor of this House, where they feel that a particular tax measure targets them disadvantageously. We hope that we will minimize those kinds of situations and have a tax that is neutral in terms of any taxpayer; that no taxpayer appears to be disadvantaged.

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

The Assistant Minister for Livestock Development (Mr. Duale): Thank you, Mr. Temporary Deputy Speaker, Sir. I will be very brief.

From the outset, I want to thank the Deputy Prime Minister and Minister for Finance on tabling of the Finance Bill. One of the key amendments the Deputy Prime Minister and Minister for Finance has made today on the Finance Bill is the one on corruption; that is, the amendment that will give powers to the Kenya Anti-Corruption Commission (KACC), Criminal Investigations Department (CID) and the Controller and Auditor-General, in as far as banning those private sector players, to be very precise, and companies that do business with the Government and this country that are involved in corruption. They will not be allowed to continue. They will be totally banned from participating in the procurement process.

Mr. Temporary Deputy Speaker, Sir, we must, as a country, say that "yes," in terms of economic growth for the last ten years, despite the post-election violence, our growth rate has gone up. I want to thank the Deputy Prime Minister and Minister for

Finance for introducing the Economic Stimulus Projects. That gives the element of equity when it comes to regional balance. I also want to thank the Kenya Revenue Authority (KRA). As a businessman, for many years, tax evasion was the order of the day. There are people in this country who used to bring ships of sugar and petroleum products in the name of transit cargo and end up dumping them in the local market. But you can see the growth rate in terms of collection for the KRA going to 17 percent in the year 2010/2011. But as much as we went to encourage local investors and widen the bracket on tax collection, we must give value for that taxation.

Mr. Temporary Deputy Speaker, Sir, if you look at the economic hub of Eastleigh, today Eastleigh is next to the Central Business District in terms of revenue collection. I am sure the Deputy Prime Minister and Minister for Finance and the KRA will agree with me. But if you look at the infrastructure in Eastleigh business hub, the roads are very bad and the sewage is in a terrible situation. There is also insecurity. Last weekend, two people were killed. How do we show and appreciate as the Government, KRA and the Office of the Deputy Prime Minister and Ministry of Finance, that, yes, these are the people who run this economy? We must give preference. They must see that the Government appreciates. I want the Deputy Prime Minister and Minister for Finance, who is also a good friend of mine, to give me time and we drive through Eastleigh. The Prime Minister and a team led by hon. Obure went there in 2008 but for me, that was a public relations exercise. They went there and have never done anything.

Mr. Temporary Deputy Speaker, Sir, the issue that was introduced by the KRA on transit cargo – the coding and the way that cargo will be followed, is very key. Look at the donors, including the African Development Bank, European Union, the Arab Consortium of Financial Institutions, there is a lot of confidence in our country. This is as a result of the independence we have created as far as our economy and budget is concerned.

Mr. Temporary Deputy Speaker, Sir, finally, I want the Deputy Prime Minister and Minister for Finance to address a number of issue. One is the escalating interest rates charged by banks in this country. This is very worrying. Also, the Ministry of Roads and Ministry of Finance have introduced infrastructural bonds. But we want this infrastructure to have a regional balance. When you have a Kshs28 billion Thika-Nairobi Highway and 47 years down the line, there is no tarmac road in North Eastern Province then, you are telling that those few of us who are privileged to live in Muthaiga and the suburbs of Nairobi can access that. We need to address issues that will increase food security and support the business community.

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

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I want to, first of all, urge our young Minister who has shown even in the previous Budgets, that he has radical thoughts. He could in the same manner, start off by helping the country move towards the county approach by developing county headquarters before 2012 sets in. We could have Abujas within this country. It is a shame for us as a country, when we visit countries like Namibia, which is the last born of Africa in terms of independence and they are doing so well. It is not because we do not have resources, but it is because we tolerate corruption. If we put money into where the money should go, we can do wonders. So, as a young Minister, please, help the country move forward.

Mr. Temporary Deputy Speaker, Sir, I would also want to encourage him in relation to the persons in diaspora, especially Kenyans in Namibia. Last week, we were in Windhoek. Kenyans in Namibia said that they are having a problem with

remittances into the country. They requested us to ask the Ministry, in conjunction with Ministry of Foreign Affairs, to facilitate that because of the regulations; if they could facilitate remittances because Namibian Government still has stringent rules on that.

In the same vein, I would also want to encourage him to visit the Kenyan Embassy in Namibia. There is a lot of potential for the embassy to get money, not by selling it, but by finishing it. There is a lot of work that has gone into finishing the first phase of the embassy. There is a lot of work that still needs to be done on the second phase. If it is let out, it will be fetching millions of shillings for the country in a year and it will be self sustaining. I know that is not the appropriate thing to be talking about right now. That is something that we need to look at.

Finally, I would want to say that in terms of the progressive approach, the Constitution under Article 27(3)--- I am worried that the Minister is not listening.

The Temporary Deputy Speaker (Prof. Kaloki): The Minister is listening.

Mrs. Odhiambo-Mabona: Okay, he is young, so he can multitask.

Mr. Temporary Deputy Speaker, Sir, Article 27(3) of the Constitution says women and men have the right equal treatment, including the right to equal opportunities in political, economic and social spheres. As a nominated Member of Parliament representing women and children, the Minister is denying us our right to protect women and children in social spheres by allocating us Kshs10 million. Hon. Members thought you were sneaky and you had no basis. That allocation has constitutional basis. Please, in the next Budget with confidence and no fear, do not allocate Kshs10 million, but allocate the same money that is allocated to elected Members. Failure to which, we will go to court and charge you with disobeying the Constitution.

With those few remarks, I beg to support.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, let me start by thanking the Deputy Prime Minister and Minister for Finance---

Mr. Kioni: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask the Mover to reply? We all seem to be supporting the Finance Bill.

*(Question, that the Mover be called upon to Reply
Put and agreed to)*

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Members for their contributions and assure them that their issues will definitely be taken into account. As Mr. Okemo, the Chairman of the Departmental Committee on Finance, Planning and Trade has said, many of the issues that his Committee raised have already been taken on board and I think we have a general agreement on that. There are also other issues that have been brought up by other Committees which we are also taking on board. I would also like to assure Mrs. Odhiambo-Mabona that she knows very well that I am very supportive to that cause and I will continue to be supportive to the cause. With some legal backing to it, I am sure hon. Members would not like to be seen to be against the spirit of the new Constitution.

With those very few remarks, I beg to move.

(Question put and agreed to)

*(The Bill was read a Second Time and committed
to a Committed of the whole House tomorrow)*

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until next Tuesday, 2nd November, 2010 at 2.30 p.m.

The House rose at 6.25 p.m.