

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 30th April, 2008

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

AUCTIONING OF BUSIA SUGAR COMPANY ASSETS

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

(a) Is the Minister aware that Busia Sugar Company, which was started in 1980s, was placed under receivership in 2005?

(b) Is the Minister aware that assets of the company so far valued at over Kshs100 million are set to be auctioned at a reserve price of Kshs30 million on May 1st, 2008?

(c) If the answers to (a) and (b) above are in the affirmative, could the Minister urgently consider intervening so as to stop the auction and safeguard the interest of farmers?

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

(a) Yes, I am aware that Busia Sugar Company, which was started in the 1980s, was placed under receivership on 1st, March, 2006.

(b) I am also aware that Kuronya Auctioneers have given notice of intention to sell, by public auction, land parcel No.Buhayo/Nasewa/1500 belonging to the company on the 1st of May, this year.

(c) To stop the auction and safeguard the interest of the farmers, my Ministry has initiated the following steps.

(i) A caveat has been registered on the title and variously carried in the local dailies for public information.

(ii) Notification of the incumbrance on the subject title has been made to the local administration and the land control authority.

(iii) Proceedings have been initiated in court under winding-up Cause No.1 of 2007 to object to this auction by Kuronya Auctioneers.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, I would like to thank the Minister for his answer. In his response the Minister said that they have put a caveat. However, that caveat was put by Mumias Sugar Company. It was carried in the *Daily Nation* of the 31st of March this year.

As far as I know, Busia Sugar Company was placed under receivership in the 2005. Thereafter, the employees of the same company went to court to protest the same. The court ruled in favour of the employees. The decision, however, was later reversed. I would like to know, whether Mumias Sugar Company is still under a receiver manager. If it is not, then who is receiving the proceeds of the business of Busia Sugar Company? From the nucleus estates we have

sugar-cane which is sold. Who is receiving this money? **Mr. Samoei:** Mr. Deputy Speaker, Sir, it is true that Mumias Sugar Company was mandated by the Kenya Sugar Board (KSB), which was owed a sum of Kshs337 million by Busia Sugar Company--- Indeed, a Mr. Jones Ndumbi, who was an employee of Mumias Sugar Company, was appointed as the Receiver Manager.

Mr. Deputy Speaker, Sir, initially Busia Sugar Company had payment arrears to farmers to the tune of Kshs55 million. That amount was paid by Mumias Sugar Company on behalf of Busia Sugar Company, so that the farmers did not suffer. There is an agreement between Mumias Sugar Company and Busia Sugar Company to lease part of the nucleus estates for purposes of recovering the money that was paid to farmers by Mumias Sugar Company on behalf of Busia Sugar Company.

Mr. Deputy Speaker, Sir, there is also an agreement that the Receiver Manager will continue to use the assets of Busia Sugar Company with the intention of paying off all the other creditors. When that is done, then other arrangements will be made with a view to reinstating the status of Busia Sugar Company and making it operational.

Mr. Okemo: Mr. Deputy Speaker, Sir, I can see that the Minister is laughing, because he probably knows what I am going to ask him.

(Laughter)

Mr. Deputy Speaker, Sir, the issue of Busia Sugar Company has become a long story. As you can see from the Question, it began in the 1980s. In fact, the word "began" is a misnomer, because it has never began. It is just a name in books. This is a project which affects thousands of farmers, not just in Busia but also in Amagoro, Siaya and parts of Bungoma districts. Could the Minister give us an undertaking here today that Mumias Sugar Company will keep its promise, which it made to farmers last year, that once the acreage has been increased to about 20,000 acres, they will put up a white sugar factory, which will be producing sugar under the name of Busia Sugar Company? The problem is that these promises have been on and on and on, and nothing ever happens. In fact, this issue always erupts during election time, and after that it dies out. Could the Minister - knowing him for being very vibrant and an active young man - give an undertaking that he will use the energy that is in him to ensure that Mumias Sugar Company starts a sugar factory in Busia either this year or next year?

Mr. Samoei: Mr. Deputy Speaker, Sir, I appreciate the concern of the hon. Member from that region, with regard to this subject. I will be visiting that part of the world soon to assess for myself the concrete steps required to achieve the best interest for the farmers, the region and the sugar industry. I will give him an undertaking that to the best of my ability, we will work together with all the stakeholders, hon. Members included, towards arriving at the best possible solution. If Mumias Sugar Company will have the capacity to set up a white sugar factory in that region, I want to tell Mr. Okemo that, that will be done.

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir. When the farmers in Busia, Nambale and Butula areas went into growing cane, they had a special interest. They wanted to maximise the profits of sugar-cane farming. Over the years, these farmers have lost money through deductions of Sugar Development Levy (SDL). Heavy deductions are made from their earnings by Mumias Sugar Company so as to meet the cost of haulage of cane over long distance, something which was not in receipt by the farmer.

Since this was not the interest of the farmer, could he use Section 13 of the Sugar Act 2001, that compels the Kenya Sugar Board to compensate farmers if they are injured in any way including falling short of their interests?

Mr. Samoei: Mr. Deputy Speaker, Sir, I am looking into the issue of reviewing the Sugar Act that the hon. Member has referred to because there is also need, besides what the hon. Member

has talked about, to remove the regulatory powers from the development and marketing of sugar because all that these are lumped together. That is why we have very serious problems at the Kenya Sugar Board because that the regulatory authority is combined with the development and marketing responsibilities. These two should be separate. There is no way we can have a Government regulatory arm with directors elected by farmers. The regulation should be done by Government, the marketing and production should be done by a board that is elected by farmers. We intend to separate those two so that the issues the hon. Member for Ikolomani is referring to can be adequately addressed. Those will then come under sugar development which will have been separated from the regulation responsibilities of the Kenya Sugar Board.

I, however, agree with him that there is need to look at the possibility of protecting the farmer from long distance transportation costs. It is beyond the farmers' control that the factory is too far from where they are. Currently, we are discussing with Mumias Sugar Company which is providing some subsidy but it is not adequate. Therefore, I will take up the issues he has raised.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, while thanking the Minister for his answer, Kenya is one country which has potential for supplying sugar without importing. It, however, imports large quantities of sugar. What comprehensive policy does this Government have to ensure that it helps other factories such as Ramisi in Kwale or Mumias and even open other factories so that Kenya can stop relying on imported sugar which is dumped here from other countries while we have potential to be self-sufficient in terms of sugar supply?

Mr. Samoei: Mr. Deputy Speaker, Sir, we have a comprehensive plan to produce, as much as possible, the sugar that is consumed in this country. We have a comprehensive plan to produce sugar in Ramisi and the Tana Belt. In fact, close to 100,000 hectares of land are already in preparation. Agreements will be signed this year with investors including Mumias Sugar Company and other investors so that we can produce sugar in Tana and Ramisi. It is our estimation that we will cut down the importation of sugar by between 70 per cent and 80 per cent if those two belts will begin to produce. We are also looking at research service that will enable us develop variety that will mature in a shorter time and whose sugar content is higher than what we have at the moment.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, farmers have planted cane and we were promised that a factory would be built when we acquire an acreage of 15,000 hectares. We have now acquired the 15,000 acreage. This was promised by the President when he was campaigning in my region. The Pentagon Members, and I am glad that the Minister for Agriculture is a member of the Pentagon group, also said the same. They said that once the acreage reaches 15,000 hectares, a factory would be constructed. So, now that we have acquired the 15,000 hectares which is the target, is the factory going to be constructed? I would also like you to assure this House that, that land will not be sold under any circumstances. Farmers at home are disturbed by the fact that the land may be sold.

Mr. Samoei: Mr. Deputy Speaker, Sir, I want to assure the hon. Member for Butula that the farm will not be sold. Mr. Atsioya of Atsioya and Company Advocates is claiming legal fees amounting to Kshs30 million but we are unsure as to how that amount of money was arrived at. We have taken adequate steps on the ground to make sure that the land will not be sold. The public interest will be protected. I also want to assure him that we will put every effort, between us and other players, to make sure that the farmers in that region have a factory to deliver cane to, as soon as

possible. That should be in the next two or so years. So, he has no cause for alarm.

As for the pledges that were made, we have a framework that was made this time round that does not allow any of the partners or competitors to run away because they are all locked in one Government. I am sure that, that pledge will be met.

ORAL ANSWERS TO QUESTIONS

Question No.015

DEATH OF MR. MUTUA MUSYOKA

Mr. K. Kilonzo asked the Minister of State, Office of the President:-

(a) whether he is aware that on 6th March, 2008, Mr. Kunda Mutua Musyoka of Mulango Location, Kitui District, a former teacher at Kamuungu Primary School was found murdered at Kyangwithya East Location in Kitui District;

(b) if he could explain why the killers of Mr. Musyoka have not been apprehended to date; and,

(c) what steps he has taken to ensure that security is maintained in the area.

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

(a) Yes, I am aware that Mr. Kunda Mutua Musyoka's body was found on 28th February, 2008, and not on 6th March, 2008 as alleged.

(b) The circumstances leading to the death of Mr. Musyoka are still under investigation. Once investigations are complete, appropriate action will be taken.

(c) The security situation in Kitui District is fully under control.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, it appears that the culture of the Government Ministers answering Questions in a very casual manner is still going on. It is very clear that a teacher who had gone to withdraw his salary was found murdered and his body mutilated. The Assistant Minister says the security situation in Kitui District is under control. That shows that he is not serious. Has he been able to apprehend any suspects? As much as he says that the motive of murder is under investigation and given that the locals gave some vital information, have the police officers followed those hints?

Mr. Ojode: Mr. Deputy Speaker, Sir, I want to give the chronology of events on this particular case. It looks like my friend is not aware of certain things which happened.

Mr. Deputy Speaker, Sir, on 28th February at around 11.55 a.m., a decomposed body was found in a thicket at Nzeu Village within Kitui Township. The body was later identified to be that of Mr. Kunda Mutua Nzioka who had earlier been reported missing. Due to decomposition of the body, no visible injuries could be seen on it. At the scene, the deceased's National Hospital Insurance Fund (NHIF) contribution card No.0872705 was found near the body. An empty 40-millilitre bottle of cattle dip chemical was also found near the body.

Mr. Deputy Speaker, Sir, this brought suspicion that the deceased could have committed suicide. The suspicion was further reaffirmed by a letter written by the deceased to his wife and received through the post office detailing to her his financial transactions and where she could trace the deceased's national Identity Card (ID).

Mr. Deputy Speaker, Sir, on 7th March, 2008, a postmortem examination of the body was performed by a Government doctor in the presence of a family doctor, Dr. N. Mbuko, who is a pathologist. The two doctors could not ascertain the cause of the death, but stated that no anatomical cause of death could be ascertained. Some stomach contents were taken to the Government Chemist for toxic analysis and the report is still pending.

Mr. Deputy Speaker, Sir, the police commenced investigations into the death of this teacher. An inquest file No.4/2008, of Kitui Police Station, was also opened. The case is still pending under investigations. After completion, the file will be placed before a magistrate for a formal determination of the case.

Mr. Deputy Speaker, Sir, that is why I was suggesting to my friend that he should check whether the information which he is getting on the ground is the same as what the Minister in charge of Internal Security is also getting. I can prove to him that there is a letter which was written by the deceased to his wife giving the details where the money and ID card are. In fact, I have a photocopy of the letter here. It says in part:- "*Ikala nesa na syana*".

(Laughter)

It means: "Stay well with the children". So, that is why we are suspecting that the teacher committed suicide. In fact, I would want the hon. Questioner to go through this letter because it is written in his mother tongue, so that he can also advise me on the next move.

(Applause)

Dr. Khalwale: Mr. Deputy Speaker, Sir, I want to congratulate the Assistant Minister for being so fluent in the Kamba language. This is a very serious matter. He has pointed out that a postmortem was actually done. My worry is that this was an incident which took place at the beginning of March. It is now almost 60 days. One would have expected that the postmortem report in respect of, amongst other things, the contents of the extract from the stomach, would have told us whether, indeed, there was any evidence of poisoning and also the possibility of DNA in 60 days should have been there. Could he tell us whether it is normal practice for a case of murder as serious as this one to be allowed to be treated casually and take a period as long as 60 days when, in fact, it is important that we come to the root cause of this matter? Secondly, is he sure that the murderers are not the ones who actually penned that letter that he is purporting to have been written by the deceased?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is a very good question. When we take the contents to the Government Chemist, we do not have the capacity to hurry them. We cannot ask them to speed up the exercise because that is not the only case which is awaiting analysis. There are several others. So, we want to give them time to check what the contents are and then, later on, report to us.

Mr. Deputy Speaker, Sir, we have taken the original letter to the Government Documentation Centre to authenticate whether the handwriting and signature belongs to *Mwalimu*. After the authentication, then I will be able to answer that question very well.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I also want to join my friend in thanking the Assistant Minister for giving an indepth answer to this Question, but every other day, we bury dead people in Kitui District due thuggery. Our homes are being broken into and there are also petty thieves. The police have relaxed in their duty to curb insecurity. One of the reasons why the police have relaxed in Kitui District is because they have been there for so many years without being transferred to other areas. Therefore, they get used to the locals and become accomplices in these thefts. Would I be in order to ask the Assistant Minister to consider transferring some of these police officers to other places and replace them with others who do not know people in the area? That will enhance security in the area.

Mr. Ojode: Yes, Mr. Deputy Speaker, Sir, I agree with my friend that those police officers who have overstayed in their stations will be transferred immediately.

Mr. Deputy Speaker, Sir, security as a component is a very sensitive matter. I would also ask my colleagues to assist us to wipe out criminals in our areas. First, we have agreed that we are going to double the intake of the police force. We will also double the intake of the administration police officers (APs). We are also looking for funds to buy new vehicles for our police officers. Security issues must be treated as urgent matters. I think, as a Ministry, this issue of insecurity will be

a thing of the past. Insecurity should not be there save for smaller issues.

I would also want to ask my colleagues to help us restore peace. We kindly request them not to incite their neighbours. But as for those who will incite others, their days are numbered! The law will take its own course. Nobody will be spared, whether a Member of Parliament or a Minister.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Okay!

Next Question by Mr. Ethuro!

Question No.019

KENYA'S PREPAREDNESS TO DEAL WITH
NATURAL/MAN-MADE DISASTERS

Mr. Ethuro asked the Minister of State for Special Programmes the state of Kenya's preparedness to deal with natural and man-made disasters.

The Minister of State for Special Programmes (Dr. Shaban): Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry of State for Special Programmes has formulated the National Disaster Draft Policy, Strategy and Initiatives on disaster management. The policy provides the necessary legislation, strategies and the way forward regarding disaster management in Kenya. However, before the policy is discussed and passed in the House, the following measures are in place to deal with natural and man-made disasters:-

The Government has put in place District Disaster Management Committees in all the districts drawing their membership from relevant district heads of departments, a cross section of NGOs represented in the district and the residents under the chairmanship of district commissioners.

Mr. Deputy Speaker, Sir, sensitization and training have been conducted on disaster management for the committee members. Each district has also formulated a disaster action plan. Whenever disasters occur, the committees take necessary mitigation steps before informing the headquarters for support. The Government is currently maintaining some four million bags of maize under the Strategic Grain Reserve with equivalent cash for logistical support in delivery of the relief to disaster areas. The grain can be mobilised at short notice to disaster areas. The Government also relies on the support of its partners, like the Kenya Red Cross Society and United Nations agencies in times of disasters and emergencies for support.

The Department of Arid Lands Resource Management monitors the advancement of drought on a monthly basis and issues monthly bulletins on drought situations. The bulletins assist in drought preparedness activities undertaken by the Government and other organisations. The Department's development component has enough resources to mitigate on the effects of droughts. Communities in 28 drought-prone districts are currently being supported in disaster preparedness in activities such as construction and repair of water dams, pans, stocking and restocking of dairy animals and other resilient species that assist the communities to overcome the effects of the drought.

The Western Kenya Flood Mitigation Project has also been initiated in the Nzoia River Basin with the support of the World Bank. The overall project's aim is to address the flood management in the entire Nzoia River Basin by undertaking immediate stern measures and interventions of reducing the effects of drought by repairing the bridge sections of levees which were constructed over 30 years before March to May, 2008 rains. Once this is achieved, flood management in the Nzoia flood plains will be improved and flooding within Budalangi will be

minimized.

Mr. Deputy Speaker, Sir, there is also the National Disaster Operation Centre which was established in 1997 to co-ordinate and disseminate information during the *El Nino* rains. The Centre has continued to be of value as it offers rapid response to any disaster operations as a first responder. The Department has collected data relating to persons, organisations and where they are placed in order to be able to respond to any emergency by deploying such persons and organisations from their places of operations. The National Disaster Operation Centre is manned by persons with different experiences from the field of operation such as military officers, police officers, firemen, doctors, public health officers, water engineers and road engineers. This is both for disaster preparedness response as well as mitigation.

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. I want to thank the Minister for the answer. But I did not receive my copy of the written reply. That really puts me in a very awkward position to ask her supplementary questions.

But having listened very carefully, I want to say that I was not just interested in the disaster components and what we are going to do. I am interested in the state of preparedness. What is the state of Disaster Operation Centre at the headquarters? Can it handle a disaster when it happens? There are various components of disasters. I asked about man-made and natural disasters. I am happy that the Minister has dwelt at length on natural disasters such as famine and drought. I think there is some capacity to handle this disaster although the time lag needs to be improved on. But what is our capacity in terms of man-made disasters such terrorism and collapsed buildings? What is our capacity to conduct medical evacuations? This is about the entire country. We always have flooding in the Kano Plains and we will also watch them. What is the state of our preparedness to counter Budalangi floods? How do you define disasters and when will you bring the Draft Policy to the House?

Dr. Shaban: Mr. Deputy Speaker, Sir, first of all, I think I have explained so much about the Budalangi floods and what we are doing about that problem. As I have said, the Western Kenya Flood Mitigation Project is being funded by the World Bank. It is a Department in our Ministry which deals with that issue.

About man-made disasters, the Government of Kenya, in conjunction with other regional member states, have formed a Regional Disaster Management Centre which deals with early warning. The Government, in its seriousness towards making sure that we are actually prepared early for disasters which have been befalling our country and regions generally, has gone ahead and even acquired a property, where its secretariat is based, in Kileleshwa.

Secondly, right now, the Regional Centre for Disaster Management of Excellence has even been registered at the United Nations level. It is supposed to deal with these issues. There is a lot of interest from our Government, member states and our development partners, to make sure that RDMCE becomes the centre which will deal with the problem.

Mr. Deputy Speaker, Sir, on man-made disasters like, for example, the problem that we experienced earlier in the year following the elections, the Government of Kenya put all the stakeholders from all the Ministries there. Even Permanent Secretaries are included there. They were not represented before. They sat in a Humanity Services Committee which immediately sprung into action. That is why we were able to deal with the emergency at the beginning.

We also have a partnership with the World Food Programme (WFP) when we are dealing with emergency operations. It is referred to as IMO. It deals with arid areas in northern Kenya. Usually, the emergency operation is to make sure that those people are always taken care of in terms of food.

Thank you.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, this country has experienced two disasters. We clearly remember the bomb blast in 1998 and the other day, a building collapsed somewhere on

Ronald Ngala Street. On both occasions, we relied on countries like Israel which are thousands and thousands of miles away. They brought sniffer dogs, equipment and the right personnel to deal with collapsed buildings. On the same two occasions, we had to fly some of the casualty victims to countries as far as South Africa for treatment. What I want to know is: What is the Government doing to ensure that there are special units within the forces specifically to deal with collapsed buildings?

Dr. Shaban: Mr. Deputy Speaker, Sir, the Government, in its preparedness--- I think the National Disaster Operation Centre (NDOC), which is stationed at the Office of the President, is the one which puts up all the teams; the armed forces, senior police officers, medical teams and water engineers. That is how our Government has been able to combat the problems. Like I have mentioned, the RDMCE is supposed to be the one dealing with those issues. The Government saw the importance of dealing with other member states so that we can have such problems solved as early as possible.

I agree with him that, in most of the situations, we have had people coming from different countries to assist us. That is why the Government took a bold step to establish a regional disaster management centre. That particular centre got its initial funding from the US Central Command. That happened because the Government realised that we needed to have an early warning system and the necessary personnel to help us. We have the personnel but we lack the equipment. However, in the process of having the RDMCE, all those things are going to be catered for. The US Central Command will give way to the African Command, which will take over from there. The Government has been following the footsteps of what is happening and we are at the forefront.

Eng. Rege: Mr. Deputy Speaker, Sir, I know that the Minister is new in the Ministry. But I would like to suggest that disaster management should be looked into very deeply and carefully in order to cover remote areas. In almost every corner of Kenya, we have telephones, both fixed and mobile. But the question is: Do they work during emergencies? We have emergency numbers to call but they do not work. I will give you an example. If you have a Safaricom line, it means that probably only Safaricom works in that area, especially in remote areas. If you have a Celtel line, if you try to call an emergency number when you are being ambushed by thugs--- I will give you an example of Karachuonyo. At Pala Market, a trader was being robbed and when he tried to call an emergency number, the police in Nakuru received his phone call, hundreds of kilometres away. The Nakuru police had to call Kendu Bay Police Station to come to the trader's rescue. It took more than a day for the police to show up. That area should be looked into very carefully.

When we look at the real emergency like an earthquake, is Kenya ready for it? Should all telecommunications facilities get bombed or demolished, how will Kenya communicate? I suggest to the Ministry to make use of the satellite phones that do not require local exchanges. These should be put in place.

Mr. Deputy Speaker: Eng. Rege, what is your question?

Mr. Sambu: Mr. Deputy Speaker, Sir, I am very grateful for the reply by the Minister, but, more particularly, for the construction of dams and repairs along River Nzoia. As you are aware, dams can also be utilised for the production of hydro-electric power. Since there is a shortage of power in this country, could the Minister tell us when those dams will be utilised to produce power?

Dr. Shaban: Mr. Deputy Speaker, Sir, I prefer that the hon. Member brings a Question on that, so that he can get a proper answer.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. I am looking at a disaster situation and we have a lot of water going into Lake Victoria. We can utilise that water. At the end of the day, people suffer because of flooding. I am also saying that we can control that water through those dams, by producing electricity. That can be a better way rather than allowing the water to simply flow into Lake Victoria. I would like to know whether there are plans to utilise that

water to produce hydro-electricity.

Mr. Deputy Speaker: Order, Mr. Sambu! It is a very relevant issue, but you should direct that Question to the relevant Ministry! That is the Ministry for Energy! This Ministry deals with the effects of disasters. But in terms of harnessing the water, put it to the Ministry of Energy!

Mr. Outa: Mr. Deputy Speaker, Sir, listening to the Minister, I could understand that she has a good plan to deal with the water menace in Budalang'i, but I did not hear from her what plans she has for Nyando. She talks of Budalang'i only!

Does she have any plans for Nyando, because every year we are affected? Is she aware that this year, we have lives and many homes which were swept away in Nyando? Does she have any support for people in my constituency of Nyando? What future plans does she have to be able to contain this menace year in, year out? Should Nyando also not be considered under the special programme on the Internally Displaced Persons (IDPs), because each year the water menace destroys lives and properties?

Dr. Shaban: Mr. Deputy Speaker, Sir, I do appreciate the question from the Member for Nyando Constituency, but I want to say that there are quite a number of places, where there are flash floods and it is a big problem. The Ministry of State for Special Programmes is looking for ways and means of coming up with a flood mitigation programme for all those areas.

Mr. Deputy Speaker: Next Question by the Member for Masinga!

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

Mr. Deputy Speaker: Mr. Ethuro, you were not on your feet, but I will give you an opportunity. Proceed!

Mr. Ethuro: Mr. Deputy Speaker, Sir, the tradition is that usually---

Mr. Deputy Speaker: The tradition is that the Questioner has to ask the last question, but if he does not stand on his feet then it is presumed that he has no question to ask.

Mr. Ethuro: Thank you, Mr. Deputy Speaker. I just want to thank the Minister, because she is doing a good job. I just want to support her in her work. Initially, I had asked what her understanding of disaster is. Could she give a definition of disasters? Could she also declare cattle rustling a national disaster, so that the Government could mobilize sufficient resources to deal with this historical problem that is affecting northern Kenya? Finally, could she give a commitment to this House on when she will bring that drought policy before the House? I know that it is ready, and they are just "sitting" on it, maybe because the Cabinet has not met. Bring it here even before you meet, because we will not wait for you to meet; you are too many to be meeting!

Dr. Shaban: Mr. Deputy Speaker, Sir, first and foremost, I want to tell the hon. Member that cattle rustling to me is not really a disaster. It is just a bad habit. Secondly, regarding the policy, which is a very important issue, the Policy Paper is actually ready and we should bring it to the House as soon as possible.

Mr. Deputy Speaker: Are you in a position to give us a specific commitment on that?

Dr. Shaban: Mr. Deputy Speaker, Sir, I will have to come back to the House with an assurance.

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

Question No.021

DISBURSEMENT OF YOUTH ENTERPRISE
FUND MONEY

Mr. Mbai asked the Minister for Youth and Sports:-

(a) how much money was disbursed to the youth nationally through the

Youth Enterprise Development Fund during the Financial Year 2007/200;

(b) what criteria was used in disbursing the funds; and,

(c) how many groups benefited from the Fund in Masinga Constituency and how much money was given to each group.

The Minister for Youth and Sports (Prof. Sambili): Mr. Deputy Speaker, Sir, I beg to reply.

The Question is asking for the amount of money that has been disbursed to the youth nationally through the Youth Enterprise Development Fund during the Financial Year 2007/2008. I will answer that first part.

(a) A total of Kshs494,942,691 was disbursed to the youth nationally in the Financial Year 2007/2008.

The second part of the Question is inquiring about the criteria that was used in disbursing the funds, and in the third part, the hon. Member is asking about the number of groups that benefited from the funds in Masinga Constituency. I will continue to answer.

(b) Regarding the disbursement of the youth fund, there are two modes of disbursing the funds under the Youth Enterprise Development Fund. One mode is through the Constituency Youth Enterprise Scheme (CYES). The constituency-based funds are administered through divisional and district based committees. These committees receive the loan applications and allocate the funds to qualifying groups of youth. The second mode is the on-lending. Financial intermediaries manage funds allocated to districts, which the youth access directly. There are 22 financial intermediaries that have been identified to disburse the funds. As for the criteria, the minimum conditions for accessing the funds include the following:-

(i) one must fall in the age bracket of 18 years to 35 years of age and must be a Kenyan citizen;

(ii) one must have the intention of investing the funds in a business venture;

(iii) the funds are a loan and must be repaid; and

(iv) the applicant must be a member of a firm and/or an organization which is legally registered and operating in Kenya.

(c) The final part of the Question regards the number of youth groups who have benefitted from this Fund in Masinga Constituency. There are 20 youth groups that benefitted from the Youth Enterprise Development Fund during the Financial Year 2007/2008. Out of the 20 groups, 12 groups got a total of Kshs50,000 each, while seven groups were allocated a total of Kshs40,909 each and one group got Kshs40,910.

Mr. Mbai: Mr. Deputy Speaker, Sir, I want to thank the Minister for the answer, but I want to say that an average of Kshs50,000 per group of more than 20 members is very little. These people could not invest in tangible projects. The groups were not trained; so, they ended up investing wrongly. These groups are not able to service these loans. They are coming to us and requesting us to assist them service those loans. Why can the Minister not waive those loans to allow those groups to continue doing their work?

(Laughter)

Prof. Sambili: Mr. Deputy Speaker, Sir, I did not get the second part of the question. The Youth Enterprise Development Fund, as we all know, was conceived in 2006 by the Government as a strategic move to arrest the problem of youth unemployment, which is a serious. Kshs1 billion was set aside in the Financial Year 2006/2007 to fast-track this noble and timely initiative.

Subsequently, this was gazetted in December, 2007 and the Fund was launched officially in February, 2007. I am just giving the background. This Fund is intended to support and encourage the youth to engage in business ventures so that they can contribute to the development of this

country. I do not think we can waive those loans. It is better that we support the youth. We have youth officers who are in the districts as well as divisions. These youth officers, who have been employed by the Ministry, are there to advise the youth on how they can use the money on the projects for which the money has been applied. That way, they will also be able to refund the money. It is better to give an opportunity to the youth. The youth officers in the districts and divisions, together with other leaders such as religious leaders and Members of Parliament, need to encourage the youth to engage in business ventures. I do not think it is important to waive the loans for them. Let us help them further.

Mrs. Shabesh: Mr. Deputy Speaker, Sir, I want to first congratulate the Minister for trying to answer the first question. I would like to assist the Minister on the issue of the Youth Enterprise Development Fund (YEDF). We all know that the YEDF was very controversial. It was brought at a time when many of us believed it was more for political reasons than to help the youth of this country. I would like to assist the Minister because when the President opened Parliament, he said that he was going to bring the National Youth Policy to be debated in this House. I urge the Minister not to disburse any other money in the name of the YEDF until this House has gone through the National Youth Policy and agreed on which manner the YEDF money should be disbursed and whether it really should be for business for youth have neither bank accounts nor training. We also need to know whether the money should be for another purpose.

Is it possible for her Ministry to hold on to the disbursement of any other money from the YEDF so that this House can assist her get the National Youth Policy right?

Mr. Deputy Speaker: That is a supplementary question, Madam Minister. Are you able to roll back? That is the question. Do you want to answer that? If you cannot answer it because you did not anticipate it, you can always ask for time.

Prof. Sambili: Mr. Deputy Speaker, Sir, I would like to appreciate the support of the hon. Member of Parliament. The youth are the most important resource in this country. I am not able to say that we can suspend it. We will consult. I said that I am inviting all of us. This Ministry of Youth and Sports belongs to all of us. We need information from all of you. However, I am not able to say that we are going to suspend disbursement of money now. I think we will consult.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, one of the reasons why the YEDF was initiated was to alleviate unemployment amongst the youth. The purpose of giving them money was to enable them engage in self-employment. As it has been said by the previous speaker, Kshs50,000 per group is too small. Again, the process of approving this money for the youth takes so long; about a year. There is so much bureaucracy.

Could the Minister improve on the process of approval so that the cheques are signed at the district level rather than at the Ministry's headquarters? This would hasten the process of disbursement. Also, could the Minister think of increasing the amount of money to, perhaps, four times what is given currently? This is because Kshs50,000 cannot initiate any tangible enterprise that can create employment. I believe Kshs200,000 would be a reasonable amount.

Prof. Sambili: Mr. Deputy Speaker, Sir, I agree that Kshs50,000 is really not enough if the youth are going to be involved in serious business ventures. However, in order to encourage the youth, particularly in rural areas and, of course, with the support of leaders in those areas, that amount of money is good enough to begin with. I, however, agree that it is important to look for funds to support the youth so that we can increase the allocation.

With regard to the time it takes for an approval to be given, we have youth officers in the divisions and districts who are supposed to be meeting regularly to advise the youth groups that have asked for this money. This is quite a young Ministry and we are still learning. That is why I said that we are willing to learn from all of us in order to make this Fund a success. We know that the youth are our most important resource. We will look into the issue of the duration it takes to approve the application.

Mr. Deputy Speaker, Sir, in Masinga Constituency, out of the 22 groups that benefitted, there are two groups that have not been given their money. They have not benefitted because of delay in documentation. Perhaps, this relates to what Mr. Chepkitony has said; that these two groups have not benefitted. With regard to the money that has been allocated to that constituency, they received Kshs72,727 which has not been used.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, in the year 2006/2007, the money which was allocated to the YEDF was Kshs1 billion. Each constituency, out of the 210 constituencies, got Kshs1 million. To this day, the banks which were appointed as financial intermediaries to keep the difference have made the conditions so difficult for the youth to access the money. This is because they are being asked for security and things they cannot offer. Therefore, the effect of the YEDF has not been felt on the ground. If you go to the ground and ask the youth if they have received any money, they will tell you that they have received nothing. They have not even received the Kshs1 million, let alone the case of Masinga Constituency where they have received Kshs600,000. This is because of these stringent conditions.

Mr. Deputy Speaker, Sir, would it not be in order for the Minister to simplify all that? Could the Minister not consider a one-stop shop in each constituency such that money from the YEDF can be lumped together with the Constituencies Development Fund (CDF) money so that the youth can access their money just the same way they have been accessing the CDF money?

Mr. Wamalwa: Mr. Deputy Speaker, Sir, the Minister has indicated that in the Financial Year 2007/2008, the approved amount was Kshs2 billion. What was disbursed was about Kshs494 million. We would like to know what happened to the balance or what plans are there.

For Trans Nzoia District, we had about 1,000 youth groups and yet, those that benefitted were just about 100. Even those that were allocated money, the maximum that they got was about Kshs50,000. If there were 50 youths in one group, perhaps, we would be talking of Kshs1,000 per member. Really, that amount of money would not even be enough to make any impact on the lives of the youth. It is a great idea but, truly, it is a drop in the ocean.

What plans does the Minister have to enhance that allocation, to ensure that the money actually impacts positively on the lives of our youth?

Prof. Sambili: Mr. Deputy Speaker, Sir, I will attempt to answer.

First, I would like to appreciate the suggestions. The disbursement through financial intermediaries--- That is the on-lending component of the Fund. That works mainly through financial intermediaries like banks, Non-Governmental Organizations (NGOs), Savings and Credit Co-operative (SACCOs) and micro-financial institutions. The Ministry has entered into an agreement with 22 financial intermediaries, with national and local networks, to disburse those funds to the youth enterprises which are owned individually or as groups.

I would like to inform the House that Kshs138,718,951 has been disbursed to 3,198 youth groups through the Constituencies Youth Enterprise Scheme, while Kshs356,223,740 has been disbursed to 16,142 enterprises owned by individuals and groups, through the financial intermediaries during the Financial Year 2007/2008.

Mr. Deputy Speaker, Sir, I appreciate the suggestion by the hon. Member that we need to look into ways of having a one-stop shop for the youth. That is because we appreciate that the youth do not really have money. Those are the people that we need to help. We will look into ways of evaluating the means of disbursing those funds. If they are not efficient, we are willing to identify ways of making them more efficient.

With regard to the question by the hon. Member for Saboti, really, I think it is related to the former question. The Kshs50,000 is too little. Usually, a group should have 25 members. But that, really, is very little.

As regards the ways of looking for more money, whenever I get an opportunity, I have been asking for support for the youth. I am asking all of us to look for ways of really supporting the

youth meaningfully.

Mr. Deputy Speaker, Sir, I am not able to give details of how much money is still there, but I will find out and give the information to this House.

Mr. Deputy Speaker: Hon. Mbai, please, ask your final question now!

Mr. Mbai: Mr. Deputy Speaker, Sir, could I donate my question to hon. C. Kilonzo?

*(Mr. C. Kilonzo stood up
in his place)*

Mr. Deputy Speaker: Order, Mr. C. Kilonzo! It is not allowed! You cannot donate your opportunity of asking a question! It is only in debates that you can do that. Hon. Mbai, you have already sat down? So, you no longer have a chance! We will proceed now. Is there any Minister with a Ministerial Statement?

(Mr. Shakeel stood up in his place)

Order, hon. Member! That Question has had enough time! We will proceed now!

MINISTERIAL STATEMENT

MEASURES TO ADDRESS INSECURITY IN LODWAR TOWN

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, on 24th April, 2008, hon. Ethuro, the Member of Parliament for Turkana Central, rose on a point of order to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the issue of insecurity in Lodwar Town and its environs.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, a Ministerial Statement was issued without a copy to me. Likewise, a Question was answered without a copy of the answer to me. Now, the Assistant Minister is giving another Statement without a copy to me. I had stated that, that puts me in a very awkward position to pose supplementary questions. Is there a conspiracy by the Executive against me?

Mr. Deputy Speaker: Order, hon. Ethuro! You have made your point!

Hon. Assistant Minister, as a tradition, you should give a copy of that Ministerial Statement to the hon. Member who requested for it!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will do that.

Mr. Deputy Speaker: Proceed now!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I am aware that the issue of security is a matter of national concern. Hence, I wish to state as follows:-

On 12th March, 2008, and not 12th April, 2008 as stated by the hon. Member, the Manager of Kenya Commercial Bank (KCB), Lodwar Branch, Mr. Fanuel Chema Senja, was found murdered along Lodwar-Kalokol Road by unknown people who had shot him twice in the head and later escaped with his official KCB Land Rover which he was driving at the time of the incident. The vehicle was later recovered abandoned by the roadside along Lodwar-Kakuma Road, about four kilometres from the scene of crime.

Immediately the report was received, quick investigations were launched by the police leading to the arrest of two suspects, namely, Peter Eporoni and Jamaica Ntiri. At the time of arrest,

an AK-47 rifle No.S5631203032 with 22 rounds of 7.62 millimetre special ammunition were recovered from one of the suspects. The firearm is believed to be the murder weapon used in the murder of the KCB manager. The suspects were arraigned in court and the case is set for hearing on 8th May, 2008, vide Police File No.822/38/08 and Court Case File No.158/008, respectively. There have not been reported cases of abduction or kidnapping in the last one month within Lodwar Town, as is being alleged by the hon. Member.

Mr. Deputy Speaker, Sir, there are 19 police reservists deployed in Lodwar Town. Their names are as follows:

Messrs. Harun Ekai, Daniel Emuriya, Paul Esakon, Paul Kuya, Joseph Apungure, Joseph Nakwel Ewoyi, Peter Ewoyi, Abdi Kionga, Mike Lokoel, Sammy Nadungiro, Lomil Lokale, William Emoni, William Lokwari, Eremun Eyanaye, Emase Ayapan, Albert Elbayi, Omar Oboyo, Chanua Emaniko and Hussein Mustafa.

Mr. Deputy Speaker, Sir, the Kenya Police Reservists are not a problem in the district as they assist the police in maintenance of law and order. They are always closely monitored and supervised by the Officer Commanding Police Station (OCS) Lodwar, and the Officer Commanding Police Division (OCPD) on their daily tasks in line with the community policing strategy. The Kenya Police Reservists are not known to be involved in criminal activities as is being alleged. All the officers deployed in the district are very competent and committed to duty.

Mr. Deputy Speaker, Sir, finally, the Government has the ability, capacity and willingness to protect the lives and property of Kenyans at all costs. Currently, the situation is under control. All incidents of insecurity have been dealt with firmly and decisively to maintain law and order on a continuous basis. The Government wishes to assure hon. Members that it will do everything in its power to restore and maintain peace and tranquillity not only in the affected areas, but also throughout the country.

Thank you.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I am really asking for your indulgence. There is no way I can prosecute this matter without this information. We are talking about murders in Turkana District. The Assistant Minister is saying that he is in control of the situation. What is he in control of? Of a murdered Kenya Commercial Bank (KCB) manager, who is already buried? This is not a matter in which the Assistant Minister will throw his weight around, purportedly lording it over us, as a freshly-appointed Assistant Minister! This is a matter of people who have died!

Mr. Deputy Speaker, Sir, I would like the Chair to defer this matter until this afternoon, when I will have had a copy and read it, and will furnish him with information. He is not in control of anything!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will give a copy of the Ministerial Statement to my friend and colleague. When we are talking about security issues, in fact, we have to be very serious, because they involve the loss of lives. I have already dispatched more than 15 police officers to Lodwar Town. I assure the hon. Member that he and I will visit Lodwar Town in order to ensure that we put mechanisms in place to ensure that we wipe out the criminals once and for all. I will also allocate him a new Land Rover to patrol Lodwar Town. What else does he need from this Government?

The criminals, who are within Lodwar, Samburu and Laikipia will be a thing of the past. As I said earlier, we are doubling the intake of regular police and Administration Police recruits, because of these criminal activities. I do not need to go to the Press everyday in order to talk about insecurity. That is not my duty. My duty is to wipe out hardcore criminals. I want to assure my colleagues that this time round, I will do that. I request hon. Members to assist the Ministry to wipe out hardcore criminals.

Mr. Deputy Speaker, Sir, we have reforms coming up. I assure my colleagues that we are

going to start visiting areas which are completely affected by insecurity such as Turkana District. You will not hear of cattle rustling again! Sometimes this is done because of culture. It is like a sporting activity; some communities must steal cattle from one locality and take them to another. That will be a thing of the past. The law will take its course. I appeal to my colleagues to ensure that incitement does not continue.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I request the Chair to give guidance on this matter, and not the Assistant Minister to respond. While I appreciate all the posturing he is doing here, including promising me a new Land Rover, which is one of the important issues because the police officers there do not have a serviceable vehicle to move around, my request is whether I could have a copy of the Ministerial Statement, so that I am able to respond to the issues he has raised. I have the right of reply based on a written document! Is that too much to ask of this House?

Mr. Deputy Speaker: Order, Mr. Ethuro! You have made your point!

Mr. Assistant Minister, the hon. Member is not in a position to ask the relevant supplementary questions because of not having the same text that you have. The ruling of the Chair is that you will come again with that same Ministerial Statement, when you have given an opportunity to the hon. Member to also go through the copy. Mr. Ojode, when can you do that?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will give the hon. Member a copy of the Ministerial Statement. If there is anything which he would want to know from the Ministry, I am willing to assist him. I do not have to come and repeat the same Ministerial Statement, which I have already given. In any case---

Mr. Deputy Speaker: Order, Mr. Ojode! The Ministerial Statement is the property of the House! The House and the hon. Member have a right to that Ministerial Statement. The House appreciates your determination to do something about insecurity. But there are factual matters that the hon. Member would like to prosecute you on and ask supplementary questions. The ruling of the Chair is that you avail a copy of that Ministerial Statement to him at an appropriate moment, and then come back and give the same Ministerial Statement on the Floor of the House!

Next Order!

MOTION

INTRODUCTION OF CONSUMER PROTECTION BILL

Mr. Midiwo: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in order to ensure comprehensive protection of the Kenyan Consumer; this House grants leave for the introduction of a Bill for an Act of Parliament entitled The Consumer Protection Bill to establish consumer protection law that will contribute towards the improvement of consumer welfare, and for matters incidental thereto and connected therewith.

Mr. Deputy Speaker, Sir, this is not a new Motion. I moved the same Motion last year, and we drafted a Bill which never saw the light of day. Therefore, I want to, again in the interests of the Kenyan consumers, to re-introduce this Motion and eventually a Bill that will provide this country with the necessary laws that will enable the Government and the people to protect themselves from unscrupulous traders, unfair business practices and so on.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the body I seek to establish through this Motion is one that will be responsible for information and advising the public on issues that affect them, be they health, environment and trade. It will also investigate complaints about unfair business and trading practices. I also seek, through this body, to find a mechanism that will arbitrate where there are any controversies between the consumers and the service providers. We also wish to create a body that will enforce the law.

Mr. Temporary Deputy Speaker, Sir, around us, we have a free market economy; free in the negative sense that our people are being exploited everywhere, in all walks of life. This Parliament has a responsibility to the people of Kenya to legislate a law that will protect our people against sub-standard goods from China. Only yesterday, there was an article in one of the dailies about the Chinese Government saying that it is the Kenyan traders themselves who go there to pick sub-standard goods. I found that very insulting! I do not know any goods from China which are not sub-standard! That is because they have no standards! To them, it is just about money, expansion of the economy and the race against the dollar.

Mr. Temporary Deputy Speaker, Sir, it is that kind of thing that Kenyans go through in their daily lives. If you went to a shop and a defective item was sold to you--- You know that across this country, people are crazy about imported things! We have no local industries because we believe that everything must be imported. We believe that imported goods are superior. If you went to a shop and bought a shirt or blanket which is torn in the next day--- In the receipt that you are given, that is if you are ever given, it is written: "Goods once sold are not returnable".

Mr. Temporary Deputy Speaker, Sir, through this Act, we want to legislate that, if you buy something and it is defective, it is not your responsibility. We will put a certain amount of time within which you can return an item to any trader without any questions being asked. To me, that will not retrogress trade. We want to trade in this country with a human face.

Mr. Temporary Deputy Speaker, Sir, you know that there is no way we can promote local industries, if we open our doors to all goods, good or bad. We need to promote the *Jua Kali* sector. We need to invest in light industries. But there is no way we can do that, if we are a dumping ground for sub-standard goods that are manufactured across the universe! We must stop that within the law. I want to plead with my colleagues to support me in this endeavour.

Mr. Temporary Deputy Speaker, Sir, we also want a body that will teach Kenyans about their consumer rights? For example, who do people living along Nairobi River blame when the river is polluted and people are living there? Sometimes, even the vegetables that we eat in Nairobi are planted along the sewer lines. At what point do we say that enough is enough? At what point do we commit the Government to protect the citizens that it is supposed to protect?

Mr. Temporary Deputy Speaker, Sir, if you go to some of those places in Huruma or Kariobangi for that matter, you will find somebody--- Even some hon. Members here have built the so-called "real estate". It is eight floors up and the toilet is on the ground floor! Because of lack of housing, somebody who lives on the eighth floor is condemned to live there because there is nowhere else! There is no alternative! We must provide our people with alternatives! We must force unscrupulous investors to do their investments with a human face! If we do not do that, I do not think we will catch up with the rest of the world.

Mr. Temporary Deputy Speaker, Sir, even here, issues of the disabled and minorities arise. For example, yesterday, I saw a parliamentary staff member coming to the House Business Committee. The gentleman is crippled. He has to go through those stairs and yet, this is one of the heavily-funded institutions in this country! Do you want to tell me or the whole world that this country cannot afford to build a lift to take care of disabled employees in Parliament? It is because

nobody cares whether you are disabled in Kenya or not! Those are consumers of services and we must force-- If the Government is not willing to do it, the only other way is through legislation. We ought to do that, so that Kenyans can stop being angry at us!

Mr. Temporary Deputy Speaker, Sir, all across the country, whenever something goes wrong, everybody blames politicians. That is for the right reasons. For one, I really hate living in a country where everybody thinks you are rich because of sucking their blood. It is a sad thing and we can do it. We have the power as Parliament to legislate. We also have the power to force the Government to enforce our legislation.

So, Mr. Temporary Deputy Speaker, Sir, we want to protect Kenyans as consumers. Just the other day, the Minister for Local Government just woke up and said that *matatus* are not allowed in town. Somebody who lives in Kayole and works in Community-- If you leave him there at Muthurwa, what have you done to that person? And that is the taxpayer! Yet, you come here with your Ministry office and your parliamentary salary and yet, you are "eating" the sweat of that person. You do not care how they get to work to make that money that you are salivating for!

Mr. Temporary Deputy Speaker, Sir, I think it is very unfair! We must face these issues! We cannot run away from our people any more! We must protect our people! In fact, this Parliament is an endangered institution. That is because all the blame, bad and evil things that are happening out there have correctly been identified with us! They really think that Parliament and the Government are causing all the problems affecting the people of Kenya. I do not think we are working hard enough to protect our people.

Mr. Temporary Deputy Speaker, Sir, we need to be with our people! Certain things that happen in this society are not accepted anywhere, and we must legislate! Let me give you an example. If you went to Kenyatta National Hospital (KNH) - and I saw on television last night when the Minister was touring the hospital - you have six Kenyans sharing one bed. Those are consumers of medical services, and they are taxpayers! Where do you want Kenyans to go? If you go to KNH and, half the time, the doctor who is supposed to treat you *yuko kule masandukuni*; they are eating their meat and drinking! Nobody is regulating that! You die in their hands and you have nowhere to go! We must do something to stop that impunity!

Mr. Temporary Deputy Speaker, Sir, some of the equipment which is used to examine the organs of a human body can only be found in Kenyatta National Hospital, the Agan Khan University Hospital or the MP Shah Hospital. If you live in Moyale, Mombasa, Malindi or Kisii, and you have a heart condition, you cannot be treated. You are condemned to die by the Government. Kenyans seem to have figured out that the Government is Parliament because it is Parliament which is supposed to generally check the excesses of the Government.

How do Kenyans feel when they read in our daily newspapers, for example, the story in one of our dailies today, about the billions of shillings that the Government will spend? This money is not supposed to purchase a heart examining machine. It is meant to go to the pockets of the parastatal fat cats, many civil servants and some politicians. We must stop the impunity. It is always good that even if we are to eat the cow, we should, at least, leave the calf for the future. All these things amount to corruption.

Mr. Temporary Deputy Speaker, Sir, last year when I brought this Motion here, the then Minister, Dr. Kituyi, was opposed to its provisions. That is why the Motion never saw the light of day. If what is contained in this Motion had been implemented, in two months, we would have had a better Kenya. We would have had a Kenya where people are not angry with politicians. If I board a *matatu* at night and I know that the fare from Nairobi City to Langata is Kshs20; it cannot be hiked to Kshs200 and I have nowhere to go to. The body that we seek to create will be like an Ombudsman for consumer protection where people can report cases of *matatus* who overcharge them for action to be taken. The Government should stop this impunity. This body will not stop the Kenya Bureau of Standards (KEBS) from maintaining standards. It will enhance the ability of the

KEBS to work.

Let me talk about the mineral water that we drink, and God forbid, it is more expensive than petrol. We consume a lot of mineral water and most of it is filtered from the tap. Why can the Government not filter water for us? Last week, I was in Europe. If you ask for water in a restaurant, they fetch it from the tap and ask you if you want it with ice or not. If that would happen in Kenya, would we really expend our money in the unnecessary ways that we do? If a bottle of mineral water costs Kshs100, would a person whose salary is Kshs3,000 like a prison warder, afford to buy it? The answer is no. Again, in the same prison, the water they drink is untreated, if it is there. What options are we leaving our citizens with? We must give our people options. We must stop the culture of impunity. This Motion was under the Ministry of Trade and Industry. These are now two Ministries, but none of the Ministers is here. I can see one of them is here. It would be nice to have a Minister here listening to hon. Members talk about issues that affect their constituents. We need to do something.

I want to finish and allow the Motion to be seconded. I also want to give the hon. Members an opportunity to contribute. I want to tell hon. Members that this country is looking at us. I was a Member of the Ninth Parliament and Kenyans seemed to say that we were not working. The Bill is basically ready and we will probably just reproduce it with some amendments depending on the contribution of the hon. Members. This is a good beginning. We need to let Kenyans know that this is a different Parliament. Fortunately, I sit in the House Business Committee and I know that this time around, hon. Kituyi will not be there to deny my Bill a chance to be brought to the Floor of the House. Therefore, it will be up to this House to pass it quickly, so that our people can stop suffering.

We need to pass this Motion, so that our people can go to the banks and be told that they will never again be charged for giving the banks their money. If you go to a bank - even the Co-operative Bank of Kenya where we bank as Parliamentarians - and cash a cheque, they charge you Kshs1,000. When you ask them why they charged you, they say that it is a mistake. It is so intentional! We live in a country where the Barclays Bank reports profits of Kshs3 billion in an economy which is functioning negatively. What is it manufacturing? This is all based on unscrupulous charges. Nobody follows the Banking Act. All the banks do not. All they are doing is money, money, money! The more money they make, the poorer our people get and nobody cares. Parliament must, for once, care about the people of this country.

With those few remarks, I want to ask hon. Abdirahman to second the Motion.

Mr. Abdirahman: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion by hon. Midiwo. He has very eloquently presented the key issues which I feel will be of great interest to the Kenyan consumer.

The fact of the matter is that this is not going to be an ordinary legislation. It is of great interest to the Kenyan consumer and to businesses that are basically put on a springboard to really reap benefits very quickly out of the Kenyan public. It is generally of public good. Many times, Motions are introduced by hon. Members in this House which do not see the light of day. Hopefully, this time round, the Minister concerned should take up this issue for the interest of Kenyans.

I continue to support this Motion based on the fact that this kind of a legislation will help us eliminate commercial fraud and unethical trading practices. The truth is that trade is liberalised in our country, but it must be guarded for the interest of the consumer. As we have heard from hon. Midiwo, it is of great importance that we educate the consumers on their rights. We need to empower them, so that they can realise that many things that may be cheap could be expensive at times. Substandard goods have been dumped in this country. That is one of the things that have killed many entrepreneurs in this country. This is because we do not have an enabling legislation to get rid of this.

We do not also have a legislation to enforce corrective action. I have a feeling that if this Motion sees the light of day, then, hopefully, we will save the consumer. We would also want to have a consumer-driven protection policy or legislation which is being fronted by Mr. Midiwo. Most businesses are driven by greed and the consumer suffers in the process. I support this Motion and I pray that the said Bill is enacted during this Tenth Parliament.

With those few remarks, I beg to second.

(Question proposed)

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I would like to congratulate my brother, Mr. Jakoyo Midiwo, for this very touching Motion that he has brought to this House. I also want to say that this Motion was proposed in the last Parliament but it did not see the light of day. However, time has come for it to see the light of day, and I want to contribute to it.

Mr. Temporary Deputy Speaker, Sir, Kenyans have persevered a great deal of exploitation from unkind business people. We all agree that the population of this country is over and above 35 million people. From statistics that have been given by the Ministry of Energy, it is clear that only 10 per cent of Kenyans have access to electricity. The rest, 90 per cent, use paraffin, for those who can afford it. Paraffin is not manufactured locally. We all know that it is imported.

Mr. Temporary Deputy Speaker, Sir, the price of paraffin has gone up. There is no price control whatsoever. It is multinational companies that import paraffin. They then fix the price they want at any given time. This causes the same poor Kenyans to struggle to raise money in order to be able to purchase paraffin. That is just an example.

Mr. Temporary Deputy Speaker, Sir, if you go to the supermarkets, 80 per cent of the items that are very essential for Kenyans are imported. Some of them, however, are substandard goods. They do not conform to the quality control in our country. The prices of these substandard items have risen to a level where ordinary Kenyans cannot purchase them.

Mr. Temporary Deputy Speaker, Sir, it is very clear that it is only this small group seated here, and well-paid civil servants, who go to supermarkets and purchase what they want. In 2000 and 2001 when the rate of exchange of the Kenya shilling to the dollar was Kshs72, a 2-kilogramme packet of maize flour cost Kshs24. Today, the rate is Kshs62 to the dollar and the same packet costs Kshs72. All this is the culmination of lack of price control. We need to enact a law to control prices. We need to look at the most essential items used by *wananchi*, so that we can apply checks and balances in controlling the prices. Mr. Temporary Deputy Speaker, Sir, the other day we had prison warders striking, and almost going to the streets to start fighting. This is because we have well-paid civil servants who live in big houses in Kileleshwa and other places, yet when you compare the risks involved in the jobs they are doing to those done by the prison wardens, the civil servants face no risks. That person lives a good life and has access to vehicles. On the other hand, the prison warders who are assigned to guard criminals live in mud houses.

Mr. Temporary Deputy Speaker, Sir, I accompanied the Vice-President and Minister for Home Affairs to Thika Prison. I was surprised by what I saw. It was quite devastating. You cannot imagine a married man sharing a room of eight feet by seven feet with three other men! One of the men is married and the other two are not. The wife of the married man is there, and you can imagine what kind of life that is! In other rooms you find four married men sharing the room with their wives. Their children sleep under the beds. We were told that the little children sleep under the bed because there is no choice. The parents want the job. The wife comes from Turkana and what they are paid is not enough to pay for the wife's fare back home every month. They have to live together for six months before the wife goes home. This is so, yet they are expected to perform their duties.

Mr. Temporary Deputy Speaker, Sir, it all starts from the top. We have to start from there. There are no separate issues here. The prices and standard of living of Kenyans are inter-twined.

Mr. Temporary Deputy Speaker, Sir, Mr. Midiwo said it. Today, in the newspapers, there is a story about the Supplementary Estimates of the Government. They show that it will spend over Kshs30 billion in the next two months and before the next financial year.

Mr. Temporary Deputy Speaker, Sir, when *matatu* drivers and office messengers get access to these newspapers and read that because of the Grand Coalition Government that was formed, it will cost the poor taxpayers Kshs32 billion, yet they do not have hospitals, and those that are there do not have beds or medicines--- The Minister of State for Provincial Administration and Internal Security was here. In my district, Kangundo, we only have one Land Rover. This is used by the District Commissioner (DC), the District Education Officer (DEO) and the police. This happens and Kenyans in my constituency read that the Government will spend Kshs33 billion. What answers do I have for my people when I go home? What kind of courage shall I have to be able to tell them: "Look, this justifies this expenditure"?

Mr. Temporary Deputy Speaker, Sir, we need to get to the bottom of this issue and come up with a solution.

With those few remarks, I beg to support. Legislation is required to curb and control the prices of essential commodities used by ordinary *wananchi*.

Mrs. Shabesh: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. I am very excited about it, because I believe this is the work we have come to do in this House.

Mr. Temporary Deputy Speaker, Sir, I would like to start by stating that we will hold the House Business Committee (HBC) to account if the Bill sought by this Motion does not see the light of day in this House. These are the key issues that affect Kenyans. Therefore, it would be immoral to try and stop this Bill from coming to this to be discussed, simply because of vested interests. When I speak about vested interests, I am talking about multinational companies, and countries we import goods from. We know the reasons why these kinds of people would not like to see this issue debated.

Mr. Temporary Deputy Speaker, Sir, the Consumer Protection Bill will protect the poor people in this country. It is simply that; it will protect the poor *wananchi* in this country. I think the Government should be at the forefront in protecting the consumer.

Mr. Temporary Deputy Speaker, Sir, during our induction course I spoke about Kariobangi Light Industries. I want to repeat that I have information that the Ministry of Health imports beds from China and South Korea. I would like to ask again why they go for these beds, which cannot be welded when they break, from outside the country, when we have Kariobangi Light Industries which produce beds. If Kariobangi Light Industries beds break after two years, we can weld them and they can continue serving the people of this country. It is very unfair for a Government, which seeks to protect and work for its people, to go out of its way to improve China's economy rather than that of Kenyans, specifically those of Kariobangi.

Mr. Temporary Deputy Speaker, Sir, I would like to request the Ministries whose budgets are huge, and allow them to import the kind of things I am talking about--- There are many Ministries that could use locally made goods, whose standards are much higher than those of goods from other countries. By doing that, we will be improving the economy and creating jobs for the youth of this country. However, most importantly, we will be protecting our consumers. It is very unfair to walk into a Government facility and find substandard goods when you know very well that better quality of the same goods can be found in this country. Therefore, I support this Motion. I have to say that I have not looked at it in detail. However, we must support the spirit it has because it intends to protect *wananchi* whose money is very limited so that they do not use money to buy goods which are not of good standards.

Mr. Midiwo talked about the issue of *matatus* dropping off commuters at Muthurwa. It is true that the issue has been persisting up to today. It is unfair for us to continue to keep quiet about an issue which is affecting the daily lives of Kenyans who are being dropped off at Muthurwa.

Kenyans have decided to ignore the directive by the Minister. Therefore, we are leading this country into lawlessness because we are not looking at the simple issue of somebody walking from Muthurwa to Community to go to work. The *matatus* that stop at Muthurwa and turn back to go to Jericho to pick more people do not make money. Mr. Temporary Deputy Speaker, Sir, Kenyans have resorted to ignoring the Minister's directive and I support them. If the Government can give directives that make no sense and do not protect commuters, then I do not know what we are doing in this House. I, wholeheartedly, support this Motion and I repeat that we will hold the House Business Committee accountable if this Bill does not see the light of day, to be discussed in this House.

Mr. Wambugu: Thank you, Mr. Temporary Deputy Speaker, Sir. First and foremost, as we introduce the Consumer Protection Bill, I would also like to request that in future we have a Bill referred to as the "New Members of Parliament Bill." This is because some of us new hon. Members have been standing in the House many times without attracting any recognition by the Speaker. That is why most of people have not contributed to some of the Motions and discussions in this House. It is high time that we had a Consumer Protection Bill. We should also have it passed.

Of late, Kenyans have suffered and have been shortchanged by their Government. Kenyans have gone through hard times due to no recognition. We have had many accidents and deaths on our roads because of our poor infrastructure and the state of roads. It is very sad that day in day out, we come to this House and say that we are losing many lives because the roads which were constructed by our Government are of low standards. For example, the Outer Ring Road which is used by most of our people in this city. Unfortunately, as we sit here, there are many man hours which are being lost because of a road which was constructed and up to this minute, even though the Government knows that there is a problem, nobody talks about it.

Mr. Temporary Deputy Speaker, Sir, we would like, as the Bill is drafted, to have a Consumer Complaints Centre where Kenyans can walk in and forward their complaints. We will also, preferably look into an area where the Government can facilitate us to have a radio station where Kenyans can go and discuss their problems. We have a department called the Kenya Bureau of Standards (KEBS). It is very sad to note that the work of the KEBS is to go round various shops and other outlets intimidating our people, especially retailers rather than going to manufacturers to check and confirm the standards of the items being produced. Take the example of the steel industry which I am sure you are aware of.

We have heard about buildings collapsing in this country and even within this city. Most of the fuel products that have been produced, 90 per cent of them have been of very poor quality and not of the standards required. In the construction industry, you will find that the cement that is being retailed in this country, though the packages are supposed to weigh 50 kilogrammes when you buy some bags from a retailer, you will find that some of them weigh as low as 40 kilogrammes. It is high time that our Government took action to provide Kenyans with proper information of what is required.

We also have other issues to do with substandard goods. This issue has been going on for a long time in this country. Although we sit in this House and talk about goods from China, it seems nothing is being done about it because, most likely, those who are involved could be sitting in this House. I do not know about that but let us take action because we want to have Kenyans living normal lives like people in other countries.

With those few words, I beg to support.

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to support this important Motion for the purpose of establishing a consumer protection law that will contribute towards protection and improvement of consumer welfare. It will also cater for matters incidental thereto. I want to make a few comments regarding consumer awareness. I think it is an

important Bill. However, I would like us to look at the responsibilities of both the manufacturer or the trader and the consumer. I have witnessed some very interesting incidents. For instance, I saw a passenger boarding a *matatu* knowing very well that the *matatu* was full capacity. This passenger insisted on squeezing himself into the *matatu*.

Right now, we are having problems of congestion of vehicles on the roads. This is because commuters insist on being dropped at specific points instead of encouraging the idea of being dropped at bus stops. That causes a lot of problems. Although the law says that the consumer must be aware, I think it is important that both sides should adhere to the law that we are going to put in place. The law should not just favour the consumer alone.

Mr. Temporary Deputy Speaker, Sir, recently, I was reading an article where the Chinese Ambassador said that Kenyans are the ones who go to buy substandard items or goods from China. We buy them since we want to cut down on costs. The moment we are true to ourselves, we will control this situation. The consumer can also control this situation. It is not a must that you buy any garbage that is available because you want to buy cheap stuff. We have encouraged ourselves, as consumers, to buy *mitumba*. A person may prefer to go buy a shirt for Kshs100 yet, he does not look at the time it takes for it to wear out. A shirt that you buy for Kshs200 may only last you six months. However, if you strain yourself a bit and save some little money that can buy a shirt for Kshs1,000 or Kshs2,000, may take you two years.

I look at it as an issue where the consumer has also to be disciplined. When it comes to maintenance and upholding of standards, I want to support the view that KEBS has been around for many years.

Mr. Temporary Deputy Speaker, Sir, the KEBS has not been given enough limelight to perform its roles. For example, when considering the issue raised by the Ambassador of China about the Kenyan consumers, I think we need to enhance the inspection of goods coming into our country. It will be upon the Ministry of Trade to ensure that the KEBS fulfils its mandate. Otherwise, there is no point of having a public organization where people earn huge salaries and drive expensive vehicles at the expense of playing its rightful role in the country.

Mr. Temporary Deputy Speaker, Sir, we should have regular publication of materials and literature on what is coming into the market. I have seen an article here, which somebody is circulating, which concerns banking. I think that is an important document. The information may not be accurate, but it creates awareness in the minds of the people, that we can go to different banks. I see in places like the United Kingdom (UK) and America where every time there are publications showing what is coming up and that gives the consumers an opportunity to compare the quality of the items before they can purchase them.

Mr. Temporary Deputy Speaker, Sir, the *Jua Kali* sector was a noble idea by the Government. However, there is more that needs to be done. We need to raise the standards. There must be somebody to look at them. I remember when we were in schools we were buying paper boxes. It was safe in school at that time. We did not have the type of sophistication we have today. The *Jua Kali* boxes from Landhies Road are today being used by students. We need to have some kind of standards, so that we can use them because they are cheaper than what we are importing.

With those few remarks, I beg to support.

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support the Motion on the Floor. I wholeheartedly support the Consumer Protection Bill proposed by the hon. Member. I remember we discussed a Motion that sought to introduce this Bill in the last Parliament, which I also supported. It is unfortunate that it did not materialise because of the nature of the House business where, due to several urgent Bills, other less important ones do not make it to the House. I do not think that is lack of support by Parliament or the relevant Departmental Committees because we passed it very overwhelmingly. I also want to appeal that this time we should pass it into law. It

would even be much better if the Minister concerned could adopt and make it a Government Bill. We all know Government business proceeds quicker because it has a different style to make it go faster. This is quite an important Bill.

Mr. Temporary Deputy Speaker, Sir, we know that the consumers in this country have been terribly exploited in different fronts. Most of the time by the unscrupulous businessmen and women who want to make quick profit and get rich quickly by exploiting the consumer. A case in point is recently when we had the post-election violence in this country. Very quickly, all prices soared up for really no good reason. We are going to feel the pinch of what happened right now. At that time, we could not feel it because the supplies had been imported and were still in the shops. It is that kind of problem that makes the consumers very vulnerable because they will go and buy whatever is available at that time. Therefore, the Bill that will be developed should have very clear guidelines. Whereas we cannot put controls as we are part of the global liberalisation of prices, we still must find a way of protecting our consumers.

Mr. Temporary Deputy Speaker, Sir, another case in point is our illiterate or not so educated communities and people, especially the women across the country who cannot read for themselves. A lot of foodstuffs and drugs find their way into the supermarkets when they have already expired. They can be very dangerous to the consumer. Sometimes they are put on sale. So, one comes and quickly buys everything there because it is on sale. We need very strict protection and stiff penalties imposed on traders of this kind.

Mr. Temporary Deputy Speaker, Sir, in my Ministry of Public Health and Sanitation under which food and nutrition falls, we are reviewing the laws. We will also review the Public Health Act to see where we need to tighten, so that we shall be prosecuting such traders who take advantage of our people. It is possible, but also on this Consumer Protection Bill, we should have a component of education and information, so that the consumers can be informed and educated on their rights and dangers so that they can support the Ministry in that area to do its work.

Mr. Temporary Deputy Speaker, Sir, also the officers who are supposed to be watching out for expired goods must know that there will be very strict surveillance. What happens is that sometimes some of them are bribed with small amounts of money and they let the traders off the hook. So, all of us need to tighten this law which guards against the exploitation of our people. The Consumer Protection Bill will go a long way in achieving that. My Ministry will strongly support this Bill.

Mr. Temporary Deputy Speaker, Sir, it is also very disheartening when we saw the other day the District Commissioner for Nairobi North on the city streets with these very dirty magazines which are full of pornography which are exploiting our children, especially our unsuspecting teenagers. They go there and buy such magazines. When this Motion is adopted and becomes a Bill, it should have strong laws against pornography. Anyone found exposing our people, and especially our young people, to pornography should be dealt with very strictly. I commend the District Commissioner for the good work she has done. I wish other law enforcement agencies could do the same.

Mr. Temporary Deputy Speaker, Sir, there is also the question of water. There are many people who peddle water in our estates. They do a good job because there is shortage of water in our estates most of the time. The Ministry of Water and Irrigation and that of Public Health and Sanitation should ensure that such water is clean for consumption. We can lower prevalence of diseases that affect our people and their frequency to go to hospitals, if we can control what water is consumed. All the water does not need to be purified by the Nairobi City Council. These days, there are easier ways of purifying water. My Ministry is looking into how we can teach our communities to use simple methods of purifying water in order to have clean water for consumption. But we must have laws that will make sure that water vendors supply clean water for drinking. We should have instructions on how you purify water. There are many areas which, as a

Government, we must look into to make sure that our communities are not exploited. Pricing is one of them. Just because the economy is liberalised does not mean that traders can exploit consumers by charging them highly. There must be some kind of a regulatory framework which will regulate prices of commodities. This is what the Motion proposes to provide once it is passed.

Mr. Temporary Deputy Speaker, Sir, there are also agricultural communities. We know that there are many chemicals such as sprays, insecticides and fertilisers which are used by our farmers but our people are not taught how to use them safely. Manufacturers or traders of these chemicals must be forced by law to put instructions on how to use them safely. For instance, if the people are supposed to wear gloves, they should be told so. We must translate such instructions into languages that our people can read such as Kiswahili. This is because many of these imported chemicals, most of the time, have their instructions written in English or other languages that no one can read. Our extension workers in the Ministry of Agriculture should ensure that our people are not exposed to dangerous chemicals, be they fertilizers or sprays.

Mr. Temporary Deputy Speaker, Sir, there are also drugs which are prohibited in some countries, but they find their way into this country. Of course, being in the Ministry of Public Health and Sanitation, that is one of the areas we will be looking into very careful.

With those few remarks, I very strongly support the introduction of Consumer Protection Bill.

Mr. Osebe: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this very worthy Motion.

Mr. Temporary Deputy Speaker, Sir, I want to say here that a government which cannot protect its citizens has no business governing. It is the responsibility of any government in the world to ensure that its people are protected. It is, therefore, the responsibility of this House to ensure that our people are protected. I, therefore, stand to support this Motion that consumers and people of this country must be protected. I want to say that our Government is leading in the way of exploiting its own people.

Mr. Temporary Deputy Speaker, Sir, I was in my constituency last weekend, and I found out that most Government facilities were not working. My people are being exploited. For example, a school which is entitled to have about 20 teachers has only three teachers. That is exploitation of the highest order. Also, the health facilities are running without staff and yet, we are saying that consumers must be protected. Our Government is in the lead to exploit its own people. This situation must be corrected. Those who have power like the Government and this House must lead in the provision for basic rights which can protect the people of this country. Leaders are known not because of the positions that they have, but because of their actions. It is important that we do that.

Mr. Temporary Deputy Speaker, Sir, our people are exploited left, right and centre in this country. For example, in the health and pharmaceutical industry, we have cheap medicines which are imported into this country from India and other countries. These medicines are substandard and are sold all over this country at the expense of innocent Kenyans. These are some of the things that this Tenth Parliament must stand up firmly to correct. The Government must take charge. There are many sections of this country that exploit our people. I want to say that the Kenya Bureau of Standards----

QUORUM

Eng. Gumbo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to draw attention of the Chair to the fact there is no quorum in the House.

The Temporary Deputy Speaker (Prof. Kaloki): Could the Clerks-at-the Table verify that? Yes, there is no quorum! Ring the Division Bell!

(*The Division Bell was rung*)

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Members! We now have a quorum. Please, proceed, Mr. Osebe!

Mr. Osebe: Mr. Temporary Deputy Speaker, Sir, let me continue with my contribution. I was talking about the Kenya Bureau of Standards (KEBS). I think KEBS must be strengthened to do its work to protect the consumers of this country. It is the responsibility of KEBS to ensure that the kind of goods that come into this country are of high standard. It is also its responsibility to ensure that goods that are sold to Kenyans are labelled properly. If you go to some of the supermarkets, products are not labelled. We do not know what they contain. Some of those products may be hazardous to Kenyans! So, I think it is the responsibility of KEBS and manufacturers to ensure that all the products are labelled, so that Kenyans can be informed on what they are buying and consuming.

There are many products on the shelves of supermarkets and kiosks which have expired and yet, they are being sold to Kenyans. It is the responsibility of this Government, and the House, to ensure that Kenyans are exposed to proper products.

I also want to say that those cheap products that are coming into our country from outside are killing our own industries. I do not know why we allow those kinds of products to come into this country, when they are substandard. They kill our industries and at the same time, they exploit the Kenyan consumer. I think it is very important that the Government, together with those bodies that are charged with that kind of responsibility, to take cognizance of that matter.

Mr. Temporary Deputy Speaker, Sir, when Mr. Michuki was the Minister for Transport, he had started doing a lot of good work. We have gone back to the era where *matatu* transport consumers are being exploited badly. It is the responsibility of the Minister concerned to take strong measures to ensure that consumers of the transport industry are protected. That can also help to reduce, for example--- If a *matatu* is over-crowded and there is an accident, many Kenyans will lose their lives. But if it is carrying the normal number of people, it means that we will minimise deaths and injuries.

I also want to say that in most of our industries, our workers are exploited. If you look at some of the industries in this country, especially those that are run by Asians and others, Kenyan workers are totally exploited. It is important for the Government to ensure that workers in whichever level are not exploited the way they are exploited.

I want to say that hon. Members must know the literature concerning the new products. That way, if there is something wrong, we can raise it in this House for the sake of protecting our own people. I, therefore, want to urge the Government to be vigilant in terms of consumption of all types of goods in this country. It is our responsibility. It is the responsibility of this House to ensure that Kenyans are protected. That is why we were elected to this House. That is what we are doing in this House. We want to serve our people the way they are supposed to be served.

I want to finish by saying that I support this Motion. It is a good Motion. It is protecting our people. It is our responsibility to do so. It is the Government's responsibility to ensure that our people are protected.

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

The Assistant Minister for Medical Services (Mr. Mungatana): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. At the outset, I would like to congratulate Mr. Midiwo for bringing this Motion to this House, to enable us also to put in our contributions.

The idea of bringing a consumer protection law in this country is long overdue. The consumer law is a form of Government regulation which protects the interests of consumers. Right

now, as we speak, - and I agree with many other speakers before - there are many loopholes which allow people who bring in consumer goods to misuse and exploit the Kenyan population as a whole. In particular, in the rural areas, you will find that there are terribly big loopholes in terms of lack of information to the people. As a result, our people are, all the time, being cheated or given wrong information using the packaging that brings goods into the country. In particular, in border areas, you will find a proliferation of substandard goods that are brought into the consumer market.

Mr. Temporary Deputy Speaker, Sir, I have been affected in my constituency by goods which come through the Somali border. For example batteries, radios and other electronic equipment come when they are very nicely packaged and have very high-sounding names, but they are actually goods that are not of the required standard. The idea of having consumer law will bring some of the problems that we are talking about to an end. There has been a mention of various law enforcement agencies that have been involved in consumer protection in their own way. There are the public health officials who go around and say this or that is not good. There are those inspectors who come around and say these weighing machines are not good enough. There are those people who come from the Kenya Bureau of Standards (KEBS) and say whether goods are substandard or not.

What we need to do, through this proposed law, is to set up what is called "a Trade Commission". In this case, and with a Trade Commission, all the activities of controlling and protecting consumers would be concentrated in one place. There has been a complaint about drugs which come into the country. They are generics and, therefore, are not up to the standards that are required. There are those genuinely generic drugs that have been approved and there are those which are fake. If we do not have a Trade Commission, with strong regulatory powers, we will never be able to deal with these matters effectively. For instance, if it is dealing with matters of health, the Chief Pharmacist has a group inspectors who will go round, but they are not properly enabled. The reason is that it is not the core business of the Chief Pharmacist to do that kind of work. But it will be the core business of a Trade Commission to make sure that consumers are protected by the Government.

Mr. Temporary Deputy Speaker, Sir, consumers in this country have been exposed to a lot of new products on which we do not have sufficient information. In particular, we have financial products that are being dangled before the eyes of consumers all over the country. You will find that banks, and other financial institutions, offer loans to people to purchase shares during Initial Public Offers (IPOs), for example. So, in their haste for quick buck, people accept the loans very quickly. They take the loans and yet they are not advised about the interest on those loans. They are not advised on the fact that they may take loans of Kshs500,000 yet there is no guarantee of them being allocated enough shares, and also on the fact that they will still have to pay the same interest on the loans whether or not they were successful in getting those shares allocated to them.

Mr. Temporary Deputy Speaker, Sir, the financial products being dangled to Kenyan consumers include mortgage facilities. The banks are even going to our maids. So long as you have a salary, they will come telling you that there is this or that kind of credit card and urge you to take it. So long as you are earning your Kshs10,000, you qualify to get the credit card. They do not tell you the interest to be paid on those cards. They do not tell you the hidden charges. Our Kenyan population is also being pushed to financial products like various types of bank accounts, with all manner of names. Our consumers are taking it all.

In the United States of America (USA), there is a big problem with home loans, because people were pushed and now there are foreclosures everywhere. The economy has gone into a recession, and people are now being made to pay with their blood. Your house may be sold because you were told that this mortgage was going to go like this and the interest was to be this much, and then when you start paying back things become impossible. When you are being sold a credit card

everything is not disclosed to you. You then get caught up in a debt mess; from here, you are headed towards a bankruptcy.

It is in the interest of this country right now to have a Consumer Protection Law passed. All the products that are being peddled to the people must have the stamp of satisfaction by a Trade Commission that must be established under this law to advise the Kenyan people on hidden things.

Mr. Temporary Deputy Speaker, Sir, in Europe and other developed economies, they even have a website and advise you: This product is coming out but look at this and that; the marketers do not tell you these things. Kenya is like a raw economy. A lot of things are happening. Shares are becoming active now. Mortgages and bank loans are being dished out to people, and nobody is telling them anything. Insurance covers are coming up. Somebody will tell you that if you take this, then you are going to cover your sons and daughters. Later on, you are told that this policy is not the way you understood it at the time you signed the contract five years ago. Our consumers are being seriously exploited. In my opinion, time has come when we must formulate a law in this country about how we shall protect our consumers.

Mr. Temporary Deputy Speaker, Sir, I believe that this law will give the ordinary consumer product liability, information on products and also cut out unfair business practices, for example, where you have misinformation being peddled by very sweet-talking marketers. It will help our economy to grow in the correct manner. My time is gone but there is a lot to be said.

With those few remarks, I support this Motion.

Mr. Yinda: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to support this important Motion. I would like to support this Motion, because I strongly feel that common Kenyans are very affected by the non-existence of protection. I will go back to the *matatu* issue, although it had already been brought up by a contributor to the Motion earlier. There was a time when an attempt was made to regulate, so that the Nissan *matatus* could only carry seven passengers. Now, we are back to a situation where a seven-seater *matatu* carries up to 14 passengers. This means that the consumers who use *matatus* are totally unprotected. People sit on each other, and when accidents occur we experience serious situations. I support this Motion because the common *mwananchi* needs protection. It is only a Motion like the one we are debating now that will protect the common *mwananchi*.

The cost of production of local goods also needs to be checked, because both the cost and the quality of goods that we produce locally leave a lot to be desired. Business people have no regard to the consumers, for they increase prices as and when they want. They increase them at will.

Mr. Temporary Deputy Speaker, Sir, my feeling is that the Government should be in a position to ensure that *wananchi* are not exploited. This is not happening at the moment and I hope that when this Motion is passed and it becomes law, it will have provisions which will guarantee protection of consumers. The common *mwananchi* can no longer afford commodities like salt, sugar and tea leaves and yet they are basic products. Something must be done because if we get into a situation where we do not control the price of maize meal, salt, sugar and tea leaves, this, as has been in many countries, could lead to a revolution. When we hear that there are food riots in other countries, let us not think that such a thing cannot happen in our country. This is because it will reach a point where the common man will not afford to buy foodstuff. What will be left for these people is to raid food stores and shops so that they can support themselves.

Mr. Temporary Deputy Speaker, Sir, with regard to bars and restaurants in this country, there are no regulations as to what sanitation and health requirements that these institutions need to have before they are allowed to operate. There are consumers who go to these restaurants and bars because they are cheap. They end up getting diseases because those places have no sanitation. They do not have ablutions. People have to walk far away to relieve themselves. This situation should

not be allowed to continue without being checked. The Motion that we are discussing in this House will bring checks on such places. Presently, most of the district hospitals in this country can be described as "death chambers". Patients sleep on the Floor and there is no medicine. The quality of service is almost non-existent and yet the people of this country have to live with those services. We need to put checks in place so that our hospitals are functional and people can go there to get better service.

With those few remarks, I beg to support the Motion.

Mr. Ngugi: Mr. Temporary Deputy Speaker, Sir, this is a very important Motion seeking to establish a very important Bill. Our main duty in this House is to protect *wananchi* who are the consumers. For many years, the people we are supposed to protect have been exploited in all manner of ways. They have been taken advantage of by service providers, contractors, manufacturers and everybody. This is to say that we have failed to do our duty and that is why I stand up to support this Motion which is long overdue.

The other day I was in my constituency inspecting a road that is being built. Two donkeys cannot pass each other on that road and yet the Government is going to pay the contractor to construct that road. I think that is exploiting the consumer. Mr. Temporary Deputy Speaker, Sir, if you look at the service industry, for example, the insurance industry, members of the public have been exploited for many years because there have been closures, companies collapsing one after another and so on. This is why we need such a law which will protect the consumers with regard to the services provided by the insurance industry, banks, contractors and so on. If you look at the goods that are imported into this country, you will realise that they are substandard. They are goods that will not be exported to the First World countries, for example, USA or the UK. The goods are just dumped here! We have the Kenya Bureau of Standards (KEBS), but to what extent does it protect the consumer? How many cases of individuals who have been hurt by goods that are substandard have been taken to court and prosecuted successfully? Hardly any! That is why we need a law which will protect the ordinary person by ensuring that the producers of goods produce goods that are of high and acceptable standard. They should be goods that will not injure the health of the consumer.

Mr. Temporary Deputy Speaker, Sir, this Motion is long overdue. I cannot over-emphasise the importance of protecting the consumer. This is because without the consumers, even the producers cannot advance. This is why the consumers need to be protected.

With those few remarks, I beg to support this Motion.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, I will now call upon Mr. Muriithi, the Assistant Minister for Industrialization, to reply on behalf of the Government.

The Assistant Minister for Industrialization (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, let me begin by congratulating Mr. Midiwo for this very timely Motion. I appreciate the absolute importance of protecting our consumers in order, in fact, to ensure that our economic system works as it should. We must enshrine the idea that the consumer is king. We must also ensure that we protect a broad range of consumer rights.

Hon. Members have spoken about the question of protecting consumers from institutions which offer financial services. What happens when insurance companies or financial institutions collapse? This is a key thing for this economy.

We have seen, and it is true, that there is proliferation of financial products. It is high time that we looked at the efficacy of these products. We need to ensure that consumers are not exploited in many ways. I think we all accept that it is not possible for the economic system to function if we are not looking at the market side and that is about protecting the consumers.

A point has been raised here about the standards of service in the transportation industry. The question of *matatus* has been raised repeatedly. I am quite certain that, as this law is drafted,

the issue of quality or standard of service across the board will be looked at so that consumers are not exploited.

Mr. Temporary Deputy Speaker, Sir, in this day and age, we do expect that, for example, public transport is scheduled, so that consumers do not go on the road and wait without an idea whatsoever when they will actually find transport to wherever they are going. We do expect that, in fact, the consumers are entitled to a certain level of cleanliness in the public transport that they are using and so on. So, indeed, this is a matter that the proposed law must look at.

We need to establish a culture of quality in whatever product or service is brought to a consumer. I am happy to report, for example, that as the Government - you will have seen in the public sector--- Today, your local chief has a service charter on how long it will take him or her to meet with citizens and look into their issues and, in fact, maintain records about the quality of service that they are able to provide. So, it is, in fact, quite in order to look at a law that seeks to enshrine and promote high level and quality service in, not just the public sector, but, indeed, also in the private sector.

Mr. Temporary Deputy Speaker, Sir, the issue of exploitation of clients and customers, for example, in the area of health--- Whether or not the generic drugs that are available to consumers are, in fact, of a high level---

A question has been raised about the role of Kenya Bureau of Standards (KEBS). I must seek to inform the House that KEBS is, in fact, an institution that looks at standards. Do products conform to a specified standard? That, in itself, does not provide the full protection to a consumer because a trader may promise things in their product that they are not able to deliver.

Mr. Temporary Deputy Speaker, Sir, so, that is the realm of consumer protection. It is not necessarily the work of KEBS. It is not enabled by the law to deal with consumers directly. That is why it is necessary, for example, for a separate institution or law to look at those issues.

Mr. Temporary Deputy Speaker, Sir, an issue has also been raised about the use of consumer information. In today's age and with the use of technology, marketers are able to profile consumers' habits and look at the kinds of things that they are buying. There is, therefore, need to protect consumers so that the information about the products is not misused to the detriment of the consumers. This is, in fact, very much in tandem with the work that the Government is doing in the financial services. For example, the House will remember approving or passing a legislation two years ago to assist the financial sector to come up with credit bureaus. Credit bureaus are institutions that essentially use customer information about previous credit history and sell it to financial services providers for use in making credit decisions. Therefore, it is in line with this sort of development where information about the consumer must be handled with due care. There is need for a law to protect the consumer so that, in the event of any infringements, they are able to have a legal remedy. So, we support this Motion.

Mr. Temporary Deputy Speaker, Sir, an issue about mobile phones and other products has been raised by hon. Members. Those are products that are proliferating in the economy very rapidly. The services that marketers promise the customers must be guaranteed by a law. Again, the issue of standards in services--- For example, how long do you queue when you go to a bank?

Mr. Temporary Deputy Speaker, Sir, with those very many remarks, I wish to conclude by saying that the Government will, in fact, work with the Mover of this Motion to ensure that appropriate legislation is drafted very quickly. It will be brought to this House to enable Members to have an opportunity to contribute, fine-tune it further and shape this very important legislation. This legislation will, indeed, protect our customers and consumers and ensure that our economy, therefore, moves forward.

I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you, Mr. Assistant Minister. I

will now ask the Mover, hon. Midiwo, to reply.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I would like to donate three minutes of my time to hon. Kioni.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir. I would also want to support this timely Motion. It has come at a time when we all need to think a lot about the services that are consumed in this country. Perhaps, we need to look back and see what transpired in the last couple of months in this country. We are still in the healing process. It is important for us to reflect and see the various parties that may have contributed to the difficulties that we have had.

One of the areas that I would want addressed when the Bill will be drafted is the media sector. I have in mind both the print and electronic media, especially the vernacular radio stations. It has been said far and wide that most of the content or messages that were allowed to go on air before, during and even after the campaigns - and perhaps even during the counting process - contributed in a big way to the breakdown that followed the December 27th General Elections.

Mr. Temporary Deputy Speaker, Sir, it is important that even as we think of the Consumer Bill, the information that is let out by the media houses for consumption by members of the public be of such a nature that it does not allow the society to break into pieces. It should be of such a nature that it does not go out to incite one community against the other. It should also be that we can hold those who allow that information to go out accountable. The consumer needs to know that what is being allowed even in terms of campaigns--- When we use the electronic and print media, the things that we allow people to consume are those that are going to keep us together and help the society to become more cohesive and this nation to become stronger. We should not just use one occasion or one event to destroy what we have created in a period of over 40 years.

Mr. Temporary Deputy Speaker, Sir, we have a lot of importation of foreign programmes, which have, in a big way, corrupted the moral fabric in this society. It is important that we use this proposed Bill to check the kind of programmes we allow the young to consume, and what we are exposing the society to. This is so that we continue moving forward as a nation, with our own identity, and without necessarily aping other societies that may not be doing things in any more superior manner than we do.

Mr. Temporary Deputy Speaker, Sir, we have talked about other areas, such as the transport sector, where consumers need protection. Without being repetitive, we need to address issues in the transport sector. We have a very important *matatu* sector. About 95 per cent of Kenyans use *matatus* everyday to move from one place to the other. This sector is very crucial in contributing to the growth of the economy. However, the kind of things that people are exposed to when they are moving from one point to the other is worrying. Inside the *matatus*, there are all manner of things that expose commuters to danger; for example, seats may lack safety measures, or drivers may be so careless that commuters are never sure of completing their journeys.

We have also talked about the industrial and construction sectors. We have the CDF and the many contractors we are using in various projects at the constituencies, so that we can create employment. But in so doing, what kind of facilities do they put up? How can we ensure that the consumers at that level, especially pupils, are protected through this proposed Bill?

Mr. Temporary Deputy Speaker, Sir, without saying too many things, I beg to support this Motion. The proposed Bill is timely and will help us improve the lives of Kenyans.

The Temporary Deputy Speaker (Prof. Kaloki): Let us now hear from Mr. Midiwo!

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, may I donate a further three minutes to Mr. Baiya, the hon. Member for Githunguri Constituency?

The Temporary Deputy Speaker (Prof. Kaloki): That is in order!

Proceed, Mr. Baiya!

Mr. Baiya: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion

on the proposed Consumer Protection Bill. The issue of protecting consumers in this country is fundamental. The bulk of the people in this country live in the rural areas. Most of them have no expertise to scrutinise most of the products that they use. We have all manner of products. We have instances where manufacturers make fake products; some produce chemicals for use by farmers on their farms. It is high time this House considered coming up with a legislation that will ensure that such practices are outlawed. Necessary institutions and mechanisms should also be put in place to ensure that exploiters are brought to book.

Mr. Temporary Deputy Speaker, Sir, the main motive of most manufacturers is to make profit, and they do not necessarily consider the needs of the consumers. The marketing tricks and gimmicks that are used are actually designed to ensure that consumers use the products whether they need them or not. These marketing tricks, to ensure that consumers buy the products, are the driving factor. It is important that we come up with this legislation that will ensure that these products meet basic safety requirements.

Mr. Temporary Deputy Speaker, Sir, consumers in the urban centres in this country are very vulnerable, especially in cases where there is no protection. In the case of food products, for example in urban set-ups, we are getting to an era where there is scarcity of food, and the consumers quite often find themselves without any option but to take what the manufacturers have presented. In that scenario, unless there is a mechanism for ensuring that the Kenyan consumers are protected, they do not have options available but to take what the suppliers and manufactures have made available.

This Motion is very timely. The proposed Bill should put in place safeguards for the consumers. Where the consumers are vulnerable, the proposed Bill should seek to enforce protection in such a way that consumer vulnerability will not be a weakness capable of being exploited by the manufacturers.

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

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, first, I want to take this opportunity to thank the hon. Members who, as I expected, are in agreement with this move to improve our laws to protect our people. It is incumbent upon this House to rise above the usual politics and do something, which is good for the country. Where we are politically, this is what is expected of us.

Mr. Temporary Deputy Speaker, Sir, from here we are going to move expeditiously to reproduce the Bill, which, we hope, will get support in the same manner as this Motion. This is a truly historic proposed Bill, because it will reverse the trend, as hon. Members have said, of exploitation of our people. It will reverse the trend and define who is a consumer of what, and what we expect from the suppliers of services or goods.

Mr. Temporary Deputy Speaker, Sir, one of the areas which our people do not think they have a right in is that of security. The security situation in this country at this time is not good. We need to have an Act which can enable us to complain when we think that somebody is compromising our security. Mr. Kioni has referred to the fragile nature of things, particularly in the IDP camps. Who guarantees the security of those people? This is also the case as far as food, shelter and general security are concerned. I have had occasion to listen to hon. Members on some of the things that are happening. This country needs to wake up to what is happening at the IDP camps. As consumers of security, we, as a country, need to do something. It is sad that there are people who have nowhere to go and complain. They also have no law to protect them. For that reason, we need the proposed law like yesterday; it will make us generally sensitive to our citizens. It will make us stop the culture of impunity, where, as has been said, nobody wants to follow the law.

Mr. Temporary Deputy Speaker, Sir, Mr. Kioni talked about the media. I am a protagonist of the freedom of the Press. But I hate free Press. The other day, I was at the gym in Continental

House in the morning and the topic in one of the Frequency Modulation (FM) stations was whether women like men who shave or not. That is a popular radio station! Suppose you are with your daughter or child? Is that not profanity? Is that something that belongs in the public domain? Do we need to hear about who can shave what, where they shave it and who likes it on public radio? We must control some of these things. I felt very offended and I had nowhere to go. If you raise that issue, they will say that you are against the media. We want the media to be free, but we do not want to hear the kind of things we hear on the media.

Mr. Temporary Deputy Speaker, Sir, if you sit in front of your television especially in the afternoon and just watch those Western channels, I can guarantee you that you cannot watch for two hours and fail to see a naked person.

An hon. Member: Two hours is too long!

Mr. Midiwo: You cannot watch for two hours without seeing a naked person! That naked person is not a Kenyan who is lacking clothes! It is somebody showing off his or her body for money! It does not even happen in America, which they say is the most free of the free world. It does not happen! What we see, even the dance channels shown on our television stations, they do not show us people dancing in Kondele, Kisumu! They do not show us people dancing at the Bomas of Kenya! They show us people dancing almost nude, and our kids get addicted to that thing. That is because, to them, anything to do with sex is nice to see and hear!

Mr. Temporary Deputy Speaker, Sir, we need to stop that thing! We have said and, in fact, the media law is there, that we expect the media to self-regulate itself. So, it has no reason to offend with impunity! This law will make them stop that! It will make somebody know that when I am driving to work or driving my children to school, I do not need to hear things that I do not need to hear! You may not have that choice because they do not warn you that they are going to talk about sex in 30 seconds! They do not do that. That is what is, more or less, on air in most FM radio stations. They think that is pretty, but it is not! We need a law that will protect us against profanity and impunity!

Mr. Temporary Deputy Speaker, Sir, the same has been said about drug companies. The other day, I bought an anti-malarial medication and my brother, who bought it for me, upon opening said: "*Mheshimiwa*, that one is fake". When I took it back to the chemist in Kisumu, they gave me the right one. Who is to police these people? If you are dying of malaria and you take the wrong medication, you will die! Those people are making money! Who is to police the medical agencies? Every time you see them going to Umoja or Kayole in the name of inspecting the chemists, it is the big guys - the Medical Director. We need agencies to do that. We do not need a civil servant sitting in an office on a big chair to wake up once a year to go and inspect one chemist in Huruma. We do not need that!

We need to have an Act which provides that if I die from bad medication and the postmortem shows that, my family should be compensated. That will stop the culture of impunity.

Mr. Temporary Deputy Speaker, Sir, Weights and Measures is a parastatal in this country, and one of its functions is to make sure that consumers buy goods in their correct weights and measures. This parastatal should make sure that when a person buys a kilogramme of meat from a butchery, the weight is correct. As the economy keeps worsening, the butchermen have reduced the weight of a kilogramme of meat to a quarter of a kilogramme. They have doctored the weighing machines. This is the work of Weights and Measures. If you go to a petrol station to buy fuel and you are told that a litre of fuel cost Kshs100, how do you verify that you have been sold a litre of fuel? This does not happen in this country.

The biggest fraud on our roads is theft by people who vend gasoline because most of the pumps are doctored. The Weights and Measures Department has few people to inspect these things. I do not think they even have an idea on how to do the inspection! They may have the

knowledge, but they do not have any idea! They have no road map on how to protect us on the road. The *matatu*, bus and all the other fares will keep increasing because when the owners go to fuel their vehicles, they do not get their money's worth. We must do something to make sure that if I am ripped off by the Total Petrol Station along Mombasa Road, I can have somebody arrested.

Mr. Temporary Deputy Speaker, Sir, it will also protect us against the impunity in our courts because the Government has no idea what is happening there. There is a huge backlog of cases in our courts, and some of them are as old as 20 years. If you go the High Court Registry, you are told that the files are not there. When you are suing a company for impunity, you go to the Attorney-General's office and you are told that the files are not there. Who do you turn to? I need to have a law that can enable me to arrest the Attorney-General. I need to inform him that I am being offended and I need to be compensated. This is happening across this country. I need to have an Act that provides that if you rob me of my money at a fuel pump along Mombasa Road, I can take you to court, and if the court is dilly-dallying, I can still have a case against the prosecuting authority. That is what this Bill, which we seek establish, will do.

Mr. Temporary Deputy Speaker, Sir, I want to end by again thanking the hon. Members. It is our responsibility, as has been generally agreed, that we need to protect our consumers. I hope that when the Bill comes to the House, which will be soon, we shall all support it, so that we can begin to protect our consumers.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.