

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 4<sup>th</sup> May, 2011

The House met at 9.00 a.m.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Report of the Departmental Committee on Defence and Foreign Relations on the Familiarisation Visit to Kenyan Mission to the United Nations Offices in Nairobi, dated 16<sup>th</sup> November, 2010

*(By Mr. Keynan)*

NOTICE OF MOTION

ADOPTION OF COMMITTEE REPORT ON FAMILIARISATION  
VISIT TO KENYAN MISSION TO UN OFFICES

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Familiarisation Visit to Kenyan Mission to the United Nations Offices in Nairobi, laid on the Table of the House on 4<sup>th</sup> May, 2011.

QUESTION BY PRIVATE NOTICE

KILLING OF ELEPHANTS BY POACHERS

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

- (a) How many elephants have been killed by poachers in the last eight years?
- (b) Who were the exporters of the consignment of elephant tusks worth over Kshs380 million and equivalent to 120 elephants killed, which was impounded by the Thailand Customs Department?
- (c) What action is the Government taking to address the issue of poaching?

**The Temporary Deputy Speaker** (Prof. Kaloki): The Minister for Forestry and Wildlife not here? Let us give the Minister time to get to the Chamber.

## ORAL ANSWERS TO QUESTIONS

*Question No.727*

### NUMBER OF IDPs IN CAMPS

**Mr. ole Lankas** asked the Minister of State for Special Programmes:-

(a) whether she could indicate the number and particulars of Internally Displaced Persons (IDPs) who are still in camps and also state their current locations;

(b) whether she could provide details of the IDPs that the Government is planning to resettle in Mau-Narok area of Nakuru District and also provide an inventory and details of the parcels of land the IDPs were occupying prior to the Post-Election Violence (PEV); and,

(c) what measures she is taking to ensure that resettlement of the IDPs in the said area is fully consultative.

**The Temporary Deputy Speaker** (Prof. Kaloki): The Minister of State for Special Programmes not here? Let us give her time to get to the Chamber.

**Mr. Keynan:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Yesterday, this House was taken aback. For the first time in my parliamentary history, a Member of the Front Bench raised the issue of quorum. Ideally, that ought to have come from Members of the Back Bench, but it came from the Government side. Today, the Front Bench is almost empty. With the exception of the able Assistant Minister, Ministry of State for Provincial Administration and Internal Security, the rest of the Ministers who are supposed to answer Questions listed on the Order Paper are not here. Is it in order for Members of the Front Bench to hold Parliament to ransom when we know that on Wednesdays, Parliament convenes at 9.00 a.m., and taking into account the fact that yesterday this House was taken for a ride by a Member of the Front Bench?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Keynan, I did not get your point of order clearly. What are you asking the Chair to direct on?

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, what I am trying to demonstrate is this: Those of us who were in the House yesterday afternoon will remember that for the first time in parliamentary history, a Member of the Front Bench stood on a point of order and said that there was no quorum in the House!

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Keynan! What is not in order?

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, is it in order for Ministers, who are supposed to be here at exactly 9.00 a.m., to be away and are, therefore, not in a position to answer Questions raised by Members of the Back Bench?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Keynan, I do not know whether you can see what I am seeing. The Front Bench is fully represented. So, we need to continue! What happened yesterday happened. Today is another day, and we need to

proceed! Let us give other Ministers time to come to the Chamber. I can see that Dr. Wekesa is here, but we will get back to him in the second round.

Next Question, hon. Bahari!

**The Minister for Roads** (Mr. Bett): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like hon. Keynan to now comment for us on this particular issue, because he was---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! I have already ruled on that one. We are moving on. We do not need to go back to an issue we have already dealt with.

*Question No.764*

STATUS OF DIRECT FOREIGN INVESTMENT IN KENYA  
VIS-À-VIS OTHER EAC STATES

**The Temporary Deputy Speaker** (Prof. Kaloki): Is hon. Bahari not here? We will give the hon. Member an opportunity to ask the Question later on.

Next Question, hon. Cheruiyot!

*Question No.825*

ENHANCEMENT OF HEALTHCARE FACILITIES IN KURESOI DISTRICT

**Mr. Cheruiyot** asked the Minister for Public Health and Sanitation:-

(a) whether she is aware of the deplorable condition in all the public health facilities in Kuresoi District as a result of the influx of Mau Forest evictees in the area;

(b) what plans the Ministry has to enhance health services, especially in hygiene and sanitation, pre-natal and post-natal care as well as immunization, in view of the expansiveness of the rural based district; and,

(c) when the Government will enhance the capacity of Ndoinet, Kiptororo and Kuresoi health facilities and post more medical personnel to the facilities.

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there is a minimal influx of Mau Forest evictees to the district as it is only Kusumek Camp that is at the border of Konoin and Kuresoi, which is served by Kuresoi District facility. There is no other nearby health facility in Konoin District. The target or catchment population of the nearby health facilities remains the same as there is a slight reduction since some evictees went back to their original homes in other districts.

(b) My Ministry has already put in place plans to enhance health facilities in the district as follows:-

(i) Establishment of the District Health Management Team which oversees the general health service provision in the district through monitoring and evaluation.

(ii) The community units are empowered with resources such as seven motorbikes for the community health extension workers and 50 bicycles for the community health workers.

(iii) The establishment of Kitigich Model Health Centre will further enhance the health of the residents for it will be a referral point for the neighbouring dispensaries which includes maternity as well as laboratory services.

(iv) The Health Services Sector Fund (HSSF) is a financial aid to the rural health facilities meant to empower them offer better services. For example, three health centres in Kuresoi District received HSSF funds in the Financial Year 2011. The Ministry is giving Kshs460,000 per year to a committee which is already gazetted to run the Fund. We have already given the first two installments which amounts to Kshs400,000 and the remaining Kshs60,000 will be for the final quarter. My Ministry also offers outreach services supplemented by the health partners such as Tenwek for immunization and VCT and Tefa, offering ART and antiretroviral services. This is in conjunction with my Ministry.

(v) Provision of water testing kits to be used for analyzing the water in the districts.

(vi) Provision of water tanks to support those facilities without adequate water.

(c) My Ministry has already issued Ndoinet, Kiptororo and Kuresoi with HSSF funds to enhance the capacity. Under the Economic Stimulus Package, my Ministry has also recruited five nurses plus two public health officers who were the only available in the district. As you are aware, we were recruiting 20 public health officers per constituency. We have requested the Public Service Commission (PSC) to allow us to recruit from the constituencies which had more than 20, so that we can post them to the district. We are waiting for the approval to do so. The same will be deployed depending on the priorities in the district. Attempts are in place to get more staff as I have just said.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Cheruiyot, if you are satisfied, you can just thank the Minister! If not, you can proceed!

**Mr. Cheruiyot:** Mr. Temporary Deputy Speaker, Sir, I am concerned that the Chair is trying to influence my action by asking me to accept an answer which is far from being satisfactory. Much as the Minister has attempted to answer the Question, she has brought in a bit of propaganda by saying that some of the evictees have gone back to their original homes.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Cheruiyot!

**Mr. Cheruiyot:** Mr. Temporary Deputy Speaker, Sir, I am sorry. I want to say that the Minister has introduced some misleading information to the effect that some people have gone back to their original homes, which is not true.

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This should not be allowed! The Chair does not influence, but guides. So, could the hon. Member withdraw that remark?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. C. Kilonzo! That is out of order, definitely!

**Mr. Cheruiyot:** Mr. Temporary Deputy Speaker, Sir, the Member should know that there is a Professor in the Chair who is qualified! Misleading information was

introduced to the effect that people had gone back to their original homes. This information has been peddled on the Mau evictees. The Minister has tried to answer the Question, but the main issue bedeviling these health centres has to do with lack of personnel and irregular allocation of drugs. What is she doing to ensure that drugs are given in time and personnel are posted? Could we also be given an ambulance?

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, this Minister does not peddle propaganda. I give facts as I know them. I am informed by reliable administration officers that some of the evictees have returned to their homes. I had no reason to doubt that. If the Member says that they have not, I also have no reason to doubt him, but I will have my people on the ground to assess the catchment area. I will also ask my Provincial Medical Officer (PMO) in charge of that area to ascertain whether there are adequate services for the evictees, even if it means visiting the camp.

With regard to ambulances, we are still waiting from the Treasury because it is the one which was procuring them. My Ministry is in constant touch with the Office of Deputy Prime Minister and Ministry of Finance and we have asked them to speed up this because we want this to happen before the end of this financial year. We are in the process of acquiring about 90 vehicles which have been funded by the World Bank. These are not ambulances, but vehicles to support the District Medical Officers for management. I think Members should thank me for my efforts. One of these vehicles should go to Masinga. We will give priority to districts which have no vehicles at all, but we will still wait for the ambulances.

With regard to drugs, I am told that there is a great improvement in the provision of drugs. I do not have any other complaints coming because of drugs. I will personally check why drugs are not delivered to that area in time. We have improved greatly on the delivery of drugs through the assistance of KEMSA. However, I will check on that because we have drugs for everybody.

With regard to the staff, I have explained that my mandate from the PSC was to employ nurses from the constituencies. That is what Members wanted so that their people would not be left out as the Ministry employed people from elsewhere. We have now requested to employ from the districts which had a surplus. If Members know of any nurses in their constituencies who are not employed, they should, please, give me the list and I will employ them.

**Mr. Washiali:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House by claiming that the supply of drugs has improved while in Mumias, out of the 11 health centres that we have, only two get supplies from KEMSA?

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, I said this has improved. I did not say that every health facility is receiving the supplies. Let me have the complaints. You should not even wait to raise a Question in the House; just give me the complaints and I will check why you do not have drugs, if that is true. We have enough drugs for every health facility.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, while we thank the Minister for the efforts she has put in place, the issue of shortage of staff is key in this country. In January this year, there were many staff members who were interviewed to be employed as interns in the Ministry of Public Health and Sanitation as nurses and to date, they have

not reported on duty. When will they report on duty? Five months down the line, they are still waiting for the appointment letters for them to report on duty.

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, I am aware of that exercise being a bit slow. My Ministry's responsibility is to interview and then send the names to the Public Service Commission (PSC) which then publishes the names in the newspapers. We have been pushing for that to be done and I have been informed now that that will be done. However, I apologise for the delay because this was out of my control. It is the PSC, after agreeing that we have done a good job that releases the list and give appointment letters.

**Mr. Mwangi:** Mr. Temporary Deputy Speaker, Sir, the Minister has made an effort to answer the Question. The first part of the Question indicated an influx in the area that Mr. Cheruiyot has talked about. The Minister has also admitted that the population within the two adjacent constituencies is very high. Some of the health centres have been upgraded and we have a big shortage of clinical officers. Could the Minister tell the House the policy that is in place as these dispensaries are upgraded to health centres? If they will be upgraded, why should we have to wait until the Public Service Commission releases the appointment letters?

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, have they been upgraded from dispensaries to health centres or from health centres to district hospitals? We will be able to answer that question if I get that clarification! This is because that question should be directed to the other Ministry.

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): Last question, Mr. Cheruiyot!

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, I just wanted a clarification from the hon. Member. Is it upgrading from---

**Mr. Mwangi:** Mr. Temporary Deputy Speaker, Sir, she is asking for a clarification. I can give an example in my constituency. Three dispensaries in Kiharu have been upgraded from dispensaries to health centres and yet we do not have clinical officers to manage those health centres. Is there a policy to post clinical officers as these dispensaries get upgraded?

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): Madam Minister, the question is very clear. Some dispensaries have been upgraded without proper personnel.

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, as soon as they are upgraded, we request the KEMSA to make sure that the drug kit for those dispensaries is converted for health centres. On clinical officers, we have now been given authority to employ more clinical officers and that is in the process. Maybe the upgrading happened a little bit earlier when we did not have the authority to employ more clinical officers. We have been employing those officers together with the nurses because we now have authority. The hon. Members whose constituencies have more unemployed nurses should give me or the MOH the list. This is because we really have run out of nurses to employ. However, we will look into that matter.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Mwangi, you should talk to the Minister, maybe, to take care of your constituency.

Ask the final question, Mr. Cheruiyot!

**Mr. Cheruiyot:** Mr. Temporary Deputy Speaker, Sir, while inviting the Minister to tour these areas, could she consider, in view of lack of nurses, employing laboratory

technicians and pharmacists who are in plenty and are qualified to give out medicine instead of leaving wananchi to resort to using unqualified personnel?

**Mrs. Mugo:** Mr. Temporary Deputy Speaker, Sir, we, indeed, have requested that authority from the PSC that we convert some of the positions available. For example, we have many nurses who were allowed in the financial year--- That is 20 plus another 15. We requested that we give some of those positions to other professionals who are needed more in health institutions, for example, laboratory technicians. I will do that as soon as I get the authority from the PSC.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, Madam Minister. You have done well.

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

*Question No.834*

DISMISSAL OF DAVID KOECH FROM JKIA

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

(a) why Mr. David Koech (P/No.56994), who was attached to JKIA, was dismissed from service in 1999, considering that no charges were brought against him; and,

(b) whether he could consider reinstating him.

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

- (a) Mr. David Koech, and not the Member of Parliament, was until his dismissal from police service on 7<sup>th</sup> October, 1999, attached to Jomo Kenyatta International Airport (JKIA) Police Station. The ex-officer was enlisted in the service on 30<sup>th</sup> July, 1988. On 28<sup>th</sup> August, 1999, he was charged with disciplinary offence as follows. On that particular day, 28<sup>th</sup> August, 1999, at about 10.00 a.m. at the departure lounge, Gate No.6 of JKIA, within the Kenya Airport Police Unit command, within Nairobi Area, he was found guilty of an act to the prejudice of good order and discipline by extorting US\$300 from Mr. Alphonse Ibekwe, Mr. Yusuf Titus and Mr. Nwachuku Emeke, all Nigerian nationals, with the pretext of assisting them to get Kenyan Visas. When the ex-officer was charged in orderly room proceedings, he entered a plea of not guilty and witnesses were called and testified. The presiding officer, Inspector James Karanja, found him guilty and owing to the seriousness of the charge. He forwarded the proceedings to the Commandant, Kenya Airport Police Unit, for sentence. Subsequently, the Commandant sentenced him to dismissal from the service with effect from 7<sup>th</sup> October, 1999. The ex-officer, David Koech, was given the right of appeal within seven days. Prior to dismissal, the ex-officer had two previous disciplinary convictions in his record.
- (b) Upon dismissal from the service, the ex-officer was informed of this right of appeal within seven days by the Commandant, through the laid-down police procedure, which he failed to do. Therefore, the matter was closed. The Force Standing Orders require that an officer appeals against such a sentence within seven days, after which, his appeal is rendered null and void. The appeal must also be channeled through the laid-down police

procedures, which the ex-officer failed to do and, therefore, he cannot be considered for reinstatement.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, while I thank the Assistant Minister for the answer, first, Mr. David Kipkurgat Koech is, of course, not me because I am David Kibet Koech. However, he is my constituent who has been at home since 1999. Listening to the Assistant Minister, it is very common in the forces of this country for people to be dismissed on flimsy grounds. The Assistant Minister claims that this gentleman was found guilty of extorting US\$300 from a Mr. Alphonse. Down there, it is clearly indicated that Mr. Koech pleaded not guilty. All he did was to rely on a Mr. Karanja for dismissal. If it is, indeed, true that this gentleman extorted the money, why was he not taken to court, so that he could be charged and sentenced for the real action, so that nobody in this country can claim that there were partisan disciplinary measures? Secondly, after dismissing him, who paid the US\$300 to Mr. Alphonse?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, although my good friend, Mr. Koech, thinks that this is a small matter, it is not within police force. It is a very serious matter. Imagine a police officer extorting money to the tune of Kshs28,000. Later on, when he was asked to explain, he refused. We brought officers who testified that they saw him extorting money from--

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House? You have heard him say that when this officer was called to explain he refused and yet, in his own submission, he has indicated that he pleaded not guilty.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the hon. Member would have listened to my explanation first. When Mr. David Koech, not the MP, was asked to come and give an explanation as to why he was extorting money from these Nigerians, he, first of all, refused. He was later on summoned through a letter. When he came, he also denied. However, those who testified did allude to the fact that he did, indeed, extort money from these Nigerians.

Mr. Temporary Deputy Speaker, Sir, a police force is a disciplined force. We cannot and we will not accept bribes to exchange hands because it is giving a bad image, first, to the police and the country. In fact, hon. Koech should have thanked us for having got rid of him because he was giving us a bad image. That is why we could not reinstate him. In any case, he could not even re-apply for reinstatement because he was aware of what he did. I am very sorry for what he did, but we had to do exactly that.

We are trying to remove those kinds of people from the police force, so that we have a clean police force without any element of bribery at all. That is our stand.

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to avoid answering the question? If he can confirm that this officer actually committed the act, why was he not arrested and taken to court, so that whatever charges he is talking about could have been confirmed?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, was Mr. Koech, the police officer, arrested?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, we could not arrest him immediately because the money was not in his pocket at that time that would have been shown as the exhibit. We could not have arrested him at that particular time, because



there was no exhibit. When we asked his colleagues, they said, yes, it is true that he asked for the US\$300 in order to get these people visas.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, you have the evidence for that?

**Mr. Ojode:** Yes, Mr. Temporary Deputy Speaker, Sir. What happens is that, first of all, you have to be charged through the orderlies of our force. That is what the Standing Force says. Then, later on, they can take you to court.

**The Temporary Deputy Speaker:** Mr. Koech, what do you want the Assistant Minister to do at this point? Do you want him to arrest Mr. Koech?

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, I have clearly explained that some officers in the police force have been dismissed on flimsy grounds. I am not talking about this one. But in order to confirm---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Koech! It has to be clear to the Assistant Minister. You asked the Question, he provided additional information. What exactly do you want him to do now? Do you want him to arrest and prosecute, Mr. Koech?

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, my question is very clear: When will this officer be reinstated? It was my plea that the Assistant Minister reinstates him now that he did not take him to court in 1999.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I will find out if the officer was not taken to court. If not, I will, first of all, arrest him. That is the procedure. We will arrest him and take him to court. I would have thought that he would request that---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! The Member of Parliament, in his Question, was more concerned about reinstating him; not arresting him.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, unfortunately, we cannot reinstate him because he was giving a bad image to the police force. We will also get rid of other officers who are of that nature. The few remaining police officers who engage in such practices will be gotten rid of.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, I feel very concerned about the answer by the hon. Assistant Minister. It raises very serious issues about how to handle junior police officers. The orderly rules for police officers are being used by seniors to injure juniors most of the time in a situation where a junior police officer is found to have committed an offence. If you look at the answer of the Assistant Minister, both these Nigerians and the police officer could have been guilty of the offence. They offered the money to him; he seems to have accepted. But if there is evidence disclosed that there was a criminal offence that was committed, why did the police not opt to charge this police officer in a court of law where all these modalities could be looked at instead of dealing with him through his senior?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, you know sometimes I am at a loss. This is an issue which my fellow colleagues have complained about. They say my officers take bribes. When I take action against the police officers who are taking bribes, it is implied I am also doing something wrong. What I am saying---

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

**Mr. Ojode:** No, not a point of order. Let me finish!

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Olago! You cannot do that.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, you know you cannot have your cake and eat it at the same time. The procedure is very clear; Once you do something wrong, which is against the law like taking bribes or extorting money, my duty is to arrest you. My duty is to dismiss that person from the force. These are the few elements who are now tarnishing the good image of the police force. You have seen in this House, I am being bashed on a daily basis that police officers are extorting money from innocent Kenyans. What do I do? I have to take action and that is the very action that I took. I will still continue taking action against those who are taking bribes.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Koech to ask the final question.

**Mr. Koech:** Mr. Temporary Deputy Speaker, I hope you will protect this House from Ministers who want to scare away hon. Members who want to ask genuine Questions for Kenyans who want justice for themselves. It is very clear that Mr. David Koech was dismissed on flimsy grounds because he was not arrested and taken to court.

The Assistant Minister has alluded here that Mr. Koech did not appeal. It is only that I have misplaced some papers, but could he confirm here that if he gets the documents showing exactly that Koech appealed, he will consider reinstating him immediately?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I did say here that David Koech never appealed within the seven days, which is a requirement. Even if he did later on, he never followed the right channel. You know you cannot appeal to the Police Commissioner directly; you have to appeal to the Commissioner through your immediate senior officer. Those are some of the channels which he never followed.

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to confuse and mislead the House? He has indicated here that David Koech did not appeal within seven days and I have said that I have those documents and asked him whether if I avail them to him, he will consider reinstating him. He is now telling the House that already he knows that Koech appealed, but he could have appealed through the wrong channels. Is he in order to mislead the House?

**The Temporary Deputy Speaker** (Prof. Kaloki): There is nothing out of order there. Actually, you do not have the documents to table right here in the House.

So, Mr. Assistant Minister, just proceed.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, if Mr. David Koech had appealed within the seven days, we would have reconsidered his case and dismissed him further because he went ahead and took bribes from Nigerian nationals. That actually looks bad in the eyes of Kenyans; that you are taking bribes from people of other nationalities. That should not be supported at all costs.

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question!

*Question No.850*

DISTRICT CIVIL REGISTRAR FOR EMUHAYA DISTRICT

**Dr. Otichilo** asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that residents of Emuhaya District have to travel to either Mbale or Kakamega (over 30 km away) to apply for birth certificates and that they are made to pay for the application forms;

(b) whether he is further aware that it takes at least three months after application to get the document; and,

(c) when the Government will post a District Civil Registrar to the district and what measures he will take to speed up the issuance of the document.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well. Hon. Members, the Minister of State for Immigration and Registration of Persons is away on official duties. He is not in the Chamber to answer that particular Question. So, Dr. Otichilo, I will defer your Question to Wednesday next week.

*(Question deferred)*

*Question No.860*

#### REDUCTION OF MURRAM PRICE PER TONNE

**Mr. Kaino** asked the Minister for Roads whether he could reduce the prices of murrum per tonne as it has become too expensive to grade and open up murrum roads in the rural areas.

**The Minister for Roads** (Mr. Bett): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Murrum, which is equal to gravel, is procured in the open market. The prices are, therefore, controlled by market forces. The prices, therefore, depend on the relations between the owner of the land where murrum is produced and the user of that murrum. Consequently, my Ministry has no role at all on the murrum that is being used in the rural areas.

**Mr. Kaino:** Mr. Temporary Deputy Speaker, Sir, as much as I agree with the Minister, I have two questions for him. I have analysed the cost of the murrum on the road. I saw the cost of machines and that of murrum. I have discussed with the Minister and discovered that the Question was actually misdirected. It was supposed to have gone to the Ministry of Forestry and Wildlife. That is because the murrum that I am asking about comes from the forest. I think the two Questions were misdirected.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Kaino, assist the Chair. What is it that you want to ask the Minister? Be specific!

**Mr. Kaino:** Mr. Temporary Deputy Speaker, this Question was misdirected. It was misdirected to the Ministry of Roads and yet, it was supposed to go to the Ministry of Forestry and Wildlife. There were two Questions. One was on the machines to reduce the cost of murrum and the other one was about murrum itself.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Kaino! This is your Question: "Could the Ministry reduce the prices of murrum per tonne as it has become

too expensive to grade and open up murram roads in the rural areas?" That Question is directed to the Ministry of Roads.

**Mr. Kaino:** Mr. Temporary Deputy Speaker, Sir, the price of murram from the communities is Kshs100 per tonne. If you go to the forest, the price is Kshs350 per tonne. I wanted the Forestry Department to reduce the price of murram. That is why I am saying that this Question was misdirected to the Ministry of Roads.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Kaino! If you want to direct this Question to the Ministry of Forestry and Wildlife, you can do that, but this Question is specific to the Ministry of Roads and the Minister has answered it. So, Minister, do you have any further clarifications to Mr. Kaino?

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, I can see what the hon. Member is saying. Your advice to him is worth following. He should direct the Question to the relevant ministry. Indeed, it was a difficult Question for me. I, for one moment, thought, maybe, there should be Murram Regulatory Commission like Electricity Regulatory Commission when he asked the Question. But I think he may wish to redirect the Question to the relevant ministry.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you. Mr. Kaino, you can rephrase the Question and direct it to the relevant ministry. Next Question by Mr. Outa!

*Question No.879*

REPAIR OF ROAD NETWORK IN WEST KANO  
IRRIGATION SCHEME

**Mr. Outa** asked the Minister for Water and Irrigation:-

(a) whether she is aware that the road linking irrigation offices at Korowe/West Kano Irrigation Scheme and Nyamware Beach is seriously dilapidated, hindering irrigation work and services;

(b) why the Ministry has neglected the vital road over the years;  
and,

(c) when the Ministry plans to rehabilitate the road network.

**The Temporary Deputy Speaker** (Prof. Kaloki): Is the Minister for Water and Irrigation around? Let us give her some time to get to the Chamber.

Next Question by Eng. Rege! The Chair has information that hon. Eng. Rege is out of the country on official duties. So, I will defer his Question to Thursday next week.

*(Question deferred)*

*Question No.882*

NUMBER OF COUNTIES WITHOUT KBC TV COVERAGE

*(Question deferred)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question by Mr. Odhiambo!

*Question No.883*

CONFISCATION OF *SUKARI NGURU* EQUIPMENT BY  
MUMIAS SUGAR MANAGING DIRECTOR

**Mr. Odhiambo** asked the Minister for Agriculture:-

- (a) why the Managing Director of Mumias Sugar Company has been forcefully and illegally confiscating equipment used in making “*sukari nguru*” within the sugar belt;
- (b) when the machines will be returned to the owners; and,
- (c) what fair efforts the company is making to ensure farmers do not divert their cane to “*sukari nguru*” makers.

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

(a) The management of Mumias Sugar Company confiscated equipment from unlicensed jaggery millers used in *sukari nguru* processing within its mandate source of cane supply because they were interfering with cane supply from its contracted farmers.

(b) The case is in court.

(c) The company finances cane development to contracted cane farmers, meets emergency, financial---

**Mr. Odhiambo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In Part “b” of his response, could he table documents to prove that the case is in court?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Could you allow the Assistant Minister to complete his answer and then you can interrogate him further? Proceed, Minister!

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Thank you, Mr. Temporary Deputy Speaker, Sir.

(c) The company finances cane development to contracted cane farmers, meets emergency financial needs by farmers and pays promptly for cane deliveries within a month as stipulated in the Sugar Act 2001. Therefore, farmers are restrained from diverting their cane to *sukari nguru* makers.

Mr. Temporary Deputy Speaker, on the question of me producing the court papers, I do not have them now, but I can supply them.

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, since the Assistant Minister does not have any papers to prove that the case is in court, is he in order to say that the case is in court? He does not have any evidence to prove the same? Secondly, is he aware that the management of Mumias Sugar Company takes away the machines and equipment from the millers indiscriminately, regardless of whether they are licensed or not? So, could he give a guarantee to this House that MSC will only take away machines of those who are unlicensed? This is a free market and people are free to do their business. Therefore, those who are licensed should be allowed to do their business.

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, previously, the machines that were confiscated from some of these millers were returned. So far, we have only five

registered jaggery millers. The equipment for the licensed millers will be given back to them if they were confiscated. But for those unlicensed ones--- A jaggery miller is considered to be a miller like any other and he is supposed to have a licence. If you have a licence, you are not supposed to be harassed.

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, Kenya is a free market and, to that extent, a cane farmer can sell his cane to anybody in the country. How come some cane farmers are forced to sell their cane to say, Nzoia Sugar Company? What law is being used to force them to do so?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, some of the millers finance cane farmers to do the business of cane farming. But I do not see why a farmer who has not been financed or entered into any contract with any miller should be forced to sell his or her cane.

He has the freedom to sell his cane where he wants. But if he has been financed by a miller, seriously, you have to honour that contract. Most of the people who are taking their cane to jaggery millers are flouting their obligation to the millers. So, they end up just sending it there. I would also like to tell the farmers that if one has signed a contract with a miller, then he should honour the contract and not just sell the cane to anybody simply because they are being paid.

**Mr. Okemo:** Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that the Sugar Act in place today is being flouted by nearly all sugar millers in Kenya, in terms of payments to farmers who are supposed to be paid after 30 days but instead wait for a long time and that is why they become desperate and go to sugar jaggeries? Secondly, there is a provision in the Sugar Act that cane is supposed to be weighed at the farm gate. That is the law today but it is not being followed. Could he tell us when the Sugar Act is going to be amended to make sure that sugar farmers' interests are taken into account?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member. I know that the Act is also faulty in some clauses and we have now come up with an amendment Act which is being looked at by the Committee on Agriculture, Livestock and Cooperatives and a copy has already been passed to the Attorney-General. I can assure the House that very soon the document will be here and all the errors in the Act are going to be corrected. For example, it is true that cane is supposed to be weighed at the farm gate but that is not being done because some of the farmers do not have machines. However, all those irregularities will be sorted out in the amendment Act.

**Mr. Washiali:** Mr. Temporary Deputy Speaker, Sir, we have police all over this country and specifically in Mumias, we even have a police post within the premises of the sugar factory. If what the Assistant Minister is saying is true, why is the management of Mumias Sugar Company not using policemen to confiscate these machines together with the handcarts which are usually used by the youths to carry the spilled cane from the roadside instead of using goons and watchmen who do not know how to handle citizens?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I am not aware that goons are used to confiscate these equipment but I will check and I can assure the hon. Member that it is not going to happen again. I know they did it because some of the farmers were being financed by the millers and they were taking the cane to the jaggery millers to avoid payment of the loan that they were advanced. I will follow up on the issue of the police and the persons used to block the farmers.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Odhiambo to ask the final question.

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, I would like to ask the Assistant Minister whether he knows that there are farmers who are doing their trade privately and have not been contracted by Mumias Sugar Company. These farmers have a right to sell their cane anywhere because they use their own resources to do cane farming. When these goons confiscate cane from farmers on the road, they discriminately pick these handcarts and the contents and take them away. Could he ensure that they respect the rights to the private farmers?

**Mr. Ndambuki:** Mr. Temporary Deputy Speaker, Sir, I can assure the hon. Member that anybody who has not signed any contract with any miller can sell his cane to anybody. With regard to the issue of goons, I will follow up the issue.

**The Temporary Deputy Speaker** (Prof. Kaloki): We are now going back to some Questions.

Let us go back to Question No.727 by Mr. ole Lankas.

*Question No.727*

NUMBER OF IDPS IN CAMPS

**Mr. ole Lankas** asked the Minister of State for Special Programmes:-

(a) whether she could indicate the number and particulars of Internally Displaced Persons (IDPs) who are still in camps and also state their current locations;

(b) whether she could also provide details of the IDPs that the Government is planning to resettle in Mau-Narok area of Nakuru District and also provide an inventory and details of the parcels of land the IDPs were occupying prior to the Post Election Violence (PEV); and,

(c) what measures she is taking to ensure that the resettlement of the IDPs in the said area is fully consultative.

Mr. Temporary Deputy Speaker, Sir, this is the second time I am asking this Question.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I apologize for coming into the Chamber after the Question had already been called out. I was late for a few minutes and I sincerely apologize to the House.

I beg to reply.

(a)The number of Internally Displaced Persons (IDPs) who are still in camps is totalling to 16,179 households out of which 8,652 are post-election violence victims while 7,527 are forest evictees. Their particulars and current locations are as indicated in the attached table and the hon. Member has a copy of the same.

(b)I cannot provide the details of IDPs who will be settled---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Could you resume your sit?

Mr. ole Lankas, you brought this Question sometime ago to the Floor of this House and you were to provide further information and documents to the House to prove your case that the Minister was not in order. Could you do that because the Assistant Minister is simply repeating the same information that he provided to this House? Could you move forward and provide any further information or a list that you may have then we can begin from there?

**Mr. ole Lankas:** Mr. Temporary Deputy Speaker, Sir, it is true that this Question has been coming up almost weekly. It was deferred because the Minister had been giving unsatisfactory answers, but last week she provided me with the registers and particulars of the IDPs. So, I am ready to interrogate the registers against the answer that the Assistant Minister is giving. I think that is the position.

**The Temporary Deputy Speaker** (Prof. Kaloki): Yes, the procedure is that we need you to move and then interrogate those areas that you are not comfortable with from the list that was provided by the Minister.

**Mr. ole Lankas:** Mr. Temporary Deputy Speaker, Sir, I wanted the Assistant Minister to finish reading his answer then I interrogate it but if you insist that I move ahead then I will do so. From the answer that the Assistant Minister is giving, he has indicated that those who are in camps are in about six districts because they include the forest evictees. My question to the Assistant Minister against the register that I have here is; are the registers exhaustive of the IDPs who are still in camps because the answer mentions only about four districts apart from the two where forest evictees are indicated? Arising from the interjections by the hon. Members, it shows that IDPs are scattered all over the country but the ones captured in the register only show three districts; Nakuru, Nyandarua, Trans Nzoia and Kitale.

**The Temporary Deputy Speaker** (Prof. Kaloki): If that list is from the Ministry then it is complete. Do you have an additional list of IDPs whom you think have been left out?

**Mr. ole Lankas:** Mr. Temporary Deputy Speaker, Sir, that is exactly what I am saying. When you are talking about Internally Displaced Persons (IDPs) from the post-election violence, they were scattered all over the country. However, according to the list that the Ministry is providing, it only captures four or five districts. So, my question is; is the Assistant Minister confirming to this House, and the nation at large, that this list is exhaustive?

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, for clarification sake, according to the HANSARD that I have just gone through, what we came here to do this morning is that he has asked for many particulars and not just the locations of the IDPs. He wanted the details. We have provided the IDPs' identification numbers, whether male or female and where they are located.

Coming to whether the list is exhaustive or not, you will appreciate that we are not going to create IDPs where there are none. The Ministry only takes account of IDPs who have been recognized and properly registered. I have personally been repeating this information for the House. The registers of IDPs closed on the 8<sup>th</sup> December 2008. That was contained in all the dailies in the country. The information was dispatched to the grassroots through churches, mosques and others. Anybody who came after that has to prove what happened, so that they were left out. Otherwise the list is exhaustive.



**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, from the list I have seen, there are 392 forest evictees in Trans Nzoia. I would like the Assistant Minister to confirm where these evictees were evicted from, and whether they include the evictees from Kiborowa Forest. There is a petition pending before this House. They are in their thousands. They are more than 3,000. Could the Assistant Minister confirm this?

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, the list of the IDPs from Trans Nzoia, just like the rest of the IDPs in the whole country, has names from various parts of the country. As I have just said, those who went before the relevant authorities properly were registered at the time. For the sake of Mr. Wamalwa's question about forest evictees, they have also been separately registered as IDPs. We shall tackle their issues immediately we are through with the post-election violence victims.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, the issue of IDPs has been with us for quite some time. I think as a leadership, we must bring it to a close, because many Kenyans are suffering in the IDP camps. One of the questions that Mr. ole Lankas asked was for the Assistant Minister to provide the details of the parcels of land the IDPs were occupying prior to the post-election violence. Could the Assistant Minister confirm that the IDPs who are in camps had land? Who has taken over that land? What is the Government doing to ensure that the IDPs are settled within the shortest time possible?

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, I appreciate this interrogation from Mr. Koech. We need to provide the insight into these IDPs. Many people did not appreciate the magnitude of the number of IDPs from the onset. A picture has been created that much has not been done while the converse is the case. At the onset, we had a total of 663,000 IDPs in this country. Today, we are talking of 6,978 IDPs from the post-election violence. This means that we have resettled more than 98 per cent of the IDPs. This means a lot of progress has been made and this must be appreciated. Compared to what we had at the beginning, you will appreciate that we are left with slightly under two per cent to settle. You will appreciate the challenges that we have been having.

Mr. Temporary Deputy Speaker, Sir, now that you have appreciated that, I will come to the second bit; where you have asked if they owned land previously. Most of the ones we registered through the Provincial Administration did not own their own land. They used to rent houses. They had businesses in the areas where violence occurred. Therefore, when they were displaced, they had nowhere to go to. They had to go to camps. Very few, if any, had land but because of insecurity, some of them sold their land and went away. Otherwise, the majority of the group in the camps we are talking about are those who did not own any land of their own.

When the Government gave them Kshs10, 000 each as startup capital, they came together, formed self-help groups and bought small parcels of land. The Government felt that since the conditions were deplorable, it would go ahead and help them get decent living conditions.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, while thanking the Assistant Minister for doing a starling job in terms of settling the IDPs, could he give a clear clarification, or shed some light, on the issue of fake IDPs allegedly being accommodated in various camps in the country?

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, I appreciate that question. Indeed, it is a very important one in this matter because the issue of IDPs has become

very appealing to so many. People have seen there is a shortcut to owning land; therefore, people have been pretending to be IDPs, while they are not. Some of the street protests you see---

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, the level of consultations is a little loud, yet I need this to go down well.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed! Members are listening!

**Mr. M.M. Ali:** Thank you so much Mr. Temporary Deputy Speaker, Sir. I agree with the hon. Member. There are quite a number of people who are pretending, because they feel this is an opportunity for them to get some land, free food and other items from the Government. Let this be a warning to those who pretend and this chapter must come to a close. We are not going to entertain all these idlers who are pretending. I want to call upon hon. Members to kindly support us in this process, so that we can complete the last leg in IDPs resettlement.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Assistant Minister! Let me ask you; by December 2008, I think you told this House that you had 653 IDPs. How many IDPs did you have by December 2008? How many do you have at the moment?

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, at the moment, the number of IDPs is as I have indicated earlier. We have a total of 16,000 and I have broken them down into two groups: We have 7,500 plus who are forest evictees while the post-election violence IDPs are 8,000. You will recall when we closed the registers there were a lot of complaints here and there. We treated each case on its own merit. District Commissioners provided us with extra information, where some information might have been delayed or misplaced. Those are the ones we put on board; otherwise, we are not entertaining any more IDPs. The figure stands at the 8,000 as I have given you.

**Mr. Warugongo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. We have what we call the Integrated Internally Displaced Persons (IIDPs). In Kieni, I have over 3,000 people who were evicted from the Rift Valley and other parts of the country. What arrangements does the Assistant Minister have to resettle them?

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, on the integrated IDPs, while we were resettling the rest who were in the camps--- Although we did not have enough funds at that time, the good news now is that the Treasury has allocated us more funds and we have allocated enough funds to resettle all the IDPs who were integrated. So, if they are properly registered and are in our custody, then the hon. Member should rest assured that they will all be registered alongside others.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Kiuna:** Mr. Temporary Deputy Speaker, Sir, this issue of IDPs, and I hope the whole House will agree with me, has been discussed very many times. We wonder what the Government position is because today, you will find some Government Ministers going to an extent of denouncing and refusing to resettle the IDPs. I request the Assistant Minister to state the Government's position regarding the resettlement of IDPs in this Republic, especially in my constituency which is Molo and in Kitale---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! What is your clarification? Just be a bit clear!

**Mr. Kiuna:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister clarify whether it is the Government's position to make sure that all the IDPs are resettled once and for all?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, apart from that question, when do you think the issue of IDPs will be dealt with?

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, if I tell you that all of them will be resettled in the next two months or so, I will be cheating you because challenges keep coming up.

Mr. Temporary Deputy Speaker, Sir, you will appreciate the kind of efforts the Government has been putting in this matter, but you know and each one of us appreciates that only a week ago, we were taking a group of IDPs to a particular area and there was serious resistance from the locals. You will appreciate that some of those challenges are the ones which are tying us up and slowing down the process of resettling of the IDPs.

**Mr. Kiuna:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to ask the Assistant Minister whether it was the locals or the same Government Minister who uttered some inflammatory remarks that they cannot be resettled there that affected the resettling of those IDPs who were supposed to be resettled in Kitale?

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, I appreciate the intention of the question from the hon. Member for Molo that some Cabinet Ministers, as he has tried to say or, indeed, hon. Members, are resisting resettlement of those IDPs. I have appealed earlier on to the hon. Members, kindly let--- This is a collective process and the IDPs are Kenyans and wherever they have to be settled, please, come on board and let us move together so that we give them decent homes. Otherwise, let me not pinpoint the way the hon. Member wants me to do in the case of Trans Nzoia that particular hon. Members refused them to be resettled there. I think I will leave that to the public and the hon. Members to judge for themselves. However, I plead with hon. Members and, indeed, all politicians that let us not drag politics into the resettlement process.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! We still need you to clarify one issue which concerns many hon. Members in this House and the country. When do you think you will be able to complete the exercise of resettling the IDPs? Is it by the end of the year? Is it by August? Be specific!

**Mr. M.M. Ali:** Indeed, Mr. Temporary Deputy Speaker, Sir, we are---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Relax! We want to know by when the IDPs will be resettled. It must be a Government policy or, there must be some meetings in your Ministry. Is it by December or August? Be specific!

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, I thank you for that question. I want to confirm to you today that we are signing an agreement for 9,000 acres of land. I think that will be concluded in the next two weeks. However, according to our program and God willing by June, we will be able to put this matter behind us.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well!

Mr. ole Lankas, ask the final question. In the interest of time, I think the Assistant Minister was very clear.

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

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. ole Lankas, you have a chance if you have any further question?

**Mr. ole Lankas:** Mr. Temporary Deputy Speaker, Sir, while I am prepared to ask the last question, will I be in order to request that you to give time to hon. Members to ask questions because this is a very, very important Question?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Do you have any question? We want to end this Question. I know, there is a lot of interest in it but we have other matters to deal with in the House.

**Mr. ole Lankas:** Thank you, Mr. Temporary Deputy Speaker, Sir. In the Assistant Minister's answer, he has categorized IDPs into two; the post- election violence IDPs which he says, are the genuine IDPs, and the rest, "forest evictees." The forest evictees were as a result of the Government removing people from the forests because they were there illegally. What is the justification of the Government rewarding forest evictees and yet it is the same Government that removed them from the forest? Is he rewarding an illegality?

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well! Mr. Assistant Minister, give us your final answer!

**Mr. M.M. Ali:** Mr. Temporary Deputy Speaker, Sir, on the forest evictees, the assumption is that they have land where they will go back and resettle. Unfortunately, majority of those evictees happened to have lived in those forests from time immemorial and had nowhere to go. Being considerate of the interests of all Kenyans to live decently in the country, the Government decided that they will get somewhere for them to live.

Finally, in a related way, you and hon. Members will appreciate that we have resettled more than 98 per cent of the victims.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well! We will now go back to the Question by Private Notice by Mr. C. Kilonzo.

## QUESTION BY PRIVATE NOTICE

### KILLING OF ELEPHANTS BY POACHERS

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice:-

(a) How many elephants have been killed by poachers in the last 8 years?

(b) Who were the exporters of the consignment of elephant tusks worth over Kshs380 million and equivalent to 120 elephants killed, which was impounded by the Thailand Customs Department?

(c) What action is the Government taking to address the issue of poaching?

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, further to my answer tabled earlier on to the Question by Private Notice by hon. C. Kilonzo on poaching of elephants, I have in my possession, documents that I would like to lay on the Table for the Member to go through. Hopefully, next week, he will be in a position to interrogate me further.

*(Dr. Wekesa laid the documents on the Table)*

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, as he tables the documents, the Question was very specific! The Question was: “Who were the exporters?” I would have expected him to say who the exporters were and then table the documents!

**The Minister for Forestry and Wildlife (Dr. Wekesa):** Mr. Temporary Deputy Speaker, Sir, the consignor was Twiga Enterprises Ltd of Mombasa and the consignee was P.J. Frozen Ltd Partnership of Thailand. The consignment was declared as frozen fish mackerel as per the attached documents.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, obviously, I will need more time as the Minister has said. That is because the issue of poaching, especially of ivory on elephants is a very serious matter. I would like to request that the Question be deferred to next week.

**The Temporary Deputy Speaker (Prof. Kaloki):** Order, Mr. C. Kilonzo! You asked the Question and the Minister is providing the answer. Be specific with what you are asking.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I need time to look at the documents. I would have preferred if this Question could be deferred to next week on Thursday?

**The Temporary Deputy Speaker (Prof. Kaloki):** What reason do you have for that?

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, the document talks about companies and I need to know who are the directors of those companies. Who are the people behind the companies? Those are the real poachers. I do not want to know just the names.

**The Temporary Deputy Speaker (Prof. Kaloki):** Order! Mr. C. Kilonzo, you asked a Question and the Minister is prepared with an answer. He brought it to the Chamber. Is there anything that is not very clear?

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I am saying that some documents have been tabled. I need to look at them. Since there is no time now, I am requesting that the Question be deferred to next week on Tuesday.

**The Temporary Deputy Speaker (Prof. Kaloki):** Mr. Charles Kilonzo, I do not think that I need to defer the Question for you to study it. You had an opportunity to look at the documents.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I did not have an opportunity. The documents have just been laid on the Table. They will first get to you before I can have a look at them.

**The Temporary Deputy Speaker (Prof. Kaloki):** Mr. Minister, there is a request by the hon. Member that we give him time to study the documents that you provided.

Hon. C. Kilonzo, I think you are in order. You will get an opportunity to study the documents and interrogate the Minister. This Question will come back again next week on Tuesday.

*(Mr. Bahari stood up in his place)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Bahari, are you rising on the same matter?

**Mr. Bahari:** Mr. Temporary Deputy Speaker, Sir, yes, I am.

**The Temporary Deputy Speaker** (Prof. Kaloki): No. I have already ruled that the matter will come back again on Tuesday next week. So, you will wait and participate next week.

Dr. Wekesa, we have dealt with that. On Tuesday; we will provide hon. C. Kilonzo an opportunity to study the documents so as to interrogate you. I will defer the Question to Tuesday next week.

*(Question deferred)*

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I have no problem with that.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, we will now go back to Ordinary Questions Nos. 764 and 879.

## ORAL ANSWERS TO QUESTIONS

### *Question No.764*

#### STATUS OF DIRECT FOREIGN INVESTMENTS IN KENYA VIS-À-VIS OTHER EAC STATES

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

(a) the trend of Direct Foreign Investment (DFI) in Kenya compared to the rest of the East African Community member States; and,

(b) what measures the Ministry is taking to encourage more DFI.

I apologize for coming late.

**The Temporary Deputy Speaker** (Prof. Kaloki): Where is the Deputy Prime Minister and Minister for Finance?

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, the Ministry had requested, and we have consulted with the hon. Member, to be given more time to develop a comprehensive answer and the hon. Member has agreed.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Member, could the Ministry bring a comprehensive answer by next Wednesday?

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir that is possible, although the hon. Member had indicated that he would be away on official parliamentary business. However, we will be prepared with an answer.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Member, will you be away next Wednesday?

**Mr. Bahari:** Mr. Temporary Deputy Speaker, Sir, I am expected to be away up to 20th. We will be having a PAP Session from next week. Probably, we should push it to the other week after 20<sup>th</sup>.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Member, we will accommodate your request.

*(Question deferred)*

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, much obliged!

*Question No.879*

REPAIR OF ROAD NETWORK IN WEST KANO  
IRRIGATION SCHEME

**Mr. Outa** asked the Minister for Water and Irrigation:-

(a) whether she is aware that the road linking irrigation offices at Korowe/West Kano Irrigation Scheme and Nyamware Beach is seriously dilapidated, hindering irrigation work and services; and,

(b) why the Ministry has neglected the vital road over the years; and,

(c) when the Ministry plans to rehabilitate the road network.

This is the second time I am asking the Question.

**The Assistant Minister for Water and Irrigation** (Mr. Waititu): Mr. Temporary Deputy Speaker, Sir, I apologize for coming late.

However, I also seek your indulgence to give me more time up to next week on Wednesday, so that I can come up with an exhaustive answer.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Outa, I think that is fair enough. That way, you will get a comprehensive answer.

**Mr. Outa:** Mr. Temporary Deputy Speaker, Sir, I believe that next week, the Minister will come up with a concrete answer on this matter.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well! We will fix that matter for next week on Wednesday.

*(Question deferred)*

**POINTS OF ORDER**

DELAYED DELIVERY OF A MINISTERIAL STATEMENT

**Mr. Mbadi:** On a point of order, Temporary Deputy Speaker, Sir. There is a Statement which was supposed to be delivered to this House. I had sought the Statement from the Deputy Prime Minister and Minister for Finance. I have reliably been informed by Mr. Muriithi that the Statement will not be available today. However, I think it is procedural that he says so himself.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Mbadi, you should have let the Assistant Minister deal with it himself. Yours is to ask and wait for the Government side to respond.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy, Sir, we should be allowed to bring it on Tuesday. As you know, the Assistant Minister is indisposed. That is why we are asking for Tuesday.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well. I know that you are holding brief for that Ministry. Hon. Mbadi, are you in agreement that the Statement should be issued next Tuesday?

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, yes, I am in agreement. I only hope that next time, if the two Ministers will not be available, then it will be delegated to another Minister.

#### DELAYED STATEMENT ON ILLEGAL TAX COLLECTION FROM MENENGAI FOREST

**Mr. Kiuna:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I asked for a Ministerial Statement about two weeks ago from the Ministry of Forestry and Wildlife, regarding illegal tax collection from Menengai Forest. I was promised that it would be brought today. Since the Minister for Forestry and Wildlife is here, I do not know whether he will give the Statement.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is misleading the House. I have come with the Statement to this House on two separate occasions, but he has not been in the House. This is the only time I am seeing him in this House. Unfortunately, I did not carry the Statement. So, he will have to wait until next week because this afternoon, I will be going to see my doctor. I will not be available in the House. So, he has to wait until Tuesday. However, on two separate occasions, he has not been in the House.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well! Hon. Member, you will work with the Minister and a Statement will be brought to the House next week on Tuesday. Are you in agreement?

**Mr. Kiuna:** Mr. Temporary Deputy Speaker, Sir, that is okay. Thank you.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, prepare to come with a comprehensive answer next Tuesday.

Let us move on to next Order!

#### MOTIONS

##### WAIVER OF MORTUARY FEES

THAT, noting that according to the Kenya Integrated Household Budget Survey (KHBS) of 2005/6, it was estimated that 17.5 million people, or 46 per cent of the Kenyan population, live in absolute poverty and live on less than one dollar a day; aware that the Government has been unable to provide them with free medical facilities to ease their burden; conscious that many families have had bodies of their loved ones not



released for burial in various public and private morgues for lack of money to clear various fees and charges; mindful that every Kenyan family would wish to accord their departed a decent burial at a place of their choice; this House urges the government to waive mortuary fees in all public hospitals for bodies claimed within 21 days and those not claimed become a subject of disposal by the hospital authorities in accordance with the law.

*(Mr. Mbau on 27.4.2011)*

*(Resumption of debate interrupted on 27.4.2011)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Shakeel Shabir was contributing to this Motion when the business of the House was interrupted, but he is not here. So, let us have any other hon. Member who is willing to contribute to the Motion and then I will call upon the Mover to reply.

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion, which is extremely important for the nation. I would like to give certain facts to the House before we pass the Motion.

The fact at the moment is that we, in the Ministry, countrywide, if we leave out Kenyatta National Hospital (KNH) and Moi Teaching and Referral Hospital (MT&RH), collect Kshs44 million from mortuaries. Out of that sum, we waive an average of Kshs5 million for those who cannot pay and who deserve the waiver. We basically use the remaining Kshs39 million to pay for electricity bills in the mortuaries, because electricity is consumed in a very heavy way in mortuaries.

As hon. Members know, mortuaries are supposed to be kept cool. Where bodies are put in refrigerators or embalmed and put on tables, in case an open system is used, there is a very high cost of electricity, which mortuaries incur.

Secondly, there is the issue of maintenance and use of materials for preserving bodies as well as the uniforms and gloves that mortuary attendants use, including the cleaning substances that must be used to prevent the rotting of bodies and also to ensure that mortuaries are kept in healthy conditions.

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

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

Mr. Temporary Deputy Speaker, Sir, another factor that costs a lot of money in mortuaries is the cost of spare parts for, particularly, the cooling system. Quite often, because of overheating and fluctuations in the electricity supply, there is a very high replacement of spare parts of cooling systems in mortuaries. So, the Kshs39 million that is collected is specifically for keeping mortuaries going.

If you look at the mortuaries nationally, you will realise that most of them are in substandard conditions, because the Ministry does not have a lot of money to run them.

There are many hospitals at the moment, which still do not have mortuaries although they are district or sub-district hospitals. In my own constituency, Kombewa District Hospital does not have a mortuary. So, bodies have to be taken to Kisumu, which is quite a distance away. Quite often, the New Nyanza General Hospital Mortuary is over-subscribed with bodies.

Therefore, it means that the issue of having proper mortuaries in our hospitals is very urgent, and it requires resources. So, whereas I would definitely want to support this Motion, I would like the House to consider an amendment to it, which will make it much more realistic, from the point of view of the people of Kenya who are being helped and from the point of view of the Government, which would like to give good service to the people.

Mr. Temporary Deputy Speaker, Sir, therefore, I will be proposing that from the section of the Motion that says “this House urges the Government to waive mortuary fees in all public hospitals---” we delete the words “for bodies claimed within 21 days and those not claimed become a subject of disposal by the hospital authorities in accordance with the law” and replace them with “provided the hospitals are fully reimbursed their mortuary expenses by the Treasury”.

This is because, if we waive the mortuary fees, we will be telling hospitals that they will not have any money to run the facilities. If they do not have any money to run the facilities, the likelihood is that most Government hospitals will close down their mortuaries and request people to take the bodies of their beloved ones to private mortuaries, which will be much more expensive. So, to make it possible for the Ministry of Medical Services to respond to the request by the hon. Member, it would be important for us to amend the Motion and make sure that the hospitals are reimbursed their expenses, so that they will ensure that bodies are well maintained, in return for reimbursement to replace the fees that members of the public pay for their bodies, and so that the public can have facilities in which to preserve bodies of their loved.

**The Temporary Deputy Speaker** (Mr. Imanyara): Minister, just for the Chair’s understanding, are you moving an amendment to the Motion?

**The Minister for Medical Services** (Prof. Anyang’-Nyong’o): Mr. Temporary Deputy Speaker, Sir, I am, of course, moving an amendment to the Motion.

**The Temporary Deputy Speaker** (Mr. Imanyara): You need to hand over the amendment to the Clerk-at-the Table. You can then formally move the amendment and have it seconded.

**The Minister for Medical Services** (Prof. Anyang’-Nyong’o): Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, the Motion be amended by deleting the words “for bodies claimed within 21 days and those not claimed become a subject of disposal by the hospital authorities in accordance with the law” and replacing them with the words “provided the hospitals are reimbursed mortuary expenses by the Treasury”.

Mr. Temporary Deputy Speaker, Sir, that is the only way in which the hospitals will be able to run the mortuaries when Kenyans have the bodies of their loved ones kept there. If this Motion is implemented as it is, the likelihood will be that most hospitals will just close down their mortuaries, because they will not have money with which to run the facilities.

As I have explained to the House, the money relating to mortuary fees that we collect nationally, if we exclude KNH and MT&RH, which are parastatals, is Kshs44 million. Of this amount, we have been waiving Kshs5 million in general, remaining with Kshs39 million. The Kshs39 million hardly pays for the expenses that the mortuaries have to incur, and that is one of the reasons as to why our mortuaries are in some kind of substandard conditions.

Mr. Temporary Deputy Speaker, Sir, having moved that amendment, the most logical conclusion is to have a social health insurance system. Such an insurance scheme will pay for all those expenses, and Members of Parliament will not be compelled to bring Motions like this one to Parliament to deal with the issue bit by bit.

With those remarks, I beg to move the amendment.

**The Temporary Deputy Speaker** (Mr. Imanyara): Who is seconding you?

**The Minister for Medical Services** (Prof. Anyang' Nyong'o): I ask hon. C. Kilonzo to second me.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I wish to second the particular amendment seeking to compel the Treasury to reimburse the hospitals their mortuary expenses.

When we lose our loved ones, we have to know that the facilities where their bodies are preserved are well maintained. Therefore, it is only fair that the central Government, through the Treasury, does reimburse the hospitals the mortuary expenses they incur.

With those remarks, I beg to second the amendment.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, I would also like to support the amendment. As we recognise the fact that many Kenyans are poor, and that they cannot meet the cost of these facilities, it is only logical that the Government shoulders the burden. If we just leave it without clear guidelines that the fees need to be paid by the Treasury, the various public hospitals will not be able to run these facilities and, therefore, our measure will be counterproductive.

With those remarks, I beg to support the amendment.

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, I wish to support the amendment in full. We have seen, especially at the Coast Province, frequent breakdowns of mortuary systems due to lack of funding. If the Treasury is forced to pay all the bills, it will help a lot in the mortuaries. If after 21 days the Ministry finds unclaimed bodies of Muslims, the Supreme Council of Kenya Muslims (SUPKEM) and the Council of Imams and Preachers of Kenya (CIPK) should be informed, so that we can take the bodies and bury them according to our religion. We are willing to pay for all the expenses of those burials.

I wish to support.

**The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I also stand to support this amendment very aware that even the money that this House

allocates to the Ministry of Medical Services is not per the required percentage within the Millennium Development Goals (MDGs).

It is important that as we attempt to contain the motive of the Motion by hon. Mbau, the Ministry of Medical Services is fully supported financially so that it is not a one off service, but a continuous service to ensure that the anguish and pain that most Kenyans face when they lose a loved one are at least, in some small manner, compensated adequately by this provision that is being created. In any case, those who have lost those who they depend on are equal taxpayers. It is very important that the Treasury gives some money to enable the Ministry of Medical Services to offer these services to Kenyans who at this particular moment will be in anguish and pain.

With those remarks, I beg to support.

*(Question of the first part of the amendment,  
that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment,  
that the words to be inserted in place  
thereof be inserted, proposed)*

*(Question of the second part of the amendment,  
that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Temporary Deputy Speaker** (Mr. Imanyara): So, is there anybody who wants to contribute to the amended Motion?

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, let me also express my sincere thanks to the Mover of this Motion, hon. Mbau. He has brought the Motion at a critical time. In my view, it is also timely because the common mwanachi in this country cannot afford to pay some of the bills, particularly when they have lost their loved ones.

You will realize that the life expectancy of our people has gone down because the cost of living in this nation has gone beyond the expectation of our people. Therefore, this Motion is going to address some of those concerns. Inflation has worsened the situation. Funeral expenses have gone beyond the reach of the common man in this country. The cost of coffins, funeral expenses and the mortuary bills have become a nightmare to a majority of the people in this country. You will also note that there are even cartels which have started a very lucrative business of stealing coffins after the funerals. The rates in public mortuaries have increased and that is why bodies are not being collected. This Motion will address that concern. Even private morgues have raised their rates which is affecting the collection of bodies. At the Kenyatta National Hospital, where the management is doing very well under the current stewardship of the Minister, bodies are also not being collected because of the increased mortuary rates. This Motion will relieve *wananchi* in the entire country and bodies will be disposed of within the required time.

Finally, we have seen some communities cremating their dead. Some religious bodies in this country have also started adopting this practice. The cost of this practice is also very high. Therefore, it is important to fully support this Motion, so that we can reduce the current congestion in our private and public mortuaries.

With those remarks, I fully support the Motion.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I also wish to support the Motion. However, I have one concern. We know of cases where patients are referred to referral hospitals from upcountry like the KNH and other referral hospitals and in the event that a patient dies in the referral hospital, it becomes a very big burden to his family. The family has to meet the transport cost and even the mortuary fees. I am certain that this Motion is going to address this concern and reduce the burden on the families.

With those remarks, I support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mbau, I do not see anybody else wanting to contribute. So, you may reply.

**Mr. Mbau:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to reply to this Motion. I want to donate three minutes to Mr. James Maina Kamau.

**The Temporary Deputy Speaker** (Mr. Imanyara): Did he rise to catch the Speaker's eye?

**Mr. Mbau:** Yes, Mr. Temporary Deputy Speaker, Sir.

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, I thank hon. Mbau for giving me this chance because I have always wanted to contribute to this issue.

Mr. Temporary Deputy Speaker, Sir, in this country, as an hon. Member, the first thing you hear when you get to the constituency is about the people who are dead. Of course, we know that our people are quite poor and the economy has been doing badly. For example, in Central Province where for a long time, our constituents have depended on coffee, people have no money at all. So, there are fundraisings all the time. Of course, as a Member of Parliament, you are burdened everyday. If you go to an institution like Kenyatta National Hospital, you will find that they have stringent rules that a body cannot be released until you pay. At times I have been forced to go there personally to plead for my people. We even carry title deeds, but they are no longer accepted by this hospital. So, you have, first, to go through the process of speaking to the bosses but nothing happens. So, I would like to support this Motion because Kenyans are suffering. Of course, the rate of death is not like in the 1970s when it was low. The death rate these days is very high everywhere in the country. I do not know whether it is because of the population rise, but we have to face this problem head-on.

Mr. Temporary Deputy Speaker, Sir, this is one problem that the Government should help our people. Even if there are charges to be put in the bills, let them be as minimal as possible. I remember two months ago, there was a family which had about two bodies lying at the Kenyatta National Hospital. The money that was required to be raised was about Kshs28,000 and this was a lot for that family. They agreed to do a fundraising which raised about Kshs9,000. So, as the Member of Parliament for that area, I was forced to go back to my pocket and raise that money for them. Of course, you understand that if you raise money for that family, you will not be able to do so for all the families because there are very many people in the constituency.

**The Temporary Deputy Speaker** (Mr. Imanyara): Your three minutes are over!

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this Motion.

**Mr. Mbau:** Mr. Temporary Deputy Speaker, Sir, I want to express my sincere appreciation to all the hon. Members who have supported this very noble Motion of taking care of our departed friends, relatives and for being mindful of the fact that there is life after death. Indeed, as Christians, I believe those of us in Kenya know that we say that even after we are buried, there is life we expect to live. So, it is only fair that we are dispatched to that other world and escorted in a manner that is befitting and honourable to the lives that we lived here.

I brought this Motion knowing very well that only a few people are remembered after they have left this worldly life. Those few people are the ones who occupy positions of authority and responsibility or were known. Millions of many others beyond this life are never remembered. It, therefore, behooves leaders and those that value humanity for its sake to think and accord those that depart this honourable send-off.

Mr. Temporary Deputy Speaker, Sir, I also want to thank the Minister for Medical Services for agreeing with the spirit as well as the letter of this Motion. I note with appreciation that the Minister does agree that to the extent that his Ministry, which oversees the health sector; to the extent that he has resources provided by the Government and the facilities he oversees, to take care of the costs incurred in mortuaries, in way of electricity, casual workers and other charges and fees, he is in concurrence and also supports this Motion.

I want to thank all the 12 hon. Members who have supported this Motion. They are Mr. Chanzu, Mr. Mureithi (Ol Kalau), Mr. Affey, Mrs. Odhiambo-Mabona, Eng. Maina, Mr. Shakeel, Mr. Njuguna, Mr. Yakub, Mr. Letimalo, Mr. James Maina Kamau (Kandara), Mr. C. Kilonzo and Mr. Kenneth. I want to thank them very sincerely, for I believe that they have supported this Motion because they are in touch with their constituents and they know what they go through, especially when this happens. We must also, as a Parliament, continue to appeal to Treasury and the Government to ensure that the pursuit of the Millennium Development Goals also require that 15 per cent of the national Budget should be appropriated to the health sector or actually be executed. If you look at the current allocation, according to the Budget Policy Statement, you will find that we have only 7 per cent that is targeted to go to this sector. This is not even half of what is recommended by the world body so that we can also, as a country, continue to move with speed towards the achievement of the 15 per cent that should eventually be able to move this country and its health sector towards a sector that is able to achieve the milestones as is envisaged.

Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Members, but I must say that time is of the essence. I had indicated in the Motion before it was slightly amended, and this amendment is in order--- This amendment specifically appeals to the Treasury. If you look at the Motion in its entirety, you will find that it was urging the Government to waive mortuary fees. To me, in moving the Motion, the Government encompasses the Treasury. What the Minister has essentially done is to isolate the Treasury as the funding department and make it the one liable for ensuring that monies are put in for this item. So, time is of the essence. We need to know, move and appeal even to Members of the Implementation Committee, that immediately this Motion passes we need to see it implemented.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I want to say this Motion should sail.

I beg to move.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, noting that according to the Kenya Integrated Household Budge Survey (KHBS) of 2005/6, it was estimated that 17.5 million people, or per cent of the Kenyan population, live in absolute poverty and live on less than one dollar a day; aware that the Government has been unable to provide them with free medical facilities to ease their burden; conscious that many families have had bodies of their loved ones not released for burial in various public and private morgues for lack of money to clear various fees and charges; mindful that every Kenyan family would wish to accord their departed a decent burial at a place of their choice; this House urges the government to waive mortuary fees in all public hospitals provided the hospitals are reimbursed mortuary expenses by the Treasury.

#### ESTABLISHMENT OF SELECT COMMITTEE ON COST OF LIVING

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, noting with deep concern the sharp rise in inflation and the cost of living that is devastating the livelihoods of millions of Kenyans and posing a threat to national stability; realizing that this challenge indeed is broad and cuts across a multiplicity of sectors and therefore requires multi-pronged remedial measures; appreciating the stated willingness of government to consider proposals for lasting solutions to this challenge; cognizant of the urgency to have a solution to these economic challenges; this House resolves to establish a Select Committee to be known as “The Parliamentary Select Committee on Cost of living” to enquire into the factors fueling the sharp rise in inflation and the cost of living in the country and table in Parliament within thirty days a comprehensive report with substantive recommendations on both immediate and long-term remedial measures; and that the said Committee comprise the following:-

1. Hon. Ababu Namwamba, M.P.
2. Hon. Martha Karua, M.P.
3. Hon. Elias Mbau, M.P.
4. Hon. Rachel Shebesh, M.P.
5. Hon. Shakila Abdalla, M.P.
6. Hon. Charles Kilonzo, M.P.
7. Hon. John Mbadi, M.P.

8. Hon. (Dr.) Eseli Simiyu, M.P.
9. Hon. (Dr.) Joyce Laboso, M.P.
10. Hon. Nkoidilla Ole Lankas, M.P.
11. Hon. Mohamed Gabow, M.P.

Mr. Temporary Deputy Speaker, Sir, let me from the outset say that what this Motion seeks is to establish a platform for structured engagement between this House and the Government of the Republic of Kenya to seek lasting solutions to what easily ranks today as the number one concern to the people of this country.

Mr. Temporary Deputy Speaker, Sir, a survey conducted by a local polling firm found that the one concern that is number one on the minds of the people of this country is the cost of living; the cost of transport, the cost of travel, the cost of basic essential commodities like maize-meal, sugar, milk and rice. This is a concern which both this House and the Government have a solemn duty to find ways of addressing.

Mr. Temporary Deputy Speaker, Sir, I want to applaud measures that the Government has taken in a bid to redress this concern---

### QUORUM

**Mr. Njuguna:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This being a very important Motion affecting the entire nation, I am concerned about the Quorum in this House.

**The Temporary Deputy Speaker** (Mr. Imanyara): No, we do not have quorum. We have no option, but to ring the Division Bell to see whether we can raise the Quorum.

*(The Division Bell was rung)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Hon. Members, it is clear we are not going to get a quorum. Therefore, the business of the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 11.12 a.m.