

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 30th March, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

HARASSMENT OF ALLIED WORKERS UNION LEADERS BY POLICE

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

(a) Why did the police manhandle the leaders of the Electrical and Allied Workers Union who were exercising their constitutional rights outside the premises of Kenya Power and Lighting Co. Ltd. in Kisumu on 14th March, 2011?

(b) Why did the police arrest the Secretary-General and the Assistant Secretary-General of the union and with what offence, if at all, have they been charged?

(c) What steps is the Ministry taking to address the grievances of the workers, especially pertaining to the illegal employment of professionally qualified technical staff on casual basis and at gross underpayment for up to 15 years?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, this Question is by Private Notice. I have got the answer just now, and I need to go through it. Please give me an hour or so.

Mr. Deputy Speaker: Fair enough. We will come back to it. Ordinary Questions! Dr. Nuh!

ORAL ANSWERS TO QUESTIONS

Question No. 534

NUMBER OF YOUTHS UNDER KKV PROGRAMME IN BURA CONSTITUENCY

Dr. Nuh asked the Minister for Youth Affairs and Sports:-

(a) whether he could provide a list of names of youths who worked under the Ministry's *Kazi Kwa Vijana* Programme in June and July 2010 in Bura Constituency, indicating the location of work, number of days worked by each person and amount of money owed to each one of them;

(b) if he is aware that the said youths have not been paid their Dues; and,

(c) what occasioned the delay in payment and when they will be paid.

Mr. Deputy Speaker: Mr. Munyes is not here? Next Question by Mr. Kioni!

Question No.584

STATUS OF KIAMBU-GARDEN ESTATE-MUTHAIGA ROAD

Mr. Deputy Speaker: Mr. Kioni is not here? We will come back to his question. Next Question by Mr. Kabogo!

Question No.625

DELAY IN ISSUANCE OF TITLE DEEDS
FOR LR NO.4953/2011

Mr. Kabogo asked the Minister for Lands:-

(a) why 41 of the 65 title deeds for land LR NO. 4953/2011, belonging to Matewa Agencies Company Limited in Thika have not been issued since September 2004, yet the official requirements were met;

(b) whether he is aware that Allotment Letters and Deed Plans for all the 65 plots were issued and Demand Notes are being sent yearly, including for the 41 titles which are yet to be issued; and,

(c) when the 41 title deeds will be issued to the company.

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

I have had opportunity to see the documents the hon. Member has in respect of land rent that is due and that has been paid. I am, therefore, going to direct that the title deeds be issued with immediate effect.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I appreciate the Minister's assertion that titles be issued if we produce the documents that I actually have. I would want to table those documents. However, it is unfortunate that it is only after a Question like this one is asked in Parliament that titles are going to be issued. You will see that from 2006, people paid all their dues and titles were issued in piecemeal. What is it that the Ministry is going to do to make sure that when Kenyans do what is required of them to do, the Ministry issues title deeds forthwith? I table the documents.

(Mr. Kabogo laid the documents on the tabled)

The Minister for Lands (Mr. Orengo): Mr. Deputy Speaker, Sir, we are in the process of computerizing our records; in fact, for the Nairobi Registry, if you want to know the rent due and payable, you can do it using your mobile phone. However, in respect of the registries that are outside Nairobi, the process of computerization has not been possible because of lack of funds. However, until and unless we get rid of human intervention--- As I have said before, even making inquiries as to file and the like have been difficult and is subject to a lot of bureaucracy. So, the answer really is computerization, because this is information that should be available without somebody

visiting the lands office. These records do not relate to the Nairobi Registry, which has been computerized. However, of course, I oblige to the hon. Member of Parliament for coming up with records which show very clearly that payments were made some time ago. The fact that the titles have not been issued is a matter which I do not want to labour; I simply want to say it should have been done a long time ago.

Mr. Deputy Speaker: Mr. Kabogo, I hope you are satisfied?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I am satisfied.

Mr. Deputy Speaker: Next Question by Mr. James Kamau Maina.

Question No.717

ISSUANCE OF WORK PERMITS TO FOREIGNERS

Mr. Deputy Speaker: Mr. James Kamau Maina is not here? We will come back to his Question. Next Question by Mr. Mbadi.

Question No.748

LIST OF SENIOR CITIZENS IN GWASSI CONSTITUENCY

Mr. Deputy Speaker: Mr. Mbadi is not here? We will come back to his Question. Next Question by Dr. Monda.

Question No.749

SETTING UP OF INDUSTRIES IN KISII COUNTY

Mr. Deputy Speaker: Dr. Monda is not here? We will come back to his question. Next Question by Mr. Anyanga!

Question No.751

WATER HYACINTH MENACE IN NYATIKE DISTRICT

Mr. Anyanga asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware of the proliferation of “water hyacinth” and other vegetation that has encroached on the entire shores of Lake Victoria in Nyatike District, thereby blocking all beaches; and,

(b) what the Government is doing to ensure that the shores at Nyatike, as well as all other areas affected by the weeds and vegetation, are cleared in view of the limited access to the lake by the fishermen caused by the weeds.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Deputy Speaker, Sir, I want to seek your indulgence on this. I have a prepared answer but we have noticed that there are a few things that need to be included.

I have since consulted with hon. Anyanga, and we have agreed that we defer it to Tuesday if you so agree, so that we include what is missing.

Mr. Anyanga: Mr. Deputy Speaker, Sir that is the position. We talked at length and agreed that it comes up on Tuesday as Madam Assistant Minister has said.

Mr. Outa: On a point of order, Mr. Deputy Speaker, Sir. I truly believe that my good friend, the Assistant Minister will come up with a very detailed answer on Tuesday. Lake Victoria is suffering as we speak now. The water hyacinth has really choked the Lake and the business has come to a standstill. The poor fish-mongers cannot get what is entitled to them in terms of fishing in Lake Victoria. The Assistant Minister should give us an answer on Tuesday, next week. We understand that money has already been given for the purpose of removing the water hyacinth. Could she bring that budget on Tuesday?

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. If you look at the Questions directed to the Minister for Labour, the Minister for Lands and now the Minister for Environment and Mineral Resources who is my very good friend, you will realise that there is a crisis on the side of the Government. They seem to be coming ill-prepared and asking for more time in order to answer the Questions. If it was a Question by Private Notice, I could understand but Question No.751 is an ordinary Question which means that there was sufficient time for the Government to get the necessary answer. Is the Chair satisfied that this is good use of the time of the House?

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Deputy Speaker, Sir, I said that I have a prepared answer but when we discussed this with the hon. Member, we found that he needs a more detailed answer than we have provided. So, I do not want to come to the House twice to answer the Question because I think he will still require that we do a little bit more. If you look at this Question, you will find that there is another Question which was asking more or less the same thing. As a Ministry, we understand the concerns of the region and it is better to address the matter wholesomely so that the House can be seized of exactly what we plan to do in the lake.

The Minister for Immigration and Registration of Persons (Mr. Kajwang): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member who spoke earlier misinformed the House because he referred to the Minister for Lands as having not given an answer and yet I am sure he was late. This is because the Minister for Lands gave an exhaustive and acceptable answer. To say that we are not ready to do our job is to miss the point. I am wondering why Question No.717 has been skipped when I am ready and willing to answer it.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. The Minister has said that when the Minister for Lands, Mr. Orenge, was giving his answer I was not in the House. I was here to receive you when you entered and we prayed together. I have been part and parcel of the proceedings of this House. Who is misleading the House? Is it the hon. Member for Turkana Central or the hon. Member for Mbita?

The Minister for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, the hon. Member for Turkana Central may have received the Deputy Speaker and may have participated in the prayer but I do not know what happened after that because he did not seem to listen to the proceedings in the House.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is this Minister who is---

Mr. Deputy Speaker: Order! Whereas I will not say that this morning was that exceptional, it is common knowledge that quite often, Ministers come here and say that they do not have a satisfactory answer and they want to go back. It defeats logic whether the Ministers only exercise their Ministerial authority when they come to the House and are given answers by the civil servants. Ideally, Ministers are supposed to go through the answers in their offices, see the gaps and correct them before they come to this House.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! I have said that this morning is probably an exception. I do understand that the Assistant Minister for Environment and Mineral Resources came with a prepared answer, but the hon. Member asked for additional and deeper information. That is why I said that this is not probably the case but it has been the practice of the House, and not necessarily this morning, that oftentimes, Ministers come to this House and say that they have an answer but they are not happy with it. You should be happy with the answer because you should go through it before you come to the Chambers!

Let us move on to the next Question!

The Assistant Minister for Co-operatives Development (Mrs. Kilimo): On a point of order, Mr. Deputy Speaker, Sir. I think you should bash both sides of the House. Look at all these Questions. There were no hon. Members to ask them.

Mr. Deputy Speaker: Indeed you are very right. There are punitive measures and sanctions in the second round. If hon. Members are not there to ask the Questions, and this is done these days in full view of the Kenyan public, the Questions will be dropped. When your Question is dropped, that tells a lot to your constituency if you are not out of this House on a reason that is essentially known by the Clerk's Department. But nonetheless, I am not talking about this morning. I know you came with a good answer and the Minister for Lands also answered his Question very appropriately but we have also had instances many times in the past when Ministers come here and say that they have the answer but they are not happy with it. Why should you not be happy with the answer? You should look at the answer when you are in your office and not when you are in the Chamber.

Let us move on to the next Question!

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! On Question No.782, Mr. Jamleck Kamau Irungu is not with us today. He has, indeed, communicated the same to the Chair. So, this Question is deferred to Tuesday, next week.

Question No.782

FUNCTIONS OF NCW&S AND AWSB

(Question deferred)

QUESTION BY PRIVATE NOTICE

HARASSMENT OF ALLIED WORKERS UNION LEADERS BY POLICE

Mr. Olago: Mr. Deputy Speaker, Sir, for the second time, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Why did the police manhandle the leaders of the Electrical and Allied Workers Union, who were exercising their constitutional rights outside the premises of Kenya Power and Lighting Co. Ltd. in Kisumu on 14th March, 2011?

(b) Why did the police arrest the Secretary General and the Assistant Secretary-General of the union and with what offence, if at all, have they been charged?

(c) What steps is the Ministry taking to address the grievances of the workers, especially pertaining to the illegal employment of professionally qualified technical staff on casual basis and at gross underpayment for up to 15 years?

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

(a) I am not aware that the union leaders were manhandled but I am aware that the meeting of the Kenya Power and Lighting Company Limited (KPLC) workers outside the company premises was disbursed by police after it threatened to turn violent.

(b) I am not aware of the arrests but I wish to confirm to this House that no official of the Electrical and Allied Workers Union was victimized for exercising their constitutional rights. Indeed, one of the conditions of the return-to-work formula agreed upon between the workers' union and the KPLC was that there will be no victimization of any employee based on the industrial action.

(c) My Ministry took steps on 14th March, 2011 after a letter was received reporting a dispute and giving a strike notice.

Mr. Deputy Speaker, Sir, a return-to-work formula was reached between the management and the employees and a reconciliation process started, in which case the parties agreed on how to handle all the grievances. Reconciliation is still going on and I know the issue will be finalized very soon.

Mr. Olago: Mr. Deputy Speaker, Sir, I am surprised that the hon. Minister has said that the union leaders were not harassed or arrested when clearly, Mr. Okulo, the Secretary general and his assistant were arrested in the glaring view of the television cameras and reporters. For the benefit of the hon. Assistant Minister, may I quote Clause 41 of the Constitution, Sub-clause 2, which states:-

“Every worker has the right-

(c) to form, join or participate in the activities and programmes of a trade union; and

(d) to go on strike.”

The workers were exercising this right. Under those circumstances, could the Assistant Minister confirm to the House that the complaint in part “c” of my Question is being addressed?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, indeed, when the workers threatened to turn violent, the police had to zero in on their leaders and take them for interrogation on exactly what their grievances were. So, it was not a bad arrest. It was just to find out their grievances.

Mr. Sirma: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House? His initial answer said, “I am not aware that they

were arrested". Now, he is confirming that they had to zero in on their leaders, so that the workers could calm down. Could he apologize for misleading the House in the first statement he made?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, it might be that I used a rather hostile word. The police took these people along with them. It was not an arrest as such.

(Laughter)

In fact, they just accompanied the police to the police station. It was not a real arrest. However---

Mr. Deputy Speaker: What do you call it when the police take you somewhere, except on your request when you are seeking protection of a policeman? That is a different thing from being told by a policeman to come along.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, you know this strike was going to paralyze almost the whole country. It was necessary that the leaders give the police the necessary information so that they could handle the issue amicably.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that the leaders, Mr. Okulo and Mr. Koli, were arrested, "not in a bad way" to use his words, when clearly the television footage showed Mr. Okulo being literally dragged on the tarmac into a police Land Cruiser?

Mr. Deputy Speaker: Make sure you want to proceed with this answer.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, you know nowadays technology is funny. It can turn somebody who is just seated to look like he is being dragged. So we cannot believe what Mr. Olago is saying.

Mr. Deputy Speaker, Sir, what I am saying is that ---

Mr. Outa: On a point of order, Mr. Deputy Speaker, Sir. We are in a new dispensation, and the Assistant Minister knows that Mr. Okulo, the Secretary-General, is a human being. It was publicly seen that Mr. Okulo was dragged like a horse by the policemen; he was arrested on that day. Is the Assistant Minister in order to deny the facts that are in the public domain in Kisumu and Kenya at large?

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Mr. Outa says that Mr. Okulo was dragged like a horse. To my knowledge, and as a veterinary doctor, horses are not dragged because they are animals. Can the Member withdraw and apologize? That is cruel treatment of animals.

Mr. Deputy Speaker: Mr. Outa, are you sure you are not talking about driving a horse and not dragging a horse?

Mr. Outa: Mr. Deputy Speaker, Sir, Dr. Nuh is a good friend of mine. I want to tell him that horses have power to drag. They normally have something like a cart that they normally pull. In this instance, I can equate the policemen who were dragging Mr. Okulo to horses which reined on him and never considered that he was not a log, or other load, but a human being. It was in the public domain. Could you please, be able to clear yourself, Assistant Minister?

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

Mr. Deputy Speaker: The Assistant Minister is responding to a point of order!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I want to add something.

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

Mr. Ethuro: Mr. Deputy Speaker, Sir, I think the Assistant Minister is not taking this matter seriously. Mr. Olago has quoted the Constitution; it is Chapter Four, the Bill of Rights, Part (II) – Rights and Fundamental Freedoms of Kenyans that were violated. Even if you were to believe his story about coming along, what business does the police have in addressing the grievances of the people? Their business is to maintain law and order. Is he in order to persistently mislead this House? Own up Assistant Minister and proceed!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I do not know what is wrong with the Member for Turkana Central today, because he seems to be missing issues. I said that when the workers threatened to turn violent the police moved in and just singled out a few of their leaders.

Mr. Deputy Speaker, Sir, all the same; the issues the Member for Kisumu Town West raised are being addressed. In a letter from the Ministry of Labour dated 14th March, which I can avail to him, there are seven issues that are being addressed, namely;

(i) implementation of the joint committees to oversee allocation of jobs to contractors;

(ii) the non-implementation of outstanding promotions for long serving employees; those with three years and more in the same job grades;

(iii) non-payment of subsistence allowance to day workers taken out of principal stations;

(iv) refusal to effect check-off on day workers who are members of the union;

(v) non-conversion of long serving day workers casuals into permanent terms as provided for under the labour laws;

(vi) deliberate delay by the management to conclude the 2011/2012 collective bargaining agreement negotiations;

(vii) the non-cooperation of the Chief Manager, Human Resource and the Administration Officer whose responsibility is to address the employees' issues. Instead he has been interfering with the leadership of the union by supporting factions.

So, all these issues are being addressed by the conciliator whom the Ministry appointed.

Mr. Imanyara: Mr. Deputy Speaker, Sir, the Assistant Minister is confirming that, indeed, there were grounds upon which these people were demonstrating. Given that the right to demonstrate is a fundamental right for which we have fought so hard, it is unfortunate that those who did not feel the full weight of police action in the period leading to this new dispensation, like the Assistant Minister, do not seem to appreciate it. Now that you have confirmed the issues they were demonstrating against are being addressed, could you also have the humility to publicly apologize to them for the conduct of the police officers?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, this was not the first time the employees of the Kenya Power and Lighting Company (KPLC) Ltd. were striking. They went on strike in Mombasa for a week and nobody attacked them---

Mr. Imanyara: Mr. Deputy Speaker, Sir, I am not going for the history. I am merely asking, now that he is confirming that the issues were genuine, could he now have the humility to publicly apologize to these people for the conduct of the police officers?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I was just trying to give the history. The KPLC Ltd. workers in Mombasa went on strike for almost a week, and the police did not move in. The ones in Kisumu immediately started the strike and threatened to turn violent. That is why the police came in to maintain law and order. We know the Constitutional provision that they are supposed to strike, but they should not also threaten the lives of others and property. They should do it peacefully and in a civilized way.

Mr. Deputy Speaker: Last supplementary question on the same, Mr. Olago. Assistant Minister, can you table the documents?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I want to table the following:-

(i) the letter by the Kenya Electrical Trades and Allied Workers Union, trying to register their dispute with the Minister for Labour;

(ii) the letter from the Ministry of Labour which registered the dispute and the issues;

(iii) a letter from the Ministry of Labour dated 14th March indicating the progress of the reconciliation;

(iv) the return-to-work formula signed by the Kenya Electrical Trades and Allied Workers Union and their employer, the KPLC Ltd.

(v) the agreement between the two parties.

(Mr. Ojaamong laid the documents on the Table)

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I think the hon. Member is repeating himself and our Standing Orders do not allow it. I had said that the conciliator is looking into that issue and very soon, we shall be coming up with a solution.

ORAL ANSWERS TO QUESTIONS

Question No.534

NUMBER OF YOUTHS UNDER KKV PROGRAMME IN BURA CONSTITUENCY

Dr. Nuh asked the Minister for Youth Affairs and Sports:-

(a) if he could provide a list of names of youths who worked under the Ministry's *Kazi Kwa Vijana* Programme in June and July 2010 in Bura Constituency, indicating the location of work, number of days worked by each person and amount of money owed to each one of them;

(b) whether he is aware that the said youths have not been paid their dues; and,

(c) what has occasioned the delay in payment and when they will be paid.

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Deputy Speaker, Sir, I beg to reply.

You are aware that this Question was asked previously and I did promise the House that I would bring further information.

Mr. Deputy Speaker: Mr. Minister, the tradition of the House is that when you come late, before you answer the Question, you first and foremost apologize to the House!

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Deputy Speaker, Sir, I apologize unreservedly over that oversight.

I beg to reply.

Indeed, this Question was answered previously by my colleague hon. Ndeti and further information as sought. Last week, I tabled further information of the signatories of the youth that were paid during the *Kazi Kwa Vijana* Programme.

Mr. Deputy Speaker, Sir, during the process of tabling those documents, further information came up and I shared this with the hon. Member; that a whole location, Bangale Location, the youth who were supposed to have been paid, there were variances between the signatures of the recipients. We instituted investigations and the Youth Officer in that area was removed to be able to facilitate that further investigation. As we stand now, we are trying to verify why there are discrepancies in these signatures and of course, this borders on something that is of criminal nature. We have involved the police in this and the officer has been removed. Once the investigations are concluded, the necessary action will be taken to ensure that the youth are paid for their money and serious action is taken against the Youth Officer, if indeed, it comes out that the signatures were forged.

Dr. Nuh: Mr. Deputy Speaker, Sir, just as the Minister has confirmed, when the list of the recipients of the money was tabled in this House, I instituted my own local investigations and sent a copy to the location for the youths who were purportedly paid to provide us with their valid signatures. I wish to table the valid signatures which vary.

On all the individuals whose names were tabled by the Minister, the signatures vary. It seems like the Youth Officer “cooked” the signatures. I wish to table the valid signatures of the youth.

(Dr. Nuh laid the document on the Table)

Mr. Deputy Speaker, Sir, secondly, the list includes 11 persons who did not even work. It excludes 11 genuine ones who worked. I wish to also table the variance in the names; the 11 genuine ones who worked and who were not included in the list submitted by the Youth Officer to the Ministry. I hereby table it.

(Dr. Nuh laid the document on the Table)

It seems the Ministry does not respond to investigative issues and just takes blindly whatever is submitted by youth officers. We would really want to know from the Minister how widespread this issue is. More importantly, I want to get a confirmation from the Minister when the youth of Bangale Location will be paid because the monies were “eaten” by officers from his Ministry while the genuine Kenyans who worked for the *Kazi Kwa Vijana* Programme were not paid. They are still hungry. I wish to get a confirmation from the Minister when these youth will be paid; a tentative date.

Dr. Otuoma: Mr. Deputy Speaker, Sir, I have said that when this information came to my attention, the Youth Officer was removed to facilitate for investigations. Of

course the police are doing the investigations. Once this is through, the necessary steps are going to be taken to ensure that the youth who worked receive their money and those who were fraudulently paid without working, that money is recovered from them.

I want to say that on this issue of *Kazi Kwa Vijana* Programme, we have tried to streamline it. We know that this was part of the Economic Stimulus Programme to try and create jobs for the youth and various Ministries were involved in these activities. Indeed, my Ministry was involved in tree planting as part of the component and I have come in and said that in future, I do not want this mode of payment. Payments should be made through financial institutions in whatever form that it can be done so that we avoid these kinds of issues. This was a widespread problem in some areas and we have tried to correct it.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, there have been some conflicting signals from Government; one from the office of the Prime Minister that there would be funds from the World Bank that will be used in this project, then from the Treasury that they intend to terminate the *Kazi Kwa Vijana* Programme and no funds will be set aside in this year's Budget for the continuation of this initiative. Could the Minister confirm whether we will have this *Kazi Kwa Vijana* initiative going on or it will be terminated? If it will be going on, and there would be funds from the World Bank or other donors, how much are we expecting and how will these funds be utilized so that they are not misused like the last batch?

Dr. Otuoma: Mr. Deputy Speaker, Sir, that is a completely different Question.

Mr. Deputy Speaker: Indeed, yes. That is a policy matter.

Dr. Otuoma: Thank you.

Mr. Deputy Speaker: This is the moment the Chair would wish to be on the other side to participate in this debate. Nonetheless, because the Chair is restricted by the rules of the House and the traditions, there seems to be a criminal issue here. Could you give an undertaking on how soon you expect this to be concluded and maybe come back to the House to report the actions you have taken? It is not just in that constituency the hon. Minister, the issue of the Youth Enterprise Development Fund is a matter that I think touches every hon. Member in this House.

Dr. Otuoma: Mr. Deputy Speaker, Sir, you have said that you would have wished to be on the other side of the House. The Youth Enterprise Development Fund is a different thing from *Kazi Kwa Vijana* Programme. As I said, when I took over this issue, I looked at the widespread problem in terms of the way we were executing the programme and I have instituted measures to change this. One of the obvious measures and I have already said, is that people should not be paid in this form; money should be paid to the accounts, so that the idea of saying that you want to share in these revenues before you get a job is not there. In most other countries where we have got these kind of programmes, there is a very clear way on how to implement it, the financial institutions that are involved, the various related Ministries; the way they are co-ordinated, and that is what I am working towards implementing in order to correct this problem. As to whether we are continuing with this programme, I know that we are going to be launching the Phase II of this *Kazi Kwa Vijana* Programme on 4th April, and I want to assure this House that as we launch that second phase, we are going to put in safeguards to avoid the problems that we experienced with this first phase.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I just wanted to assure you that you do not need to be on this side. We will effectively represent your issues.

After confirming that there is a problem here, I would like the Minister to supply to all of us these payment schedules so that we can verify certain issues? Even the youth in Turkana have the same problems and I am sure all over the place. If you can supply us with these payment schedules, then we can assist you. When you have a good Government programme like this one being frustrated by Government officers, this Government must crack the whip so that the good intentions of Government are realized and not wasted.

Mr. Deputy Speaker, Sir, in the case of Turkana, the provincial and the national youth officers come from the same area. Maybe, the Minister should also look into that.

Dr. Otuoma: Mr. Deputy Speaker, Sir, in, indeed, I had said earlier on that when I looked at the way we were implementing the programme, I saw that there were some weaknesses and I have already taken measures to address those weaknesses. So, let us not be very much afraid because some of the problems that we experienced initially – and this happens – when you start paying people money over the counter, a lot of vested interests arise. This is when you realise what the hon. Member has said that there are even people whose names appear on the payment schedule and yet they never worked at all. There are also cases where signatures have just been forged because we are paying money over the counter. However, this is not a programme of hit and run. It is a programme where we are saying that we know these youths, we want to track them down, we want them to be involved in youth groups and we want them to be involved in youth funds. The best way to pay them is to ensure that they have some account, either as a group - the way we are paying them through these kind of groups--- The money should be paid through the financial institutions and there will be a track record to see where you worked. After working, the document is taken to the financial institution which, at that time, will not be the Government to facilitate. Now, if you get a youth officer trying to do the job of an accountant, you will have these problems because they have no ability to perform those duties. As a Ministry, we have already taken action. We have already become proactive in making sure that, that does not happen.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Yes, Mr. Koech?

Mr. Koech: Mr. Deputy Speaker, Sir, this is a very serious issue and the Minister has been asked whether he could avail the schedules to area Members of Parliament.

(Applause)

In my case, Kshs1.2 million was purported to have been used to plant only 50 seedlings and when I complained, what happened? The officer was transferred to pave way for investigations. Is the Minister in order to avoid confirming that he can avail the list to area Members of Parliament so that it is not only this officer who will be punished, but all those within the country who made the mistake?

Dr. Otuoma: Mr. Deputy Speaker, Sir, I am sure these are Government records and I will avail them.

Mr. Imanyara: Mr. Deputy Speaker, Sir, it will be very unfortunate if, indeed, we go to the second phase of this project without an independent audit of all the funds that have been expended during the first phase. Like the other hon. Members who have spoken, I would like to tell the Minister that even in Central Imenti Constituency which I represent, I have complained and written letters regarding the management of these funds. Could the Minister assure this House that he will appoint an independent audit firm to carry out an investigation into how those funds were expended and table that report in this House?

(Applause)

Dr. Otuoma: Mr. Deputy Speaker, Sir, those are some of the corrective measures that we are taking and I want to reassure this House that audits are part and parcel when you receive public funds. We will undertake that to make sure that there are properly audited reports on all the programmes. That is the only way we can be sure that we achieve what we envisage to achieve through *Kazi Kwa Vijana* Programme.

Mr. Deputy Speaker: Ask the last supplementary question on the same, Dr. Nuh!

Dr. Nuh: Mr. Deputy Speaker, Sir, it is even good that the Minister confirms that--

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Mr. Anyanga: On a point of order, Mr. Deputy Speaker, Sir. There is a lost and found bag here and I am afraid I do not know what it carries.

Mr. Deputy Speaker: That definitely, is a bag that belongs to one of the lady hon. Members.

An hon. Member: Who?

Mr. Deputy Speaker: Order! Under the new Standing Orders---

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I actually left somebody looking after it.

Mr. Deputy Speaker: And who is that?

The Minister for Water and Irrigation (Mrs. Ngilu): He seems to have left it.

(Laughter)

But I think it is mine, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough! Fair enough! Under the current Standing Orders, lady hon. Members are allowed to come into the Chamber with their hand bags. We do not have to worry.

Yes, Dr. Nuh!

Dr. Nuh: Mr. Deputy Speaker, Sir, I just wanted---

(Loud consultations)

Mr. Deputy Speaker: Order! Order!

Dr. Nuh: Mr. Deputy Speaker, Sir, it is a positive move since the Minister has confirmed that there are weaknesses that have bedeviled the *Kazi kwa Vijana* funds not only in his Ministry but also in other Ministries.

I know that even in the Deputy Speaker's constituency, Lagdera, about Kshs7.5 million which were purportedly geared towards *Kazi kwa Vijana* Programme, not a single

cent has been paid to the youth. Maybe, the records to the effect that the money was paid to the youth for a job well done are with the Minister.

Mr. Deputy Speaker, Sir, but more importantly when the Minister tabled the answer, he acknowledged that there are a number of days for which the youth were not paid and a number of youth who were not paid and the money was sent back to the Treasury because of laxity by the youth officer to pay in time. The Minister has undertaken that the money will be paid. Could he again confirm to us that the money which was returned to the Treasury will be sent back in order for the youth who have not been paid to be paid, maybe by April?

Dr. Otuoma: Mr. Deputy Speaker, Sir, indeed, we undertook to pay those youth who had worked and were not paid within this quarter before we close this financial year. Funds have been provided for that.

Mr. Deputy Speaker: Fair enough!

Let us move on to Question No. 717 by Mr. Maina Kamau!

Question No.717

ISSUANCE OF WORK PERMITS TO FOREIGNERS

Mr. Deputy Speaker: Order, hon. Members! Let us move on to Question No.584 by Mr. Jeremiah Kioni.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, maybe, you dropped that Question. I did not quite hear your ruling.

Mr. Deputy Speaker: Question No.584 by Mr. Jeremiah Kioni!

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, I am asking about Question No.717.

Mr. Deputy Speaker: Order!

Question No.584 by Mr. Jeremiah Kioni!

Question No.584

STATUS OF KIAMBU-GARDEN ESTATE-MUTHAIGA ROAD

Mr. Deputy Speaker: Question dropped!

(Question dropped)

The Assistant Minister for Roads (Mr. Kinyanjui): On a point of order, Mr. Deputy Speaker, Sir. I seek that you make a very clear and final ruling on this matter because you know the Standing Orders--- Actually, the Order Paper is available online almost a day before we come to this House. It is expected that if a Member is not available, that he or she would inform the Chair and that we would equally be informed.

Mr. Deputy Speaker, Sir, this Question is very important to the people of Thika Road and Garden Estate but we cannot proceed with it because of the hon. Member not being in the House. Therefore, I seek your indulgence on this matter.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The rules of the House will be applied without any fear or favour. The House does appreciate sometimes certain Questions concerning the country cannot be asked in the absence of the Questioner unless the Questioner, in writing, appoints another hon. Member to ask the Question on his or her behalf. Under the circumstances right now, Mr. Kioni has not delegated this responsibility to any other hon. Member. If the Chair will be satisfied that, indeed, Mr. Kioni is not with us because of a very valid reason, then the Chair will have no problem in reinstating the Question. However, if not, then unfortunately, the Question stands dropped.

Question dropped!

(Question dropped)

Mr. Imanyara: Mr. Deputy Speaker, Sir, I appreciate your ruling, but given the willingness of the Assistant Minister to share the information, not only with the hon. Members of the---

Mr. Deputy Speaker: Indeed, it is understandable---

Mr. Imanyara: Mr. Deputy Speaker, Sir, I am asking whether you can allow him at the end to take advantage of the Ministerial Statements and issue that as a Ministerial Statement.

Mr. Deputy Speaker: Yes, indeed, if he wishes to issue that as a Ministerial Statement, he can always do that. There have been occasions where very important Questions which were not asked for one reason or the other, Ministers very generously proceeded and issued a Ministerial Statement that touched on all the matters that were going to be covered by the answers to the Questions. Should the Assistant Minister wish to do that, he will just say when he is ready to issue the Ministerial Statement and the Chair will gladly oblige.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): On a point of order, Mr. Deputy Speaker, Sir, I appreciate the patience you exercised towards this hon. Member because the Question was actually the third one to be called out and I have been here since we started.

Mr. Deputy Speaker, Sir, we do a lot of work when questions are asked and, especially when they are very broad. An example is when we are asked to state how many people have been issued with work permits in the last four years. That, indeed, is a very huge question and our members of staff do a lot of work. I have bundles of papers with me that people have painstakingly worked over for several days to produce. We really do not want to waste public time like this. It means that you are not serious with your Question! I am not very enthusiastic to give a Statement about this, but it is sad that we work like this and then when you come here nobody bothers even to send somebody to say, "*pole*".

Mr. Deputy Speaker: Question No.717 is dropped.

(Question dropped)

Question No.748

LIST OF SENIOR CITIZENS IN GWASSI CONSTITUENCY

Mr. Mbadi asked the Minister for Gender, Children and Social Development:-

(a) If he could provide a list of the current beneficiaries under the Cash Transfer to Older Persons Programme in Gwassi Constituency;

(b) How many locations are covered by the programme in Gwassi and how were they identified; and,

(c) What criteria was used to identify the beneficiaries and when all the deserving persons will be included in the programme.

The Assistant Minister for Gender, Children and Social Development (Mr. Keya): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Gwassi Constituency has a total of 367 beneficiaries of the Cash Transfer Programme for Older Persons. The details of the beneficiaries are contained in the list which I hereby table.

(Mr. Keya laid the document on the Table)

(b) So far, only one location in Gwassi Constituency, namely, Kaksingri West, is covered by the programme. This location was identified using the following criteria: Poverty index which indicates that 72 per cent of the location's population lives below the poverty line; and intra-district, regional/locational balancing.

The other beneficiary location is Suba District in Gembe East which is in Mbita Constituency with 392 beneficiaries. The criterion used for identifying beneficiaries of the Cash Transfer Programme to Older Persons has various components:

(i) Geographical area factors which include use of Kenya Integrated Household Budget Survey (KIHBS) of 2005/2006 data which ranks districts in terms of poverty prevalence.

(ii) District selection based on HIV/AIDS prevalence.

(iii) Regional balancing to ensure provincial equity.

(iv) Beneficiary eligibility criteria. To be eligible, an older person must be aged 65 years and above.

Other criteria considered are household-based and include:

(i) The household has to have a person of 65 years and above.

(ii) Be extremely poor.

(iii) Must not be enrolled in any other Cash Transfer Programme.

(iv) The old person must not be receiving any pension.

(c) The rationale of targeting older persons aged 65 years and above is that they tend to be poorer due to diminished production ability; most of them take care of orphans; they lack regular income particularly those who have had no access to formal employment.

The factors considered while prioritizing potential beneficiary households include:

(i) Number of orphans and vulnerable children in the household.

(ii) Number of persons with disabilities in the household.

(iii) Age of the oldest member of the household.

- (iv) The poverty level of the household.
- (v) Number of chronically ill persons in the household.
- (vi) The highest level of education of the household head.

Mr. Deputy Speaker, Sir, while applying the above-mentioned criteria, the process of community-based targeting is used. This entails the involvement of community members in identifying the beneficiaries by mobilizing community members; participatory formation of locational committees; identification of beneficiaries by locational committees; and community validation of the identified beneficiaries.

Mr. Mbadi: Mr. Deputy Speaker, Sir, I want to thank the Government for identifying, at least, one location, that is, Kaksingri West, in my constituency to benefit from the Cash Transfer Programme for Older Persons. However, the information that he has must be factual. Gembe East can never be in Suba District; rather it is in Mbita District.

It is worth noting that Kaksingri West has a poverty index of 72 per cent. That shows you how poor that region is. However, our Constitution is clear that as you consider other people, you need not discriminate against others. So, if you give the people of Kaksingri money from the Cash Transfer Programme for Older Persons and you leave out the other locations around Kaksingri Location, certainly they cannot be rich. Kaksingri Central and Kaksingri East locations border Kaksingri West.

Article 57(d) of our Constitution states that the State shall take measures to ensure that the rights of older persons to receive reasonable care and assistance from their family and the State. The State has an obligation and responsibility to take care of all older persons who cannot take care of themselves. What is the Ministry going to do to ensure that all older persons of age 65 years and above who qualify to benefit from this programme and who do not come from Kaksingri West are also included? When will this take place?

Mr. Keya: Mr. Deputy Speaker, Sir, this programme was initiated in 2006 as a social protection strategy in Kenya on a pilot basis in three districts. We started with Busia, Nyando, and Thika districts. At that time we started with 100 households. One household would get Kshs1,000. Since then we have managed to upscale this amount of money. As soon as the Treasury gives us more money, we will include more districts. So far, we have increased the number of districts covering 33,000 people.

Mr. Njuguna: Mr. Deputy Speaker, Sir, whereas I acknowledge the answer given by the Assistant Minister, I would like him to tell this House the corrective measures he is taking against the fraudsters who collect money from the older persons promising them cash after fraudulent registration?

Mr. Keya: Mr. Deputy Speaker, Sir, if there are any such practices as alleged by the Member, we will look into them and act accordingly.

Dr. Monda: Mr. Deputy Speaker, Sir, the Assistant Minister talks of 44 districts out of the 268 districts in the country. This pilot programme has been going on since 2006. Could he tell the House when this pilot programme will be completed? Is the Government able to give this support programme to all needy cases throughout the country?

Mr. Keya: Mr. Deputy Speaker, Sir, my Ministry will be able to take care of all 268 district as mentioned by the hon. Member although I think they may be more. As we get more money from the Treasury, we will do so. We have asked for more money in our

budget for 2011/2012 Financial Year. If we are given that money, we will be able to cover nearly all the districts.

Mr. Imanyara: Mr. Deputy Speaker, Sir, a while ago, we were told about *Kazi Kwa Kichaka* programme or *Kazi Kwa Vijana* programme and how the money is being spent fraudulently. Could the Assistant Minister assure this House that he has put in place measures to ensure that this money goes to the right people and not people who are fake just like we have had from the *Kazi Kwa Vijana* programme?

Mr. Keya: Mr. Deputy Speaker, Sir, so far, we have not heard any problem with this money. However, we should be able to institute further checks through our internal audits should there be any problem. So, I am assuring the hon. Member that, so far, the money for the elderly persons has not been misused.

Mr. Wambugu: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House, how much money has been disbursed up to date from these fund? What impact has this money had on the communities or individuals who have benefited from it?

Mr. Keya: Mr. Deputy Speaker, Sir, I do not have the actual amount we have, so far, disbursed. However, I can get this information from our accounting office. We can avail this information to him.

With regard to his second question, although no formal evaluations have been done on the programme, preliminary results provide strong evidence that the programme is having a very big impact on lives of the beneficiary households. It has enabled them to invest in domestic animals; such as cows, goats, sheep and chicken. They sell those animals during times of hardship to enable them purchase food, pay fees, access health care and meet other basic services. Improvement in household food security is also evident.

Mr. Wambugu: On a point of order, Mr. Deputy Speaker, Sir. I had requested the Assistant Minister to tell us the amounts that have been disbursed up to date. I did not ask whether he can go to the office to get that information. We would like to have this information in this House. Could he also indicate to this House approximately how much has been disbursed to Mathioya Constituency?

Mr. Deputy Speaker: Order! Mr. Wambugu, you do not expect the hon. Assistant Minister to know everything about the 210 constituencies off head. That was not the gist of the Question.

Mr. Assistant Minister, you are under no obligation to answer that.

Mr. Ogindo: Mr. Deputy Speaker, Sir, in 2009, the Government of Kenya conducted a very successful census. The census exercise was very comprehensive. I went home and was asked all manner of questions. I believe these questions were standard everywhere. The Ministry of Gender, Children and Social Development have this information.

Mr. Deputy Speaker, Sir, the discrimination through the pilot scheme has created a lot of tension within the constituencies and among constituencies. In my constituency, the people of Kochia, Gem, Kanyar and Home Bay Town are up in arms. What is the Ministry doing given that they have facts and figures about the state of every household to ensure that every deserving household gets these funds? When will this take place, because there is so much tension between the families that are receiving these funds and families that are not receiving? We, as leaders, are unable to give an explanation as to why this is the case or to resolve these conflicts.

Mr. Keya: Mr. Deputy Speaker, Sir, my Ministry has tried all it could to make this programme a success story. As I told you, we have requested for more funds from the Treasury because we have realised this programme is very popular among our people. How long this programme will run will depend on the amount of money the Treasury will release to my Ministry.

Mr. Kiptanui: Mr. Deputy Speaker, Sir, the Assistant Minister says since 2006, only 44 districts have benefited from this programme. He says for him to roll out this programme to other constituencies, including Keiyo South, he is waiting for money from the Treasury. However, I believe he should be able to tell us how much he has budgeted as a Minister and requested from the Treasury.

Mr. Keya: Mr. Deputy Speaker, Sir, so far, we have requested for Kshs3 billion from the Treasury. The Treasury has released Kshs530 million to 44 districts.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, I am glad that hon. Mbadi has brought this Question. Mzee Obilo Opiyo from Rusinga has been asking me to ask the Assistant Minister why in Rusinga East and West some people are getting while other old people who deserve are not being given these funds. There is discrimination in the way this money is being given to the old people. What will the Ministry do to ensure that everyone, including, Mzee Obilo Opiyo, gets the money?

Mr. Keya: Mr. Deputy Speaker, Sir, I want to assure the hon. Member that there has been no discrimination at all. As I have assured you, once we get money from the Treasury, we will make sure everybody in Kenya who is above 65, and who deserves according to our criteria, will be considered.

Dr. Nuh: Mr. Deputy Speaker, Sir, when asked by hon. Imanyara, what the Ministry has done to make sure that these funds are not misused, the Ministry just gave a blank answer that they have never had cases of misuse.

Mr. Deputy Speaker, Sir, I am aware that these payments are done over the counter, just as it was done with *Kazi Kwa Vijana* programme. Maybe, elders are asked to sign somewhere and that they are receiving their stipends every three months or quarter. Could he avail the records of the beneficiaries of each constituency to this House for us to verify with our constituents, whether, indeed, they are receiving this money or there are some administrators who are misusing this money, giving false signatures to this Ministry alleging that the money has been paid to people?

Mr. Keya: Mr. Deputy Speaker, Sir, this money is being given to the beneficiaries through the Postal Corporation of Kenya. If there is any problem, as the Member has said, please, bring it up and we shall follow it up.

Mr. Kaino: Mr. Deputy Speaker, Sir, I just want to ask the Assistant Minister one question. I stood here one time and asked about the administration of this Fund. I think the Ministry is doing something unique if it does not have any political mission to destroy me. I have seen the Minister, the Assistant Minister and the Director to remove the officer in my district because he does things alone without involving anybody. I have told the Minister that if this is a very good officer, they should also take him to another place, so that they can see whether he is performing. If this is a pilot project, all of us have gone to school and we know what a pilot project is. It is meant to assess whether the scheme or the project is viable. They are taking money from my constituency to Marakwet East and many other places. When an old man dies in Marakwet West, he is replaced by a person from outside the constituency. When old people in my constituency go to the office, the

lady who is in charge tells them that *mheshimiwa* has taken the money. For how long should I complain in this House about this? If the Permanent Secretary is not taking this money, it is the director who takes it. This money is coming from the district up to the Ministry. If no arrangements are being made, the officers are messing up the Ministry and all the funds meant for the old people are being misused.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. I had asked a question to the Assistant Minister as to whether he could provide the list of the beneficiaries because there is something shrouded here in some sort of secrecy. He just gave a blank answer that they pay through the Postal Corporation of Kenya. Whether they pay through the ATM, Postal Corporation of Kenya or M-Pesa, can we be told who among our constituents are receiving this money?

Mr. Keya: Mr. Deputy Speaker, Sir, there are two issues, namely, one from hon. Kaino and the other from Dr. Nuh. I want to assure hon. Kaino we are going to deal with that bad officer who wants him to be kicked out of Bunge. As at yesterday, we had decided that all the officers in the field who have stayed in a station for more than three years must be reshuffled and moved elsewhere. This is going to be one of them.

Mr. Kaino: Bad officers!

Mr. Keya: Mr. Deputy Speaker, Sir, there are no bad officers. If there is any bad officer, we shall deal with him. He will be dismissed. We want all the officers to work anywhere in the country.

Mr. Deputy Speaker: Mr. Assistant Minister, you have not given an answer to a question that has been coming up. It has been asked by hon. Nuh and also by other Members. Can you give a list of the beneficiaries in every constituency and table it on the Floor of the House?

Mr. Keya: Mr. Deputy Speaker, Sir, you may also assist me on that. That is a different Question from what has been asked, but Members want it, either they can come to the Ministry or I may bring it to the House later on.

Mr. Deputy Speaker: Order, hon. Assistant Minister! The issue with the Members is that something is not being done transparently. There is no better transparency than to bring the list on the Floor of this House as an open matter. Do you have a problem with that?

Mr. Keya: Mr. Deputy Speaker, Sir, I do not have any problem. Given time, I can bring the list of all the beneficiaries per district.

Mr. Deputy Speaker: When?

Mr. Keya: Mr. Deputy Speaker, Sir, if you give me, at least, one month from now, I will bring the list. I need four weeks because I will have to get the names from all the districts.

(Several hon. Members stood up in their places)

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. From the mood of the House, many Members feel that the Assistant Minister is not fully responding to their grievances. With all due respect, I request for your ruling as to whether this Question can be deferred? Is it possible for it to be referred to the relevant Committee, so that it can find out exactly what is going on, on the ground?

Mrs. Odhiambo-Mabona: Is it a deferral or a referral?

Mr. Kiuna: Mr. Deputy Speaker, Sir, it can be referred to the relevant Committee to investigate it further.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. In addition to what my colleague has said, the Assistant Minister is taking this matter very lightly. For his information, over the weekend, I had over 50 senior citizens from my constituency wondering why they are not benefiting from these funds while other Kenyans are. The Assistant Minister has just given a blanket suggestion that he has requested for some money from the Treasury. Could he also, as you consider deferring this Question, come back with the strategic plan of the Ministry showing when the Ministry intended to ensure that this programme is rolled out all over Kenya to ensure that all the deserving senior citizens of this country benefit from the funds?

Mr. Anyanga: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to suggest that the Assistant Minister suspends this programme until all the issues that we are bringing on board are sorted out? The Fund is already generating a lot of problems. We are having problems in every constituency because people are asking for this money and are wondering why others are getting it and others are not. Would I be in order to ask the Ministry to suspend the programme until they clean their house?

Mr. Deputy Speaker: Order! Hon. Assistant Minister, how many constituencies are we talking about?

Mr. Keya: Mr. Deputy Speaker, Sir, we are talking about 44 districts. I have the list of all the districts that are covered in the programme. In Coast Province, we have Kwale, Kilifi, Tana River, Malindi and Taita Taveta. In Western Province, we have Teso, Kakamega, Busia and Butere. In Nyanza Province, we have Bondo, Nyando, Kisumu West, Homa Bay, Gucha, Kuria, Kisii, Migori, Siaya and Suba. In Eastern Province, we have Moyale, Mwingi---

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

Mr. Deputy Speaker: Order, hon. Anyanga! Proceed!

Mr. Keya: Mr. Deputy Speaker, Sir, in Eastern Province, we have Moyale, Mwingi, Tharaka, Makueni and Machakos. In North Eastern Province, we have Wajir, Mandera and Garissa. In the Rift Valley Province, we have Turkana, Samburu Central, Trans Mara, Baringo, Bomet and Marakwet. In Central Province, we have Murang'a South, Murang'a North, Nyeri Central and Thika. In Nairobi, we have Langata and Starehe.

Mr. Deputy Speaker: Under the circumstances, hon. Assistant Minister, and in this age of IT, you do not need a month to get that information. Where public resources are involved, you should have these things at your fingertips. Under the circumstances and because of the interest that has been expressed by the Members, the Chair directs that this Question appears on the Order Paper two weeks from today and you will have the information fully furnished to the Members regarding all the beneficiaries of this Fund.

Mr. Keya: Obligated, Mr. Deputy Speaker, Sir.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Thank you for your ruling. Given the interest that we have in this issue and the constitutional requirements which I earlier cited, could the Assistant Minister also come back with a very clear picture of the entire country showing all the potential beneficiaries of this programme?

Mr. Deputy Speaker: Order! You are now asking for a much bigger basket. You are asking for a much bigger bite and ideally, that is outside the Question as it is. The Chair has already given a ruling.

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

Mr. Deputy Speaker: How is that going to help your point of order?

Dr. Nuh: Mr. Deputy Speaker, Sir, would I be in order to request that as he submits the list of beneficiaries, we also get to know the amount of money that has been utilised on each individual?

Mr. Deputy Speaker: Indeed, he should show the beneficiaries and the amounts given to them. You cannot just have the beneficiaries. You have to have the benefits also.

Mr. Wambugu: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Are you insisting on raising a point of order on the same issue, Mr. Wambugu?

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

Mr. Deputy Speaker: You are raising it long after the Chair has given direction on the matter. Nevertheless, you may proceed.

Mr. Wambugu: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to say that there is an existing district called “Murang’a North” when there is no such district? We have got Mathioya, Kangema and Kiharu districts. It is dangerous for him to go in that direction because most of our funds have been directed to accounts we do not know. Could he specify which district it is he is referring to as “Murang’a North”?

Mr. Deputy Speaker: Mr. Wambugu, these must be districts which are older than the kind of districts we have here. They are the “larger” districts. Even in the case of the North Eastern Province, the Chair notes that there are Wajir, Garissa and Mandera districts. These were the original three districts in that province, but there are now about 18 districts in the same province. So, you have to be able to infer the object in this matter.

Hon. Members, there is still an unanswered Question by Dr. Robert Monda.

Proceed, Dr. Monda.

Question No.749

SETTING UP OF INDUSTRIES IN KISII COUNTY

Dr. Monda asked the Minister for Industrialization whether he could apprise the House on the progress made in setting up industries for soapstone, sugar and bananas in Kisii County.

Mr. Deputy Speaker: Dr. Monda, you have not apologised for coming late.

Dr. Monda: Mr. Deputy Speaker, Sir, I am sorry for not apologising. Allow me to apologise for coming late. It is because of the traffic jam in Nairobi. I was caught up between---

Mr. Deputy Speaker: Order! That is not a valid reason for coming late. If you are worried about traffic, you might as well wake up much earlier to be able to defeat the traffic. So, that cannot be a valid reason for Kenyans not to be on time for their businesses and responsibilities.

Yes, Minister for Industrialization!

The Minister for Fisheries Development (Mr. Kingi): Mr. Deputy Speaker, Sir, I am not ready to answer this Question now, the reason being that the answer that was made available to me last evening needed further interrogation, which I did; and it requires further fine-tuning. I am ready to come back either in the afternoon or tomorrow, to answer this particular Question.

Mr. Speaker: Minister, the Chair notes that this is an Ordinary Question, which is supposed to have been filed at least three or four weeks ago. When was the Question filed, Dr. Monda?

Dr. Monda: Mr. Deputy Speaker, Sir, I filed the Question in January, 2011.

Mr. Deputy Speaker: That is over two months ago, depending on when in January. Assuming that it was filed very late in January, it would still be over two months. Minister, why would your officers avail to you the answer to the Question yesterday evening?

The Minister for Fisheries Development (Mr. Kingi): Mr. Deputy Speaker, Sir, those are the same questions I posed to my staff, to which I did not get a very convincing answer. However, it is for me to sort out my house. For purposes of this House, I beg to be allowed to answer the Question either this afternoon or tomorrow morning.

Mr. Deputy Speaker: Fair enough! The Order Paper for this afternoon is already out. Therefore, the Chair directs that the Question appears on the Order Paper for tomorrow afternoon. Is that okay with you, Dr. Monda?

Dr. Monda: Mr. Deputy Speaker, Sir, that is okay.

Mr. Deputy Speaker: Next Order!

MINISTERIAL STATEMENTS

EVICION OF SQUARTERS FROM MWAKIRUNGI SETTLEMENT SCHEME

The Minister for Lands (Mr. Orengo): Mr. Deputy Speaker, Sir, a while ago, before the House went on recess, hon. Wamalwa sought a Ministerial Statement on the issue of the eviction of squatters from Mwakirungi Settlement Scheme in Mombasa. I now beg to give the Ministerial Statement.

It has been established that 18 squatters were evicted from private land, L.R. MN/11/4703, into which they had encroached. Our records reveal that the same people had been identified as squatters and allocated plots in Mwakirungi I Settlement Scheme in the year 2003. They were also issued with letters of offer in April, 2003 as *bona fide* squatters and all of them will be accommodated in the same scheme immediately the survey exercise is finalized by October, 2011.

Mr. Deputy Speaker, Sir, the Government has also established 20 squatter settlement schemes within Government lands which were occupied by squatters in Mombasa area to address the squatter issue. Purchase of the private lands on willing buyer-willing seller basis has also been undertaken in Coast Province and other areas within the Republic for the same purpose. I have a list with the particulars of the various settlement schemes, which I will table.

Subject to the availability of funds for the purchase of farms, the Government expects to continue with the exercise of settling all genuine squatters. The Mombasa

District Task Force was formed by the Permanent Secretary, Ministry of Lands, in December, 1993. It was mandated to establish and settle all squatters living within Government lands in the Coast Province.

Mr. Deputy Speaker, Sir, Mwakirungi I Settlement Scheme, comprising of 200 acres, was started in the year 2002 and is one of the squatter settlement schemes in Mombasa that have been finalized to-date. A local land committee was elected on 14th February, 2002 to assist in identification and vetting of squatters. Identification of squatters was based on physical development plans provided by the Physical Planning Department, and was completed in the year 2002.

The District Settlement Selection Committee, under the chairmanship of the Provincial Commissioner, met on 27th November, 2002 to regularize the settlement of the squatters. A total of 605 plots were allocated and the Ministry of Lands approved the list on 19th December, 2002. Out of these, 19 plots were set aside as public utility plots. Letters of offer, dated 31st March, 2003, were prepared in favour of the beneficiaries, dispatched to the Provincial Land Adjudication Officer, and issued to the beneficiaries in the year 2003.

Mr. Deputy Speaker, Sir, demarcation and survey commenced in the year 2005 by, first, carrying out perimeter control survey. This entails fixing of new beacons defining the boundaries; picking out of boundaries and high water marks, and laying controls. Existing roads, power lines and deep galleys were also picked. As noted earlier, the squatters who were living within the scheme were identified and issued with letters of officer, with the aim of being shown their plots after completion of the demarcation and survey.

Bordering Mwakirungi Settlement Scheme is a private plot, L.R. No. MN/114703, measuring 120 acres; belonging to Powel Group of Companies. During the establishment of the perimeter boundaries, some of the squatters who had been given letters of offer were found to be residing within this private land. When the private developer re-established his boundaries, he evicted the squatters from his property, creating an outcry – that, while the squatters had been issued with letters of allotment, they were subsequently evicted.

Mr. Deputy Speaker, Sir, the affected squatters were 18 and will be accommodated in the scheme once demarcation and survey of the scheme is completed. I have a list of all the settlement schemes, including some of the adjudication and settlement schemes involved in the purchase of land for settlement of squatters. If hon. Wamalwa would like to have a look at them, he is welcome to do so. The list is long. So, I will table it.

Mr. Deputy Speaker: Yes, what do you want to table?

The Minister for Lands (Mr. Orengo): Mr. Deputy Speaker, Sir, I want to table the title deed in respect to this particular land. It was granted some years back and signed by the Commissioner of Lands on 14th January, 1993. However, there are some transactions on it already.

(Mr. Orengo laid the document on the Table)

Mr. Wamalwa: Mr. Deputy Speaker, Sir, the squatter problem in the Coast Province and other parts of this country is really a ticking time bomb. I am happy that

the Minister has mentioned that this is not only prevalent in the Mwakirunge area, but that there are many other areas where squatters are being evicted in a very violent manner. Their houses are being torched. In the process, families have been injured. However, he has also mentioned a taskforce that was formed in December, 1993. He has tabled here a list of some of the schemes. Since this taskforce was able to cover widely the issues of the squatters at the Coast Province and other land problems, could he be in a position to table this a report by that taskforce as well for the benefit of hon. Members?

As to the 18 squatters who were evicted from Mwakirunge, could he confirm that, indeed, they were given letters of offer? They paid some money to the lands office in Mombasa and they were given allotment letters. They have been settled on this land where they have been evicted for many years. If so, what will the Government do to compensate them apart from giving them alternative land?

Mr. Njuguna: Thank you, Mr. Deputy Speaker, Sir, for the opportunity to pose a question to the Minister. While commending him for very quickly revoking of title deeds issued on grabbed public land by some citizens in this country, could he indicate to this House what clear plans the Ministry has to settle all the genuine squatters who are scattered all over the country, particularly those squatters who were affected as a result of the emergency in 1952 and 1953 in Lari Constituency?

Mr. Deputy Speaker: Order, Mr. Njuguna! This is a Ministerial Statement on a piece of Land called Mwakirunge. So, you do not ask a question that essentially is entirely different from that.

Mr. Njuguna: Mr. Deputy Speaker, Sir, if you agree, can I correct myself and request the Minister to inform this House the clear policy that the Ministry has in place to settle the genuine squatters who are scattered all over the country?

Mr. Deputy Speaker: That is fair enough!

Proceed, Mr. Minister!

The Minister for Lands (Mr. Orengo): Mr. Deputy Speaker, Sir, I want to assure Mr. Wamalwa that I can table that report. I think it is important. It may be dealing with some of the issues the Member for Lari is talking about; that the wider questions are dealt within it. So, I can table that in the next seven days.

As far as these evictions are concerned, one point I need to mention is that my Ministry has been preparing an eviction guideline, so that if people have been evicted on any piece of land, including private land, then there should be observance of human dignity and all other requirements that are now well stated in our Constitution. I would want at the appropriate time for the House to look at these eviction guidelines. In fact, we have been under a lot of pressure from international human rights organizations to come up with a document that will spell out how the process of evictions should be carried out in a democratic and civilized society. I will look forward to the hon. Member giving me support on that.

As regards these 18 squatters, I want to assure the hon. Member that they will be accommodated because they already have letters of allotment. They will be accommodated in the settlement scheme that is ongoing. A letter of offer does not actually show you exactly where the piece of land that you should occupy is. It is only after survey and demarcation is carried out that individual beneficiaries would know exactly where to occupy.

Mr. Deputy Speaker, Sir, under the current initiatives that we have undertaken in settling people into settlement schemes, because land that is available is normally an acre or two. We are trying to settle squatters in villages where they can have access to water.

I mentioned in my Statement that plots have been identified for building public utilities like hospitals, schools, so that the residential area and these public places should be near everybody and provision of electricity and water would be easy. Then they will go out to cultivate their individual pieces of land as is necessary.

So, I would urge the hon. Member to plead with those beneficiaries that they will be informed in due course regarding the land that they are supposed to be allocated after the surveying and demarcation has been done.

POINT OF ORDER

ADVERTISEMENT OF SENIOR POSITIONS BY PUBLIC COMPLAINTS COMMISSION

Mr. Imanyara: Mr. Deputy Speaker, Sir, I stand to request a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs.

You will recall that barely a week---

(Mr. Orengo stood up in his place)

Mr. Deputy Speaker: Order, Mr. Orengo! Probably, you should wait and listen to the Ministerial Statement that is being sought owing to the fact that this is an area you belong to in a sense. You have the collective responsibility of the Government team.

(Mr. Orengo resumed his seat)

Proceed, Mr. Imanyara!

Mr. Imanyara: Mr. Deputy Speaker, Sir, you will recall that when His Excellency the President addressed a Special Sitting of this House on the 22nd March, he listed a number a number of Bills which he requested this House to pass within the next three months. One of them was the Commission on Administrative Justice Bill.

Just the following day, that is on 23rd March, the Public Complaints Standing Committee (PCSC) in the Ministry of Justice, National Cohesion and Constitutional Affairs issued advertisements in the media for positions of executive director, assistant executive director, senior legal officer, senior executive secretary and other senior staff in circumstances which clearly point out that this Public Complaints Standing Committee is in the process of placing advertisements in defiance of the law and in order to defeat the purpose of the forthcoming commission that we are supposed to debate within the next three months.

Mr. Deputy Speaker, Sir, in this Statement, I want the Minister for Justice, National Cohesion and Constitutional Affairs to explain why the advertisements for the several positions appeared to be tailor-made to suit currently serving staff of the PCSC with a view to promoting them before the PCSC transits into a constitutional commission

and whether the intention of the advertisement is to deny the new Commission on Administrative Justice the option to recruit its staff in a fair and transparent manner.

This is important in terms of the Constitution implementation and we should not be having Standing Committees placing advertisements and utilizing public funds in a period within which we are supposed to set up a new commission, defeating the very purpose of the commission and also wasting public funds. Therefore, I request him to issue this Statement as soon as possible.

The Minister for Lands (Mr. Orengo): The Assistant Minister is there!

Mr. Deputy Speaker: Yes, Mr. Orengo, whereas the Assistant Minister for Justice, National Cohesion and Constitutional Affairs is there, he has not been there at the time when the main body of the Ministerial Statement being sought was being read out by Mr. Imanyara. Secondly, for the short period you have been there, you have been engaged in animated discussions with other hon. Members. Did you quite really hear what kind of Ministerial Statement Mr. Imanyara is seeking from your Ministry?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Deputy Speaker, Sir, I apologize. I was consulting with a colleague here. I will read from the HANSARD and I promise to give the Statement next week on Wednesday.

Mr. Deputy Speaker: Wednesday next week? It is important that when you are in the process of preparing some of the Bills, the sentiments or the concerns of the House are also weighed in heavily. Whichever way you see it, you will be able to explain yourself on the Floor of the House. Is Wednesday not too far off? How about Tuesday next week?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Deputy Speaker, Sir, Wednesday will be okay with us.

Mr. Deputy Speaker: Then Wednesday morning next week. Fair enough. It is so directed!

MINISTERIAL STATEMENT

NUMBER OF KENYANS ISSUED WITH CERTIFICATES OF GOOD CONDUCT SINCE 2003

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, on Thursday, 24th February, 2011, the Member of Parliament for Kasipul Kabondo, Mr. Magwanga, stood on a point of order seeking a Ministerial Statement on the number of Kenyans issued with certificates of good conduct since 2003. In the Statement, he sought to know how many Kenyans have been issued with those certificates and whether it a requirement for aspirants to elective posts and appointees to constitutional offices to produce certificates of good conduct in line with the constitutional provision on leadership and integrity. Further, he wanted to know whether there have been cases of persons in possession of those certificates engaging in criminal activities and, if so, how many have been convicted and sentenced. Finally, he wanted to know how much revenue the Government has raised from the Kenyan public applying for those certificates from 2003 to date.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I wish to state as follows:-

Since the year 2003, the following Kenyans have been issued with certificates of good conduct. In 2003, there were 106,833. In 2004, there were 207,000. In 2005, there were 64,401. In 2006, there were 144,217. In 2007, there were 167,846. In 2008, there were 164,023. In 2009, there were 203,392. In 2010, there were 227,930. From January 2011 to date, there have been 87,000. That brings the total to 1,372,642 Kenyans.

Mr. Temporary Deputy Speaker, Sir, I am not in a position to comment on whether aspirants to elective posts or nominees to constitutional offices are required to produce certificates of good conduct. There have been cases where some people who have been issued with certificates of good conduct engage in criminal activities, especially those without previous records of arrests and have not had their fingerprints recorded by the police. It is not possible, therefore, to determine the exact number of such persons who have been arrested and convicted because their records need to be captured in the criminal database. Finally, from 2003, the approximate revenue collected so far is Kshs1,319,225,000.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister advise us whether it is possible to get those certificates of good conduct from the districts other than Nairobi? Could we, in the spirit of devolution, get it from the counties? It costs our people from Kisumu and other places a lot of time and money to come over here. It also takes an inordinate period of time to get the certificates. Sometimes, it can even take up to six months. Bearing in mind that the people who are doing it here are already overburdened by the demand, could the Assistant Minister advise us or comment on what steps they are taking to make sure that the service is spread out, at least, to the counties and if not, at least, to the provinces at this present moment in time?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, the hon. Member has raised a very important Statement. I think we have asked Questions before on whether that service can be decentralized even for the young people who are looking for employment in various places. So, the Assistant Minister should consider availing that service at the district level. Secondly, it is the issue of the cost. Since the Government is supposed to provide for its citizens--- The cost for those who are unemployed – is it Kshs1,000 – is too high. Why can that cost not be waived just like they have done in other sectors, so that they can encourage as many Kenyans as possible to have that important document?

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for the Statement that he has given. But I would like to ask him to consider shortening the time that one needs to get the certificate of good conduct. If you go to Kiambu Road, at the CID Headquarters, where they are issued, you will find long queues of people coming from all over. I wonder whether the Assistant Minister can do something so that Kenyans do not suffer so much when they are getting that important document.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, this is not the first

time that this matter has been raised in this House. It is, indeed, true that there is a long queue for purposes of filling the forms and then getting the certificate of good conduct. Within the reforms package, we are buying equipment in order for us to decentralize the services to districts. Even without the decentralization, the applicants will be able to get the certificates of good conduct within two weeks and not six months. The only thing we are going to do is to fast-track the applications so that the applicants can get the certificates of good conduct within two weeks. In the meantime, once we get the funds from the Treasury, and once we get the funds for the police reforms, this is one of the areas that we are going to decentralize in order for Kenyans to get services at the grassroots level.

Mr. Magwanga: Mr. Temporary Deputy Speaker, Sir, allow me to thank the Assistant Minister for the elaborate answer that he has given. However, you have heard the Assistant Minister say that he is unable to comment on whether it is a requirement that leaders seeking leadership positions - or applicants seeking leadership positions - are not required to have the certificate of good conduct. If it is very clear in the new Constitution - Chapter Six on Leadership and Integrity--- It is clearly stated the ethics under which a leader is supposed to observe. It is worrying that the people of this country are being pushed to the wall to have a certificate of good conduct. Newly graduated university students who may wish to join the army or the police force are forced to have certificates of good conduct. Why can we not compel those who are seeking leadership positions to have certificates of good conduct?

Mr. Deputy Speaker, Sir, you can as well recall---

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Magwanga, can you be specific with your question. Be brief.

Mr. Magwanga: Mr. Temporary Deputy Speaker, Sir, I want to ask the Assistant Minister why is it not compulsory for applicants seeking leadership positions to have the certificate of good conduct?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, that is a very good question, but is directed to a wrong person. I do not compel people to get certificates of good conduct. It is for either Parliament or the institution that needs the certificate of good conduct to do so. For the information of the hon. Member, my job is to enforce the law; the law says that if anybody wants a certificate of good conduct, then I will issue it to him or her. I do not at any time, and I cannot at any time, mandatorily subject people to having a certificate of good conduct even if they want to get married. That is not within my mandate.

The Temporary Deputy Speaker (Mr. Ojode): Order, Assistant Minister! Is it not the Provincial Administration that is mandated to issue certificates of good conduct?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, you are very right. It is the mandate of the Provincial Administration to issue certificates of good conduct. In other words, if you want us to issue your workers with certificates of good conduct, that is what we will do but we do not compel you when going to marry to get a certificate of good conduct. However, if it is required by the father of the woman, we will issue that certificate.

Mr. Gitari: Mr. Temporary Deputy Speaker, Sir, I want to shed some light on this issue. When I was vying for by-election, the Interim Independent Electoral Commission (IIEC) required that we produce a certificate of good conduct. So, I think it is the prerogative of the institution and not the Ministry.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, I am only concerned about the period within which the certificate is supposed to be issued. Two weeks is too long. Could the Assistant Minister consider reducing the period to seven working days?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, can you do all your background checks and issue it within seven days? Is it possible to change that policy?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, as at now, it is not possible because the issuance of the certificate of good conduct is centrally located for all Kenyans. However, in the event that we get the funds from the Treasury and we decentralize the process to be undertaken within the districts---

Mr. Shakeel: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister always says "If we get funds from Treasury". We have been at a Budget workshop and we have talked to Treasury at great detail. The Treasury told us that if we do not budget for something, they cannot give us money for it. I think the Assistant Minister is saying that they budgeted for it for such and such a period, but they have not got the money. In that case, some of us can go to the Finance, Planning and Trade Committee and to the Treasury to pressurize them to release the money, if it is budgeted for. Could the Assistant Minister clarify this issue?

The Temporary Deputy Speaker (Prof. Kaloki): All right! Hon. Assistant Minister, did you submit your proposal to the Ministry of Finance?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, it is as if the hon. Member is a newcomer to this House. It is in the public domain that the Ministry of State for Provincial Administration and Internal Security is seeking Kshs81 billion for police reforms. Among other components, within the police reforms, is the decentralization of the issuance of the certificates of good conduct. To date, I have not even received half of that money. So, if they can also sweet talk Treasury in order for my Ministry to get Kshs81 billion, that will make possible the purchase of equipment which we can use for checking the fingerprints for those who require certificates of good conduct.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, given that a certificate of good conduct follows a form of screening Kenyans for good conduct, I want to know from the Assistant Minister whether they have any plans to ensure that the Government pays for this exercise, or to at least reduce the fee paid, so that more Kenyans are able to access this facility.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, as at now, we are not in a position to either reduce the fee, which is being charged, or to give services for free. Processing involves use of money because; first of all the equipment itself is very expensive. There are also a number of other things which must be done, and that requires some money. So, it is not something which you can just come up--- You cannot just wake up and say: Today, we are giving it for free. No! It is not possible because we have to

use certain materials and machines in order for us to know whether that particular person is of good conduct or not.

Mr. Magwanga: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm to this House whether the issuing officers have the certificates of good conduct or not?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, those who handle the applications for the issuance of certificates of good conduct, the majority of whom are police officers, are of good conduct. You cannot have a criminal to verify the conduct of others. In fact, it is not a one man show. One day when the hon. Member has time, I will take him around, so that he sees the stages through which this process goes. It is meant for experts – those who will read his fingerprints, in order for us to know for sure whether a particular applicant is free of a criminal background.

Mr. Magwanga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Much as I actually agree with the Assistant Minister that the law enforcement officers have certificates of good conduct, given the rate of crime committed by the law enforcement officers, can he now deny or confirm to this House that some of his officers are also involved in criminal activities?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, there are isolated cases which I am aware of, where a police officer goes and commits a crime. However, once an officer commits a crime, he will be arrested and his fingerprints will be taken; eventually he will be taken to court. That same officer, after the court case, will not get the certificate of good conduct, because it is still indicated in the computer that he committed a crime. That is why ordinarily when you are a suspect and you are taken to court, the court gives you a free bond. Later on the fingerprints which were taken will be processed and then the court proceedings will take place. That is how it works; we have experts, majority of whom were trained in Israel and in other countries where expertise is quite advanced.

So, any criminal will never, and I want to repeat here, will never be issued with a certificate of good conduct because if he is issued with a certificate of good conduct, then it is not a certificate of good conduct but a certificate of bad conduct.

MOTION

ESTABLISHMENT OF FERTILIZER FACTORY IN KENYA

THAT, being aware of the need to establish a fertilizer factory in the country, noting the efforts made, so far, by the Government both nationally and regionally in setting up such a factory, conscious of the suffering of farmers for lack of readily accessible and affordable agricultural inputs especially fertilizer, appreciating the need to enhance productivity in order to ensure national food security; this House resolves that the Government takes immediate and urgent steps to establish a fertilizer factory in Kenya as soon as is practically possible.

(Mr. Wamalwa on 23.2.2011)

(Resumption of Debate interrupted on 23.2. 2011)

The Temporary Deputy Speaker (Prof. Kaloki): This Motion was moved by Mr. Wamalwa and we will proceed and get the response.

The Assistant Minister for Agriculture (Mr. Mbiuki): Thank you, Mr. Temporary Deputy Speaker, Sir. From the outset, I would like to thank Mr. Wamalwa for moving this Motion. The Ministry of Agriculture recognizes the importance of fertilizer as an input of crop production as it is elaborated in the Ministry of Agriculture Strategic Plan 2008 to 2014 and the Agricultural Sector Development Strategy 2010 to 2020. The Ministry of Agriculture also recognizes the accessibility and the application of this critical input is constrained by the high cost.

The Government, through the Ministry of Agriculture and the National Cereals and Produce Board (NCPB), is in the process of importing various varieties of fertilizer but the price indication at various farm gates is very high to the point of going at almost Kshs3,500. The Government is subsidizing each bag at approximately Kshs950 to achieve a price of Kshs2,500 per bag of DAP. During this season, the Government is spending more than Kshs4.1 billion in this fertilizer importation and out of that, Kshs1 billion will be used as a subsidy component.

Mr. Temporary Deputy Speaker, Sir, the Government decontrolled the fertilizer prices at the beginning of 1990 and liberalized the fertilizer sector including the importation to enhance competition. Nevertheless, the production costs have remained high and beyond the reach of many small-holder cereal growers. The high cost of agricultural production in Kenya is attributed to high cost with the fertilizer accounting for more than 28 per cent of the entire production cost. This is despite the zero-rating on the fertilizer imports. The benefits of the waiver are not passed on to the farmers. Although fertilizer use in Kenya has grown significantly over the last two decades, the average use is still less than 31 kilogrammes per hectare compared to the developed nations which use over 100 kilogrammes per hectare. The low use of fertilizer can be attributed to high prices. With such low fertilizer use, the nutrient balance in most production systems is in the negative resulting in depression of soil nutrients which is a fundamental cause for the declining food and cash crop production. While the rate of application has been low, the overall fertilizer demand has grown from about 150,000 metric tonnes in 1996 to the current annual demand of 503,000 metric tonnes of fertilizer products. This demand is projected to grow to more than 600,000 metric tonnes in medium-term and more than 1,000,000 metric tonnes in the long run.

Therefore, it is worth noting that practically, all the fertilizer used in Kenya is imported mostly from the United States of America (USA), Europe, Middle East, South Africa and other parts of the world. It is for this reason that the Ministry of Agriculture has developed and is in the process of implementing the Fertilizer Strategy and Action Plan. One of the objectives of this Fertilizer Strategy and Action Plan is the establishment of a fertilizer factory within the country and more so in the East African region.

Mr. Temporary Deputy Speaker, Sir, the Government is in the process of carrying out a study to establish whether it is feasible to produce fertilizers locally, thereby bringing down costs to the farmers and also to exploit the vast potential market that exist

within the East African region. Due to the previous false start on the setting up of the factory in the country – I would like to recall the KenRen Fertilizer which was started in the 1970s and failed. The Ministry is in the process of having a very comprehensive study so that at this particular time, we do not make any mistakes which were done in the 1970s when KenRen Fertilizer was set up.

Mr. Temporary Deputy Speaker, Sir, an advertisement was placed in the local daily on 14th October, 2010 requesting for expression of interest to undertake the study and eight firms expressed interest. An evaluation has been done and five firms have been “isolated” and asked to respond to the conditions for this study. It is anticipated that the contract for this study would be awarded in May, 2011 and the result of the study would be out by October, 2011. Therefore, I want to assure this House that once this report is out, I will take the earliest opportunity to come and table it in this House so that hon. Members can go through it and even debate it.

Mr. Temporary Deputy Speaker, Sir, subsequently, since the Mover of this Motion, Mr. Wamalwa, is in a formidable alliance and the Ministry of Agriculture is in the process and undertakes that we will finalize this study in the course of this year. We cannot foresee us implementing it before the next election. I want to call upon Mr. Wamalwa and his alliance once they form the next Government in 2012, they implement the report of this House. So, it will be the onus of the---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister clarify that the alliance he is referring to is the KKK alliance which will not form the Government because it does not include Kenyans?

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, it has nothing to do with the KKK. Mr. Wamalwa is nowhere in KKK and there is nothing like KKK.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Mbiuki! I think we have made it very clear that there is no KKK, it has never been anywhere and that it is the imagination of certain individuals. So, could you continue and make your submissions?

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, thank you for your protection.

Mr. Shakeel: On a point of order, Mr. Temporary Deputy Speaker, Sir. As much as we appreciate that the Assistant Minister may have a hint about the future, I do not think it is right for him to include it in his report that he perceives that So-and-so--- Anybody could be the President in the next Government. So, I do not think it is in order for the Assistant Minister to assume that the next Government will be formed by so-and-so. It may be so but he cannot be sure.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, I only said that the Mover of this Motion is a presidential candidate and since the Ministry of Agriculture is in the process of conducting this study and if the good Lord answers his prayers and he becomes the president of this country or anybody else, he should be able to implement the report of this study which will be beneficial to this country. This is because we have conducted very many studies, and as a Grand Coalition Government, we are in the process of ensuring that we conduct a comprehensive study which will guide the implementation of the fertilizer factory in the country. However, the implementation will be done in the 2012/2013 Financial Year.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have listened to your ruling where you have said there is no KKK Alliance. I just needed your guidance or direction, because I personally heard honourable ---

The Temporary Deputy Speaker (Prof. Kaloki): Order! I do not know where that point of order is leading us to. You can form any initials you want, but you cannot expect the Chair to rule on the initials people are trying to put together. So, really, we do not want to lose balance here. The issue of KKK, ten Ks or five Ks is not for the Chair to rule on. I have already ruled on that particular issue. It is outside the mandate of this Parliament.

Mr. Mbiuki, please, proceed!

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, thank you for the protection.

I think I have been quite clear. I am only referring to the Mover of this particular Motion, Mr. Eugene Wamalwa, who harbours presidential ambition. We are saying that as the Grand Coalition Government, the study will be completed but the implementation will come in the next financial year. Whoever will be humbled enough to be the President of this country should give an undertaking that they are going to implement this noble project.

Finally, as I support this Motion, I would like to assure the people of Kenya of the Government commitment to set up the fertilizer factory once there is a positive indication of the viability of the project.

Thank you.

QUORUM

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we do not have a quorum.

The Temporary Deputy Speaker (Prof. Kaloki): All right; Clerks-at-the-Table, can you ascertain whether we do have a quorum in the House?

We do not have a quorum. Ring the Division Bell!

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, we are not able to raise a quorum. This House, is therefore, adjourned until this afternoon Wednesday 30th March, 2011 at 2.30 p.m.

The House rose at 11.20 a.m.