

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 22nd February, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:-
Mr. Joseph Gachoki Gitari, Member for Kirinyaga Central.

PAPER LAID

The following Paper was laid on the Table:-
Report of the Departmental Committee on Justice and Legal Affairs on the Judicial Service Bill, 2011.

(By Mr. Namwamba)

QUESTIONS BY PRIVATE NOTICE

LEADERSHIP WRANGLES IN AFRICAN INLAND CHURCH

(Mr. Murgor) to ask the Attorney-General:-

(a) Is the Attorney-General aware that the African Inland Church (AIC) is facing imminent collapse due to wrangles in the leadership?

(b) How did the Registrar of Societies allow two varying registration numbers of 1152 and 1138 and the circulation of two varying constitutions for the church, and could the Attorney-General table the genuine constitution and state the registered officials?

(c) What action will the Attorney-General take against the persons who printed and circulated a fake constitution of the church and could the Government declare as illegal, the sale at Kshs.200, of the fake constitution?

Mr. Speaker: Hon. Members, the Member for Kapenguria is away on Parliamentary business out of the country. Question No.1 by Private Notice is, therefore, deferred. Please, note that hon. Attorney-General.

(Question deferred)

LAND OWNERSHIP IN LAMU COUNTY

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

(a) Could the Minister provide the names of land owners and acreage of ownership in Lamu County and those issued with title deeds in the last ten years and indicate the specific dates they were issued?

(b) Could the Minister confirm that the Government plans to settle persons displaced during the 2008 Post-Election Violence (IDPs) in Lamu County and, if so, is the Minister aware that the plan is creating tension in the area?

(c) What measures is the Minister taking to ensure that the concerns of the residents are addressed and could the Minister consider resettling the local IDPs first before resettling IDPs from outside the county?

The Minister for Lands (Mr. Orenge): Mr. Speaker, Sir, I had already answered this Question, but Mr. Yakub needed time to interrogate the annexure which I had handed over to him. The record is there that I answered the Question.

Mr. Speaker: Mr. Yakub, are you ready now to proceed with your supplementary question?

Mr. Yakub: Mr. Speaker, Sir, I want to thank the Minister for providing me with a very long list of almost 4,216 names. However, I have doubts in the way this process was carried out. Could the Minister, therefore, provide to this House a list of all the PDPs which were advertised both in the media and the *Kenya Gazette* Notice in order to allow for the process of allocating land to all the people listed here?

Mr. Orenge: Mr. Speaker, Sir, that is possible although it will be a very long and tenuous process. However, I can assure the hon. Member that if that is required, we will be able to do it. There can be no title issued without the process of allocation. The only difference is that the affected plots are not necessarily plots which were given out on the basis of PDPs as understood in law. They were main settlement schemes which were planned as such. The names you see in that list belong to people who were settled in settlement schemes quite a number of years ago.

Mr. Yakub: Mr. Speaker, Sir, I agree that I will give more time to the Minister for Lands but my last question is: Why are members of the Bajuni community not amongst the IDPs who were allocated land in the four settlement schemes that the Minister has mentioned? Why have members of the local community not been allocated any land in those four schemes to-date? Those people have been there since 1964 due to the *shifita* war.

Mr. Orenge: Mr. Speaker, Sir, I want to agree with the hon. Member that all the schemes that were there previously were for settlement of upcountry people. That is the stark reality of this matter. In fact, if you look at the list of those people who were settled there, you can hardly see any names of people from the Coast region or generally from Lamu.

We now have an ongoing project in which we are identifying villages and pieces of land to ensure that the local people in Lamu County not only get their land back but also get title deeds for it. We have identified 17 areas where members of the local community are staying together. Many of them did not want individual titles, because they have conflicts relating to water and grazing land. We have listened to them and

many of them said that they would rather have a title deed in the name of the community, which is now going to be possible in terms of the current Constitution.

Mr. Speaker, Sir, I also want to add that in the year 2010, I placed an embargo on land transactions in Lamu County, because it was quite clear to me that many people were being given land in Lamu because the whole district is Government land. I realised that there were lots of people who were getting land in Lamu for speculation purposes. Some of them have ranches which they were not using at all. If you look at the pieces of land in respect of which title deeds have been issued, you will see that very few belong to the local people. So, I put a stop to land transactions until I am assured that the local people have their fair share of the land.

I also want to assure the hon. Member that there is no scheme that I know of; to settle IDPs in Lamu County. I am talking of IDPs arising from the post-election violence of the year 2007/2008. For that matter, let me also clarify that there are no IDPs who are being settled in Taita Taveta County. However, I would not stop any person who may want to give his own land to any group of IDPs. So, there is no land which is being purchased by the Government, or which is being given out by the Government, to settle IDPs in Taita Taveta or Lamu Counties.

Ms. S. Abdalla: Mr. Speaker, Sir, the Minister has said that he is not aware that there are IDPs in Lamu. It is a fact that there are IDPs in Lamu, who were evicted during the *Shifita* war. This brings us to the third question which hon. Dor had asked. The Minister has now confirmed that Lamu County is Government land, and that it is kind of a free-for-all land. The Government intends to give the land to the people who are already there, but it is not thinking of the IDPs living elsewhere, who were originally from those areas. What is the Ministry doing to re-settle the IDPs who were evicted by the *Shifita* bandits? There are over 25 villages occupied by such IDPs. Could the Minister confirm whether that land is still intact or it has been grabbed?

Mr. Orenge: Mr. Speaker, Sir, I want to announce to the gracious lady that what I was talking about were not any IDPs other than those relating to the post-election violence of 2007/2008. That is what is in the Question. What she is asking is a different Question, and it is precisely because of what she has said that I stopped all land transactions in Lamu County. The exercise that is going on is that anybody who can be able to show an interest or right over any piece of land on any legitimate basis, is entitled to get land in Lamu County. That is the exercise which is going on right now.

Ms. Karua: Mr. Speaker, Sir, could the Minister confirm that even in the settlement schemes, majority of the people do not have title deeds and that as a result, the administrators, in conjunction with the Ministry of Lands officials, keep on grabbing their letters of allotment and giving away their land to new people? When is he going to get such people title deeds as well as give land to the people who were displaced, as hon. S. Abdalla has said, so that we can have harmony in that island?

Mr. Orenge: Mr. Speaker, Sir, if you look at this list, you will appreciate that most of the titles were issued from the year 2006. This followed the elections that led to National Rainbow Coalition (NARC) ascending to power; when the President of the Republic of Kenya went to Lamu County and gave the directive that those people who had been allocated land in those settlement schemes be given title deeds without any charge except for a few nominal charges. So, if you look at the list, you will see that nearly 90 per cent of them were given titles in the year 2006.

Although these people were required to pay some money, on the basis of the Presidential directive, other than those individuals who did not present themselves to the Lands Office to collect their titles, the rest were issued with title deeds. You can see from the list that there were those very few persons who went to the Lands Office after the years 2007/2008 to get their titles. This is because when they were required to present themselves to the Land Registry to get their titles, they never did in the year 2006. So, it is an ongoing exercise. There are others who have not, up to date, come for those title deeds.

Mr. Speaker, Sir, I want to assure hon. Shakila Abdala that if there is an issue which is really close to my heart is that of Lamu, because that is one of the few places where the Government of Kenya went and declared it Government land, and those who were getting titles in Lamu were not members of the local communities. Some of them were basically people who were acquiring land for speculation. We have, however, put that practice to a stop to ensure that the local people get some land in that part of the country.

Mr. Farah: Mr. Speaker, Sir, land is a very sensitive issue in Kenya. The Minister has already admitted that the indigenous land of the Bajuni people is the only land which has been declared Government land in this country, to the exclusion of the indigenous people of that area. Could he confirm that not only were people taken there from the rest of the country, particularly from areas we know are occupied by ethnic communities other than the Bajuni themselves, but Government officers and well-placed people, including politicians, have also grabbed the land that belongs to the Bajuni people of Lamu?

Can the Minister give an undertaking to cancel all the title deeds which were essentially issued erroneously to speculators and settle indigenous Lamu people, including the ones who have livestock and who cannot get land on which to graze? Their land now belongs to people who are from elsewhere, and they are being dispossessed of their land and displaced. That is going to become a reason as to why we will have instability in that part of the country.

Mr. Orengo: Mr. Speaker, Sir, I thank hon. Maalim for that question. There is only one settlement scheme which is ongoing right now, which is in Mpongwe, in Witu, which started in the year 2009. I have told my officers that before anyone is issued with a title deed, I am going to interrogate the list to make sure that those who will get title deeds in that scheme are indigenous people from Lamu County.

We may have some discretion, because the general policy is that 60 per cent of the land in a settlement scheme should go to the indigenous people, and 40 per cent should be for consideration for people who may be living in that county. However, for this particular scheme, I have told my officers that I want 99 per cent local people settled there, and I am not going to bend any rules in this regard.

If you continue looking at the *Kenya Gazette*, you will see that we have revoked several titles lawfully for land which was acquired un-procedurally, or which was grabbed. Some of these are sand dunes. Some of these are large expanses of land. For example, there was a particular person who had acquired more than 5,000 hectares, and he was just using that land for purposes of speculation. He was not doing anything on it. So, if we have to take an audit, the amount of land which I have recovered in Lamu, which will be available for the local people, is very impressive; I think hon. Shakila

should be very happy about all that we are doing in Lamu. The only thing that remains to be done is to make sure that the local people, including the Bajuni, get their titles in whichever form they want. Hon. Shakila should also get her title deed. The question of when this will happen arises because these communities do not want individual titles. They want a title to be given to them as a community. So, there is a lot of planning that is going on to identify common resources like grazing land, water resources; all this is taking place in an environment where the Government has very big plans in Lamu like building the port of Lamu, an airport and a railway line. So, there is some work that involves many other ministries, but I want to assure hon. Dor that this is a matter that is very close to my heart, and I need the support of the local leadership. This is because in the frontline of those who have grabbed a lot of land and sold it to speculators are the local leaders. So, I would expect hon. Shakila and hon. Dor to support me in this; the biggest war I am having is with the local leaders, who grab land and sell it to people from outside Lamu, and you know them.

Mr. Yakub: Mr. Speaker, Sir, in 1995, there was a court injunction to the Kiunga community; in 2002, the Government declared Lamu as a world heritage site. How come that almost 80 per cent of the title deeds were given out in 2006?

Mr. Orengo: Mr. Speaker, Sir, not the whole of Lamu is a world heritage site. There are sites in Lamu which have been declared heritage sites like the sand dunes, mangrove swamps and some conservancies which exist where there is wildlife and forests. Those have been gazetted and nobody can interfere with them.

Mr. Farah: On a point of order, Mr. Speaker, Sir. I really respect the Minister, and I understand that he definitely means to support the people of Lamu, but I was in Lamu one week ago and the forests are being reclaimed by settlers. The people who are being settled on a daily basis are there. Could the Minister confirm that he is going to send out a team to find out the situation on the ground? He should give us a list of all those people who have been given land. The information we have from the Lamu people is that land has been allocated all the way to Kiunga, which is on the Somali border, and not to the indigenous people of Lamu. Could I seek your indulgence to direct the relevant committee to carry out investigations on the ground? We have a time bomb there. The people there are restless and something needs to be done.

Mr. Orengo: Mr. Speaker, Sir, I do not think that a committee is necessary. I am saying that a lot of this land is being given away by local leaders. They go and apportion themselves an area; then they get people to settle on this land even without titles. It is a law and order issue for people to go and settle in areas where they are not supposed to encroach on like forest land. Those are law and order issues. As far as I am concerned, there is no titling of any piece of land other than that, that exists in settlement schemes, and that which has been approved previously. However, even as we speak today, if there is any title that has been issued outside a settlement scheme, then that is a matter which is criminal in nature; if you bring that to my notice, I will not only act but act perpendicularly.

Mr. Speaker: Next Question by Private Notice by Mr. Pesa!

DISMISSAL OF MINISTRY OF EDUCATION EMPLOYEES

Mr. John Pesa: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Could the Minister clarify whether persons recently employed by the Government in the Ministry of Education are set to be dismissed from service and, if so, what are the reasons for the decision?

(b) What is the Government doing to cushion the affected employees, considering that many of them left previous employment and have also lost out on other employment opportunities?

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, you will agree with me that this is an issue which elicits a lot of anxiety in the minds of the affected people, and, indeed, their immediate relatives; this is the issue of employment. This Question came to my notice this morning, and I would like to plead for time until tomorrow afternoon, when I can give a comprehensive answer. On top of that, I am informed that the matter is before a court. I would also want to bring to the House the necessary documentation for your decision as to whether the matter should be handled here or not. However, I would be ready to give a very comprehensive answer, because I think it is a matter which touches on the rights of our people.

Mr. Speaker: Very well. Mr. Pesa, is tomorrow at 2.30 p.m. fine with you?

Mr. Pesa: Mr. Speaker, 2.30 p.m. is fine.

(Question deferred)

Mr. Speaker: Next Question by Mr. Anyanga!

BENEFICIARIES OF DROUGHT DEVELOPMENT/RECOVERY PLAN

Mr. Anyanga: Mr. Speaker, Sir, I beg to ask the Minister for Livestock Development the following Question by Private Notice.

(a) Could the Minister provide a list of the current “Drought Development/Recovery Plan”, indicating how areas affected by drought will benefit from the recently earmarked funds?

(b) How much money has been set aside for the purchase of animals in Nyatike District, considering that a high rate of death of livestock has been reported in the last few weeks?

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Speaker, Sir, I beg to reply.

(a) The Government has allocated Kshs1.127 billion towards the mitigation of the current drought in six districts, and the activity has started in most of these districts. The money will be used to carry out interventions in the following key sectors:-

(i) livestock off-take will be done through the purchase of livestock from the affected communities using the District Steering Group, the Agricultural Finance Corporation (AFC) and the Kenya Meat Commission (KMC). Kshs819 million will be used to undertake the livestock off-take. The various district steering groups will use Kshs200 million on this. The AFC has been allocated Kshs427 million, and the KMC Kshs192 million.

(ii) Kshs101.5 million will be used in areas for animal health interventions;

(iii) Kshs130 million will be used for the purchase of livestock supplementary kits. The Provincial Directors of Livestock Production and Veterinary Services in the four affected provinces, District Livestock Production officers and their veterinary counterparts in 65 districts will be facilitated to implement the various interventions. Each of the 65 affected districts will be allocated Kshs807,000 for facilitation.

(b)The Ministry of Livestock Development is carrying out drought mitigation intervention programmes in various districts whose livelihoods have been severely affected by the drought. The following are some of the interventions geared to benefit farmers in Nyatike District:-

(i) Kshs2,250,000 will be used for the purchase of livestock from farmers using the District Steering Group.

(ii) Kshs1,771,500 will be used to purchase assorted supplementary feeds that will be distributed to farmers in Nyatike. The District Livestock Production Officer, Nyatike will be facilitated with Kshs151,000 for logistics.

(iii) The Ministry of Livestock Development has allocated Kshs427 million to the AFC. Out of that amount the Government has already made available Kshs200 million to that corporation. This money will be made available for lending to ranchers, livestock traders and livestock farmers. In the case of livestock farmers in Muslim areas, AFC in partnership with the First Community Bank are providing an Islamic Halal Financing system for those particular areas.

(iv)The KMC has also been allocated Kshs192 million for the purpose of buying livestock from the districts most affected. Farmers in Nyatike are advised to make use of the KMC facility to offload part of the livestock through the on-going off take exercise.

(v)The Ministry has set aside a substantial Kshs101 million to carry out animal health interventions in the drought affected districts including Nyatike and farmers in this district will, therefore, be allowed to secure their livestock from potential opportunistic disease infections.

Mr. Anyanga: Mr. Speaker, Sir, let me take this opportunity to thank the Assistant Minister for this well elaborate answer. It is true that if we can have these kind of Ministers Kenya will definitely benefit a lot.

Mr. Speaker, Sir, it is true that Nyatike is a semi-arid area like any other semi-arid area in Kenya and it is also true that there have been deaths of livestock in Nyatike District every year. What plans has the Ministry put in place to make sure that there is a permanent livestock buying centre to avoid losses during the dry season?

Mr. Duale: Mr. Speaker, Sir, the intervention I have read to the House is meant for this particular period but I want to say that the KMC and the Ministry of Livestock Development will do all within our powers this financial year to set up livestock buying centres. I want hon. Members to work with the private sector in order to make sure that the market is sustainable and will be there for many years to come.

Mr. Affey: Mr. Speaker, Sir, when the Assistant Minister was answering this Question he talked about what will be done in future and yet the drought is current. It is not what he intends to do in the future but now. I would like to find out from the Assistant Minister the monitoring mechanism they have put in place to ensure that the KMC purchases livestock in the off-take programme. Is the Assistant Minister satisfied with the efforts being made by that organization?

Mr. Duale: Mr. Speaker, Sir, at no time did I say that we are going to do that because we are already doing it. All these funds have been released by the Government. The KMC has bought 370 herds of cattle under this programme. The Kshs200 million is already with the AFC. For the District Steering Groups, I have the list that I would like to table which indicates the amount of funds we have allocated to each constituency in this country. Hon. Members can use those funds to monitor whether this programme is going on. As I have said, the District Livestock Officers, the District Veterinary Officers and above all the District Steering Group which every hon. Member is a member of can monitor the progress of the programme alongside the Ministry of Livestock Development.

(Mr. Duale laid the document on the Table)

Mr. Ochieng: Mr. Speaker, Sir, could the Assistant Minister tell us the conditions within which a livestock trader or farmer can borrow this money? Is there any collateral required for farmers to borrow the money?

Mr. Duale: Mr. Speaker, Sir, for the Kshs427 million with the AFC, there are procedures, collateral and interest to be paid but we have taken care of all this. That is why I have said that for the Muslim predominant areas, AFC will work with the First Community Bank in order for the Muslim farmers to access the Halal system of banking.

Mr. Lekuton: Mr. Speaker, Sir, I would like to thank the Assistant Minister for a job well-done in this Ministry. However, what criteria did he use to allocate funds to various constituencies as per the list that he has just tabled? Did he go to the ground to study the extent of the drought in each of those areas?

Mr. Duale: Mr. Speaker, Sir, we do not wake up one morning and start allocating funds. We have done an assessment on the impact of drought in various parts of the country. In the 65 constituencies, the severity of the drought is not uniform. If you allow me, I would like to inform Mr. Lekuton, the hon. Member for Laisamis that Laisamis is one of the hardest hit constituencies in this country and that is why we have more funds allocated to it. We have allocated Kshs4 million to Longoloyani which is within Laisamis. That shows that we are looking at the impact of the drought as per the constituency and not across the board for the 65 constituencies.

Mr. Speaker: Last question by Mr. Anyanga!

Mr. Anyanga: Mr. Speaker, Sir, could you allow me to donate some few seconds to Mr. Mbadi? I think he has a point he wants to make.

Mr. Speaker: You can donate the whole of that supplementary to the hon. Member.

Mr. Anyanga: Mr. Speaker, Sir, since I am satisfied with the answer, I will donate it.

Mr. Speaker: Very well. Who did you donate it to?

Mr. Anyanga: I have donated it to Mr. Mbadi, the Member for Gwassi.

Mr. Mbadi: Mr. Speaker, Sir, my constituency neighbours Nyatike and a large part of my constituency is also semi-arid. I have personally established that cattle die in Nyatike when it is dry, there are no pastures and cattle move for long distances to look for water. What joint effort has the Government made; his Ministry and the Ministry of Water and Irrigation to provide water points to Nyatike Constituency and other semi-arid

constituencies like Gwassi so that when it is dry the cattle get water nearby to avoid deaths?

Mr. Duale: Mr. Speaker, Sir, it is the mandate of the Ministry of Livestock Development whether it is during the dry season or rainy season to make sure that animal health provision is maintained. I want to say that in Gwassi and many other parts of the country we will maintain our animal health surveillance. However, on this particular issue Kshs1.5 million has been set aside by the Government to make sure that any disease occurrence within this period is curtailed. The Ministry of Water and Irrigation, the Ministry of State for Special Programmes and the Ministry of Education have their own sector intervention programmes. I want to assure the hon. Member that at no time shall we allow animals in Gwassi to die either because of lack of water or diseases.

ORAL ANSWERS TO QUESTIONS

Question No.591

NON-DEPLOYMENT OF DOS IN MAKUENI CONSTITUENCY

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

(a) whether he is aware that Kitise, Mbitini, Nguu, Kanthuni, Mavindini and Kalamba divisions in Makueni Constituency have been operating without a District Officer (DO) for the last two years; and,

(b) the reason for non-deployment of the DOs and when they will be posted.

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

(a) Yes, I am aware.

(b) The reason for non-deployment of these officers is because there is a shortage of DOs countrywide. The Ministry is not likely to post officers to these stations until a new recruitment is done.

Mr. Kiilu: Mr. Speaker, Sir, you have heard the Assistant Minister say that there is a shortage of DOs. Makueni Constituency has 11 administrative divisions. Out of these, eight have no DOs. These are not new divisions. They have had DOs in the past. Why has the Assistant Minister considered Makueni as a place for DOs to be transferred without replacement?

Mr. Lesrima: Mr. Speaker, Sir, it is true that poaching has taken place in Makueni, but it has also taken place everywhere else, including in my constituency. As you realize in 2006, we had 71 districts in Kenya. Today we have 287 districts. We get District Commissioners (DCs) by promoting DOs. That explains the shortage. As I said, the divisions which are not manned are being taken care of by other DOs at the district headquarters, while we are waiting for the Treasury to provide us with funds for more recruitment countrywide.

Mr. Litole: Mr. Speaker, Sir, I do not know what is happening with the Government; creation of divisions must be done in accordance with the number of DOs available. Creation of divisions without DOs is useless. They also do not have vehicles.

In Sigor Constituency, we have only one DO in over five divisions. What is the Government doing, so that the people of Sigor Constituency are served like in any other area? Could they promote some chiefs to be DOs?

Mr. Lesrima: Mr. Speaker, Sir, it is true that this shortage also affects Mr. Litole's constituency. He is a former DC and is aware that there are extremely few cases of chiefs qualifying to become Dos, according to the scheme of service. If he has names of chiefs who qualify, maybe we can consider them. As I said, this tragedy will only be overcome if the Treasury approves resources for recruitment of the 600 DOs required.

Mr. Speaker: Last question, Member for Makueni!

Mr. Kiilu: Mr. Speaker, Sir, you have heard the Assistant Minister say that services in divisions without DOs will be provided by DOs from the headquarters. In the 11 divisions in my constituency, there is only one serviceable vehicle. Is the Assistant Minister convinced that this one vehicle can be shared and services rendered to the people of Makueni? Could he provide additional vehicles?

Mr. Lesrima: Mr. Speaker, Sir, it is very difficult to answer former Provincial Commissioners (PC), because they have a lot of knowledge on what is going on on the ground, and how things should be done. I agree with the hon. Member that it is difficult to man all those divisions. Again, I want to say that in this financial year we were not provided with resources. But I think the Treasury is making arrangements to get vehicles through leasing to run the Government. I believe that when that happens we will take into consideration vast areas, including Mr. Kiilu's constituency.

Mr. Speaker: Next Question by Member for Nyaribari Chache!

Question No.714

WORKING RELATIONSHIP BETWEEN KPLC AND REA

Dr. Monda asked the Minister for Energy:-

(a) what the working relationship between the Kenya Power and Lighting Company (KPLC) and the Rural Electrification Authority (REA) is; and,

(b) what measures the Ministry is putting in place to ensure that completed projects by REA are commissioned by the KPLC without any delay.

Mr. Speaker: Where is the Minister for Energy?

Hon. Members: KICC! KICC!

Mr. Speaker: Mr. Chris Obure, will you hold brief for your colleague? Where is the Minister for Energy? What is happening?

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I am not quite sure of what is happening. However, I will convey this message to him. He should be here to answer this Question.

Mr. Speaker: Very well! I will defer the Question to Thursday afternoon.

(Question deferred)

Mr. Washiali: On a point of order, Mr. Speaker, Sir. I have noted with a lot of interest that Members from a certain region are not in this House. Is that in order?

(Laughter)

Mr. Speaker: Order, Member for Mumias! From this position, I am not able to identify all Members with particular regions. At any rate, what is important, according to the rules of this House, and, indeed, our procedure, traditions and customs is quorum. Our quorum figure is 30 Members. I can see we are well above that!

(Applause)

(Dr. Monda stood up in his place)

Dr. Monda, I deferred your Question to Thursday afternoon!
Next Question by Member for Gichugu 1

Question No.679

CLOSURE OF LARO AIRSTRIP

Ms. Karua asked the Minister for Transport:-

(a) whether he is aware that private planes are landing and taking-off at the Laro Airstrip on property No.Narok/Nguruman/Kamarora/1 in spite of a court order to close the said airstrip; and,

(b) the steps he has taken to ensure compliance with the court order.

Mr. Speaker, Sir, this Question was answered last week, but was deferred in order for the Minister to become aware.

Mr. Speaker: Assistant Minister, proceed and answer the part that you were not aware of.

The Assistant Minister for Transport (Mr. Ogari): Mr. Speaker, Sir, I rise to answer this Question for the second time.

You recall that on Thursday last week I answered this Question, but Ms. Martha Karua tabled two documents which were meant to inform me. I would like, at this stage, to confirm that I have perused the documents. The documents only serve to reaffirm my answer that the Kenya Civil Aviation Authority (KCAA) has never been served with any court order. Among the documents Ms. Karua tabled, is one which has had the attention of the Chair. You noted that the orders which were given to KCAA expired 21 days after they were given.

Mr. Speaker, Sir, the second document she tabled is of case No.332 of 2010—

(Loud consultations)

Ms. Karua: On a point of order, Mr. Speaker, Sir. Could you kindly protect the Assistant Minister because I cannot even hear the answer; the consultations are too loud.

The Assistant Minister for Transport (Mr. Ogari): Thank you for your protection, Mr. Speaker, Sir. I answered this Question last Thursday but not conclusively because the hon. Member tabled two documents which I have had the chance to look at. I have confirmed that the documents only serve to reaffirm my answer of last Thursday that neither the Ministry nor the KCAA have been served with the court order except the one which you had the chance to look at, and you noted that, that order lapsed 21 days after it was issued and no action was taken.

Then the other document the hon. Member tabled was a case which is between two parties where KCAA or the Ministry is not a party to. That is in the matter of Case No.332 of 2010 between Jan Unger Nielsen and Herman Philippe and others. The orders which were given regarding the airport or the commercial dispute between the two were also meant to last for seven days with effect from 30th August 2010. So, we do not have any order to stop the operations of Laro Airstrip.

Ms. Karua: Mr. Speaker, Sir, I am disappointed that even with information, this Assistant Minister does not seem to become aware at all. Just to confirm that the position is not as given, the applicants actually filed an application - which I had not known by the time he was answering - on 23rd June, 2009. They filed a notice of motion and the orders were extended once again. Actually the suit is on hold as we speak. I would have expected that having given the Assistant Minister a hint, although I was not personally aware about the notice of motion, being his duty to become aware and that is why he is paid, he should have gone to get the whole history of the case and to also know that the KCAA had actually written a letter on 11th December 2009 asking that the airport should not be opened and notifying them that the aerodrome licence has expired.

Could the Assistant Minister confirm that no licence has actually been issued by the aerodromes? Is he aware that the court order is still in force and he is therefore disobeying it, and the KCAA has forbidden operation at this airport, which he continues to commit?

Mr. Ochieng: On a point of order, Mr. Speaker, Sir. You heard hon. Karua saying that the matter is in court and is on-going. Is it in order for this House to discuss a matter which is *sub judice*?

Mr. Speaker: Let the Assistant Minister respond to that.

Mr. Ogari: Mr. Speaker, Sir, it is good that the hon. Member has mentioned that she was not aware of whatever had been going on. I would like to have a look at the document she has because as I have mentioned, the matter seems to be revolving around commercial disputes between two different investors; one is the owner of the airstrip. So, I am not very sure of what she is talking about. There are so many orders which have been issued regarding this matter but it is only one that we are aware of; that touched on KCAA. So, I am not sure whether the case which is going on touches on the Ministry of KCAA or the two parties concerned. I have three orders which were given and there is another one; Case No.332 of 2010 which we have talked about which also lapsed. Then there is another one of November 2010 which has also lapsed. So, I am not in the know as to which matter the hon. Member is talking about; whether it is the matter against KCAA or a matter to do with the two warring parties.

Mr. Speaker: Member for Gichugu, last question!

Ms. Karua: Mr. Speaker, Sir, my question is very specific; it is about the KCAA. So, even if there were orders against other people, it is this Ministry that writes to say that

the licence has expired. It receives a court order; it continues to let the airport operate and to show that it is operating, the documents I handed to him and which I laid on the table clearly show that even after the March letter by the aerodrome, this airport has been in use. The Prime Minister and several Ministers have been frequenting the airport. It is not their fault, but it is the fault of your department which is allowing it to operate when it has been asked to rectify several things. Are you waiting for an accident to happen or shall you enforce the court order and the directive of your own department?

Mr. Ogari: Mr. Speaker, Sir, as I said, we are aware that the airport is operating and the KCAA is carrying on with its mandate of safety, security and surveillance. We are aware that it is totally licensed. I saw the passenger manifest that she attached without regard to the names. But that is just to prove that the airport is operating.

Mr. Speaker: Order, Assistant Minister! This is a very simple position. The Member for Gichugu has tabled evidence here to show that there is a court order. She has also tabled a letter from your department saying that there is no licence issued. Surely, if that is the position and we all subscribe to the rule of law, why do you not undertake that when you get served with the order, you will comply? Please, confirm that!

Mr. Ogari: Mr. Speaker, Sir, I would like to confirm that once we get that court order, we shall comply.

Mr. Speaker: Very well! Next Question by Member for Keiyo South!

Question No.722

PROVISION OF COMPUTERS UNDER ESP TO CONSTITUENCIES

The Member for Keiyo South is not in! The Question is dropped!

(Question dropped)

Question No.726

EVICION OF BERNARD MUOKI MAKAU
FROM NDALANI PLOT

Mr. C. Kilonzo asked the Minister for Lands:-

(a) under what circumstances Mr. Bernard Muoki Makau, who has been in possession of Plot No. 364 of Phase 1 in Ndalani for 37 years was evicted from the plot; and,

(b) what steps he is taking to ensure that he regains the property.

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

(a) I am aware that Bernard Muoki Makau was evicted from Plot No.37 in Ndalani Phase I Settlement Scheme following a court order dated 27th October 2008 in Civic Case No.224 of 2008.

(b) I am investigating the matter with a view to assisting Mr. Bernard Muoki Makau.

Mr. C. Kilonzo: Mr. Speaker, Sir, there are over 450 families in Ndalani Settlement Scheme who have been in occupation for over 40 years. Mr. Bernard Muoki is

a son of a lady who passed on, and she had lived on that land for about 40 years. The previous governments; the Kenyatta Government and the Moi Government decided that it was not reasonable to give absentee landlords title deeds when there were people on the land. Why has the Government decided to give title deeds to absentee landlords who are now coming to evict these legitimate owners of the land who have been in occupation of the land for over 40 years?

Mr. Rai: Mr. Speaker, Sir, the fact of the matter is that, it is true that Mr. Bernard Muoki has actually been on that piece of land for over 37 years, but what actually happened to the extent that he was evicted, is a matter that I am investigating so that I get to know why he was evicted. By right, he ought not to have been evicted from that particular piece of land.

Mr. Konchella: Mr. Speaker, Sir, there are a lot of incidences like these all over the country. For example, in Kibera, the Nubi Community has lived there since 19th Century and they still do not own the land. They had to go to court to try and enforce their rights. The other week, there was an issue of a family in Mombasa which found that their title deed had been issued by the Government or whoever. Could the Assistant Minister, therefore, assure Kenyans that those Kenyans, like Mr. Makau, have a place to redress their issues so that they do not suffer, because when their parents die, other people come and take their title deeds? Could the Assistant Minister set up a department in his office where people like these can come and make their complaints and he can take care of their issues immediately?

Mr. Rai: Mr. Speaker, Sir, in some of these areas we have already actually set up some taskforces to look into these issues of the landless in various areas. This is one of the cases where, in fact, we have actually set up a Ministerial Plot Committee to investigate. Once I get a report, I can assure the hon. Member that Mr. Makau will be settled.

Mr. Speaker: Last question, Member for Yatta!

Mr. C. Kilonzo: Mr. Speaker, Sir, since the matter involves another 450 families, could the Assistant Minister consider cancelling those title deeds as the Ministry looks into the matter? This is the fourth family to be evicted.

Mr. Rai: Mr. Speaker, Sir, I had actually spoken to him and informed him that we are actually looking into this issue and various other issues which are still hostile and hot. I can assure the hon. Member that once that report is actually before me, Mr. Makau will be settled because he actually should not have been displaced from this particular land.

Question No.736

NON-PAYMENT OF DEBTS OWED TO M/S ISMAJ
GARAGE TRANSPORTERS BY NWCPC

Mr. Affey: Mr. Speaker, Sir, I had an occasion to consult with the Minister and we agreed that since he is collecting some information, perhaps, he will be able to answer it tomorrow.

Mr. Speaker: Very well! I will defer the Question to tomorrow morning.

(Question deferred)

Question No.739

ILLEGAL ACQUISITION OF UHT EQUIPMENT

Mr. Speaker: Again, on this Question, I understand that both the Deputy Prime Minister and Minister for Finance as well as the Member for Githunguri are in agreement that it be deferred to Tuesday afternoon, and I am inclined to agree. It is so ordered!

(Question deferred)

Question No.743

LOW BUDGETARY ALLOCATION TO WAJIR SOUTH CONSTITUENCY

Mr. Sirat asked the Minister for Development of Northern Kenya and other Arid Lands:-

(a) why Wajir South Constituency was allocated only Kshs900,000 in the 2010/2011 financial year while Wajir East Constituency was allocated over Kshs.40 million;

(b) whether he could update the House on the status of the sewerage program in Wajir East District, who was awarded the contract and where and how the water to pump the sewerage will be sourced from; and,

(c) whether the Ministry has achieved its mandate for which it was created.

Mr. Speaker: Is the Minister for Development of Northern Kenya and other Arid Lands not here? Yes, hon. Obure!

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I am actually informed that the Minister is out of the country. I will request that the Question be deferred to a later date, with your indulgence.

Mr. Speaker: Very well! I direct that this Question appears on the Order Paper on Thursday next week at 2.30 p.m. Because of the prevailing circumstances, I do not wish to make any further pronouncement on that matter.

(Question deferred)

Next Order!

Mr. Speaker: We will first take Statements which are ready for delivery. Hon. Obure, do you have one?

MINISTERIAL STATEMENT

DEVELOPMENT OF ESSENTIAL INFRASTRUCTURE FOR COUNTY GOVERNMENTS

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I wish to make a Statement regarding development of essential infrastructure for county governments.

Mr. Speaker, Sir, as you will know, the Sixth Schedule of the Constitution provides for the creation of 47 counties under the devolved system of Government. The Schedule further requires that the counties should be operational by the year 2013. The mandate of the Ministry of Public Works is to provide basic infrastructure facilities to the public. These include, the development and maintenance of Government buildings and other public works as directed in the Presidential Circular No.1 of 2008, published in May, 2008. Pursuant thereof, the Ministry of Public Works is already spearheading the design and development of the proposed county assemblies, county offices and governors' residences, among others in readiness for the year 2013 deadline. The purpose of our intervention is to provide physical infrastructure to enable the county governments to effectively discharge their duties and functions as provided for in the Constitution. To this end, the Ministry has already produced the generic preliminary designs for these structures. It is important and necessary that every county identifies the location of its county seat; existing facilities to be assessed for possible upgrading or modification into any of these facilities in the event that the facilities are found not suitable for this purpose. The respective counties should identify land to house these facilities. In this event, hon. Members should take into account that the available resources are likely to be limited.

Mr. Speaker, Sir, I, therefore, wish to appeal to the leaders in this august House to consult with their counties with a view to identifying and agreeing on the county headquarters taking into account the urgency of the matter. We are also in consultation with the Ministry of State for Provincial Administration and Internal Security with a view to convening the final county meetings within 21 days from today. These meetings should, therefore, take place not later than 14th March, 2011. The purpose of these meetings will be to formally adopt the county decisions on the location of their various county assemblies' offices and residences and the land that has been identified for the development of this infrastructure. The decision of the counties on the location of these facilities should reach the Permanent Secretary, Ministry of Public Works, within seven days from the date of the final meeting. This will allow the Ministry to speedily embark on preparing designs and documents to the projects, so that work on them will commence immediately in the new financial year 2011/2012. The documentation process will be informed by the data we will receive from the counties.

Mr. Speaker, Sir, the Ministry needs to factor its budgetary estimates on the construction of the county governments' facilities and forward them to Treasury before 21st March, 2011. Hon. Members, I, therefore, request for your co-operation on this issue. The Ministry will require about three months to prepare design documents to the projects and procure the contracts. The Ministry will, in addition to what I have just said, put out a comprehensive notice in the media conveying this information to the general public.

Thank you.

Mr. Speaker: We will allow two clarifications. Mr. Minister, please, take note.
The Member for Kisumu Town West!

Mr. Olago: Mr. Speaker, Sir, before counties were created, the one major problem that there was in the Ministry was that architects would be drawing plans in Nairobi without visiting the districts. Could the Minister assure the House that this time the architects of the Ministry will not draw plans in Nairobi, but will take time to visit the counties and draw plans according to the topography and type of soil and land?

Mr. Kutuny: Mr. Speaker, Sir, I rise to seek a Ministerial Statement---

Mr. Speaker: Order! Order, Member for Cherangany! We are still on this particular Statement. You will have to wait.

The Member for Karachuonyo!

Eng. Rege: Mr. Speaker, Sir, I would like to ask the Minister to make sure that this time, all the architectural drawings will have toilets, doors, conference rooms, among other facilities. In fact, I had discussed this earlier on with him. I told him that the drawings for all the centres of excellence such as hospitals and schools do not have toilets, furniture and other facilities. He told me that they do not have enough money to replace all the missing facilities. Could he assure us that when they are doing the county buildings they will provide them with all those facilities? It would also be prudent to involve all stakeholders in designing these buildings.

Mr. Speaker: Very well!

Mr. Gunda: Mr. Speaker, Sir, once counties identify their headquarters, could the Minister tell us whether the Ministry will assist them to put up county assemblies, residences for Governors and other county officials?

Mr. Speaker: Mr. Minister, you may respond. As you do so, what are you doing about the National Assembly which is the headquarters? As you know, I speak for this institution.

The Minister for Public Works (Mr. Obure): Mr. Speaker, Sir, I would like to start with hon. Olago's question. I want to confirm that we have sent out teams to various places to collect raw data. However, after the consultations by leaders in the counties, we will be sending technical teams for the purpose of preparing the drawings which will then be the basis for discussions with the stakeholders.

I, therefore, want to assure hon. Olago that we will not do on theoretical exercises. We will, in fact, send people to the ground to ensure that the actual situations such as the topography and all the other related factors are taken into account.

Mr. Speaker, Sir, we intend to set up county assemblies, governors residences and all the other structures. All the aspects relating to toilets, conference rooms and everything else will be put up. This will be comprehensive structures, which will be functional. I want to give this House the assurance that these will be functional structures complete in every respect.

With regard to the issue raised by the Member for Bahari, I want to say that once the consultations are carried out and decisions are reached as to where the headquarters will be located, it is the intention of the Government to put up these structures using public resources. Therefore, this is a national exercise which will be fully funded by the taxpayers of this country.

Mr. Speaker, Sir, in respect to the National Assembly, you know that we are working together. Right now, works are going on. We know that there are certain challenges relating to importation of certain materials required for construction. We are

working with the National Assembly and the Commission to ensure that all that is required is done, so that we can deliver this particular project.

Mr. Speaker: Very well. We will now take requests for Statements beginning with the Member for Cherangany.

POINT OF ORDER

UPSURGE OF INSECURITY IN UASIN GISHU COUNTY

Mr. Kutuny: On a point of order, Mr. Speaker, Sir. I am seeking a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security over increased cases of robbery in Mariot, Elbariso and Kikwetu hotels in Uasin Gishu County. Could he tell us how many people were injured during that incident?

Mr. Speaker, Sir, there are also rampant cases of carjacking in Eldoret and Kitale towns. Could he also state how many cases have been reported and acted upon, so far, by the police?

Lastly, there is also an increase of incidences of people being murdered and dumped along the road and streets in Eldoret and Kitale towns. Could he state the number of people murdered and dumped? What urgent measures he is taking to address the above problems?

(Some hon. Members withdrew from the Chamber)

The Minister for Roads (Mr. Bett): On a point of order, Mr. Speaker, Sir. In view of the prevailing situation, where one part of the Coalition has withdrawn from this House, would I be in order to recommend for purposes of transacting business in this House, we formalise hon. Obure to be the Acting Leader of Government Business?

(Applause)

Mr. Speaker: Order! Order! We have heard you. That is a matter that we cannot really speak to immediately. However, we will take up that issue as we sit in the House Business Committee this evening.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, we will provide this Statement on Tuesday next week at 2.30 p.m., since it involves a lot of details.

Mr. Speaker: It is so directed.

PERSONAL STATEMENT

WITHDRAWING OF SECURITY DETAIL FROM HON. MEMBERS

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. I wish to rise on a point of order under Standing Order No.76.

Mr. Speaker: Yes, you are entitled to do so, even at this stage.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I wish to address this House to the issue of my personal security and threat to my life.

Mr. Speaker, Sir, on 13th February, 2011, while we were deliberating as Members of the Departmental Committee on Justice and Legal Affairs, I was given information that the Government intended to withdraw my personal security that is provided by the Government. I raised it with my Committee and decided to leave it at that. But later in the day, hon. Olago, who is also a Member of that Committee also got information through a SMS that the Government intends to withdraw his security.

Mr. Speaker, Sir, I took it that it could only relate to the view and stand I had taken in relation to the nominations by the President, because I am not aware of any other reason why my security would have been withdrawn. I was asked by the media because I held a Press Conference why I have not reported to the police. I said because the police were the ones, who want to withdraw my security, I do not see the need.

Mr. Speaker, Sir, on 19th February, 2011, I was travelling to Suba where my father was born to undertake development activities related to girls. I was accompanied by an Assistant Commissioner for the National Cohesion and Integration Commission, Ms. Mary and members of the CRADLE children foundation and private security because I did not trust Government security.

On my way, I got further information that there were two Israelis of Artur Magaryan type that had come to this country and had met in a residence that I would not indicate now. The two Israelis whose names are Thomas and Paul, and whose telephone numbers I later received, were given instructions to eliminate the Prime Minister, the Speaker, hon. Odhiambo-Mabona, hon. Ababu Namwamba and hon. Olago.

Mr. Speaker, Sir, when I got this information, I did not take it lightly. I reported the matter to Mbita Police Station. When I reported the matter to Mbita Police Station, I got very good co-operation from the OCPD, Mrs. Cheron Githinji. She actually gave me personal protection. She gave me a Land Rover full of police officers who were with me throughout my stay in Mbita. At about 11.00 p.m., as soon as the police left me, I was attacked by six men who were carrying AK47 rifles, pistols and swords. Those people were not locals for various reasons. First, they spoke very good English. In fact, they spoke superior English. They also spoke very good Kiswahili. Suba people do not have a good command of Kiswahili. It is a well known fact!

Mr. Speaker, Sir, one of the surprising things is that when those guys were attacking us, they were very courteous, especially the leader. The leader was very apologetic. He told us that he was very sorry that he had to do that; it was not his wish; he is born of women just like me, and the woman I was with. He told us to relax. They were only doing their duty. They also gave us a message to Mr. Ojode. They told us to tell him not to ask that they be shot because they were not going to kill us. They should not be shot. So, I want to give that message to Mr. Ojode. The colleagues who were with me were there.

Mr. Speaker, Sir, it did not escape my notice that they were treating me very specially. The leader insisted that I do not identify myself; they did not take my phones. They did not steal from me except my money. They were courteous and they returned my bag. In this country, when other hon. Members have raised issues of their security, or when issues have been raised and they have not been said loudly, people have died. Mr. J.M. Kariuki died! Dr. Ouko died! Mr. Mboya died! For Mrs. Odhiambo-Mabona, I am

not dying without telling the world that people want to kill me. I will not be quiet; I will not be intimidated and I will stand for justice.

(Applause)

Mr. Speaker, Sir, one thing that people do not know about me is that I am a woman of faith. I want to quote from the Bible today. The Bible says: "That it is appointed for man to die once and after that, comes judgment." The only thing I fear is God's judgment. I do not fear man's action. So, I want to tell anybody who wants to threaten my life that the Bible says: It is appointed for man and - in this instance - a woman, to die once. It is appointed and, therefore, it is only God who knows the date of my death. The reason I want to say this is because those guys got into the car. For the first time in my life - I always go in big cars - I went in a small car. The car was too small and they could not fit in. They tried to drive the car but it could only reverse. It could not go forward. It is God who took care of me!

(Applause)

Mr. Speaker: Order, Mrs. Odhiambo-Mabona! Normally, Statements under Standing Order No.76 are supposed to last not more than five minutes. You have already had six minutes and I am afraid you must conclude.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, could I summarize in one sentence?

Mr. Speaker: Yes, you will have to do it in just a minute! You have had six minutes!

(Several hon. Members entered the Chamber)

Order, hon. Members! Those who are coming in, please, do so quietly!

(Applause)

Order, hon. Members! Mrs. Odhiambo-Mabona, proceed and conclude in one minute.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I wish you could indulge me because it is not every day that my life is in danger.

Mr. Speaker: Order, Mrs. Odhiambo-Mabona! I have allowed you six minutes already. Please, conclude in two minutes!

Mrs. Odhiambo-Mabona: Thank you, Mr. Speaker, Sir. I will conclude in two minutes. In this House, Mr. Ndilinge said that his life was in danger but he was ignored. He was shot later and he died. Mrs. Odhiambo-Mabona's life has been threatened. I was attacked! I will not be quiet. If those who want to kill me, they will find me. I have told you that I am a woman of faith. It is appointed for me to die once and after that comes judgment. The only judgment I fear is God's judgment. Those who want to kill me, I live in Riverside. I will give them my address, let them come. The Israelis were given my address, the people I relate with, my itinerary and my daily work. They will find me and I will not enhance my security because I am only answerable to God. Let them kill me if

they want. I will stand for justice even if I am the only man or woman standing. I will not be intimidated!

Thank you!

(Applause)

POINTS OF ORDER

CAUSE OF FISH DEATHS IN ATHI RIVER

Mr. C. Kilonzo: Mr. Speaker, Sir, I rise to ask for a Ministerial Statement from the Minister in charge of environment. I would like him to explain what has caused the death of fish in Athi River, especially the section that is in Yatta Constituency over the last one week. In the Statement, I wish the Minister to clarify the measures the Government is taking to reduce pollution in Athi River. What is the Government doing to alert residents not to eat the dead fish? What action is the Government taking to ensure that raw sewage from Nairobi and Thika towns does not flow into Athi River? Could he also confirm whether the water is fit for human and livestock consumption?

Mr. Speaker: Which Ministry?

Mr. C. Kilonzo: Mr. Speaker, Sir, the Ministry of Environment and Mineral Resources.

Mr. Speaker: Is the Minister here? When will this Statement come?

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Speaker, Sir, we will respond on Thursday next week.

Mr. Speaker: Very well. It is so ordered!

EVICTION OF SQUATTERS FROM MWAKIRUNGE SETTLEMENT SCHEME

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. Over two weeks ago, I requested for a Ministerial Statement from the Ministry of Lands with respect to the Mwakirunge Squatter Settlement Scheme where there were evictions and up to date, I have not received that Statement. Could we get an indication from the Minister?

Mr. Speaker: Where is the Minister for Lands?

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, I gather that the Minister for Lands was here a few moments ago. I will attempt to catch up with him. The Statement could also be made on Thursday next week.

Mr. Speaker: It is so ordered!

PRESENCE OF KK GUARDS AT MR. KABOGO'S RESIDENCE

Mr. Kabogo: On a point of Order, Mr. Speaker, Sir. I have two issues. On Thursday, I rose on a point of order to request for a Ministerial Statement from the Minister in charge of internal security regarding the enhancement of my security in my house and the issue of the American Ambassador sending people to my house. He promised to bring that Statement today. At the same, I want to inform the House that, after I left the House at about 6.40 p.m., in the evening, I found out that the Minister had

withdrawn my bodyguard. All through the night of Thursday, during the day on Friday; he attempted to reinstate the bodyguard on Friday at about 10.00 p.m. at night when a certain policeman, Inspector Mutiso, called me and asked me where I was. He wanted to bring the bodyguard to me at night. I would like the Minister to clarify why he withdrew the bodyguard until I had to write to the Speaker of the National Assembly complaining of the same.

MEASURES TO AVERT DEATHS IN QUARRIES IN JUJA

Mr. Speaker, Sir, I would like to request for a Ministerial Statement from the Minister for Environment and Mineral Resources regarding the circumstances under which a family of three perished in a quarry in Umoja Estate in Thika.

(Mr. Khaniri and Bishop Wanjiru consulted loudly)

Mr. Speaker: Order! Proceed!

Mr. Kabogo: Mr. Speaker, Sir, can you protect me from these Assistant Ministers!

Mr. Speaker: Order, Mr. Khaniri! Order, Bishop!

Mr. Kabogo: In the Statement, the Minister should state what the Ministry will do to avert death in quarries in Juja. There are so many quarries in Juja and many lives are lost.

Mr. Speaker: Is the Minister for Environment and Mineral Resources here? When will this Statement be available?

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Speaker, Sir, I would like to request for two weeks to bring this Statement because I have a Statement to make arising from a trip that I made to Juja which is related to this one. So, if you could give me two weeks, I will combine both Statements.

Mr. Speaker: Very well.

Yes, Member for Laisamis.

THE DAMMING OF RIVER OMO

Mr. Letimalo: Mr. Speaker, Sir, two months ago, I had requested for a Ministerial Statement from the Ministry of Water and Irrigation on the damming of River Omo which is the largest tributary to Lake Turkana. I would like that Statement given because the issue is very serious because the Ethiopian Government is proceeding very fast in damming almost three quarters of the River Omo.

Mr. Speaker: Mr. Waititu, when will this Statement be ready?

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Speaker, Sir, it will be ready on Wednesday next week.

Mr. Speaker: This Statement was called for two weeks ago. Really, you ought to be ready on Thursday this week.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Speaker, Sir, I will bring it on Thursday this week.

Mr. Speaker: Very well. It is so directed. Could we hear from the Minister of State for Provincial Administration and Internal Security on the matter raised by the Member for Juja?

MINISTERIAL STATEMENT

PRESENCE OF KK GUARDS AT MR. KABOGO'S RESIDENCE

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, it is, indeed, true that on Thursday, 17th February, 2011, Mr. William Kabogo, Member of Parliament for Juja Constituency rose on a point of order requesting for a Ministerial Statement on the presence of KK Guards at his residence.

In the Statement, he sought clarification on the circumstances under which the American Ambassador, Michael Rannerberger, sent four KK armed guards to his house on Saturday, 13th February, 2011 to check whether he was in and how the fence to his compound is made.

Mr. Speaker, Sir, I wish to state as follows: After consultations with the Embassy of the United States of America, we have been informed that the American Embassy does not know anything about the alleged incident. I have also asked the police as to whether the said act ever took place. Again, the answer has been "no" on that particular matter.

I would like to say that Mr. Kabogo did see me on Friday at 10.00 a.m., as I had indicated here. At that particular time, I informed Mr. Kabogo to also give the details to the police.

Mr. Speaker, Sir, the hon. Member did at that particular time inform me that while we were in this House, his bodyguard had already been withdrawn from him. Of course, I was surprised. I am also surprised that today Mr. Kabogo says that I am the one who withdrew his bodyguard. I do not see how I could have withdrawn them while I was here.

Mr. Speaker, Sir, be as it may, I took the necessary action and I assured him that his bodyguards would be restored. I am now in a position to state as follows: Two security personnel have already been posted to Mr. Kabogo. For avoidance of doubt, the security officers are as follows: Police Constable No.78---

(Loud consultations)

Mr. Speaker: Order, hon. Members. Let us hear the Minister. Please, lower the level of your consultations.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I was in the process of saying---

(Mr. Kabogo stood up in his place)

Mr. Speaker: Order, Member for Juja!

Prof. Saitoti, how long do you have to go?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I am just about to finish this matter.

Mr. Speaker: Please, allow him to finish.

(Mr. Kabogo stood up in his place)

Order, Member for Juja. Let the Minister finish and you can raise those issues.

Mr. Minister, conclude.

The Minister of State for Provincial Administration and Internal Security

(Prof. Saitoti): Mr. Speaker, Sir, I am informing the House here that two policemen have already been posted to Mr. Kabogo. That information is clear. However, for purposes of transparency, I want to give their identifications.

(Mr. Kabogo stood up in his place)

If you do not want me to do it---

Mr. Speaker: Order, Prof. Saitoti! If the hon. Member feels that their identity should remain concealed, respect the feeling of the hon. Member.

The Minister of State for Provincial Administration and Internal Security

(Prof. Saitoti): Mr. Speaker, Sir, two of them have already been posted to him.

Mr. Speaker: Very well. We will take clarifications beginning with the Member for Juja.

Mr. Kabogo: Mr. Speaker, Sir, I am very much surprised that the Minister can stand here and say something that is not true. The American Ambassador did send four guards to my house. I am not sure how he can say that it is not true and the police say these guards were not sent and yet, they have not visited my house to find out who these guards found in the house. My house-help and the gardener were there. They saw these people. How would he know if the police have not visited my house?

On the second part about withdrawal of my guard, in his Statement, he has not stated why they withdrew him for two days. He says he is surprised. Yes, I did go to his office on Friday. He called the AP Commandant, Mr. Mbugua, and asked him who withdrew my guard. I was sitting next to him and I heard him say he does not know. Prof. Saitoti was equally surprised. So, he is not in charge of his Ministry. How can he not know that a guard of a Member of Parliament has been withdrawn? Under what circumstances did he or his office withdraw my guard only to return him two days and nights later? What were they supposed to do in those nights? Could he tell the House?

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, of late, the Government seems to use this issue of withdrawing security as a way of intimidating some of us. Could the Minister, please, clarify whether he knows or understands that if you decide to give security and withdraw it against certain people, then it is against Article 27(4) of the Constitution that says you shall not discriminate against another person on any grounds, including their beliefs, conscience or whatever ground?

Could he also clarify whether the withdrawal of security is a precursor to attacking those hon. Members?

Mr. Mbadi: Mr. Speaker, Sir, it is very sad when the Government tries to use withdrawal of security to intimidate hon. Members. I want to get something very clearly from the Minister. The security personnel of hon. Kabogo were withdrawn for two days. Who did it? What was the motive? Could the Minister clarify to this nation who ordered

the withdrawal of the security? That is because the police officer could not just run away? Somebody must have ordered the withdrawal. He owes an answer to this country.

Mr. Speaker: Prof. Saitoti, you may respond to all the three queries.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, first of all, I want to make it very clear that hon. Kabogo raised the issue here on Thursday. I then asked him to come and see me the following day at 10.00 a.m., so that we could look into his request regarding the need for extra security. Mr. Kabogo, as agreed, and on that occasion, informed me that his bodyguard had been withdrawn. He reiterated what exactly had taken place during that period. In his presence, I contacted the AP Commandant to ask whether, indeed, the security officers had been withdrawn. The commandant said that he was not aware. I asked the commandant to move as fast as possible to ensure that security personnel had been restored to him. I knew about their concern because the security he had was more than what is allowed to an ordinary Member. Already, he had two officers. Since the commandant did not know, I wanted to know how the officer left.

(Several hon. Members stood up in their places)

This is a serious matter and I am trying to give the information.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. Indeed, this matter is serious and that is why we are taking it seriously. The clarification we sought was very clear. A police officer who is a Government employee left his duty of guarding hon. Kabogo. By now, the Minister must have known the person who ordered him to leave his station and go elsewhere. He should not tell us what he did afterwards. For the two days that hon. Kabogo did not have security officers, where was that police officer and who ordered him to leave?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, first of all, I will state what my mind was focused on, which was to give the full information. I do not want to conceal any kind of a loophole. The key issue is that hon. Kabogo came to my office and made a request, which I was unable to undertake in full. The second bit of that is, clearly, who gave the orders to that officer. That officer has so far not been able to give that information.

(Loud consultations)

Absolutely! Absolutely! This is a serious matter. He has not given us the circumstances under which he moved away from hon. Kabogo. I have given instructions that he must be made to give the information. Otherwise, he should be disciplined. The other thing I want to inform this House is that it is not the policy of the Government to withdraw a security officer from an hon. Member. That is an entitlement to every Member of Parliament here. It should not be done in order to intimidate them. I want to assure this House that any officer under my Ministry, who withdraws a security officer without informing me, will face disciplinary action.

Mr. Speaker: That brings us to the end of Order No.7.

COMMUNICATION FROM THE CHAIR

DEFERMENT OF COMMITTEE STAGE:
THE JUDICIAL SERVICE COMMISSION

Mr. Speaker: Hon. Members, with respect to Order No.8, the Departmental Committee on Justice and Legal Affairs has put its case to the Chair to the fact that it was over-involved in other issues in the recent past and was not able to process the requisite amendments to this Bill in time. They have requested for a deferment not too long to tomorrow at 2.30 p.m. So, I will defer Order No. 8 to tomorrow at 2.30 p.m., to allow the Committee to process the amendments which are necessary to this part of legislation.

BILL

Second Reading

THE VETERINARY SURGEONS AND PARA-PROFESSIONALS BILL

*(The Minister for Livestock Development
on (Dr. Kuti) on 16.2.2011)*

(Resumption of Debate interrupted on 16.2.2011)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, I wish to support this Bill which has come at the right time in this country. The introduction of this Bill is as a result of passing of the National Livestock Policy, 2008, that provided for the expansion of the mandate of the Kenya Veterinary Board to regulate both surgeons and veterinary technicians.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker: Order! If you wish to withdraw from the Chamber, please, do so silently.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, this Bill has come up as a result of countrywide consultations over the last five years. It has also received Cabinet approval. You will recall that we debated the National Livestock Policy in this House. The Bill is intended to regulate all aspects of the provision of animal health services. You will recall that the current law relating to the sector dates back to 1963. The Veterinary Surgeons Act, Cap 366, which regulates the practice of veterinary surgeons dates back to 1953. The new Bill is an improved law because it takes care of para-professionals which include animal health assistants and technicians. The Bill also takes care of international obligations. As you know, if we were to participate in international livestock trade, then

there is a requirement we would have to meet. It is just like trading in other products. The World Trade Organization (WTO) Regulations must be complied with. So, with regard to trade in livestock products, the World Animal Health Organization also has its own regulations. In this country, if we are to import meat or other livestock products, we are required to comply with international regulations governing the exports, particularly on hygiene issues. This is important for this country if, indeed, we want to trade in animal products.

Mr. Deputy Speaker, Sir, the Bill also provides for a Board that has a wide representation of technical people who are specialists in various aspects of food safety, quality assurance, laboratory diagnostics, wildlife practice, and veterinary medicine. The animal health technicians are also taken care of in this Bill. Members of the public who have an interest in the animal and animal products industry are equally represented on this Board.

The members of the Board, once appointed, will elect their own chairman unlike in the previous legislation where the President or the Minister in charge of the sector is called upon to pick a chairman from among the members of the Board.

Mr. Deputy Speaker, Sir, perhaps, during the Committee Stage, amendments need to be brought so that this Bill conforms to our current Constitution because it is talking about Ministers while the current Constitution talks of Cabinet Secretaries. I hope that at one point, the amendments will be made so that the Bill complies with the Constitution.

This Bill is important at this time when the East African Community (EAC) is taking centre stage in trade. We are aware that Tanzania amended their laws a few years ago. When Kenya brings its own law, it means that we shall have harmonized our laws. The importance of this Bill is that it brings all practitioners under one law as is the practice in the rest of the world. It brings together veterinarians, university graduates, certificate holders and so on. Under this law, safety of Kenyans is underscored whether it is with regard to milk, meat, or issues to do with drug residues.

This Bill is bound to bring order in the industry. We know that this industry, in the recent past, has been infiltrated by quacks. I am glad that the Minister has put in clauses to deal with quacks.

QUORUM

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. It appears that there is no Quorum.

Mr. Deputy Speaker: Indeed, there is no Quorum. Please, ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, there being no quorum, the House stands adjourned until tomorrow, Wednesday, 23rd February, 2011, at 9.00 a.m.

The House rose at 4.35 p.m.