

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd November, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

ASSENT TO BILLS

Mr. Speaker: Hon. Members, I have one Communication to make at this stage. Standing Order No.125 requires the Attorney-General to present to the President, within 14 days of receipt from the Clerk of the National Assembly, every Bill passed by this House. Thereafter, at the expiry of 14 days, the Attorney-General is required to file a return to the Speaker indicating the time and the date the Bill was presented to the President. The returns now received indicate that the following five Bills have been assented to by His Excellency the President:-

1. The Industrial Training (Amendment) Bill, 2011 and the Public Appointments (Parliamentary Approval) Bill, 2011 which were passed by the National Assembly on 18th October, 2011, were assented to by His Excellency the President on 11th November, 2011 at 11.00 a.m.
2. The Independent Policing Oversight Authority Bill, 2011; the Limited Liability Partnership Bill, 2011, and the Mutual Legal Assistance Bill, 2011 which were passed by the National Assembly on 25th October, 2011 were assented to by His Excellency the President on 11th November, 2011 at 11.00 a.m.

PAPER LAID

The following Paper was laid on the Table:

Report of the Departmental Committee on Transport, Public Works and Housing on the Engineers Bill, 2011.

(By Mr. Chanzu)

QUESTIONS BY PRIVATE NOTICE

CRITERIA FOR DETERMINING PRICES OF PETROLEUM PRODUCTS

(Mr. Mwaita) to ask the Minister for Energy:

(a) Could the Minister provide a breakdown on consumption of all petroleum products in the country on a monthly basis?

(b) What criteria are used by the Energy Regulatory Commission (ERC) in determining the prices of petroleum products?

(c) What measures is the Minister taking to cushion Kenyans against the spiraling prices of petroleum products?

Mr. Speaker: The Member for Baringo Central is not yet in? The Question is dropped.

(Question dropped)

ATTACK ON SONU SECRETARY-GENERAL

Dr. Eseli: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Under what circumstances was Mr. Alex Matere, the Secretary-General of the Students Organization of Nairobi University (SONU), attacked by four men on 11th November, 2011 at 3.00 a.m.?

(b) What steps have the police taken to apprehend and interrogate the suspects, particularly the individual identified by Mr. Matere?

(c) What security measures, if any, have been taken to ensure the safety of the victim, who is admitted at the University Health Services sick bay?

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

(a) On 11th November, 2011 at around 3.00 a.m. Mr. Alex Natembeya Matere, a 23 year-old male adult and a fourth year student at the University of Nairobi pursuing a degree in political science, and who is also the Secretary-General of SONU was awoken by a loud bang. He noticed that the door to his Room No.F19 at Lower State House Road Hostel of University of Nairobi had been smashed and was wide open. Immediately, four men armed with pangas entered the room while wearing masks and attacked him. He sustained injuries on the head, abdomen, and the left hand. The attackers asserted that he was troubling them, but they did not expound how. He called for help from the neighbours, but the attackers disappeared before they arrived. They left behind two pangas. The victim was then rushed to the University Staff Clinic. The matter was reported to Kileleshwa Police Station and investigations are ongoing.

(b) The police have interrogated the suspects mentioned by Mr. Matere who are Paul Babu Owino, the Chairman of SONU, and Jack Manyala Ogala, whom the victim alleges to have recognized through his voice as one of the attackers. Both of them have recorded their statements and File No.CR142/103/2011 opened. The case is still pending under investigation.

(c) The University of Nairobi Security Department, together with the Kileleshwa OCS, have secured the area where the victim is admitted and, indeed, the entire University.

Dr. Eseli: Mr. Speaker, Sir, I do not know whether the Assistant Minister is aware that the Chairman of SONU is currently under suspension. I do not know if he is also aware that over the weekend there was an arson attack on Lower State House Road Hostel Room 519 where this student resides, and who had been discharged from the sick bay and was in his room when it was set on fire. The student's life is actually in danger. Could the Assistant Minister assure this House that he will do everything to ensure that this student gets adequate security?

Mr. Ojode: Mr. Speaker, Sir, it is true that this particular student should get security. However, I would like to inform my colleague that it is equally important for the student to report this matter to the police in order for him to be given security.

Mr. Olago: Mr. Speaker, Sir, from the Assistant Minister's answer, it is clear that this victim identified at least two of his attackers; at least there was direct evidence in form of identification by voice. Identification of voice is acceptable in criminal proceedings. Has this suspect been arrested and charged based on that direct evidence?

Mr. Ojode: Mr. Speaker, Sir, I mentioned here that we are zeroing on two suspects. That is why I said that investigation is still ongoing, and once we identify where the two are, we will arrest them.

Mr. Olago: On a point of order, Mr. Speaker, Sir. If there is direct evidence which the Assistant Minister is not denying, and the incident complained about took place on 11th November, 2011, is it in order for the Assistant Minister to say that they are still zeroing in on this suspect when more than two weeks have elapsed?

Mr. Ojode: Mr. Speaker, Sir, those two suspects have gone underground and we are looking for them. Once we get them, we will arraign them in court.

Mr. Bahari: Mr. Speaker, Sir, the Assistant Minister has said that the police have secured the University. Could he undertake to ensure that CCTVs are installed because the University compound and residential area are so large?

Mr. Ojode: Mr. Speaker, Sir, that is a good suggestion. We will prevail upon the administration of the University to, at least, install some surveillance equipment, the so called CCTV.

Dr. Khalwale: Mr. Speaker, Sir, a few years ago a student by the name of Solomon Muruli from my community went through the same process until he eventually died. Again, this student is from my community, and the Assistant Minister seems to take the evidence at hand to be non-committing. We already have pangas which have finger prints, the voice of the man, and the Statement from the victim, Mr. Natembeya. Why is he not arresting these people; little students who cannot be difficult for him to get, although he claims that they have gone underground?

Mr. Ojode: Mr. Speaker, Sir, I have been advising my colleagues that Questions of this nature should not be brought before the House because they prejudice--- They give police hectic time to zero in on suspects. I said that they are at large and we are doing our level best to get them. However, now that they have heard us here say that we are looking for them, they will remain underground.

Mr. Bahari: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that he is advising against a Question when it is the prerogative of the Chair to admit or not admit a Question? Is he really in order?

Mr. Speaker: It is not in order, but the prompting is useful. This is because if you want investigations to continue unhindered, then you might as well try and give the Assistant Minister enough room to do so.

Mr. Njuguna: Mr. Speaker, Sir, of late, there have been attacks on students in our public universities. What is the Government doing to enhance security in all public universities where there have been real threats to students?

Mr. Ojode: Mr. Speaker, Sir, I want to assure the hon. Member that we are providing security to all Kenyans, and not just the university students. Within the campuses, we have stations manned by detectives and other police officers. So, security is enough in all campuses.

Mr. Mututho: Mr. Speaker, Sir, I would think the Assistant Minister is right to an extent. It is not practical to have police officers in every hostel. However, looking at our days in hostels, there was an officer stationed in the janitor's office. That should be a mandatory requirement now. Is it possible for the Assistant Minister to instruct all institutions, including the hostels that we have down town that they must have a functional janitor's office, which should be able to apprehend such attackers if and when they attack? Reports should be consolidated, so that he can manage this kind of incidents.

Mr. Ojode: Mr. Speaker, Sir, that is a good suggestion. We will do exactly that. We will suggest that to them to provide hostels with the security.

Mr. Chanzu: Mr. Speaker, Sir, I think the aspect which the Assistant Minister needs to handle is that of intelligence. The janitors and the police in uniform being there will only apprehend culprits when an incident is taking place. What measures is he putting in place to ensure that there is intelligence which will also help us to know when these things are being planned in the universities by students?

Mr. Ojode: Mr. Speaker, Sir, I want to assure my colleagues that we do not only have uniformed police officers there. We have various cadres of police officers there, that is the non-uniformed and the uniformed. We also have the KPRs within the campuses. So, it is not only the uniformed officers who are there.

Dr. Eseli: Mr. Speaker, Sir, in the Assistant Minister's answer, the investigations have not even revealed the cause of the feuding. Right now, this young man, who is a resident of Kamkuywa, Kimilili Constituency, is a fugitive. He has run away because they burnt his room. He is now in hiding. At that time, Kileleshwa Police Station was seized of the matter, yet they failed to provide him with security until his room was attacked, ransacked and burnt. Could the Assistant Minister assure this House, and the nation at large, that this man's life is going to be safeguarded from now henceforth?

Mr. Ojode: Mr. Speaker, Sir, I mentioned that we have security officers within the campuses. We will give this student security. I request that he reports the matter to the police - maybe he has reported it but I do not have such information - in order for him to be provided with security. That is our duty.

POLICE HARASSMENT OF YOUTH IN MADOGO

Dr. Nuh: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Can the Minister confirm that he visited Madogo area on 8th October, 2011 following a directive of the House to investigate the harassment of youths by police officers?

(b) Can the Minister also confirm that at the public *baraza*, the youth raised concerns with the Minister that they would be harassed even more due to the Minister's visit?

(c) Is the Minister aware that eleven youths were arrested and charged for loitering just 24 hours after the Minister's departure on 9th October, 2011 and, if so, what measures will the Minister take to ensure that the continuous harassment of youth by police officers is stopped?

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

(a) Indeed, I visited Madogo on 8th October, 2011 and held several meetings with leaders and later held a public *baraza* at Maroro Trading Centre. This followed a directive of this House that I visit the area and investigate allegations of harassment of youth by police officers along the Maroro Bridge.

(b) I confirm that the youth raised concerns about strict police surveillance on the bridge. However, no cases of harassment by the police were reported by law abiding youth in that particular area.

(c) On 9th October, 2011, police conducted an operation as a result of the cases that had been reported by members of the public. During the operation 15 people were arrested and taken to court the following day. They all pleaded guilty to the charges and were fined Kshs500 each. It is important to note that during the meetings that I held in the area, several resolutions were reached, which had to be implemented by the area Member of Parliament, the councils of Tana North, Garissa, and my Ministry. These resolutions were aimed at averting the alleged harassment by the police at the bridge. The hon. Member knows what we had agreed upon.

Mr. Olago: On a point of order, Mr. Speaker, Sir. The issues raised in this Question are very fundamental, and touch on the Bill of Rights. You heard the Assistant Minister say that some youths were arrested and taken to court, where they were convicted and fined. Was he in order for him to say so without disclosing what offence these youths were charged with?

Mr. Ojode: Mr. Speaker, Sir, the youths were charged with loitering and that is why they were fined Kshs500.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. Probably the police officers are enforcing laws which we are not using.

According to the charge, the youths were charged because they were found loitering without permission from the Clerk to the Tana River County Council. That law was repealed in 1968 even before the Assistant Minister was born, I think. So, how can you charge somebody of an offence in a law which was repealed?

Mr. Ojode: Mr. Speaker, Sir, we equally found it unnecessary and unprofessional for this particular officer to have charged these citizens with that kind of offence. I have indicated to the Officer Commanding Station (OCS) that he should take his work seriously. I reprimanded him and I will also take action against him.

Mr. Speaker: Very well! That must settle the matter.

Dr. Nuh: Mr. Speaker, Sir, the Assistant Minister has not answered part (b) of the Question; could he confirm that at the public *baraza* the youth raised concerns with the Assistant Minister that they would be harassed even more due to the his visit? This is very fundamental because when we raised the issue of the police harassing the youth, they lamented why I brought the Assistant Minister because they alleged that the police were going to harass them even more and tell them that the Assistant Minister should assist them.

The charge sheet as read - I want to table it - is that, on the 9th day of October, 2011 at about 2330 hours, that is, about 11.30 p.m. at Madogo Centre, Madogo Location, Bura District, Tana River County were found loitering without permission from the Clerk to the Tana River County Council. I want the Assistant Minister to tell this House whether when any Kenya is loitering or trying to do a bit of exercise by walking around, they all need permission from the mayors, county council clerks and many other authorities.

(Dr. Nuh laid the document on the Table)

Mr. Speaker: Actually, you are responding to Question No.3 by Private Notice which was partly dealt with. That is why I allowed the hon. Member for Bura to ask.

Mr. Ojode: Mr. Speaker, Sir, I confirmed that these people were arrested and charged with loitering. I also have confirmed in this House that I am going to take action against the OCS because he defied my orders.

Mr. Olago: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Order! Mr. Ojode, do you wish to be informed by the hon. Member for Kisumu Town West?

Mr. Ojode: It is alright, Mr. Speaker, Sir.

Mr. Olago: Mr. Speaker, Sir, I wish to inform the hon. Assistant Minister that loitering is no longer a criminal offense under the Laws of Kenya and specifically Article 39 of the Constitution which states as follows:-

“Every person has the right to freedom of movement”

That freedom of movement can only be curtailed under Article 58. So, it is no longer an offense.

Mr. Ojode: Mr. Speaker, Sir, I am well informed and I will give some copies to the police officers for them to know what has been removed and what has been retained.

Mr. Imanyara: Mr. Speaker, Sir, we should not trivialize this matter because the charge sheet discloses the names of these police officers as PC Kirui, Corporal Karisa, PC Muniyuru, PC Aswani and PC Musiori. It also discloses that these people were fined. Now that the Assistant Minister has been informed that they were based on non-existent law, could he confirm that the money will be refunded and that those people will be compensated?

Mr. Ojode: Mr. Speaker, Sir, that can only be done through the courts and the courts are not under my docket. I am dealing with internal security matters that is, to secure your safety.

Dr. Nuh: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to evade the Question because who necessitated the arraignment---

Mr. Speaker: Order, hon. Member for Bura! The answer by the Assistant Minister, is in fact, valid. It is the correct position in law.

Hon. Member for Kamukunji!

Mr. Hassan: Mr. Speaker, Sir, I wanted to raise the question relating to the demolitions yesterday and you instructed the Assistant Minister---

Mr. Speaker: Order, hon. Member for Kamukunji. We are at Question No.3 by Private Notice.

Mr. Hassan: Yes, but since the Assistant Minister is here, I wanted to know whether he is in a position to respond.

Mr. Speaker: Order! The Standing Orders will not allow you to do that.

Last question, hon. Member for Bura!

Dr. Nuh: Mr. Speaker, Sir, the Assistant Minister has promised to take disciplinary action against the OCS. Will this disciplinary action entail transferring the OCS from this station because there is already that acrimony between the OCS, the youth and the leaders and they cannot work in tandem? The disciplinary action should include transfer of all the officers who are listed here and notifying any Member of Parliament to whose constituency these officers, who happen to be rogue officers, are posted.

Mr. Ojode: Mr. Speaker, Sir, I will decide on what kind of disciplinary action I will take against this particular officer.

Mr. Speaker: Very well! Hon. Members, the hon. Member for Gichugu has communicated with me that she is involved in an emergency of a personal nature that she did not anticipate and I have to respect that communication. So, Question No.4 by Private Notice is deferred until Thursday 2.30 p.m. next week. Minister, please note.

DISAPPEARANCE OF MASTER KENNETH MURIITHI

(Ms. Karua) to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that Kenneth Muchiri Muriithi, a Form II student at Kiine Mixed Secondary School in Mara District, disappeared on 7th September, 2011 and has not been traced since?

(b) Was a report on the disappearance made to the police by the School and, if so, when?

(c) What is the Minister doing to ensure the whereabouts of the student is established?

(Question deferred)

Mr. Speaker: Next Question by hon. Member for Makadara.

TRAFFIC CONGESTION ON OUTER RING ROAD

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

(a) Is the Minister aware of the frequent traffic snarl-ups on Outer Ring Road, especially at the Donholm and Kariobangi roundabouts, and what immediate and long-term measures will the Government take to remedy the problem?

(b) What is the extent of losses, both in man hours and economically, resulting from the delays?

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

(a) I am aware of the frequent snarl-ups on Outer Ring Road and especially at Donholm and Kariobangi roundabouts. To address the problem, my Ministry through the Kenya Urban Roads Authority (KURA) has procured a consultant to undertake the designs for expansion of Outer Ring Road, including improvement of the junctions into interchanges. The designs are expected to be completed by March, 2012.

(b) According to statistics available to me from Japan International Corporation (JICA) on transport master plan for Nairobi Metropolitan, Outer Ring Road is one of the roads that have the highest volumes in the City with over 87,000 vehicles per day. It is estimated that 348,169 man hours are lost on Outer Ring Road every day while the financial loss is estimated at Kshs2.8 million per day.

The Government is not able to compensate road users for losses arising from congestion. However, the Government has taken a lot of interest on this road and other roads in the country. That is why a lot of effort is being put into improving our infrastructure. Therefore, I urge all stakeholders to exercise patience and understanding as we address the issues.

Mr. Mbuvi: Mr. Speaker, Sir, I appreciate the good work that the Minister and his team, especially the Director General, KURA, Mr. Nkadayo, for what they are doing in Makadara and the entire Nairobi in general. They have recarpeted all the roads in Makadara and Nairobi County is now like New York. The by-passes are all over. My question to the Minister is; since Outer Ring Road links Juja Road, Mumias-South Road in Buruburu within my constituency, Kangundo Road, Jogoo Road, Lunga Lunga Road within my constituency and Airport North Road which links to Mombasa Road--- The Minister has admitted that they have engaged a consultant---

Mr. Speaker: Order, hon. Member for Makadara! Come to the Question. I thought you were already there.

Mr. Mbuvi: Mr. Speaker, Sir, I am coming to my Question. Since the Minister has admitted that they have engaged a consultant to design this busy Outer Ring Road, could he give an undertaking to this House on when the expansion of this is going to commence?

Mr. Bett: Mr. Speaker, Sir, I want to thank the hon. Member for the compliments that he has given to my Ministry and my officers. The consultant is due to conclude his work on March, 2012. Soon after that, we are already engaging in discussions with a possible financier, that is, the African Development Bank (ADB), and they have already indicated that they are willing to put aside Kshs3 billion for the expansion of that road into a dual carriageway. I want to indicate that it will be a dual carriageway to all the places the hon. Member has listed.

Mr. Baiya: Mr. Speaker, Sir, while appreciating the effort the Ministry is making to alleviate the problem of congestion in the City and bearing in mind what the Minister has said about a consultant having been engaged, is he also aware of the fact that if you address one section of the City without reference to the rest, then improvement on one

has the impact of generating traffic problems in another section? For instance, Thika Road improvement and expansion is going to make this road impassable as a result of traffic flow to the main road.

Mr. Bett: Yes, Mr. Speaker, Sir. We are alive to that situation; that as we improve one road, the congestion increases on another road. In view of the limited financial resources available to us, we cannot do all the roads at the same time. So, we have to go by way of priority, taking into account the volume of traffic on each road. As I indicated the other day, the traffic on Thika Road is the highest compared to any other road. The next is Uhuru Highway and Outer Ring Road.

Mr. Mungatana: Mr. Speaker, Sir, in other countries, when there is a problem like this, at least the public are given an apology. When the rains came the other day, people stayed for over five hours on that road. I do not know why he is praising these people because they did not come out to say that they are sorry to Kenyans because they pay taxes and the money is being wasted. My question to him is; who takes responsibility for the wastage and who comes out to say sorry to Kenyans? When are they going to make their drainages on this road?

Mr. Speaker: Order! You are supposed to ask one supplementary question at a time. You want to do three?

Mr. Mungatana: I was building up the question. Who is building those drainages?

Mr. Bett: Mr. Speaker, Sir, the drainages are done by the Ministry of Roads and the management of the drainages after we have done them is the responsibility of the Ministry of Local Government, that is, the City Council of Nairobi. They are the ones who as supposed to manage waste in their locality. I want to urge the Ministry concerned to assist me in that regard. By the way, I also want to add that even members of the public contribute in stock piling waste in our drainage by throwing litter anyhow. I want to urge members of the public that let us also be responsible by caring about the placement of litter in our hands.

Mr. K. Kilonzo: Mr. Speaker, Sir, I also wish to join the rest in congratulating this Minister who is “hands-on” in his work. However, what is he doing to ensure that when these roads are being done, not only in Nairobi, but other parts of the country, contractors put road furniture and all other necessary utilities? He knows very well that we were with him on the Kitui-Mwingi Road. The contractor has completed the road, but there is no signage, and this is the case all over, even in Nairobi. What is he doing to ensure that that is enforced?

Mr. Bett: Mr. Speaker, Sir, that is a very good question. Every road, on completion and before it is handed over, the engineer in charge has to make sure that the road furniture is in place. I want to assure this House that, that is always the case. As soon as we have cleared away some “animals” - and allow me to say so - come and take them away as scrap metal.

Mr. Speaker: Are you, Mr. Minister, by any chance, referring to Kenyans as animals?

Hon. Members: Exactly!

Mr. Bett: Mr. Speaker, Sir, I wish to withdraw!

Mr. Speaker: Withdraw and apologize!

Mr. Bett: Mr. Speaker, Sir, I withdraw and apologize.

We placed a very beautiful notice on the Nakuru-Nairobi Highway to warn motorists not to over speed. If you went there, that beautiful signage has now been chopped and all of it taken away. That is the situation on all our roads everywhere in the Republic.

Dr. Khalwale: Mr. Speaker, Sir, the loss the Minister has told us of Kshs2.8 million a day translates roughly to Kshs1.1 billion a year. We find it very difficult to believe him because just a few months ago, he was all over this place running helter skelter that we give him our okay so that he could then offer concessioning for Uhuru Highway. Nothing has happened! He has never bothered to come to the House to explain why the concessioning project has not taken off. Could we believe him? Is he telling us that he cannot put an earth road on the other side where they want to make a dual carriage way, so that Nairobians can continue moving instead of losing Kshs1.1 billion a year?

Mr. Bett: Mr. Speaker, Sir, even doing an earth or gravel road needs money. The money I have is not adequate. I want to thank this House because for the past two years, they have authorized the Treasury to release to us over Kshs70 billion for our roads. However, that is almost 20 per cent of what we have always requested for from the Exchequer to do our roads.

Mr. Mbuvi: Mr. Speaker, Sir, the last time the Minister gave an undertaking on Jogoo Road, he honoured it. In fact, I think all the other lazy Ministers, if there are any, who are sleeping should follow his example.

Mr. Speaker: Order, Mr. Mbuvi! You cannot use the word “lazy” in reference to your colleagues in the House. That is imputing improper motive that your colleagues are, in fact, lazy. You need a Substantive Motion. Could you, please, withdraw the word “lazy” and apologize?

Mr. Mbuvi: Mr. Speaker, Sir, I withdraw and apologize!

Mr. Speaker: Very well! Continue!

Mr. Mbuvi: Mr. Speaker, Sir, my question to the Minister is: Could he give a further undertaking that when the construction works on the Outer Ring Road begin, we will not experience another Syokimau demolition and that the Government will issue notices and compensate all property owners whose properties will be affected by the extension of this road, including the Mutindwa Market?

Mr. Bett: Mr. Speaker, Sir, I will not give an undertaking not to demolish structures on the road reserves. If structures are on the road, *bona fide* road reserves, they will have to be removed. My Ministry will, however, endeavour to give notice to the illegal occupants of the road reserves. We will even go further to place crosses on all those structures which are on our road reserves. That is the better signal to the owner of the building when they see a marking of the Ministry of Roads on the wall or building or perimeter fence. So, I am sorry if there are members of the public who have constructed structures on the road reserves, I will have no choice, but to remove them to give the people of this country a much needed road.

ORAL ANSWERS TO QUESTIONS

Question No.1268

STATUS OF GARISSA-MODIKA-NUNO ROAD PROJECT

Mr. Duale asked the Minister for Roads:-

(a) what the status of the Garissa-Modika-Nuno road project in Garissa Country is,

(b) how many kilometres of the road have been tarmacked and at what cost; and,

(c) whether he could table the report of the Task Force on the project which was appointed by the Prime Minister in 2009.

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

(a) The length of Garissa-Modiak-Nuno Road is 23 kilometres long. Eleven kilometres of this section of the road was previously constructed to bitumen standard. The project was substantially completed in April 2009 and is now due for maintenance. The remaining 12-kilometre section between Modika and Nuno has been awarded for construction to bitumen standard and the contractor is mobilizing to start works.

(b) A total length of 11 kilometres of the road has been tarmacked at a cost of Kshs748,214,113.60.

(c) I wish to table the report as requested by the hon. Member.

(Mr. Bett laid the document on the Table)

Mr. Duale: Mr. Speaker, Sir, with your indulgence, this road is the only 23 kilometres road done under the leadership of President Kibaki in the whole of northern Kenya. I went with the Minister and the Right Hon. Prime Minister to this road in April 2009. The question the Prime Minister asked that day in front of the contractor and the Minister was: How does one kilometre road constructed in this country cost Kshs74 million? That is why the Prime Minister asked for a task force report. The contractor by the name Aegis Construction Ltd was to do 23 kilometres, but he did only 11 kilometre. Could the Minister confirm that the construction of one kilometre in this country will cost kshs74 million and, secondly, whether public funds were lost?

Mr. Bett: Mr. Speaker, Sir, yes, when we were on that inspection tour with the Prime Minister, the hon. Member has rightly said so, the Prime Minister asked whether, indeed, that costing was right. We instituted an audit inspection and I want to report that I have tabled the audit report. The auditor's reported that the costing was right. The reason was the haulage of the material was from far. The quarry material was not available on site; it was quite a distance.

Hon. Members: No!

Mr. Speaker: Order, hon. Members!

Mr. Bett: Mr. Speaker, Sir, again, the fuel costs internationally have all jointly contributed to the high cost of that road.

Mr. Mututho: *Hapana!*

Mr. C. Kilonzo: Mr. Speaker, Sir, I do not know whether you got the answer very carefully. The 11 kilometres actually had been previously tarmacked. He has spent Kshs748 million to construct that section which is 11 kilometres and that was barely two-and-half years ago in 2009 when Thika Road was being completed going to Yatta. Thika Road is not due for maintenance, but this road which has just been completed is now due

for maintenance. Is the Government getting value for money for a road which has been in use for only two-and-half years and is now due for maintenance?

Mr. Bett: Mr. Speaker, Sir, maintenance here means cleaning of drainage and culverts because of the enormous flow of sand either through water or wind. So, we are doing that! I also want to add that the earth works which were anticipated initially were lower than what was experienced actually.

Mr. Mututho: Mr. Speaker, Sir, the road from Engineer to Ndundori costed the Ministry – and it is a very difficult terrain – Kshs4.3 billion. Going by this rate, Thika Road would have cost over Kshs3 trillion to do assuming that the specification of that road which I do not know is of the same state as Thika Road as we see it today. It would have cost Kshs3 trillion! Is the Minister really in order to stand here and not just own up to the mess and admit that this is a big fraud and that people were supposed to go to jail and continue repenting of such a bad action?

Mr. Speaker: Order, Mr. Mututho! You stood to ask a supplementary question, but you have instead raised a point of order.

Mr. Mututho: Mr. Speaker, Sir, I am shocked mathematically; that is why and I seek your indulgence!

(Laughter)

Mr. Speaker: Then why do you not ask a question so that the Minister can explain your shock on record?

Mr. Mututho: Mr. Speaker, Sir, who are the actual owners of that particular construction company? Who are the *bona fide* owners of the construction company that has done that very expensive road?

Mr. Bett: Mr. Speaker, Sir, the cost of construction of a road varies from one region to another. It also varies with regard to availability of materials to use on the road. It also varies from period to period. For example, the road which the hon. Member is referring to was constructed in 2005/2006. This one was done in 2009. So, there is also the time frame and the cost of material is all the time going up.

Mr. Bahari: Mr. Speaker, Sir, this is a very disturbing situation and I hope the Chair of the Public Accounts Committee (PAC) has taken keen interest in this matter. However, could the Minister tell the House what was the initial estimated cost per kilometre compared to what we have now?

(Applause)

Mr. Bett: Mr. Speaker, Sir, if you are asking about the engineers' estimates, it is the same figure.

Mr. Letimalo: Mr. Speaker, Sir, it takes over Kshs748 million to construct 11 kilometres. Could this be the reason why the Government is not upgrading roads in northern Kenya to bitumen standards because of the high costs? Is that what he is telling us?

Mr. Bett: Mr. Speaker, Sir, to some extent, that is the reason. I will tell you that running the road from Isiolo to Merile is not the same cost as running the road from Turbi to Moyale. The road from Turbi to Moyale costs, on the engineers' estimate, much more

than if we go further because of availability of water and materials and the cost of the fuel used to transport the material as well as the availability of labour.

Mr. Duale: Mr. Speaker, Sir, before I ask the last question, Garissa is closer than Eldoret; it is barely 290 kilometres and the materials are found there. With your indulgence, I have not read the report, the Prime Minister of the Republic of Kenya has confirmed, and it is in the public domain, that there was theft and the Minister is trying to run away from it. That one kilometre in Garissa which is closer than Eldoret, with the Tana River passing there is costing Kshs74 million. He is not even mentioning the name that is involved in this deal; the contractor, Aegis Construction Ltd which his own Ministry has blacklisted. Public funds have been lost.

Mr. Speaker, Sir, I want to read that report; give me the chance to ask this question later in the week.

Dr. Nuh: On a point of order, Mr. Speaker, Sir. When Mr. Bahari asked what the initial estimates by the engineer was and whether it varied, the Minister said that it did not vary and here in the report---

Mr. Speaker: Order, Dr. Nuh! "When Mr. Bahari asked"; so you are conscious that, that, in fact, was maybe about five minutes ago!

Dr. Nuh: Mr. Speaker, Sir, I want to thank you, but I did not have the report then but I am looking at it now and it says that there is an operation and variation order that exceeds 15 per cent procurement oversight regulations. So, is the Minister in order to mislead the House on a report that he has just tabled?

(Mr. Mbadi consulted loudly)

Mr. Speaker: Order, Mr. Mbadi! That is not your prerogative and I do not want to encourage that. I would want to deal with it very strictly hereafter. Mr. Bett, do you want to respond?

Mr. Bett: Mr. Speaker, Sir, I have already indicated that the design which was done did not anticipate the sort of earth work which was found out on the ground and the availability of the materials which were found not to be on site. There was also the availability of materials like fuel and I want to indicate that some of the changes were made because the design did not anticipate the amount of earth work which we underwent.

Question No.1036

PAYMENT OF HONORARIA TO
ADULT EDUCATION TEACHERS

Mr. Speaker: Hon. Members, Mr. Koech is away in Burundi as part of the Parliamentary delegation to the Tenth Anniversary of the EALA. The Question is, therefore, deferred until such time that the hon. Member is back in the country.

(Question deferred)

Question No.1151

MEASURES TO PROMOTE SILK PRODUCTION

Ms. Chepchumba asked the Minister for Agriculture:-

(a) what measures the Government has taken to promote silk production and weaving and whether he could also state the number of extension officers currently in the field to provide specialized services in Eldoret South Constituency;

(b) when the Government will introduce silk farming in Eldoret South Constituency following the launch of National Sericulture Stations in the country; and,

(c) how many specially built houses for sericulture the Government has introduced in the constituency.

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

(a) The Government, in collaboration with other stakeholders, is undertaking the following measures to promote silk production and weaving;

(i) Production of clean and high yielding mulberry planting materials (cuttings and saplings or seedlings) for sale to farmers.

(ii) Production of high quality silkworms seed (eggs and chawki or young worms) for sale to farmers.

(iii) Training of farmers and provision of extension officers.

(iv) Supporting farmers in the construction of rearing houses and acquisition of various equipment.

(v) Training in value addition of mulberry leaves and fruits.

In addition to these measures, the Government has trained ten extension officers on all aspects of sericulture production in order to provide specialized services in Eldoret South Constituency.

(b) The Government has introduced silk farming in Eldoret South Constituency and has trained 57 farmers on sericulture, production and set up mulberry plot at the Eldoret Showground.

(c) The Government has built one rearing house at the Eldoret Showground to act as a training and demonstration site for farmers.

Ms. Chepchumba: Mr. Speaker, Sir, I totally disagree with the answer given by the Assistant Minister. Through my own research and a lot of facts are carried on the ground, I cannot ascertain where this is being done. I would like to seek your indulgence that this Question be deferred, so that the Assistant Minister could accompany me to the ground to show me exactly where this is.

Mr. Ndambuki: Mr. Speaker, Sir, our showground and demonstration houses were damaged during the post-election violence and many farmers went away. We are now putting up the same buildings to train these people.

Ms. Chepchumba: Mr. Speaker, Sir, I did not even ask the first question because I cannot ascertain where this is being done in my constituency. I sought your indulgence to defer this Question, so that the Assistant Minister can accompany me to show me exactly where this is being done.

Mr. Speaker: Order, Member for Eldoret South! In fact, you will have incorporated that in your supplementary questions. That is the right thing to do. You will have asked, for example, whether the Assistant Minister is prepared to visit the site and you will get an answer.

Ms. Chepchumba: Mr. Speaker, Sir, it is still the same thing. I am happy that you have actually said what I would have wanted to ask the Assistant Minister.

Mr. Speaker: Order, Member for Eldoret South! It is your duty to ask questions. I am just trying to be helpful. Otherwise, I will call for the last question like I have done and it will be done.

Ms. Chepchumba: Mr. Speaker, Sir, where exactly is this being done, so that I can advise my farmers in the diversification of their farming?

Mr. Ndambuki: Mr. Speaker, Sir, just to go back to what the Member was asking, I am ready to visit the place any time that she wants together with my officers and she will be shown everything. This is going on at the show ground.

Ms. Chepchumba: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that he is ready any time? I would wish to go with him even tomorrow, so that he can show me exactly where this is being done.

Mr. Speaker: Order, Assistant Minister! Can you be so kind as to give a date to the Member for Eldoret South?

Mr. Ndambuki: Mr. Speaker, Sir, I am ready to give a date, but I will talk to her after this so that we can agree.

Mr. Speaker: Very well! Member for Eldoret South, you may want to follow up the matter, so that you agree on a convenient day when the Assistant Minister can visit your constituency. Is that all right?

Ms. Chepchumba: Mr. Speaker, Sir, I will do so.

Mr. Speaker: Very well! That then brings us to the end of Order No.6 and we want to go to page 3048 of the Order Paper. I call the Member for Garsen.

PRIME MINISTER'S TIME

Question No.QPM016

USE OF DRUGS MONEY TO FUND KENYAN POLITICS

Mr. Mungatana: Mr. Speaker, Sir, I beg to ask the Prime Minister the following Question:-

(a) Could the Prime Minister clarify the extent to which Kenyan politics is being funded by drug money, particularly whether the funds are channeled to political parties or specific candidates and provide the names of such individuals or parties?

(b) What amounts are involved and what action has the Government taken to have this matter investigated and culprits brought to book?

Mr. Speaker: This is a Question to the Prime Minister. Deputy Prime Minister and Minister for Local Government, are you ready with the answer?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Yes, Mr. Speaker, Sir.

Mr. Mbuvi: On a point of order, Mr. Speaker, Sir. This is the second time the Prime Minister is skipping delivering Statements in this House and yet he earns over Kshs2 million of the taxpayers' money.

Mr. Speaker: Order, Member for Makadara! This is a matter on which we have previously given directions. If you go back to the HANSARD, you will find that the Deputy Prime Minister can, in fact, answer Questions that are otherwise directed to the Prime Minister. So, it is quite in order.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. Our surprise is that for the last two weeks when this matter has failed to take off, the Deputy Prime Minister and Minister for Local Government has all along been here. We were thinking that the reason why we were waiting was because we wanted to hear it from the horse's mouth. What has certainly happened that has caused the Prime Minister to think that the Deputy Prime Minister and Minister for Local Government is now fit to represent him when for the last 14 days he found that he was not fit to represent him?

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. In fact, this matter really arises from very serious allegations that the Prime Minister of the Republic of Kenya made in person against the politics of the entire country. We want him to come in person and repeat those words. Why is he escaping? We have to hold these people responsible for what they utter outside.

Mr. Speaker: Order! Deputy Prime Minister and Minister for Local Government, do you have anything to say with respect to the points of order raised? The Member for Makadara complains that the Prime Minister earns a lot of money. Then the Member for Ikolomani says that we have been waiting all this while for the Prime Minister and the Member for Garsen says that there are some matters that perhaps are personal to the Prime Minister. So, I want to hear your response, then I will give directions.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, with regard to the issue of the Member for Makadara, I believe that the Chair has pronounced itself on that matter. So, I will not venture into that. On the issue of the Question here, I am prepared to respond to the Question that was directed to the Office of the Prime Minister. The position here is that it is not him as an individual who is being asked to respond, but his office. Earlier, the indication was that he would have done it himself, but circumstances are that he is unable to do so because of other obligations. He has delegated this duty to me with the specific issues to deal with and I am ready to do so.

Mr. Speaker: Deputy Prime Minister and Minister for Local Government, I will want to give these directions just to be fair to all parties concerned. The claim by the Member for Garsen is so serious that I would like, as the Speaker, to verify if there is any evidence to support the claim that some aspects of this matter may be of interest to the Prime Minister personally. So, if the Member for Garsen will furnish my office with that evidence, then I will give directions as early as Tuesday and you may then respond, if I so direct, on Wednesday next week.

Mr. Mungatana: Mr. Speaker, Sir, I can table here the speech. You wanted the evidence---

Mr. Speaker: Order, Member for Garsen! You have heard my directions and the Speaker enjoys that discretion, if you look at the Standing Orders. So, please, avail that evidence to my office and I will then give directions on Tuesday and note that the Office of the Speaker is impersonal. So, even if I am not here on Tuesday, appropriate directions shall be given depending on the material you avail to my office. Please do so and we will definitely be able to transact this matter accordingly.

Member for Imenti Central!

Mr. Imanyara: Mr. Speaker, Sir, on a similar note, I had occasion to look at the job description for the Office of the Prime Minister and it relates to co-ordination and supervision. I am not certain that that particular function can be delegated to the Deputy Prime Ministers. I would seek your direction on that regard before I ask my Question.

Mr. Speaker: That is interesting. Deputy Prime Minister and Minister for Local Government, do you have anything to say to that?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I believe that the Question should have been asked and I would have responded to it. Supervision, of course, is a function of the Prime Minister, but the aspect that is being sought here is about a policy and I believe I am competent enough to handle that.

Mr. Speaker: Fair enough! Deputy Prime Minister and Minister for Local Government, again, I will want to treat this matter with some respect. So, I will give directions on Tuesday.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Member for Gwassi? I hope you are not revisiting a matter on which I have said I will give directions on Tuesday.

Mr. Mbadi: Mr. Speaker, Sir, I agree with your statement that you will give directions on Tuesday.

Mr. Speaker: I said I will give directions.

Mr. Mbadi: Mr. Speaker, Sir, you said that you will give directions on Tuesday but I think it is also important to mention that the Office of the Prime Minister is an office, and this country gave that office two deputies. Those two deputies would not have been necessary if they were not expected to represent that office in Parliament. I also want to add that in this House, Assistant Ministers have answered Questions on behalf of Ministers. The Deputy Prime Ministers are equally competent office holders. So, unless--

Mr. Speaker: Order, Member for Gwasi! I have given you indulgence because I have to be tolerant, but have you, in your view, even if you go and look at the HANSARD--- Have you said anything different from what the Deputy Prime Minister and Minister for Local Government said? If you do, you will find that you have not. You merely repeated what hon. Musalia Mudavadi said, only that you put it in different words.

(Mr. Mbuvi stood up in his place)

Mr. Speaker: What is it, Member for Makadara?

Mr. Mbuvi: Mr. Speaker, Sir, since the Ministerial Statements sought by the Member for Garsen and the Member for Imenti Central are interconnected, I would still

seek clarification. You will recall that in the bogus drugs report that was tabled in this House last time, it was alleged that I---

Mr. Speaker: Say that again, Member for Makadara.

Mr. Mbuvi: Mr. Speaker, Sir, I remember that when a bogus report on drugs was tabled by the Government in this House, it was alleged that I, hon. Kabogo, hon. Joho--- Hon. Harun Mwau, who was then was an Assistant Minister, had to resign to pave way for investigations to be carried out on the allegations that were made against him. Since the Commissioner of Police has been mentioned as a murder suspect and a drug dealer, the Prime Minister should clarify why he has not resigned.

Mr. Speaker: Order! Order, Member for Makadara! Honestly, this is not a banana republic. We have some rules that we must live within. You are fairly extravagant in your language. You have referred to a report tabled here, I believe by a Minister, as “bogus”. I do not think that, that is parliamentary language, but because I want you to be guided properly – I do not want to fight with you – could you, kindly, withdraw the word “bogus”?

Mr. Mbuvi: Mr. Speaker, Sir, I withdraw the word “bogus” and apologise. I meant to say that there was a report which was tabled in this House alleging that we were selling panadols in wholesale and in retail. We want the Prime Minister to come out and clarify to this House why the Commissioner of Police has not resigned, yet he has been mentioned as one of the suspects.

Mr. Speaker: Order, Member for Makadara! You know, if you look at the Standing Orders, there is a rule about “relevance”. Are you relevant to the matter before the House as at where we are? I rule that you are not, and so you are out of order.

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

Mr. Speaker: What is it, Member for Yatta?

Mr. C. Kilonzo: Mr. Speaker, Sir, I have filed another Question dealing with drugs and addressed it to the Office of the Prime Minister. In order to save the time of this House, I would request that when the Prime Minister responds to the Question by hon. Mungatana, the Chair kindly allows him to answer the Questions together because they are basically inter-related.

Mr. Speaker: Very well! Deputy Prime Minister and Minister for Local Government, of course, you have noted. As we give directions on Tuesday afternoon, please, get your Office to prepare to also respond to the matter that had previously been raised by the Member for Yatta relating to drugs.

Hon. Members, that brings us to the end of Order No.6.

Next Order!

POINTS OF ORDER

MURDER OF FORMER CHAIRMAN OF MBO-I-KAMITI COMPANY LIMITED

Mr. Baiya: On a point of order, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security

with regard to the recent killing of a former chairman of Mbo-I-Kamiti Farmers Company Limited in Kiambu County. In the Statement, I would like the Minister to clarify the circumstances under which the former chairman of Mbo-I-Kamiti Farmers Company Limited, Mr. Stephen Waweru Njenga, met his death on 18th November, 2011. The deceased was from Githunguri Constituency, but this event happened within the neighbouring Kiambaa Constituency.

The other issue that I would want the Minister to clarify is whether this recent killing and the killing of a former director, the late Mr. Kamau, earlier this year are related to the wrangles in Mbo-I-Kamiti Farmers Company Limited.

Lastly, what measures does the Government propose to institute to resolve the series of murders in relation to the running of the affairs of this company, particularly to resolve the long-standing controversies, which now pose serious threats to law and order?

Thank you, Mr. Speaker, Sir.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, allow me to deliver the Ministerial Statement on Thursday next week.

Mr. Speaker: It is so directed.

Yes, Member for Ikolomani!

GOVERNMENT'S INTENTION TO INVEST IN PRINTING OF KENYA CURRENCY

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. The week before last week, after I asked for a Ministerial Statement from the Prime Minister in respect of the printing of Kenya currency, you directed that he comes and answers. He wrote a letter last week and said that he was sending the matter to the Deputy Prime Minister and Minister for Finance. The Chair ruled last week that the Deputy Prime Minister and Minister for Finance should come and respond today but he has not come.

Mr. Speaker, Sir, the nature of the Question is such that the country is being driven into a monopolistic contract, where we stand to lose billions of shillings, and the Government does not want to talk about it. So, I do not know whether the Prime Minister re-directed the Question because he did not want to speak. Now hon. Kenyatta is not here because they just want the matter to die. I insist that the issue of the *De la Rue* contract be responded to by the Government.

Mr. Speaker: Very well. That is actually an important matter. Deputy Prime Minister and Minister for Local Government, do you want to hold brief for your colleague?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will communicate to the Deputy Prime Minister and Minister for Finance, so that he can respond to this particular issue.

Mr. Speaker: It is a very urgent matter!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): It is an urgent matter, Mr. Speaker, Sir, but I would really recommend Tuesday afternoon. I undertake to make sure that I communicate to him.

Mr. Speaker: Ask him to do so at the earliest opportunity. If he can, tomorrow; we can say, in any event, not later than Tuesday next week.

(Dr. Khalwale stood up in his place)

Mr. Speaker: What is it Member for Ikolomani?

Dr. Khalwale: Mr. Speaker, Sir, I am sorry to come again on this particular issue. Given that this is a matter which the Cabinet discussed, and that it was an issue interrogating a matter that traverses more than one Ministry, is the Chair satisfied that the Prime Minister was right to evade answering the Question and passing it over to the Deputy Prime Minister and Minister for Finance? I need your guidance.

Mr. Speaker: Order! I am actually satisfied that the Prime Minister is within his rights to refer the matter to the Deputy Prime Minister and Minister for Finance, because the Minister for Finance is in charge of that, the matter of currency. So, we have to wait until we receive the Ministerial Statement from the Deputy Prime Minister and Finance for Finance, and then we will decide whether or not he will have ably responded to the matters in issue. That is the way to proceed.

(Mr. Hassan stood up in his place)

DEMOLITION OF HOUSES IN EASTLEIGH

Mr. Speaker: What is it, Member for Kamukunji?

Mr. Hassan: On a point of order, Mr. Speaker, Sir. I wanted to bring up the issue of the demolitions that were done in my constituency yesterday. They are continuing today. You remember that you asked the Minister concerned to make a Ministerial Statement on the demolitions. More people have been displaced. There is more suffering and pain in the streets of Eastleigh South. I wanted the Minister responsible to respond to the issue of demolitions, and to the request that the demolitions should be suspended as investigations are being carried out by one of this House's Committees, so as to allow the occupants opportunity because there is no indication that there has been any warning or notice that has been given.

Amongst the many people affected are civil servants and police officers, who were out on duty when this thing happened. I think the Government has a responsibility towards its citizens. This is a Government that is attacking its own citizens, and impoverishing them, and creating Internally Displaced Persons (IDPs). In the current climate that we have---

Mr. Speaker: Order, Member for Kamukunji! Now you are making allegations, which even the Speaker does not have the capacity to evaluate and know whether or not they are truthful. So, maybe, the best we can do--- I do not know what directions I gave as to when the Minister should make the Ministerial Statement. Did I say today or which day?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I have a copy of the HANSARD where you ordered that the Minister of State for Provincial Administration and Internal Security should be able to give that Statement. However, I have the following to say:

First, in my docket, I do not deal with demolitions at all! I only provide security---

Mr. Mbuvi: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, the Member for Makadara!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I only provide security to those who are building and, again, those who are demolishing houses.

(Laughter)

Mr. Speaker: Order, Mr. Assistant, Minister! I have heard you!

(Loud consultations)

Order, hon. Members! Hon. Members, by the nature of it, this is actually a very urgent matter. It is also very serious, from what we witnessed even in the media, including what we see on television screens. That includes women and children wailing and appearing helpless in a country that otherwise upholds the rule of law.

Mr. Minister for Justice, National Cohesion and Constitutional Affairs, I would like to direct that you, the Attorney-General, the Minister of State for Provincial Administration and Internal Security and the Deputy Prime Minister have a meeting, as much as possible today, and determine who is responsible and who will give information to the country. Give an indication to the House tomorrow on who will give this information.

(Applause)

Somebody must take responsibility, Mr. Minister. Could you, please, confirm that you will kindly do so?

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): Mr. Speaker, Sir, I abide by your directions. I will seek my colleagues and tomorrow a Statement will be made as to who is responsible, for clarity.

Mr. Speaker: Very well!

Mr. Olago: On a point of order, Mr. Speaker, Sir. The demolitions that we witnessed around Jomo Kenyatta International Airport (JKIA) and Moi Air Force Base have sent very frightening signals to the people and---

Mr. Speaker: Order, the Member for Kisumu Town West! I have given directions on how we will deal with that matter and I do not think it will be right for you to continue to belabour the matter.

(Mr. Olago stood up in his place)

Order, the Member for Kisumu Town West! It is different! I have no notice from you that you will be rising to request for a Statement. Look at the Standing Orders! I will not permit it!

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

Mr. Speaker: What is it, hon. Member for Bura?

Dr. Nuh: Mr. Speaker. Sir, as you have rightly guided, the Minister for Justice, National Cohesion and Constitutional Affairs says that he will consult and tell us who

will give the Statement. Will I be in order to request that because they will decide by tonight, whoever is responsible gives the Statement tomorrow? The person responsible may give a Statement tomorrow because it is urgent.

Mr. Speaker: Order, the Member for Bura! I would have loved us to go that way, but let us cross that bridge when we get to it tomorrow. It is possible if the Minister for Justice, National Cohesion and Constitutional Affairs exploits his endeavours to the best of his ability, as I know he normally does. If he does that there may be a Statement even tomorrow. So, let us take it up from there tomorrow.

(Mr. Mbuvi stood up in his place)

The hon. Member for Makadara, I can see you are persisting.

Mr. Mbuvi: Mr. Speaker. Sir, we also want the Minister to come with a clarification because in these demolitions, we have seen that Government agents have been defying court orders.

Mr. Speaker: Order, the Member for Makadara!

Mr. Mbuvi: We want his Ministry to take action against these agents including the Commissioner of Police, the Minister of State for Provincial Administration and Internal Security and the Minister for Transport---

Mr. Speaker: Order, the Member for Makadara! I order that you withdraw from the House and you will not attend this House or stay within the precincts of Parliament, which include your office, the lounges, the grounds of Parliament for the next two days. Please, leave immediately!

Mr. Mbuvi: Much obliged, Mr. Speaker, Sir.

(Mr. Mbuvi withdrew from the Chamber)

(Mr. Olago stood up in his place)

Mr. Speaker: Order, the Member for Kisumu Town West! I have seen that. Leave it where it is.

(Eng. Gumbo stood up in his place)

What is it, the Member for Rarieda?

AWARD FOR FEMALE ATHLETE OF THE YEAR

Eng. Gumbo: Mr. Speaker, Sir, this is in regard to a Statement I requested from the Minister for Youth Affairs and Sports. It should have been delivered yesterday, but you directed that it should be delivered today.

Mr. Speaker: A Statement on which matter?

Eng. Gumbo: This was a Statement on the IAAF nomination of the Sports. The Minister is over there.

Mr. Speaker: That is right!

(Loud consultations)

Order, hon. Members! There is a Statement which is due from the Minister for Youth Affairs and Sports. Can you kindly deliver the Statement now?

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Speaker, Sir, I beg that the Question be repeated because I was engaged by the Member for Bura on an issue and I did not get the Question.

Mr. Speaker: Order, Mr. Minister! This matter has been before the House and this is the third time it is coming up. It is a matter pertaining to the award for the female athlete of the year and the Member for Rarieda had put this matter very succinctly, that it appears to have been unfair in the sense that it left out a more deserving case, which is a Kenyan, Vivian Cheruiyot.

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Speaker, Sir, I can issue a Statement right away on this matter.

Mr. Speaker: Order, Mr. Minister! You may be treating this very casually. Did you get details of areas that the Member for Rarieda wanted clarification on? Are you sure you are prepared?

(Eng. Gumbo stood up in his place)

Wait a minute, the Member for Rarieda!

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Speaker, Sir, this Question has not come to my attention. I thought he has just asked it now and I---

Mr. Speaker: Order! It was a request for a Ministerial Statement and the hon. Member went into a lot of detail on the areas he wants clarification on.

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Speaker, Sir, let me apologise to the House that, that has not come to my attention. I am just hearing about it now from the HANSARD.

(Loud consultations)

Thank you, Mr. Speaker, Sir. I can give a Statement on Tuesday, next week.

Mr. Speaker: Now that you appreciate the urgency of it, why do you not do so tomorrow afternoon?

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Speaker, Sir, I oblige. I can do that.

Mr. Speaker: Yes, indeed!

(Eng. Gumbo stood up in his place)

The Member for Rarieda, what is it?

Eng. Gumbo: Mr. Speaker, Sir, I am actually very disappointed with the Minister because I have, in fact, discussed this matter with his Assistant Ministers. But that notwithstanding, a Kenyan has been done what is really a monstrous injustice. It should have come from them and not from me. This Statement was supposed to have been made in this House on Tuesday, but Mr. Speaker, Sir, you ruled that it should be made today. I

think it is inexcusable that the Minister can come here and say that he is not aware. It is inexcusable!

Mr. Speaker: Order, Member for Rarieda! The Minister has actually apologized that for certain defaults on the part of, perhaps, his officers he did not become aware of this matter until this afternoon. I have accepted the apology and directed that he comes with the Statement tomorrow afternoon. In those circumstances, I think we have done very well, Member for Rarieda.

Eng. Gumbo: Mr. Speaker, Sir, as you may know from the way I framed my statement, this matter is very passionate to me. Unfortunately, tomorrow I have engagements in the constituency and I would request that he brings it on Tuesday because I would really wish to interrogate it.

Mr. Speaker: Very well. In that case, the Minister gains a little more time, Tuesday next week.

Eng. Gumbo: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well.

Mr. Olago: On a point of order, Mr. Speaker, Sir. I rise on a fairly grave issue that I would wish that the Chair makes a ruling on. As the Chair ordered Mr. Mbuvi out of the Chamber, he literally undressed himself as he was---

Mr. Speaker: Order, Member for Kisumu Town West! That matter was almost spoken to and I said I was aware. Some of these matters you let them rest where they are. I do not think we want to really belabour them.

SPEAKER'S RULING ON REVENUE ACCOUNTS

Mr. Mbadi: Mr. Speaker, Sir, there is a ruling that the Chair was supposed to give on my Ministerial Statement that I sought from the Minister for Finance with regard to revenue accounts. I was just asking for an indication on when this ruling will be ready because I think you were supposed to give it sometime back.

Mr. Speaker: Very well. I believe that, that Communication is ready. We will just ascertain on its delivery next week. It will be delivered next week because I have been informed that it is ready.

Hon. Members, that brings us to the end of Order No.7.

Mr. Munya, perhaps, you want to walk in; I have a communication to make.

COMMUNICATIONS FROM THE CHAIR

DEFERMENT OF COMMITTEE STAGE OF THE ENGINEERS BILL

Mr. Speaker: Hon. Members, I wish to communicate that with respect to Order No.9 the same will be stood down because all the requisite amendments are not in place and have, therefore, not been circulated. We have, in fact, received some amendments after the sitting this afternoon commenced. So, in those circumstances, we are deferring Order No.9 to Tuesday, next week at 2.30 p.m.

(Committee of the Whole House deferred)

ADMISSIBILITY OF THE CONSTITUTION OF KENYA
(AMENDMENT) BILL

Hon. Members, I wish to make the following Communication on further directions with respect to the admissibility of the Constitution of Kenya (Amendment) Bill No.51 of 2011 for First Reading.

Hon. Members, after I delivered the ruling on the matter of the admissibility of the Constitution of Kenya (Amendment) Bill, Bill No.51 of 2011, a number of hon. Members sought further directions on the communication. As I indicated, it is not the practice here and, indeed, in other jurisdictions that the Speaker's ruling is followed by comments or requests for further directions.

However, the Speaker, out of respect for the Members of this House and in recognition of the importance of the matter at hand considered it necessary to make an exception and to depart from normal standard practice in order to accommodate the demands of the situation. Matters as canvassed variously called for further directions relating to the applicability of comparative practice, including reference to authorities such as *Erskine May* on Parliamentary Practice, the application and significance of Article 256(1)(b); the application of Articles 20 and 35(3) of the Constitution in relation to public participation and the desirability of a multiple subject constitutional amendment Bill.

Hon. Members, I have agonizingly reflected on each of these requests and I am able to observe as follows:-

- (a) Comparative experience from other jurisdictions is valuable and persuasive, but not binding.

The relevance of precedence from some countries to Kenya is most useful where quite obviously, and this was alluded to by some hon. Members, the circumstances surrounding the decision or practice were similar to those that we are having to deal with in Kenya in the instant case. But again, any such practice can only be persuasive.

Erskine May cited by the hon. Member for Ikolomani is certainly a most handy source of authority on Parliamentary practice. But it is helpful to bear in mind that it largely relates to the English legislature which is in a jurisdiction without a written Constitution. Member for Ikolomani, you may want to acquaint yourself with that.

- (b) It requires a constitutional amendment to limit itself to its own subject matter and to only make those amendments to Acts of Parliament. I want to underline this because this is in the article, it is in that paragraph. Only those amendments to Acts of Parliament that are consequential on the constitutional amendment.

It is not to be understood as limiting the amendments that can be proposed to the Constitution itself in a Constitution Amendment Bill. The distinction there obviously is important. It is a matter of interpretation but you need to read that article very carefully to get the import of it.

- (c) It may even be argued that this is encouraged. The constitutional obligation under Article 256(2) of the Constitution, however, arises only after a Bill is published.

Before the publication of a Bill in the *Kenya Gazette* there is no Bill which the Constitution can require to be publicized. Ultimately, the legal issues on which I had to rule were the following five issues as I isolated from the submissions of hon. Members; namely:-

(i) whether or not a Minister can introduce a Bill to amend the Constitution under the ambit of “Parliamentary Initiative”;

(ii) whether or not there is a requirement for public participation before the publication of a Constitution (Amendment) Bill and whether this in fact, occurred in the present matter;

(iii) whether or not the disposal of this Bill by the House would be *sub judice*;

(iv) whether or not a constitutional amendment can cover more than one subject matter; and,

(v) whether or not the Constitution (Amendment) Bill has been properly brought before the House and if thus, the Bill is admissible.

I am satisfied doing the best I could, taking into account all pertinent matters and weighing one thing against another as Justice Kneller would say, I arrived at the correct constitutional and lawful finding on each of the aforesaid matters in my ruling of yesterday which I reiterate.

I have respectfully and with all the humility I can command, formed the view that a number of the submissions in the original points of order as well as the requests for further directions are invitations to the Speaker to make a finding on the merits or demerits of the substance of the Constitution (Amendment) Bill including such matters as whether or not the early timing of a proposal for the first constitutional amendment may not set the stage for the mutilation of a hard-won new Constitution, the soundness or goodness of the Bill and the desirability of the joinder or otherwise of the issues contained in the Bill.

I did, in my ruling, determine to stay within the strict parameters of what is in my province to decide, namely; whether or not the Bill, as a matter of law and procedure, is admissible for First Reading. I did all these other matters as I have *inter alia* particularized above, and respectfully so to the House to decide one way or another. The House will, in its own wisdom in the fullness of time have the last word as to the fate of the Constitution of Kenya (Amendment) Bill (Bill No.51 of 2011).

I thank you.

Next Order!

BILL

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

MOTION

ADOPTION OF REPORT OF SELECT
COMMITTEE ON COST OF LIVING

THAT, this House adopts the report of the Parliamentary Select Committee on Cost of Living laid on the Table of the House on Tuesday October 25, 2011.

(Mr. Mbadi on 22.11.2011)

(Resumption of Debate interrupted on 22.11.2011)

Mr. Speaker: Who was on the Floor? The Member for Naivasha had the Floor?

Mr. Mututho: Yes, Mr. Speaker, Sir.

Mr. Speaker: You may proceed!

Mr. Mututho: Mr. Speaker, Sir, yesterday I said that I have to support this particular Report. The reason I was just about to advance is that looking through the Kenyan system and looking at our standards of living and looking at everything else put together, there is no good reason why Kenyans should be suffering the way we are. This is particularly in respect to perennial shortages of food, water and other necessities.

Mr. Speaker, Sir, I want to share my experience of the visit to Israel now and also in 2009. I want to relate one incident in which I met one of the most respected citizens of that country. At that point, he inquisitively asked me to go and have a meal with him. The meal as it were, was meant to be dinner. This is what he had to say, he asked me: "What is wrong with Kenya? From 1963 Kenyans have been travelling every three months or four months to Israel to learn the basics in agriculture. As I speak, maybe there are some people still there.

[Mr. Speaker left the Chair]

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

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, if you could please---

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Please consult at the appropriate places in the Chamber to enable Mr. Mututho make his contribution!

Please, proceed!

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, from 1963 people have been travelling to Israel; executives, Members of Parliament and everybody, each time they go to learn. He wanted to know from us what is so difficult to learn from Israel. What is so hard for us to appreciate; the technologies? I was there again two weeks or three weeks ago, reluctantly so and I thank Parliament for enabling that to happen. However, this time round, I had gone to check on technology.

Looking at this Report and admiring the intensity of issues raised, I would wish again to refer to the same country; Israel. The whole story we hear about Israel is about a very hard working community working on only 400,000 hectares. That is approximately

one million acres. With that, they are able to do exports to a level of US\$20 billion. That is up and above our national budget and it is being realized from just one million acres.

It is a shame and you can even tell from the interest in this House, that most of us really do not want to appreciate that we can manage our own affairs. Most of us do not seem to understand that what Israel is farming on is exactly the acreage of one of the ranches called Galana Ranch which is owned by this Government. It is down at the coast and they have more resources there in terms of water and falls, mountains, two major rivers traversing that particular place which is bigger than the whole state of Israel. If you look at the happenings down in Israel, then you wonder what is wrong with Kenya. I am glad to be here and tell you the truth. The truth in Kenyan agriculture and which forms the very foundation of our insecurity is three-fold; one is cartels, two is cartels and three is cartels. Cartels within the Kenyan economy particularly in agriculture are shocking. I want to highlight a few of those cartels.

Mr. Temporary Deputy Speaker, Sir, one such cartel which is very new and fresh is the maize cartel. The House should mourn to learn that actually 67 per cent of all maize business is run by four families. They are able to sit over a cup of tea, a cup of coffee and determine the produce price. They are able to determine the consumer price. They are there to tell us that maize in Kenya can only cost about Kshs100 or Kshs120 per kilogramme per packet. Our brothers in Zambia where there are no cartels, maize or what they call *Mill mill*, which is a very fine type of stuff costs only an equivalent of Kshs36 per packet. That means that even with our advances in technology and our advances in marketing, with very healthy infrastructure, we are still producing at over Kshs100 per packet while Zambia and Malawi are producing at an equivalent of Kshs36 per packet. That is the shame of Kenyans.

If you look at it, then you will understand why we have had all these things to do with maize and other things. The rest of the millers, about 200 will only scramble for 30 per cent of the market share but 67 per cent will go to only four families with one family doing 42 per cent. So, as you discuss in this august House the principles behind the low standards of living, please, understand that three or four families sitting around a coffee table determine how much savings you will have on your hard earned salaries because they have a mandate to determine and crucify Kenyans in terms of prices.

Mr. Temporary Deputy Speaker, Sir, the other cartel is, of course, in the sugar sector. I do not think it is surprising to this House to hear that to cushion prices this Government and this House had provided for a 4 per cent levy within the Kenya Sugar Board. So, every time you bought a kilogramme of sugar, 4 per cent was retained to cushion you against the movement of prices. It will be shocking to learn that the money has not been utilized even with this crisis and you still have to pay Kshs250 for a kilogramme of sugar.

The other day, I was trying to compare the production of oil and how we exploit it, all the way to the mineralogy, drilling, refining, transportation and all the brokers in it, including the global politics and understood why premium petrol costs Kshs120 per litre. Now, Kshs120 for petrol because of specific gravity would translate to about Kshs140 per kilogramme. However, how much is a kilogramme of sugar? Production of sugar simply means moving of cane to the crushers, refining and taking it to the shelves. The cost is a scaring Kshs250 per kilogramme. So, even in the rare commodities like oil, we still register lower prices than our locally produced commodity like sugar. That is the

power of cartels. Again, there have been, until recently or maybe last week only 11 importers who represent interests of about three or four importers. So, again, another set of three or four families will sit and determine exactly what is supposed to be done and what Kenyans can pay for a kilogramme of sugar.

These cartels are not beyond re-probe. These cartels can be broken by good legislation and the Departmental Committee on Agriculture, Livestock and Cooperatives which I am honoured to Chair has come up with an amendment to the Sugar Act which will try to legislatively deal with this menace. But, in the meantime, I hope and pray that the Ministry of Agriculture and the Treasury are listening and will release the 4 per cent that has been collected from Kenyans as levy so that we can cushion the prices of sugar in this country. That way, the standards of living will improve to an extent that we will have affordable sugar on our tables.

Mr. Temporary Deputy Speaker, Sir, the other commodity is fertilizer. I do not want to dwell on it. However, no one understands why Kenya has not been able to set up a plant for fertilizer. You can talk about KenRen and what you want to do but the truth is that the substandard fertilizer market in Africa is dominated by Kenya. It is on that basis that, perhaps, some authorities particularly, the Executive may be reluctant to establish new factory or to allow agencies such as the Kenya Farmers Association (KFA) or the Kenya Planters Co-operative Union (KPCU) or, indeed, any other agency to trade directly on this. It is shocking that the Ministry of Agriculture behaves like a trader by importing on behalf of Kenyans and yet this is a function that should be taken by private people and can be executed properly by the KFA, if it was restructured. Restructuring the KFA does not require rocket science. This is a question of offloading some of the assets that are non-core, like the 92 residential houses that they have, and leave the shops and the warehouses, they take care of all their debts and they are back to business and ready to trade. That will be the KFA.

The latest in the cartels is forex. Of course, no one can explain and God forbid we do not have earthquakes or we have not had any outbreak of a major disease, why until now the shilling is behaving the way it is. However, you will understand that this is again a group of seven people or seven families which own banks and may have influenced this kind of funny movement on the Kenya Shilling. So, the poor shilling collapsed and Kenyans continue to suffer because of the excessive pricing of sugar, *unga* and so forth.

I better go to the solutions so that I do not stress you. When you look at the impunity in Kenya, it is sad. We have new laws which will stop these monopolistic tendencies that develop into cartels. Again, tribunals which are supposed to implement that law have not been set up. We are still waiting for the gazette notices or whatever the Minister wants to do so that such things can be checked. I humbly urge the House to adopt this Report.

I will summarize this Report and agree entirely, with paragraph 11.2 in which the confusion that surrounds various agencies within the agricultural sector is sorted out. There is need to create the National Food Security Authority so that under it we have one body to take care of fisheries and one body to take care of Kenya Agricultural Research Institute (KARI), the National Cereals and Produce Board (NCPB), Agricultural Development Corporation (ADC), the Kenya Plant Health Inspectorate Services (KEPHIS), the Cotton Board of Kenya, the Kenya Sugar Board, Tana and Athi Rivers Development Authority (TARDA), ENDA, the Horticultural Crops Development

Authority (HCDA), the Kenya Farmers Association (KFA), the Kenya Planters Co-operative Union (KPCU) and Pyrethrum Board of Kenya (PBK) among others. They are over 100 of them. When they are 100, they can cause confusion. That is why you will find Kenya Seed Company is struggling to get land on one side while the ADC, which is in the same Ministry has ample land but the logistics of doing that becomes a problem. The KFA is a trading arm of this whole family but it is starving due to lack of cash while the Ministry of Agriculture is trying to spend Kshs4.3 billion this year to import fertilizers. That is the confusion that can be avoided by creating a national food security authority.

This will also make sure that we do not have the cowboy tendencies that we have now with everybody importing everything including GMOs. The second recommendation will be to support and recognise commodity dealings and stock warehouse receipts as true instruments that can be used for trade so that we eliminate brokers and farmers get high prices on real time without passing through brokers. This will be through warehouse receipt system and will recognize in law that commodities can also be traded within our stock exchange.

On irrigation, in Israel, they have banned flood irrigation for the last couple of years. In Kenya, we are using a lot of money to do flood irrigation. If the man called “Noah” was to rise today, he would be surprised that the technology he used to grow his cereals is still in use in Kenya. It is not found anywhere else. Carrying out flood irrigation is a waste of time and money. It is a useless venture and I urge this House to adopt drip irrigation which is scientifically proven and will rationalise water management.

I would also urge this House to consider horticultural produce, particularly in areas around Eldoret, Nakuru and Naivasha. This is the only way we can decongest Jomo Kenyatta International Airport (JKIA). We can export after value addition. There is no rationale for exporting our produce without value addition.

Mr. Temporary Deputy Speaker, finally, I would like to persuade this House to ask the Minister for Tourism to review the hotel classification system. Some of these five star hotels are actually no star hotels. They do not meet the standards of a star hotel in the world. There is no need of us telling people that we have five star hotels in the region. People with money around the world also know how to spend it. We cannot forever cheat them that we have five star hotels here. If we have five star hotels, we would be able to attract real tourists. Most tourists who come here are really low income tourists. They are our visitors. You meet them in Accra Road. At the end of their trip, they sell their shoes and T-shirts to the poor unsuspecting Kenyans. We can have genuine tourists because of our vast resources. We can only achieve that if we have quality hotels. These hotels are there in other parts of the world. So, why can we not have them here? Everybody travels here, and they know what I am talking about. Let us review the system. Let us agree that we do not have a single five star hotel in Kenya. That way the industry will respond accordingly. We can end up setting up five stars or seven stars hotels where applicable.

Mr. Temporary Deputy Speaker, Sir, I am glad that the Vice-President and Minister for Home Affairs is here. I would urge him that in the next Cabinet meeting, he should tell his colleagues to consider and persuade the Deputy Prime Minister and Minister for Finance to triple duty on imported luxury foodstuffs. This is because some people are importing everything that is consumable. For example, they are importing

oranges, cabbages, carrots and maize, among other foodstuffs. Everything is imported although it is locally produced. The only thing they are not importing is oxygen because of God's natural way of distributing oxygen. Otherwise, everything else, including mineral water, is imported.

With those suggestions, I beg to support.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, let me also join my colleagues in supporting this very important Motion. I will start by thanking the Chairman of this Committee and the Members for doing a very commendable job.

The cost of living in this country has of late been pushing the common man to the corner. Most Kenyans are affected and we need to do something to mitigate against the spiralling inflation in this country. The cost of fuel has been a major concern to motorists in this country. *Matatu* operators have already increased bus fares and, therefore, commuters and even pupils are not spared. They are paying hiked bus fares. At times, parents are unable to raise bus fares for them.

Mr. Temporary Deputy Speaker, Sir, the farming community is also affected because of the high cost of diesel. Therefore, productivity has also slowed down. Transport of goods to market centres has also been affected seriously. The tourist sector has also been affected seriously because of the fuel and the industry has gone down. Even air transport has been affected because of high price of jet fuel. The number of flights that land at the JKIA and Moi International Airport have gone down. Security in our country has also been affected. Police officers are complaining of high price of fuel. At times, when they are called to beef up security in certain areas, their vehicles do not have fuel. How do we expect them to provide security if they are unable to fuel their vehicles?

Mr. Temporary Deputy Speaker, Sir, the cost of food has also affected many families. You will realize that the cost of sugar and even maize meal is beyond the reach of the common man. The cost of meat has also gone up terribly. The common man cannot afford to get money to buy a kilogramme of meat. Even in some areas, people have resorted to eating meat of donkeys. Donkeys are suffering. They are not safe at all. Donkeys are used for transport of goods. This means criminals have turned to these very peaceful animals to slaughter them and sell their meat.

Mr. Temporary Deputy Speaker, Sir, livestock theft has also increased in this country as a result of the high cost of living. The education sector has also been affected because headmasters in our schools are not able to pay electricity and water bills, and even buy food for their students. Therefore, learning is seriously eroded. Learning is affected. Headmasters are currently considering raising school fees. This is not proper because inflation is very high. When you look at the industrialization sector, investors are not willing to come to this country. The cost of investment and running business in this country is very high. This has led to loss of job opportunities for our youth. Therefore, it is important that the Government addresses this matter seriously. Workers cannot enjoy the fruit of their labour because of high inflation. Parastatals must be managed by competent people, so that productivity is achieved in order to create employment opportunities for our people.

Mr. Temporary Deputy Speaker, Sir, I would also urge the Kenya Revenue Authority to maximize its efforts in revenue collection. It should not allow illicit goods to be transported through the border points. It is, therefore, important that effort must be taken to address the current inflation now that we have rains. It is also important that the

fertilizer factory that was intended be put up, so that farmers get cheaper fertilizer and seeds to improve agricultural productivity.

With those few remarks, I find that it is timely, and it is most opportune for the Government to address the current inflation, so that Kenyans can start enjoying better life in this country.

With those few remarks, I fully support the Motion.

(Question put and agreed to)

BILL

Second Reading

THE CANCER PREVENTION AND CONTROL BILL

Dr. Monda: Mr. Temporary Deputy Speaker, Sir, I beg to move that The Cancer Prevention and Control Bill, Bill (No.47 of 2011) be read a Second Time.

Mr. Temporary Deputy Speaker, Sir, I wish to observe that this country is ill prepared to handle cancer as a disease. Kenya has neither a national cancer policy nor cancer control law. Cancer as it stands now kills up to 18,000 people every year, when we consider the conservative figure. When we say 18,000 people dying of cancer related complication in a year, we are talking of 50 people dying every day on average.

Mr. Temporary Deputy Speaker, Sir, this is an equivalent of the Sinai fire disaster in two days, or the Sachangwan accident for two days; we shall have 100 people dying from cancer everyday. Cancer has been of concern and has been on the rise; you can look at the figures and statistics as given by the experts and from our hospitals. However, it is clear that despite the fact that this disease has hit the population so hard, and has made many Kenyans live devastating lives, I want to state that the country is very poor in the diagnosis of the disease.

Mr. Temporary Deputy Speaker, Sir, we do not have effective screening processes being carried out in our health facilities. It is important to know that it is only Kenyatta National Hospital (KNH) that is equipped to deal with, or handle, cancer in this country. The Moi Teaching and Referral Hospital (MTRH) is not fully equipped to do a similar job. The Government has no clear picture of the real magnitude of the cancer problem in the country and the figure of 18,000 is from the Nairobi Cancer Registry. The country, therefore, has no other registry for cancer to give the picture of the disease in the entire country.

Mr. Temporary Deputy Speaker, this figure of 18,000 is one that is given by the Kenya Medical Research Institute (KEMRI), and is only for Nairobi. The other parts of the country do not have a cancer registry. As I have already indicated, there is only one public hospital providing treatment by way of the procedure of radiotherapy; this is the KNH. The country, through the KNH, does radiotherapy; this process uses radiation to treat cancer. The KNH handles only 3,850 patients, yet the country every year has 120 confirmed cases that go for treatment all the time; 150 cases are on radiotherapy and 80 cases are chemotherapy; these are conservative figures.

Mr. Temporary Deputy Speaker, Sir, it is important for the House to note that cancer patients suffer because they are all referred to one hospital for radiotherapy. Therefore, there is a big queue of patients who wait to undergo radiotherapy and radiation treatment, yet the disease does not allow patients to follow the queue and access treatment in good time, or before the disease takes a toll on them.

Mr. Temporary Deputy Speaker, Sir, I want to indicate here that the same KNH has only three machines, which are called Cobalt 60 machines, to provide the 41 million Kenyans in treatment through radiation. This is an indication of how ill-prepared the country is to treat cancer through this means.

Mr. Temporary Deputy Speaker, Sir, in terms of personnel, the country has only four radiation oncologists, six medical oncologists, four paediatric oncologists and no trained surgical oncologist to handle the 41 million Kenyans in terms of screening, diagnosis and treatment, whether it is through chemotherapy, radiation or surgical catheterization. When you look at these numbers of experts in the discipline of cancer intervention; when you look at these numbers of experts in the area of cancer you realize that we are quite poorly prepared to handle it.

Mr. Temporary Deputy Speaker, Sir, the picture is worse when you look at the support staff. There are only five radiation therapy technologists, two oncology nurses and two medical physicists, who support the doctors when attending to this condition. In this country, there are no referral hospital facilities that treat cancer. This makes the country even worse because any case of cancer detected or suspected at a district and provincial hospital has to be referred to KNH for attention in terms of confirmation of the disease, and then the treatment intervention.

Mr. Temporary Deputy Speaker, Sir, there are over 30 hospices and palliative care centres supported by the Government, NGOs and faith-based organizations. The country has a high physical limitation and low level of awareness on cancer among the public, in terms of signs, symptoms, treatment options, risk factors and prevention measures. Most patients present themselves for diagnosis at an advanced stage. This is because of unavailability of health facilities in various parts of this country. In this Bill, we are proposing that cancer registry and treatment be devolved, so that we have a registry at the level of a county. We should have a cancer registry treatment centre in every county.

Mr. Temporary Deputy Speaker, even where there is possible cancer treatment, the hospitals may not have the medicines, and where the medicines are found, their cost is very prohibitive. It is clear that all the hon. Members, I am sure, have been consulted, asked for advice and have raised funds for diagnosis, so that a patient is able to be examined. We try to raise funds when doing this is quite impossible for many families in this country. The situation calls for other people's contributions, so as to raise funds for patients.

Mr. Temporary Deputy Speaker, Sir, looking at the numbers that we have talked about, it is not practical that fundraising will be able to effectively cover the patients we have in this country. So, it is clear that treatment of cancer is expensive and has led to the impoverishment of many families in this country.

Mr. Temporary Deputy Speaker, Sir, it is, therefore, important that the Government makes deliberate effort to allocate resources so that the country is able to acquire medicines for patients who suffer from cancer. It is also important that the cost of

medicines is looked at by the Government so that it is affordable to the poor Kenyans who suffer from the disease.

It should be noted that this country has no cancer research institution to offer help in screening the population that suffer from cancer. At this point, I want to indicate that there are many types of cancer. Therefore, unless we have experts who are capable of screening and diagnosing cancer and then we move to treatment, it will not be possible for cancer to be detected early and treatment instituted in good time before the cancer takes toll on the patient. In our Bill we have recommended that the country starts the Cancer Prevention and Control Institute. In this institute we shall have experts who will be able to indicate to the Government the spread of cancer, types of cancer, what population of this country is suffering from cancer and what type of cancer affects which region; that is, the geographical spread of the disease in this country. That will assist the Government to plan and come up with policies and funding that will make it possible for the prevention and control of cancer. Research will come up with possible education programmes for our children in school, so that they are prepared as early as possible to encounter and fight cancer. It will identify the causes of cancer and how we will prevent it. This is what we want our children to do.

Mr. Temporary Deputy Speaker, Sir, allow me to observe that in Kenya the number of our mothers, wives, children and sisters who suffer from breast cancer is big. Cancer of the cervix for mothers, again, is another area we need to address as a country. We have cancer that affects children and cancer that affects men. This is not an area that we should wish away. I want to indicate that the few trained medical personnel, be they pathologists, radiologists, oncologists, radiotherapist, nurses, counsellors, nutritionists or palliative care specialists do not provide an environment for research support.

Cancer is not just a Kenyan problem. Annually, Africa loses 62,000 women due to cervical cancer caused by human papillomavirus. These are the statistics; 62,000 Africans die annually from one type of cancer, which is cervical cancer. If you look at breast cancer, you will find that the numbers are even higher. About 91 per cent of human papillomavirus related cancer deaths in the world are due to cancer of the cervix, with the majority of them in developing countries and Kenya is one of them.

Mr. Temporary Deputy Speaker, Sir, this calls for a deliberate and urgent effort by the Government to act. I know that we had the Motion by hon. James Maina Kamau, which I commend him for, that asked the Government to make cancer treatment free. We know that the Government does not have endless resources, but deliberate efforts must be made by both the Government and the private sector so that we are able to address cancer treatment as a concern to all the population. In Nairobi alone, 46 per cent of women die in gynecological wards due to cancer of the cervix. In Harare, Zimbabwe, 47 women out of every 100,000 die from gynecological cancer. In developing countries cervical cancer presents late when very little can be done in any form of treatment by surgery, radiotherapy or chemotherapy. It is only 46 per cent of provincial hospitals in sub-Saharan Africa that have the capacity to do surgical operation on patients with cervical carcinoma in East and Central Africa. Twenty one percent had gynecological oncologists to perform the operation. Kenya has only two oncologists. Oncologists in ordinary languages are experts in cancer. So, we are talking about experts in cancer treatment through surgical and medical intervention. We are also talking about radiation. So, if we only have two experts, how much shall we be able to do as a country? So, there

is need for the Government to take note of this and set a budget line to address the concerns of cancer.

Mr. Temporary Deputy Speaker, Sir, worldwide in 2005 it was estimated that there were about 500,000 newly diagnosed cases and about 260,000 deaths that occurred due to the disease, with over 80 per cent of these deaths, again, being from developing countries. So, out of the 260,000 deaths, Kenya has its share and we cannot afford to ignore it. Primary prevention by vaccination, especially for cervical cancer is being done in some countries, but it has not taken root in our country. In Kenya and other developing countries where there is resource restriction, cancer of the cervix is the leading cause of death in women dying from cancers.

Lifestyle cannot be ignored. Lifestyle change especially in the area of reproductive health can also lead to reduction of cancer of the cervix. Other jurisdictions – and I want to cite the example of the British Government – deliberately allocated 50 million Pounds for special address to patients who suffer cancer.

That was only intended to do intervention on cancer to last for six months. More resources were allocated thereafter. That is why I indicated that unless we have a special cancer Fund to support research, diagnosis, screening, equipment, specialized personnel, drugs, radiotherapy and surgery, then we shall have let the country to continue suffering from the effects of this disease.

Mr. Temporary Deputy Speaker, Sir, once the funds are set aside, then we shall, as a country, improve patients' access to cancer drugs and treatment. We shall be able to train experts who will then address the cancer issues all over the country. We shall be able to acquire equipment and all commodities including medicines that we need for the treatment of the patients in the country. We know that there are cancer challenges in addressing the issues of cancer, but the Government cannot afford to let it be a responsibility of charities to address such an ailment. I want to observe that cancer mortality is on the rise in the country, survival rates are declining and cancer patients' care is also deteriorating. These are some of the concerns that we must address by getting real experts to do the job. There is need for enhanced financial investment in cancer to help deliver an expanded cancer workforce with multidisciplinary background to provide higher quality care and more advanced equipment.

Kenya's scientists need more understanding of cancer to enhance prevention, early diagnosis, better treatment and improved care to patients, both during and after treatment, leading to delivery of high quality cost-effective cancer services. The country needs to develop a cancer strategy which can only be done in the Cancer Institute that will be endowed with the capacity to do research. Therefore, the cancer strategy will be the one to indicate the cost of attending to the cancer levels that we have in this country. This strategy will come up with programmes to both improve cancer outcomes and also ensure service delivery.

Mr. Temporary Deputy Speaker, Sir, I want to indicate that - I am not shy to say it - at one time as I worked in Meru as a new graduate from the University, my own mother suffered cancer. I had to stop working for a whole month, come to Nairobi and we did all we could. All we managed to do was to have her last in a hospital for one month and we had already drained all the resources for the young people who had just started working. In 30 days, she was over and dead. Since then, the experience I have had, not because I am a Member of Parliament, which I know is the experience for every Kenyan is that, all

you will afford to do when cancer strikes is to lose all that you have and you may not be lucky. After losing all that you have, you then lose the patient. This morning, I left Parliament to visit a cancer patient in hospital and because we are ill prepared to handle several of the cancers that we have in this country, the patient is headed to India. So, we are being asked to fundraise. For how long are we going to stay without addressing this concern?

The concern we are addressing through this Bill is that we need to be prepared. I do not want to stop until I have said one or two things about the actions that we need to take to improve cancer outcomes. We must take steps to prevent cancer. Before we talk about treatment, we must prevent cancer. Some of the areas include changes to lifestyle. I have already talked about lifestyle in the line of gynecology and reproductive health. We need to change lifestyles that make us susceptible to cancer. We need to improve our awareness in the country. Smoking is the single largest preventable risk factor for cancer and we need to tell the country this. This needs to be mentioned in our Bill and also in the Act if it sees the light of the day. There is evidence linking obesity to cancer. Therefore, we need to address ourselves to the food that we put our families to. Excess alcohol consumption is strongly linked to an increased risk of several cancers. Once we create the institute, we shall be advised on the role of cigarettes, excess consumption of alcohol and sexual lifestyle to cancer. Skin cancer incidents increase reflects patterns of behavior. Research has shown this. Our people should be aware what it is that we do with our skin and then skin cancer strikes us which is also quite common around. We need to raise public awareness of the cancer risk factors through the civil society. Every player in this country needs to do what it takes to make every Kenyan aware of the risk factors of cancer.

Mr. Temporary Deputy Speaker, Sir, another area that we need to address to improve the outcomes is diagnosing cancer early. Some of these will come under the Cancer Prevention and Treatment Institute. Early diagnosis of cancer will increase the chances of cure. Late cancer diagnosis, as I have already said, is the major factor contributing to poor cancer survival rates. Screening is vital to diagnosing some cancers early. I want to congratulate the Government here that some funds were set aside for acquiring equipment, be it by the Ministry of Public Health and Sanitation or the Ministry of Medical Services, both Ministries should address the disease. The Government allocating funds for the acquisition of cancer screening equipment is a step in the right direction, so that we can detect cancer in our health centres, dispensaries, hospitals and all health facilities in this country. That will reduce the detection of cancer when it is too late and difficult to save the victims.

We should make it compulsory to screen cervical, breast, prostate, bowel, lung and other cancers through the National Cancer Research Institute that I have talked about. If this Bill becomes law, then we shall have asked the Government to provide a service where there would be screening of the population every year, so that we can reduce even the losses that we incur in terms of treating cancers that are detected late. The National Cancer Research Institute will have to come up with the common cancers and the screening of the same cancers will have to be done every year and, at least, every Kenyan undergoes some screening. A national awareness on early diagnosis initiative will help raise public awareness of the signs and symptoms of cancer to encourage victims seek early treatment.

Mr. Temporary Deputy Speaker, Sir, item three is about ensuring better treatment. The institute will come up with this. There is need to build on successes achieved in cancer treatment to ensure that patients have fast access to high quality treatment, including surgery, radiotherapy and drug treatment. We should also reduce the treatment waiting time. Once this is set up, we shall be able to reduce the waiting time before treatment. Cancer is a multiplication of cells. Cancerous cells multiply very quickly and kill the very essential tissues that make normal life to continue. Therefore, once we give quality treatment, we shall be able to reduce the treatment waiting time and save people the agony they undergo as they wait for treatment.

The queues of patients waiting to undergo radiotherapy, chemotherapy and surgery are very long at Kenyatta National Hospital (KNH). So, we let the population suffer for a long time before they get attention. According to statistics, surgery alone cures more patients of cancer than any other intervention. Therefore, we need to ensure that such treatment, equipment and medicines is provided by the required personnel, so that the job is done and done well to save our people from suffering. For all types of treatment, such as radiotherapy and drugs, there is need for substantial investment in equipment, commodity and workforce.

Mr. Temporary Deputy Speaker, Sir, if we want to improve the outcome of cancer treatment in our institute and living with and beyond cancer--- After treatment, there is need to provide programmes to support and empower patients throughout their cancer journeys. Cancer is a disease which lasts long. Therefore, there is need for the Government and the country, to be prepared to empower the people throughout their journey. There is need to improve information flow for patients. There must be a three way partnership between cancer back-up, cancer research and cancer support groups to provide patients with high quality information, tailored to their individual needs.

There is need to ensure that patients and their families experience good and continuing care. Any other person around them needs psychological support because of the torture. We cannot ignore the people surrounding the patient and look at the patient alone. The children, mothers, fathers and other relatives around a cancer patient need to be attended to. The Government and the country need to be prepared to address this. This is what we look forward to getting from the institute.

Mr. Temporary Deputy Speaker, Sir, the national cancer survivorship initiative, in partnership with cancer charities and patients, needs to develop strategies to improve services and support for cancer survivors. There is need to reduce cancer inequalities, where those who are able in society afford cancer treatment and those who are not die, even without being diagnosed that they are dying of cancer; we should narrow the margin between the lowest Kenyan and the highest Kenyan in terms of income, so that we reduce the cancer inequalities in this country.

Mr. Temporary Deputy Speaker, Sir, I have already indicated that we want to establish a cancer institute. I have also indicated what the cancer institute will be able to do for this country. Therefore, the functions of the institute will include establishment of hospitals all over the country. Through the cancer institute, we will need to encourage and secure provision of diagnostic treatment, rehabilitation and other medical care to persons with cancer in the institutions we want to create in many parts of this country. We have indicated that we want a law that will bring equity in services provided to Kenyans.

As I conclude, I want to indicate that I congratulate the Minister for Medical Services, hon. (Prof.) Anyang'-Nyong'o, who is a victim of this disease, and who has come out to fight not only the disease in himself, but also the disease in the rest of Kenyans, who may not be able to do it outside this House or in the country and globally. Many Kenyans, as I have indicated, seek treatment abroad. We need to address this so as to bring services home and make them affordable to all our people.

Mr. Temporary Deputy Speaker, Sir, in this Bill, we are proposing that we will have a cancer registry which will be in every county, so that within a period of 60 days, we can get a picture of the cancer situation prevailing in this country. The data will indicate the frequency of the occurrence and the types of cancer, as well as the geographical locations of the various cancers. Research from the institute and the registry will give us indications of what the country expects to encounter, be it in terms of personnel, doctors, nurses and other personnel and financial resources.

The registry will also indicate the institutions, associations and organisations, including those controlled and managed by the Government and local authorities that provide care and treatment services for persons with cancer. All our facilities screening cancer will be able to report to the registry. This will enable the Government to know how to go about cancer in terms of preparedness to provide treatment.

I do not want to leave behind the education and information that is needed for our children as I have already indicated earlier on and the population as a whole. The national Government together with this institute will have to prepare the population and come up with programmes for our schools so that we prepare our children as early as possible.

Mr. Temporary Deputy Speaker, Sir, there is need for the country, under this education programme for cancer prevention and control to form part of our health care system. Through this Bill, we shall have the cancer prevention and control programmes disseminated by the Central Government and the population will be prepared.

With all these many remarks, I would like to indicate that we are asking the Government to come up with an amendment so that there is an indication that the Government will set a budget line to provide for all the requirements and make this key Bill workable.

Mr. Temporary Deputy Speaker, Sir, I beg to move and ask Dr. Nuh, who is the Vice-Chair of the Health Committee, to second.

Dr. Nuh: Thank you, Mr. Temporary Deputy Speaker, Sir. Just as my colleague has said, in seconding this Motion, I just want, first, to also congratulate the Minister for Medical Services, Prof. Anyang'-Nyong'o. Having been a victim of cancer, he has now become a real champion and advocate to see how cancer issues can be addressed. He has not restricted himself to the Kenyan territory. He has even said that he will champion to see to it that cases of cancer are dealt with and eradicated in the whole of African region. I just wish him well in this ambitious plan. We are with him hand-in-hand in trying to see that this issue is tackled.

Mr. Temporary Deputy Speaker, Sir, I want to cite the provisions of the new Constitution in Article 43 (1) which guarantees the right of economic and social rights to every Kenyan. Article 43 says:-

“(1) Every person has the right—

(a) to the highest attainable standard of health---”

I do not want to belabour that. It goes on to say:-

“---which includes the right to health care services, including reproductive healthcare;”

Mr. Temporary Deputy Speaker, Sir, this right that has been enshrined in the Constitution and described as “the highest attainable standard” is one that Kenyans have been yearning to have and the Government of the day should ensure that it is not just a promise that is put on paper, but is one that is implemented at whatever cost because Kenyans deserve it.

In that endeavour, the Government has to look at the issue of equitable provision of health care services because currently, as it seems, health is now becoming a privilege when, indeed, it should be a right. It is only becoming a privilege that those who have the money are able to pursue, and that every other Kenyans who by virtue of, may be, where they live or by virtue of who their ancestors are, have remained poor for so long are unable to even access the most basic of these health care standards let alone, having treatment for complicated cases like cancer and others.

Mr. Temporary Deputy Speaker, Sir, nowadays if a poor Kenyan is diagnosed of having cancer, it is like that Kenyan is sentenced to death. He or she is condemned and one has just to dash all the hopes, lie in bed and wait for death to come at whatever opportune time that person would expect. This is not a very good move. Kenyans should have hope that whatever ailments come to their face, at least, have an institution to run to; a Government shoulder to lean on and a friend, at least, to share with and say: “This is the problem I have” and that they would want it lifted. But in a case where because someone is poor and because cancer management requires some resources which sometimes are enormous, then that person is convinced that, may be, death is now imminent and even if he was a teacher teaching students, he would ask: “why belabor or why wait?” until he or she is resigned to his or her grave. Even if he was a doctor, he would ask: “Why pursue and treat many others with ailments” when his or hers is already a death sentence.

Mr. Temporary Deputy Speaker, Sir, this Bill comes at an opportune time when many Kenyans are aware of their rights to attaining health standards that have been guaranteed in the Constitution. Many a times, we argue that we cannot afford to fully implement a health care service that is free for every Kenyan and we say that it is an expensive venture. But rights are expensive and they ought to be! This is because the same Kenyan who is demanding because it has been indicated in the Constitution as a right that they should attain the highest standards of health is the same one who is oiling the Government to have the resources to be able to run. Some may be contributing Kshs10 as tax a year while some may only be contributing their services in some way and paying back to society. They deserve all the support that they require. This Bill tries to address and put mechanisms and institutes in place and a body to manage it so that issues of cancer are addressed, at least, from a point of information.

Mr. Temporary Deputy Speaker, Sir, when we talk about the three-pronged approach of prevention, diagnosis and later on of management or treatment, this can only be done in an environment where you have an institute that devotes all its time to, at least, that entity called “cancer”. But when we leave it to the myriad of other problems that are there as health problems and you want it addressed by the Ministry concerned, then the essence of tackling cases of cancer is lost. That opportunity does not come because the Ministry will be engrossed in fighting malaria, diarrhoea and many other diseases that are common place and which are passed on to others. Cases of cancer,

whose transmission is mostly thought to be only through the gene type and the rest would be through habitual and others would be left unmanaged and even for those who would like to seek advice and information would not have access to that information.

Mr. Temporary Deputy Speaker, Sir, when you have an institute that will deal with issues of cancer and, at least, create awareness within the public; that these are cases that predispose you to cancer; when, at least, we will have a Kenyan population that is more informed, that will make the right decisions at the right time to be able to prevent cases of cancer. When Nairobi created the bylaws as a City Council and said that you will have to create some free zones for smoking so that you do not predispose others to ailments that are related with smoking, among them cancer, at least, some percentage of reduction of cases of cancer would be seen in the near future.

If we had this institute, it would have given capacity to the local authorities to be able to make some of these by-laws that will benefit in the prevention of cancer in the long run.

If members of the public had that awareness that drinking or smoking cigarettes, for example, will predisposes them to cancer and this institute was able to avail the statistics and give the information that is required, at least, people would have reason to believe in it. This is an institute that has been created to deal with cases of cancer, so any information they give is reliable and that the public would be able to abide by it at least for their own safety.

So, we need this Bill to be passed like yesterday. We need this institute to be able to see how Kenyans in the next generation are able to reduce cases of cancer within the population. Today, distribution of cases of cancer in country in the midst of us is not uniform. We have allegations and heard them before that in some places in northern Kenya like in Wajir or other towns, there has been dumping of some components that may predispose people to cancer. Some of them are talking of nuclear materials. These issues have not been ascertained. However, at least, that suspicion is there. These allegations are there. No one has come very bravely to refute them and, at least, avail evidence that whatever has been dumped there by some choppers which are seen to land even at night could be a dangerous material that could predispose the population to cases of cancer.

Mr. Temporary Deputy Speaker, Sir, if we were able to have an institute that is able to provide data of how cases of cancer are distributed across this country, then we would have an affirmative action and a movement towards that region that is bedeviled by high cases of cancer rate. We could see even how the diagnosis and the management facilities would be able to be shifted towards those regions at least on affirmative basis.

That is when diagnosis and screening of cancer comes in. At least, if cases of cancer are diagnosed early enough, they can be managed in a better way and with less resource. However, when we have a case of cancer that has been long standing; that has gone almost to the dead end, then management of such a case becomes an expensive venture and that is when the patient even losses hope because they are unable to raise those funds. At times, it even reaches an instance where interventions will not help and the person is condemned. He is told that this case of cancer cannot be managed and that he will just have to wait for his death very soon.

Mr. Temporary Deputy Speaker, Sir, again, the institute would see modalities of how early diagnosis can be of assistance at least in early management of cases of cancer.

What would it help if you diagnose someone and told him you have cancer, but you are unable again to provide the management and therapy? You will only be resulting in that person having nightmares that he has a disease and he does not know where to seek medication or that he has a disease which he does not know its management or that he has a condition that he cannot afford. This is because management of such a condition would only be available in places outside this country or in institutions which are private in nature and charge very exorbitant prices. This common person would not be in a position to even step in and arrest the situation.

These endeavours of having that information disseminated by this institute; of that data being collected at least for information and resource to be available; for diagnosis and early screening of these cases of cancer to be done and for facilities to be equipped so that we are able to manage cases of cancer in this country. We need resources to do so. We need money to be voted in to the Ministry of Medical Services.

The Abuja Declaration that our country Kenya has also committed to, says that, at least, 15 per cent of the budget line has to be executed towards health. We are far much below that level. We are still at percentages of 4, 4.5, 5 and the figure keeps fluctuating every other year that you are not even certain whether a percentage would really increase or reduce. That is the case that we are advocating that at least this Bill should have incorporated issues of having money voted directly from the Consolidated Fund to this institute.

Mr. Temporary Deputy Speaker, Sir, if you go to Article 15 of this Bill, it says that the funds of the institute shall comprise of:-

(a) Grants – these are donations that the institute may receive as a result of public and private appeal from local and international donors or agencies for the purposes of carrying out its functions.

This is far-fetched. We are giving an institute that has got a legal backing. An institute that we want to carry out an enormous task of having to deal with cases of cancer in this country; a condition that has become a killer condition at a very high rate and we want that the first budget line that this institute will be getting will be grants and donations that they seek. It does not look serious.

The commitment just looks to be on paper that, at least, we have a law and an institute that deals with cancer. However, if we did not give this institute enough resources to be able to deal with the task that they have been given, then it is as well better having no institute because we would have hoodwinked Kenyans and those patients who have cancer that at least they are getting help when, indeed, we are not serious. So, an amendment has to come in either form that the Government has to commit funds and that this institute or this body has to be capacitated by the Government and that resources have to be allocated for them to be able to deal with these cases effectively.

Mr. Temporary Deputy Speaker, Sir, that is when this institute will have teeth to propose that we have centres that are equipped and have the necessary expertise and personnel to be able to forge a way forward to see that cases of cancer are reduced in this country. When you hear the medical practitioners going on strike because they think they are very wrongly remunerated, I start losing hope as to whether the Government would be able to support this Bill to the end and ensure that the resources required are given. It is not far-fetched. It should not have taken until the medical practitioners announced that

they are going on strike for the Government to have known that they are remunerated on standards that are way below their expectations. We tend to give excuses that the Government has a budget constraint; that resources are not enough; that we have a war at hand with *Al Shabaab*; that we are facing many other issues and some meltdown of the economy that is worldwide. However, these are not enough reasons to ensure that the workforce we have is well motivated.

With regard to the issues of personnel allowances, travel allowances and other emoluments that sort of look basic that we, as a Committee, proposed that they should have been included in the budget line for this year and even which was as well endorsed by the Budget Committee and passed at the recommendation of this House. However, they were not supported by the Government. What do you have in essence? You hear that personnel in Kenyatta National Hospital have downed their tools and are leaving patients by the bedside. They have done that because if you wait for the Government to respond and they never respond, then someone would see, what are the drastic actions that would make this Government listen and understand.

In this line, I also want to urge the two Ministries concerned, that is the Ministry of Medical Services and the Ministry of Public Health to move with speed. They should not only talk in Press conferences and say that they are ready for negotiations, but to go ahead and engage the medical practitioners. They should ensure that an amicable solution is reached before 5th December, so that we do not have a disaster in this country. Ours is an ambitious plan of talking of how we will manage cancer cases; of how we will get the necessary expertise or more equipment. However, it is an ambitious plan that will go down the drain if, as a country, we will be unable to manage the basic medical staff that we have in hospitals just because of issues of remuneration that can be sorted out by the Ministry and the Government.

I would urge the Government to move with speed and not wait for last minute ultimatums for them to respond but to be in touch with these associations because I know before these ultimatums and strikes were given, there must have been the under-currents that the Ministry must have known.

With those remarks, I second the Bill.

The Temporary Deputy Speaker (Mr. Imanyara): Before I propose this Motion, perhaps Dr. Nuh or Dr. Monda can explain to the Chair the clause in the Memorandum of Objects and Reasons; the very last clause, that the enactment of this Bill will not occasion additional expenditure of public funds given the submissions that the two of you have made in proposing and seconding this Bill.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, in the body of the Bill, it will not equate any extra public funds but we thought that was at least a basic move to make. I think the Ministry is also considering seeing how they can amend this clause to say that they would be able to vote public resources. As at now, the decision of the Committee was constrained because we were the ones giving the Bill because when it comes to public funds being required, we were advised that hon. His Excellency Mwai Kibaki will have at least to give assent.. That is why we left it out. However, I know the Ministry on consultations is willing to even bring an amendment, after discussions with His Excellency, that at least they are able to vote some funds from the public. That is why in our speech, we are incorporating and saying this should be done.

(Question proposed)

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I will make some very brief remarks.

First of all, I want to congratulate the mover of this Bill, Dr. Monda. This is a very important Bill for this country. In fact, the reality is that it is long overdue. Nevertheless, the fact that it is now before us, I think it deserves our support. In fact, it is also a surprise that when there is such an important Bill, there is very little attendance in Parliament. Be that as it may, I think let us move ahead and support the Bill.

One of the first things I really want to draw the Member to is that, indeed, the issue that has been raised by the Chair is very important. By creating this entity which becomes a public authority, there is no way you can envisage a situation where public resources will not be made available. Therefore, I would strongly support the position taken by the Chair that the Memorandum and Objects should require an amendment at the Committee Stage. It is clear that public resources will be necessary to deal with this particular problem.

The Mover has given very elaborate statistics of the number of deaths that are recorded. He gave a figure of 18,000 deaths and those, in my view, are the ones they are able to record as having cancer as the cause. However, there is no clear indication of those who die of the same kind of ailment but are not noticed or diagnosed. So, clearly, the question of registry is going to be extremely important.

Mr. Temporary Deputy Speaker, Sir, I would also like to quickly highlight the fact that cancer is a very silent and expensive disease. Most of us, Members of Parliament, are usually engaged, every now and then, either directly or indirectly, to fundraisings for medical treatment either locally or externally. It is very difficult to cope with the kind of requests that we all get. I would strongly support this so that the Government or the Kenyan people can be able to support cancer treatment, not just from their personal or charitable donations but also clearly from the public coffers. The Government has done very well in campaigning against HIV/AIDS and even making outlays to deal with HIV/AIDS in this country. That is important but this particular disease has largely been ignored.

The equipment that is available nationwide is very limited. The professionals that have been trained to handle this particular disease are literally a drop in the ocean when we talk of the disease. I am strongly advocating for clarity during the Committee Stage on the issue of making sure that there is proper public participation. I do not think we should shy away from proposing amendments to this Bill in that regard. The financial outlay may not necessarily be instant but it could be gradual. It has to be built up systematically.

Mr. Temporary Deputy Speaker, Sir, the other thing I would strongly recommend as a safeguard is to also ensure that this institute or centre; The Cancer Prevention and Control Institute (CPCI) at the end of the day, does not become top heavy in terms of remuneration or in terms of running costs. The actual bulk of the resources, in my view, should be crafted in this law so that whatever is being put forward, the bulk of it goes into the actual treatment, prevention and dissemination of information to the people. There is also the tendency that once you create the institutions, some of these institutions then become the guzzlers of resources and the real beneficiaries do not benefit.

I would also want to recommend, in support of this Bill, that the issue of duty should become very clear because you have a lot of equipment that may not be available locally. Although I know most medical equipment do not necessarily have duty on them, it would be useful to clarify so that, for example, if you are bringing in mammography vans which would be mobile units that can be used to help in detection and diagnosis of cancer, let it be very clear from the outset that such vehicles or equipment would benefit from duty free arrangement. This is because it can be very expensive to get this equipment if a lot of duty was charged on it. I think that would definitely go a long way in assisting.

Mr. Temporary Deputy Speaker, Sir, I would also like to recommend that at the Committee Stage, the Member can clean up the Bill. In some areas, we still refer a lot to the local authorities. If you look at Clause 20, you talk of, “by the Government and local authorities”. Bearing in mind that we are going to move to the county governments, I think it would be good to refine the definitions in there so that they are consistent with the new arrangements. Local authorities as they exist may not be the same again but there will be entities of county governments. So you may want to clean up some aspects of the Bill in that regard.

I also want to commend the hon. Member because when you look at issues of discrimination, it is so important that this has come out because I have had occasion to talk to ladies, in particular. I was somewhere where there was a testimony of a lady who had suffered from breast cancer. She talked of how she was stigmatized by her community. The husband was asking her: “Where on earth did you get this particular problem?” This was to the extent that she was being shunned and pushed away and made to look like some kind of outcast or witch within the community. That can be very punishing because as you deal with this, you are dealing with somebody’s psychology, the communities’ psychology and the families and so on.

Mr. Temporary Deputy Speaker, Sir, we also need to encourage people to go for regular check-ups. Most of the cases are usually diagnosed when it is too late, when somebody has really tipped and is on the wrong side of the fence, if I may put it that way.

If cancer is detected early, it can be managed. However, most people tend to delay and shun away from being tested just the way it is in the early stages of HIV/AIDS when people shun away from being tested until they realise that it is too late and doctors cannot help their situation. Some of it is out of fear, some of it is due to ignorance and some of it is just the sheer cost.

I want to commend the honourable Member for coming up with this Bill. He deserves a lot of support. It is spreading out the need to have treatment centres throughout the counties. With this law being in place, it will, definitely, force both the county governments and the national Government to set aside funds in order to specialize in handling this very expensive disease.

The Kenya Airways flight that goes to India is normally called the “Bombay Ambulance.” I got this from the Kenya Airways officials. The flight that goes to India is called “the Bombay Ambulance” because by and large, it is always carrying or ferrying passengers who are going out there for medical treatment. Cancer is one of those treatments that are taking many people there. So, you can imagine the resources that are being spent because as you said, the queues at the Kenyatta National Hospital and other

areas take too long. Someone can be on the waiting list for several months when they are supposed to get their chemotherapy or radiology. That wait could be very fatal.

So, I believe that hon. *Daktari* is on the right footing and this Bill deserves all the support that this House can grant it and, indeed, positive amendments that can ensure and guarantee that it is not just another Bill that will be there but be ignored. It must be a Bill that will show and attract resources, both domestic resources and, indeed, resources from the international community. There are many foundations that would like to support this, like the Bill Gates Foundation and others. They would also like to focus on areas like this. If we can tighten and show a strong initiative from the Kenyan perspective by endorsing a Bill of this nature, then we would also be sending a signal that we are ready to work on this.

The other thing I would like to suggest, that may be considered in this Bill is something that deals with the technical staff because this is a specialized area. You have seen sometimes when there is an emergency, like what we get in terms of fires like the Sinai problem and others, the bureaucracy involved between being able to source some external expertise for specialized areas and the bureaucracy of our own medical institute or association or, perhaps, medical Ministry may be useful to consider some clauses that would allow fast tracking of a situation where there may be need for expertise in the treatment of cancer so that it is not a protracted process before you can get that expertise on board. This institute can be the right place to facilitate a situation where these experts are brought in to complement the very few we are talking about.

Whereas we will be training ours, we know how expensive it is and how long it takes to train a doctor. However, if we have four specialists in oncology, clearly, we will have a problem and we will need some support, sometimes, externally. This is something that you might want to build in this piece of legislation to facilitate that. I am sure that by the time we get to the Committee Stage, you, your Committee and your legal advisers on the matter can think about some clauses that can enrich that area.

With those remarks, I beg to support.

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to congratulate Dr. Monda for bringing this Bill which is timely. In supporting this Bill, I want to note that there are increased cases of cancer and, as a country, we need to do something to deal with it.

Most of last week, I was in hospital visiting various people and, coincidentally, most of them had Cancer. One of them is a very good friend of mine who has championed breast health in this country, Mary. She was in hospital for most of last month. She is the one who brought to my attention the issues relating to cancer and the challenges that cancer patients deal with. At the same time, there was a young man who had just finished university, two years ago, who had also been diagnosed with cancer and also a father of a friend of mine. They were all in hospital last week. This is just to show how prevalent cancer is and that it affects persons of all ages.

I want to agree with the hon. Members who have spoken before that one of the challenges is lack of awareness especially on issues of health. Cancer disproportionately affects women much more than it affects men especially cervical and breast cancer and yet many people do not know how to take early intervention measures. Many of us got to know the information I was getting very recently; that is three or four years ago. Most of

that information is mainly given by Non-Governmental Organizations. It is strictly a responsibility of the Government to ensure that that information is availed to the public.

One of the things that I know is a challenge in dealing with cancer is palliative care. I heard Dr. Monda talk and give the number of palliative care centres. I want to say that I was surprised that the number he gave seemed much higher than what I know or what is known in the public domain. I say this because I had occasion to take care of my uncle about two years ago, who had cancer. I had an opportunity to go through that process and I discovered that finding a place for somebody to go through palliative care in this country is a terribly difficult challenge because the centres are extremely few and many of them are not for the Government and are extremely expensive. I would like to thank the Member for noting that this is, indeed, important and making provision for this in the Bill. I would like to say that with proper care, cancer is not a death sentence. Cancer can be managed but the challenge is access to facilities and medicine. We all know that cancer treatment and care is extremely expensive and that is why I am happy that the hon. Member has made provision for an institute that will look into issues like this.

One of the things I would like to speak about is on research. In Africa, we are sitting on a lot of information. I have said this before and I want to repeat it again that you will find that most medicinal plants are found in Africa but we do not invest in ample research.

I have given before an example of the Rose perry Winko that has enhanced the chances of children surviving leukaemia. It was actually a plant that was found in Africa. Yet it was the West who took this plant and actually developed the medicine that is enhancing children's possibilities of survival from cancer. For us in Kenya, I know that we have an institute that has invested in research.

Mr. Temporary Deputy Speaker, Sir, it is important that this research be enhanced and be centred in a facility that actually looks at issues of cancer. We need to look at our plants that are of importance and value. Unfortunately, many people have taken advantage, and you find all manner of people coming up as herbalists. It has given a very wrong connotation to issues of plant genetic resources that are of value to mankind.

I know a friend of mine whose mother was diagnosed with cancer when we were young. She was discharged from Kenyatta National Hospital to die because there was no further possibility of treatment. This lady went to a woman who is known to have the cure for cancer in Tanzania. She was treated and the cancer completely disappeared. But when we talk about these issues, when we talk about them like fairy tale? This woman is still alive and existing. Why has the Kenyan Government not collaborated with the Tanzanian Government to find out what is it in this plant that this woman uses. She is not using witchcraft. She is using a plant to treat people and yet many Kenyans are suffering. What are we doing to actually get these plants that can cure persons struggling and suffering with cancer?

Mr. Temporary Deputy Speaker, Sir, I would be brief because I know other Members would want to contribute.

With those few remarks, I beg to support.

Mr. Ngugi: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to air my views in support of this Bill.

From the outset, I want to congratulate Dr. Robert Monda for bringing this Bill because it was long overdue. It is not until something happens that people start realizing the gravity of a matter or gravity of a disease. Even as I congratulate, Dr. Monda, I want also to congratulate Prof. Anyang-Nyong'o. He has been in the limelight trying to promote the issue of cancer treatment and how Kenya can help in this area. Dr. Monda by bringing this Bill is doing really the right thing, and I congratulate him.

Mr. Temporary Deputy Speaker, Sir, cancer was unknown to most areas in rural Kenya a few years ago. It was just like the issue of diabetes. Diabetes was not prevalent, and yet now even in rural areas such as Kinangop, you would hear, not only the old, but even young people get diabetes. This is why it is so important that we have laws to address these matters. We must have laws which the Government can anchor these research institutions, so that our people do not have to die from diseases that otherwise could be treated. This is the way to go.

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

(Messrs. Mututho and Langat stood up in their places)

The Temporary Deputy Speaker (Mr. Imanyara): Who was in the House before the other?

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I rise to support this very important Bill.

At the first instance, I want to congratulate my friend, Dr. Monda. We sit in the same Departmental Committee on Agriculture, Livestock and Co-operative Development with him. He supports me when I say food is therapeutic. Most of the conditions can be caused by bad feeding or things that we ingest or expose ourselves to.

Mr. Temporary Deputy Speaker, having said, the Deputy Prime Minister and Minister for Local Government was right that the Government cannot shy away from this particular battle for cancer. As a matter of procedure, they should move in fast to accommodate that clause that allows spending of money from Exchequer on this particular Bill when it comes to fruition. Why do I say this? First and foremost, the Government sat and slept for one day, one year, too long, at a point when they introduced leaded fuels. They knew that lead is a chief cause of cancer. They knew it too well that most Kenyans would eventually start dying one by one because of pollutants from lead. A case to cite is, if you are going to Naivasha, and you are climbing what is popularly known as Kinungi Hill--- We have had about three or four deaths from cancer related cases to the left, where the wind blows of that road compared to the other side of the road. That tells you straightaway it has something to do pollutants. It was not until four or five years ago, that the Government attempted to do the unleaded fuels. So, the Government participated in promotion of this cancer causing organism. As we sit here, we know it. No country is dealing with lead. You cannot get fresh lead anywhere but this Government has sat and waited again, one day, one year, two months, too long to have and apprehend these people who are doing nothing, but recycle these old batteries. When you recycle old batteries, what you are trying to do is to recover lead. Lead is very serious poisons.

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

*[The Temporary Deputy Speaker
(Mrs. Odhiambo-Mabona) took the Chair]*

Lead stuff is now available either in used cartridges. Whose uses bullets? It is the Government itself, anyway. Again, you are exposing the masses to a big hazard from this heavy metal called lead. So, the Government cannot shy away from this. What I would really call for is cleaning up your table after dinning because they have done this mess. We have watched them. We have looked at them.

Madam Temporary Deputy Speaker, when you look at the same Government, particularly the Executive, for that matter, and you start talking about things like aflatoxin, they take it as if it is a joke. But everybody knows; even a first year medicine student knows that some of aflatoxin within about ten or 15 years. When we say here on the Floor of the House about the GMO causing mutants, all at the very least is able to cause some cancerous growth in any one organ within your body. Again, the Government side goes on slumber and uses flimsy excuses like there is drought even when people are planting. But they would like to have GMOs around us for profitability and ignoring all these issues that we are putting across.

Madam Temporary Deputy Speaker, there are many things that the Government can do. There is noise pollution in matatu terminuses and on the highways like Thika Highway that we are trying to do now. One of the standard finishings of a highway is that you must put a solid wall which will first of all stop noise pollution. Noise in itself can cause one form of cancer or another through the vibrations that are not very natural to the body. Now, look at the design of the new roads and none of it addresses the issue of noise pollution. Nobody, until every recently, including the National Environmental Management Authority (NEMA) ever though that you can also regulate the amount of noise from motor vehicles and so on. I do not want to talk about the smoking cars because that is more than obvious. Again, it is the Government. So, the Government from the start to the end must now come to this very dirty table, put in money where it is needed; the place into which to put money is none other than this cancer institute.

Madam Temporary Deputy Speaker, I want to go straight to some things which are rather shameful. We sit here and admire our women left, right and centre. We sit here with them. We help to mould them year in year out but we are too shy to talk about cervical cancer. We are too shy to believe that they are dying of cervical cancer. We sit here and see them suffer every day because of such conditions as breast cancer, which could have been diagnosed early enough. Up until now, even when we have a Kshs1.5 trillion Budget, why has somebody really in the Executive - I believe my brother is here, the one in charge of the Nairobi Metropolitan Development, the big city which has become a metropolitan - not come up with a national breast and cervical cancer treatment centre specific to women? It is painful because most of the people who are going to die of cervical cancer will not be men but women, although there will be a few men. It is painful because women have been nursing men to stay alive by preparing vegetables to keep chemicals away. It is the women who suffer. We can reward them by doing something in this Budget. Forget about the Ministry of Health budget, but within our

spending power, instead of buying, or doing most of these luxurious things--- We learnt today that the amount of money that will go into building our roads will run into impossible figures; but we should put up a national cervical and breast cancer treatment centre where diagnosis can be done and treatment, particularly radiotherapy, can be enhanced.

Madam Temporary Speaker, treatment of cancer is expensive, and we all agree to that. Chemotherapy can be made cheaper if we support local manufacturers like the ones from India and China. Why do we shy away? Why do we still need to import those things? Most of the ingredients, as you pointed out at one stage, some of these products can also be home made. Let us also look at our own situation and see if it works; if we doubted, what I would say is that I have also witnessed a very important patient to me, but not a very close relative--- He had a cancer, a big growth in a small duct between the liver and the small intestines, which was very complicated. There was a very big tumour. Everybody thought that it was terminal case and everything was going to end in death. But because the patient could afford certain preparations, both conventional medicine and also some derived from our own medicine here, it cleared from not only that place but also from the whole body. They could not trace cancer anywhere. This is a real story and I can give real data. The person today does not have any cancer at all; but remember they had to go through a lot of chemotherapy. The other thing is that they could afford particular medicine. Most of medicine is exaggerated by some of these pharmacological factories.

Madam Temporary Deputy Speaker, what I am saying is that as we look at short-term solutions, and now that we know that cancer is here in such a huge quantity that we can no longer avoid it, we should also now encourage private investors to give priority and manufacture these preparations locally whether you are a multinational or not be domiciled in Kenya to reduce on the cost.

Madam Temporary Deputy Speaker, talking of the cost, I want to say this - I am glad the Minister for Medical Services is here - that some of the things we are doing here, even God will have a lot of difficulties admitting us into Heaven. When you look at the budget outlay, forget about the 15 per cent as advocated elsewhere, you will find that it is too much. How much are we losing because of people who are sick? How much are we losing because of people who cannot think straight because of conditions that cannot be managed? Some of this equipment can be gotten at a quarter or ten per cent of the price, if we follow the principles they are using in the Western World, particularly in the United States of America (USA). I am talking about leasing of the equipment. Nobody anywhere else except in Kenya thinks of buying equipment like an x-ray machine, complicated surgical equipment available today, laser guided equipment and so forth, except in Kenya. Why do we not just behave as we need to do, go by the trend and lease all this equipment, so that when it is outdated, we can do away with it? This is so that we can have cancer treatment centres in all the major towns such as Kisumu, Eldoret, Nakuru, Meru, Mombasa and maybe two or three in Nairobi, so forth and so on; just use the money we have to lease equipment. Why do we want to misuse all our good money? First of all, on the cost of installing that equipment and so forth, there are companies which make their money through leasing and that is the way to go. They lease even stretchers and beds. That is the way to go where we have a limited budget.

Madam Temporary Deputy Speaker, that way, clever operationalising of this situation will see us spend less, and be able to reach large numbers. The Constitution guarantees free health and treatment to all Kenyans. Again, we cannot shy away from that provision and the Government must brace itself to either have a huge budget on very sick Kenyans or have a very effective disease preventive policy that will allow fewer cancer cases as I have said; I have talked about lead, fuel, pollution and farmers who are growing vegetables in sewer lines and so forth and so on.

Madam Temporary Deputy Speaker, going straight to the proposed Bill, I would persuade my friend, Dr. Monda, to look again at Clause 6 on the composition of the membership, to me, it looks like another Government body out there. It is not that we hate the Government, but at least, they also meet in their own places every Monday morning, depending on which Ministry, or every Tuesday. I would not want to really duplicate that. You should have a structure that has less bureaucracy and more action. The other provision, which I would really wish he looks into is Clause 8(3) which states: "No person shall be appointed under Subclause 2(a) unless such a person is a registered medical practitioner and an oncologist of not less than 10 years experience." I am talking of the chairperson. By providing for the chairperson to be somebody of such long experience--- You will appreciate that that experience has been gained in Kenya at least, and we all agree that in Kenya, we have been doing a lot of bad things in the management of these cancer cases. I think we should emulate what the Ministry of Medical Services has done at Kenyatta National Hospital (KNH). Get a top notch manager, or somebody of substance, who can steer this body on policy, because there will be no time when the Board will have to discuss a case and require the expertise of a particular oncologist. So, I would persuade him to delete that provision at an appropriate time. In any case, that contradicts Clause 10. It is looks a bit liberal.

Madam Temporary Deputy Speaker, I have taken too much time; although I have never suffered of cancer, I have seen my own brother die of cancer, which was caused by, among other things, alcohol. There are so many other laws that this Government has passed, including the anti-smoking law, noise laws, Mututho laws and others. I am asking the Government to, please, try and enforce those laws. Look at, for instance, the Public Health Act. We are supposed to have a board that controls food quality and so forth but it does not exist. So, if the Government can scan through its many statutes and enforce them, that will also go towards the management of cancer cases.

Madam Temporary Deputy Speaker, I beg to support.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to make my contribution.

Madam Temporary Deputy Speaker, I would also like to start by thanking the Mover of this Bill, Dr. Monda, for a job well done. I know that it has taken him time and resources, but I think the job is well done.

We are talking about a very serious disease, whose diagnosis is very expensive. Very few people in this country can afford the fees to diagnose cancer. The Mover has actually shied away. He should have said in the Bill – and I hope he will do that – that every Kenyan will be entitled to free diagnosis of cancer. He shied away and he should not shy way because we are talking about a very serious disease. The same case applies to medicine. I was expecting to see a clause in the Bill that says that all medicine related

or concerned with cancer, shall be free or that there should be no duty on those kind of medicine. They should even be subsidized because the medicine is very expensive and very few ordinary Kenyans can afford them. I was also expecting another clause on equipment to the effect that every equipment related to cancer shall be imported free of duty or even better, they should be subsidized by the Government so that more hospitals can afford this very expensive equipment.

Madam Temporary Deputy Speaker, wherever you walk on the streets, you will find notices that read: “*Daktari kutoka Zanzibar anatibu magonjwa yote.*” We need to have a clause so that we can protect our people. Those notices are everywhere. They say that they treat all diseases including cancer and yet they have no equipment. You are just given some few bottles of concoctions which you do not know where they are from and then they say that they can treat cancer. So, we need to prevent our people from being exploited by the so-called herbalists.

We are talking about a very serious disease because this disease does not respect persons or class. It affects both the poor and the rich. It also affects the young and the old; the illiterate and the learned; the beautiful and the ugly and the professionals and the non-professionals. This is a disease that affects everybody and does not respect persons. Unless we want to have huge population of sick people from cancer, we need to take more serious steps.

Madam Temporary Deputy Speaker, I was also expecting in this Bill that there will be a cancer hospital in every county where services will be provided free. That is the only way we can help our people as they suffer, because most of them are suffering in silence in the rural areas. This is because they cannot even afford the fee that is charged by these hospitals. So, we require some drastic steps. We also require as a minimum duty-free equipment and medicines. We also require free diagnosis.

With those few words, I support and congratulate the Mover.

Mr. C. Onyancha: Thank you, Madam Temporary Deputy Speaker. I rise to support this Bill and thank the Mover for bringing it in such a timely manner.

I also concur with hon. Githae’s sentiments about the equipment, medicine and pricing of this treatment. Cancer has become a cancer in this country. There are very many cases coming up every year and I think that it is high time that a special look was given to this area of treatment. In that regard, this Bill has actually sought to establish the Cancer Prevention and Control Institute, which will be a specialized institute specifically looking at issues related to this disease. I commend the Mover for having that thought and moving forward to present it in this Bill.

Clause 26 talks about disclosure with regard to insurance cover. I will also go along with the other speakers and say that we should not encourage sufferers to seek for insurance, but we should ask that this insurance be provided under the National Hospital Insurance Fund (NHIF) cover as part of free treatment for cancer patients. This is because of, first, the expense involved and, secondly, people suffering from this disease are normally not able to earn a living. They become dependants and, indeed, even those who have made some money, see it drained almost totally because of the costs involved in this treatment.

Madam Temporary Deputy Speaker, in conclusion, I want to say that as we look at this Bill, it is my hope that the Ministry specifically will take special interest in it and also the Mover, to include that with the county governments coming into place, we

should see that this treatment is available in every county so that citizens can access it in good time.

With those few words, I wish to support.

Mr. Kaino: Thank you, Madam Temporary Deputy Speaker. I wish to extend my gratitude to the hon. Member who has brought this Bill.

This Bill has come at the right time. Kenyans have suffered a lot because of the high cost of treatment of cancer. Some have resorted to go to India and other countries. I do not know what is in India that cannot be in Kenya. The Kenyans at the Jomo Kenyatta International Airport (JKIA) who go to India are very many that Kenya should borrow a leaf from those people. Our institutions like Kenyatta National Hospital, Mater Hospital, Nairobi Hospital and Aga Khan Hospital should partner with very good hospitals like those in India where our people go for treatment. People have chosen to go to India unlike Europe or London where the cost of treatment is almost triple that of India. People have come back after being treated. I know three friends whose names I do not want to mention in Eldoret who went to India and came back. Before they went there, they were just told to count their days. They sold whatever they had because it was manageable to go to India than to go to London or stay and die. While we are still thinking about partnership, I would agree with my colleagues who have just said that the Government must bear the cost. Kenya is an independent country and Kenyans are paying a lot of taxes. This is a serious disease that is very costly and no person can manage it, however, rich he or she is.

The common man is the one who is suffering. I am sure he has promoted the Member who brought this Bill. I wish my colleagues will pass this Bill to save Kenyans from suffering. If the Government chips in to assist the patients, many people will come out. Some people have surrendered to die because there is no treatment. When the Government comes in to assist the patients, a lot of people will come out of their houses because our Government is concerned, and has come to rescue them and take care of them. I support this Bill, so that Kenyans can be assisted.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Dr. Gesami, I take it that you are responding on behalf of the Government.

The Assistant Minister for Public Health and Sanitation (Dr. Gesami): Madam Temporary Deputy Speaker, we have looked at this Bill as the Government, both the Ministry of Public Health and Sanitation and the Ministry of Medical Services and we are agreeable that this is a very important Bill to us and, in fact, those days that we used to think that non-communicable diseases were not as important as communicable diseases are gone. Cancer is a critical disease in this country and we need to address it. We are going to work together with the Mover and the Committee. We shall make sure that we bring in any necessary amendments at the Committee Stage to make sure that we pass this law, so that we can address cancer in this country.

The reason why cancer has been ignored for a long time is that it is not communicable. You die alone. People have addressed issues of communicable diseases like HIV/AIDS and H1N1. The whole world gets vibrated when you talk about H1N1 and HIV/AIDS, but when you die of diabetes or cancer, you die alone. The other aspect, of course, is that there are so many associated factors of causation of cancer. Nobody knows exactly what causes cancer. We know for sure that smoking is very associated

with bronchial carcinoma and issues of papillomatous virus with cervical cancer. We also know that genetics play a very important role in breast cancer. So, we need to look at all these issues and see how we can prevent this disease from attacking our citizens. We need to screen, approach and treat it early. We need to work together as the Government to make sure that we bring cancer under control.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Noting that there is no other Member interested, I now call upon the Mover to reply.

Dr. Monda: Madam Temporary Deputy Speaker, I want to thank the Members who have supported this Bill.

I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House tomorrow)

ADJOURNMENT

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Members, we have come to the end of today's sitting. Therefore, the House stands adjourned until tomorrow, Thursday, 24th November, 2011, at 2.30 p.m.

The House rose at 6.30 p.m.