

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 24th February, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

BOTSWANA VISITORS IN THE SPEAKER'S ROW

Mr. Speaker: Hon. Members, I wish to introduce to you two hon. Members from the Parliament of Botswana who are seated at the Speaker's Gallery. They are as follows:- Hon. Prince Muketsi Maele, MP – Chair, Public Accounts Committee (PAC) and Hon. Moeseraeli M. Goya, MP - Member, PAC. The team is in the country attending a workshop organized by the East and South African Association of Accountants General at the Kenyatta International Conference Centre (KICC). Let me, on behalf of myself and the House, welcome them to Kenya and wish them a fruitful stay in Kenya.

QUESTIONS BY PRIVATE NOTICE

ARREST OF AGA KHAN PRIMARY SCHOOL HEADTEACHER

(Mr. Kioni) to ask the Minister for Education:-

(a) Is the Minister aware that the head teacher of Aga Khan Primary School in Nairobi, Mr. Amos Muiruri, was arrested and is being held in prison since Monday, January 24th, 2011?

(b) Under what circumstances was he arrested and what action has the Ministry taken, considering that he is an employee of the Teachers' Service Commission (TSC) but under the Director of City Education?

Mr. Speaker: Is the hon. Member for Ndaragua not here?

Mr. G. Nyamweya: Mr. Speaker, Sir, I was just walking across from the Departmental Committee on Defence and Foreign Relations with the hon. Member for Ndaragua. Although, I do not hold his brief but I ought to let the House know that we are just from another Committee.

Mr. Speaker: Order, hon. Members! I directed last week that from then onwards, we would not have anything like a second round of Questions because that is not provided for in our Standing Orders. So, in those circumstances, I am afraid I will drop the Question.

(Question dropped)

Let us move on to the next Question by the Member for Migori!

VICTIMS OF *BODA BODA* ACCIDENTS
IN MIGORI DISTRICT

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

(a) Could the Minister provide names of persons who have been attacked and/or killed in Migori District in 2011 in incidences involving *boda bodas* and other traffic?

(b) Have police arrested the killers of a man and his pregnant wife at Nyangumbo, within Oruba Ward, during the weekend of 12 – 13th February, 2011?

(c) What immediate security measures has the Ministry put in place to combat the rising insecurity in Migori, which is now a threat to business in the region?

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

(a) The following persons have been attacked and killed in Migori District in 2011:-

First, James Agumba Oruor, a *matatu* driver was found dumped along Migori Kisii Highway near Kimaiga with deep cuts on the head on 27th January, 2011. Inquest File No.1/2011 was opened and is pending under investigations.

Secondly, Joseph Otieno Ojwang was attacked and shot by cattle rustlers who stole his six head of cattle on 29th January, 2011. The head of cattle was later recovered.

Thirdly, Meshack Obando was shot dead by suspected cattle rustlers while riding home on a motor cycle on the night of 2nd February, 2011 in Ngege Village. Inquest File No.2/2011 was opened pending investigations.

Fourthly, George Odhiambo Oduke was attacked by unknown gangsters who robbed him of his taxi registration number KBM 664Y, Toyota Prado. Inquest File No.3/2011 was opened pending investigations.

Fifthly, John Okoth and Nancy Akinyi were both attacked and shot dead by unknown gangsters on 14th February, 2011. Inquest File No.4/2011 was opened pending investigations.

Sixthly, Nancy Akinyi and her husband were shot dead on the night of 14th February, 2011 and one suspect Okinyi Julius Mwaura is helping police with investigations vide Inquest File No.4/2011.

(c) Mop up operations and stringent patrols in the town have been organized and are ongoing. So far, patrols have helped police arrest one suspect, Meshack Ngere Migawa and recover 12 rounds of ammunition in his house. The police have also arrested five more suspects who are helping police with investigations.

Border patrols have also been stepped up along Migori/Kuria Districts to curb cattle rustling menace.

Mr. Pesa: Mr. Speaker, Sir, I acknowledge the answer given by the Assistant Minister but my other concern has not been addressed and yet it is a major cause of death

in Migori currently. That is those who die as a result of *boda boda* incidences. The Assistant Minister has not covered that part.

However, I want him to tell us clearly the steps he has put in place immediately to ensure that security is improved in Migori. In a short time, you have seen and heard from the Assistant Minister the number of deaths we have had in Migori as a result of incidents of thuggery leave alone incidences involving *boda bodas*. I would like the Assistant Minister to---

Mr. Speaker: Very well! Do not be repetitive. You have already asked the Assistant Minister what steps he has taken and you have explained to us. So, that is it.

Mr. Ojode: Mr. Speaker, Sir, I concur with the hon. Member that Migori has many criminal activities and we have decided that we will deploy the elite squad in Migori. That is exactly what I did in Kisumu and the criminal activities have reduced because of the presence of that squad. As a Government Assistant Minister, I will deploy the elite squad in Migori. I will also make some changes within the police force in Migori in order for us to curb this menace once and for all.

Mr. Olago: Mr. Speaker, Sir, I am disturbed by the Assistant Minister's answer to part "b" of this Question, where a pregnant lady and her husband were killed. In the answer, he says that one suspect has been arrested and an inquest file has also been opened. This thing took place ten days ago. The Assistant Minister knows, or ought to know, that inquest files are opened by the police only where suspects are not known. In this case, how come a suspect is under arrest and an inquest file opened at the same time?

Mr. Ojode: Mr. Speaker, Sir, I accept the statement by Mr. Olago. The inquest file was opened before the arrest of this particular suspect. So far we have arrested about six suspects. Once we get something which leads to this heinous act we will arraign these suspects in court. We are doing very well and we are going to get those who performed the killing.

Mr. Njuguna: Mr. Speaker, Sir, *boda boda* riders do a very important job. After being hired by dubious passengers they have been robbed and at times killed. What is the Assistant Minister doing to make sure that this industry is safe for the players?

Mr. Ojode: Mr. Speaker, Sir, the problem of *boda boda* is countrywide. We have beefed up security and we rely heavily on the intelligence reports. We are gathering information, and if there are any suspicious characters within *boda boda* areas of operation we have instructed the police to arrest them immediately. I believe that using the information gathered by intelligence organs will definitely help us curb this menace once and for all.

Mr. Yakub: Mr. Speaker, Sir, I am more worried of the safety of the riders. Could the Assistant Minister inform this House what type of safety measures they have put in place jointly with the Ministry of Roads?

Mr. Ojode: Mr. Speaker, Sir, the issue of safety is not within my docket. My docket is purely concerned with security. If the hon. Member wants to know more about their safety, my colleague, Mr. Kimunya, is around and he will respond to that particular issue.

Mr. Speaker: Last question, Mr. Pesa!

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister has given us an example of Kisumu, where the elite squad has done a very good job. He has promised here that he is

going to give us the elite squad in Migori. Could he tell us the time frame within which he is going to make sure these people are brought to Migori?

Mr. Ojode: Mr. Speaker, Sir, it will not be possible for me to give the time frame. This is because those thugs will run away from Migori. That is between me and my officers. The only thing I am going to do is to make sure that we arrest thugs and take them to court.

Mr. Speaker: Next Question by the Member for Emuhaya!

FISH DEATHS IN MARA RIVER

Dr. Otichilo: Mr. Speaker, Sir, I beg to ask the Minister for Fisheries Development the following Question by Private Notice.

(a) Is the Minister aware of the mass deaths of fish in Mara River during mid-February, 2011?

(b) What caused the deaths and what steps is the Ministry taking to prevent future deaths?

(c) Were other aquatic and terrestrial animals affected, and what punitive measures will the Government take against persons responsible for the deaths of fish as well as other environmental damage?

The Minister for Fisheries Development (Mr. Kingi): Mr. Speaker, Sir, I am unable to answer this Question today for the following reasons: One, this Question was brought to the attention of the Ministry yesterday. Secondly, this Question goes beyond the mandate of my Ministry, and it will require an input from the Ministry of Wildlife and Forestry and the Ministry of Environment and Mineral Resources.

I, therefore, seek direction as to whether, indeed, it is my Ministry that is supposed to answer this Question. The last time a Question was asked about fish dying in Lake Naivasha, it was felt that the Ministry of Environment and Mineral Resources was better placed to deal with it.

Mr. Speaker: You have given good reasons for your inability to answer this Question this afternoon. But with respect as to whether or not your Ministry should be the one to answer, I am afraid I do not agree. The Question largely falls within your Ministry. You are the Minister for Fisheries Development. This is largely about fish. Therefore, if there is information you need from elsewhere, please, gather that information! Are you able to answer this Question on Tuesday next week in the afternoon?

The Minister for Fisheries Development (Mr. Kingi): Mr. Speaker, Sir, I will be able to answer this Question on Thursday 3rd March.

Mr. Speaker: Very well! It is so ordered. The Question will be answered on Thursday next week in the afternoon. Member for Emuhaya, please, note!

Dr. Otichilo: Thank you.

(Question deferred)

Mr. Speaker: Next Question by the Member for Wundanyi!

RESETTLEMENT OF IDPS IN TAVETA

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

a) Can the Minister confirm or deny that the Government plans to buy land in Taveta to settle Internally Displaced Persons (IDPs), and if so, would he provide details of the land to be bought for the purpose?

(b) Does the Government plan a campaign to ensure that local residents are receptive to demands of hosting the IDPs and, if so, how much will the Government spend on the programme?

(c) Is the Minister aware of the many landless persons in Taveta, and what plans does the Government have to settle them?

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

(a) There are no plans by the Government to buy land in Taita Taveta for settlement of IDPs.

(b) In the circumstances, therefore, there are no plans to carry out campaigns for residents of Taveta to be receptive of the plan to settle IDPs.

(c) I am aware that there are landless persons in Taveta. The Government bought a 15,000-acre farm from the National Bank of Kenya (NBK) to benefit approximately 5,503 families. This was land that was previously owned by Mr. Criticos.

Just for the avoidance of doubt, and I did say this yesterday, the land so far bought for the settlement of IDPs has been bought in the Rift Valley Province and Central Province. The other farms which have been targeted for purchase, and where there are ongoing negotiations, are also in Rift Valley and Central provinces. So, there should be no apprehension at all on the part of any residents of Taveta, or anywhere else outside those two provinces. The Government has either acquired land or is planning to acquire land to settle IDPs.

Mr. Mwachugu: Mr. Speaker, Sir, in view of the fact that there are still two big parcels of land, one of them owned by Mr. Criticos, and we still have landless people in Taveta, what is the Government doing to resettle the balance of the people of Taita Taveta? These two big parcels of land are owned by two personalities, whom the Minister is well aware of.

Mr. Orengo: Mr. Speaker, Sir, we have to go step by step. At least we have been able to buy that particular farm. When it becomes necessary to acquire more land in Taveta, we will do so. I urge the hon. Member to motivate the Government, me included, to allocate more funds for the purchase of land to settle the landless and poor in that part of the country.

Just for the avoidance of doubt, again, for the last two financial years, my Ministry has been allocated Kshs2.9 billion for the settlement of IDPs. We have so far spent about Kshs1.3 billion. There is a balance of Kshs1.6 billion to acquire more land in the areas I have indicated for the settlement of IDPs.

Again to put the picture clear, last year I did write to the President and the Prime Minister to give me funds to settle the Mau Forest evictees and those in Mt. Elgon and Embobut forests. After consultations – this time there was indeed consultations – they directed the Treasury to give in excess of Kshs3 billion to settle the Mau Forest, Mt. Elgon and Embobut Forest evictees. We have done a budget and the Head of Civil Service did write to the Treasury to point out the importance and the political sensitivity of those who were

evicted in those areas. But so far, we have not received any funds for the Mau evictees. I just wanted to use this forum to make that clear.

Otherwise, as Orengo, I am determined to make sure that those who were evicted from the Mau Forest also get some land.

Mr. Muturi: Mr. Speaker, Sir, most of the IDPs that we know of is as a result of the 2008 violence and these so-called IDPs used to have land and property in the places where they came from. Is the Minister going to compensate the IDPs for the development that they had already put in their former land or what is going to happen and who is holding this land at present?

Mr. Orengo: Mr. Speaker, Sir, first of all, Kenyans must have the spirit of brotherhood for us to live together. If we are not going to accept to live together, it is going to be extremely difficult. I am aware that a meeting took place in Eldoret trying to encourage Kenyans to live in peace. I expect that it is now going to be possible for those who were either evicted or were displaced from their homes in those areas to be able to go back. But as you understand, this is a law and order issue; if there is peace and security in those areas, the Government can be able to facilitate the IDPs to go back and resettle in their own properties. In fact, that would be the best solution because we do not have enough funds.

So, I am encouraging hon. Ruto to extend his friendship not just on the Floor of the House, but encourage those people who were evicted from Eldoret and all those areas to go back to their land. We should see a mass return of people who were evicted from those areas going to those areas. But so far, the friendship is not warm enough to enable that to take place.

Mr. Litole: Mr. Speaker, Sir, I am happy that the Minister is saying that he is determined to resettle people. Where I come from, 99 per cent of the people are landless and they are nomads; moving from one area to another. Unfortunately, these people used to occupy the area from Soi to some parts of Uganda, but they were marginalized. What steps is he intending to take so that 99 per cent of Pokots who are not settled can be settled on Government land within Trans Nzoia?

Mr. Orengo: Mr. Speaker, Sir, I thought the hon. Member was talking about the Pokot community generally, because I think they do not really look for somewhere to settle, but look for somewhere to take their cattle for grass and water.

Mr. Litole: On a point of order, Mr. Speaker, Sir. I do not know whether the Minister is in order. Already the area is dry. Even if we were looking for areas to graze our animals, the best area would be Trans Nzoia which is our ancestral land. Is he in order to say that we should be looking for areas to graze our animals?

Mr. Speaker: I do not see anything out of order in that statement. Minister, proceed and answer the first question.

Mr. Orengo: Mr. Speaker, Sir, I was just trying to deal with the general part of the question, but when he is talking about Trans Nzoia, there are many schemes going on in Trans Nzoia including Chepchoina where I understand the hon. Member is concerned about. We are reviewing that particular settlement scheme to make sure that it is all inclusive, so that all the communities in Trans Nzoia who can be proven to be ordinarily residents in Trans Nzoia are therefore, entitled to get land so long as they meet the qualification of being poor and landless. They would be included, particularly in the Chepchoina Settlement Scheme. Unfortunately, sometimes in these settlement schemes,

you will find that the leadership normally wants to get the first bite in so far as land is concerned.

I had to knock out quite a number of names of former Members of Parliament and other people who cannot be described as poor and landless in the Chepchoina Settlement Scheme.

Mr. Mureithi: Mr. Speaker, Sir, I am very grateful to hear the Minister say that once funds are available, he will settle all those people that were evicted from the forests. However, I did not hear the Minister mentioning those who have been evicted from the Mt. Kenya and the Aberdares. What steps is he taking so that all the evictees from the forest areas; whether Mau, Mt. Kenya or Aberdares are all settled simultaneously?

Mr. Orenge: Mr. Speaker, Sir, a number of those people who were displaced from the Aberdares and Mt. Kenya forest were settled in Solio Ranch. In fact, Solio Ranch was acquired specifically to accommodate those who were either displaced or evicted from the two mountain areas. We have not quite concluded settlement of the Solio Ranch Scheme. If at all we determine that there are more people who require to be settled, they will be considered alongside other Kenyans who are also languishing because of lack of land and livelihood.

Mr. Ruto: Mr. Speaker, Sir, first, let me inform the Minister that, indeed, we are ambassadors of friendship, goodwill and peace. We would like everybody to settle like all other Kenyans. It is only in the Ministry that we are having problems because the Minister has failed to purchase land for the last one and a half years for these IDPs. I would like to know from the Minister why he has not purchased land to resettle the IDPs from the Mau, Embobut, Nakuru and in several other areas.

In that process, could it be that he has involved pro-sociologists to assist him in this resettlement so that he does not deal with people like heaps of stone; that he would want them transported from one corner of the country to another without understanding the real socio-ethical issues around this resettlement?

Mr. Orenge: Mr. Speaker, Sir, that first point is very important. In fact, I did a memo long before the hon. Member even thought of asking this Question. The memo said that we should look for land in areas that will enable the Internally Displaced Persons (IDPs) settle in a harmonious way and where there will be no conflict in terms of communities that are not ready to accommodate each other. That is not something that I am just talking about. I wrote about it sometime ago and I hope that we will adhere to what the hon. Member has raised in the programme. I would like to repeat that long before the hon. Member talked about Mau Forest, as the Minister for Lands and a human rights advocate, I, James Orenge, wrote to the President and the Prime Minister of the Republic of Kenya in connection with those who were displaced from Mau and required funds in order to be resettled. I have the correspondence here. After my letter, the Permanent Secretary, Secretary to the Cabinet and Head of Public Service required that a budget be prepared by my Ministry within a fortnight. Thereafter, the Treasury was asked to release funds and up to now they are not forthcoming. So, help me talk to the Treasury because sometimes you reach the Treasury in the political arena more warmly than I ever---

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I allowed the Minister the first time he made reference to himself as a person, hon. James Orenge. Now he has even gone ahead to ask us to talk to the Treasury at those other levels. Is the Minister in order

to mislead this House that this is not a Government commitment, but it is a personal commitment by hon. James Orengo? In the event – and unlikely, because I know he will be here until the end of this parliamentary term – that he is not the Minister for Lands, are we assuring Kenyans that they will not be settled because the one prime mover, hon. James Orengo, will not be there?

Mr. Orengo: Mr. Speaker, Sir, Mr. Ethuro knows what a point of order is. That was, certainly, not a point of order. But be that as it may, I said that the two persons on whom the executive authority of this Republic rests had already given directions that funds be made available in addition to my own commitment. However, the commitment of the Government, which is superior to my commitment, is there. I can assure you that it is not something that I am talking about but it is something which is there in black and white. So, there is Government commitment.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to play politics with the lives of Kenyans? Could he table the agreements he has with the land owners who are selling land to his Ministry and the Treasury has failed to pay? Could he table those documents so that he can prove to us that the problem is elsewhere other than with his Ministry? It is not just correspondence.

Mr. Speaker: Order! I do not find that to be a point of order. You have instead asked a supplementary question.

Hon. Mwadeghu, ask the last question! We have already given this Question 12 minutes.

Mr. Mwadeghu: Mr. Speaker, Sir, I wish to thank the Minister for assuring this House and the country at large that there will be no IDPs being settled in Taita Taveta. As he is aware, the tension right now is very high. I thank him for cooling that tension.

Mr. Orengo: Mr. Speaker, Sir, the only assurance I can give is that there will be no IDPs arising from 2007/2008 post election violence who will be settled in Taita. However, if there are other displaced persons in a different context, even from within Taveta – because there are displaced people in Taveta who have no land and they are poor – those categories of IDPs will be settled all over the country, including in Taveta.

Mr. Speaker, Sir, I would like to assure this House, while I am on my feet, that I will be the last person to play politics with such an important matter. If Mr. Ruto wants to see in black and white what I have done, I invite him to come to my office and see what I have done on this issue. I encourage him to accompany me to the Mau Forest to see the real evictees because he goes there and sees people who are not real evictees from Mau Forest.

ORAL ANSWERS TO QUESTIONS

Question No. 682

RELEASE OF FUNDS TO RECARPET ROAD D511

Mr. Nyamai asked the Minister for Roads:-

(a) whether he is aware that Road D 511, which serves Lower Yatta and Katulani districts, is currently in a deplorable condition; and,

(b) when the Ministry will release the funds which have been earmarked for the improvement of the road.

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

I am aware that Road D 511, which serves both the Lower Yatta and Katulani districts is in need of repair. While responding to this Question last week on Tuesday, 15th February, 2011, Mr. Nyamai brought my attention to the HANSARD Report of Wednesday, 16th June, 2010, in which while responding to Question No. 192 on “Non-Completion of Mwitasyano Bridge”, I had indicated that my Ministry, through Kenya National Highways Authority (KeNHA), had made a budgetary allocation of Kshs34 million in the 2010 Budget for the maintenance of the proposed road, that is the approach road to that bridge.

Mr. Speaker, Sir, I have now checked my documents and realized that there was a mix up in the answers provided for Questions Nos. 192 and 195. I apologize to you and the House for that mix up and I take full responsibility.

Mr. Speaker, Sir, in preparing for Question No. 192, part “c” from Question No. 195 was inadvertently copied and mistakenly pasted as part “c” on Question No. 192 purely as a result of a computer error. This was despite the fact that Question No. 192 – that is Mr. Nyamai’s Question – did not have a question under part “c”. I am, therefore, seeking the House’s indulgence to now clarify that the reference to a budgetary allocation of Kshs 34 million under the KeNHA was for Question No. 195 which referred to the maintenance of Mandera-Lamu Road, D9. Question No. 195 was initially scheduled for Thursday, 17th June, 2010, but was later omitted from the Order Paper.

Therefore, with regard to Road D511, which is the subject of Mr. Nyamai’s Question, I have directed the Kenya Rural Roads Authority to provide an additional Kshs5 million for maintenance of the approach road to that bridge; Mwitasyano, and improvement of the road.

I also note that the Constituency Roads Committee of Kitui West has allocated Kshs1.8 million for the maintenance of this road. This road connects two constituencies namely Kitui Central and Kitui West on 50/50 basis.

Mr. Speaker, Sir, for the information of the hon. Member, my Ministry has also undertaken a detailed design of Road D7 from Kibwezi to Mwingi via Kitui and I am confident that we will soon be announcing plans for its construction.

Mr. Nyamai: Mr. Speaker, Sir, I thank the Minister for the answer he has given me. However, the biggest problem I have is that the people of lower Yatta and Katulani had high expectations because they were waiting for Kshs34 million to repair this road, which is about 100 kilometers long but has been neglected for a while. Is the Minister satisfied that the Kshs5 million that he has allocated the road will be enough to repair it?

(Loud consultations)

Mr. Speaker: Order, hon. Member! Please, lower the level of consultation.

Mr. Bett: Mr. Speaker, Sir, while apologising to the House, I want also to apologise to the people of Kitui Central and Kitui West. From what I have said, there is hope that maybe in the next financial year, we will be discussing and finding ways and means of allocating more money to that road. The money we have given is merely meant for spot improvement on that road and the approach roads to the bridge.

Mr. Nyamai: Mr. Speaker, Sir, the hon. Member says they will think of allocating more money in the next financial year. I appreciate where we have come from and where we are in terms of the budgeted provisions. Could he commit himself that he will give us the balance, at least the Kshs30 million, so that as your people are doing the budget, the money will be allocated and the people of Kitui West and Katulani will be happy that way?

Mr. Bett: Mr. Speaker, Sir, I want to plead with the Member to agree with me that we cross the bridge together when we arrive at it.

Mr. Speaker: Very well.

Next Question by Member for Rarieda.

Question No. 753

OWNERSHIP OF MALILI TECHNOPARK

Eng. Gumbo asked the Minister for Information and Communications:-

(a) who owns the Malili Technopark and who is responsible for its management,

(b) when the project will be officially launched; and,

(c) what steps the Government is taking to prevent squatters from invading land in the immediate neighbourhood of the park.

The Assistant Minister for Information and Communications

(Mr. Khaniri): Mr. Speaker, Sir, I beg to reply.

(a) The Government of Kenya through my Ministry acquired 5,000 acres of land at Malili in 2008. The land LR No.9918/3, is registered under the Ministry of Finance, which is the custodian of all Government assets. Currently, the Government is responsible for the management of the park. However, future development and management of the Park, which is currently known as Konza Multi Media Technology Park will be through Public Private Partnership (PPP). When the park becomes fully operational, the land and some of the assets will form part of the Government equity.

(b)The Konza Multi Media Park Project will be launched soon. In the meantime, the Government through my Ministry has completed the feasibility studies and is currently putting up basic infrastructure such as roads, perimeter fence among others in preparation for the launch and development of the park.

(c) The Government has taken the following measures to prevent squatters from invading the land:-

(i) Construction of a perimeter fence around the technology site has started and is ongoing.

(ii) An administration Police Post has been established in the park to secure the land.

(iii) Sensitization of the locals on the land use around the park has been initiated by the Ministry of Information. Office of the Deputy Prime Minister and Ministry of Local Government has also developed a plan on land use around the park. This will discourage development of sub-standard buildings.

(vi) The Government, through the Ministry of Nairobi Metropolitan Development, is also currently working on a master plan, which will guide on the use of land within the surrounding of the park.

Eng. Gumbo: Mr. Speaker, Sir, I wish to thank the Assistant Minister for the answer. As I thank him for the answer, this technology park will be one of the key developments in preparation for Vision 2030. The issue of land use around this development is extremely important.

Mr. Speaker, Sir, if you look at some of the measures the Government has outlined to control land use around the park one of them is sensitization. This means pleading and cajoling. That is not how the Government works. It works through laws, regulations, policies and legal notices.

This development has to be inter-Ministerial. It will involve the Office of the Deputy Prime Minister and Ministry of Local Government and the Ministry of Information and Communications. When will he liaise with the relevant Ministries, so that you can put legal notices to discourage encroachment? When you look at the land around Konza now, people are already advertising for quarter acre plots. Who will come here to invest a billion dollars, only to be surrounded by a slum? When will they put up the necessary legal notices to discourage people from unplanned land sub-divisions around the park?

Mr. Khaniri: Mr. Speaker, Sir, I wish to fully agree with hon. Eng. Gumbo that the issue of land use around the park will be very vital, if we expect to attract foreign investors. That is why we have put up the measures that I have enumerated. I also want to thank the hon. Member for the suggestions that he is bringing, because this is not in finality. We are ready to take into consideration the suggestion that he brings, so that we can come up with some policies in co-operation with other Ministries. So, thank you very much for that advise and we will take it seriously.

Dr. Kones: Mr. Speaker, Sir, I also want to congratulate the Ministry for that initiative. We, as members of Public Accounts Committee (PAC) visited the site. We were impressed. However, one of the issues that arose from the neighbourhood is on structures that have been put up within the ten kilometre radius. What will the Ministry do to ensure that once those structures are uprooted, the owners are compensated?

Mr. Khaniri: Mr. Speaker, Sir, that issue has not arisen yet. We will cross the bridge when we get there. At the Ministry level, we are not aware of this. It has just been brought to our knowledge. We have indicated that we are very concerned about the land use around the park. I have enumerated the measures that we are putting in place. However, the issue of compensation that Dr. Kones is raising, we will address it when we get there.

Mr. Njuguna: Mr. Speaker, Sir, aware of the threat by the squatters by way of invading this farm, could the Assistant Minister indicate to this House, the level of funds they have already set aside for the construction of the perimeter wall? Could he also indicate when they expect to complete the work?

Mr. Khaniri: Mr. Speaker, Sir, we have about Kshs100 million set aside both for the perimeter fence and the other infrastructure we are developing in the park such as access roads. These works are in progress. We expect to complete it the next couple of months.

Eng. Gumbo: Mr. Speaker, Sir, current Government estimates are that when this park is fully operational, it will provide employment to about 80,000 Kenyans. In terms of daily water requirements alone, it is about 4 million litres per day. It is also estimated that when this development is fully operational, it will be a city. That will require hundreds of thousands of megawatts of power to run. I know the Ministry may not have got there. All these will need the Ministry of Water and Irrigation and the Ministry of Energy, among other Ministries. We will require an inter-Ministerial, not necessarily taskforce, but committee that will look into this. Has this inter-Ministerial committee been set up? If not, when do they plan to set it up?

Mr. Khaniri: Mr. Speaker, Sir, so far the committee has not been set up, but we realize that the development of this park goes beyond the mandate of my Ministry. We will endeavour to ensure that all those who are supposed to provide services; the Ministry of Water and Irrigation and the Ministry of Roads are involved. Therefore, we want to buy the brilliant idea that Eng. Gumbo has suggested of forming an inter-Ministerial committee.

Question No.714

WORKING RELATIONSHIP BETWEEN KPLC AND REA

Dr. Monda asked the Minister for Energy:-

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

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

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

(a) The KPLC and the REA signed a service level agreement dated 30th April, 2010 which clearly describes the roles of each party with respect to implementation, operation and maintenance of projects implemented by REA. Under this agreement, REA is responsible for design and construction of rural electrification projects on the basis of annual budget approved by this House. Once rural electrification projects are completed, they are inspected by the KPLC to ensure synchronization with the rest of the power distribution grid after which the lines are energized and consumers connected upon payment of basic charges. The KPLC is, on the other hand, responsible for operations and maintenance of all rural electrification schemes.

(b)The Ministry chairs regular meetings with the two organizations to monitor connectivity progress of projects implemented by each of them. Additionally, the Ministry has directed the two organizations to hold monthly meetings specifically to ensure that all projects completed by the REA are energized and consumers connected.

Dr. Monda: Mr. Speaker, Sir, while I thank the Assistant Minister for the answer, the REA does the construction and the energizing of those lines is done by the KPLC. What is the Ministry doing to ensure that completed construction lines are energized in

good time to supply power to the consumers without delay because we spend public money in construction of these lines?

Mr. Magerer: Mr. Speaker, Sir, the management of both companies has formed a standing technical co-ordinating committee headed by the Chief Executives of the two institutions to ensure the smooth co-ordination of the project implementation countrywide. The committee that is constituted of the KPLC consists of chief manager for distribution, the co-ordinator for rural electrification and, in the REA, the chief manager, operations; the chief manager, design; and other co-opted members. My Ministry has directed these two institutions to have sittings every month to ensure that the completed projects are energized within the time. The two committees have agreed that the projects have been done to the standards and that they can now be energized.

Mr. Linturi: Mr. Speaker, Sir, while I appreciate the work that REA is doing in conjunction with the KPLC, I want to understand because the amount of money put in terms of laying the infrastructure for the KPLC to provide power is so immense, whether the Ministry is taking any measures to ensure that the consumers of power in this country get some kind of rebate in terms of subsidized power bills because this is public money that is being put to provide infrastructure for a private company.

Mr. Magerer: Mr. Speaker, Sir, the Ministry has ensured that the consumers of power have been subsidized. You will realize that every consumer who is within the range of 600 metres from the transformer has been allowed to connect at a cost of Kshs35,000 or thereabout. Therefore, it does not really matter whether you are very far away from the transformer as long as you are within at least 600 metres range. So, I think the idea that the Ministry had was to come in because previously we have had what we called the *Umeme Pamoja* where we had to ensure that we had a certain number of individuals who were willing to be connected to power and that their cost could actually justify the access to a transformer. Since we have realized that people are not able to be connected at the same time, the Ministry has come up with this suggestion, that within the 600 metres or 1.2 kilometre in terms of diameter from the middle, where the transformer is, power can be connected at the same cost.

Mr. Odhiambo: Mr. Speaker, Sir, could the Assistant Minister tell us why it is taking too long to have the completed projects commissioned? In an area such as Butula, some of the projects which were done two years ago have not been commissioned as yet? What is the Ministry doing to ensure that this is done within reasonable time?

Mr. Magerer: Mr. Speaker, Sir, since 2008, we have been able to undertake 1,331 projects and have been able to fully energize those ones. We have also completed 476 projects and they are in the process of being energized. This is an enormous project and because of a few logistical issues which have been noticed, especially between the KPLC and REA, the Ministry has formed a technical co-ordinating committee which is now directed to meet every month to ensure that the projects that have been completed within a short period of one month are able to be energized if they have met all the criteria.

Dr. Monda: Mr. Speaker, Sir, you heard the Assistant Minister say that consumers within the radius of 600 metres from the transformer will be connected at a rate of Kshs35,000 each. The scenario on the ground is that where REA has done construction, KPLC will insist on a figure above the Kshs35,000. What is he doing to ensure that where REA has done construction, KPLC will connect consumers with

energy based on rate of Kshs35,000, because we have paid for it already using public resources?

Mr. Magerer: Mr. Speaker, Sir, as I had said earlier, it is the policy of the Ministry that connection within the range of 600 metres be done at a cost of Kshs35,000 for private homes and about Kshs20,000 for business premises. I am not aware of a situation where KPLC is charging more. If this is the case, I want to invite the hon. Member to tell us the specific area, so that we can take appropriate action because that is not supposed to be the case.

Question No.542

KILLING OF LUCY WAIRIMU GITHUKU BY POLICE DOG

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

(a) whether he is aware that a police dog from Gatundu Police Station killed one Lucy Wairimu Githuku as per the postmortem report conducted at Bishop Okoye Hospital;

(b) whether he is also aware that the police dog in question tested positive for rabies as per the laboratory report of the Ministry of Livestock Development dated 28th July 2010; and,

(c) when the Ministry will compensate the family of the deceased.

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

(a) Yes, I am aware that on 25th January, 2010, one Lucy Wairimu Githuku, aged 37 years, while within Gatundu Police Station compound was attacked and bitten by a police dog christened “Jumbo”. However, when she later passed on and a postmortem was conducted, it was established that she had died as a result of meningitis/encephalitic and intestinal obstruction leading to cardiopulmonary arrest.

Mr. Speaker, Sir, I wish to table a copy of the postmortem report.

(Mr. Ojode laid the document on the Table)

(b) No, I am not aware that the police dog tested positive for rabies. The police dog in question is a male German shepherd which was born on 18th February, 2007 and was bred in the Police Dog Section Kennels, Nairobi.

The dog's veterinary history is well recorded and prior to the incident, it had been vaccinated against rabies on 5th January, 2010 by Dr. Njoroge of Kenya Police Dog Section. I wish to table a copy of the record indicating that it was indeed vaccinated against rabies.

(Mr. Ojode laid the document on the Table)

Mr. Speaker, Sir, further, on 9th November, 2010, Jumbo was examined at the University of Nairobi, College of Agriculture and Veterinary Sciences, Faculty of

Veterinary Medicine and found to be free from blood parasites, including rabies, and was declared clinically sound.

On 23rd July, 2010, the police vide Exhibit Memo Form C6 requested for an analysis of the brain tissue specimen of the deceased from the Government chemist. On 28th July, 2010, a laboratory report was received by the police. However, instead of the report being addressed to Gatundu Police Station who had requested for it, it was addressed to a Mr. John Muturi Muiruri.

This report could not be authenticated. Therefore, it was subjected to an inquiry to find out how it was issued to an unauthorized person. Once the inquiry is over, necessary action will be taken according to the law.

(c)The Ministry is not planning to compensate the family of the deceased unless there is a court order to that effect. Further, according to the postmortem report, the deceased died because of other causes and not rabies as alleged. The inquest file will be forwarded to the Attorney-General for perusal and advice once the inquiry is completed.

Mr. Kabogo: Mr. Speaker, Sir, you have heard the long answer from the Assistant Minister who is just trying to avoid the real issue. He says the report from the Ministry of Livestock Development is questionable because it was addressed to the son of the deceased.

It takes seven months to find out whether this document is genuine. A doctor has appended his signature on it. The report indicates that the brain matter tested positive for rabies. However, he says the postmortem indicated that she died of meningitis. Why is he not answering my Question? From consultations here---

Mr. Speaker: Come to your question.

Mr. Kabogo: Mr. Speaker, Sir, this lady died of rabies. Could the Assistant Minister confirm from the doctors or the information from the doctors that she actually died of rabies?

Mr. Ojode: Mr. Speaker, Sir, I think I have covered that particular Question very well by laying on the Table the postmortem report which was given by the doctor. I would also challenge the hon. Member to give us a postmortem report which says that the lady died due to rabies. My postmortem report which I have just laid on the Table says the contrary. If the hon. Member has any information which contradicts what I have laid on the Table, let him also come up with another postmortem report in order for us to interrogate it.

Dr. Nuh: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to dispute the document which Mr. Kabogo has provided which is from the Department of Veterinary Science which has authenticated that the brain cells from the deceased tested positive for rabies?

Mr. Speaker: Order, Dr. Nuh. There are two postmortem reports here. There is one tabled by the Member for Juja and there is another tabled by the Assistant Minister. The two appear to be saying different things. There are two postmortem reports. Is that so, Mr. Assistant Minister?

Mr. Ojode: Mr. Speaker, Sir, the reason why we could not authenticate the other examination which was done by the university is because Mr. Muiruri never asked for the examination to be done on the deceased. It is the police who requested for the examination to be done.

So, we said we would wait for the authentic one because it is the police who requested for the examination to be done.

If you look at the postmortem report, it shows clearly that the doctor has declared that the deceased died as a result of meningitis. It would have been proper if there was another postmortem done which contradicts the one that I have just tabled.

Mr. Mututho: On a point of order, Mr. Speaker, Sir. On many occasions you have ruled that we should observe decorum and stand responsible for the information that we give in this House. This is contained in Standing Order No.82.

Meningitis is simply an inflammation of the mucosa of the brain. The condition the Assistant Minister is trying to describe is simply an inflammation which could have been caused by a virus or bacteria. Would I be in order to request, therefore, that this matter be referred to the Departmental Committee on Health or any other committee, so that in the eyes of the public we do not look that cheap?

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. There are no two postmortem reports. The document I tabled is a laboratory test which was done by the Ministry of Livestock Development. It was submitted by Police Constable, Chris Manda. This is the document that the Assistant Minister is attempting to say that they are carrying out an inquiry on. They are saying that they want to find out where it came from simply because it was addressed to the son of the deceased. I table that document for your inspection.

(Mr. Kabogo laid the document on the Table)

Mr. Ojode: Mr. Speaker, Sir, you can see the historical background of this particular case. This incident occurred on 25th January. The deceased died in July. The postmortem report is what we are going by. I do not mind the Question being referred to the Departmental Committee on Health, if at all it will come up with information which contradicts what I have just tabled. So, I do not have any problem with that.

Mr. Speaker: Mr. Assistant Minister, when will you complete the investigation which you have talked about?

Mr. Ojode: Mr. Speaker, Sir, we have asked the College of Agriculture and Veterinary Sciences at the University of Nairobi to give us the examination report because it is the police who asked for the report.

Mr. Speaker: When will you complete the investigations?

Mr. Ojode: Mr. Speaker, Sir, by 30th May, we will be able to know what transpired.

Dr. Nuh: Mr. Speaker, Sir, it is apparent that the Assistant Minister is misleading this House. One, is with regard to a report which was done in June, 2010 which is seven months down the line, which Mr. Kabogo has already produced. For him to allege that there is an inquiry seeking to establish the origin of this letter and they expect the results in May, that is taking this House for a ride.

Secondly, in his answer, he says the dog was tested in the University of Nairobi's veterinary laboratory and he alleges that it was found to be free of blood parasites, including rabies. There is no technology where you can test for rabies in blood.

Mr. Speaker, Sir, would I be in order to direct that this matter be referred to the Departmental Committee on Health for further investigations because he is misleading the House?

Mr. Speaker: Order! You will be out of order if you do that, because you have no power to direct that a matter goes to a Committee.

Dr. Nuh: Mr. Speaker, Sir, I stand guided.

Mr. Speaker: Mr. Minister, I want you to indicate that you will complete those investigations earlier than May. At most, this has to take a month from today.

Mr. Ojode: Mr. Speaker, Sir, I will try and fast track the examination for us to get the report. There is nothing we are hiding.

Mr. Speaker: I direct that you complete those investigations within a month from today, whereafter this Question will reappear on the Order Paper.

(Question deferred)

Question No.619

POSTING OF OCPD TO TRANS NZOIA EAST DISTRICT

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

(a) when he will post an Officer Commanding Police Division (OCPD) to Trans Nzoia East District;

(b) what arrangements he has to upgrade Kachibora Police Station to a Police Division; and,

(c) to give the status of the staff housing in Kachibora Police Station and state what measures the Government is taking to improve it.

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

(a) Trans Nzoia East District will be upgraded and an OCPD posted there once the requisite structural and logistical infrastructures are put in place.

(b) However, it is earmarked for development within the Kenya Police Department Development Plan. It is also worth noting that in the last few years, the Government has created over 200 new administrative districts across the country. However, development of new police divisions in the newly created districts requires considerable budgetary allocations. Development of these new divisions takes into consideration requisite security factors that inform prioritization of each based on the following:-

(i) availability of human resource and personnel;

(ii) trends and frequency of crime;

(iii) availability of funds;

(iv) demographic factors and population distribution;

(v) proximity to existing police stations and divisions; and,

(vi) availability of land.

So far, 42 new police divisions have been operationalized. Trans Nzoia East will also be upgraded and an OCPD posted in line with the current development plan, as I had earlier mentioned. Kachibora Police Station will also be upgraded to a divisional headquarters, and an OCPD posted in line with our current development plan once the requisite structural and logistical infrastructures are in place.

(c) Kachibora Police Station was established in 1920, and currently has one semi-permanent block with 11 rooms, which were built in 2001 and two mud walled houses with eight rooms. The Kenya Police, in its ten-year development plan has earmarked Kachibora. I want to repeat the statement that we have earmarked Kachibora in Cherengany for development, and give it about 36 units of type E flats to accommodate the personnel. He should be very grateful.

Mr. Kutuny: Thank you Mr. Speaker, Sir. I would like to thank the Assistant Minister for answering this Question precisely and diligently, and for stating that the facilities in Kachibora Police Station were established in 1920. Up to today, its houses are still mud walled. That is a very good Assistant Minister who has answered a good Question.

Mr. Speaker: Come to the question.

Mr. Kutuny: Mr. Speaker, Sir, I want the Assistant Minister to listen to me very keenly. The police station was established in 1920; today, he is telling this House that this facility is still mud walled, and that the offices can collapse any time. The Assistant Minister has talked about a ten-year plan to upgrade this police station, which was established in 1920.

Mr. Speaker: Order! Member for Cherengany, you are tending to be repetitive. You have talked about the establishment of that station in 1920 three times. Please, come to the question.

Mr. Kutuny: Mr. Speaker, Sir, I am coming to the question. We are talking about 91 years. What assurance is the Assistant Minister giving that within ten years this facility will be upgraded if it has not been upgraded in the past 91 years?

Mr. Ojode: Mr. Speaker, Sir, if you look at the records, you will see that this police station should have been upgraded a long time ago when hon. Cheruiyot was the PS. Unfortunately, it was not upgraded. However, I am now on it and I will make sure that we upgrade it. Already, I have funds to do 36 units. He should be thankful to us that in the 21st Century, we are going to work on this police station.

Mr. Sirma: Mr. Speaker, Sir, the second reason that the Assistant Minister gave for upgrading a police station is when crime rate goes up. Must we increase our crime rate or do we just need protection? I know that Kachibora has been an area with a lot of crime and many people have died. Could he withdraw that section because access to security is a right?

Mr. Ojode: Mr. Speaker, Sir, indeed, that is true. However, you and I know that this Government, the Kibaki Administration, took over in 2003. I have said that I will give priority to this particular police station, because of the historical background. It was established in 1920, even before hon. Kutuny was born. I have accepted that we have to set aside funds to upgrade this police station. He should be thankful to this Government for having given him first priority. I will go and inspect that area to see if land is available.

Mr. Gabbow: Mr. Speaker, Sir, I would like the Assistant Minister to give a time frame; let him say exactly when this will be done.

Mr. Ojode: Mr. Speaker, Sir that is a very easy question. Once we get funds, hopefully by July, we will do it.

Mr. Kutuny: Mr. Speaker, Sir, one of the factors that the Assistant Minister has mentioned is the trend and frequency of crime. This is one of the factors to be considered

so as to post an OCPD to that area. Does he want to tell the people of my constituency to increase crime and related activities for him to take action?

Mr. Ojode: Mr. Speaker, Sir, Kachibora Police Station covers quite an expansive area. That is the reason why I will upgrade it. I will also construct the 36 units, not because of the crime rate but because the people there are peace loving citizens. I want him to maintain that peace so as to get good things.

Question No. 571

MONIES OWED TO LOWASCO

Mr. Ethuro asked the Minister for Water and Irrigation:-

(a) whether she could provide a schedule of monies, if any, disbursed to the Lodwar Water and Sanitation Company Limited (LOWASCO) since the 2007/2008 Financial Year;

(b) how much money the Government Departments, including parastatals, owe the company per annum; and,

(c) what urgent measures the Minister is taking to ensure Government departments pay their bills to the company?

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry has released Kshs28.6 million for rehabilitation of works and Kshs7.5 million for electricity as per the attached schedule A1.

(b) The amount of money owed to the company by the Government departments and parastatals as of January 2011 is Kshs2.7 million. The list containing all the departments is attached as Schedule A2.

My Ministry, through LOWASCO, has put the following measures in place to ensure that Government departments and parastatals pay their bills to the company; there is issuance of cut off levels and follow up to ensure that bills are received and acted upon. There is also to be disconnection of water for outstanding bills if payment is not received within the agreed period.

We will also use the task force comprising the District Water Office; the Rift Valley Water Services Board; and the Provincial Administration to follow up the matter and ensure that payments are made and disconnections are effected for all defaulters. These measures were put in place in July, 2007 and so far, Kshs2.4 million has been collected.

We will also write demand letters to Accounting Officers of Government departments that have pending bills and impressing upon them to release funds to their departments to settle water bills.

Mr. Ethuro: Mr. Speaker, Sir, water is life. If you heard the Assistant Minister explain the issue of disconnections, he claimed that Kshs2,795,215 is what is owed by the Government to the Lodwar Water and Sanitation Company. I have a document here from the Company. Government departments owe the water company Kshs7.2 million. So, why is the Assistant Minister strangling this small company?

Secondly, by January, 2010, statements show that Government Ministries owed the water company Kshs1.847 million. How does the Assistant Minister expect

companies that they have started to provide water survive when the Government itself is not paying debts owed to these companies? What is he doing to ensure that the Government departments pay their water bills?

Mr. Waititu: Mr. Speaker, Sir, I said that our Ministry has been trying to liaise with the Rift Valley Water Services Board and the Provincial Administration so that water is disconnected in those Ministries that have not paid their water bills. Our own Ministry has given Kshs28.6 million to Lodwar Water and Sanitation Company to ensure that water is flowing and the company sustains itself.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. The money that the Assistant Minister has given the water company is not for paying bills. He is misleading this House! The money is for rehabilitation and augmentation of the water system. This will expand the provision and allow water to flow. However, the water company must pay electricity and receive other utilities. What has the Ministry paid in terms of the water bills?

Mr. Waititu: Mr. Speaker, Sir, our Ministry has written demand letters to Accounting Officers of Government departments that have pending bills. We have also issued cut-off notices to disconnect water in those departments. There is nothing more we can do. If we disconnect water because they have not paid, we can only wait for them to pay and then we recover.

Mr. Mwathi: Mr. Speaker, Sir, I have listened to the answer by the Assistant Minister. I have also listened to the information by Mr. Ethuro. The Assistant Minister believes that only Kshs2.7 million is owed to the water company while Mr. Ethuro says that it is Kshs7.2 million. We want factual figures because what we are discussing here is serious business. Could the Assistant Minister confirm that he was misled by the people who gave him that figure of Kshs2.7 million? What action is he going to take against those officers who have misled him?

Mr. Waititu: Mr. Speaker, Sir, I have the latest figures. So far, Kshs2.4 million has already been paid by different Ministries. The money owing as at now is Kshs2.7 million.

Mr. Ethuro: Mr. Speaker, Sir, Mr. Mwathi asked a question on the verification of figures and not the payments that have been made. Obviously, he has not responded to that again. Yes, some payments have been made, but there is an amount of money that is still outstanding.

The Government has a tendency to engage in economic crime in some of the rural areas. In May, 2009, the water bills of Lodwar District Hospital were not paid by the Ministry of Health. I brought a Question here and they promised to pay. The Assistant Minister must ensure that the Government pays its bills.

Mr. Speaker: Mr. Waititu, indeed, that is a genuine concern!

Mr. Waititu: Mr. Speaker, Sir, I want to assure the hon. Member that bills will be paid on time. However, in some cases like the district hospital that he has mentioned, our Ministry cannot afford to disconnect water. We can only plead with the district hospital to pay the water bill. We will do everything possible to make sure that water is paid on time for the benefit of the Lodwar Water and Sanitation Company.

Question No.605

PROJECTS UNDER KKV IN MOMBASA/LAMU

Mr. Speaker: Order, hon. Members! There is one more Question to go, but I am afraid that we have run out of time. The next Order has a number of issues, including Statements, which are due for delivery. So, I will defer Question No.605 to next week on Tuesday in the afternoon.

Mr. Yakub and the Minister concerned, please take note of that direction.

(Question deferred)

Question No.534

YOUTHS UNDER KKV PROGRAMME IN BURA CONSTITUENCY

Mr. Speaker: Hon. Members, with respect to Question No.534, it will be deferred to next week on Wednesday in the afternoon. That is by mutual agreement between the Minister and the hon. Member who filed the Question.

(Question deferred)

Next Order!

STATEMENTS

REPORT ON DRUG-TRAFFICKING

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you, Mr. Speaker, Sir. On Thursday 17th February, 2011, after I presented an interim report on the issue of drug-trafficking, I undertook to report to this House when a comprehensive report of the investigation would be laid on the Table.

After consultations with the relevant agencies currently involved in the drug investigations, it is now clear that investigating drug trafficking is a complex matter and so it needs time. We need to collaborate with other agencies both local and international.

The trade in illicit drugs is usually conducted under total secrecy with a wide range network of actors across many countries in the world. The patterns of drug trafficking vary from time to time.

Mr. Speaker, Sir, the complexities arise from various reasons, among them being that there are many international drug enforcement agencies involved; there is need for mutual legal assistance, which might take long before being granted and delay in investigation and prosecution.

To compound these are various other aspects involved, which also contribute to delays. These include identifying companies used for money laundering; vetting of African city licences to operate pharmaceutical businesses; vetting of expertise working or doing business in Kenya; checking and investigating bank accounts of suspects, and monitoring money transfer through various money transfer methods.

Mr. Speaker, Sir, in trying to interrogate these areas, the investigating team will involve other agencies such as the Kenya Revenue Authority (KRA), the Kenya Anti-

Corruption Commission (KACC) and other international agencies on issues concerning the following: Money laundering, tax evasion/compliance, concealing/transfer of proceeds of drug trafficking, conveyance, financing, manufacture/production, and importation of precursor chemicals used in the manufacture of these drugs.

Therefore, I undertake to table the comprehensive report immediately investigations are complete, but I cannot give a timeline.

Thank you, Mr. Speaker, Sir.

Mr. Mwau: Mr. Speaker, Sir, I appreciate the comments made by the Minister. He has now confirmed that on Thursday, he tabled a report and exonerated me. He categorically said that up to now, I have not been involved in drug trafficking. I appreciate that the police will continue with investigations, and that it might take a long time.

Mr. Speaker, Sir, since up to now I have not been involved in any drug trafficking, I would, under Article 35 of the Constitution, make some requests.

Article 35 of the Constitution sub-article (1), states as follows:-

“35(1) every citizen has the right of access to-

(a) information held by the State; and,

(b) information held by another person and required for the exercise or protection of any right or fundamental freedom.“

Mr. Speaker, Sir, this relates to my fundamental rights.

Article 35 of the Constitution further says, in sub-article (2)-

“35 (2) every person has the right to the correction or deletion of untrue or misleading information that affects the person.”

Mr. Speaker, Sir, therefore, I kindly request that you order that my name be expunged from records of any proceedings of this House or documents where it would have been adversely mentioned.

Mr. Speaker: Prof. Saitoti, just keep note of that request. I know that you are very good with the brain, because you are a “mathematical professor” but do take notes.

Mr. Kabogo: Mr. Speaker, Sir, I also want to adopt the argument brought forward by hon. Mwau. In addition, you will remember that last week, Prof. Saitoti tabled the complaint from the American Ambassador. That complaint is the same document I attempted to table here, which you took a week to look at to find out whether it met the threshold of documents to be tabled in this House. Thereafter, you ruled that the names of hon. Members mentioned then be expunged from the records of this House because that document did not meet the threshold requirement for documents to be tabled in the House.

Mr. Speaker, Sir, I request that, on the same basis you ruled that that document did not conform to the threshold required for tabling in this House, my name be expunged from the records of this House.

Secondly, Prof. Saitoti did say here that so far, nothing has been found to connect me with the said accusations. So, I would want him to state categorically to this House that I am cleared until today. Investigations may continue for 20 or 30 years. If my name has to re-appear in the records of this House, let it re-appear after the investigations or anything else they may find on me. I demand that he states here that I am cleared, so that the issue pending in the papers about us, as Members of this House, and especially myself, is cleared now.

Mr. Sirma: Mr. Speaker, Sir, considering what the Minister intends to do, which is to investigate, we do not know how long it will take. The mind of every Kenyan is on the Members of Parliament and other people who have been mentioned, but who cannot defend themselves from the Floor of this House, like Ali Punjani; as well as others whose names are in the report of the Ambassador of the United States of America (USA), who was supposed to have been censured by this House.

Mr. Speaker, Sir, so that we stop malicious damage on hon. Members' personalities and the personalities of other individuals in this country, we want the Minister to stand and boldly clear all the names he mentioned in this House, so that hon. Members can be free to enjoy their freedoms and company of other people, including the company of their families.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: I will allow only two more clarifications.

Ms. S. Abdalla: Mr. Speaker, Sir, the Minister is being told to clear the names of the Members of Parliament who have been named on this issue. Can he undertake that, in the process of clearing those names and carrying out further investigations, he will give us the names of the culprits? Drugs do not bring themselves. They are brought by people. So, as these Members of Parliament are cleared, let other names be mentioned, so that we know who the culprits of the drug menace in this country are.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, could the Minister clarify whether we have a professional police force? I have personally been seeing the police giving misleading information about a case which happened to me. This is the same thing we are doing in relation to the drugs case. So, do we have a professional police force or a propaganda wing of the Government?

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order, hon. Members! I have already directed that I would allow a maximum of five clarifications.

Prof. Saitoti, I want you to respond to those points of order raised by the five Members of Parliament which are, to some extent, by way of seeking clarifications from you.

Secondly, I want you to express yourself on the demand by the Members of Parliament for Kilome and Juja; that their names be deleted from the records of this House on the basis that the information you tabled or gave to the House was misleading. I want you to look at Article 35(2) of the Constitution – and be careful – and assure this House that you have understood its implications. If you will need time, you will say so, otherwise I will want you to be very clear even as you respond to this matter.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, first of all, I would like to say that, I came here last Thursday and tabled the interim report, as I had already undertaken to do so. That interim report says that no evidence has been gathered to indicate that the hon. Members were involved in matters of drug trafficking. So, I cannot come up with any contrary view to that. That is very clear. This is because the whole intention was for the matter to be investigated. We want to find out whether there is any evidence at all, or whether the hon. Members mentioned are connected to drug trafficking. So, that is the position, and I want

to go by what is contained in the report, bearing in mind that it is an interim report. This is the position.

As I have said in my Statement, the final report is going to take quite a while. We are still investigating drug trafficking, but we are taking into account various areas. It is also going to involve many agencies both locally and internationally. As to what is going to come out in the final report, it is extremely difficult at this particular time to be able to predict.

Mr. Speaker, Sir, the other thing that I want to say here is that it will be recalled by this House all these matters originated from a Personal Statement by hon. Mbuvi when he stood here to say that he had actually been followed by the police, and that he needed explanation on that. In response to that statement, I checked with the police as to why they were following him and the police made it very clear that after several attempts to ask him to go to report to them, he had failed to do so. The police had been following him on this matter because it was serious. They indicated to me that they were following him on matters related to drug trafficking; they wanted to see whether he was one of the traffickers.

Mr. Speaker, Sir, having stated that, several Members of Parliament said that I had on a number of occasions prior to that refrained from bringing the names of other Members of Parliament. Since I had given the name of hon. Mbuvi, I should give the names of other Members of Parliament who were being investigated. It was even said by hon. Kilonzo that if the matter was left open, then every Member of this Parliament would be said to be a suspect. I then gave the names of the people because they were, indeed, under investigation. In stating that, I was careful to say that investigation does not mean that any hon. Member is actually guilty. That is the position; at no time did I say that because investigations were going on, hon. Mwau, hon. Kabogo, hon. Mbuvi and hon. Joho were actually guilty. I never said that. I confined myself to hon. Members, except for only one person, because that was part of the information that I had much earlier. The USA Ambassador had stated that there are five senior Government officials and one businessman, whose visas had been withdrawn; that was very clear. That was also the reason why that was announced. Hon. Members wanted to know who those senior officials and hon. Members were. We responded according to the wishes of this House.

I stated those who were actually being investigated and gave the reasons why.

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. The Minister has stated that the ambassador said that four senior people had been banned from travelling to the United States of America. I want to inform him that William Kabogo Gitau, myself, is not banned from going to the USA. I have not seen any communication to that effect. So, let him not mention me, unless he has information given to him by the ambassador that I have been banned. I have not seen such communication. So, he is misleading the House.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I very well know that it has been the tradition of the American Embassy that when they ban somebody as far as giving a visa is concerned, they normally keep it confidential as to who the personality is. There is also another request that I want to respond to; that is the one by hon. Odhiambo-Mabona. She asked whether we have a professional police force, or a propaganda mouth of the government. I want to tell her that we have a professional police force. We are in process of reforming

police force to become stronger and be able to respond to a changed environment of the 21st Century. Two, the police have never been a propaganda tool of the Government.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. When the hon. Minister was responding in relation to hon. Mbuvi, he said that they had asked him severally to report to the police but he did not do so. I am giving my example. The Police Commissioner is saying that I have been told severally to report to the police, but I have not done so. I have reported to Mbita Police Station, OP No.14 of February 2011. So, is that a police station or not? I have written statements twice; even as late as today at 2.00 p.m. yet they are telling the public that I have engaged in propaganda and I have not reported to a police station. They have said I have imagined that I was attacked by six young men, yet the German man who runs that hotel has recorded with them that I was attacked. So, what kind of professional police force is this? Why are you misleading the House?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I also wish to seek your guidance. On the matter raised by hon. Odhiambo-Mabona--- I doubt whether it is related to this one. It appears to be a completely different issue from the one I am on.

Mr. Speaker: Order! Prof. Saitoti, I think you are entitled to make that claim. I did not see relevance of that point of order to the matter that the House is seized with, as things stand now. So, I rule that out of order. You may proceed.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you very much, Mr. Speaker, Sir. Indeed, I have now had the opportunity to refer to Article 35(2) of the Constitution which states that every person has the right to correction or deletion of untrue or misleading information that affects the person. What did I refer to or what information did I give in this House? I responded to a Question to the effect whether I can provide the names of other Members of Parliament who are being investigated.

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

Mr. Speaker: What is it Mr. Sirma, and it had better be a point of order?

Mr. Sirma: On a point of order, Mr. Speaker, Sir. Is the Minister in order to evade the actual statement which is written in the Constitution; that is the right for it to be deleted and secondly, the demand by the hon. Members that their names be expunged from the records? He is just going round in circles and he is not giving us an answer.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, I was trying to remind the House of what I had actually been asked to do and what I did. On this particular matter----

(Mr. Saitoti coughed)

I have been speaking since morning. *Wacha ninywe maji.*

Mr. Speaker: Order, Prof. Saitoti! I am aware that occasionally things get too hot for all of us.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Exactly, Mr. Speaker, Sir.

(Laughter)

I have said that I responded to a Question which wanted me to give the names of the hon. Members who were under investigation. I responded by giving the names and said that they were under investigation.

My tabling of the report is a clear testimony to the fact that the hon. Members have been investigated and were found not to have been involved in drug trafficking. So, my statement was that there were investigations on the basis of the various allegations that had been made against them. I have said that the police have been carrying out investigations and have confirmed in the report that the hon. Members were not involved.

Mr. Speaker: Prof. Saitoti, I want you again to look at Article 35(2). I also want you to come out clear on an area that I am concerned about. You tabled information in the House including what is now described as the dossier from the American ambassador. Would you like to say if the information in that dossier was untrue or misleading to you or to your knowledge? Try and answer that, if you are able. If you are not, say so.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, indeed, even the Prime Minister, the Kenya Anti-Corruption Commission (KACC) and the police received that dossier and investigations were carried out. Investigation against drug trafficking has been an ongoing exercise because of the harm that it has done to Kenya and especially, to the children.

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

Mr. Speaker: Order, the Member for Juja! You will help the House. This is a very sensitive matter. I just want us to get some direction and have a course that we can adopt so that this matter is resolved.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Speaker, Sir, further, when that dossier was received, the police undertook investigations. There is no evidence connecting the hon. Members in question, at the time of submission of the report, to drug trafficking. I said that openly and clearly. That is in that report. No single evidence has been adduced to prove that Mr. Kabogo, Mr. Mwau and Mr. Joho are involved in drug trafficking. That is the report I have tabled. At the time of tabling the report and even now, there is no evidence linking the hon. Members to drug trafficking. So, they are innocent. For the future, I cannot tell.

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

Mr. Speaker: Order, the Member for Kilome!

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

Mr. Speaker: Order, hon. Member! If I ask you to be orderly then take your seat! Let us get the course of events correct. Up to where the Minister has reached, he says that from investigations carried out by the police so far, he is categorical that you, the hon. Member for Kilome and the hon. Member for Juja are innocent. What else are you then looking for from the Minister or even from Mr. Speaker for that matter?

Mr. Mwau: Mr. Speaker, Sir, it was just a point of information that it is a matter of fact and it is true that a criminal complaint was taken to a police station. It is true that the criminal complaint was handed over to the police which falls under the hon. Minister. It is true and it is a fact that investigations were ordered. It is also true and a fact that the Minister was made aware that investigations were going on as he is required to be informed. When he was asked to name the people who were being investigated, he stated them. So far, that is correct. It is also true that after intensive investigations the report has

confirmed that I have not been involved in drug trafficking. That is correct. That is what I am trying to say. There is nothing wrong that has happened. That is where we are and that is where Article 35(2) comes into play.

Thank you, Mr. Speaker, Sir.

Mr. Kabogo: Mr. Speaker, Sir, I am not sure I want to be guided by you. Now that the Minister has said what he has said and you have heard him clearly, my request is that Article 35(2) now takes place. I request that my name, as mentioned in that dossier that he tabled in this House; knowing that it was the same dossier that you ordered names of hon. Members to be expunged, be removed in as far as today is concerned. The future will deal with itself. Am I in order to request that you order that my name be removed from the records of this House in as far as the dossier by the American Ambassador is concerned that I am involved in drug trafficking? The Minister has found me innocent and may the innocence be proved by expunging my name from the records of this House.

Mr. Speaker: I am not certain that I have powers to do that. So, you will have to give me time to consider that I can actually delete information from a document. I am not certain that I have that jurisdiction. So, I will obviously want time to reflect on that very carefully. This is a new provision of the Constitution. I am not certain that I have jurisdiction to enforce this provision of the Constitution with the facts as given in this House alone. I am not certain that I have that power.

Mr. Sirma: Mr. Speaker, Sir, as you have said clearly about the two other Members, there are other Members who are not in this House and others who cannot stand on the Floor of this House to defend themselves. Could you include them?

Mr. Speaker: Order, Mr. Sirma! I just want to guide you for God's sake. Do not get so passionate. You are saying there are other Members who are not in this House. Who are these other Members who are not in this House?

Mr. Sirma: Mr. Speaker, Sir, these are Mr. Joho, Mr. Mbuvi and Mr. Ali Punjani. All of them were mentioned by the Minister.

Mr. Speaker: Order! That is where you have a problem. Mr. Ali Punjani is not a Member of this House.

Mr. Sirma: He is not a Member of this House, and he does not have the privilege to defend himself on the Floor of this House---

Mr. Speaker: Order, Mr. Sirma! Sometimes it helps for you to just reflect on what you are saying. If you wanted to cover Mr. Ali Punjani, then you should have been categorical that there are other Kenyans or citizens or persons. You do not fight over a cause where there is none!

Mr. Sirma: Mr. Speaker, Sir, I am a national leader, and I represent those who are voiceless in this House.

Mr. Speaker: Order, Mr. Sirma! You need to be accurate. It is accuracy that we are looking for.

Mr. Sirma: Mr. Speaker, a non-Member--- Mr. Ali Punjani's name should also be deleted from that report.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): On a point of information, Mr. Speaker, Sir. I would recommend, with your indulgence, that hon. Members spend a bit of time and go through the entire interim Report. We call this an interim Report. It does exonerate hon. Members so far. In other cases, the matter is still hanging and clearly, the investigations are continuing.

Mr. Speaker: Order, hon. Members! The matter must now rest there.

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

Mr. Speaker: Order, Member for Kilome! The matter must rest there.

Hon. Members, I will limit it at this point in this manner, but I will be able to give further directions on whether or not any information should be deleted from the records of the House taking into account on what premises I will do so. So, you leave it until I have informed myself adequately that I have jurisdiction and power to make those directions.

Mr. Assistant Minister for Foreign Affairs, please, proceed!

MINISTERIAL STATEMENT

SAFETY OF STAFF OF THE KENYAN MISSION IN LIBYA

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, a Ministerial Statement was sought on the safety of the staff of the Kenyan Mission in Libya and whether they would be returned home with other Kenyans as soon as possible. The second issue was with regard to Kenyans who had gone to Libya for religious training, but who found themselves being trained as soldiers. It was asked whether Kenya had sent these individuals to Libya to be mercenaries.

Mr. Speaker, Sir, in response, the situation in Libya has started to deteriorate. The Ministry of Foreign Affairs is constantly in touch with the Kenyan Mission in Tripoli on a daily basis. The situation in Libya has become very tense as of this morning. However, Tripoli and its suburbs look quite calm at night and during the day. We have been advised that all the staff members and their families are actually safe. There are four home-based staff, including the Ambassador, who was accompanied by four family members.

The Embassy staff who work in Tripoli have continued to go to their office in case of any emergency. We have further established that there are approximately 95 Kenyan citizens in Libya, and they are in the city of Tripoli. Some of them are scattered in Libyan cities like Misra, Tajura, Seba, Gut and in an area in the eastern region known as Benghazi. Most of these Kenyans have been working in this region.

Finally, 43 Kenyans are working for a company that has been established here in Kenya known as Strabag. They are doing some work in Libya. There are nine students at an Islamic college in Tripoli. There are 16 skilled and semi-skilled workers employed in different organizations in Tripoli. There are 11 teachers working in the south of Libya in the towns of Saba, Gut and Ubari. There are nine Kenyans working in Benghazi.

Mr. Speaker, Sir, on Tuesday February 20th the Tripoli International Airport was closed. There are no flights in and out of Libya right now. Consequently, airlines such as the Emirates and British Airways have cancelled all their flights out of Tripoli until further notice. The host Government, that is the Government of Libya, has not provided security for our embassy staff. So we have looked for alternative ways to protect our personnel. Some of the missions such those of Great Britain, the United States of America (USA) and oil companies have already started evacuating non-essential staff. They are also providing some support in terms of security management.

The Ministry of Foreign Affairs in Libya did call all the African ambassadors yesterday to brief them on what is happening in their country. The Libyan Government

promised to facilitate the resumption of what is known as the “Africa Airways flight” to major African cities to facilitate the evacuation of Africans. We are waiting for authority to be provided. However, regardless of this situation, the Kenyan Government and my Ministry have linked up. We have negotiated an agreement with Kenya Airways. The Kenya Airways has agreed to give us a chartered flight that is supposed to be in Libya as I am talking to you. We have decided to bring in any Kenyans who may feel that they need to leave Libya or Tripoli and the other cities where they are.

The last question is whether Kenya has provided any mercenaries who are providing military service to the Libyan Government. The answer is no. The only individuals who are in Libya are mission staff, students and Kenyans who have been working and are not militarily engaged.

Mr. Speaker: Very well! Is there anybody looking for clarification on the Libyan matter? None! Then we will take another Statement. Is there another Statement?

Mr. Assistant Minister, I think you have one more. Please, proceed, before we get the Leader of Government Business and that will be it.

FATE OF SOMALIA DEPORTEES AT JKIA

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, the next Statement was actually supposed to be issued by the Minister of State for Immigration and Registration of Persons. A Ministerial Statement was required by Amb. Affey as to what has happened to Somali deportees, who have been lying at the Jomo Kenyatta International Airport (JKIA). They were deported from Zambia. These three individuals are Mr. Abdirahman Mohammed Yusuf, Somalia passport No.A0618502, Mr. Abrijama Yasuk, Somalia passport No.P0010819 and Mr. Hassan Yusuf Shafia, Somalia passport No.A01619302.

Mr. Speaker, Sir, these three individuals arrived in Kenya on board KQ Flight No.0721 from Lusaka, Zambia, and were due to connect on the African Express Airlines to Mogadishu. The Somalis were accompanied by two Zambian escort officials, Madam Shula Joyce Subulwa and Mr. Douglas Kolofu Wantambu. It was understood that the three Somalis were being deported from Lusaka to Mogadishu for reasons which we were not given. However, on reaching Jomo Kenyatta International Airport (JKIA), they declined to board the flight to Mogadishu claiming that they were legally residents in Lusaka, Zambia, where they were holding legitimate work permits.

Mr. Speaker, Sir, following this development, the Zambian officials were ordered to remove the three deportees from JKIA, since the requisite 24 hours within which such deportees should be removed from JKIA had effectively elapsed. The Ministry of Foreign Affairs in consultation with the Ministry of State for Provincial Administration and Internal Security and the Department of Immigration got together and invoked the Carriers Liability as stipulated under Section 9 of the Immigration Act, Cap.172, Laws of Kenya. We notified the Kenya Airways to return the deportees back to Lusaka with the next flight available. At no time were the passengers confined in immigration custody, since they were transit passengers like any other. Neither were they treated in an inhuman manner. Because the passengers had declined to go to Mogadishu, we then put them on the next flight which was due to depart Nairobi on 24th February 2011. So, they were removed from JKIA as a result of this. As I am speaking to you, we make an assumption

that they are actually in Lusaka. It can be therefore confirmed to this House that the three Somalis were removed from JKIA as indicated by the attached copies of the flight manifest and the boarding passes which I shall table.

(Mr. Onyonka laid a document on the table)

Mr. Speaker: Very well! Anybody who is interested in clarifications? Hon. Affey!

Amb. Affey: Mr. Speaker, Sir, I thank the Assistant Minister for the Statement. However, there is need to be factual to the House particularly when he is briefing the National Assembly.

These fellows arrived at JKIA on 20th. It is false as the Assistant Minister claims in his Statement that they only stayed here for the requisite 24 hours. In fact, they stayed for four days. It is also not true that the next available flight was on 24th, because every day, there are two flights that go to Zambia. So, if they wanted to remove these fellows, they would have done so the following day. It is not also true that they were connecting to African Airlines, because there is no proof that they had a ticket and there was any connection of that kind.

Mr. Speaker, Sir, just after I raised this matter yesterday in this House, the Government rushed to deport them this morning. It had to take me to come to this House to force this Government to return these people back to where they came from. Besides, as we speak, though the Assistant Minister says that these individuals were deported this morning, the Zambian officials have rejected them and they are on their way back to Nairobi. The reason is because Kenya's foreign policy has died. I was in this Ministry for eight years and I have sufficient experience. It has never happened that we have had an acting Foreign Affairs Minister and Permanent Secretary for several months. Most countries are taking us for granted and that is why we are keeping people who have no business with Kenya or any business to transit here, besides having nothing to do with them, for five days at our airport. After I raised it as a national matter, the Government rushed to deport them and now they are on their way back.

I would like the Assistant Minister to confirm what relationship they have with the Zambian Government as far as this matter is concerned and whether, in fact, they make it the business of the Zambian Government to keep them in Zambia or to take them to Mogadishu from Zambia. They should never use JKIA as a transit point for people who have been kidnapped or transiting from countries where those fellows who are going do not want to go.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, I would like, first of all, to allow my colleague to know that in the answer which I gave him, and I believe he must have made a copy of it, it is stated very clearly that these individuals arrived on Sunday 20th. The second point I wanted to mention to my colleague is that, in fact, it is, I think by commission or omission, by the sheer fact that I am actually issuing this Statement on behalf of the Ministry of State for Immigration and Registration of Persons and not the Ministry of Foreign Affairs. The Ministry of State for Immigration and Registration of Persons had to hold these individuals to ascertain their *locus standi* in the country, so that then, a decision could be made. So, the point I have

made is that a correct or the right decision was made. Whether it was made yesterday or this morning, these individuals were actually deported according to the law.

Finally, if the hon. Member has information that these individuals are being deported back, according to international law, the truth and the reality is that we will re-deport them back until maybe the African Union comes up with a solution. As far as we are concerned, these individuals shall not even land within the Kenyan borders for the simple reason that when they came, the information which was given to the Department of Immigration was that they were on transit to Somalia. But again, there is the issue of legitimacy because they are arguing that they should even have been deported back by force. According to them, they were legally in Zambia.

Mr. Speaker: Hon. Members, we will now take the next Statement from the Deputy Leader of Government Business.

DAMMING OF RIVER OMO BY ETHIOPIAN GOVERNMENT

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. There was a Ministerial Statement due from the Minister for Water and Irrigation over the damming of River Omo. You will recall that you yourself directed that it be brought this Thursday.

Mr. Speaker: Yes. Very well! Minister for Water and Irrigation! Deputy Leader of Government Business, where is the Statement?

The Minister for Transport (Mr. Kimunya) Mr. Speaker, Sir, if my recollection is right, the Statement was due next week and not this week. It was two weeks from when it was sought. So, I think it is due next week and not this week.

Mr. Ethuro: Mr. Speaker, Sir, I have a copy of the HANSARD of Tuesday 22nd February for the benefit of the Deputy Leader of Government Business - I wish it will not undermine his standing before us – the Assistant Minister requested for the Statement to be made on Wednesday the following week and the Speaker said: “This Statement was called for two weeks ago. Really, you ought to be ready on Thursday this week” and he said: “Mr. Speaker, Sir, I will bring it on Thursday this week” and Mr. Speaker said: “Very well!” Need I say more?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I stand corrected and thank the hon. Member for that information. I was using my own recollection of what I heard. The Assistant Minister was here but he has left. I would seek that we hunt him and check whether he is still coming back today or the Statement be given next Tuesday.

Mr. Speaker: I think it will be more solid if we say Tuesday at 2.30 p.m.

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Speaker, Sir.

BUSINESS FOR THE WEEK COMMENCING TUESDAY, 1ST MARCH, 2011

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, pursuant to provisions of Standing Order No. 36(4), I take this opportunity to make the following statement with regard to business for the week commencing Tuesday, 1st March, 2011.

Mr. Speaker, Sir, the House is expected to continue deliberation on the Tourism Bill, Bill No. 19 of 2010, which is currently in the Second Reading and The Veterinary

Surgeons and Para-Professionals Bill, Bill No. 20 of 2010, which is also in the Second Reading.

The House Business Committee also balloted for consideration the Motion by Mr. Kioni to the Ministry of Education. This will come on Wednesday morning. Finally, the House Business Committee will also convene on Tuesday, 1st March, 2011, to consider business for the rest of the week which will include the Motion of Adjournment.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: The Member for Kasipul-Kabondo, I think we are now dealing with requests for Ministerial Statements.

POINTS OF ORDER

NUMBER OF KENYANS ISSUED WITH CERTIFICATE OF GOOD CONDUCT SINCE 2003

Mr. Magwanga: Mr. Speaker, Sir, I arise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the issuance of certificate of good conduct by the Criminal Investigations Department. In his Statement, the Minister should clarify the following:-

(a) How many Kenyans have been issued with this certificate since 2003?

(b) Is it a requirement for aspirants to elective posts and appointees to constitutional offices to produce certificates of good conduct in line with constitutional provision on leadership and integrity?

(c) Have there been cases of persons in possession of these certificates engaging in criminal activities and, if so, how many have been convicted and sentenced?

(d) How much revenue has the Government raised from the Kenyan public applying for this certificate from 2003 to date?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, I will provide the Statement on Wednesday in the afternoon.

Mr. Speaker: It is so ordered! Yes, the Member for Mathioya!

SUPPLY OF COUNTERFEIT FERTILIZER TO FARMERS IN MATHIOYA CONSTITUENCY

Mr. Wambugu: Thank you, Mr. Speaker, Sir. I rise to request for a Ministerial Statement from the Minister for Agriculture regarding a looming crisis within the coffee sector due to an alleged supply of counterfeit or fake fertilizer to farmers of Ngutu Coffee Factory and Waikamba Co-operative Society in Getui Division, Mathioya Constituency. In the Statement, the Minister should clarify who the suppliers of the said fertilizer are and the cost of the whole consignment. The Minister should also explain the measures being taken to address the loss that may be incurred by the farmers in the constituency.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: The Deputy Leader of Government Business, when will this Statement be available? Actually, that appears to be a very urgent matter.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, we can attempt to provide it on Wednesday, next week. I would also like to ask the hon. Member to---

Mr. Speaker: It is urgent and looks simple really! This is fertilizer which is not desirable to be used by farmers.

The Minister for Transport (Mr. Kimunya): That is right, Mr. Speaker, Sir, but the information sought should be accurate for the benefit of the House. So, Wednesday, next week at 2.30 p.m. will be okay with us.

Mr. Speaker: That is fair enough!

Yes, the Member for Dagoretti and Minister for Public Health and Sanitation?

MISREPORTING BY *THE STANDARD* NEWSPAPER

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Speaker, Sir. I wish to bring to your attention and seek your guidance on a matter that is appearing in the front page of today's *The Standard*. It is written in red letters that read: "WHY THEY ARE ON PNU CROSSHAIRS." It goes on to say: "Kalonzo chaired Tuesday's House Business Committee meeting where Kimunya set off PNU's protest against Wako for going against Kibaki."

Mr. Speaker, Sir, I would like to bring it to your attention that this is not only misleading, but completely incorrect. I am a Member of the House Business Committee and you are also a Member and you were present in that meeting. No such thing took place in that meeting. Hon. Kimunya did not bring up that matter neither was the Vice-President chairing the meeting. It was the Deputy Prime Minister and Minister for Local Government who chaired that meeting. This goes on to show that it is a deliberate lie to paint a different picture to certain people or party. For a newspaper which is not even an alternative Press but the mainstream Press to publish such incorrect information about the House Business Committee is not only undesirable but a very worrying trend.

Mr. Speaker, Sir, I would like to seek your guidance on what order you will give; whether to bar this newspaper or--- This is not the first time *The Standard* has published such reports. This newspaper has severally discussed this House. It is disrespect for a very important House Committee – the House Business Committee. It is either they report correctly or they stop reporting on Parliament issues. Even if they do not like certain people or party, they should report correctly.

What action will you take against this newspaper and the hon. Members – if they are really honorable – who brought out such information to give to the newspapers, since the newspapers do not attend House Business Committee meetings?

Mr. Speaker: Very well! Taking into account the last part of your demand for directions that the hon. Members of the House Business Committee own up how this story got to the newspapers, I direct that you raise this matter in the House Business Committee on Tuesday before I can give any further guidance on it. Please do so, Madam Minister! The House Business Committee must own the protest.

The Minister for Public Health and Sanitation (Mrs. Mugo): Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well! Let us move on to the next Order!

BILLS

Second Reading

THE VETERINARY SURGEONS AND PARA-PROFESSIONALS BILL

(The Minister for Livestock Development on 16.2.2011)

(Resumption of Debate interrupted on 23.2.2011)

[Mr. Speaker left the Chair]

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

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. When I rose yesterday and discussed the importance of this Bill, even the Minister for Tourism agreed with me that for us to continue enjoying tourist destinations, we need to be assured of the quality of meat, eggs and other things that we produce. It is for this reason that I need to be a bit brief so that he can also tell us how the beef industry, the milk industry and the pork industry will benefit from enhanced tourism industry.

Mr. Temporary Deputy Speaker, Sir, in our view, the title of this Bill should read: “The Veterinary Surgeons and Veterinary Para-Professionals Bill”. This is because para-professionals without specifying who they are does not add up. Indeed, Section 17 of this Bill specifies that it is a Veterinary Para-professionals Bill. I believe that this and many things which I will mention in this House will be dealt with at the Committee Stage where we will be able to move those amendments. I take exemption to the membership that out of the eight listed members of the Board; only one is a veterinary para-professional. This means that the Board is dominated by veterinary surgeons, as it stands. Also cutting through the whole Bill, you realize that they have deliberately, for reasons the hon. Minister may wish to tell us, avoided veterinary pharmaceuticals. We have pharmacies which are run by veterinarians. This time around, we have people called agro-vets who dispense each and everything, including crop residues, crop pesticides and *miti shamba* in the name of veterinary products. We must have some kind of outlets that are professionally conducted. That is where the problem is. That is where we are getting products that ultimately end up on our tables as eggs, milk and so forth.

Mr. Temporary Deputy Speaker, Sir, looking at this Bill again, it looks to me that they have also left out anybody trained in animal husbandry or range management. Perhaps, the Minister may wish to consider that people who take courses in range management or animal husbandry from a proven institution, who have taken courses in animal health and subject to a refresher course for six months or one year, are also eligible for registration.

The most serious thing we need to look at in this particular Bill is the fact that when you look at the functions of the veterinary para-professionals, first and foremost, they do not seem to be complete. They are not complete to an extent that they have left out such an obvious function like assisting animals in case of difficulties at giving birth. Also looking even at the schedule of animals they are supposed to castrate, it talks of

bulls, goats and rams. But we know that we have pigs, dogs, cats, horses, donkeys and so forth. That generality also does not seem to be complete.

Mr. Temporary Deputy Speaker, Sir, the worst bit, which we need to be persuaded here, and which we must be assured by this Minister that all will be well, is in execution of services. Part (a) and (b) basically describes the kind of services the para-professionals are able to undertake. It says:-

“Notwithstanding the provisions of parts (a) and (b) of this Schedule, a veterinary para-professional shall perform the services referred to in (a) only during the cause of delegated responsibility”.

Mr. Temporary Deputy Speaker, Sir, delegated responsibility puts us to a halt. This is because, once you are in North Eastern, who will delegate responsibility to you?

Just for clarity, reading the services under (a) is implementation of parasitic control programme. This is basically control of ticks and meat inspection. If you are waiting for somebody to delegate that responsibility to you to do meat inspection and so forth, all said and done, this is a very good Bill. If it is implemented, this circus we have been treated to this afternoon, with due respect, in which, a veterinary surgeon says he was checking of rabies on blood samples and confirming it to be the same would not happen, in the first place. I hope the first one to be deregistered is this veterinary surgeon, who is also having registered dogs, which have rabies in the police posts.

Mr. Temporary Deputy Speaker, Sir, we need this because a set of professionals need to be inspected that way. Quacks must be kept out of this professionalism. This Bill has been studied intensively by our Committee. We shall be proposing several amendments having met with both organizations. We would have wished that both veterinary and para-professionals came together, so that we can move faster. We want come next month, we will have a new law; the Veterinary Surgeons and Veterinary Para-Professionals Act, of 2011.

With those few remarks, I beg to support this Bill wholesomely believing that the professionals in question will remain open to accommodate the proposed changes by this House and the Departmental Committee on Agriculture, Livestock and Cooperatives.

Dr. Munyaka: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. I will start by commending the authors of the same.

Mr. Temporary Deputy Speaker, Sir, being a veterinary surgeon and a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives, I know what ails the livestock sector. This Bill has come at the opportune time, so as to bring sanity in the livestock sector, which has suffered a lot of neglect over the years.

Mr. Temporary Deputy Speaker, Sir, the livestock sector is a source of income to many farmers in Kenya. If the right policies are implemented, Kenyans will acquire a lot of wealth from this sector, especially in line with the targets of the Vision 2030.

Mr. Temporary Deputy Speaker, Sir, the Kenya Veterinary Board (KVB) will be involved with licensing of veterinary surgeons and para-professionals. It will also be involved in registering those who intend to do business in veterinary clinics and agro-vet business. If this is done, there would be ethics and sanity within the profession. The KVB exists, but lacks the necessary tooth to regulate the sector. So, with the passage of this Bill, we expect the KVB to bring sanity, so that we do not see malpractices in the sector.

Mr. Temporary Deputy Speaker, Sir, if you can recall in the late 1980s, there was the Structural Adjustment Programmes (SAPs), which were imposed on Kenyans by the

World Bank. Key veterinary services such as Artificial Insemination (AI) services, provision of dipping services and provision of veterinary clinical services were discontinued. That created a vacuum in the countryside, where there was demand for animals to be taken care of. We also remember that employment of veterinary professionals was frozen. What happened was that quacks filled the vacuum. That was when the livestock suffered. Animals were receiving wrong treatments and we lost many animals. At the same time, we lost very important markets for beef and milk. This is because our meat and milk had a lot of drug residues. Up to date, we are yet to recover the European market because of the contamination of our meat and milk. What is very worrying is that our own citizens are consuming contaminated meat and milk with drug residues. The effect of this is causing resistance on the human diseases. Most of them are cross-cutting from animals to human beings. I hope this Bill will bring a lot of sanity in this sector, so that we reduce drug residues and recover our European market for meat and milk

Mr. Temporary Deputy Speaker, Sir, during the same period of time, a lot of zoonotic diseases like the Rift Valley Fever (RVF) were prevalent in the country. About four years ago, we lost 120 Kenyans because of the RVF. There was no proper control of the diseases at the grassroots level. Currently, we are talking about many zoonotic diseases like brucellosis and rabies. So we would like to see a situation where the KVB will reduce the occurrence of zoonotic diseases as well as diseases which afflict our animals.

Finally, this Bill will enhance ethics in the veterinary practice. It will also offer punitive measures for any malpractice and restore our lost glory.

With those few remarks, I beg to support.

Mr. Mureithi: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. From the outset, we discussed and agreed on many issues with professionals and para-professionals in this sector. However, when we finally got the draft Bill, there were quite a number of issues which were not captured. Since 1986, those people with certificates in animal health stopped being employed. So what has emerged in the field is that many of them practice illegally. That is why this Bill was brought to harmonize both qualified veterinary doctors and para-professionals.

When we went through this Bill as the Departmental Committee on Agriculture, Livestock and Cooperatives, we came across many areas that need to be harmonized. One of them is Clause 35 of this Bill. The penalty which is being imposed upon those people who commit crime, particularly what we saw like today where somebody explained that the death of a woman was as a result of meningitis and another veterinary doctor said it was as a result of rabies, is quite mild. The penalty that has been imposed is quite mild; it is only Kshs50,000. Somebody may inspect meat and declare it fit for human consumption and, finally, many people die as a result of eating it. We must enhance this penalty. I would like to propose that when we discuss penalties, we come up with punitive penalty which will deter quacks from misleading our people from eating contaminated meat. This is the only way we can prevent our people from eating contaminated meat.

There is a provision for raising funds for the KVB. Clause 30(2) gives the Minister a leeway to impose levies. I am proposing that they must follow the Treasury regulations as far as raising money is concerned. The Minister cannot just decide to levy

people without following the Treasury rules and regulations. Imposing levies must be in line with Government regulations and the new Constitution. There are some professionals who do general agriculture. Here, I must declare my interest that I did three years of animal health in the university. However, I did not do pure animal health. Therefore, I am not allowed to practice. So there are some of those big categories. I am proposing that when we come to the Committee Stage, we shall propose that an internship programme for two years should be introduced. This is the only way we can avoid proliferation of quacks in this industry. If we could streamline this, we will make our meat clean and recover our quota market in Europe.

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

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this very important Bill. We all know agriculture is the backbone of our economy. Agriculture here includes livestock keeping. It is important because if you look at the Memorandum of Objects and Reasons, you will realize that it is replacing the Veterinary Surgeons, Cap.366, which provided for regulations of practice of veterinary medicine. This Bill is now setting up a mechanism to broaden what the earlier Act had contemplated to do. This one is now talking about regulation of activities of veterinary surgeons and veterinary para-professionals. Those who operate without licenses now can be registered or licensed. However, at the time of drafting this Bill, it seems its authors did not consider the new constitutional dispensation. This Bill is assuming a situation that has prevailed before. They were guided by the old Constitution. So I believe that when it comes to the Committee Stage, we will incorporate amendments to reflect the new constitutional order. Currently, we have counties.

This law cuts across various professions. There is need for professionalism. There is need for somebody to take responsibility. This Bill is now dealing with the lives of animals where somebody has to take responsibility. There is the issue of diseases. Some of these animals spread disease from place to place. These are the kind of things that these laws that we put in place need to address.

Mr. Temporary Deputy Speaker, Sir, there is also need to take responsibility and for somebody to be accountable for whatever action that he takes in these areas. I have not had time to look into it in detail, but I hope all this will be addressed. I believe that my colleagues who contributed to this must have looked at various aspects and they will be addressed. We want to have a document that can last for a longer period and for posterity. We do not want a situation where we find that we have made mistake in drafting certain laws and within a very short time, we amend them.

With those few remarks, I beg to support.

Mrs. Shebesh: Thank you, Mr. Temporary Deputy Speaker, Sir. I will just highlight one issue because my colleagues have spoken about the rest. I will be raising the issue of the representation of women in the board. I think the Government has been in trouble enough in the last few weeks with women. I do not think they would want to make another mistake.

The Minister for Tourism (Mr. Balala): Never!

Mrs. Shebesh: Never. I am sure you have learnt your lesson. I am cautioning you that you have not made provisions for the representation of gender and ethnic or regional diversity, especially in---

The Minister for Tourism (Mr. Balala): Minority!

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, could you protect me from the Minister for Tourism? Very soon, we will be discussing his Bill and I hope he has taken care of gender aspects.

The Temporary Deputy Speaker (Mr. Imanyara): You are encouraging him.

Mrs. Shebesh: Mr. Minister, please, because I do not want to go into more details because I am sure my colleagues, especially the Chairs of the various Committees have spoken. This issue of women is no longer your choice. It is no longer a matter of whether you are in the mood or not; it is a constitutional requirement and let us see it being reflected in this Bill that is being discussed today.

I beg to support.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, as I stand to support this Bill,

I would also want to inform and assure hon. Shebesh that this Board previously, has been ably commanded by a lady just like her for several years. She is a very able professor and I lady I well know. So, she should expect that even in future years, we should be willing to see more women in the Board. Within the African culture and where I come from, it is women who so much care for the animals. In that respect, they deserve to be in that Board with representation of more than one-third.

Mr. Temporary Deputy Speaker, Sir, while I think most of the issues have already been articulated by my colleagues, I would like to point out that this Bill has been brought here, should I say too late? A few months ago, some hon. Members and I had to go through a series of consultations; not like the ones between hon. Mwai Kibaki and hon. Raila Odinga, but ones which were very mutual to convince Mr. Lekuton not to go ahead with the Para-Professionals Bill.

We thought that there was need for regulation of para-professionals. While at it, we were saying that there should be a more comprehensive Bill that carries on board both the surgeons and other para-professionals within the veterinary fraternity. We felt that they needed to be accommodated under one Act, law and regulation rather than having fragmentation within the laws that govern the veterinary fraternity.

All the same, we are glad that at last we have a Bill that caters for the fears of both. Previously, lack of regulation of para-professionals had provided loopholes within the society and governing of the Animal Act. This has led to Non-Governmental Organizations taking advantage of that loophole. You would find NGOs training veterinary surgeons in seven days, left, right and centre. Even my grandfather was not trained for seven days. Now that he has the command, at the local level, of how to manage animals, he would still seek the expertise of a veterinary surgeon or a veterinary para-professional. I think this is regrettable and the damage that this has caused cannot be under-estimated.

Mr. Temporary Deputy Speaker, Sir, lack of this legislation has led to the Government and the public losing a lot in the international market. This creates a very hazardous situation. On public health, animals are taken care of for consumption except maybe pets. They end up in people's stomachs. When we do not have the correct care for animals and you have laymen administering drugs that should otherwise have been administered by qualified professionals, the side effect is that you would have drugs and residues building up in animals. At the end of the day, you consume a cow with lots of antibiotics in the body. Next time when you fall sick with bacteria, you might not even be treated with those antibiotics because you become immune to them and you get sick.

Apart from that, we have lost so much when it comes to the international market. In Somalia where you have a stateless nation governed by militias and other satellite organizations, they have created what they call “safe zones”. This has been done in a nation which has no government! They just have a transitional government that cannot go beyond four kilometer squares within Mogadishu. They have created so many safe zones within Somalia and they are able to export their animals far much abroad to Saudi Arabia and to the United Arab Emirates. For our animals, everyone would doubt of their safety when it comes to consumption. This is because regulations have been lax. For us to expect regulations which were set in 1953 to govern us now when we even overhauled the Constitution that has been amended time and again, I think it is just expecting too much.

Mr. Temporary Deputy Speaker, Sir, I would not want to dwell much on this because I think some hon. Members would also want to contribute, but I think this Bill has come at a time when we require it most. It is up to the Government not only to set Bills but to ensure that these Bills work. At a time when we are going into the devolved systems of governance, it would be good to see how we are able to harmonize the actions of this Bill, working through this Bill that it is actualized within the centralized and devolved systems because that is where we expect most of the services to be conducted.

Mr. Temporary Deputy Speaker, Sir, I support the Bill.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, would you like to respond now?

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir. I wish, on behalf of my colleague, to respond to the very many issues raised by Members of Parliament who have contributed to this Bill.

I know in this House we have five veterinarians. Three of them are sitting in front of me; not to mention hon. Members that have spent many years looking after animals. Some of them are in this House, including my good friend, Mr. Mureithi.

This Bill was long overdue. Many para-professionals have been crying out loudly to be recognized because of what they do for this Government and Kenyans. They look after animals in remote areas and they have not been given the rightful recognition that they require. This Bill will ensure that for anybody who has been trained formally as an animal technician, his services will now be recognized. He will be working knowing very well that there is a legal framework that actually protects his services.

Mr. Temporary Deputy Speaker, Sir, the Bill seeks to implement the policy that we passed in 2008, that provides for expansion of the mandate of the Kenya Veterinary Board. This policy was discussed at large by many stakeholders. Today, we are seeing the fruition of that exercise. We now have a Bill that will address many issues regarding the profession. The Bill will review The Veterinary Surgeons Act, Cap 266 of 1953, which only regulates the practice of veterinary surgeons. The new Bill will now bring all these players together, as they have always worked together.

The Bill will also take care of international obligations that recognize that we no longer live in an isolated environment; we are part of a global village. Anything that happens here will affect other people as well. To give you an example, the emergence of a disease such as Foot and Mouth in a country like Kenya or Botswana, which produces a lot of beef, will make it be barred from exporting livestock products to the European Union. For many years, the European Union used to consume meat from Kenya. For a

long time, we were unable to export our livestock. This Bill will make sure that we put our act together. We will bring professionalism to the livestock sector, and we will access markets.

The Board that will be formed under this new Bill will take care of very many issues such as the registration of, not only veterinary surgeons but also of officers that I have referred to. I want to assure hon. Members that the veterinary profession has attracted many women. We have very many women who are veterinary surgeons. We have many women who are para-professionals. In appointing the Board, women will not be left out, because we recognize their importance. If you look in our universities, you will see that many women are playing major roles in enhancing the veterinary profession.

As I conclude, because I know that there are other matters pending, I would like to stress that with regard to issues that we need to bring up at the Committee Stage, I will sit with my colleague; I have already made notes, and we will introduce amendments in order to take on board what hon. Members have expressed.

With those few remarks, I want to thank hon. Members for the interest they have taken in addressing issues that affect our livestock and Kenyans. With good veterinary practice in this country, we will be assured of food security, and Kenyans will have not only enough but also clean food; food that will have been inspected by people who will be recognized as professionals.

With those few remarks, I beg to move and thank hon. Members.

(Question put and agreed to)

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

Second Reading

THE TOURISM BILL

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Tourism Bill be now read a Second Time.

I will start by thanking the House for the support it has given to the tourism sector over the years and enabling the Bill in its objective to revamp the sector to reach this stage. Before I proceed, I would like to assure hon. Shebesh that we are cognizant of the role of women. On 2nd March, I will be launching the Kenya Women Tourism Association. We are encouraging women to participate in tourism. We have no shortcut but to respect the provisions of the Constitution which gives women an equal role in our socio-economic development.

Hon. Members may be aware that tourism remains a key sector of the economy and the third largest foreign exchange earner after tea and horticulture. Tourism being a highly labour intensive in nature contributes 9 per cent of the formal workforce. Moreover, the sector has high multiplier effect and its growth stimulates further socio-economical development in other sectors such as agriculture, manufacturing, transport, banking and insurance, among others. In the recent years, tourism has done very well. We have now clocked 1.2 million arrivals of tourists. These are tourists who are not counted

across the border points. We are using these figures as an estimate. The figure excludes our border points, where we do not as yet have the mechanism to count them. However, our estimation at these points is that we have an additional one million tourists.

The remarkable growth contributed highly to the economy. The sector is faced by a number of challenges which need to be addressed, so that it can attain its full potential. Over the years, the tourism sector has become an extremely competitive business. It is no longer a simple business, thus necessitating the paradigm shift in the investment and management of the sector. The focus shifts from the traditional products to sustainable tourism products.

It is unfortunate that despite Kenya being a pioneer tourism destination, especially with regard to safari tourism, we have been overtaken by other destinations in the region. This is mainly rooted in the fact that we have not updated our policy and legal framework. The first statement of the Kenya National Tourism Policy was set out in Sessional Paper No.8 of 1969. That was when I was about to be born. This is what has mainly been guiding the development of the tourism sector up to now. The policy focused on post-independence tourism sector which was then at the early stages of development. It is now outdated and does not address the current challenges facing the tourism sector and the changing global consumer trends.

Mr. Temporary Speaker, Sir, the industry is facing big challenges, one of them being the narrow product range that we have. We have concentrated only on safari and the beaches. There is potential of having much more. We have culture, adventure, scenery, water sports, cultural activities, and so on. We have 59 national parks and reserves, but the only ones we have developed are seven. So, for the sake of environmental degradation on these national parks and conservation areas, we need to open many of them. I am glad that we are working on that trend now.

The seven national parks are visited by 80 per cent of the tourists who come to this country. There is great potential in targeting the under-visited parks and reserves. We need to diversify our tourism products to avoid over-dependence on beaches and wildlife. Some of the products that we intend to develop include conference tourism - This is doing very well. Today, we have the UNEP Conference on Environment. I can assure you that today you cannot get a single room available in Nairobi. That is how we have been very busy. The returns per room are as high as US\$300 a night and people are making money. We also realize that there is room for expansion in Nairobi and all over the country. The issue is how we should deliver quality services. To remain competitive in the international market, it is imperative that we improve the quality of our facilities and services. It has been quite challenging to regulate the sector and ensure that we have quality services that benefit the needs of both the international market and the domestic market. We do not want to segregate tourists by saying, "a local tourist" or "a foreign tourist." We want to treat tourists the same and not on the basis of colour or nationality. What matters is the currency that they give us because it is revenue for the country.

We need to regulate, classify, and standardize our tourism facilities in line with the changing consumer trends and expectations. There is no shortcut in that because classification of hotels and facilities is paramount in order to have an edge over competitors in the market. Therefore, it is important for us to get this new legal framework so that we can improve on quality and service.

Mr. Temporary Deputy Speaker, Sir, in 2007 when we were doing these good numbers, we were having a shortfall of bed capacity. Now, I have seen an expansion in Nairobi. In fact, more refurbishments are being undertaken and new investments are coming into the country. It is unfortunate that only 18 per cent of our bed capacity is in the level of IV to V Star categories while the international standard is 40 per cent. We have not done enough to give incentives to the new foreign investments and the existing investors who have so far sustained the sector. We need to support them so that we can achieve the Vision 2030 where the target is two million visitors. We want to have a quality service as well as the capacity.

An enabling environment is very important. Road infrastructure is key. One of the challenges is that our infrastructure is not right yet, but I believe we are working on that. The infrastructure development in Nairobi is very good, but we want the same in Maasai Mara, Western Kenya, South Coast, Taveta, and the North Rift.

Mr. Temporary Deputy Speaker, Sir, another key enabling facility is reliable and affordable energy. We are working towards that currently, that is, telecommunications, water supply and waste management systems. This will enable us have a sustainable tourism sector. What kills part of our tourism sector is the fact that when people come here, we are normally not prepared to attract them. It is high time we overhauled and remodeled all our big cities so that they become attractive to tourism and foreign investment in our country.

The issue of security and safety cannot be overemphasized because it is the basis for a tourism destination. It is important for us to strengthen the police force. Perhaps, we need to have a unit that will be responsible directly to the issue of tourism. We have proposed in this Bill the establishment of the Tourism Protection Service which will be similar to the Kenya Wildlife Service (KWS). With such a service in place, it will remove the issue of over exaggerated negative travel advisories. These are made by people who are not friendly to Kenya and they panic whenever a small thing happens. Every day in this country, not a single tourist has been attacked even if there was a major crisis in our country. So, the issue is to stabilize security because the image is right.

We cannot run away from the issue of climate change. We all know its impact. There is no need to create an industry that will have a major negative impact to the environment. If there is one sector that is proactive in environmental issues, then it is the eco-tourism products that we have developed in this country. We are an expert in that. For us to have a sustainable sector, we need to do a lot of research on trends, markets and our competitors. We also need to focus on the future. So, we need to establish a strong research institution. The Government needs to assist the private sector for further development of the tourism sector.

Mr. Temporary Deputy Speaker, Sir, marketing of our country is very important. We have a beautiful product and we assume that everybody knows it and they will come for it. Even if you have a beautiful product, but nobody knows about it, they will not come for it. We, therefore, need to invest in marketing the country. We need to tell the world who we are and what we have. It is like we want tourism to produce for the country, but we do not want to finance it. You milk the cow, but you do not want to feed it! That is one of the challenges that we have. If you want tourism to be strong so that it creates employment and generate revenue for this country, you must invest in marketing of the county.

I want to address the issues in the existing policy and the legal framework so that hon. Members can appreciate the passage of this Bill. The existing legal framework for the tourism sector is fragmented into several Acts of Parliament and Kenya Gazettes. We have the Hotel Industry and Authority Act; The Tourism Industry Licensing Act and the Kenya Tourism Development Corporation Act. Under the Kenya Gazette Notices, we have the Kenya Utalii College; the Kenya Tourism Board and the KICC. This fragmentation deprives us the capacity to regulate and develop the sector as well as to address challenges in a well co-ordinated and harmonized manner. Therefore, there is need to address these inadequacies in order to make our tourism sustainable.

I wish to, therefore, highlight Sessional Paper No.1 of 2010 on Sustainable Tourism in Kenya, and The Tourism Bill (Bill No.19), 2010. The Objects and Purpose of the Bill are fourfold:

1. Provide framework for policy and strategic direction for development.
2. Put in place a comprehensive tourism law that consolidates all the existing tourism-related legislations for regulation of the sector in conformity with Vision 2030 and the new Constitution.
3. Provide mechanisms for fiscal incentives for public/private partnerships.
4. Provide framework for promotion and enactment of domestic and regional tourism while ensuring enhanced local community participation in tourism activities.

Mr. Temporary Deputy Speaker, Sir, the salient provisions of the Bill and the policy include the development of a national tourism strategy. Previously, this strategy was a property of the Ministry. Through this Bill, we are making that policy the property of the House.

The policy and the Bill obligates the Minister responsible for tourism to develop a national strategy every five years and present it to Parliament for approval. In particular, the strategy shall prescribe the principles, objectives, standards, indicators, procedures and incentives for the development and management of marketing of tourism.

In addition to the national strategy, there are other sub-strategies to be developed, one of which is beach tourism. Air travel growth strategy is another sub-strategy. We have built airports in Kisumu, Mombasa and Eldoret but we have no strategy aimed at increasing the airlines in these airports. So, we have come up with a strategy to do just that. Others include cultural tourism, sports tourism strategies and any other strategy which will be effective in getting more tourists coming to the country. So, those sub-strategies are crucial.

Mr. Temporary Deputy Speaker, Sir, in representing the National Strategy to Parliament, the National Assembly will exercise its oversight function in the growth of the tourism sector by ensuring clear linkages amongst national development planning, implementation and budgeting. All this is captured in the Bill and we will discuss it further as this debate progresses.

In order to enhance efficiency in the tourism sector, the Bill seeks to strengthen existing tourism agencies and establish several special agencies. These include the Tourism Regulatory Authority, whose object and purpose is to regulate the tourism sector; the Kenya Utalii College, whose purpose and objective is to undertake tourism and hospitality training and capacity building; the Kenya Tourism Board to market Kenya; the Kenya International Conference and Convention Centre, whose objective is to promote business meetings; the Tourism Research Institute to undertake co-ordinated

tourism, research and analysis, and the Tourism Fund to mobilise resources to support the development of tourism products, services and other related activities.

Mr. Temporary Deputy Speaker, Sir, the Kenya Tourism Development Corporation transforms its name to Tourism Finance Corporation, and it has a clear mandate of providing financial assistance to investors or entrepreneurs in the tourism sector for the development, expansion and maintenance of tourism activities and services.

Finally, to address the issue of insecurity, we propose, in this Bill, that we establish the Tourism Protection Service to ensure the safety and security of visitors in all tourist destinations in collaboration with the national security agencies. So, these are the key agencies we need to establish. Of course, the Bill also talks about incentives for promotion and development of tourism. We will be keeping data and registers of the facilities with the Tourism Regulatory Authority.

Mr. Temporary Deputy Speaker, Sir, we have disputes in the tourism industry. Previously, we did not know how to resolve those disputes. However, in this Bill, we have proposed the creation of the National Tourism Tribunal. In light of the specialised nature of the tourism sector, the Bill seeks to establish the National Tourism Tribunal as a mechanism for efficient dispute resolution. We appreciate the existing structures, but there will be new structures.

It is clearly clarified that, upon the enactment of this Bill, various Acts of Parliament relating to tourism will be repealed and all the structures provided therein will migrate to the proposed new structures. In this case, we are talking about The Tourism Industry Licensing Act, Cap.381; The Tourist Development Corporation Act, Cap.382; The Hotel Accommodation Act, Cap.478, and the Hotels and Restaurants Act, Cap.494. There is also the issue of integrating staff members serving in the various institutions relating to these Acts into the new structures.

Mr. Temporary Deputy Speaker, Sir, Sessional Paper No.1 of 2010 on Sustainable Tourism in Kenya, and The Tourism Bill (Bill No.19), 2010, provide an enabling environment for Kenya to position itself as a premier tourist destination now and in the future. This is a product of a wide consultation with all relevant stakeholders, and I want to thank all the stakeholders. In this respect, I would like to thank the tourism private sector and the engine of growth of the sector, and the Departmental Committee on Finance, Planning and Trade; for their contribution during the workshop.

Finally, I would like to thank my able Permanent Secretary, who happens to be a lady; the Director of Tourism, all chiefs of parastatals under my Ministry, together with their Boards of Directors and the entire staff of the Ministry of Tourism; who, collectively and variously, enabled this Bill to become a reality.

Mr. Temporary Deputy Speaker, Sir, therefore, I urge this House to approve the Sessional Paper on Sustainable Tourism and enact The Tourism Bill, 2010, into law so as to provide for new impetus to the tourism sector, pursuant to the national aspirations as set out in Vision 2030 and the new Constitution.

With those remarks, I beg to move.

The Temporary Deputy Speaker (Mr. Ethuro): Minister, you must make a distinction between the Bill and the other document. What is now before the House is the Bill.

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, indeed, as I was making that distinction, I also highlighted the fact that the Bill comes

from the Policy Paper. We tabled both the Policy Paper and the Bill at the same time late last year. So, the two documents are inter-related although we are now dealing with the Bill.

I know that the Chairman of the Departmental Committee will comment on this Bill, but I want to request my colleague---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Minister! It is clear that you have moved. You have to get someone to second you.

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I know that the Chairman of the Committee will comment but I request---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Minister! That is for the Chairman, and not for you!

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I request my elder brother, colleague and Minister for Wildlife and Forestry, Dr. Noah Wekesa; to second.

The Minister for Wildlife and Forestry (Dr. Wekesa): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to commend the Minister for moving this debate so ably, realising that tourism brings a lot of foreign exchange to this country.

For many years, tourism has played a major role in the economy of our country. We have always said that our country's economic mainstay is agriculture followed by tourism, tea, coffee and flowers, which take the lead in terms of bringing foreign currency to this country. These products bring a lot of foreign exchange to this country. It is because of this that I want to commend the Minister for ably moving this Bill, realising that in this country we have a good climate. Kenya is a tourist destination because of our good climate, good natural heritage and natural resources. We have forests, rivers and our "Big Five" in terms of wildlife. We have got the Rift Valley. In addition, we have our athletes, coffee and tea. All these identify Kenya as a good country and a good tourist destination.

In the 2007/2008 Financial Year, tourism contributed 10 per cent of the Gross Domestic Product (GDP), employing 9 per cent of the total workforce. If you compare our figures with those of the United States and the United Kingdom, we are almost at par. In USA, they are 12.3 per cent and in the UK, 10.5 per cent. But with the passing of this Bill, we expect in three years time to double these figures. If we do that, it will also mean that we will create employment. If we were to double our GDP, obviously the services that will be required will bring in close to a million jobs. So, people do not realize how important tourism is until they start looking at these figures. I know the Deputy Prime Minister and Minister for Finance is quite aware of these developments.

Mr. Temporary Deputy Speaker, Sir, the passing of this Bill will spur economic growth and contribute to peace and stability through the beneficial usage of the tourism resources, particularly in those areas where we have not developed infrastructure. If we look at these areas, we will be opening them up and giving an opportunity to Kenyans to benefit from improved conditions in our tourism sector.

I agree with the Mover that tourism is a very competitive sector. Many countries are competing with each other. If you go to Europe, you will realize that countries like Spain, Turkey and France are competing against each other. Here in Africa, we have got Tanzania and South Africa, not to mention Egypt. I think Egypt is the leader in terms of the number of tourists that visit the African continent. We are sorry to see what is

happening in Morocco and in other areas. However, these are areas that have always competed with us. So, we must be alive to innovation. We must be able to attract this lucrative market of tourists. As I have said, we can only do that if we are innovative and wake up to the fact that we live in the 21st Century, where we expect to have good communication. The world is a global village now. We must develop our infrastructure in terms of roads and airports. Our hotels must be first class. The Mover has referred to the figures of hotels that we can call four or five star hotels. We have very few of them.

Mr. Temporary Deputy Speaker, Sir, Nairobi cannot hold a conference of more than 10,000 people, because we do not have enough beds in our hotels. So, there is need to improve, and I know that the able Minister has plans to do this. If you read through this Bill, you will see that there are issues that he has emphasized to ensure that we create an enabling environment for expansion of our tourism facilities. We must have enough money to develop our roads. I commend the Minister for Roads for doing a lot with the limited funds that he has. He has opened up roads towards Maasai Mara through Loitokitok. This is going to increase the number of tourists. We must make it possible for investors to come and put up big first class hotels. I know the Minister is thinking of putting up a conference facility within Nairobi, where we can house at least between 3,000 and 4,000 people.

Mr. Temporary Deputy Speaker, Sir, I know you have been to Cancun. I had an opportunity to go to Cancun last year, and I was amazed. I never knew why big conferences are held in Mexico until I went there. I know the Chairman of this committee has probably been to Cancun. You just have to see Cancun to understand why conferences, like those of the World Trade Organisation (WTO) and the United Nations, that are attended by 10,000, are held there. They will always be accommodated in Cancun. It is a city and will always hold enough people. Even if you look at a country like Uganda, you will find that the Munyonyo Resort was built by the Government with a view of attracting conference. This is the route we have to go. We have to find ways and means of attracting tourists. These are very good examples. Even when hotels are built in Uganda, there is a policy that there must be enough beds in a given hotel. There are regulations that govern the building of such hotels and we must have the same.

Mr. Temporary Deputy Speaker Sir, we must deal with insecurity. Here, we are talking about insecurity in general. Things like cattle rustling do not help the image of this country. We must be sure that when tourists come here, they are safe. Indeed, the Minister has been alive to this. He has created a tourist protection unit which will be assisted by sister institutions such as the Kenya Forest Service (KFS) and the Kenya Wildlife Service (KWS) personnel. These are all very important. Also, we must guard against degradation of the environment. We must look after our forests on hilltops. These are the forests on the Mau, Mt. Kenya, the Aberdares and Cherangany. These are what attracts tourists to come to Kenya. There are people who will come to this country just for mountain climbing or cyclists who want to cycle on our hills. There are people who come to view birds in Kakamega or Buyangu. There are natural resources in that area. There are birds that you can only see in the Kakamega Forest or in Buyangu. These are natural attributes that have been given to this country and we, as leaders, must do everything we can to ensure that we look after our natural heritage.

On national parks, as the Minister has said, we have premier national parks where we have wildlife. We, in this sector, are making sure that we look after our wildlife so that people can come and see them and enjoy this natural heritage.

Mr. Temporary Deputy Speaker, Sir, I know that my colleagues want to contribute to this Bill. I have a lot of information but I just want to give you a few figures as I conclude. In 2006, wildlife accounted for 70 per cent of gross tourism earnings - representing 25 per cent of the Gross Domestic Product (GDP) and 10 per cent of the total sector employment. From these figures, you can see that the biggest product for our tourism sector is our natural heritage, wildlife, rivers and forests. Therefore, I would like to say that whenever we request for money to look after this natural heritage, hon. Members should support us so that we can attract tourists to this country.

With those few remarks, I beg to second.

(Question proposed)

Prof. Kaloki: Mr. Temporary Deputy Speaker, Sir, on behalf of the Departmental Committee on Finance, Planning and Trade, I rise to support this Bill.

The Tourism Bill seeks to provide a comprehensive legal framework to the development, management, marketing and regulation of sustainable tourism and tourism related activities and services. The Bill further aims at consolidating all existing tourism laws into one law for the proper and efficient management of the sector. I would like to point out a few areas that the Committee was able to note.

The Tourism Bill is a proposed single and comprehensive legislation for the development and management of sustainable tourism and tourism related activities and services. The Bill clearly indicates the various roles which will be played by the various tourism sector, lead agencies and other stakeholders in order to implement the new National Tourism Policy and help the nation realise its economic blueprint of Vision 2030.

Mr. Temporary Deputy Speaker, Sir, the law will advocate for the involvement of the legal communities in tourism matters in order to spread tourism benefits through their active involvement. This will help and assist the communities living close to those tourism attractive areas. At the moment, it is only in Maasai Mara where the communities seem to benefit. If you look at Tsavo West, Tsavo East and Samburu, you will find that the communities which live close to those parks do not benefit. This Bill will address such areas and link them up. Initially, the law did not address such anomalies.

Also, this Bill will be able to provide for resource mobilization to support tourism sector activities through the proposed Tourism Fund and the Tourism Finance Corporation. It also outlines the necessary physical incentives to encourage investment in the sector.

Mr. Temporary Deputy Speaker, Sir, there are some clauses where the Minister has done great work. Mr. Balala has really provided the right leadership in this particular Ministry. I must thank him for that.

Mr. Temporary Deputy Speaker, Sir, Clauses 4 to 16 talk about the proposed Tourism Regulatory Authority (TRA). The membership proposed is 11 members; including the chairman, the Permanent Secretary and others. We are requesting that the process of vetting be put in place. The members of the Board should be vetted. Of the six

board members to be appointed by the Minister, only two will come from the tourism sector umbrella association, while four will be appointed purely at the discretion of the Minister. In other words, the Minister will come up with four members while the umbrella association is required to produce only two. We recommend that the association be allowed to appoint four members. That way, the association will benefit from the input from experts in that sector.

Mr. Temporary Deputy Speaker, Sir, under clauses 17 to 27, we are requesting for the vetting of the Board members of the Kenya Utalii College. By doing so, we will have more transparency, openness and the public can participate in this matter.

Clauses 28 to 38 proposes that the the Tourism Protection Service (TPS) Board will have 12 members. We need these members to be vetted. We also want to point out clauses 39 to 49 which talk about the vetting of the Kenya Tourism Board (KTB) members. We propose that a mechanism of vetting those members to be put in place.

On clauses 50 to 60 on the Kenyatta International Conference and Convention Centre Board of 11 members, we are proposing to increase the number of experts from two to four. They should also be vetted to increase awareness and transparency. The experts should lobby and get those particular positions through a fair and transparent manner.

Clauses 85 to 96 talk about the Tourism Finance Corporation. There is no process of vetting. We are asking for a mechanism to be put in place, so that Kenyans can feel there is a chance for them to apply and get these positions.

Mr. Temporary Deputy Speaker, Sir, we must also commend the Minister for making tourism an area with a system of appeals by the people. That is provided for under clauses 97 to 107.

In conclusion, the tourism laws are necessary for all the countries with vast interest in the sector as a means of foreign exchange earnings. The laws ensure and encourage the development of the tourism sector. So, the consolidation of tourism related issues in the Bill is a welcome move. However, cross cutting issues such as finance and security legalities need to be agreeable to those other sectors before approval by Parliament.

I beg to support.

Mr. Mureithi: Thank you Mr. Temporary Deputy Speaker, Sir, for this opportunity to support this Bill. It is very timely in this country because without a Bill like this, we are going to have the fluctuation that we have been having in the tourism industry. I am very grateful to the Minister because when he was first appointed, I once took my team of flower growers to him, and I was very impressed by his vision in terms of how to approach this issue. At that time, we were talking about branding Kenya. For this country to attract many tourists, we must make sure that we brand Kenya. Sometimes we do things and then the people who come after us do better than us. We started flower farming here, but since they are exported by individuals, Kenya loses value. The same happens to coffee and tea.

In Ethiopia, they export their flowers as Ethiopian flowers. So when you go to any stand when we have flower shows overseas, whereas you see Kenya in different categories, you find countries like Colombia, Ecuador and recently Ethiopia branding themselves as one unit. This is one of the issues that I discussed with the Minister quite a while ago. We should not lose sight of that in terms of promoting tourism in this nation.

Mr. Temporary Deputy Speaker, Sir, I would like to say that the Minister has talked of improving the airport, but he should also improve airstrips. I am looking at the Nanyuki Airstrip which was privatized. When you come to Nyandarua County, we have one modern airstrip that is really out of use. As far as I am concerned, once we privatize these airstrips, we shall be able to attract the Northern Corridor and make sure that if the Ministry cannot do this airstrip, we privatize it.

One of the issues I experienced when I was the Chairman for KWS for three years is governance. In 1997 because of the problems we had in Likoni, we lost a lot of tourists. So, governance is a critical issue. This is an issue which must be taken serious by all in this country so that we can beat South Africa which got its Independence the other day and they have in excess of six million tourists whereas we are now looking at two million tourists.

Mr. Temporary Deputy Speaker, Sir, so, as to allow others to contribute, I would like to request the Minister to try to create more sites outside the traditional ones. If you go to Europe, for every three roses, one is from Kenya. Let us combine the normal tourism with agro-tourism. I would like to appeal to the Minister that, when he hosts many tourism shows out there, he should take with him some of those people who contribute to the good name of this country. Otherwise, if he keeps carrying people with other products along, you will find that the people who contribute to the good name of this nation are left out. Therefore, we are very grateful to all the incentives he has given.

With those remarks, I support.

Mr. Kathuri: Mr. Temporary Deputy Speaker, Sir, I also stand to support this Bill. From the outset, let me say that if there is a Bill that ought to have been brought to this House earlier, it is this Tourism Bill.

Mr. Temporary Deputy Speaker, Sir, I only want to mention a few issues: First, the Ministry must be on the frontline to fight on matters of security. Without good security, we will never go far. The Ministry must also push for improved infrastructure, specifically in those areas where we have tourism sites. Some of them are not developed. An example is the River Rupingazi. I doubt whether anybody in this House knows that that river which is very big, at one stage, on its way down passes underground. You walk on dry zones, and yet the river flows in big volumes. These are some of the sites I believe the Ministry can do a lot to market. If people find this mystery of a river going underground – a natural bridge – it will attract local and foreign tourists.

Mr. Temporary Deputy Speaker, Sir, publicity is not yet enough because even within the Kenyan citizens, few may be aware that Lake Bogoria has hot water throughout the year. It is a mystery. We need positive publicity so that even if we do not attract foreign tourists, we can attract local tourists. There is a lot that I would have said, but I would like to support this Bill and stop there.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Mwaita: Thank you, Mr. Temporary Deputy Speaker, Sir. I just want to spend a minute to also associate myself with the points raised by my Vice-Chairman, Departmental Committee on Finance, Planning and Trade. First, I thank the Minister who has been in the Ministry for a short time for coming up with a very comprehensive Bill which encompasses all the other laws that govern tourism in this country. We thank the Minister for this and this country will remember him.

Mr. Temporary Deputy Speaker, Sir, secondly, I applaud the Bill because it will create a revolving fund for those who are involved in the development of tourism and tourism facilities in Kenya.

Thirdly, because of time, I also wish to commend the Minister---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Member for Baringo! You still have a lot of time. Even if we adjourn now, debate on this Bill will be resumed next time.

Mr. Mwaita: Thank you for your indulgence, Mr. Temporary Deputy Speaker, Sir. Maybe I can take more time.

I was congratulating the Minister for coming up with this very important Bill. It is in the history of Kenya that all Acts and laws which govern tourism have been put under one Bill. This is a very good thing. This is after 47 or 48 years of Independence and yet tourism is the leading foreign exchange earner.

Mr. Temporary Deputy Speaker, Sir, we are struggling to get about one million tourists per year in this country whereas other countries like South Africa receive six million tourists per year. If this country can put more money in tourism to revamp the sector and aim to even get three million tourists per year, the problem of unemployment for our youth will be a thing of the past. We should be able to go outside the normal conventional tourist sites, tourism products and promote other potential tourist sites. This country has one of the eighth wonders of the world; the massive movement of animals across River Mara. We can have other wonders in this country. For example, if the hot geysers in Bogoria and Naivasha are promoted and marketed properly, this will bring more tourists to this country. I urge the Minister that once this Bill becomes law to see the possibility of exploring in the Far East, like China which has high population. If we get tourists from China, they will assist build our tourism potential.

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

(Applause)

The Minister for Tourism (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I would like to thank all my colleagues. I appreciate that this Bill will transform this country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Applause)

(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 (Mr. Ethuro): Order, hon. Members! That concludes the business on the Order Paper. Therefore, the House stands adjourned until Tuesday, 1st March, 2011, at 2.30 p.m.

The House rose at 6.30 p.m.