

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 9th November, 2011

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### COMMUNICATIONS FROM THE CHAIR

#### SELECTION COMMITTEE FOR APPOINTMENT OF REGISTRAR OF POLITICAL PARTIES

**Mr. Speaker:** Hon. Members, I have the following Communications to make.

First, I have this Communication to make in relation to the nomination of persons to serve on the selection committee established under Section 35 of the Political Parties Act. Hon. Members, pursuant to Legal Notice No.160 made by the Minister for Justice, National Cohesion and Constitutional Affairs dated 24<sup>th</sup> October, 2011, the Political Parties Act, 2011 came into operation on Tuesday, 1<sup>st</sup> November, 2011. Section 35(1) of the Political Parties Act requires the selection committee for the appointment of the Registrar of Political Parties to be appointed within 14 days from the commencement of the Act. This appointment is to be made by the President in consultation with the Prime Minister and with the approval of the National Assembly. Under paragraphs (e) and (f) of Section 35(1), two of the members of the selection panel shall be persons nominated by the political parties represented in the National Assembly according to their proportion of Members in the Assembly and another two members of the selection panel shall be persons nominated by political parties in the Senate according to their proportion of Members in the Senate.

Under the Act, Members of Parliament are not eligible to serve on the selection committee. As hon. Members are aware, under Section 11 of the Sixth Schedule to the Constitution, until the first Senate has been elected under the Constitution, the functions of the Senate shall be exercised by the National Assembly and any function or power of the Senate shall, if performed or exercised by the National Assembly be deemed to have been duly performed or exercised by the Senate. Accordingly, in terms of paragraphs (e) and (f) of Section 35(1) of the Political Parties Act, all the four persons to serve on the selection panel shall be nominated by the political parties represented in this House according to their proportion of Members in the House.

Hon. Members, in order to progress this matter and considering the strict timelines within which we are operating, I direct that the political parties represented in the House undertake the requisite consultations and that the names of the nominees to the selection panel be submitted to the Clerk of the National Assembly to be received by that

office not later than Monday, 14<sup>th</sup> November, 2011 for onward transmission to the President.

Thank you.

*(Several hon. Members stood at the Bar)*

Hon. Members, we will pause for a moment to allow those at the entrance to come in.

*(Hon. Members standing at the Bar entered the Chamber)*

Hon. Members the second Communication I wish to make is as follows:-

ENHANCEMENT OF SECURITY MEASURES IN  
PARLIAMENT BUILDINGS

Hon. Members, you are aware that last Thursday at the Speaker's *Kamkunji* Members unanimously expressed their grave concern at the apparent below par enforcement of security measures to ensure that Parliament Buildings remain safe and secure for Members of Parliament, staff and other persons who come to the institution as guests, tourists, and public officers invited to interact with parliamentary Committees. Members observed the casual manner in which some vehicles are parked at Parliament grounds for long periods; Members parking more than one vehicle at a time; and some vehicles which appear to have been abandoned not only cause inconvenience to everybody, but they also pose a serious security threat.

I have decided to issue this Communication so that the public who are equally entitled to access Parliament for one reason or another are properly informed about the security arrangements and procedures at Parliament Buildings:

(i) No Members shall be allowed to have more than two vehicles at the same time within the precincts of Parliament.

(ii) No visitor shall be allowed to park their vehicle at Parliament grounds, including the visitors' car park until further notice.

(iii) All Members' and staff cars shall not be allowed entry into Parliament grounds if they do not bear car stickers issued by the Chief Serjeant-at-Arms. Hon. Members, you are at liberty to apply for stickers from the Office of the Serjeant-at-Arms. They will immediately be availed to you. They will be attached to specific vehicles which belong to you, so that you are allowed those two vehicles at any given time.

(iv) Every vehicle entering Parliament shall be subjected to inspection by the Kenya Police manning the gates.

(v) Every person entering Parliament Buildings shall be frisked and it is recommended that those coming to the precincts of Parliament travel light.

Indeed, some of these measures may appear extraordinary and even cause some delay and inconvenience to Members, staff and the public. There is, however, no better way of improving security as Members have demanded. I, therefore, expect every Member and the public to understand and co-operate with those officers whose job is to ensure that everybody at Parliament Buildings is safe. I thank you.

## QUESTIONS BY PRIVATE NOTICE

### REFUND OF MONEY TO WORLD BANK

**Mr. Mbadi:** Mr. Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by Private Notice.

(a) Could the Minister confirm that on 24th October, 2011, the PS Treasury wrote to the Country Director of the World Bank committing to refund Kshs479 million by 26th October, 2011 and a further Kshs2.19 billion before the end of the 2011/12 Financial Year?

(b) Could the Minister provide a breakdown of the various projects the refunds relate to, the reasons for the refunds and the action being taken by the Government against those involved?

(c) Under what budget lines were the refunds expended and was Parliamentary approval for the same obtained?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, I beg to seek the indulgence of the House to allow me answer this Question on Tuesday, next week. This Question requires good preparation. I have received some answer which I am still interrogating. I have also spoken to the hon. Member and requested him for this allowance, so that I can answer the Question on Tuesday afternoon, next week.

**Mr. Mbadi:** Mr. Speaker, Sir, it is true that we had consultation with the Assistant Minister and what the country needs is a better answer. So, Tuesday afternoon is okay with me.

*(Dr. Khalwale stood up in his place)*

**Mr. Speaker:** Very well. What is it Member for Ikolomani?

**Dr. Khalwale:** Mr. Speaker, Sir, in respect of this particular Question, the country is already aware and, indeed, the Public Accounts Committee (PAC) that refunds have been made and further refunds are going to be made. Maybe the Chair could guide us if the Assistant Minister could promise that no further payments will be made until he has come and explained himself on Tuesday.

**Mr. Speaker:** Dr. Oburu, does that point of order make sense to you?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, I will answer all those questions on Tuesday afternoon. Between now and Tuesday, really there is nothing much I can do because there is a schedule which---

**Mr. Speaker:** What the hon. Member for Ikolomani is asking for is an indication that you will not make further refunds before Tuesday. So, if it makes sense to you and you are able to meet that request, then I will direct. If it is not, then, say so.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, it is difficult for me to make that commitment because there is a schedule which has been agreed with the donors on repayment.

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

**Mr. Speaker:** Member for Gwassu you had already settled. Now you want to rise again? I do not think it will be right.

**Mr. Mungatana:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Member for Garsen! Dr. Oburu, I will direct that you bring the Ministerial Statement on Tuesday afternoon, but, please, be vigilant and ensure that you do not undertake any actions that will aggravate the situation!

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, it is not a Ministerial Statement, but an answer!

**Mr. Speaker:** Yes, indeed, I am aware that it is a Question. I have asked you to be vigilant and ensure that you do not undertake any actions in the meantime that will aggravate the situation and that goes on record. If you do, Members will be at liberty to hold you to account!

*(Applause)*

#### KILLING OF OFFICERS

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

(a) Under what circumstances were Messrs. Yusuf Godana, Hassan Sheikh Birik Mohamed and James Waweru killed in Lafey District on 27<sup>th</sup> October, 2011?

(b) Could the Minister confirm that the officers met their death while on duty?

(c) What assistance did the Government extend to the families of the deceased during their burial?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, I want to seek the indulgence of the Chair to allow me to answer this Question next week. This is because we received this Question last evening and we are working on it. I request Mr. Bahari who asked this Question to allow me to answer it next week.

**Mr. Bahari:** Mr. Speaker, Sir, I have no objection.

**Mr. Speaker:** You have agreed to have it on---

**Mr. Bahari:** Mr. Speaker, Sir, on Thursday, next week, because I have an urgent matter in the constituency and I might be away until then.

**Mr. Speaker:** Very well. So directed, Thursday afternoon!

#### PROVISION OF INFORMATION BY UNODC/US EMBASSY

**Mr. Mwau:** 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 clarify whether the Government has any information from the United Nations Office on Drugs and Crime (UNODC), US Drug Enforcement Administration and the US Embassy in Nairobi, of any Member of Parliament being involved in drug trafficking, money laundering, human trafficking or gun-running, and if so, what action has the Government taken to date?

(b) Could the Minister also clarify whether he is aware of any person in Kenya who has compromised the criminal justice system and has become so powerful to the extent that he/she cannot be prosecuted under the Kenya Criminal Justice System?

(c) Is the Minister aware that foreign nationals without any identification documents were detected by members of the public and arrested by the police, while taking pictures of the KTDA Plaza focusing on the 2nd floor where the offices of the Member for Kilome Constituency is situated on 31st October, 2011 and, if so, what action has the Government taken against them?

Mr. Speaker, Sir, the Assistant Minister has said that he has incorporated this Question with a Ministerial Statement. So, I would prefer that he reads the Ministerial Statement.

**Mr. Speaker:** Mr. Assistant Minister, is that so?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Yes, Mr. Speaker, Sir. We had a Ministerial Statement which is ready to be delivered today. At the same time, we saw this Question just yesterday in the evening. It is basically the same thing which is being sought in the Ministerial Statement. So, we had agreed that I deliver the Ministerial Statement which was asked for yesterday.

**Mr. Speaker:** So, you collapse these issues into the Ministerial Statement which you will issue if we have time today.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, that is right.

**Mr. Speaker:** Very well. Member for Yatta!

## ORAL ANSWERS TO QUESTIONS

### *Question No.867*

#### LACK OF FEMALE CELLS/DOG UNIT IN YATTA DISTRICT

**Mr. Speaker:** Is Mr. Charles Kilonzo present? He is not in. The Question is dropped.

*(Question dropped)*

### *Question No.1036*

#### NON-PAYMENT OF HONORARIA TO ADULT EDUCATION TEACHERS

**Mr. Koech** asked the Minister for Education:-

(a) why the Government has not paid the Adult Education teachers in Nandi North and Nandi Central districts their honoraria since June 2010;

(b) when they will be paid.

**Mr. Koech:** Mr. Speaker, Sir, on this Question, the Minister was supposed to come and confirm that on 10<sup>th</sup> October, 2011 he actually released the money for these officers who are yet to receive it as I speak today.

**Mr. Speaker:** Mr. Assistant Minister, do you have the confirmation now?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I beg the indulgence of the House to give me two weeks, so that I can get the relevant information from the district. We had released the payment to the district. What the hon. Member wants is evidence that the individuals had been paid. That means that we should have each individuals name and signature showing that they received the money. So, I appeal that I be given two weeks so that I can gather this information and present it to the House.

**Mr. Speaker:** Member for Mosop, the Assistant Minister requires two weeks to put the information together.

**Mr. Koech:** Mr. Speaker, Sir, this Question has been on the Floor for the last two months. On 12<sup>th</sup> October, 2011, he actually indicated and tabled a document showing that payment had been made. I confirmed that there was no payment and that is why this House resolved that he comes back to confirm the payment. During this period of ICT, I do not see why the Assistant Minister cannot bring that information today. I have no problem giving him two weeks, but this House should take note that these teachers have not been receiving honoraria for the last one-and-a-half years. I would have wished that he could actually be more committed now that we even have flights to Eldoret. He could even go there tomorrow and bring the schedule which he could table in the next three days.

**Mr. Speaker:** Member for Mosop, your sentiments have been recorded. However, since you have no problem giving him two weeks, I so direct.

*(Question deferred)*

Member for Karachuonyo!

*Question No.1115*

#### NON-PAYMENT OF RETIREMENT BENEFITS TO MR. MAGAI JONYO

**Eng. Rege** asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he could inform the House how long it takes the Nairobi City Council to pay retirement benefits to its retired employees; and,

(b) whether he is aware that Mr. Benson Magai Jonyo (032171/164) retired on 31st December, 2003 but has not been paid his retirement benefits and other dues to-date; and,

(c) what measures he will take to ensure retirement benefits of all retirees in all local authorities, including Mr. Jonyo, are paid promptly?

**Mr. Speaker:** Deputy Prime Minister and Minister for Local Government!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, I seek the indulgence of the Chair to revisit this Question when we are doing the second round if at all it will be there.

**Mr. Speaker:** Order! There is no second round! You know that we have just dropped the Question by the hon. Member for Yatta!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Then I beg that the Question be deferred to Tuesday next week and, in the meantime, I am going to try and get hold of the Minister.

**Mr. Speaker:** Hon. Member for Karachuonyo, what is your reaction to that?

**Eng. Rege:** Mr. Speaker, Sir, a response to this Question is very important for Mr. Jonyo and, therefore, I would not mind if the Deputy Prime Minister and Minister for Local Government could give the response sometime next week. There is no problem.

**Mr. Speaker:** That would be Tuesday afternoon?

**Eng. Rege:** Yes. Thank you.

**Mr. Speaker:** It is so directed. But I expect that the Deputy Prime Minister and Minister for Local Government will come with a tangible explanation as to why he was not in the House to answer this Question. In the meantime, between now and Tuesday, the Deputy Prime Minister and Minister for Local Government shall not transact any business in the House, neither will any Assistant Minister from that Ministry; and strictly so. Next Question, hon. Member for Kandara!

#### *Question No.1031*

#### CRITERIA FOR APPOINTMENT OF RECEIVER MANAGERS

**Mr. James Maina Kamau** asked the Attorney-General:-

(a) whether he could inform the House the criteria that is used in appointing receivers and if he could provide a list of companies placed under receivership since 1986, and indicate which ones have recovered and are making profits;

(b) how much money the Government has lost through companies that have closed down after being placed under receivership over the same period; and,

(c) whether he can confirm or deny that there are receiver managers who upon appointment, have ended up starting businesses similar in nature with the companies they were appointed to rescue, and if so, what steps the Ministry is taking to ensure receiver managers help such companies to recover.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, again, let me humbly request that the Question be deferred to Wednesday morning since the Attorney-General is not here. In the meantime, I am going to consult with him and make sure that he replies to this Question on Wednesday morning.

**Mr. Mungatana:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Member for Garsen! I will just withhold your point of order for the time being. I am told that there is information which I do not have, and

which is going to be availed to me in the next few minutes. So, I will not give direction until that information is availed to me. Member for Marakwet West!

*Question No.1038*

ELIMINATION OF WATER *HYACINTH* IN MOIBEN RIVER

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

(a) whether he is aware that Moiben River is the main source of water for Eldoret, but the river is threatened by the water *hyacinth* weed, particularly at Cheptongei; and,

(b) what measures the Ministry will take to ensure that the weed is eliminated.

**The Assistant Minister for Environment and Natural Resources** (Mr. Kajembe): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Moiben River is the main source of water for Eldoret Town. I am further aware that the river is currently under threat from water weed called *potamogeton richardii* particularly at Cheptongei.

(b) That aquatic weed is not known to be invasive. However, in view of the hon. Member's concerns, my Ministry will liaise with that of Water and Irrigation to clean the affected parts of the river.

**Mr. Speaker:** Proceed, Mr. Kaino!

**Mr. Kaino:** Mr. Speaker, Sir, the answer by the Assistant Minister is very shallow. It seems that the Assistant Minister is not concerned about somebody who is hungry. My people have lost land - almost 40 acres to 50 acres. The affected families have gone without food for a long time. Could the Assistant Minister give sufficient answer, including specific time, on when he will deal with the weed that has destroyed many acres of land?

**Mr. Kajembe:** Mr. Speaker, Sir, the *Potamogeton richardii* weed is not harmful to the water and land. In fact, that kind of weed purifies water. You cannot compare that weed---

**Mr. Koech:** On a point of order, Mr. Speaker, Sir. In his own submission, the Assistant Minister has indicated to this House that he will liaise with the Ministry of Water and Irrigation to clear the weed. But now he is saying that, that weed purifies water. Is he in order to contradict himself?

**Mr. Kajembe:** Mr. Speaker, Sir, my friend is just reading my answer in parts. My answer is very clear. We will do it because the hon. Member for Parliament requires it to be cleared. So, we will do it.

**Mr. Kaino:** Mr. Speaker, Sir, I am talking about food here. Marakwets are going without food and yet, the Assistant Minister has said that, that weed is good for animals and is not harmful. I am saying that river is covering 50 acres of land. That is a water-locked area. What can he do to direct the river back to its course so that my people can get land to till and farm?

**Mr. Kajembe:** Mr. Speaker, Sir, the hon. Member did not talk about the shortage of water. He has talked of a weed of some kind. If there is shortage of water, I will liaise



with the Ministry of Water and Irrigation. We will come and tell him whether there is water or not.

**Mr. Kaino:** On a point of order, Mr. Speaker, Sir. Through the Chair, I am pleading that the Assistant Minister listens to me. I am talking about a situation where water has covered huge tracts of land and we cannot grow food. I want him to deal with that water.

**Mr. Kajembe:** Mr. Speaker, Sir, my Ministry is concerned with the water *hyacinth*. That kind of weed - *Potamogeton richardii* - purifies water. It is good for your people. It is good for your constituents. If there is anything wrong with the water and you want to talk about it, then direct your Question to the Ministry of Water and Irrigation and not my Ministry.

**Mr. Njuguna:** Mr. Speaker, Sir, I have a supplementary question.

**Mr. Speaker:** Mr. Kaino asked the last supplementary question.

**Eng. Rege:** On a point of order, Mr. Speaker, Sir. You have heard the Assistant Minister talk about the water *hyacinth* being a purifier of water. It is not more than three months ago when the Assistant Minister promised to get rid of the water *hyacinth* in Lake Victoria. He said he had US\$100,000 to eradicate water *hyacinth*, which is stopping fishermen from fishing. It is also stopping women from fishing. It is stopping the youth from doing their daily chores on the lake. When will the Assistant Minister give us that money to eradicate water *hyacinth*?

**Mr. Speaker:** Order, Assistant Minister! Maybe, you will satisfy the House if you indicate when you will take action to get rid of that water *hyacinth*. That is because even for me as the Speaker from the Chair, I am aware that water *hyacinth* does not add value to water sources. Water *hyacinth* carries with it other creatures like pythons and snakes. We are aware because that is scientific information that is in the public domain. So, you cannot defend the existence of *hyacinth* in water sources. You certainly cannot be doing that and yet, you are the Assistant Minister in charge of environment.

**Mr. Kajembe:** Mr. Speaker, Sir, I have to put it this way: These things are very technical. There is *hyacinth* which is invasive and it is in Lake Victoria. It is not the same type of weed that is in his area. It is *potamogeton richardii*.

(Applause)

What I am trying to say is that the statement you have made is very clear. I dealt with it when I was in Lake Victoria. But here, we are dealing with a very different case - the *potamogeton richardii*. Therefore, the weed in Lake Victoria is quite different from that weed. I want to say that, although I had said it in my answer that we will clear it after the request of the hon. Member, we have established a committee to deal with all water catchment areas in the country and offer solutions. The committee has concluded its business and now, the Ministry requires Kshs3 billion to do that work country-wide and your area will be included.

**Mr. Speaker:** Next Question, hon. Member for Keiyo South!

*Question No.1171*

MODE OF DISBURSEMENT OF MSEF MONEY TO SMES

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

(a) whether he could give an overview on how the Micro and Small Enterprise Fund is disbursed to SMEs in the country;

(b) whether he could state the financial institutions which are used to disburse those funds, the criteria used to select them as well as the respective lending rates; and,

(c) what measures the Ministry has put in place to ensure that those funds reach SMEs in all the constituencies.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, even though I am replying to this Question, last week, there was a Ministerial Statement exactly on the same subject, which was presented here by the Minister himself and hon. Members asked questions and were satisfied. So, I am just repeating what was done last week.

**Mr. Speaker:** Very well! Our Standing Orders do not allow repetition. If your position is that you reiterate the contents of the Ministerial Statement as was delivered on a particular date, then just say so and wait for supplementary questions.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, I have the HANSARD here. The Ministerial Statement was delivered on Wednesday 4<sup>th</sup> May, 2011, that is last week. So, I want to reiterate the same contents that were given by the Minister and the questions asked.

**Mr. Speaker:** Very well! Could you table that Statement just for the convenience of hon. Members so that, if they wish to refer to it, they can do so?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, the Statement is in the HANSARD together with all the questions asked.

**Mr. Speaker:** You do not have an extra copy?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): No! I do not have!

**Mr. M'Mithiaru:** On a point of order, Mr. Speaker, Sir. It is true that the Question came last week, but it was not satisfactorily answered as the Assistant Minister says. That is because the matter was referred to the Departmental Committee.

**Mr. Speaker:** Order, Mr. M'Mithiaru! If it was satisfactorily answered and it raised issues similar or same as contained in this Question, now you can push the Assistant Minister to satisfy you. That is why I said that you can ask supplementary questions.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Speaker, Sir, this matter was referred to a departmental committee for further scrutiny. We are supposed to be cross-examined by the departmental vommittee on the same issue.

**Mr. Speaker:** Very well. Hon. Member for Keiyo South, in that case then, you should be satisfied that this matter is being inquired into by a parliamentary departmental committee. So, you will await the report of the Committee. That applies to Mr. M'Mithiaru also. So, the matter will rest there and the House will await the report of the

Committee. I urge the Committee to expedite its inquiry and file a report in the House at the earliest opportunity.

Hon. Member for Ol Kalou!

*Question No.1216*

ILLEGAL SUBDIVISION OF PLOT 505

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

(a) whether she is aware of the existence of Kiro Dam (Gacheru Dam) in Plot 505 in Ol Jororok Settlement Scheme (Salient);

(b) whether she is aware that the plot was “grabbed” and subdivided into two plots hence denying the community the opportunity to receive funds that had been granted by Ewaso Ng’iro Development Authority to rehabilitate the dam; and,

(c) what measures she will take to recover the dam site.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply. I would like to share a copy with him. Do you have a copy?

(a) Yes, I am aware of the existence of Kiro Dam also known as Gacheru Dam or Kiharu Dam by the local community.

(b) I am also aware that some people neighbouring the dam had attempted to grab the land and sub-divide it into two plots. However, the local people protested and the District Commissioner (DC), Nyandarua West, intervened and stopped any processing of title deeds. We thank him. The land on which the dam stands is, therefore intact, and Ewaso Ng’iro Development Authority has awarded a contract for the rehabilitation of the dam. The contractor is Global Construction Company Limited. They will start work on Kiro Dam after completing work on a nearby Kilometric Dam.

(c) Since the processing of title deed was stopped, the dam plot remains a public utility. Ongoing measures include organizing the dam water beneficiaries into a management committee that will oversee water utilization after rehabilitation of the dam.

**Mr. Mureithi:** Mr. Speaker, Sir, I would like to thank the Minister for that answer. However I would like her to tell this House what interim measures she is willing to undertake at the moment, considering that the people who had grabbed that land had interfered with the dam. The water that was flowing through that dam is overflowing into Gatitu Primary School such that, as we are talking now, even distributing exam papers in that area is difficult. What measures is she taking to rehabilitate the dam?

**Mrs. Ngilu:** Mr. Speaker, Sir, first and foremost, we had to secure the title deed that had been grabbed. As I said, we are grateful to the DC. There is already a management committee on the ground. It is going to work with our people to ensure that the land is not grabbed. The Water Resources Users Association, the community and the Ministry will stop any destruction of the dam. So, I want to assure you of what will happen.

**Dr. Munyaka:** Mr. Speaker, Sir, in fact, many dams that have been constructed in the country get silted after a short while. What steps is the Ministry taking to protect riparian and upstream areas to ensure that there are no activities which could lead to the siltation of the dams?

**Mrs. Ngilu:** Mr. Speaker, Sir, the hon. Member's observation is right. We construct those dams and, sometimes, they get silted very fast. In fact, a case in point is the big Masinga Dam which has so much silt at the moment because of the agricultural activities that take place upstream. We are also encouraging people to grow more trees to protect the water where we are doing those dams and pans. So, we must continue not only to encourage people to plant trees, but we are also putting money wherever we construct dams and pans to ensure that communities around there can plant more trees.

**Mr. Speaker:** Ask the last question, Mr. Mureithi!

**Mr. Mureithi:** Mr. Speaker, Sir, I would like to thank the Minister and ask her on the timeframe in terms of the interim measures to be taken considering the fact that there is a primary school in that area with very many children and yet water is overflowing. I am not aware of the existence of the management committee at the moment because they are the people who have brought this complaint because their children do not reach the school.

**Mrs. Ngilu:** Mr. Speaker, Sir, I will take immediate action on that matter because it is also dangerous for the children. I want to assure the hon. Member that we will take immediate action.

*Question No.1221*

FAILURE TO SETTLE DEBTS

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

(a) how much the Ministry returned to Treasury as unutilized funds in the 2010/2011 Financial Year and what was the Ministry's consumption rate;

(b) whether she could provide the details of the Ministry's outstanding debts as at the end of the 2010/2011 Financial Year; and,

(c) why the debts have not been settled, considering that funds were returned to Treasury.

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

(a) No funds were returned to the Treasury as unutilized funds in the 2010/2011 Financial Year. The consumption rate was 99.99 per cent and 81.59 per cent for Recurrent and Development, respectively. The small proportion of unspent funds in the Development Vote was not disbursed to the Ministry either by the Treasury or donors hence the issue of returning to the Treasury does not arise.

(b) An amount of Kshs44,112,788 is the total outstanding debt at the end of 2010/2011 Financial Year as per the documents I hereby table.

*(Mr. Ndambuki laid the documents on the table)*

(c) The cause for the debt is failure by the Treasury and donors to disburse funds to the Ministry. However, we shall continue to reduce pending bills in the current financial year by commuting false bills as first charge to the current Budget.

**Mr. Ochieng:** Mr. Speaker, Sir, could the Assistant Minister tell us exactly how much the Treasury disbursed to the Ministry for the purposes of purchasing farm inputs and maize from farmers?

**Mr. Ndambuki:** Mr. Speaker, Sir, the Treasury did not disburse any funds to buy maize because that falls under the Ministry of State for Special Programmes.

**Mr. Speaker:** Very well! Last question, Mr. Ochieng!

**Mr. Ochieng:** Mr. Speaker, Sir, the Assistant Minister has explained that they missed out on some funds from the Treasury. Could he tell us what efforts they put in place to make sure that they did not miss out on these funds?

**Mr. Ndambuki:** Mr. Speaker, Sir, could the hon. Member repeat the question?

**Mr. Ochieng:** Mr. Speaker, Sir, the Assistant Minister had explained in his answer that they missed out on some funds and that is why they had some pending debts. Could he explain to us whether there were any efforts that were put in place to make sure that the Treasury disbursed the entire amount that was meant for them?

**Mr. Ndambuki:** Mr. Speaker, Sir, it is true that we tried but we could not get the money.

**Mr. Speaker:** Very well! Hon. Members, we will now go back to Question No.1031 by Mr. James Maina Kamau.

#### *Question No.1031*

#### CRITERIA FOR APPOINTMENT OF RECEIVER MANAGERS

**Mr. Speaker:** Hon. Members, I have received the information that we were waiting for from the Office of the Attorney-General and the information is to the effect that the Attorney-General was summoned at short notice to go and attend to matters at the Judicial Service Commission (JSC) and apparently he did not understand that parliamentary affairs take precedence over other matters. However, now he will be made aware and I am sure he will not repeat this in the foreseeable future. So, we will defer the Question to Tuesday at 2.30 p.m. and maybe the Minister for Water and Irrigation wants to undertake to convey this information to the Attorney-General.

**The Minister for Water and Irrigation (Mrs. Ngilu):** I will do that, Mr. Speaker, Sir.

**Mr. Speaker:** Very well!

**Mr. James Maina Kamau:** On a point of order, Mr. Speaker, Sir. For this Question to appear on the Order Paper, it had to be squeezed in because as you are aware, I have a petition and I may not be present on Tuesday to ask it. So, I do not know what will happen because our Attorney-General has been here long enough and should have learnt that Parliamentary business should be given the first priority.

**Mr. Speaker:** The Member for Kandara, I have excused the Attorney-General on your behalf because he is relatively new. He really does not have his procedures in the brief as yet.

**Mr. James Maina Kamau:** Mr. Speaker, Sir, I am saying that I may not be around that day because I was in court this morning because I had a case. However, I am in this House this afternoon. So, I do not know whether I will be in the House on Tuesday to ask this Question.

**Mr. Speaker:** The Member for Kandara, I also understand your situation. If you will kindly liaise with my Office, then we will place this Question on the Order Paper at a time that is convenient to you. So just liaise with my Office and we will put it on the Order Paper when it is just right for you.

**Mr. James Maina Kamau:** Thank you, Mr. Speaker, Sir.

**Mr. Mungatana:** On a point of order, Mr. Speaker, Sir. There was a time the practice in this House was that if the Minister is not there, the Leader of Government Business can rise and answer a Question. This Question has great public interest. The KENATCO taxis, that giant company has been in receivership for over 15 years.

**Mr. Speaker:** Very well! It was a good practice and I am sure the Leader of Government Business has heard those sentiments, that he will take appropriate measures to revive that practice. Maybe the Minister of State for Public Service wants to confirm that he will take this back to the Cabinet.

*(Mr. Otieno consulted loudly)*

Mr. Otieno, you are in the House to serve some purpose! I have just directed that the sentiments expressed by Mr. Mungatana be taken to the Leader of Government Business so that he ensures that if a Minister is not present and an answer is ready, he can, in fact, give that answer and I think that spills to your Ministry.

**The Minister of State for Public Service (Mr. Otieno):** Mr. Speaker, Sir, that will be conveyed.

*(Question deferred)*

**Mr. Speaker:** Very well! We want to take the Question by the Member for Garsen.

## PRIME MINISTER'S TIME

*Question No. QPM/016*

### USE OF DRUGS MONEY TO FUND KENYAN POLITICS

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

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

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

**Mr. Speaker:** Order, hon. Members! This Question is directed to the Prime Minister and the Deputy Prime Minister and Minister for Local Government is here.

*(Mr. Raila was applauded as he entered the Chamber)*

Mr. Deputy Prime Minister and Minister for Local Government, you may proceed and give us the answer to the Prime Minister's Question No.QPM/016.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, first of all, let me put it on record that I had been sanctioned not to transact any business.

**Mr. Speaker:** That is so and it is the logical point at which you must begin!

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi): Mr. Speaker, Sir, that is right and I would like to start by apologizing to the House because, indeed, I was on my way here to respond to the Question but as fate would have it, I was caught up in the Presidential motorcade. I could neither go backwards nor forward and I had to wait until the President had left the place and they allowed my vehicle to pass. So, I really would like to apologize to the House and I will be ready to respond to the hon. Member on Tuesday. I hope this explanation meets the sympathy of the House bearing in mind that, that was my boss.

**Mr. Speaker:** Yes, indeed!

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. Is the Deputy Prime Minister and Minister for Local Government blaming the President for his inability to arrive here in time?

**An hon. Member:** That is frivolous!

*(Laughter)*

**Mr. Speaker:** Order, Mr. Ruto! I wish to say as follows:- The explanation offered by the Deputy Prime Minister and Minister for Local Government satisfies the requirements of this House for the reason that, that is a serious matter of protocol that all Members of Parliament like every other citizen of this country will respect. So I accept that explanation. If you want to make the exception, Mr. Ruto, you are at liberty to put that on record.

**Mr. Ruto:** No, Mr. Speaker, Sir.

**Mr. Speaker:** Very well! It will rest there!

*(Laughter)*

Mr. Prime Minister, do you want to proceed now and deal with QPM/016?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, there is another Question that has been asked by Mr. Mwau which also relates to this subject of drugs. I have found that this matter is more involved and requires more research work. I, therefore, would request that I deal with this matter next week.

**Mr. Speaker:** Mr. Mungatana, indeed, we had received a letter from the Office of the Prime Minister addressed by the appropriate officer to the Clerk but the Rt. hon. Prime Minister we could not have relied on the letter to take action because when a Question appears on the Order Paper, it is expected that the concerned office would be in the House to give indication on what is happening. That is why we still had to call out the Question.

**Mr. Mungatana:** Mr. Speaker, Sir, last week, the Deputy Prime Minister and Minister for Local Government undertook to inform the Prime Minister about this

Question. So, it is expected that he would have known that it would be on the Order Paper this time. But more importantly, I do not know how this Question is related to the Question by Mr. Mwau because this Question arises directly from remarks that were made in a speech by the Rt. Hon. Prime Minister when he was launching a report. I do not know what research the Prime Minister needs to do because that speech implied that politics in Kenya are funded from dubious means. So, I do not know how he is connecting the two but this is a straightforward Question that the Prime Minister should have been able to deal with unless he may not have been informed earlier on. I wish to rest my objections there!

**Mr. Speaker:** Mr. Prime Minister, do you wish to say anything to that at all before I give final directions on the matter?

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, I do not know which speech the hon. Member is referring to but when I saw the Question the way it is framed I said I will be ready to respond to it next week. I am not ready because I do not have the answer now.

**Mr. Speaker:** Very well! That being so, Mr. Mungatana, what we heard from the argument that you put forward is really a difference of opinion. The Rt. Hon. Prime Minister thinks he can cover this Question with a Ministerial Statement that will respond to the request by Mr. Mwau and you think he can treat them separately. But I think what will be important and the bottom line is that the Prime Minister answers your Question and also issues the Ministerial Statement. If he wishes to collapse the two of them into one, that will be fine. It will be for the House to indicate whether or not you will be satisfied. So, I will defer this to come together with the Ministerial Statement on Wednesday, next week during Prime Minister's Time. It will still come as a Question and then the Prime Minister will also issue the Statement.

**Mr. Mungatana:** Much obliged, Mr. Speaker, Sir!

*(Question deferred)*

**Mr. Speaker:** Very well! That brings us to the end of that Question and we want to move on to the Statement.

## **PRIME MINISTERIAL STATEMENT**

### **THE RECENT CABINET APPOINTMENTS**

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. I rise on Standing Order No.81. This is the Standing Order that requires that if an hon. Member wants to speak on an issue where he has interest he must so declare. In view of the Statement that the Prime Minister is about to make, and in view of the clarifications that we will seek soon after, could he indicate whether he has any personal interests in view of the following two points? One, at a public rally in Kitale which was attended by the Prime Minister himself, one of the hon. Members present informed the public that the Prime Minister had prevailed upon the President to reappoint Mr. Moses Wasika Wetangula as the Minister for Foreign Affairs. Secondly, the National Accord and Reconciliation Act does not give



the Prime Minister powers over the PNU side of the Cabinet. Could he declare his interest?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I do not know what interest I am supposed to declare because the hon. Member is talking about another Member having said something. I am not aware!

*(Applause)*

I have no interest and the hon. Member has rightly stated clearly that the provisions of the Accord are there and I have nothing more to add to what he has very eloquently stated.

Dr. Khalwale rose in this House on 25<sup>th</sup> August, 2011 to ask the Speaker to direct that the list of the last Cabinet appointments be presented to the House for vetting and approval. The hon. Member made reference to Section 29(2) of the Sixth Schedule to the Constitution which provides as follows:-

“Unless this Schedule prescribes otherwise, when this Constitution requires an appointment to be made by the President with the approval of the National Assembly until after the first elections under this Constitution, the President shall, subject to the National Accord and Reconciliation Act appoint a person after consultation with the Prime Minister and with the approval of the National Assembly.”

He also referred to Section 12(2) of the Sixth Schedule to the Constitution which provides as follows:-

“The persons occupying offices of Vice-President and Deputy Prime Minister or holding a position in the Cabinet or as an Assistant Minister immediately before the effective date shall continue to serve in accordance with the former Constitution until the first general elections held under this Constitution unless they vacate or are removed from the office in accordance with the former Constitution and the National and Reconciliation Act, 2008.”

Mr. Speaker, Sir, Section 2(1) of the Sixth Schedule of the Constitution provides that Articles 129 to 155 of Chapter Nine dealing with the Executive Cabinet are suspended and will only be applied after the final announcement of all the results of the first election of Parliament under the new Constitution.

Consequently, Article 152(2) of the Constitution which requires that appointments to the Cabinet be subject to the approval of the National Assembly does not apply to the last Cabinet appointments. The current Cabinet is constituted under the former Constitution and the National Accord and Reconciliation Act and continues to operate as such until the first general election to be held under the new Constitution. Members of the Cabinet continue to serve in accordance with the former Constitution until the final results of the first general elections under the new Constitution are announced.

Mr. Speaker, Sir, with regard to the reinstatement of hon. Moses Wetangula to the Cabinet, allow me to recall that on October 27<sup>th</sup> 2010, when contributing to the debate to the Motion to adopt the Report of the Departmental Committee on Defence and Foreign Relations on the procurement, disposal and construction of diplomatic properties in Egypt, Japan, Nigeria, Belgium and Pakistan, I did inform the House that Mr. Wetangula had opted to step aside from his position as Minister to allow a thorough investigation of the advanced allegations that were labeled against his Ministry in the said Report.

Indeed, I issued communication from the Chair confirming that he had received a letter from Mr. Wetangula conveying his decision to step aside from office in order to give way to investigations into allegations of wrong doing by the Ministry. The Report of the Committee did recommend *inter alia* that:-

(i) The Government should take decisive disciplinary action on public officers who may be found to have flouted relevant laws and procedures during the procurement of properties or Kenya missions abroad.

(ii) Public offices found culpable in the transactions involving the purchase, construction and/or sale of Government properties are surcharged and made to refund money lost by the Government.

(iii) Public officers found culpable in the transactions involving the purchase, construction and/or Government properties be barred from holding public office.

Mr. Speaker, Sir, it is now a well established constitutional convention that Ministers are responsible, answerable and accountable to Parliament on matters of policy and those of operational nature within their docket. Where this duty is breached, a Minister may face legal sanctions if there are infractions of the law or bear punishment of a political nature. Such punishment should be preceded by establishment of culpability and must meet the test of reasonableness and proportionality. Indeed, the Report of the Committee did acknowledge in its recommendations cited above that culpability is the basis for disciplinary action. Such culpability is to be established through investigations.

The defunct Kenya Anti-Corruption Commission (KACC) commenced investigations on the purchase of the Kenya Embassy property in Tokyo in May 2010. To date, a total of five investigatory teams from different institutions have variously visited Tokyo at the public expense to inquire and/or investigate the matter. These are:-

1. The Ministry of Foreign Affairs team.
2. Treasuries external auditors team.
3. The Kenya Anti-Corruption Commission (KACC) team.
4. Parliamentary Committee team.
5. Controller and Auditor-General's office team.

The domestic investigations on this matter have been concluded. However, Mr. Wetangula has neither been recommended for prosecution nor charged with any crime before a court of law.

Mr. Speaker, Sir, I repeat that, the domestic investigations of this matter have been concluded. Indeed, the Ethics and Anti-Corruption Commission in its interim report to the Attorney-General has observed that:-

“The role of the Minister in this transaction is yet to be ascertained. There is no correspondence directed to or emanating from him”.

Mr. Speaker, Sir, it is now 19 months since the defunct KACC commenced its investigations on this matter. It is ten months since Mr. Wetangula stepped aside to allow investigations. In the meantime, the Ethics and Anti-Corruption Commission (EACC) has applied to the Government of Japan for mutual legal assistance to complete the investigations.

**Mr. Keynan:** On a point of order, Mr. Speaker, Sir. Will I be in order to ask for a copy of the domestic investigation report by KACC so that as the Prime Minister makes his Statement, we can also interrogate the Statement?

**Mr. Speaker:** Order! That will not pass for a valid point of order. You are calling for information. You are calling for a document. So what is out of order in what the Prime Minister has just said, honestly? Look at these Standing Orders and you have risen on a point of order. I am afraid it just does not pass. Satisfy me that it is a point of order, Mr. Keynan!

**Mr. Keynan:** I will raise it as a question.

**Mr. Speaker:** Exactly, that is what you should have waited to do. Proceed, Right hon. Prime Minister!

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, Article 47 of our Constitution provides that every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair. The extended investigations cannot be said to meet the requirements of this Article. Investigations cannot go on indefinitely. Indeed, resumption of duty by a public officer previously under investigation does not stop the investigation authority to prosecute the officer once sufficient evidence is gathered.

Mr. Speaker, Sir, our own regulations require that if an officer is asked to step aside or is suspended, investigations must be carried out and concluded as quickly as possible. This is contained in guidelines on handling of cases of public officers who are suspended for involvement in corrupt practices. This is a circular OPCAB.3/77A and it states as follows:-

“Where investigations have to be undertaken, the authorised officer shall appoint a committee with specific terms of reference. The committee members shall be officers who are senior to the officer under investigations, and they shall be independent. In the case of a local authority or State corporation, the relevant committee shall carry out investigations. The committee will be required to complete investigations within one month.”

Mr. Speaker, Sir, the circular goes further to say:-

“Where internal investigations reveal that a serious criminal offence may have been committed, and that further investigations may need to be instituted, external investigators, including the police, the Efficiency Monitoring Unit (EMU), the Inspectorate of State Corporations (ISC), the Kenya Anti-Corruption Commission (KACC), the Kenya National Audit Office (KENAO) or any other agency authorised under the law, may be called in to assist. These second tier investigations should be concluded within two months.”

Mr. Speaker, Sir, I have stated that these investigations have gone on for 19 months. In the case of Mr. Wetangula, they had gone on for ten months since he stepped aside and, as I mentioned, nothing adverse had been found with regard to local investigations. So, what we have said, in conclusion, is that if external investigations should implicate any officer, there is no reason as to why such an officer should not face any kind of legal sanctions or court action. The Government is open to that, but so far the local investigations have not found Mr. Wetangula culpable.

**Mr. Speaker:** Hon. Members, we will allow clarifications on this matter. Depending on the level of interest, we may allow more than five clarifications, otherwise for the time being, Rt. Hon. Prime Minister, you will want to keep notes. We will do the requests in sets of five, beginning with the Member for Ikolomani. I think he is the one who requested for the Ministerial Statement.

**Dr. Khalwale:** Mr. Speaker, Sir, there were two of us.

**Mr. Speaker:** Order! Order! Was it the Member for Ikolomani or hon. Bahari?

**Dr. Khalwale:** Mr. Speaker, Sir, there were two of us, the hon. Keynan and I.

**Mr. Speaker:** I want to get this one right.

**Dr. Khalwale:** Mr. Speaker, Sir, hon. Bahari rose on a different aspect of the same issue.

**Mr. Speaker:** Very well! Then we will take the three of you in the order in which you have mentioned them; Member for Ikolomani.

**Dr. Khalwale:** Mr. Speaker, Sir, the Prime Minister has advanced very compelling reasons, which he purports to be based on the law for the decision that the Cabinet took. However, he has not given us anything documentary to negate the resolution of this House. There is nothing to confirm that the investigations have now been completed. There also is nothing to convince us that they acted in line and in respect of Chapter Six of the new Constitution.

Mr. Speaker, Sir, if the Government is not practising double standards, why was this decision not applied in the case of hon. William Ruto, after the High Court discharged the hon. Member? Why is hon. William Ruto not in the Cabinet, if it is not a question of applying double standards? Why is hon. Harun Mwaui not back in office given that he was exonerated by the Minister in the allegations that were made against him?

My second point is on the issue of personal interest, which I alluded to at the beginning. Could the Prime Minister tell us that he was going out of his way because he wanted to return a favour to hon. Wetangula because hon. Wetangula had assisted him in giving an opportunity to his kith and kin in landing Government jobs in respect of the appointment of Dr. Wenwa Odinga, who is a sister of the Prime Minister, to Los Angeles, in respect of the appointment of Mr. Elkana Odemba, who is the Prime Minister's brother-in-law, in Washington DC---

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

**Mr. Speaker:** Order! Order, Member for Ikolomani! There is a point of order on what you are saying.

**Mr. Mbadi:** Mr. Speaker, Sir, is it in order for the hon. Member to discuss the character and appointment of a Government officer who cannot defend herself or himself in this House, without moving a substantive Motion?

**Mr. Speaker:** Member for Ikolomani, you may have to respond to the challenge by the Member for Gwassii.

**Dr. Khalwale:** Mr. Speaker, Sir, the way I understand the Standing Orders is that his argument would only hold if I was making that allegation against an hon. Member of the House. All I am doing is confirming my assertion that it could be. We want him to clarify. I am not saying that it is a fact. It is a question of the matter being clarified. I do not know, but was it because he was returning a favour in respect of the appointments of his sister, Dr. Wenwa Odinga, his brother-in-law, Elkana Odemba, his cousin and former PA, Mr. David Arunga---

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order, Member for Ikolomani! What is your point of order, hon. Orwa Ojode?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, it is better for us to be truthful while discussing some sensitive issues here. I do not agree with hon. Khalwale because he is saying that hon. Wetangula was the one who appointed the persons he has mentioned. I want to correct him on that particular bit. It is the President who appoints ambassadors, and not the Minister for Foreign Affairs. That is according to the Constitution.

**Mr. Speaker:** Order! Order, Mr. Ojode! Yes, you have supplied information, which actually may be accurate except that you rose on a point of order. So, you have not prosecuted your point of order correctly. Just re-phrase it.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, I was just asking whether it was in order for hon. Khalwale to mislead the House by saying that hon. Wetangula appointed Dr. Wenwa Odinga, yet according to our Constitution it is the President who appoints ambassadors, and not the Minister.

**Mr. Speaker:** Member for Ikolomani, that is a legitimate challenge.

**Dr. Khalwale:** Mr. Speaker, Sir, maybe, only the Chair can protect some of us. We saw it last week, and we are seeing it today. When we seek clarification from the Prime Minister, there is nothing personal.

**Hon. Members:** It is!

**Mr. Speaker:** Order! Order!

**An hon. Member:** On a point of order, Mr. Speaker, Sir.

**Dr. Khalwale:** Mr. Speaker, Sir---

**Mr. Speaker:** Order, Member for Ikolomani! Where you are going to is a dangerous direction because you have a challenge from hon. Orwa Ojode. He has asked you, on a point of order, why you are misleading the House that the Minister for Foreign Affairs appointed the persons named when, in fact, it is the President who appoints. If you look at your Standing Orders, you will appreciate that, that is a legitimate challenge. So, why would you want to stretch it to an area that is irrelevant – to imply that the Prime Minister is being protected against you? That cannot be correct. I think you will just respond to that point of order, and it will settle the matter.

**Dr. Khalwale:** Mr. Speaker, Sir, obviously, all the appointments are a process and that process includes the very appointments, the recommendations and the forwarding of the names. The Minister has a role he plays in that process, and the Minister played that role in these cases. If only the Prime Minister could be allowed to respond to that clarification, it would settle the matter. Therefore, allow me to conclude.

**Mr. Speaker:** Dr. Khalwale, can you now proceed and conclude your second request for clarification?

**Dr. Khalwale:** Mr. Speaker, Sir, he should clarify whether Josephine Awuor, a relative of his spouse, who is in Harare, is also the one who is causing this favour to be returned? Michael Oyugi, a Director---

**Mr. Mbadi:** On a point of order, Mr. Speaker, Sir. My tribe is being targeted, and its members cannot come here to defend themselves. We will not allow hon. Khalwale to continue---

**The Assistant Minister for Foreign Affairs** (Mr. Onyonka): On a point of order, Mr. Speaker, Sir. We are not going to allow hon. Khalwale to continue that way.

**Mr. Speaker:** Order! Order, hon. Onyonka!

**The Assistant Minister for Foreign Affairs (Mr. Onyonka):** One minute, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Onyonka!

Hon. Members, please, calm your nerves. You will get to the root of the matter, but just be calm. Sometimes, it is that sense of reason; that ability to be contained that makes the point rather than appearing as if you want to just shout from sitting positions; you want to be up on your feet and jump up and down. That does not help! Provide leadership here.

**The Assistant Minister for Foreign Affairs (Mr. Onyonka):** On a point of order, Mr. Speaker, Sir. I just wanted to make a simple clarification. Is the Member for Ikolomani in order to mention Josephine Owuor who was appointed as ambassador last year after she had served for 34 years? Is the Member for Ikolomani right to mention the name of Amb. Oyugi who has served for 31 years in the Ministry of Foreign Affairs even before Prime Minister Raila had become the Prime Minister? It is a shame!

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

**Mr. Speaker:** Order, Member for Ikolomani. Could you, please, conclude? You had just one second to go.

**Dr. Khalwale:** Mr. Speaker, Sir, the conclusion is that if, indeed, it was a question of relying on authentic investigatory reports to make a decision, why did the Government ignore the report by the Cocker Commissioner which recommended that Mr. Kimunya and Prof. Ndung'u of the Central Bank of Kenya were not fit to hold public office?

**Mr. Gunda:** Mr. Speaker, Sir, while giving his statement, the Prime Minister mentioned that there is a directive that investigative bodies have to do their work and submit reports within a short period of time. I want to know from him who then is responsible for ensuring that these bodies do their work and submit that report on time?

**Mr. Keynan:** Mr. Speaker, Sir, I would like to seek the following clarification from the Prime Minister. What we are trying to address is a report of a Parliamentary Committee that has been adopted by the whole House, unanimously.

He has alluded to five audits done by Parliament, the Controller and Auditor-General, KACC, the Ministry of Foreign Affairs and the Treasury. Since the report of Parliament is known, it has been debated and adopted by Parliament; I would want him to table and share with the hon. Members the reports of all these other four institutions.

Secondly, he has also talked about the completion of the domestic investigation by KACC. We would appreciate if we also got a copy, so that we can interrogate him further.

Thirdly, a document that has been referred to by him remains an administrative *modus operandi* by the Government. It does not serve any legal basis for Parliament. We would want him also to table that, so that we can also interrogate that particular circular.

Finally, this particular property has been gutted. We would like him to share with us the report by both the Government of Japan and the Kenya Police. As we know, our missions are an extension of our land; the Republic of Kenya. Could he be kind enough also to share that? If we get this, we will be in a position to form an informed opinion and interrogate him further.

**Mr. Njuguna:** Mr. Speaker, Sir, because of the various serious inflation facing this country and the war in Somalia, could the Prime Minister inform this House what the

Government is doing to down-size the current bloated Cabinet, so that resources could be realized and channeled to other sectors?

**Mr. Duale:** Mr. Speaker, Sir, from the onset the Prime Minister is the Prime Minister of Kenya and it is the ownership of this House that every hon. Member gets an opportunity to ask questions during the Prime Minister's Time.

In October, 2010, Mr. Moses Wetangula was censured by this House. A report was adopted. On the basis of that report, Mr. Wetangula, stepped aside. It is only morally right under this Constitution that the Prime Minister who is the co-ordinator and the supervisor of the Grand Coalition Government, who is supposed to share with us all---

**Dr. Eseli:** On a point of order, Mr. Speaker, Sir. Is Mr. Duale in order to mislead the House that the Minister stepped aside after the House censured him when we know he stepped aside before the House censured him?

**Mr. Duale:** Mr. Speaker, Sir, I totally agree. However, what I am saying is that the House adopted a Report, but the Minister took a pre-emptive step the day before the House wanted to adopt the Report---

Today, I am very happy. The Prime Minister says the Ministry of Foreign Affairs did an audit on this problem. The Treasury did an audit. KACC did an audit. The Parliamentary Committee did an audit and, finally, the Controller and Auditor-General did a domestic audit. Which of these five audits cleared my good friend, Mr. Wetangula?

We are only asking that he tables those five audits. If he tables them and they clear Mr. Wetangula, we will have no problem and the Kenyan people will no problem and the war on corruption will be won---

**Mr. Speaker:** Order, Member for Dujis. You are supposed to request for a clarification. Indeed, you have been accommodated to make your request. You have asked; in which of those reports was the Minister cleared? Now, beyond that, I do not see where you are going. You seem to be giving a speech or engaging in debate.

Right hon. Prime Minister, do you want to respond to those five? I did indicate that we would take them in sets of five. We will take responses and take the next set.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, let me begin by the question by the Member for Bahari who want us to ensure that teams that are appointed to carry out investigations do so, and conclude their investigations on time.

With regard to internal investigations carried out either by officers appointed in accordance with the guidelines that I just read or done by the Efficiency Monitoring Unit or the Inspectorate of State Corporations which are in the Office of the Prime Minister, we usually give the guidelines and the timelines and ensure that those are actually complied with.

However, there are independent organs or institutions like KACC, these are independent functionally, and not even the Executive or Parliament has the authority or power to direct KACC. We cannot, therefore, compel them to comply with the guidelines which you have issued.

Hon. Keynan wanted me to table some documents. Before I table them, there is an interim report which was forwarded by KACC to the Attorney-General. At page 19 of this report, it says that:-

“The role of the Minister in this transaction is yet to be ascertained and there is no correspondence directed to or emanating from him. An examination on the flow of funds may disclose evidence of corrupt demand or receipt of benefits”.

That is all the reference that has been made.

The second one is the special audit of the Auditor-General on appreciation of the Embassy of Kenya in Tokyo, Japan. The report is here and I also wish to table it. I also wish to table a guideline on handling of cases of public officers who are suspected of involvement in corrupt practices. I do not have to table the report of the Committee because the Member has rightly said that that was debated and approved by the House.

*(Mr. Raila laid the documents on the Table)*

The Member for Lari, hon. Njuguna, asked about downsizing the Cabinet. I do not see the relevance between that question and the subject that we are discussing at the moment. Hon. Duale also wanted me to table the document which I have done.

Mr. Speaker, Sir, the Member for Ikolomani has made some very unfortunate remarks. I do not want to dismiss these remarks because I know that they have been subject of insinuations and rumors around the country. First, I want to inform the Member for Ikolomani that not every Luo is a relative of the Prime Minister.

*(Applause)*

The Member has referred to some people as the Prime Minister's cousins and the Prime Minister's this and that. The people he has talked about have no blood relationship with the Prime Minister. The Member needs to know that Luos are Kenyans and they have a right to be appointed like any other Kenyan.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. The Prime Minister will do this country a great deal of favour if he remembers that nowhere in my statement did I utter the word "Luo".

**Mrs. Odhiambo-Mabona:** By inference!

**Dr. Khalwale:** Mr. Speaker, Sir, I gave actual names and set out to ask him to clarify whether those names are connected to him either through sister, brother in-law or wife of his pal. That is the point!

*(Loud consultations)*

**Mr. Twaha:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Member for Lamu West! The Right Hon. Prime Minister has been challenged on a point of order by the Member for Ikolomani that the Member for Ikolomani did not use the word "Luo". The Right Hon. Prime Minister obviously will have to respond before I can take another point of order.

Proceed, Right Hon. Prime Minister!

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I do not know whether it is by coincidence that the names that he mentioned here are all members of one particular ethnic group. Whether it is by coincidence or by design, I do not know. So, I want the Member to know that I represent a very cosmopolitan constituency in the country and that I care for all my voters, not just those who may be related to me by blood. We have envoys---



**Mr. Twaha:** On a point of order, Mr. Speaker, Sir. This is a law making body and one of the cardinal principles of law is that there has to be certainty. A few months ago, I was expelled from this House for two sittings for speaking out of turn. Today, people are speaking out of turn all over the place and nothing is happening to them. Could you give us some guidance?

**Mr. Speaker:** Order, Member for Lamu West! Indeed, that may be a legitimate concern, but I will need, as the Speaker, to acquaint myself with the HANSARD just to be certain as to the reasons that led to my sending you out of the House. Before I do that, I am not sure I am able to relate your claim against what has transpired in the House this afternoon because the Member for Ikolomani has not spoken here about tribes. The Right Hon. Prime Minister has spoken about a tribe. So, I do not know what you are challenging here, Mr. Twaha.

**Mr. Twaha:** Mr. Speaker, Sir, I am not complaining about hon. Khalwale or hon. Raila, but I am talking about the Members who are speaking out of turn without catching your eye and there are no consequences visited upon them. When I was expelled, there was no reference to the HANSARD. I was expelled because you saw and heard me.

**Mr. Speaker:** Now I understand your point. If I see conduct that is not parliamentary, I normally will deal with it instantly. So, if I noticed your conduct that time and you were conducting yourself in a manner that the Standing Orders do not permit such as shouting from your position when you have not caught the Speaker's eye and I notice that infringement, then I will deal with it. If it is an infringement that I do not notice, then I cannot deal with it. I only rely on my good senses and I have six of them. I either feel or see or smell or touch. If none of these senses works at a given time when there is an infringement, please, do not blame me. Blame the maker!

Proceed, Right Hon. Prime Minister!

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, just for the information of the House, this country has 60 Ambassadors and High Commissioners overseas and about 80 Consulars, totaling to about 140. I do not see what would be wrong if one of them is one Dr. Wenwa Oranga. The person the Member has referred to is Dr. Wenwa Oranga and not Odinga. Her maiden name is Odinga, but she is married to a Mr. Oranga, who is from Kasipul Kabondo. She has a PhD, has worked as a senior lecturer at the University of Nairobi and so, she is eminently qualified to be a Consular or even an Ambassador.

*(Applause)*

I did not know that if you are a Prime Minister, then all your relatives cannot work in public offices. I did not know that the current Constitution forbids, for example, a daughter of a President or a son of a Prime Minister from holding public office. If that is the case, then this is a crime. I am not sure that that is the case currently. I do not think that it is fair to discriminate against other Kenyans on the basis of this. I know a case of nepotism when I see one. This is not a case of nepotism because I was not consulted or asked. The appointment is the sole prerogative of the President and, indeed, it is so. So, the question should be directed to Mr. President and not the Prime Minister.

Mr. Speaker, Sir, hon. Khalwale also referred to the Cockar Report. To my knowledge, that Report has not been tabled in this House. Therefore, it is a non-report and I really do not have to refer to it because it is not the property of this House.

Mr. Speaker, Sir, I guess I have responded effectively to all the questions and allegations that have been made by the hon. Members.

*(Several hon. Members stood up in their places)*

**Mr. Speaker:** Order, hon. Members! Before I take further points of order, the Rt. Hon. Prime Ministers and hon. Members, I have looked at the documents tabled by the Prime Minister. They were three documents in total and applying the rules and practice of this House, I am able to admit two out of the three. The ones which are admissible will be the letter from the Office of the President signed by Amb. Francis Muthaura as Permanent Secretary and dated 24<sup>th</sup> May, 2010 and the Special Audit Report signed by the Auditor-General, A.S.M. Gatumbu, in the month of January, 2011. I am, hon. Members, unable to admit the Interim Report to the Attorney-General because it is not signed, it is not dated and it is not authenticated. So, I am unable to admit it. I do not know what it is a copy of. I can only see it is a photocopy and it does not meet any of those criteria.

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

**Mr. Speaker:** What is it, the Member for Ikolomani?

**Dr. Khalwale:** Mr. Speaker, Sir, it is just a small point. I had raised the issue of double standards in respect of the hon. William Ruto, who was cleared by the High Court and the hon. Mwau, who was exonerated by a Minister. I just want the Prime Minister to clarify that.

**Mr. Speaker:** Very well! The Rt. Hon. Prime Minister, respond to that.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I guess the hon. Member knows how individuals are appointed into the Cabinet. With respect to hon. William Ruto, he voluntarily asked that he wanted to be relinquished of his position because he was busy organizing another political party which was not the party of the coalition.

*(Applause)*

Mr. Speaker, Sir, with regard to hon. Harun Mwau, he asked that he wants his name to be cleared first before he can be considered for reappointment.

**Mr. Keynan:** On a point of order, Mr. Speaker, Sir. Among the issues that I had asked the Prime Minister to comment on was the issue of the fire incident in Tokyo.

Mr. Speaker, Sir, I want to table three documents; one from the Government to the police of Japan, one by the Commissioner of Police and another one by the Permanent Secretary, Ministry of State for Provincial Administration and Internal Security. That property, as we stand today, is completely gutted down. I want to know from the Prime Minister, as the supervisor and co-ordinator of Government, what action either from here or in liaison with the Government of Japan that they have done to ascertain what really caused that fire incident.

Finally, in the light of the---

*(Mr. Keynan laid the documents on the Table)*

**Mr. Speaker:** Order, Member for Wajir West! You know, I do not want to decline to accept your documents, but you have risen on a point of order. Please, give those documents back to the hon. Member for Wajir West!

You have risen on a point of order. A point of order would normally – although it is not my business to do this for you – challenge the truthfulness of something. It will challenge procedure or conduct in accordance with the Standing Orders. So, if there is a point that the Prime Minister has spoken to and he has put a position that is not accurate, then you must prosecute your point of order such that you challenge the statement that the Prime Minister has uttered, which even if you go to the HANSARD now – if we stopped for a moment – you will find that you have not! So, please, come again and do it properly.

**Mr. Keynan:** Mr. Speaker, Sir, I do not want to challenge you because I am an old Member of this House. I wanted to find out---

**Mr. Speaker:** Order, the Member for Wajir West! Do you want us to reproduce the HANSARD now so that we see if you fell within the parameters of a point of order? Let us just be fair! We have rules which we ought to follow.

**Mr. Keynan:** Mr. Speaker, Sir, let me put it in a way that will persuade you to accept this but I might not agree with it.

**Mr. Speaker:** Yes, proceed!

**Mr. Keynan:** Mr. Speaker, Sir, is it in order for the hon. Prime Minister to evade to answer a question that I had asked about the causes of the fire incident in Tokyo?

Secondly, in the light of the document that you had referred to, would I be in order to ask him about the cause of the fire in Tokyo?

**Mr. Speaker:** Hon. Keynan, now you have done well!

**Mr. Keynan:** Mr. Speaker, Sir, will I be in order to table these documents?

*(Mr. Keynan laid the documents on the Table)*

*(Laughter)*

**Mr. Speaker:** The Rt. Hon. Prime Minister, if you are ready to respond to that point of order, please do!

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, to my knowledge, because I have not yet seen those documents, the Member has laid documents relating to the cause of the fire in Tokyo, but I do not know whether those documents actually refer to Mr. Wetangula because that is what will make those documents relevant. Which page does the name of Mr. Wetangula appear? I do not think that they are relevant if they are just talking about arson.

**Mr. Keynan:** On a point or order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. Keynan?

**Mr. Keynan:** Mr. Speaker, Sir, is it in order for the Prime Minister to mislead the House when among the first issues that I had asked him to comment on was whether, indeed, as the supervisor and co-ordinator of Government, he has any report to ascertain the cause of the fire to our mission property in Tokyo? I think that was a legitimate issue. So, that does not have anything to do with Mr. Wetangula but it has something to do with the role of the Prime Minister as the supervisor and co-ordinator of Government.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, that is now a different issue because I was responding to a specific issue regarding the reappointment of Mr. Wetangula to the Cabinet. If the hon. Member wants me to go and come up with a report on the cause of that fire, I will do so.

*(Laughter)*

**Mr. Speaker:** Order, hon. Members! I have looked at the documents tabled by Mr. Keynan with respect to the letter dated 21<sup>st</sup> September, 2010, from the Office of the President and signed by the Permanent Secretary, Mr. Kimemia and the other dated 9<sup>th</sup> September, 2010, signed by the Commissioner of Police, I find them clearly admissible because they have dates and signatures. With respect to the photographs, I am afraid I am unable to admit them because the inscriptions on them are in a language that I am unable to decipher. I guess it might be Japanese! Unless a translation is availed to the House, I am unable to admit them at the moment.

**Mr. Duale:** On a point of order, Mr. Speaker, Sir. I raised very substantive clarifications with the Prime Minister on five domestic audits which were done. I asked the Prime Minister to table the reports. Out of the five audits, which you have said are admissible, he has tabled only the report from the Special Audit Report by the Auditor-General which, in its recommendation says:-

“The Kenya Government lost and all parties and individuals involved in the process of acquisition of the property in Tokyo to the tune of Kshs185 million.”

Mr. Speaker, Sir, is the Prime Minister in order not to table for this House and for the nation the remaining four domestic audit reports that I sought clarification on?

**Mr. Speaker:** Rt. hon. Prime Minister, do you want to respond to that, that you were asked to give that clarification and you did not?

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I tabled the report by the Kenya Anti-Corruption Commission (KACC), which you said was not admissible. I tabled the Controller and Auditor-General’s report and you agreed that a parliamentary report that has already been approved by the House did not need to be tabled. So, I think I complied.

**Mr. Speaker:** Yes, if that is so, hon. Duale, you wanted four documents tabled, and apparently they are all there except one, which was not adduced.

**Mr. Duale:** On a point of order, Mr. Speaker, Sir. The HANSARD will bear me out. It is only one report – the special audit report of the Controller and Auditor-General which the Prime Minister has tabled. If he has tabled the report from the KACC, let him avail it to the hon. Members and to myself as a person. The other one is the parliamentary report.

**Mr. Speaker:** Order, Mr. Duale! Can you just specify which three other documents you wanted tabled, and which he has not tabled?

**Mr. Duale:** Mr. Speaker, Sir, from the Prime Minister’s Statement, he alluded to an audit report from the Ministry of Foreign Affairs; there was a report from the Treasury, which I believe was that of the Controller and Auditor-General, and which was different. So, there was a report from the KACC and a report from the Controller and Auditor-General. We are yet to see the reports from the Ministry of Foreign Affairs, the Treasury and the KACC.

**Mr. Speaker:** Proceed, Rt. Hon. Prime Minister.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, the first report that was from the Ministry of Foreign Affairs team was tabled by the Minister for Foreign Affairs here during the debate. Secondly, the report by the Treasury external auditors is the one that has not been tabled, but if the House wants to have it tabled, I can table it next time; the report from KACC is the one I have tabled just now. I have a copy and you have ruled that it is not admissible. The one of the parliamentary committee, there is no need to table it because it is already the property of the House. The one of the Controller and Auditor-General is the one whose copy I have. So, there is only one report which is not here, and which I can bring anytime if you so direct.

**Mr. Speaker:** Very well. Rt. Hon. Prime Minister, because you referred to it, it is only fair that you table it.  
Yes, Mr. Olago.

**Mr. Olago:** Mr. Speaker, Sir, the House must applaud the well researched and articulated statement by the Prime Minister. In dealing with matters of discipline, the Public Service Code of Conduct has the following terms: Suspension, interdiction, termination and dismissal, but a new term has come through this House which is “stepping aside”. Is stepping aside a voluntary action by a person suspected, which he can terminate and come back when he wants, or is it something that results from an action by the Government in writing?

**Mr. Mbadi:** Mr. Speaker, Sir, the special audit report from the Controller and Auditor-General was concluded around January 2011, but until 8<sup>th</sup> September 2011, this House did not have the privilege of seeing this special audit report, yet the law is very clear in the audit Act that it should be made available within seven days by the Ministry of Finance. The clarification that I want to seek from the Prime Minister is: Why did the Government, through the Ministry of Finance, decide to withhold this report, contrary to the law? Was it because this report does not go as per the expectations of a political grouping called G7?

**Mr. Baiya:** Mr. Speaker, Sir, I am seeking a clarification from the Prime Minister’s report and statement. Arising from the concern of the parliamentary report that certain public funds had been lost under the watch of the Minister for Foreign Affairs, by this appointment, is he confirming to the country that no such funds or any public funds were lost, and that, therefore, the investigative report by the committee was unnecessary, or perhaps vindictive? Secondly, could he also confirm whether this appointment actually upholds the constitutional standard to enhance confidence of Kenyans in Government and public officers, particularly by ensuring that investigations and appointments have safeguarded public interests?

**Mrs. Shebesh:** Mr. Speaker, Sir, the statement from the Prime Minister has clearly indicated that this decision of reinstatement of the Minister for Foreign Affairs was an issue that was consulted on widely among the two principals and it was on agreement. Could the Prime Minister, as the principal who is here since the other one is not here to speak on his own behalf, tell us how, as two principals, they will ensure that the issue of corruption is not muddled in political games and warfare in a way that is helping those who are forming alliances to do away with those who they think should not be in those alliances, especially those who are using this issue of corruption to intimidate and silence critics of the other side?

**Mr. Koech:** Mr. Speaker, Sir, in the Prime Minister's statement, he has made it clear to the House that no Minister shall be asked to step aside on allegations unless the allegations have been proven. That is good for the Ministers, so that they do not work in fear or favour. The Minister for Industrialisation has been out for quite some time, and knowing that the acting Minister in the same Ministry has decided to sack people left and right, what is the Prime Minister doing to ensure that the Minister is reinstated within the shortest time possible, given that he has also clarified that justice delayed is justice denied?

**Mr. Speaker:** Very well. That now will rest the matter. Rt. Hon. Prime Minister, you can now give your responses.

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, hon. Olago actually wanted to know where this new vocabulary "step aside" has come from. This is new vocabulary in our parlance. "Stepping aside", basically, means that you withdraw yourself from your position to enable investigations to be carried out without your interference. In other words, you forestall being suspended or being interdicted and so on by voluntarily agreeing to step aside, so that investigations can be carried out. In this specific case, hon. Wetangula did not wait for a vote to be taken in the House here. He voluntarily agreed to step aside, so that those who were carrying out investigations could do so without his interfering in investigations. So, he stepped aside and did not go back to the Ministry for all the ten months. He allowed the officers who were carrying out investigations to interrogate documents, files and so on without his interference. We are saying that under our own guidelines, it is supposed to be a maximum of two months, but he stayed out there for ten good months and the interim report has not implicated him at all. So, stepping aside is a voluntary action taken by an officer without prompting by the Government or any other authority.

Mr. Speaker, Sir, regarding hon. Mbadi's clarification, probably, it was just an oversight that the report was not tabled in the House. I do not want to go on to make any speculations. I do not know of any groups. Whether they are G2, G3, G7 or G20, they are just Gs. So, I would urge the hon. Member to leave me out of political caucusing.

Mr. Speaker, Sir, hon. Baiya has asked whether, by reappointing the Minister, we were implying that no funds were lost. That is far from the truth. The resolution of the House was:-

1. The Government should take decisive disciplinary action against officers who may have been found to have flouted relevant laws and procedures during the procurement of properties for Kenyan missions abroad.

2. Public officers found culpable in the transactions involving the purchase, construction and/or sale of Government properties be surcharged and made to refund money lost by the Government.

3. Public officers found culpable in the transactions involving the purchase, construction and/or sale of Government properties be barred from holding public office.

Mr. Speaker, Sir, we intend to do exactly what was contained in this Resolution. All we are saying here is that the honourable Minister has not been found guilty of any of the offences which are contained here, so far. Therefore, we found that there was no reason to keep him out there in the cold, having been there for more than ten months.

Mr. Speaker, Sir, I want to repeat again that the Government is totally committed to the fight against corruption. We are still waiting for the Kenya Anti-Corruption

Commission (KACC) to conclude the investigations in Japan. If they come out very clearly and tell us that it is so-and-so, I want to promise the House that action will, definitely, be taken against those officers, even if it turns out to be the Minister himself.

Mr. Speaker, Sir, hon. Shebesh wanted to know whether the war against corruption will be muddled in political games. No! We know how to chew the gum and scale the stairs. We know the game of politics. We know when we are talking about the Public Service and we can clearly distinguish. I have stated in the past that it does not matter whether you are my brother, sister or uncle. If you are found to be involved in corruption, we will definitely deal with you. So, the Government is not going to condone corruption because of some internal disagreements or infighting within the Coalition.

Mr. Speaker, Sir, the House needs to know that coalitions have become the order of the day in the modern world, but there are ways of managing them. You can manage a coalition so that, yes, you have your differences, but you know where to end and begin to work together as a coalition. For example, we have set up a very good working relationship with the President. I am not a member of PNU and the President is not a member of the ODM, but we know how to manage the affairs of the State. We have learnt how to run a coalition Government.

Mr. Speaker, Sir, hon. Koech has talked about the Minister for Industrialization. I am sure the hon. Member knows that the hon. Minister has still got a case that is pending in court. Until that case ends, we will keep the suspension until the matter is heard and fully determined by the courts. Of course, the law requires that when a Minister is absent, another Minister acts. When that Minister acts, he exercises full powers of that Ministry and docket. Therefore, I would like to urge the hon. Member to leave the Minister to perform his work without interference.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Very well! Hon. Members, that then concludes the matter for the moment. We would have wanted to take a Statement from the Assistant Minister, Ministry of State for Provincial Administration and Internal Security, but we have run out of time. I think the Assistant Minister and the Member for Kilome have agreed on a timing. Is it Tuesday or Thursday next week?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Wednesday morning!

**Mr. Speaker:** Very well! Wednesday morning; it is so directed. Clerk, just check; there seems to be a smell of something unusual around here.

*(The Clerk consulted the Speaker, went to check on the concerns raised, and then came back)*

We will now move on to the next Order!

**The Clerk-at-the-Table:** Order No. 8: The Cons---

**Mr. Speaker:** Order, Clerk! The next Order is Statements: Order No.7.

*(The Clerk-at-the-Table read out Order No.7)*

## POINT OF ORDER

## IMPENDING STRIKE BY STAFF OF KNH

**Mr. Mututho:** Mr. Speaker, Sir, I rise to seek an urgent Ministerial Statement from the Minister for Medical Services regarding the impending strike by staff at Kenyatta National Hospital (KNH).

Mr. Speaker, Sir, in his Statement he should confirm why it is only at the KNH where doctors and other staff members have not been paid their commuter allowances compared to other civil servants.

Mr. Speaker, sir, secondly, he should explain why the Ministry has allowed the situation to deteriorate to the extent of a go-slow strike, noting that KNH is the largest referral hospital in this region and, especially, noting that, currently, Kenya is involved in a military intervention in a neighbouring country; notwithstanding several homeland threats.

I thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Where is the Minister for Medical Services? Minister of State for Public Service, will you undertake to let the Minister know?

**The Minister of State for Public Service (Mr. Otieno):** Mr. Speaker, Sir, I have taken note and will communicate.

**Mr. Speaker:** It is an urgent matter. Can we have this Statement on Tuesday afternoon?

**The Minister of State for Public Service (Mr. Otieno):** Mr. Speaker, Sir, most likely on Wednesday afternoon.

**Mr. Speaker:** Morning. Wednesday afternoon is normally crowded.

**The Minister of State for Public Service (Mr. Otieno):** Okay, Mr. Speaker, Sir. Wednesday morning.

**Mr. Speaker:** Please, communicate!

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

**Mr. Speaker:** What is it Member for Gwasi?

**Mr. Mbadi:** Mr. Speaker, Sir, actually I was just anticipating a ruling from the Chair on the issue of the Statement that has been outstanding between me and the Minister for Finance on the status of revenue collections in this country. The revenue account---

**Mr. Speaker:** When was it due?

**Mr. Mbadi:** Mr. Speaker, Sir, actually the Speaker had promised to make a ruling today. So, I was expecting a statement from the Chair.

**Mr. Speaker:** Well, we stand reminded. I do not think that I recollected that, that was due this afternoon. But I will indicate the position tomorrow afternoon, now that I am aware.

**Mr. Kabogo:** On a point of order, Mr. Speaker, Sir, equally, there is a Statement that I sought from the Minister for Foreign Affairs as regards the two girls who were detained in Lebanon. You ruled that, that Statement should be brought this week. I expect the Minister has it now, now that he is the substantive Minister. The issue was that they would not be able to sign off money to a tune of US\$5,000. Now that the Minister is here, and you had asked the Assistant Minister to come to the House with a substantive position on what he has done to bring back those girls, I seek the indulgence of the Chair



to ask the Minister to tell the House what has been done to repatriate the two girls back to Kenya.

**Mr. Speaker:** Assistant Minister, are you ready with the Statement? How long is it?

**The Assistant Minister for Foreign Affairs (Mr. Onyonka):** Mr. Speaker, Sir, you asked me that when I come back to the House or have some good news with consultations---

**Mr. Speaker:** How long is your Statement?

**Mr. Assistant Minister for Foreign Affairs (Mr. Onyonka):** Mr. Speaker, Sir, one minute.

**Mr. Speaker:** Very well! Let me take other requests first then I can come to you. You will then conclude this session.

What is it Member for Nyakach?

#### TERMS/CONDITIONS OF EXTENDED CREDIT FACILITIES FROM WORLD BANK

**Mr. Ochieng':** Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Finance with respect to the liquidity situation in the country alongside external borrowing particularly from the World Bank. In the Statement I wish the Minister to clarify the following:-

(i)The terms and conditions of the extended credit facilities which were recently approved by the World Bank in Nairobi.

(ii)When did the Government borrow the Kshs50 billion and what was the inflation rate by then and to confirm whether the conditions of borrowing are similar to the current borrowing of the Kshs25 billion.

(iii)To what extent will the inflation be contained if this amount is injected into the country's foreign exchange reserve?

(iv)Which economic policies and reforms does the Minister intend to put in place in order to maintain micro-economic stability and promote economic growth while ensuring debt sustainability.

(v)Up to what extent will the country be overburdened by such borrowing?

Thank you.

**Mr. Speaker:** I believe this is for the Deputy Prime Minister and Minister for Finance.

Minister of State for Public Service, will you hold brief for your friend?

*(Loud consultations)*

Order, Member for Ugenya! Order Dr. Mwiria! You will all recollect that we did take action against some Members for doing exactly what you are doing. If you want to engage the Deputy Prime Minister and Minister for Local Government, you can move to a convenient area and carry out your conversation.

Proceed, Minister!

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, I have taken note of this and will communicate with the Ministry of Finance for the right response.

**Mr. Speaker:** Member for Nyakach, do you have another request?

**Mr. Ochieng':** No, Mr. Speaker, Sir. That was the only one.

#### NOISE POLLUTION BY THE LIONS EYE HOSPITAL

**Mr. Ethuro:** Mr. Speaker, Sir, mine is a reminder of a request I put on 15<sup>th</sup> June to the Minister for Environment and Natural Resources---

*(Mr. Onyonka consulted loudly)*

**Mr. Speaker:** Order! Assistant Minister for Foreign Affairs, be careful! That is disorderly conduct if you look at your Standing Orders. You have had a very good afternoon; you do not want to spoil it now!

Proceed, Member for Turkana Central!

**Mr. Ethuro:** Mr. Speaker, Sir, I requested for a Statement on the noise pollution by the Lions Eye Hospital on June 15<sup>th</sup>.

**Mr. Speaker:** Again, Minister of State for Public Service, will you communicate with the Minister for Medical Services so that this Statement can be availed at the earliest opportunity as much as possible, on Tuesday afternoon? It has been pending for some time.

**The Minister of State for Public Service** (Mr. Otieno): Mr. Speaker, Sir, I have taken note and I will do so.

**Mr. Speaker:** Very well! It is so directed.

Assistant Minister for Foreign Affairs, you want to do your Statement? You said it will take two minutes!

#### REPATRIATION OF KENYANS STRANDED IN SAUDI ARABIA

**The Assistant Minister for Foreign Affairs** (Mr. Onyonka): Mr. Speaker, Sir, I just wanted to inform Mr. Kabogo that on further consultation with the Treasury, the Minister and Permanent Secretary, Ministry of Foreign Affairs, the funds have just been secured and the ticket will be remitted to our honorary consul, Mr. Chaluhi, who is in Lebanon. We believe that the two individuals will be back in Kenya before Friday this week.

**Mr. Kabogo:** Mr. Speaker, Sir, let me appreciate the very delayed action by the Ministry and hope that in future Kenyans, do not need to suffer because a Minister or a Permanent Secretary is not in the country. These girls have really suffered. If you have been watching television, I am sure there are very many other Kenyans who are suffering in Saudi Arabia. I do not know what the Minister is doing to make sure that they stop this menace where Kenyans are suffering in the hands of foreigners. We do not have to come to the House every other time when a Kenyan is detained out there. We know this is happening, more so, in the Middle East.

It would be important for the Assistant Minister to tell us in general, what they are doing as a matter of policy in terms of safeguarding the lives and liberty of Kenyans living outside the country, more so, Saudi Arabia and the Middle East.

**The Assistant Minister for Foreign Affairs** (Mr. Onyonka): Mr. Speaker, Sir, I appreciate the passion with which my colleague and Member for Juja has fought this issue. We are proud of the effort and energy that has gone into this.

Secondly, the Ministry of Foreign Affairs, the Ministry of Labour and all the other departments involved are now seriously sitting down to come up with a regulatory framework to make sure that no Kenyan who travels out of this country, wherever they go, will suffer similar consequences.

Mr. Speaker, Sir, we are talking to our ambassadors to make sure that any time they sense or get information that a Kenyan is in trouble, whether they went there to look for a job or whether they went as tourists, they become pro-active and make sure that they provide the necessary guidance and help that our people need.

*[Mr. Speaker left the Chair]*

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

**Mr. Joho:** Mr. Temporary Deputy Speaker, Sir, I want the Assistant Minister to clarify whether this arrangement will just be for these two Kenyans or it will be collective to ensure that Kenyans who are suffering in Saudi Arabia will be brought back as soon as we can. It should not look like it is a selective measure that you have taken for just these two Kenyans. All Kenyans in the diaspora have a right to be protected by the Government.

**The Assistant Minister for Foreign Affairs** (Mr. Onyonka): Mr. Temporary Deputy Speaker, Sir, this is a sensitive matter that is being given the necessary attention that it deserves. It is a matter that the Kenyan Government is seized of. I promise Mr. Joho that we are looking at it comprehensively. It is not going to be a piecemeal arrangement. The Minister is also seeking support from the Office of the Deputy Prime Minister and Minister for Finance to provide contingency funds so that when a Kenyan outside the country dies in an accident, is sick or whatever the circumstances, we can chip in and bring the body or the Kenyan in trouble back home.

I can assure my colleagues in this House that the Ministry of Foreign Affairs will make sure that we protect Kenyans because all these incidents have really hurt our people and we need to be much more sensitive. I believe the Government is taking the requisite measures to make sure these events do not repeat themselves.

**The Temporary Deputy Speaker** (Mr. Ethuro): Next order!

## **BILL**

*First Reading*

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members. Under Order No.8, the Chair was hoping that some Members would be wishing to contribute. I am sure the Minister for Justice, National Cohesion and Constitutional Affairs is more than ready but you must catch the Chair's eye. You do not work on an assumption.

Secondly, the hon. Member who was contributing at that time, Mr. Imanyara is not available and has requested for oral submissions. So, if the Minister is ready, you can make your presentation.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, I am ready.

Allow me to at the very outset---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Minister! I hope you appreciate. When this matter came up the first time, Members rose on points of order. Therefore, that is what we are entertaining. We are not at the stage of First Reading.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, in that event, with utmost respect, I would rather react to all the points of order after they have finished because, after all, this is a public law.

**The Temporary Deputy Speaker** (Mr. Ethuro): Fair enough! It is in order.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, therefore, if you are deferring, note that I have seen the letter of hon. Imanyara, and I am also interested in hearing what he has to say, so long as it does not go beyond Tuesday, because I have a very serious time challenge in this issue.

Thank you.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, this was really to accord time to the rest of the hon. Members who may have issues in this particular matter. So, I agree entirely with the Minister. You would rather respond to all of them.

Yes, hon. Shabesh

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for allowing us to raise our concerns on this constitutional amendment Bill. I will address myself to only one issue, which the Minister is well aware of – the principle of two-thirds that women canvassed for. Clearly, the Minister knows that in our canvassing for this position, and our subsequent agreement to the constitutional amendment, we were never informed, as the womenfolk, that due to the two-thirds principle there would be an amendment of the election date and another amendment relating to boundaries. It is on that premise that we are asking that the Minister takes time to listen to the fact that as much as we support the constitutional amendment in order for the principle of two-thirds to be achieved, not all women would agree on the amendment relating to the election date. I am one of those who supports one and, certainly, not the other.

I also do not support the arguments of my senior colleagues who spoke before me, of lumping all the amendments together. I believe that the Minister has good intentions, but the perception that has been created is that Parliament is quick and ready to amend the Constitution without looking critically into issues to do with the spirit and the letter of the Constitution. We want to remain faithful to that spirit. Therefore, I would urge that the Minister takes time to break down this Bill into three, so that the three issues can be

dealt with separately. If that is a probability that the Minister can look at, it would be prudent not to bring this condensed omnibus Constitution of Kenya (Amendment) Bill to the Floor of the House.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, we shall, therefore, defer this Order to appear on the Order Paper on Tuesday. On that day, we will only entertain the submissions by hon. Imanyara and then the Minister will proceed to respond.

*(First Reading deferred)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Order!

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*  
*[The Temporary Deputy Speaker*  
*(Mr. Ethuro) left the Chair]*

#### IN THE COMMITTEE

*[The Temporary Deputy Chairman*  
*(Mr. Ethuro) took the Chair]*

**The Temporary Deputy Chairman** (Mr. Ethuro): Hon. Members, we are now in the Committee of the whole House. There are two Bills for consideration. The first one is The Capital Markets (Amendment) Bill, Bill No.13 of 2011.

#### THE CAPITAL MARKETS (AMENDMENT) BILL

*(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10,*  
*11, 12, 13 and 14 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Capital Markets (Amendment) Bill, Bill No.13 of 20, and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Chairman** (Mr. Ethuro): Hon. Members, we will now proceed to the second Bill, which is The Central Depositories (Amendment) Bill, Bill No.14 of 2011.

THE CENTRAL DEPOSITORIES (AMENDMENT) BILL

*(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
12, 13, 14, 15 and 16 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Central Depositories (Amendment) Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker*

*(Mrs. Shebesh) in the Chair]*

**REPORT AND THIRD READING**

THE CAPITAL MARKETS (AMENDMENT) BILL

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I beg to report that a Committee of the Whole House has considered the Capital Markets (Amendment) Bill, Bill No.13 of 2011, and approved the same without amendments.

**The Assistant Minister, Office of the Deputy Prime Minister and Minister for Finance** (Dr. Oburu): Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said report.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Assistant Minister, Office of the Deputy Prime Minister and Minister for Finance** (Dr. Oburu): Madam Temporary Deputy Speaker, I beg to move that the Capital Markets (Amendment) Bill, Bill No.13 of 2011, be now read a Third Time.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo) seconded.

*(Question proposed)*

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I want to congratulate the Assistant Minister. He will need further amendments because what this amendment is trying to do is to introduce other equities like options which need to be reflected even on the Title of the Bill.

**Mr. Njuguna:** Madam Temporary Deputy Speaker, with the passage of this timely Bill more sanity and discipline will be injected into the market. Therefore, the entire market will be vibrant.

I beg to support.

**The Assistant Minister, Office of the Deputy Prime Minister and Minister for Finance** (Dr. Oburu): Madam Temporary Deputy Speaker, I want to thank hon. Members for passing this Bill. I want to respond to my very good friend the Chairman, Mr. Ethuro, about further amendments. In fact, we intend to introduce two Bills which will put more clarity between the regulatory authority which is the Capital Markets Authority and the securities which are actually the trading. So, we will soon introduce two Bills which will make these relationships very clear.

Madam Temporary Deputy Speaker, I beg to move.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

#### THE CENTRAL DEPOSITORIES (AMENDMENT) BILL

**Mr. Ethuro:** Madam Temporary Deputy Speaker, I beg to report that a Committee of the Whole House has considered the Central Depositories (Amendment) Bill, Bill No.14 of 2011 and approved the same without amendments.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said report.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Mr. Ogindo:** Madam Temporary Deputy Speaker, I wish to congratulate the House for having passed this Motion. I wish to point out that these are very critical matters. It is very important---

**The Temporary Deputy Speaker** (Mrs. Shebesh): Order, hon. Member. We are not at that point yet. When we get to the point you will be given a chance to speak.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Madam Temporary Deputy Speaker, I beg to move that the Central Depositories (Amendment) Bill, Bill No.14 of 2011, be now read a Third Time.

**The Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. M. Kilonzo) seconded.

*(Question proposed)*

**Mr. Ogindo:** Madam Temporary Deputy Speaker, I wish to congratulate the House for having passed this Bill which goes a long way in deepening the financial reforms that are necessary for the economic development of this country.

I wish to point out that this House has the responsibility of legislation. It is the responsibility of the relevant technical arms of the House to ensure that this House engages in competent legislation.

To this end, I wish to reiterate that the department of research in Parliament needs to be seriously strengthened; the legal department needs to be seriously strengthened; the Budget Office needs to be seriously strengthened, so that hon. Members can rely on them to enrich their contributions to such matters. On matters that are as technical as this one, we require the backing of the technical sections of Parliament.

With those remarks, I beg to support.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

## **BILL**

### *Second Reading*

#### THE KENYA SCHOOL OF GOVERNMENT BILL

*(The Minister of State for Public Service on 26.10.2011)*

*(Resumption of Debate interrupted on 26.10.2011)*

**The Minister of State for Public Service** (Mr. Otieno): Madam Temporary Deputy Speaker, I wish to thank the Members who made very valuable contributions to this particular Bill, particularly the emphasis they placed on the importance of training and that the facilities that will be available at the School of Government should be



extended to the county governments as well. We will be looking at an appropriate amendment to fully cover the training needs of the county governments; that will be incorporated into this Bill. The other issues as to the powers of the appointments are matters of detail, but I am otherwise satisfied with the provisions we already have.

With those few remarks, I beg to move.

*(The Temporary Deputy Speaker  
(Mrs. Shebesh) left the Chair]*

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

*(Question put and agreed to)*

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

## **MOTIONS**

### **ADOPTION OF REPORT ON COST OF LIVING**

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

**The Temporary Deputy Speaker** (Mr. Ethuro): The Chairperson of the Parliamentary Select Committee on Cost of Living! He is not here! The Motion is deferred.

*(Motion deferred)*

### **ADOPTION OF REPORT ON GRAINS DISCHARGED AT MOMBASA PORT**

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on grains discharged at the Port of Mombasa laid on the Table of the House on Wednesday 17th August, 2011.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Chairman, Committee on Finance, Planning and Trade! He is not here! The Motion is deferred.

*(Motion deferred)*

## **BILLS**

### *Second Reading*

### **THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL**

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Wamalwa is not in! The Bill is deferred!

*(Bill deferred)*

*Second Reading*

THE RATIFICATION OF TREATIES BILL

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Millie Odhiambo-Mabona! She is not here. The Bill is deferred!

*(Bill deferred)*

*Second Reading*

THE CANCER PREVENTION AND CONTROL BILL

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Robert Monda! He is not here. The Bill is deferred.

*(Bill deferred)*

Hon. Members, this is not interesting. I think we need to take our work more seriously. This involves both sides of the House. So, it involves the whole House. I hope communication will go out that anybody who is listed on the Order Paper at a particular time should, at least, be available.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, there being no other business on the Order Paper today, the House stands adjourned until tomorrow, Thursday, 10<sup>th</sup> November, 2011, at 2.30 p.m.

The House rose at 5.15 p.m.