

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd May, 2012

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.1392

PROVISION OF LAND ALLOCATION DETAILS IN RUIRU/THIKA MUNICIPALITIES

Mr. Kabogo asked the Minister for Lands whether he could provide a list with details of all new land grants (Letters of Allotment, copies of receipts thereof and title deeds) issued within Ruiru and Thika municipalities since 2009.

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

The following is a list of beneficiaries of land allocation within Thika and Ruiru municipalities since 2009. Also attached are copies of land registration documents, green cards showing details of the title deeds issued to the allottees from 2009 to date and the Letters of Allotment.

Mr. Deputy Speaker: Do you wish to table that?

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

(Mr. Rai laid the documents on the Table)

Mr. Kabogo: Mr. Deputy Speaker, Sir, we ask Questions not just for the sake of asking, but to prompt action by the Government. The Assistant Minister has just walked in and read a list of beneficiaries and tabled copies of title deeds and the Letters of Allotment. The answer given to me as I walked in is the same answer that the Minister, Mr. Orengo, gave to me and said he was not satisfied. I have now heard additional information from him that he has given green cards and things like that which he has just tabled. I have not had a chance to look at them. I want to seek the indulgence of the Chair because I would not be able to interrogate documents that I have not seen. It is my humble request that this matter appears again after a period of two weeks, so that I may be able to interrogate those green cards. You notice that this Question required a written answer and as per the Standing Order of the House, moreso, Standing Order No.45 required a written answer to be circulated in ten days. I filed this Question sometimes in November last year. So, I would not be asking for too much to be able to interrogate this Question properly.

Mr. Deputy Speaker: Whereas it is ordinarily not a problem for a hon. Member to be given ample time to study a document, so that he can interrogate it properly, but the standard procedure is that when you are standing to ask the Question you also bring to the attention of the Chair that you do not have a written answer. This is because it is an Ordinary Question and not a Question by Private Notice. You do not wait until the Question is answered, which is essentially what has happened now, then you say you do not have a written answer.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I am afraid you got it all wrong. If you had listened to me, I said that this Question was here a week before and last week. The substantive Minister undertook to the House that he was not satisfied with the answer that his Ministry provided and he sought leave of the House to go and get more information. I am presuming that the information he went to get is the information that the Assistant Minister has just laid on the Table. He just walked in and dropped it in. That is what he is holding.

Mr. Deputy Speaker: The direction of the Chair was then that he should furnish you with a written answer before the Question is on the Floor of the House?

Mr. Kabogo: Correct, Mr. Deputy Speaker, Sir, but that did not happen.

Mr. Deputy Speaker: The institutional memory of the House is such what Mr. Kabogo says is actually factual. The Minister had been directed through the Chair earlier to furnish Mr. Kabogo with a written reply. I want to believe that is what is in the HANSARD.

Mr. Rai: Mr. Deputy Speaker, Sir, I need to be very clear. What I have been requested by Mr. Kabogo is to provide a list of details of all the new land grants and Letters of Allotment, which I have done.

Mr. Deputy Speaker: Which you were supposed to have done much earlier for him to be able to peruse and interrogate it personally, so that he may be able to come and prosecute it here adequately. You do not expect him to go through all those piles of papers in a matter of seconds after you have laid them on the Table.

Mr. Rai: Mr. Deputy Speaker, Sir, my understanding of the procedures of the House is that when I am asked a Question, I need to come to the House and provide what I have been requested. I do not do these things outside the House. So, I stand to be guided.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Our Standing Orders are very clear. Standing Order No.42 (5) states:-

“When the Speaker directs that a Question is in order, the Clerk shall as soon as possible forward the Question to the Minister to whom it is directed and the Minister shall, within five days of receipt of the Question, submit a written reply to the Clerk.”

So, when the Assistant Minister says that he is not supposed to do it outside, he is in breach of Standing Orders. He should have supplied those copies to the Clerk within five days from the date of receipt of the Question. So, he is out of order.

Mr. Rai: Mr. Deputy Speaker, Sir, I stand to be guided.

Mr. Deputy Speaker: In any case, much as that is what is required of every Minister, it is a standard procedure that in ample time – within five days – you are supposed to answer that Question and give the written copies (15 copies), which is also in the Standing Orders, to the Clerk’s Department for them to be able to, again, furnish a copy to the Member of Parliament. But be that as it may, in addition to that, the Chair had directed that you furnish hon. Kabogo with a written answer before this matter comes to the Floor of the House. In any case, the Chair directs that this Question be listed on the Order Paper two weeks from today and the answer, which is now with the Clerk’s Department, also provided to the honourable Questioner.

(Question deferred)

Next Question by hon. Mututho!

Question No.1390

COMPENSATION FOR ACCIDENT VICTIMS

Mr. Mututho asked the Minister for Transport:-

- (a) whether he could provide a list of road accident related deaths, including pedestrians and *boda boda*, since 2000, indicating the exact roads, dates of accidents and the number injured or maimed each year; and,
- (b) what the status of compensation of the victims is.

Mr. Deputy Speaker: Is the Minister for Transport not here?

Next Question by hon. Kiilu!

Question No.1321

ILLEGAL SAND HARVESTING IN
NZAUI/MUKAA DISTRICTS

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

- (a) whether he is aware of the illegal sand harvesting in Muangini and Muoni rivers in Nzau and Mukaa districts, which is causing massive degradation in contravention of Section 9 of the Environmental Management and Coordination Act No. 8 of 1999; and,
- (b) what measures he will take to ensure that sand harvesting activities take place only in sites licensed by NEMA.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Deputy Speaker, Sir, first, I apologize because this Question came up last week and the answer that was brought was signed by the late Minister, hon. Michuki. We apologize as a Ministry. I have sent my officers to the site and brought with me the current position.

Mr. Deputy Speaker: Does the honourable Questioner have a written answer? Hon. Kiilu, do you have the new written answer?

Mr. Kiilu: Yes, Mr. Deputy Speaker, Sir. I have got the right answer.

Mr. Deputy Speaker: Proceed, hon. Assistant Minister!

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

(a) I am aware of illegal sand harvesting activities in Muangini and Muoni rivers in Nzau and Mukaa districts in contravention of Section 9 of the Environmental Management and Coordination Act No.8 of 1999.

(b) The Ministry through the National Environment Management Authority (NEMA) is taking several measures to ensure that sand harvesting is undertaken at a place in a sustainable manner by:-

(i) working with the local communities in areas where sand is harvested to form riparian resource management associations, to assist in environmental conservation efforts along the river channels, using the sand harvesting guidelines developed by NEMA;

(ii) public awareness creation to sensitize local communities on the dangers and consequences of illegal sand harvesting activities and the need to conserve water resources;

(iii) arresting and instituting prosecutions against illegal sand transporters;

(iv) proposed amendment in the Mining and Minerals Bill and the Environmental Management and Coordination Act No.8 of 1999 to enable formulation of regulations on sand harvesting. Once formulated, they will be enforced to ensure proper management in sand harvesting.

Mr. Kiilu: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for coming up with proposals that attempt to address the issue of illegal sand harvesting in this area. As he said, this is not a normal business. It is a business that has been going on and causing a lot of serious environmental degradation. As the Assistant Minister talks of doing all these things, people continue to lose lives, in addition to what is going on. For example, over Christmas 20 people were injured while trying to protect their sand. Indeed, one of them, Kimeu Kitone, was shot dead, while another person was burned beyond recognition. Last week, just to indicate how serious this issue is, two people were run over by a lorry that they were trying to load along Kima River; where one Musembi Katua, 21 years and Francis Kimolo, 28 years were killed. The Assistant Minister talks of prosecution. We would like to know whether there are rules governing sand harvesting. If they are there, have they been gazetted, so that he can prosecute the people involved in this illegal business?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I do sympathize with hon. Kiilu on this subject matter. There are conflicts taking place along the rivers in his constituency. There are a few groups which have been licensed in the community and also those who are not licensed due to lack of technical knowhow. However, we are using the same Act No.8 of 1999, to put up regulations and guidelines on sand harvesting. My Ministry is not really interested in sand harvesting, but in the very near future, we are going to bring the Mining and Minerals Bill in this House. If it goes through, it will cover sand harvesting as part of mining. Therefore, the law will be very strong. Currently, we have District Environmental Officers in every district. They are now being posted to counties by NEMA. Because of this problem, I dispatched an environmental officer to hon. Kiilu's district. The District Commissioner there has been chairing meetings, of course, with the environmental officer and something is being done to improve any anomalies brought about by sand harvesting.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while accepting the response that was given by the Assistant Minister on public awareness and sensitization in the area, could he inform the House when this exercise will start and the amount of resources that have been set aside for this operation?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I am not in a position to say how much money has been set aside for doing this sensitization. But with the limited funds that we have, we have started it and it is going on very well, and hon. Kiilu should appreciate. We are doing everything possible to settle the position.

Dr. Otichilo: Mr. Deputy Speaker, Sir, the problem of sand harvesting and environmental degradation is widespread throughout the country. This is not a problem only confined to Machakos or Eastern Province. Could the Assistant Minister tell us the regulations he has put in place so that the environmental officers he is posting in each district can take a

detailed inventory of all sand harvesting areas, their environmental conditions and enforce the Environmental Management and Co-ordination Act (EMCA)?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I said earlier on that we are using Section 8 of the Environmental Management and Co-ordination Act of 1999 which the hon. Member knows very well. However, I admit that that is not severe enough. Very soon, I will bring a Bill to this House which will have strict penalties and will address all the problems arising from sand harvesting.

Mr. Mwau: Mr. Deputy Speaker, Sir, while I appreciate the answer from the Assistant Minister, I do not think that the Ministry comprehends the problems caused by sand harvesting. First of all, the sand harvesting area happens to be in Ukambani which is near Nairobi and all the construction takes place in Nairobi. So, it becomes a conducive area for people to go and harvest sand. Mukaa District is the centre of sand harvesting. Sand harvesting does not only interfere with the river but it also interferes with the economy of the area and the social sector of the community. For example, the roads that lead to the sand harvesting areas all pass through Kilome Constituency, which is Mukaa District. The roads in that area have been destroyed because the vehicles are overloaded. Secondly, the school children are the ones who go to load the sand at night because vehicles do not come during the day.

Mr. Deputy Speaker: Order, Mr. Mwau! Whereas the Chair will be willing to give you a certain leeway to bring out a lot of information because of the sensitivity and the importance of the matter at hand, you cannot use Question Time and turn it into debate or a statement. So, could you ask the Question? It is question and answer time. Could you ask your question hon. Harun Mwau?

Mr. Mwau: Thank you, Mr. Deputy Speaker, Sir. What is the Ministry doing to ensure that sand harvesting is not done during the night but it is done during the day so that we can protect the environment within our constituencies?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I said it earlier on and I will continue to talk about this problem. All the environmental committees in the constituencies are chaired by the District Commissioners and the Environmental Officers are the secretaries. Committees in these respective areas visit the areas that have problems and make decisions. Particularly, with regard to this Question, I will say that the Environmental Committee there is doing very well and we know that there are problems. However, I said that Section 8 of the Environmental Management and Co-ordination Act of 1999 is not very severe. I will bring a Bill to this House which hon. Members will debate and pass into a good law. However, we do not sit idle and watch as problems are being experienced. We have committees there which make decisions. What I will do from now is to instruct Environmental Officers to invite Members of Parliament in their meetings. I think that the input by Members of Parliament will assist a lot in the meetings.

Mr. Kiptanui: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has said that the Ministry is in the process of formulating a Mining Bill. If I remember, the Mining Bill has been in the pipeline for the last four years. I would like to ask the Assistant Minister whether the same Bill has been approved by the Cabinet and if yes, when he will table the Mining Bill because we have been discussing it for about the last four years.

Mr. Kajembe: Thank you, Mr. Deputy Speaker, Sir. Hon. Kiptanui was my colleague in the Ministry and he knows a lot about this because we used to work together. However, I want to say that it has not been four years. We started preparing this Bill, we invited all the stakeholders and now we have come up with a complete Bill. For the information of this House, we have already submitted a Cabinet Paper on this matter. So, the moment that Cabinet Paper is discussed

and approved by the Cabinet, the Bill will be brought to this Parliament. I know that will be very soon.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. With a lot of respect to the Assistant Minister whom I hold in high regard, is he in order to say that they have been preparing this Bill and yet I sit in the Departmental Committee on Lands and Natural Resources which oversees the functions of the Ministry? This Bill has not even been discussed by our Committee.

Mr. Kajembe: Mr. Deputy Speaker, Sir, we went to the South Coast of Coast Province with the Chairman of the Committee and he contributed a lot to improve the proposed Bill. If hon. K. Kilonzo sits in that Committee but does not know what is going on, that is not my problem at all!

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. As a matter of fact, I do not want to be seen to interfere with what the Assistant Minister has said. However, you have heard him say that he was with the Chairman and not with the Committee. My point of order was that the Bill has not come to the Committee. Is the Assistant Minister in order to assume that what he discussed with the Chairman in South Coast is the position or the input of the Committee?

Mr. Kajembe: Mr. Chairman, Sir, I am very much in order! I am saying so because---

Mr. Deputy Speaker: You are not in order because you are addressing "Mr. Chairman". Who is "Mr. Chairman?"

Mr. Kajembe: Thank you very much, Mr. Deputy Speaker, Sir. I am very much in order because we invited the whole Committee. The Chairman came with other Members. I did not know that hon. K. Kilonzo was a Member of that Committee because he was absent! I would like to tell him that we will work together for the betterment of our people.

(Laughter)

Mr. Kiilu: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that he has posted District Environmental Officers in various areas. I think this is true. Last year, the District Environmental Officer, Makueni, in a circular letter on the illegal sand harvesting in Muangini River stated that the Government had issued a ban on sand harvesting and that anybody carrying out sand harvesting in unlicensed sites would be prosecuted. I would like to hear from the Assistant Minister how many prosecutions he has done since the circular was issued on 14th February, last year. Could he also state the licensed sites where sand harvesting can take place in Makueni County?

Mr. Kajembe: Mr. Deputy Speaker, Sir, that is a very good question. We have taken several people to court for carrying out sand harvesting illegally. There are a few cases at Wote Magistrate's Court in connection with that. I can mention Case No.433/2011. There are a number of cases in the law courts in Machakos. We are there to address environmental concerns to avoid land degradation. I want to say in this House that when people talk about the environment being violated, I get very much concerned. I want to promise hon. Kiilu that I will find time to visit his area. We should go together so that we correct these anomalies. We want to establish good environmental laws in this country.

Mr. Deputy Speaker: Next Question by hon. Dr. Khalwale!

Question No.1350

EXPANSION OF MASINDE MULIRO UNIVERSITY

Dr. Khalwale asked the Minister of Higher Education, Science and Technology:-

(a) whether she is aware that Masinde Muliro University has started rolling out plans for establishment of a Medical Science School; and,

(b) whether the Government could consider taking over Kakamega Approved School, which is adjacent to the university, to pave way for this development.

The Minister for Higher Education, Science and Technology (Prof. Kamar): Mr. Deputy Speaker, Sir, I beg for your indulgence. Since yesterday we have been looking for the Question. We have not traced it. I think the transition between the office of the Clerk and our office did not synchronise things properly but I have already consulted hon. Khalwale and I am requesting that we sort out ourselves by bringing the answer on Tuesday next week.

Dr. Khalwale: Mr. Deputy Speaker, Sir, yes, indeed we have agreed but whereas I have no problem with Tuesday, I want the Chair to find the Minister out of order because of the five day rule. This Question has been with the Ministry for the last four months.

Mr. Deputy Speaker: As opposed to when you are making a submission in a court of law and more so when it is a criminal offence and you say that you want the judge to find somebody guilty, in here you seek the direction of the Chair. You do not tell the Chair what he should find. You do not direct the Chair; you seek the direction of the Chair. You seek the indulgence of the Chair!

Dr. Khalwale: Mr. Deputy Speaker, Sir, I thank you for the correction and on a serious note, this Question has been lying with the Ministry for the last four months and I, therefore, seek the indulgence of the Chair that you find the Minister---

Mr. Deputy Speaker: Order!

The Minister for Higher Education, Science and Technology (Prof. Kamar): Mr. Deputy Speaker, Sir, you are aware that our Ministry has been very bold and forthright in bringing answers to this House and whether it is me or our Assistant Ministers, we have been very forthright. We never hide information. We cannot trace this Question and we are going to do the tracing ourselves even if it means going for copies from the Clerk's office. We will make sure that by Tuesday we have an adequate answer.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. While the discussion seems to be between the Ministry and the Questioner, there is a point which is coming out very clearly here and this is the office of the Clerk. It is not the first time. The Speaker, the other day, issued a ruling on issues of Questions being delayed. Now here is another case of a Question which has been directed and does not seem to have reached the Ministry.

Mr. Deputy Speaker: Order! You are out of order! The very fact is that the Question is numbered and the numbering of Questions here is sequential. This is Question No.1350. This Question was submitted to the Ministry a long time ago. Do not blame an office that cannot defend itself here. The Clerk's office has done its job! It must be somewhere within the Ministry itself. But nonetheless, be that as it may, do not make a habit of attacking an officer who cannot defend himself here. The Chair takes exception to that. If you have an issue with the Clerk's Department and that is having an issue with the Speaker's office, you can always come and approach the Speaker or the Clerk of the National Assembly privately but do not bring it as a

point of debate here. Hon. Khalwale, do you want this Question to be deferred? When did you agree; between you and the Minister?

Dr. Khalwale: Mr. Deputy Speaker, Sir, on Tuesday next week.

Mr. Deputy Speaker: Hon. Minister, you were not in the House yesterday but the Chair took exception to Questions that were listed ages back and that Ministers take a very long time to respond to them or keep on asking for postponement of the date to answer the Questions. Nonetheless, the Chair gives you the benefit of the doubt and directs that this Question be listed on the Order Paper on Tuesday next week. Are you comfortable with that?

The Minister for Higher Education, Science and Technology (Prof. Kamar): Yes, Mr. Deputy Speaker, Sir. Tuesday will be okay for us.

Mr. Deputy Speaker: It is so directed.

(Question deferred)

Mr. Deputy Speaker: Next Question by hon. Dr. Otichilo!

Question No.1199

MEASURES TO CONTROL SANTA MARIA FEVERFENS WEED

Dr. Otichilo asked the Minister for Forestry and Wildlife:-

(a) what steps his Ministry has taken to control Santa Maria Feverfens weed (*Parthenium Hysterophorusa*), which was declared as a noxious weed under the Suppression of Noxious Weeds Act on 13th April, 2010; and,

(b) what sectoral coordination mechanisms the Ministry has put in place to control the weed, considering that it poses a great threat to biodiversity, agriculture, wildlife, livestock and human health.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry is promoting and sensitizing affected communities on a combination of methods to control this weed depending on the site, including manual destruction, pasture management, cultivation and prescribed fires. My field officers have also been instructed to monitor and report any cases of invasion by the weed in state forests for immediate remedial measures to be effected.

(b) My Ministry has joined hands with the Ministry of Agriculture which has a responsibility of co-ordinating the agriculture related ministries known as Agriculture Sector Co-ordination Unit (ASCU). Through such a unit of co-ordination, this sector uses its field officers to educate, monitor, detect and ensure concerted efforts to remove the weed so as to avoid escalation of the noxious weed.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I wish to thank the Minister for the good answer. However, could he inform this House what is being done to deal with this weed, particularly in national parks because the information available shows that most of our national parks particularly Maasai Mara and Tsavo National Park have been invaded by this weed. This weed is as dangerous as the famous *Mathenge* weed and unless it is controlled it is going to get out of hand. It will be a big menace to this country.

Dr. Wekesa: Mr. Deputy Speaker, Sir, I agree with the hon. Member that this is a recent weed that has invaded not just national parks but it is within our forests, roads and particularly in Maasai Mara, the western part of Kenya and even here in Nairobi. Anywhere where the biodiversity has been disturbed, the weed tends to take over. As I have said, we are all aware of this weed as the concerned ministries like the Ministry of Livestock Development, Ministry of Environment and Mineral Resources and the Ministry of Regional Development Authorities. All of us are working together to ensure that this weed is dealt with.

Mr. Deputy Speaker, Sir, I would also like to add that an Act of Parliament was passed regarding noxious weeds. This is sometimes ago and we are also considering that this weed which is a late development should also be gazetted as a noxious weed and in that way we are going to deal with it.

Mr. Sambu: Mr. Deputy Speaker, Sir, given that this is a very dangerous weed, could the Minister tell us how and when it was introduced to this country?

Dr. Wekesa: Mr. Deputy Speaker, Sir, I do not know how the weed was introduced to the country but it was introduced in the late 1990s. That is when the weed was discovered in the country and we immediately started putting measures in place to deal with it. The Act that I have referred to was enacted prior to this discovery and that is why we want to gazette it as one of the dangerous weeds.

Mr. Deputy Speaker: Last question, Dr. Otichilo!

Dr. Otichilo: Mr. Deputy Speaker, Sir, as you have heard from the Minister, this is a very dangerous weed. Unless we take serious remedial measures right now, it is going to cause a major problem to agricultural and livestock production, as well as in tourism, in this country. What regulations does the Ministry have to ensure that people who go outside this country do not introduce new species of plant materials to our country? When new species are introduced to our country, they become obnoxious and invasive.

Dr. Wekesa: Mr. Deputy Speaker, Sir, the Government has taken various measures to ensure that dangerous plants such as this one, *mathenge* and others are not introduced to our country. If you look at the law regarding biodiversity, which we enacted in this House a few years ago, you will appreciate that it deals with this issue as well. So, we are very alert and measures have been put in place to ensure that this does not happen.

Dr. Otichilo: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to avoid answering my question? I wanted to know what enforcement mechanisms have been put in place, particularly at our airports and other entry points, to ensure that people do not introduce new weeds or new plants to this country.

Dr. Wekesa: Mr. Deputy Speaker, Sir, I was headed in that direction when the hon. Member interrupted me. We have enough measures in place to ensure that new weeds and plant materials are not introduced to our country. As I have said, we are very alert at our border entry points and at our airports. We have officers who ensure that new products are not brought into our country without being examined. We have institutions such as the Kenya Plant Health Inspectorate Services (KEPHIS), which are also very keen to make sure that dangerous seeds and plants are not introduced to our country. If hon. Members can read the regulations by KEPHIS regarding importation of plant materials into the country, they will appreciate that this is an area where KEPHIS is very alert. So, our officers at KEPHIS are very alert. They deal with these kinds of issues.

Mr. Deputy Speaker: Next Question, hon. Kiema Kilonzo!

Question No.1220

WAIVER OF LOANS OWED TO AFC BY FARMERS
IN LOWER EASTERN REGION

Mr. K. Kilonzo asked the Minister for Agriculture:-

(a) whether she is aware that many beneficiaries of loans from the Agricultural Finance Corporation (AFC) in Lower Eastern region are unable to repay their loans due to the severe drought experienced in 2009 and loss of maize crop harvested during the season to aflatoxin due to poor post harvest management; and,

(b) whether she could consider waiving the loans.

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

(a) I am aware that some of the beneficiaries in the Lower Eastern region are unable to repay their loans due to severe drought experienced in 2009 and aflatoxin infection.

(b) I am willing to address non-performing loan accounts through re-scheduling and restructuring of the loans as well as interest waivers on case by case basis. I am appealing to those farmers who have loans and are experiencing problems servicing them to visit the AFC offices, so that they can work with our officers with a view to re-scheduling/restructuring the loans, or waive interest on the same. One is allowed to restructure a loan for even more than three years.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the assurance he has just given through his answer. In 2009, farmers in the Lower Eastern region experienced a bumper harvest. However, due to aflatoxin infection arising from poor ways of drying the harvest, all that produce went to waste. This is not the first time for farmers' loans to be waived in this country. The AFC has previously done it for farmers in the Central and Rift Valley Provinces. A small number of farmers in the Lower Eastern region are saying that they have suffered, and that they are unable to repay the loans they took from the AFC. Could the good Assistant Minister consider waiving the loans for these farmers? The operative word is "waiving".

Mr. Ndambuki: Mr. Deputy Speaker, Sir, if I had the authority, I would waive the loans now but, because I do not have the authority---

Mr. Deputy Speaker: Assistant Minister, who has the authority? The Questioner has told you that there were cases in other sectors of the farming industry where AFC loans were waived for farmers. Who has the authority to waive non-performing loans for farmers?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, that is what I am coming to. I am saying that for such cases to be confirmed, they have to go through three stages, namely, rescheduling, restructuring and interest waiving. Thereafter, waivers can be considered.

Mr. Deputy Speaker: Assistant Minister, for the benefit of the Chair, do you mean that other than the three options, there are no situations in which the loans themselves can be waived in their entirety and the farmers given back their collaterals? Are you saying that there have not been cases like those ones before?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I am saying that after the loans have gone through the three stages, we will consider giving waivers on case by case basis.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House? During this Parliamentary Session, the former Minister for Agriculture, hon. William Ruto, stood on the Floor of this House and waived AFC loans for farmers who had been affected by drought in the Rift Valley. Where was the Assistant Minister then? Would he not do the same for these farmers who have brought their cases forward? The waivers for the farmers in the Rift Valley Province did not go through the three stages that the Assistant Minister has ably elaborated. Is he in order?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, when the former Minister came here, he was going to waive interest on all loans. The matter was subsequently presented to the Cabinet but up to now, the Cabinet has not come up with an answer. I am, therefore, appealing to the hon. Member that we go the way I have advised, so that we can help the farmers.

Mr. Wambugu: Mr. Deputy Speaker, Sir, farmers around this area suffered losses because of poor management of the harvest, leading to aflatoxin infection. I remember that sometime back, the Assistant Minister said in this House that they were going to provide equipment or machines to assist in the drying of maize in the various regions of this country. Could the Assistant Minister tell us how far this programme has gone, how many drying machines they have supplied throughout the country, and when they are going to supply the machines for drying maize in Murang'a County?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it is true. We acquired over 40 maize drying pieces of equipment, which have been delivered to various parts of the country. Those areas which did not get the equipment will be supplied with the same in the next financial year.

Mr. Deputy Speaker: Yes, hon. Mohamed Ali!

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, there are some parts of this country which have not been sub-divided and, therefore, farmers do not have title deeds. I am wondering what mechanisms the Ministry might be having in place to ensure that farmers who come from areas such as Moyale, Mandera and other places can access the same facility that farmers in other parts of the country access.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the AFC is no longer accepting only land title deeds as collateral. It can consider accepting any other form of collateral, so that everybody can be able to apply for loans.

Mr. Deputy Speaker: Yes, hon. Pesa!

Mr. Pesa: Mr. Deputy Speaker, Sir, the Assistant Minister has said that AFC does not only consider title deeds. I remember in my constituency some women took a loan from the AFC before the last elections. After the elections when we had problems some of their properties were looted and these women cannot repay the loan they took now. Could the Assistant Minister also consider in the same line, waiving the loan they took from the AFC?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I would like to urge Mr. Pesa to tell the group to visit AFC and present their case.

Dr. Khalwale: Mr. Deputy Speaker, Sir, in respect of these drying machines, Kshs1.5 billion was allocated but only a few machines were bought. Could the Assistant Minister tell us what became of the balance out of the Kshs1.5 billion that was allocated? How was it spent?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the allocation for the machines was not a billion. It was below Kshs500 million. The balance was supposed to build sheds in those 40 districts. However, the money was withdrawn by the Treasury and now we have put the item back in the Budget and the sheds will be constructed in the coming financial year.

Mr. Njuguna: Mr. Deputy Speaker, Sir, the Assistant Minister has said that rescheduling of these loans will assist the farmers. In my view, rescheduling the loans even for three to ten years will not help. Could the Assistant Minister consider assisting the farmers the way they have done for the wheat farmers, coffee farmers and tea farmers in this country? We want justice.

Mr. Deputy Speaker: Mr. Assistant Minister, you can hear that. This is the information the Chair felt was in some kind of a domain that there are farmers in other sectors that had their loans waived completely.

(Applause)

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I said and you also interrupted when I was saying that the document for total waiver still lies with the Cabinet. If it comes out today, we will waive the loans. However, at the moment, I am only asking that we restructure, reschedule and waive interest case by case.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to come and refer this matter to the Cabinet when it was dispensed by this House and a resolution passed by the House?

Mr. Deputy Speaker: Yes, it is in order for the Assistant Minister to defer certain decisions to the Cabinet. That is the normal process and the management of affairs in the Government. The Cabinet is the supreme organ of the Executive. While the President is the supreme organ, the Cabinet is basically the icon through which---

Mr. Mututho: Mr. Deputy Speaker, Sir, I beg for your indulgence for clarification and direction from your side whether the decisions arrived at by this august House are also subjected to further approval by the Cabinet. That is exactly where I am reading from.

Mr. Deputy Speaker: That is exactly what you need to know. When a Motion is passed here, it is not an express position that the Government--- This is the Legislature. The Legislature will show its outrage or goodwill. The Legislature or Parliament will also show what it wants. That is why there is separation of powers. The Executive administers and manages resources. It is the final authority in managing. That is why when you have a Motion here which entails any financial implications, it must go through the Minister for Finance. That is why there is separation of powers between the Legislature, the Executive and the Judiciary.

Mr. K. Kilonzo, what is your final question?

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I want to thank this Assistant Minister for the goodwill that he has shown from the outset. Members of Parliament come here - and that is what I want the Assistant Minister to know - because they have exhausted the other channels and we have realized we are not moving far. These farmers have been to the AFC and the AFC is threatening to auction and attach their property. Could the Assistant Minister give an undertaking that as I take the names to him to assist, the AFC will not take any punitive measures against those farmers because of the calamities they have faced?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the AFC is not there to auction or sell any property for our people. However, I appeal to the borrowers to go to the AFC offices, negotiate and if they do not get anywhere they can advise.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. What I am trying to tell the Assistant Minister is that the farmers have been to the AFC which has actually threatened to recover these loans by attaching their property. That is why they have come to me and I have come to ask this Question to appeal to the Assistant Minister just to give that undertaking. I

would like him to give me an assurance that if I go to his office, he will help because he has said he can do that.

Mr. Deputy Speaker: You have made your point! Hon. Assistant Minister, pending the decision by the Cabinet, can you give an undertaking that, indeed, these farmers will not have their property auctioned by the AFC?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, that is a very big undertaking. However, I will discuss with the Managing Director of the AFC to give these people a chance and not to sell any property. I will do so.

Mr. Deputy Speaker: Question No.1569!

Question No.1569

PROVISION OF ELECTRICITY
TO SOLOLO DISTRICT

Mr. M.M. Ali asked the Minister for Energy:-

(a) whether he is aware that Sololo District is not connected to electricity;

(b) why it has taken too long for the power to be connected to the district;

and,

(c) when the same will be done.

Mr. Deputy Speaker: The Minister for Energy is not in. Indeed, he sent a letter to the Clerk's Office which was received at 8.10 a.m. today. The letter says that this Question be deferred to another date because the Minister and the two Assistant Ministers will not be available. We did give a Communication yesterday from the Chair in which we said that Ministers must take their business seriously. Parliamentary business is not business that can be taken very casually. Writing a letter to the Clerk's Office or the Speaker's Office to say that a Minister will not be available and a letter being received on the same morning that the Question is listed on the Order Paper in itself is a serious inefficiency on the part of the Ministry.

The Chair directs that the Minister for Energy will not transact any business in this House until he is able to explain himself very adequately. That is why the system is such that almost every Minister has got two Assistant Ministers. The business of the House is very serious and it must be taken with the seriousness it deserves.

Mr. Chachu: Mr. Deputy Speaker, Sir, while I really respect your ruling, two weeks ago the Minister for Education was not in the House to transact business on my Question and he was expelled from the House for two days. I wish you could even be more severe so that instead of just stopping them from transacting business in the House, you even expel them for a couple of days as the Speaker did. The precedent is already set.

Mr. Deputy Speaker: I think the sanctions have already been effected. The Chair will not vary these sanctions, but they are going to be varied upwards if the behaviour does not stop.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while supporting your ruling, of late this Ministry is noted as not executing its mandate well in some areas. We have noted erection of electricity poles in the middle of road. This is really endangering the lives of Kenyans. In other areas, the same poles are bending; this still endangers the lives of Kenyans. This is a critical observation and the Ministry must be held accountable.

Mr. Deputy Speaker: I hope the Government side has heard your fears.

Mr. M.M. Ali: Mr. Deputy Speaker, Sir, while thanking you for your ruling, I agree with you totally that this Ministry is not serious. This is because this Question was filed about three weeks ago. If anything, I would have expected a written answer by now, even if the Minister was not available today. This is a serious matter where children going to school in that district do not access electricity. Therefore, I think your ruling is very fair and must apply to all Ministers who are not serious in discharging their duties.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, we have heard your ruling. I will definitely talk to the able Minister for Energy to come and answer this Question next week, latest.

On behalf of my colleagues, let me apologize that some of the Ministers could not make it because of Government business and some other reasons.

Mr. Deputy Speaker: Order! There is no adequate reason enough to make a Minister and two Assistant Ministers not be available in the House. We have not had an earthquake or some kind of national disaster. Be that as it may, the Chair has already applied sanctions.

(Question deferred)

Question No.1390

COMPENSATION FOR ACCIDENT VICTIMS

Mr. Muthutho asked the Minister for Transport:-

(a) whether he could provide a list of road accident related deaths, including pedestrians and *boda boda* cyclists since 2000, indicating the exact roads, dates of the accidents and the number injured or maimed each year; and

(b) what the status of compensation of the victims is.

Mr. Deputy Speaker, Sir, I am asking this Question for the second time.

Mr. Deputy Speaker: Minister for Transport!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I believe that my colleagues are aware that the Minister for Finance is burying his son today. The Minister actually was invited and he has gone to the funeral. I beg the indulgence of the Chair to allow this important Question to be answered next week on Tuesday. Mr. Mututho is also rushing to the funeral. I know he wants more time to ask pertinent questions on this particular Question. I literally beg the Chair to allow for the Question to appear on the Order Paper next Tuesday.

Mr. Mututho: Mr. Deputy Speaker, Sir, while conceding to the request by the Assistant Minister, I am also attending the same funeral. They should have had the courtesy to tell me that they were not be here to answer the Question. You have ruled very many times that we must take parliamentary business seriously. I would have also gone for the funeral in time. I have to go there late just because the Minister himself wanted me to sit here for one hour and then we go for the funeral. I do not think it is fair. You should make a ruling that Ministers respect Back benchers with respect to their time.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, you cannot plan for what is going to happen next week. This is a sad issue and that is why I am pleading with the Chair to defer the

Question to Tuesday. Of course, the Minister will be here to answer it. He has been here for long and has been very effective in articulating the issues of his Ministry. I do not think that his missing here for the first time should be penalized.

Mr. Deputy Speaker: As a matter of fact, the Minister for Transport will have the benefit of doubt today. This is because he is somebody who is always in the House to answer his Questions.

Mr. Mututho, are you comfortable with Tuesday next week?

Mr. Mututho: Next week is okay, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper on Tuesday next week.

(Question deferred)

Next Order!

MINISTERIAL STATEMENT

ALLEGED BAN ON EXPORT OF MEAT AND MEAT PRODUCTS TO THE UAE

The Assistant Minister for Livestock Development (Mr. Godhana): Mr. Deputy Speaker, Sir, I rise to give a Ministerial Statement on alleged ban on export of meat and meat products from Kenya to the United Arab Emirates (UAE).

Mr. Deputy Speaker: Order, Maj. Godhana! Who sought that Statement?

The Assistant Minister for Livestock Development (Mr. Godhana): Mr. Deputy Speaker, Mr. Chachu, the hon. Member for North Horr.

Mr. Deputy Speaker: Mr. Chachu, are you the one who sought this Ministerial Statement?

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

Mr. Deputy Speaker: Please, proceed.

The Assistant Minister for Livestock Development (Maj. Godhana): Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, the objective of this Statement is to correct for the benefit of the hon. Members, this august House and country at large the wrong impression created by the media to the effect that there is a ban on export of our meat and meat products to the UAE. I was quoted out of context by the media when I was trying to caution unscrupulous traders not to export substandard meat products to the UAE, purporting them to have emanated from Kenya. This, I stated, could lead to the UAE banning imports of meat and meat products from Kenya.

Mr. Deputy Speaker, Sir, on realizing that I had been misunderstood, I instructed my Permanent Secretary to give a clarification on this matter. It is on record that my Permanent Secretary appeared on KBC television on the 15th April 2012 to clarify the issue. On the very day that the media reported on the purported ban, the Kenya Meat Commission (KMC) exported 5.4 tonnes of meat to Dubai. Kenya has continued to enjoy good trade relationship with the UAE over the years, especially in the export of meat and meat products. Kenya exports 34 tonnes of meat and meat products to Dubai every week. This is projected to increase due to the great demand for Kenyan meat in the Middle East.

Licensed export slaughter abattoirs process and export meat to the UAE. The Government of the UAE, through its veterinary officials, has continuously visited slaughter facilities in the country to evaluate inspection, certification and the food safety management systems in place. It is important to note that the OIE-PVS analyses and ranks the veterinary certification system of Kenya highly in the region. Therefore, animals from Kenya are safe and acceptable worldwide.

Mr. Deputy Speaker, Sir, the most recent evaluation visit was undertaken on 6th April, 2012, just the other day, and so far the KMC, Farmers Choice Ltd and Quality Meat Packers have been approved to export meat and meat products to Dubai.

It is important to note that I presided over the signing of a supply contract of meat and meat products between KMC and Blue Mountain Meat and Livestock Trading Company LLC and the Global Food LLC of Dubai on 27th of April this year. I would like to assure the House that there has been no ban on meat exports to UAE and the wider Middle East market.

I would like to reiterate the importance of the UAE market as the most important destination of our livestock and livestock products. I would like to take this early opportunity to assure Kenyans that our meat and meat products for local and export markets are of high quality and it is safe. We believe in quality meat, as much as we are doing it to the animals we are doing it to ourselves because we are the consumers.

Mr. Deputy Speaker, Sir, I would also like to strongly warn unscrupulous traders to refrain from faking the Kenya Meat Commission (KMC) stamps for meat products destined to the UAE markets. Stern action will be taken against any trader found violating the laid down export procedures.

Thank you!

Mr. Chachu: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that clarification. Over 10 million Kenyans depend on livestock economy for their survival. When we heard of the ban and it was the editorial of the *Daily Nation* that day, we were really concerned as Kenyans who are highly dependent on livestock economy. What quality assurance is there in place to ensure that Kenyans, especially the ones dependant on livestock economy, that those unscrupulous traders will not export substandard meat or beef to any part of the world where we depend for our external markets?

The Assistant Minister for Livestock Development (Maj. Godhana): Mr. Deputy Speaker, Sir, one, we have very experienced and well educated veterinary officers all over the country. But in as far as meat inspection and quality assurance is concerned, we have experts whose duty is to examine and ensure that the quality is not compromised. We have also a well defined procedure on how to vet and license dealers in the whole process to ensure that the meat that is consumed by Kenyans and the meat that goes outside the country for export is of high quality. I had some of the certificates of some of the veterinary officers and the doctors I am talking about but I will give them to the hon. Member immediately after this so that he can be sure that the Ministry of Livestock Development is up to the task.

Mr. Deputy Speaker: Next Order!

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

Mr. Deputy Speaker: On the same?

Dr. Khalwale: No, Mr. Deputy Speaker, Sir.

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

POINTS OF ORDER

NEED TO FAST-TRACK BILLS

Dr. Khalwale: Mr. Deputy Speaker, Sir, on 8th May, 2012, I sought direction from the Chair on the issue of the need to fast track two Bills; one the Bill for division of revenue allocation and the Bill for county allocation of revenue. The reason why I sought for this is because under Section 217 of the Constitution, this Parliament is expected to request for the consideration criteria for allocation of revenue to the 47 counties. This has not been done and I argued this at length. I am just requesting that you revisit it and if possible, you give a quick response because it is important. The matter has already gone into public domain as you have been reading; hon. Members, some for and others against it. The matter is being debated and yet it is not formally before this House in accordance with the Constitution of Kenya.

(Mr. Chachu stood up in his place)

I have a second point of order but it looks like Mr. Chachu wants to speak on this particular point of order. Do I do the second point of order or I allow him?

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

REPORTS BY THE NATIONAL TAXPAYERS ASSOCIATION

Dr. Khalwale: My second point of order, Mr. Deputy Speaker, Sir, is that two weeks ago, I asked the Minister of State for Planning, National Development and Vision 2030 to come and address the House on the issue of reports by the National Taxpayers Association (NTA). The Minister promised to bring the answer but he has failed to do this. I was shocked that over the weekend, he seemed to be releasing the statement in a funeral in Mumias only to request that if possible, he brings the answer this afternoon so that we deal with it.

APPOINTMENT OF 47 COUNTY COMMISSIONERS

Mr. Chachu: On a point of order, Mr. Deputy Speaker, Sir. Last week, I think it was on Thursday, I sought your guidance when we were debating the issue of the appointment of the county commissioners in all the 47 counties. I was seeking your guidance on the basis that some of us really feel that the whole notion of consultation and the National Accord is being taken out of context. You ruled that you will give the ruling this morning. So what is your position on that?

Mr. Deputy Speaker: Order! Not this morning! I said this afternoon and not this morning.

Mr. Chachu: Mr. Deputy Speaker, Sir, I stand guided but I think it was intended for Wednesday morning.

Mr. Deputy Speaker: I will check the HANSARD but in any case, even if I had given an undertaking to give it this morning, I think for the benefit of all of you, that Communication is going to be done this afternoon.

UNDELIVERED STATEMENT

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. This is a reminder to Mr. Ojode that he has been keeping my Statement for a while. I was wondering whether he can do so this morning.

Mr. Deputy Speaker: Mr. Ojode, when will you deliver it?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I have been ready to give that Statement for the last two weeks and I thought that because Mr. Ethuro has been very busy within and without the country, I thought that he was not going to be in the Chamber. I have the Statement ready. Can I do it tomorrow?

Mr. Ethuro: Why not this afternoon?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, this afternoon might not be possible because I have another Statement to give.

Mr. Deputy Speaker: I direct that you give that Statement to Mr. Ethuro tomorrow afternoon.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I think tomorrow will be ideal.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I was asking for your indulgence because he is right; he has been having the Statement for a while because every time it is up - I am assisting him - tomorrow I may not be around. So I was just asking---

Mr. Deputy Speaker: You have to be around tomorrow and you know why!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I will not be around for Parliamentary business.

Mr. Deputy Speaker: Order, Mr. Ethuro! That is not a matter to be debated here; but clearly you have to be around tomorrow. Anyway, for Dr. Khalwale, I will revisit the HANSARD and you will get directions on that on Tuesday.

Next Order!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. On the second Statement sought by Dr. Khalwale in terms of the response by the Minister of State for Planning, National Development and Vision 2030, this is extremely important. It is about Members being mentioned adversely and the Minister promised to bring the response last week. So if he fails to do so, it is only appropriate that he does it before the end of this week. I am asking for your indulgence.

Mr. Deputy Speaker: The Chair will look into that also and communicate the same.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point or order, Mr. Deputy Speaker, Sir. Now that my good friend might not be here tomorrow, would it be possible for me to indulge the Chair to allow me any time before we break to issue that Statement to him? Any time before the break!

Mr. Deputy Speaker: You will do it next week on Tuesday! So on both issues that were raised by Dr. Khalwale, the Chair will look at them and look at the HANSARD and probably get more information on what you have said about the Minister because your information was a bit of appeasement and I will give a direction on the same.

Next Order!

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

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

QUORUM

Mr. Chachu: Mr. Deputy Speaker, Sir, I think this is a very important Bill and I do not think we have Quorum in the House for this Bill.

Mr. Deputy Speaker: We do not have quorum! Please ring the Division Bell!

(The Division Bell was rung)

ADJOURNMENT

Mr. Deputy Speaker: Order, hon. Members! There being no quorum, the House stands adjourned until this afternoon, 23rd May, 2012, at 2.30 p.m.

The House rose at 10.20 a.m.