

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 30th May, 2012

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

DISTRIBUTION OF ADULTERATED FUEL

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

(a) Under what circumstances did adulterated fuel from a fuel importer find its way to the Kenya Pipeline Company (KPC) system and the market?

(b) Were the necessary quality tests done on the fuel and if so, could the Minister indicate who did the tests and table the results of the tests?

(c) Who released the fuel to the market, how much of it was released and what is the ministry doing to ensure that this does not happen again and that the super petrol in the market is safe?

Mr. Deputy Speaker: hon. Nyamai!

SUBMISSION OF DETAILS ON KQ RIGHTS ISSUE

(Mr. M'Mithiaru) to ask the Minister for Finance:

(a) What is the Government's stake in the just concluded Kenya Airways Rights Issue and who were the transaction advisors/or sponsoring stockbrokers?

(b) Is the submission of Provisional Allotment Letter (PAL) in a public placement like Kenya Airways Rights issue a separate service from the advisory services provided by transactions advisors?

(c) What is the procedure of selecting stockbrokers for the submission of the Provisional Allotment Letter and does the Provisional Allotment Letter service attract a commission, and if so, how much will be paid to the submitting stockbrokers(s)?

ILLEGAL DETENTION OF ANN WANJIKU GITHAI BY S.D. AL ANZEE IN DUBAI

Mr. Kabogo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice:

(a) Is the Minister aware that Ms Ann Wanjiku Githai is being held hostage in the house of her employer, one Mr. Saleah D Al Anzee (telephone number +966557144144) in Gassim, Dubai, since September 2011, and that she has not been paid since she got employed?

(b) Is the Minister further aware that she is currently ill and in need of medical attention, yet she is being subjected to hard labour?

(c) What urgent measures is the Minister taking to ensure that she is released by her employer and subsequently repatriated back to the Country and also indicate measures taken by the government to ensure that Kenyans living in Dubai do not experience the same treatment?

Mr. Deputy Speaker: Minister for Foreign Affairs!

ORAL ANSWERS TO QUESTIONS

Question No.1306

CONSTRUCTION OF DAM ON KIPKARREN RIVER

Mr. Deputy Speaker: Mr. Koech!

Question No.1403

DELAY IN CONSTRUCTION OF FRESH PRODUCE MARKET AT IKUTHA

Mr. Deputy Speaker: Mr. Isaac Muoki!

Question No.1499

DELAY IN CONSTRUCTION OF KATITO MARKET

Mr. Ochieng asked the Minister for Local Government:

(a) why the construction of Katito Market under the *Economic Stimulus Program* has stalled, and how much money has been paid to the contractor so far;

(b) why the tender for the construction works was awarded to the second highest bidder, contrary to the procurement procedure; and

(c) when the construction works will be completed and handed over to the traders in Nyakach Constituency.

Mr. Deputy Speaker: Is the Minister for Local Government present? He is not in yet.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. This Question appeared on the Order Paper the other week, and there was an undertaking from an Assistant Minister in that Ministry that they would come here with a very comprehensive answer about these markets. I really do not know whether this Ministry is serious in dealing with this matter relating to the markets. I want your guidance on this matter.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, the Minister was asked a similar Question and the Speaker allowed him until Tuesday to come up with a comprehensive answer.

Mr. Deputy Speaker: On the same Question?

Mr. Shakeel: Yes, on a Question about markets.

Mr. Deputy Speaker: Member for Lamu West.

Question No. 1584

DELAY IN DRILLING BOREHOLES/WELLS
DUE TO NEMA DEMANDS

Mr. Deputy Speaker: Member for OI Kalou!

Question No.1540

CONFLICT OVER PLOT NO.6 AT KANGUI

Mr. Mureithi asked the Minister for Lands:

(a) if he is aware of a conflict between a church and the local community over the ownership of Plot No. 6 at Kangui;

(b) under what circumstances the plot, which was previously owned by a nursery school, was transferred to the church; and

(c) what steps the Minister will take to resolve the conflict.

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

(a) I am aware of the conflict between a church and a local community over ownership of Plot No.6 at Kangui Township.

(b) Parcel No. Kangui/6 was approved as an extension to Plot No.5 of the PCEA Church by the County Council of Nyandarua at a meeting held on 5th July, 1990 at the Nyahururu County Hall.

(c) Ownership of the plot is subject to a Civil Appeal Case No.197 of 2001 in the High Court of Kenya in Nakuru. I am waiting for the court decision before taking any steps.

Mr. Mureithi: Mr. Deputy Speaker, Sir, whereas I agree with what the Assistant Minister has said, the documents available indicate that this plot was public property. I would like to table the documents here before I ask a question.

Mr. Deputy Speaker: Order, hon. Mureithi! If the matter is under civil litigation in court to determine who the rightful owner is, this Parliament has no jurisdiction to determine who the owner is. It falls under the *sub judice* rule. The august House can only come in if the matter is not before a court. Mr. Rai, could you, please, clarify whether the ownership of this plot is actually what is under civil litigation in court?

Mr. Rai: Mr. Deputy Speaker, Sir that is the case and that is why I am waiting for the decision before I take any step.

Mr. Deputy Speaker: Hon. Mureithi, we are bound by the *sub judice* rule under the circumstances, unless you want to contest that, and say that it is not---

Mr. Mureithi: Mr. Deputy Speaker, Sir, I have been here now for more than four years, and what I have seen is that when an hon. Member says that an issue is in court he or she must produce evidence that the matter is, indeed, in court.

Mr. Deputy Speaker: Mr. Rai, can you produce the evidence?

Mr. Rai: Mr. Deputy Speaker, Sir, I do not have the proceedings right now, because the papers are in Nakuru, but it is Civil Appeal No.197 of 2001. I will be in a position to bring the proceedings if given time.

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

Mr. Deputy Speaker: On the same matter?

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

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

Mr. Kabogo: Mr. Deputy Speaker, Sir, you are aware that Questions stay at the Ministries over a period of time. Is it in order for the Assistant Minister to say that the matter is in Nakuru and that he needs to be given time to get court papers? When he got the civil appeal number he has cited, it must have been from a document. So, really, Ministers ought to take the business of this House seriously!

Mr. Deputy Speaker: Assistant Minister, the Chair directs that the Question be listed on the Order Paper next week on Thursday afternoon.

Mr. Rai: Much obliged, Mr. Deputy Speaker, Sir. I think my colleague actually knows what happened because this is an appeal. This is not the first instance case; the case was won by the church then these people appealed. He knows the contents of the proceedings that I will provide.

Mr. Deputy Speaker: Are you comfortable with next week, Mr. Mureithi?

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

Mr. Deputy Speaker: Fair enough.

(Question deferred)

Next Question by Dr. Kones.

Question No.1469

MEASURE TO FACILITATE ESTABLISHMENT AND OPERATION OF BUSINESSES

Dr. Kones asked the Minister for Finance:-

(a) what the Government is doing about the recommendations of the 2011/2012 "Doing Business Report" prepared by the International Finance Corporation and the World Bank to encourage simple and efficient regulations designed to facilitate the establishment and operations of businesses;

(b) what regulatory measures the Government has taken to improve the country's overall investment climate in future, considering that Kenya was ranked 109th in the last report; and,

(c) what reforms the Government has taken to simplify payment of taxes and regulations for investors and what achievements have been made in improving business environment to attract new investments in the country.

Mr. Deputy Speaker: Minister for Finance!

Next Question by the Member for Mwea.

Question No.1436

BOUNDARIES OF AREA GAZETTED AS
MWEA IRRIGATION SCHEME

Mr. Gitau asked the Minister for Lands:-

(a) whether he could indicate the entire land gazetted as Mwea Irrigation Schemes under the management of the National Irrigation Board (NIB) and table the relevant gazette notices;

(b) whether he could also indicate which part of the land under the NIB has been allocated to private developers and title deeds issues; and,

(c) whether due process was followed during the issuance of those title deeds and whether he could also table the relevant documents.

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

(a) The entire land gazetted as Mwea Irrigation Scheme under the management of the NIB is approximately 5278.2 hectares. The gazettelement was done in accordance with the provisions of Section 13 of the Trust Land Act (Cap.288) vide Gazette Notice Nos.3097 and No.3099 of 1960.

(b) No private developers have been allocated land belonging to the NIB and no title deeds have been issued.

(c) Accordingly, no documents can be tabled and the question of due process does not arise in the circumstances.

Mr. Gitau: Mr. Deputy Speaker, Sir, I have not received any written answer for the Question---

Mr. Deputy Speaker: Do you wish to prosecute the Question?

Mr. Gitau: I would wish to prosecute the Question---

Mr. Deputy Speaker: Proceed then.

Mr. Gitau: Mr. Deputy Speaker, Sir, I would wish to prosecute the Question once I have a written answer.

Mr. Deputy Speaker: Much as the Chair would forgive you for this, the Chair has time and again informed Members that if you do not want a Question to be answered because you do not have a written answer, you raise that from the outset. You do not wait until the Question is answered by the Assistant Minister and then you say you do not have a written answer.

Nonetheless, the rules are very clear; that Ministers are supposed to furnish written answers well in advance. The hon. Members who ask the Questions are also supposed to be furnished with those answers, so that they can adequately study the answer and prosecute the Question.

Under the circumstances, I direct that this Question be listed on the Order Paper on Wednesday morning. In the meantime, the Chair also directs you to furnish the written answer to the hon. Member.

Mr. Rai: On a point of order, Mr. Deputy Speaker, Sir. This Question was on the Order Paper last week. That was why the answer was given to the Questioner. If I have to furnish the Member with an answer every time the Question is on the Order Paper that will become so difficult.

Mr. Deputy Speaker: Are you maintaining that the answer that you had last week is the same one you have today?

Mr. Rai: Precisely yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Then why was the Question deferred and not---

Mr. Rai: It was not deferred. It was not actually reached. I was even ready last week to prosecute it the way it is.

Mr. Deputy Speaker: Did the hon. Member have a copy of the answer last week?

Mr. Rai: Mr. Deputy Speaker, Sir, to the best of my understanding he has an answer.

Mr. Deputy Speaker: Mr. Gitau.

Mr. Gitau: Mr. Deputy Speaker, Sir, I do not have that answer yet.

Mr. Deputy Speaker: Fair enough, the Chair directs that this Question be listed on the Order Paper on Wednesday morning next week. In the meantime, the Chair directs the Clerk's Department to immediately furnish a copy of that answer to Mr. Gitau.

(Question deferred)

Next Question by Mr. Yakub.

Question No.1462

PROVISION OF DETAILS OF BOAT ACCIDENT IN LAMU

Mr. Yakub asked the Minister for Transport:-

(a) what was the cause of the boat accident in Lamu on 1st January, 2012 and whether he could indicate how many people died or were injured in the accident;

(b) how the Government will assist the victims and families of the deceased; and,

(c) what measures the Ministry will take to ensure such accidents do not recur.

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

(a) On 1st January 2012, at around 2015 hours, two boats, MV Safina and MV Al Itsam, both owned by a Mr. Said Athman and Brothers, were involved in a collision between Mokoe and Lamu Island. MV Al Itsam was carrying 30 drums of fuel oil from Lamu Island to Mokoe Jetty, whereas MV Safina was carrying an unknown number of passengers from Lamu Island to Mokoe Jetty. After the accident, MV Safina sustained damage to its bow and its water tight integrity was breached to the extent that it sank soon afterwards. Six people were confirmed dead while 13 were hospitalized.

(b) The Government has no plans to offer any assistance to the victims or their families. We wish to advise the families of the deceased to pursue legal redress against the boat owners. It is however, worth noting that the Government did extend assistance during the search and rescue operations immediately after the accident.

(c) The following recommendations and action plan have been put in place to avert similar accidents in the future:-

(1) While the Merchants Shipping Act provides the general framework regarding the safety of vessels, it is the draft National Small Vessels Safety Regulations that contain the details of the technical requirements for the vessels in terms of certification, safety equipment, training and certification of crew. The regulations are required to operationalize the Merchant Shipping

Act of 2009. These draft regulations are in the final stages of review, and after gazettelement their enforcement will prevent future occurrence of such accidents.

(2) The Kenya Maritime Authority has since engaged boat owners, and this has resulted to formation of Maritime Safety Self Regulation Association which, it is expected, will enable each boat operator to understand and comply with the basic maritime safety requirements. Stakeholders have accepted that even before the regulations are gazetted, all the boats will provide life jackets for every passenger as soon as they board. Boats will also be fitted with lights to enable visibility at night and a passenger manifest will be maintained by all boat operators.

(3) The Kenya Maritime Authority (KMA) has been instructed to enhance its presence in Lamu County by establishment of an office, which will enable consistent sensitization to safety and security in boat operations. Other services to be rendered will include capacity building and competence among maritime training and workshop.

Thank you.

Mr. Yakub: Mr. Deputy Speaker, Sir, I wish to thank our new Assistant Minister for Transport.

Could he tell the House the number of passengers allowed to board vessels like MV Safina or MV Al Itsam? The report which was prepared by the Red Cross clearly indicates that the boat was overloaded.

Mr. Joho: Mr. Deputy Speaker, Sir, I do not have the details of the size of the boats. However, I would want to believe that it varies given that each size will carry a different number of people. We are aware that there was an overload in this boat. The 16 people who were injured plus six dead add up to 22. Therefore, the capacity of the boat should be about 20 people.

Mr. Deputy Speaker: Should be or you are sure of it?

Mr. Joho: I am not sure, Mr. Deputy Speaker, Sir, because I do not have the facts here right now.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. This is a serious matter, but the Assistant Minister is taking it very casually. This is a case that ended up taking away the lives of Kenyans. Is the Assistant Minister in order not to provide all the information about the size of the boat, the capacity and what action he normally takes when a boat is overloaded? Is he in order not to provide all the information?

Mr. Deputy Speaker: Clearly, Assistant Minister, given the sensitivity of the matter, you must be equipped fully with the information sought by the Members. Proceed!

Mr. Joho: Mr. Deputy Speaker, Sir, I have given all the details asked initially but I want to seek the indulgence of the House whether you want me to go back and seek to bring the actual size and the number that---

Mr. Deputy Speaker: Otherwise the House would not be in a position to make a judgment on the extent of the lapse; whether the boat was for ten people and it was carrying 40 people or it was for 35 people and it was carrying 40 people. This is very basic information when you have to deal with such things.

Mr. Yakub, are you comfortable with the Question being deferred?

Mr. Yakub: Yes, Mr. Deputy Speaker, Sir, this Question must be deferred.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I am rising on a point of order that while you are deferring the Question, could the Assistant Minister also come with information to tell us whether this boat was insured or not? That information would be good to enable us interrogate this matter.

Mr. Yinda: On a point of order, Mr. Deputy Speaker, Sir. Since the Assistant Minister is going to return with a more comprehensive answer, I request that he also comes with an answer as to how many other boats, including the Government boats, are in bad shape. This is because the accidents involving boats both in Lake Victoria and the Indian Ocean is something that we hear of almost every day. The enforcement of the rules on the number of passengers each boat is expected to carry is also very wanting.

Could he come back and inform this House what measures the Government has in place to decommission all boats that are not competent to be carrying passengers on the Lake and the Ocean?

Mr. Deputy Speaker: I presume, Mr. Joho, you have heard the sentiments – the proper technical word is sea worthiness – so you have to come with information that essentially shows the sea worthiness of all the boats that are involved in carrying Kenyans.

Mr. Joho: Mr. Deputy Speaker, Sir, can I do this on Thursday next week?

Mr. Deputy Speaker: Mr. Yakub, are you comfortable with Thursday next week?

Mr. Yakub: Yes, Mr. Deputy Speaker, Sir. I am very comfortable.

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

(Question deferred)

Question No.1588

POSTING OF OCPD TO KANDARA DISTRICT

Mr. Deputy Speaker: Mr. James Maina Kamau is not here! We will go to the next Question.

Question No.1437

DETAILS OF TENDER TO CONSTRUCT SPORTS ACADEMY AT KASARANI

Mr. Shakeel asked the Minister for Youth Affairs and Sports:-

(a) whether he could confirm that the tender for the construction of an ultra modern sports academy at the Moi International Sports Centre, Kasarani, at a cost of Kshs. 1.6 billion was advertised and awarded and, if so, when the works will commence;

(b) whether he could also confirm that the Ministry committed to spend Kshs400 million to improve Mombasa Municipal Stadium, Kirigiti, Kipchoge Keino Stadium and Mogoma Community Sports Ground in Longisa and, if so, state why no stadium in Nyanza, Eastern and North Eastern provinces was included.

The Minister for Youth Affairs and Sports (Dr. Otuoma): Mr. Deputy Speaker, Sir, I beg to reply.

(a)The tender for the construction of the ultra modern sports academy at the cost of Kshs1, 579,778,165 was advertised and awarded in accordance with the provisions of the

Procurement and Disposal Act, 2005. The preliminary works which involved preparation of design have already commenced.

(b)The Government is committed to spent Kshs140,142,494 in the financial year 2011/2012 and not Kshs400 million to rehabilitate and improve Mombasa Municipal Stadium, Kirigiti, Kipchoge Keino Stadia and Mogoma Community Sports Ground in Longisa alongside others throughout the country. The stadia in Nyanza, Eastern and North Eastern provinces have been earmarked for rehabilitation. In this regard, the following projects have been funded this financial year, 2011/2012, as follows:-

In Nyanza there is the Kisumu Stadium, Kisumu Lawn Tennis Courts, Koseles Sports Grounds, Homa Bay Stadium and Migori Sports Ground.

In Eastern it is, Embu Stadium, Makadara Sports Ground and Kitui Stadium. In North Eastern it is Modogashe Stadium and Mandera East Stadium. All the earmarked projects for improvement this financial have already commenced and it is anticipated that they will be completed by the end of the financial year.

Mr. Shakeel: Mr. Deputy Speaker, Sir, I want to thank the Minister for the answer. However, he says in part (a) that the tender is in progress and he continues to say that Kshs400 million was not the figure. This amount of Kshs400 million was announced in October 2010 by the Minister himself and at that time it was announced that Kshs1.6 million would be spent for Kasarani International Sports Center and Kshs100 million would be spent for Kirigiti; Kshs130 million would be spent for Kipchoge Keino in Eldoret; Kshs79 million would be spent for Mombasa Municipal Stadium and Kshs6 million for Mogoma Community Sports Ground.

Is the Minister now telling us that that announcement that was made in October 2010 from his Office by way of a Press release was incorrect or was it reviewed? Furthermore, could he please tell us; since October 2010, why the work has not started at Kasarani International Sports Center because it is nearly one year and a half?

Dr. Otuoma: Mr. Deputy Speaker, Sir, we are aware that there were some austerity measures that were put in place and the budgets were reduced. But all the same, we are determined to continue funding these projects and that is why I am saying that that is what was projected but the money that we had is the Kshs140 million which we have allocated as I have already stated. On the issue of Kasarani International Sports Center, as I have already said, the preliminary works which involve preparation of design have commenced.

Mr. Mbadi: Mr. Deputy Speaker, Sir, with regard to this particular work that was supposed to take place at Kasarani International Sports Center, if the contract was awarded in October 2010, could the Minister clarify to us the contract period and if the contract is still on track or if it is late, what are the reasons for its lateness?

Dr. Otuoma: Mr. Deputy Speaker, Sir, the design works have not been finished and I can seek further information because I do not have that other information, currently as to why we should have those delays. The Question that had been asked by Mr. Shakeel was that he wanted to know how much has already been committed. However, I can get further information, if the hon. Member gets in touch with me, so that we can see the extra information he is seeking.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, first I want to thank the Minister for having identified Kitui Stadium but could he tell this House how much he has allocated to Kitui Stadium which he has listed? What is he going to do with encroachers because the Stadium has been encroached by land grabbers?

Dr. Otuoma: Mr. Deputy Speaker, Sir, we all know that there are many efforts from the Ministry of Lands and even the municipal councils or the county councils to protect public

facilities in terms of those encroachments. What we have been urging - this is something that I have been urging my officers - is to make sure that by the time the public funds are being committed on any facility, we must ascertain whether that facility or land really belongs to the public. I do not have the figure that was allocated to Kitui Stadium in the financial year 2011/2012 but I have a figure that we have committed. The first figure that was allocated towards rehabilitation works for Kitui Stadium for 2011/2012 was Kshs3 million but for this financial year, I do not have the figure that we have allocated for it because we are funding these projects continuously. However, for the last financial year, it was Kshs3 million.

Dr. Kones: Mr. Deputy Speaker, Sir, I want to thank the Minister because, at least, he has considered one sports ground in my county, namely, Mogoma Community Sports Ground. Could he tell us exactly how much has been allocated towards what is expected in that sports ground? When will the project be completed?

Dr. Otuoma: Mr. Deputy Speaker, Sir, Kshs6 million was allocated to the Mogoma community grounds in the last financial year. I do not have the figure for this financial year, but it depends on the scope of works. I will check that. I have already stated that it does not make sense to give any facility money that does not accomplish what we want to accomplish. We must have a template to show the minimum that a facility should contain for it to be called a stadium. For the Year 2011/2012, it was Kshs6 million but I do not have the figures for this year.

Mr. Pesa: Mr. Deputy Speaker, Sir, we have now gone county and I want to thank the Minister for putting up a proper stadia in Migori. In his answer, he has alluded that the works have been started. If the works have been started in this financial year and today is 30th May and the year is about to end, could he confirm to this House that work at the Migori Stadium has started with the money that he allocated?

Dr. Otuoma: Mr. Deputy Speaker, Sir, we gave Kshs3 million to Migori Stadium in the last financial year. I know without any doubt that in the Budget Committee, my Ministry was rated as one of the best in terms of utilization of Government. I will consult with the Member, so that I can know how far the Migori Stadium is. As I was pleading with the Members, I know that Kshs3 million may not finish all the work that we want to do. So, we have to fund these stadia in phases.

Mr. Yakub: Mr. Deputy Speaker, Sir, the Minister has mentioned the Mombasa Municipal Stadium. The Mombasa football fans have not hosted international games because of lack of a proper stadium. Could he inform the House when this contract was signed, who is the contractor and what is the status of the work in progress?

Dr. Otuoma: Mr. Deputy Speaker, Sir, again, I may not have all the answers, but on the Mombasa Municipal Stadium, last year, we committed Kshs56 million. However, we had issues in terms of contractual obligations between my Ministry, the Stadium Management Board and the Municipal Council of Mombasa which basically owns the grounds. Because the council delayed in passing certain resolutions, there was a very long delay in implementation of these works. Again, I would need to know how far we have gone after those hiccups were overcome by the council. We can liaise and see whether it is going on now smoothly or whether there are any hiccups whose solution we can accelerate. But the delay was because of the council not passing a resolution in terms of land being availed to build this stadium. It was very unclear whether the Ministry was taking over the stadium management or it still belongs to the municipal council. We all know that my Ministry just helps to improve infrastructure. Those who run the infrastructure are the councils and the Stadium Management Board, who needed to give us a clear picture on this.

Mr. Koech: Mr. Deputy Speaker, Sir, Kenya is known internationally for its best performance in athletics. The majority of the athletes come from the North Rift. The Minister is aware of “Eldoret Express” and “Kapsabet Express”, whom we expect to give this country a gold medal during the Olympics this year. In his own press Statement in October, 2010, the Minister indicated and told the public that Kipchoge Stadium in Eldoret would receive Kshs130 million for renovation, but that is yet to be seen. There was also indication that Kapsabet Stadium would get Kshs100 million for rehabilitation because it is in a seriously deplorable state to the extent that our athletes have to travel to Nairobi and stay in rental places to prepare for the Olympics and other international championships. What is the specific amount of money that he has allocated to Eldoret and Kapsabet? When do we expect the works to be complete, so that Kenya remains at the top internationally?

Dr. Otuoma: Mr. Deputy Speaker, Sir, indeed, it is true that the Head of State addressed himself to the Kipchoge Keino Stadium. In the last financial year, over Kshs70 million was committed. So far, Kshs30 million was disbursed in the last financial year. I do not have the figure that was disbursed after that but we know that there was commitment despite the cutbacks that we had in the Budget. When I went to the Kapsabet Stadium for KASS Marathon, we had agreed that the council passes the resolutions and gives us the document to offer the land, so that we could then put it in our Budget. To the best of my knowledge, it has not come to me that the process was finished. There were issues with the land and the council was to pass the resolution and give us the land, not in terms of taking the land, but in terms of saying that this is public land and we can invest on it. Otherwise, with regard to Kapsabet, Iten and Eldoret, I agree with the Member that we need to do serious facilities. It is not just ourselves, but we know that there are also interested international investors. The issue of the Public Private Partnership (PPP) which is still pending needs to be fast-tracked through this Parliament, so that it is easier for investors to come in and help. The Government alone cannot do these infrastructural projects.

I also want to re-assure the House that part of the flagships projects in Vision 2030 is to ensure that at least each county has a facility that can hold international events of any magnitude. That is part of our key mission in Vision 2030 and I have no doubt that with devolution coming up, this will be prioritized and we will achieve what we have set out to do in Vision 2030. I will check the update on how far the Kapsabet Stadium went in terms of the land issues that were there.

Mr. Shakeel: Mr. Deputy Speaker, Sir, for the four years that I have been here, I see for the first time that Modogashe Stadium in Mandera has even been mentioned. I also see in the report that some work is happening in Kisumu Stadium. I know that FIFA has a public partnership with the City Hall. I have written to the Minister a couple of times about the Kisumu Lawn Tennis Court and Kshs2 million has allegedly been spent on something that is not on the ground. On the basis of what I am saying, the Minister has continually stated that he has difficulties with the local authorities and the national stadium management. What is the National Stadia Management Board doing if it is not looking after all the stadia?

Finally, a vision without implementation or action is hallucination. Could he confirm that he is prepared to visit every province, starting with Kisumu and Kipchoge Keino, and give us the status of all the works that are going on in all the stadia? I am hoping that he will give us the status in the next two weeks.

Mr. Deputy Speaker: Order, order. This is a question and answer time. The Minister is not expected to make any undertaking outside the content of the Question itself. So, can you answer the extent of the Question that you think you can answer now? Proceed.

Dr. Otuoma: Mr. Deputy Speaker, Sir, I just want to say that on the issue of Sports Stadia Management Board (SSMB), their mandate currently is just Nyayo and Kasarani Stadiums. But we have been trying to go into some form of agreements with---

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. We, as a country, have put in place the Sports Stadia Management Board to ensure that there is development of all the stadia in the Republic of Kenya for the benefit of the Kenyan children.

Is the Minister in order to mislead the House that some stadia are not within the powers of SSMB?

Mr. Deputy Speaker, Sir, I seek your indulgence that the Minister provides full information. This country relies on our athletes. Our football is going down. We want to see it come up. We have some fellows from North Eastern Province who are very good in football. But the Minister has not given us how much he has put in Madogashe and Mandera to develop the stadia. I specifically asked about Kapsabet, where he is being asked to come with more information on the same.

Mr. Deputy Speaker, Sir, am I in order to request that this Question be deferred and the Minister comes with full information about the position of all the stadia in Kenya, so that we, as a House, can take this matter seriously up to the level it deserves.

Dr. Otuoma: Mr. Deputy Speaker, Sir, I would like to seek your guidance because what the hon. Member is requesting is completely different.

I came with information to answer today's Question and I have answered it to the best of my abilities. I believe that I have adequately answered it.

Mr. Deputy Speaker, Sir, on the issue of SSMB, where the hon. Member is laying the foundation of his point of order, it is true that if you can look at the SSMB's mandate currently, it is only Nyayo and Kasarani stadia. The reason is that most stadia land is owned by municipal or county councils. So, the only way SSMB can come in is through contractual agreements. That is because they cannot buy land to build stadia. But that is an arrangement of the past because we are already going to the counties. That is what we are already looking into in our Vision 2030. We want each county to have a facility.

Mr. Deputy Speaker, Sir, if you look even in the past, nearly all the former districts, which have formed the counties, have a municipal facility of some kind. That is where we have directed that they must go into some kind of Public-Private Partnership (PPP) between the councils, private investors and SSMB to develop that infrastructure.

Mr. Deputy Speaker, Sir, last week, I also mentioned here in this House that the---

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Will I be in order also to seek your indulgence since the Minister has said very clearly that under Vision 2030, they are going to county level---

The answer he has given here is not very clear. Will I be in order to request your indulgence so that this Question can be deferred until when he will come up with a conclusive answer of all the stadia in the counties? In my county, we have the Afraha Stadium, but he has not mentioned it. I seek your indulgence.

Dr. Otuoma: Mr. Deputy Speaker, Sir, I was addressing myself to the point of order that was raised by hon. Koech. It was not part of the Question that was asked by hon. Shakeel.

I am just trying to clarify what SSMB does. But on the issue of the questions that were asked of which stadia were not funded in North Eastern, Nyanza and Eastern, I have already provided all those answers. So, I was just explaining the supplementary question from hon. Koech----

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. The Minister has just told us that he has provided all the information we have asked for and, yet, he clearly stated earlier in his answer that he has no figures for the stadia in Nyanza, Eastern and North Eastern.

He started looking through his papers to give us the figures. So, he has not actually answered the Question exhaustively. So, I would like to put it to the Minister that he has not answered the Question as asked, but he insists that he has.

Mr. Deputy Speaker: Yes, Mr. Minister, indeed, the Chair is of the opinion or shares certain--- The Minister has done quite a bit in answering the core of the Question but, indeed, when it says: The stadia in Nyanza, Eastern and North Eastern Provinces, you have just gone ahead to say that the Government is putting in money. But you have not elaborated on how much money have the stadia been funded with or how much is in the pipeline. There is Kisumu, Kisumu Lawn Tennis--- There are many here in the list. Would you like the Chair to give you a little bit more time because, whereas you have made a lot of effort, there are gaps? Proceed, if you have the answer.

Dr. Otuoma: Mr. Deputy Speaker, Sir, I have the answers. I was answering questions as they were being asked.

Mr. Deputy Speaker, Sir, if you want me to give the breakdown, it is as follows:-

In Nyanza, renovation of Moi Stadium, Kisumu will cost Kshs43 million. At Kisumu Lawn Tennis court, it will cost Kshs4 million. Kosele Sports Ground and Ranchuonyo will cost Kshs3million, Homa Bay Stadium will cost Kshs3 million. Migori Stadium will cost Kshs3 million.

In Eastern Province, the rehabilitation of Embu Stadium will cost Kshs5 million. Makadara Sports Ground in Eastern Province will cost Kshs3 million. Rehabilitation of Kitui Stadium will cost Kshs3 million.

In North Eastern, the rehabilitation of Madogashe Stadium will cost Kshs3 million. The rehabilitation of Mandera East Stadium will also cost Kshs3million.

Mr. Koeh: On a point of order, Mr. Deputy Speaker, Sir. This House is entitled to a full disclosure of all the information. If you listened to the Minister, that was not part of the answer that he gave. We have interrogated the Question and now we are in the last supplementary question from the Questioner. He is now providing that information that is very important and very key to this House.

Mr. Deputy Speaker, Sir, am I in order to request that you defer this Question and the Minister provides full details of each and every stadia so that, as the representatives of the people, we can also be able to monitor and know that works are actually going on after the Minister has disbursed the money?

Mr. Deputy Speaker, Sir, am I in order to request that?

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

As the Minister laboured to respond to all the queries, I am equally concerned because His Excellency the President ordered that Kirigiti Stadium, which is a very important historic playground in Kiambu County, be renovated. Up to now, we have not heard anything coming from the Minister.

Mr. Deputy Speaker: Indeed, Minister, you probably need to make a breakdown on a few more than what you have now said. That is because the Question asks about Mombasa, Kirigiti, Kipchoge Keino and Mogoma Community. Could you give a breakdown of each of them? Essentially, how much has been committed to them?

Dr. Otuoma: Mr. Deputy Speaker, Sir, as the hon. Members were raising supplementary questions, I was giving the figures. Mr. Yakub asked me how much has been given to Mombasa Stadium and I gave him Kshs56 million. Hon. Njuguna has asked about Kirigiti Stadium. So far, we have given Kirigiti Stadium Kshs3 million. We also gave Kipchoge Keino Kshs30 million last year. Dr. Kones asked about Mogoma Stadium. I gave him a figure of Kshs6 million. So, I had already answered that. I am sure the HANSARD can bear me witness.

Mr. Shakeel: Mr. Deputy Speaker, Sir, the Minister is trying his best to give us these figures, but my question is the one which has now actually opened up to a more national approach to this issue. So, would I be in order to ask him to visit these stadia and give us a comprehensive report as he will be directed by the Deputy Speaker?

Mr. Deputy Speaker: Hon. Minister, just for your own benefit and that of the House, the written answer which we have here does indicate that Mombasa was paid Kshs140 million. Part “b” of the answer says “the Government has committed to spend Kshs140 million.”

The Chair is satisfied to the extent to which the Question itself was put. Unless you put in another Question that is very comprehensive, the Minister has adequately answered all those issues.

Next Question by Madam Leshoomo.

Question No. 1607

MEASURES TO HARVEST RAIN WATER IN SAMBURU

Bi. Leshoomo alimuuliza Waziri wa Maji na Unyunyizaji:-

(a) ana mipango gani ya uvunaji wa maji kule Samburu wakati huu wa mvua; na,

(b) mabwawa mangapi yamefunikwa na mchanga katika eneo la Samburu.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Bw.

Naibu Spika, naomba kujibu.

(a) Wizara ya Maji na Unyunyizaji imekuwa na mipango ya kuvuna maji kule Samburu. Mabwawa ambayo yamechimbwa au kutolewa mchanga ni 20. Mabwawa haya yamevuna na yanahifadhi maji wakati huu wa mvua. Kiasi cha maji yaliyovunwa ni lita 500,000.

(b) Mabwawa ambayo yameingia mchanga ni 28 katika eneo la Samburu. Lakini haya mabwawa hayajafunikwa kabisa na mchanga na yako na maji machache. Wizara iko na mipango ya kutoa mchanga unaozuia mabwawa haya kuvuna maji ya kutosha.

Bi Leshoomo: Bw. Naibu Spika, ninamshukuru Waziri Msaidizi kwa jibu lake. Hata hivyo, kuna mabwawa 93 lakini si yote ambayo yanatumiwa kuvuna maji na kuhifadhi maji. Ni mabwawa 15 ambayo inatumiwa kuvuna na kuhifadhi maji. Mabwawa mengine yote yamejaa mchanga. Je, Bw. Waziri Msaidizi anaweza kuzuru eneo hili la Samburu na kujionea mwenyewe jinsi mabwawa hayo yamejaa mchanga?

Swali hili linalenga maeneo mengine nchini ambapo mabwawa yake yamejaa mchanga na hayawezi kutumiwa katika kuvuna maji wakati huu wa masika. Wakati huu mvua ni nyingi sana na inasababisha vifo vya watu na wanyama wengi. Pia inasababisha harasa kubwa ya mali ya wananchi wa taifa hili. Ni mikakati gani mwafaka Wizara hii imeweka ili kuzuia hasara inayosababishwa na mvua katika maeneo mbalimbali nchini? Tumeshuhudia nyumba za watu na majengo mengine yakibomolewa na mafuriko ya maji. Mifugo na watu wengi wamepoteza maisha yao. Miaka nenda, miaka rudi, tunashuhudia mafuriko na baada ya miezi miwili ukame

unaingia. Pia ukame husababisha hasara kubwa kwa watu na mifugo. Watu wengi hupoteza maisha yao kwa sababu ya njaa na mifugo hufa kwa sababu ya ukame. Je, Serikali hii inafanya nini ili kuvuna maji wakati wa mvua ndio watu wetu wayatumie wakati wa kiangazi? Mwenyezi Mungu hutupa maji mengi lakini sisi hatufanyi lolote kuyavuna ili tuyatumie wakati wa ukame.

Mr. Deputy Speaker: Je, Bw. Waititu, umethibitisha kama mabwawa haya yote yana maji kwa sababu mhe. Leshoomo amesema ni mabwawa 15 yaliyo na maji?

Mr. Waititu: Bw. Naibu Spika, kuna zaidi ya mabwawa 90 katika sehemu hiyo ya Samburu. Kulingana na rekodi yangu, kuna mabwawa 19 yaliyo na maji ya kutosha. Kuna mabwawa 28 ambayo yamefunikwa kiasi na mchanga. Mabwawa haya yana maji machache. Wizara yangu ina mipango maalum ya kuhakikisha mchanga wote umetolewa kutoka mabwawa hayo. Punde tu mvua ikipungua tutafanya hivyo.

Bw. Kabogo: Bw. Naibu Spika, mhe. Leshoomo amesema kuna mabwawa zaidi ya 90 na in mabwawa 15 peke yaliyo na maji. Je, Serikali imeridhika kuwa zaidi ya mabwawa 70 hayana maji? Ni mpango gani wa dharura unaoweza hakikisha mabwawa haya yote 90 yana maji ya kutosha ili wananchi wa sehemu hiyo wafaidike kwa sababu baada ya mvua kubwa athari za ukame ni nyingi sana? Je, Bw. Waziri Msaidizi anaweza kuzuru mabwawa haya wiki hii na kuhakikisha wananchi wamepata maji ya kutosha?

Mr. Deputy Speaker: Je, Bw. Waziri Msaidizi, unaweza kuzuru mabwawa hayo na kuona vile hali ilivyo?

Mr. Waititu: Bw. Naibu Spika, niko tayari kuzuru mabwawa hayo hata kama si wiki hii. Ninaomba Bunge hili kuniruhusu nifanya hivyo wakati wa likizo.

Mr. Ochieng: Asante, Naibu Spika. Inaonekana kwamba Wizara ya Maji na Unyunyizaji haijafanya mengi kuvuna maji ya mvua na kuyahifadhi katika mabwawa mengi hapa nchini. Ni mipango gani Wizara hii inayo kuhakikisha mabwawa mengi yamejengwa katika kila wilaya ili maji ya mvua yasitiririke katika bahari lakini yawasaidie watu wakati wa ukame?

Mr. Waititu: Bw. Naibu Spika, Wizara yangu ina mipango mingi ya kuchimba mabwawa mengi katika kila wilaya. Wakati huu tuna mipango ya kuchimba zaidi ya mabwawa 22 hapa nchini. Tayari tumeshaanza kuchimba mabwawa matano makubwa katika wilaya mbalimbali hapa nchini.

Mr. Kiptanui: Asante sana, Bw. Naibu Spika. Bw. Waziri Msaidizi amesema kuna mabwawa mengi hapa nchi ambayo yamefunikwa na mchanga na kwamba wako na mipango ya kuondoa mchanga huo. Je, ni pesa ngapi Serikali imetenga ya kufanya hivyo?

Mr. Waititu: Bw. Naibu Spika, katika Samburu North District, tumetenga Ksh22 milioni; Samburu Central District tumetenga Ksh17.5 milioni ilhali Samburu East District ni Ksh20 milioni.

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

Mr. Deputy Speaker: Hoja ya nidhamu!

Mr. Koech: Hoja ya nidhambu, Bw. Naibu, Spika.

Mr. Deputy Speaker: Ni nini hoja yako ya nidhamu, Bw. Koech?

Mr. Koech: Bw. Naibu, Spika, Waziri Msaidizi anaongea kuhusu Wilaya ya Samburu ambapo ndugu zetu Wakenya huko bado wanatembea zaidi ya kilomita 100 kutafuta maji. Ametuambia sasa ya kwamba ametenga kiasi cha pesa zaidi ya Ksh70 milioni; tunaelekea mwisho wa mwaka wa matumizi ya pesa za Serikali, je, uchimbaji huu wa mabwawa katika sehemu hizo umeanza au bado? Hizi pesa zitaenda wapi tunapofikia mwisho wa matumizi ya pesa za Serikali katika bajeti ya mwaka huu?

Mr. Waititu: Bw. Naibu Spika, ni kweli tumetenga kiasi fulani za pesa kwa minajili ya kazi hii. Hata hivyo, si mabwawa yote yatayofanyiwa kazi wakati huo.

Mr. Deputy Speaker: Na zile ambazo zinaweza kufanyiwa kazi wakati huo---

Mr. Waititu: Bw. Naibu Spika, hiyo kazi inaendelea.

Mr. I. Muoki: Asante Bwana Naibu Spika. Vile mheshimiwa Leshoomo ameuliza, katika sehemu kame kama vile Samburu na Ukambani, kukinyesha, maji mengi yanapita katika mito hadi bahari. Kwa mfano, kuna Bwawa la Umaa ambalo limechukua kama miaka mitano kukamilika. Je, Waziri Msaidizi ana mipango gani kumaliza hilo bwawa na mabwawa mengine ambayo yako Ukambani na sehemu zingine za ukame?

Mr. Deputy Speaker: Hoja ya nidhamu! Mheshimiwa, ukitaka kuuliza swali kuhusu mabwawa katika sehemu yako ya uwakilishi Bunge ni lazima ufanye hivyo kwa kuuliza Swali, na sio kwa kuteka nyara Swali la Bi. Leshoomo! Lililobaki sasa ni umsaidie Bi. Leshoomo katika Swali lake.

Mrs. Shebesh: Asante Bwana Naibu Spika. Kwa sababu Mheshimiwa Waziri Msaidizi amesema kwamba kuna mabwawa ambayo yana mchanga na hawezi kufanya kazi huko mpaka kiwango cha maji kiende chini, na hali bwawa hili ndilo linahifadhi maji ya watu wa Samburu, Waziri Msaidizi anaweza kupeana maji kwa kutumia magari yanayobeba maji kwa sababu maji hayo bado yanahitajika na akina mama wa Samburu?

Mr. Waititu: Mheshimiwa Naibu Spika, tumepeleka magari hayo kule. Hata mheshimiwa mwenyewe anajua kwamba kuna gari la kubeba maji katika eneo la Samburu.

Ms. Leshoomo: Bwana Naibu Spika, kwanza, sikubaliani na yale ambayo Waziri Msaidizi amesema hapa kwa sababu Wizara haijapeleka gari la kubeba maji kule Samburu. Pili, ni uongo Waziri Msaidizi anaposema kwamba ni lazima apate likizo ndio atembe huko. Angeenda huko kabla ya wiki ijao ili ajue ni nini anaweza kufanya. Inafaa Waziri Msaidizi achukue hatua na aache kudanganya kwa kusema kwamba ataenda Samburu tukienda likizo. Hakuna magari ya kubeba maji huko. Pesa ambazo ametenga hazijafika Samburu.

Mr. Deputy Speaker: Mheshimiwa Waziri Msaidizi, Bi. Leshoomo anahangaika sana kwa sababu ya matatizo ya wananchi wake. Unaweza kuzungumza kwa njia ambayo Wabunge wataridhika kwamba unafanya jambo ambalo linafaa kuwasaidia watu ambao wanaumia kwa sababu ya ukosefu wa maji?

Mr. Waititu: Bwana Naibu Spika, sijasema uongo. Ningependa Mheshimiwa Leshoomo aje katika Wizara tukimaliza mambo ya Bunge ili tupange siku ambayo tutaenda huko. Pia, akija atajua mipango inayoendelea katika eneo lake kabla ya kuenda huko.

Mr. Deputy Speaker: Bi Leshoomo, umeyasikia hayo? Sasa jukumu ni lako wewe mwenyewe kwenda katika ofisi ya Waziri Msaidizi leo.

Ms. Leshoomo: Asante, Bwana Naibu Spika. Nitaenda.

Mr. Deputy Speaker: Let us move on to the first Question by Private Notice by hon. Nyamai.

Mr. Nyamai: Thank you, Mr. Deputy Speaker, Sir. I apologise for coming late. I just had a minor mishap on the road. However, I beg to ask the first Question by Private Notice.

QUESTIONS BY PRIVATE NOTICE

DISTRIBUTION OF ADULTERATED FUEL

Mr. Nyamai: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) Under what circumstances did adulterated fuel from a fuel importer find its way to the Kenya Pipeline Company (KPC) system and the market?

(b) Were the necessary quality tests done on the fuel and if so, could the Minister indicate who did the tests and table the results of the tests?

(c) Who released the fuel to the market, how much of it was released and what is the ministry doing to ensure that this does not happen again, and that the super petrol in the market is safe?

The Assistant Minister for Energy (Eng. M. M. Mahamud): Mr. Deputy Speaker, Sir, first of all, I would like to apologise to the House for not being around last week. My Ministry was sanctioned by the Chair and we were told not to transact any business. Therefore, I would like to apologise and request to be allowed to transact business in this House.

Mr. Deputy Speaker: You may proceed.

The Assistant Minister for Energy (Eng. M. M. Mahamud): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I wish to clarify that contrary to reports by a section of the media, there was no adulterated fuel received into the KPC systems from an importer and no adulterated fuel has found itself into the market.

(b) Before any refined petroleum product is received into the KPC system, quality control checks are carried out and, therefore, the following checks were carried out on the consignment of 76,213,089 litres received by GAPCO.

(1) The importer provided the port of loading certificate of quality complying with the Kenya Bureau Standards specifications. I would like to table a copy of a loading port certificate of quality indicating final boiling certificate at 204.5 degrees Celsius. That is Annex 1.

(2) Intertek Testing Services, a surveyor/agent appointed by the importer carried out tests and issued a pre-discharge certificate of quality. I wish to table a copy of the pre-discharge certificate of quality. This is Annex 2.

(3) The KPC also carried out control tests during the discharge of the fuel into their system which indicated that the super petrol in the receiving line and tanks had a boiling point 207 degrees Celsius which was slightly above the agreed industry boiling point of 205 degrees Celsius although within the limit of 210 degrees Celsius.

(c) I wish to clarify that transportation of both super petrol and diesel is done in a single pipeline which hydraulically generates a small mixture of the two fuel grades commonly referred to as "slop". This slop is monitored and received into separate and dedicated storage tanks in all KPC terminals including Nairobi. The slop is usually re-blended with products higher in boiling point.

(Eng. M. M. Mahamud laid the documents on the Table)

[Mr. Deputy Speaker left the Chair]

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

The consignment above at final boiling point of 207 degrees Celsius generated excess slop volume of 1,023,000 litres during transportation to Nairobi through the KPC system. In this

regard, the KPC instructed GAPCO to evacuate excess slop for re-blending or re-processing at the Kenya Petroleum Refineries Limited.

Finally, I wish to, once again, assure the public that none of the pipeline slop collected from the Nairobi Terminal has found its way into the market and that the KPC shall at all times remain vigilant to ensure that all standards for petroleum as issued by the KeBS are strictly adhered to.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Nyamai: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for the comprehensive answer that he has given. However, what is not clear from him and I would like him to clarify is, if, indeed, this consignment was tested by Intertek and they found the final boiling point was 204 degrees Celsius, how come when it was being tested by the KPC, the final boiling point stood at 207 degrees Celsius?

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, as I said, our standards stipulate that the boiling point for super petrol should not exceed 210 degrees Celsius. However, we would like to maintain a figure below 205 degrees Celsius but we would like it to reach 210 degrees Celsius when it reaches the end users or the petrol stations. So, we would like to maintain that boiling point between the point of discharge into our system to the point of going to the consumer. So, we do not like it to be near the 210 degrees Celsius boiling point.

Mr. Kiuna: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very serious allegation which will affect almost all motorists in the Republic. So that this does not recur again, what action or measures has the Ministry taken to ensure that it will not occur again? What action has the Ministry taken against all those people who may have caused this problem?

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, I think I would like to say that it was delivered through one pipeline. So, the pipeline is a multiproduct one and we sequence this in a given way. We have super diesel and diesel super and ultimately because of this interfacing, we have a mixture of both. What happened now is that the mixture became more than normal and normally when the mixtures are injected into a system so that the fuel comes back to the real thing. So, when it comes to the terminal, these mixtures which are in excess are directed to slop tanks which are different from the main product lines. If the quantities are manageable, we re-inject them back. In the case where the contents are high, we tell the supplier to take it back to Kenya Petroleum Refineries Limited (KPRL) to re-blend it elsewhere. This is what happened.

The Temporary Deputy Speaker (Mr. Mungatana): Assistant Minister, just for the sake of the Chair, the question that was asked was: "What action have you taken against those who are responsible?" I think that is what hon. Kiuna asked.

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, the action we have taken is that we have asked them to take them back and our quality system is always in place and this was actually discovered because of the quality system that we put in place and anything which happens like this, we take it back. We will make sure that it is not repeated again.

However, as I said, this was as a result of the excess slops generated this time. Slops are normally generated but these were excess and they were forced to take them back. In fact, they had now to go back through a system because it also involved Kenya Revenue Authority (KRA) so that this is not repeated. I am sure they have seen enough hustles not to repeat it again.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, I really do not understand why the Ministry did not decide to pour or destroy the fuel because in normal circumstances whenever some of these products are rejected in this country, the idea of shipping them back has always

failed since they always find their way into the market again through the backdoor. How sure are we that this product will be shipped back and will not find its way into the market?

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, let me reiterate that this product was not of quality. The temperatures were 207 degrees Celsius which is very close to the end which is 210 Celsius allowed by our standards but because if they move in the system all the way to the consumers, it might be above 210 Celsius and that is why we asked them to take them back. They were to be re-injected back to the refinery so that it is not put to waste.

Mr. Langat: Mr. Temporary Deputy Speaker, Sir, I think the Assistant Minister is taking this matter very casually because at some point, he has said that there was no contaminated fuel in our system and then at another point, he says that it has been returned. Could he tell us how many times we have achieved such deviations in our fuel system where the temperatures are above the limits and where the so-called stop is excessively too high so that we know whether this is a normal deviation?

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, I do not have the exact numbers but I am informed that we have achieved this several times and we have taken the same steps.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister inform the House what active efforts the Ministry is taking to allay the fears in the minds of motorists that contaminated products have already entered the market?

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, we have gone to the press and told the public that the product is not contaminated but was slightly higher in temperature and we have assured them that it is not contaminated.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister say clearly that the fuel is not contaminated and yet my own car yesterday after fuelling somewhere, I got stuck due to contaminated fuel and it is in the garage. Could he tell us who is going to be responsible for the cost of repairs like change of the engine whereas we know it is an open secret in the Republic that there is contaminated fuel on sale? Could he confirm or deny? I am willing to take him with me to Toyota Kenya to see that my engine has a problem because of contaminated fuel.

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, I would request the hon. Member to give us the result of the tested contaminated fuel so that we can take action but to the best of our knowledge, there is no contaminated fuel being sold in the market.

The Temporary Deputy Speaker (Mr. Mungatana): Assistant Minister, this is an issue of public interest and the hon. Member has asked about who is responsible. Who should he hold responsible in the event that actually it is due to contaminated fuel? Just clarity that.

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, I think once it is found out that it is contaminated fuel from the pump from which he bought the oil, then we will be able to trace it back through the same but let us get the results and actually see that it is contaminated fuel.

Mr. Nyamai: Mr. Temporary Deputy Speaker, Sir, as already said by my colleagues, indeed, this matter is one of great public concern. If the Assistant Minister is saying that the Kenya Pipeline Corporation (KPC) collected this fuel and took it back for re-blending, could he give us evidence that, indeed, this fuel was collected by GAPCO and taken to refineries for re-blending because that is the only way we can be assured that it never found its way into the market?

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, that is a genuine concern. I assure the hon. Member that we have taken that fuel back and I will be able to share that information with him.

Mr. Nyamai: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to evade my question? I asked for evidence that indeed the fuel was collected by GAPCO from KPC and taken to the refineries for rebranding because that is the only way we will be assured that it never found its way into the market.

Eng. M.M. Mahamud: Mr. Temporary Deputy Speaker, Sir, I said that I will be able to share that information with the hon. Member because it is not part of the initial answer.

Mr. M.M. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. Last week, I had a Question for this Ministry regarding power supply to Sololo and because they were not around, the Chair then barred them from transacting business in this House. Now that seemingly they may have been cleared to transact business, would I be in order to ask that my Question be reinstated so that I can get an answer to it?

The Temporary Deputy Speaker (Mr. Mungatana): Hon. Member, please, bring that to the attention of the Clerks-at-the-Table. Give them the details of the Question and when it was supposed to be answered. I direct that it be prioritized for Tuesday next week.

Next Question by Mr. M'Mithiaru!

SUBMISSION OF DETAILS ON KQ RIGHTS ISSUE

Mr. M'Mithiaru: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) What is the Government's stake in the just concluded Kenya Airways Rights Issue and who were the transaction advisors/or sponsoring stockbrokers?

(b) Is the submission of Provisional Allotment Letter (PAL) in a public placement like Kenya Airways Rights issue a separate service from the advisory services provided by Transactions advisors?

(c) What is the procedure of selecting stockbrokers for the submission of the Provisional Allotment Letter and does the Provisional Allotment Letter service attract a commission, and if so, how much will be paid to the submitting stockbrokers(s)?

The Temporary Deputy Speaker (Mr. Mungatana): Is the Minister for Finance not here?

Mr. M'Mithiaru: Mr. Temporary Deputy Speaker, Sir, and I remember that this Question was on the Order Paper last week and the Minister did not give a satisfactory answer and the Speaker ruled that this Question be referred to the Finance, Planning and Trade Committee for them to give a report on the same. I understand that the chairman has sought for some extension for the Question to be brought next week when the Committee will be ready with their report.

The Temporary Deputy Speaker (Mr. Mungatana): I direct the Clerks-at-the-Table to ensure that this Question is on the Order Paper of Thursday, next week. We also expect the Chairman of the Departmental Committee on Finance, Planning and Trade to have the Report ready, so that we can dispose of this Question efficaciously.

(Question deferred)

ILLEGAL DETENTION OF ANN WANJIKU
GITHAI BY S.D. AL ANZEE IN DUBAI

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, for the second time, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware that Ms Ann Wanjiku Githai has been held hostage in the house of her employer, one Mr. Saleah D. Al Anzee (telephone number +966557144144) in Gassim, Dubai, since September 2011, and that she has not been paid since she got employed?

(b) Is the Minister further aware that she is currently ill and in need of medical attention yet she is being subjected to hard labour?

(c) What urgent measures is the Minister taking to ensure that she is released by her employer and subsequently repatriated back to the country, and could he also indicate measures taken by the Government to ensure that Kenyans living in Dubai do not experience the same treatment?

The Temporary Deputy Speaker (Mr. Mungatana): Minister for Foreign Affairs!

The Minister for Regional Development Authorities and Acting Minister for Local Government (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, the Minister for Foreign Affairs is tied up in a meeting in his office. Therefore, I would like to make an undertaking that he will answer this Question, maybe, tomorrow.

Mr. Kabogo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise under Standing Order No.42 as read together with Standing Order Nos.46 and 98.

Standing Order No.42 is on the urgency of the matter, where Mr. Speaker decides that a Question is of public importance. A meeting of a Minister in his office cannot take precedence over matters of this House. So, I invite you to find the Minister's action disorderly and request you to act, under Standing Order No.98.

Several times this week, Ministers have been barred from transacting business in the House for two days but it seems that the punishment is not good enough. Therefore, I invite you to find this Minister disorderly, under Standing Order No.98, and name him for not coming here to transact business of the House.

Mr. Temporary Deputy Speaker, Sir, this Question is about a Kenyan who is detained in Dubai against her wish. There is new slavery taking place in Saudi Arabia. If you look at *The Star Newspaper* of today, on page four; you will find that there are 21 Kenyans in some holding camp in Saudi Arabia yet the Ministers of this Government cannot find time to come to the House and respond to matters of national importance. Therefore, you should be able to find the Minister disorderly and name him. Both Minister Ongeru and Assistant Minister Onyonka should be named.

The Temporary Deputy Speaker (Mr. Mungatana): Dr. Khalwale, you were on a point of order.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I rise under Standing Order No.98 and move that hon. (Prof.) Ongeru be named.

The Minister for Regional Development Authorities and Acting Minister for Local Government (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, the Minister for Foreign Affairs specifically called and asked me to give his apology to the House. So, it is not that he has just missed this sitting. I would, therefore, ask you, Chair, to give him time, so that he can come and answer this Question, maybe, by tomorrow.

The Temporary Deputy Speaker (Mr. Mungatana): Hon. Members, let me give a ruling on this matter.

The Chair wishes to express his dissatisfaction at the conduct of the Ministry of Foreign Affairs. There is an Assistant Minister, who is also absent, and there is communication from the Ministry's officials or the Minister as to his whereabouts today. The Minister for Regional Development Authorities and Acting Minister for Local Government, hon. Gumo, has given an explanation that is not satisfactory.

However, the Standing Order under which the Chair has been requested to name the Minister, Standing Order No. 99, reads as follows:-

“98(1) Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or the Chairperson.”

Hon. Khalwale did not invite the Chair, first of all, to name the Minister. He said that he was moving that the Minister be named, which is not in keeping with the Standing Orders.

Secondly, I am reliably informed that the Assistant Minister was, in fact, here yesterday to answer Questions. So, it is not that he has formed a habit of missing sessions of this House. We will give him the benefit of the doubt for the last time. At the same time, the Chair orders that this Question be the first one on the Order Paper for tomorrow. If the Minister does not appear to answer it, the Chair will take appropriate action against him.

(Question deferred)

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

The Temporary Deputy Speaker (Mr. Mungatana): I want us to move to the next Question. Hon. Kabogo. What is it?

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, you realise that in the past, there was a situation where people were fighting over who was going to become the Leader of Government Business in this House. You now notice that there has been absence in the seats of the Leader of Government Business, Deputy Leader of Government Business, and deputy to Deputy Leader of Government Business. All of them are absent yet there is the principle of collective responsibility. I believe that if either of them was here today, this Question would have been answered under the principle of collective responsibility.

Therefore, I also invite you to make a finding on the disorderly manner in which the Government's House Business leadership has conducted itself.

The Temporary Deputy Speaker (Mr. Mungatana): The Chair is satisfied that hon. Gumo did what he could within his capability and carried out the responsibility of shared responsibility within Government. At any rate, we have already put this Question on priority tomorrow. It will be the first Question on the Order Paper. So, for the time being, let us leave the matter at that. Please, let us proceed to the next Question.

For the second time, Question No.1306, hon. David Koech!

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, before I ask the Question, I would like to, firstly, apologise for coming late and, secondly, inform you that I do not have the written answer, but I am ready to interrogate the Question.

ORAL ANSWERS TO QUESTIONS

Question No.1306

CONSTRUCTION OF DAM ON KIPKARREN RIVER

Mr. Koech asked the Minister for Regional Development Authorities:-

(a) why the construction of the proposed dam on Kipkarren River by Lake Victoria North Water Services Board, two kilometres from Eldoret Airport, has stalled;

(b) how much money was allocated to the project, and how much has been spent so far; and,

(c) when construction works will commence.

The Minister for Regional Development Authorities and Acting Minister for Local Government (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, this Question should have been directed to the Ministry of Water and Irrigation, and not to the Ministry of Regional Development Authorities. This is because Lake Victoria North Water Services Board falls under the Ministry of Water and Irrigation, and not the Ministry of Regional Development Authorities. So, I would request the hon. Member to forward this Question to the Ministry of Water and Irrigation, so that he can get an answer.

Mr. Koech: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Question has been on the Order Paper twice. Initially, I directed the Question to the Ministry of Water and Irrigation but when officials from the Ministry visited the project site, they discovered that the project was not under the Ministry of Water and Irrigation. It is the Ministry of Water and Irrigation that re-directed the Question to the Ministry of Regional Development Authorities. I am reminded that this project is under the Lake Basin Development Authority.

So, could the Minister answer the Question, instead of avoiding it because the truth of the matter is that the money that has been spent on the project so far is from his Ministry, and not from the Ministry of Water and Irrigation? The Minister for Water and Irrigation has confirmed that fact.

The Minister for Regional Development Authorities and Acting Minister for Local Government (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, this Question does not fall under my Ministry. The dam was being constructed by Lake Victoria North Water Services Board, and this Board is under the Ministry of Water and Irrigation. The Board is not under the Ministry of Regional Development Authorities. The regional development authority within that region, which is under my Ministry, is Lake Basin Development Authority, which is completely different from this one. This particular one is directly under the Ministry of Water and Irrigation. So, I do not know why they have forwarded this Question to us. The dam was being done by these people.

Nevertheless, there is no point for us to keep on arguing in Parliament. I make an undertaking to go and find out the facts personally and come back to the House. It is the reference to Lake Victoria North Water Services Board that has created a bit of a problem but let me go and find out the facts and then I can bring the answer.

The Temporary Deputy Speaker (Mr. Mungatana): The hon. Minister has been useful to the House. Therefore, I will direct that this Question, again, appears on the Order Paper with your undertaking now that on Tuesday, it will come under the Ministry of Regional Development Authorities. However, the Chair directs that you will have resolved the issues on

Tuesday. So, you will answer the Question either as the Ministry of Regional Development Authorities or the Minister for Water and Irrigation shall be here to answer it. That is whoever you will have decided. We will not take time over that matter.

(Question deferred)

Next Question by Mr. Muoki.

Question No.1403

DELAY IN CONSTRUCTION OF FRESH
PRODUCE MARKET AT IKUTHA

Mr. I. Muoki asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he is aware that the Fresh Produce Market projects funded under the Economic Stimulus Programme at Ikutha stalled at the foundation stage; and,

(b) what measures he will take to ensure that the project is completed.

Mr. I. Muoki: Mr. Temporary Deputy Speaker, Sir, I would like to apologise for being late the first round the Question was called out. I would like to draw the attention of the Chair to the fact that this Question is appearing for the fifth time because there were issues to be sorted out by the Ministry of Local Government pertaining to the Economic Stimulus Programme (ESP) for the fresh produce market. So, I hope the Minister or his Assistant Minister is ready this time round.

The Minister for Regional Development Authorities and the Acting Minister for Local Government (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, yesterday I gave an undertaking to bring a comprehensive report on markets which were being developed under the ESP. However, the report is being prepared and by next week--- This is because there are several Questions which are coming up every day on the same issue. I promised that I will make a proper report which I will table in this House for hon. Members to look at by next week. So, both Questions fall under the ESP.

Mr. I. Muoki: Mr. Temporary Deputy Speaker, Sir, I would like, first of all, to inform the Minister that his Assistant Minister who is seated next to him had earlier on undertaken to bring the same report some time last week. The Chair will realise that apart from my Question on my market, the next Question on the Order Paper is also on the same issue. There was also a Question on the Order Paper yesterday on the same. I am also the Vice-Chairman of the Departmental Committee on Transport, Public Works and Housing. We have gone round this country and there is a serious problem with the fresh produce markets. So, as the Minister brings the report, could he indicate for every market in the country how much work has been done and how much money has been paid? This is because in some cases, you will find that they have only done the foundation and it is said that 50 per cent of the work has been done. So, we need those details so that we can interrogate the Minister properly.

The Temporary Deputy Speaker (Mr. Mungatana): Hon. Minister, can you tell us exactly which day you will be ready?

The Minister for Regional Development Authorities and the Acting Minister for Local Government (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I had a report which I could have tabled yesterday in this Parliament. However, because I was not satisfied with that report, I appointed some officers from the Ministry to go specifically to these areas, inspect these markets and bring a complete report. This is because the officer who had prepared this report is under the Market Department. We were not satisfied when we looked at this report. So, I have now appointed officers from the Ministry of Local Government to go to these specific areas and come up with a comprehensive report which I will be able to table in this House by Thursday, next week.

The Temporary Deputy Speaker (Mr. Mungatana): It is so directed!

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

The Temporary Deputy Speaker (Mr. Mungatana): Is it on the same?

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, while the Minister could be excused for having taken the docket recently, could he, when he is tabling the report, be specific and indicate how much money was allocated for each market? Could he also indicate how much has been spent and let us know, as a House, whether they have budgeted for completion of these markets? The report may only give information about what was done and may not have actually requested for more funding. Could the Minister provide that information as well?

The Minister for Regional Development Authorities and the Acting Minister for Local Government (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I promise to bring a complete report on how much work has been done and how many markets have been completed. If there is any money that we still need, we shall also show it in that report.

The Temporary Deputy Speaker (Mr. Mungatana): Hon. Minister, please take note of the issues that are being requested. Maybe you can have the benefit of the HANSARD because there were some details that hon. I. Muoki requested. There is also the request that has come from Mr. Mwangi. So, please, get those details and as you table the report on Thursday be prepared to answer this Question. So, this Question will be answered on Thursday as the Minister tables that report.

(Question deferred)

Next Question.

Question No.1499

DELAY IN CONSTRUCTION
OF KATITO MARKET

Mr. Ochieng asked the Minister for Local Government:-

(a) why the construction of Katito Market under the Economic Stimulus Programme stalled and how much money has been paid to the contractor so far;

(b) why the tender for the construction works was awarded to the second highest bidder, contrary to the procurement procedure, and;

(c) when the construction works will be completed and handed over to the traders in Nyakach Constituency.

Mr. Temporary Deputy Speaker, Sir, the Question is appearing on the Order Paper for the second time.

The Temporary Deputy Speaker (Mr. Mungatana): Mr. Ochieng, if you are okay with the directions I have given for the previous Question, we will request that the same applies for this Question.

Mr. Ochieng: But I do have a copy of the written answer here, Mr. Temporary Deputy Speaker, Sir. I do not know whether the Minister is not satisfied with this answer. Maybe he could tell us but I do have a copy of the written answer here.

The Temporary Deputy Speaker (Mr. Mungatana): Are you happy with the answer?

Mr. Ochieng: According to me, I could proceed to prosecute the answer.

The Temporary Deputy Speaker (Mr. Mungatana): Yes, Mr. Minister!

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, the report supersedes the answer that is available and I would like to request the hon. Member to await the report so that it can all be dealt with comprehensively.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, there is another issue here. The person who is transacting the whole exercise of these markets is the Director of Markets. In their report, could they also come and tell us how they want to deal with the Director of Markets? He is the one who has played around with all these markets in the country. I am now told that he has made enough money from these markets and he will stand for an election come the general elections.

The Temporary Deputy Speaker (Mr. Mungatana): Hon. Minister, please note that in your report. You will look at the issue of the Director of Markets.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, on the same, I would like the Minister to include in his report the fate of the funds allocated to certain markets that are currently facing court litigation meaning that the works are not going on.

The Temporary Deputy Speaker (Mr. Mungatana): Mr. Minister, you will also remember what Mr. Njuguna has said. Include it in your report.

Next Question.

Question No.1584

DELAY IN DRILLING BOREHOLES/WELLS
DUE TO NEMA DEMANDS

The Temporary Deputy Speaker (Mr. Mungatana): Mr. Twaha was not in the House when the Question was called out the first round. He was also not there when the Question was called out the second round. So, this Question is dropped!

(Question dropped)

Next Question.

Question No.1469

MEASURES TO FACILITATE ESTABLISHMENT
AND OPERATION OF BUSINESSES

The Temporary Deputy Speaker (Mr. Mungatana): Dr. Kones was not here when the Question was called out the first round. He was also not here when the Question was called out the second round. The Question is dropped!

(Question dropped)

Let us move on to Question No.1588 by the Member for Kandara.

Mr. James Maina Kamau: Thank you, Mr. Temporary Deputy Speaker, Sir. First, I would like to apologise for coming late. I also take this opportunity to thank you for giving me a second chance. I beg to ask Question No.1588.

Question No.1588

POSTING OF OCPD TO KANDARA DISTRICT

Mr. James Maina Kamau asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Kandara District with three police stations and a population of 156,663 people does not have an Officer Commanding Police Division, and;

(b) when the officer will be posted.

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

(a) I am aware that Kandara District does not have an Officer Commanding Police Division (OCPD). The police division is among many other police divisions which were recently created and do not have OCPDs. The operations of Kandara Division are currently being overseen by the OCPD, Kigumo.

An Officer Commanding Police Department (OCPD) will be posted to the division along with many others once a group of officers undergoing higher training course at the Kenya Police College graduate.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. He says the OCPD who was supposed to be in Kandara is based in the neighbouring district which is called Kigumo. In terms of size, Kigumo is smaller than Kandara. Even in terms of population, Kandara has a higher population. Kigumo has only a police station, but in Kandara, there are three. What is the logic behind placing an OCPD in Kigumo which is smaller while Kandara which is bigger has no OCPD?

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, we do not have enough OCPDs for every district. I also want to confirm that Kigumo is fairly close to Kandara. In fact, it is about 25 kilometres. The other factor is that the rate of crime is also higher in Kigumo because it borders Aberdare Forest. So, there are criminals who come from certain parts of Rift Valley like Nakuru and Gilgil to Kigumo. Having said so, we are still short of OCPDs and we promise to do something about it.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I believe that the shortage of OCPDs can be cured by recruitment of university students into the force. When does the Assistant Minister intend to recruit the graduates? How many does he want to recruit and when is the recruitment going to take place?

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I have a shortage of 132 OCPDs. In 2009, we have 78 OCPDs. In 2012, we have 155, but I am still short of 132. With regard to the recruitment of university graduates, we are going to implement that policy, but we are waiting to get funding through the Budget. We also hope that soon the recruitment agency, the Police Service Commission, should be in place to deal with that matter.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, the answer given by the Assistant Minister is very interesting. OCPDs are not recruited. It is the junior staff who are promoted. Is he telling us that they do not have qualified and adequate junior officers that the Ministry could promote? The day before yesterday, I attended a meeting in Nyeri to discuss abuse of alcohol and other drugs. One of the issues that was raised is security and deployment of security officers in the province. While he says that he does not have enough OCPDs, I disagree with him because those are not posts that are advertised. They just promote the junior officers. Could he tell us why they have not promoted junior officers to the rank of OCPD and post them to our districts?

Lesrima: Mr. Temporary Deputy Speaker, Sir, indeed, I have just given a historical background to the shortage. It is true OCPDs are appointed by promotion and the rank is that of superintendent of police and above. These are gazetted officers. I have just said that we have officers undergoing training right now at Kiganjo. We are not able to churn out adequate numbers. In fact, capacity only allows 90 to about 100 annually because there are other cadres of police officers like the Criminal Investigation Department (CID), operational officers and so on. So, it is not just the OCPDs. Indeed, we do have a shortage and we are making every effort to train junior officers to upgrade them, so that we can fill those vacancies.

Mr. Temporary Deputy Speaker, Sir, I want to assure the House that by the end of next year, 2013, we would be able to have OCPDs and deploy them to the districts.

The Temporary Deputy Speaker (Mr. Mungatana): Mr. Lesrima, it would help the House very much, if you can tell us when you intend to solve the problem of Kandara. You are talking in generalities and the hon. Member has requested specifically for his place. You cannot put him in the same category like the rest of the country. So, I would want to hear what you will do about the OCPD of Kandara.

Mr. Lesrima: I will do something, Mr. Temporary Deputy Speaker, Sir. I will post an officer as soon as they graduate within the next two months. Also, I am expecting that the vehicles ordered for OCPDs and Administration Police (AP) Commandants would have arrived from overseas.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I do not have any other question. I would like to thank the Assistant Minister and hope that he is going to keep his word. He has given a timeline of two months. So, we expect that about July, we are going to have an OCPD in Kandara. The people of Kandara strain to get services from very far away. Unlike what he is saying, Kigumo is not near Kandara. It is quite far. If you keep your word, then I have no problem.

The Temporary Deputy Speaker (Mr. Mungatana): Thank you very much, Mr. James Maina Kamau.

Before we finish with the Questions, I would like to revisit Question No.1469. I want to revisit the ruling I had made in terms of dropping this Question. In fact, the new information that has come to the attention of the Chair is that this Question was asked in the first round and it was the Assistant Minister who was not present and that is why it did not proceed. The hon. Member was out for a while doing some business connected to the House. I, therefore, direct that this Question again appear on the Order Paper on Tuesday next week.

Next order!

(Question deferred)

POINTS OF ORDERS

NOMINATION AND ELECTION OF EALA MEMBERS

The Temporary Deputy Speaker (Mr. Mungatana): First, we will give a chance to any Minister who has any statement to issue. If there is none, let us take a point of order from Dr. Khalwale.

POINTS OF ORDER

ADHERENCE TO EALA NOMINATION RULES

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek for guidance from the Chair in respect of the ongoing nominations and eventual election for the East African Legislative Assembly (EALA). As you are aware, this process is time bound. Therefore, if I sit on this point of order, it could be overtaken by events. The point of order I am making is in respect of the nomination rules, so that I am together with Members of Parliament where I am driving, allow me to refer that there are only two rules that I would like the Chair to give direction on.

The first one is rule No.5 and 6. Rule No.5(1) says that in order to be validly nominated as a candidate, a person shall be nominated by a party in the form set out in the schedule. Rule No.5(2) says that a party shall nominate candidates through a transparent and democratic process and shall keep a written record of the proceedings at which the final decision to nominate any candidate is made. Rule No.6 says that a party shall be entitled to nominate for election under these rules any number of candidates not exceeding three times the figure arrived at by multiplying the number of elected Members of the National Assembly of that party by nine and dividing the result by the total number of elected Members of the National Assembly. I would like the Chair to give direction on the following issue: After applying five and six, the two sides of the Government, Party of National Unity (PNU) is entitled to four slots, the Orange Democratic Party (ODM) is entitled to five slots. Applying Rule six, it means that three times four for ODM Members should come to the House, that is 12; and five times three gives 15 Members--- Sorry, let me come back again.

In accordance with Rule 6, three times five nominees should be presented to the House by the ODM and that is 15. Applying the same to PNU, it is four times three which is 12 nominees. This is the number of nominees that should be presented in the House by the PNU.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, it has come to my attention that PNU has complied – it has brought 12 names. The ODM has brought nine names. I am seeking your guidance because I

believe that if we allow the ODM to fall short of the 15 names, they might not necessarily have flouted the law; the law gives them that leeway. However, on this sensitive issue, where over 180 Kenyans applied, we would like to have the record of the proceedings within the ODM tabled.

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

Dr. Khalwale: Mr. Deputy Speaker, Sir, I am on a point of order. Let me finish and then she can take me on.

Mr. Deputy Speaker: Proceed.

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir. I am requesting that the Chair directs that ODM does this House a favour by tabling a record of the proceedings of their meetings, so that we understand why after having a plethora of names to choose from, they have failed to give us the maximum 15 nominees, so that when I vote, I am not limited to the nine names that they chose. I should be given the 15 nominees that they got, so that I exercise my voting power knowing that I am representing the Kenyans who in the list of nine and also the six who missed out in the list of nine. I am saying this without prejudice because I am neither PNU nor ODM. I am New FORD(K).

Mrs. Shebesh: On a point of order, Mr. Deputy Speaker, Sir. Even as you respond to the point of order by Dr. Khalwale, I really would like to know how far he can be allowed to get away with issues that are not procedural in this House, that later on are ruled as unprocedural. I am saying this because we have a Committee of the House that is dealing with this matter. This is now the third time he is bringing on this Floor an issue that is supposed to go to the Committee of the House. You allow it to be debated. It is allowed to be canvassed and ends up prejudicing the work of a Committee. All these issues will be dealt with substantively by the House Committee we have given this work. It is certainly not his business to bother what ODM has done or not done. If he is in New FORD (K), those are the questions he should be asking about New FORD (K) and not ODM. Really, how long will we allow hon. Khalwale to get away with interfering with the work of Committees on the Floor? What are his privileges? Is he given more privileges than other hon. Members?

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. The hon. Khalwale is a medical doctor; he is very learned. Rule 6 says a party shall be entitled to nominate for election under these rules any number of candidates not exceeding three times--- Five times three is 15. So, any number not exceeding 15 is allowed. Hon. Khalwale, nine does not exceed 15. So, if ODM has nominated nine, that is perfectly within the rules.

However, I think Dr. Khalwale needs to relax. This matter is before a Committee and that is what the rule says. The Committee will do report to this House. Further, why does Dr. Khalwale talk about ODM matters, yet he does not belong to that party? We do not even intend to recruit him. Actually, if my party recruits Dr. Khalwale, I will tell them that they will be making a mistake. I urge him that if he is in a party that does not qualify to nominate, *pole*. We are very sorry for him. Let him join bigger parties, but certainly not ODM.

Mr. Deputy Speaker: Hon. Khalwale, the Chair must admit that it came in a bit late. However, what is your authority in demanding to have a privilege in the internal workings of another party when you belong to a different party, and how does that become the business of---

Dr. Khalwale: Thank you, Mr. Deputy Speaker. I am doing this in good faith. I have two points. First, this process is time bound. This means that if by the time the Committee brings the report here it will not have been given an opportunity to look at the 15 names if you so allow, then it will mean that these six people will have been denied an opportunity. More importantly, how do I come in to address the issue of another political party?

Hon. Members, when we vote for the names of the East African Legislative Assembly (EALA) members, the voting exercise will not ask Members of Parliament who belongs to the ODM so as to vote for the names nominated by ODM alone. The nomination rules require that all Members of Parliament vote for the names, whether they belong to parties or not. So, I was innocently thinking that because hon. Members will be asked to make a decision on the names originated by other parties, the process should be in accordance with the rules and, indeed, transparent.

Mr. Deputy Speaker: Which are those rules?

Dr. Khalwale: Mr. Deputy Speaker, Sir, I have cited Rules 5 and 6. You can look at and interpret them. I thank you.

Mr. Deputy Speaker: Fair enough. Regarding the matter that was raised by Dr. Khalwale, I rule him out of order, because democracy is political parties-based. What the political parties are supposed to do is to, in accordance with the rules, bring in no more than three times the nominee slots that are allocated to them. If they are entitled to four or five slots and they choose to bring four nominees, they are perfectly within the rules. If they bring two times, which is 10 nominees, or bring 15 nominees, which is the maximum number, or 12 nominees, they will be within the law. So, that is that. In any case, the Report of the Committee is going to be discussed today. Maybe this is when you can give your opinions; you will ventilate on the issues.

MAULING OF RESIDENTS OF LAIKIPIA BY LIONS

Ms. Karua: Mr. Deputy Speaker, Sir, I am rising to seek a Ministerial Statement; I had given notice to the Temporary Deputy Speaker yesterday. I am seeking a Ministerial Statement, even though I notice that the Front Bench is virtually empty, from the Minister in charge of forestry and wildlife. I would like him to tell this House the circumstances in which two women, Susan Wanjiku and Esther Ewoi, were mauled by a lion in Laikipia West this week. This is an incident where the women are still in hospital.

He should also tell this House how many other people have been mauled by animals, mainly lions and elephants from this same ranch, that is the Cooky Galman Ranch in Laikipia West. He also needs to tell us what the Ministry is doing to avert such incidents.

We would also like to know whether there is policy to compel owners of private ranches that keep wildlife to put electric fences around their ranches to avert human/wildlife conflict. We would also like to know whether the Ministry considers that the laws that are there are adequate, and if not, what it is doing to bring in law and policy to govern management of private wildlife sanctuaries, noting that wildlife belongs to us Kenyans. It is our heritage and individuals should not be benefitting from Kenya's natural resources, because that is our natural resource and it should benefit the public at large.

Finally, is the Ministry assisting families of people mauled by animals, or killed by wildlife in private game reserves? Can they claim compensation from these private owners, because the law allows for that? What is the Ministry doing to create awareness of these issues? Is the Ministry going to assist in paying the medical bills for these two ladies?

Mr. Deputy Speaker: Can the Ministry give an undertaking?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, we can issue the Statement on Thursday next week, if you allow that.

Mr. Deputy Speaker: Ms. Karua, are you comfortable? It is so directed.

OUTBREAK OF MAIZE DISEASE IN SOUTH RIFT REGION

Dr. Kones: Mr. Deputy Speaker, Sir, I also rise to ask for a Ministerial Statement from the Minister for Agriculture. This is in connection with a new and mysterious maize disease that has broken out, particularly in the South Rift region.

In the Statement I would like the Minister to tell us the extent to which the disease has affected maize in Bomet, Konoin, Chepalungu, Sotik, Trans Mara, Narok South, Bureti and neighbouring areas.

The Minister should also tell us exactly the source of this disease, and whether it is related to the importation of Genetically Modified Organisms (GMOs) into this country. She should also tell us the estimated damage that the disease has caused so far and its implication on the food security situation in the country.

What is the Ministry doing to compensate the farmers for the losses they have incurred from the purchase of infected seeds? When will the Government provide subsidized fertilizers as well as free seeds to the farmers, so that they can replant in the next season?

Mr. Deputy Speaker, Sir, I want to seek your attention to this Statement. It relates to the food security situation and, therefore, is very urgent. Close to 90 per cent of the maize in that region has been affected. We have, however, seen laxity from the Government, particularly the Ministry of Agriculture, in dealing with this issue. The sooner the Statement comes the better.

Mr. Deputy Speaker: Assistant Ministers Messrs. Magerer, Ojamoong, Nanok and Mr. Kamama, can you give an undertaking in line with collective responsibility on behalf of the Minister for Agriculture?

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Deputy Speaker, Sir, I undertake to inform my colleague, and we want to give this Statement on Thursday next week.

Dr. Kones: Mr. Deputy Speaker, Sir, as I noted, there is urgency in this matter. I think Thursday next week is too far away.

Mr. Deputy Speaker: Assistant Minister, can you do it on Wednesday morning?

Dr. Kones: Or Tuesday if possible, Mr. Deputy Speaker, Sir.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Deputy Speaker, Sir, much obliged; Wednesday morning.

Mr. Deputy Speaker: It is so directed.

PLIGHT OF MAU EVICTEES

Mr. Keter: Mr. Deputy Speaker, Sir, I want to seek a Ministerial Statement from the Minister in charge of special programmes.

On Saturday last week, I met 240 evictees of Mau Forest who had been resettled in Chemusean Farm demonstrating along the Nakuru-Eldoret Road. I want to know from the Minister why these people have not been given food since 13th of April when they were moved there. Secondly, why have these people not been shown where their farms are since 13th of April?

Lastly, I want to know what the Ministry intends to do, and whether they are going to build houses, schools, dispensaries and all infrastructure as they have done for the post-election

violence victims. Will these Mau Forest evictees be given the same treatment as those other victims?

Dr. Kones: On a point of order, Mr. Deputy Speaker, Sir. I have supplementary information to what Mr. Keter has asked.

Mr. Deputy Speaker, Sir, apart from the resettled IDPs in the area, there are also those who are still not yet resettled. They have not had food for the last three or four months. In fact, the situation there is so deplorable. Can the Minister assure us that there will be food and medical supplies to those victims at least this week? Can the Minister undertake to visit these people in two weeks' time, because the situation is very bad, particularly during this rainy season?

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

Mr. Deputy Speaker: On the same?

Mr. Waibara: Mr. Deputy Speaker, Sir, I also want to know of the situation in Kieni. How are they going to---

Mr. Deputy Speaker: Order! Order! Can you switch off the microphone?

Proceed, Assistant Minister; can you give an undertaking on the matters raised by Mr. Keter and clarifications sought? How soon will you give the Statement?

The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow): Mr. Deputy Speaker, Sir, since the matter is urgent, we undertake to give a Ministerial Statement on Tuesday next week.

Mr. Deputy Speaker: Tuesday next week; it is so directed.

VACATION OF HIGH COMMISSIONER'S RESIDENCE IN CANADA

Mr. Ruteere: Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Minister for Foreign Affairs.

I want the Minister in his Statement to tell us why the official residence of the High Commissioner in Canada has been vacated. The High Commissioner has rented a private residence where we are paying a lot of rent, yet we had our own residence which is being maintained. There is security at the residence to see to it that it is not vandalized. There is equipment in that house yet it has been vacated. What circumstances led to the High Commissioner being allowed to rent a private residence?

Secondly, the High Commission offices in Ottawa are leaking. The High Commissioner is moving from one office to the other. When you enter the office you sense a lot of smell within the building. Why can the Government not give money for the renovation of those offices? What picture is this portraying about Kenya in the country where we are represented?

Mr. Deputy Speaker: Assistant Minister, when will you give all the clarifications sought?

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Deputy Speaker, Sir, I undertake to inform the relevant Ministry and you will get that response on Tuesday afternoon next week.

Mr. Deputy Speaker: It is so directed.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

THE PUBLICATION OF ELECTORAL OPINION POLLS BILL

The Temporary Deputy Chairman (Mr. Mungatana): Hon. Members, we are now in the Committee of the whole House on The Publication of Electoral Opinion Polls Bill, Bill No.59 of 2011.

Clause 2

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT the Bill be amended in Clause 2 by inserting the following new definition in proper alphabetical sequence “publication” means the act of publishing or making known to the people at large, either by words, writing or printing”.

If hon. Members will notice in the actual Bill, we did not provide for a definition of the word “publication” and because this Bill is essentially about publication, it is important that the meaning of “publication” be included. Why this is important is because when I was doing consultations with stakeholders, the media houses, the pollsters and others, they have got the misconception that the Bill was about conducting opinion polls. The exercise of conducting opinion polls cannot be regulated because it would have failed Section 34 of the Constitution. The Bill is about publication after you have conducted an opinion poll; what you publish is what the Bill seeks to look at. So we have included the meaning and I ask Mr. Keter to second.

Mr. Keter: Mr. Temporary Deputy Chairman, I beg to second.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 2 as amended agreed to)

Clause 3

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT the Bill be amended by deleting Clause 3 and substituting therefor the following Clause-

Application 3. This Act shall apply to all persons who publish or cause the publication of results of an electoral opinion poll during an electoral period.

This is after consultations again with the stakeholders. The import of this is that when the Bill was originally drafted, it gave the impression that it was referring, as indicated in Clause 3,

to the opinion polls. The law is applying to the people who will be publishing the results of the opinion polls that they will have conducted. So, we made this amendment so that it is clear that it is applying to the practitioners. I would like to ask Dr. Otichilo to second.

Dr. Otichilo: I second, Mr. Temporary Deputy Chairman, Sir.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 3 as amended agreed to)

(Clauses 4, 5 and 6 agreed to)

Clause 7

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT the Bill be amended in Clause 7 by deleting the words “during the period of forty eight hours” and substituting therefor the words “on the day of the election or during the period of five days”.

The import of this amendment is that in the original Bill, the prohibition period; the period through which no publication can be made had been suggested to be 48 hours. But after consulting stakeholders, I have responded to the wishes of the media who do the publication, responded to the wishes of the pollsters and the wishes of hon. Members who had researched on this matter and found that a longer period of prohibition is better. So we have expanded it from 48 hours to six days, these six days include the day of voting and five days immediately before the day of the voting.

I, therefore, request Mr. Pesa to second.

The Temporary Deputy Chairman (Mr. Mungatana): On a point of procedure, when we are on the Third Reading, ordinarily, we do not need Seconders, but I will allow Mr. Pesa.

Mr. Pesa: I second.

(Question of the amendment proposed)

Dr. Kones: Mr. Temporary Deputy Chairman, Sir, while I quite agree with the arguments by Dr. Khalwale, I did not seem to get this amendment as clarified. He is just saying instead of saying 48 hours, he is changing to “on the day of elections” which would mean just immediately or on that same day of elections. So, if it was to be five days before, why does he not strictly put it as five days before the voting day?

The Temporary Deputy Chairman (Mr. Mungatana): Will you clarify it, Dr. Khalwale?

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, allow me to clarify to the hon. Member. If the Bill is amended so that it reads as amended instead of reading that a person shall

not publish the results of any electoral opinion poll during the period of 48 hours immediately preceding the date of the elections, it will now read as follows:-

“A person shall not publish the results of any electoral opinion poll on the day of the elections or during the period of five days immediately preceding the date of the elections.”

The Temporary Deputy Chairman (Mr. Mungatana): I think it is clear now.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 7 as amended agreed to)

Clause 8

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT the Bill be amended in Clause 8 by deleting the words “five hundred thousand shillings” and substituting therefor the words “one million shillings”.

The import of this amendment; again after consultation, I have been reliably informed that opinion polling is a serious business. I have got this information from the people who conduct these polls; they are a society called Marketing and Research Association of Kenya. They are telling me that this is big business and because it is big business, if we do not enhance the punishment, people can ignore the law because they know they will make a lot of money and still be able to meet the fines. So, they have enhanced the punishment that we take it from a fine of Kshs500,000 to Kshs1million.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 8 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

Dr. Khalwale: Mr. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of The Publication of Electoral Opinion Polls Bill, Bill No.59 of 2011, and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Dr. Kones) in the Chair]*

**REPORT, CONSIDERATION OF REPORT
AND THIRD READING**

THE PUBLICATION OF ELECTORAL OPINION POLLS BILL

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Publication of Electoral Opinion Polls Bill and approved the same with amendments.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. Duale seconded.

(Question proposed)

(Question put and agreed to)

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I beg to move that The Publication of Electoral Opinion Polls Bill be now read the Third Time.

Mr. Duale seconded.

(Question proposed)

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, I know it is late in the day, but I just wanted to make some few observations that when you are coming up with a legislation of this type, there is need for wider consultation with stakeholders. You realize that I have communicated with people like the Kenya Institute for Public Policy Research and Analysis (KIPPRA) and the university researchers who do a lot of research and are going to be affected by this Bill and there was no serious consultation with those stakeholders. The media fraternity is also going to be affected. The assumption has been that this Bill is only affecting opinion polls but if you look at the Bill critically, it touches even on the researchers. Anybody involved in research is going to be affected.

I also wanted to say that this Bill was of no much significance. Dr. Khalwale has talked about the Marketing and Social Research Association (MSRA). This association has 11 members and out of those, only three are involved in opinion polls. This body does a lot of regulation. Before the amendment, the Bill was reading that the opinion poll should not be published before 48 hours, but now it has gone to five days. The MSRA is even more strict with seven days. So, this Bill, probably, has taken a bit of our time, but not adding much value in terms of regulation of opinion polls. I am very serious on this. If you look at countries like France, United Kingdom and the United States of America where opinion polls are properly regulated, you realize that the

standards were developed after serious and thorough consultations with the stakeholders. That is missing and lacking in coming up with this Bill.

*[The Temporary Deputy speaker
(Dr. Kones) left the Chair]*

[Mr. Deputy Speaker took the Chair]

I know it is late in the day, but I am sure my observations have already been heard and probably will be given some attention in future. Otherwise, it is important to have opinion polls conducted in a more structured manner. We need a process that can be validated and transparent. So, to that extent, the Bill has made some attempt.

Mr. Samoei: Mr. Deputy Speaker, Sir, thank you very much for giving me an opportunity to make remarks on this Bill. I first want to congratulate hon. Khalwale for the effort he has made in brining to the ambit of the law opinion polling in Kenya. We have had people and quarks pretend to participate in opinion polls in Kenya and come up with outrageous propositions on what they think. With this piece of legislation now in place, all institutions participating in opinion polls must meet some basic threshold in terms of the personnel they use in the opinion polling, the methodology they use and now they will be forced to disclose, as has not happened in the past, what it is, how they went about it and whether the results they are releasing are scientific and believable.

Mr. Deputy Speaker, Sir, opinion polls are not necessarily for political purposes. They are even for institutions and corporate entities to understand market dynamics so that they can market their products in the best way, reach out to the markets and even enhance business in our country. Opinion polls play a very significant role. In an effort to grow our economy, we must understand what it is that is going on in our country, the market forces, the issues that Kenyans like, the products and the sensitivities involved in the whole of that exercise. So, I think what hon. Khalwale has done through the Bill - and I want to commend him - is to structure and regulate so that, that very important exercise is carried out in a framework that gives the best chance to those firms that have the capacity, know-how and technology to carry out that exercise and bring out results that will add value to decision making in our country. Many corporate entities, politicians, voters and people who want to engage themselves in certain exercises would like to do so on the basis of quality information. That is what this Bill would help to bring out.

Mr. Deputy Speaker, Sir, therefore, I wish to say that the days when people would wake up, call themselves "X", "Y", "Z" and churn out information that has no basis; that has not been subjected to any scientific analysis are gone with the passage of this Bill.

Thank you very much.

Mr. Mungatana: Mr. Deputy Speaker, Sir, we are in the Third Reading of the Bill. So, there is not much we can say, except to fully support this Bill. From the time this Bill was conceived by hon. Bonny Khalwale, the work that he has done in terms of consultations--- I know that a lot of work has gone into it. It is unfair for criticisms that have been here and outside there in the media; people trying to suggest that no work has been done as far as consultations are concerned.

Mr. Deputy Speaker, Sir, I know for sure that consultations were done. I want to say that, as the Secretary-General of a political party called NARC(K), we have suffered seriously in the past due to unfair opinion polling that has kept on picking certain names and excluding some of

us. I will even disclose in this House that Short Message Service (SMS) text was going around saying: “Would you choose the following presidential candidates if elections are held today?” We were at the party headquarters and we sent an SMS---

QUORUM

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. This is a Bill touching on opinion polls. But when I look around, the number that is likely to pass this Bill--- This Parliament will be a laughing stock. You cannot pass such a serious matter with this number of legislators.

Mr. Deputy Speaker: So, what are you raising?

Mr. Mbadi: Mr. Deputy Speaker, Sir, I am raising that there is no quorum.

Mr. Deputy Speaker: Clerk-at-the-Table, could you check if we have the right quorum.

(The Clerk-at-the-Table counted the number of hon. Members)

We do not. Okay, ring the Division Bell. We do not have a quorum.

(The Division Bell was rung)

(Several hon. Members walked into the Chamber)

Mr. Deputy Speaker: There is quorum now. Proceed, hon. Mungatana.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I was just saying that, as NARC(K), we have been affected by lack of legislation before this law by hon. Khalwale was brought.

Mr. Deputy Speaker, Sir, there was a time they sent a text message and we were at the party headquarters. When you send the name of the candidate that you support, you receive a message saying: “No, no, not those ones, it is these other three!”

Mr. Deputy Speaker, Sir, that practice must be completely regulated under this new law. I am very happy with this law. This country now should take a new direction. We should do honest opinion polling and not skewed, unscientific opinion polling.

Thank you.

Mr. Duale: Mr. Deputy Speaker, Sir, I want to thank, very sincerely, hon. Khalwale for bringing this Bill.

Mr. Deputy Speaker, Sir, the nation and the country has seen the owners of the opinion polls. The owners of the opinion polls were raising quorum hitches for the last two months. That is because they are the greatest beneficiaries of those opinion polls. For us, we want fair play. For us, we want if hon. Uhuru Kenyatta is leading, to win the elections. If it is hon. William Ruto who is leading, he must win the elections. Their parties must win. It should be the same for other people. Opinion polls touch on the behaviour of the voter. Democracies all over the world, together with countries that have the best democracies, have regulated opinion polls.

Mr. Deputy Speaker, Sir, we do not want a situation where you go to Dujis Constituency and rate somebody who does not even come from that constituency and say he is leading. Hon. Khalwale, this House and everybody else who is watching, we are saying the days when we had briefcase opinion pollsters owned by politicians are gone. That is what led to the post-election violence. You are rated too highly that you are winning the presidency when you are number three. When you lose, you say: “My votes were stolen.”

Mr. Deputy Speaker, Sir, I want to finally say that this country has come of age. This country has a new Constitution and must offer legislative structures for every institution, including those who are in the business of opinion polling.

Thank you, Mr. Deputy Speaker, Sir.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also add my voice in support of this very important Bill. I want to thank Dr. Khalwale for this very timely Motion. I really regret that hon. Members of this House were trying to scuttle this Bill which would have been passed a long time ago.

Mr. Deputy Speaker, Sir, I want to be very brief because my colleagues have talked a lot about this issue. The issue of opinion polls and the way they have been done has been like directing voters of this country on which direction to go. It has kind-of become inciting. When you do not achieve what the opinion polls are saying, you try to agitate for violence. People should not go by what opinion polls are saying; they should really go by what the reality is on the ground.

Mr. Deputy Speaker, Sir, there is the issue of scope; the issue of the sample being taken – and you are told this was an opinion poll taken from a sample of 1,000 would-be voters while we have 15 million would-be voters – I do not think it is representative. It is not scientific. More needs to be done on the formula of verification and the formula or validation.

So, Mr. Deputy Speaker, Sir, I really support that---

Mr. Gitau: On a point of order, Mr. Deputy Speaker, Sir. As you can hear, hon. Members are repeating the same thing. Would I be in order to request you to put the Question?

(Applause)

Mr. Deputy Speaker: Indeed, debate at this stage for the Third Reading should be brief. The Chair is now going to call upon the Questioner to reply.

(Several hon. Members stood up in their places)

Order! Order!

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir. I want to thank all hon. Members of Parliament---

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Again, we should be sure whether we have quorum in the House.

Hon. Members: We have got quorum!

(Loud consultations)

Mr. Deputy Speaker: Order! I think the Chair sees that there is quorum in here.

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir.

(Loud consultations)

Mr. Deputy Speaker: Order! Order, Dr. Khalwale! Under the rules, you are not supposed to reply. I am sorry for having called you to reply. I should have put the Question.

I will now put the Question.

(Question put and agreed to)

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

MOTION

PAYMENT OF DUES TO RETIRED TEACHERS

Mr. Pesa: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, noting that the Government has not paid teachers who retired between 1997 and 2003 their dues in revised pension funds amounting to Kshs.17.6 billion; aware that the Minister for Finance on 22nd February 2012 informed the House that the money had not been paid due to a query by the Controller of Budget which required the guidance and opinion of the Attorney-General; further aware that Kshs.3.34 billion has been factored in the 2011/2012 Budget and risks being returned to the Treasury at the end of this Financial Year; noting that the Minister stated that payment of these funds will be effected as soon as the Attorney-General renders an opinion; mindful that the delay has caused the parties untold pain and suffering; this House urges the Government to pay retired teachers their dues without further delay.

Mr. Deputy Speaker, Sir, as I speak here today, I am talking about a very important issue which affects all the retiree teachers of this country. I am very sure that hon. Members of this House, at one stage or another, must have passed through the teachers, who have taught them at whatever level. I hope that they will support this Motion.

Mr. Deputy Speaker, Sir, I have raised this Question several times on the Floor of this House, namely on the 15th of April, 2010; 26th of April, 2010; 15th of May, 2010; 17th of December, 2010 and 8th of October, 2011 by both Private and Ordinary Questions. Finally, on the 22nd of February, 2012, the Minister for Finance responded to the Ministerial Statement I had sought earlier. I want to pass my special thanks to the Minister for Finance for his prompt response to the issues raised by hon. Members regarding his docket.

Mr. Deputy Speaker, Sir, teacher retirees, among other retirees in this country and everywhere else, are respected senior citizens world over. They are treated with dignity and respect in both the developing and the developed world. What of Kenya? Are we, really as a Government, thinking about the teachers that have done a very good job for this country?

Mr. Deputy Speaker, Sir, these are the people-servants who have served their countries with dedication, transparency and contributed much to the national development in terms of manpower development. If we look back at our own lives at school level, university and colleges, we can remember what teachers have done to shape our lives.

Mr. Deputy Speaker, Sir, at this juncture, I want to, for example, remember one of my teachers in my school, the late Kerry Mang'era, who taught me at primary school in a school known as Abwao. I still remember very vividly what he did in my life. I also do not want to forget Mr. John Oyugi, who also taught me at Intermediate level and, again, the subject was Mathematics. Again, I want to mention here Dr. Gustavson; a Swede who taught me the subject of Mathematics at the Kenya Science Teachers College. Lastly, amongst the people I want to mention here is Prof. George Saitoti, the current Minister of State for Provincial Administration

and Internal Security in the Kenyan Government, who taught me Abstract Algebra in the University of Nairobi in 1974/1975.

(Applause)

Mr. Deputy Speaker, Sir, these are among the gentlemen and ladies who have made many Kenyans who they are today. They are being paid very little. Actually, they have retired and they are not getting any pension at the moment. They served this country excellently with dedication and commitment. The teacher's role in moulding a human being is a God-given gift which replaces ignorance with knowledge in human development. The matter in question, as I sign off, is as a result of a court judgment appeal as per review application No.80 of 2011 which upheld an earlier court ruling in Nakuru on 23rd October, 2008, which had ruled in favour of the teachers who had retired between 1997 and 2003.

Mr. Deputy Speaker, Sir, the law is very clear on payment of pension to retirees in general and teachers in particular. According to the Constitution, Article 206 (2) and (4), the Pensions Department is required to pay pensions out of the Consolidated Fund as provided in an Act of Parliament which is the Pensions Act Cap.18(9). According to Article 221(7), pensions can only be paid out of the Consolidated Fund and are not budgeted under any other Fund.

Finally, Article 228(4) says that the Controller of Budget must be satisfied that the withdrawal from the Consolidated Fund is authorized by law, and in this case, the Pensions Act Cap.189. Between July, 2011 and 20th February this year, the following communications without any tangible results benefitting our stressed teachers who have retired had to be made.

On 11th July, 2011, the Kenya National Audit Office (KNAO) wrote to the Pensions Secretary/Director of Pensions on Section 10 of the Pensions Act Cap.189.

The Office of the Deputy Prime Minister and Minister for Finance wrote on 24th August, 2011 and a reminder on 25th November, 2011 to the Attorney-General seeking legal guidance and for the interpretation of the Pensions Act Cap.189. The question is; how much time does the Attorney-General and the Controller of Budget need to respond to such legal matters so that the suffering of families of the retired teachers can be stopped? Article 221(7) of the Pensions Act states that pensions can only be paid – and I have mentioned that one - out of the Consolidated Fund and are not budgeted for under any other Fund.

The question is; do we have a problem with the Consolidated Fund in this country? This is not true because already, Kshs3.34 billion has been budgeted for pensions for the retirees and has not been paid to them at the moment. We are talking about children and families of the said retired teachers who have had to live in poverty with no school fees for their school. They have no food to put on their tables and have no dignified lives to live or be proud about and some have succumbed to death due to lack of medical care. This is the case and yet at the moment, Kshs3.34 billion, out of the Kshs17.6 billion factored in the current budget, tabled in July, 2011 and approved by this House is threatened by being returned to the Treasury at the end of June, this year.

Is this Government serious in respect to the obligations to the teachers who have retired after serving this country so much such that capital development was positively felt in this country? The same Government was voted in by the same teachers we are talking about. At the moment, teachers are suffering and we need the Government to respond so that these teachers can be paid this amount which is in the budget before the end of this financial year.

With those remarks, which I think the Government will have to take care of, I beg to move and request hon. Silas Muriuki to second this Motion.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Eng. Rege) took the Chair]*

Mr. Ruteere: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to second this Motion which is very simple. It is a Motion urging the Government to pay the retired teachers their retirement benefits without further delay. As the Mover has said, it is ironical that having served the country for more than 26, 27, 28, 29 up to 30 years, these teachers had to resort to the court to get what is their benefits. This is after having served the country for long hours, many days and sacrificing to see that this country produces educated young men and women. These teachers have been frustrated.

The salary benefits they are seeking are as a result of the 1997 agreement that was signed between the Government and the Kenya National Union of Teachers (KNUT). This was an agreement that involved senior Government officials; the then Judge of the High Court, Justice Aaron Ringera; the former Permanent Secretary, Treasury, hon. Lesrima; the former Secretary to the TSC, the late Kang'ali and the KNUT Secretary General, the late Ambrose Adongo.

It is painful that most of these people who should have benefited are no longer there. Their children are suffering because they lack school fees, clothing and shelter and yet their fathers and mothers rendered the country service. We have a new constitutional dispensation that says that Kenya will adhere to the rule of law. It is painful that after a court has made a ruling that the teachers be paid, other bureaucratic issues are being raised. The Controller of Budget is saying one thing, the Attorney-General is saying another thing and yet the matter is simple; pay the teachers for the service they rendered. The courts have ruled. I think what they need is a court order. The TSC is very willing to pay. All that the TSC is waiting is to be paid the money to channel to the teachers. The TSC knows they are teachers. The TSC has a list of those teachers who retired. Those who were in service in 1997 were paid the first phase. The payment was spread in four years. It was to be paid in 1998, 1999 and 2000 was to be the final year. After paying them in 1997, the Government disagreed and did not honour the agreement. So, there was a strike by teachers in 1998 and another strike in 2002.

During the 2002 strike, the NARC Government, which was campaigning to be elected, including the then Leader of the Official Opposition, hon. Mwai Kibaki promised the teachers that if he took over the Government, he would pay them. He took over the presidency in 2003 and paid all the phases. While paying all the phases, he did not backdate this to the teachers who had retired in 1997, 1998, 1999, 2000, 2001 up to 2006 when he completed the phases.

These teachers are saying: "We are tired. We retired. We went out without what was promised and what we fought for. We cannot wait for many more to die. We cannot wait for many more of the children to suffer. It is our request to the Government that they pay these teachers without further suffering".

Mr. Temporary Deputy Speaker, Sir, I second.

(Question proposed)

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, I want to thank you for giving me this opportunity to contribute to this very important Motion. Secondly, I want to thank hon. John Pesa for bringing this Motion to this House. This Motion is extremely important and I want to say that the teachers in this country have done a commendable job and without teachers no country can develop. Education is the basis of development and without it in any country, no development can take place.

Mr. Temporary Deputy Speaker, Sir, our teachers in this country have worked very tirelessly to teach our young generation. Our teachers have sacrificed so much in this country to see that this country has people who are well educated and who will develop it. Worldwide, teachers are well respected because these are the people who shape the destiny of any country and, therefore, they deserve their respect and the benefits that they are entitled to. Teachers of this country have done a lot of good work and as you have heard from the Mover of this Motion, these teachers have a legitimate demand of the money that is owed to them legitimately by the Government.

Mr. Temporary Deputy Speaker, Sir, I belong to the Departmental Committee on Education, Research and Technology. Our committee has fully endorsed the demands the teachers have made regarding these payments that have been pending for many years. The decision was made by the court that these teachers be paid. Our committee has worked so hard to ensure that money is released to be paid. It is sad to note that even after the Treasury released about Kshs3.3 billion to be paid to these teachers who have worked so hard for this country, this money is still being held because of too much unnecessary bureaucracy.

Mr. Temporary Deputy Speaker, Sir, I wish to call upon the Attorney-General to move with speed and ensure that he provides the information that is required so that the Controller of Budget can release this money so that our teachers who have worked so hard and now they are suffering in abject poverty are paid. Some of them have actually died while this money is there. Some of them are sick. They cannot be able to get medical care because they have no money and yet they have so much money that is owed to them by this Government. So, I wish to call upon the authorities involved to ensure that the money that is already budgeted for and has already been lying somewhere in the Treasury – Kshs3.3 billion – is released with immediate effect so that the teachers can benefit from it before they go to the next world. I also want to request Treasury to release the remaining amount of money which the court ruled, legitimately belongs to the teachers.

Mr. Temporary Deputy Speaker, Sir, I have had a chance to stay in the United States of America (USA), Europe and Asia. I can tell you teachers are given the highest priority. They are well paid but in this country we seem to think that these teachers do not deserve this pay and yet they do the best work in this country. Just two weeks ago, we had a delegation from South Korea. They were Members of Parliament who are members of the Departmental Committee on Education, Science and Technology. They came to visit us and we had a chance to talk to them and they told us that the Government of South Korea gives top priority to teachers and they are well paid. That is why South Korea is well developed. So, I wonder why this Government gives a raw deal to our teachers and yet without them this country cannot move.

Mr. Temporary Deputy Speaker, Sir, I want to urge the Government and the Ministry to move with speed and ensure that this money is released to our teachers. I also want to appeal to the Pensions Department to pay retired Kenyans. The Pensions Department in the Treasury has been frustrating Kenyans who have worked so hard for this country and after they have worked so hard and they have retired, they are not paid their pension. They waste so much time coming

to Nairobi to look for their pension and they are taken round in circles. In fact, some of them end up dying without getting their pension. A system must be worked out by the Treasury to ensure that pensioners are paid immediately they retire and not to waste so much time until some of them die before they get their pension.

With those many remarks, I want to support this Motion and wish that action is taken immediately.

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion.

I congratulate hon. Pesa for bringing this Motion to the House. We know that during the last Parliament, this House passed a Bill relating to pension payments. We legislated to the effect that once one has retired from service, the pension due to that particular individual has to be released within a month. That is what we passed in this House. It was not passed in any other parliament but in the Parliament of Kenya.

The Temporary Deputy Speaker (Eng. Rege): Hon. (Prof.) Olweny, could you just sit down for a moment?

(Prof. Olweny resumed his seat)

The Temporary Deputy Speaker (Eng. Rege): Is there anybody from the Government side or from the Prime Minister's Office, to respond to this Motion? Who is holding the brief? Is it the Minister? This Motion is from the Prime Minister's docket, am I right?

The Minister for Education (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, I thank you for recognising me. This is a Motion from the Prime Minister's docket but I recognise the fact that there is a Grand Coalition Government in which I also serve. Hon. (Prof.) Olweny is also a Minister, for purposes of business in this House. As far as I am concerned, if he speaks, it should be noted that he is a Government Minister speaking on the Motion, and that can be taken as the official Government response. I have no problem with that.

The Temporary Deputy Speaker (Eng. Rege): Continue, Prof. Olweny.

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I was saying that sometime back, this House passed a law which told the Government that once someone has retired, that person's pension dues are to be released within a month. Any delay attracts interest.

Mr. Ruteere: On a point of order, Mr. Temporary Deputy Speaker, Sir. I agree that there is collective responsibility in the Government but the Minister for Education is pointing to the Assistant Minister for Education to respond on behalf of the Government. We want to know who is really responding to this debate, on behalf of the Government.

The Temporary Deputy Speaker (Eng. Rege): I think that is quite acceptable. What he has done is not illegal at all.

Mr. Samoei: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the issue that the Member for Igembe North has raised is fundamental. It is this kind of casual manner in which matters are treated that ends up putting millions of Kenyans in the kind of trouble that these teachers are in. The Member for Igembe North asked a fundamental question: Who is going to respond on behalf of the Government? We must have a respondent. With due respect, the matter that was raised by hon. Mutula Kilonzo – that any Minister speaking can be taken to be the official Government response – is really a casual and unacceptable treatment of such an important matter.

So, the Government needs to tell you who is responding to this very serious matter. It cannot be done in the casual manner in which they are trying to treat this House.

The Assistant Minister for Roads (Dr. Machage): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have not called for the Official Government Responder and you have realised that nobody has stood up to respond. It is not quite in order for hon. Members to complain or be agitated about who is going to be the Government Responder. Let us wait for that time. When you call for the Government Responder, he will stand up.

The Temporary Deputy Speaker (Eng. Rege): Hon. Members, I have asked from the Chair who the Official Government Responder is and both the Minister and the Assistant Minister declined to respond on behalf of the Government. So, I think it is in order for us to just continue with the debate.

Mr. Pesa: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the point that has been raised by hon. William Ruto is very important. We have the Minister for Education. This Motion is actually directed to the Ministry of Education. It is now going to the Office of the Prime Minister because there are other issues in respect of which there must be consultations. So, since the substantive Minister, whose capabilities I know is here, why do you not direct that he responds to debate at the end? We want somebody to respond to this debate.

The Temporary Deputy Speaker (Eng. Rege): Yes, hon. Mutula Kilonzo!

The Minister for Education (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, with due respect, this is a storm in a tea cup because this debate has just started, and it has been pointed out that when the time for a response comes and it happens that there is nobody from the Office of the Prime Minister, there will be a response. That is how I understand debate.

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, you can see where I am speaking from. I am speaking from the Back Bench, in my capacity as the Member of Parliament for Muhoroni. I am not speaking from the Dispatch Box.

The Temporary Deputy Speaker (Eng. Rege): Continue, Prof. Olweny.

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, it is unfair for the Government to keep pension dues that should have been paid to senior citizens of this country. Teachers are not the only public servants who are suffering. There are other Kenyans who retired, whose pension has not been released by the Treasury. Various Ministries have done the paper work relating to retirees' pension and forwarded the documents to the Treasury. So, there is no reason for retired teachers not to get their pension. These are Kenyans who spent all their lifetime serving this country using all the talents that God gave them, and all the skills they acquired through training. It is disgusting and demoralising for teachers who have done so well for this country to be treated this way.

I am convinced that this is little money that the Government can pay in a matter of days. I am convinced that the Government has enough money to pay. There was no need for a court case on this issue. It has lasted for so long. In our Ministry of Education, we sorted out the issue and handed it over to the Treasury. The Treasury should avail the money and pay the teachers. Why did the teachers have to go to court to demand to be paid their dues? Everybody knows that the money belongs to the teachers. They served, and it is their dues. Why should Treasury wait until the teachers go to court for the court to give a ruling? They spent a lot of money and time.

Mr. Temporary Deputy Speaker, Sir, the court gave its ruling, directing the Government to pay yet there is no response from the Government. What is the difference from what we call "impunity" in this case? This is impunity. Why is the Government doing it? We have to respect

teachers' rights. Let us pay their dues. Let anybody else who retires from Government service be paid his or her dues.

Thank you.

The Assistant Minister for Roads (Dr. Machage): Naibu Spika wa Muda, nimeshukuru kwa kunipa nafasi hii.

Ni aibu kwamba tangu mwaka wa 1997 hadi mwaka wa 2003, marupurupu ya kustaafu kwa walimu hayajaanza kulipwa. Ni vibaya kabisa kwamba sisi, ambao tumepitia kwa mikono ya walimu, hatuwezi kukumbuka uchungu waliokuwa nao walipokuwa wakitufundisha mpaka tukafika hapa tulipo. Eti sasa mawazo ya Mkuu wa Sheria yanahitajika kusudi malipo ya shilingi 3.34 bilioni yalipwe, pesa ambazo zimeshawekwa na Bunge hili kulipwa walimu. Ninasema kwamba hizi hela zilipwe kwa hima bila kupoteza muda kwa sababu ziko ndani ya Bajeti. Zile zilizobakia, karibu Kshs15 billion zianganaliwe na kupendekezwa kulipwa katika mwaka mpya. Hata hivyo, sheria iliyopo, na ninataka kuwatia hawa walimu moyo ni kwamba sasa wao wanafanya biashara. Sheria ya sasa inasema kwamba hadi utakapolipwa marupurupu yako ya kustaafu wewe utahesabika kama mfanyakazi wa Serikali na unaendelea kulipwa mshahara wako na marupurupu yako. Hii ndio sheria tulipitisha katika Bunge hili.

Hawa walimu, kuanzia mwaka wa 1997 hadi mwaka 2003, ni haki yao kama hawatalipwa waende kortini na kusema kwamba wao wanastahili kulipwa hizo siku zote ambazo wamekuwa hawajalipwa marupurupu yao ya kustaafu.

Mr. Ruteere: Hoja ya arifa, Bw. Naibu Spika wa Muda. Ningetaka kumjulisha ya kwamba wale walimu wote wameenda kortini na korti limeamua walipwe.

The Assistant Minister for Roads (Dr. Machage): Bw. Naibu Spika wa Muda, ni vizuri. Ninakubaliana na korti kwa sababu ni haki yao. Lazima wanyonge wapewe haki yao. Iwapo jambo kama hilo haliwezi kutiliwa maanani, ni jambo la vurugu, aibu na la laana. Ninafikiri hata sasa Waziri wa Elimu aliye hapa sasa Hoja hii inasema kwamba Kshs3.34 bilioni zinangoja fikira ya Mkuu wa Sheria. Hawakutoa mawazo ya kukataa au kukubali. Ni fikira zake tu. Kwani kupata fikira kuna shida gani? Kuna shida gani kupata fikira za Mkuu wa Sheria? Pata hizo fikira. Mawazo yake hayawezi kutufunga sisi kama Bunge. Uamuzi umepitishwa kwamba hizi hela zilipwe walimu.

Sitaki kusema mengi ya ziada. Mimi ninaunga mkono Hoja hii. Ninampongeza mwalimu John Pesa kwa kuwakumbuka hawa walimu, na kuleta Hoja hii katika Bunge. Ninaunga mkono kabisa Hoja hii. Jambo ni moja tu, walipwe.

Mr. Samoei: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity. I would like to say that we are in a country of very strange happenings because we are forced, as a House, to debate this Motion because somebody has simply refused to do what he or she is supposed to do. What the teachers are asking is what is provided for in law. When a Kenyan works and retires, he or she is entitled to a pension. It is not a favour; it is not a grant; it is their dues.

Mr. Temporary Deputy Speaker, Sir, what we are faced with here now is to discuss how Kenyans who have tirelessly worked for their nation, in a very noble profession, in teaching, are living in conditions that are completely undesirable because their dues are being withheld without reason. What is being presented by the Government here does not amount to a reason. I do not know the opinion of the Attorney-General. These are basically excuses and they have no room in a democratic society like ours that senior citizens who have given everything, namely their talent, expertise and have made a lot of effort in making a contribution towards making this country better have to resort to paying lawyers to go to court so that they can get what is due to

them. I do not think it is right. We are making this country look like the animal farm where there are animals which are more equal than others. There are some who are paid their dues, there are some who are supposed to go to court to demand what they should get by right.

We should not be discussing about paying pension to people who have worked. We should have actually have progressed this debate to looking at how to take care of people who are jobless and looking for a stipend for young Kenyans who have no jobs. They have gone to school. We should be thinking of how to support them. We should have elevated this debate to that level. We should not be talking about this. This is something that is fairly straight forward. Therefore, the Government without any further delay should pay these teachers.

I was in Nyamira on Thursday and an elderly person walked to me and told me that he retired as a teacher and he has not been paid. I could not have a straight answer for him. He asked me what we are doing about it. He wondered what they will do with their children and their lives. It was a very painful experience when I was confronted by this teacher in Nyamira.

I think it is an issue that is real and pertinent and we should not waste anymore time. The Attorney-General is a Kenyan and to look for his opinion should not take a whole case in court or a whole debate in Parliament, so that the teachers can be paid. The Attorney-General of Kenya, being a professional, should do the honourable thing. Get his opinion and pay these good citizens who have made a serious contribution towards making Kenya what it is to get their pay.

Mr. Temporary Deputy Speaker, Sir, the money has already been allocated. It is sitting somewhere, probably earning interest, I do not know for whose benefit and yet we have Kenyans languishing out there. They have now resorted to all manner of actions going to court, demonstrations, confronting Members of Parliament everywhere and so on. This is completely unnecessary situation that we are subjecting these teachers to. This is their due. I think the Government should go beyond this little matter of pension. We must be very clear. Pension all over the world is a fund that is managed in the best interest of the pensioners and of the country.

The Government should go beyond these little stitches, trying to repair here, there and respond to issues in a haphazard way. We laid the framework in this House when we said every citizen who retires must be paid within a month of their retiring. That should be the case. That is the law now. It was passed in this House. No excuse should be fronted on matters of this nature because we are talking about people who have already made their contributions, they are in their sunset years, they want to look after their grand-children, they want to have a peaceful retirement, but here we are subjecting them to all manner of actions.

Let me conclude by saying that the Government should take this matter seriously because it owes it to both the retirees and to this country to respect the law and the Constitution and ensure that without any further delay, this matter is sorted out.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for us to adjourn the House. The House is, therefore, adjourned until this afternoon.

The House rose at 12.30 p.m.