

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 31st July, 2012**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### SPEAKER'S WELCOME TO MEMBERS AFTER RECESS

**Mr. Speaker:** Hon. Members, allow me to communicate as follows: First, I would like to welcome all of us to what is going to be the penultimate sitting of the Tenth Parliament. I want to encourage all hon. Members to remain active and dutiful, moreso now as you want Kenyans to feel your presence even as you prepare for the elections.

#### ASSENT TO BILLS

Secondly, I wish to communicate with respect to returns on Bills received from the hon. Attorney-General pursuant to the Standing Orders. Standing Order No.125 requires the Attorney-General to present to the President, within 14 days of receipt from the Clerk, every Bill passed by this House. Thereafter, at the expiry of 14 days, the Attorney-General is required to file a return to the Speaker indicating the time and the date that the Bill was presented to the President. The returns now received indicate that the following Bills which were passed by the National Assembly on 28<sup>th</sup> June, 2012 were presented by the Attorney-General to His Excellency the President for assent were all duly assented to as hereunder:-

- (i) The Appropriation Bill 2012 - duly assented to on 29<sup>th</sup> June, 2012 at noon.
- (ii) The Statute Law (Miscellaneous Amendments) Bill 2012 - duly assented to on 6<sup>th</sup> July, 2012 at 9.30 a.m.

I thank you.

#### APPOINTMENT OF CHAIRPERSON/MEMBERS OF NATIONAL LAND COMMISSION

Thirdly, this Communication pertains to the Chairperson and members of the National Land Commission. Section 7(2) of the National Land Commission Act, 2012 and the First Schedule to the said Act, set out the process for the appointment of the Chairperson and Members of the National Land Commission. Under paragraph 5 of the First Schedule, the President is required within 14 days of receipt of names of successful applicants forwarded to him by the selection panel established under the schedule to select a chairperson and members of the Commission and to forward the names of the persons so selected to the National Assembly for approval.

Hon. Members, by a letter from the Office of the Permanent Secretary, Secretary to the Cabinet and the Head of the Public Service dated 4<sup>th</sup> July, 2012 addressed to the Clerk of the National Assembly, the National Assembly was advised that His Excellency the President had, in consultation with the Right Hon. Prime Minister, nominated the following persons to be considered for appointment as chairperson and members of the National Land Commission.

Mr. Muhammad A. Swazuri, Phd. OGW.	-	Chairperson
Dr. Tomiik M. Konyimbih	-	Member
Mr. Silas Kinoti Muriithi	-	Member
Dr. Rose M. Musyoka	-	Member
Dr. Samuel Kipng'etich Torerei	-	Member
Ms. Abigael Mbagaya	-	Member
Ms. Emma Muthoni Njogu	-	Member
Mr. Clement Isaiah Lenachuru	-	Member
Mr. Abdulkadir Adan Khalif	-	Member

Hon. Members, pursuant to paragraph 6 of the First Schedule, the National Assembly is required to vet and consider all the applicants and to approve or reject any or all of them within 21 days of the day it next sits after receipt of the names. The National Assembly subsequently received two letters; one from the Office of the Permanent Secretary, Secretary to the Cabinet and Head of Public Service, Ref.OP/CAP.116A purporting to replace one of the nominees and the other from the Office of the Prime Minister Ref. PMO/New.Cons/112 dated 13<sup>th</sup> July, 2012 contesting the replacement. I direct that the names of all the nominees and their accompanying curriculum vitae and other documents relating to those nominees be forwarded to the Departmental Committee on Lands and Natural Resources for consideration and report on or before 14<sup>th</sup> August, 2012. In addition, the two aforementioned letters are also forwarded to the Committee to consider them as it may deem appropriate.

I thank you.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. This is with regard to the first communication that you made where you are welcoming us to this penultimate sitting of the Tenth Parliament. When we adjourned last time, anticipation was that we will resume in the New Chamber and I expected that you would have indicated to us in your communication when we shall begin sitting in that Chamber because it is relevant. Perhaps you can indicate to us when we can look forward to sitting in that Chamber.

**Mr. Speaker:** Order, hon. Members! The concern by the Member for Central Imenti is, indeed, legitimate and I am sure it is shared by many more hon. Members. That anticipation was well-merited and we are awake to it. The New Chamber has been fully refurnished and equipped. As a matter of fact, all hon. Members have undertaken training and those of you who have not should avail yourselves to be trained on how to use the equipment that is in the New Chamber. We expect to be able to formally move into the Chamber in a matter of a few days from today; actually not more than ten days from today. That is our expectation. Otherwise the Chamber is ready, fully furnished with 350 seats to seat you and seat the next National Assembly fully.

## PAPERS LAID

The following Papers were laid on the Table:-

Financial statement of the County Council of Thika for the year ended 30<sup>th</sup> June, 2012 and the certificate thereon by the Auditor-General.

Financial statement of the Municipal Council of Thika for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Auditor-General.

Financial statement of the County Council of Olkejuado for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Auditor-General.

Financial statement of the County Council of Maragwa for the year ended 30<sup>th</sup> June, 2009 and 30<sup>th</sup> June, 2010 and the certificate thereon by the Auditor-General.

Financial statement of the Municipality Council of Kakamega for the year ended 30<sup>th</sup> June, 2012 and the certificate thereon by the Auditor-General.

Financial statement of the Municipal Council of Kiambu for the year ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Auditor-General.

Financial statement of the Municipal Council of Kapsabet for the year ended 30<sup>th</sup> June, 2010 and the certificate thereon by the Auditor-General.

Financial statement of the Municipal Council of Murang'a for the year ended 30<sup>th</sup> June, 2010 and the certificate thereon by the Auditor-General.

Financial statement of the Municipal Council of Malindi for the year ended 30<sup>th</sup> June, 2010 and the certificate thereon by the Auditor-General.

Financial statements of the Municipal Council of Runyenjes for the two years period ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Auditor-General.

Financial statement of the Town Council of Othaya for the year ended 30<sup>th</sup> June, 2010 and the certificate thereon by the Auditor-General.

Financial statement of the County Council of Kangema for the year ended 30<sup>th</sup> June, 2010 and the certificate thereon by the Auditor-General.

Financial statement of the Town Council of Kendu Bay for the two years period ended 30<sup>th</sup> June, 2009 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima) on behalf of the Minister for Local Government)*

## **POINT OF ORDER**

### **EXTENSION OF DURATION OF INVESTIGATION INTO GRIEVANCES OF MOMBASA REPUBLICAN COUNCIL**

**Mr. Affey:** Mr. Speaker, Sir, the House will recall that on 29<sup>th</sup> May, 2012, the Chair directed that the matter of the inquiry into the Mombasa Republican Council (MRC) be referred to the Departmental Committee on Administration and National Security and the Select Committee on Equal Opportunities to jointly investigate the grievances of the MRC group and report to the House within 60 days. Since that directive, the joint Committee had several meetings including those held at Coast Province. Given the nature of this investigation, we feel, as a joint Committee, that we require two more weeks in order to further seek certain clarification particularly from the Ministry of Lands before we can bring a conclusive report to the House. We are requesting, as a joint Committee, to be granted two more weeks so that we can be able to have a conclusive report.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Very well, Mr. Affey. I want to believe that you and your colleagues are awake to the fact that this is a matter of immense national interest moreso in the light of the court judgement that was delivered in respect to the legality or otherwise of the MRC. So, it is important that you conclude this exercise at the earliest opportunity. Therefore, I will accord you the time that you have sought, that is, two weeks from now and strictly so. Outside that period, this House will have to determine the fate of your Committees.

Next Order!

## QUESTIONS BY PRIVATE NOTICE

### CAUSE OF FIRE AT UPLANDS IN LORI

**Mr. Njuguna:** Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that three children namely; Pauline Njeri Maina, Elizabeth Nyambura Maina and Catherine Wachuka Maina were burnt at Uplands in Lori Location and admitted into the Intensive Care Unit at Kenyatta National Hospital on 9<sup>th</sup> May, 2012?

(b) Is the Minister also aware that one of the children, Catherine Wachuka, subsequently died?

(c) What was the cause of the fire and could the Minister consider paying the medical bills at the hospital since the parents cannot afford to pay?

**The Assistant Minister for Medical Services (Mr. Kambi):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Pauline Njeri Maina, Elizabeth Nyambura Maina and Catherine Wachuka Maina aged 11 years, seven years and nine years respectively, were burnt at Uplands in Lari Location and admitted into intensive care unit at Kenyatta National Hospital on 10<sup>th</sup> May, 2012. They were referred from Kijabe Hospital where they were initially attended to on 9<sup>th</sup> May, 2012.

(b) I am also aware that one of the children Catherine Wachuka died on 19<sup>th</sup> May, 2012.

(c) The cause of the fire was reportedly caused by an electrical fault. It may not be entirely correct to say that the parents cannot afford to pay the bills. They are members of the National Hospital Insurance Fund which can pay part of the bills covered by approved daily rebates. This has already happened in respect of the medical bill for Catherine Wachuka Maina, the child who died. The balance of the medical bill for the late Catherine and the mortuary fees have also been paid and the body was collected for burial on 30<sup>th</sup> May, 2012.

The bills for the other two children have not been computed as they are still undergoing treatment. The computation will be done on discharge after which possibilities of payment will be explored. The NHIF will be invoiced for part of the bill and the family will then be required to pay the difference. The Ministry cannot pay the bill as it has no budgetary allocation for paying bills of this nature.

In the event that the family is not able to pay the entire bill, the recommendation of the Ministry is that the wider society should be mobilized to assist in settling the bill as Kenyatta National Hospital is a cost-sharing facility where medical services are already significantly subsidized. This line of approach has in the past been known to be very effective in settling hospital bills. Should involvement of the wider society still fail to settle the bill, the hospital has instalment payment and waiver systems that the family can make use of.

However, families wishing to make use of these systems are subjected to elaborate and vigorous vetting aimed at ensuring that optimum payments are made. This is necessary because the hospital partly finances its operations from the revenue it generates and failure to optimize collection can easily lead to the collapse of this important institution.

**Mr. Njuguna:** Mr. Speaker, Sir, let me, first of all, thank the Assistant Minister for that very elaborate answer. In addition, I would like to thank the Ministry for paying all the medical bills amounting to Kshs2.8 million that were incurred by the Kiambaa KAG fire victims who were admitted at Kijabe Medical Hospital in my constituency. Could the Assistant Minister, therefore, specifically tell the House when the Ministry will complete these possibilities on payment so that when these children are discharged money will be there to make sure that they are not detained?

**Mr. Kambi:** Mr. Speaker, Sir, as I said earlier, these children have not been discharged and we cannot start computing the bills. Once the indication that they will be charged is authorized by the relevant doctors, then we will do the necessary. If we do find that they cannot pay the bill, we will use our systems to make sure that they are discharged and the bill is waived.

**Dr. Eseli:** Mr. Speaker, Sir, many parents that meet such a calamity end up being destitute or bankrupt because of the high medical costs. We are aware that the Ministry has kept on promising that they will be bringing a Social Health Insurance Scheme Bill to this House. Could the Assistant Minister tell this House when this Bill will be brought to the House so that we can save the plight of many Kenyans who are suffering from these astronomical bills?

**Mr. Kambi:** Mr. Speaker, Sir, the Bill was done and it was recommended to the Cabinet. So, it has not yet come out from the Cabinet. Once it is done, it will come to this House and I will urge my fellow hon. Members to pass this Bill so as to minimize the pain and suffering of our people.

**Mr. Mwangi:** Mr. Speaker, Sir, while the Assistant Minister has made an effort to respond, we have been informed that these two children are still admitted in the Intensive Care Unit for the last two months. We would wish the Assistant Minister to tell the House the condition of the two children as they continue incurring more expenses. Should the Assistant Minister confirm they are still in the Intensive Care Unit, could he consider paying for the bills because the Member for Lari has categorically said that this family cannot afford to meet the bills?

**Mr. Kambi:** Mr. Speaker, Sir, we cannot say that we will waive the bills since these two children are still undergoing treatment. Before we compute the bill, we must get the authority from the doctor who is attending to these two patients so that we can compute the bill. We do not know how much the bill is right now. When we get to know the total bill, then we will determine whether we will waive it or not. As for now, these two children are still undergoing treatment.

**Mr. Imanyara:** Mr. Speaker, Sir, given the number of cases where these applications for payment of medical bills are made and the manner in which they are dealt with on *ad hoc* basis, could the Ministry consider developing a policy that will guide those who seek assistance in this form so that they know that when they apply for medical support from the Ministry, they have to meet a certain criteria so that the allegations of corruption and nepotism or discrimination do not arise when this money is being waived? Could you let us know when you will develop this policy and what the policy is going to be?

**Mr. Kambi:** Mr. Speaker, Sir, that is true. For now, there is the National Hospital Insurance Fund (NHIF), which helps in the payment of such bills. However, we will prepare the policy in the future.

**Mr. Mbau:** Mr. Speaker, Sir, you have heard the Assistant Minister say that the Social Health Insurance Scheme Bill is still pending before the Cabinet. It may be wise for him to tell us how long Bills that are committed to the Cabinet take to come back, so that, we, as Members of Parliament, may know when to expect them. Could he also tell us the measures he has taken? Last year, this House passed the Mortuary Waiver Bill. He undertook to make a budgetary provision, so that resources can be provided to help families that lose their loved ones, whose bodies lie in morgues and which cannot be given ceremonial burial. How far has the Ministry gone in ensuring that they present that kind of budgetary request to the Treasury, so that we may know that he has done his part, and that it is the Treasury and other arms of the Government that have not provided for what is needed?

**Mr. Kambi:** Mr. Speaker, Sir, I will start with the first question. I do not know how long it takes for a Bill that has been committed to the Cabinet to get to Parliament. As we all know, the Cabinet has its own schedule of meetings as well as their own agenda but I do not think it takes so long.

On the second question, we actually asked for budgetary allocation to settle these bills. In fact, hon. Mbau is the Chairman of the Budget Committee of this House. We submitted a request to the Treasury for resources to clear all the pending mortuary bills, but our request was thrown out. So, as I speak now, we do not have budgetary allocation for pending bills in respect of mortuary fee. The pending bills at the Kenyatta National Hospital (KNH) have accumulated to Kshs1 billion. So, it is quite pathetic. We once made a proposal to the Treasury, but it was thrown out. We need funds, so that we can accommodate the bills.

**Mr. Njuguna:** Mr. Speaker, Sir, under the Bills of Rights, Article 20(5)(b) of the Constitution, the Government is compelled to set aside funds for individuals and vulnerable groups, so that such people do not suffer unnecessarily. When will the Government comply with that provision of the Constitution?

**Mr. Kambi:** Mr. Speaker, Sir, we will do so through the Budget of the next financial year. We tried to comply through the current Budget, but our proposal to Treasury was thrown out.

DISREGARD OF NEMA RECOMMENDATION  
ON CONSTRUCTION OF SOUTHERN BY-PASS

**Dr. Otichilo:** Mr. Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) Could the Minister confirm that the Government has approved the de-gazettement of parts of Nairobi National Park for the construction of the Nairobi Southern By-Pass Road against the recommendation of NEMA?

(b) Is the Minister aware that the de-gazettement of any national park in the country is prohibited by law without the approval of Parliament?

(c) Is the Minister further aware that implementation of the proposed de-gazettement will set a dangerous precedent for demands for de-gazettement of various parts of national parks in the country by the local communities, and could he assure the House that the proposed de-gazettement will not be implemented and instead the earlier planned road reserve will be repossessed from illegal allottee(s) and developer(s) who may have encroached on the same?

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

(a) The Government has approved the de-gazettement of only a strip of land along the edge of Nairobi National Park to be made available as a transport corridor to accommodate the Nairobi Southern By-Pass Road. Approval of de-gazettement is by Parliament.

(b) I am aware that the de-gazettement of any national park land is prohibited by law, unless it is done with the approval of Parliament.

(c) I am not aware that de-gazettement can set a dangerous precedent. The issue of any de-gazettement of a national park land is the preserve of Parliament, and not that of my Ministry. Parliament deliberates on the merits and demerits of any de-gazettement proposal before a decision is made.

**Mr. Koech:** On a point of order, Mr. Speaker, Sir. This is a very serious matter, but the Minister is taking it casually and giving contradictory statements. He started by saying that the Government has approved the de-gazettement of a strip of land on the edge of Nairobi National Park. He then went further to say that it is illegal for the Government to approve de-gazettement of national park land without the approval of Parliament. Is he in order to contradict his own statement?

**Mr. Speaker:** Order! That is not a valid point of order. The standards are now very high, Mr. Koech.

Yes, Member for Emuhaya!

**Dr. Otichilo:** Mr. Speaker, Sir, you have heard the Minister admit that the Government has given a go-ahead for the de-gazettement of part of Nairobi National Park. He went further to say that de-gazettement of national park land requires the approval of Parliament. I would like to know from him when this House gave approval for de-gazettement of the said land.

**Dr. Wekesa:** Mr. Speaker, Sir, all I have said is that we have approved the de-gazettement. A Cabinet memo approved the request, but the proposal for de-gazettement has to come to this House for deliberation.

**Mr. Muturi:** Mr. Speaker, Sir, if you listened to the Minister, you will appreciate that he has not answered part (c) of the Question. Could he confirm whether there are illegal allottees and developers who have taken the land that should have been used for the construction of the by-pass road?

**Dr. Wekesa:** Mr. Speaker, Sir, I am not aware of illegal buildings near the by-pass. The Minister for Housing would, probably, answer that bit of the question properly. As far as I am concerned, the part that has been approved for de-gazettement is a strip of land that is on the edge of the national park.

**Mr. Balala:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to confuse the House by saying that he is not aware of the grabbing of any land that was earmarked for the by-pass road? Kenyans are aware that there was a planned by-pass, dating back to 1970. People grabbed the land that was reserved for that by-pass road and built housing estates, and the Government is now taking land from the Nairobi National Park, which is a national asset, for the construction of the by-pass road. Is it in order for him to confuse this House?

**Dr. Wekesa:** Mr. Speaker, Sir, grabbing of land in Nairobi and in other towns has been very prevalent. What I am saying is that I am not aware that there are people who grabbed land there. The Minister for Lands, and the Minister for Housing, may shed more light on that aspect. I can only shed light on the part of the Question on the de-gazettement of part of Nairobi National Park.

**Ms. Karua:** Mr. Speaker, Sir, now that the Minister is ready to shed light on the national park, this road which is the proposed bypass has been done and is being used for the last so many

years, could he tell this House when he intends to bring the request for approval because the road is now existing without the proper approvals? When will the Minister and the Ministry realize that we are in a new dawn?

**Dr. Wekesa:** Mr. Speaker, Sir, actually the part that we are using now – the little road that is there, is only a very small fraction of what would be---

**Mr. Duale:** On a point of order, Mr. Speaker, Sir. The matter we are discussing is of great national importance. This is the only national park in the capital city of Nairobi and the Minister himself has confirmed that he has a Cabinet approval and the Cabinet is not equivalent to Parliament. Up to now, he is not telling this House whether he has sought Cabinet approval for even one inch of Nairobi National Park. Is he in order to mislead the House?

**Mr. Speaker:** That is not a valid point of order even if you add the words “is he in order?” Mr. Minister, can you respond to the question?

**Dr. Wekesa:** Mr. Speaker, Sir, really what I was saying was that the present murrum road that is being used by people is only a small part of what would be the Southern by-pass. That would be a much bigger portion of the land but I would want my colleagues to realize that they have the power to refuse degazettement of this. The Government has approved but the approval has to come to this House.

**Hon. Members:** When?

**Mr. Speaker:** Order, hon. Minister! You only respond to questions which are properly asked.

**Ms. Karua:** On a point of order, Mr. Speaker, Sir. I had actually asked when he will be bringing the Cabinet Paper. So, he ought to tell us when he will be ready to table the Cabinet Paper. It was part of the Question; with your permission.

**Mr. Speaker:** Order, hon. Members! That will be a valid point of order and that has to be answered. So, that passes. Minister!

**Dr. Wekesa:** Mr. Speaker, Sir, the Cabinet memo has already been discussed by the Cabinet but a Motion has to come to this House to approve the degazettement. I am not in charge of bringing these documents. There is a different office which does that.

**Mr. Koech:** Mr. Speaker, Sir, what is happening on the road now is that the construction is going on. It has actually started. Part “c” of the Question sought to know from the Minister whether he could assure the House that the proposed degazettement will not be implemented and instead the earlier planned road reserve be repossessed from illegal allottees. This Question was going beyond him that he needed to consult his colleagues in the Ministry of Roads and the Ministry of Lands.

Now that the Question sought that information, could he confirm to this House that sure enough there are illegal allottees and developers on the road reserve?

**Dr. Wekesa:** Mr. Speaker, Sir, I have seen buildings there but on whether they are illegal, I have said I am not aware and I really do not know. So, do not force me to answer things that I do not know.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. On more than one occasion, you have reminded these Ministers here starting with the Leader of Government Business that there is a collective responsibility on each and every one of them to ensure that they are accountable to this House by answering Questions.

Is it in order for a Minister to stand up and say: “That is another department of Government and I do not know?” Is it in order when there is collective responsibility in the process? It behoves upon each of them by the Constitution itself.



**Dr. Wekesa:** Mr. Speaker, Sir, this is an issue to do with roads and land and, of course, the national park. I cannot answer detailed issues about roads when my colleague is not there. If he was here, we would consult.

**Mr. Ruteere:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to come here not having consulted his colleagues while the Question had indicated he should have consulted them about the degazettment and illegal allocations and now he attempts to answer when he has not done enough consultations? Can we defer the Question until he consults?

**Dr. Wekesa:** Mr. Speaker, Sir, I do not think there is any need to consult as far as the national park is concerned. I am capable of answering the Question with regard to the road passing through the national park but I do not think I have anything to do with any other part of Nairobi that has been grabbed by Kenyans.

**Mr. Speaker:** Order, Minister! So that we save the time of the House, part “c” of the Question specifically raises these issues to do with the road reserve. So, in your preparation to answer this Question, you must have seen part “c”. What will you do about it?

**Dr. Wekesa:** Mr. Speaker, Sir, all I know is that the part that we have approved for the road, the Ministry of Roads has made available a piece of land equivalent in size to about 60 hectares.

**Mr. Speaker:** Order, Minister! I have just said that we want to use the time of the House optimally and as I see it up to where you are, you are just cutting the Question. You are not dealing with part “c”. So, I will defer this Question to Thursday next week. You must come prepared to deal with part “c” of the Question.

*(Question deferred)*

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. I raised the issue of collective responsibility and it has not been addressed. This is coming too often when Ministers are passing the buck and when the Leader of Government Business sits there as if he is part of the collective responsibility and he does not want to answer questions.

**Mr. Speaker:** Order, hon. Imanyara! I want to give the Minister the benefit of the doubt at least for the moment. Since I have deferred the Question, the Minister will go and fully consult including embracing the doctrine of collective responsibility and come back with a comprehensive answer to satisfy the House.

Hon. Members, Question Three by Private Notice is deferred because hon. Shakila Abdallah is away on parliamentary business and she has been unable to get here on time.

#### DISTRIBUTION OF SYRINGES TO DRUG ABUSERS/USERS

**(Ms. Shakila Abdalla)** to ask the Minister for Medical Services:-

- (a) Is the Minister aware that the Government is planning to distribute syringes to drug abusers/users in the country?
- (b) How will the syringes help the users?
- (c) Could the Minister confirm or deny that distribution of the syringes is a way of demonstrating Government failure to curb drug abuse in the country?

*(Question deferred)*

**Mr. Speaker:** Next Question by Private Notice by hon. Twaha!

REPAIR OF KIZINGITINI SEA WALL

**Mr. Twaha:** Mr. Speaker, Sir, I beg to ask the Minister for Public Works the following Question by Private Notice.

(a) Is the Minister aware that Kizingitini sea wall is damaged and needs urgent repairs for safe passage of the residents?

(b) When will it be repaired?

**The Minister for Public Works (Mr. Obure):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that a section of the sea wall has collapsed next to Kizingitini Secondary School.

(b) The Ministry has taken the necessary steps to ensure that the wall is reconstructed in the first half of this financial year 2012/2013.

**Mr. Twaha:** Mr. Speaker, Sir, could the Minister inform the House whether there have been any improvements in the design so that the one produced will be more durable this time?

**Mr. Obure:** Yes, Mr. Speaker, Sir. We are now aware that this particular section is prone to very strong sea waves and our structural engineers have taken this into account and the protection we are going to provide will be much stronger than the one that has collapsed.

**Mr. Njuguna:** Mr. Speaker, Sir, considering the commitment given by the Minister that the Ministry is going to embark on this project, could he indicate to this House the level of funds set aside for this project?

**Mr. Obure:** Mr. Speaker, Sir, in order to save this school, because it has been severely exposed, we felt that it was necessary to do urgent works to protect it from further erosion of its land. Therefore, we have already obtained the approval of the Ministerial Tender Committee and these works will be undertaken as part of an existing assignment. The amount of money availed for repair works alone is Kshs42,109,500. However, as I said, it will be part of ongoing works in the neighbouring constituency, Lamu West.

**Eng. Rege:** Mr. Speaker, Sir, recently, you assigned my committee and the Committee on Education, Research and Technology to go to Malindi to inspect the Samako Launching Station. We did a lot of research in that area and found out that the sea is washing away most of our shores and there is one section where people have been forced to move out completely. The Italian Government gave Kshs25 million which only covered a very short distance. I would like to ask the Minister what steps he is taking to ensure that our land is not taken away by the sea otherwise all the residents along the sea will have to move out completely.

**Mr. Obure:** Mr. Speaker, Sir, I would like this House to know that we are facing very huge challenges along the coast because of the strong sea waves, particularly during the high tides, which continue to erode land. As a consequence of that, it endangers property and human lives. We have the capacity to provide the protection required; unfortunately the main problem is funding. Even in this particular area, at Kizingitini Secondary School and the neighbouring areas, there is urgent need to do more work there but the amount of money allocated is far less than what is required to undertake these works. Therefore, we will need the support of this House and the Treasury to allocate much more funds to secure these areas and make sure that the people there are properly protected and that the danger we face right now is minimized.

**Mr. Speaker:** Mr. Twaha, last question.

**Mr. Twaha:** Mr. Speaker, Sir, I have no further questions. I would like to thank the Minister.

**Mr. Speaker:** Very well.

Question No.5 by Private Notice is deferred because the hon. Member is indisposed.

#### BREAKDOWN OF COOLING MACHINES AT CITY MORTUARY

**(Mrs. Shebesh)** to ask the Minister for Local Government:-

(a) Is the Minister aware that the cooling machines at the City Mortuary have not been working since 9th June, causing great discomfort to the mortuary staff, bereaved family members and surrounding neighbourhoods?

(b) Is the Minister further aware that pathologists seconded to the facility withdrew their services due to the stench from the decomposing bodies?

(c) What measures will the Minister take to ensure that all cooling machines at the facility are repaired immediately?

*(Question deferred)*

**Mr. Speaker:** Member for Vihiga, please, proceed!

#### ORAL ANSWERS TO QUESTIONS

*Question No.1508*

#### MATATU MENACE IN NAIROBI

**Mr. Chanzu** asked the Minister for Transport:-

(a) whether he is aware that one of the major reasons for the traffic jams on most roads in Nairobi is failure by matatu drivers to stop at designated bus stops to allow passengers to alight; and,

(b) what measures he will take to contain this menace.

**The Assistant Minister for Transport** (Mr. Joho): Mr. Speaker, Sir, I beg to reply. Oh, no!

**Mr. Speaker:** Order, Mr. Assistant Minister! Is technology letting you down?

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

(a) Yes, I am aware that one of the major reasons for traffic jams on most Nairobi roads is the failure by matatu drivers to stop at designated bus stops to allow passengers to alight.

(b) In order to contain this menace, the Ministry is undertaking the following measures:-

(i) enhanced enforcement of traffic rules and regulations particularly on obstruction when picking and dropping passengers at non-designated areas and passengers boarding at non-designated areas;

(ii) road safety campaigns geared towards educating matatu drivers on the dangers of stopping at the non-designated bus stops;

(iii) gazetting of Legal Notice No.173 that forbids passengers boarding and alighting from public service vehicles at places that are not authorized as bus stops or bus terminals;

- (iv) increased patrols along the roads within the city;
- (v) liaising with the Nairobi Metropolitan Development Ministry and Nairobi City Council to create enough designated bus stops to cater for the increased number of public service vehicles within the city;
- (vi) conducting periodic media releases giving out data of accidents within the city and the country at large, and mostly highlighting accidents as a result of obstructions; scenes of such accidents are shown to demonstrate to the public and motorists the dangers of flouting traffic rules and bad driving habits.

Thank you Mr. Speaker, Sir.

**Mr. Chanzu:** Mr. Speaker, Sir, I want to thank the Assistant Minister for the measures that they are trying to put in place in order to contain this menace of matatu uncontrolled movement and alighting from and boarding of vehicles by people in cities like Nairobi. However, I would like the Assistant Minister to tell this House--- For example, where he talks about increased patrols along the roads in the city, this menace of matatus has been going on for a long time. He is only saying what he is going to do. You have not said what you are doing. How is this being done? When is it done so that it can put some discipline into matatus?

**Mr. Joho:** Mr. Speaker, Sir, as you are aware my Ministry is now undertaking the preparation of the National Transport and Safety Authority Bill and it will come to the House for purpose of getting your input. The bit of implementation which we do through the traffic police after we have done the policy has been a challenge. We will continue to press the Traffic Department to enforce the laws that we have made.

**Mr. Kombo:** Mr. Speaker, Sir, apart from the matatus, I think the Kenyan public itself has a problem; you will find that a Kenyan will stand where there is no bus stop, but is near to his house to wait for a matatu to pick him up. Can the Assistant Minister consider bringing a law here to punish passengers who do not go to bus stops?

**Mr. Joho:** Mr. Speaker, Sir, that is very well thought. We will have an opportunity as a House to contribute to the Traffic (Amendment) Bill that is about to come here.

**Dr. Khalwale:** Mr. Speaker, Sir, the Assistant Minister has told us that he is going to press the police to enforce traffic laws, rules and regulations. Can you confirm that this statement is going to apply to traffic lights and wearing of uniforms by touts and drivers contrary to what the Prime Minister told us?

**Mr. Joho:** Mr. Speaker, Sir, I confirm that that will be done.

**Mr. James Maina Kamau:** Mr. Speaker, Sir, most days, you will find that traffic officers confine themselves to roundabouts; what is the Assistant Minister doing to ensure that they get to the city centre, because that is where the problem is?

**Mr. Joho:** Mr. Speaker, Sir, I am aware that there are traffic officers deployed within the city centre, but I will again check. If there is a problem, we will address it adequately.

**Mr. Koech:** Mr. Speaker, Sir, as a result of matatus and some other drivers not observing the rules and regulations in place, there are a lot of accidents that even affect the same matatus. The Assistant Minister has indicated that he is bringing a Bill here; however, we already have so many laws that if properly and fully enforced we shall stop this menace. What are you doing to enforce the rules and laws that are in existence now?

**Mr. Joho:** Mr. Speaker, Sir, one of the reasons as to why we are bringing the National Transport and Safety Authority Bill is to have the implementing agent under one roof, so that they can have adequate supervision. As it is now, we do policy and consult with the Traffic Department. This becomes very difficult to implement.

**Mr. Chanzu:** Mr. Speaker, Sir, once more, the measures the Assistant Minister highlighted here are very important. I would like to ask him whether he can consider setting up a unit in his Ministry to start implementing this as we put the laws in place now that the city is growing at an alarming rate and there are too many of accidents happening now and again because of this behavior of the matatus.

**Mr. Joho:** Mr. Speaker, Sir, that is a good suggestion and we will take it up.

**Mr. Speaker:** Next Question, Mr. Mbau!

*Question No.1638*

PROVISION OF BOTTLED/DISTILLED WATER BY HOTELS

**Mr. Mbau** asked the Minister for Public Health and Sanitation:-

(a) whether she is aware that most hotels and restaurants in the country no longer serve food with the requisite accompaniment of free water and that this has led to exploitation of customers who are compelled to purchase bottled/distilled water; and,

(b) what measures she will take to ensure that bottled water is distilled and certified and not tap water bottled by companies.

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Thank you, Mr. Speaker, Sir. Would you please allow me before I answer the Question just to thank my colleagues? I was so touched by the many messages I received, encouragement, caring and prayers. I want to inform you that I am fully recovered; that I have been given a clean bill of health. Doctors there certified that not a single cancer cell rests in my body. That is all but the rest I will be giving updates on what we are planning and trying to do for our people. I gave that statement at the airport. Thank you, once again; many of you came to see me and I really appreciated.

*(Applause)*

**Hon. Members:** Thank God!

**The Minister for Public Health and Sanitation** (Mrs. Mugo): Yes, I thanked God already and we are holding a thanksgiving service in Dagoretti Constituency at Kawangware outside my constituency office. There is a big field there and I would like to invite all of you on Saturday 12<sup>th</sup> August at 12.00 p.m; that is the coming Saturday. It is an inter-denominational prayer meeting. Please come and we thank God together.

Mr. Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) My Ministry continuously implements the following measures in order to ensure that bottled water is safe for human consumption. There is routine monitoring of all business operators who are bottling water for human consumption in order to ensure that good manufacturing practices are in place. There is also sampling and laboratory analysis of all bottled water to ensure conformity with Kenyan standards for bottled water. In addition, my Ministry continues to ensure that water meant for consumption is safe and not injurious to the health of the consumer. My Ministry does not recommend routine consumption of distilled water as it lacks important minerals which get removed in the distillation process.

**Mr. Mbau:** Mr. Speaker, Sir, first, I want to thank the Minister for this answer. I also want to take this opportunity to welcome her back. We had missed you and we are warmly touched by your healing process.

This Question was prompted by my various experiences where you find in many ordinary hotels across the country, bars and restaurants would want to sell bottled water that costs about Kshs50 so that instead of a customer being sold food with the normal accompaniment of a glass of water, these days in many restaurants, there is no accompaniment of a glass of water in order to compel Kenyans to buy water that which is bottled at a profit. I would like to bring it to the attention of the Minister because she has said that she is not aware that that happens. She should take note and probably deploy many health public officers to hotels and she will discover the extent of exploitation of *wananchi* who just want to eat a meal and get a glass of water to rinse their mouth or even swallow it but this is difficult because they must buy. I want to thank the Minister and not ask a question as such in view of her new status or having just come back from wherever she has been.

**Mrs. Mugo:** Mr. Speaker, Sir, it is not a matter of law to give water. It is a business practice because it is willing buyer, willing seller but we would encourage it because it is good practice to offer water. My interest as the Minister for Public Health and Sanitation would be that that water they are being offered is clean for consumption because again getting tap water, unless one is sure that it is treated – I want to urge the Ministry of Water and Irrigation and the Ministry of Local Government to make sure that tap water is clean for consumption – would be a major issue for my Ministry. But I agree with you; we will promote that because it is good business practice but that is purely business. Treated tap water or boiled water would be very ideal and I will encourage the owners of restaurants to get into the practice of boiling and cooling tap water if it is not clean to ensure that it is safe to serve customers.

**Mr. Mungatana:** Mr. Speaker, Sir, I beg to disagree with the Minister that the Ministry only comes in to make sure that the water is clean, which is very true. However, the mandate of the Ministry of Public Health and Sanitation is preventive. A lot of its business is preventive as opposed to the Ministry of Medical Services which is curative. The use of water as a preventive agent in medicine is very clear even when you eat food and you do not drink water. Even when we had the cancer awareness day here, the medical personnel told us that drinking water is a most important function that must be undertaken by any human being.

The Public Health Act empowers the Minister to issue a lot of directives and I would like her, if she is not prepared today to do it, to go and look at it and she will agree that there are so many powers within it that she could actually give directives on and a circular to restaurants to ensure that there is water. It is not a matter of business; it is not a matter of convenience but it is a requirement for public health that if you are going to give people food, like *githeri*, you must give them some water to digest. Otherwise we will have stomach aches and so on. Could she consider giving a directive under the powers of The Public Health Act that restaurants should serve a minimum of boiled water to accompany meals?

**Mrs. Mugo:** Yes, Mr. Speaker, Sir. The Act even empowers me to close the City Hall and even all the restaurants. However, I do not think that is the first step I should take because we all encourage one another. I urged all the restaurants to serve clean water. If that is the feeling of this House, yes, it is not difficult to issue the circular. I will issue it.

*(Applause)*

**Mr. Speaker:** The hon. Member for Maragua.

**Mr. Mbau:** Mr. Speaker, Sir, I am satisfied with the prosecution of that Question, so far. I thank the Minister.

**Mr. Speaker:** I thought so!

Next Question, Member for Kirinyaga Central.

*Question No.1495*

REHABILITATION OF KERUGOYA/KAGUMO MARKETS

**Mr. Gitari** asked the Minister for Local Government:-

(a) whether he is aware of the deplorable and unhygienic condition at both Kagumo and Kerugoya markets in Kirinyaga Central Constituency

(b) whether he is also aware of negative effects of flooding in these two markets during rainy seasons and that traders are forced to sell their wares from outside the market; and,

(c) what plans the Ministry has to ensure that the two markets are rehabilitated for the traders to sell their wares in a hygienic environment?

**The Assistant Minister for Local Government** (Mr. Nguyai): Mr. Speaker, Sir, I beg to reply.

(a) I am aware of the conditions in both Kagumo and Kerugoya markets in Kirinyaga Central Constituency. The markets fall under the County Council of Kirinyaga and the Municipal Council of Kerugoya-Kutus respectively.

(b) It is true that there has been a flooding problem at Kagumo because the market is located in a flat area. However, the County Council of Kirinyaga has dug a drainage system to curb the storm water and, currently, there is no flooding at the market.

As pertains to Kerugoya Market, the Municipal Council of Kerugoya-Kutus together with the European Union (EU) jointly funded the construction of phase one of the market under the Poverty Reduction Fund. Phase one involved the construction of a slab level where the council provided 36 per cent and the EU provided 64 per cent of the total cost of Kshs7 million. This was realized in March, 2009. Phase two involved a superstructure that was done jointly by the council and stakeholders. The phase two project was completed in March, 2010, and the market is now habitable and in good condition.

(c) My Ministry will ensure that the two markets are rehabilitated to a condition that will enable the traders to sell their wares in a hygienic environment.

Thank you, Mr. Speaker, Sir.

**Mr. Gitari:** Thank you, Mr. Speaker, Sir. In part “b” of the Question, the Assistant Minister has said that both the County Council of Kirinyaga and the Municipal Council of Kerugoya-Kutus have worked on these markets.

Mr. Speaker, Sir, I would like to ask whether we can go and visit these markets with the Assistant Minister because I disagree with this information. As late as yesterday, I was in the constituency and I visited these two markets. Would I be in order to make such a request?

**Mr. Speaker:** Order! Mr. Assistant Minister, are you prepared to make a visit with the hon. Member?

**Mr. Nguyai:** Mr. Speaker, Sir, the hon. Member did approach me. As I said, I am willing to visit the markets to ascertain the level of work done. But I will indicate that the projects that

were done between 2009 and 2010 were at Kerugoya Market for Kshs7 million. The other one where the drainage was dug, I will go and ascertain how far it has gone. So, I am willing to do that on Friday.

**Mr. Speaker:** Order! Order! Mr. Assistant Minister, you will visit the market on Friday this week. We will have this Question reappear on the Order Paper a month hereafter.

*(Question deferred)*

*Question No.1390*

#### PAYMENT OF COMPENSATION TO BODA BODA ACCIDENT VICTIMS

**Mr. Mututho** asked the Minister for Transport:-

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

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

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

(a) I table a list of the road accidents related to deaths, including pedestrians and *boda boda*, since 2000. The list indicates fatalities, serious and slight injuries. The Traffic Department of the Kenya Police collects accident data manually and the officers are able to keep and provide data on the number of accidents and victims, but not specific particulars of every accident reported. In addition, the lifespan of most of the records held in the said period, that is 12 years, has expired. It would, therefore, be difficult for the Traffic Department to trace particulars of every specific accident case, considering the number of accidents that have occurred since 2000.

(b) Compensation of accident victims is covered under the Motor Vehicle Insurance Third Party Risk Act. The compensation of victims is, therefore, dealt with by various insurance companies as provided for under the Act.

Mr. Speaker, Sir, I beg to table the document.

*(Mr. Joho laid the document on the Table)*

**Mr. Mututho:** Thank you, Mr. Speaker, Sir. We had discussed with the Assistant Minister that in view of the seriousness of this case again, that he contacts the insurance agency, the people who are in charge of the insurance, so that, at least, we are sure that out of the thousands who have been maimed or killed, we know how many have been compensated. I had concurred with that position and I do not know how much time he would require so that he can give us that critical data.

Mr. Speaker, Sir, I want to thank Kennidia Insurance for recently compensating our departed colleagues. That should be the spirit, including for the poor Kenyans. It is only that people just sit there and while the rich get compensated, the poor still continue dying there in numbers.

**Mr. Speaker:** Mr. Assistant Minister, you seem to have agreed on a position for deferment. So, how much time do you want?

**Mr. Joho:** Mr. Speaker, Sir, 30 days will suffice.

**Mr. Speaker:** Mr. Muthutho, do you concur with the hon. Assistant Minister?



**Mr. Mututho:** That is in order, Mr. Speaker, Sir.

**Mr. Speaker:** Very well; it is so directed!

*(Question deferred)*

*Question No.1227*

#### UTILIZATION OF WIND ENERGY IN BUBISA LOCATION

**Mr. Chachu** asked the Minister for Energy:-

(a) whether he is aware that many companies have shown interest in exploiting wind energy in Bubisa Location, Marsabit County; and,

(b) which environmental policies and laws are in place to ensure the equitable sharing of the benefits accruing from the sustainable exploitation and utilization of wind energy in Bubisa, in line with Article 69 of the Constitution?

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

(a) I am aware that several companies have shown interest in exploiting wind energy in Bubisa location, Marsabit County. Production, distribution, supply and use of wind energy and other forms of energy is governed by the Energy Act of 2006. It has provisions for protecting the interest of the consumer, investor and other stakeholder interest. In addition, elaborate measures and regulatory provisions for protection of environment and conservation of natural resources are contained in the Environmental Management and Co-ordination Act (EMCA) of 1999. This is enforced by the National Environment Management Agency (NEMA).

(b) As there exist no express environmental laws and policies on sharing natural resources, consultations are ongoing within Government to provide for legal and regulatory modalities for sharing of natural resources in line with Article 69 of the Constitution.

**Mr. Chachu:** Mr. Speaker, Sir, we, as a country, are in a very unique period; we have just discovered oil in Turkana and Nyakach. Next month, they will be drilling for oil in my own constituency in northern Kenya. We are just about to implement one of the biggest wind pumps in the whole of Africa in Marsabit County.

Mr. Speaker, Sir, the existing laws that the Assistant Minister referred to, whether it is the NEMA Act of 1999 or the Energy Act of 2006, does not provide for what is envisaged in Article 69 of the Constitution. It basically provides that the Government should ensure sharing of accrued benefits in an equitable manner with the local communities.

Mr. Speaker, Sir, equity in the sharing of these accrued benefits is very critical and I am appealing to you to prompt the Government to bring this particle of the Constitution to life, realizing that as a country, we are undergoing such a unique period.

Mr. Speaker, Sir, the response he gave really does not initiate any light in terms of actions or policies or even Bills that they are preparing to ensure that the local communities where these resources are being discovered will be able to benefit from these resources discovered in their own areas.

Mr. Speaker, Sir, I request for your wisdom because this is a very important matter and it is a very important issue for Kenyans, from where these resources are being discovered, including coal in Kitui.

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, the questions being raised by the hon. Member are very valid; it is a very legitimate concern. Hitherto, the Government has been dealing with this on a very piecemeal basis. The Ministry of Environment and Natural Resources, the Ministry of Energy and others have been dealing with these resources on a very piecemeal basis. But with the new Constitution, it is a requirement that we should harmonize all the laws and be able to comply with the provision of Article 69. Consultation is going on within Government; there is an inter-Ministerial Committee. The laws are now being reviewed to make sure that we have proper laws in place to govern resource allocation in this country.

**Mr. Lekuton:** Mr. Speaker, Sir, we very well know that the more energy we have, the more cheaper products we will get in this country in line with our Vision 2030. We have companies in this country which have registered to do windmills and geothermal energy. The Government has totally discriminated these companies and delayed issuing them with letters of comfort, while they are ready to go. Why is the Government delaying issuing letters of comfort to these investors who are willing to produce power for us in this country?

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, it is true that most of the companies that are exploiting wind energy are actually looking for private financiers to finance their ventures. These financiers have been asking for guarantees from the Government and, of course, within our laws the Treasury is mandated to guarantee or give letters of comfort to companies. But despite the delay, I think one company which has been doing the Turkana project has been given those guarantees now. I think we are now in the process of finalizing that. But I agree that there were delays caused within the Government because these are new things.

**Dr. Otichilo:** Mr. Speaker, Sir, I wish to know from the Minister whether the Ministry has taken the effort to do mapping of wind energy potential in the country. This is because the potential is not only confined in Marsabit. We would like to know the potential countrywide and how they plan to harness this important energy resource.

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, yes, we have been mapping the wind resource in this country. In fact, we have a preliminary wind atlas. We are now doing further data logging in various places in the country, to see how effective the wind potential or regime is and how best it can be used. The first atlas was launched in 2008. We are now still finalizing that and firming it up by having further data masts in the region. So, we are actually updating our wind atlas.

**Mr. Speaker:** Last question, Member for North Horr.

**Mr. Chachu:** Mr. Speaker, Sir, Bubisa in my constituency has one of the best wind regimes in this country. As a result, many wind companies have been trying to exploit the wind energy in Bubisa. Some of them, like Jitson Limited, have not been involving the local communities or even leadership. They want to lease land from the county council without their involvement as required by the Constitution. In fact, there has to be participation of the leadership as well as the local communities in the exploitation and leasing of that land. What will the Assistant Minister do to ensure that the Constitution is followed to the letter and every company which will be exploiting wind in that part of the country will ensure that the local community as well as the leadership is totally involved, because that is our land and resources? We will not allow it to go without our consent.

**Eng. M.M. Mahamud:** Mr. Speaker, Sir, it is true that maybe some companies are not consulting the local people. But we will ensure, as a Ministry, that they must consult the areas of operation, so that they get support of the local community for them to exploit the resources required.

*Question No.1486*

LACK OF REGISTRARS OF BIRTHS/DEATHS  
IN NANDI NORTH DISTRICT

**Mr. Koech** asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that there are no Registrars of Births and Deaths in Nandi North district; and,

(b) what he is doing to have the officers posted to Kabiyeet town.

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang):  
Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there is no Registrars of Births and Deaths stationed in Nandi North District. This is due to the acute shortage of staff. The department can only manage to take its services to 104 districts out of a total current number of 285 administrative districts. We, therefore, serve the affected new districts from their parent districts.

(b) I am doing the following to have the officers posted to Kabiyeet Town. To address the severe shortage of staff that has constrained the operations of civil registration in all the newly created districts, the Ministry has taken the following short-term and long-term measures.

The short-term measure is that the Ministry has recruited casual labourers and borrowed additional staff from other Government Ministries in the field to beef up staff strength in the affected areas.

The long-term solution is that the Ministry has sought for an expanded staff establishment from the Ministry of State for Public Service, which they have approved as follows:- 200 civil registration officers, 673 clerical officers, 283 copy typists and 251 support staff.

However, the Treasury is yet to confirm and give authority for recruitment due to the ongoing austerity measures. Consultations with the Treasury for authority to recruit the additional staff are still ongoing.

Lastly, we are also consulting with the Treasury to get funds to enable us conduct a crash programme of registration to clear all the pending cases of late birth registration.

**Mr. Koech:** Mr. Speaker, Sir, I want to thank the Minister for the open answer. But I want him to know the frustrations of the people of Mosop as regards registration of births, especially towards the registration time of KCPE candidates. This is a district that came into being in 2007. We are talking of five years down the line and the Ministry is still looking for staff to establish an office in Kabiyeet. To register people does not require rocket science. Now that he has confirmed that he has recruited some casual labourers and understanding the frustrations of the people of Mosop, could he consider seconding these staff to Kabiyeet, as junior as they are, to do the collection of all information and take them to Kapsabet for registration, because our people have suffered? I believe he can assist them.

**Mr. Kajwang:** Mr. Speaker, Sir, the staff will, definitely, move to Kabiyeet. Because of the shortage, we require them to be going round. So, they will go to Kabiyeet; the hon. Member can take that from me. But when they go there, there is a small difficulty; that for those who were born in hospitals and whose births were captured and the information kept at Kapsabet, we will still have to go to Kapsabet to cross-check those records. But for those whose births were

not captured, we will deal with them as late registration. We will register them as we go round in the mobile registration clinics.

**Mr. Njuguna:** Mr. Speaker, Sir, while thanking the Minister for posting a Registrar of Births and Deaths to Lari Constituency, what arrangement is the Ministry making to ensure that these officers have adequate office accommodation in order to render effective service to constituents?

**Mr. Kajwang:** Mr. Speaker, Sir, just as we have difficulty with recruiting new staff, we have even more difficulty with office space. I would urge that where we really do not have office space, the constituencies can provide even a small room for the officers to work. I have gone to many constituencies where they are using constituency offices to offer these services. So, I hope that the Member for Lari will co-operate. Now that I have given you an officer, please, house him.

**Mr. Letimalo:** Mr. Speaker, Sir, I want to appreciate the fact that the Ministry experiences shortage of Civil Registrars in the counties, but I also believe that we have a Civil Registrar in every county. The districts that are experiencing this problem are the new ones. Is it possible to give sufficient funds to the Civil Registrars who are based in the counties, so that they can come up with programmes for visiting all the districts within their counties and serve the people instead of the people travelling long distances to get the services?

**Mr. Kajwang:** Mr. Speaker, Sir, we have come up with a strategy in which the Civil Registrar in the county will use schools as registration centres, especially primary schools. This year, Standards Seven and Eight pupils are not scrambling for birth certificates because we covered them last year. We want to go down even to Standard Four and within a short time we will be registering people as they join school, because we have realized that nursery school is the place to capture those whose births were not reported early.

**Mr. Koech:** Mr. Speaker, Sir, I want to thank the Minister for confirming that he is going to post an officer to Kabiyet. I want to inform him that the officer can come and use my constituency office. When should the people of Mosop expect to see this officer who will come and start registering them?

**Mr. Kajwang:** Mr. Speaker, Sir, I said that if I do not get an officer to post, I will direct the officer at the parent district to start a mobile registration centre at Kabiyet, and he will work from the Member's constituency office. The Member can be sure that in 14 days there will be an officer working from there temporarily.

*Question No.1385*

RECRUITMENT OF GSO/SPECIALIST OFFICERS  
IN GATUNDU NORTH DISTRICT

**Mr. Waibara** asked the Minister of State for Defence:-

(a) whether he could provide the names of the persons from Gatundu North Constituency who applied for the positions of General Service Officers (GSO), Cadets and Specialist Officers in the most recent recruitment exercise;

(b) whether he could provide the names of the applicants from Gatundu North Constituency who were shortlisted in each category and how many were successful among those who reported to the Kenya Military Academy in Lanet in September 2011; and,

(c) what the reasons for failure were for each one of those who were unsuccessful.

**Mr. Speaker:** Member for Gatundu North, I have communication from the Minister of State for Defence, which was received yesterday, indicating that the Minister had been summoned at a very short notice to the Prime Minister's Office to deal with matters to do with the Kenya Defence Forces and their deployment in the Amisom Force. So, that is a very urgent national matter and the Minister, therefore, requested deferment. I want to defer this Question to Wednesday next week in the morning. Is that good for you?

**Mr. Waibara:** That is okay, Mr. Speaker, Sir.

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

*(Question deferred)*

*Question No.1322*

#### UPGRADING OF ITHOOKWE AIRSTRIP IN KITUI COUNTY

**Mr. Speaker:** Member for Mutito! I am informed by the Office of the Clerk of the National Assembly that the Member for Mutito is away on parliamentary business. The Question will, therefore, have to be deferred generally until the Member returns.

*(Question deferred)*

*Question No.1167*

#### 2007/2008 BENEFICIARIES OF GOVERNMENT-FUNDED E-LEARNING PROJECT

**Eng. Rege** asked the Minister for Education:-

(a) whether he could provide a list of institutions that benefited from the Government funding for the ICT for E-learning project during the 2007/2008 financial year;

(b) whether he could also provide the names of suppliers that the Government advised the various institutions to use for purposes of acquiring the services, and what criteria was used to identify the suppliers; and,

(c) whether he is aware that M/s Bell Atlantic was paid Kshs410,780 on 24th July, 2008 for a tender No.GHS/ICT/IT/01/2007-08 for supply, delivery and installation, but the work was not done and, if so what action he is taking against the contractor.

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Speaker, Sir, I beg your indulgence. I fully understand that this Question was asked quite a while ago. Unfortunately, after looking at the answer that was provided by my officers, I am totally dissatisfied with it. I am begging that this House allows me one more week to essentially look at a way of supplying a satisfactory answer. This is a matter that revolves around public funds which were disbursed way back in 2008 and it was not done the way it was supposed to have been done. I will probably look at a way of making sure that the culprits are brought to book.

**Eng. Rege:** Mr. Speaker, Sir, this Question was due two months from the time it was asked, but since my friend, the hon. Assistant Minister, has requested for only one week, so that he can give us an appropriate answer, I have no problem with that.

**Mr. Speaker:** Very well. Hon. Assistant Minister, I will defer this Question to Wednesday next week in the morning. Is that good for you?

**Eng. Rege:** That is okay, Mr. Speaker, Sir.

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

*(Question deferred)*

#### PREMATURE RETIREMENT OF SENIOR MILITARY OFFICERS

**Mr. Ochieng':** On a point of order, Mr. Speaker, Sir. On 1<sup>st</sup> February, 2011, I asked a Question by Private Notice, Question No.2, to the Minister of State for Defence on the sacking of some five officers from the Military. It was directed that the Question be taken to the relevant Departmental Committee on Defence and Foreign Relations and the Committee was given 14 days to submit its report to this House. Since then - one-and-a-half years since then - the report has never found its way to this House. Could I get your direction on this matter?

**Mr. Speaker:** One-and-a-half years ago? Member for Nyakach, did you say one-and-a-half years ago?

**Mr. Ochieng':** Mr. Speaker, Sir, if the Question was on the Order Paper on 1<sup>st</sup> February, 2011 and we are in August---

**Mr. Speaker:** Order, Member for Nyakach! You can see what I am alluding to and maybe you want to get some assistance from the Member for Mbita. I want to leave it there for the time being. Can you, please, enlist their help before we revisit this matter? Anything beyond that will not be in your interest.

That brings us to the end of Order No.6. Next Order!

#### POINTS OF ORDER

##### OUTBREAK OF *EBOLA* IN UGANDA

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. I rise to request for a Ministerial Statement from the Minister for Public Health and Sanitation in respect of the *Ebola* Virus infection that has killed several people in Uganda. I would like her to clarify the following points:-

(i) if she is aware that the disease took a mere three weeks to move from western Uganda to Kampala which is at the centre of the country and that it is quite possible that it will take a similar period, or even a shorter period, for it to come to the eastern part of Uganda and therefore, Kenya.

(ii) I would like her to give the number of screening centres that have been opened at the following border points, namely Busia Town, Malaba Town, Lwakhakha Township, Chepkube, Suam, Jomo Kenyatta International Airport, Moi International Airport and Kisumu International Airport.

(iii) I would like her to tell us what specific advice the Government is giving to Kenyans in regard of the following issues:-

- (a) travelling to Uganda;
- (b) shaking of hands by way of greetings;
- (c) hugging;
- (d) drinking/eating from the same containers;
- (e) kissing, and
- (f) sexual contact.

Finally, I would like the Minister to clarify how the following Departments have been mobilized. That is the Department of Public Health, the Provincial Administration, the Department of Immigration and finally, welfare groups like Red Cross.

**Mr. Speaker:** The Minister for State for Immigration and Registration of Persons, do you want to hold brief for your colleague?

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang):** Mr. Speaker, Sir, this is a very urgent matter and I think my colleague was here. However, I will inform her about this matter. Probably she can come back at the earliest opportunity in the afternoon of Tuesday, next week.

**Mr. Speaker:** Very well. We will wait for Tuesday afternoon for the Minister to make the Statement.

#### UNDELIVERED MINISTERIAL STATEMENTS

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. As Ministers give their Ministerial Statements on the day that they have indicated, you directed the Clerks-at-the-Table to be preparing a schedule and they have religiously been doing that since you directed them to do so. It is in that respect that I seek to find out from the Attorney-General's Office when he will give the Ministerial Statement that I requested on 13<sup>th</sup> June regarding the Executive interference with the principle of separation of powers.

On 13<sup>th</sup> June, I also sought a Ministerial Statement from the Ministry of Foreign Affairs regarding the election of the Chairperson of the African Union (AU). On 26<sup>th</sup> April, again, from the Minister for Justice, National Cohesion and Constitutional Affairs, I sought a Ministerial Statement regarding Government policy on prosecutions. On all these occasions and on many others that are set out on this schedule, those Ministerial Statements have not been given. So, I seek your indulgence in seeking from the Government whether they will be honouring their undertakings to give Ministerial Statements on the day that they have indicated to give them, and if the Ministers that I sought statements from can give the statements in due course.

**Mr. Speaker:** Gerald!

**The Minister of State for Immigration and Registration of Persons (Mr. Kajwang):** Mr. Speaker, Sir, I can have this matrix and pass it on to the Leader of Government Business who will then pass the information down to the Ministers concerned. Maybe he can give us some firm indication on Tuesday, when we open, on what he would have done with the matrix.

**Mr. Speaker:** Beautifully so! The Member for Central Imenti, be vigilant to see that the Leader of Government Business complies.

Let us move on to the next order.

#### BILLS

##### *First Readings*

**Mr. Speaker:** Order! Hon. Members, the next Business after Order No.7 will be Order No.8 followed by Orders No.9, 10 and 11. All these pertain to the Ministry of Finance to some extent or other and I have a request in writing from the Minister for Finance to the effect that he is out of the country. He has requested deferment of business falling within his portfolio until his return. So I will, therefore, stand down business at Orders No.8, 9, 10 and 11 until the Minister returns. So, they will not appear on the Order Paper until such time.

THE FINANCE BILL

THE VALUE ADDED TAX BILL

THE CENTRAL BANK (AMENDMENT) BILL

THE CAPITAL MARKETS BILL

*(Bills Deferred)*

**POINT OF ORDER**

CONSTITUTIONALITY OF THE VAT BILL

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. Now that you have given that ruling, there is an area where we fail as Back-Benchers and you should help us a little especially in light of OrderNo.9 - the Value Added Tax (VAT) Bill. What is disturbing me about this Bill is that when I look at the Constitution and specifically Article 47(2), it provides that if the Government is carrying out administrative action, and if that action will adversely affect Kenyans, then it is incumbent upon the Government to make sure that it gives a written notice to Kenyans on why it is carrying out the administrative action. I say this because when I look at Article 43(1) (c), it actually identifies some of the items listed in the VAT as fundamental rights.

If you allow me, I will look at Article 43(1) (c) which provides that every person has the right to be free from hunger and to have adequate food of acceptable quality. Because of this administrative action of imposing VAT on basic things like foodstuffs, it will obviously affect this provision of Articles 47 and 43. We would like you to help us so that long before this matter is brought before us, as the representatives of the people to speak on behalf of them, the public is given adequate notice, they invite and lobby us. Otherwise, in an election year, I do not want to commit suicide by asking Kenyans to pay more for food, school fees and medication. Where will the money come from or is the Government attempting to raise funds to fund the election because they seem to have many problems up to and including things like awarding the tender for the IEBC? They have to come clear because we are lost.

**Mr. Speaker:** Your point is made, the Member for Ikolomani. I know that this is a very weighty matter but really not for the Speaker at this point in time. But that notwithstanding, let me hear the Member for Yatta.

**Mr. C. Kilonzo:** Thank you, Mr. Speaker, Sir. I stand to be corrected. The three arms of the Government include the National Assembly. So, there is the Executive, us and the Judiciary



and all of us have a role to play in building this nation. On Order No.9 which introduces the VAT Bill, 2012, in our view, certain procedures have not been followed.

Article 118(b) of the Constitution says that Parliament shall facilitate public participation and involvement in the legislative and other businesses of Parliament and its Committees. Even where the matter has not been to Parliament, Parliament is expected to ensure that the Executive, before bringing a Bill, has ensured there is participation out there.

Secondly, Article 129(1) of the Constitution reads:-

“Executive authority derives from the people of Kenya and shall be exercised in accordance with this Constitution.”

I will also read out Article 47(2) for Members to follow. It says:-

“If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action.”

So, by the time this Bill comes to the House, the Government must have exhausted and ensured public participation so that when it comes to Parliament, it only comes for refinement.

I am requesting the Chair to ask the Executive to adhere to the Constitution and ensure that by the time the Bill is brought to the House, there is confirmation that all key stakeholders have been involved in drafting of the Bill and their interests have been taken into account. How could the Government, in this part of the world, imagine that it could levy VAT on *ugali*, *chapati* and sanitary towels? The VAT is levied on everything. This Government is clearly out of touch. That is why we are saying that before this country gets into deep trouble or before the Bill is brought before this House for First Reading we want to get assurance that, indeed, the Government has taken the public through it.

**Mr. Duale:** Thank you, Mr. Speaker, Sir. I want to join my colleagues in raising a fundamental issue of constitutional matter. If you look at Article 28 of the Constitution on human dignity, what the Minister of Finance is proposing under the VAT Bill, 2012 will in one way or the other affect the fundamental dignity of the poor of this country.

Article 28 says:-

“Every person has inherent dignity and the right to have that dignity respected and protected.”

I assume it should be respected and protected by the Government.

Mr. Speaker, Sir, a VAT increase on food, medicine, exercise books will fundamentally affect the dignity of the Kenyan masses and more so the poor. We ask you to look at this VAT Bill and give direction on constitutional issues particularly on Article 28 on human dignity that this Bill will affect the socio-economic dignity of the Kenyan masses.

**Mr. Speaker:** Order, hon. Members. I have listened to the point of order raised by the Member for Ikolomani as supported by the Member for Yatta and the Member for Dujis. I wish to state that I am awake to those concerns as raised with respect to Order No.9 appearing on the Order Paper today. I further wish to assert that I have acquainted myself with the various proposals that are carried in the Value Added Tax Bill, 2012 which was published on 14<sup>th</sup> June, 2012.

As things stand now, I need not give any further directions. I need not make any finding or make any ruling because the business at Order No.9, just like those at Orders Nos.8, 10 and 11, has been stood down.

Obviously, at this point in time the attention of the Executive and in particular the Minister for Finance is acutely drawn to those concerns with respect to the raft of measures that

he proposes to implement by the passage of this Bill. So, I wish to take this opportunity to draw the attention of the Minister to those very grave matters so that as much as possible, he does not leave this House in that uncomfortable position of having to decide whether or not this Bill is constitutional. I want to hope that we will be saved that pain and trouble.

**The Minister of State for Immigration and Registration of Persons** (Mr. Kajwang'): Mr. Speaker, Sir, I can confirm that we are listening very carefully.

**Mr. Speaker:** Order, hon. Members. We want to take the next Order.  
Next Order!

Hon. Members, we are now on business at Order No.12. This Motion has been moved, seconded and proposed. So, any hon. Member interested to speak to this matter is at liberty to do so.

## MOTION

### ADOPTION OF REPORT ON VETTING OF NOMINEES TO THE NATIONAL POLICE SERVICE COMMISSION

THAT, this House adopts the report of the departmental Committee on Administration and National Security on the Vetting of Nominees to the National Police Service Commission laid on the Table of the House on Tuesday, 15<sup>th</sup> May, 2012.

*(By Mr. Kapondi on 17.05.2012)*

*(Resumption of Debate interrupted on 17.05.2012)*

**Mr. Njuguna:** Mr. Speaker, Sir, let me start by thanking you for the opportunity to contribute to this very important Motion and note that the departmental Committee on National Security and Provincial Administration has made very good recommendations.

The Commission that is intended to be formed is supposed to address serious concerns that have been raised in this country time and again. The police have been accused of harassing innocent citizens and even intimidation and brutal attacks on the population has been noted. Therefore, this Commission that is intended will address those very serious concerns. It is possible that even the faith the Kenyan people have in our police force is dwindling and almost coming to an end.

Mr. Speaker, Sir, in the conclusive recommendations the Committee was able to establish that the intended Chair as per their Report was not qualified to be a Judge. This is a mandatory requirement and I think there was serious omission on that aspect. It is also notable that the same Chair did not have the professional skills that are necessary to reform the current police force nor does he have proven experience in the discharge of his responsibility.

The entire Committee was unconstitutionally selected and this deviates from the spirit of the new Constitution. This would be a total disgrace to the Kenyan people. Therefore, it is important that this Committee is disbanded immediately.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, due process was not followed and therefore, His Excellency the President must have the second opportunity to re-appoint the required people.

It is also important as per the National Accord that the President consults with the Prime Minister on these constitutional appointments. We have very qualified Kenyans who can perform these functions. In my view, qualified Kenyans were disregarded and ignored. For example, we have Jean Njeri Kamau, Mr. Mohammed and Johnson Kavuludi. Therefore, this was a serious omission on very highly qualified Kenyans.

Many applicants in this country sought for these appointments. You can see the high turnout of qualified Kenyans; very competent Kenyans, about 15 of them came forward for the position of the Chair. Those who came forward for the position of the membership according to the Committee's Report, 207 Kenyans volunteered to this Committee. However, most of them were frustrated because unqualified Kenyans were considered. Strange fellows were introduced to the appointment like R.E. Musengi and Atema.

Mr. Temporary Deputy Speaker, Sir, the President's advisors must be people who are honest and careful because their decisions will influence the eventual decision taken by the President. The decision of the President will determine the destiny of the reforms that we intend to inject in this country. Kenyans are therefore, vigilant and responsive to any negative appointments.

With those few remarks, I fully support the entire recommendations made by the Committee.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, the Report before the House calls in question the issue of merit and the need to spend public funds on an exercise which already to some people is *fait accompli*. The House will recall that during the process of the appointment of the Chief Justice of Kenya, when names of nominees were brought here and one side of the Coalition Government said that they had not been consulted; the list was immediately taken back to the two Principals for the issue of lack of consultation to be sorted out. The issue was sorted out and thereafter we got a Chief Justice in a process that looked acceptable to all of us.

In this particular case, the Committee, under item 7.3 of its Report, is telling us that submissions made by the Legal Advisor on Nominations from the Office of the Prime Minister indicate that the Prime Minister had initially agreed to an original list from the Office of the President on nomination of the following persons:-

- (i) Mr. Johnson Kavuludi, Chairman;
- (ii) Lawrence Nyale, Member;
- (iii) Esther Chui Colombini, Member;
- (iv) Bernard Mbai (Advocate), Member;
- (v) Mula Mutia, Member; and,
- (vi) Mary Owuor, Member.

Mr. Temporary Deputy Speaker, Sir, upon looking at this case, you realise that it is very symbolic because I have a letter from the Office of the Prime Minister, which was written to Parliament and signed by none other than Omondi Caroli, saying that, indeed, this was the case. In this letter, Omondi Caroli says that they were in agreement with the President, and that the President's list was the same as the one captured under item 7.3 of the Committee's Report.

I have with me here the letter from the Office of the Prime Minister, which shows that the proposal by the President was in concurrence with that by the Prime Minister. However, regarding the list that came to Parliament, there was no document telling us that it came from any of the two Principals. The document showing what came from the two Principals indicates the list as captured by the Committee under item 7.3 of its Report.

Mr. Temporary Deputy Speaker, Sir, if you dissect that list further, you will find that the reason as to why the President and the Prime Minister agreed on Kavuludi to be Chairman, and the other Members, as I have read out their names, was because during the interview, Kavuludi scored the highest marks. So, what happened between Harambee House and the Office of the Prime Minister, and the Office of the Speaker, such that the names that came to the Speaker are different from the ones on which the two Principals agreed?

I have a lot of respect for all the Committees of this House, but I am disturbed that in its recommendations, the Committee on Administration and National Security has failed to bring out the issue that the names before the House have nothing to do with what was agreed upon between the President and the Prime Minister. The Committee has gone ahead and given us a list of names, which they are asking us, as a House, to approve. On this list, they have brought in Jean Njeri Kamau, who was not on the list that was agreed upon by the Prime Minister and the President, as mentioned in his letter, which, with the permission of the Chair, I hereby table.

*(Dr. Khalwale laid the document on the Table)*

Mr. Temporary Deputy Speaker, Sir, in so doing, the Committee has refused to dissect the issue that is disturbing me, which is: Who changed the list that was agreed upon between the President and the Prime Minister? The idea behind this scheme is to defeat the principle of meritocracy and give people opportunity to serve in Constitutional Offices, whereas their performance during the interview did not measure up.

So, I want to ask my dear colleagues in this House that, if we want to be accepted by Kenyans as a House that can rise to meritocracy when we vet applicants, we must reject this Report by the Committee, so that what was applied to the process of appointment of the Chief Justice when there was an apparent disagreement between the two Principals can also be applied to this case. Hon. Members will appreciate that this particular case is going to be easier because the Prime Minister and the President had already agreed on a list of nominees.

Therefore, I would like to move that the only way we would have wished to support this Report is if in its recommendation number two, the Committee had insisted that Johnson Kavuludi is the Chairman because he is the person who scored the highest marks during the interview; and if the Committee had gone ahead and adjusted the Membership of the Commission, under item 7.3 of its recommendations, to ensure that one of those people was a lawyer. The Committee had a choice because a lawyer called "Mbai" had already made it to the list of the President.

Mr. Temporary Deputy Speaker, Sir, this would be in tandem with the provisions of the law that requires that at least one Member of the Commission should be an advocate. If we do this, we are going to look good. If we do not do it, we will look like we are just pawns on a chess board being played by players, and not men and women who can dissect and interrogate an issue and make a decision based on a scientific method, based on the interview that was done.

For that reason, I want to stop talking and appeal to hon. Members that we unanimously reject this Report for the matter to go back to the two Principals, so that the deserving people can make it to the Commission.

Thank you.

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I stand to reject this Report largely for the same reasons that have been advanced by hon. Khalwale.

The issue of meritocracy is one that this country is trying to establish once and for all, so that we can stop the error of cronyism, when some Kenyans were deemed to be more deserving than others. There is no explanation whatsoever as to why the two Principals can sit and agree on a list of nominees and then some very junior officers to the Principals think that it is wise for them to go ahead and change the names of the nominees of the President.

Mr. Temporary Deputy Speaker, Sir, I want to plead with my colleagues in this House that matters such as this one shame the whole House. There is no reason as to why a Committee of this House could get names and invite people whose names were not forwarded to them and proceed to conduct another interview yet the principle of separation of powers is so clear to the extent that everybody knows his role today.

It is interesting that people who did not even make the cut-off of the preliminary interviews were looked for by the Committee and re-interviewed. The Report is very clear. The Committee looked at this Report and saw that the original list included Mr. Kavuludi, who had emerged as best qualified person for the chairmanship. They have put it down for us to see. I wonder how they wanted us to react. It is not fair that some members of this country are simply not good enough because of how some people want to foresee the future of this country.

Mr. Temporary Deputy Speaker, Sir, the issue of the National Police Service Commission is central to police reforms. It is central and key to what we are going to be faced with in exactly seven months as far as elections are concerned. We had issues with the police in the last general elections. That is why we said we must reform the police. We have no choice, as a country, but to reform the police. Whoever is sitting somewhere in the Office of the President and imagining that things shall remain the same when we have done away with them, is daydreaming.

Thanks to the new Judiciary, some of these people belong in jail. For the President to append his signature on a list and then a civil servant to change that list and bring it to another Arm of the Government, hoping that Members of Parliament would be asleep, is criminal. You can see what is happening everywhere around us. Look at what is happening at the Independent Electoral and Boundaries Commission (IEBC).

Mr. Temporary Deputy Speaker, Sir, you can see it everywhere around. Look at what is happening at the Independent Electoral and Boundaries Commission (IEBC), this Parliament cannot sit back and entertain impunity. Only four and a half years after our people died due to bungled elections we cannot afford to go for another election where officials of the IEBC are saying that once the software is delivered to them they shall manipulate it to make sure it fits what they want it to do. If that is not a sign of pre-rigging the elections, what is it? We must all fight to end corruption. Whether it is in Parliament, Office of the President or the Office of the Prime Minister, we must stop corruption and impunity because I think it is expected of us. The country is looking upon us and we cannot afford to go with issues of questionable integrity to these coming elections. We must refuse and I plead with this House that we reject this Report. The President and the Prime Minister have a duty to this country to immediately and maybe tomorrow bring names here of people of merit who are on this list here and we shall approve it

before the end of the day tomorrow so that this country can begin the process of looking for a police inspector because we need one.

I oppose.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, on the 22<sup>nd</sup> day of May 2012, I raised very serious reservations about this particular Report and, in fact, it is on the basis of my reservations that the Speaker did deliver a ruling on this particular Report on Thursday 28<sup>th</sup> day of June, 2012 and, therefore,---

**The Temporary Deputy Speaker** (Mr. Imanyara): Are you indicating that you have spoken previously on this matter? I understand and I am guided that you addressed a point of order.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, it was a point of order. Therefore, I just wish to reiterate a number of issues which I believe are at the core of this debate. This Report is a report on one of the central issues in the implementation of the new Constitution. This Report is at the core. Indeed, it is the maiden and first step in what promises to be a long journey in the reform of the critical department of police and, therefore, it is important and I believe it is, indeed, a divine duty for this House to consider this matter with utmost seriousness because the decision that this House takes will shape the entire journey that we will travel in the very critical process of reforming the police.

Mr. Temporary Deputy Speaker, Sir, other agencies in the delivery of justice - the conveyor belt in the delivery of justice - like the Judiciary are already making big strides in the process of reform to ensure that justice is delivered timely and in a manner that abides with the spirit and letter of the Constitution. The same must be expected from the police. This Report makes some very strange and curious recommendations. One of the recommendations is anchored on what for all intents and purposes is an illegality, unprocedural and, therefore, untenable. One of the things this Committee did very strangely was to attempt to reinterview nominees or candidates that had already been interviewed by the authority properly vested with the mandate by the parent Statute – the nominating panel which had the responsibility to interview the candidates. The Report strangely goes on to make certain fundamental recommendations.

This Report is incidentally not paginated but it is among the recommendations of the Committee. In Chapter 10 of that Report, recommendation number two states, and I quote it verbatim:-

“His Excellency the President may consider nominating the chairperson of the National Police Service Commission (NPSC), who shall have a sound legal background given that the mandate of the Commission has a *quasi-judicial* function, from one of the three persons’ names hereunder who had been duly interviewed by the Committee and who meet the requirements of Chapter Six of the Constitution.”

Mr. Temporary Deputy Speaker, Sir, those names that the Committee lists for consideration by the President is one, Mrs. Jean Njeri Kamau, Mr. Murshid A. Mohamed and Mr. Johnstone M. Kavuludi. This is a rather strange recommendation in the sense that Mrs. Jean Njeri Kamau for instance - this has got nothing to do with the qualifications of Mrs. Kamau who I believe is an excellent attorney and supremely qualified - was never among the names submitted to this House and, therefore, the name forwarded to the Committee for vetting. It is important for the Committee to tell this House how a name that was never transmitted to this House in accordance with the procedure clearly laid out in the structure suddenly takes an

appearance before the Committee and ends up in a recommendation of this Committee as obviously a preferred candidate for chair of this particular NPSC.

Mr. Temporary Deputy Speaker, Sir, there are many other very strange decisions taken by this Committee but above all it is obvious that something happened during the communication between the Office of the President and the Office of the Prime Minister and back to the Office of the President and from the Office of the President---

**The Assistant Minister for Industrialization** (Mr. Muriithi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member really in order to obviously seek to mislead the House? I am looking at the Report which is under debate here and in one of its schedules it shows the interviewees or people who had been interviewed by the body that he refers to and the person that he is discussing, in fact, is listed as candidate number two having the second highest score. So, is he in order to grossly mislead the House?

**The Temporary Deputy Speaker** (Mr. Imanyara): I will take it as information.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, it is really tragic when---

**The Temporary Deputy Speaker** (Mr. Imanyara): Indeed, as he suggests the nominee was on the list and was interviewed.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, it is really tragic when a Member makes a deliberate effort to waste time and raise issues which are obviously out of sync.

The information the Member has provided is a record of the process conducted by the interviewing panel. At the conclusion of that process, the panel then made a decision. This decision went to the Office of the President and thereafter to the Office of the Prime Minister. It was after those consultations between those two offices in accordance with the parent statute that a list was then agreed upon. The Member is referring us to raw data of the interviewing panel. The panel can interview anybody. It can interview a whole list of people but ultimately the decision as to who is to finally be forwarded to the National Assembly is a decision made between the Office of the President and the Office of the Prime Minister. In the letter which Dr. Khalwale, with due respect, did table--- I do not have a copy of the letter but I am informed that it has---

**The Temporary Deputy Speaker** (Mr. Imanyara): If indeed, that is the factual situation then he cannot be misleading the House.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, the Member has sought to tell the House that the person that he is trying to discuss---

**The Temporary Deputy Speaker** (Mr. Imanyara): Let us get this clear; there were interviews conducted; at the end of these interviews a list was prepared and submitted to the Principals. On the list that was submitted to the Principals this particular nominee he is referring to was not there. Was that the situation?

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, the Chair ruled this Committee was at liberty to inquire and talk to anybody whether or not they were on the list.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! That is besides the point. I just want to get the facts correct. Mr. Namwamba is telling you that in fact what happened was that there were interviews done and a list was prepared and submitted. You are saying that, that list had the name of the nominee that he is referring to. If it had that name then you would be the one misleading the House. Otherwise, referring to the persons who would have been interviewed

is neither here nor there, because we are concerned about the list that was submitted to the Principals after the interviews. I would like to get that cleared.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, what I have said is that this report by the Committee has in it a schedule showing all the candidates that were interviewed. That schedule shows very clearly that Jean Kamau emerged second and, therefore, it is incorrect to say that this person was nowhere in the system.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! So far so good, at the end of those interviews, was there a list that was submitted with a number of names to the two Principals? Mr. Muriithi, after the list on the schedule that you have referred to, was there a list that was submitted to the two Principals as a result of the interviews?

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, I would presume so. However, that is not the subject of my point of order.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! That is the point. That is what Mr. Namwamba is telling you, that after all the interviews there was a list with a certain number of names and in that list the name of the particular nominee was not there. That is the point he is making and you are saying he is misleading the House.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, I rose on a point of order because I heard Mr. Namwamba to say that he finds that the Committee introduced, if you will, a stranger to the process. That is what I understood him to say and I rose to say that was misleading.

**The Temporary Deputy Speaker** (Mr. Imanyara): Okay, I get your point now. That is not what Mr. Namwamba said, because I have been following very closely debate as it proceeds. He did not say anything of the sort.

Mr. Namwamba, you may continue.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We are dealing with a fundamental issue which I would request you to clarify to the Members. This is because the Member, Mr. Muriithi, seems to misrepresent the ruling of the Speaker. Is he in order---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Midiwo! You cannot ask me to interpret for him. I have already made a ruling on that issue. You are out of order, Mr. Midiwo, because you are asking me to revisit a matter upon which I have made a ruling.

**Mr. Midiwo:** I withdraw.

**The Temporary Deputy Speaker** (Mr. Imanyara): Very good.

Continue Mr. Namwamba; he has withdrawn.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, thank you—

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

**The Temporary Deputy Speaker** (Mr. Imanyara): It had better be this time because we want to be serious.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order---

**The Temporary Deputy Speaker** (Mr. Imanyara): You are out of order now because he has already sat down. He is not on his feet.

Mr. Namwamba, please continue.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, I now have the benefit of the letter that has been tabled by Dr. Bonnie Khalwale. May I also say that during my submissions on 22<sup>nd</sup> of May I had tabled all copies of the letters in terms of the correspondence from the



Office of the President; indeed from the selection panel to the President and the Prime Minister, and ultimately from the Office of the President to the Clerk of the National Assembly.

Mr. Temporary Deputy Speaker, Sir, the long and short of this communication is that the Office of the President ultimately submitted the list to the Clerk of the National Assembly. For the chairperson, the National Police Service Commission, the Office of the President submitted the following three names:-

- (i) Johnstone M. Kavuludi;
- (ii) Murshid A. Mohamed; and
- (iii) Amina R. Masoud.

For members of the National Police Service Commission, the Office of the President recommended:-

- (i) Lawrence Nyalle;
- (ii) Esther Chui- Colombini;
- (iii) Ronald L. Musengi;
- (iv) James A. Atema;
- (v) Benard M. Mbai; and,
- (vi) Maj. (Rtd). Billow Khalid, HSC

For member of the National Police Service Commission from the category of retired senior police officers, the Office of the President recommended:-

- (i) Dr. Maj, Muiu S. Mutia, EBS; and,
- (ii) Mary A. Owuor.

Mr. Temporary Deputy Speaker, Sir, after this whole process of interviewing and sieving the nominees --- The list that Mr. Nderitu was referring you to is a matrix titled "Scores Summary for the Position of Chairperson". This is a working matrix that was used by the panel to do the ranking; after the ranking they would then apply other criteria that are listed in the statute, and which include integrity. It is possible that a candidate ranked highly in this matrix but on application of other criteria like integrity or regional balancing they may have been knocked out, allowing the Office of the President and the Office of the Prime Minister, through their consultation, to ultimately then settle on the list that I have just read. So the correct record is that the name of Ms. Jean Njeri Kamau never made it to the final shortlist agreed upon between the Office of the President and the Office of the Prime Minister. That is the truth and nothing but the truth. That is the whole truth. It is also factual and it can be confirmed from this list or correspondence.

Therefore, using that simple example it beats logic; it beats all tenets of procedure; it flies in the face of the law and it, therefore, knocks on the door of unconstitutionality for this Committee to purport to go to the graveyard of all the applicants who had sought to fill this position and resuscitate a candidate that the panel had found unfit to be recommended for this position and attempt to even re-interview that candidate as confirmed in the record of the Committee, and then go further to make a recommendation to the President to consider that candidate.

Mr. Temporary Deputy Speaker, Sir, this Committee was attempting to play prosecutor, jury, judge and executioner, all in the same breath and even be the undertaker of the remains.

**Mr. Kapondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Namwamba to mislead the House through semantics to the effect that this Committee went to the graveyard to dig and bring names which were non-existent yet it is very clear that one of the procedures in vetting required Parliament to put notice to members of the public so that they

could come up with public memoranda? When the members of the public presented their memoranda before the Committee one of the salient issues that came out very clearly is: What justice is there if somebody who scored highly, was ranked No.2 and there was no reason whatsoever that was given, could not make it to the final list? It is not in order for an hon. Member to come and purport that there are issues of integrity and other issues of regional balance that may have been considered yet that information was not availed to the Committee. The interview panel should have come out clearly to state that the reason that particular candidate could not merit to the end was because of the integrity issues or because of regional balance. So to leave a gap for the Committee to speculate was not in order. So is it in order for my dear friend, Mr. Namwamba, to use this platform to mislead Parliament; to mislead this House?

**The Temporary Deputy Speaker** (Mr. Imanyara): I think you have made your point but it is not in the category of a point of order. But you have made a point! Please continue, Mr. Namwamba, and I am going to give you an extra two minutes.

**Mr. Namwamba:** I am concluding, Mr. Temporary Deputy Speaker, Sir. This Committee cannot purport to act like a loose cannon ball. This Committee does not have a *carte blanche* – a blank cheque – to act and behave as it wishes. This Committee is bound by the law and this process was guided by the National Police Service Commission Act, 2011. This law has a very clear procedure in Section 6 on how the whole conveyor belt for these appointments ought to move. This Committee is not an appellate tribunal such that a candidate that did not succeed; a candidate that for whatever reason was not shortlisted can come to appeal. It is not provided in this law. This Committee is expected to vet and it is clearly here:-

“Where the National Assembly rejects any nomination, the Speaker shall within three days communicate its decision to the President and request the President to submit fresh nominations.”

If this Committee had an issue with any nominee, they did not have the statutory, constitutional or procedural power or authority to replace, change or recommend any new name. They only ought to have said: “Reject and refer back to sender.” That is what they have not done and that is the law. The Chairman of the Committee may attempt to convolute, circumlocute and find any reason but this is the law and we are bound by the law. Anything else will turn this into a jungle house where we do not operate within bounds of the law. This Report must be rejected because approving it would, indeed, diminish the integrity of this House in terms of our fidelity to the law and our fidelity to the Constitution.

With those few remarks, I beg to oppose.

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You ruled on this matter and effectively gave a ruling that a Committee can call anybody. Does that stand to be challenged so that we can change the other decision? I want to read to you what you said on the material date.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order, Mr. Mututho! What Mr. Namwamba was expressing was his opinion regarding the Report. I do not think that is a valid point of order. Mr. Muriithi, you may contribute!

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, there are many jokes in society directed at lawyers and it is because of the fraternity’s ability to use very fine English to essentially defend or perpetrate injustice. It is very easy to do so. In this wonderful country, Kenya, it has become routine that, for example, if we want to exclude you, say on the basis of ethnicity or gender, we can look for a lot of English,

very polished and stand on any podium to defend it. The very essence of interviewing people; the very essence of looking, testing and---

**Mr. Namwamba:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to re-debate? Is he responding to me? Is he re-debating his earlier slot that he exhausted? What exactly is the hon. Member doing?

**The Temporary Deputy Speaker** (Mr. Imanyara): Had you contributed to this Motion?

**Mr. Namwamba:** Yes, Mr. Temporary Deputy Speaker, Sir, and he had concluded.

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, I have never spoken to this Motion.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Namwamba if he has, the Clerks-at-the-Table would definitely indicate that to me. He has not spoken!

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, then is he now formally contributing because he seems to be responding to me?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! He is!

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, I did not know that there are some sacred cows; there are some people whose opinion must go unchallenged. I am rising to support a position. I am rising to debate this position; to seek to persuade my friends if they care to listen about justice because they seem to want to suggest to the entire universe that they are the only ones who know the truth. That cannot possibly be. There are many others in the world who have the truth. We all are entitled to our opinions and I am quite certain you are entitled to yours. The fact that one may be able to express that opinion in English, Luo, Kikuyu or Kiswahili does not make that opinion the truth.

So, the very essence of interviewing persons is to establish, in the eyes of the interviewing panel, the person's capability and their competence. So, if a panel interviews hundreds of people and finds a person ranking second and then uses some other criteria, not apparent to Kenyans, their elected representatives, it is sad. To suggest there are some other wise people; some other wise men in some black box who applied some criteria that found this specific candidate, for example, not meritorious, is it not the duty of this National Assembly to ask for the criteria that they used to exclude a Kenyan who attained a top position in a group of persons that had been interviewed? Is it not fair and just to ask that question? There used to be a time - I am quite certain that you stood at the forefront of fighting back that time - when people would be told: "*Imesemwa*, these are orders from above!" People should not invoke some names of senior persons in this Republic, so that we reject this Report. We should be told reason for us to reject this and that candidate.

So, Mr. Temporary Deputy Speaker, Sir---

**Mr. Outa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Listening to my good friend debate with a lot of keen interest and given the fact that I heard also other hon. Members contributing here, it seems like they are repeating themselves. Would I be in order to request the Chair to ask the Mover to reply?

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! That is the wrong time; you do not interrupt the person on the Floor!

**The Assistant Minister for Industrialization** (Mr. Muriithi): Mr. Temporary Deputy Speaker, Sir, there are many tricks in the book to advance whatever injustice somebody is trying to advance, but surely, that one is below the belt.

Mr. Temporary Deputy Speaker, Sir, it is my considered view that if, indeed, there are reasons why a candidate who ranks top is rejected, I think those reasons must be laid on the

Table of this House. If we go back to the dark days when people could make decisions behind closed doors to jail or detain some people, then I fear all the efforts and passions that many of us, including yourself, Mr. Temporary Deputy Speaker, Sir, put to liberate this country, will be for nothing. If a candidate is to be rejected, then the reasons for such a rejection must be put on the table. The whole idea of public participation and open interviews is to achieve fairness. It is not for us to use excuses to do otherwise.

Mr. Temporary Deputy Speaker, Sir, since no logical reasons can be advanced here, I am quite sure many people will wonder whether this candidate was excluded because she is a woman? Was she excluded because of her name “Kamau” and is, therefore, presumed to be of a certain ethnic grouping?

Mr. Temporary Deputy Speaker, Sir, to refuse to put reasons forward is to suggest that, in fact, this candidate is being excluded because of her ethnicity. These are the issues that we need to solve if we have to move forward in this country. We cannot move forward and heal the wounds of the past by perpetrating new schemes and injustices.

Mr. Temporary Deputy Speaker, Sir, the Committee inquired into this matter. The Chair ruled that the Committee is at liberty to recommend and that it is up to the other party to either accept or reject those recommendations. So, to argue that we should reject this Committee’s Report merely because they have been told to recommend this and that candidate, I think it would not be fair.

Mr. Temporary Deputy Speaker, Sir, this Committee interviewed these candidates. We cannot, therefore, turn around and say since they did that we reject their work. In my view, if we reject this Report, we would not only be against the Chair’s ruling, but against our Standing Orders. The Committee is at liberty to inquire, look into and talk to anybody it so wishes in its endeavor to establish what the facts are.

Mr. Temporary Deputy Speaker, Sir, I support this Committee’s Report because we owe it to this country to get the best. The idea of penalizing people because of their ethnicity must stop. We should do everything possible to make sure we do not reject this Report. We talk of regional and gender balances. However, we cannot punish a candidate because of his ethnicity. This is because nobody chose to be born where he were born. Nobody chooses what tribe or which clan they are born into. You are simply born there. Therefore, I believe that it would be very erroneous of us if we were to move forward on the basis of punishing people because of their ethnicity.

Mr. Temporary Deputy Speaker, Sir, I believe as we move forward what we should be looking for is more transparency. Justice should not only be done, but it must be seen to be done. One of the things that very often happens in this country is that every year we have election, some Kenyans must die. Remember one morning in the constituency that I represent here, over 60 people were gunned down outside Ol Moran. This happened because of inflaming ethnic tensions and passions. So, when you exclude someone because of their names or ethnicity, you are simply laying the stage to continue with inflaming ethnic tensions in this country. As I said, if we are rejecting this candidate because of ethnic balance or gender, let it be tabled. This is the only way we can stop people from speculating.

Mr. Temporary Deputy Speaker, Sir, I want to plead with this House to approve this Report because two wrongs do not make a right. We should now strive to correct the wrong. I agree with the previous speaker who said reforming the police force is a key thing, particularly in this election year. The Commission we are establishing will help us reform the police force and

that we must start this process by identifying an Inspector-General of Police who will be accepted by all of us.

Mr. Temporary Deputy Speaker, Sir, I saw in the media today that the Court of Appeal upheld the earlier decision of the High Court that March 4<sup>th</sup> next year is the election date. So, I pose this question to hon. Members of this National Assembly: What will happen if in December or January we will not have an Inspector-General of Police in the office? How long will that Inspector-General have to solidify her command structure and be able to help us manage this period of election which we already know historically is characterized by ethnic animosity? We know that in 1992, people died. In 1993, after the elections, people died. In 1997 and 1998, again, they died. So, it is a matter of life and death for Kenyans. If we go into the process which is already suspicious because of some shenanigans and unexplained reasons, we are setting ourselves up again for a torturous and painful process. It really is not necessary. I want to plead with the House to accept this Report. Let us do things correctly.

Mr. Temporary Deputy Speaker, Sir, I support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Since I do not see anybody else wanting to contribute, may I ask the Mover to reply. Or should I put the Question?

**Mr. Kapondi:** Mr. Temporary Deputy Speaker, Sir, I want to plead with Members of this honourable House to support this Report on the basis that this Committee did a very commendable job in terms of valuing public participation in the entire process and meritocracy. When we talk about merit, let us go by it. It is not fair to have a candidate who has done absolutely well and then, at the end of the day, without giving reasons, we want to disqualify that particular person. That will leave room for speculation.

Mr. Temporary Deputy Speaker, Sir, police reforms are very fundamental. Therefore, negating this Report means that we are going back to square one, and that will not be very fair. If any hon. Member had any issue, basically, he or she should have considered coming up with an amendment. But that is not the case here.

Mr. Temporary Deputy Speaker, Sir, that being the case, I want to plead very strongly--- My colleague, Mr. Duale, had requested for a minute.

**The Temporary Deputy Speaker** (Mr. Imanyara): You cannot do that now.

**Mr. Kapondi:** Mr. Temporary Deputy Speaker, Sir, I want to plead for sobriety in this House. Let us give support to this Committee. That is because we had good intentions for this country and time is of urgency. We need to move forward. Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Question put and negated)*

ADOPTION OF REPORT ON ACCOUNTS  
OF LOCAL AUTHORITIES/UDD/CDF

THAT, this House adopts the First Report of the Local Authorities and Funds Accounts Committee on the accounts of local authorities, countrywide projects done by the Urban Development Department (UDD) of the Ministry of Local Government and the accounts for the CDF for the 2006/2007 and 2007/2008 financial years laid on the Table of the House on Thursday, 14th October, 2010.

*(Mr. Mwadeghu on 6.6.2012)*

*(Resumption of Debate interrupted on 7.6.2012)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Is there any Member wishing to make a contribution on this Motion? If not, I will ask the Mover to reply.

*(The Temporary Deputy Speaker (Mr. Imanyara)  
consulted with the Clerk-at-the-Table)*

This Motion has not even been seconded! Does anybody from the Committee wish to second it? You can nod even if you do not wish to speak. Is there any Members of this Departmental Committee here?

Just to be fair to the House, I will defer this Order to next week or such other week as the House Business Committee will restore it on the Order Paper.

*(Motion deferred)*

Next Order!

ADOPTION OF SESSIONAL PAPER NO.4 OF 2011 ON NATIONAL  
AGRICULTURAL SECTION EXTENSION POLICY

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, this is on the Sessional Paper on National Agricultural Sector Extension Policy (NASEP). This---

**The Temporary Deputy Speaker** (Mr. Imanyara): Move it!

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, this Sessional Paper was laid on the Table on 19<sup>th</sup> June, 2012. This purpose of this Sessional Paper is to enhance extension services. That is one of the priority functions of the---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Assistant Minister, please, move the Motion, the way it is on the Order Paper.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.4 of 2011 on National Agricultural Sector Extension Policy (NASEP) laid on the Table of the House on Tuesday 19th June, 2012.

Mr. Temporary Deputy Speaker, Sir, extension services are one of the priority functions of the agricultural sector. There have been multiplicities of extension services providers that have come up in the last 20 years to fill in the gap created by embargoes on recruitment in the Civil Service during that time. However, due to inadequate institutional arrangement, lack of legal and regulatory framework, poor coordination of stakeholders and slow flow of resources, the impact has been slow. Furthermore, the extension services have been lethargic with little or no regard to the entire value chain, a prerequisite in the transformation of agriculture from subsistence to commercial enterprise.

Mr. Temporary Deputy Speaker, Sir, Sessional Paper No.4 of 2011 on the National Agricultural Sector Extension Policy, which was tabled is the first in the history of agriculture. It is expected that it will guide the evaluation of agricultural extension services to become a vibrant function that will drive the sector to the highest levels. The overall objective of the Sessional Paper on National Agricultural Sector Extension Policy is to provide a policy framework that enables the following:-

1. To manage a prolific extension service for effective service delivery.
2. To develop private sector operated extension services to compliment public extension systems; and,
3. To commercialize and privatize public extension services without compromising the public interest.

Mr. Temporary Deputy Speaker, Sir, before this Sessional Paper, we have been having many problems with extension services providers because some are private while others are public. We want to harmonize the extension services so that the farmers can get value. Many times, you have heard in this House Members complaining about extension services not being available. We want this Sessional Paper to cover that and improve whatever extension services are being delivered.

4. To harmonize and provide quality control of extension approaches and methods, especially those promoting demand-driven extension and capacity building for grassroots institutions.

It also seeks to create functional institutional coordination mechanism and strengthen linkages among key stakeholders to mainstream cross-cutting issues touching on, for example gender, HIV/AIDS, financing agriculture and climate change among others. The Sessional Paper takes a sector-wide approach and addresses key sectoral issues in the delivery of extension services. It gives guidelines on addressing and revising creative funding modalities, packaging of technologies, capacity building, application of ICT to agricultural knowledge and information systems in general. It is anchored within the context of the agricultural sector development strategy principles. The NASEP will easily cascade to the devolved county structures.

## QUORUM

**Mr. Kapondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for us to proceed when there is no quorum in the House?

**The Temporary Deputy Speaker (Mr. Imanyara):** Indeed, it is not in order. We cannot proceed without a quorum. Will the Division Bell be rung?

*(The Division Bell was rung)*

## ADJOURNMENT

**The Temporary Deputy Speaker (Mr. Imanyara):** Order Members! Mr. Assistant Minister, I regret that we are not able to raise quorum. So, you may not continue, but you will have another 53 minutes when the House resumes tomorrow. The House now stands adjourned until tomorrow, Wednesday, 1<sup>st</sup> August, 2012 at 9.00 a.m.

The House rose at 5.35 p.m.