

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th September, 2012

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker
(Prof. Kaloki) in the Chair]*

PRAYERS

QUESTION BY PRIVATE NOTICE

AWARD OF TENDER TO EIM/TBM FOR AUTOMATION
OF BUSINESS PROCESSING PROTECTION FUND BOARD

Ms. Chepchumba asked the Minister for Finance:-

(a) Could the Minister provide the tender documents for the supply and installation of information systems to support the automation of Business Processing Protection Fund Board sponsored by the World Bank?

(b) Why were Ms Enterprise Information Management (EIM) and Ms Trans Business Machines (TBM) awarded the above tender despite being the highest bidders and tendered for Lot 1-Enterprise Resource Planning System Integrated to Document Management and Electronic Workflow System and left out the other three (3) Lots?

(c) Could the Minister confirm that the directors of the two companies colluded with officers from the Deposit Protection Fund (DPF) and defrauded the Government of over Kshs.70 million in the whole process?

The Assistant Minister for Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I beg the indulgence of the House to allow me to answer this Question tomorrow afternoon. This is because there is just some little information that I have not got, but I am going to get it in the course of the day and I will be able to answer this Question tomorrow afternoon.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Ms. Chepchumba, I think that is a fair request from the Assistant Minister so that he can answer this Question tomorrow afternoon and take some time to ensure that he can get all the answers. Will that be all right with you?

Ms. Chepchumba: It is fair enough, Mr. Temporary Deputy Speaker, Sir.

However, the Assistant Minister has not supplied me with the written answer and I would request that he supplies me with the same so that I can look at it in good time.

The Temporary Deputy Speaker (Prof. Kaloki): All right. That is fair enough. I think he will be able to give you the answer immediately he concludes working on your Question.

ORAL ANSWERS TO QUESTIONS

Question No. 1718

EXPENDITURE ON WATER SERVICE BOARDS FOR
URBAN WATER/SANITATION PROJECTS

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

(a) whether she could table a list indicating the amount of money allocated by the Water Service Trust Fund to all the Water Service boards for urban water and sanitation projects since 2008; and,

(b) what criteria were used by the Fund to disburse funds for urban water and sanitation projects countrywide.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The amount of money allocated by the Water Service Trust Fund (WSTF) to all the water service boards for urban water and sanitation projects since 2008 is Kshs1,992,021,829. The funds are part of the US\$20 million provided by European Union (EU) and Kreditanstalt für Wiederaufbau (KfW) through a bilateral agreement for the period 2008-2014. The breakdown of the funds allocated to each of the water services board is shown in the attached table. I have provided it.

(b) The criteria used by the Fund to disburse funds for urban water and sanitation projects throughout the country are also as follows. One, licensed water service providers must participate in a call for proposals which involve the following steps: They go through invitation, which we do through the newspapers by advertising. Then they submit proposals for funding after every six months. Water service providers submit proposals through a standard form, which is available within the water services boards and the WSTF website also. Water service providers are given 90 days to prepare the proposals and the proposals are submitted through the water services boards, which recommend and forward them to WSTF.

Two, Mr. Temporary Deputy Speaker, Sir, WSTF evaluates the proposals based on the criteria of current water situation, effectiveness of the proposed intervention, documentary evidence of involvement of beneficiaries, the expected impact, implementation capacity and the performance of the water service provider in the previous funded projects.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister; one for the answer and, secondly, for doing good work in my constituency.

But, Mr. Temporary Deputy Speaker, Sir, I want the Minister to clarify and, more so, on the last; which is the fourth call which was done one month ago by the WSTF in which the allocations to the various water service boards is a public document. I want to tell the Minister that the figures we have been given are not correct because for this financial year and the last call, Northern Water Service Board was given Kshs29 million. Lake Victoria Water Service Board fairly got less than Kshs30 million when Athi and other parts of the country were receiving between Kshs78 million and Kshs110 million. The figure you have given of Kshs85 million is not there. So, in the last call, Northern Water Service Board that serves more than 30 constituencies was given barely Kshs29 million for Isiolo Water Company.

The Temporary Deputy Speaker (Prof. Kaloki): All right, hon. Duale, just ask the question. I think you are giving a speech.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I am building my case and I beg your

indulgence.

The Temporary Deputy Speaker (Prof. Kaloki): Yes.

Mr. Duale: I want your indulgence, Mr. Temporary Deputy Speaker, Sir. I am building my case and I want you to give me a minute.

So, for the Northern Water Service Board, it was only Isiolo Water Company that got Kshs29 million out of all the regions. Could the Minister confirm that the management of WSTF – and all these regions have submitted their proposals as the Minister has said and I can confirm that for Garissa Water Company--- Why was there discrimination so that one region received huge amounts?

The Temporary Deputy Speaker (Prof. Kaloki): All right; let her deal with that first. Proceed, hon. Minister!

Mrs. Ngilu: Thank you, Mr. Temporary Deputy Speaker, Sir. What Mr. Duale has said is true and the truth is that I have had serious challenges with Northern Water Services Board because of the capacity of the community. As I said earlier, it is the community that comes together to actually bring proposals to the Water Services Board, and this is the capacity now that I have been building. I have said earlier that we have got to look at the capacity. We have got to know where we are doing it, and the hon. Member is aware of that, because of the challenges that I have had within their area; what I have actually done is that I have made a serious intervention – which he did not even mention here and I am surprised. For each constituency, I provided a water bowser unlike in other areas.

So, he is talking about discrimination and he is not talking about the other areas. Those are the interventions that we put in different places due to the challenges that we have. But I want to assure him that, at the moment, I am building the capacity of the community. I hope you can help me to do that, so that we can have people who can come forward and give proposals. That is because the donors are very specific----

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Duale, you are on a point of order. Order, Minister! Let us hear hon. Duale.

Mr. Duale: On a point of order, Mr. Temporary Deputy Speaker, Sir. In my starting statement, I said that I commend the Minister for doing a lot. But the matter before us is not about water bowsers. The matter before us is not what the Minister has done. The matter before us this morning is about the allocation of funds by the Water Service Trust Fund. I said that Isiolo Water Company received Kshs29 million in the whole of Northern Water Board, when other water service boards received over Kshs100 million. I know the Minister fights for justice. Could you tell the people of Northern Kenya and, more specifically, Garissa Water Company that has been discriminated---

Is she in order to bring the issue of water bowsers? I got two water bowsers and I thank you very much. She has done a lot for me but the matter at hand is about the Water Services Trust Fund.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I am just saying once again here that, actually, the problem is the capacity that we need to build. That is because those project proposals must be brought forward by the communities. We have got so much money within the Board that was not used. Even the donors asked: “Why are you putting money in Northern Water Services Board and they are not using it?” One case in point is UNICEF. We put so much money there until UNICEF said: “Bring this money back, we take it somewhere else.” That is why I am asking the hon. Member: “Please, help me to build the capacity of the community to bring the proposals so that we can give them more money. We are not lacking money as I showed you. We have Kshs1.9 billion. The thing is that we have got to get it down correctly.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for her answer. But you know it is one thing to say that you are trying to build capacity, and it is another thing to actually do it. Could the Minister provide evidence of what she is saying in terms of building capacity? That is because I do not see the Ministry doing that on the ground.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, the hon. Member is right. You know to build capacity of communities requires the intervention of not only the Ministry of Water and Irrigation, but also the local leadership that includes hon. Members of Parliament. But meanwhile, our water services boards are going out there to the people and telling them: "This is what should be done." We are also working with certain very local community based organization (CBOs), who are helping us. I really want to say that in your region, people are coming out very well and they are responding. So, I think this is going to improve.

I just want to ask that we work together because I cannot do it alone.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, we truly commend what the Minister for Water and Irrigation is doing, particularly those of us who come from ASAL areas. But my concern here is that the Northern Water Services Board covers a very large area. It covers North Eastern region, parts of Eastern Region and even parts of Rift Valley like Laikipia and Samburu. Those are ASAL areas where there is scarcity of water.

Madam Minister, are you satisfied that the Board is actually providing services as expected?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I agree entirely with the hon. Member. It is true that Northern Water Services Board really covers a very large area to the extent that it cannot provide services properly. That is why we have come up with a new way of giving services to all those areas. That Bill will soon be coming to Parliament so that we change that and bring services closer to the people. I agree with you it is really covering a very large and needy area. But, by and large, I have tried as much as possible within the resources available to attend to all the areas that are really very needy.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, while, thanking the Minister for doing a commendable job in my constituency, there are three major projects that the Minister has already embarked on. They are at Kirasha, Kinari and Gitiria but the three projects are incomplete. What is the Ministry doing to make sure that the projects are completed and wananchi start getting benefits from those viable projects?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I have taken note of those three projects and I am pleased that most hon. Members have taken note of the work that the Ministry of Water and Irrigation is doing. I have just made a note of those three projects. I will find out how far they have gone and look at what we have committed ourselves to do within what time and ensure that they continue on course.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, first of all, I want to join my colleagues in thanking the Minister, particularly, for giving a lady the job to manage the Water Services Trust Fund. You know where ladies manage; it has shown that they do so very well. I think you need to appoint more ladies into those offices.

Mr. Temporary Deputy Speaker, Sir, I want to ask the Minister the following question: In that particular trust fund, a lot of resources come from donors and the Minister has said that the donors have imposed stringent conditions, what support are you giving as the Kenya Government - not donors - to organizations like those, whose officials are working so hard but the resources are limited because they are coming from donors? What efforts are you making

yourself as a Minister to give them more resources so that they can do a better job than they have already done?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, it is true that the Water Resources Trust Fund really had funds before I joined the Ministry of Water and Irrigation. I really made a big effort to mobilize resources both locally and internationally through the donors. That is part of the work that we are doing. But when we agree with donors, they always say: "Right. While we give you so much money, can the Government also ensure that it puts a certain percentage?" That is what we are doing. So, it does not matter how much the Government will put there because we are also having other water service boards. That is one of the organizations within the Ministry of Water and Irrigation. Therefore, we actually meet our obligation of how much money we need to put in the Water Services Trust Fund. The donors ensure that the resources are utilized when we say they are going to be utilized.

As I said again, the actual challenge is the community's capacity to come out and use that money. We say: "Bring proposals, you get money. Finish the money, we look at the impact, we monitor and see." Once it is done properly, we give more money. That is because the donors are ready to do so within the Water Services Trust Fund.

Dr. Munyaka: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister, first of all, for making water supply to Kenyans one of the five pillars of her development agenda, when she was launching her presidential bid. I also want to thank her for supplying a water bowser to my constituency. What will the Minister do to actually upgrade the water treatment plant next to Maruba Dam, so that the people of Machakos Town can get enough water?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I am so pleased that the Member for Machakos recognizes that food and water is an issue in the country. Therefore, I want to invite all hon. Members who really understand that food and water are key basic needs revolution within NARC, to decide which way their bread is going to be buttered. I welcome all of you. It is true that the treatment plant in Machakos is not sufficient to ensure that all the residents of Machakos get water but it is more than that because we have very old infrastructure. That infrastructure has got to be done and I am already planning that. So, before we get to the next general election, I can assure you that we will have resources for the new treatment works for Machakos Town.

The Temporary Deputy Speaker (Prof. Kaloki): Last question, hon. Duale!

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister because, at least, now she is a presidential candidate. The people of Dujis, particularly in Garissa where I come from, need water because of the expansion of the town. Could the Minister, as part of her pledge, use her powers and direct the Water Services Trust Fund to consider the proposal submitted by the Garissa Water Company for this financial year, so that, at least, the people of Garissa will have water? We will welcome the Minister when she comes to ask for votes in Garissa.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I want to take that offer. In fact, I want to assure the hon. Member that I am going to look at how much money we have given to his constituency. Now, please, do what you have got to do. Join me so that we can give it to them and then next year, we will give much more.

Question No.1543

PROVISION OF FUNDS FOR OPERATIONALIZATION

OF NEW ADMINISTRATIVE UNITS

Mr. Chachu asked the Minister for Finance:-

(a) what has been the increase in the revenue allocation to the Ministry of State for Provincial Administration and Internal Security for the purpose of operationalizing the new administrative units created by the President in the last four years; and,

(b) what plans the Ministry have to ensure that adequate funds are provided for hiring of the necessary staff, building and equipping and furnishing of the new administrative offices and acquire vehicles to support the newly created administrative units.

The Assistant Minister for Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry of Finance does not allocate funds to Ministries for specific activities. The Ministry of Finance only allocates a block ceiling which is shared in the sector working groups. It is the responsibility of a respective Ministry to prioritize and allocate funds to specific activities from the ceiling, as agreed while bidding for resources in the sector working groups process.

In view of the role of the Ministry of Finance, I wish to inform the House that the total ceiling, both Recurrent and Development, for the Ministry of State for Provincial Administration and Internal Security, has increased from Kshs43,743,202,271 in the Financial Year 2008/2009 to Kshs61,911,434,169 in the Financial Year 2011/2012. This reflects a 41.5 per cent growth. The Ministry of State for Provincial Administration and Internal Security is, therefore, better placed to indicate how much has been allocated to operationalize the new administrative units created over the four years.

(b) In the next Medium-Term Expenditure Framework (MTEF) budget, Financial Year 2012/2013, 2013/2014 and 2014/2015, the ceiling for the Ministry of State for Provincial Administration and Internal Security has been projected at Kshs65,889,642,900, Kshs68,500,000,000 and Kshs69,795,256,600 respectively. With this allocation, the Ministry should be in a position to enhance allocation to facilitate staffing and operations and maintenance for the new administrative units.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, when we ask Questions on the Floor of this House, we are looking for solutions to the problems facing our people.

Mr. Bahari: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Question is very specific and is asking for specific details. The Assistant Minister has a general idea on what the ceiling of the Ministry is. Would I be in order to request that the Ministry responsible for Provincial Administration provides the details that the hon. Member has asked for? Could the Question be deferred?

The Temporary Deputy Speaker (Prof. Kaloki): This Question is directed to the Minister for Finance and the Assistant Minister is attempting to answer it. Hon. Chachu, I just want you to ask your supplementary question and indicate whether you are satisfied by the Assistant Minister's answer.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, as I had mentioned before, we ask Questions on the Floor of this House to seek solutions. The Assistant Minister has really clarified this issue, but he has not answered my Question. I wanted to know why we created some districts almost eight years ago, yet up to now, there is nothing that shows that they are districts. As hon.

Bahari has stated, I think I will be served if this Question is referred to the Ministry of State for Provincial Administration and Internal Security, so that they can answer it. The people of North Horr will know why, for the last eight years, they have a district and a District Commissioner but there are no services to really go with the creation of that administrative unit.

The Assistant Minister for Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I would like to agree with the hon. Member, that actually this matter be deferred, so that we refer it to the Ministry of State for Provincial Administration and Internal Security for a better answer. This is because I might not be in a position to satisfy the hon. Member.

(Loud consultations)

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I do not know whether you have noticed what is happening in this Chamber. The hon. Members are consulting here and there is another meeting there. I do not know why they cannot go to the rooms behind there and consult.

The Temporary Deputy Speaker (Prof. Kaloki): All right! Hon. Chanzu, you have made your point.

Hon. Mungatana, I want you to restrict your answer to what we are talking about.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, even as we defer this Question and the Assistant Minister for Finance talks about the ceiling of Kshs61 billion to the Ministry of State for Provincial Administration and Internal Security, is he aware that there is money in the field? There has been a two-month delay and yet, the Office of the President normally leads in terms of getting funding. There is no money which has reached in the field. Could the Assistant Minister clarify what is happening to the Government?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Mungatana, as regards that issue, Messrs. Chachu and Bahari and the Assistant Minister have concurred that we defer the Question and refer it to the Ministry of State for Provincial Administration and Internal Security so that they can come with a comprehensive answer.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I agree with you on that but he is the right one to tell us why DCs--- There is no money in the field and he is able to tell us if there is a delay for two months. What is he doing? If he can do it, could he post this money to the officers, at least, in Tana River, Lamu and all these counties? There is no money in the field and the Assistant Minister is sitting there comfortably. What is happening in the field?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Mungatana, since the Minister has requested that we defer the Question because he does not have all the answers and the Ministry of State for Provincial Administration and Internal Security should deal with this matter. They will consult and come up with an answer which will be comprehensive to deal with the specific funding of that particular Ministry. I will repeat it again: Mr. Assistant Minister, then you need to transfer that particular Question to the Ministry of State for Provincial Administration and Internal Security and, of course, provide that copy of that letter to our clerks for the record. Could you confirm that?

The Assistant Minister for Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I will do that; I will comply.

The Temporary Deputy Speaker (Prof. Kaloki): Then that Question will be deferred to next week and the Ministry of State for Provincial Administration and Internal Security will deal with it.

(Question deferred)

Question No.1715

NON- OPERATIONALIZATION OF
GARBA-TULLA OPERATION THEATRE

Mr. Bahari asked the Minister for Medical Services:-

(a) whether he was aware that the newly constructed Garba-Tulla Operation Theatre was completed and handed over to the Ministry on 17th October, 2011;

(b) why the theatre is not equipped and operationalised to-date; and,

(c) what urgent measures he will take to operationalize the theatre.

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

(a) I am aware that the newly constructed Garba-Tulla Operation Theatre was completed and handed over to the Ministry in October 2011.

(b) Garba-Tulla Operation Theatre has not been equipped and operationalised because of budgetary constraints and shortage of theatre staff. To become operational, a theatre requires specialized equipment and instruments as well as staff trained in theatre procedures; nurses and anesthetists.

(c) The Garba-Tulla Operation Theatre will be considered for allocation of theatre equipment and instruments from those that will be procured in the current financial year. The procurement process has been initiated and it is anticipated that supplies will be delivered before the end of 2012. The hospital will be, in addition, considered for posting of theatre staff from those who are about complete postgraduate training.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for his answer. This theatre was constructed using funds from the Constituencies Development Fund (CDF) and the Red Cross largely. It is expected to serve largely a very remote area. Could the Assistant Minister undertake, now that he is speeding up this process, to deliver these to the hospital before the end of the year as he has indicated?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, I would like to agree with the hon. Member that this process has taken long but I want to confirm to this House that, indeed, the process has started and on or before October, the equipment will be delivered. I will make sure that I deliver the equipment myself.

Mr. Chepkitony: Mr. Temporary Deputy Speaker, Sir, last year, the Minister for Medical Services opened a theatre in my constituency called Tambach Sub-District Hospital and he promised to supply theatre equipment yet nothing has happened up to now. Is Garba-Tulla going to be in the same fate as Tambach which has not received this equipment up to now?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, I know most of the projects which were completed then were not equipped with theatre equipment and it was because we did not have not enough funds. However, the Government through the Ministry of Finance gave us allocations and we have started the procurement process. As I speak today in this House, the process is ongoing and I can even mention the list of hospitals which are going to benefit from this equipment. We have Nyamache, Mwatate, Miteitei, Chebiemit, Manyala, Engineer,

Khunyangu, Mbeere, Modogashe, Maragua, Kianyaga, Moi-Voi, Tseikuru, Miathene, Tambach, Kimilili, Kiambu and many others which are not listed.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Kazungu! That list is not conclusive. What happens to the rest of the hospitals including even Makindu District Hospital?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, I said that the list is not limited to the following, so I am sure your facility will be among the listed which will be provided with the equipment.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, I am glad you intervened to mention your area. The Assistant Minister has given a very brief list and most of the hospitals and health centers that have been rehabilitated or reconstructed have not been considered for a long time for this equipment. I can give you an example. We have rehabilitated Murirenja Hospital in my own constituency. The theatre is ready but there is no equipment over a year ago. What action is he taking to ensure that all those that have had renovations in the entire country receive the necessary equipment?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, I remember very well that as a Ministry, we did a proposal and we had requested a minimum of Kshs21 billion but we were only given Kshs250 million. This equipment is very expensive and you will realize that if we requested Kshs21 billion and we were only given Kshs250 million, then we can only buy a few. We must distribute this few equipment across the country.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to tell this House what he is doing to the already upgraded hospitals in the newly created districts because a place like Kandara which was not a district but is now one. We are suffering because we cannot get those facilities. What is the Ministry doing to make sure that we also enjoy these fruits of independence?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, with the meager resources we always receive from the Ministry of Finance, we are purchasing this equipment and we will distribute them equally across the country. So I am sure that his facility is going to be considered because we shall do it.

Dr. Eseli: Mr. Temporary Deputy Speaker, Sir, these theatres were either constructed or renovated by the Ministry. In the process, the Ministry had a chance to partner with some donors in the sense that some theatres were constructed by donors. Why was the money that was supposed to be used for renovation or building theatres in places where the theatres were constructed by donors not used to buy equipment? For example, at the Naitiri Sub-District Hospital, Safaricom built a modern theatre and completed it three years ago, but it has not been equipped up to now. Could the Assistant Minister assure this House that, that theatre will be among the ones that will be equipped now?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, it is cheaper to build a theatre than to equip one because theatre equipment is very expensive. I want to ask the Members to prioritize our request once we bring our proposals to the House since we cannot just buy the equipment out of nowhere. We need funds as a Ministry. If you look at the Budget we have been receiving, it is not enough. We have been asking this House to increase our funding, but it has fallen on deaf ears. I would ask the Members that when it comes to the Ministry of Medical Services, we should be properly funded.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, like the Assistant Minister for Finance has told us, there are sector ceilings that have been allocated to this sector. I have no doubt that the ceiling for the sector where the Ministry of Medical Services falls has kept on improving.

Could the Assistant Minister undertake to prioritize the issue of equipment? As you can see, many Members are very interested and in fact, some of them are asking me to donate some time to them, which is not allowed. He should prioritize the purchase of theatre equipment and forward the proposal to the Budget Committee of this House, which can assist the Ministry to ensure that the resources of this country are utilized properly.

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, I have excerpts from the Ministry's Investment Plan in the area of medical equipment, which I can table before the House totaling to Kshs21,224,000,000. You realize that you cannot do much if you do not have the diagnostic equipment.

With regard to our proposals, I urge this House to see how it can help the Ministry to come out of these problems.

The Temporary Deputy Speaker (Prof. Kaloki): You do not need to table that list because we have it attached to the answer that you have already provided to our clerks.

Question No.1317

LACK OF POLICY ON FARES BY PUBLIC
TRANSPORT OPERATORS

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

(a) whether he is aware that there is no fare control policy in the public transport sector and vehicles charge different fares even for the same distance; and,

(b) when the Government will introduce scale of fares to public transport operators and ensure that they are followed.

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

(a) I am aware that there is no fare control policy in the public transport sector---

Mr. Gitari: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to answer the Question from the Back Bench?

An. Member: He is new!

The Temporary Deputy Speaker (Prof. Kaloki): All right, allow him some time to comply with that request. That is exactly what he is doing. Proceed, hon. Joho.

The Assistant Minister for Transport (Mr. Joho): My apologies, Mr. Temporary Deputy Speaker, Sir.

I beg to reply.

(a) I am aware that there is no fare control policy in the public transport sector. We are in a liberalized economy in which the conduct of business is guided by the market forces of supply and demand. Regulation of fares would, therefore, go against the Government's principles of liberalization.

(b) The Ministry of Transport does not intend to regulate fares for public vehicles.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, hon. Joho, being the Member for Kisauni, appreciates very well that the problem in this country is that fares keep on rising. In the morning and in the afternoon, we have different fares. For instance, when there is no traffic jam, the fare paid from Nairobi to Eastleigh is Kshs20. When it rains, it is Kshs100. On Sunday when there is no traffic jam, it is almost free to travel from Kisauni to Mombasa, but when there is

traffic jam, it goes to Kshs120. You know very well that during the festive seasons, fares go up. They are even triple the normal fares. Kenyans are suffering. While we do not want to regulate the fares, could he be sensitive enough to come up with a broad guideline to manage fares in this country? Otherwise, the mwananchi ends up suffering. We in NARC have a problem with wananchi suffering.

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, I appreciate the sentiments of the Member for Mutitu and his concerns for the people of Kisauni as well. He has raised worthy points and my Ministry will take them on, consult and find the way forward. However, we must remember that we are in a liberalized economy and such challenges must be faced. As a Government, we have very little control over the pricing of fuel and other factors that lead to fares price factor. Therefore, I will have a sitting and take his points up. His points are noted and we will consult over them.

Mr. Hassan: Mr. Temporary Deputy Speaker, Sir, this issue affects urban dwellers in Nairobi more than anything else. The fares are dependent not so much on any economic logic, but on the weather. If it rains or there is a traffic jam, the prices go up. Surely, there is responsibility on the part of the Government to protect the public against these unpredictable fluctuations. In many capitalist countries, public transport is regulated. Even in the United States, for example, New York and Washington, you know the fares that you are going to pay before you take the train or the bus. It does not change by the day or by the hour. So, could he see what he can do in terms of consulting the matatu owners to ensure reliable predictable and affordable fares for the people of this country?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Joho, when are you likely to implement this policy?

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, really, the role of the Government in the management of transport is the development of infrastructure and formulation of policies. Therefore, the points that the hon. Member for Kamkunji has raised are noted and we will find ways of consulting with the stakeholders. I want to inform the House that---

The Temporary Deputy Speaker (Prof. Kaloki): What is your point of order, Mr. Duale?

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, you have heard what the Assistant Minister has said. He told Mr. K. Kilonzo that he will take his points. He did the same to Mr. Yussuf Hassan. Is the Assistant Minister in order? This is because when it is about fuel price reduction, the Minister for Energy through the ERC takes action. When it is about the roads, the able Assistant Minister for Roads, Lee Kinyanjui, takes action. Could the Assistant Minister tell the nation how he is going to deal with the matatu menace and the cartels that are fleecing Kenyans? He must give a policy.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Joho, I think you need to be a little bit more serious. How will you deal with this issue?

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, you realize that it is not only about the matatu areas that we are talking about. We are talking about the transport sector at large. We are talking about the airlines where we do not regulate fares. We are talking about all manner of transport. If we as a Government attempt to regulate fares, it will mean that we are going against the policy on liberalization that the same Government made. That is why I am saying that I have noted the concerns and we shall consult on possibilities of managing the process.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, liberalization came from the capitalist nations. There is no bigger capitalist nation than the United States of America. In those

capitalist countries, fares are regulated. So, it is the height of impunity for the Government to use the argument of liberalization to abdicate responsibility. We want the Assistant Minister to tell this country when he is going to convene a stakeholders' meeting in the industry that provides transport to this country and what--- In fact, we should defer this Question so that the Minister can come and tell us specifically when he will be convening the stakeholders' meeting so that they can start the process of being fair to Kenyans.

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, that is why I said that there has to be consultation. It is actually cutting across Ministries because of the issues of infrastructure and energy in terms of fuel pricing and transport in terms of policy-making. I undertake to initiate that consultative forum between the Government and stakeholders to find a possible way forward.

Mr. Mureithi: On a point of order, Mr. Temporary Deputy Speaker, Sir,. We accept what the Assistant Minister has said but am I in order to ask him to give us a timeframe within which he will actually give us that information so that we can interrogate it further?

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, can I come back to the House in two weeks time?

The Temporary Deputy Speaker (Prof. Kaloki): Are you now deferring the Question? Do you wish to defer the Question to a later date?

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, it is to initiate the process of consultation with other stakeholders. I, therefore, would wish that we conclude with this Question today, but in two weeks time, we will initiate the process of consultation.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Joho, you are contradicting yourself. Actually, what you are telling us is that you want this Question to be deferred so that you can give a comprehensive answer on how to deal with this problem, including arranging for consultative meetings that will deal with the issue of uniformity of fares in the transport sector and the issue of matatus.

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, the hon. Member asked when I will start the process of consultation, but if the Chair feels that we defer this Question for two weeks--- I want to come back to the House after two weeks to state the roadmap that we have put in place in terms of starting the process.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. K. Kilonzo, do you have any objection to the deferment of this Question?

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I have known the Assistant Minister, Mr. Joho, as a man of action. I will allow him to have the two weeks. I have no problem with that. He needs to come here with a comprehensive answer upon which this House will interrogate him because these matters touch on the lives of ordinary Kenyans.

Question No.1670

NON-PAYMENT OF DEATH GRATUITY TO
FAMILY OF MRS. MARGARET C. LING'AFWA

Mr. Chanzu asked the Minister for Finance:-

(a) if he is aware that the family of the late Mrs. Margaret Chehenzo Ling'afwa, APN.PC.165795 who passed away on 5th August 2002, has not been paid pension dues of the deceased; and,

(b) what action he will take to ensure that the dues are paid to the next of kin without further delay.

The Assistant Minister for Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that death gratuity of Kshs162,699.35 due to the estate of the deceased was paid to the Assistant Public Trustee, Kakamega, on 16th September, 2005 vide Cheque No.322582 and the next of kin, Mrs. Florida Omukania Malongo, has acknowledged receipt of the payment. It may, however, be noted that the dependants' pension, due to the children of the deceased former teacher is yet to be paid following failure of Mrs. Florida O. Malongo to avail the original birth certificates for verification and letters from schools and colleges to ascertain the children's education status as required for such a claim. The guardian has failed to comply with this requirement despite receiving several letters from the Pensions Department requesting her to do so.

(b) As the Assistant Minister responsible for this docket, I will ensure that dependants' pension due to the children of the late Mrs. Margaret Chehenzo Ling'afwa is processed and paid within 30 days from the date the family complies with the requirements for claiming such dues and avails all the requisite supporting documents which were forwarded to them on 6th June, 2012.

Mr. Chanzu: I want to thank the Assistant Minister for the answer, but I think the problem that we have with this kind of cases is how the information gets to whoever is supposed to benefit. I do not know what the Ministry is going to do to ensure that this is streamlined so that information can go quickly. This is why you find people looking for Members of Parliament and yet this should be a straightforward process through the DC's office. This information is not there. What will the Assistant Minister do to ensure that this is streamlined?

The Temporary Deputy Speaker (Prof. Kaloki): Dr. Oburu, the question here is: Will you take the responsibility to make sure that the family gets the right recommendations and that your request has been complied with to make sure that there is ownership and that the process moves smoothly?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, we shall endeavor to do that. We are using the normal Government channels through the Provincial Administration and our pensions local staff to try and reach the families. However, sometimes, there are difficulties, particularly when it comes to third parties. It is not a direct benefit of pension, but the person whose relatives are being given the money is dead and it takes time to identify these people. Sometimes there is competition between the beneficiaries and so on. We shall, however, endeavor to make sure that all the information that is required reaches the would-be beneficiaries within time.

I would also like to appeal to my colleague to assist us in making sure that the request that we make is complied with in time so that we can get over this.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Minister, could you give an undertaking that within 30 days things will be sorted out?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, we will do that immediately we receive all the documents. I will make sure that the beneficiaries get their dues.

The Temporary Deputy Speaker (Prof. Kaloki): Within how long?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, within 30 days of the receipt of the documents.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, many a times, family members of civil servants who pass on in the course of duty have difficulties in accessing their benefits. The late

Margaret passed on in 2002, and the monies were paid out in 2005. That was three years from the time of the death and the time when the family members accessed the first benefits. What mechanism will the Assistant Minister put in place to fast track payments, so that families are relieved of extreme pains after they lose their loved ones who have been working for the Government? Three years is a long time for a family to wait for benefits.

Temporary Deputy Speaker (Prof. Kaloki): Hon. Affey, the Assistant Minister confirmed to the House that within 30 days of receipt of the documents, this will be sorted out. He has given that timeline of 30 days.

(Mr. Affey stood up in his place)

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Affey, do you have something burning?

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I am talking about a policy. What happened in this case was that they accessed the benefits after three years and not 30 days. If a 30-days policy had been implemented, it would not have taken three years for the family to access those benefits.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Assistant Minister, could you touch on the policy under which you will make sure that there is a policy to deal with these cases?

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, the Member is right that it took a bit of time. The teacher whose case we are talking about now died in 2002 and the payments to the next of kin were made in 2005. But we, as a Ministry, or the Pensions Department, do not pay until we get all the documents from the concerned civil service department. In this particular case, it was the TSC. The TSC finished the identification of the beneficiaries in 2005; when they submitted to us the documentation. We promptly paid the person concerned.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister. However, just as I said, I think this relates to what hon. Affey was saying that there are many of these cases. I was just wondering why the Ministry, in this particular case--- In many others, it does not keep records. For example, my dependants are known. So, if we kept records properly and updated them--- If something happened, the beneficiaries mentioned are the ones who would get the benefits. So, we would not go round looking for people who are not there. So, why can the records not be updated from time to time, so that when something comes up, it is addressed? We are now getting computerized.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Chanzu, is it possible for the Ministry to deal with that; keeping data and even---

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, yes, at the Pensions Department, once you are a pensioner, they should do that.

The Temporary Deputy Speaker (Prof. Kaloki): But the dependants may change.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, if they change, then you update the records.

Dr. Oburu: Mr. Temporary Deputy Speaker, Sir, that is true. There has been a problem of records because they have been manual. However, the Pensions Department has completed computerization and we hope that those cases will reduce substantially. We have improved the system of record keeping.

HIKING OF CESS LEVY BY KENYA TEA BOARD

Mr. James Maina Kamau asked the Minister for Agriculture:-

- (a) whether she is aware that the Kenya Tea Board has increased cess (*ad valorem* tax) on tea from 0.46 per cent to 1 per cent which is equivalent to Ksh2 per kilogram, of processed tea;
- (b) what led to the increase in the tax; and,
- (c) whether she could consider reducing the tax to the previous level.

The Assistant Minister for Agriculture (Mr. Ndambuki): Thank you Mr. Temporary Deputy Speaker, Sir. Before I answer, I would like to make a correction. We are not talking about 0.46 per cent. This is supposed to be 46 cents and not a percentage.

Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the 1 per cent *ad valorem* levy on tea exports imposed under Section 18 of the Tea (Amendment) Act of 2011 to replace the manufacturing cess previously charged at 46 cents a kilogramme of made tea. The proposed levy was introduced after wide consultations with the stakeholders through a taskforce established in 2007 to look into the challenges facing the tea industry.

(b) The Tea *Ad Valorem* Levy instituted on 27th February, 2012 through the Tea Act Regulations for the purpose of research, regulation, market development, diversification and value addition in the tea industry, so that it can become more profitable and globally competitive.

(c) The Ministry will continuously assess the situation to establish if funds obtained from the levy are enough to meet the objectives of the service delivery and ensure that the levy does not turn into a burden to the farmers.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer he has given this morning. However, I do not know whether he can tell us considering that tea farmers do not enjoy any subsidies like coffee and wheat farmers, why it was found necessary to increase this tax which continues to deplete the meagre earnings of tea farmers, and when the cost of living has hit the roof.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I would like to advise the hon. Member that this taxation is not passed to the farmer. This is taxation after auction in Mombasa. It is a tax applied only to exported tea. There is nothing that will affect the farmer. For example, with regard to value addition to tea, there is no levy on it. For tea which is consumed locally, there is no levy on it. So, this is a very small percentage and it only applies to exports and imports.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Ndambuki, are you sure that that tax will not be passed to the consumers or the growers of tea? Is there an undertaking that the tax will not be passed to farmers, and make it difficult for them to grow tea in the areas concerned?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, as I said, if you look at the previous one, the 46 cents was at manufacturing level and that was being borne by the farmer. But this one is after the auction. It is just only to the exporter but not to the farmer. The purpose of this is that the Government has reduced the grants it has been giving to the Kenya Tea Board. Therefore, the stakeholders found it wise to increase this to 1 per cent for the research to be done. This is the breakdown for the 1 per cent: Fifty per cent goes to research; 10 per cent goes to

infrastructure; 40 per cent goes to the Kenya Tea Board for advertisements, looking for market and sustaining what they have.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, the hon. Assistant Minister is not exactly candid because this particular addition of cess is actually reducing the sales because it makes Kenyan tea more expensive even in the auction. Eventually, it then affects the farmer because even those who are auctioning will factor in this particular cess.

Could the Assistant Minister tell us why the tea farmer has to be taxed for the sector to function yet all other sectors operate with direct Government support? Are tea farmers different from the rest of Kenyans? The Assistant Minister should bear in mind that loans are normally written off in other sectors like the coffee sector, but this Ministry has never written off any loans or advanced any support to the tea farmer yet you are telling them to pay more cess. In fact, in tea growing areas, it is the farmers who fund the building of infrastructure in those areas. What exactly is the Government up to with regard to the tea sector?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, the budget of the Ministry of Agriculture is very small compared to what other Ministries are getting. What we are doing to keep the Ministry running is that we are really supporting our parastatals, for example, the Kenya Tea Board and the rest. The stakeholders are the ones who came up with this idea so that the Kenya Tea Board can continue with research, looking for new market and do value addition to this. They agreed to increase the cess.

The farmer is still getting what he was getting before. In terms of payment it has no effect to the farmer. The hon. Member has said that cess addition has reduced tea sales. But this has not been felt anywhere. In fact we started getting this cess from March up to now and there is no effect as the hon. Member has said. As regards write-offs, that is not within my power. I can assure the hon. Members that what the board is collecting is not affecting the farmer in any way and we care about the farmer.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, I also have farmers in Limuru who benefit from the sale of tea. The fact of the matter, just like Mr. Ruto has said is that the sales will definitely go down if the cess is increased. I have listened to the Assistant Minister say how they will share the additional tax, but I have not heard any benefits which you have passed to the farmer. If the sales go down, definitely, the most likely thing that will happen is that the price of tea for the farmer will be low. Can you tell us the benefit out of this that will be accruing and will be going to the tea farmers?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, with this cess, value addition will be done. Research will also be done to come up with better, high yielding and faster maturing crops. Also the infrastructure around the tea growing areas will be improved and that will be a big benefit to the farmer. The issue of infrastructure has been raised in this House so, it will be improved.

Whatever has been collected up to now is only---

Mr. Mwangi: On a point of order, Mr. Temporary Deputy Speaker, Sir. If you got what the Assistant Minister is saying, he said the farmers' infrastructure will benefit. Is he in order to mislead this House that the Government takes care of the infrastructure in tea growing areas? The farmers do the roads. The farmers are supplying power. Is he in order to mislead this House that the small scale tea growing farmer will benefit out of this while we know it is the farmer who is providing all these services by himself?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, if the farmers are the ones who are providing all these services for themselves, I would like to find out from the Kenya Tea Board

where the money is going to. If it is going to the districts, hon. Members are members of the District Roads Boards and they should make sure that the money is fully utilized. I will just find out and come to this House and say exactly how much has gone to which district. Then we will find out why you are not involved in doing the road. The farmer should not be doing the roads; the money is there. For example, the Kshs29 million which is being shared to all the tea growing areas; that is the money to be used to make the roads.

Mr. Yinda: Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to confirm to this House how much consultation was carried out before this decision to increase cess was passed. What comes to light is that there was never enough consultation. I would request the Assistant Minister maybe to withdraw this so that all the stakeholders can re-look at this issue afresh.

The amount of money that the Kenya Tea Board was receiving before was sufficient for their work. Right now, the 1 per cent that is being imposed will give the Kenya Tea Board over Kshs3 billion per year but there is no proper plan of how this money will be used. In the meantime the farmers will suffer if the prices are depressed. Could the Assistant Minister confirm that he will re-look at the possibility of suspending this cess until all the stakeholders are properly consulted?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, as I said when I was answering the Question from the beginning, we will continue assessing the situation. But I would like to tell the hon. Member that on 11th August, 2011, we had a stakeholders meeting which involved the Kenya Tea Development Agency, the East African Tea Trade Association, Kenya Tea Growers Association and many other stakeholders. It is not the Ministry which came up with this issue; it is the stakeholders who came up with it.

The Temporary Deputy Speaker (Prof. Kaloki): Could you ask your final question, hon. Maina Kamau?

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I would like to continue thanking the Assistant Minister for the answer he has given but I do not seem to agree with him. As hon. Members have said in this House, if there were consultations, as he said, I would like---

The Temporary Deputy Speaker (Prof. Kaloki): What is your point of order, hon. Mwathi?

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, I made interjection even before hon. Yinda asked his question.

Is the Assistant Minister in order to avoid answering the question that I asked? How are the farmers going to, directly, benefit? He should either say that there is no benefit, in terms of price adjustment upwards, or that there is benefit. That is all I wanted to know. Farmers in the country want to know whether they are going to benefit from the tax he is levying. Whatever he said about access roads is not going to happen. I have factories which have lorries that carry marum all over to repair the access roads. So, is he in order to avoid answering my question?

The Temporary Deputy Speaker (Prof. Kaloki): Let us take hon. Isaac Ruto's question, so that the Assistant Minister can answer the two together.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is definitely misleading the House on a matter which is of great importance to the agricultural sector. Would I be in order to suggest that this matter be referred to the Committee on Agriculture, Livestock and Co-operatives, so that we can satisfy ourselves that we are providing proper oversight over the Government? He is telling us that the revised levy has no effect on price, yet pricing is affected

either way, in terms of sales or returns to the farmer. It is not in order for him to give us misleading answers. So, we want this matter referred to the relevant Departmental Committee.

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Isaac Ruto! On your request to refer the matter to the Committee, the Committee can take it up any time it wishes. What the Assistant Minister did is to provide some answers to the questions that have been asked. So, let him deal with the question that has been asked by hon. Mwathi, after which we will go to hon. Maina Kamau for the final question on this matter.

Proceed, Assistant Minister.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, there are many benefits to the farmer, including value addition and research. Only last year, we launched a new tea variety. Without cess money, all other activities will slow down because the Government does not give money to the Kenya Tea Board and the research institute. So, if we want tea growing to continue, there has to be research on prospective markets and the crop itself as well as upgrading of the infrastructure. So, there are many benefits for the farmer.

The Temporary Deputy Speaker (Prof. Kaloki): Last question, hon. Kamau.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has told us that there were wide consultations but I disagree with him because there are complaints from all over. Farmers, the East African Tea Traders Association (EATTA) and the KTDA are complaining. So, where were the consultations done? Could he table documents to show that there were any consultations?

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I have given the dates when the consultation meetings were held. I do not have the actual lists of attendance, apart from what I have read. However, I can go back to my office and bring the list for him to see; because this was done properly and everybody was involved. This is provided for in the Act relating to tea. The Act provides that the levy can be increased up to 2 per cent but we did not increase it to 2 per cent. We are only talking about 1 per cent.

The Temporary Deputy Speaker (Prof. Kaloki): Next Question, hon. Sirat.

Question No.1252

DISMISSAL OF MR. IDLE M. ALI

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

(a) why Mr. Idle Mathey Ali, a former Assistant Chief at Diff Location in Diff Division, was dismissed from service after having worked for the Ministry since 7th May, 1997;

(b) whether he could consider reinstating the officer; and,

(c) whether he can also confirm that Chiefs and Assistant Chiefs currently serve in their first stations of duty until retirement and, if so state why.

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

(a) Mr. Idle Mathey Ali, Personal No.97027645, was appointed Assistant Chief Grade II to serve in Diff Sub-location with effect from 7th May, 1997. He was, however, rejected by the residents on ground that he was not a local resident as he hailed from Abakore area, which is

over 250 kilometres away. Therefore, his appointment was rescinded with effect from 1st March, 1999. The post was re-advertised and Mr. Abdikadir Maalim Sirat was appointed Assistant Chief of the Sub-location with effect from 14th October, 2002.

(b) The Minister is not in a position to reinstate him since the vacancy has already been filled.

(c) Not all Chiefs and Assistant Chiefs serve in their first stations until retirement. In major urban areas like Nairobi and other places, they are transferable. However, in rural areas, they can serve in their first stations until they retire. In this case, Mr. Ali, not being from the area, could not be imposed on the same people who rejected his appointment.

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, Mr. Ali was appointed in May, 1997 and the appointment was rescinded in March, 1999, which was two years later. I hereby confirm that Mr. Ali was ably performing his duties in Diff until some politics were introduced on his appointment, and he was kicked out of office. If the only problem was that Mr. Ali was in the wrong place, having come from Abakore Division, can the Minister take him to Abakore, where there is currently a vacancy at Mere Sub-location?

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, as I said earlier, this particular Assistant Chief was rejected by the people because he was living in an area which was far away from the area where he was supposed to serve. Therefore, his appointment was rescinded. However, if what my friend, hon. Sirat is saying is correct and there is, indeed, a vacancy, I cannot promise in this House that he will be appointed, but he can---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Minister! There is a point of order request by hon. Shakeel.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, is the Minister in order to say that he transfers Chiefs and Assistant Chiefs when they are rejected by the people? If he is in order, could he also bring back the County Commissioners who have been rejected by people all over the country?

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Shakeel! I do not think that is a point of order.

Proceed, Minister.

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, I do not need to answer the hon. Member. You have done it for me.

Regarding the Assistant Chief who was sacked, I was going to say that if there is a vacancy somewhere, where he can fit in, let him apply and compete alongside other applicants. He will be considered, if he is found to be still fit 16 years after his appointment was rescinded.

The Temporary Deputy Speaker (Prof. Kaloki): What is your point of order, hon. Cheruiyot?

Mr. Cheruiyot: Mr. Temporary Deputy Speaker, Sir, I just wanted to ask a question but, apparently, the Minister has already answered. I wanted to request him to sympathetically address the matter of Mr. Ali, being a respected man in Kenya, and particularly in the North Eastern region.

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, I agree with my brother, hon. Cheruiyot but, unfortunately, as I said, in that particular area, the post has been filled up. However, if there will be another vacancy arising in the area and he applies, he will be considered alongside other applicants, but with a sympathetic eye.

Mr. Gaichuhie: Mr. Temporary Deputy Speaker, Sir, can the Minister confirm that an Assistant Chief must come from the particular sub-location he has been appointed to serve?

Currently, I have an Assistant Chief who comes from a different location. The people have complained about this but the District Commissioner has said that he must work for at least one year before they can consider that case. Can he, therefore, confirm that an Assistant Chief has to come from the particular sub-location he has been appointed to serve?

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, in order for a chief or assistant chief to serve people effectively, he or she must come from that area. I am not aware of the case being raised by the hon. Member of Parliament. I think this issue can be answered in this way: If somebody did not belong to that area before, but he bought land and lives in that area, he has every right - like the people who have been living in that area before he came into that area - to be offered employment like a Kenyan.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I support the Minister's position. In northern Kenya where there is so much clan politics, bringing somebody from 200 kilometres can actually cause more insecurity and crisis than solving a problem. However, as I support his position, could the Minister inform the House why due diligence was not done by the Provincial Administration to ensure that such a thing will not happen where somebody is appointed and then embarrassed again by being fired?

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, I entirely agree with the hon. Member. I think it is important for the interviewing officers to make sure that the people they are interviewing belong to that area. I do remember that as a District Commissioner (DC), in order for us to know everybody, we used to incorporate in the interviewing panel the prevalent religion in that area. If there are Christians of a certain denomination, we invite one of the bishops or pastor to tell us about the character of the person and, therefore, I think it was a big error that, that recommendation was made.

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, Mr. Ali was confirmed as a chief after serving for two years. Now that he was told to go back to where he came from - that is Abakori Division--- Since then, there have been many vacancies in Abakori Division. I wonder why he was not transferred to Abakori, if chiefs are transferrable. Now, that there is a second position at Mere Sub-location, I still insist that, that particular person should be taken there.

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, as I said earlier, in rural areas, chiefs are not transferrable. In any case, I am not sure that in that particular case, there was a vacancy at that time when this man was being removed from his post. I also said that if what the hon. Member is saying is true, that there is a vacancy in Abakori, I advise that he applies for the post and he will be considered along with others, but with a very sympathetic mind.

The Temporary Deputy Speaker (Prof. Kaloki): With regard to Question No.1661 by hon. Langat, he is out of the country on official duty. So, it will be deferred to next week on Wednesday.

Question No.1661

NON-COMPLETION OF KENYA EDUCATION
SUPPORT PROGRAMME FACILITIES/PROJECTS

(Question deferred)

The Temporary Deputy Speaker (Prof. Kaloki): Next Question by hon. Cheruiyot.

Question No.1636

LACK OF SCHEME OF SERVICE FOR COMMUNITY
HEALTH WORKERS

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

(a) whether she is aware that the Government does not have a scheme of service to engage, recognize and appreciate the work performed by Community Health Workers(CHWs) in the provision of basic health care at the grassroots countrywide and, why this is so.

(b) whether she could consider developing a scheme that would remunerate and recognize their work just like for other health workers in the Public Service?

(c) when the Government will hire and deploy Community Health Workers to Kuresoi District and the neighbouring districts which are largely rural based and in need of service of those officers.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) There is no established scheme of service in the Civil Service for Community Health Workers (CHWs).

(b) My Ministry has considered developing a remuneration structure and scheme of service for CHWs and found the following challenges that must first be addressed.

(i) The number of CHWs required for countrywide coverage is approximately 320,000. The public sector wage bill cannot afford that magnitude of expansions even if such remuneration were pegged to the minimum wage.

*[The Temporary Deputy Speaker
(Prof. Kaloki) left the Chair]*

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

(ii) For effective and efficient service delivery, CHWs would have to be trained, facilitated in terms of transport and paid other benefits payable to civil servants such as medical allowance, commuter allowance, pension or gratuity which would further escalate the costs

(c) The Government has not hired CHWs in any part of the country. However, my Ministry employed ten Community Health Extension Workers (CHEWs) per constituency during the second phase of the Economic Stimulus Programme (ESP) to work with communities at the constituency level. CHEWs that were recruited consisted mainly of persons with basic training in health related disciplines.

Mr. Cheruiyot: Madam Temporary Deputy Speaker, the gracious lady - the Minister - has tried to address this subject but not quite thoroughly as I expected of her. Those are volunteers who are doing a commendable job all over the country. Indeed, over time, they have acquired skills by association and training which should really be recognized by the Government. I am surprised that the Minister has not given much attention to this issue. We know that those who attend and volunteer services in land control boards do get some honoraria. Could the Minister

really take this issue much more seriously and address the plight of those people? Welcome back, Madam Minister.

Mrs. Mugo: Madam Temporary Deputy Speaker, I have addressed this Question very thoroughly. Indeed, it is an international problem. It is not just in the country. There is an international task force to look into issues to do with CHWs and Kenya is a member. I represent Kenya. Then there is India, China, Ethiopia and the former Prime Minister of Norway. That is under the auspices of Prof. Sachs who is the special envoy for the United Nations for Millennium Development Goals (MDGs). So, it is something that is disturbing not just us, but the whole world where those services are needed. You will appreciate that if we employ CHWs, I will require an extra Kshs15 billion in the budget. I do not even get that amount from the Government. What we get is augmented by the development partners. In fact, a big portion of my budget comes from development partners. So, I would urge the hon. Member to bear with us and wait for that international task force to see whether the international community will also take that responsibility. That way, we can use some of the money we get from donors to pay CHWs.

When I move around the country, I see the good work they are doing. I was in Kaloleni last Monday to open the model health centre. The community health workers there pass good health messages to the community, and we would like to empower them, but we only have so much in our kitty. We have given them bicycles in each constituency. We have also given five motorbikes for each constituency, so that they can move to each household. We appreciate their work, but right now it is purely on voluntary basis. I hope that very soon, we will be able to even give some incentives. These are things that we are trying to work on. The problem is that once you employ you have to do the same for all the other workers in the sector. That comes up to a very big bill. I have thought about it.

Mr. Chachu: Madam Temporary Deputy Speaker, I personally want to appreciate the Minister. Many rural health facilities have got support in terms of motorcycles, bicycles and ambulances. Some of these health centres are in very remote areas.

We suffer in those remote areas due to lack of nurses. We have dispensaries that we built through the Constituencies Development Fund (CDF), but for almost five years, there are no community health workers. In some of our constituencies, even if given 20 vacancies for nurses, we can only get five or six. Today, we are using CDF funds to fund every student who goes to a nursing college. We give them full scholarships just to enable us to get qualified nurses to work in our dispensaries. Under those extra-ordinary circumstances, based on case by case, could the Minister consider giving honoraria to these community health workers because there is a crisis?

Mrs. Mugo: Madam Temporary Deputy Speaker, I want to say that in the regions which are very difficult to reach, especially North Eastern Province, I have really paid special attention to them. The first heavy duty ambulances I got I gave to all the constituencies in North Eastern Province. All the areas that I am able to intervene are mainly those considered hard to reach like in the North Rift and North Eastern Province.

If you introduce something only for one area, it will bring problems with other areas. What I would like to emphasize, and I hope the hon. Members will help me here, we got money to employ extra nurses for every constituency, but they were to be employed from the particular area or constituency. We could not get the required health workers in some of the constituencies. Therefore, I have not even got the number I was supposed to employ. The biggest problem now is that the Public Service Commission forwarded a list of nurses we could employ and sent them to those distant areas, but up to now we are still following the Public Service Commission. They

have not given us an answer. In fact, my Permanent Secretary is going to hold a meeting with them and see whether they can allow us to employ people from those areas. We had already proposed to hire them. We forwarded the names and when they looked at them they said that they did not come from those particular constituencies.

I was in Kaloleni and I heard complaints that some of the nurses that we employed--- You employ some and as soon as they get on the payroll, they transfer back to their original areas. I have already given a directive that we prepare a scheme of service for those who are engaged in specific cases like the stimulus package; if they are employed in a certain constituency, they should serve there for at least two or three years; this is what the Ministry of Education does. We have had a problem keeping staff in some of those areas, although we give them allowances. In some other areas, the issue is authority to employ them if they are from other areas. Many hon. Members have told me that they do not mind, but the matter now is in the hands of the Public Service Commission. I will also take up that issue with my fellow Minister, Mr. Dalmas Otieno.

Mr. Ruto: Madam Temporary Deputy Speaker, the Minister is speaking but the way she is answering is not quite satisfactory, considering that community health workers have done a tremendous job in this country. I can recall when we used to have massive malaria outbreaks in parts of South Nyanza, Kisii, Trans-Mara and Bomet. The community health workers have actually done a superlative job in controlling such diseases by ensuring that they eliminate mosquitoes through spraying and all that. The Minister does not live in any village. Also, the professor does not live in any village. The Prime Minister of Sweden has no idea what villages look like, but she still wants to refer us to super elites to tell us about problems in the villages.

You have just heard from the hon. Member for Kuresoi, who is an experienced civil servant, that there is something called honoraria. You do not have to employ these people and put them on a payroll and enable them to go on strike and negotiate every other day. Give them honoraria of about Kshs5,000 each. *Waziri*, can you calculate how much Kshs5,000 is if you have to stop these diseases that are ravaging villages? Actually, it is not too much. You will admit so many people in hospitals and spent so much treating them, yet you can prevent these diseases. Is there no way you can accept that the honoraria is good enough because these will not be full-time workers. Just give them some little cash like Kshs5,000 each a month; they will still do some other things because they will work part time. If you bring that proposal to this House we should be able to approve it and find an answer to the problem.

The Temporary Deputy Speaker (Dr. Laboso): Minister, please summarize because we are really getting out of time.

Mrs. Mugo: Madam Temporary Deputy Speaker, I just want to tell the hon. Member that I was born in a village, carried water on my own head in a village and I am not only a city person. I came from a rural area and know exactly what goes on there.

The reduction of malaria that you are talking about is under my leadership. We have reduced malaria in Nyanza and everywhere else with those community workers. We have people who spray the areas and who are in the payroll. I do accept that community health workers do a very good job. That is what I started by saying.

Regarding the issue of honoraria we will look---

Mr. Kathuri: On a point of order, Madam Temporary Deputy Speaker. Is the Minister in order to mislead this House by saying that the Ministry does not have funds when the international community and development partners are contributing money daily into the kitty of the Ministry through many activities and workshops in Naivasha, Mombasa and other hotels in

Kenya? They fund those workshops with money which could be enough to take care of the small allowances that we are proposing for the community health workers. Is the Minister in order to mislead this House that she cannot access money?

Mrs. Mugo: Madam Temporary Deputy Speaker, my Ministry has not held any workshops in Mombasa and other places he is talking of. We are very thrifty with our money. When donors give money, they give for a specific activity. Unfortunately, we cannot change that activity. I negotiated for some vehicles which we gave to many constituencies. Those are double cabin vehicles that we got from the World Bank through my efforts. They provided specific vehicles for surveillance at the headquarters. I am now trying to get those vehicles out because I do not want them at the headquarters. I want them out there, but I have to get permission from the person who gave that donation. They give a lot of conditionalities. For the American grant, you cannot take even a cent. They might say that they will give it directly to a community and not to the Government. We do not have a free hand in relation to the amounts that you are talking about. If they have given money for a specific workshop somewhere, you have to hold that workshop.

If they are given for a specific workshop, we have to do that workshop. But I am saying that I have not been doing those workshops. When I negotiate for any funds, other than what donors sometimes decide among themselves, that even before coming through the Ministry they are going to do a certain function and they tell us, our role, therefore, is to support. However, as long as it is beneficial to our people we say: "Yes", because it is not your money.

But we do not move money for one function to another without the permission of the person who is giving the money. As I said, we will look into the issue. If it is possible, I am very sympathetic to community health workers because I know the work that they do. I follow what happens around the country very closely.

Mrs. Leshomo: Madam Naibu Spika wa Muda, ningependa kumshukuru Waziri kwa ile kazi nzuri anayoifanya. Ningependa waangilie *ambulances* na pikipiki ambazo walitoa. Waunde sheria kwa sababu hizo pikipiki na *ambulances* sio *matatu*. Kama mtu ni mgonjwa, unaambiwa uweke mafuta ili waende kuchukua mgonjwa. Ningependa kumwambia Waziri aunde sheria ya kulinda hizo *ambulances* na pikipiki. Watu wetu hutegemea mifugo. Wanauza mifugo ili pengine wapate pesa ya kupeleka mgonjwa hospitali. Kama mtu ni mgonjwa usiku, utaenda kuuza mifugo saa ngapi ili uweke mafuta kwa gari? Naomba Waziri atusaidie kwa sababu tuna shida kubwa.

Mrs. Mugo: Madam Temporary Deputy, Sir, I have heard that. People are not supposed to pay for petrol. We will follow this up to see whether our health workers are misusing the facilities.

Mr. Letimalo: Madam Temporary Deputy Speaker, we understand the predicament the Minister is in with regard to employment of community health workers. However, given that they do not have a scheme of service, and we appreciate the good work that they are doing, but for how long are they going to give voluntary services without any facilitation from the Ministry? Do you think their services will be appropriate or they will be demoralized in the absence of any allowances from the Ministry?

The Temporary Deputy Speaker (Dr. Laboso): Mr. Letimalo, I think that seems to have been asked severally. Last question by the Questioner.

Mr. Cheruiyot: Madam Temporary Deputy Speaker, in view of the fact that her Ministry is one of those Ministries which, year in, year out, return money to the Treasury, could she

consider using that money to pay those people some honoraria or some allowance? Kshs5,000 would be on the safe side.

Mrs. Mugo: I will give the same answer that I have been giving. I will look into the whole scheme to see what is required and what is available. You were on the other side one time and you know that the Treasury will not allow you to use money where you did not ask for it. We will check what we have and if possible, we will do it. If it is not possible, we will ask the Treasury for more money.

The Temporary Deputy Speaker (Dr. Laboso): Next Question by Mr. Mwathi.

Question No.1677

STATUS OF CONSTRUCTION OF TIGONI-KABUKU ROAD

Mr. Mwathi asked the Minister for Roads:-

(a) whether he is aware that tenders for the repairs and resurfacing of Tigoni-Kabuku Road (E423) were floated on 5th November 2007 and, if so, who was awarded the contract; and,

(b) whether the road construction works on the said road have commenced and, if so, whether he could indicate the status of the same.

The Assistant Minister for Roads (Mr. Kinyanjui): Madam Temporary Deputy Speaker, I beg to reply.

(a) I am aware that on 5th November 2007, the Ministry advertised tenders for the repair and resurfacing of the Tigoni-Kabuku Road, among others. However, due to insufficient funds, the contract for Tigoni-Kabuku, together with others, was not awarded.

Tenders for Zambezi-Karai were later invited separately as a priority and the contract was awarded to Patra Construction Company.

(b) The road is included in the Roads 2000 GOK/AFD Programme for reinstatement to bitumen standards during the Financial Year 2013/2014. In the meantime, the road has been undergoing periodic maintenance with spot improvements and drainage works having been carried out recently to make the road motorable.

Mr. Mwathi: Madam Temporary Deputy Speaker, I was looking at Question No.1424 which was asked yesterday by Mr. Dan Muoki regarding a road that was advertised in 2007. Apart from that road, there are other five roads that are generally located within Kiambu County. Significantly also, the Thogoto-Mutarakwa Road was advertised in 2007. It would seem that every election year, the Government tries to hoodwink the public by advertising and not awarding tenders. Now that this road was not awarded, it has been degraded from bitumen to gravel. Could the Assistant Minister confirm firmly when in 2013/2014 the construction of that road will start? It is now five years down the line. We do not want that answer just because we are headed for another election.

Mr. Kinyanjui: Madam Temporary Deputy Speaker, the procurement process of contracts - especially road contracts - takes a long time. If we waited until all the funds are available, indeed, we would not be able to consume the funds before the financial year is over. Therefore, it is normal for the Ministry to start procurements even before we get all the funds. In this case, what we did was to advertise the roads in anticipation of getting the funding to be able to do all those roads. However, we were not able to get as much.

As it is right now, as I have already indicated, we have factored this under the Roads 2000 Programme. I want to assure the hon. Member that before December, we expect the works to have commenced.

Mr. Kiuna: Madam Temporary Deputy Speaker, I would like the Assistant Minister to tell this House what long term plan they have in making sure that such incidents like the one in Limuru---

The Temporary Deputy Speaker (Dr. Laboso): Mr. Mwathi, you are the Questioner. So, allow the other Members to ask questions and then you can come in. Continue, Mr. Kiuna!

Mr. Kiuna: Madam Temporary Deputy Speaker, I am asking the Assistant Minister: What long term plan does the Ministry have to make sure that the roads which they have earmarked for a specific period are completed on time? That is not the only road from Limuru. The hon. Member has a right to complain about it.

In my constituency I have some roads which were earmarked for construction and some funds were allocated and yet, they were not completed. In fact, I can give an example of a specific road from Elementaita to Mau Narok which has never been started.

Mr. Kinyanjui: Thank you, Madam Temporary Deputy Speaker. As I have already said, the main aim of starting the procurement process even before we give the funding is partly to ensure that when the funding finally comes, we are able to take off as soon as possible. It takes about four or five months to complete the procurement process and, therefore, for our Ministry, it is important that we are able to start it in good time.

But nevertheless, Madam Temporary Deputy Speaker, I also want to assure the hon. Member that all the projects that have actually been advertised were advertised in good faith and I am sure that the one for Limuru, together with the one that he has already stated, fall in this category.

Madam Temporary Deputy Speaker, as to the issue of Elementaita to Mau Narok, that is part of the Lanet-Mau Narok Project and we have already done half of that. The other half is due to be advertised very soon – as soon as we are able to get confirmation of funding in that area.

Thank you, Madam Temporary Deputy Speaker.

Mr. Washiali: Madam Temporary Deputy Speaker, the issue I had wanted to ask other than the ones that have been raised by hon. Peter Mwathi is the issue of value; the amount spent on these roads. This is because we have seen a lot of shoddy jobs being carried out by contractors and yet the amounts that are usually given and spent on those roads are usually exorbitant. What mechanisms does the Ministry have as a follow up measure to make sure that we get value for money?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, I want to agree that, indeed, we have had a challenge in terms of quality of works done and I think this runs across all the infrastructure Ministries. But I think, more importantly, is the fact that we have had a serious capacity deficit when it comes to local contractors. What my Ministry, together with the Ministry of Public Works have done through the establishment of the National Construction Authority is to come up with programs that will uplift the capacity of the local contractors, because we appreciate that back in the rural areas, we may not be able to attract the very big contractors.

Secondly, Madam Temporary Deputy Speaker, a road is as good as the supervision. Therefore, even if you have a good contractor and the supervision is poor, you are bound to have a poor product. Therefore, the other thing we are also trying to do as much as possible in the counties and in the constituencies is to send qualified officers who can ensure that the roads are done according to specifications.

Lastly, Madam Temporary Deputy Speaker, we are also in the process of ensuring that where there is collusion between our officers and the contractors, where the specifications of the contract are contravened, we are able to take action on these particular officers. You are aware that there are specific roads that were done and are completely of poor standards many years back, and the consultants or the engineers continue doing many other roads. We are in the process of ensuring that such engineers who supervise roads that later on collapse are not allowed to continue doing that work.

Thank you, Madam Temporary Deputy Speaker.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, I would like the Assistant Minister to clarify in respect of the last statement he has made; that they are making attempts at ensuring quality control.

Madam Temporary Deputy Speaker, in a lot of areas like Mbita-Homabay Road – which I have asked the Assistant Minister about before – it is taking unduly long and we are concerned, even about the quality standards and all the Assistant Minister is saying is that they intend to do certain things. What I would like to know is; what structures are you putting in place to ensure that there is a system of ensuring there is quality control so that some of the areas where we have never seen tarmac, we do not just use them for a month and then we go back to the same old roads?

(Loud consultations)

My brother here is telling me that tarmac is only for Kenya; it is not for areas where I come from. *Kwani Mbita sio Kenya?* Can we know when he will provide those standards for places like Mbita?

Mr. Kinyanjui: Madam Temporary Deputy Speaker, for every road contract that is going on, there is a clear structure of supervision, starting with the resident engineer – who in most cases we actually outsource from the private sector – and in cases where we are using our local engineers as resident engineers, we also have external measures to ensure that the contract is followed strictly.

Madam Temporary Deputy Speaker, we also have auditors who come to the projects from time to time to ensure that we have strict audit controls and, thereafter after the project is complete, we have what we call a defect liability period. This is the period within which if there are any defects, the contractor is liable and we will not pay him the full amount of the contract until this period is over. What we hope to do in days to come is to extend the defect liability period. Previously, it has been 12 months, we have pushed it to about 24 months but we hope to push it to even longer because as long as the contractor is aware that they are responsible for this road for a much longer period even after construction, then the quality is bound to get better.

Thank you, Madam Temporary Deputy Speaker.

Mr. Gitari: Madam Temporary Deputy Speaker, I would like to ask the Minister whether they have a comprehensive roads work program for the whole country which can be availed to hon. Members, because some roads even in Kirinyaga Central Constituency are pathetic, especially Kagaita-Kagumo Road.

Mr. Kinyanjui: Madam Temporary Deputy Speaker, we came up with a document we call the “Road Sector Investment Program,” which clearly stipulates our plan for the next 10 years and how we hope to achieve that. However, all this is pegged on funding because it is not possible for us to achieve all our targets without support from Treasury and other donors.

So, Madam Temporary Deputy Speaker, indeed, we have a program that clearly stipulates which roads we would want to do, the connection and logic behind it. That document is available to the public and I can avail it to the hon. Member.

Thank you, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Peter Mwathi, ask the last question.

Mr. Mwathi: Thank you, Madam Temporary Deputy Speaker. There is no doubt that residents of Limuru, especially Tigoni and Kabuku, are suffering because of the pathetic conditions of this road. However, I want to thank the Assistant for the undertaking in his statement; that the work will start before December. But I would like him to clarify; there are very many Decembers. Which December are you referring to; is it December this year? Is it December next year? So that the residents can, at least, wait in anticipation for the road to be done.

Mr. Kinyanjui: Madam Temporary Deputy Speaker, as I have indicated, within this financial year we can have only one December, and that December is about four months from now. I want to assure the hon. Member that, indeed, we will have already commenced work by then to ensure that the road is completed and that members of public from this particular region can enjoy this road.

Thank you, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, Question No. 17837 by Dr. Munyaka, Question No. 1712 by Nelson Gaichuhie and Question No. 1726 by Mrs. Odhiambo-Mabona will be put on the Order Paper tomorrow because we need to move on.

Question No. 1737

NON-PROVISION OF FIRE FIGHTING EQUIPMENT
TO MACHAKOS TOWN

(Question deferred)

Question No. 1712

NON-PAYMENT OF PENSION TO MR. WESTON A. HAMILTON

(Question deferred)

Question No. 1726

PROVISION OF ALLOWANCES TO BEACH MANAGEMENT UNITS

(Question deferred)

Next Order!

BILLS

Second Readings

THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL

Mr. Chachu: Madam Temporary Deputy Speaker, I beg to move that the National Drought Management Authority Bill, Bill No. 13 of 2012, be now read a Second Time.

Madam Temporary Deputy Speaker, on 22nd of July, 2009, this Parliament passed a Motion urging the Government to establish the National Drought Management Authority. On that day, I successfully moved that Motion. By Legal Notice No. 121 of October, 2011, the President, through an Executive Order, established the National Drought Management Authority. This is a State Corporation vested with authority and the powers to manage drought in our Republic.

Madam Temporary Deputy Speaker, drought is a major issue affecting our country. In some parts of this country, we face severe drought almost every few years. Its negative impact on our economy, social life and life in general cannot be under-estimated. It is against this background and in light of the critical importance of drought mitigation that this Bill gives the Drought Management Authority the legal status. The Authority will be established and be founded in our statutes rather than just an executive order.

Madam Temporary Deputy Speaker, therefore, this Bill seeks to transit the authority established under the order to a statutory body and as such, the enactment of this Bill will not result in additional expenditure of public funds.

Madam Temporary Deputy Speaker, let me give some background information about drought in our Republic and from a global perspective. It was in 1948 that the Universal Declaration of Human Rights affirmed the right to everyone in our globe to adequate level of living, including adequate food. Many years after 1948, some parts of this world, especially Africa, are still largely food insecure.

Madam Temporary Deputy Speaker, even the Millennium Development Goal No.2, in particular, has committed to having the number of hungry people in the world by 2012---- This MDG is not likely to be realized especially in Africa and, particularly in Kenya, even in the next decade. Globally, the number of people suffering from hunger is at an all time high of 1.2 billion. This is according Food and Agricultural Organization (FAO) Report of 2009. About 75 per cent of this world hungry people are peasant workers, pastoralists, indigenous communities, as well as our women. The impact of drought on our society is immense. It undermines the lively strategies of the pastoralists. It erodes their assets and culminates in a downward spiral of increasing poverty and food insecurity.

Madam Temporary Deputy Speaker, in the past four decades, drought has become more intense, more widespread and more severe. Just to give you an example, emergency drought in Kenya was serious in 1983,1984, 1991,1992,1996, 1997,1999 and 2001, 2004,2005 and 2006 and last in 2009/2010 and 2011- just last year. That drought affected directly more than ten million Kenyans and had a major adverse impact on our economy.

Madam Temporary Deputy Speaker, just in 1999 to 2001, 4 million people depended entirely on relief food, which was estimated to cost US\$415 million. This is largely in Northern Parts of Kenya. There are so many humanitarian impacts of droughts on our lives. It shortens our lifespan; the threatening interventions are so severe; congenital and physical disabilities resulting from chronic under-malnutrition. Also the people who are affected are constantly on the brink of disaster, which has a major impact on their own psychology.

Madam Temporary Deputy Speaker, also, there is severe economic impact of drought and food insecurity on our nation. When famine occurs, it contributes to a massive degradation of our natural assets, especially livestock, which is the backbone of the pastoralist economy. It diverts resources away from potentially more productive uses, as our nation invests in drought emergencies.

Madam Temporary Deputy Speaker, the impact of drought is further exacerbated by factors that increase vulnerability and compromise the capacity of those affected to recover, especially pastoralists, due to food insecurity, limited livelihood diversification, inadequate social and physical infrastructure, poor marketing systems, as well as low investment in the livestock sector. Therefore, more attention is required to manage climate reliability and impact on climate sensitive lives of pastoralism. We need to promote better social protection programmes for the vulnerable Kenyans and pastoralists. There is also need to build adaptive capacity in pastoral regions to reduce poverty and enhance economic growth.

Madam Temporary Deputy Speaker, achievements of MDGs especially those related to poverty and hunger cannot be realized unless sound drought management systems are put in place. The National Drought Management Authority is an institutional response for drought management for our Republic. Progress towards many of those MDGs targets reduction in poverty, malnutrition, unemployment, child mortality, as well as maternal health. This Bill---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Shebesh, do you want to intervene?

Mrs. Shebesh: Yes, Madam Temporary Deputy Speaker. I would like to rise on a point of order. I would like to raise the issue of the Government side and the Minister who should be responding to this Bill.

Madam Temporary Deputy Speaker, I say that with a lot of respect because I know there is a lot of work which has gone into this Bill. It will be very unfortunate if we do not have the Minister of State for the Development of Northern Kenya and other Arid Lands or any Minister, who can respond. We are discussing a very important Bill.

Madam Temporary Deputy Speaker, since I can see the Whip here, maybe, he can make an effort to get the Minister here while we are debating this.

The Temporary Deputy Speaker (Dr. Laboso): The whip is here. We do not have the Front Bench.

Mr. Muthama: Madam Temporary Deputy Speaker, I share the concern of the hon. Member of Parliament, hon. Shebesh. It is true that in the Front Bench, there is no Minister.

Madam Temporary Deputy Speaker, I think the issue should also be addressed to the quorum itself and with the bell being there, I expect, at least, to have Members of the Front Bench.

The Temporary Deputy Speaker (Dr. Laboso): You are the representative at the moment, being the Government whip. Could we see that we get some Members, particularly those that are concerned with the Bill?

Mr. Muthama: Madam Temporary Deputy Speaker, I undertake to get into that mission.

The Temporary Deputy Speaker (Dr. Laboso): Okay, then, the Member can continue moving his Bill.

Mr. Chachu: Madam Temporary Deputy Speaker, I just want to state that I have worked very closely with the Minister. There was a stakeholder's workshop in Naivasha with officials from his Ministry as well as members of the National Drought Management Authority. So, we

have been working very closely and I hope he will be here. But we have been working very closely.

Madam Temporary Deputy Speaker, as I conclude the background information on this Bill, sustainable development can only be achieved through more effective drought management structures spearheaded by such specialized drought management agencies such as the one I have proposed in this Bill; the National Drought Management Authority.

Madam Temporary Deputy Speaker, this Bill has five parts. Part one is basically on preliminaries, giving the definition and concepts in the Bill. Part two is about the National Drought Management Authority. This is particularly about the establishment of a State corporation to spearhead the management of drought in our country. Part three is about financial obligations of the National Drought Management Authority and Part Four is about miscellaneous provisions. Finally, Part Five is about savings, transitions and repeal. Let me just discuss briefly a few of these parts, which are relevant.

Madam Temporary Deputy Speaker, Part Two is about the National Drought Management Authority. It is about the Authority that is to be established and its functions. It will basically have all the powers to manage drought and co-ordinate all the activities that are related to drought management, including the implementation of policies, as well as co-ordinating drought response initially being undertaken by other bodies, including Government and NGOs. It will also propose efforts into development of policies, plans, programmes and projects in order to ensure proper management of drought. This is really to reduce duplication as we harmonize all our projects and activities.

Madam Temporary Deputy Speaker, finally, it will also operate under efficient drought early warning systems, facilitate national and county level drought co-ordination process and assist in the preparation of national and county level drought contingency plans. It will also, once in a while, establish designated manual scores or guidelines relating to drought management and prevention of extreme effects of drought on human, plant and animal life. Once in a while, it will prepare and issue an annual report on the state of drought management in Kenya. It will also have the powers, as a State corporation, like any other in our Republic, to do a few functions. One is to manage, control and administer the assets of the Authority in a manner that will enable it to be effective in its mandate. As an Authority, it will also receive grants, donations, endowments remitted to the Authority or any other monies that will enable it to achieve its mandate.

Madam Temporary Deputy Speaker, the Authority will also enter into collaboration with all other organizations within or outside Kenya, for it to be in a position to further its mandate and achieve its objective. Others are just functions or powers that any State corporation in Kenya is entitled to do. It will have members of the board, chairperson and board of directors who will be appointed by the Minister responsible for matters relating to drought management as well as the Minister responsible for matters relating to finance. It will have four other directors appointed by the Cabinet Secretary with the approval of Parliament. The qualification of the Chief Executive Officer (CEO), as well as the directors, is like those of any other members of a State corporation. He should be well trained, versed, experienced and have the necessary academic qualifications. Of course, as directors of the corporation, they will formulate policies to achieve its mandate. They will provide strategic direction, leadership and oversight to the secretariat. Finally, it will also undertake activities, as may be necessary, for the discharge of its functions and powers as the board of directors of this State corporation.

Madam Temporary Deputy Speaker, as I was working on this Bill, we had several consultations with Members of Parliament, stakeholders, as well as international Non-Government Organizations (NGOs). It was just on 3rd and 5th May, 2012 that we had a meeting in Naivasha, at Enashipai Lodge, where most of the stakeholders came on board. We were able to look at the Bill very critically with the support of the Legal Department of Parliament. We were even able to look at the necessary amendments for this Bill to be more useful to the State corporation, which was already established by the President under the Executive Order.

Madam Temporary Deputy Speaker, as I mentioned earlier on, I moved the Motion in 2009 and have worked very closely with the Minister. The President was kind enough to give an Executive order which establishes this Authority. All we are doing now is just to have the Act of Parliament or statute for this Authority, to move from an Executive order to be legally based and function legally in our country through the Act of Parliament. Most of the functions are already in place.

Madam Temporary Deputy Speaker, with those few remarks, I beg to move and ask Dr. Khalwale to second.

Dr. Khalwale: Madam Temporary Deputy Speaker, I would like to congratulate hon. Chachu, who is an able Member of the Public Accounts Committee (PAC) which I chair, for this very important Bill.

Madam Temporary Deputy Speaker, it is so unfortunate that a country like Kenya which is endowed with a lot of rain and fertile soil in one part of the country, can every year be living from crisis to crisis on the issues of drought management. We must make sure that this particular Bill passes and this Authority is in place, so that besides what is envisaged in this Bill by the hon. Member, the Authority can have the power to manage the water resource that is usually the biggest crisis in these areas and draw experiences from successful countries like Israel and other Middle East countries. We want to see a situation where water can be managed in such a way that when there is usually a sudden avalanche of rain that comes to this place, this water does not go to waste, but is stored so as to be used at a time when such water is not available.

Madam Temporary Deputy Speaker, it is, indeed, unfortunate and a real demonstration of lack of leadership in this country, that it has required the efforts and energies of a private Member. One would have expected that with the Ministry of State for Development of Northern Kenya and other Arid Lands in place, this would have been the priority exercise by the Minister. But be that as it may, I am hoping that the Minister, who unfortunately is not here this morning, will work hand in glove with hon. Chachu, so that this Authority can be founded in law. That a country like Israel, which does not enjoy some of the goodies that mother nature has given us, is self-sufficient in food and can be a net exporter of fruits and fresh produce, should be a wake-up call for Members of Parliament in general, especially those from North Eastern; to push this Government and the next Government to ensure that not a single child and woman should be afflicted with hunger because of drought. It gives me a lot of pain, as I second this Bill, to realize that the people who bear the greatest impact of drought are usually little children, mainly of less than five years. This extends to, especially pregnant women. The challenge is so grave, that having worked in that area as a Doctor of Medicine, I know for a fact that even the fertility rate of the women there is affected because of grave malnutrition and the stress that they go through. You will find that the interval between one birth and another one is so long, because of the challenges that they face.

Madam Temporary Deputy Speaker, I want to second this Bill and urge the whole House that we wholeheartedly support it.

Madam Temporary Deputy Speaker, with those few remarks, I second.

(Question proposed)

Mrs. Shebesh: Thank you, Madam Temporary Deputy Speaker. Like my colleague, Dr. Khalwale, I would like to congratulate the Mover of this Bill. This is an issue that, of course, should have been brought by the Government, because drought becomes a national disaster for this country every year. However, the Government sees it fit to manage crisis and, therefore, this kind of Bill that should have come from them, is forced to come from a Member of Parliament who feels the impact of drought directly in his constituency. But more importantly, probably for those who do not know, hon. Chachu is highly qualified in this field and, therefore, drafted it also as an expert. That is why we are congratulating him.

Madam Temporary Deputy Speaker, in the process of this, a few questions were being asked amongst ourselves, in the Committee, as we were thinking. We were asking ourselves whether we even have a national drought disaster policy; again, a policy that is, unfortunately, sourced from one Ministry to the other. One of the biggest issues with dealing with drought in our country is the fact that there are too many Ministries competing to own the issue of drought. We have the Ministry of State for Special Programmes, the Ministry of State for Development of Northern Kenya and other Arid Lands that was set up recently, the Ministry of Agriculture because, of course, it is an issue of food and the Ministry of State for Provincial Administration and Internal Security because they are the ones who do the distribution of food. If people could take time to understand how the crisis of drought is dealt with except those hon. Members who come from those areas, most of us who do not come from those areas, if we were to sit down like I have done and taken time to understand, you would not only be amazed at the confusion during the time of disaster but you would be saddened.

We once went with Mr. Nanok to his constituency during the drought and food had been taken by the Ministry of State for Special Programme to the DO's office but to get that food to where people needed it inside Turkana, it had become impossible. Why? Because either there was a car with no fuel or the officer who was supposed to sanction that food to come out from the stores to go to a certain vehicle was not there or there was some crisis between the DO and some local political leaders. It was shameful to see that even as food has been taken by the Government to deal with the drought, it can remain in the stores in the DO's office for another two weeks just because of logistical issues. That is why when this Bill is brought here, this Authority will bring some sense of responsibility to lie within one organ. This is because this Authority, I expect, will be able to liaise with the Minister of State for Special Programmes, the Minister of State for Provincial Administration and Internal Security, the Minister for Agriculture and the Minister for Water and Irrigation. This Authority's work will be more of a co-ordinating function because what has really bogged this sector is that co-ordinating issue.

Madam Temporary Deputy Speaker, we have never lacked food in this country. We have drought and people die in this country yet on the other side in the North Rift, maize is rotting in the fields. Surely, with an Authority like this, it is not rocket science for them to know that they can go across the borders to the Rift Valley and buy food and feed the people where there is drought. That might sound like a very simple thing but amazingly; it is not what has been happening. We have been watching food rotting and milk being poured in Nyandarua while people are starving in Wajir, Turkana and Marsabit. This has simply been poor co-ordination of Government. Pure and simple! So what Mr. Chachu has done, because he has experienced it

right hand, is to know very well that it will not be how much food can be brought by those who assist us or how much we can grow but how it will be managed so that it reaches those who are hungry. This is key to setting up this Authority.

The other reason it must be set up is because people who plan ahead must be there. We cannot always be thinking that there will be disaster and our work is to do disaster management response all the time. We must be prepared for disaster by having such an Authority. I would like Mr. Chachu to look clearly whether he has given that provision or not to clearly see whether it can be given the role of those who can foresee disaster because we definitely have the necessary data and signal. The weatherman these days never makes many mistakes; he will tell us so we have information on the ground. Surely, we can foresee that there would be a disaster very soon in the form of drought in one or two areas and, therefore, they are the ones who can raise the flag with the necessary Authority. So I would like this Authority to do two things: To co-ordinate and help in the response but also to prepare so that it does not become what one old woman once told me when I asked why she thought the drought had taken too long. Her answer was so simple, she said she thought God was punishing them for a reason they did not understand. Those on the ground do not understand why the droughts are longer than they have ever been. They do not understand that climate change and its effects are being felt and, therefore, people need to be told that this drought will be longer and that there must be an Authority to support them.

I, therefore, support this Bill wholehearted and again congratulate Mr. Chachu for the good work he has put in bringing this Authority to fore following up the Executive order, of course, that had been given by the President, who again, we must thank for having given that Executive order.

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

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Speaker, thank you for giving me this opportunity. I want to start off by thanking Mr. Chachu for bringing this Bill. It is, indeed, timely because as a country we have been faced with the challenges relating to drought, the most obvious one, of course, being the issue of food security. We know that over the years this country has faced poverty as a consequence of that and one of the major reasons has been the poor response to drought management or a not very effective drought management system in the country. So I want to thank Mr. Chachu for taking that initiative and also just thanking him for being consistent because he has been pushing this agenda. He brought a Motion which I supported and I just want to thank him. In thanking him, I also want to acknowledge that, indeed, there has been feminization of poverty and the face of poverty in this country is the women. If you see the persons who have to walk distances to look for water, it is women. If you look at persons who die because of not being able to access basic needs, it is the women and know that the men also suffer but the persons who suffer the most are the women. Whenever the women suffer, our children suffer by consequence as Dr. Khalwale indicated. So I want to thank the hon. Member that without even indicating it, he is thinking about our women.

I want to indicate that because drought is designed by deviation from the normal rainfall, it can happen in all rainfall regions and it also can occur in this country in every region. The frequency of severity may vary from place to place but it affects everywhere. The challenge that we are facing as a country is that the approach we have taken is to look at it at very region specific manner and that is why even though I thank the Government for looking at the Ministry of State for Development of Northern Kenya and other Arid Lands and setting up the Authority, as a first step, it is not enough because drought does not just affect northern Kenya. It affects

very many places. Where I come from in Mbita, Homa Bay County, it is affected even though you would not qualify it as one of those areas.

We also know that management of drought is a very complex issue and, therefore, it is important that this Authority is given legal clothing to look at it in the complex manner and deal with it in its complexities. I am very happy that even in the Bill you notice that the hon. Member, in terms of the membership and expertise, he is calling for people with expertise in environmental law and environmental management and so I am, indeed, very happy.

This Authority, once it is set up, should look at the way the world is moving because of globalization. There is enhanced specialization by countries. As a country, we must start looking at this country the way we look at a business or a corporation. If you have a business, you want to excel. You want to be the best and you want to market it as the best. Kenya, as a country, must stop being a jack of all trades and a master in none. Because agriculture is our mainstay, we must manage the issue of drought effectively. We must seek maybe the four or six core areas that we have expertise, but we cannot want to be experts in everything. That is why we are not good at anything.

Madam Temporary Deputy Speaker, for example, Kenya that has always been the best in Olympics is now dragging behind because we do not want to put energies in what we are best at. One of the best things that God gave this country is land. If you travel all over this country, there is vast expanse of land, whether it is fertile or not, it is there. If you look at places like Israel, we can change this country with effective management. I would like to encourage this Authority that when it is set up, it must learn to specialize. I know that sometimes Kenyans are not very happy when we do a lot of international trips, but I would be very happy if we do these international trips and come back with very effective lessons. The only problem is that as a country, we are all talk and no work. Let us talk, but translate our rhetoric into action.

Just last week, we were in Ghana with the Chair and I get very embarrassed when we go there even though I know many of us will say that Ghana got Independence ahead of us, but there are other countries which got Independence after us like Zimbabwe. I get very embarrassed because Kenya has brains. Why can we not translate our brains to effect change in this country? I want to encourage this Authority that when it is set up, it should spend six months and then travel to other countries that have done well. I can see we have put money in this Bill for them to travel. They do not have to go very far. They should just go to countries like Ghana and Zimbabwe despite her economic challenges. They should go to countries like Namibia where we have Kenyan brains. They should go to countries where Kenyans are making a difference and let us learn from them that Kenya does not have to be food insecure if we manage our affairs well.

I want to make one or two comments in relation to this Bill. If you look at Clause 5(c) which I would like to encourage the Member to look at, it says:-

“The Authority shall promote the integration of drought response efforts into development policies, plans, programmes and projects in order to ensure the proper management of drought”.

I think sometimes we cut and paste terminologies and we do not give them much thought, but if as a country we ever thought very deeply about the things that we write as law, if indeed, we actually took this wording very seriously, then we can make a difference. This is the sort of terminology that is always used for gender mainstreaming and integrating drought in sports and in everything, but this Authority will sit and manage drought from the perspective of that authority and not integrate it in all other Government programmes. I want to encourage the Authority that as it starts its work, they should tell us how they are integrating this in sports, in

the development of roads and in fisheries. One of the ways that you can do this is by diversifying. Let us think outside the box. We never change unless we learn as a country to be innovators. The world is now run by innovators. Let us not just think that we will do things the same way that we have done them before and hope to bring change in this country. We must innovate. Therefore, innovation will lay largely in the way we handle, for instance, Clause 5(c). How we learn to integrate and diversify.

Clause 7(d) says that:-

“The management of the Authority shall vest in a Board which shall comprise - four persons who shall be competitively appointed by the Cabinet Secretary with the approval of Parliament”.

I would like to encourage the Member to indicate what expertise we are looking for in these four members. I encourage that one of them should be a person who also has expertise in gender and drought management or gender and environmental management. They are very many. For example, we have Prof. Patricia, who was my supervisor in Environmental Law at the University of Nairobi. She is excellent with gender and environment. We can think of such people. We have very serious people in this country that we are not utilizing properly.

I would like to thank the Member especially in relation to Clause 12 that is very close to some of the provisions of the Constitution in terms of mainstreaming marginalized and vulnerable groups. He has provided under Clause 12(4) that:-

“The Board shall ensure that in the appointment of its staff, not more than two-thirds of the staff shall be of the same gender.”

That the regional and other diversity of the people of Kenya is taken into account and persons with disabilities are afforded adequate and equal opportunities. As a person who has worked, almost all my life in equalizing opportunities for all, I want to tell the Member that this is excellent and all other pieces of legislation should follow this save that he needs to add just one other, which is the youth. The Constitution provides for the youth and we normally forget them. You provide for the youth by either providing for age sensitivity or providing very specifically for them.

I also want to laud the Member for Clause 23 that also seeks public participation and giving public information. I know it will take us a while to get there and a lot of times, as Parliament, we are dismissive of the efforts of the civil society, but we are here as a country because of the efforts of the civil society that have pushed for change and for providing certain standards. That is why we now have an open society where we can talk and say whatever we want.

With those few remarks, I want to congratulate the Member. I am sure that if this Authority works well, poverty will be a thing of the past. I beg to support.

Mr. Affey: On a point of order, Madam Temporary Deputy Speaker. I want to suggest that because of the time remaining and the fact that a lot of us have an interest in contributing to this very important Bill, we request Members to restrict their contributions to five minutes instead of the 20 minutes given in the Standing Orders, so that many of us in the House can get an opportunity to ventilate on this very important Bill. I, therefore, wish to plead with the House to allow us to reduce the minutes.

The Temporary Deputy Speaker (Dr. Laboso): Is it carried by the House that we reduce it to five minutes? I have about six Members who want to contribute. Is that passed?

Hon. Members: Yes!

The Temporary Deputy Speaker (Dr. Laboso): Therefore, Members will take five minutes each.

Mr. Muthama: Bi Naibu Spika wa Muda, ninakushukuru kwa kunipa nafasi hii. Ningetaka kumshukuru mhe. Chachu kwa kuuleta Mswada huu katika Bunge ili tuweze kuuchangia.

Taifa la Kenya ndilo taifa la kipekee ambapo uongozi wa juu unaruhusiwa kufanya unavyotaka na kutoa mateso bila chuki kwa Wakenya. Hatungekuwa tunaongea kuhusu ukame katika taifa letu kama tungekuwa tunaliongoza vilivyo na kuangalia mbele ili kuona linaelekea wapi. Tutaunda jopo hili halafu tuunde lingine na lingine. Umekuwa ni mwito kwa Wakenya kuendeleza sera za aina hii. Uongozi wetu ulikuwa ni wa kuunda tume na mambo mengine lakini mwishoni hakuna kinachotokea.

Katika nchi hii tuna maji. Tuna mito miwili ambayo inajaza maji katika bahari letu la Hindi. Maji ya mto Tana yanapita bila kutumiwa na kuguswa na mtu. Maji ya mto Athi yanaelekea baharini bila kutumiwa na kuguswa na mtu. Hivi leo, mto huo umegeuzwa kuwa mtaro wa kusafirisha uchafu unaotoka Nairobi, Athi River na Thika. Maji yanayoingia Bahari Hindi huwa yamejaa uchafu.

Ikiwa Wizara ya Maji ingefanya kazi inavyostahili tusingekuwa na shida ya maji nchini mwetu. Sisi tunataka tu kupigana na njaa na ukame lakini maji yanaachwa. Tunalia kwamba kuna ukame katika taifa letu.

Maji ya Ziwa Victoria yanawalea na kuwalisha Wamisri kule kwao. Maji haya yanatoka huku kwetu bila kutumika ilhali tunalalamika kuna ukame. Ingekuwa tunajitoa mhanga kuangalia maslahi ya wananchi, taifa letu lisingekuwa na shida hata kidogo ya ukame.

Kwa hivyo, uongozi wa juu na wenye kupanga mipango kuhusu jinsi maji yatakavyotumika katika taifa watoke kwenye maofisi zao. Waache kupanga mambo ya kujipatia magari makubwa ya kutembea nayo, kujilipa marupurupu ya kutumia wakiwa safarini na kufanya safari zisizofaa. Inawapasa wafike mashinani kufanya kazi. Wasipofanya hivyo, tutakuwa na taabu katika taifa letu.

Naomba kwa unyenyekevu kwamba waliopewa madaraka ya kufanya kazi waache mipango ya kupotosha watu. Waache kusema, "Mimi ni mkurugenzi wa shirika hili." Waingie kufanya kazi.

Mhe. Shebesh amesema jambo ambalo lapaswa kuangaliwa. Tunapatwa na njaa huku kwetu. Watu wanakufa na inatubidi kutumia hela zinazoweza kuweka maji hapa kununua chakula nje ilhali ukienda pale Kinangop utaona viazi vikiozea barabarani kwa vile havina mwenyewe. Makabeji vile vile.

Bi. Naibu Spika wa Muda, mahindi ya hapa Kenya utagundua kwamba yanaoza na hali wakulima hawajalipwa pesa zinazowafaa huku tukisema kwamba kuna njaa. Ikiwa tutapanga mipango sawa ya kujimudu, taifa letu litasimama imara na hatutakuwa na ukame. Isitoshe, pasingekuwepo na ukosefu wa kazi kwa sababu vijana wetu wanaofurika mijini wanafanya hivyo kwa sababu hakuna ajira kule wanakotoka. Tumeweka pesa mijini. Tunazunguka nazo mijini. Tunazitumia huko mijini. Tunajiwekea mishahara mikubwa. Maandamano ya walimu na madaktari ni kwa sababu ya usimamizi mbaya wa uchumi wa taifa letu.

Naunga mkono. Watakaolingia kwenye halmashauri hii wafanye kazi vizuri kwa kuwa watakuwa wanatumikia taifa hili.

Mr. Ruteere: Madam Temporary Deputy Speaker, I would like to support this very important Bill and join my colleagues in congratulating hon. Chachu Ganya for bringing it. Indeed, it is a challenge to the Government that after crying by Kenyans that the country is dry

and drought is persistent, the Government has taken no initiative to ensure that this problem is addressed. It is a pity that even today when we are discussing this important Bill, the Government side is almost empty. The Ministers who are supposed to be here, that is, the Minister for Water and Irrigation; the Minister of State for Development of Northern Kenya and other Arid Lands; and the Minister for Forestry and Wildlife are absent in Parliament.

The drought cycle is frequent because---

The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow): Madam Temporary Deputy Speaker, is it in order for the hon. Member to say that the Government side has no Members when we are more than the Backbenchers here?

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. I.E. Mohamed): Madam Temporary Deputy Speaker, it looks like the hon. Member does not know me and yet I have a peculiar hairstyle. The hon. Member needs to know that I am the Minister of State for Development of Northern Kenya and other Arid Lands.

The Temporary Deputy Speaker (Dr Laboso): Hon. Silas Ruteere, the Government is well represented here. Please, conclude now.

Mr. Ruteere: The Minister has just come in and that is why I had not seen him. However, two-thirds of our country is dry. Because of the frequent climate changes that bring about frequent drought, the entire country is faced with drought frequently. Unless we address this matter, no development will take place.

Kenyans need food. We are fond of importing food when there is a shortage. That way, we are not going to assist Kenya. I was in Israel in 1981. Israel was a very dry country then. However, they had an affirmative action to see that their country was afforested. Today if you went to Israel, you would realize that it has forests. Today in Kenya we have reduced our forest cover from 12 per cent which it was at Independence to 2.7 per cent today. So, we do not have rivers. Our wetlands are gone and conservation management is lacking.

This Authority, given the powers, will address these issues. It is time our forests are increased. It is time that our wetlands are recovered. It is time that we conserve that which will make us have voluminous rivers that will irrigate our country. We do not want our rivers to go to waste as they feed the Indian Ocean. In Egypt, they are food sufficient yet they receive no rainfall. They depend on River Nile. Sudan feeds its citizens and it depends on River Nile. We have rivers across the country and yet we are not able to feed our people. This Authority will address these issues. This is a timely Bill and I support it.

The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow): First of all, may I join my colleagues in congratulating the Member of Parliament for North Horr. This Bill would not have come from a better person than a pastoralist like him. You understand that he comes from the Chalbi Desert. I know he knows his job very well.

This is an Authority that must begin its work now. I hope it is not going to be just like any other that we always have. We keep on creating authorities here and there and yet they may not be doing what they are supposed to do. I understand that there is a lot of confusion right now between Ministries which are responsible for this work. I hope this Authority will merge the work done by those Ministries, especially my Ministry, the Ministry of State for Special Programmes. The other one is the Ministry of State for Development of Northern Kenya and other Arid Lands.

You have just heard that chiefs and DOs and DCs are distributing food. I hope that this Authority will not be a food distributing agency; rather it should be able to give permanent solutions to our problems especially those ones that are caused by drought. I am one person who

is totally against food distribution unless it is needed. We have been distributing food from January to December. It would be better if that money was used for other purposes like irrigation or other issues that would lead to the improvement of the lives of our people.

Madam Temporary Deputy Speaker, I am sure that this Authority will do a better job; I urge the Minister, or whoever will head this Ministry, to make sure that the Board Members and other professionals are of high quality and are people who are experienced. We do not want a situation where politics will be played and we appoint people who have no relevance. So, we will look into that and make sure that we give the positions to professionals, because we do have them and they understand these areas.

With those few remarks, I will be at the forefront to support this Bill. I am sure that it will take the right direction.

Mr. Affey: Thank you, Madam Temporary Deputy Speaker for giving me this opportunity. First of all, I want to congratulate and thank hon. Chachu. I want to say, on behalf of all the pastoralists in this country, that we are proud to have hon. Chachu as a Member of Parliament. I will be very surprised if the people of North Horr do not give him another opportunity to come to this House.

Before this Bill, hon. Chachu had brought a Motion regarding the management of drought in this country and the House supported it. However, we have a Government that does not listen. They do not listen because they do not have ears, eyes and noses. This is a blocked Government. It is just a Government of farmers. It is a farming Government and not a pastoralists Government.

This is a Bill that should have been brought by the Government if, truly, they care about the welfare of the pastoralists in this country, who form three-quarters of the population of this country. They even deceived us by giving us a Ministry called the Ministry of State for the Development of Northern Kenya and other Arid Areas; they deceived three-quarters of the people of this country; this is political deception. This is a political deception; we have a Ministry that has no money and a Minister who comes from home, so that they can---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Affey, there is an interjection by hon. E. I. Mohamed.

The Minister of State for Development of Northern Kenya and other Arid Areas (Mr. E.I. Mohamed): On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to mislead this House by saying that the Government does not listen and it is not for pastoralists, yet after supporting the Motion of hon. Chachu His Excellency the President has, through an Executive order, already created the National Drought Management Authority? It is already functional. It seems as if the hon. Member is not aware of what is going on in the country; we still support this Bill.

Mr. Affey: Madam Temporary Deputy Speaker, I agree that this is not a listening Government. In fact, it is after hon. Chachu brought this Motion due to the compulsion of this House or Members of Parliament, that---

Mr. Mututho: On a point of order, Madam Temporary Deputy Speaker. Whereas I do not agree with the language used by hon. Affey, that is a fact. I am the chairman of the Committee that oversees that Ministry. The issue is dealing with northern Kenya, as put by hon. Affey. The money we have there is in peanuts. It cannot carry out basic obligations. Is the Minister in order, therefore, to mislead the House by saying that there is enough money to carry out the basic obligations?

Mr. Affey: Thank you Madam Temporary Deputy Speaker. The Minister will get his opportunity.

We are proud of this House because the representatives who are here are true Kenyans. They are the ones who supported the Motion. They are the ones who today continue to support this Bill. So, if it is fair to say thanks, then we will say thanks to Members of Parliament and not the Government, because it acted after a Member of Parliament brought a Bill here.

Madam Temporary Deputy Speaker, if it was about tea or coffee - and with due respect to my colleagues because the chairman of the committee, Mr. Mututho, has been a very good supporter of all the farmers, even the pastoralists---Although we have got corporations dealing with tea in this country and boards that were established a long time ago to deal with coffee, we do not have a single one dealing with matters regarding pastoralists. It is being established now, not by the Government, but at the request of Members of the Back Bench. The Government is only coming to applaud us. You should have come up with this Bill a long time ago.

Madam Temporary Deputy Speaker, I want to continue by saying that this Authority is needed and was needed a long time ago and we want to support it. Given the possibility of this Board, trying to seek for funding, not necessarily from the Government because we do not have a Government that listens, but from other organizations, will be good. The Government does not like the pastoralists. So, the fact that now we can go to other organizations that are in love with pastoral affairs to give us funding will be good. If it came through the Ministry, I can tell you the Treasury will refuse even before it comes to the Minister.

Right now we have monies lying in the Ministry of Finance and the former Minister for Finance can confirm this. This money is meant for the construction of roads in northern Kenya between Garissa and Mandera. Even when donors have given us money, the Government has refused to put in its component. Therefore, we are very happy that we have a system which will give us money minus the direct engagement of the Government.

Before this was established we used to have what we called---

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I have been challenged to confirm that the Government has been supporting northern Kenya. I really want to confirm that indeed millions of shillings have been poured. Right now the road that is just being done to link Kenya with Ethiopia is passing through northern Kenya. The Lamu Port-South Sudan-Ethiopia Transport (LAPSET) corridor is part of opening up northern Kenya. Now that the hon. Member has challenged me to confirm, I wish to confirm that in fact there is a lot of money. I would like to encourage the hon. Member to visit that part of the country more often to see what the Government is doing.

Mr. Affey: Madam Temporary Deputy Speaker, it was all an afterthought. I am just talking about a fraction of what the Minister is talking about. But the Minister will also confirm that they are refusing to do the road between Garissa and Mandera and I do not know for what reason. It is now that the Minister confirms it does exist. Through an Executive order, they are trying to formalize it through the law; there used to be what was called the Arid Lands Resource Management which was a very important institution in the Office of the President and later in the Ministry of State for Development of Northern Kenya and Other Arid Lands.

That, for most of us was a substitute government. In fact, when you see Arid Lands Resource Management officers that is when you truly see the Government. But when you see a District Officer and the police, you see harrasment. When you see officers from the Ministry of State for Development of Northern Kenya and Other Arid Lands and money then you see boreholes being drilled and activities being done. It is a tragedy and the Minister must be able to

find a way to reinstate it alongside this. That project must be brought back. It should not be parallel to this. It should not take up the role of this organization. That one must be brought back.

I want to thank Mr. Chachu once more and Mr. Elmi for his intervention. As the Minister of State for Development of Northern Kenya and Other Arid Lands, you have not failed as a person but your Government has failed you. You had better resign so that then we can know that you have not performed, with the Kshs3 billion that was given, as the chairman is confirming here. This amount of Kshs3 billion is no money to suggest that the area can be developed. It is only Recurrent Expenditure.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, the Mover would like us to finish with this Bill today. Therefore, we have to reduce the time. So, if each hon. Member speaking can take two minutes, it will help. I have about six hon. Members who would like to contribute. I want to give the Mover at least five minutes.

Yes, hon. Sugow.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Madam Temporary Deputy Speaker, I will take the time that you have indicated.

I would like to take this opportunity to, first of all, congratulate hon. Chachu Ganya. As hon. Gabbow said, there is no person who is better placed to bring this Bill to Parliament than him. I am actually surprised that he did not call it “The Desert Management Authority Bill”, most of our land having become desert.

Drought has become a perpetual problem in this country. We are managing drought through what we call “short-term projects”, which are short-term activities that are renewed every five years. Now, having realised the gravity of the situation, it is prudent that we establish a permanent authority, like the one suggested in this Bill, in order to continue managing drought in this country.

Madam Temporary Deputy Speaker, the Ministry of State for the Development of Northern Kenya and other Arid Lands was created in this particular term to address some of the issues that the proposed Authority will address in the future. To a certain degree, I tend to agree with hon. Affey, that despite the establishment of this Ministry---

The Temporary Deputy Speaker (Dr. Laboso): Order, Assistant Minister! There is an intervention by hon. Kajembe.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Madam Temporary Deputy Speaker, I accidentally pressed the intervention button on my ICT unit. So, I have nothing to comment.

The Temporary Deputy Speaker (Dr. Laboso): Proceed and conclude, hon. Sugow.

The Assistant Minister, Ministry of State for Public Service (Maj. Sugow): Madam Temporary Deputy Speaker, I hope that the proposed Authority will get the necessary attention, just like all other regional development authorities, which are funded very well through the Exchequer, so that it can fulfil its mandate. There is no need of establishing the Authority if it is going to be treated like the Ministry.

With due respect to my senior colleague here, the Ministry is not getting sufficient funding to enable it carry out its mandate. So, I hope that the proposed Authority will be funded properly to ensure that it carries out its mandate. The Authority is coming at a time when there is a transition in the country. I look forward to a situation where it will serve its purpose during the new dispensation and after the general elections.

With those remarks, I beg to support.

The Minister of State for Development of Northern Kenya and other Arid Areas

(Mr. I.E. Mohamed): Madam Temporary Deputy Speaker, I thank you for giving me this chance. First and foremost, I want to thank hon. Chachu Ganya, who has been working very closely with my Ministry.

I want to assure hon. Members that the Government fully supports the creation of the proposed Authority. It is in the Draft Policy, which is still finding its way to Parliament, through the many hooks. Stakeholders are fully supportive of the establishment of the Authority. Through an Executive order, the President has already created it. So, I am happy that we are now carrying it in law.

Madam Temporary Deputy Speaker, after listening to contributions by a few hon. Members, I would like to say that the proposed Authority's work is not limited to food security. It will champion the ending of drought emergencies. It will lead the process through which we will stop the suffering of Kenyan children, whom we have watched on television sets in our living rooms, precipitating the Kenyans for Kenya Initiative, for which we thank Kenyans a lot.

So, it is a strategy in which we are saying that in ten years, there will be no more malnourished children of Kenyans being shown in our living rooms, televisions and in the international world. I want hon. Members to understand that a road is as important as an irrigation scheme to end drought. In fact, an irrigation scheme in Mandera or Todonyang will be useless without a functioning road, energy and peace. Therefore, what our Vision 2030 calls the foundations must be in place as a prerequisite for this Authority to succeed.

Madam Temporary Deputy Speaker, the word "management" is a very wide terminology. So, I want to assure hon. Millie Odhiambo that it will culminate with all the ministries, including the Ministry of Roads, Ministry of Education and the Ministry of Health. They are all needed for ending drought and preventing it from becoming an emergency. It will monitor drought. It will make sure that communities adapt to climate change. I want to answer hon. Affey that this National Drought Management Authority institutionalizes the functions of the arid lands. We cannot rely on projects. This is a long term institution and we believe it will be funded from the Exchequer. With the Ministry of Finance, we hope to create a drought and disaster contingency fund together with the Ministry of State for Special Programmes so that funds are available at the earliest opportunity.

Again, I want to inform hon. Affey that the days we relied on donors for the most critical work are gone. The Kenya Government should fund such a contingency fund so that we do not allow our children to become malnourished and be seen on international televisions. No child in Kenya should die from drought. Droughts are predictable. We have a Somali saying that: "For both the bound and boundless, drought comes creeping on you." Therefore, droughts are predictable and we can predict and plan for them and no child of Kenya should die because of drought.

With those remarks, I support and assure the hon. Member that the Government has already put in place the structures and it will get the necessary resources that are required. Thank you.

Mr. Yakub: Ahsante Madam Spika wa Muda kwa kunipa nafasi hii. Mwanzo, napenda kumshukuru Mheshimiwa Chachu Ganya kwa kuleta huu Mswada kwa wakati ambao unafaa, ingawa umechukua muda mrefu.

Madam Spika wa Muda, ni masikitiko makubwa ya kwamba ndani ya Kenya yetu, tuna mito ambayo yapita tisa. Miongoni kuna mito mikubwa ambayo ni minne. Moja kati ya mito hiyo minne ni Mto wa Tana River. Serikali ingechukua hatua tangu hapo mwanzo - kama vile

inatuahidi mara kwa mara ndani ya Bunge – na kufanya mito hiyo iweze kubadilishwa na kutumiwa kwa mipangilio ya unyunyizaji maji. Lakini ni masikitiko kwamba mpaka sasa, Serikali haijakuwa na moyo wa kuweza kuondoa maswala ya ukame.

Madam Spika wa Muda, ukame huja kwa njia mbili na moja ni kupitia kwa binadamu mwenyewe. Ninaamini kwamba utawala wa nchi yetu umechangia kwa maswala ya kuleta ukame. Tunatarajia kwamba taasisi ambayo itapitishwa itakuwa moja ambayo itaweza kuondoa njaa na ukame, na haswa katika maeneo ambayo mito hiyo inapitia. Kama nilivyotaja, Mto Tana una umbali wa kilomita 1,000 au maili 620 lakini hakuna jambo lolote linalofanywa.

Mwisho, maji ya mto Tana yanaishia Bahari Hindi. Hili ni jambo ambalo tunataraji taasisi hii ikiwekwa pahali pake sawa sawa, kama ilivyoelezwa na Bw. Chachu, itaweza kuondoa shida ya ukame.

Kwa hayo machache, napenda kuunga mkono Mswada huu.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Mututho, just take a minute because I am giving the last five minutes to the Mover, unless he is willing to donate time to you.

Mr. Mututho: Madam Temporary Deputy Speaker, it is also good to note that I am the Chairman, Committee on Agriculture, Livestock and Cooperatives where this has come from. It is also important to note that I am properly trained in early drought management; I have a post-graduate qualification in it. So, my contribution is important.

In a nutshell, I am saying that we are able to do our roads through the help of the Chinese in two or three months. Why can we not do something like development of the swamps where we are holding water reserves that is enough to serve Nairobi for 70 years, produce enough to feed the whole of North Eastern Province and export in excess of 190 million bags of maize? Why can we not develop strategic projects that we are talking about?

I agree with the Minister that roads and security are essential, but that can also be worked out very well if we have places where we have things done together. These include infrastructure in health, irrigation, education and so on. I am looking forward to the Chair changing its mind, so that this comes to the Committee on Agriculture, Livestock and Cooperatives, so that we can put in it the ideas we have; in fact, that is where it belongs.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Kajembe, you will take one minute and be followed by Mr. Wambugu.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Madam Temporary Deputy Speaker, I stand to support the Bill. Areas which are usually hit by drought have been suffering for ages. People in those areas have been lacking food. I do remember three years ago, the Constituencies Development Fund (CDF) was used to buy food in those constituencies. We have been buying food during droughts. This is the time when the Government should improve things by developing irrigation schemes. When we were opening this new Chamber, the President said that the Government was going to spend a lot of money to ensure that irrigation is undertaken in many areas of this country. One such area is Bura. Farming in Bura has to be done through irrigation.

Mr. Wambugu: Madam Temporary Deputy Speaker, thank you for giving me a chance to contribute to this very important Motion. I also take the opportunity to appreciate my friend, Mr. Chachu, for bringing this Bill. In this country, we have been talking about drought for many years, and it looks like there is nothing that happens. I have been thinking of places like Dubai, which are in a desert but in 365 days, they never get to the situation where they talk about

drought. The only thing we can conclude is that there must be something very wrong with our planning, as a country. Those people do not get rain, but they never lack water.

The Temporary Deputy Speaker (Dr. Laboso): Unfortunately, we cannot give an opportunity to Mr. Nyambati and Mr. Namwamba, because we are concluding debate on the Bill.

Mr. Chachu: Madam Temporary Deputy Speaker, from the outset I really want to thank my colleagues, who have supported this Bill wholeheartedly. I have taken their comments on board, and I will use the information to improve this Bill further before we go to Committee Stage. In particular, I want to thank the Minister of State for Development of Northern Kenya and other Arid Areas, because I have worked with him very well. They have worked from the Executive side and I have worked from the legislative side and we have brought it this far.

Finally, I assure my colleagues that God willing, through this Bill, once the Act is in place, drought will never be an emergency in this country again. We will manage it like any other phenomena.

Madam Temporary Deputy Speaker, I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, it is now time for us to adjourn the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.