

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th August, 2012

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Labour Institutions Act No.12 of 2007

Regulation of Wages, Agricultural Industry (Amendment) Order, 2012

*(By the Assistant Minister for Labour (Mr. Ojaamong)
on behalf of the Minister for Labour)*

QUESTIONS BY PRIVATE NOTICE

ILLEGAL LOGGING IN
MATHEWS RANGES FOREST

(Mr. Letimalo) to ask the Minister for Forestry and Wildlife:-

(a) Is the Minister aware that there is illegal logging being carried out in Mathews Ranges Forest at Wamba in Samburu East?

(b) What action has the Minister taken to stop further illegal logging in the forest?

Mr. Deputy Speaker: Is hon. Letimalo not here?

INVASION OF MAKINDI PRIMARY
SCHOOL BY SQUATTERS

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that Makindi Primary School grounds in Kandara District have been invaded by squatters thus interrupting the normal learning and management of the school?

(b) What is the Ministry doing to ensure that the squatters are evicted from the school grounds immediately?

The Assistant Minister for Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, I apologize. I do not have a written answer with me because this Question got to me---

Mr. Deputy Speaker: This is a Question by Private Notice. You do not need to have a written answer. Proceed!

Mr. Kiptanui: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to answer the Question while seated in the second row? Yesterday, there was a ruling that a Minister answering any Question should be either in the first row or he can use the Dispatch Box. Is he in order?

Mr. Deputy Speaker: Indeed, Mr. Assistant Minister, you have to comply with the practice. Whereas we are in a transition period, you can proceed and---

(Technical hitch)

Can you assist? Where are the ICT people? Just leave it as it is. You can use any of the front seats there. There are so many that are free. You can move with your card. I cannot see your request. You have to put in the card, log in your number and put in your request.

(Mr. Mwatela moved to the Front Row and logged in)

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, as I was saying earlier on, I do not have a written answer because the Question---

Mr. Deputy Speaker: Proceed! It is a Question by Private Notice and you do not have to have a written answer.

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

(a) Yes, I am aware that there is a problem of invasion of the school land by squatters. The circumstances are that the school has the title for the land but, apparently, the information that I have is that there was also an allocation of land by M/s Del Monte to some of the squatters. I wish to plead with you to give me up to this afternoon, so that I can consult the Ministry of Lands and try to find out where the squatters were supposed to go.

Mr. Deputy Speaker: The Order Paper for the afternoon is already out. The earliest it can be is tomorrow afternoon. Are you comfortable with that, hon. James Maina Kamau?

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I have no problem with that. However, this Question has been with the Assistant Minister for quite some time. I do not understand why he does not have the answer. With regard to Del Monte, it has taken all the land around that area. I do not know why they should allow the squatters to take the small piece of land of the primary school.

Mr. Deputy Speaker: Under the circumstances, the Assistant Minister is giving a firm undertaking that he will be in a position to give an answer and he just needs to be given a little bit more time. It is only fair that we give him until tomorrow, so that he can consult with his counterpart in the Ministry of Lands. Given the fact that this is a Question by Private Notice, it is understandable that occasionally you cannot do it within the very strict timeline. But, Assistant Minister, you will have to give an undertaking that you will have a definite answer for this and you will have sorted out this problem.

Mr. Mwatela: Mr. Deputy Speaker, Sir, tomorrow afternoon, we will come up with the answer.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I have no quarrel with him as long as he will keep his promise tomorrow.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper tomorrow afternoon.

(Question deferred)

NON-RELEASE OF FREE PRIMARY AND SECONDARY
SCHOOL EDUCATION FUNDS

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

(a) Is the Minister aware that schools are about to close for second term holidays and yet the free primary and secondary school education funds have not been released to them and, if so, why?

(b) What measures is the Minister taking to expedite the release of the money in order to relieve the schools and parents of the hardships they are experiencing in their operations for lack of funds?

The Assistant Minister for Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, again, I do not have a written answer.

Mr. Deputy Speaker: Hon. Assistant Minister, you keep on repeating that you do not have a written answer. You do not need to have a written answer for a Question by Private Notice. Can you proceed and answer the Question?

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

(a) First of all, I agree with the Member that schools are about to close. Indeed, there are schools closing as early as tomorrow and the day after tomorrow. It is true that money has not been disbursed for secondary schools. We have managed to disburse money for primary schools, but not yet for secondary schools. This is a very embarrassing situation because, as the Government, we should meet our obligations to schools.

(b) The Ministry of Education can only disburse funds once it has received money from the Treasury and we have not received money from the Treasury.

Mr. Deputy Speaker: Hon. Assistant Minister, time and again the Chair has said that, that is an internal Government matter. You cannot tell him that you cannot act because your counterpart in another Ministry is not acting. You have a collective responsibility. So, that is not an adequate answer. Can you give an adequate answer?

Mr. Mwatela: Mr. Deputy Speaker, Sir, I want to agree with you that under the principle of collective responsibility, there is definitely failure on our part. Unfortunately, the situation is like this. There is really very little that I can do at this moment.

Mr. Deputy Speaker: Have you consulted your counterpart in the Treasury?

Mr. Mwatela: Mr. Deputy Speaker, Sir, we have even written to the Treasury to get some more money.

Mr. Deputy Speaker: There again, that answer is not adequate, in my opinion.

Mr. Chanzu: Mr. Deputy Speaker, Sir, this is a Ministry where there has been one Minister and two Assistant Ministers. The two Assistant Ministers have been very lucky because they have had Ministers who have let them follow consistently what goes on in this chamber.

They have been answering Questions all the time even when Prof. Ongeru was there and even under the current Minister. So, they should be keeping track of what should be done. It is not like the other Assistant Ministers who keep on complaining that they are not exposed. Hon. Mwatela and Prof. Olweny have been here for the last four years that we have been here.

The President's commitment on this aspect and many others--- When I looked at him speaking here yesterday, he looked very sincere. The Minister for Finance was here yesterday giving a clear commitment that all that will be done. The Ministry of Education must have initiatives. Last time, we got this money when Mutula Kilonzo joined this Ministry and walked to the Ministry of Finance. Arising from the concern which you have raised, which is very important, the Assistant Minister needs to consult. Could he give a commitment to this House that from here, he will walk to the Treasury? Hon. Githae said here yesterday that they are ready to fund what is outlined in the Budget. This can be done. He should give that commitment to this House because this is a serious matter.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. This is a very serious matter. Last week, we summoned the two Ministers to appear before my Committee only for them to tell us that the Minister for Finance was out of the country. Now that the Assistant Minister has confirmed that the Government has frustrated our schools, would I be in order to ask that the two Ministers and the Assistant Ministers resign for letting down Kenyans?

Mr. Deputy Speaker: Hon. Assistant Minister, it is not adequate to say that you have written to your counterpart. Your counterpart definitely has a story to tell. So, it is your responsibility, as the Government, to go and consult and bring here a story; whether that story will be acceptable to the House or not is a different matter. But clearly, just to pass the buck and come and tell the House that you have written to the Treasury and this is the same Government-- In democracies, the Government has no business being the Government if it cannot be accountable to its own Legislative Assembly. What do you have to say, hon. Mwatela?

Mr. Mwatela: Mr. Deputy Speaker, Sir, indeed, I have just repeated that this is a very embarrassing situation. As a Government, we should do better than this. I fall short of saying that I am willing to resign because I have been called upon to do so; it is definitely very embarrassing. I agree with the Members that from here, accompanied by the Member, I would like us to walk to the Treasury and get this sorted out.

Mr. Deputy Speaker: You do not need to be accompanied by a Backbencher. You are accountable to him. He is not accountable. He has asked this Question and the Government is accountable collectively.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, it is very clear that this particular Assistant Minister is evading answering the Question. It is asking what measures he is taking. He has not told us of any measures. He has only confirmed that he has no confidence in the Government he is serving. As an Assistant Minister, has he taken that matter to the Cabinet and what has been the response of the Cabinet? Short of that, then he has no business being an Assistant Minister. How I miss the late hon. Ojode!

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to come in the full glare of the cameras and while the whole nation is listening to express a state of helplessness and hopelessness knowing very well that he sits in that Cabinet, and without giving us a narrative that he was told "X", "Y" and "Z" when he went to the Treasury so that he can give our people hope? Is he in order?

Mr. Mwatela: Mr. Deputy Speaker, Sir, I am just being sincere and I do not know whether being sincere is being sinful. I am being sincere that there has been failure. Being

sincere is good because then you have a way of charting a way forward and correcting it. Mr. Deputy Speaker, Sir, you have given me the way forward, that we should walk to the Treasury and get this money out. So, I will do that.

Mr. Lekuton: Thank you, Mr. Deputy Speaker, Sir. Hon. Koech asked a very serious question. We want timing. When will the Assistant Minister commit himself to make sure that the money is sent to schools? Could he give us a date when he expects the money to be availed?

Mr. Deputy Speaker: I think he has already said that he is unable to commit himself in the absence of getting a definitive answer from the people who hold the purse.

Dr. Khalwale: Thank you, Mr. Deputy Speaker, Sir. The rich, the high and mighty like these Ministers do not have their children in public schools. The burden we are trying to solve here is, therefore, faced by children who go to public schools. This issue has a cascade effect if that money will be sent to schools and the head teachers overdraw from the banks so as to pay the supplies. Could the Assistant Minister confirm that they will take over all the penalties that have accrued on school accounts as a result of delayed remittance of the cash?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Obviously, the Government has no idea today on how to solve this problem. Could I request the Chair that the Assistant Minister goes back and comes back with an answer that is acceptable to this House?

Mr. Deputy Speaker: The hon. Questioner, the Chair is clearly satisfied that this Question has not been adequately answered and there is need for the Assistant Minister to go back and come up with a satisfactory answer.

Hon. Yusuf Chanzu, are you comfortable with the Question being listed on the Order Paper tomorrow in the afternoon?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I raised this issue because of what is happening. Schools are closing, we are going to the third term and examinations are round the corner. The children will be having their national music festivals in Meru this week. This has made teachers to ask Members of Parliament like myself to sponsor activities in the schools. I think this is what is causing concern. Could the Assistant Minister come with an answer in the afternoon?

Mr. Deputy Speaker: That is not possible. Hon. Yusuf Chanzu, I want to believe that this is your third term because you have been here for quite a long time. At the very least, this is your second term. The Order Paper for this afternoon is already out and it has been circulated since last night. So, you cannot have a Question listed on the Order Paper at this time we are in. The earliest it can be listed is tomorrow. Are you comfortable with tomorrow in the afternoon, of course, because we do not have a morning session?

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. We are very desperate or extremely desperate. It is quite possible if you use Standing Order No.1 that the Assistant Minister can be asked to come here this afternoon with the Statement in respect of this matter so that we clear it once and for all. I beg you.

Mr. Deputy Speaker: You cannot address a Question with a statement. Hon. Dr. Khalwale, you are a long Member of this House. The Chair wants to believe that, as much as you are now faced with new information technology, that clearly does not take away your memory.

So, the Chair directs that this Question be listed on the Order Paper tomorrow. Mr. Assistant Minister, you better come with a satisfactory answer.

Mr. Mwatela: Mr. Deputy Speaker, Sir, thank you very much for that but may I correct the impression that I am rich because I am not rich.

Mr. Deputy Speaker: If you are rich, he is also rich because you are a Member of Parliament and he is also a Member of Parliament.

Mr. Mwatela: Mr. Deputy Speaker, Sir, hon. Dr. Bonny Khalwale has said that Ministers are rich but I am not rich. I also represent poor people the same way he represents poor people. So, may I correct that impression and I agree with you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Chair agrees with you that, clearly, that statement was not correct. I direct that the Question be listed on the Order Paper tomorrow.

Mr. Chanzu: On a point of Order, Mr. Deputy Speaker, Sir. Just as you are making the ruling now, somebody has dropped an answer here. I do not know whether the Assistant Minister is aware of that. It is an answer to the same Question. I do not know whether you want to have a look at it. This is a copy of the written answer. Could I read it out?

But let us go by your ruling that the Assistant Minister presents this tomorrow morning although there is a copy of the written answer that has come.

(Question deferred)

Mr. Deputy Speaker: The fact that there is a copy of the written answer right now in the custody of the Questioner and the Assistant Minister in itself is an indication to the Government that there is something seriously wrong. You need to do things differently.

Next Question by John Olago!

RECRUITMENT OF APs WITHOUT FOLLOWING
LAID DOWN CRITERIA

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

(a) Under what circumstances were Administration Police Constables recruited and enrolled at Administration Police Training College (APTC) without basic academic qualifications, certificates and without being given service numbers that resulted in 600 of them being given 3 days off on 28th May, 2012 to present the documents to enable them proceed with training?

(b) How many of these officers have so far returned to the college with genuine documents and could the Minister provide a list of the 600 officers who were affected?

(c) Why were the officers exempted from normal courses offered at the college and instead only taught "Field Craft" (Section of War)?

Before the Question is answered, I want to make one or two points by way of point of order. One, part "c" of this Question is---

Mr. Deputy Speaker: Order! The tradition is very clear. You can only ask the Question and then you raise your issues later.

Mr. Minister, proceed.

The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): Mr. Deputy Speaker, Sir, this Question requires a detailed and thorough answer. I request to be given up to Tuesday to bring the answer.

Mr. Deputy Speaker: Hon. Olago Oluoch, are you comfortable with that so that you can get a comprehensive answer in that sense?

Mr. Olago: Mr. Deputy Speaker, Sir, now I can say what I wanted to say. I agree with the hon. Minister that this Question needs thorough research. This question is directly connected

to alleged misuse of Administration Police and regular police during the 2008 violence. I want to make it clear that part “C” of my Question is not as it appears in the Order Paper.

What appears is:-

“Why were officers exempted from normal courses offered at the college and instead only taught “Field Craft” (Section of War)? It is not “section of war” but “science of war”. In military jargon, it is science of war.

Apart from that, although the Standing Orders do not require that answers to this Question be given in writing, because of the sensitivity of this matter and the seriousness it deserves, I humbly request that the answer be in writing.

Mr. Deputy Speaker: Under those circumstances, hon. Y. Haji, are you comfortable with that?

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. This is a very scaring Question. You can see that 600 officers have allegedly been recruited out of the standard procedure. In view of the sensitivity, could the Minister also remember to come along with a breakdown of how equity was considered when the officers were being recruited so that we satisfy ourselves that all constituencies were represented in hiring this special elite force?

Mr. Deputy Speaker: The Question cannot be answered piecemeal. The Minister is ready but if you indeed want that to be taken into consideration, fair enough, the Minister has heard.

Hon. Minister, are you comfortable with Tuesday? Are you happy with that under the circumstances that you are also supposed to furnish a written answer?

The Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security (Mr. Haji): Yes, Mr. Deputy Speaker, Sir. Thank you.

Mr. Deputy Speaker: Fair enough! It is so directed that this Question be listed on the Order Paper on Tuesday afternoon, next week.

Next Question!

ORAL ANSWERS TO QUESTIONS

Question No.1385

RECRUITMENT OF GSO/SPECIALIST OFFICERS IN GATUNDU NORTH CONSTITUENCY

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

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

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

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

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In September, 2011, Gatundu North Constituency was within the larger Thika District and a total of 125 individuals applied to be recruited as cadets and General Service Officers and no application for Specialist Officers was received from that district.

The list of all those who applied is not being tabulated here simply because they are not specific to Gatundu. However, this is what transpired in the district. Thirty two applicants were rejected as follows:-

(i) 15 did not meet the minimum lowest mean grade of B as required.

(ii) 16 were on the average and one had no certificate.

Mr. Deputy Speaker, Sir, 93 applicants were successful just by their mean grade. However as stated above, some did not have the requisite qualifications in the subjects that were specific even though they scored mean grade B.

(b) Applying equitable distribution by divisions, the following applicants were shortlisted from the district out of the 93 who were successful - I have listed the ID numbers and the hon. Member has them - Peter Karuga Wangui, Nduta Kimani, Simon Waithuguri Kimani, Boniface Kuria Njuguna, Martin Gitonga Kariuki, Anthony Warama Mureithi, Peter Mwangi Wanjiru and Frankline Muriithi Kinyua.

Two applicants were successful and these were Anthony Warama Mureithi, ID No.28271285 and Frankline Muriithi Kinyua, ID No.28441272.

(c) The other six shortlisted applicants were dropped by the interviewing panel for either medical or performance reasons. Some medical cases, as it will be appreciated are confidential and cannot be disclosed here. As for the case of one Nduta Kimani, ID No.28290508, her performance was extremely low and she was actually the last in the group. Therefore, she could not have been recruited.

Mr. Waibara: Mr. Deputy Speaker, Sir, as much as I appreciate the answer by the hon. Assistant Minister, I want to mention that the two did not hail from my constituency. What were the specific reasons for dropping Simon Waithuguri Kimani and Peter Wanjiru who hail from my constituency? I would also want the Assistant Minister to tell us what measures he is taking to curb corruption in the recruitment process.

Mr. Musila: Mr. Deputy Speaker, Sir, as I said earlier, the whole area was under Thika District. When the identity cards were given at that time, there was no specific division. I have already given the hon. Member the ID numbers. So, the recruiting officers went by the ID cards. Therefore, the two people who were selected; Anthony Warama Mureithi and Frankline Muriithi Kinyua though not specifically stated that they come from Gatundu, come from Thika District. Therefore, it was assumed that they come from Gatundu Division because as I said, we apply equitable distribution by divisions. Therefore, these two in our opinion and in the interviews that were conducted, hailed from Gatundu.

In his supplementary question the hon. Member wants to know why the two specific people were not recruited. I have already said that they were not recruited for various reasons; either medical or a subject that they did not have because we cannot disclose medical conditions of candidates.

Mr. Koech: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to avoid answering the question. He has been asked the specific reasons for a specific person and he is lumping all the reasons for all the applicants. Is he in order not to explain explicitly whether it is a medical or academic reason so that the hon. Member is satisfied and even the applicant also becomes satisfied?

Mr. Musila: Mr. Deputy Speaker, Sir, I have not avoided answering any question. I think I made it very clear that out of the over 20,000 applications that were received, it would be impossible to come and give the reason why each specific person was rejected.

Hon. Members will agree with me that when you want about five applicants and you have 25 of them, the focus is to select the best out of the records. I have already said we had 93 applicants. Out of these 93, we specifically went into details about each one of them. I have already said that based on either medical grounds or physical exercise while on the ground or any other reason we eliminated people but these two qualified. We picked two from the area based on academic qualifications and passing of the necessary physical and medical examinations.

Thank you.

Mr. Yakub: Mr. Deputy Speaker, Sir, the field is not fair for all Kenyans in the ongoing Kenya Defence Forces (KDF) recruitment. Maybe, the Assistant Minister was not aware that it would fall on the month of Ramadhan. All Muslims are fasting. Muslim applicants have a very difficult time while participating in the exercise. Could he repeat the exercise in areas where Kenyan Muslims had applied because the physical conditions demanded are not fair to them?

Mr. Musila: Mr. Deputy Speaker, Sir, the hon. Member's concern is appreciated. However, the exercise has already been done. I can only undertake to ensure that his concern is taken into consideration while setting recruitment dates in future. We will make sure we do not have recruitment carried out during the month of Ramadhan. For now, it will be difficult to reverse the ongoing exercise, which is very lengthy, very expensive and covering a wide area. All I can do for now is to undertake that we will not repeat this. I really appreciate what he has said. It is, probably, an oversight. We will not do it again. We will make sure that the holy month of Ramadhan is considered when setting up schedules for recruitment in the future.

Mr. Deputy Speaker: Hon. Members, much as there is a lot of interest in this Question, we have time constraints. So, we will have the last supplementary question from hon. Waibara.

Mr. Waibara: Mr. Deputy Speaker, Sir, I would like the Assistant Minister to tell us what measures he will put in place to ensure that applicants from Gatundu North are recruited as cadet officers?

Mr. Musila: Mr. Deputy Speaker, Sir, I want to assure the hon. Member that recruitment is going to take place in the new Gatundu District. As hon. Members have seen in our advertisement, every district is covered. I want to assure hon. Members that the exercise is strictly being observed by all stakeholders, including civil society organisations and the Ethics and Anti-Corruption Commission (EACC) to make sure that it is transparent.

I also want hon. Members to appreciate that when we recruit, we pick the best. All efforts will be made to ensure that we get the best, and that every part of this country is represented through the people who will be selected to serve in this country's defence forces.

Mr. Deputy Speaker: Next Question, hon. Mureithi.

Question No.1542

UPGRADING OF OL KALOU HOSPITAL
TO LEVEL 4 HOSPITAL

Mr. Mureithi asked the Minister for Medical Services:-

(a) whether he is aware that Ol Kalou Hospital, which was built in 1975, is yet to be gazetted as a Level 4 hospital;

(b) whether he is also aware that the hospital's equipment and facilities are broken down or obsolete; and,

(c) what steps he is taking to ensure that the hospital is opened, gazetted and fully equipped to serve residents of Nyandarua County effectively.

Mr Mureithi: Mr. Deputy Speaker, Sir, before the Minister replies, I would like to inform you that the written answer that I have received is not compliant with the part of the Question that was deferred. What I have received is the original answer to the Question, which partly addressed the issues raised. So, the Question was partly answered and additional information is supposed to be submitted today. Therefore, I have not received the supplementary answer as requested last time.

Mr. Deputy Speaker: Yes, Mr. Assistant Minister.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, this Question was partly answered by the substantive Minister, Prof. Anyang'-Nyong'o. The information given to me by my staff is that it is supposed to be answered as follows---

Mr. Deputy Speaker: Have you given a copy of that answer to the Questioner? Hon. Mureithi, are you in possession of this answer?

Mr. Mureithi: Mr. Deputy Speaker, Sir, I am in possession of the answer I had received earlier. To show you exactly what the difference is, we were told, in the last sentence, that they had planned for the Rt. Hon. Prime Minister to visit the hospital and re-name it on 2nd August. Today is 8th August. So, this is not supposed to be the answer for today. This is the answer that was given by Prof. Anyang'-Nyong'o. We had requested for the Minister to re-visit the Question and give a chronology of the things that require to be upgraded in the hospital.

Mr. Deputy Speaker: Do you have that answer?

Mr. Mureithi: No, I do not, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Assistant Minister, the Chair remembers very well that the Minister was to go back to his Ministry to find out the status of all the equipment and facilities that are there. He was to give a rundown of that, find out how much resources are available and make an undertaking of what he will do within the current financial year. I remember that very well because I was on the Chair then.

Now that you have the answer, supply it to the Questioner and other Members of Parliament.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, I think the hon. Member has a different answer. The answer I have is very clear that the Minister actually visited the hospital in the company of the Rt. Hon. Prime Minister, and that the hospital was re-named on 2nd August, 2012. So, I can make a copy for him later on.

Mr. Deputy Speaker: Have you supplied that answer to the Clerks' Department to enable them supply it to the Questioner?

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, can I do it after I answer the Question or do I do it before I answer?

Mr. Deputy Speaker: No, you cannot. The Chair was very categorical on this Question last time. It directed that you supply an answer to the Questioner well in advance. So, the Chair can only direct that this Question, again, be listed on the Order Paper on another day.

Hon. Mureithi, when is it convenient for you, in the course of this week? We only have tomorrow.

Mr. Mureithi: Mr. Deputy Speaker, Sir, I would not mind it being listed on the Order Paper for tomorrow afternoon, so long as I get the written answer in advance.

Mr. Deputy Speaker: Hon. Mureithi, you will get the written answer right away. It is just being given to the Clerks-at-the-Table.

Mr. Mureithi: Mr. Deputy Speaker, Sir, allow me to thank the Minister because he immediately went there with the Rt. Hon. Prime Minister and re-named the facility as “J.M. Memorial Hospital”. We are truly grateful, but we would like to get what we have requested for, so that we can also increase our thanks to the Prime Minister and the Minister for Medical Services.

Thank you.

(Question deferred)

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate your decision to defer the Question, as Members of Parliament, we keep on waiting for our Questions to come to the Floor of the House. What I get in this case is that the re-naming of the facility had not been done previously. This has now been done. Would I be in order to request that the Question be disposed of today?

Mr. Deputy Speaker: Can you repeat your question? What is your request?

Mr. Koech: Mr. Deputy Speaker, Sir, we, as Members of Parliament, keep on waiting for our Questions to come to the Floor of the House. There are so many Questions that we have filed. The statement then was that the re-naming of the hospital had not been done. Now it has been done. So, since that is the only change that has taken place, would I be in order to request that this Question be disposed of today, so that other Questions can get time?

Mr. Deputy Speaker: It cannot be disposed of today. It cannot be listed on the Order Paper this afternoon. It cannot because you are not the Questioner. Hon. Koech; the Questioner now wants to read the answer first before he is able to prosecute it. In any case, there are many facts that are basically not in your possession now on this Question. I do not think you were on the Floor of the House when this Question was raised the last time. If you were then, the issue is that it is much more than just renaming. It is a Question that deals with the status of the facility and the status of all the equipment and infrastructure and an undertaking on the part of the Government on what it is able to do in this financial year. The Chair directs that this Question be listed on the Order Paper tomorrow, and that it be given priority.

(Question deferred)

Mr. Deputy Speaker: Next Question by Eng. Rege!

Question No.1167

2007/2008 BENEFICIARIES OF GOVERNMENT
FUNDED E-LEARNING PROJECTS

Eng. Rege asked the Minister for Education:-

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

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

(c) whether he is aware that M/s Bell Atlantic was paid Kshs.410,780 on 24th July, 2008 for a tender No.GHS/ICT/IT/01/2007-08 for supply, delivery and installation but the work was not done and, if so, what action he is taking against the contractor.

The Assistant Minister for Education (Prof. Olweny): Mr. Deputy Speaker, Sir, I had handled this Question sometime back but a few issues were raised which I had to address. One, the House wanted to know the status of the project across the country and also what the Ministry was going to do about the supplier to Gendia.

(a) First, all the schools that were to be beneficiaries of the project received the computers, except for three schools. The project was accomplished except for Marii Girls Secondary School which has not received its computers up to today. That is because of the same supplier, M/s Bell Atlantic Communications. Also, Gendia has not received its supply by M/s Bell Atlantic Communications Limited. The third school that did not receive anything is Kilgoris Boys Secondary School in Trans Mara. The school requested for a change of project. The management of the school wrote to the Ministry requesting that they spend that money on construction. Even the Member of Parliament for the constituency came to the Minister and discussed it. It was allowed. It was done in writing though I have not brought the letters here. They wanted to construct buildings which they really needed, instead of buying the computers. Now, when I come back to the two schools which have not been supplied – Marii Girls Secondary School and Gendia – the supplier wrote to the Minister. The letter was addressed to the Permanent Secretary (PS) committing that it was going to supply the equipment within seven days from the date of their letter here, which is dated 30th July.

(b) So far no supply has been made and the only option left to me is to take M/s Bell Atlantic Communications Limited to court.

Eng. Rege: Mr. Deputy Speaker, Sir, that is very well said and I thank the hon. Assistant Minister for having traced the whereabouts of our computers. As I am speaking now, I have just got in touch with the headmaster of Gendia Secondary School and he has told me that M/s Bell Atlantic called them last week telling them that the computers were on a truck. Gendia Secondary School and Nairobi is only four-and-a-half hours drive. If the computers have not arrived since last week, it means, therefore, using statistics, it indicates virtually that there was no delivery and they are just playing games. What kind of action will the Assistant Minister take and when will it take effect? In any case, we are not interested in them going to jail. We just want our computers. What will the hon. Assistant Minister do in this regard?

Prof. Olweny: Mr. Deputy Speaker, Sir, the money for the project was given out and spent the wrong way. We are going to follow up the supplier and, if possible, get back our money through the courts. We shall look into any available option of getting the project for Gendia and Marii Girls done.

Mr. Kigen: Mr. Deputy Speaker, Sir, the Assistant Minister has stated that they paid the supplier before the computers were delivered to the various schools. Going by the procurement procedures, why did they have to pay ahead of time before the supplies were made to the schools?

Prof. Olweny: Mr. Deputy Speaker, Sir, not all the money was delivered. Only 30 per cent down payment was made.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. The fundamental question that hon. Kigen has asked is this: Why were procurement procedures not followed? That is because in this case, the procuring entity is supposed to be the schools. But the Ministry took all the responsibility and paid for it when that is against the requirements of the Public Procurement and Disposal Act. It should have been tendered first before payment was effected. So, is it in order for the Assistant Minister to say that they paid only 30 per cent when, in actual fact, the whole process was flawed by the Ministry?

Prof. Olweny: Mr. Deputy Speaker, Sir, the money was paid by the schools. The money for the projects was given to each school. The tendering process was initiated by the Ministry and the companies that were shortlisted-- Actually, the full Question was answered here regarding the tendering and it is in the HANSARD. I do not want to repeat it. The copy of the Question and the full answer is here. Each school was given its money to do the project. The suppliers were eight. They were to serve the project. The names were given to the schools and the schools were to be in contact with the suppliers – eight of them.

Ms. Shakila Abdalla: Mr. Deputy Speaker, Sir, the Assistant Minister said the money was given but the supplies were not delivered. Can he confirm if that money can be returned to the Ministry because it did not serve the purpose?

Prof. Olweny: Mr. Deputy Speaker, Sir, I have given an answer that could answer that question from the hon. Member. What I have said actually answers that question.

Mr. Kigen: On a point of order, Mr. Deputy Speaker, Sir. I did ask a particular question to the procurement procedure, and my point was corroborated by Mr. Olago. Why did you break the procurement rules and pay 30 per cent before the goods were delivered? Can you explain to this House why you had to do this?

Prof. Olweny: Mr. Deputy Speaker, Sir, I said that the Ministry gave the money to the schools. You can give me time then I will contact the school to find out why they did that. The Minister gave the money to the schools. The Minister gave the names of the suppliers to the schools, so that they could select any of them.

Mrs. Noor: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order not to answer the question asked by Ms. Shakila Abdalla?

Mr. Deputy Speaker: Have you answered the question by Ms. Shakila Abdalla, Prof. Olweny?

Prof. Olweny: Mr. Deputy Speaker, Sir, yes I said that I just made a statement that answered the question raised by the hon. Member less than a minute before she stood up.

Mr. Deputy Speaker: Which is?

Prof. Olweny: That, we are going to follow up the case with the supplier. If possible, we will get back the money and have the supplier arraigned in court. That is what I said.

Mr. Deputy Speaker: Last supplementary question on the same, Eng. Rege.

Eng. Rege: Mr. Deputy Speaker, Sir, the Assistant Minister in his first statement made it very clear that they are going to take the supplier to court. However, in the last statement just before he sat down he said, “Maybe”. I need to know exactly what he means and when Gendia Secondary School can get their computers because this has taken too long.

Also, the Ministry of Education should come out very clearly and tell Kenyans when secondary schools will be equipped with computers. This task has been going on and off. The Ministry of Finance gives inadequate budget which is rejected and then they go quiet and do not do anything about it while schools are waiting. I would like the Assistant Minister to tell this House when secondary schools in Kenya will be equipped with computers.

Mr. Deputy Speaker: Before you answer that, can we have Mr. C. Kilonzo? What is your point of order?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. There is a very pertinent question that has been asked by Mr. Kigen and followed up by Mr. Olago, which is very simple. The Assistant Minister has confirmed that procurement was done by the Ministry, but why was 30 per cent paid? It is as simple as that. Why was it paid knowing very well that even where a particular percentage is paid it is paid when you meet certain conditions? If it was road construction one would understand that a contractor is told, "Move your equipment on site and we will pay mobilization fee when the equipment is on site". Is the Assistant Minister in order to give the impression to the House that schools are not part of his Ministry?

Prof. Olweny: Mr. Deputy Speaker, Sir, to Eng. Rege, I did not say, "Maybe;" I said we are going to have the supplier taken to court and initiate the process of recovering the money. I also said that we shall find a way of having this project implemented for Gendia and also Marii schools, the two schools that have been affected by this supplier not supplying the equipment.

As regards the tendering, the tendering process was followed and all the schools, apart from those two schools, did not have problems. We shall follow it up. All the schools were given the money and they used it correctly and appropriately, except for those two schools.

Thank you.

Mr. Deputy Speaker: I think we have disposed of that Question. Indeed, there is a lot of interest but we have to go to the next Question.

Question No.1517 by hon. Yakub.

Question No.1517

LIST OF WATER PROJECTS IN MOMBASA COUNTY

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

(a) whether she could provide the details of Government funded water projects undertaken by the Ministry in Mombasa County in 2010/2011 Financial Year, indicating the respective names of their locations, the amount of money allocated and the current status of each project; and,

(b) what measures the Government is taking to ensure constant supply of water to Mombasa residents.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry undertook seven projects in four districts in Mombasa County during the Financial Year 2010/2011 at a cost of Kshs53 million as detailed in annex A attached.

(b) My Ministry, through the Ministry of Finance, secured funding from the World Bank and the French Government to the tune of Kshs7.3 billion mainly to carry out rehabilitation works for Baricho Water Works, Mzima Springs Pipeline, two boreholes, Marere Pipeline and water distribution network for Mombasa City. These measures will increase the bulk water supply for the coast region to the tune of 50,000 cubic meters per day, and Mombasa City will benefit by more than 50 per cent. The works are all ongoing and are at various stages of completion.

In addition, my Ministry, through the Ministry of Finance, has negotiated additional funding to the tune of Kshs7 billion from the World Bank. Part of this money is intended to sink

additional boreholes at Baricho field and to construct a parallel pipeline to Mombasa. A pipeline inter-connecting Mazeras and Nguu Tatu reservoirs will also be constructed amongst other improvements.

Mr. Deputy Speaker, Sir, I wish to mention here that recently the Ministry of Finance, on behalf of the Government, signed a financial agreement with the World Bank to pave way for the implementation which is expected to start in this Financial Year, 2012/2013, and be completed by 2015/2016. These measures will further improve water supply in Mombasa County by an additional 50,000 cubic meters per day.

Mr. Deputy Speaker, Sir, in order to ensure the water demand for the county is fully met up to the year 2030 my Ministry, through the Coast Water Services Board, has launched a water master plan study in the coast region to identify development of additional water sources. In the meantime, my Ministry is collaborating with the Ministry of Regional Development Authorities in planning to construct Mwanche Dam which has a supply potential of about 160 cubic meters of water per day to Mombasa City. Discussions are also underway with the development partners regarding the construction of a second Mzima Springs Pipeline project which has enormous water potential. All these measures will adequately resolve the current water problems in Mombasa County and also ensure adequate supply by the year 2030.

Mr. Yakub: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for his detailed answer and for the four projects which he mentioned. My question is on the ongoing collaboration with the Ministry of Regional Development in planning to construct the Mwanche Dam. Could the Assistant Minister tell us where they have reached on this particular project and their discussions with the Ministry of Regional Development?

Mr. Waititu: Mr. Deputy Speaker, Sir, it is true that we are collaborating with the Ministry of Regional Development and we are at the stage of acquiring the land so that the owners can be compensated and the construction can start.

Mr. Lekuton: Mr. Deputy Speaker, Sir, water issues in this country are very serious and especially for Laisamis Constituency. Three years ago, the National Water and Pipeline Corporation contracted people to dig boreholes in Lukuchola in Laisamis and Diya but that has not been done. What action is the Assistant Minister going to take against officials who have continuously delayed projects of water which is essential in this country?

Mr. Waititu: Mr. Deputy Speaker, Sir, it is true that some officials in some areas may not be very efficient but I wish the hon. Member would give me the names of those officials who are not living up to the expectations of the people so that my Ministry can take immediate action.

Ms. Shakila Abdalla: Mr. Deputy Speaker, Sir, the Assistant Minister said that he allocated Kshs52 million for four districts. What criteria was used to allocate Kshs52 million to four districts while other districts got more than Kshs100 million?

Mr. Waititu: Mr. Deputy Speaker, Sir, it is true that Kshs53 million was allocated to four districts but it is for small projects. Otherwise we have Kshs37.3 billion which is doing the same work of Baricho Water Works, Mzima Pipeline, Tiwi Boreholes and Malele Pipeline.

Mr. Duale: Mr. Deputy Speaker, Sir, I want the Assistant Minister to confirm to this House that the allocation of resources in that Ministry is skewed towards particular regions like Ms. Shakila Abdalla has said. I want to put it to him that in the recent allocation done by the National Water Services Trust Fund (NWSTF), they have allocated Kshs78 million to a particular region of this country while they allocated two other regions of this country and that is Lake Victoria Water Services Board a paltry Kshs15 million and another water service board Kshs28 million. Could he confirm?

Mr. Deputy Speaker: Order, Mr. Duale! It would be unfair to ask the Assistant Minister a Question that is very different to the one on the Order Paper. If you wish to have a Question like this, you can file it and it will come to the Floor of the House. The Standing Orders dictate that you as much as possible confine your interventions to the Question at hand now unless the Assistant Minister himself is willing to answer those questions.

Mr. Waititu, are you willing to answer the question asked by Mr. Duale?

Mr. Waititu: Mr. Deputy Speaker, Sir, no because that Question is different although I would remind him that there are some ASAL areas that are obviously the priority of our Ministry and I know he should be one of the people who should appreciate the work of my Ministry because his constituency has benefited a lot from my Ministry.

Mr. Duale: Mr. Deputy Speaker, Sir, as a Member of Parliament, I not only represent my constituency but the nation. Through your indulgence, I was only following on the question raised by Ms. Shakila Abdalla which the Assistant Minister answered. Mine was a follow up and I have given a clear example from his Ministry where in two regions; the Northern Water Service Board and Lake Victoria Water Service Board were given less than Kshs30 million while two other regions of this country - the Assistant Minister is aware - got more than Kshs100 million. That is Tana-Athi Water Service Board and all the water boards from Central Kenya.

Mr. Waititu: Mr. Deputy Speaker, Sir, I cannot confirm that there is any skewed prioritization of projects in my Ministry because most of the projects that we do originate from the grassroots and there are people who propose them from those regions. In this particular case of Mombasa County, we have Kshs7.3 million on top of the Kshs53 million. So the funding is enough in that region as far as our Ministry is concerned.

Mr. Yakub: Mr. Deputy Speaker, Sir, in Mombasa County, among the projects he has mentioned, there was one that was done by Coast Water Service Board under the name of WASIP. This project was supposed to be done in Mvita Constituency under the Rehabilitation Island Sewerage. Could the Assistant Minister tell us who the contractor is and where he has reached with the project so far?

Mr. Waititu: Mr. Deputy Speaker, Sir, I actually do not have the specific name of that contractor but the work is ongoing and I can give the hon. Member the details of the contractor after this session.

Question No.1554

REASONS FOR POOR RANKING OF
KENYAN UNIVERSITIES IN AFRICA

Mr. Odhiambo asked the Minister for Higher Education, Science and Technology:-

(a) whether the recent ranking of universities included all the universities in the country in view of the mushrooming of universities in the country and why Kenyan universities ranked poorly even among African countries;

(b) whether she was aware that most universities do not offer programs in particular disciplines but they are driven by the desire for financial gains; and,

(c) how the Government is addressing the problem of shortage of lecturers in public universities, especially in specialized fields such as engineering and medicine and the issue of most universities relying on part-time lecturers who

move from one college to another without doing proper research in their areas of specialization and how the Minister will address rampant tribalism in the universities.

Mr. Deputy Speaker: Where is the Minister for Higher Education, Science and Technology? She is not in the House today and neither are the Assistant Ministers. Would the Leader of Government Business, the Deputy Leader of Government Business or any Minister want to tell us why this Minister is not around?

(Dr. Wekesa spoke while sitting in his place)

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, I am not---

Hon. Members: *Simama!*

Mr. Deputy Speaker: Order, Dr. Wekesa! Maybe if we change the Standing Orders, you could in future talk when you are sitting but as of now you have to stand.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Deputy Speaker, Sir, I am sorry. I am still able to stand. I am not sure where the Minister is but I will take this message to her.

Mr. Deputy Speaker: Mr. Odhiambo, when do you want us to list the Question on the Order Paper again? Can we put it for tomorrow or do you want it for next week on Tuesday?

Mr. Odhiambo: Mr. Deputy Speaker, Sir, Tuesday.

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

Mr. C. Kilonzo: Thank you, Mr. Deputy Speaker, Sir. This matter of the Government failing to show up to answer Questions has been persistent for so long. They have taken advantage of the good nature of the Chair itself. The Chair is a very good person; he is very humble, but the Government has abused this. So, I would really ask if the relevant Committee on Standing Orders could be called as a matter of emergency, so that we can amend the Standing Orders to ensure that when the Government does not show up, there is a financial implication on the part of that hon. Minister who fails to show up.

Mr. Deputy Speaker: Well, it goes both ways in the sense that if an hon. Member fails deliberately to ask a Question, then it is a problem and there will be sanctions. When a Minister also fails to answer a Question, that is also serious misconduct as far as our own Standing Orders are concerned. The lackluster manner in which---

(Mr. Koech stood up in his place)

We have changed the rules, Mr. Koech; you should use the Information Technology (IT); do not just stand up and say "Mr. Speaker!" I do not see you still!

(Laughter)

Yes, Mr. Langat!

Mr. Langat: Mr. Deputy Speaker, Sir, this Ministry is failing to show up in the House. Just yesterday, the President said that he respects Parliament so much. So, this Government respects this Parliament so much.

Mr. Deputy Speaker, Sir, we are also dealing with a very bloated Cabinet. To the best of my knowledge, this Ministry has two Assistant Ministers. Therefore, it should be the last Ministry to fail to show up in the House.

So, I am requesting that in your normal way of punishing Ministers, the punishment against this Ministry be enhanced because it has two Assistant Ministers and they even have no courtesy of sending an apology.

(Mr. Koech logged in)

Mr. Deputy Speaker: Yes, now you have done the needful.

Proceed, Mr. Koech.

Mr. Koech: Thank you, Mr. Deputy Speaker, Sir. I want to confirm that I am the Chairman of Education, Research and Technology Committee. I am very conversant with this technology.

Mr. Deputy Speaker, Sir, I just wanted to bring to you attention that it is true that the axe should cut both ways and I totally agree with you. But as it is now, the axe is so skewed to the Back Benchers in the sense that when an hon. Member misses to ask a Question, the Question is normally dropped; and when the Minister is absent, the Question is deferred.

So, Mr. Deputy Speaker, Sir, I still want to request and urge you that the Standing Orders Committee sits and really considers serious penalties on Ministers when they do not turn up to answer Questions. I did indicate earlier on that by deferring a Question today, it also means that another hon. Member's Question will not appear on that day.

Mr. Deputy Speaker: The Chair is just as equally frustrated. I do not think you would suggest that in the event that the Minister is not able to answer this Question, we also drop the Question? I think the Government side will be too glad to have a situation like that ---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: The Chair is responding to the point of order by hon. Koech!

The Chair's hands are tied, indeed, but if you so wish, ordinarily you would call a *Kamukunji* meeting. If you pass that, the Chair will have no option, but to follow the will of Parliament. It is, indeed, the recognition on the part of the Chair for a long time that, ordinarily, in a democracy when the Government fails to deliver its goods to the Back Benchers that Government resigns! Of course, that is what happens in all developed democracies. The least you can do here is just to stand here and watch all the other democracies in the world. But we have a very peculiar situation; we have a Coalition Government and for even the Government to resign, it has to come from both sides. When it comes from both sides and the Back Bench is split in half, we hardly have any opposition in the House, with an exception of hon. Jirongo, so we are in a unique situation right now. But nonetheless, yes, you are right; we can have the Standing Orders amended to cater for such a situation.

What is it, Mrs. Odhiambo-Mabona?

Mrs. Odhiambo-Mabona: Thank you, Mr. Deputy Speaker, Sir. I would wish to agree with my colleagues that we need to amend the Standing Orders because when the Back Benchers do not ask Questions, the Questions are dropped. I would be suggesting the reverse that when Ministers do not answer Questions, the Ministers should be dropped!

Mr. Deputy Speaker, Sir, I am saying this because this is a very important Question that touches on the issue of regulating higher education. I do not know why they are busy and yet the higher education sector has gone completely haywire. If you go all over the country, you find

that a *kiosk* is a university or a market place is a university. I know we are supposed to be ICT friendly, but those centres are not using even ICTs. So, I would suggest that we amend the Standing Orders and drop the Ministers when they do not answer Questions in this House.

Mr. Deputy Speaker: The hon. Wilfred Machage is rising on a point of order.

The Assistant Minister for Roads (Dr. Machage): Mr. Deputy Speaker, Sir, as you know, to your knowledge, the Rules and Procedures Committee is currently in the process of amending the Standing Orders. Would I be in order to request the hon. Members who have suggestions to present them to the Clerk, so that they will be considered when we amend our Standing Orders?

Mr. Deputy Speaker: That is fair enough! I direct that this Question be listed on the Order Paper on Tuesday, next week.

(Question deferred)

Order! Order, hon. Members! We have a few more Questions and we are running out of time. Next Question, hon. Sammy Mwaita!

Question No.1513

TYPES OF CANCER KILLING KENYANS IN BARINGO

Mr. Mwaita asked the Minister for Medical Services:-

- (a) whether he could provide a list of cancer patients that have succumbed to the disease at Kabarnet District Hospital from 2008 to date;
- (b) what the status of the proposed cancer centre at the Moi Teaching and Referral Hospital in Eldoret is; and,
- (c) what the major types of cancers ravaging Kenyans are.

The Assistant Minister for Medical Services (Mr. Kambi): Thank you, Mr. Deputy Speaker, Sir. Before I answer this Question, I think it is unethical and wrong to list and name the cancer patients because this can cause both psychological and physical pain and it can be traumatic to my clients.

So, I ask the indulgence of the Chair before I table the list.

Mr. Deputy Speaker: Order! Order! You cannot discuss the sicknesses of individual patients!

(Applause)

As much as an hon. Member would not want his own medical history to be put out in the newspapers, you have to accord every Kenyan every respect. In the circumstances, I do not even know why we had allowed this Question, in the first place, without proper amendments. I direct that the Clerk's Department should have drawn this to our attention in the first place. I urge the hon. Member to go back and rephrase the Question. Unless---

I also have a problem with my own ICT; my stylus has already failed me, but just a moment.

It has just been repaired.

What is the point of order of Dr. Eseli? I know you are a medical practitioner.

Dr. Eseli: Thank you, Mr. Deputy Speaker, Sir. While it is acceptable that professionally and ethically, it is, perhaps, not right to table the names, but the Assistant Minister can give us the figures or the numbers of the people who have succumbed to cancer---

Mr. Deputy Speaker: All right; Mr. Assistant Minister, proceed and answer that Question without---

The Chair directs that, indeed, if you have a list of patients, that has to be destroyed immediately! It should never become a public document. Otherwise, we will end up with legal suits and the Government will be sued. So, you have to make sure that you just answer what you are allowed ethically and legally. So, you can answer the rest without giving the names of the patients. You can give the numbers; you can also give all the other relevant information that has been sought in the Question.

Proceed, hon. Kambi!

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, in that case, therefore, I will start with part “b” of the Question.

(b) Moi Teaching and Referral Hospital is working with the following organizations to establish a functional chronic disease management/cancer treatment centre. The Ministry of Medical Services is to provide staff, furniture and medical equipment. Indiana University School of Medicine (USA) is to provide initial funds for construction. International Atomic Energy Agency (IAEA) in Vienna, Austria, is to provide a radiotherapy machine (Cabalt 60) and cancer nuclear diagnostic equipment. The ground breaking ceremony for the three storey building with two basement bunkers will take place before the end of September, 2012. The estimated cost of establishing the cancer treatment centre is approximately Kshs945,515,000.

(c) The leading causes of cancer in women are the cancers of the cervix and breast, while in men, are cancers of the oesophagus, prostate and Kaposi Sarcoma. In children, the commonest cancers are blood cancers (leukemia) and lymphomas. Cancers of the digestive tract such as that of stomach, liver, colon and rectum are also on the increase.

Mr. Mwaita: Mr. Deputy Speaker, Sir, I agree with the Assistant Minister that he need not list the names of patients. However, he has given me a table here, showing the type of cancer and deaths in numbers and not names. For example, he has given me a list showing that oesophagus is the leading type of cancer which has been killing people in Kabarnet District Hospital for the last four years. He has given a total number of 33. For breast cancer, he has given a total of nine. That is exactly what I wanted; to table only the list of names, so that we know which type of cancers kill people in Kabarnet District Hospital. Having said that, I wish to ask the Assistant Minister what measures the Government has put in place on awareness, knowing that now cancer is one of the leading killer diseases. What measures has the Government put in place to create awareness among our people to control the disease?

Mr. Kambi: Mr. Deputy Speaker, Sir, as a Ministry, we have tried to put adverts in the electronic media. We have also been telling our people to change their lifestyles because cancer, sometimes, is caused by our lifestyles; including the way we eat.

Mr. Shakeel: Mr. Deputy Speaker, Sir, cancer was seen as a disease for the rich only, but that is not true. It also affects the poor. Now that we have that proposed cancer centre nearly ready in Eldoret, could the Assistant Minister confirm to us what the charges will be, and whether those charges will be covered under the National Hospital Insurance Fund (NHIF)? That is because the poor will not be able to meet the charges of the cancer radiation treatment? Is there any programme where the treatment of cancer will be covered under the NHIF?

Mr. Kambi: Mr. Deputy Speaker, Sir, we are looking into that, as a Ministry. As you are aware, we cannot expect the cost to be very high. That is a Government hospital and we are trying to make sure that we do minimize the pain and suffering of the poor.

Mr. Imanyara: Mr. Deputy Speaker, Sir, just the other week, very recently, we passed the Cancer Bill into law. Rather than the Assistant Minister telling us that he is trying very hard, could he tell us what specific and concrete measures the Government has taken to operationalize that law, in terms of the money being made available for cancer treatment?

(Applause)

Mr. Kambi: Mr. Deputy Speaker, Sir, the Bill was passed and signed by His Excellency the President. It has a cost element. So, as a Government, we have drawn up a budget which we have proposed to the Ministry of Finance. If this Parliament approves our proposal, we are going to buy equipment for cancer treatment. The equipment for cancer treatment is very expensive and right now, we do not have a budget to put up all those facilities all over the country.

Dr. Eseli: Mr. Deputy Speaker, Sir, in the last financial year, the Committee on Health, working with the Budget Committee, recommended that a substantial amount of money be allocated towards the purchase of cancer diagnostic and treatment equipment. But, up to now, we have not seen any of that equipment in any of our hospitals. Could the Assistant Minister explain to this House when they intend to purchase the equipment with money that we fought for very hard with the Committee on Health and Budget Committee, to be allocated to the Ministry of Health?

Mr. Kambi: Mr. Deputy Speaker, Sir, that is a different question. However, I can answer it. First, I want to thank the Committee on Health which actually proposed that we be given more money to buy equipment. But, we have not seen that money fly from Treasury to my Ministry. The moment we are given that money, we are going to do it.

Mr. Deputy Speaker: Hon. Chepkitony!

*(Mr. Deputy Speaker activated
hon. Kigen's microphone)*

Mr. Kigen: Mr. Deputy Speaker, Sir, you have given me the opportunity.

Mr. Deputy Speaker: Order! Have I given you the opportunity?

Mr. Kigen: Mr. Deputy Speaker, Sir, yes, you have.

Mr. Deputy Speaker: Proceed! Hon. Chepkitony will have the next opportunity.

Mr. Kigen: Mr. Deputy Speaker, Sir, I hardly get chances from you. So, when I get one, I am very happy.

(Laughter)

Mr. Deputy Speaker, Sir, the Assistant Minister is acknowledging here that there is an increase in cancer cases all over the country. What is he doing to ensure that, region by region, there is a provision for people to get treated, so that they do not have to travel very far? That is because as they travel, they will encounter serious problems like congestion in the various institutions which have got those facilities?

Mr. Kambi: Mr. Deputy Speaker, Sir, we know that cancer treatment is very expensive. Treating cancer is not like treating Malaria, where you can go to a clinic or a dispensary and be treated. So, we have some budgetary constraints. If you look at our budget, it is very meager, and we are not able to put up all these facilities all over the country at the moment.

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

Mr. Deputy Speaker: Hon. Kigen, you get chances to talk in the House, unless you want to monopolize it. You cannot get that!

Mr. Chepkitony: Mr. Deputy Speaker, Sir, are there any plans to carry out cancer screening in hospitals? It is known that if cancer is detected early, it can be treated. Is the Government doing anything to ensure that there is regular and routine cancer screening for mainly the most common cancers like oesophagus and cervical cancer? The Government should put in place measures to ensure that people are tested for the common cancers and if they are detected, they are treated. Are there any plans by the Government to do this?

Mr. Kambi: Mr. Deputy Speaker, Sir, we have tried, through the media, to advise people to undergo cancer screening. As we are all aware, this is still expensive. As a Ministry, we had proposed a Budget of Kshs80 billion, so that we could buy cancer screening machines and put them in hospitals all over the country. If you look at the budget, this Parliament did not approve that; so, it is not possible to buy all the required equipment for the whole country at the moment.

Mr. Deputy Speaker: Because of the nature of the issue, we have to give it a little bit more time.

Mr. Wambugu: Mr. Deputy Speaker, Sir, when the Assistant Minister was responding to the Question, he said that one of the programmes that the Government has is to educate wananchi on changing their ways of life. That sounds very vague because we do not know what causes cancer and what ways we are supposed to change. What specific ways are we supposed to change, so that we do not get into this problem of cancer every day? When you say that you are putting up posters advising people to change their ways of life, what will a poor man do, who has never changed his way of life since birth?

Mr. Kambi: Mr. Deputy Speaker, Sir, for smokers, the chances of getting cancer are very high. Also, the type of food that we eat sometimes causes cancer. So, we should change the way we live. Drinking alcohol is also one of the causes of cancer. The list is very long but we should appreciate the fact that we should change our way of living.

Mr. Mwaita: Mr. Deputy Speaker, Sir, my last question to the Assistant Minister is about the cancer centre being put up at the Moi Teaching and Referral Hospital. He has said that the ground breaking will be done next month. What is the estimated time of completion of the project?

Mr. Kambi: Mr. Deputy Speaker, Sir, I do not have the details of the estimated time of completion, but this should be soon. This is a very important project not only to the people of the Rift Valley, but also to the country at large.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid the question? The Member wants to know how long it will take to complete the structure. Is it in order for him to avoid answering the question?

Mr. Deputy Speaker: How long will it take to complete the centre? You must have some idea.

Mr. Kambi: Mr. Deputy Speaker, Sir, I have said that I do not have the details of the period within which the project will be completed. However, it should be completed the soonest. The engineers and the consultants have already done their work.

Mr. Deputy Speaker: Why do you not have the timeframe? Clearly, it is planning. It is part of the Government planning. You have put in resources; you want to put up a centre and you must have put some planning into it. In any planning, there must be a timeframe. When you contract a contractor to do the job, you definitely have a timeline.

Mr. Kambi: Mr. Deputy Speaker, Sir, if we listened very carefully, some of these funds will come from America; sometimes the donors pledge to give us money in time, but they fail to do so within the agreed time. So, if I say three years and it takes five years, it will be wrong for me. For now, as a Ministry, we would like this project to be completed as soon as possible.

Question No.1440

REDUCTION OF KERRA FUNDS ALLOCATED
TO MUMIAS CONSTITUENCY

Mr. Washiali asked the Minister for Roads:-

(a) what informed the decision to reduce the amount of money allocated per constituency by the Ministry through the Kenya Rural Roads Authority (KeRRA) since 2008; and,

(b) whether he could consider allocating more funds to constituencies that experience heavy rains such as Mumias.

The Assistant Minister for Roads (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has not reduced funding to constituencies as this is clearly governed by the law. Indeed, the figures show that in general, allocations to the constituencies have increased steadily since 2008.

(b) The Kenya Roads Board funds allocations is done on the basis of the thresholds and guidelines provided by the Kenya Roads Board Act as amended through the Finance Act of 2009, which provides for 22 per cent of the Roads Maintenance Levy Fund allocation equally to all constituencies and 12 per cent of the Roads Maintenance Levy Fund allocation for the maintenance of critical links. The funds are allocated equally to constituencies.

Mr. Washiali: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer, though it is not factual. I asked the Question knowing that he is also a Member of the Constituency Roads Committee. He is a Member of Parliament and he knows what has been happening since 2008. Members will agree with me that the allocation of 2008/2009 was about Kshs28,000. The following year, it was Kshs1,000,000. The following year, it was about Kshs24 million. In the last financial year, we only had Kshs20 million. What informed the Ministry's decision in this reduction?

Dr. Machage: Mr. Deputy Speaker, Sir, prior to 2009/2010, the Roads Maintenance Levy allocation to the constituencies was through the District Roads Committees (DRCs). Both allocations, namely the 16 per cent and 24 per cent equitable portions for these roads, were disbursed directly to the district accounts as planned by the DRCs. Of course, this was amended; hence the current formula. I know there was a little spike in 2010/2011, where constituencies got a total of Kshs34 million. This was because we were lucky that year in that the Kenya Revenue Authority had collected a surplus, and the additional collected was directed to the constituencies.

Mr. Mbadi: Thank you, Mr. Deputy Speaker, Sir. In the 2010/2011 Financial Year, each Constituency was allocated about Kshs27 million under the 22 per cent portion. This year that

has just ended, 2011/2012, each constituency got about Kshs19 plus million. That is a reduction of about Kshs8 million per constituency. The Assistant Minister has talked about surplus. What is this that triggered a high surplus for the previous year's compared to last year and yet we know that even prices of petrol and all oil products increased in this country tremendously last year which, therefore, should reflect a high collection of revenue in terms of Fuel Levy?

Dr. Machage: Mr. Deputy Speaker, Sir, yes, it may appear that the constituencies received the amount that the hon. Member has talked about. However, the truth is that each constituency should by now have received Kshs20,500,000 of the 22 per cent portion and Kshs9,300,000 on the 12 per cent portion. What happened is that the money was less and constituencies received Kshs18 million first. So, the Kshs2 million is either there now or is in the process of being delivered to bring the sum to what I had talked about. So, the situation the hon. Member has indicated does not arise.

Mr. Warugongo: Thank you very much, Mr. Deputy Speaker, Sir. The Ministry of Energy normally communicates to all Members of Parliament when they want to send money to our constituencies. I want to know whether the Ministry of Roads also does the same because when money is sent to our constituencies and we are not aware, we are still the ones who are asked questions by constituents when there are problems.

Dr. Machage: Mr. Deputy Speaker, Sir, even the Ministry of Roads communicates to the constituencies through the secretaries who are the District Roads Officers. I still take the Member's concern seriously. I will instruct the Ministry to also make a copy to hon. Members of Parliament so that we are all aware of the dispatch of the funds. However, there are questionnaires that have been submitted to you or to every Member of Parliament through the Kenya Roads Board so that you can give your views on how services are being rendered to you. Please, include that as a complaint.

Mr. Lessonet: Thank you, Mr. Deputy Speaker, Sir. I would like the Assistant Minister to reconfirm the statement he has made that he collected less in terms of fuel levy in the last financial year compared, for example, to 2009/2010. This is because I cannot understand the logic. Under the 22 per cent, he gave us Kshs20 million in the last financial year and in the financial year before that, he gave us Kshs27 million. This does not add up. Kenyans, on daily basis, are buying new cars and even Kenyans who did not have new cars before have acquired cars. We expect the fuel levy to rise every year.

Finally, could the Assistant Minister also explain to this House how he administered the 10 per cent? These Members of Parliament, through the Constituency Roads Committee, are responsible, they supervise and oversee the 22 per cent. How does he administer the 10 per cent?

Dr. Machage: Mr. Deputy Speaker, Sir, there are two questions by the Member. Indeed, the first question should have rightfully been answered by the Ministry of Finance. However, what I know is that in the 2009/2010 Financial Year the collections surpassed the projections by Kshs3.7 billion. The result of this was that the supply of additions gave us about Kshs5 million additional funds to every constituency. We received the money and we dispatched it. I cannot be able to answer the other question although it is part of the Government. However, that is the situation with regard to the statistics.

With regard to the second issue of 10 per cent, this money is administered by the Kenya Rural Roads Authority (KERRA) regional managers who are supposed to consider every constituency on equitable basis on the requirements of the area.

Mr. Lessonet: On a point of order, Mr. Deputy Speaker, Sir. You have heard the Assistant Minister correctly say that he is not able to explain why there is either a drop or a

constant collection of fuel levy against our expectations that it should be rising exponentially year after year. Can I, therefore, request that the relevant Committee to interrogate that subject matter because I truly believe that there must be a problem on fuel levy collection? That is my request.

Dr. Machage: Mr. Deputy Speaker, Sir, I would not like to contest what the Member has requested for because it makes a lot of sense. However, let me inform the House that the information I have is that we have an increase of this figure. This is because we are only looking at the statistics of three years of which the first one was spiked, that is, 2010/2011. However, each constituency received Kshs29,800,000 in the 2011/2012 Financial Year whereas in 2012/2013 Financial Year each constituency will receive Kshs30,300,000. So, the trend of increasing is projected in the statistics.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. This is a very serious matter. It is not normal to have collections from fuel levy reducing constituency allocation from Kshs27 million to Kshs20 million in one single year. Given the fact that we have issues with collection of revenue in this country, I think it is in order if we could allow what hon. Lessonet had suggested, that this matter be referred to the relevant Committee to investigate since the user Ministry has not taken the initiative to find out why there has been such a serious and drastic drop. We need, as a Parliament, to find out what happened between 2009 and 2012, to really know why there has been a decrease in collection of Fuel Levy and yet the prices of oil are increasing and more Kenyans are buying cars. It is not possible to have such a drop.

Mr. Deputy Speaker: Hon. Minister, the Fuel Levy is a statutory thing and, clearly, indications are that it should increase instead of reduce. So, can you explain yourself?

Dr. Machage: Mr. Deputy Speaker, Sir, I have given you statistics of the finances I am given in the Ministry to handle as they are in black and white. If the House feels that they need to dig deeper into this, it is also to my advantage because maybe I would have received more to give you. I have no objection.

Mr. Deputy Speaker: Clearly, the relevant Committee will take up this as a very important issue because it involves resources and common knowledge dictates that, given the consumption we have and the international prices of oil and this being a statutory fund, then, it should not reduce but increase. It is basic understanding. I think the Committee can move with speed and work on that.

Hon. Washiali, I hope you are happy with that. Do you still have a question to ask?

Proceed.

Mr. Washiali: Mr. Deputy Speaker, Sir, while I appreciate the suggestion of further investigation, I would have just requested that we enjoin this Committee with the CDF Committee because that is how we get to the Constituency Roads Committee.

I was wondering whether I would be in order to ask the Chair to be reading the names of hon. Members who may have pressed the button and then you have not given them the opportunity to speak because sometimes we do not know. This system is one way.

(Applause)

Mr. Deputy Speaker: Order, Mr. Washiali. That is the business of the Chair. That is why this thing is only for the Chair and not for the rest of you. That discretion is to be exercised by the Chair and everything has got a time limit.

Mr. Assistant Minister, could you finally answer this and then we proceed? The idea of having the CDF Committee enjoined in this is well-taken and it is so directed.
Proceed.

Dr. Machage: Mr. Deputy Speaker, Sir, the Ministry will co-operate fully on this issue.

Mr. Deputy Speaker: Hon. Members, I have a small communication to make. I will first of all defer the three Questions. Question No. 1673 by Mr. Langat and Question No. 1654 by Mr. Lekuton are both deferred to tomorrow and they should have priority over the other Questions just as I had indicated.

Question No. 1673

UPGRADING OF KERICHOTOWN-AINAMOI TRADING
CENTRE-THESHALIA ROAD

(Question deferred)

Question No. 1654

CRITERIA OF APPOINTING MEMBERS TO
NSSF AND NHIF BOARDS

(Question deferred)

Mr. Deputy Speaker: Finally, Question 1 by Private Notice by Mr. Letimalo, you can only blame yourself for coming late this time but the Chair will still have this Question also listed on the Order Paper tomorrow afternoon.

QUESTION BY PRIVATE NOTICE

ILLEGAL LOGGING IN MATHEWS
RANGERS FOREST

(Mr. Letimalo) to ask the Minister for Forestry and Wildlife:-

- (a) Is the Minister aware that there is illegal logging being carried out in Mathews Ranges Forest at Wamba in Samburu East?
- (b) What action has the Minister taken to stop further illegal logging in the forest?

(Question deferred)

COMMUNICATION FROM THE CHAIR

DEBATE ON THE TENSION IN BANITA SETTLEMENT
SCHEME TO BE HELD IN CAMERA

Mr. Deputy Speaker: Hon. Members, I did promise you I would give you a Communication today. I will give you a communication today on the matter of the build-up of tension in Banita Settlement Scheme. Clearly the Chair is convinced that this Ministerial Statement should be delivered and interrogated fully in camera as was the request of the majority of the Members of Parliament and in line also with Standing Order No.214 which states as follows:-

“Withdrawal of strangers from the Chamber. If at any sitting of the House or in a Committee of the Whole House any Member shall move that strangers be ordered to withdraw, the Speaker or the Chairperson shall forthwith put the Question. No amendments, adjournment or debate being allowed. Upon such question being resolved in the affirmative, all strangers shall be ordered to withdraw from the Chamber.”

So, you have to initiate! The Chair does not have the powers to initiate this process. The process must be initiated by an hon. Member on the Floor! So, that is the position!

Dr. Khalwale: Mr. Deputy Speaker, Sir, I rise under Standing Order No. 214 to move that all strangers be ordered to withdraw from the Chamber.

Mr. Deputy Speaker, Sir, this will enable the House to pursue yesterday’s Ministerial Statement on the matter of the build-up of tension in Banita Settlement Scheme.

Mr. Deputy Speaker: Order. It has been brought to my attention that we had not called for the next Order which is the Statements. For the clarity and the records, next Order!

MOTION

WITHDRAWAL OF STRANGERS FROM THE CHAMBER

Dr. Khalwale: Mr. Deputy Speaker, Sir, I rise under Standing Order No.214 to move that all strangers be ordered to withdraw from this Chamber.

Mr. Deputy Speaker, Sir, this will enable us to pursue yesterday’s Ministerial Statement which was in respect of the matter of the build-up of tension in Banita Settlement Scheme.

Thank you.

(Question put and agreed to)

Mr. Deputy Speaker: The withdrawal entails everything including the cameras and all systems of recording. Everybody else should withdraw from the Chambers except the Serjeant-at-Arms, the HANSARD and the Clerks-at-the-Table. You have two minutes to withdraw!

(Some withdrew from the Chamber)

Hon. Members, sovereignty and patriotism also entails the confidentiality of the debate that will be held here. I will call upon the Members of Parliament--- It will be a very bad thing, an outrage on Kenyans if what is discussed in camera today will appear in the media any other day. So, it is important that every hon. Member observes that, in the interest of nationalism and patriotism.

Are the galleries clear now?

The Minister of State for Defence (Mr. Y. Haji): Mr. Deputy Speaker, Sir, the Public Gallery behind you is full of school children!

Mr. Deputy Speaker: The Chair has directed that every stranger should withdraw from the galleries and from the House! Everybody should withdraw except the HANSARD, the Serjeant-at-Arms and the Clerks-at-the-Table and of course the Members of Parliament who will debate on this.

It is the responsibility of the Serjeant-at-Arms to make sure that everybody withdraws; that every stranger is out.

I will also direct the technical people to make sure that they disable all the offices because there are offices that essentially can follow the proceedings in here through the systems that are there. So, they must all be disabled.

That entails also disabling every other television, radio, any other system outside the Chambers here. That includes in our offices.

Ms. Amina Abdalla: Mr. Deputy Speaker, Sir, I had initially wanted to tell you that the public galleries were still full.

Mr. Deputy Speaker: Is it clear yet? I want to have a confirmation from the HANSARD also that our offices have also been disabled and the cameras are off everywhere.

I presume that we can now call the House to order. The Serjeant-At-Arms should be able to do this with military efficiency. Do you not have your people up there to get rid of all the strangers? Go to the Public Gallery and make sure that everybody clears from there! Could you send your officers to make sure that the Public Gallery is clear? You cannot clear the Public Gallery by waiving to them from the Chamber!

*(All strangers in the Public Gallery
withdrew from the Chamber)*

(The House went into Camera)