

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 2<sup>nd</sup> January, 2013

The House met at 9.00 a.m.

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

### PRAYERS

### QUESTION BY PRIVATE NOTICE

#### REDUCING EXPLOSIONS IN EASTLEIGH ESTATE

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

(a) Could the Minister explain the circumstances surrounding the explosion at Hidaya Mosque in Eastleigh Estate, Nairobi, on 7<sup>th</sup> December, 2012 in which several people died and others injured including the Kamukunji Member of Parliament?

(b) How many suspect(s) have been arrested in connection with the incident?

(c) What measures is the Government taking to contain the rising cases of explosions in Eastleigh area?

**The Temporary Deputy Speaker** (Mr. Imanyara): Minister of State for Provincial Administration and Internal Security! Mr. Elmi, would you know by any chance where your colleague is?

**The Minister of State for Development of Northern Kenya and other Arid Lands** (Mr. I.E. Mohamed): Mr. Temporary Deputy Speaker, Sir, I think they should be coming anytime now.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mrs. Shebesh, should we give him a few moments to see whether he will show up?

**Mrs. Shebesh:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well! We will now go to Oral Answers to Questions.

### ORAL ANSWERS TO QUESTIONS

*Question No.1833*

#### INCREASING PENSION BENEFITS TO 60 YEARS

**Mr. Pesa** asked the Minister for Finance:-

(a) whether he is aware that next-of-kin of deceased pensioners are still paid pension for five (5) years after the death of the pensioner and yet the Government has raised the retirement age to 60 years; and,

(b) what measures the Minister will take to ensure that the next-of-kin to the deceased pensioners continue receiving pension for ten (10) years instead of five (5) years.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Pesa is not here. We will go to the next Question.

*Question No.1861*

ALLOCATION OF HIV/AIDS MONEY TO COMMUNITY  
GROUPS IN NDHIWA CONSTITUENCY

**Mr. Oyugi** asked the Minister of State for Special Programmes:-

(a) how much money is allocated to each constituency every financial year for the fight against HIV/AIDS and what the rationale of uniform allocation to constituencies is,

(b) how many community groups in Ndhiwa have received money to help in the fight against HIV/AIDS; and,

(c) why some community groups, which had their funding approved, training conducted and grant documents signed between them and the National AIDS Control Council are yet to receive funding since 2010.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Oyugi is not here. We will go to the next Question.

*Question No.1815*

LACK OF SCHEME OF SERVICE FOR VILLAGE ELDERS/HEADMEN

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

(a) whether he is aware that the Government does not have a scheme of service to engage, recognize and appreciate the work performed by village elders/headmen, in provision of basic administrative services at the grassroots countywide and, if so, why; and,

(b) whether he could consider developing a scheme that would remunerate and recognize their work and service to the community.

**The Temporary Deputy Speaker** (Mr. Imanyara): I have just noticed that the Minister is not in the House so we will give him a few moments; I think Mr. Elmi has gone to look for him. So, we will come back to it.

*Question No.1878*

STALLING OF WORKS ON CHEPTONGEI/KAPSOWAR  
TOWN TRANSMISSION LINE

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

- (a) whether he is aware that construction of power transmission line from Iten Township to Cheptongei/Kaposowar Town has stalled for the last six years,
- (b) what plans the Ministry has to complete the project; and
- (c) the cause of the frequent power blackouts in Iten Township and its environs.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Chepkitony is not here so we will go to the next Question.

*Question No.1872*

DELAYED COMPENSATION TO FAMILY OF THE LATE ZADOCK OMONDI

**Mrs. Odhiambo-Mabona** asked the Minister for Forestry and Wildlife:-

- (a) whether he is aware that Master Zadock Omondi, a pupil at Dr. Williams Primary School, in Rusinga Island was killed by a hippopotamus on 14th February, 2012.
- (b) what steps the Government has taken to ensure that the family of the deceased is compensated; and
- (c) what measures are in place to address human-wildlife conflict.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mrs. Odhiambo-Mabona is not here so we will go to the next Question.

*Question No.1782*

CONSTRUCTION OF FOUR 5-STAR HOTELS BY  
KENYA RED CROSS SOCIETY

**Mr. Sirat** asked the Minister of State for Special Programmes:-

- (a) how much money the Kenya Red Cross Society has spent to construct four 5-Star Hotels in Nairobi, Nyeri and Eldoret, the source of the funds used and how much money each of these facilities generate annually;
- (b) whether he could confirm that the Society acquired more than 3,000 acres of land in Bura in Tana River County in 2010 and indicate how the Society intends to use the land; and,
- (c) whether the organization's mandate has changed from non-profit humanitarian body to profit making organization and to who the Society and its Board of Trustees is accountable to.

Mr. Temporary Deputy Speaker, Sir, happy New Year!

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is the Minister of State for Special Programmes? We will go to the next Question.

QUESTION NO.1807

ACTION AGAINST PUBLIC OFFICERS  
PRACTICING NEPOTISM AT KPC

**Mr. C. Kilonzo** asked the Minister for Energy what action he will take against public officers practising nepotism at Kenya Pipeline Company Ltd.

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I beg your indulgence.

**The Temporary Deputy Speaker** (Mr. Imanyara): Congratulations, Assistant Minister! You are the only one who is ready on time to answer your Question. Congratulations!

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Minister for Finance** (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. I was also ready.

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I beg the indulgence of the House. I have an answer here which I think is not adequate because it is not properly structured. I beg that I be given more time to get a proper answer.

**The Temporary Deputy Speaker** (Mr. Imanyara): When you talk about more time, what kind of time are you talking about?

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, the answer I have says that we are going to investigate, but I do not have any results of the investigations. So, I beg that I be given two more days.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. C. Kilonzo, what do you have to say about that?

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I have no objection.

**The Temporary Deputy Speaker** (Mr. Imanyara): So, tomorrow? It is likely to be our last day, as you know.

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, may I request that we do it next Tuesday, if you do not mind?

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well! The Member has no objection. So, we will put it to next Tuesday, if at all there will be a Sitting.

**The Assistant Minister for Energy** (Eng. M.M. Mahamud): Much obliged, Mr. Temporary Deputy Speaker, Sir.

*(Question deferred)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Githae, now that you are here, could you tell us where your colleagues are, for example, the Minister of State for Provincial Administration and Internal Security?

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, Happy New Year to you all. I am told they are on the way with the answers and one of them has arrived. By the time we do the second round, they may have arrived.

**The Temporary Deputy Speaker** (Mr. Imanyara): We are already on the second round and it is not even part of our tradition to do the second round. I was here before you. Hon. Members from both sides of the House, it does not look as if we are ready for Questions today. Any Minister who is ready with an answer?

**Mrs. Shebesh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. As you can see, my Question is very urgent. It pertains to a fellow colleague in this House who was involved in

very unfortunate circumstances, who is currently in South Africa. Even broader than that, since then, we have had other grenade attacks in Eastleigh. This is becoming a very critical issue in Nairobi. The grenade attacks do not seem to be ending and the security arms of the Government do not seem to be bothered with containing insecurity that is rising. This is a Question that I would have wanted anybody in the Government, because of collective responsibility, to assure us that as we go to the elections, Eastleigh and the environs of Nairobi will be safe, especially on the issue of grenade attacks.

**The Temporary Deputy Speaker** (Mr. Imanyara): Anyone from the Government? Mr. Githae, you have heard the sentiments. This is our own colleague.

**The Minister for Finance** (Mr. Githae): Indeed, Mr. Temporary Deputy Speaker, Sir, this is a sad incident. Now that we have a new Inspector-General of Police, he has already given instructions that these culprits be investigated, apprehended and taken to court.

Mr. Temporary Deputy Speaker, Sir, the substantive Minister in charge of that portfolio is not here. I am told that he is not feeling well and that he is in hospital. That is the information I am getting. The Assistant Minister was supposed to be here, so I do not know what has happened.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Duale, what is your point of order?

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, this Minister is lying to the country. I was with the Minister for Internal Security---

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! Order! Order! Order! You do not start---

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, the Minister is misleading because I was with the Minister in charge of internal security in the gym one hour ago! How could he be sick?

**The Temporary Deputy Speaker** (Mr. Imanyara): He could have fallen sick there.

**Mr. Duale:** No! I left him there.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Elmi, did you go out to look for him?

**The Minister of State for Development of Northern Kenya and other Arid Lands** (Mr. I.E. Mohamed): Mr. Temporary Deputy Speaker, Sir, I do not think we should discuss that because I just talked to him and he said--- Mr. Duale, being in hospital does not mean that he is admitted and I do not think we should go further than that discussing it. I am sorry that I actually mentioned it.

**The Temporary Deputy Speaker** (Mr. Imanyara): What is your point of order, hon. Member for Lari?

**Mr. Njuguna:** Happy New Year, Mr. Temporary Deputy Speaker, Sir. I am urging you to take very serious action on Government Ministers because this being the beginning of the year, the outgoing Government must be serious and committed to Business in this House. To me, this is a bad signal and I urge you to instigate very serious measures on Government Ministers.

**The Temporary Deputy Speaker** (Mr. Imanyara): What is it, Mr. Chanzu?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, the issue Mrs. Shebesh is raising is not only confined to Eastleigh; it is a wide issue. It has happened in Eastleigh; it has happened in

Mombasa and it can happen anywhere in the country. So, it is a very urgent matter. We seem to be dealing with these gadgets, which are so many in the country, and the Minister needed to be here to tell us what the Inspector-General of Police is going to do, just like hon. Githae is saying. The Inspector-General is not the Minister; we want the statement from the Government and the Executive.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. C. Kilonzo, what is it that you want to say?

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, there are two Ministers in this particular crucial Ministry. So, in all fairness, we really expected one of them to show up even if one of them is not feeling well. Just the other day when the Committee on Defence and Foreign Relations invited the Minister in charge of Immigration, he actually confessed to the Committee that they do not have money to give to the police. The Government does not have money to give to the police.

Mr. Temporary Deputy Speaker, Sir, now that the Minister for Finance is here, perhaps even if the other Ministers are not there, can we get an undertaking from him that he is going to avail the resources to the police?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Githae, do you want to react to that?

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, if you look at the budgetary provisions for the police since President Mwai Kibaki took over the reign, they have actually increased by more than 300 per cent---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Githae, I think Mr. C. Kilonzo wants to know whether you are in a position, now that you are the Minister for Finance, to specifically respond to the issue of the security in Eastleigh and other parts of the country that Mr. Chanzu mentioned.

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I will not be able to substantially respond to that, but I was only responding to the issue of financial resources, and we have said that we are going to give the police substantial financial resources. In my Supplementary Budget, there is actually an increase of the total budget for defence, police and National Security Intelligence of more than Kshs6 billion.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Shebesh, what you would do and, usually, I will leave this matter pending and see whether the Minister will show up during the course of this morning. We will revisit this issue at whatever stage any of them walks in.

The hon. Member for Migori; the second time!

*Question No.1833*

INCREASING PENSION BENEFITS TO 60 YEARS

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is the hon. Member for Migori?

Question dropped.

*(Question dropped)*

The hon. Member for Ndhiwa!

*Question No.1861*

ALLOCATION OF HIV/AIDS MONEY TO COMMUNITY  
GROUPS IN NDHIWA CONSTITUENCY

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is the hon. Member for Ndhiwa?

Question dropped.

*(Question dropped)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is the hon. Member for Makueni, hon. Peter Kiilu?

*Question No.1815*

LACK OF SCHEME OF SERVICE FOR VILLAGE ELDERS/HEADMEN

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

(a) whether he is aware that the Government does not have a scheme of service to engage, recognize and appreciate the work performed by village elders/headmen, in provision of basic administrative services at the grassroots countywide and, if so, why; and,

(b) whether he could consider developing a scheme that would remunerate and recognize their work and service to the community.

**The Temporary Deputy Speaker** (Mr. Imanyara): Just like I have mentioned to hon. Shebesh, hon. Kiilu, I would leave this matter pending hoping that the Minister will turn up at some stage before we leave this Order because you have heard the explanation that has been offered. So, I will leave the matter in abeyance and see how the morning develops.

The hon. Member for Keiyo North, hon. Lucas Chepkitony!

*Question No. 1878*

STALLING OF WORKS ON CHEPTONGEI/KAPSOWAR  
TOWN TRANSMISSION LINE

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is the hon. Member for Keiyo North?

Question dropped.

*(Question dropped)*

Next Question by nominated Member, Mrs. Odhiambo-Mabona.

*Question No.1872*

DELAYED COMPENSATION TO FAMILY  
OF THE LATE ZADOCK OMONDI

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is Mrs. Odhiambo-Mabona? That is very unusual for Mrs. Odhiambo-Mabona.  
Question dropped.

*(Question dropped)*

The hon. Member for Mwea.

*Question No. 1879*

DELAYED RELEASE OF CDF MONEY TO CONSTITUENCIES

**The Temporary Deputy Speaker** (Mr. Imanyara): Where is Mr. Peter Gitau? Where is hon. Peter Gitau again?  
Question dropped.

*(Question dropped)*

Yes, hon. Koech?

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, I appreciate your ruling, but looking at this Question and being aware that we are coming to the end of our term, could you consider asking the Minister for Finance to give us some details maybe at the Order on Statements so that we, as hon. Members, could prepare ourselves to know whether we actually are going to spend this money or not?

**The Temporary Deputy Speaker** (Mr. Imanyara): That is on Question No.1879. Yes, I think the Minister has a Ministerial Statement on that. Mr. Githae, is that not the position?

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, Indeed, I have good news for this august House.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Imanyara): In that case, I will give you an opportunity at the Statements stage. I will give you that opportunity to give them the good news for the New Year at the Order on Statements.

Mr. Sirat, I picked in the news also that the Minister of State for Special Programmes may be somewhere in the North Rift; I do not know whether any Minister is aware of that? Where is the Minister of State for Special Programmes?

*Question No.1782*

CONSTRUCTION OF FOUR 5-STAR HOTELS  
BY KENYA RED CROSS SOCIETY



**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Sirat, what would you like us to do on this?

**Mr. Sirat:** Thank you, Mr. Temporary Deputy Speaker, Sir. It would have been good if I had a written answer so that I could look at it. However, could you kindly reschedule my Question for tomorrow?

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Alright; this Question is to be on the Order Paper tomorrow.

*(Question deferred)*

Before I call the next Order, I want to revisit Order No. 4 at the special request of the Chairman of the Constitution Implementation Oversight Committee (CIOC), hon. Abdikadir.

**Mr. Abdikadir:** Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, you would recall that on Thursday, the Speaker had stopped me from tabling some Papers and giving notice to the Motion. I had sought your indulgence to do this late and you were kind enough to accede. I wish to go ahead and do that without your permission.

**The Temporary Deputy Speaker** (Mr. Imanyara): And you have the approval of the---

**Mr. Abdikadir:** Yes, I have confirmation from the Clerk that the approvals have been given.

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well; you may go on.

**Mr. Abdikadir:** Thank you very much, Mr. Temporary Deputy Speaker, Sir.

## PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Departmental Committee on Justice and Legal Affairs on replacement of outgoing members (non citizens) to the Judges and Magistrates Vetting Board.

Secondly, on the nomination of Secretary and Chief Executive Officer to the Ethics and Anti-Corruption Commission.

With your permission, I wish also to give notices of---

**The Temporary Deputy Speaker** (Mr. Imanyara): Wait a moment, we are on Order No.4. Now, we can also revisit Order No.5. Now you may go ahead.

## NOTICES OF MOTIONS

### NOMINATION OF SECRETARY/CEO TO ETHICS AND ANTI-CORRUPTION COMMISSION

**Mr. Abdikadir:** Mr. Temporary Deputy Speaker, Sir, I beg to give notices of the following Motions:-

THAT this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the nomination of Secretary/Chief Executive Officer to the Ethics and Anti-Corruption Commission.

REPLACEMENT OF OUTGOING MEMBERS TO JUDGES AND  
MAGISTRATES VETTING BOARD

THAT this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on replacement of outgoing members (non citizens) to the Judges and Magistrates Vetting Board.

**MINISTERIAL STATEMENTS**

**The Temporary Deputy Speaker** (Mr. Imanyara): First, we will hear the good news from the Minister for Finance.

DISBURSEMENT OF KSHS 10.1 BILLION  
TO CDF MANAGEMENT BOARD

**Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I just wish to confirm to this august House that this morning I sent Kshs 10.1 billion to the CDF Management Board to enable Members of Parliament to complete all the projects that they have started, so that the incoming of Members of Parliament can start on a clean slate.

Mr. Temporary Deputy Speaker, Sir, this morning a circular has also been issued to all accountants in all the district registries that they should not proceed on leave until after the elections on 4<sup>th</sup> of March.

Thank you.

**The Temporary Deputy Speaker** (Mr. Imanyara): Any Member wanting to react to that? Yes hon. Duale.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, last week the Chair gave a directive that the Minister tables the circular to the House; I do not know whether the Minister can do that.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Duale, I do not think you are challenging the Minister's undertaking in that regard; but Minister, you can confirm to the House that, indeed, you have issued the circular and you have personally seen it. I do not think the House will really have any opposition to a Statement from the Minister that he has issued that circular this morning. Nevertheless, Minister, what do you want to say to that?

**Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, indeed, the circular has been issued. In fact, it is being photocopied and within the next one hour, enough copies will be in Parliament.

*(Mr. C. Kilonzo stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well; Mr. C. Kilonzo, what is it that you want to seek clarification on?

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, let me thank the hon. Minister on behalf of my colleagues. I would also inform him that sometimes the ball tends to be very slow. Now that the money is there, it should not also stay for a day with the Board; he should ensure that the money is immediately disbursed to the respective constituencies.

**The Temporary Deputy Speaker** (Mr. Imanyara): Except that his colleague Minister responsible, who had also given an undertaking, does not appear to be in the House; anybody here from his Ministry? Minister, perhaps, you can inform the House whether you are in liaison with your colleague in the other Ministry.

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, yes, indeed; he is my neighbour, and from here I will pass by the office and make sure that the circular on the District Development Officers is also issued. I will also get somebody to call the CDF Board. They should disburse this money immediately because all the applications are with them. There is nothing new and the applications have actually been approved. Basically this is the 50 per cent tranche. So, all the applications are there. They have been approved. So, really, they will have no excuse at all not to disburse this money latest by tomorrow.

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well; Mr. Minister, would you like us to revisit this matter tomorrow for you to confirm that what you have promised will have been done?

We will allow the Minister another opportunity tomorrow just to give the confirmation that Members require.

Yes, hon. Koech.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, let me also thank the Minister for the good news. But aware that earlier the Minister had given an undertaking to release this money by 30<sup>th</sup> of November, and now it is coming in January, could he indicate to this House that he has liaised with his colleague to ensure that this is utilized up to latest 4<sup>th</sup> March and not 14<sup>th</sup> of January.

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, we were in this House when the Minister of State for Planning, National Development and Vision 2030 gave that undertaking and he was to issue a circular that the money would continue to be utilized until after 4<sup>th</sup> of March. Again, as I have confirmed, after this I am going to pass through his office just to make sure that that circular is done just the way I have done mine.

Mr. Temporary Deputy Speaker, Sir, really, now that we are in a new dispensation, that is what should happen. If you take, for example, in the case of the United States of America, you continue to be a Member of Parliament until a new parliament is sworn in, meaning that if you are re-elected, you are not actually sworn in. I think that is the tradition we need to adopt in this House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Except that it requires amendment of the law, Mr. Minister. Of course, Ministers do remain in office until new Ministers are appointed. They handover to the new Ministers, but the rest of us will sit up to the end of our term. But it is important that, that statement be issued; that is why I am asking the Minister to confirm this tomorrow. Undertakings given on the Floor of the House are very important. We do not want a situation where civil servants defy undertakings given in the House on behalf of the entire Government.

So, the Minister will consult his colleague in the Ministry of State for Planning, National Development and Vision 2030 and tomorrow the two of them, or one of them, will issue a statement, indeed, confirming all the information that the Members are seeking.

Yes, hon. Njuguna.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, I rise to wholeheartedly thank the hardworking Minister for Finance for keeping his words and commitments to this House. Now,

we are excited that all the projects that we have started in our constituencies such as schools and health centres will be completed.

I appreciate the efforts of the Minister.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, the Minister has given assurance on the issue of District Accountants, who fall under his Ministry; but since he has given an undertaking that he is going to see the Minister of State for Planning, National Development and Vision 2030, I think the District Development Officers (DDOs) should be treated in the same way because they are the Accounting Officers.

**The Temporary Deputy Speaker** (Mr. Imanyara): Indeed, that is why he is saying that he is going to walk straight to the Minister's Office and ensure the circular to the District Constituency Fund Manager also goes out. He has undertaken that he is going to confirm taking of that action tomorrow in the House.

Any other statement? Yes, hon. Mwau.

### POINTS OF ORDER

**Mr. Mwau:** Mr. Temporary Deputy Speaker, Sir, happy New Year to you and all the Members present.

Mr. Temporary Deputy Speaker, Sir, I rise to say that on 23<sup>rd</sup> March, 2012 based on allegations of drug trafficking, which were not supported by any evidence, I asked the Chair to give a ruling on whether the names of the adversely mentioned persons would be expunged from the record; to date I have not received any ruling. Therefore, I request that I get the ruling from the Chair in response to the request that I made on 23<sup>rd</sup> March, 2012; I want to know whether the names will be expunged from the record on the basis that there was no evidence.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mwau, the undertaking was by the Chair?

**Mr. Mwau:** Yes, there was to be a ruling by the Chair.

**The Temporary Deputy Speaker** (Mr. Imanyara): Okay, then, you will get a confirmation from the Chair tomorrow; since that is a matter of record, we will check after this and a communication to that effect will be given at the earliest opportunity, if not this afternoon, then certainly tomorrow.

### VIOLATION OF CBK GUIDELINES/REGULATIONS BY BANKS

**Mr. Mwau:** That is one, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, also on 22<sup>nd</sup> November, 2012, I asked Question No.1812 to the Minister for Finance. The Question was that the Central Bank of Kenya has refused to supply or give this House information. The Speaker deferred the Question and promised that he would give a ruling on 29<sup>th</sup> November, which ruling is still pending up to today. Therefore, I kindly request that also this ruling in respect of Question No.1812 be given.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mwau to the best of my information, the matter was referred to the Implementation Committee. The Implementation Committee, in which I sit, has actually completed its report and I expect--- If it has not been tabled--- I do not see the Chair of the Committee here, but I know the report is ready. I sit on that Committee; it is a matter that was referred to the Committee and it has been addressed. So,

you can trace the Chair of the Implementation Committee and find out whether he is ready to table his report today or tomorrow; that should satisfy your curiosity in that regard.

Of course, in his wisdom, the Speaker referred the matter to the Implementation Committee, which is the Committee charged with the responsibility of following up. So, I do not see hon. Mwau in the House but the lead Clerk-at-the-Table will approach him between now and tomorrow to ensure that the Report is, indeed, tabled. That should address the issue you are referring to, hon. Mwau. Do you have any comment on that matter?

**Mr. Mwau:** Mr. Temporary Deputy Speaker, Sir, I appreciate your ruling although the ruling that referred the matter to the Implementation Committee was based on another Question. This was a different Question on which the Speaker had said he would rule. However, I go by your ruling.

#### CLARIFICATIONS ON 2004 POLICE SEIZURE OF COCAINE HAUL

**Mr. Mwau:** Mr. Temporary Speaker, Sir, further to that one, I would like to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the fact that the Kenya Police have released a documentary clarifying all the allegations and matters, including their investigations report, pertaining to the 1,141.5 kilogrammes of cocaine that was seized in Kenya in 2004.

In the Statement, I would like the Minister to confirm that no Member of Parliament was involved in that particular seizure of cocaine or in any other cocaine seizure. Further, I request that a copy of the documentary that the Police released be made available to the House because allegations on the same matter were made in this House; and that I be provided with an authenticated copy of the documentary.

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes, Mr. Githae.

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the circular I referred to has actually been issued. If you allow me, I will read it out for the benefit of all hon. Members since it is only three paragraphs.

**The Temporary Deputy Speaker** (Mr. Imanyara): You may go ahead.

**The Minister for Finance** (Mr. Imanyara): Thank you, Mr. Temporary Deputy Speaker, Sir.

The circular is addressed to all District Accountants. The reference is---

**The Temporary Deputy Speaker** (Mr. Imanyara): Sorry, Mr. Githae. I thought you were responding to Mr. Mwau's request for Ministerial Statement regarding the police documentary on the cocaine haul and his request that the documentary be made available to the House and a copy be given to him. Can you speak to that one first?

**The Minister for Finance** (Mr. Githae): Mr. Speaker, Sir, I will relay that information to the Minister of State for Provincial Administration and Internal Security, so that he can do the necessary.

**The Temporary Deputy Speaker** (Mr. Imanyara): I direct that he does so tomorrow afternoon.

**The Minister for Finance** (Mr. Githae): I will relay the information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Mwau, are you satisfied, before I allow the Minister to proceed to other business?

**Mr. Mwau:** Mr. Temporary Deputy Speaker, Sir, tomorrow afternoon is fine for me. I am satisfied. We are coming to the end of the life of this Parliament, and those allegations were quite serious. Since the Police have cleared the matter by making a documentary and releasing information on need-to-know basis, it is only important that this matter is put to rest.

Thank you.

**The Temporary Deputy Speaker** (Mr. Imanyara): Very well. The Minister should issue the Ministerial Statement tomorrow afternoon. If he can do it earlier, in the event of an earlier session of the House, it is well and good.

Mr. Githae, you appear to be the man on the spot. I now allow you again to make your statement.

## MINISTERIAL STATEMENT

### RELEASE OF CONSTITUENCIES DEVELOPMENT FUNDS

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, this circular is addressed to all District Accounts. The circular, referenced “Release of Constituencies Development Funds”, reads as follows:-

“The National Treasury has today released all funds to the Ministry of State for Planning, National Development and Vision 2030 to fund all ongoing and new Constituency Development Fund (CDF) programmes in all constituencies. In this regard, it has been deemed necessary to recall all District Accountants who are currently on their annual leave. Further, District Accountants who are in office are advised not to take their annual leave until further notice.

The District Accountants are required to ensure that all CDF payments are processed in accordance with the Constitution, the Public Finance Management Act, 2012, the Constituencies Development Fund Act and the existing Government financial regulations and procedures.

All District Accountants are required to comply with the contents of this circular.”

Mr. Temporary Deputy Speaker, Sir, the circular is dated 31<sup>st</sup> December, 2012.

**The Temporary Deputy Speaker** (Mr. Imanyara): I direct that copies be made available to hon. Members during the course of the sitting or at least by the end of today.

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I hereby table the document.

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

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, are there any other Ministerial Statements being requested or issued?

## POINT OF ORDER

### TERMS OF SERVICE FOR PROVINCIAL ADMINISTRATORS UNDER NEW DISPENSATION

**Prof. Kaloki:** Mr. Temporary Deputy Speaker, Sir, I thank you very much for this opportunity.

I rise to seek a Ministerial Statement on the Provincial Administration, and especially regarding the National Administration and Coordination Bill. There is a major concern throughout the country by Provincial Administration officials, including especially village elders, assistant chiefs, chiefs, District Officers and District Commissioners. As we speak, these particular officers do not know their fate.

In the Ministerial Statement, the Minister should clarify the terms of service for these particular officers and clarify when the particular Bill will come to the Floor of the House for it to be debated and passed, so that the matter can be dealt with before the expiry of the life of this Parliament.

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes, Mr. Githae.

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the National Administration and Coordination Bill is already before the House. It has gone through the First Reading. It is awaiting Second Reading. The Bill clearly states all the requirements that the hon. Member has asked about – terms and conditions of service. They will continue---

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Githae, it is enough to just point out that the Bill is before the House.

**The Minister for Finance** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the Bill is now a property of the House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Yes. So, you do not anticipate debate on it.

Prof. Kaloki, the matter is, in fact, scheduled. I have seen the proposed business of the House. The Bill appears to be on course. I do not know whether you are satisfied.

**Prof. Kaloki:** Mr. Temporary Deputy Speaker, Sir, the issue is “when”. I have a copy of the Order Paper, and the Bill is not listed on it. That is why I want the Minister to try to work with the House Business Committee to make sure that the Bill is put on the Order Paper, so that we can deal with it before the expiry of the life of this Parliament.

*(The Clerk-at-the Table consulted the Chair)*

**The Temporary Deputy Speaker** (Mr. Imanyara): Prof. Kaloki, it has just been pointed out to me that, in fact, the matter is in the jurisdiction of the House Business Committee. It is the one that prioritises the Business that comes before us. The Government has done what is required of it. Therefore, it is a matter which is before a Committee of this House. If they can prioritise it, it can come up even as early as this afternoon but it is already before the House.

Hon. Members, since there are no other requests, I just want to communicate that, given the nature of the pending business, at the request of the Joint Chief Whips, I am re-organising the business of the House for the rest of this morning’s sitting, so that we now move from Order No.7 to Order No.13, which is a Motion from the Departmental Committee on Energy, Communications and Information, which is very short. Thereafter, we will revert to the business before us as per the Order Paper.

Next Order!

## MOTION

ADOPTION OF REPORT ON INTERFERENCE OF  
AVIONIC COMMUNICATION FREQUENCIES

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, on behalf of the Joint Committee of the House Broadcasting and Energy, Communication and Information Committee, I beg to move the following Motion:-

THAT, this House adopts Report of the Joint Committee on Energy, Communications & Information and the House Broadcasting Committee on the Interference of Avionic Communications Frequencies by Local Radio Stations, laid on the Table of the House on Thursday 4th October, 2012.

Mr. Temporary Deputy Speaker, Sir, the two Committees had various meetings in which they summoned the respective organs overseeing the industry. They included Communications Commission of Kenya (CCK), Kenya Civil Aviation Authority (KCAA) and some of the radio stations which were mentioned.

The interference of the avionic industry was noted and some of the reasons given by the regulators are the failure by some of the local radio stations to install the band-pass filters and transmission through different high energy frequencies.

Mr. Temporary Deputy Speaker, Sir, some of the radio stations like British Broadcasting Corporation (BBC), Radio Citizen and others have rectified that. They have been given the type approval but some have not been installed in some of the transmitting stations like Londiani. They are in the process and the Joint Committee recommended that they be given 30 days to inspect and report to this House any of the local stations which have not installed the band-pass filters and the power they are transmitting on.

I wish to say that the regulatory organs; the KCAA and the CCK were given various terms to meet so that they can report to the various relevant Committees of this House. Therefore, the report is so extensive and I wish to move.

I would like to ask Mr. Duale, who is one of the Members of the Committee, to second.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I want Members of this House to read this Report very carefully and approve it.

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Duale, you rise by seconding.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, through your indulgence, I second this Motion.

The Committee found out that the Kenyan airspace is at great danger following those interferences. When a pilot is landing at the Jomo Kenyatta International Airport (JKIA), instead of listening to the control tower, he or she is listening to radio stations. He or she is listening to Citizen Radio, BBC and many other radio stations. That was confirmed by the regulator - the CCK. That was also confirmed by KCAA.

I want to thank Mr. Mwau who brought this Question to the Floor of the House which enabled the Speaker to direct the Joint Committee to investigate the matter.

One thing that came out very clearly is that CCK, as an independent organization or regulator, had interferences from the powerful leadership of this country on many instances. Letters were tabled before the Committee where the Prime Minister, the Vice-President and Ministers were asking CCK not to take action against particular private sector players.

Mr. Temporary Deputy Speaker, Sir, it was so serious that the National Security Advisory Council (NSAC) sat and discussed those avionic interferences. This country must change. The days when the top leadership could write a letter and direct a Chief Executive Officer (CEO) of an independent body, in our opinion, ended with the KANU era. As a



Committee, we saw instances where private players disobeyed a regulator and hence endangered the lives of many Kenyans using the airspace.

When NSAC sat to discuss this matter, a directive was given to CCK to implement. Worse enough, that directive, which was handed over to the Permanent Secretary, Ministry of Information and Communications was still defied. That shows how the culture of impunity is being perpetuated. This Report has far-reaching recommendations giving the CCK absolute mandate to ensure avionic interferences will never happen again.

Mr. Temporary Deputy Speaker, Sir, if that is not stopped, what will happen? Today, this country, because of the terror networks, cannot have direct flights to the United States of America (USA) and many other destinations. With the avionic interferences of the control tower, major airlines will stop coming to this country.

I want to thank the private sector players who appeared before us. I want to thank the Director-General of CCK who was very honest to the Committee. I also want to thank the KCAA who came and tabled letters of impunity from very powerful people. There are letters where the Vice-President and Minister for Home Affairs and the Office of the Prime Minister are asking the CCK not to act. This is impunity. I want this House to adopt and approve this Report so that the lives of the people of this country at the airports and those who are coming to our country are safe.

With those few remarks, I support and ask my colleagues to support and approve this Report.

*(Question proposed)*

**The Temporary Deputy Speaker** (Mr. Imanyara): I see no requests so I will put the question.

*(Question put and agreed to)*

Hon. Members, we will now go back to the Order Paper and we will follow the business of the House as listed. However, for the benefit of Members, the matter raised by Prof. Kaloki is, in fact, on the Order Paper for this afternoon as Order No.15. Therefore, Prof. Kaloki, be guided accordingly.

Next Order!

## **BILLS**

### *Second Reading*

#### THE KENYA MEDICAL SUPPLIES AUTHORITY BILL

**Dr. Monda:** Mr. Temporary Deputy Speaker, Sir, happy New year to everyone.

Mr. Temporary Deputy Speaker, Sir, I beg to move that the Kenya Medical Supplies Authority Bill be now read a Second Time.

From the outset, I want to say that this is a Committee Bill which was drafted by the Committee after a lot of consultations with many stakeholders.

Mr. Temporary Deputy Speaker, Sir, allow me to give a brief history of the current Kenya Medical Supplies Agency (KEMSA). The KEMSA is one of the oldest departments in the Ministry of Health. It was established in the early 1890s by the colonial government to act as a strategic national health store with the headquarters at the current railway station.

Mr. Temporary Deputy Speaker, Sir, the department has operated under various names ever since. The recent ones were the Central Medical Stores, the Medical Supplies Co-ordinating Unit and the current one, which is Kenya Medical Supplies Agency (KEMSA). Despite the department operating under various names its original role has been to procure, warehouse and distribute medical supplies to various public health facilities in the country. This mandate has been retained to date.

Mr. Temporary Deputy Speaker, Sir, in the early 1990s the Government embarked on various health sector reforms. One of the targetted areas was reform of the medical supply scheme to make it more efficient and responsive to the national needs. This was in the realization that availability of quality drugs and other medical supplies is a critical input in the provision of quality healthcare to citizens.

Mr. Temporary Deputy Speaker, Sir, as justification for the Kenya Medical Supplies Authority Bill, I wish to give a brief outline. I want to justify why we should have a Bill to create the Medical Supplies Authority. Currently, KEMSA is currently established under subsidiary legislation, Legal Notice No.17 of 2000, which is delegated power under the State Corporations Act. To this extent, KEMSA suffers from all the shortcomings of being established under subsidiary legislation instead of principal law. These shortcomings include lack of legislative certainty by Parliament over the subject matter as subsidiary legislation works at the whim of the Executive. The legal notice is captive to the provisions of State Corporations Act. The existing legal framework cannot provide for adequate functions or penalties for non-enforcement of the interpretation of general provisions of this Act.

Mr. Temporary Deputy Speaker, Sir, the Bill is intended to align the medical supplies agency to the new constitutional order. Prior to the new Constitution, healthcare services were the prerogative of the national Government. The new Constitution has shared these functions between the national and county governments.

Under the Fourth Schedule of the Constitution, the national Government is in charge of health policy and national referral facilities. The county government is in charge of county health facilities. The legal framework needs to be reviewed to be in tandem with the Constitution in that respect.

Secondly, the former Constitution did not recognize the economic and social rights of the citizens. Article 43 of the new Constitution recognizes the right of every person to have the highest attainable standard of health, which includes the right to healthcare services such as reproductive healthcare. The legal framework needs to be reviewed to provide for the progressive realization of this right. This right cannot be attained without ensuring an effective and sustained system of procurement, warehousing and distribution of healthcare commodities.

Mr. Temporary Deputy Speaker, Sir, due to the importance and sensitive role of medical commodities in provision of healthcare, most nations in our region, both East and Central Africa, have specific laws providing for procurement, storage and distribution of medical commodities. The Medical Stores Department of Tanzania which is the equivalent of our KEMSA is created by an Act of Parliament. This is so with the entire East and Central Africa countries, except Kenya. The law creates specific bodies that procure, store and distribute medical commodities to

public facilities. In Uganda, for example, even private facilities are allowed to procure medical commodities from a supplies agency similar to our KEMSA.

The Bill seeks to also align our supplies agency to our Vision 2030. Vision 2030 looks at where our public facilities will be getting supplies of health commodities at our facilities at affordable quality and affordable prices.

As I conclude, Clause 4 of the Bill provides for the functions of the Authority which shall be to procure, warehouse and distribute medical supplies. Clause 6 of the Bill empowers the authority to enter into association and partnership with other bodies within and outside Kenya in furtherance of the performance of its functions.

On the efficiency and management of medical products and supplies, the current requirements and process for composition of the agency, the agency is run by the board whose composition and leadership does not emphasize merit. The Bill seeks to create a board of directors for the authority and expressly provides for competitive recruitment of the members of the board and its chair, as well as setting the minimum academic and professional qualifications. This is expected to improve professionalism in the running of the affairs of the authority.

Clause 18 seeks to lay down the principles that the authority ought to use in carrying out its functions. The authority shall put in place measures to ensure maximum efficiency, efficacy, safety and shall apply sound commercial principles in procurement, storage and distribution of medical supplies.

Mr. Temporary Deputy Speaker, Sir, there is a need to tie this to the problem of lack of funding. The authority will be getting funds directly from the Treasury. So, the bureaucracy in the transfer of money from the Treasury to line Ministries and, finally, to the current agency will be minimum. This bureaucracy causes unnecessary delays and, therefore, denies the public the very necessary medical supplies that they need in their facilities.

Mr. Temporary Deputy Speaker, Sir, as I conclude, I want to indicate that the committee involved many stakeholders in the making of this Bill. The committee undertook pre-legislative scrutiny prior to publication of the Bill. Those whom we invited to the Committee were the Minister for Medical Services, Minister for Public Health and Sanitation, the Commission on Implementation of the Constitution (CIC), the Kenya Law Reform Commission, KEMSA, the Kenya Pharmacy and Poisons Board, the Pharmaceutical Society of Kenya, the Kenya Medical Association, the University of Nairobi College of Health Sciences and the World Health Organization.

Mr. Temporary Deputy Speaker, Sir, what we are looking at is to reduce the delays that Kenyans undergo even when Parliament appropriates resources. We want to reduce the bureaucracy and the public will receive services and supplies in good time. Through the same Bill, we are looking at a situation where our development partners will have to release their resources into a common basket, so that we reduce parallel procurements. Parallel procurements by our development partners and the various Government actors sometimes cause confusion. Funds will be put into the hands of this Authority. The Authority conducts the procurement. The availability or non-availability of supplies in health facilities will depend entirely on its performance.

Mr. Temporary Deputy Speaker, Sir, I will propose amendments with regard to this Bill in the Committee Stage because of the many stakeholders who came before us. I expect the Ministry of Medical Services and Ministry of Public Health and Sanitation will be available to give support to this Bill because, once it is enacted, will eliminate the confusion of services which they are supposed to give to the public.

Mr. Temporary Deputy Speaker, Sir, I beg to move and request hon. Duale to second this Bill.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I rise to second this very important Bill; The Kenya Medical Supplies Authority Bill, 2012.

Mr. Temporary Deputy Speaker, Sir, from the outset, it is very sad this morning that both the Minister for Medical Services and the Minister for Public Health and Sanitation are not in the House. I believe the Cabinet works until the President retires. So, they have an obligation to the nation and this House.

**The Temporary Deputy Speaker** (Mr. Imanyara): Is there any of them in the House?

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, none of them is in the House, including their Assistant Ministers and yet this Bill concerns their Ministries. That is an obligation they have to the nation and to this House.

Mr. Temporary Deputy Speaker, Sir, I would like to thank the Chairman of Departmental Committee on Health for bringing this Bill to the House. This Bill sets the stage for providing access to quality health care in this country. If you look at the history of KEMSA, you will find that it is even older than this country. In 1890, it was in existence under different names. At one time, it was called the Central Medical Supplies. But in the 1990s healthcare reforms brought by the World Bank and the International Monetary Fund (IMF), KEMSA got an identity and became a parastatal.

Mr. Temporary Deputy Speaker, Sir, quality healthcare is of paramount importance. The provision of good healthcare to the nation and every citizen is in the Constitution. The KEMSA cannot operate under a subsidiary legislation or legal notice. If that happens, then it will be at the whims of the Government or the Cabinet Secretary for Health. For us, as a country, this Bill provides the infrastructure for access to quality healthcare for all our people, where quality drugs will be provided to each and every dispensary, health centre, county hospital and referral hospital. It is this Bill that sets the stage for proper administration, financing, governance and enforcement of quality drugs system in this country. We are aware that 16 per cent of the drugs in this country are either generic or counterfeit. It is only a well organized and independent KEMSA, with its own resources, distribution network, warehousing and procurement system that the country can get quality drugs.

Mr. Temporary Deputy Speaker, Sir, KEMSA has a bad history. It has been the cash cow for the bureaucrats in the Ministry of Health. They could procure and provide drugs as long as they get kickback. Counterfeit and expired drugs were the order of the day at KEMSA. For us to move from that, this Bill gives it independence and aligns it to Vision 2030 that this country aspires.

If you go to Garissa today, for example, you will see a huge warehouse which is owned by KEMSA. There have been no drugs in that facility for the last five years. However, if you visit the KEMSA Headquarters at Industrial Area now, you will find all the briefcase companies which sell counterfeit and expired drugs. The private sector does not want to buy their drugs. The money allocated by this House does not reach KEMSA because of the bureaucratic system at the Ministry of Health. We want to move away from that and give KEMSA a law that will give it independence in administration, warehousing, storage, financing and procurement of the drugs, so that each and every Kenyan regardless of where he lives can access quality drugs in every dispensary.

Mr. Temporary Deputy Speaker, Sir, this Bill has set up an independent Board with its own functions. If you look at our neighbours and even in developing countries, you will find that an equivalent of KEMSA is producing drugs.

As we celebrate the Jubilee Year, it is very shameful today KEMSA can procure and import syringes. We know the syringes supply row where corruption was the order of the day. The Committee of Parliament, under the leadership of Dr. Monda, has found out that we need to set a proper healthcare insurance scheme which is affordable to all Kenyans. An important element of that healthcare insurance scheme for all Kenyans which is affordable starts with an independent Kenya Medical Supplies Authority, which this House is discussing this morning.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second the Bill. I want to request my colleagues that when it comes to the Third Reading or at the Committee Stage, we bring in the input of the most important segments, which are the private pharmaceutical companies. All other stakeholders' sentiments and concerns must also be brought on board so that we come up with a law that takes care of all the stakeholders.

*(Question proposed)*

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, let me start by thanking the Chairman of this Committee, Dr. Monda and his Committee Members for doing a good job on this Bill. This Bill touches on the lives of Kenyans. It also seeks to set very high standards for our people. It also seeks to increase the life expectancy of our people. To do that, the Authority is expected to be given adequate funds in order to procure the necessary drugs for our hospitals.

Time and again, the KEMSA has not been able to deliver satisfactory services in this country. Drugs have not reached all corners of this country. As a result, this has affected the lives of the people who could not access drugs in private hospitals.

This country has a big segment of people who are affected by HIV/AIDs scourge. It is deplorable when you find that the cost of these drugs is very high. The needy in the society are unable to access them. Therefore, this Authority will create the necessary mechanism to make sure that the drugs required by these people are available.

The security for our drugs at KEMSA has not been very good because it is overstocked at times. The drugs, therefore, expire. Delivery of drugs from it to other facilities in the country has been very poor. Stock-outs have been the order of the day. This Authority will be expected to improve on storage and delivery of drugs. It will also be expected to create county medical stocks so that drugs will be closer to the people.

It has been bad to see Government drugs being peddled or sold in private business premises. Therefore, the security of drugs supplied by the Government has not been very good. This must be improved tremendously.

Overhauling of the KEMSA is another issue that needs to be addressed so that the entire country, with a huge population that is increasing day by day will get the required services. In my view, this Bill is very timely and it requires overwhelming support.

With those few remarks, I support.

**Mr. Mututho:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Bill. In supporting it, I also want to congratulate my friend and Chairman of the Departmental Committee on Health, Dr. Monda because he knows the problem better than we do. Flipping through the Bill, what he intends to do, is exactly what major cartels dealing with drug supplies have always wished not to happen. I encourage him to go ahead. This House should make history

by regulating the supply system of drugs in our hospitals. Until you are sick, you cannot know what it means to lack medicine, especially when the condition gets worse by the hour. It is even worse when the prescription is done and, ultimately, you have fake or expired medicine. Sometime drugs are not available.

I support this Bill and urge the House to support hon. Dr. Monda so that we enact it into a law sooner than later.

**Mr. Githunguri:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to convey Happy New Year greetings to you, the Members of this House and the staff of the National Assembly.

I also rise to support this Bill. We all know that good health is wealth although it cannot be carried in a suitcase. This Bill seeks to safeguard the health of Kenyans by putting in place an elaborate mechanism to supply medical supplies to our hospitals. A good supply of medical pharmaceuticals is basic to provision of sound healthcare in any country. In this regard, it is my view that this is one of those laws that should have been passed soon after the passage of the Constitution.

Mr. Temporary Deputy Speaker, as political leaders, we receive less pressure when our people get the services they want at an affordable cost. The Bill proposes that the KEMSA ensures that there is an uninterrupted flow of supplies. The Bill also proposes that the KEMSA must ensure that drugs supplied are of the highest quality and that health facilities benefit from the economies of scale.

The Bill also proposes mechanism of on how the KEMSA will partner with county governments to supply commodities. This is in line with the new Constitution. I know that there are people out there who want to see the supply of medical commodities made a free for all trade. These are merchants of doom whom we must avoid at all costs.

Healthcare is different from any other sector. No serious country has left the supply of pharmaceuticals to merchants. In fact, research shows that procurement and supply of medical commodities is one of the most regulated sectors in Europe. They even determine the number of wholesalers and retailers in each location. This is the law. The study and practice of pharmaceuticals is highly regulated. These nations take the health of their people very seriously. No wonder, we all aspire to get medical attention from such countries. However, why can we not start this at home because we now have an opportunity? The supply of medical commodities is not like the supply motor vehicle spare parts or building materials where every trader sells freely with less attention being given to the origin of the good or their storage. If you buy a fake spare part for your car, you have the option of changing it later or even grounding the car. However, if you give low quality medicine to your child, the probability of destroying the life of that child becomes very high. This Bill proposes to create an Authority which will be a onetime stop for quality and affordable medical supply for our people. I request all hon. Members to support the passage of the Bill.

In conclusion, I am a strong believer of the ideology that good health and good sense are two of life's greatest blessings and should be safeguarded at all costs for the benefit of all generations. It is for this reason that I firmly say that we should not let the curtain fall on the Tenth Parliament without having passed this Bill.

I beg to support.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I would like to support the Bill and congratulate the Mover, Dr. Robert Monda, for coming up with the Bill. It is high time that we made changes to a number of sectors in this country so that we move away from the way things

were done in the past. Considering that our population has been growing rapidly what was intended a number of years back cannot be sustained now. That is why there is need that we make changes in a key sector like the medical sector as the Bill proposes.

The accessibility and availability of drugs to people or the end users is very important.

It makes no sense to have stores in Industrial Area where we stock a lot of drugs, some imported and others locally manufactured, but they cannot reach the end users. I think every Member of Parliament here has people who experience the same problems. People go for treatment in Government hospitals and they are referred to chemists or pharmacies located next to the hospitals to buy drugs and other medical supplies. We can hardly find drugs in Government hospitals, but we can get them very expensively in the pharmacies. That amounts to some kind of collusion between the hospital authorities and those who sell the drugs. It is better that we have enough drugs in our hospitals. That can only happen if the Kenya Medical Supplies Authority Bill goes through with the recommendations that have been suggested.

The management of those stores is another issue which we need to address. The few drugs in Government stores are sold to private sector. There have been instances where people have been apprehended selling drugs from the stores of Government hospitals to private pharmacies. The people who are selling those drugs, sometimes, are not aware of what they are selling. The people who are charged with management of these stores must be committed and honest. We want them to take proper care of those stores.

Mr. Temporary Deputy Speaker, Sir, this will also help us to streamline the procedures of availing the drugs on time. You will realize that some of them have stayed for a long time and they end up expiring. There is lack of proper documentation and checking to know which ones have come out and which ones have not yet come out.

Mr. Temporary Deputy Speaker, Sir, there has been lack of proper structures and institutions under the procurement of medical supplies. This has led to corruption in the procurement of the drugs. You will find orders for drugs being made outside the country which are not needed. They are brought in and the Government pays for them.

The Bill encourages decentralization. This is in line with the new Constitution. I think we should be looking for ways where we can have adequate drugs manufactured here. By so doing, the cost of drugs will be reduced drastically.

With those few remarks, I beg to support.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, first, I want to convey my new year greetings to you and Members of Parliament and, in particular, the people of Migori who have honoured me for the five years that I have been in this august House.

Secondly, I want to thank hon. Dr. Monda for moving this very important Motion. It has come at the right time before this Parliament adjourns. The issue of medical attention in this country is really wanting. Thanks to the Government and the CDF for putting up quite a number of dispensaries across the country. However, if you visit those dispensaries and even the expanded hospitals, for example, Migori Level IV Hospital, you will find that there are no drugs. Patients buy medicine from private shops. In the process, they spend a lot of money which they do not have in the first place. So, we need to pass this Bill because it will enhance the availability of drugs in our hospitals.

Without wasting more time, I support this Bill whole heartedly.

**Mrs. Noor:** Mr. Temporary Deputy Speaker, Sir, I wish to add my voice in greeting you and the nation and also sending my happy New Year greetings to everyone. I want to congratulate the Mover of this important Bill because I know it is going to reform the health

sector. I was a Member of the Departmental Committee on Health. I have, therefore, gone round this country to look at the health facilities, especially with regard to procurement and distribution of drugs. That has been a major problem. Storage facilities have been a major problem.

Mr. Temporary Deputy Speaker, Sir, before the new Constitution, health care services were at the whims of the national Government. The new Constitution has allowed for a shared function between the national Government and the county governments. Under Schedule IV, you will see that those functions are divided between those two levels of governance. The county government is in charge of health facilities and legal frameworks that will be needed to be put in place.

The former Constitution did not recognize the economic and social rights of the people of this country. The new Constitution, however, under Article 43, recognizes the right of everyone to have the highest attainment of healthcare in this country, which includes reproductive health and so on. This right cannot be attained without ensuring an effective and sustainable system of the procurement, storage and distribution of health care commodities.

Article 20 of the Constitution requires the State to enable resource availability for financing national priorities in respect to social economic rights. This will ensure the enjoyment of social economic rights. If you go round East Africa, you will realize that there are legal frameworks and statutes that address procurement, distribution and resource allocation within the East African Community. It is high time Kenya had a statute that will look clearly into issues of procurement, distribution and storage of medical commodities.

Mr. Temporary Deputy Speaker, Sir, I support this Bill in the strongest terms possible.

**Mr. Ruteere:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. Before I do so, I also want to convey my New Year greetings to you, my colleagues in Parliament and to my constituents of North Imenti Constituency.

Dr. Robert Monda has done us proud because this is a very important Bill which should have been enacted at the time when we entered this Parliament. He is the Chairman of the Departmental Committee on Health. He has gone round the country listening to the cries of Kenyans. I think that is why he has found it very necessary that we cannot go to the next Parliament without answering their cries. I want to thank him for finding a way of curing the ills that are there.

As it has been said, the health of citizens of a country is very crucial. The provision of medical supplies is also as important as the supply of any other ingredient for the nation to move. When Kenya attained Independence, our fore-fathers identified three enemies, one of them being diseases. The way to fight diseases is by having proper health facilities which are properly equipped and have the necessary drugs. So, this Bill makes it necessary for proper distribution of drugs. It is necessary for us to have drugs accessed by any Kenyan across the country. This is very important. We have a situation today where there are many dispensaries which have been constructed through the Constituencies Development Fund (CDF) yet they are lying idle because they have no equipment, drugs and are manned by one or two nurses and yet if you go to the Kenya Medical Supplies stores, drugs fill the rooms. In the rural areas, drugs do not reach there. They stay in the stores until they expire. This is a waste of Government resources.

Mr. Temporary Deputy Speaker, Sir, this Bill addresses all these issues and makes it possible for the drugs to reach the people at the time they have been bought. We want a situation where whatever is needed in a dispensary or a health centre at whatever corner of this country or in whatever county is accessible and is reachable by the people. This is the time we want to



address the health of Kenyans. If we have to get to Vision 2030, we want healthy Kenyans. We want healthy and strong people.

With those few remarks, I want to support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Dr. Monda, there is no other request so you may move to respond.

Sorry, there is one which is coming in from Ms. Ndeti and others. There are others who are now making requests at this stage.

**The Assistant Minister for Sports and Youth Affairs** (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to support this Bill and also wish everyone in Kenya and in Parliament a happy new year.

I would like to take this opportunity to also pass my condolences to our Temporary Deputy Speaker over his councillor, the first lady councillor from Chama Cha Uzalendo (CCU) who passed on last night through a horrific road accident. Their *matatu* rammed into a lorry. We wish you well and we are with you and your constituents at this time when you are mourning Councillor Lydia Gituma and her husband.

Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill because most people in this country die due to lack of medicine. We have stores that have no drugs. When medicine is being supplied by the Ministry, sometimes money can be diverted somewhere else depending on their priorities. I stand to support the Bill because I know what we have done as Members of Parliament. We have built many dispensaries and health centres, but they are just empty shells without medicine and without doctors. By devolving the supply of medicine, it will save many people in the counties.

So, I stand to support. I wish you all a happy new year, good health and peaceful elections.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, I think there is a lot of repetition. Let us just be brief so that we can conclude.

**Prof. Kaloki:** Mr. Temporary Deputy Speaker, Sir, I will be brief in supporting this Bill. This Bill is important because it will be able to bring services and supplies closer to the counties. I also propose further that we also focus on county government headquarters. We will also move further to the sub-counties so that all the constituencies should have their warehouses to supply their dispensaries and hospitals with medical supplies. This will enable the medical supplies reach the dispensaries throughout the country, so that we can take care of patients. All the established clinics and dispensaries that have been constructed would be able to have the required medical supplies, so that the country can supply drugs to help the patients.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Imanyara): Let us hear Mr. Mbau. After him, Mr. Gitari and Mr. Ogindo will have two minutes each then we will call the Mover to reply.

**Mr. Mbau:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me a chance to speak on this session of Parliament in 2013. I want to wish you well and *pole sana* for the loss of your councillor.

I also want to comment Dr. Monda for bringing to the House this important Bill to become law. I can see that hon. Members are out to support it without any exception. It is good for us to note that there before, drugs and pharmaceutical items used to be transported from the central medical stores. Kenyans used to suffer because they did not know how to access the central stores. When the KEMSA was formed all of us thought that the issue of Kenyans suffering was going to be a thing of the past. This has not come to be because it operates from

Nairobi and we do not know what structures are on the ground. I am unable to know how to ensure that when we put up a new health facility we get the medical staff and drugs.

There are no intermediate structures. This has led to a lot of demoralization because drugs do not flow. This is against the backdrop of very many medical needs.

I want to support this desire to anchor this particular agency in law so that persons would become viable, responsible and accountable to the people of Kenya when they go wrong. I want to hope that the same agency once instituted, would become an advisory arm of what we now know are amorphous District Medical Health Management Board and Project Management Committees. If they could get professional advice then things would be better. I also hope that this would go towards ensuring cost effectiveness in the procurement process.

I wish to support this particular Bill and thank the Mover for bringing it to the House.

**Mr. Gitari:** Mr. Temporary Deputy Speaker, Sir, first of all, I want to pass condolences from the people of Kirinyaga Central to you and the family of the bereaved.

Let me take this chance to congratulate Dr. Monda for bringing this Bill to the House. I am on record in this august House having brought a Question whereby somebody died when he was being transferred from Kerugoya Hospital to another hospital due to lack of drugs. I want to say that my colleague has brought this Bill timely in the House because as you are aware the founding father of this country talked about how we could deal with health issues. When I was elected through a by-election as a Member of Parliament for Kirinyaga Central, one of the things we have done through CDF is building new dispensaries. If this Bill is passed, I am sure that these dispensaries will have all the equipment and drugs. It will be a good thing for the people of Kirinyaga Central.

I wish to support.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, thank you. On behalf of my constituents, the people of Rangwe, I wish to extend my heartfelt condolences to you on having lost your councillor. Again, let me take this early opportunity again to wish the people of Rangwe and the people of the larger Homa Bay County a happy and prosperous new year.

Mr. Temporary Deputy Speaker, Sir, having said that, let me thank hon. Monda for this timely Bill. At the risk of being repetitive, Members of Parliament have done a wonderful job in trying to enhance the quality of life in the villages. I am no exception to this. In my constituency, however, the people of Nyawita in Ngongo Location and the people of Gem West, Makongeni in Homa Bay and Kanyapala in Rangwe Constituency are not happy because we have white elephant projects.

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

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

Mr. Temporary Deputy Speaker, Sir, we would want to see the implementation of this Bill upon becoming an Act, so that we eliminate the brokers that are, indeed, a cancer in the procurement of medical supplies. We can have an authority that can deal directly with the manufacturers with an aim of reducing the cost. It is imperative that this process be fast-tracked so that people start benefitting from these facilities.

Mr. Temporary Deputy Speaker, Sir, I want to ask Dr. Monda in his capacity as the chairman of the Departmental Committee on Health to ensure we have nurses posted to these health facilities so that they do not turn out to be white elephants.

With those few remarks and in the interest of time, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. Since there was a ruling by the previous Speaker, we are going to stop there. I will call upon the Mover, hon. Robert Monda to reply.

**Dr. Monda:** Thank you, Mr. Temporary Deputy Speaker, Sir. As I stand to respond, allow me to thank the many hon. Members who have shown interest in support of this Bill. Hon. Members have strongly supported the idea of having the Kenya Medical Supplies Authority formed to devolve its services to the counties. This will improve access to quality and affordable medical services. The Authority, of course, procures on the principle of economies of scale. This is why after procurement, the procured commodities need to be taken to the various counties for ease of accessibility within a short time, so that the hospitals are able to provide these commodities to the public within the shortest time possible.

Mr. Temporary Deputy Speaker, Sir, without being repetitive---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Monda! Just before you conclude your remarks, could you donate a minute to hon. Dr. Mwiria just to make a comment? Could you be kind enough?

**Dr. Monda:** At this juncture, or I conclude first?

**The Temporary Deputy Speaker** (Prof. Kaloki): At this particular time before you conclude.

**Dr. Monda:** Then I conclude after?

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

**Dr. Monda:** Okay, Mr. Temporary Deputy Speaker, Sir. Before I donate some two minutes to many colleagues here who have shown interest, including hon. Nkaisserry, I want to emphasise that once this Bill is enacted into law, the Government will have to put funds into the Authority. The Authority will procure medicines. Hospitals will be given money to buy drugs at low prices.

Mr. Temporary Deputy Speaker, Sir, before I conclude, I will ask that you allow me to donate two minutes each to the hon. Kilemi Mwiria and hon. Nkaisserry.

**The Temporary Deputy Speaker** (Prof. Kaloki): I will also allow hon. Imanyara to make a few remarks. So, let us go in that order. Hon. Nkaisserry!

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this very important Bill. In doing so, I would like to thank hon. Dr. Monda for bringing it to this House. It is the beginning of the year. I would like to thank him because he has brought a very important Bill to this House. I want to request that once this Bill becomes law, its enforcement becomes necessary by the relevant Government.

Mr. Temporary Deputy Speaker, Sir, giving medicine to health facilities without staff to manage, may be an exercise in futility. So, we want the Government to make sure that all medical facilities are well staffed.

As I support this Bill, I would like also to commend my constituents for maintaining peace and to wish them a very prosperous and peaceful new year. The same applies to all Kenyans. We should have peaceful elections. For us to have a peaceful election, the Independent Electoral and Boundaries Commission (IEBC) should come out clearly on the issue of education.

There is confusion. There was a post secondary requirement of education, but now people are confused whether it is Form Four or post secondary. So, it is very important for the IEBC to come clear on this issue so that everybody is aware.

With those very few remarks, I support.

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me these few minutes that I have got courtesy of hon. Monda. I also want to congratulate him for bringing this very important Bill to this House and all the hon. Members that have supported it.

I would like to begin by sending my condolences to hon. Gitobu Imanyara and the people of Imenti Central on the loss of a councillor and her husband and many other people from, not just Central Imenti, but other constituencies in Meru who also suffered from that accident. It is an indication that we are still a long way to go with regard to improving our road safety. It is a clear signal that the Inspector-General has a lot that he has to do to improve safety on our roads.

Mr. Temporary Deputy Speaker, Sir, I am in agreement with all the other hon. Members of Parliament that have spoken about the need to bring medicine closer to the people in order to improve accountability. This is not only to ensure that people do not travel for kilometres in search of medical care, but also to improve co-ordination of medical supplies in the various hospitals. It is not only the Government that supplies medicine, but many other providers, including the private sector, NGO and donors who support us to strengthen our medical supplies. If this Bill is passed, it is important to seek ways of co-ordinating that support to ensure that nothing is lost and that we make better use of what is available.

Mr. Temporary Deputy Speaker, Sir, the private sector is also very key in supply of medical equipment and drugs. There are many pharmaceutical companies that donate medicine, especially if you hold free medical camps. This is an opportunity to get them to be much more involved in supporting the Government. That partnership between the Government and the private sector has worked very well in education and in some other sectors. A lot of what has been said by the Members will not be accomplished if there are no adequate support structures in terms of storage facilities in the counties and the local dispensaries. Also in terms of support to have qualified pharmacists in the hospitals and in terms of having adequate numbers of doctors and nurses. So, it is one thing to pass the Bill, but we need to ensure that we have the structures and the human resources that will make it possible to implement those very good ideals.

Finally, I would like to take this opportunity to wish all Kenyans a great New Year. I want to thank the people of Tigania West for giving me the last ten years and the people of Meru to serve them as a Member of Parliament. I generally want to wish them well as they elect their leaders. Also in this country, we need peace. We need to give everybody a chance and ensure that the leaders that we will have after 4<sup>th</sup> March are the ones who will move this country forward with regard to many of the things that we have been saying in the last few years.

With those few remarks, I beg to support.

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, mine is just to support this important Bill. I also wish to pass my condolences, on my own behalf and that of the people of Kandara, for the loss of the councilor from hon. Imanyara's area.

It is so shameful that we put dispensaries funded by the CDF only to find that they have no drugs. I do not know why the people who are supposed to do this job do it in secrecy. It is high time that everybody is given the opportunity to enjoy the drugs that are supplied by the Government. I have about 12 dispensaries in my area which are white elephants because they

have no drugs. I want this Bill to pass, so that the people Kandara can access medicine supplied by the Government.

**Dr. Monda:** Mr. Temporary Deputy Speaker, Sir, once again, allow me to thank the Members who have had the last few minutes to support this Bill.

As I conclude, allow me to send my condolences to the people of Meru and hon. Manyara for the loss of lives and those who were injured in the accident.

Secondly, allow me to send my New Year greetings to the people of my constituency, Nyaribari Chache, the Kisii County and the entire country. I wish everyone blessings from God in this year.

I wish, at that point, to conclude and beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the Whole House tomorrow)*

#### THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Mututho, please, go on.

#### QUORUM

**Mr. Outa:** Mr. Temporary Deputy Speaker, Sir, I can see that we have a problem in this House of quorum. I would like us to consider this because this is a very important Bill to me today.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well, we do not have quorum. Please, ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, we now have the required quorum in the House and we will resume our deliberations. We are on Order No.9, The Alcoholic Drinks Control (Amendment) Bill, Bill No. 39 of 2012, which was to be moved by hon. Mututho. Hon. Mututho, you may now proceed.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, first of all, I join the others in sending my most sincere condolences to the bereaved family of the councillor. Chances are that the driver must have been drunk. In this Bill, there is nothing new that we are trying to introduce other than putting in the Statute what should ordinarily have appeared in the regulations, in particular, the matter of advertising and promotions.

You have seen what is happening in the media. I do not want to elaborate this, but the Members have seen it all. The other issue, obviously, and which could be important, is defining the amount of alcohol content in the blood, particularly now that we are having so many road accidents. Together with that is the issue of licensing of petrol stations to sell alcohol. I thank the Members immensely for what they have done in the past by supporting this Bill. Looking at the registration of voters now, there is no doubt that if people observe the hours that have been proposed, which are still 5.00 p.m. to 11.00 p.m., definitely, we will have a very peaceful

election. Nothing new has been introduced. The hours proposed over the weekends are 2.00 p.m. up to 11.00 p.m.

I will ask my sister, a very strong supporter of the family, hon. Shebesh, to second the Bill.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, I rise to second this Bill brought by hon. Mututho. I will support it on only two very critical issues. The issue of alcoholism comes with an added burden of addiction. Then we do not have rehabilitation centres around the country that to deal with alcohol addiction. Alcoholism needs to be treated as a disease. It is a disease and that is why I am supporting this Bill.

In these regulations, under the National Hospital Insurance Fund (NHIF), those who are treated for alcoholism should be considered like any other patient who is covered by the NHIF. With regard to rehabilitation, we currently have only the Mathari Hospital. Of course, because of the stigma surrounding being taken to Mathari Hospital, most families who have children who are alcoholics feel that they cannot take them there. At the end of the day, that young person ends up not going for rehabilitation. Therefore, he ends up becoming an outcast in the society. This has worked in other countries. I urge the House to support these regulations because they are important. We can put rehabilitation centres, not only in Nairobi, but in every county now that we are going to have county governments.

I, therefore, want to second this Motion. I also want to congratulate hon. Mututho for enabling Kenyans to register in big numbers, especially in areas which have always had the biggest problem of alcoholism like Central Kenya. You can see how the people from Central Kenya registered. That was possible due to them being sober enough. This has also happened in Nairobi and I thank him for that.

I beg to second the Motion.

*(Question proposed)*

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Thank you, Mr. Temporary Deputy Speaker, Sir. I join my colleagues in wishing everyone, including you, a very happy New Year.

I fully support the proposed amendment. In doing so, I want to congratulate my brother, hon. Mututho, who will go into the history of this country as one man who has taken it upon himself to ensure that this country observes regulations on alcohol. He wants to ensure that this country will not lose another generation as it has already lost a generation through alcoholism. I hope that the people of Nakuru County will do the needful and elect this great man to whatever seat he desires, so that he can continue to contribute to the development of this country.

I am a great supporter of the Act which is being amended. However, I want to say two things. First, we were finding it very difficult to implement certain requirements and clauses of the original Act, particularly Section 16, which is in relation to learning institutions. It provides that alcohol selling establishments should not be licensed within a radius of 300 metres from learning institutions. I am pleased to see that there is an amendment easing this requirement because it was bringing a lot of problems to business people. The amendment allows the committee to license those areas with certain conditions. If these conditions are observed, then the businessmen who had hitherto closed their businesses can resume. The idea in implementing this Act is not to punish anyone, but to make sure that everybody receives fairness. So, I am very pleased that this amendment is being proposed. I wish to ask the House to support it, so that we

can take care of our youth in learning institutions and, at the same time, take care of the businessmen.

Mr. Temporary Deputy Speaker, Sir, of a major concern is the issue of advertisement, which has been alluded to by hon. Mututho. Advertisement of alcohol continues on our screens and radios every day. No matter what kind of law you pass in this House and leave the businessmen to continue misleading our youth through advertisement, we will not be going very far.

Mr. Temporary Deputy Speaker, Sir, only last night, one brewer was advertising his alcoholic beverages and he took advantage of the inauguration of his plant by the Rt. Hon. Prime Minister. He is using even the Prime Minister to advertise his product. I want to appeal to the Office of the Prime Minister here to intervene and make sure that that brewer removes that advertisement immediately because it is misleading. It tends to show the youth of this country that the Prime Minister supports alcoholic beverages, which is completely wrong. I know the Prime Minister went to that factory to open the plant, but did not go there to promote drinking.

Mr. Temporary Deputy Speaker, Sir, finally, I want to say that we must now make sure that institutions, which are given the responsibility to implement this Act, take their work seriously. It is not being uniformly applied. Mr. Mututho has been on the Floor of this House to complain that the police and Provincial Administration, particularly the Ministry of State for Provincial Administration and Internal Security, is selectively implementing this Act. In some parts of the country, drinking is business as usual. People drink until the wee hours of every morning and no arrests are made.

Mr. Temporary Deputy Speaker, Sir, we passed here the Traffic (Amendment) Act here the other day. When you go to Mombasa you will see people flout laws. It is as if there is no Traffic Act. Let us ensure that when we pass laws here, they are implemented to the letter. I do hope that the Alcoholic Beverages Act is going to be uniformly applied throughout the country so that people know that the people know that this Act is there to stay. We want to see change of attitude in our youth. I am so passionate about this matter. There is an amendment here which provides that nobody will be allowed to enter a drinking place with youth.

Mr. Temporary Deputy Speaker, Sir, in developed countries if you want to buy alcohol and your age is doubtful, you must produce your identity card to prove that you are over 18 years. We want this law to be applied and people to be punished severely, if they sell or allow people under 18 to go into premises that sell alcohol.

With those few remarks, I beg to support.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I also want to support and congratulate the Member, hon. Mututho, for having introduced the law which was enacted in August, 2010.

Mr. Temporary Deputy Speaker, Sir, I think the clarification, we have to keep on making to Kenyans is that we are not stopping people from consuming alcohol, but it has to be regulated. This is a working nation and we must do things at the right time. So, regulation of the drinking hours is a very important issue. I remember when we were debating this Bill, back in 2009 just following what hon. Musila has said, it was the same time the President was opening some facilities at the Kenya Breweries in Ruaraka. The Prime Minister had gone to plant trees at the Mau complex. So, they were going in different directions. The President was going to open a facility for manufacture and consumption of alcohol in Ruaraka. I think the leadership should not be involved in this. The moment you open something like that, it means you are promoting it. The other day we saw the Prime Minister at inauguration of beer plant at Naivasha. If somebody

just says the Prime Minister came to open my facility that is enough support for it. So, it is up to the leadership also to take care and not to go to some of the places.

Mr. Temporary Deputy Speaker, Sir, the issue of accidents is a big problem in this country. Every time you listen to the radio, you hear there is an accident. Today, I was listening to the radio, but I did not know that it had involved the councillor. I wish to join my colleagues in sending message of condolence. I did not know that. There are so many accidents on our roads. It is very difficult to know whether it is because of alcohol or carelessness. If we remove the issue of alcohol then we can deal with the other factors. So, I want to send my condolences to the family of the councillor and her husband from Meru.

Mr. Temporary Deputy Speaker, Sir, there has been an apparent tag of war because selling of alcohol is a business. Selling and consuming alcohol creates business even for the economy. The regulations that are being put into the statute are going to minimize. We need to do a lot of public relations exercise through administration and so on. The business can continue, but it has to be done at the right time. If people drink the whole night, it will be difficult for them to work the following day and we, as a country, will not be able to achieve what is envisaged in the Vision 2030.

With those few remarks, I beg to support.

I also want to join my colleagues in wishing Kenyans well in the New Year, particularly to my constituents in Vihiga Constituency, who have elected me to this Parliament for two terms. I wish to thank them and wish them well in the year 2013. Now that we are approaching elections, people should vote carefully. Vote for leaders who will be able to take care of the economy and take it further from where President Kibaki has brought it.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, thank you for the opportunity to make a contribution to this very important amendment Bill. Let me start by wishing Kenyans and people of Lari a very happy and peaceful year.

I also take the same opportunity to thank the hon. Member, Mr. Mututho, for the second amendment to this Bill. My biggest concern is about the illegal brews that are being sold in this country. It is important that this law is implemented to the letter. The law initially liberated the youth of this country from the bondage of taking brews. The brews being taken in some parts of this country have ruined families. They have caused breakdown of families and wrecked the youth of this country.

Therefore, we will be calling upon the security agencies in this country to make sure that they rise to the occasion to ensure that illicit brews are not manufactured, and that brewers are arrested and prosecuted so that Kenyans can engage in activities which are geared towards improving the economy of this country.

Mr. Temporary Deputy Speaker, Sir, some businesses which have been operating near learning institutions had been closed. The owners of such businesses could have taken loans from banks. The closure of such businesses brought about joblessness in society. Therefore, the enactment of this law will create the necessary environment for closed businesses to be re-opened to create jobs for our youth. Once enacted, this law should be implemented by school principals because at times students have been found to have taken brew to school. Such behaviour can jeopardise discipline in our schools and affect performance of students in national examinations. Therefore, this Bill addresses some very serious challenges, which have caused marriages to break down. We have seen mothers carry babies on their backs and gone to brew dens. The implementation of this Bill, once enacted into law, will stop this development.



Mr. Temporary Deputy Speaker, Sir, chiefs and other security agencies must take their duties more seriously and ensure that consumption of alcohol is reduced in the country.

With those few remarks, I support the amendment Bill.

**The Temporary Deputy Speaker** (Prof. Kaloki): Yes, hon. Gumbo.

**Eng. Gumbo:** Mr. Temporary Deputy Speaker, Sir, I thank you very much for giving me the opportunity to contribute to this very important amendment Bill. I thank my good friend, hon. John Mututho. Without doubt, he is one of the stars of the Tenth Parliament. Although I do not come from his constituency, I hope that he will take note.

Mr. Temporary Deputy Speaker, Sir, this is a unique sitting of this House. For all the time I have been in Parliament, I do not remember us sitting on the 2<sup>nd</sup> day of the year. So, allow me to use the Floor of this distinguished House to send my happy New Year greetings to the great people of Rarieda.

For those hon. Members who may not have been to Rarieda, I want to tell them that it is perhaps one of the most beautiful places on earth and certainly in Kenya. As a contribution to national cohesion, I welcome all young men from the different parts of Kenya who are looking forward to getting married to get girls from Rarieda. We have some of the most beautiful women. Similarly, to our young women from outside Rarieda who want to get husbands, we have some of the most handsome young men in Rarieda.

Mr. Temporary Deputy Speaker, Sir, as I contribute to this Bill, I want to encourage all of us to invest in peace in the country. We are in a campaign period and all of us have a duty to always preach the message that, at any given time, Kenya is bigger than all of us. The way to preserve Kenya is to promote peace. Therefore, I urge each one of us to promote peace in our country, so that this beautiful country may continue to shine in the whole of Africa.

I thank hon. Mututho for moving this amendment Bill. There is concern about consumption of alcohol. Like my friend, hon. Yusuf Chanzu, I want to inform those of us who partake of alcohol that this is not about curtailing their freedoms. This is about responsible use and consumption of alcohol. Irresponsible consumption of alcohol, especially amongst the youth, is a threat to national development. Alcohol has destroyed very many families and we must ensure continuity of this country through continuity of the family unit.

Therefore, I would request my friend, hon. Mututho; that, as we go to the Committee Stage, we must tackle the problem of bars being operated in residential neighbourhoods. In places like Umoja, there are more bars than residential houses. This is not right. Residential neighbourhoods are preserved for families, so that our children can grow to be responsible citizens. I urge him very strongly that there has to be a law to remove bars from residential neighbourhoods.

Mr. Temporary Deputy Speaker, Sir, the Bill that was brought here by my friend during this Parliament had very noble ideas but enforcement has been extremely weak. All the concerned agencies must work together, so that this beautiful Bill, which gives freedom to those who want to partake of alcohol but also think about those of us who do not partake of alcohol; can be enforced for the good of the country.

I urge that as we pass this amendment, which I support very strongly, we must make provisions, so that it can be possible to work with the body that governs advertisements in Kenya, so that advertisements that fall way below the ethical standards are prohibited entirely and removed from radio and television. I get very concerned when we are having family dinner and I see and hear advertisements on television and radio as early as 8.00 p.m., promoting alcohol. Some of the advertisements are even disguised.

Mr. Temporary Deputy Speaker, Sir, I hope that hon. Mututho is listening. Hon. Mututho, please---

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed, Eng. Gumbo.

**Eng. Gumbo:** Mr. Temporary Deputy Speaker, Sir, I want him to listen to what I am saying because it is very important.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed. He is listening.

**Eng. Gumbo:** Mr. Temporary Deputy Speaker, Sir, he is not listening. He is talking.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed, hon. Gumbo!

**Eng. Gumbo:** Mr. Temporary Deputy Speaker, Sir, even some of the drinks being promoted as energy drinks are actually alcoholic beverages. We must isolate such cases, so that people who come in a round-about manner to promote alcohol disguised as energy drinks are also made to face the law.

Mr. Temporary Deputy Speaker, Sir, while the law provides drinking hours, this provision is being violated every day. It is like the Provincial Administration has turned a blind eye. Some of us who come from the rural areas, where local brew dens are plenty, know that the drinking hours are violated every day. Even when people go to watch sports, for example, they put alcohol in bottles meant for mineral water and partake it publicly. Therefore, we must institute stiff regulations on drinking hours. We must institute stiff penalties even for multinationals that recklessly advertise alcohol. We want to start seeing this effort, as it were, to take the examples of other countries where multinationals are taken to task when they violate the law. In Uganda, for example, when one of the multinationals dealing with cell phone business became irresponsible, they punished them. We want to start hearing of stiff penalties being instituted against multinationals that violate the law with abandon.

With those many remarks, I wish to support the amendment Bill as I encourage hon. Mututho to soldier on. This is one of the most revolutionary laws that this country has seen in a long time.

Thank you.

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

**Mr. Ruto:** Mr. Temporary Deputy Speaker, Sir, I wanted to request that the Mover be now called upon to reply because we are repeating ourselves. Apparently, we are all in agreement with the amendment Bill. There is hardly any dissenting view on this matter. I must give accolades to hon. Mututho.

**The Temporary Deputy Speaker** (Prof. Kaloki): Let me see whether you have the agreement of the House.

*(Question put and agreed to)*

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, can I donate half a minute to Dr. Kilemi Mwiria?

**The Temporary Deputy Speaker** (Prof. Kaloki): Dr. Kilemi Mwiria, please, proceed.

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Thank you, Mr. Mututho. I would also like to congratulate you for the great work you have done to ensure that alcohol does not consume our society - especially the youth - and to support the amendment. I would want to pinpoint many of the dangers that have been associated with alcoholism in this country from broken families, declined productivity, accidents and problems

in our education system, to criminal activities and to declined health of individuals. Many of us are getting less healthy because of what is happening outside because of the alcohol menace.

Mr. Temporary Deputy Speaker, Sir, we must also accept that there is a problem and, to resolve that problem we need to be more comprehensive. Firstly, our youth drink so much because they are unemployed and frustrated. We have to address that because whatever we do, if they are idle and they have the energy and education, this is to be expected. Our parents continue to be very lenient with their children and they are also bad examples themselves. They consume alcohol excessively at homes during parties and at outings with their own children. Children begin to think that, that is okay.

The administration of justice is a big problem because there are pubs in this town and other places that remain open because they can negotiate with the police. That has to be dealt with also. We are not strict enough with people who cause accidents because they are drunk. In many countries, your licence would be withdrawn for a year or two years so that you learn. Unless we are strict with regard to the punishment, people will continue to do it. We should deal with drinking as a culture.

Mr. Temporary Deputy Speaker, Sir, even the local brews will be difficult to regulate because they are not drunk within any given specific hours. I would like to differ with one of the contributors who blamed the President and the Prime Minister for going to open bar businesses. Let us not forget that this is also a business and is one of the biggest tax remitters in this country. The problem is not that we have bars and brews but is the regulation and that is what we should look into.

I will stop here and wish Mr. Mututho and those who are doing their best to ensure that alcohol is consumed responsibly the very best.

Thank you.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I would like to thank all the contributors who have done their very serious contribution this morning, and many more Members of Parliament, including Millie Odhiambo, who have, in the past and always, supported this. I cannot forget all those Members who are not on the Floor or who have made requests but are not here to do it now but they have done physical contribution towards this Bill. There are so many Members of Parliament - who I would number at about 150 - who have really contributed because they would like us to have a sober election. They would like to have a youth that is manageable. They would like to see sanity in the alcohol industry.

While thanking them again, I would like to assure them that I will take on board all their proposals, including some very serious ones, like the proposal by Eng. Gumbo that even those people who drink and cause accidents, there should be a mechanism to ban them for, at least, five years so that they do not continue killing more and more people on the road. Those energy drinks which appear to be too strong to be water should also be dealt with as alcoholic drinks and so forth and so on.

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

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

**The Temporary Deputy Speaker (Prof. Kaloki):** Next Order!

## THE NATIONAL HONOURS BILL

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank my colleagues. At least, I am happy that all of them are back from the Christmas Holiday and the New Year.

Mr. Temporary Deputy Speaker, Sir, one of the reasons that informed the publication of this Bill is that the Constitution under Article 132 (4) (c) lists the conferment of honours in the name of the people of Kenya in the Republic as one of the functions of the President. How this has been done in the past and how it is being done even right now under the new constitutional dispensation leaves a lot to be desired. It is because of this and the realization that in the next few months, we are going to have a functioning county government, I feel that this House should not adjourn without legislating how this very important exercise is being adjudicated by those who are concerned.

The Bill attempts to give effect and establish procedures and mechanisms for the award of honours. In particular, the Bill establishes or attempts or intends to establish the National and County Governments Honours Advisory Committee, the Parliamentary Honours Advisory Committee and the Judiciary Honours Advisory Committee. This is also in line with the separation of institutional roles. We realize that in the past, the Executive has attempted to usurp the powers of the two other independent arms of the Government to the extent that Kenyans have said that we have had an Executive of an imperial President. You remember before 1999 even this Parliament was listed as one of the small departments in the Office of the President. This was before we saw the birth of the Parliamentary Service Commission. Even that was contrary to the provisions of the Constitution.

Mr. Temporary Deputy Speaker, Sir, you must have seen that recently, even the way the recent awards were given, none of us today can explain. It is because of this realization that if a judge has to be honoured by the Executive, then that impairs the independence of that judicial officer. How do you expect the Executive to honour an outstanding Member of Parliament - for example, the Chairman of the Public Accounts Committee (PAC) - who has been a pain in the neck to the Executive? Certainly, that Member will never see honours or an award from the Executive because he or she always does something that is contrary to the wishes of the Executive. It is high time we entrenched the rule of law by allowing the independent institutions - like the institution of Parliament - to establish mechanisms for award to Members or staff who do well instead of looking upon the Executive to recognize the meritocracy of those particular individuals.

It is the same with the Judiciary. We leave the same with the Judicial Service Commission (JSC) headed by the Chief Justice and other institutional mechanisms to decide who deserves to be given a national award.

The Constitution clearly talks about this as one of the functions of the Government. The issue of meritocracy has been replaced with mediocrity. Meritocracy is no longer an issue in the award of those honours and, therefore, some of the individuals who have been awarded them is simply because they have persistently shown loyalty to certain course of thinking and that might be void of national interest. Therefore, we want to bring back meritocracy and do away with any award that might have originated as a result of mediocrity.

Secondly, we want to have national awards that are based on performance and not on compliance because many of us are not compliant when it comes to some of those awards.

Therefore, what we are saying is this: If an individual has excelled and performed; if an individual has shown an exemplary performance in a certain field and that individual might not be compliant with the politics of the day, then that individual is entitled to a national award.

Mr. Temporary Deputy Speaker, Sir, you have also realized that the issue of nationalism, which our forefathers clearly fought for, has been replaced with tribalism, regionalism and interests of petty bourgeoisies.

What this Bill attempts to do is once again to clearly provide us with the use of nationalism and do away with anything that takes us to the root of tribalism. You realize that our forefathers under the flag of the Republic of Kenya with our constitutionally and internationally recognized borders figured out that we would all forget our tribal orientation and think first and foremost as nationalists.

Mr. Temporary Deputy Speaker, Sir, the rule of law is very clear. One of the things that this Constitution clearly attempts to address is to make Kenya a haven of the rule of law, a country that is governed by the rule of law. It is because of this that sometimes when we see some signs of not complying with the rule of law and you get a national award, then I think this is something that we need to clearly do away with.

On the issue of patriotism, these days, the element of patronage has taken the place of patriotism. Political patronage is one of the worst form of enslavement in one's life. We need to do away with that so that that does not become an avenue for entitlement to some of these awards.

The issue of political consideration, Kenya is a political society; it is a reality. All of us belong to different political parties. Therefore, the issue of political affiliation should not be a consideration for the conferment of national honors. What have we seen over the years since our independence? Conferment of national honors just from the pockets to individuals; the only qualification that they need is to politically show that they are compliant and that they toe the line. This Bill attempts to do away with this.

The other issue is that of family consideration. The issuance of national honors should have nothing to do with family consideration, ethnic background or any other issue. It should be a merit-driven thing.

The other issue is that of unilateral decisions by a few--- If you go back to the history of democratic revolutions and legislative history all over the world, there is nowhere where a legislature--- Parliament is always considered as a necessary irritant. If you ask any public servant, they will tell you we prefer Parliament because the other options are not very good; these are militarism and dictatorship. But they will tell you Parliament is also not very good. How do you expect the same individuals to honor some of the best brains in Parliament, or some of the judges who have been issued with these honors by these individuals--- It is because of this realization and in line with the new constitutional dispensation, we intend to enact this so that even the President is obligated---

One of the functions of the President is to award national honors. We need to establish the mechanism so that it does not become an open-ended document that is given freely to every Tom, Dick and Harry and without meeting the basic qualifications. It is because of this that those individuals who are to be entitled to those national awards should exhibit exemplary qualities. They should also demonstrate exemplary acts; they should clearly pronounce to all the people of Kenya their achievements and heroism. They should demonstrate that, indeed, they have done something so unique for the Republic of Kenya that they are entitled to a national award.

Those individuals must have also shown sacrifice for the interests of the Republic of Kenya and for the people of Kenya. If an individual has exhibited all these attributes regardless of all other considerations, that individual is entitled to an award.

These awards must also go to individuals who have shown bravery, exhibited patriotism and those who have shown outstanding leadership in the management of the affairs of Kenyans; also are individuals who in their public or private lives have attempted to contribute to the betterment of the lives of the Republic of Kenya nationally, at the county level and even at the village level. It is these brave men and women whom we need to reward.

Mr. Temporary Deputy Speaker, Sir, we need also to reward some of the individuals who have done well in the sphere of economics. These are the entrepreneurs and great business minds, so that Kenyans as an investment hub, as a regional economic block, as a premier nation, as a humanitarian hub, as a security hub, as an infrastructure hub and as a very important nation not only in eastern and central Africa but in the whole world is projected properly. This is not possible without having great economic minds. These individuals need to be appreciated, recognized and given national honors.

Mr. Speaker, Sir, there are also individuals who have done very well in tourism, security and scientific innovations. These individuals are the ones that we really need to appreciate and reward. There are individuals who have done well in the sphere of academics. Have you heard recently of some of our professors and best scientists being rewarded? We always see a list of political mediocres being given some of the best national awards. How will we encourage our scientists without this? It is because of this that we need to put in place mechanisms to reward those who have excelled in public administration, governance, sports and in all other fields, so that, as a country, we progress.

I want to appreciate the role of those advocates of multipartism because before 1991, some of these acts were not even possible in the Republic of Kenya, and in places where I come from, which was under emergency rule. It is because of their sacrifice that today all of us are seeing the benefits of the rule of law. We need to entrench this and take it further, so that the man or woman who will be elected as the next president of the Republic of Kenya on 4<sup>th</sup> March will be governed by the rule of law but not by the wishes of the few cliques who will surround that individual. It is because of this that this Parliament should not adjourn without putting this law in place.

As the Vice-Chairman of the Parliamentary Service Commission today, I can say that the Tenth Parliament is one of the greatest parliaments this country has ever had. We did not have a mechanism to appreciate the good work done by the great men and women who have served and continue to serve in the Tenth Parliament. It is because of this that our hands are tied. Even when we recommend names to the Executive, they will have to look at how many times you have criticized the Government, how many adverse reports you have brought against the Executive. Because of that, they will not meet the benchmark.

Even today, very few hon. Members of the Tenth Parliament have been honored by the Executive simply because they see us as individuals who have been persistently against the interests of the Executive. It is because of this that we are saying we should have a parliamentary advisory committee on awards, so that Parliament can sit down and say these are the best Members of Parliament, these are the best members of staff and say we recommend so-and-so. This is one of the best practices that I picked from the congressional rules. Therefore, a Member of Parliament who has done well in his or her work should not look upon the Executive to be rewarded. We are also saying the same should apply to the members of the Judiciary. The same

should also apply to the members of the Executive collectively; the President should get a list of nominees, which is binding, from Parliament; he should get another, which is binding, from the Judiciary, and another list from the counties. All these lists should be combined and we have the face of the Republic of Kenya.

Mr. Temporary Deputy Speaker, Sir, in developed countries, where democracy is entrenched, one of the unifying factors that the leadership of those countries have used to unite their country is the honors. In our place, we use it as any other thing to reward every Tom, Dick and Harry. I hope that with the passage of this Bill, this will be history.

With those remarks, I beg to move and call on Eng. Gumbo to second.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Eng. Gumbo:** Mr. Temporary Deputy Speaker, Sir, first of all, allow me to thank my very good friend and a true Kenyan, hon. Keynan, for moving this very important Bill.

This Bill should have been passed in this House a long time ago, because we live in a country where people who are thoroughly undeserving carry national honours they neither deserve nor have they earned, but thoroughly deserving Kenyans go around without honours which they richly deserve. I, therefore, thank hon. Keynan especially on the qualifications that he has made, for example, in Clause 4(b), where a person who has made an exemplary contribution to the country or county in economic, social, scientific, academic, public administration, governance, sports and all that, is honoured. This is very important.

Mr. Temporary Deputy Speaker, Sir, on 7<sup>th</sup> August, 2012, we came here to inaugurate the refurbished Parliament. I was standing over there and making a contribution as the Chairman of the House Broadcasting Committee. I made then a very passionate appeal to the President who was sitting there; that, "please, as you honour Kenyans this year, remember the man who led the team that brought this to come." I mentioned specifically my good friend, a humble servant of God, the hon. James Kimathi. It saddened me that when the list of honours was published, the hon. James Kimathi, who not only did the designing of this refurbished Parliament, which is now the symbol--- When you talk of the symbol of the National Assembly, it is the refurbished Chamber. Not only did he do this, before he did this, he went and did the famous Tanzanian Parliament in Dodoma. How can we not honour such a man? How many people ever get to do something like that, and yet you find all sorts of people carrying these honours?

Today, Thika Road is an engineering edifice. All the praise is going to the Chinese, but how many people know that the person who designed Thika Road is my good friend, a humble servant of God, Eng. Matu? How can we not honour a man who has altered the landscape of Nairobi like that? The Chinese were builders but the designer was Eng. Matu. How many Kenyans know about Eng. Matu today? Eng. Matu, if you are listening, I want you to know that as a person and engineer, I am thoroughly proud of you for changing the landscape of this country.

Mr. Temporary Deputy Speaker, Sir, one of the moving Motions that I brought to this House was to honour our sportsmen and women. When I moved the Motion, I was saddened in my heart at the treatment that one Naftali Temu received in the hands of fellow Kenyans. I was saddened that Naftali Temu being the first Kenyan to provoke the playing of the Kenya National Anthem at any Olympic stadium died a nameless and faceless man. In fact, when Naftali Temu died, no senior Government official other than the chief of the area attended his burial. These are things that we want to change. I am not blowing my own trumpet but in Kenya today, there are only 200 registered consulting engineers and yours truly, the Member for Rarieda is one of them. Even my engineering contributions have changed the way things happen in this country.

Who knows about that? We must reward people. The other time I heard that someone had brought proposed the name of Kamlesh Pattni as one of the people to be given national honour. I hope to God that he never got a national honour. I asked myself: Have we all gone mad? Who could we even think of honouring the architect of Goldenberg? How quickly people forget. When Goldenberg happened, I was a young engineer just out of Nairobi University. I can tell you that my house budget in Zimmerman Estate was less than Kshs800. This is because before Goldenberg, a packet of milk cost only Kshs3.10 and I needed a packet of milk for two days. A loaf of bread cost only Kshs4.50 and I needed one for two days. To travel from my humble house in Zimmerman to Nairobi by Nyayo Bus was 50 cents and going back in the evening was Kshs1. With a budget of Kshs9, my transport was taken care of. I would walk to Hoggers on Mfangano Street and take a plate of chips for Kshs1.50; boiled egg for 50 cents and bottle for soda for 50 cents. When Pattni came, all that changed. How could somebody even contemplate awarding the architect of Goldenberg, which has taken Kenya decades back and we may never recover maybe in the next ten years?

Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Keynan very sincerely for bringing a Bill that can now structure the award of national honours. Providing the manner of awarding national honours is good, but also some of the people who carry these honours do not deserve them. Let us provide clear regulations on how to take away some of these honours and give them to Kenyans who deserve them. The regulations to also prescribe the privileges or benefits that shall be attached to the national honour are important. I love sports and my television watching is about sports.

Some people might forget, but in 1984, I was doing my “A” Levels at the great Cardinal Otunga High School and at that time there were Olympics in Los Angeles. For the first time, it looked like Kenya would never get an Olympic medal, until one man called Julius Korir came to the scene. Today, Mr. Julius Korir with his wife – he was shown on television - is a sorry case. If we provide for prescribed privileges or benefits, let us give some of these privileges, which I think should also be in cash, backwards so that people like Julius Korir who brought so much joy to the country at a time we thought it was call gone can also be awarded.

Mr. Temporary Deputy Speaker, Sir, I also propose that hon. Keynan specifically lists some of the honours that heroes who are covered by this Bill can enjoy. Before the late Martin Shikuku passed on, I was very saddened to see him queuing in a bank and nobody knew what good this man did for the country. In some countries, people who carry national honours do not queue to pay bills or pay for public transport. This should be clearly stated. The problem with Kenya is that we do not respect people who have made this country great. That must change and I thank hon. Keynan. At the Committee stage, please, bring amendments that can make us know that if Kenya is respected today, it is by the unsung heroes and heroines of this country.

Thank you, Mr. Temporary Deputy Speaker, Sir. I second the Bill.

*(Question proposed)*

**Mr. Imanyara:** Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. Just before I comment on this Bill, may I take the opportunity, like those who spoke before me, to wish, through you, the people of Kenya and particularly those of Central Imenti whom I have had the privilege of serving for many years a very happy new year, and to all of you who have spoken this morning, to express your condolences to me on behalf of the family of late councilor



Lydia Gituma and the nine other passengers who perished last night in that horrific road accident at Subuiga in Meru.

Mr. Temporary Deputy Speaker, Sir, hon. Keynan deserves commendation and congratulations from this House for finally recognizing what every generation since 1963 ought to have recognized. That is that we owe our Independence or sovereignty as a country to the heroes of not only the first liberation, but those who have kept the dream alive; those who have sacrificed by even giving the ultimate – their own lives - to keep Kenya, as a country worthy of respect. So, we must thank hon. Keynan and the team that has played pivotal role in bringing The National Honours Bill, 2012, to this House.

We have been discussing the Bill by hon. Dr. Monda this morning. These Bills give meaning and life to the new Constitution in many new ways. Everytime I stand up in this House, when I hear the Government announce grand policies about granting money to the elderly persons, I always remember those old men now in their sunset years, the Mau Mau war heroes; the people who fought in the forest. Most of them are dead but less than 10,000 are now remaining in this country. These people are spread all over Kenya. They had to go to a high court in London to sue for recognition of their contributions to this country. It is a crying shame that we have to go the United Kingdom to file cases in order to recognize they are heroes. This is something that we ought to have done as a matter of public duty long time ago. Therefore, even as I support this Bill, I recognise that it leaves again the Mau Mau war veterans. These are people who deserve recognition for making this country independent. These are men and women way down in Nyanza, Coast, North Eastern and Eastern provinces and Mt. Kenya region who fought and gave their lives to get freedom for this country.

Mr. Temporary Deputy Speaker, Sir, I hope and trust that when the Mover of this Bill gets our views and the Bill gets to the Third Reading, he will create a specific category of the Veterans Honours Committee so that we can put mechanisms in place for identifying, naming and bringing the names of those who are remaining to this House not only for awards but for making some monetary contributions in their sunset years of their lives in recognition of the great contributions they have made to this country.

Every single year on Madaraka Day and on what used to be Moi Day and Jamhuri Day, you would get sick when you read the Kenya Gazette and see the people who were being honoured under the categories of the National Orders. I sometimes see names of torturers or people who were responsible for grave torture in Nyayo House getting awards from the President at State House saluting him. It is not just President Kibaki but before him, President Moi and President Kenyatta. They have been getting honours for grievous human rights violations. Therefore, I am glad that in this Bill, there are provisions for revoking such appointments. We demean and degrade these honours when they are given to men and women who are responsible for creating a society in this country that belittles what we stood for. I hope that when this Bill is passed, and it will be passed before we go home at the end of this Session, we will have it in place with specific provisions naming not only the Mau Mau veterans but also making special provisions for examinations for all the honours that have been given since Independence before a Committee that can vet them and where necessary make recommendations for the revocation. That is the only way you can enjoy wearing an EGH after your name if you know that it is well deserving and has a good meaning.

Mr. Temporary Deputy Speaker, Sir, this has been an exercise of rewarding sycophancy for too long. There have been some changes in the last years of Kibaki administration but before that, it was those who shouted loudest, those who exhibited the most irrational speeches in public

and those who committed murders who got these honours. When we saw them walking into the gates of State House to get those awards, we would say that it is good not to be given those awards. So, we need to clean up the list of those who have been given these awards in the previous number of years in order to give meaning to this legislation that we are enacting.

Every time I remember names like Bishop Okulu, Jean Marie Sirony, Martin Shikuku, Wangari Maathai and many others. I also remember Timothy Njoya who is still alive. I keep asking myself; must we wait for Rev. Timothy Njoya to die before we hear messages from State House recognizing him leading as if we are shedding crocodile's tears to honour those who have made it possible for them to sit in this House and for them to enjoy the benefits of retirement as we will be debating later on this afternoon and yet they go naked? They go without clothes, shoes and have no accommodation.

We have been struggling to see the IDPs Bill assented to by the President. These are men and women who are still languishing in IDP camps; some of them for no fault of their own. These are the true heroes of this country; the people who have accommodated these people. These are the families that have given meaning to what is Kenyan civic responsibility; those who have been offering shelter to the victims who have been driven away from their homes and have been staying in conditions of utter poverty. It is time to recognize the men and women who give accommodation to these helpless people. This is the time to create a category under all our national legislations where people who make little gains and contributions like taking someone who has been left on the road to die to a hospital and a baby who has been abandoned are recognized. These are the babies who become heroes. We need to recognize and show the people of Kenya that it is these common acts of humanity that we must recognize. Therefore, I am happy when I see that there is a Committee where recommendations should be made. The Committee can move forward and recommend to the President. We must make clear provisions that when the recommendations go to the President, he must act upon them within a specific time limit. We do not want a situation where the House passes legislation, making recommendations and enacts laws and people sit without putting them into effect.

The Internally Displaced Persons (IDP) Bill is the best example where the provisions of the Constitution say very clearly that if you fail to sign a Bill into law and you do not bring a memorandum to the House, it becomes an Act of Parliament after two weeks. This is the case and yet nothing has happened. The Attorney-General does not move in and no explanation is given even when the President is signing a Bill into law more than three months after the constitutionally mandated period. So, we must have specific provisions to the effect that where the recommendations of the Committee are made, the President must not only act within time but must have a specific ceremony at State House where these men and women can be conferred with these honours under the glare of publicity that they deserve and where Kenyans can give them recognition and honour. Let us have a due national holiday at the national stadium where these celebrations are taking place or a special dais for these people who have been given honours. We must have a freedom of the city for these people. When they come to Nairobi, for example, David Rudisha should drive in Nairobi and park anywhere within the City of Nairobi because they have given this country a name and recognition. So, the City of Nairobi ought to be obligated to give the Freedom of the city to these people. These people should enjoy these facilities for free in the cities of Kisumu, Mombasa and wherever they come from, because they are the ones who give meaning to good citizenship and responsible citizenship. They are the men and women we will be honouring by giving recognition under this new National Honours Bill.

I support this Bill and congratulate hon. Keynan and those who have worked tirelessly to bring it to this House. We will go home knowing that this Tenth Parliament has, indeed, not only excelled in passing the most number of Bills since Independence but qualitatively, has made great contributions.

There are a few Members in this House. Some of them like hon. Millie Odhiambo who is seated next to me; *mheshimiwa* Keynan and John Mututho have worked and made contributions. They have made such contributions that every Kenyan will tell you he admires the Member for Lari because he is in the House every day. He makes contributions but nobody recognizes him. However, the people of Kenya recognize when they watch the Member for Lari making contributions on every Bill that comes because that is what a Member of the National Assembly is all about.

It is time that we saw men and women of this House who have made these contributions recommended for awards. This is not self-honour. Let this Parliament not end before the Speaker of National Assembly makes these recommendations.

Finally, just like we do in other categories of professionals, in this regard, I am talking about the Law Society of Kenya. When they were creating the list of the senior counsel, the very first appointments because there was no committee in existence went to the Law Society Council. I recommend that we make provisions here for the Speaker and the Speaker's Committee to immediately sit and make recommendations for people who are the first honourees under this law. That can happen so that we give meaning to this law that we are passing today.

With that, I beg to support this Bill.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. In doing so, I want to congratulate hon. Keynan for bringing this Bill. Indeed, when I came to this House, there are certain Bills that I had a very specific interest in; that I actually thought I would even bring myself. This is one of the Bills that I thought, if time allowed, I would have brought myself. I think hon. Gitobu Imanyara picked words from my head. I largely concur with what he said. It is very interesting – I guess it is because we come from the same background. However, because of that, I just want to add a little.

Mr. Temporary Deputy Speaker, Sir, as a country, we must honour men and women of honour. In the past, the standards that we have set have been very wrong. The standards that we have set for the society have become very warped. People glorify people who have stolen money or those who misuse public resources instead of glorifying people who do very simple acts. I got so shocked the other day. I was passing along Lenana Road when I came across a man who had collapsed in the middle of the road and he was foaming from the mouth. Everybody who was driving along that road just went round him; nobody wanted to assist. I almost passed because I was almost missing my deadline to submit my nomination papers. I stopped and I asked myself: "What is humanity all about? So what if I miss my nomination and this guy dies?" So, I stopped and helped this guy. This man had come from Kenyatta National Hospital and he could not afford medicine worth Kshs500. He told me that when we had moved him off the road and I gave him Kshs1,000, he started crying. I was so touched not by what I had done, but what difference Kshs1,000 which we do not take seriously makes in somebody's life. He told me that it is one month's supply of medicine for him. Why am I saying this? It is because as a community, we have shifted the things that are of value to us and we glorify things that we should not be glorifying.

Mr. Temporary Deputy Speaker, Sir, because of time and I know the other hon. Members are keen, I want to bring in another aspect which is the gender aspect of honour. In this country,

even when you look at the honours that the Presidents have given in the past, they have not focused on women of honour. I want to give an example of women like Nanjero who, when the colonialists attacked people at a hotel in town, she was shot dead. But in history, she is not captured. We have learnt to write history, but not her story. We do not write “her story”; we write history. This Bill will give us an opportunity to write “her story” and not only “history”. Therefore, I would like us to recognize women like that one I have talked about who was shot dead, people like Mekatilili wa Menza, Priscilla Abwao who was responsible for our Constitution, Phoebe Asiyo, and even, posthumously, Prof. Wangari Maathai who we were only honoring after the international community had honored her.

I also want to remember the age aspect. There are young people who have fought for the liberation of this country. These are people like Cecily Mbarire, Kabando wa Kabando, Judith Muthoni, Solomon Muruli, Muthoni Wanyeki, Atsango Chesoni, amongst others who have fought for this country. But we now assume them and honour people who did not even lift a finger. They are the ones who are being recognized.

I would like to concur with hon. Gitobu Imanyara who I also think deserves the highest honor for the work he has done for this country. I want to agree that we must set standards so that they are not abused. The fact that we provide for them here is not enough.

Finally, this Parliament deserves honour. The Members of this Parliament have worked tirelessly. Even though the issue of a new Constitution eluded us for years, this Parliament sat through it. We will write books and indicate what some of us went through in order for that Constitution to come through which the public did not know. After the last day of reviewing the Constitution in Naivasha when the white smoke finally came out, hon. James Orengo was flown to Nairobi and admitted in a hospital. I was admitted in hospital with all loss of hair because of the stress. There are several hon. Members who were also admitted because of that. People do not know the stories behind what we do in this House.

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

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to strongly congratulate hon. Keynan for coming up with this Bill.

There are many issues related to how we do our national honours. The problem is that there is no procedure; it is not clear. There is no public involvement. Sometimes, the forms that you fill are too long and complicated and you wonder what they are looking for. It is managed by a monopoly or a cartel of people who are sometimes completely out of touch with reality. There are also issues about the distribution of who gets the honours in this country. Hon. Millie has spoken about the gender issue. There are few women--- It is disproportionately full of men as if women have not done anything. It also depends on people who are in power with regard to their geographical distribution. There are areas of this country where a few Kenyans from those areas, irrespective of what they have done, have been honored because power and the location of the people in power determines a great deal of that. There is also the issue of the physically challenged, youth and so on.

The other problem is that there is no objectivity and as a result, it is open to corruption. First, you leave out Kenyans who should have been honoured a long time ago, for example, Kenyans in the Opposition. If we did not have Kenyans in the Opposition since 1992, many of the gains that we have seen in this country would not have happened but nobody cares about them. So, the really change is not the people of the status quo but it is the people who have contributed to this country, including those who were in the first and second liberations.

However, a few of them have received any honours from the sitting authorities. So, we leave out such kind of people and also academics, for example, top students. If you were number one student in KCPE or KCSE, nobody thinks about you yet, in a country like the USA, top mathematicians are actually honoured by the President. This is because we want to encourage young people in primary and secondary schools to continue to excel but we do not think about them. There are other small people like a primary school teacher who makes a big difference in terms of performance of a student in KCPE or KCSE. Those people are never thought about and yet, they make a greater contribution than the many others that we honour.

I agree that the process should be open. We should involve professionals. There should be public vetting including putting those names on the internet and asking Kenyans to say what they know about the characters that are being suggested for honoring by the Government. This will ensure that there are people of integrity. I know of a colleague of mine who refused to wear the badge that he got because he said that he did not want to be honoured alongside hyenas. It must be clear that you are honouring people of really honour. In this regard, therefore, if you find Kenyans who have been associated with big scandals and they are out there being honored irrespective of how much damage they have caused this country, I think there are issues about--- What are we telling our children? Are we telling them that those are the best examples that they should emulate?

Mr. Temporary Deputy Speaker, Sir, I also want to argue that if you have been recognized after being vetted, then it can also be one of the requirements for people who stand for public office, including elective offices. Those people should also go with the privileges and conditions we have been told about.

Finally, because the whole process has been abused since the 50 years of Independence, I am for those who argue for the recall or revocation of appointments of people who do not meet the criteria that will be set after this Bill is enacted. It does not make any sense for people to be carrying honours and yet, they more represent national shame as opposed to national honour.

I want to thank hon. Keynan and those who have spoken. We need a good start so that the people we honour in this country are people our children and generations to come can be proud for. The other day, I was pushing for the Baimungi Family. I wrote a letter about the Baimungi Family. Instead of people like Baimungi being honored by this country, it is the collaborators – those who fought against them and those who did not want us to have Independence – who are being honoured. They are, in fact, given more honour than they require. It is a shame that we have to do this many years after Baimungi and Mwariama and others have died. It is them who went out for it, but the people who fought against it are the ones who have received the greatest honours. That is why the idea of revoking and recalling those honours from those who do not deserve is very noble.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, briefly, let me start by acknowledging the good work that has been done by Mr. Keynan in drafting this timely Bill. This Bill is seeking to recognize heroic deeds by Kenyans in this country. I recall that in 1972, Phillip Waruinge was the first Kenyan pugilist boxer to get a silver medal and up to now this Kenyan has not been recognized. That also includes John Oruru and others. In the social life, we have seen prominent people like Mailu, a very prolific writer and Ngugi wa Thiong'o and Micere Mugo who were very patriotic Kenyans who did a lot of good work but they were even expelled from this country. In the education sector, we have seen principals of high schools like Alliance High School, St. Mary's School Yala and Mang'u High School doing extremely well but have

not been given any recognition. The Vice-Chancellor of the University of Nairobi, Prof. Magoha, has brought sanity and peace in that institution.

In the sporting world, we have seen people like Joe Kadenge who have done this country proud but up to now, nothing has been done about it. In the religious sector we have people like Bishop Gitari who have suffered for this country. They were injured and insulted for the sake of this country. It is time we recognized these heroes and heroines of this country. It is now important that meritocracy be the guiding principle in the award of these honours.

**The Temporary Deputy Speaker** (Prof. Kaloki): Since we do not have other hon. Members willing to contribute, I will call upon the Mover of this Bill to reply.

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I want to donate just one minute of my time to Mr. Cheruiyot before I proceed.

**Mr. Cheruiyot:** Mr. Temporary Deputy Speaker, Sir, thank you for allowing me to add my voice to this particular Bill. Ideally, these honours should be bestowed upon people who have gone beyond the call of duty to contribute to the welfare and well being of society. This has come at a time when we really need to reward Kenyans by way of recognition and not by way of cash for what they have done for the nation.

I would also like to take this opportunity to wish the people of Kuresoi a happy and prosperous new year as we go for peaceful elections. I also wish the same to Kenyans.

With those few remarks, I beg to support.

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I want to thank all the hon. Members who have contributed for the available input on the issue of gender, the issue of *Mau Mau* and the *modus operandi* on how this is going to be managed. I want to say that this is a noble idea by our forefathers but unfortunately, the concept was used as a political tool by the sons and daughters of the colonial chiefs and other collaborators who enjoyed the privilege of state power. They awarded their cronies and I can assure you that if this Bill is passed, that would be history.

With those few remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Order!

*Second Reading*

#### THE INDUSTRIAL TRAINING (AMENDMENT) ACT

**Mr. Kutuny:** Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, the Industrial Training (Amendment) Bill be now read a Second Time.

The objective of the Bill is to amend the Industrial Act, Cap.237 to make provisions for the Government and public institutions to offer mandatory industrial attachment to the newly graduated students in all professions who are unable to get employment upon completion of their studies. It requires the Public Service Commission (PSC) to determine the terms and service for persons undertaking the attachment in line with the existing policy framework.

Mr. Temporary Deputy Speaker, Sir, the Bill is informed by the fact that most of the young people who graduate from the institutions of higher learning end up without employment in the short-term and an opportunity to undertake internship will thus go a long way in equipping them with the requisite practical skills as they prepare to transit to the next level of education or employment. We have got many people who graduate every year and when they go outside there to seek employment, they are told that they require two to three years experience. Where do these people get experience when the Government has not created an opportunity for them to gain experience? This is the only way that is going to ensure that fresh graduates from universities gain experience that is going to ensure that when they go to the job market they are competitive. There is a shortage of nurses and yet we have thousands of nurses who are languishing at home. We have got a shortage of teachers and yet we have many who are trained. For this case, I call upon the hon. Members to support this Bill so that we can help many young people.

I call upon hon. Mututho to second.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I rise to second and call upon the Mover at the Committee Stage to ensure that at least 10 per cent of the labour force is what they call internships and those interns should be able to earn not less than 30 per cent of their anticipated salary upon qualification.

I second.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Order!

*Second Reading*

THE PUBLIC PROCUREMENT AND DISPOSAL BILL

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, on this one, there is a request that we defer this particular Bill to a later date.

*(Bill deferred)*

**COMMUNCIATION FROM THE CHAIR**

VOTE OF THANKS

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, may I take this opportunity to thank you for the co-operation and support you have accorded me during the 10<sup>th</sup> Parliament when I served you from this Chair. May I also take this chance to wish you a

successful and prosperous 2013. I wish you well in your endeavours particularly in the forthcoming general elections as you vie for various positions.

Hon. Members, let me also take this opportunity to thank the people of Kibwezi for electing me and giving me this opportunity to serve them as their Member of Parliament.

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now time for interruption of business. Therefore, the House stands adjourned until today afternoon, Wednesday, 2<sup>nd</sup> January, 2013 at 2.30 p.m.

The House rose at 12.30 p.m.