

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 1st August 2013

The House met at 2.30 a.m.

[Hon. Speaker (Mr. Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, in keeping with our Standing Order No.34, I determine that there is no quorum and that the Division Bell be rung; no business may be transacted.

(The Division Bell was rung)

Order, hon. Members! We now have quorum and we may, therefore, commence business.

PETITION

Hon. Speaker: Hon. Members, this is to convey a Petition regarding the environmental hazards posed by the Athi River Mining Company Limited.

Standing Order No.225(2) requires the Speaker to report to the House any petition to the Assembly other than those presented through a Member. I, therefore, wish to convey to the House that my office has received a petition regarding the environmental hazards posed by Athi River Mining Company Limited. The Petition dated 29th July 2013 presented by the Human Rights Agenda (HURIA) is addressed to the Clerk of the National Assembly and it is signed by 10 citizens praying for several matters, among them, that the National Assembly:

(i) conducts an investigation on the operations of Athi River Mining Company Limited over complaints by the communities living around the mining areas; and

(ii) requires the Ministry responsible for matters of environment to compel the said company to undertake certain satisfactory measures to mitigate the adverse effects of its operations on the environment and the safety and health of the affected residents of Rabai and Kaloleni.

Hon. Members, this Petition, therefore, shall stand committed to the Departmental Committee on Environment and Natural Resources for consideration. Pursuant to Standing Order No.227(2), the Committee is required to consider the Petition and report its findings within 60 days.

Thank you.

PAPERS LAID

The following Papers were laid on the Table:

The Report of the Auditor-General and Financial Statements of the Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 2013.

The Report of the Auditor-General and Financial Statements of the Kimathi University College of Technology for the year ended 30th June, 2012.

The Report of the Auditor-General and Financial Statements of Karatina University College for the year ended 30th June, 2012 and the Certificate thereon.

The Report of the Auditor-General and Financial Statements of the Kenya Veterinary Board for the year ended 30th June, 2012 and the Certificate thereon.

The Report of the Auditor-General and Financial Statements of the Kenya Tourism Development Corporation for the year ended 30th June, 2012 and the Certificate thereon.

The Report of the Auditor-General and Financial Statements of the Mount Elgon Lodge Limited for the year ended 30th June, 2012 and the Certificate thereon.

The Report of the Auditor-General and Financial Statements of the Kabarnet Hotel Limited for the year ended 30th June, 2011 and the Certificate thereon.

The Report of the Auditor-General and Financial Statements of the National Industrial Training Authority for the year ended 30th June, 2011 and the Certificate thereon.

The Report of the Auditor-General and Financial Statements of the Kenya Ports Authority for the year ended 30th June, 2012.

(By Hon. A.B. Duale)

Report of the Departmental Committee on Transport, Public Works and Housing on the Petition by residents of Kiharu Constituency to the Government on the Non-pavement of Mbombo-Kiria-Gatara Road that traverses Mbiri, Mugoiri and Murarandia Ward (Kiharu Constituency) in Muranga County.

(By Hon. (Eng) Mahamud)

Hon. Speaker: Hon. Members, if there is any of you who may have seen that Paper they could be allowed to make a few comments. If there is none, we may proceed to the next Order.

STATEMENTS

LAND DISPUTE BETWEEN NCKK AND JUA KALI ARTISANS

Hon. (Ms.) Shebesh: Hon. Speaker, I rise to request for two Statements pursuant to Standing Order No. 44(2) (c). I wish to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding the dispute between the National

Council of Churches of Kenya (NCCCK) and the local *Jua Kali* artisans over the land property LR.209/9324.

Hon. Speaker, this is a 3.05-hectare piece of land that was allocated to NCCCK in 1978 by the Government to be held in trust for the *Jua Kali* fraternity and establishment of the pilot project for light industries. The NCCCK has since abandoned its role as trustee and attempted to sell the land to the disadvantage of the *Jua Kali* artisans.

In his Statement the Chairperson should clarify:

1. the current status of this land;
2. the measures the Government is taking to resolve this issue and protect the affected *Jua Kali* artisans; and
3. the actions being taken by the Government against the NCCCK for this breach of contract.

Hon. Speaker can I seek another Statement?

Hon. Speaker: From the same Committee?

Hon. (Ms.) Shebesh: This is a request for a Statement from the Departmental Committee on Energy, Communications and Information.

Hon. Speaker: Could we get an indication from that Committee? I am aware that the Committee has been out investigating matters relating to another Statement requested by Hon. Dr. Pukose and Hon. Moroto.

Hon. Shebesh, I do not know whether hon. Members of that Committee are back in the House. Hon. Mbai!

Hon. Mbai: Hon. Speaker, I am a member of that Committee. I would like to assure the hon. Member that I am going to convey the message to the Chairman of the Committee.

Hon. Speaker: Well, could you ensure that Hon. Shebesh is invited?

Hon. Mbai: Hon. Speaker, three weeks from now.

INCREMENT OF ELECTRICITY CONNECTIVITY FEES

Hon. (Ms.) Shebesh: Hon. Speaker, pursuant to Standing Order No.44(2)(c) I wish to request a Statement from the Chairperson of the Departmental Committee on Energy, Communication and Information regarding the increase of electricity connectivity fees from Kshs35,000 to Kshs70,000.

Hon. Speaker, the Kenya Power has stated that this increase was due to the need to meet the cost of connection as it was unsustainable under the earlier fee. The Government had barred Kenya Power from increasing this fee until the Energy Regulatory Commission (ERC) completed its three months' study beginning March to ascertain the real cost of connection. To date, there has been no report by the ERC on its findings. In the Statement, the Chairperson should clarify that the Government has lifted and maintained its suspension of the increased connection fees and clearly state the connection fees payable by customers to Kenya Power for connection to its grid.

Hon. Speaker: Chairman of the Committee on Energy, Communication and Information or a member of the Committee!

Hon. Kiptanui: Hon. Speaker, I am the Vice-Chairman of the Committee. We will respond to this Statement in the next two weeks.

Hon. Speaker: Hon. Shebesh agrees.

NON-COMPENSATION OF MAU MAU VETERANS

Hon. Wangamati: Hon. Speaker, pursuant to Standing Order No.44 (2)(c) I wish to request for a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs regarding the issue of non-compensation of the *Mau Mau* veterans.

The British Government recently admitted liability in crime committed against the *Mau Mau* and awarded compensation to approximately 5,000 individuals. However, this happened for people from one region of this country and yet there were people from the *Dini ya Msambwa* in western Kenya.

There were people from the *Dini ya Msambwa* in western Kenya who also fought for freedom from the colonialists. These people have not received any compensation, recognition or benefits to date. The Kenya Government should play a role in ensuring that these national heroes are not left destitute. The Chairperson should inquire into this report. Although the Attorney-General was trying to answer, the question around the country is whether the Government is identifying freedom fighters from other communities.

What action or measure is the Government taking to recognize and compensate all freedom fighters in this country?

Hon. Speaker: The Chairman of the Justice and Legal Affairs Committee, Hon. Chepkonga.

Hon. Chepkonga: Hon. Speaker, Sir, considering the fact that Hon. Wangamati rose under Article 57 of the Constitution, he is compliant. He has raised very serious issues although we will be going on recess shortly. I respect him and I think I should respond to this Statement in the first week of September.

Hon. Speaker: You may have no option, Hon. Wangamati.

Hon. Wangamati: Hon. Speaker, Sir, I have no problem because this is a national issue. We want our freedom fighters to get satisfied. We do not want to place blame here and there. Other communities are thinking that the British Government has not been fair to all the communities in this country.

Hon. Speaker: Hon. Jared Odhiambo! He is absent not desiring to be present. Chairman of the Committee on Administration and National Security, hon. Kamama.

Hon. Abongotum: Hon. Speaker, Sir, first of all, before I give my Statement, I had a lot of interest on the issue of the *Dini ya Msambwa* Freedom Fighters. On 24th April 1950, about 400 people from Tiaty were killed by the British soldiers and they were all adherence of the *Dini ya Msambwa* faith. During that incident, the OCPD, Eldama Ravine, Mr. Charles Taylor, was killed in reiteration together with a District Officer, an inspector of police and a corporal. So, 400 of my people were killed. With your indulgence, I wish to request that when the Chairman of the Justice and Legal Affairs Committee responds, he should also include the fate of the people of Kolowa Massacre.

CIRCUMSTANCES SURROUNDING DEATH OF DENIS KIPRUTO KIRWA

I have a Statement that was requested by the Member for Moiben, Hon. Silas Tiren. He wanted to know the circumstances that led to the death of Mr. Denis Kipruto

Kirwa who was killed by policemen in Kapsoya Police Post. The Member wanted to be informed on the cause of the shooting, the arrest that has been made and whether any action has been taken against the concerned officers.

On 10th June 2013, at about 10.00 a.m., police officers from Kapsoya Police Post received information that a gang of five men armed with AK47 Rifles and a pistol were planning to rob Prestige Supermarket at Chepkwor Junction. The informant gave description of the suspects and the officers proceeded to the said supermarket immediately. The officers identified the suspects who had strategically positioned themselves around the supermarket before challenging them to surrender. Two of them, Mr. David Wanyonyi Kakai alias China and Kevin Njau Kuria, complied and surrendered while the third one, Denis Kipruto Kirwa dared the officers with what was later discovered to be a fake pistol.

Unfortunately, in the circumstances, he was shot on the abdomen and rushed to the Moi Teaching and Referral Hospital where he passed on while undergoing treatment. Two other suspects who were in a non-registered waiting car escaped. The two suspects who surrendered were later charged with the offence of preparation to commit a felony at Kapsoya Police Station, Crime File No.831/487.213 and File No.2080/213 and the hearing of the case is fixed for 15th August, 2013.

Lastly, the postmortem on the body of the deceased was conducted on 5th July, 2013 and the cause of death was found to be bleeding due to a single gunshot to the abdomen. I wish to table a copy of the postmortem report and inquest File No.3 of 2013 which was subsequently opened and the duplicate file was forwarded to the Director of Public Prosecutions for perusal and advice. Appropriate action will be taken once the file is received from the DPP.

(Hon. Abongotum laid the Document on the Table)

Hon. Speaker: The Member for Moiben, you have heard the Statement as read out. Perhaps, you may wish to seek some clarification if any.

Hon. Tiren: Hon. Speaker, Sir, I have heard what has been said, but I would like to get some time to go through the document. We were told that the thugs were being looked for, for the past 12 years. They are saying that the boy was a thug and so, something needs to be done. The boy was 22 years and so, something needs to be done. I will look at the Statement and then follow up.

Hon. Speaker: Very well. Hon. Kamama, there was a further Statement expected from you by Hon. Muluvi.

Hon. Abongotum: Hon. Speaker, Sir, I got a response but the answer is actually misdirected because it is an answer to Senator David Musila of Kitui County. So, I think there is a mix up. We have directed the officers of that Ministry to give me the correct answer because there is a mix up and we will be able to address this later. Most probably I will give the statement on Tuesday.

Hon. Muluvi: Thank you, hon. Speaker. It is unfortunate for the hon. Member to say that he confuses Maj. Muluvi of the National Assembly and Senator Musila.

Hon. Speaker: Hon. Muluvi, the Chairman of the Committee on Administration and National Security, Hon. Abongotum, has not confused; he has said that the people who wrote to him requesting for a Statement have addressed it to Senator Musila of Kitui

County. Do not blame the Chairman. It is not the Chairman who is confusing you and the Senator; it is those people who wrote the answer.

Hon. Muluvi: Hon. Speaker, Sir, what I am saying is that those people addressed their answer to Senator Musila. So, my question stands unanswered. That is the position.

Hon. Speaker: That is correct.

Hon. Abongotum: Hon. Speaker, I will answer when the House next sits.

Hon. Muluvi: He says Wednesday?

Hon. Speaker: When the House next sits

Hon. Muluvi: When the House next sits?

Hon. Speaker: Yes.

Hon. Muluvi: It is okay. Thank you.

ENCROACHMENT OF KITUI SOUTH GAME RESERVE

Hon. (Ms.) R.K. Nyamai: Thank you, hon. Speaker, Sir. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairpersons of the Committee on Environment and Natural Resources and the Committee on Justice and Legal Affairs, regarding encroachment of a game reserve.

Hon. Speaker, Sir, some communities from Galole Constituency have migrated several kilometres inside Kitui South Constituency border and have settled and even built permanent structures like schools using CDF in Kitui South Game Reserve. There is even a polling station located in the same place and it is in use by the residents of Galole Constituency within Kitui South Constituency.

Hon. Speaker, in their Statements, the Chairpersons should inquire and report on:

(i) The reasons for the encroachment of this natural resource, which is public land and state under whose consent this occurred.

(ii) Whether any measures are being undertaken to recover this land and the timeframe allocated for this exercise.

(iii) The status of polling station number 19 as determined by IEBC.

Thank you, hon. Speaker

Hon. Speaker: That is directed to the two Committees.

Hon. (Ms.) R.K. Nyamai: Yes, Sir. It is directed to the Committee on Environment and Natural Resources because of the game reserve, and also to the Committee on Justice and Legal Affairs because of IEBC.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Chepkonga, do you want to respond?

Hon. Chepkonga: Thank you, hon. Speaker, Sir. I was trying to find out which Committee it was because there was no reference to my Committee. In fact, the only thing that I have just read concerning Kitui South Constituency is where the Governor is seeking to declare war on the Governor of Garsen or something like that. But, nonetheless, we will endeavour to respond when Parliament sits next time.

Hon. Speaker: Do we have the Chair of the Committee on Environment and Natural Resources? Hon. Simba!

Hon. Simba: Thank you, hon. Speaker. I do not know what the Chairman, Hon. Chepkonga was saying. Indeed, we did not get it completely. Would I be in order to request that he repeats what he said? Let him use the microphone and be digital!

Hon. Speaker: It is not necessary to respond, Hon. Simba.

Hon. Chepkonga: Thank you, hon. Speaker. I thought I was very loud and clear. The problem with Hon. Simba, who is my very good friend, is that he has this insatiable appetite of engaging in an enterprise of mischief. Hon. Speaker, I was very clear. I said when the next Session sits. We should stop him from this enterprise of mischief.

Thank you.

Hon. Speaker: Let us have a reaction from the Committee on Environment and Natural Resources. Are you a Member of that Committee, Hon. Dukicha?

Hon. Dukicha: On a point of order, hon. Speaker, Sir.

Hon. Speaker: You will be reached. Are you a Member of that Committee?

Hon. Dukicha: Hon. Speaker, Sir, I am a Member of that Committee but I am the father of Galole and I want to respond to that request for a Statement.

Hon. Speaker: You cannot answer. You have no capacity to answer. No such capacity to answer!

Hon. Dukicha: Hon. Speaker, Sir, that is not a request for Statement, but a war of words between the two hon. Members. I am the hon. Member for Galole.

Hon. Speaker: Are you seeking a Statement? Do we have a Member of the Committee on Environment and Natural Resources here?

Hon. Dukicha: Hon. Speaker, Sir, I am a Member of the Committee on Environment and Natural Resources and at the same time, I am the hon. Member of Parliament for Galole.

Hon. Member: Interested party!

Hon. Dukicha: Interested party.

Hon. Member: The father of Galole.

Hon. Dukicha: I am the father of Galole that is number three---

Hon. Speaker: Hon. Member of Parliament for Galole, you are now indicating that you are a father---

Hon. Dukicha: I am the hon. Member of Parliament for Galole, hon. Speaker, Sir. Two to three days ago, you saw in the media that the issue of border review is with---

Hon. Speaker: Sorry, Hon. Dukicha.

Hon. Dukicha: Protect me from this euphoria, hon. Speaker.

Hon. Speaker: Hon. Dukicha that is why these four months were important for us to come and make a few mistakes here so that when we go for induction, hon. Members will now understand. They would have interacted with these procedures.

You cannot answer the question. If you are the hon. Member for that area, the best I can advise you is, appear before the Committee, not as a Member of the Committee and shed whatever information you may have that can help the Committee arrive at a just recommendation.

Let us hear from Hon. Alice Ng'ang'a.

RESETTLEMENT OF SQUATTERS IN KILIMAMBOGO

Hon. (Ms.) Ng'ang'a: Thank you, hon. Speaker, Sir. Pursuant to Standing Order No. 44(2)(c), I wish to seek a Statement from the Chairperson of the Committee on Lands concerning the resettlement of squatters in Kilimambogo. In 2009, the then Minister for Lands assured the MP for Juja that the settlement of squatters would be done by latest

March 2010. A District Planning Liaison Committee was constituted to begin the process of resettlement. A Part Development Plan (PDP) was drawn and verified by all stakeholders and submitted to the Ministry of Lands Headquarters for approval in 2012. There has been no response from the Ministry to date. In his Statement, the Chairperson should inquire into and report on:

(i) The reason for the delay in this resettlement considering the deadline of March 2010 has expired;

(ii) When this resettlement will take place;

(iii) The state of the Part Development Plan (PDP) that was forwarded to the Ministry of Lands; and

(iv) Clarify whether the Government is aware that the land identified for resettlement has since been sold to Verrall Construction Company to do quarrying.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Is it a Member of that Committee, but not a Member who has any interests? You must place your card.

Hon. Member: Thank you, hon. Speaker, Sir. I am a Member of the Lands Committee and I have absolutely no interest on the matter. I will pass on this information to the Chair and in two weeks, an answer will be given. Thank you, hon. Speaker, Sir.

Hon. Speaker: When the House next sits.

Hon. Member: Two weeks after the House commences.

Hon. Speaker: Very well, Hon. Alice Ng'ang'a, you have heard it for yourself. Hon. Dukicha, take the Floor.

LACK OF TELECOMMUNICATION NETWORK IN NORTHERN KENYA

Hon. Dukicha: Thank you hon. Speaker, Sir, for giving me this opportunity. I have two requests. Pursuant to Standing Order No. 44 (2)(c) I wish to request a Statement from the Chairperson of the Committee on Energy, Information and Communication regarding network coverage by telecommunication service providers.

Communities in Hola and Galole constituencies among others in northern Kenya encounter poor network coverage and thus face limited communication capacities. In his Statement, the Chairperson should clarify why the telecommunication service providers have not provided coverage to the marginalized and neglected pastoralists communities of these areas yet many other parts of the country already enjoy these services.

Thank you, hon. Speaker, Sir.

Hon. Dukicha: Can I continue with the second Statement, hon. Speaker, Sir?

Hon. Speaker: Yes.

POOR STATE OF ROADS IN NORTHERN KENYA

Hon. Dukicha: Thank you hon. Speaker, Sir for giving me this opportunity again. Pursuant to Standing Order No.44 (2)(c), I wish to request for a Statement from the Chairperson of the Committee on Transport, Public Works and Housing regarding the state of roads in the northern part of the country. The roads are highly depilated and require massive reconstruction and modernization. For instance, the Garissa-Hola-Bura

and Garissa-Malindi roads are in deplorable state. In addition, there is no weighbridge to accommodate the required axle load on these roads.

In his Statement, the Chairperson should inquire and report on:

(i) Whether the Government has allocated funds to tarmack these roads and when this will be done; and

(ii) Whether there are plans underway for the establishment of a weighbridge stationed at Hola.

Thank you, hon. Speaker, Sir.

Hon. Speaker: The Chairperson of the Committee on Transport, Public Works and Housing, hon. Mahamud.

Hon. (Eng.) Mahamud: Thank you, hon. Speaker, Sir. It is true that the roads in northern Kenya are in bad shape, but I am not aware that Hola and Garsen are in northern Kenya, anyway. Those are in Coast Province. Nevertheless, we will be glad to give the Statement two weeks after the House resumes.

Hon. Speaker: Very well, the other Statement was to which Committee?

Hon. Dukicha: The other one was for network.

Hon. Speaker: Network!

(Laughter)

Are you sure there is a Committee on network?

Hon. Dukicha: Thank you, hon. Speaker, Sir. I am very much disturbed about the network in my area and that is why when I am walking, sleeping and standing, I just think about network. So, it is the Committee on Energy, Communication and Information.

Hon. Speaker: Committee on Energy, Communication and Information, hon. Jamleck Kamau. It is communication that is in your mind as network. A Member of that Committee, hon. Kiptanui the Vice-Chairperson, has the Floor.

Hon. Kiptanui: Thank you, hon. Speaker, Sir. This issue of lack of network in quite a number of constituencies is affecting quite a number of Kenyans and we have started to look into it. We shall be responding in two weeks' time, after recess.

STATUS OF UNIVERSAL SERVICE FUND

Hon. Speaker: Very well, hon. Diriye Abdullahi Mohamed take the Floor.

Hon. Mohamed Diriye: Thank you, hon. Speaker, Sir. Pursuant to Standing Orders No. 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Energy, Communication and Information regarding the status of the Universal Service Fund established by the Kenya Communication (Amendment) Act of 2008.

The Statement I am raising is very similar to what hon. Dukicha has just mentioned, but I also want to add that under the Kenya Communication Act that was enacted in 2008, they established the Universal Service Fund and the objective and purpose of this fund was to support capacity building, promote innovation, information and communication and to take network to those areas that are disadvantaged.

Hon. Speaker: Hon. Diriye, I hope you are not debating. You are seeking a Statement, are you not?

Hon. Mohamed Diriye: Yes, I am seeking a Statement.

Hon. Speaker: Yes, but you are making it like a long lecture.

Hon. Mohamed Diriye: Okay, let me continue. I was saying there is a fund established called the Universal Service Fund, under the Communication Act of 2008 and this fund was supposed to provide network to places that are disadvantaged. Also, in the year 2010, the Ministry established the regulations; the Kenya Information and Communications (Universal Access and Service) Regulations 2010, which further spelt out the establishment of this fund and the mechanisms involved in it. The fund involved levying 1 per cent to all the providers; Safaricom, Airtel and the rest.

Hon. Speaker: This opportunity is for seeking a Statement, I am sorry it looks like you have to be discontinued.

Hon. Mohamed Diriye: Hon. Speaker, Sir my Statement was partly already expounded by hon. Dukicha. I am only expanding it.

Hon. Speaker: Now, if you are going to refer to hon. Dukicha's idea of network and the others---

Hon. Diriye Mohamed: Hon. Speaker, the Chairperson of the Committee on Energy, Communication and Information should inquire into and report to the House on the following---

Hon. Speaker: Hon. Diriye Mohamed, I approved the Statement but it does not contain the things you are saying. Can you stick to what has been approved or I stop you?

Hon. Diriye Mohamed: Hon. Speaker, I am dully guided.

In his Statement, the Chairperson should inquire into and report to the House on the following:

(i) why the fund has not benefitted the intended beneficiaries yet the law was enacted in 2008 and subsequent regulations put in place in 2010;

(ii) what criteria will be used to determine the locations to benefit from the fund, specifying whether they will be in hon. Dukicha's constituency or my constituency; and,

(iii) what ICT measure the Ministry of Information, Communication and Technology is taking in support of the initiative to, especially, help the disadvantaged communities in remote areas, considering that it has taken so long to implement the project, yet we have a fund which has been established for the purpose.

Hon. Speaker: Yes, hon. Kiptanui.

Hon. Kiptanui: Hon. Speaker, as you have heard, the Statement request is related to the one by hon. Dukicha. Therefore, we shall combine the two requests and respond to them together two weeks after the recess.

Hon. Speaker: It is so directed.

Yes, hon. Clement Wambugu.

DEGAZETTMENT OF UNIVERSITY COUNCILS

Hon. Wambugu: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Committee on Education, Research and Technology regarding the de-gazetment of University Councils and the impeding administrative crisis at Jomo Kenyatta University of Agriculture and Technology

(JKUAT) and at the Co-operative University College (CUC). In the Statement, the Chairperson should inquire into and report to the House on the following:

(i) whether a university council that has already been gazetted can be verbally degazetted;

(ii) whether the Government is aware of the impending crisis at the JKUAT, arising from alleged irregular appointment of the Vice-Chancellor; and,

(iii) whether the Government is aware of the impending crisis at the CUC due to the delayed appointment of the Principal, Dr. Esther Njoki Gicheru, even after being interviewed twice for the same job and emerging tops.

Hon. Speaker: Hon. Wambugu, I have taken the liberty to allow all the hon. Members who came to me and indicated their intentions to request Statements to do so, including those who came to me late, because I am aware of the calendar of this House. If your request had come to my attention in the usual way, I would have advised you that a similar request was made yesterday by the Member for Kieni. The Chair of the Committee undertook to delve into the matter. So, whatever other information you may be having, you can also appear before the Committee and prosecute the matter there.

Yes, hon. Kipchoim Grace Chelegat.

MEASURES TO CONTROL FLOODING OF LAKES

Hon. (Ms.) Kipchoim: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Committee on Environment and Natural Resources regarding the constant flooding of lakes Baringo, Bogoria, Nakuru and Victoria, lately. A number of schools, roads, dispensaries and homes have been submerged due to swelling of waters in those lakes, resulting in loss of livelihoods for the families and the people living around there. The Chairperson should inquire into and find out the position of the Government departments responsible for flooding, which has affected the people living around those lakes.

Hon. Speaker, I would like to take this opportunity to welcome hon. Members to visit Lake Bogoria, where there are over two million flamingos. They are welcome to see those birds, which have migrated all the way to Lake Baringo. They are invited to visit the area as local tourists, so that they can see those beautiful birds.

Hon. Speaker: Therefore, the Committee to which the Statement request is directed is also invited to go and tour the lake. Is there any Member of the Committee who may wish to respond to what hon. Jelagat has said?

Hon. (Ms.) Kipchoim: Hon. Speaker, the Committee Members are supposed to go there and see what is happening because those lakes have been friendly throughout the time we have lived there. We have been living there for so many years but, currently, they are bursting their banks and displacing people. Some schools, like Salaban Primary School, have been closed down. The 370 pupils no longer go to school because of the floods.

Hon. Speaker: Hon. Kipchoim, is it now a Statement? I want more information.

Hon. (Ms.) Kipchoim: Hon. Speaker, I am elaborating.

Hon. Speaker: There is no need of doing so for now. You will elaborate before the Committee. I would like to have a Member of the Committee to give an undertaking.

Yes, hon. Jude Njomo!

Hon. Njomo: Hon. Speaker, I will have the request communicated to the Chairlady of the Committee. Due to the tight schedule that we currently have, we shall table the Report four weeks after we resume from recess.

Hon. (Ms.) Kipchoim: Hon. Speaker, I do not think the hon. Member understands what is happening on the ground. My people no longer live in their houses. Schools are closed. That is a disaster which the Government should intervene even as from tomorrow.

Hon. Speaker: I agree with you, hon. Kipchoim. The Committee should take up the matter during the recess period. Since there may be no other Statement requests during that period, they should undertake the necessary visits to see for themselves some of the issues that the hon. Member has raised, including watching the birds.

Hon. Njomo: Hon. Speaker, I thank you for your advice. I know that we will have a tight schedule over the recess but we will re-organise ourselves.

Hon. Speaker: Please, do so.

Yes, hon. David Karithi!

Hon. (Ms.) Kipchoim: On a point of order, hon. Speaker. I know that hon. Njomo is not the Chairperson, but I still request that the Committee takes up the matter and gives me an answer that is favourable. Maybe, he can tell me that they will be coming there next week, latest.

Hon. Speaker: Hon. Jelagat, the Committee is not going to give you an answer. They are supposed to investigate the matters and bring a Report to the House, so that you and the rest of the membership of this House can debate it and, possibly adopt it as it will be, or with amendments, or reject it. So, what is important is that you participate in the deliberations of the Committee.

Let me take the last Statement request, so that we can go to the next Order.

Proceed, hon. David Karithi.

MEASURES TO ADDRESS CATTLE RUSTLING IN TIGANIA WEST

Hon. Karithi: Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding incidents of cattle rustling in various parts of this country.

Agricultural areas continue to experience incidents of cattle rustling with many cattle and goats being stolen and people kidnapped. This is the case yet in Tigania West, little or no action is taken by the police to recover the missing persons or the stolen animals.

In this Statement, the Chairman should inquire into and report to this House on the status of recovery of missing persons and animals. He should also tell us what the Government is doing to bring the culprits to book and any plans by the Government to increase patrols in areas vulnerable to cattle rustling, including increasing the number of Kenya Police Reservists and providing a helicopter or vehicles for patrols.

Hon. Speaker: Hon. Asman Kamama, that request is directed to you.

Hon. Abongotum: Hon. Speaker, Sir, I know that cattle rustling has really been a menace in the hon. Member's place. I also know that the residents of that constituency,

who are incidentally farmers, are shocked when they experience cattle rustling. I think it is traumatic to some of the communities.

We intend to bring this Statement immediately the House resumes in September.

Thank you, hon. Speaker.

Hon. Karithi: Hon. Speaker, Sir, I request the Chairman to, at least, give us the report in two weeks' time.

Hon. Speaker: Two weeks from today?

Hon. Karithi: Yes, hon. Speaker, Sir.

Hon. Speaker: I am sure you have looked at the Calendar of this House and you should not speak in vain. Hon. Karithi, does your request not appear a bit challenging?

DEGAZETTEMET OF LAND OCCUPIED BY MEMBERS OF CHOLIM CO-OPERATIVE SOCIETY

Hon. Cheptumo: Thank you, hon. Speaker, Sir. On 18th July 2013, hon. (Dr.) Pukose sought a Statement from the Committee on Delegated Legislation. The subject matter of the request was with regard to the situation surrounding the degazettement of the land already occupied by members of Cholim Co-operative Society, and whether the Government will compensate the farmers for the suffering and loss caused by the forceful evictions. He also wanted to know the current state of the farm.

The Committee in its sitting of 25th July considered the matter within its mandate as established under Standing Order No.210. In view of the nature of the request, my Committee observed that the request falls within the mandate of the Departmental Committee on Lands which is, indeed, mandated to deal with matters of settlement. Because of that, we wish to seek your direction that this matter be referred to the Departmental Committee on Lands, which will be able to deal with it exhaustively. I have shared this position with my colleague and he has understood our position.

Hon. Speaker, Sir, I request that you direct this matter to that Departmental Committee.

Hon. Speaker: Yes, hon. (Dr.) Pukose.

Hon. (Dr.) Pukose: Hon. Speaker, Sir, these people were evicted from their land which they were allocated by the Government in 2002. These people have been living under very difficult circumstances; most of them are in an IDP camp and they are referred to as forest evictees. These people have suffered a lot from 2002 up to today. After discussing with hon. Cheptumo, we agreed that he be incorporated so that he can give us a legal opinion, because this land was legally given to those people who paid the Government the required amount of money. The title deed has not been changed to read: "Ministry of Environment and Natural Resources". There is only alleged degazettement. The same was also looked at by hon. Gonzi Rai and his team when he was an Assistant Minister. I think this is a weighty matter that the Departmental Committee on Lands should look into with immediate effect; the suffering these people are undergoing is too much. Their children are unable to go to school, they have no food and clothing and they live at a camp called Teldet which is next to their farm.

Hon. Speaker: Very well. Then the matter will go to that Departmental Committee.

Yes, hon. Harrison Kombe.

ENVIRONMENTAL DAMAGE CAUSED BY CRYSTALLINE
SALT COMPANY

Hon. Kombe: Thank you, Hon. Speaker, Sir. Three weeks ago, I requested a Statement from the Chairperson, Departmental Committee on Environment and Natural Resources regarding Mombasa Crystalline Salt Company. This company is using firewood as a source of energy.

Hon. Speaker, Sir, the Chairperson asked for six weeks to give the Statement but the damage that is going on now has increased 10 times. By the time the Statement will be given in this House, Magarini Constituency will be a desert. I request the Departmental Committee to move with speed, visit Crystalline Salt Manufacturers, see the damage that the company is causing and stop it. The company has closed a football pitch so that it can get more area to store logs. This is very hurting and action should be taken now, so that the company stops damaging the environment in that constituency.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Hon. Ogari, do you want to respond? Were you in the Committee?

Hon. Ganya: Hon. Speaker, Sir, we are seized of the matter as a Committee. We had actually planned a trip to the Coast during the recess to deal with that issue and others in Kwale. So, hopefully, once we are back from the recess, our report should be ready. We are seized of it; we have planned for it and we are undertaking a trip to the Coast during the recess to deal with that specific issue. So, the report should be ready once we are back from the recess.

Hon. Kombe: Hon. Speaker, Sir, I would request the Committee to invite me during the tour.

Hon. Speaker: You will be invited even to the hearings.

(Loud consultations)

Hon. Members, lower the decibels of your consultations. We will now go to the next Statement.

DISMISSAL OF NATIONAL SOCIAL SECURITY FUND MANAGING TRUSTEE

Hon. A.B. Duale: Hon. Speaker, Sir, I have two very short Statements to make. One was sought by hon. (Ms.) Nyasuna on the dismissal of the Managing Trustee of the National Social Security Fund (NSSF), Mr. Tom Odongo.

The terms of contract under which the Managing Trustee was serving are stipulated and governed by Section 33 of the NSSF Act, Cap.258 of the Laws of Kenya, which provides as follows:

“33(1) For the purpose of this Act, the Minister shall, on the recommendation of the Board of Trustees, appoint a managing trustee who shall hold office on such terms and conditions of service as may be specified in the instrument of his appointment.”

I have an attachment of the appointment letter. Under the instrument of appointment, Mr. Tom Odongo was to serve for a period of three years from 28th

November 2012 on a tenure renewable at the discretion of the board. He was answerable to the Board of Trustees of the NSSF.

(Hon. (Ms.) Kajuju consulted loudly)

Please protect me from hon. (Ms.) Kajuju and her colleague; they are making a lot of noise.

Hon. Speaker: The two hon. Members are from one county apparently. I hope you are not discussing a matter of a select committee.

(Laughter)

Hon. A.B. Duale: Hon. Speaker, Sir, the contract stipulated performance areas guided by specific objectives agreed between the Managing Trustee and the Board of Trustees. However, clause 20(1) of the contract stipulates that---

Hon. (Ms.) Ngetich: On a point of order, hon. Speaker, Sir. I want to seek your indulgence to know whether it is in order for the Leader of the Majority Party to proceed with that answer when the matter is in court.

(Applause)

Hon. Speaker: The Leader of the Majority Party is responding to a request for a Statement and is reading a written response which, among other things, refers to a section of the Act. Debate on it may not be permitted but it is just a Statement. So, proceed, hon. Duale, A.B.

Hon. A.B. Duale: Hon. Speaker, Sir, I want to thank you. I want the hon. Member to read Standing Order No.89; it is on matters of *sub judice* or secret talks about evidence to be provided. Because I do not have any evidence to that, the Standing Orders allow me to read the Statement; the Speaker has made the clarification.

Clause 20(1) of the contract of Tom Odongo stipulates that this contract may be terminated by either party giving a three months' prior notice or on payment of an equivalent of three months' pensionable pay in lieu of such notice by either party. If Mr. Tom Odongo wanted to leave the NSSF, he would use Clause 20(1). I am sure the Cabinet Secretary used this clause. The contract was signed between the Managing Trustee and the then Minister for Labour in 2012. Mr. Tom Odongo appended his signature on the said contract on 29th November 2012.

Secondly, there was a specific breach of the contract that led to his dismissal. The Cabinet Secretary invoked clause 20 of the contract, which provided for an exit as follows: "This contract may be terminated by either party giving a three months' prior notice or on payment of an equivalent of three months' pensionable pay in lieu of such notice". This is from the Cabinet Secretary for Labour. No reason is needed for terminating the contract under this clause. I have attached here the terms and conditions of the service of the Managing Trustee, which were signed by Tom Odongo in the presence of the former Minister for Labour, now the great Senator of Turkana County, hon. Munyes.

Finally, the Board of the NSSF has ratified the decision of the Cabinet Secretary.

I beg to table this Statement.

(Hon. A.B. Duale laid the document on the Table)

Hon. Speaker: You said that you had another short Statement.

THREATENED STRIKE BY MEDICAL PERSONNEL

Hon. A.B. Duale: Hon. Speaker, Sir, this is a Statement sought by Hon. Wakhungu on the threatened strike by the Medical Practitioners, Pharmacists and Dentists Union (KMPDU). This is from the Cabinet Secretary for Health. It is, indeed, true that the KMPDU issued a notice on behalf of their members that they would not be available to offer services in Government facilities with effect from 4th August 2013. The grievances that they needed to be addressed relate to the delay in processing of July 2013 salaries for doctors and all health workers serving in the Ministry.

I wish to explain that the delay in processing of the salaries for health workers was occasioned by the reorganization of Government Ministries and alignment of payroll codes to reflect the changes. The delay was also as a result of the budgetary disbursement of voted funds to cater for salaries of health workers. I wish to confirm that the reorganization and alignment of the payroll system has been finalized and the National Treasury disbursed funds to the Ministry. The Ministry of Health has already processed the payroll for all health workers, including doctors and they should be able to access their salaries before 4th August 2013.

The Ministry of Health has already held discussions with the officials of the KMPDU to mitigate against the intended strike. The officials issued a Press Statement on 1st August 2013 to call off the intended strike and have assured the public that they will be available to offer services in all health facilities. Separately, the Ministry has engaged the Treasury and the Transition Authority to provide clarity on the functions and budgets for devolved health services.

I beg to table the Statement.

(Hon. A.B. Duale laid the document on the Table)

Hon. Speaker: I will give the first chance to hon. Wanga.

Hon. (Ms.) Nyasuna: Thank you, hon. Speaker. I am in a bit of a dilemma because this matter is before a court, as it has been indicated. It is a matter, nonetheless, of great national importance. As you have heard, the Leader of Majority Party in his Statement has given absolutely no reason as to why Mr. Tom Odongo was summarily dismissed. I seek your guidance on how then to proceed in prosecuting this matter owing to the fact that we cannot do so on the Floor at the moment following your earlier direction. We would like this House to pursue this matter even after it ceases to be *sub judice*. There are several angles to it, including the constitutional right of the Cabinet Secretary to have done what he did to Mr. Tom Odongo. I hope to say more, but after your guidance.

Hon. Speaker: Obviously, as relates to the rights of parties in contracts, that is a function of the Judiciary, when there is breach to interpret and declare. As you say, if,

indeed, the matter is before court, and the issues before court are the same, or substantially similar to the ones you may wish to raise here, then further debate on this could easily infringe on the *sub judice* rule.

It will not be fair for the House to appear to have made the law and then decide that it is the one to interpret the same law and declare certain positions. You may be better seized of the matter than the Chair. However, to the extent that some of the matters you are raising could be up for determination by the court then debate on the matter would be inappropriate.

Hon. Kajwang’: Hon. Speaker, I thank you for your remarks and observations on that issue. You are definitely right on the law. However, I do not know if it is possible that you allow us to make one or two comments on the same. I was just reflecting on Standing Order No.89 that the Leader of Majority Party brought up. It would seem that under Standing No.89 *sub judice* applies only where civil proceedings have been set down for trial. Even then the hon. Member claiming that the issue is *sub judice* has shown the House that the matter has progressed in hearing. This will allow Members to ventilate on issues, but not necessarily to decide the rights of others. Members will be in a position to investigate issues even though somebody claims that he has filed an issue before a court of law.

Hon. Speaker, without going against your comments and observations, probably you could allow us to ventilate on the issues unless, of course, a Member is able to show that the issue is advanced and has been listed for hearing. I wanted to seek clarification from the Leader of Majority Party, if you allow me, at the right point in time.

Hon. Speaker: Hon. Aburi, you are now standing between the Speaker and hon. Wanga. The Speaker cannot be speaking in vain. I need to be able to see that hon. Wanga is listening.

Hon. Wanga, what hon. Tom Kajwang’ has said is correct, but you see we should be more careful about the possibility of discussing the matter in a way that would be prejudicial to the rights of the parties before court. I do not know at what stage this matter is in court. Given the Statement read by the Leader of Majority Party there may be issues that you may wish to seek clarifications on, and that may not prejudice the rights of the parties.

Hon. (Ms.) Nyasuna: Hon. Speaker, I have a number of issues to raise.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, hon. Speaker. Further to what hon. Kajwang has raised, this House has decided in the past that when an issue has been raised under the article that has been cited, the person who raises the issue must give a copy of the proceedings to inform the House at what stage the matter is, failing which it is presumed that this House is ignorant of the matter and, therefore, it is free to discuss it.

Hon. Speaker, if we do not have the proceedings, we will not be able to speak to some of the issues that people have raised on ethnic profiling, failure to follow procedure, or discrimination. I would request that the House opens this matter and allows us to interrogate what hon. A.B. Duale has stated.

Hon. Speaker: Hon. Odhiambo-Mabona, you may have noticed that the Speaker has not in any way acceded to the fact that the matter is *sub judice*. It is squarely upon hon. Wanga to proceed in terms of Standing Order No.89 (3) and produce evidence of those proceedings. It is for that reason that I have used the words “if, indeed, the matter is before court”. I am aware of that. We could now listen to hon. Wanga.

Hon. (Ms.) Nyasuna: Hon. Speaker, since the proceedings are not here--- Hon. Cecilia Ng'etich rose on a point of order, perhaps, the burden is on her to produce the proceedings. I will proceed to seek my clarification with regard to this Statement.

I am greatly dissatisfied with the answer read by the Leader of Majority Party. Indeed, no reason has been given. He only cited clauses. We are not talking about a house girl here; we are talking about the Chief Executive Officer of a very large parastatal. Whatever the offence this person committed, there are laws of natural justice and regulations of the NSSF. It was incumbent upon the Board, if Mr. Tom Odongo committed an offence, to summon him. He should have been given an opportunity to show cause---

Hon. (Ms.) Wahome: On a point of order, hon. Speaker, Sir. I would like to raise an interjection to the reference that this matter is very serious, and it is not about house girls. Is the hon. Member in order to insinuate that house girls are not important members of this nation? I request that she withdraws that reference to house girls.

Hon. Speaker: I do not think that makes her statement out of order really. However, it is upon you to treat hon. Wanga the way you want. She has said that, perhaps, it would have been okay if we were dealing with a house girl. That is hon. Wanga's opinion.

Hon. (Ms.) Wahome: But, hon. Speaker---

Hon. Speaker: You are just engaging in an argument, hon. Wahome. Please, remember you rose on a point of order.

Hon. (Ms.) Nyasuna: Thank you, hon. Speaker, for protecting me. I will proceed because my Statement was not meant to be derogatory to anybody. Mr. Odongo should have been summoned by the Board and made to show cause. He should have been given an opportunity to be heard before a recommendation was made for his dismissal. None of this really happened.

Secondly, and a very important point, this country is deeply divided at the moment and any action that could be seen to be targeting certain communities entirely will be completely out of place at this point in time.

Hon. Speaker: Hon. Nyasuna, there is a Member claiming to be on a point of order.

Hon. Cheptumo: On a point of order, hon. Speaker, Sir. I wish not to interrupt my colleague, but I wish that you give directions here. There is an issue that I wish you could consider before we proceed. It appears to me that the Member is dealing with the issue. *Sub judice* is an issue that you need to decide on before she proceeds with what she is saying. I wish you could give direction on that issue.

Hon. Speaker: Hon. Cheptumo, fortunately, you are one of the people who can take responsibility for the Standing Orders. I am sure because of certain experience in the past the House, in its wisdom, found it necessary to indicate that any Member claiming a matter to be *sub judice* should produce evidence that there are proceedings, indeed, before a court, and that the matter is at some stage. The House made those rules. Therefore, any Member claiming that the matter is *sub judice* should discharge the onus placed on them by Standing Order No.89(3). However, I want to direct that if you are seeking clarification, please do not take it as an opportunity to debate. Just seek clarification about what is not clear from the Statement made by the Leader of Majority Party. Seek clarification; it is so simple.

For instance, hon. Nyasuna, what do you want the Leader of Majority to clear, which was not clear?

Hon. (Ms.) Nyasuna: Hon. Speaker, Sir, the Statement by the Leader of Majority Party was so skeleton that I am trying to see how to get anything out of it. I would like him to clarify that it is fundamental---

The Leader of Majority Party has risen, but I do not know whether he has the right to rise up.

Hon. Speaker: He is rising on a point of order.

Hon. A.B. Duale: On a point of order, hon. Speaker, Sir. I want to inform my very good friend, the Member for Homa Bay, that my Statement is full of flesh. It is far from being a skeleton; it is based on the law. In fact, I have given nothing else but the law: Section 33 of the NSSF Act, Cap.258, on the role of the Minister and Clause 20(1) of the contract that Tom Odongo signed. So, it is full of flesh and within the law. It is full of steak. I am a pastoralist.

Hon. Ng'ongo: On a point of order, hon. Speaker, Sir.

Hon. Speaker: Surely, hon. Mbadi, you know if the Leader of Majority Party also rose on a point of order you cannot say that you also want to rise on a point of order. Let us hear the response from hon. Wanga.

Hon. (Ms.) Nyasuna: Hon. Speaker, Sir, if you refer to my request for Statement, I specifically requested to know the circumstances of the summary dismissal of Tom Odongo. Nothing in that Statement says that. So, even as I seek clarification, I am tempted to re-introduce my request for the Statement, so that I am answered. Perhaps, this should then be referred to the---

Hon. Ng'ongo: On a point of information, hon. Speaker, Sir.

Hon. (Ms.) Nyasuna: Hon. Speaker, Sir, I accept information from the Member.

Hon. Ng'ongo: Hon. Speaker, Sir, I just want to inform the women Representative for Homa Bay County - she represents me and she is the only other Member that I voted for - that Article 236 of the Constitution talks about protection of public officers. It says:

“236. A public officer shall not be—

(b) dismissed, removed from office, demoted in rank or otherwise subjected to disciplinary action without due process of law”.

From the Statement of the Leader of Majority Party, talking about someone being given three months' notice, this must follow the due process of the law. If you want to remove anyone from office, whether by giving him three months' notice or 10 months' notice, it must be for some good reasons which can be explained to that officer. The Cabinet Secretary has no powers just to wake up one morning and give notice. There must be a reason. So, when hon. Wanga says that the Statement is lacking in flesh, it is truly lacking in flesh. He is not telling us why Mr. Tom Odongo had to be removed from that important office, unless it had something to do with ethnicity. A new Government came into place and wants to place their people in key parastatals, maybe with an intention to loot. We know about the Kenya Pipeline.

Hon. Speaker: Is that still part of the information that you want to give to hon. Wanga?

Hon. Ng'ongo: Hon. Speaker, Sir, I want to inform hon. Wanga that the gentleman at the Kenya Pipeline Corporation who comes from Coast has been removed

because he has employed his relatives and replaced by somebody who has employed his sister-in-law. There is an agreement in this Jubilee Coalition for the two sides to be dividing jobs in lucrative parastatals by placing their people strategically with a view to looting within four years. Before we go for the 2017 elections, they will have lined up their pockets well enough.

Hon. A.B. Duale: On a point of order, hon. Speaker, Sir. I have now known why the good lady for Homa Bay wanted information from my good friend, hon. Mbadi. His information was more of political overtones.

The law is very clear. I want to jog the memory of hon. Mbadi that sacking did not start with this Government. They sacked me as an Assistant Minister and hon. William Ruto as a Minister for Agriculture. So, sacking did not start with the Jubilee Government. It was in the Grand Coalition Government and it will be there.

Despite your ethnic background, if you do not perform according to the performance contract that you signed, then you will be sacked. When people sign contracts, they must look at the clauses. Section 21 of the contract which Tom Odongo signed with the former Minister for Labour, the Senator for Turkana, gave that leeway. If today, for example Mr. Tom Odongo wanted to leave the NSSF, he would use Section 21 and say "I am going to leave. I am going for greener pastures". It gives the same rights to the Minister.

I want to say it very clearly that the able Committee on Labour and Social Welfare, of which the Member for Homa Bay County, hon. Wanga, is a member, when it holds its meeting, she must excuse herself because she is an interested party. Mr. Tom Odongo comes from Homa Bay.

Hon. Speaker, Sir, let us not play politics because some of us are victims of sackings. We had performed very well but because of our political affiliation, we were sacked! Hon. William Ruto performed very well in the Ministry of Agriculture, but he was sacked because of political affiliation. So, if it is about politics, I am a living example of those sackings.

(Several hon. Members stood up in their places)

Hon. Member: On a point of order, hon. Speaker.

Hon. Speaker: Order! Resume your seats! You must maintain order in the House! When one hon. Member is on his feet, the rest are supposed to be seated. It does not matter how many points of order you raise. This is the time for seeking clarification and these debates which you want to engage in are unhelpful.

Indeed, hon. John Ng'ongo read Article 236 of the Constitution which is very useful. I thought it would be available to any party that is aggrieved to know where to seek redress. So, this is just a question of clarification. This information is available to those who are aggrieved because this House makes laws which are interpreted elsewhere - contracts and others.

Even if we sit here and say this or the other has not happened properly; if it has not happened properly, as a House we can make recommendations, upon a proper Motion being moved, not through seeking clarifications from statements as requested from the Leader of Majority Party or from the Chairmen of Committees of the House. I am sure this is clear to all of us, like we know the sun rises from the East and sets in the West.

Hon. (Ms.) Nyasuna, you should give a further clarification on this because you decided to get information. There is a Member who is raising a hand. I do not know what he is seeking.

Hon. Member: On a point of information, hon. Speaker, Sir.

Hon. Speaker: Let hon. (Ms.) Nyasuna finish. No further giving of information. You cannot be having information that you want to give. Go and give it out there to whoever you may want to give. Let the hon. Member who raised the issue prosecute it, please.

Hon. (Ms.) Nyasuna: Hon. Speaker, my brother hon. Ferdinand has very pressing matters, I hope that you will give him an opportunity.

Hon. Speaker: He is not recognized by the Chair. He has to sit until he is recognized.

Hon. (Ms.) Nyasuna: Thank you, hon. Speaker. Article 153 of the Constitution is very clear on the decisions, responsibility and accountability of the Cabinet Secretaries. It is very clear and I see nowhere here where it says that they would be in charge of State corporations such as NSSF.

It states as follows:

“A Cabinet Secretary shall attend before a committee of the National Assembly, or the Senate, when required by the committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible.

(4) Cabinet Secretaries shall-

(a) act in accordance with this Constitution; and

(b) provide Parliament with full and regular reports concerning matters under their control.”

There is nothing further to their responsibilities that include sacking. It means that the NSFF Act is not in conformity with this Constitution and should, therefore, be amended. Those powers are in the hands of the Principal Secretary and Article 155 is very clear.

Hon. Speaker, Sir, I want to request your indulgence, if you would bear with me. If this matter could be handed to the Committee on Labour and Social Welfare, for a detailed report to this House because what we have received does not satisfy the question that I raised, we will appreciate.

Thank you.

Hon. Speaker: That is the route I think you should have proposed, hon. (Ms.) Nyasuna.

Hon. A.B. Duale: Hon. Speaker, Sir, I agree. Already, the matter is before the Committee on Labour and Social Welfare. But further, Parliament has just received the NSSF amendment Act. If the hon. Member for Homa Bay was to amend this Act, Section 21, then this House has the powers. When this Bill is re-introduced in September, it will look at it. But the Constitution stipulated the functions of a Cabinet Secretary. Each and every institution that falls within that portfolio has its own regulations, which again are passed by Parliament.

So, the Cabinet Secretary has stated that in sacking Mr. Tom Odongo, he has used the law and he is saying that the same law had been used by Mr. Tom Odongo. If today he found greener pastures, better than NSSF, he could have written to the Cabinet Secretary and gave him three months' notice within Section 20. So, the matter is seized

of the Committee. The Chairman told me in the morning that he is summoning the Board and the Cabinet Secretary. I am sure the great Lady, my good friend from Homa Bay, will appear there. Please, I have only cited the law.

If you are not happy with the law, this is the right forum to amend or repeal that law or enrich it.

Hon. Speaker: In fact, if the matter is already before a Committee of this House and you expect it to really deal with these issues, including those very burning ones that hon. Kelvin Wanyonyi has, he will go and burn there---

(Hon. Member interjected)

It is no longer important. Now that you have confirmed that the matter is before a Committee of the House, why do you not wait for the Committee to investigate and bring a report to the House?

Hon. Kaluma: But you can take your Statements there as well.

Hon. Speaker: You can take all of those Statements there. Order, hon. Kaluma, it will not happen. Debate or that kind of clarification sought by hon. Nyasuna must end now because the matter is actually before a Committee of the House. That is what you have confirmed.

Hon. Kaluma: Hon. Speaker, I would like to raise a point of information.

Hon. Speaker: Not on this! Next Order!

Hon. A.B. Duale: Hon. Speaker, Sir, I also read a Statement from hon. Chris Wakhungu. If he has any clarification to seek, he can go ahead. I am sure he is happy because money has been paid and the doctors have called off the strike.

Hon. Wakhungu: Thank you hon. Speaker, Sir. I want to confirm that money has not been paid, but has been promised. The two are totally different.

Having said that, I want to congratulate hon. A.B. Duale for the work well done and, more importantly, the Cabinet Secretary, Mr. Macharia, for working proactively. But I need some clarification in the sense that, in my Statement, I was also requesting for further mitigating strategies because if you have been watching KMPDU, their major concern has been devolving the health sector and yet, the health Bill is not yet in place.

In his Statement, hon. A.B. Duale never touched on that. Please, can he give us some clarification on that?

Thank you.

Hon. A.B. Duale: Hon. Speaker, Sir, in my Statement, I said that the Ministry of Health has already held discussions with KMPDU to mitigate against internal strikes. So, there is a discussion going on and the other one was on---

Hon. Wakhungu: The concern has been devolving the health function in terms of preparedness. This matter came up with the Transition Authority that, if some counties are not ready, some functions need not be devolved immediately. That is because we have a grace period of three years.

Hon. Speaker Sir, could the Leader of Majority Party give a clarification on that? The Cabinet Secretary had brought the issue of the Health Bill.

Thank you.

Hon. A.B. Duale: Hon. Speaker, I am sure that the Health Bill is on its way to this House. That is why the Cabinet Secretary said that he was engaging the Treasury and

the Transition Authority to get a clear position on the functions and the budget for the devolved health services. I am sure that the Bill will be coming to this House once it goes through the key stakeholders; namely, the Commission for the Implementation of the Constitution (CIC), the Office of the Attorney-General, the Cabinet, the Law Reform Commission and more importantly, the Transition Authority.

Hon. Speaker: Yes, hon. Wamalwa!

Hon. A.B. Duale: Hon. Speaker, I have a Statement to issue on behalf of the House Business Committee.

Hon. Speaker: Please, go on.

BUSINESS FOR WEEK COMMENCING 6TH AUGUST TO 3RD SEPTEMBER 2013

Hon. A.B. Duale: Hon. Speaker, pursuant to Standing Order No.44 (2), on behalf of the House Business Committee, I rise to issue a Statement on the business of the House for the weeks to come.

Today, the House Business Committee has scheduled a Motion for adjournment of the House to a day other than the next normal sitting day, pursuant to Standing Order 28(3). The House is expected to proceed on a month-long recess, until 3rd September 2013. Upon resumption in September, the House will give priority to the media Bills, whose extensions were granted just yesterday. The House Business Committee will also give priority to consideration of other Bills, especially those related to the Budget cycle.

It is noteworthy that, at the closure of business yesterday, there were 19 Bills that had been published and awaiting consideration by this House. Among them are the Media Council Bill, 2013; the Truth, Justice and Reconciliation Commission (Amendment) Bill, 2013; the Wildlife Conservation and Management Bill, 2013 and the National Flag, Emblems and Names (Amendment) Bill, 2013. Those Bills will mature for the First Readings during the recess period. It is, therefore, very clear that when we come back in September, our in-tray will be full of business, particularly on Bills.

Hon. Speaker, allow me through you to urge the Constitutional Implementation Oversight Committee (CIO) to take advantage of the recess period to engage the CIC, the State Law Office, other stakeholders, and other relevant arms of the Government to expedite all legislation that should be passed by December, 2013.

Let me also take this opportunity to thank hon. Members from both sides of the House for passing yesterday's Motion regarding the deadline for passage of constitutional Bills.

Hon. Speaker, lastly, in the unlikely event that the House fails to proceed on the scheduled recess, the House Business Committee will meet on Tuesday, 6th August 2013, at the rise of the House to consider our business for the rest of the week.

Hon. Speaker, I hereby table the Statement.

(Hon. A.B. Duale laid the document on the Table)

Hon. Speaker: Hon. Members, for the convenience of the House, I direct that the order of our business from now onwards shall be as follows: We shall, first, go to the business appearing as Order No.10, which will be followed by the business appearing

as Order No.9 and Order No.8. If the House completes those Orders, the business on Order No.11 shall follow.

Next Order!

BILL

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

*(Order for First Reading read – read the
First Time and referred to the relevant
Departmental Committee)*

MOTION

APPOINTMENT OF MEMBERS TO PAN-AFRICAN PARLIAMENT

Hon. A.B. Duale: Hon. Speaker, through your indulgence, I want to withdraw this Motion as it raises issues about the Senate and the National Assembly. On the issue of Senators being appointed as Members of the Pan-African Parliament (PAP), the leadership of the National Assembly would like to consult with the leadership of the Senate and, hopefully, bring back the Motion.

Therefore, I withdraw the Motion.

(Motion withdrawn)

Hon. Speaker: Hon. Members, as I have directed, next is the business appearing as Order No.8, which will be followed by Order No.11.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairlady (Dr. Laboso) took the Chair]

THE VALUE ADDED TAX BILL

Hon. Chairlady: Hon. Members, we are now in the Committee of the whole House to consider the Value Added Tax Bill, 2013.

What is your point of order, hon. Mbadi?

Hon. Ng'ongo: Hon. Chairlady, I rise under Standing Order No.96 on adjournment of debate, which provides as follows:

“96(1) A Member who wishes to postpone to some future occasion the further discussion of a Question which has been proposed from the Chair may claim to move “That, the debate be now adjourned”, or, in Committee of the whole House “That, the Chairperson do report progress”.

Hon. Chairlady, I request that the Committee do report progress. We cannot proceed with the discussion on this Bill for some good reasons. First of all, 206 Members of this House have not received their car grants. Most of them are new Members who are serving their first term because of our policy of giving favours to seniors. Even though I have received my car grant, the new hon. Members who do not have any vehicles, have not received their car grants. It is important that we have---

(Loud consultations)

Hon. Chairlady: Order! Order, hon. Members! You will get a chance to speak.

Hon. Ng'ongo: Hon. Chairlady, it is important that we consider the welfare of hon. Members. Members of Parliament cannot deliver without vehicles. Even when we want them to proceed on recess, how do they go without vehicles?

(Hon. Arati crossed the Floor without bowing to the Chair)

Hon. Chairlady: Order, hon. Arati! You know the rule of this House on crossing of the Floor.

Hon. Ng'ongo: Hon. Chairlady, I hear that the Treasury has promised to disburse the grant tomorrow but, obviously, the wait has been far too long. Of what harm will it be to us to wait for the disbursement of the car grants and car loans? We need to get money to buy cars to go to our constituencies. We have not even been paid our salaries and mileage claims. I have been going to my constituency for six weeks without mileage. Therefore, this House would do service to itself if we stop debate on this Bill and even ask the Leader of Majority Party to defer recess up to Tuesday. We want to proceed on recess when all Members have vehicles and have been paid their salaries and mileage claims, so that we can be of use to our constituents when we get there.

Hon. Chairlady, therefore, I request that you report progress to the House.

Hon. Chairlady: Hon. Mbadi, you have made your point but before we read any clauses, the Bill is not before the House. This particular Bill is not yet before the House because none of the clauses has been read yet. So, if you want to ventilate or make some points, let the Bill be moved in the Committee. After that, we can allow a few Members to ventilate.

Hon. A.B. Duale: Hon. Chairlady, first, it is very un-procedural that the VAT Bill becomes a victim of Members' welfare.

Hon. Members: No! Sit down!

Hon. Chairlady: Order, Hon. Members! I have said that you will get a chance to ventilate. Allow the Majority Leader to speak.

Hon. A.B. Duale: Hon. Chairlady, I plead with hon. Members that let us be very orderly. I want to go on record that the amendments to the VAT Bill in the Committee

stage have no relationship with the welfare of hon. Members. That is because the welfare of Members concern Parliament.

The second issue is that hon. Members have an opportunity to either withdraw or reject the Adjournment Motion so that both Parliament and the National Treasury can engage. If you indulge me, I have a letter from the National Assembly of Kenya. If you give me time, I will read it out. It is written by the Acting Accountant-General to the National Treasury.

Hon. Members: No! No!

Hon. A.B. Duale: Hon. Chairlady, Hon. K.K. is misbehaving!

Hon. Members: No! No! Sit down! Shame!

Hon. Chairlady: Order, Hon. Members! Allow the Majority Leader to say what he wants to say.

Hon. A.B. Duale: Hon. Chairlady, this is a House of decorum. We need to redeem the image of the House. This letter is dated 1st August 2013, which is today. It is from the Acting Accountant-General to the National Treasury, Nairobi. Its reference is “Exchequer Issue of Kshs1,030,000,000 for Car Grant”. It reads:

“Please issue an exchequer for that amount to enable us to pay 206 Members of Parliament who were not paid in the last financial year.”

This is a request from Parliament.

Hon. Members: No! Why has it come today?

Hon. A.B. Duale: Hon. Chairlady, if hon. Members give me time, I will tell them why the letter came today. We must show where the problem is. Once the National Treasury opens the Integrated Financial Management Information System (IFMIS), it releases money or exchequer based on request. This letter shows that Parliament had not made the request. This letter is signed by S.O. Obudo for the Clerk to the Senate. This means that it is not the National Treasury that has a problem, but it is Parliament which did not make the request on time. This is the letter.

The Deputy Clerk has minuted this to the Speaker. The Deputy Clerk is saying that the National Treasury has asked for this request today and has now confirmed that they have received it and will release the above amount on Monday, 5th August 2013, for the payment of Members. I would like to table this letter.

(Hon. A.B. Duale laid the letter on the Table)

Hon. Chairlady: Hon. Members, I confirm that this is an authentic letter. By our standards of authenticating a letter, it has the letter head and is signed by Mr. Obudo on behalf of the Clerk of the Senate.

Hon. Members, for us to at least ventilate a little on the VAT Bill, we need to read a few clauses before you move. Nobody is asking you to pass it at this point. This will enable us to even report progress. We cannot move without, at least, reading out some of the clauses. Can we allow the Chairman to do that? It will not jeopardize whatever plans you have, hon. Members.

(Several clauses were read out)

Hon. Nuh: Thank you very much, hon. Chairlady. The biggest public relations gimmick that has ever been done in this House since I joined it was done today by the Leader of Majority Party. Bringing a letter at the last minute when Members want to go home and telling them, “just go home and money will follow”, cannot work.

(Laughter)

We cannot allow this to happen in this country now. We are not even discussing the car grants. We have also not been paid our salaries for last month. How broke can the Government be---

Hon. Member: Check your account!

Hon. Nuh: No, I do not check my account like that. I checked my account during the day properly. We need our car grants before we go on recess. We want to go to our constituency so that we can serve the people who elected us. Members are being taken for a ride here. They are being told to go home, come back in September and they will find money in their accounts. We will not adjourn this House. We will come back on Tuesday to debate the adjournment Motion. I am speaking as the substantive Leader of the Minority Party.

(Applause)

Hon. (Ms.) Shebesh: Hon. Chairlady, I want to seek the indulgence of this House for us to discuss this matter. I know for a fact that Members of this House are not averse to the passing of the VAT Bill, it is simply because of their welfare. I want to speak as a Member of the Jubilee side of this House. It is about time we learnt to read the mood of the House. It will be wrong for the perception of Kenyans to be that we do not want to pass the VAT Bill, something that is not only important to this Government but also to Kenyans, simply because we are looking for our car grants. I think there is a bigger problem that the leadership of this House must take cognizance of.

Hon. Chairlady, I want to be very candid. Yesterday, we had a discussion here with the Cabinet Secretaries and all of us were not impressed by what they did. Today, we continue to have a heavy heart because even on issues where this Parliament does its work for the Government - because we have passed many Bills here--- We have done a lot of work for the Government. It seems like the welfare and issues of Members of Parliament are being taken for granted. I am saying this as a person who knows that on this issue of the VAT Bill, both sides of the House feel that they are being taken for granted and that the Government must take them more seriously.

Therefore, hon. Chairlady, on behalf of the leadership of this House that sits on this Chair, I am begging this House that we do not interfere with the VAT Bill. Let us use any means available to make our point across to the Government but not to, in any way, dilute the work done by the Committee.

(Loud consultations)

My suggestion as has been suggested by the other side of the House was that the Treasury shows commitment to this House so that this VAT Bill can be passed at the end of the day.

(Hon. K.K. Kinyanjui consulted loudly)

Hon. Chairlady: Hon. K.K. Kinyanjui, you are treading on dangerous grounds.

Hon. Onyonka: Mhe. Mwenyekiti, ningependa kusema vile Mhe. Shebesh amesema. Tafadhali, tuangalie kuwa ingekuwa vizuri tujielewe kwa sababu wananchi kule nje wanatuangalia na vile mnavyooona, runinga inaonesha tunazungumza nini hapa. Tangu jana, tumekuwa tukijishughulisha na mambo kuhusu mishahara yetu, pesa ambazo tutapeleka mashinani kutengeneza barabara; hata pesa za CDF hatuna. Hata ingawa pesa zingine zimetumwa kwa accounts za Wabunge, hatuna nafasi ya kutumia hizo pesa kwa sababu kile cheti kinachoitwa AIE hakijatumwa kule mashinani. Kwa hivyo, hamna haja sisi kwenda mashinani kesho.

Jambo la pili, ukituangalia vile tuko hivi, tuna wafanyikazi ambao Serikali inatakiwa iwalipe ndio watufanyie kazi na hawajalipwa. Tunatakiwa tuwe na afisi ambazo Serikali inatakiwa kulipia lakini hazijalipwa. Ingekuwa vizuri hili jambo tulimalizie hapa, tukubaliane kama tunapitisha Mswada wa VAT na vile pesa zetu tutapewa kabla hatujaondoka.

Hon. (Ms.) Kajuju: Hon. Chairlady, I believe this is a House that has hon. Members. We have come to this House to play the three roles that have been bestowed upon us by the people of Kenya. One of the components of legislation is the passage of the VAT Bill. Since we came into this House after elections, we have exercised a lot of patience and we have waited for too long for our welfare to be taken care of. I cannot imagine that waiting for one more month or a few more weeks is going to kill the spirit of this House. So, I beseech hon. Members that this is the time that we are being called upon to behave as the leaders we claim to be and allow this matter to be debated. Let us show that respect to this House!

(Loud consultations)

Hon. Chairlady: Order, hon. Members! Let us hear the Chairman of the Departmental Committee on Finance, Planning and Trade.

PROGRESS REPORTED

THE VALUE ADDED TAX BILL

Hon. Langat: Hon. Chairlady, I beg to move that this House do report progress of its consideration of the Value Added Tax Bill and seeks leave to sit again.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Hon. Deputy Speaker in the Chair]

Hon. Deputy Speaker: Order, hon. Members!

Hon. (Ms.) Shebesh: Hon. Deputy Speaker, I beg to report that the Committee has considered the Value Added Tax without amendments and seeks leave to sit again.

Hon. Langat: Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

Hon. Sakaja seconded.

(Question proposed)

Hon. Ng'ongo: Hon. Deputy Speaker, I think the report from the Committee was not accurate. The report was not that we considered without amendment but we considered part of the Bill. So, could we get it clear: report that this House did not pass the VAT Bill without amendment but that we have not completed the VAT Bill? That should be very clear otherwise, we are likely to support this VAT Bill in the bad form that it came from the Treasury.

(Hon. A.B. Duale consulted Hon. Members)

When you see the Leader of Majority party moving around and my junior Hon. Langat, then---

Hon. Deputy Speaker: Order! What did the Chairperson of the Committee read out, just to be sure so that we do not pass it through the backdoor?

Hon. (Ms.) Shebesh: Hon. Deputy Speaker, you remember that we read a number of the clauses in the Bill and that is why I have reported that:

“I beg to report that the Committee has considered the Value Added Tax Bill, 2013 without amendments and seeks leave to sit again.” This means that we have not completed and that we seek leave to sit again.

Hon. Deputy Speaker: Hon. Mbadi will always seek clarifications. Up to this point, I am waiting for any person to say something before I put the Question.

Hon. Members: Put the Question!

(Question put and agreed to)

sHon. Deputy Speaker: Next Order.

BILL

Second Reading

THE MICROFINANCE (AMENDMENT) BILL

Hon. Deputy Speaker: Hon. (Ms.) Millie-Odhiambo, what is your point of order, or is it hon. Wanga? Hon. Mbadi, why are you becoming Ababu today? Hon. Wanga!

Hon. (Ms.) Nyasuna: Hon. Deputy Speaker, I was seeking clarification as to whether Order No.10 has been by-passed because it is a very important one.

Hon. Deputy Speaker: Hon. Gladys Wanga, were you in this House? That business was done immediately after Statements. Hon. Langat! We are now on Order No. 11.

Hon. Langat: Hon. Deputy Speaker, following the events which have just happened, I wish to withdraw Order No.11, Order No.12 and Order No.13. Thank you.

Hon. Deputy Speaker: Hon. Members as the Chairman has indicated, those orders then stand deferred to a later date.

(Order Nos. 11, 12 and 13 deferred)

Hon. Mbadi, you seem to be impatiently trying to put something across. What is it?

Hon. Ng'ongo: Hon. Deputy Speaker, I am on a point of order. I rise on the strength of Standing Order No. 28. Unless the Majority side has the same, I wanted to move a Motion that this House makes a resolution that we alter the Calendar of this House not to adjourn today, but to adjourn next week on Tuesday. If the Leader of Majority Party is going to move the same, then---

Hon. Deputy Speaker: Hon. Mbadi, can you really move a Motion on a point of order? You are an old Member of Parliament and you know that. Just tidy up! What you are doing is correct, but you are only not doing it in the correct form. Tidy it up so that we can follow our rules.

Hon. A.B. Duale: Hon. Deputy Speaker, it is a very interesting day now that all the Bills have been deferred because of our welfare---

(Loud consultations)

I want to congratulate hon. Mbadi for doing exactly what hon. Sakaja wanted to do. We thank you, but please, hold your horses so that we reach that Order and then you will help us.

Hon. Deputy Speaker: Hon. Members, remember I said that what Mbadi was trying to do was the correct thing, only that he was not doing it properly. If you look at our Order Paper, we have exhausted all that needed to be discussed today and we are only left with the Adjournment Motion. However, going by Standing Order No.28(4), we will need a Motion with regard to what was being prosecuted by hon. Mbadi. We need it to be done properly.

The Standing Order states that despite paragraph 2, the Assembly may, by resolution, alter its calendar or the adjournment date. I think there is one that has been written and if Mbadi is in agreement--- He is willing and ready to accept the one that is being done by hon. Sakaja. We need that Motion before we go to the Adjournment Motion.

Hon. Nooru: On a point of order, hon. Deputy Speaker. The Adjournment Motion is already on the Order Paper. We only need to amend the date of adjournment from today to Tuesday. I do not think there is any confusion on this matter.

Hon. Deputy Speaker: Hon. Nooru, we are just trying to follow the order as--- We cannot have that Adjournment Motion unless we, first of all, have a Motion to change our calendar. We have a fixed calendar. That is the Motion we are trying to prosecute.

Hon. Chepkonga: Hon. Deputy Speaker, I stand pursuant to Standing Order No.83, particularly on the issue of arrangement of Motions. When the substantive Speaker was here, we re-arranged the Motions. The Chairman of the Departmental Committee on Finance, Planning and Trade, I am sure, did not withdraw Motion No.9. I believe it is still there. It was never withdrawn.

Hon. Deputy Speaker: Hon. Chepkonga, you are just like hon. Wanga. You were here when the Leader of the Majority Party---

Hon. Chepkonga: Hon. Deputy Speaker, I sincerely apologize. You know there has been a lot of confusion here. You know we have a problem. It is just because hon. Arati is here and he has caused a lot of confusion.

Hon. Deputy Speaker: Okay. Hon. Members, let us allow hon. Sakaja to prosecute his Motion.

Hon. Sakaja: Thank you, hon. Deputy Speaker. I think there is a lot of confusion based on the excitement that has come into the House.

Hon. Deputy Speaker: It is what we call the dynamism of the National Assembly.

Hon. Sakaja: Yes, and, indeed, the National Assembly is dynamic.

MOTION

ALTERATION OF HOUSE CALENDAR

Hon. Sakaja: Hon. Deputy Speaker, I beg to move the following Motion pursuant to Standing Order No.28(4):

THAT, notwithstanding the resolution of the House approving the calendar of the Assembly, this House further alters its own calendar to move the adjournment date from today, 1st August 2013 to Tuesday 6th August 2013. Hon. Deputy Speaker, hon. Mbadi will second the Motion.

Hon. Ng'ongo: Seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, there being no other business in the House, this House stands adjourned until Tuesday, 6th August at 2.30 p.m.

The House rose at 5.02 p.m.