

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 26th September 2013

The House met at 2.30p.m.

[Hon. Deputy Speaker (Dr. Laboso) in the Chair]

PRAYERS

Hon. Deputy Speaker: Hon. Members, remember we agreed that you only put on your cards or make the request when the Order has been read and not before.

STATEMENTS

Hon. Abongotum: Hon. Deputy Speaker, I have three Statements to make today. I will read two of them. The other one will be read by my Vice-Chairman.

DISAPPEARANCE OF PEOPLE AFTER INTERROGATION BY KWS OFFICERS

Hon. Deputy Speaker, the nominated Member of Parliament from Laikipia County, hon. Korere Sarah requested for a Statement on the mysterious disappearance of three men after they were allegedly interrogated by the Kenya Wildlife Service (KWS) officers on suspicion that they were engaging in poaching. The three were identified as follows: Mr. Kuyoni Parkusa, a former employee of Lewa Conservancy who was last seen on 26th May, 2012; Tomas Kuntai Kamushu, who was last seen on 1st July, 2013 and Mr. Mohammed Elimbil, who was last seen on 18th June, 2013. The hon. Member, in particular, wanted a clarification on whether the disappearance of the three men was directly linked to poaching allegation. I wish to state as follows: -

The three men in question have never been interrogated or arrested by the KWS on allegations of poaching or any other matter. All persons arrested by KWS are handed over to the police in line with the law. In the light of the foregoing, I wish to state that their disappearance, therefore, has no direct or indirect link to poaching allegations. That, notwithstanding, I wish to further state the following with regard to the missing persons:

On the disappearance of Mr. Kuyoni Parkusa whom the hon. Member indicated that he was last seen on 26th May 2012, the police have never received any report on his disappearance contrary to the report from the hon. Member that the case was reported at Timau Police Station. However, following the receipt of the request for a Statement on the same the OCPD, Buuri Police Division, visited Lewa Conservancy which was his last known employer and established that Mr. Kuyoni was dismissed from employment after he was found drunk while on duty on 31st May 2012. Records held by the former employer show that Mr. Kuyoni hails from Burat Location within Isiolo County. Police records at Isiolo Police Station equally have no report on the disappearance of the same.

Mr. Tomas Kuntai Kamushu was reported missing at the Timau Police Station on 4th July 2013 by his brother Mr. Loitere Kamushu. Following the report, a signal for a missing person was circulated to all stations in the country requesting for information which may lead to the tracing of the missing person.

Hon. Deputy Speaker, as for Tomas Kuntai, he is alleged to have travelled to Timau Town to sell his six sheep after which he did some shopping for foodstuff and boarded a *matatu* to his home. He, however, alighted before the *matatu* left town and went back to the shops leaving his shopping in the *matatu* and never returned. Subsequently, Inquiry File No.1 of 2013 was opened by the OCPD, Buuri and efforts to trace Kuntai in places like Nakuru, Lewa Conservancy and Ngare Ndare Forest have been in vain. However, investigations are still ongoing.

Records held at the Nanyuki Police Station do not show a missing person by the name Mohammed Elimbil as given by the hon. Member. However, there is a report of a missing person by the name Mohammed Dibil Hussein. If at all the hon. Member sought information as regards Mr. Mohammed Dibil Hussein, I wish to state as follows: -

On 27th June 2012, Mr. Mohammed Ibrahim reported at the Nanyuki Police Station that his father Mr. Mohammed Dibil Hussein left home on 25th June 2012 to attend to some personal issues within their village and never returned home. He further reported that his father aged 60 years old was last seen in the company of one Omar Barre. After providing full description of the missing person, the police circulated the information to all police stations in the country requesting for any information on the whereabouts of the missing person. Efforts to trace the missing person using his mobile phone were in vain.

Subsequently, the police in Nanyuki opened a case File Number CR755/288/2012 and using information gathered, two suspects namely James Opili Lemole and Ndegwa Kitado were arrested and charged before Nanyuki Law Courts vide Court File No.888/2012 with offence of kidnapping contrary to Section 258 of the Penal Code.

However, the prosecution was forced to withdraw the case due to technicalities and lack of evidence. Further investigations and efforts to trace the missing persons are still ongoing.

So, that is the Statement. Thank you.

Hon. Deputy Speaker: Who requested for the Statement?

Hon. Member: Hon. Korere.

Hon. Deputy Speaker: Hon. Sara Korere, are you in the House?

Hon. Lati: I am holding brief for her.

Hon. Deputy Speaker: You should have indicated that she had given you that responsibility. Hon. Members, Please, if the hon. Member who requested for the Statement is not in the House, you should not read the Statement because you cannot have the supplementary issues raised. Hon. Chairman, you said you had three Statements?

Hon. Abongotum: Hon. Deputy Speaker, I had actually shared with the hon. Member and confirmed to her that we were going to read the Statement today. So, maybe, through your discretion, because hon. Lati is her neighbour and he knows all these issues surrounding the disappearance, you can give him time to prosecute this matter.

Hon. Deputy Speaker: He can ask a clarification but it is not supplementary question from her. As you are saying, as a neighbour, I will give you a chance to ask any clarification from the Chair.

Hon. Lati: Thank you, hon. Deputy Speaker. Actually, I do not have any clarification, but I just wanted to report to the House that I just got a call from the hon. Member. She is attending a very urgent issue. She told me that she had spoken to hon. Abongotum so that this Statement can be brought to the House another day. This is very serious matter which involves three adults who have disappeared until today.

Hon. Deputy Speaker: Hon. Member, why are you saying that when he has finished giving the Statement? Why did you not begin by telling him before he began giving the Statement?

Hon. Lati: Hon. Deputy Speaker, she has just called me when I was here. I wish she had called me earlier.

Hon. Deputy Speaker: Okay, any issues can be raised at the Committee level, you do not need to bring it back again to the plenary. Hon. Abongotum, did you have a second Statement? Let him finish the three that he had; or you have a supplementary question on what he has given?

Hon. (Eng.) Gumbo: Thank you, hon. Deputy Speaker. Sometime last month, I cannot get the name correct, but there is a Briton who was reported murdered in Laikipia County. The same month, there was a widely publicized story of a bride who was murdered in broad daylight in Nairobi when she was shopping for rings. Earlier in the month of July, there was a widely reported case of some taxi attacks in Kitui County where an ex-convict was reported to have been the leader of the attackers.

In the case of Laikipia County where the Briton, a foreigner, was murdered two days later, it was reported that although the attack happened at night, the attackers had been apprehended. In the case of Beatrice Nyaoke who was murdered in Nairobi in broad daylight and the murder actually captured on CCTV, up to now, no arrests have been made. Similarly, in Kitui, where over 10 people were killed and it was widely reported, no arrests have been made. Does the Government have double standards in dealing with security issues in Kenya?

Hon. Abongotum: Hon. Deputy Speaker, Sir, I wish to confirm that the Government does not have double standards. It only depends on the officers who were given the assignment to undertake an operation. For Kitui, I think the Government did a lot and so many arrests have been done. But that major ex-convict is still at large. He could be in this city, somewhere in Nakuru or Mombasa, but he is still being pursued. So, we do not give a lot of information, but he is still being pursued and he will be arrested very soon.

On the issue of the Briton, the foreigner that you raised, I think we can still address this issue as a Committee, get in touch with the Cabinet Secretary and report to this House, if I am directed.

Hon. (Eng.) Gumbo: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order!

Hon. (Eng.) Gumbo: I do not talk for foreigners and my interest is not in the Briton. I speak for the people of Kenya, as a representative in the National Assembly. What I am concerned about is the case of Beatrice Nyaoke. This was so serious. That lady was shopping for a wedding ring at Corner House. She was murdered in broad

daylight, with the brother in-law. It was widely publicized and the murderers were captured on CCTV and up to now, nobody has been arrested.

In the case of the Briton who was murdered at night in a lounge in Laikipia, two days later, suspects were arrested. Honestly, how can he say that there are no double standards in the application of security in Kenya?

Hon. Deputy Speaker: Clarify that point, hon. Abongotum.

Hon. Abongotum: Hon. Deputy Speaker, I wish to confirm again that there are no double standards. It depends on an officer who is in charge of a particular area; that particular police station, county or district. I want to invite the hon. Member to actually bring up that issue to my Committee. He can even put the same questions for Beatrice Nyaoke and the Briton and we will prosecute them.

We want to get to the bottom of what you are saying. Please, you can come to the Committee or put the questions so that we can bring the Statements here.

Hon. Deputy Speaker: Okay. Please, can we proceed? Hon. Lempurkel, are you having a supplementary question on the same?

Hon. Lempurkel: Thank you, hon. Deputy Speaker. I come from that constituency. The issue concerning Kuntai, which was reported by hon. Sara is a very serious issue in Laikipia. It is shocking! When we addressed this issue to the police, it took more than four months. We have not got any response. It is true that, after a foreigner was murdered in Laikipia, it took short time and the people were arrested. This is a community living within ranchers, the conservancy area. We know what is happening and we have lost a number of people. This issue should be taken seriously. I am not the one who requested for the Statement, but what the hon. Member has stated; I am really not satisfied on the investigation they have carried out. They need to go deep and get the facts.

We know some ranchers who are working in those ranches and we have lost people when they have a lot of information. Sometimes, even they listen to our phones when they are protecting rhinos. It has become that the rhino has more value than a human being.

Therefore, I would like the Chairman of the Committee on Administration and National Security to be more honest on security matters in this country. More investigations should be conducted so that those people can be brought to book because we have lost a lot of people in Laikipia.

Hon. Deputy Speaker: Okay. Chairman, I think that should be the last supplementary on that.

Hon. Abongotum: Hon. Deputy Speaker, I want to admit that it took quite long for the investigations to take place. I would also like to confirm that hon. Lempurkel is my neighbour. So, I also have an interest to ensure that my neighbours are safe. But because hon. Lempurkel is not really satisfied with the investigations, I want to invite him to my Committee on Tuesday so that we can interrogate this matter. I direct the officers who have not done their part to ensure that the investigations are fast-tracked.

On the issue of rhinos, we have a duty to protect them. I want to tell the people of that area to ensure that they do not practise poaching. Rhinos are our property. They are valuable and we do not want anybody to kill them. So, protect them and we will protect you.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. I think that was the last supplementary question. Hon. Kamama, make your second Statement.

PREVALENCE OF CRIMINAL GANGS IN NJIRU DISTRICT

Hon. Abongotum: Hon. Deputy Speaker, this Statement was requested by the hon. Member for Kasarani, hon. John Njoroge Chege. I want to read it out on condition that he is around. If he is not around---

Hon. Deputy Speaker: Is hon. Chege around?

Hon. Abongotum: He is around, hon. Deputy Speaker. I wish to state as follows with regard to the Statement regarding prevalence of criminal gangs: - I want the people of Nairobi, especially Members of Parliament to take interest. There is an increase of criminal gangs in Njiru District. The area has been experiencing an increased number of incidents where criminal gangs forcefully take over private or public land, subdivide it for sale or engage in it for economic activities and then use the proceeds for criminal activities.

The Member singled out Roysambu Land Buying Company and Giathiko Farm that allegedly was taken over by criminal gangs. He particularly sought a Statement on the following: -

(a) the measures the Government is taking to identify and immobilize those gangs;

(b) whether Government officials have been found culpable of colluding with such criminal gangs and action being taken against them; and

(c) the steps being taken to restore illegally acquired land or property back to the rightful owners.

Hon. Deputy Speaker, it is, indeed, true that in the recent past, invasion on private land by either individuals or groups has been taking place in Njiru District. Several cases have been reported to the police by owners of the affected parcels of land. For instance, the following land owners have reported cases of invasion on their parcels of land: -

The late hon. Gerishon Kirima's family, Nyoro Construction Company, Kenya Builders, Njiru Igeria Development Company, New Roysambu Housing Company, Eastern Bypass Company owned by Kenyatta University staff members, Unit 45 Housing Co-operative Society Ltd., Daykio Plantation Ltd. and Nine Karanja Kigo, the owner of Giathiko Farm.

The Government has been expeditiously carrying out investigations on all reported cases and it has been established that some of the invasions are being carried out by registered group members and other illegal groupings masquerading as squatters.

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members. The level of consultation is too high. Let us listen to what the Chairman is saying, so that we do not ask questions which have been answered.

Hon. Deputy Speaker: Hon. Deputy Speaker, quite a number of Members are investors in that particular area. So, it is in their interest that they listen to this.

Currently, investigations are ongoing on the following groups: - Kenya Quarry Self-Help Group, Sahakian Development Youth Group, Naridai Mworoto Squatters Self-help Group, Maili Saba Mwengenyu Youth Self-Help Group and Njiru Housing Development Limited.

I wish to state that several groups owned the land in which invasions have taken place. They are those whose members never took possession after the sub-division was done. The parcels of land were neither developed nor fenced. In particular, there are some land buying companies whose land was sub-divided in 2002 and individual titles given.

As to whether the Government officials are involved, I wish to state that, so far, investigations have not likened any Government officer to the invasions.

The following is the status of group owned land which has been invaded by alleged gangs registered as self-help groups and steps being taken by the Government: -

(i) The court cases involving parcels of land have been concluded and land restored to the owners namely, Nyoro Construction Company and Giathiko Farm that is owned by Karanja Kego.

(ii) Cases on the following parcels of land are pending before court; Daykio Plantation Ltd., Kenya Builders, Njiru Igeria Development Company and Eastern Bypass Company.

(iii) Members of Roysambu land buying company have made arrangements with their land surveyors and will be provided with security services to identify and take possession of their plots.

(iv) The Government has been encouraging owners of the land in the area to fence it to discourage squatters from invading it.

Lastly, Members of the public have also been urged through public *barazas* to carry out thorough background checks before buying any parcel of land in that particular area.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Chege, do you have a supplementary question?

Hon. J.N. Chege: Thank you, hon. Deputy Speaker. All the Chairman has said is partly true. I am worried when he says that some of the parcels of land have been returned to the owners. In fact, every week, I have complaints from those land buying companies that whenever they go to the OCPD or the DC, they are told that they do not have enough security for them to repossess their land. Those gangs are still there and the security forces are there. They do not even bother. I think they take a “cut” to the security officers.

I want the Chairman to give us a supplementary answer on this question. When will they assist Njiru Igeria Farm, Roysambu Housing Co-operative and Giathiko Farmers?

Hon. Deputy Speaker: Hon. Member, is that a different question? You have asked the Chairman to give you a supplementary answer. Ask a supplementary question. Do not ask for a new Statement.

Hon. J.N. Chege: It is not a new Statement because I had asked what the Government is doing to restore that land to the rightful owners. The Chairman has not given us the correct answers. He has told us about court cases. There are more court cases

that have been concluded on those areas. But they have not restored the land back to the owners.

Hon. Deputy Speaker: So, what do you want from the Chairman?

Hon. J.N. Chege: Hon. Deputy Speaker, I want the Chairman to invite us to their meeting with the officers from the security agencies. From some information we have got concerning the security agencies, it is clear that what is on the ground is different from what they have told the Committee.

Hon. Deputy Speaker: Hon. Member, I hope you are aware that any Member of Parliament can attend any Committee meeting. Chairman of Committee, since he is interested in this matter, could you confirm when you will be discussing this matter so that he can join the Committee?

Hon. Abongotum: Hon. Deputy Speaker, this issue is very sensitive. In Nairobi, the problem is not prevalent in his constituency alone. We have people who have registered themselves as self-help groups, but their objective is to pretend to be squatters and take other people's land by force. This is happening in many places. I promise that we will invite the hon. Member on Thursday. In this case, we want the Inspector General of Police to report on what the Officer Commanding Police Division (OCPD) and the District Commissioner are doing to address this matter before it escalates to other places.

On the other issue, if there are particular officers who are involved in corrupt activities, please, forward their names to our Committee. We will dispatch a letter to the anti-corruption body to deal with them. We will not condone that kind of behaviour.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. John Serut, are you on a point of order?

Hon. Serut: Hon. Deputy Speaker, is the Chairman of the Committee in order to mislead the House by saying that the cases have been finalised in court, and that the ownership of the land has been restored back to its legitimate owners without telling us what action has been taken to those criminals who are in possession of forged title deeds? Could he explain how they got the titles from the Ministry of Lands?

Hon. Abongotum: Hon. Deputy Speaker, that is a different matter. I am willing to respond to it with full details. I would like hon. Serut to officially request for a Statement and give us details. I know that he has a lot of information, having served as a Lands Officer in his previous life. So, he has a lot of information on land issues. So, I want him to put that request officially. I promise to bring an appropriate answer.

Hon. Speaker: Are you on a point of order, hon. Paul Arati?

Hon. Arati: Yes, hon. Deputy Speaker. I heard the Chairman of the Committee say that this problem is not limited to Eastlands, but it is a problem in the whole of Nairobi. I would have expected him---

Hon. Deputy Speaker: What is out of order, hon. Arati?

Hon. Arati: Hon. Deputy Speaker, is it in order for him to tell us that this matter affects the whole of Nairobi without telling us which other parts of Nairobi have been affected? I want to support my colleague in what he was saying. It is only in my constituency where an acre of land goes for Kshs500 million. There are people in the Government who are taking people's land. Could he tell us whether he is able to compile a list of those guys, so that we can know who they are?

Hon. Deputy Speaker: Hon. Paul Arati, you are asking a supplementary question. You are not on a point of order.

Yes, hon. Chairman.

Hon. Abongotum: Hon. Deputy Speaker, that is not a point of order. It is a point of argument. I want to request my good friend, hon. Arati--- I do not live far away from where he comes from. We need to be very specific. I am just giving a report in general terms – that this problem is prevalent in most of our cities. Even in Mombasa and Nakuru, we have the issue of squatters who congregate and pretend that they are landless and end up taking land belonging to innocent people. So, if you have a specific issue, please, raise it. I will bring a Statement to the House.

Hon. Deputy Speaker: Hon. Njagagua, are you also on a point of order or is it a point of argument?

Hon. Njagagua: Hon. Deputy Speaker, I heard the Chairman of the Committee say that people are masquerading as squatters. Is he in order to mislead the House that people masquerade as squatters? Does he have tangible evidence? We know that there is a problem of land in this country. People are landless but the hon. Member is saying that they are masquerading as squatters.

Hon. Deputy Speaker: Hon. Chairman, are you in order? Do you have evidence that people are masquerading as squatters?

Hon. Abongotum: Hon. Deputy Speaker, I am very much in order. The Government has a list of genuine squatters, just like we used to have a list of genuine IDPs. We know this problem because we live in this town. There are people who masquerade as squatters. Some of them have parcels of land in other places. Those are well known groups. They are very common in Nairobi, especially in the former Embakasi Constituency, where the late hon. Mwenje used to represent. It is a strategy that people use to get money. People form groups of 50 and occupy some land owned by an Asian or a local company. They even end up blackmailing those companies. Sometimes, they even tell the owners: “If you want us to move, give us Kshs5 million”. Once they are given the money, they move to the next land parcel. So, I have information. If you want me to give you sufficient information, you can see me privately because I have a lot of it.

Hon. Deputy Speaker: Hon. John Olago, are you on a point of order?

Hon. Aluoch: Yes, I am, hon. Deputy Speaker.

Hon. Deputy Speaker, did you notice that hon. Wario of Bura is not properly dressed? Whereas he is dressed up to his neck, his hands are naked. Is that proper dressing?

Hon. Deputy Speaker: Member for Bura, can we see whether you are properly dressed?

Hon. Wario: Mhe. Naibu wa Spika, mhe. Olago hana miwani leo. Ndiyo sababu hanioni vizuri. Anapaswa kupewa miwani.

(Laughter)

Hon. Deputy Speaker: From where I sit, I can see that he is properly dressed with a tie and a suit.

Hon. Kinoti, are you on a point of order?

Hon. Kinoti: Hon. Deputy Speaker, I rise under Standing Order No.43 regarding a Communication from the Chair about Statements. I am worried by the trend of the Chairman of the Committee of referring hon. Members to the Committee, telling some of

them to go there on Tuesday and others on Thursday whereas there is a very clear Communication from the Chair on how Statements should be brought here, so that we can interrogate them and ask supplementary questions. So, I kindly seek your guidance on this matter.

Hon. Deputy Speaker: I am not sure about what you are seeking from me. What was the Communication? Was it me who gave the Communication or was it the Speaker?

Hon. Kinoti: Hon. Deputy Speaker, the Speaker gave a Communication to the effect that Statements on matters of national agenda, like security and the rest, should be brought to the Floor of the House by either the Leader of the Majority Party or the Chairpersons of the respective Committees. However, contrary to that Communication, the Chairman of the Committee on Administration and National Security has directed very many hon. Members to go and sort out their matters in the Committee sittings. So, I am seeking your intervention to cut this trend.

Hon. Deputy Speaker: Hon. Kinoti, I am not sure whether that Communication was actually given or whether you understood it to mean that any matter of security must be brought to the Floor of this House. We are in a presidential system. It was made very clear that in Committee sittings is where transactions are done. Most transactions are carried out in Committees. Committee Chairmen have the benefit of inviting interested hon. Members because he is not in Government. He is just a legislator like you. The only way you can get proper answers is when a Committee brings those who are in the Executive to answer your questions. You can only do that in the Committee sittings. So, I am not sure about how you understood the Communication. Therefore, it is very much in order for the Chairman to tell you to go to the Committee meetings because that is where they will have the relevant people to answer your questions.

Is that a supplementary question on the same matter, hon. Member?

Hon. Member: No, I have a different Statement.

Hon. Deputy Speaker: You have a different Statement? Hon. Kamama had three Statements to make. Let him just finish with the third one. I hope it is a short one, hon. Chairman.

Hon. Abongotum: Hon. Deputy Speaker, the third Statement will be read by my Vice-Chair, hon. Lentoimaga.

Hon. Deputy Speaker: Okay. You are also delegating your duties.

Hon. (Eng.) Gumbo: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Nicholas Gumbo, I know we are a debating Chamber, but we also have to be conscious that we have other business here and, sometimes, we have said that we are transacting most of our business not on the Floor of the House, but in the committees.

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, but is it wrong to seek supplementary clarification?

Hon. Deputy Speaker: No, it is not wrong. We are only trying to manage time. It is not wrong.

Hon. (Eng.) Gumbo: Yes, but it is like we are being stopped from seeking supplementary clarification.

Hon. Deputy Speaker: Who is stopping you?

Hon. (Eng.) Gumbo: My button has been on.

Hon. Deputy Speaker: Eng. Gumbo, you have just been heard. So, it could not be stopping you.

Hon. (Eng.) Gumbo: Yes, but I had a supplementary question on the second Statement.

Hon. Deputy Speaker: So, please, get on with it.

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, this is to the Chairman of the Committee. Of late, there have been very worrying crime trends in Nairobi. Sometimes in July, it was reported that in Dandora Estate - and I think even the Member for Nairobi raised this matter here - gangs of young boys, sometimes as young as 14, rape girls and women in broad daylight.

The other crime trend being reported in Nairobi is where thugs on motorcycles attack people stranded in traffic jams and even fatalities have been reported. There was a case on Enterprise Road.

The other crime trend being reported in Nairobi is where young boys, again armed with crude weapons like knives around Globe Cinema, have been attacking motorists stranded in traffic. I just wanted to know because we all live in Nairobi and those crime trends concern us. None of us is immune from those crime trends.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, you ask questions because you want to hear the person asking and the response. Please, let us reduce the level of consultations in the House.

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, I thought this is important because those crime trends concern all of us. We all work in Nairobi and none of us is immune to them. Could the Chairman inform the House whether these matters have come to his Committee and if they have not, when he intends to engage the people responsible for our security? Those crime trends which are very worrying can affect all of us?

Hon. Deputy Speaker: Chairman.

Hon. Abongotum: Hon. Deputy Speaker, the issue of Dandora rape cases by young people was actually raised by hon. Shebesh, just before we came from recess, and I think I gave her an appropriate answer. So, that has been issued and police officers actually have been advised to deal with that issue. In fact, up to and including some place called Nigeria in Mathare where those cases are very common, we have told the Inspector General of Police and his team, especially the Provincial Police Officer (PPO) for Nairobi Area, to deal with that issue.

However, on the issue of young boys waiting for people at night and mugging them, we have got reports about that and I want to promise that we are actually listing those issues. When we call the Cabinet Secretary and his team and especially the Inspector General of Police, we will deal with it. That issue is very common especially in Tom Mboya Street, along Globe Cinema and Luthuli Avenue. So, we will take it up and deal with it as a Committee, together with the one of motorcycles; the two of them.

Thank you.

Hon. Deputy Speaker: Okay. You said that the third one will be read by your Deputy. These are good signs of delegation.

INVESTIGATION INTO WHEREABOUTS OF ADMINISTRATION
POLICE OFFICER DANIEL AYEGO

Hon. Lentoimaga: Thank you, hon. Deputy Speaker. The Statement I am going to read was requested by the Member for Baringo County, hon. Grace Kiptui. She requested that a comprehensive investigation be conducted to find the whereabouts of Daniel Ayego, an Administration Police (AP) officer, Personal Number 212849. I wish to state as follows: -

Hon. Deputy Speaker, AP Police Constable Daniel Ayego joined the police force or service on 28th August 1987. The officer hails from Baringo North Sub-County, Kamnarok Location, Kaptum Village. He has served in various stations in the country and was lastly serving in Kisumu East Sub-County. Contrary to the information given by the hon. Member that the officer disappeared on 15th June 2013, the fact is that the officer has absconded duty since 14th June, 2012.

Hon. Deputy Speaker, several efforts have been made to trace him. On 18th June 2012 a signal was sent from his work station to the District Commissioner (DC) Baringo North requesting him to trace the whereabouts of the above officer. On 25th June 2012, a similar signal was sent to his home district. On 11th July 2012, a reminder signal was equally sent to this home district requesting for more information on his whereabouts. On 27th July 2012, a response was received from the DC, Baringo North where the family indicated the officer was last seen in April 2012.

On 30th August 2012 a signal was circulated to all stations in the country requesting them to trace and inform the---

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members. The consultations are too loud.

Hon. Lentoimaga: Hon. Deputy Speaker, I will repeat that. On 30th August 2012 a signal was circulated to all stations in the country requesting them to trace and inform the duty station of the whereabouts of the missing officer.

In the course of his service in the AP service, the above officer has on a number of occasions been brought before disciplinary boards over misconduct, especially being away from duty without permission. The officer has been arraigned before AP orderly room proceedings on the following dates: -

On 6th March 2012, he was charged with destroying public property and fighting with members of the public. On 3rd October 2005, he was charged with absconding duty and reporting to duty while drunk. On 25th June 2012 the officer was served with a warning letter in regard to his absenteeism and being a habitual drunkard. On 16th July 2012, the officer was charged in absentia for the offence of absconding duty and consequently his salary was stopped. On 23rd January 2013, the officer was again charged in absentia and a decision made to dismiss the officer from the National Police Service.

Hon. Deputy Speaker, I wish to table records of the above orderly room proceedings. Going by the above, the officer is apparently a habitual drunkard who has a habit of absconding duty. But that notwithstanding, the Government has endeavoured to trace his whereabouts and efforts are still ongoing.

Hon. Deputy Speaker, as regards the payment of his benefits, the officer, having been dismissed from the service, does not qualify for any benefits from the Government.
Thank you, hon. Deputy Speaker.

(Hon. Lentoimaga laid the documents on the Table)

Hon. (Ms.) Kiptui: Hon. Deputy Speaker, I asked the question on behalf of the family. Being a habitual drunkard and absconding duty does not make him a lesser Kenyan and his whereabouts any lesser important. I am not satisfied with the answer. I am reporting that somebody has disappeared and it is upon the Government to trace him and tell the family his whereabouts. He may even be dead when we are saying that he has been judged in absentia. When you judge him in absentia three or four times, the sixth sense should tell you that there could be something wrong. He is not at home nor is he at his place of work. Where could he be?

Hon. Deputy Speaker: So, have you asked a question or those are comments? Are you expecting an answer or anything from the Chair?

Hon. (Ms.) Kiptui: I am saying that the answer is not satisfactory and we require more investigations into the issue. We want to know where he is, whether he is on duty or not, whether he is a drunkard or a habitual absentee.

Hon. Lentomaiga: Hon. Deputy Speaker, I totally agree with the Member that this is a human being and the Government has a duty to look for him. In the Statement, I have said that efforts to look for him are still ongoing. So, we will advise the Ministry concerned to continue looking for this officer, so that his whereabouts are known.

Hon. Sane: On a point of order, hon. Deputy Speaker. With all due respect for the Chair and his deputy, I belong to the Committee and all the Statements that have been read on the Floor of this House have never been discussed at the Committee level. Is it in order for the Committee to ambush the House and bring information that has not been well interrogated by the Members of the Committee?

Hon. Deputy Speaker: Can we know from the Chair because you heard me earlier on singing praises to the Committee? Can we now know from the Chair whether these are Committee reports or answers coming through the Committee?

Hon. Lentoimaga: Hon. Deputy Speaker, we have discussed quite a number and I am not sure whether my good brother, hon. Sane, attends all the meetings. Secondly, we deal with substantive or weighty matters but when it comes to questions, sometimes when we get them directly, we bring them after consulting with my Chair. So, I do not think that every other small matter should be brought to the Committee.

Hon. Deputy Speaker: You can see that there is an uproar in the House. I am sure you will all be asking similar questions. Hon. Sane, are you on another point of order?

Hon. Sane: Hon. Temporary Deputy Speaker, I think there is nothing more substantive than discussing the life of a Kenyan who is missing. It is not in order for the Chair to take that issue lightly. That should be referred to the Committee for serious discussions.

Hon. Deputy Speaker: But it is the Committee and you are part of that Committee. So, you are telling your Chair to return the matter to the Committee for you to deliberate?

Hon. Sane: Yes.

Hon. Deputy Speaker: Members, the whole place is full and I am hearing points of order. I do not have any indication here. Hon. Abdikadir, are you on a point of order?

Hon. Aden: On a point of order, hon. Deputy Speaker. I fully agree with the Member. We are not aware as much as we have due respect for the Chair. We have not been part of this Statement. It is worthwhile and important for the Statement to go back to the Committee so that we can discuss it properly.

Hon. Deputy Speaker: Without belabouring the point, that point has been made. Chairman, you can hear your Members do not own the Statement.

Hon. Abongotum: Hon. Deputy Speaker, it is not true. I remember the last meeting two days ago, those who were in attendance were the Vice-Chairman, hon. Cheruiyot and hon. Dalmas Otieno. I got the report that I have this Statement to make and then I was mandated by the Committee to come and read it. I want to encourage them to be attending meetings. So, that was done and I will not go back.

Hon. Deputy Speaker: Order, Members! We will not go on and on, on the same issue. We must move on.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, hon. Deputy Speaker. The issue that is being raised is beyond the Committee. I know we are operating under new Standing Orders and a new Constitution and the Speaker needs to guide the House. These things will come up again and again. The Chair of the Committee said that, sometimes, he consults with the Chair and brings the report. This might arise even in other Committees. What is the correct procedure? Is it right for you as a Chair to consult with one or two Members and consider that as a Statement from the Committee? I do not think so especially now that we do not have the Executive to interrogate. The Chair has advised in the past that in the Committee, you call the Executive and they are interrogated there with the Members present, so that all these issues the Members are raising substantively should even have been addressed there. You need to guide the House.

Hon. Deputy Speaker: Hon. Millie Odhiambo, that is exactly what I had said a little bit earlier on. All the issues should be discussed at the Committee level. All issues should be raised at the Committee level, but you have heard that the Members are saying that they are not aware and the Chair is saying that the Members are not attending meetings. So, we do not know who is really telling us the truth. But because we do not want to wash our dirty linen in public, we do not know exactly what happened. Members of the Committee, please, know that it is your responsibility to attend meetings, so that you do not bring to the Floor of the House what you could have asked in the Committee.

Members, let us leave that matter to rest there. I have several requests for Statements and I will start with hon. Amina Abdalla. Members, let us not prosecute that issue. I can see many points of order and I hope it is not to continue on the issue. We have agreed to prosecute these issues at the Committee. Any Member interested or who feels that they need to have more information, particularly on the issue of missing persons, please, go and interrogate the Executive in the Committee on the same. Your Chairman cannot be able to give substantive answers because he is just a Chair of the Committee, a legislator like yourself.

Hon. (Ms.) Abdalla: Hon. Deputy Speaker, I wish to apologise for not having my card. I have a Statement.

Hon. Deputy Speaker: But I hope you are aware that from next week

Tuesday, you will pay Kshs2,000 if you lose your card.

Hon. (Ms.) Abdalla: Yes, I am aware, hon. Deputy Speaker.

This is pursuant to Standing Order No.44(2)(c). On 17th July 2013, the Member for Ruiru Constituency, hon. Gathogo, sought a Ministerial Statement regarding destruction of crops by animals in various parts of the country. In her request, she noted that farming is one of the major sources of livelihood in this country.

Hon. Deputy Speaker: Hon. Abdalla, is Esther in the House? We have agreed that we are not reading Statements for Members who are not in the House.

Hon. (Ms.) Abdalla: Hon. Deputy Speaker, I had informed her that I would be here to give a Statement today.

Hon. Deputy Speaker: If she is not here, we do not want to read Statements and then be told again to come back on them. Please, you wait until Esther is present so that she is in a position to raise supplementary questions.

Hon. (Ms.) Abdalla: Hon. Deputy Speaker, I will follow your instructions.

Hon. Deputy Speaker: Hon. Eng. Mahamud!

TARMACKING OF KIBWEZI-KITUI-MWINGI ROAD

Hon. (Eng.) Mahamud: Hon. Deputy Speaker, on Wednesday 12th May 2003 the Member for Kitui Central, and I hope he is in the House, hon. Mulu, requested for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the tarmacking of the Kibwezi-Kitui-Mwingi Road. In the Statement, the Member sought to know the following: Time bound plans by the Government for tarmacking the road; how much money would be required to tarmack the road and the amount of funding received by successive Governments from international institutions for tarmacking this road.

Hon. Deputy Speaker, the Committee summoned the Cabinet Secretary for Transport and Infrastructure on 12th August, 2013 to answer the Member's request. The Committee also invited the hon. Member to the meeting. I wish to report to the House as follows:

The Ministry of Transport and Infrastructure has between 2008 and 2010 through funding from the World Bank carried out a detailed design for the road Kibwezi-Kitui-Mwingi-Isiolo. In that regard, the Ministry engaged M/s Sector Internationale of France to carry out the preliminary and detailed design for this road from Kibwezi to Isiolo through Kitui and Mwingi. The cost of that design was Kshs170 million received from the World Bank. No other loans or grants have been allocated or received by successive Governments from international institutions or Governments for tarmacking this road. However, the Ministry of Transport is actively engaging the Government of China to fund the upgrading of the road to bitumen standards and as soon as the loan is approved construction on the road will commence.

It is estimated that the construction of the road between Kibwezi and Mwingi will cost Kshs35 billion. The Chinese Government has identified a company called Sino-Hydro Corporation Limited and requested Kenya National Highways Authority (KeNHA) to get into a commercial contract to implement the project. Subsequently, in September, 2010 KeNHA signed a memorandum of understanding and co-operation with Sino-Hydro Corporation to implement the project. Sino-Hydro engaged the services of HB Gap

Consultants to carry out the design review of the project and develop a draft contract for review by KeNHA and the Office of the Attorney-General. The section between Kibwezi via Kitui to Mwingi has a length of 210 kilometres and forms part of the proposed Kibwezi-Kitui-Mwingi-Isiolo Road which is earmarked for upgrading to bitumen standards. The draft contract for the road was submitted in 2010 to the Attorney-General's Office and approval was subsequently given on 31st December.

Subsequently, the contract was signed by both parties on 9th February 2011 in accordance with the Exim Bank concession loan procedures and the Environment Impact Assessment (EIA) sent to the National Environment Management Authority for disclosure and approval. The contract documents were sent to China's Exim Bank through the National Treasury for approval and signing. We are waiting that approval from Exim Bank after which the contract will be signed.

Hon. Deputy Speaker, I wish to table this document.

Hon. Mulu: Hon. Deputy Speaker, I really struggled to hear what the Chairman was saying, but I think I got the last bit which is of interest to me. This is where he has said that they are waiting for the contract to be signed. This road is very important to the Kamba Community and more so the people of Kitui County. What he has said in terms of feasibility studies and signing of some of the contracts is true. However, this contract with a bank in China has really taken a long time. I remember that before former President Kibaki retired, he committed that the road would be tarmacked before he leaves State House. As we talk now, he has been out of State House for almost six months. When a Government commits itself to do something, the next Government should be able to take over and do the same. I want the signing of this contract to be accelerated so that this road is built. It is our mainstay in terms of opening the area.

Hon. Deputy Speaker, I appreciate the efforts of the Committee in giving us this information. However, I think that through the Chairperson, we need to push the Cabinet Secretary so that the signing of the contract is finalized.

Hon. (Eng.) Mahamud: Hon. Deputy Speaker, I undertake to consult with the concerned Ministry, but I must assure the Member that this road has been a concern to the Ministry for long. When this design was awarded to the French Company, I was the Permanent Secretary then. I know that this Ministry, over the years, has been trying to get funding, but funding being as scarce as it is, that is why, maybe, this has delayed. Now that they have moved this to the Government of China--- In the last five years, a lot of projects were earmarked for funding through the Chinese Exim Bank. I do not think the Ministry has given up on that yet. It is, however, important to appreciate that this has taken long and should this not be forthcoming then another source of funding will be sought. I agree with the Member's sentiments.

Hon. Deputy Speaker: Thank you. Let us put that matter to rest and get the requests. Do you have another response, Eng. Mahamud?

Hon. (Eng.) Mahamud: Yes. I have three responses, hon. Deputy Speaker.

Hon. Deputy Speaker: Is it possible for you to respond to the others on Tuesday so that we have other Members making their requests?

Hon. (Eng.) Mahamud: That is okay, hon. Deputy Speaker.

REQUESTS FOR STATEMENTS

IMPLEMENTATION OF RECOMMENDATIONS ON PYRAMID SCHEMES

Hon. Injendi: Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Committee on Implementation regarding the implementation status of the task force report on pyramid schemes led by hon. Francis Nyenze.

We are aware that the task force recommended that prominent persons in the scheme be prosecuted and victims compensated. The Parliamentary Committee on Budget sought Kshs7 billion from the Supplementary Budget in February 2012 to compensate victims of the pyramid schemes such as DECI, Clip, Sasanet, FINO, Circuit, Jitegemee amongst others. Therefore, the Committee should inquire into the status of implementation of the recommendations of the task force and most importantly, the matter of compensation to Kenyans who were affected by the pyramid schemes some of whom are paralyzed, have broken families, in depression, dead and so on.

Hon. Deputy Speaker: To which Committee are you addressing that matter?

Hon. Member: The Chair of Committee on Implementation.

Hon. Deputy Speaker: Is the Chair or the Vice-Chair present? They will tell us how long they need. Let us have a Member of that Committee.

Hon. Member: But the Chair is in the House!

Hon. Deputy Speaker: Where is the Chair of the Implementation Committee?

Hon. (Ms.) Tuya: Thank you, hon. Deputy Speaker. I will take probably two weeks to give a response.

Hon. Deputy Speaker: Okay. Let us have the next request for a Statement. Please, hon. Florence Mwikali Mutua.

DELAYED RELEASE OF KCSE CERTIFICATES BY KNEC

Hon. (Ms.) F.M. Mutua: Thank you, hon. Deputy Speaker. Pursuant to Standing Order 44(2)(c), I hereby request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology, regarding the delay by the Kenya National Examinations Council (KNEC) in releasing KCSE certificates for a large number of students in the country, particularly in Busia County.

Hon. Deputy Speaker, the Chairperson should investigate and report on why KNEC is holding onto certificates of students nationally; including those of Kolanya Boys High School, Mudika Boys High School, Budokomi High School and Lwanya Girls High School. The Chair should state when KNEC plans to release such certificates. Two, how is KNEC planning to compensate the students and parents for the lost opportunities as a result of the failure by the institution to release the certificates in good time?

Thank you.

Hon. (Ms.) S.W. Chege: Thank you, hon. Deputy Speaker. I would request the hon. Member to give us two weeks so that we give KNEC time to reply to us. Thank you.

KENYA DEFENCE FORCES RECRUITMENT

Hon. Wangwe: Thank you, hon. Deputy Speaker. Pursuant to Standing Order 44(2)(c), I hereby request for Statement from the Chairperson of the Departmental

Committee on Defence and Foreign Relations concerning recruitment of the Kenya Defence Forces (KDF).

Hon. Deputy Speaker, the KDF advertised in the local newspapers; the *Daily Nation* and *The Standard* on Saturday 21st September 2013, for the recruitment of servicemen and women. The said advertisement has excluded various district headquarters as recruitment centres, hence denying the youth from those districts an opportunity to serve this country.

Hon. Deputy Speaker, in his Statement the Chairperson should inquire into and report on the criteria used to identify the recruitment centres and whether they used district headquarters as recruitment centres. If yes, say why various district headquarters were left out. Two, provide the distribution of the recruits in every district.

Thank you.

Hon. Deputy Speaker: Thank you. The Chair of the Departmental Committee on Defence and Foreign Relations or his deputy, you can respond.

Hon. Wekesa: Thank you hon. Deputy Speaker. I will convey the same to the Chair and I think two weeks is appropriate.

Hon. Deputy Speaker: Okay, Hon. Tonui.

Hon. Tonui: Thank you, hon. Deputy Speaker. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Agriculture, Livestock--

Hon. Wangwe: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order?

Hon. Wangwe: The hon. Member who is a Member of the Departmental Committee on Defence and Foreign Relations has promised to issue a Statement in two weeks' time and recruitment is starting from next week. It will be too late for me to get that answer, given the position of my question.

(Applause)

Hon. Deputy Speaker: Yes. That seems to be a valid point. Hon. Nkaisery, are you on a point of order too?

Hon. (Maj-Gen.) Nkaisery: Yes, hon. Deputy Speaker. I think the hon. Member has a very valid concern, but he has not come out quite clearly on what he wants the Chair of the Committee to tell him. Which are these districts which are excluded? This is because you cannot just ask for a Statement and this recruitment is starting on 30th. I am aware that all district headquarters are recruitment centres. He should tell the House which districts are omitted.

Hon. Deputy Speaker: Hon. Nkaisery is talking as the former Assistant Minister for Defence.

Hon. Wangwe: Thank you, hon. Deputy Speaker. I will forgive him given that he is a former Assistant Minister. He was not very much keen on what I said. I said various districts have been omitted. I posed a question. If he wants me to mention which ones, I can specifically say that. Navakholo District is omitted and others. With me here I have a list of about 20 districts, which I can list.

Hon. Iringo: On a point of information.

Hon. Deputy Speaker: What is your point of information?

Hon. Iringo: I believe my brother is ready to be informed. Hon. Deputy Speaker, hon. Wangwe is very right. When he is talking about districts which were omitted, remember in the new Constitution we created 80 constituencies. These constituencies would be districts. It appears these new districts have not been captured anywhere as district headquarters. Therefore, like in my district which is ---

Hon. Deputy Speaker: I did not give you time to debate. You have informed the hon. Member. Thank you.

Hon. Iringo: Just a minute, hon. Deputy Speaker. Like in my new constituency, we are spread to two districts and I do not know where my people will go for recruitment; is it Maua or Lare?

Hon. Deputy Speaker: You can see there is a lot of interest in this question, hon. Wekesa. Your Committee will have to do better than two weeks. This is of interest to all hon. Members. The Committee needs to call the concerned Ministry very quickly so that these clarifications can be made. For those new districts, how are they going to recruit their youths? Do it by next week.

Hon. Wekesa: Hon. Deputy Speaker, we will try and make it on Tuesday. The hon. Member should have asked this question earlier because he knew that the recruitment will be there from next week.

Hon. Deputy Speaker: Hon. Wafula, because this is of interest to most hon. Members, when the Committee is calling the concerned Ministry, make sure that it is publicized so that hon. Members can go and ask those specific questions during the Committee meeting. Let us dispense of that matter.

Hon. Nassir: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, I have said that, go and deal with those matters in the Committee.

Hon. Nassir: I have an issue on the same. Other than the fact that some of the districts have been omitted, I overheard Maj.-General Nkaissery here saying that the districts that will be considered are the old ones. My colleague here was saying that when the new constituencies were put in place in the last Parliament, every constituency was to be considered as a district. Can they clarify that?

Hon. Deputy Speaker: Hon. Nassir, you are not bringing a new point. It is exactly what we have said. We have said that, please go and ask the officers in the Committee to tell you how they are going to prosecute the new districts.

Hon. Nassir: Other than that, we will also wish to get clarification as to whether they will use the old system or what is contained in the new Constitution. Mombasa has six constituencies; we need to know where the venue will be.

Hon. Deputy Speaker: Hon. Members, my ruling still stands. You are a Member here and the Chairman cannot answer those questions. The answers have to come from the Executive. Maj-Gen. Nkaissery, I will give you a chance because of your former job.

Hon. (Maj-Gen.) Nkaissery: Thank you, hon. Deputy Speaker. Military recruitment is not based on constituencies, but on divisions. The military bases the recruitment exercise on all the gazetted districts. There is no way the military will base its recruitment on the new districts which are now constituencies but have not been gazetted. So, the hon. Member should not waste his time requesting the military to consider that.

Hon. Deputy Speaker: Hon. Members, I have put a close to that matter. The rest will come from the Committee. Hon. Tonui, try to hurry up because we have taken a lot of time on requests for Statements.

DECREASE IN TEA BONUS PAID TO FARMERS

Hon. Tonui: Thank you, hon. Deputy Speaker. Pursuant to Standing Order No.44(2)(C), I wish to request for a Statement from the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives regarding the falling tea bonuses paid out to farmers.

The Kenya Tea Development Agency (KTDA) announced that the farmers will earn an average rate of Kshs45.65 per kilogramme of green leaf compared to the Kshs50.10 they received in the 2011/2012 Financial Year.

In addition, as bonus, farmers will get Kshs31.65 compared to Kshs37.51 paid in the 2011/2012 Financial Year. This represents a decrease of Kshs5.85 in bonus. This announcement comes despite the fact that the total income of the KTDA increased by 12.7 per cent to stand at Kshs.69.21billion compared to Kshs61.4 billion reported in the previous year.

Hon. Deputy Speaker, in the Statement, the Chairperson should inquire and report the factors that occasioned this drop in the earnings, bonuses paid out to the farmers including the role of tea brokers and prospects of mismanagement by the KTDA; and, ways of stabilizing the prices in future to shield our farmers from losses.

Hon. Deputy Speaker: Yes, the Vice-Chair, Departmental Committee on Agriculture, Livestock and Cooperatives.

Hon. Mbiuki: Thank you, hon. Deputy Speaker. I would like to report that the Departmental Committee on Agriculture, Livestock and Cooperatives is seized of this matter and we shall be meeting the Cabinet Secretary on Tuesday, next week. So, I humbly request the hon. Member to appear before the Committee on that day. The Committee will report its findings after one week.

Hon. Deputy Speaker: Very good. You have heard that. Hon. Tonui, please appear before the Committee on Tuesday. Hon. Esther Mathenge, make your request.

CLASSIFICATION OF GENERAL HOSPITALS AS REFERRAL HOSPITALS

Hon. (Ms.) Mathenge: Thank you, hon. Deputy Speaker. Pursuant to Standing Order No.44 (2)(c), I wish to seek a Statement from the Chairperson, Departmental Committee on Health.

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! The consultations are too loud. We cannot even hear the Statement the hon. Member is requesting.

Hon. (Ms.) Mathenge: Hon. Deputy Speaker, I wish to seek a Statement from the Chairperson, Departmental Committee on Health. The Fourth Schedule of the Constitution stipulates that national referral hospitals are the mandate of the national Government and yet Governors are managing these hospitals.

Could the Chairperson tell us the number of hospitals that have been classified as referral hospitals and what criteria were used to classify them? Nyeri General Hospital has not been classified as a referral hospital and yet patients are being charged rates that are applicable to referral hospitals. Could this be reversed until such time it is classified as a referral hospital?

Hon. Deputy Speaker: That is okay. Yes, the Chairperson of the Departmental Committee on Health, the Vice-Chair or a Member of that Committee. Is that hon. Pukose?

Hon. (Dr.) Pukose: Thank you, hon. Deputy Speaker. I will communicate this to the Chairperson of the Committee. I think three weeks will enable us come up with a substantive report.

Hon. Deputy Speaker: I hope Esther is satisfied with that. There is no serious urgency on the matter. We can give the Committee three weeks to issue the Statement. As I have said, Committees are also constrained because they have to get those answers from the Executive.

Hon. Okoth, do you have a request you want to make?

Hon. Okoth: No, hon. Deputy Speaker.

Hon. Deputy Speaker: Then why are you making a request? The only people I have said should make requests are those that have signed Statements and not anybody else. Hon. Wanjiku Muhia does not have a request to make. Members, this habit of making requests when we have not reached the Order you want to make your contributions should stop. This is not helping us manage time. So, hon. Jacob Waweru Macharia is not here. Hon. (Ms.) Muhia is not here or is not requesting for a Statement. Hon. Daniel Kazungu is also not here. Hon. Members, this is really not in order. Yes, hon. Lempurkel.

GAZETTEMENT OF COMMUNITY LAND AS NATIONAL RESERVE IN LAIKIPIA

Hon. Lempurkel: Thank you, hon. Deputy Speaker. Pursuant to Standing Order No.44(2)(c), I wish to seek a Statement from the Chairperson, Departmental Committee on Environment and Natural Resources concerning the gazettelement of land in Laikipia as a national reserve.

Madam Speaker, Sir, the land---

(Laughter)

Hon. Deputy Speaker: Order! Can you decide whether I am Madam or Sir?

Hon. Lempurkel: I am sorry, Madam Deputy Speaker. The land measuring 125 square kilometers in Sosian Ward has been community land and, therefore, held in trust for the people of Laikipia. There is a population of 25,000 who live on that Land. Sosian Primary and Nursery School are an indication of adequate settlement and development of the said land.

In the Statement, the Chairperson should inquire and report why this land was gazetted as a national reserve and yet it is community land and the community in that area was not consulted or involved. Secondly, the Chairperson should report where this community will go.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Yes, the Chairperson or the Vice-Chair, Departmental Committee on Environment and Natural Resources.

Hon. Mohamed Diriye: Hon. Deputy Speaker, I am a Member of the Committee. I would like to request for a month to give a response to the matters raised because we have very many pending Statements.

Hon. Deputy Speaker: Okay, one month it shall be. That is not a matter of life and death. So, you can wait for that time, hon. Member.

Yes, hon. Abdulaziz Ali Farah.

Hon. Deputy Speaker: What is your point of order, hon. Shakeel?

Hon. S.S. Ahmed: Hon. Deputy Speaker, I have just heard the Committee Member requesting for a month. I want to take you back to the days when we used to have Ministers. During that time, if a Minister dared to ask for one month, we would bite his head off. Nowadays, some Committee Chairpersons request for three days, others request for one month while others request for two months. Can you give us guidance as to how we can come up with a performance criterion? What is the ideal time that a Committee should take to respond to a request?

Hon. Deputy Speaker: Hon. Shakeel, during that time, the Ministers were the Executive. They were the ones who would actually execute or implement. Currently, we have a situation where we are legislators. We have to call the Members of the Executive, get answers from them and bring them here. You can see that the process is not the same. So, let us give each other time. They have told you that they already have a lot. Also, land matters are not simple. I am sure you know that it takes time. We have a lot of issues on land. As I said, if it is not a matter of life and death, like the military recruitment exercise that is coming up, we can give Committee Members a little bit of leeway for them to be able to answer questions.

I had given the Floor to hon. Farah.

TERRORIST ATTACK AT DISTRICT OFFICER'S CAMP IN MANDERA

Hon. Farah: Thank you, hon. Deputy Speaker.

Pursuant to Standing Order No.44(2)(c), I hereby request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security concerning the terrorist attacks at the District Officer's (DO) camp at Bulla Jamhuria in Mandera, last night at 3.00 a.m. The terrorists killed an Administration Police (AP) officer and injured three others. One of the APs is critically injured. The terrorists destroyed seven vehicles, including the DO's vehicle as well as the DO's office and the chief's office. The Chairperson should report on the following: -

- (i) the action the Government has taken since the incident occurred;
 - (ii) who the perpetrators are and whether any action has been taken against them;
 - (iii) whether the incident has any linkage to the Westgate Shopping Mall tragedy;
- and,
- (iv) what actions and strategies the Government has put in place to deal with the deteriorating security situation in Mandera and forestall any further attacks and in particular, attacks against security installations.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, hon. Diriye. Yes, Committee Chairman.

Hon. Abongotum: Hon. Deputy Speaker, first of all, I would like to pass my condolences to those officers and to the people who were attacked yesterday in Wajir. As we still mourn the Westgate Shopping Mall massacre, it looks like the terrorists are determined to cause mayhem in this country. I want to confirm to the House that the Report will be here by Tuesday, next week. I know that most of the officers who are usually given instructions in order for them to respond are involved in the investigations of the Westgate Shopping Mall tragedy. So, we will provide the information on Tuesday. In addition to that, we will also inform the Cabinet Secretary to ensure that the perpetrators of the attacks in Wajir and Mandera are brought to book. Investigations must have commenced immediately. We will task them to ensure that the two counties are safe. In the last two months, when we had issues in Wajir and Mandera, the hon. Members from the two counties did their best to resolve the issue of clan conflicts. This problem is now coming back. We will help them, as a Committee, and ensure that the Government takes appropriate action.

Thank you, hon. Speaker.

Hon. Deputy Speaker: Thank you. I can see the speed with which the Committee Chairman intends to act. So, he needs to do something on Monday to get the people concerned.

Yes, hon. Christopher Omulele.

MEASURES TO ADDRESS SHORTAGE OF TEACHERS

Hon. Omulele: Thank you, hon. Deputy Speaker.

Pursuant to Standing Order No.44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology concerning the serious shortfall of teachers in the country. Notwithstanding the serious teacher shortfall in the country, various counties have been allocated very few numbers in the ongoing teacher recruitment exercise.

Hon. Deputy Speaker, the Chairperson should inquire into and report on the measures the Government has put in place to address the unacceptable level of teacher shortfall in the country.

Thank you.

Hon. Deputy Speaker: Yes, Chairperson.

Hon. (Ms.) S.W. Chege: Thank you, hon. Deputy Speaker. That is a matter in respect of which the Committee has engaged the Ministry for the past two weeks. I guess that I can have the answer by Tuesday, next week.

Hon. Deputy Speaker: Thank you for that speedy response.

Yes, hon. John Mbadi.

APPOINTMENT OF DIRECTOR/DEPUTY DIRECTOR OF SURVEY

Hon. Ng'ongo: Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c), I hereby request for a Statement from the Chairperson of the Departmental Committee on Lands on the recent appointment of the Director and Deputy Director of Survey in the Ministry of Lands. The Chairperson should inquire into and report on the following: -

- (i) the qualifications of the two officials who have been appointed;
- (ii) the legal basis for the appointment of the Director and the Deputy Director;
- (iii) why the appointments were made without involving the Public Service Commission (PSC);
- (iv) whether the appointments were made in line with the Government policy of reducing the wage bill; and,
- (v) whether the appointments were made in a fair, open and competitive manner and based on merit.

Hon. Speaker: Do we have the Chairperson of the Committee on Lands or the deputy or a Member of the Committee?

Hon. Midiwo: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, hon. Midiwo?

Hon. Midiwo: Hon. Deputy Speaker, further to the Statement being sought by hon. Mbadi, I would like to add that the Committee investigates, on behalf of this House, the other changes being made in the Ministry of Lands without consultation with the PSC. Apart from this particular case of a gentleman who was pushed out of the Ministry of Lands for whatever reason, I want to know the changes that the Cabinet Secretary has been making arbitrarily, without consulting the PSC. The matter we are dealing with is of great importance. We want the Committee to further clarify to this House whether the Cabinet Secretary understands the roles and the work of the PSC.

Hon. Deputy Speaker: Hon. Jakoyo Midiwo, you are now raising your own question. We all know how we process Statements in this House. Please, if you have a Statement that you would like to seek, say so. I agree with you on the first one but on this one, you have moved the question to something else. It is a different question altogether, hon. Jakoyo Midiwo.

Hon. Midiwo: Hon. Deputy Speaker, sorry if I have offended you. You know I am just coming from the gallows now. I am still rusty.

(Laughter)

Hon. Deputy Speaker: Yes, and we do not want you to go back there.

Hon. Midiwo: No, I do not mind it by the way. It just makes me feel like a better man but I just want to let you know that it is allowed to add a further clarification to an already sought clarification.

Hon. Deputy Speaker: You have changed. I am saying I agreed with the first one where you said “or any other changes” on the same question on unemployment but now you have moved and said something completely unrelated to the National Land Commission. So, that is not related to the issue of unemployment. That is what I am stating, that if you would like to bring another question related to the National Land Commission, that is a different question. That is all I am saying.

Hon. Midiwo: Then we will be seeking that one at a future date so that she can tell us why she is disrespecting an independent commission.

Hon. Deputy Speaker: Okay. Hon. Jakoyo, that is your Statement now. Now, we did not get a Statement from the Departmental Committee on Lands. Are you from the Committee?

Hon. Kihagi: Yes.

Hon. Deputy Speaker: Okay.

Hon. Kihagi: Hon. Deputy Speaker, the Chairman of the Departmental Committee on Lands has led a delegation to Kilimambogo, but I will undertake to pass this to the Committee and we will have an answer in two weeks' time.

Hon. Deputy Speaker: Okay. Thank you, hon. Kihagi. We will have an answer in two weeks' time. Hon. Mbadi, your second Statement.

Hon. Ng'ongo: Hon. Deputy Speaker, before I even go to the next Statement, you know the changes affecting personnel is a very important and an urgent issue. I thought the Committee would take it quickly and report in one week. The moment you make changes, the longer it takes and the more it hurts innocent Kenyans who probably have no reasons to be transferred or demoted.

Hon. Deputy Speaker, this case for example involves an officer who is being promoted and has a lot of disciplinary cases and may do a lot of damage even within two weeks. As sensitive as land is, a Director of Survey is such a critical office that I think the Committee can do much better by investigating this matter within one week.

Hon. Deputy Speaker: Okay, let the Leader of the Majority Party respond.

Hon. A.B. Duale: Hon. Deputy Speaker, I agree with hon. Mbadi that the matter in place is not a simple one and it is a situation where Government officials are taking over the role of the PSC. It is just a matter of inviting that Cabinet Secretary and calling the PSC. It should not take more than a week. I will ask my colleague, the Chair of the Departmental Committee on Lands that the matter should be disposed of next week so that more public servants should not suffer in that Ministry.

Hon. Deputy Speaker: Okay. The Leader of the Majority Party has undertaken to see that, that is done within a week. I believe that should be to your satisfaction, hon. Mbadi. Okay. Please, your next Statement.

DELAYED INTRODUCTION OF SCRAP METAL BILL

Hon. Ng'ongo: Thank you, hon. Deputy Speaker. I am satisfied with the first one. Pursuant to Standing Order No.44(2)(c), I hereby request for a Statement from the Chairperson of the Departmental Committee on Finance, Planning and Trade concerning the scrap metal Bill set to be introduced by the Government in Parliament.

Hon. Deputy Speaker, in the Statement, the Chairperson should inquire into and report on the following two issues: One, the reasons occasioning the delay by the Government to introduce the scrap metal Bill that is required to regulate the trade of scrap metal to reduce the numerous cases of vandalism in this sector. Finally, when the said Bill will be introduced in the House for debate and consideration.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: The Chairman of the Departmental Committee on Finance, Planning and Trade.

Hon. Langat: Thank you, hon. Chair. Two weeks.

Hon. Deputy Speaker: Okay. Two weeks it shall be. Hon. Waluke, the last one.

CAUSE OF FIRE AT JOMO KENYATTA INTERNATIONAL AIRPORT

Hon. Koyi: Thank you, hon. Deputy Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the fire tragedy at the Jomo Kenyatta International Airport (JKIA) on 7th August, 2013.

Hon. Deputy Speaker, the investigators looking into the case of the fire were expected to release a report on the findings. In the Statement, the Chairperson should find out from the Executive and inform the House when the said report will be ready and released to the public.

Thank you. Hon. Deputy Speaker.

Hon. Deputy Speaker: The Chairperson of the Departmental Committee on Administration and National Security.

Hon. Abongotum: Hon. Deputy Speaker, this matter falls squarely within the purview of the Departmental Committee on Transport, Public Works and Housing but I want to confirm to the House that on the security part of it, we dispatched, as a Committee, a letter yesterday demanding a report on all security lapses at JKIA and I think the reply is going to come to the Committee, most probably in a week's time. Since hon. Waluke is a member of this Committee, we will prosecute the matter at that particular place.

I know the Departmental Committee on Transport, Public Works and Housing really had a long meeting with the relevant Cabinet Secretary and that report will be brought by that particular Committee. However, on the issue of security, we will handle it at the Committee level when that report comes. We will discuss with hon. Waluke and then also brief Parliament on the security part of it. The rest is going to be tabled by the relevant committee.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. Leader of the Majority Party, you have the Floor.

BUSINESS FOR THE WEEK COMMENCING 1ST TO 3RD OCTOBER 2013

Hon. A.B. Duale: Hon. Deputy Speaker, pursuant to Standing Order 44(1)(2), on behalf of the House Business Committee (HBC), I rise to give the following Statement regarding the business appearing before House the week beginning Tuesday, 1st October, 2013.

Hon. Deputy Speaker, the HBC met on Tuesday at the rise of the House to give priority to the business of the House. The House will consider the Report of the Departmental Committee on Finance, Planning and Trade on the approval of the appointment of the National Police Service Commission nominee to the Salaries and Remuneration Commission (SRC).

Hon. Deputy Speaker, the House will also consider the Capital Markets Authority (Amendment) Bill, 2013 and the Micro-Finance (Amendment) Bill, 2013 at the Committee of the whole House. Members are therefore urged to hand in their proposed amendments to the Legal Department of Parliament.

Further, I wish to bring to the attention of the Members that the HBC has scheduled---

*(Hon. Owuor crossed the Floor of the House
without bowing to the Chair)*

Hon. Deputy Speaker: Hon. Aduma, can you please follow the rules of the House? You cannot walk casually across the Floor like that. Go back and follow the rules please. It is your first time but I can assure you that next time you will have to leave the Chamber.

*(Hon. Owuor bowed to the Chair before
crossing the Floor)*

Hon. A.B. Duale: Thank you, hon. Deputy Speaker. Further, I wish to bring to the attention of the Members that the HBC has scheduled Second Reading of Bills in the event that they are not concluded this week. These Bills are: -

- (i) The Kenya Deposit Insurance (Amendment) Bill, 2013;
- (ii) The National Police Service Commission (Amendment) Bill, 2013;
- (iii) The Insurance (Amendment) Bill, 2013;
- (iv) The National Police Service (Amendment) Bill, 2013;
- (v) The Kenya Information and Communications (Amendment) Bill, 2013; and
- (vi) The Media Council Bill, 2013.

Hon. Deputy Speaker, finally, the HBC will meet on Tuesday, 1st October, 2013 at the rise of the House to consider business for the next week. I now wish to lay the Statement on the Table of the House. Thank you.

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

Hon. Deputy Speaker Hon. Irungu, sorry you have been forgotten because you do not have a card. Your name is here. Allow him to finish his request for Statement. What is the point of order on? Is it related to what the Leader of the Majority Party has said?

Hon. Ng'ongo: Yes.

Hon. Deputy Speaker: Hold on a little.

Hon. Ng'ongo: Thank you, hon. Deputy Speaker. I have two issues to raise with regard to the Statement by the Leader of Majority Party. As a House and as Members, we feel a bit frustrated in the manner in which our Bills are being processed, either we have to rethink the processing of the Bills especially pre-publication. I had a Bill which went to the Committee in May on the retirement of the Prime Minister and the former Vice-President. To date, even though the Standing Orders are very clear that it should take 14 days, I do not know the status of that Bill. I have even another one that I had prepared on social welfare and I also do not know its status. Something needs to be done.

Two, on the same, if you look at our Supplementary Order Paper, this afternoon we are just going to debate Motions. This is not reflecting very well on the use of time of the Members of Parliament. We need to be debating Bills in this House. When you see the Order Paper like this, it is like Members do not have Bills to introduce to the House. This is not the case. It is because there is a hitch somewhere. We need to find out where

the hitch is. Is it the Clerk's office or where is the hitch? I am personally feeling frustrated.

Hon. Oyugi: Hon. Deputy Speaker, I was also rising with regard to the Statement by the Leader of Majority Party. Ordinarily, at about midday, we are supposed to be having the Order Paper for the day, which was given out. Right now, we have the Supplementary Order Paper and it makes it very difficult for us to prepare because having researched the whole afternoon to participate in debate on the various laws, we have a Supplementary Order Paper. I think it is proper for us to appreciate what a Supplementary Order Paper would do; it is supposed to augment the parent Order Paper. If this trend continuous, then it becomes very difficult to participate in the debate in the House.

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Speaker, thank you for giving me this opportunity. I had raised a similar issue last week and the Speaker, indeed, gave a promise that he will give a substantive Statement around it. The reason is that I have three Bills which I have brought and being a lawyer, I actually even developed a framework. So, it is not even that the Legal Office is going to develop afresh. The Victim Protection Bill even came for the First Reading in the last Parliament. I have The In-Vitro Fertilization Bill and the Child Justice Bill. We take our work very seriously, both legislative and development. Some of us who are serious with our work are feeling very frustrated.

I took initiative on my own to follow up and the Legal Department indicated that they are getting frustration from the Budget and Appropriations Committee. So, we need to find out where the problem is, so that if it is an issue of the Standing Orders, we amend them, so that our work can move faster than it did in the Tenth Parliament.

Hon. Deputy Speaker: Thank you. We really cannot go on and on, on the same. Is it on the same issue because I want to make a clarification on what hon. Millie has just raised on the Budget and Appropriations Committee? The Chairman of the Budget and Appropriations Committee was seized of that matter and came to tell me today to also communicate that they have just today received 10 Bills. They are promising to process them very expeditiously. That is Budget and Appropriations Committee.

The other matter which I would like to bring up, because you can see the Members are very frustrated, I would like to direct the Office of the Clerk to please give us a breakdown of when Bills came to the office, when the Members brought in their Bills and when they were processed and forwarded to the Budget and Appropriations Committee, and when they finally ended up on the Floor. We cannot have Members working very hard and we are not seeing the results of what they are doing. So, please, that is my direction.

Hon. A.B. Duale: Hon. Deputy Speaker, last week when you were away, this matter of the Private Members' Bills was also on the Floor after I read the Communication from the House Business Committee. It is a great concern that we need to tell Members to forget about these Motions of urging and bring substantive Bills that will amend the existing laws so that Wednesday morning becomes a serious morning. The Speaker gave a ruling and through you, we will pick up and give more direction maybe on Tuesday. On the issue of the Supplementary Order Paper, it is within the Standing Orders that Parliament has powers to introduce it.

Again, I urge the Committee Chairs also to take their work very seriously. When a Bill is read for the First Time, it is taken to the Committee for 21 days. The Committee must bring a report before that Bill is done for the Second Reading. So, most of the issues that we have is that Chairs are not ready. They have not presented their report for the Members to use them to debate, even Government Bills. So, I also urge that Parliament, through you, must write to the Chairs of Committees that they must produce reports in time; that when they table today, then that Bill can be read the Second Time.

Finally, the way we deal with Government-related Bills, a schedule must be kept by the Clerk's office showing a tracking system of where a Private Member's Bill is, so that we can know whether the Bill is at the Legal Department or at the Budget and Appropriations Committee, so that at the end of the day, we do not have a blame game. We should know where the Bill is stuck and Members are given the reason why that Bill is not moving.

Hon. (Eng.) Gumbo: On a point of order, hon. Deputy Speaker. I do not want to go back to what has been discussed by the Members, but I think there is a very worrying trend that is growing in the House. Either the Committee Chairs are not taking their work seriously or I dare say that some Committee Chairs are simply incompetent. We cannot keep on coming to this House preparing. You know that we have very limited research capacity in this Parliament. A lot of the research, we do on our own. You spend a whole night researching on your own, coming to debate a Bill and then because of lack of preparedness by the Committee Chairs, the Bills are not ready. We have to forget this business of tyranny of numbers and go for competence, so that we can get Chairs of Committees who take the work of Parliament seriously. I have been a Chair in this House and I know what it means to be a Chair of a Committee. Most Chairmen of Committees in this House do not take their work seriously and they are slowing down the business of the House. We have to take drastic measures. I am glad one Chairman has already been shown the door. Let it be a trend. If they do not want to perform, we show them the door.

Hon. Deputy Speaker: I think the message is clear.

Hon. Kaluma: Hon. Deputy Speaker, it is clear. There is something hon. Neto Oyugi said which is very serious. When I came to the House at noon there was an Order Paper with Bills to be discussed and we took time looking at it. We are now faced with a Supplementary Order Paper, but supplementing what? Our time is being wasted! Can we know what happened to the Order Paper which we were to debate with those Bills duly listed? It is a big waste of time. We adjourn meetings. We even took time to research and then you give us things we never purposed to discuss this afternoon.

Hon. Deputy Speaker: Hon. Kaluma, your frustration has been noted and you will be given proper communication on that. I think the Leader of the Majority Party indicated that we could have a Supplementary Order Paper. Maybe the people who were supposed to move some of the Motions were not available. Hon. Duale, you could give us an explanation.

Hon. A.B. Duale: Hon. Deputy Speaker, as I have said, the production of the Supplementary Order Paper is within the Standing Orders but, of course, the matter of reorganization had something to do with the Chairpersons of the Committees handling those Bills. Just like we are going to address the issue of Private Members' Bills in the next HBC, we agreed that Chairpersons of Committees will also get written expression

from the Office of the Clerk in a week's time to show that next week their Bills will be on the Order Paper.

Secondly, hon. Members should take seriously the interrogation of Statements. This Communication is to prepare you for next week. If hon. Members are getting prepared and researching, the Chairpersons and other hon. Members with Private Bills will also prepare to move and second. I want to urge my colleagues that the next HBC on Tuesday, 1st October will discuss this matter substantively. We will conclude that and never again will it appear. I beg your indulgence that you do the same from where you sit to the Office of the Clerk.

Hon. Deputy Speaker: Okay, let us leave that matter to rest there.

Hon. Mulu: On a point of order, hon. Deputy Speaker. Yesterday, the Leader of the Majority Party said that, in terms of Chairpersons of Committees and inclusion to Committees, the coalition has a final say. Today he is requesting you to order performance audit of the Chairpersons of Committees. Is he in order to do so, or should he not just change these Chairpersons and get a new team?

Hon. A.B. Duale: Hon. Deputy Speaker, I think my good friend, hon. Makali, did not hear me. Where I made a reference to the Chair, it is as far as the Office of the Clerk and Parliamentary staff are concerned. Where it concerns Chairpersons, of course, I am very competent to deal with the Chairpersons of the coalition. I have no doubt that they are up to task and they must perform. When you become a Chair, you are not better than other Members; you have only been given a privilege to serve as the Chairperson. I am sure most of the Chairpersons are new and we need to give them time to understand the workings of committees in Parliament.

Hon. Deputy Speaker: Hon. Members, we must now move to the next Order. We are now officially on that Supplementary Order Paper. Hon. Irungu, are you able to do it on Tuesday?

REQUEST FOR STATEMENT

TAX STATUS OF AGA KHAN HOSPITAL

Hon. Kang'ata: Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c) I wish to request for a Statement from the Chairperson of the Committee on Finance, Planning, and Trade on the tax status of Aga Khan Hospital. In his Statement, the Chairperson should inquire and report on whether categorization and assessment for tax purposes of the Aga Khan Hospital vis-à-vis other hospitals of the same league is fair and just. Two, if the hospital has been duly remitting its fair share of taxes to the Kenya Revenue Authority (KRA). Three, whether medical goods and supplies including the equipment imported by the hospital for the last two decades are zero-rated or tax exempt and if yes, for what reasons. Finally, if any matter pertaining to the tax status of the Aga Khan Hospital has been brought before the Office of the Attorney-General and his response to the same.

I have a major dossier which even touches on the former President of this country on this matter. I would seek your direction on the procedure of laying that dossier before the House.

Hon. Deputy Speaker: Chairperson of the Committee, can you undertake to say when you will be able to have that and when you will be inviting the Member to share with you the information that may be useful to your response to the question?

Hon. Lang'at: Hon. Deputy Speaker, two weeks and he is welcome to my Committee.

Hon. Deputy Speaker: But you will formally invite him when you actually start the proceedings. Thank you for that.

We are now formally moving to that Supplementary Order Paper that is not very popular. Could we, please, move to the next Order?

MOTIONS

EXTENSION OF PERIOD FOR SELECT COMMITTEE ON *MIRAA*

Hon. (Ms.) Kajuju: Hon. Deputy Speaker, I beg to move the following Motion: -

THAT, notwithstanding the resolution of the House of 10th July, 2013 that the Select Committee investigating matters of *khat* reports to the House within a period of ninety (90) days, this House further resolves to extend the period by sixty (60) days in order to enable the Committee to comprehensively conclude its activities.

Hon. Deputy Speaker, the Committee on *Miraa* was formed on 10th July, 2013. Upon an amendment, it comprises of 29 Members. It set upon doing its work and the first business was election of the vice-chairperson and thereafter it drafted its terms of reference. It also started with visiting various *locus in quo*. It first went to Maili Tatu in Meru County. It also visited Embu and Isiolo counties.

[Hon. Deputy Speaker (Dr. Laboso) left the Chair]

*[The Temporary Deputy Speaker
(Hon. Kajwang') took the Chair]*

The Committee has conducted intensive research and has interviewed various stakeholders in this business of *miraa*. Amongst those who have been interviewed by the Committee are: The Cabinet Secretary for Health, Cabinet Secretary for Agriculture, Cabinet Secretary for Education, Science and Technology, and the Cabinet Secretary for Foreign Affairs. We have also interviewed various institutions including the Kenya Medical Research Institute (KEMRI), Kenya Bureau of Standards (KEBS) and various scientists, doctors, farmers, and traders who ordinarily conduct the business of *miraa*.

However, the most disappointing thing is that of all the institutions that we have interviewed, we have not been able to get any data or statistics or reports that are conclusive enough to enable this Committee bring a Report to the House. Most of the institutions that have appeared before us, and the most important one being KEMRI and which we met today in the morning for the second time, have sought time to bring a conclusive report. Most of the institutions have indicated that *miraa* is what they have been terming as a neglected or orphaned crop. Therefore, no government institution has been keen to do research on *miraa* as a crop.

In our desire to bring an open-ended report to this House and more importantly a comprehensive report, it has become important that we come before the House to seek an extension. The institutions that have appeared before us have told us that much of what they have done has been cross-sectional research and not longitudinal and qualitative data to be able to present before the Committee.

Hon. Temporary Deputy Speaker, Sir, in our terms of reference, we had also indicated that we would like to look at various legislations that are in place to see what would happen in the event that the Committee makes some recommendations.

I had mentioned the Crops Act No.16 of 2012 and also the Narcotic Drugs and Psychotropic Substances (Control) Act No.4 of 1994. The National Assembly was kind enough to give us a research assistant who has been sitting with this Committee day in, day out. She has prepared some report which needed further beefing up upon receipt of the conclusive data from the various Ministries. Looking at the intensive and extensive research that must be conducted, we also feel as a Committee that there must be a study tour that is to be carried by this Committee to countries that have banned *miraa* and those which are about to ban that crop. Therefore, like I submitted earlier, the United Kingdom (UK) should be one of the countries. We intend to see if we are able to get to the Netherlands.

Hon. Temporary Deputy Speaker, Sir, we have been trying to talk to the National Assembly to see whether the Parliamentary Service Commission will allow us travel. This has not happened as yet but there is a promise that it can happen if we are given some more time to clean up the report.

Hon. Temporary Deputy Speaker, you also remember that this House had gone on recess, and there is the issue that hon. Members had to go for a retreat when Committees were not meeting. All these are issues that have really eaten part of the Committee's time in terms of the frequency of meetings.

Hon. Temporary Deputy Speaker, due to the intensive nature of the activities that are yet to be carried out and taking into account the time that has to be taken in terms of report writing, it is therefore important that we seek for an extension of time. I can see with certainty that this Committee has already conducted around 70 per cent of its work. What remains is 30 per cent. That is why I come before this House, with your permission, to allow this Committee 60 more days. Within the 60 days, we will be able to carry out any study tour that the House is going to enable us carry out. We are going to get conclusive data from the various institutions, especially the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA).

Hon. Temporary Deputy Speaker, Sir, you are aware there was change of management. We have a new Chairman who requested that he needs time to be able to give us a report. Therefore, I plead with this House that this Committee has been extremely active. I believe it is the best Committee that has ever been created by this House in terms of *ad hoc* committees. It will not cost a lot if we are allowed just 60 more days so that when we come back with the report, this House is going to make a decision based it.

Hon. Temporary Deputy Speaker, there has been a lot of interest that has been elicited out of this discussion on *miraa*. We have had religious groups coming to us seeking for an opportunity to be heard by this Committee. We have encouraged persons, whether you are opposed to *miraa* as a crop or whether you are for *miraa* that you come

before the Committee so that you are able to give us your views. So, I believe it is important that we get an extension. We do not want to close out any person who has an interest in whichever manner, so that we are able to come to the House with a comprehensive report.

Hon. Temporary Deputy Speaker, Sir, I pray that the Committee be given that opportunity yet again, and we are going to ensure that within that period of 60 days, we will have done our job.

With those remarks, I pray that this House approves this Motion. I would request my learned friend and hon. Member of this House from Makueni Constituency, hon. Daniel Maanzo to second the Motion.

The Temporary Deputy Speaker (Ho. Kajwang’): Hon. Daniel Maanzo, please press the intervention button. Your card must be in place before you are able to operate.

Hon. Maanzo: Hon. Temporary Deputy Speaker, Sir, I beg to second the Motion for reasons already advanced by the learned hon. Member.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, first of all, I accept the compliments of the Speaker. The Motion has been moved and seconded.

(Question proposed)

Hon. Members, I have a long list of requests. I am sure you are not speaking to this subject. To be able to know who is speaking to this subject, would I kindly request you, if you had put your request before to release it so that the people appearing on the screen be those intending to speak to this subject. Assuming therefore that this is the list, I have about 12 requests and they will go strictly by the order in which they come. Hon. Members, you know that this is a subject we have canvassed in this House. The issue before us is just really to extend the period. Therefore, I will only take a few requests so that we are able to proceed with the Motions that are before us.

According to my request list, I will take hon. Wanjiku Muhia, hon. Diriye Abdulahi Mohamed, hon. Cyprian Kubai Iringo, hon. Lisamula Silverse Anami and hon. Joseph M’eruaki M’uthari. I think we will take five hon. Members for the time being. Let us begin with hon. Wanjiku Muhia. Where is hon. Wanjiku? You can see what we mean. Some hon. Members press the buttons and then they leave.

Let us go to hon. Diriye Abdulahi Mohamed.

Hon. Mohamed Diriye: Thank you, hon. Temporary Deputy Speaker, Sir. I beg to oppose this Motion. I am opposing because one, this *ad hoc* committee was given 90 days as it is procedurally to complete their report. Even if they are given extra time, there will be no difference. So, giving them more time will not do anything. The Committee Chairperson chairs two Committees and that is one of the reasons, probably why she could not give enough time to this Committee. Due to that, there was no enough time for this Committee. Even if we extend by 60 days, nothing substantial will change. Procedurally, 90 days is enough. Sixty days will not have any significant change. As the Chair has already said, *miraa* is a crop that our agency, for example, NACADA has classified as a drug. The Kenya Medical Research Institute which is a medical research institute---

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, resume your seats. We have interventions but they must be points of order because we do not want to use points of order to interrupt discussions of the Members. Hon. Gideon, what is your point of order?

Hon. Irea: Hon. Temporary Deputy Speaker, Sir, the kind of intervention he has raised on a point of order; he needs to appear before the Committee which is investigating---

The Temporary Deputy Speaker (Hon. Kajwang’): Order, hon. Gideon! That is not a point of order but a debate. The Member is not on a point of order. He is actually contributing to the Motion. Let us go to the next point of order by hon. Charles Muriuki.

Hon. Njagagua: Hon. Temporary Deputy Speaker, Sir, is the Member in order to discuss the conduct of the Chair through the backdoor?

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Did the Speaker hear the Member discuss the conduct of the Chair?

Hon. Njagagua: Yes, hon. Temporary Deputy Speaker, Sir. He has said that the reason why this Committee has not completed its job is because the Chair chairs two Committees. That is actually discussing the conduct of the Chair.

The Temporary Deputy Speaker (Hon. Kajwang’): Unfortunately, I will rule you out of order. I do not see the substance beyond the fact that the Chair is a chair of two Committees which may or may not be true because I have not checked that. If it turns out to be true, it is a substantial issue. However, let us not discuss the conduct of the Chair in any negative way. So, let us get to the next point of order. Hon. Joseph Muriuki, what is your point of order?

Hon. Kinoti: Hon. Temporary Deputy Speaker, since I will have an opportunity to contribute, I will---

The Temporary Deputy Speaker (Hon. Kajwang’): You have blocked your intervention. Hon. Farah, what is your point of order?

Hon. Members: He has dropped it.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, hon. Boniface Kinoti.

Hon. Kinoti: Thank you, hon. Temporary Deputy Speaker. I rise on a point of order under Standing Order No.97. The Member has said that the reason why he is opposing the Motion is because NACADA has classified *miraa* as a drug. He is not basing the argument on the Motion which seeks an extension. The report is yet to be tabled and the NACADA Chair actually came to Meru and said that *miraa* is not classified as a drug.

The Temporary Deputy Speaker (Hon. Kajwang’): Just a minute. Did you say that you rose under Standing Order No.97?

Hon. Kinoti: Just a minute, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Kajwang’): Under what Standing Order did you rise?

Hon. Kinoti: Hon. Temporary Deputy Speaker, Sir, I said that the content of the matter and the spirit of the Standing Order has no limitation.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Under what Standing Order? Anyway, you can see that you are irrelevant to the Standing Order under which you rose.

Hon. Kinoti: Hon. Temporary Deputy Speaker, Sir, my point of order is that he was not limited to the point of debate.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! I will switch you off! Hon. Diriye, we have disturbed you. You still have five minutes.

Hon. Mohamed Diriye: Hon. Speaker, Sir, from the interventions that you are getting, the *miraa* debate is not being driven by objectivity. Members just take stand for reasons above objectivity. It is high time we trusted our agencies. Why did we create NACADA? To correct that hon. Member, I did not say that I am opposing this Motion because of NACADA classifying *miraa* as a drug. I said that I am opposing the Motion because even if we give this Committee extra time, nothing will change. This is because 90 days are enough for a Committee to come up with a report. However, the Committee is requesting for extra time because the Chair chairs two Committees. Hon. Kajuju is the Chair of Regional Integration Committee and this Committee. Probably, they are requesting extra time because they did not get time---

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Now, you are treading on very dangerous ground. Keep your toe on the line.

Hon. Mohamed Diriye: Hon. Temporary Deputy Speaker, Sir, this is urgent because some of us are waiting for the report from this Committee on *miraa*. It is high time the Committee completed the report within the time given of 90 days. No extra time should be given to this Committee.

There is also the issue of conflict of interest with the Chair because she comes from a predominately *miraa*-growing county which is Meru.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Again, watch the line.

Hon. Mohamed Diriye: That is okay, hon. Temporary Deputy Speaker, Sir. To conclude, I am against extending the time of this Committee because nothing will change. I have not heard the Chairperson of this Committee say whether they visited NACADA. Instead they visited KEMRI. This is the case and yet this country has a special authority established with taxpayers’ money for the sole reason of classifying and establishing whether this is a drug or not. The debate is whether *miraa* is a drug or not. I thought that NACADA is the right agency to do this.

Secondly, Madam Chairlady has mentioned that all the reports were not conclusive. If they get in touch with me because I have been vocal in opposing *miraa*, you will find that the reports are very clear. There is the UN Report on the drug. There are also reports from NACADA which are very conclusive. There are also reports from the World Anti-Narcotics Agency. So, it appears like the extension of time is a plot to buy more time because the findings on *miraa* are very clear.

I beg to oppose this Motion. Thank you, hon. Temporary Deputy Speaker.

Hon. Iringo: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support the extension of the period for this *ad hoc* committee. The Chairperson of the Committee has indicated that the Committee has been sitting regularly since its inception. Being a Member of that Committee, we had a number of people who wanted to give information with regard to *miraa*. We have talked to various institutions, as the Chairlady has said and the list is still long. We feel that we need to exhaust all the avenues so that we give a conclusive report, notwithstanding whether it is negative or positive as the Member is

trying to purport. We have also put into place a programme on how to proceed with this matter.

I would like to tell this House that the reports we have been receiving, especially from various quarters have not been conclusive as it has been said. Some institutions have come to us and said that they are not ready with the information that we require. Others say that they need time to prepare the report. We are giving them time so that they can give the same conclusive reports which we can use.

We have been calling NACADA. They appeared before the Committee today and they were not ready with information. We have also been calling other institutions. Let NACADA bring the report where it classified *miraa* as a drug so that we can incorporate it with the other information that we have. We should not take it as the gospel truth once NACADA has said that *miraa* is a drug.

The former Chairman of NACADA came to Maili Tatu in Meru when the Deputy President visited the place. He said that they have not classified *miraa* as a drug. However, when he goes to his office, they say it is a drug. Let them bring a report to the Committee to that effect and we will look at it.

The issue of *miraa* should be taken as pertinent and very fundamental. We are not talking of chewing *miraa* as a drug and forgetting its cultural background. Let us not forget the economic aspects of this commodity. Looking at *miraa* as a drug only would be misleading this House and the country. We would be putting a whole community into jeopardy. Ninety per of the livelihood of people from my home area is dependent on *miraa*. So, we cannot condemn *miraa* as a drug without carrying out proper investigations into the matter and come up with proper evidence. Tobacco is grown in this country. Many people die from cancer---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Iringo, you are doing well but do not include other crops that are not the subject of this debate.

Hon. Iringo: Hon. Temporary Deputy Speaker, I retract my words.

The Temporary Deputy Speaker (Hon. Kajwang’): You do not have to retract anything. Just come back to what is relevant to this debate.

Hon. Iringo: Hon. Temporary Deputy Speaker, I strongly support the idea that we be given the extension sought because there are institutions that we need to interview. There are various places we need to go to and come up with proper information. We also need time to compile our report. When we were given this particular task, we did not know its enormity.

As I conclude, let me point out the fact that the Chairperson of this Committee is hardworking and committed. Since this is an *ad hoc* committee, we could not have told her to step down because she was in other Committees. Moreover, we elected her because we found out that she is competent. I believe that she is up to the task.

With those remarks, I beg to support the Motion.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, I appreciate that there are fireworks in this debate. We will be going back to the traffic lights issue very soon. For now, hon. Lisamula Silvanse Anami, you may have the Floor.

Hon. Mulu: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Mulu, who is out of order?

Hon. Mulu: (*off-record*)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Mulu, that is water under the bridge.

Let us proceed, hon. Anami.

Hon. Anami: Hon. Temporary Deputy Speaker, the request for extension of time for the Committee is exposing us, as an important institution in this country. It is on record that we have not been spending our time well and here we are, trying to institutionalise that problem. The Committee has had 90 days but it has not been able to even come up with terms of reference. The Committee is asking for more time. It cannot be accepted. From the report that was presented here by the Chairperson, it is clear that there is overindulgence by this Committee. The Committee had very clear terms of reference. They needed to do the necessary consultations with the relevant authorities without making themselves the experts by going ahead to do research and dig out the relevant information. There is a comprehensive research that has been done by the National Commission for the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

The Temporary Deputy Speaker (Hon. Kajwang’): Order, hon. Anami. There are several hon. Members on intervention. Hon. Members, let me remind you that this is a beautiful debate. We are enjoying it because people are alive but let me draw your attention to Standing Order No.107, which says that a conduct is grossly disorderly if the Member concerned, knowingly raises a false point of order. We do not want to use Standing Order No.107 anymore. So, let us go that direction.

Hon. Diriye, what is your intervention? You are first on the list.

Hon. Mohamed Diriye: Hon. Temporary Deputy Speaker, my intervention was--

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Diriye, I hope that you are aware that your point of order must be addressed to the new speaker.

Hon. Mohamed Diriye: Hon. Temporary Deputy Speaker, I actually pressed the intervention button before he took the Floor.

The Temporary Deputy Speaker (Hon. Kajwang’): Well, it is now water under the bridge.

The next one is hon. Charles Muriuki.

Hon. Njagagua: Hon. Temporary Deputy Speaker, I rise under Standing Order No.83. Is the hon. Member in order to say that this Committee---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Muriuki, Standing Order No.83 is a general omnibus Standing Order. Can you go to a specific one?

Hon. Njagagua: Hon. Temporary Deputy Speaker, is he in order to say that we do not have terms of reference when he is not even a Member of the Committee?

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, that is a valid point of order. It means that he was misleading the House. Hon. Anami, that is a valid point of order that you need to respond to.

Hon. Anami: Hon. Temporary Deputy Speaker, I am making reference to the report that was presented here by the Chairperson of the Committee, in which she clearly testified that they developed terms of reference which they have not presented to the House.

The Temporary Deputy Speaker (Hon. Kajwang’): They are not about to present them until the report is ready. Do you not think so?

Hon. Anami: Hon. Temporary Deputy Speaker, I give them the benefit of the doubt.

The Temporary Deputy Speaker (Hon. Kajwang’): So, will you, for the purposes of the point of order raised by hon. Njagagua, retract the bit in which you seemed to say that the Committee does not have terms of reference and continue with your contribution?

Hon. Anami: Hon. Temporary Deputy Speaker, I grudgingly do so.

The Temporary Deputy Speaker (Hon. Kajwang’): No, you cannot grudgingly do so. It must be as a matter of fact.

Hon. Anami: Hon. Temporary Deputy Speaker, let me retract those remarks and rephrase them. I wish that the Committee gave us a report on the amount of work they have done. They have not shown to us the minimum tasks that they have covered so far. We have a lot of information that would help the Committee to come up with appropriate recommendations. Therefore, I would like to propose the following---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Anami, just a minute for another intervention from hon. Joseph M’uthari.

Hon. M’uthari: Hon. Temporary Deputy Speaker, I rise under Standing Order No.91. Is the hon. Member in order to give us false information? As a Committee, we have listened to KEMRI, the University of Nairobi---

The Temporary Deputy Speaker (Hon. Kajwang’): What is your point of order, hon. M’uthari?

Hon. M’uthari: Hon. Temporary Deputy Speaker, the point of order is that the hon. Member is implying that there are research findings on *miraa* when we are aware that there is no Government organ that has come up with any research findings on *miraa*; not even UNESCO.

The Temporary Deputy Speaker (Hon. Kajwang’): Did I hear the hon. Member to say so?

Hon. M’uthari: Hon. Temporary Deputy Speaker, he said that there is information from UNESCO yet it is not there.

The Temporary Deputy Speaker (Hon. Kajwang’): I will pass that Standing Order. I will have to review the HANSARD, but I do not remember hearing him say so.

Can you complete your contribution, hon. Anami?

Hon. Anami: Hon. Temporary Deputy Speaker, I undertake to provide to the Committee a report on a very comprehensive research that has been undertaken by the National Commission for UNESCO.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member, remember that you are debating the Question of whether to increase time for the Select Committee, and not the substance matter of the Committee. So, please, get yourself there.

Hon. Anami: Hon. Temporary Deputy Speaker, interruptions will not help to carry out this debate. The issue here is whether we are using the time of this House well.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Order, hon. Anami! This is a debating Chamber that is guided by its own rules. Hon. Members have a right to interrupt when they think that you are out of order. All the interventions are provided for in the Standing Orders. So, please, hold your patience and bear with us.

Please, complete your contribution.

Hon. Anami: Thank you, hon. Temporary Deputy Speaker. Of course, you can see that I am opposed to this extension because I see an attempt to overindulge by members of this Committee, especially through suggestions that they would like to travel to the United Kingdom and spend taxpayers' funds to find information that is already established here in Kenya. I wish to suggest that instead of extending time because of the importance of this subject, we reorganize the Committee and get more serious individuals who can give us the information we want.

(Laughter)

Hon. Members: On a point of order, hon. Temporary Deputy Speaker.

Hon. Anami: I expected that, hon. Temporary Deputy Speaker. However, of course, the fact that 90 days have gone---

The Temporary Deputy Speaker (Hon. Kajwang'): Order. Do not bring the House into disrepute. Can you stand and retract that? I do not have to get them raise anything.

Hon. Anami: Thank you, hon. Temporary Deputy Speaker. I retract without conditions.

The Temporary Deputy Speaker (Hon. Kajwang'): And I think your time is also up.

Hon. Anami: Hon. Temporary Deputy Speaker, let me conclude by saying that I am thoroughly opposed to extending the time of this Committee because for 90 days, it has not given us even one page of the work they have done. Instead, we need to find another way of dealing with this matter as the issue of *miraa* is very important to Kenyans.

The Temporary Deputy Speaker (Hon. Kajwang'): We will go back to our list. Gladys, you are intervening. The Chamber has adopted a very strict approach to points of order.

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Speaker, I was intervening on the matter that my very good friend hon. Anami had raised, but I think that was overtaken and he has already retracted. I am eagerly awaiting my contribution time.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you. I am trying to make things move so that you are able to talk. Hon. Tiya Galgallo, you are on intervention.

Hon. (Ms.) T.G. Ali: Yes. Thank you, hon. Temporary Deputy Speaker. I stand to support the extension of time.

The Temporary Deputy Speaker (Hon. Kajwang'): Your time will come. You were on the intervention list, not on the request list. Okay. Let us have the last one on that batch.

Hon. M'uthari: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support the extension of the work of this *ad hoc* committee on the grounds that during this period it has been very active. I also happen to be a member of this Committee and it has visited various places. It has listened to various agents of the Government and many times we had to invite them, not once. We realised that there has been very little ---

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Member, hon. Barre Shill is on a point of order and I recognise him.

Hon. Shill: On a point of order, hon. Temporary Deputy Speaker. It seems that hon. Members of Parliament are not taking seriously this issue because we lack quorum. We are only 42.

The Temporary Deputy Speaker (Hon. Kajwang’): Okay. Joseph, complete your contribution.

Hon. M’uthari: Thank you, hon. Temporary Deputy Speaker, Sir. So, I was saying that this Committee has done a great job since it was formed. It has gone around. We realised that, to a large extent the report is not yet out because many Government agents have done nothing regarding *miraa*. To a large extent, we also realised that *miraa* growers have been marginalised and very little has been done about this crop. So, this is a great opportunity for the people of Nyambene who grow *miraa* to get justice by having their issues addressed appropriately by the Government. Through this report the Government has started taking this issue seriously. Various agencies have already put in place some proposals. Even if findings of some of these proposals may not come in time for this Committee, but it will require time to reach out to the people it has not met. These are institutions like NACADA. This body has been giving misinformation which is not informed by facts but by myths. The findings we are getting from the premier research institutions in this country are that there is no substantive research that has been carried out. The findings that are there tend to condemn the crop. The research that has been carried out did not follow the material facts. It did not look at *miraa* holistically and because of that we are likely to lose important materials which could be produced from *miraa*. This is why we need this Committee’s time to be extended so that we can meet all the people that we have not been able to meet. This is so that we come up with an objective report which can be debated in this Chamber and then we can have the way forward. As I said, we have a tendency in this country to condemn issues. We do not look at the materials which we have. We wait for other people to discover what we have; they patent it and then we buy our own product.

Miraa has got some substance which could be useful for this country, even for medicinal purposes or other purposes. So, instead of opposing things just for the sake of opposing, let us have the material facts. Let us have the truth about *miraa*. Let us have objective standards. This is what we are saying. This Committee might not have all that even by the end of the day but it will have serious and good recommendations which will chart the way forward and then Kenyans and the world at large will know what is in *miraa*. They will not start from the point of condemning but knowing what is in *miraa*. If there is something that is not good, we know what it is. Every substance has something good in it. If the Government cannot give money for research on the *miraa* crop, let it be known that it supports livelihoods of so many people. It brings more than 1 per cent of the Gross Domestic Product (GDP) in terms of foreign income to this country. It has to be considered and this Committee needs to be given time. So, I am pleading with the Members even if they have different opinions that let us have the time of this Committee extended so that a report can be brought to them. When this report is brought to the House, we will work on it, interrogate it and then we can be able to know the way forward.

With these remarks, I support the extension. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. Hon. Shill, I have just been perusing the HANSARD. What was the substance of your contribution? Can you give him the microphone?

QUORUM

Hon. Shill: Hon. Temporary Deputy Speaker, what I was trying to say is that we need the debate to continue, but the number of Members of Parliament is around 33 and there is no quorum. I should say that because that is the law. Most of them are drinking tea. Could they be called?

The Temporary Deputy Speaker (Hon. Kajwang’): All right. When a Member raises my attention to lack of quorum in the House, I am under obligation of the Standing Orders to notice whether there is quorum or not. I, therefore, order the Clerk to do a headcount and find out whether we form a quorum. There being no quorum, I order the Division Bell to be rung for 10 minutes before the business can be transacted.

(The Division Bell was rung)

Hon. (Ms.) Nyasuna: *Kwenda!*

Hon. Shill: On a point of order, hon. Temporary Deputy Speaker. I am an hon. Member. No. You cannot call me *kwenda*. It is wrong.

Hon. Member: *Ni mama, bwana!*

Hon. Shill: No. *Hata kama ni mama*, she is a Member of Parliament.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, let me tell you something; even when the Division Bell is ringing, as long as we are in the Chamber and the Mace is on the Dispatch Box, order will be maintained in the Chamber. I will not expect any Member to rise against the other or utter language that is unparliamentary. We will wait for the Division Bell to ring and then we will see if we have quorum to transact the business.

Order! Who is that Member there? If you did not get anything from Ukunda, when an issue of quorum has been raised, Members who are inside are not permitted to leave, particularly the one who has raised the question of quorum. So, even if you want to go for convenience, I have a convenience behind me, but you cannot use a convenience out there because we must maintain order. The Serjeant-at-Arms will enforce that.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, I am informed by the Clerks-at-the-Table that we now have quorum to continue with business.

Hon. Members, you will have to make your work easy. This Motion is about extending the life of a select committee. It is not about discussing the substance of the issues that the Select Committee is seized of. We allowed this for you to ventilate and find out the direction. I will allow only two discussions on this just to be able to gauge the mood of the House before I put the Question.

Hon. (Dr.) Nyikal: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to discuss this issue of extending time. It will be difficult to discuss time without going a bit into the content. This is a very important issue, but I am a bit disappointed on how it is being handled by either side. I think this is not an issue to gang up on either regional or ethnic or any other issue. It is an issue for us to look at the

substance of what we are discussing. If I were to go by the way we have been conducting ourselves, I would have said: "Let us not give any more time." I want to rise above that.

This is an important issue. The Committee should not just look at the simple issue of whether *miraa* is a drug or not a drug. It is a drug and there is no doubt about it. What is important to me is that this is an important plant that is in this country. That it has some active ingredients---

The Temporary Deputy Speaker (Hon. Kajwang'): Order, hon. Member. I need to bring you back to the shed. You remember one of the terms of reference of the Motion this House Select Committee had to deal with was to find out whether this is a drug or not a drug. So far as that Select Committee is concerned and until they bring a report, one cannot make a factual decision that it is either a drug or not a drug. So, please, confine yourself to the issue of---

Hon. (Dr.) Nyikal: Hon. Temporary Deputy Speaker, I do agree that I can then abandon what I know for a fact because of the procedures in the House. I concede that. The important thing, however, is that we give time so that the Committee concludes its work without saying that it was stopped. This means that I am supporting the Motion. I am saying that so that we do not lose the ingredients that are in *miraa*, and that I know because of the heat we have created to some extent through parochial ways, it does not give opportunity to those who are already doing research and who will take the active molecule and will patent it and the country will lose out on a very important ingredient that could be used in this country later. It is basically for that reason alone that I will support the extension so that we save the drug. I must also once again warn that sometimes ganging up does badly for issues, just as you saw in the International Criminal Court case which is now being used against us. Go for facts.

The Temporary Deputy Speaker (Hon. Kajwang'): Diriye, you are on a point of order.

Hon. Mohamed Diriye: Hon. Temporary Deputy Speaker, I am on a point of intervention. There is misleading information being given by some Members that in the course of their interviews and findings, they did not find any report that terms *miraa* as a drug. That is very misleading information. The true picture is that the Pharmacy and Poisons Board Act---

(Several hon. Members stood in their places)

The Temporary Deputy Speaker (Hon. Kajwang'): Resume your seats! Thank you for raising that issue of intervention, but as I understand it, it is one of the issues which should be discussed in that Select Committee, that is, whether it is a drug, what chemical components are there, what are those scientific discoveries that have been found in it and so on. Those are issues of substance. What we are dealing with now is this: The Committee was given 90 days. They have said what they have done and what is left. They are asking to be given more time. Do you think that they require more time? It is a question of period of time rather than the substance.

Hon. Member: On a point of information.

The Temporary Deputy Speaker (Hon. Kajwang'): Who are you informing? You must inform somebody. Read your Standing Orders. Let us move on.

Hon. Mulu: Hon. Temporary Deputy Speaker, I rise to oppose this Motion. The reason is not the content, but the need to extend the time. I am one of the few Members who stood here to support this Motion. I said that this Committee needs to come up with a report so that Kenyans know the position of *miraa*. I have seen Kenyan ladies in Kitui Central constituencies demonstrate. It is the wearer of the shoe who knows where it pinches most. I said that it is on that basis that I was supporting the Motion. Now we are being asked to approve an extension.

From the Mover's information, they have done 70 per cent of the work in 90 days. This means that only 30 per cent is remaining. Now they are requesting us to add them 60 days to do the remaining 30 per cent of work. Mathematically, that does not make sense. It would make sense if they were asking for 30 days. I would have supported this Motion if the request was that this House extends the Select Committee's working time by 30 days.

It takes a Kenyan in the university doing postgraduate studies a short time to do a thesis and by that time the problem is not yet defined. One has to go and collect data and then analyse it and come up with conclusions. By the time this Committee went to the ground, their terms of reference were very clear. They knew their problem and now they are telling us that they need more days. Our work is to make sure that things are done correctly. This being an *ad hoc* committee, it ought to have taken its work seriously. I really do not see why as a House we are being asked to support this extension. On that basis, I categorically oppose this Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you and I must commend you for being very relevant.

Hon. Njuki: Hon. Temporary Deputy Speaker, I stand to support this Motion that we need extension of time. I want to commend my sister, hon. Kajuju, because of the hard work she has put in this matter. You need to realize that this is not how you treat important things which are supposed to be given due consideration. Hon. Anami said that this is so important that it should be dealt with now.

If you look at the way *miraa* was banned by the UK, you will realize why we have been put in this problem. It is because there was no consultation. Even the High Commission of Kenya in London was not consulted. The reason we need extension is that the work that is involved in finding out whether *miraa* is a drug or not is not something that is restricted to a few meetings in Kenya. It is a fact that the most affected market is the UK. There is no way the issue can be brought to conclusion without the Committee going to London to find out why the Government of UK all of a sudden decided that *miraa* was a drug.

I support that we give them extension of time so that this matter is dealt with thoroughly and squarely.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Members, first of all, you need to know that this is your Select Committee. These people came before you and the Motion was before you and you passed it. This Motion now belongs to you as a House. You need to direct yourselves and take leadership as you make your decisions, but I will put the Question.

(Question put and agreed to)

REVIEW OF TERMS AND CONDITIONS OF KENYA POLICE RESERVISTS

THAT, aware that insecurity in the Arid and Semi Arid Lands (ASALs) is caused by perennial cattle rustling that is aggravated by poor or no infrastructural facilities; also noting that there is inadequate deployment of Kenya Police Reservists (KPR), who are ill equipped, unpaid volunteers with the National Police Service and lack the motivation to fight this crime leading to apathy that has seen residents lose their livestock and even lives; and further aware that there is need to restructure the security machinery in ASAL areas to mitigate the situation, this House urges the Government to urgently review the terms and conditions for the recruitment, remuneration and deployment of the KPR in ASAL areas with a view to providing them with uniforms, proper identification documents, automatic firearms, regular allowances and general improvement of their working conditions, so as to restructure this crucial sector and help the KPR fight cattle rustling more efficiently.

(Hon. Lentoimaga on 18.9.2013)

(Resumption of Debate interrupted on 18.9.2013)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, allow me to bring you to speed. We had finished debate on this Motion, but the Mover had not replied. Therefore, I now call upon the Mover to reply.

Hon. Lentoimaga: Thank you, hon. Temporary Deputy Speaker. I would like to donate a few minutes to some of the hon. Members who did not have the opportunity to talk last time. I, however, want to be a bit strict. I will donate only two minutes per Member. The first Member is Lati Lelit. The others are Ferdinand Wanyonyi and Lomenen Ekomwa. I give them one minute each.

Hon. Lati: Thank you, hon. Temporary Deputy Speaker. I want to thank the Mover of this Motion. This is a very important Motion for people who come from the pastoralist areas. We know that the KPRs are heroes in these areas. They are usually the first responders. They are the first point of call whenever there are these incidents and they perform exceptionally well. They are heroes because they are the last men standing. Usually, when we have conflicts they are the first ones to come out. They are the ones who follow the livestock and guard our people. They have done a good job for our people. They are committed and dedicated. In fact, they are the only ones who can follow livestock and take care of families when the Government is not there. These people do all these things in very difficult conditions. They are not paid anything and they do all these without any recognition from the Government. Only their families recognize them.

I support the Motion.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I want this House to approve this Motion because KPRs are doing a very good job out there. For those who do not know, this unit was established in 1948. Most of you had not been born. Secondly, this unit is recognized in the Police Act as security agents. They are doing a good job. There are KPRs who have actually died in the course of duty. It is time we paid and

compensated them. All that we are asking is for them to be given uniform, be properly identified, be given guns and some little allowance so that they can counter attacks. I urge the House to motivate these people so that they work even harder.

I support the Motion.

Hon. Ekomwa: Thank you, hon. Temporary Deputy Speaker for this opportunity. Just as the ASAL areas qualify for the Equalization Fund, the ASAL areas deserve equalization on security issues. This is because the areas have been forgotten for so many years and they do not have adequate security. The KPRs have experience on how to handle arms. It is natural to them. They have hi-tech intelligence on security issues. A KPR can actually detect a stranger in an area by smell only. A KPR can also identify the strange footprints of a thug, something which has never happened in Kenya. I think that KPRs can be hired by the National Intelligence Service to guide them on security issues.

I beg to support.

Hon. Lentoimaga: Hon. Temporary Deputy Speaker, KPR are important in our areas because they do the work the police are doing. We are not saying that they are new people. They are already registered, vetted and they have their firearms, only that they are not being paid well or they are not paid at all. During the Baragoi massacre, they actually rescued policemen. There were 60 KPRs deployed alongside 106 policemen. During the operation, it is the KPRs who actually rescued the OCPD. They carried him to the police station. He could not work at all. Were it not for the KPRs, more policemen would have died. So, those are the people who can work well.

Secondly, cattle rustling is not a cultural issue; it is an organized crime. I wish hon. Maj-Gen. Nkaissey was here because he is the Chairman of the Parliamentary Pastoralists Group. I want him to support us. The people he is leading are the ones suffering more. He ought to have been at the forefront to assist us get security in our areas.

I want to rest my case there and appeal to hon. Members to support us.

(Question put and agreed to)

REVIEW OF FARM GATE MILK PRICES FOR SMALLHOLDER FARMERS

Hon. J.K. Bett: Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity.

I beg to move the following Motion: -

THAT, aware that milk production is a major source of income for millions of smallholder livestock farmers in the country who account for over 75% of the milk industry's total output; concerned that whereas livestock farming is a tedious and delicate undertaking when compared to farming of other consumable produce, smallholder farmers get a paltry Kshs.27 per litre of milk, way less than what water bottlers get at Kshs60 per litre of water; and further noting that smallholder milk producers encounter numerous obstacles amongst which is the high cost of production but are forced to settle for less when selling their produce; this House urges the Government to urgently intervene with a view to

reviewing farm gate milk prices in order to guarantee smallholder farmers better returns and shield them from endless losses.

I am talking about dairy farming. We all know that small-scale dairy produce milk for the whole country. Milk is a major source of income to many families in Kenya.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! We do not want to interrupt you, but can you hold the microphone a little bit further from you. Do not “eat” the microphone.

Hon. J.K. Bett: Thank you, hon. Temporary Deputy Speaker, Sir. Maybe, this is the first time I am holding this microphone. However, I want to say that many small-scale dairy farmers in Kenya---

The Temporary Deputy Speaker (Hon. Kajwang’): It will be better if you just let it in the cradle because it will pick your sound from wherever you are. Just speak. You do not even have to be near the microphone.

Hon. J.K. Bett: Thank you, hon. Temporary Deputy Speaker, Sir. I am saying that most families in Kenya rely on dairy farming to educate their children. Small-scale farmers account for about 75 per cent of milk output in Kenya. You will realize that the cost of producing milk in Kenya is comparatively higher than that of bottled water.

You will find that the price of bottled water is about Kshs120 per litre. All that the companies that process water need to have is packaging material, take the product through the filtration process and then take it to the shelves of supermarkets.

If you look at major dairy farmers, you will find that, first, they must have cows, get fodder for them, take them to the cattle dips and vaccinate them against certain diseases. I am talking about farm gate prices; that is the price at which we sell milk to Kenya Co-operative Creameries (KCC) or Brookside. I am talking about farmers in Uasin Gishu, Trans Nzoia, Elgeyo Marakwet, Central Province and many parts of Kenya who end up selling milk at prices of between Kshs20 and Kshs25 per litre. If you visit a supermarket, you will find that the price of half a litre of milk ranges between Kshs55 and Kshs60. That means that one litre of milk will cost about Kshs120 in a supermarket. I am speaking on behalf of those farmers. How come a litre of milk, which farmers are paid about Kshs25, costs five times more?

When Value Added Tax (VAT) was introduced the other day, the price of milk went up. Many families now go without breakfast and many Members will concur with me. The same VAT was applied on animal feeds. The effect of that is that the cost of production went up. I am saying that the farm gate prices of milk which we sell to KCC and a company like Brookside are low.

We have a liberalized market but I want to draw your attention to the fact that--- Those of us who come from tea-growing areas know that the Tea Board of Kenya has set a minimum price and if you sell below that price, you will make losses.

If you visit maize-growing areas like Tran Nzoia and Uasin Gishu, you will find that every other year, the National Cereals and Produce Board (NCPB) normally sets a minimum price below which you cannot sell the crop.

We urge the Government to set a minimum price for our small-scale dairy farmers. That is because the price at which they sell their milk in the farms cannot enable them break even. Could we set a minimum price so that they can break even and make profit? Milk production is a business venture, the same way you go and buy shares and trade in other commodities.

All of us know that dairy farming is a source of employment to many people in Kenya. The same dairy farming is a source of income because it is from it that small-scale farmers educate their children, buy clothes for themselves and even have money to get treatment when they fall sick.

Further, milk production can be a big foreign exchange earner for this country. Let us support our small-scale farmers if we want our economy to register a two-digit growth rate. This country will realize the Jubilee dream of ensuring that the economy registers a two-digit growth rate.

Hon. Temporary Deputy Speaker, Sir, with those few remarks, I request hon. Members who are here to kindly support this Motion because we are speaking on behalf of many Kenyans who are looking at us and have no other choice other than to practise the same farming.

I request my colleague, hon. Ngeno, the Member of Parliament for Emurua Dikirr, to second this Motion.

The Temporary Deputy Speaker (Kajwang’): Hon. Ngeno, I will see you if you press your intervention button.

Hon. Kipyegon: Hon. Temporary Deputy Speaker, I rise to second the Motion but before I do so, let me say that I have not gotten an opportunity, for the last two days, to condole with the families of Kenyans who perished in the Westgate Shopping Mall attack. I would like to send my condolences to the families who lost their loved ones as well as those families who are still in agony because they do not know the fate of their loved ones to-date.

Hon. Temporary Deputy Speaker, I second the Motion because I also come from an area where we used to produce milk not only for consumption, but also for catering for the needs of our families. Kenya used to produce a lot of milk. We used to get a lot of money through the sale of milk when the defunct KCC was very vibrant because the level of milk production was very high. However, with time, the dairy sector was messed up. The KCC kept changing names to New KCC and many other names. The price of milk was, therefore, destabilised. The farmers who used to produce milk incurred massive losses that caused them to move away from milk production to other areas of farming.

Farmers who used to have many cows, as a source of income, shifted to other agricultural areas like maize farming, tea growing, *et cetera*. That is because since the prices of milk went down, they have never risen like the prices of other farm produce. As my colleague has said, it is incumbent upon the Government to look into ways of stabilizing the prices of milk, so that we can encourage farmers to go back to milk production, so that they can get enough money that will enable them to meet their daily needs. Therefore, I would like to urge the Government to set up a minimum price for milk, just like they have done for maize and other farm produce so that farmers can be assured that the milk they will produce will not have to be sold at throw-away prices.

Hon. Temporary Deputy Speaker, I recently had an opportunity to visit Holland. I realised that although that country is miles away from us, in terms of development, they still do dairy farming, just like Kenya used to do. I also realised that they produce the best breeds of cows. One cow can produce more than 40 litres of milk per day. They are able to keep such good breeds of cattle and have many farmers still sticking to dairy farming because the price of milk in that country is very high. The Government and other agencies buy milk from farmers at good prices. I learnt that this was being done

deliberately to enable farmers maintain the best breeds of cattle and manage them properly as well as enable them to get enough money to cater for their needs.

Our Government has not looked into the needs of dairy farmers. The best way through which the Government can do this is setting a minimum price at which milk can be bought. The defunct KCC, which used to be the best buyer of our milk, went down with time. If the Government could make KCC work better, it could be able to compete with other players in the dairy sector such as Brookside Dairy Limited. That way, the prices of milk can go high. As it is now, KCC cannot compete with other players in the dairy sector. Therefore, I want to call upon other hon. Members to support this Motion, so that we can help dairy farmers to bring back milk production to the levels of our yester years.

With those few remarks, I beg to second the Motion.

(Question proposed)

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, I have quite a number of requests. Therefore, I urge those of you who may not wish to speak to this Motion to release your request buttons, so that I can know who is interested in contributing to this debate. There are even more requests now. I have 16 requests and I am still counting. So, this is how we will go, time allowing: -

Hon. Isaac Mwaura, hon. Kirui, hon. Joseph Limo, hon. Kirwa, hon. Steven Bittok, hon. Agostino Neto and hon. Jacob Macharia.

Proceed, hon. Isaac Mwaura.

Hon. Mwaura: Ahsante sana, Bw. Naibu Spika wa Muda. Ningependa kuunga mkono Hoja hii kwa sababu wakulima wetu wataweza kujimudu kwa sababu ya hela watakazopata kutokana na mauzo ya maziwa. Kule ambako nimezaliwa – Eneo Bunge la Githunguri – wakulima wanaweza kuzalisha maziwa mengi zaidi ya wakulima katika eneo nzima la Bonde la Ufa. Hilo limekuwa jambo zuri sana kwa sababu ukiangalia mashamba ambayo wako nayo wakulima hao, ni madogo sana kuweza kufanya kilimo kwa kiwango kikubwa. Kwa hivyo, litakuwa jambo la busara kuongeza bei ya maziwa yanayonunuliwa moja kwa moja kutoka kwa wakulima, ama maziwa yanayochukuliwa kutoka kwenye vyama vya maziwa ama kwenye barabara.

Kwa sababu ya ufukara na ukosefu wa ajira, kilimo cha maziwa ni muhimu sana kwa wafugaji kule mashinani. Utaona kwamba kila mmoja wa wazee wetu ameachwa na ng’ombe mmoja ama wawili, na anaweza kupata riziki yake ya kila siku. Kwa hivyo, ni vizuri kuongeza bei ya maziwa ili wazee wetu na jamii zinazoishi kule mashinani, ambazo ni nyingi; ziweze kupata fedha zitakazozivezesha kukimu mahitaji yao ya kila siku.

Mhe Spika wa Muda, hili ni jambo muhimu kwa sababu tunajua kwamba bei ya maisha imeenda juu mno, na pia kwamba kwa sababu ya ile sheria ya VAT ambayo tulipitisha hapa, watu sasa wanaona ni vigumu sana kujimudu. Hata tumeona wale wakulima wa kule Gatundu wakilalamika kwamba bei ya chakula cha mifugo imeongezeka sana, na baina ya mifugo hawa kuna ng’ombe. Bei ya chakula imeongezeka lakini bei ya maziwa ambayo wakulima huuza imebaki chini. Kwa hivyo, ningependa sana kuunga mkono ndiposa pia wao waweze kuhakikisha kwamba hiyo bei haiwaathiri.

Pia, maziwa yakitoka shambani yanaweza kufanyiwa mambo mengi sana. Kuna siagi inayotolewa kwa maziwa. Ukiangalia ile gharama ya kupeleka maziwa hadi dukani inamfanya mkulima asiweze kupata pesa zake. Mwuuzaji wa maziwa anapata kama Kshs 100 kutokana na maziwa kwa sababu anauza bidhaa nyingine zinazotoka kwa maziwa. Ni jambo la kusikitisha kama wakulima wetu wataendelea kulipwa bei ile ile ya chini.

Mhe Spika wa Muda, tunajua kwamba tukiongeza bei ya maziwa litakuwa ni jambo zuri kwa sababu itawafanya watu waweze kutoa maziwa kwa wingi. Watu watukunywa maziwa kwa wingi na kuwa na afya nzuri. Pia watu watapata madini na vitamini ambazo zitawasaidia kuwa Wakenya wa afya nzuri. Taifa ambalo linakula vyema pia linaweza kufanya kazi bora na uchumi wetu utaweza kuimarika.

Mhe Spika wa Muda, nikimalizia nina kasheshe kidogo kwa sababu hivi karibuni tumeweza kuona kwamba makampuni madogo ya maziwa yameweza kununuliwa na makampuni makubwa, na hivyo basi inaonyesha kwamba soko la maziwa linamilikiwa na watu wachache. Ukiangalia sana utaona tuna New KCC na sasa Brookside kama makampuni ya maziwa yenye uwezo; hili ni jambo ambalo linanitia kiwewe. Katika ile kampuni ambayo inaitwa Githunguri Dairy kule ambako natoka kuna msukumano. Hii itafanya wakulima wasiwe na masoko mengi ya kuuza maziwa yao. Lakini nafikiri afueni itatoka kwa kampuni ya Serikali ambayo inaitwa New KCC, kama vile ambavyo tuna ile tume ya kawi, yaani Energy Regulatory Commission, ambayo kila wakati inatuambia bei ya petroli imepanda ama imeshuka.

Tungependa kuona Serikali ikiingilia kati ndiposa New KCC iwe kama National Oil Corporation of Kenya. New KCC ikiwa hivi itaweza kuhakikisha kwamba makampuni ya maziwa kama Brookside yakiongeza bei yao nayo inawaongezea wakulima bei ya maziwa na kuhakikisha kwamba wakulima wanapata pesa zao vizuri, wanalipwa kwa njia ya haki na kwa wakati ufaao.

Mhe Spika wa Muda, naomba kuunga mkono.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Yes Hon. Limo.

Hon. Limo: Thank you, hon. Temporary Deputy Speaker. I also support this Motion first because the farmers in this country are really suffering, including dairy farmers. Most of the farmers nowadays really wonder whether there is still profit in this country, because the cost of production for every farmer has really gone up. It is very high, and surprisingly the people who really benefit from farming are no longer the farmers themselves but the middlemen and manufacturers.

In dairy farming you find that currently the dairy farmer gets around Kshs20 per litre, but people in this country are crying including you, me and everybody else that the price of milk in the supermarkets is very high. The minimum price you can get for a litre of milk in the supermarket is Kshs110, even when other products have been taken from milk. Examples of these are cheese, butter and others. These middlemen get Kshs150 to Kshs250 per litre of milk, but the farmer gets only around 10 per cent of that.

We have talked about price controls in this country. We are now in a liberalised market, but we have to be realistic. I remember there was a time the price of maize was Kshs400 per bag during harvest time but the Government, in its wisdom, came up with the NCPB to set the minimum price. This is how we can beat competition. This is how we can force manufacturers and middlemen to reward the producers; this country cannot

actually prosper if we do not give incentives to investors. Investors in this case are the farmers.

Hon. Temporary Deputy Speaker, one thing which we have seen in this country is a dangerous trend where even our county governments are running from one corner of the world to another looking for investors, but we have forgotten the natural investor in this country, who is the farmer. We have to go back to our roots and actually help our farmers by giving them incentives. The first incentive is coming up with a framework under which we will set a minimum price. We can actually give more power to the Kenya Dairy Board (KDB), so that from time to time, depending on the season, it can set the price. If it is during the dry season, the price goes up. The KDB can set a minimum price for producers of milk, so that our farmers can be safe.

This Motion is really good and we need to support it because the economy of this country can actually be driven from within by ensuring that our farmers are strengthened. Producers have really suffered of late because of the cost of production. Basically, the cost of dairy feeds has gone up. I remember many farmers have been moving from one sector to the other. There were farmers who were concentrating on chicken but the prices of feeds went up and they moved to producing wheat. The wheat sector was also hit hard by a lot of rain which gives room to a lot of problems like diseases and those sorts of things. Farmers have again gone back to dairy farming, but during the rainy season they lack markets. I remember there was a very sad story in Ol Kalou in Nyandarua District where milk was being poured. Farmers are crying. We need our country to go back and concentrate on helping the farmers to come up with strong co-operative societies. They should be encouraged and assisted to set up factories which can actually convert this milk to powder and then we export it. If we empower our farmers, we will not have these problems of the middlemen monopolizing and setting the prices in whatever way they want.

I hope through this kind of Motion the Government will come up with a policy where they encourage farmers to set up their own factories. We know that KCC is said to be owned by farmers but how many farmers in this country have shares in KCC? There are very few. The farmers we are talking about are the small-scale farmers, the village farmers and the farmers who sell milk to take their children to school. They are really suffering.

I urge this House to support this Motion so that our farmers can enjoy the fruits of their hard work. We no longer want to see our farmers suffering. I also want to appeal to our Governors to concentrate on capacity building. They should build the capacity of our farmers to create infrastructure, to concentrate on building infrastructure on milk producing areas so that the cost of production can come down. We know that in some of the areas the cost of production is going up because of poor road network. You find the farmers have produced milk but to transport it to the market you will use more than half of what you could have gained. We also want to encourage that we borrow technology so that our farmers can produce *unga* feeds from their own farms, so that they do not actually have to go to the factory to buy.

We also want to encourage farmers to embrace the new technology of using manure, so that we can avoid using fertilizers which are expensive to produce feeds for our cattle. This will reduce the cost of production in our farms. Our country is doing very well especially in co-operative societies, but we want the Government to help farmers to

have many so that we can reduce dependence on middlemen and businessmen, who mostly come from non-producing areas. It is a pity if you look at the price of water, which is a natural resource. You do not have to have feeds to produce water, but apparently, water is more expensive than milk.

With those few remarks, I beg to support this Motion. I urge this House to support it.

Hon. Bitok: Thank you, hon. Temporary Deputy Speaker, Sir, for this opportunity to contribute to this Motion. First, I congratulate the Mover of this Motion, hon. Kimaru Bett, for having remembered to bring this great Motion which has a bearing on our farmers, consumers and also our economy.

The major contributor of our economy is the farming sector. If you look at the farming sector, especially the dairy farming, it needs a lot of consideration in terms of motivation to farmers, maintaining the stability of the prices and ensuring that it is profitable. You realise that farmers toil year in, year out and they only make losses. The only fortunate thing is that most of them do not do book-keeping to discover the losses they make. Those who do book-keeping see a lot of losses and run away from the great enterprise. For sure, the Government needs to look into this and put more effort to see to it that the prices are stabilised and the farmers get paid what is due to them. They should, at least, get mark ups of even 20 per cent to encourage the farmers.

We should have storage facilities, for example, cooling plants, to stabilise the prices in times of surplus and in times of scarcity, so that we can have uniformity throughout the year. Some of my colleagues have said that farming inputs are expensive. When we passed the VAT Act, production costs went up. Much as we did not touch raw milk, you will realise that the cost of the inputs in the production of raw milk has gone up. So, we need a buffer. The cost of farming should be subsidized to keep the price of farming inputs at a reasonable rate.

Like some of my friends have said, infrastructure in the rural areas should be improved to reduce the cost of farming. As we introduce funds like the *Uwezo* Fund, the Government will need to explore farming to ensure that we have enough milk for the consumers. When we have enough milk for the consumers, we will be able to stabilise the prices of commodities in the market. I urge the Government and my fellow Members of Parliament to pass this Motion to ensure that our farmers are given the incentives they so much desire.

Hon. Oyugi: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion. I would urge my fellow colleagues to particularly support this Motion and any other Motion that will be cushioning the rural poor from things that always stifle their development.

Kenya is supposed to be 70 per cent an agricultural country. That 75 per cent agriculture that we are supposed to produce could help us deal with the issue of unemployment. If the Government set good prices for milk, I think that many young people who would otherwise be looking for jobs will take on activities like dairy farming and helping us then curb unemployment, because then it would be productive. But as it right now, milk production is not very lucrative. It does not make sense for the local farmer. I would like to urge my colleagues, that just like the Mover of this Motion is saying, we do whatever it takes to request the Government to urgently intervene.

In fact, the tone of this Motion is very key; we are constantly producing milk and farmers are losing on prices and someone is walking away with all the money. We need to urgently intervene, whatever it takes. Intervening in terms of the farm produce prices is rather a short-term measure. We need to appreciate that apart from urgently intervening on the farm produce prices, we need to urge the Government to proceed with other things that would help in milk production.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Ndhiwa, how long do you think you will take with your submission?

Hon. Oyugi: Perhaps another two minutes.

The Temporary Deputy Speaker (Hon. Kajwang’): You do not have to be rushed. How long do you think you will take?

Hon. Oyugi: Two to three minutes.

The Temporary Deputy Speaker (Hon. Kajwang’): Allow me therefore, for the HANSARD, to extend the sitting of the House to 6.34 p.m.

Hon. Oyugi: Thank you, very much for indulgence, hon. Temporary Deputy Speaker, Sir. I was saying that urging the Government to intervene on the farm produce prices is good and appropriate, but that would be a short-term measure in terms of helping the farmers benefit from their milk production.

I was going to move ahead and propose other avenues that we could explore with the Mover to ensure that farmers then make the most of their farm produce. We need to urge the Government also to help with subsidizes in terms of veterinary services for the farmers. They end up paying for veterinary services which end up increasing the cost of production. So, apart from setting the price, we also need to move towards supporting them with the veterinary services. What is key and it is what some of the Members have highlighted is that they produce raw milk and sell it to people who then end up making a lot of money. Someone making cheese or butter, ends up making a lot of money. What we need to do is to help farmers engage in community level processing. This way they will, on their own volition, at their farms be able to produce things like cheese and butter. This happens in other jurisdictions and it will be nothing new here. Instead of the farmer selling raw milk, he or she should be encouraged and taught to add value to the milk.

The other thing I would like to urge is that farmers need to grow or make their own feeds. It is important to note that value addition will help bring the cost of production lower so that farmers maximize adequately on production.

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

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, it is now time to interrupt the business of this House. I order that the Motion before the House be listed in the Order Paper for the next sitting of the House.

This House, therefore, stands adjourned until Tuesday, 1st October 2013 at 2.30 p.m.

The House rose at 6.34 p.m.