

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 20th October, 2013

PRAYERS

The House met at 9.00 a.m.

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

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, we do not have a quorum, and the Division Bell should be rung for 10 minutes.

(The Division Bell was rung)

Order Members, it is clear that we still are not able to make quorum. I will proceed to invoke the provisions of Standing Order No.34 and add another five minutes. We appreciate that yesterday Hon. Members participated in debate and the Committee of the whole House until 11.00 O'clock in the night. Therefore, it is fairly understandable that they are a bit late this morning. So, the bell should be rung for a further five minutes.

(The Bell continued ringing)

Order, Members! The only Members who are allowed to leave the Chamber at this point in time are the Whips. So, kindly be duly notified. I have seen about two Members leaving the Chamber and that is wrong. We now have the requisite quorum and we will quickly, therefore, proceed to business.

STATEMENTS

The Temporary Deputy Speaker (Hon. Cheboi): The Chairman, Departmental Committee on Finance, Planning and Trade, hon. Langat, are you ready? Is hon. Irungu Kang'ata present? Unfortunately, this has come twice. Is that correct, hon. Vice-Chairman?

Hon. Gaichuhie: Yes, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Cheboi): I think we will proceed even in his absence.

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, Sir, I beg your indulgence. I want to change my microphone to the next one because it is too short.

TAX STATUS OF AGA KHAN HOSPITAL

On 26th September, 2013, hon. Irungu Kang'ata, Member for Kiharu Constituency requested for a Statement from the Chairperson of the Departmental Committee on Finance, Planning and Trade on tax status of the Aga Khan Hospital. He specifically wanted to know the following: -

(a) whether the categorization and assessment for tax purposes of the Aga Khan Hospital *vis-à-vis* other hospitals of the same league is just and fair;

(b) if the hospital has been duly remitting its fair share of taxes to the Kenya Revenue Authority; and

(c) whether the medical goods and supplies including the equipment imported by the hospital for the last two decades are zero-rated or exempt and if yes, for what reasons.

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Speaker, Sir, what has happened in previous sittings is that if the Member who requested for the Statement is not in the House, the Statement is dropped. The Chair should rule and tell us what is going to be happening if the Member is not in the House. Some Members have been disadvantaged in the past because their Statements have been dropped in the event that they are absent from the House at the point at which the Statement is being delivered. I seek your guidance.

Now, the Speaker should really rule and tell us what is going to be happening if the Member is not in the House, because some Members have been disadvantaged in the past. Their Questions have been dropped in the event they are absent from the House at the point at which the question is being raised. I seek your guidance; I am reminded that there was actually a ruling from the Chair on this matter.

The Temporary Deputy Speaker (Hon. Cheboi): No, hon. Wang'a, I do not know if you are actually advocating that it be dropped. First, we should realize that once a Statement has been requested, it becomes the property of the House. The only time it is dropped is at the point of request. I have made that particular decision, so proceed and answer. If there will be nobody having any issue on it, we will have finalized and finished it. By the way, the Statement Hour is only going to be one hour, so let us proceed quickly and finalize that bit.

Hon. Gaichuhie: Thank you, hon. Deputy Speaker. On point (d), he wanted to establish if any matter pertaining to tax at Aga Khan Hospital has been brought before the Office of the Attorney General and his response on the same.

Pursuant to Standing Order No.44, the Chairperson of the Committee took up the issue and requested for a Statement. Subsequently, the Departmental Committee on Finance, Planning and Trade sought a response from the Kenya Revenue Authority, the institution responsible for the matter. The Commissioner-General's response is as follows---

The Temporary Deputy Speaker (Hon. Cheboi): Yes, hon. Mbadi, what is your point of order.

Hon. Ng'ongo: Any communication from the Speaker is usually taken seriously and is supposed to be used to guide future deliberations in the House. I would request that the Chair makes unequivocal pronouncement on this matter. In the past, I remember the Deputy Speaker has made a ruling that whenever a Statement is brought to the House and the Member who raised it is absent, that Statement should not be delivered. If today

you are making another pronouncement, then we need to be sure and clear and that can only come from the Chair. Which is the way to go, is it that in future if a Member is not there, we will be listening to the Statement? Now, there are two contradicting communications from the Chair and this can be confirmed from previous rulings of the Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): That is fine hon. Mbadi and as we wait for confirmation, the Vice-Chair should proceed.

Hon. Gaichuhie: Thank you, hon. Temporary Deputy Speaker. You made a ruling that this is the property of the House and I know there are so many other Members who are interested in the same. I wish to continue.

On the first point, on whether the categorization and assessment for tax purposes of the Aga Khan Hospital *vis-a-vis* other hospitals of the same league is fair and just, Aga Khan Hospital was established in 1958 as Aga Khan Health Services. The institution is a private not-for-profit making institution that provides tertiary and secondary level health care services. In addition, it provides ambulatory care and in-patient services including critical medical care. All surpluses earned by the hospital are ploughed back into development and maintenance. The trustees do not earn a salary or gain from the surplus of the hospital.

In 2005, Aga Khan Hospital transitioned into university hospital. The medical, dental, nursing and education services offered by Aga Khan Hospital University are categorized as exempt services under the First Schedule, Part 11 of the Value Added Tax Act, 2013. All health services provided falling under the above description qualify for Value Added Tax (VAT) exceptions on services provided. With regard to Income Tax, the hospital has a specific exemption under the First Schedule, Paragraph 10 of the Income Tax Act, Cap. 470, where the Commissioner may grant tax exemption to a public body whose sole purpose is relieve of poverty or distress of the public and for advancement of education. These are not discriminative and are granted to all institutions meeting those criteria. The Kenya Revenue Authority is currently reviewing the entire Income Tax exception regime with a view of rationalizing it.

Two, the Aga Khan Health Services has been duly remitting its taxes to the Kenya Revenue Authority in relation to the institution's tax obligations which are as follows: Pay As You Earn (PAYE), Withholding Tax and Value Added Tax on commercial rent for the Doctors' Plaza.

Three, on whether medical goods and supplies including the equipment imported by the hospital for the last two decades are zero-rated or tax exempt, the exemptions provided to Aga Khan Development Network have been on provisions in the laws passed by Parliament.

With regard to Import Duty, the Aga Khan Development Network was beneficiary of the exemptions provided for under the Third Schedule, Item 36 of the Customs and Excise Act, Cap. 472.

Four, with regard to VAT on imports, the Aga Khan Development Network was accorded VAT exemptions as per Item 28 of the Eighth Schedule of the Repeal VAT Act, Cap. 476. The specific provision was as follows: Materials and equipment including motor vehicles imported pursuant to the accord of co-operation for development between the Government and the Aga Khan Development Network subject to the written authority of the Principal Secretary to the Treasury. There is no specific provision under the East

African Community Customs Management Act (EACCMA) 2004, for the Aga Khan Development Network. Accordingly, Aga Khan Development Network is not exempted from duty under the EACCMA 2004, in respect of their imports. Details of imports that were made by Aga Khan Development and were exempted as per the law can be provided on request.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Cheboi): I take it that hon. Arati wishes to seek some clarification.

Hon. Simba: Thank you, hon. Deputy Speaker. It is not a clarification; I wanted to inquire about a Question I had asked around May.

The Temporary Deputy Speaker (Hon. Cheboi): What question? We do not ask Questions any more. We request for Statements.

Hon. Simba: A request for a Statement.

The Temporary Deputy Speaker (Hon. Cheboi): But that is not the point at which you--- I will give you an opportunity but not now. Let us finalize with this one, then you can ask. Hon. Cheptumo, you wish to seek clarification on it.

Hon. Cheptumo: Sorry, hon. Temporary Deputy Speaker. It was an earlier request, not now.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Makali Mulu, take the Floor.

Hon. Mulu: Thank you, hon. Temporary Deputy Speaker. Let me just thank the Chair of the Committee for that report. I need clarification on one issue from the report; the Chair has said that the hospital is categorized as a non-profit-making hospital, which means the charges for medical services in this particular hospital are actually expected to be slightly lower than the normal commercial hospitals. While we appreciate the work of the Aga Khan Development Network, when you look at the charges of that particular hospital and compare them with other hospitals in Kenya, like Nairobi or Mater, you do not see any difference. That is why I want the Chair of the Committee to clarify to Kenyans whether this institution could be taking advantage of this Statement to make profit, while actually it is supposed to be a non-profit-making organization.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Very well, Vice-Chair you will respond to that clarification and that is it.

Hon. Gaichuhie: Thank you, hon. Temporary Deputy Speaker. In my Statement, I said Aga Khan Hospital makes profit, but they plough it back to education and development programmes within Kenya.

Therefore, whatever profit they make, they plough it back and that is why they were exempted under the Aga Khan Development Network Programme. There was an agreement between the Government and the Aga Khan Development Network Programme that whatever profit they make, it should be ploughed back for education purposes; and they are doing it.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. That disposes of that matter.

On Statement No. 90 by the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives, I have received a request that it be deferred to

another time, probably, this afternoon. That is when he will be ready. So, that is so ordered.

We will now go to Statement No.125 by the Chairperson of the Departmental Committee on Administration and National Security on the insecurity affecting fishermen, that was requested by hon. Christopher Nakuleu. I can see hon. Nakuleu is present. The Chair, are you ready?

INSECURITY AFFECTING FISHERMEN IN TURKANA

Hon. Abongotum: Yes. Thank you, hon. Temporary Deputy Speaker, Sir. I wish to respond to a Statement requested by hon. Nakuleu on the issue of insecurity in Turkana North. I am happy the hon. Member is here. The issues are very weighty because they concern lives of many Kenyans.

On 9th October, 2013, the hon. Member of Parliament for Turkana North Constituency, hon. Christopher Nakuleu requested a Statement on insecurity that is affecting fishermen in Lake Turkana. The hon. Member alleged that militiamen and police officers from the Federal Republic of Ethiopia killed 25 Kenyan fishermen in the month of August this year, besides preventing the fishermen from safely venturing into the lake and effectively controlling it.

He further sought to be informed on the following:

(i) whether the Government is aware of the endless attacks on Turkana fishermen by Ethiopian militiamen and state marines; if yes, what action was being taken to end the attacks and bring the attackers to justice;

(ii) what the Government is doing to secure Kenya's Lake Turkana territorial waters and Islands of Apalokwang, Sibilo and Lopeilele currently occupied by Ethiopians; and

(iii) the security measures that the Government has put in place to secure the people of Turkana from the said endless attacks.

I wish to respond as follows:

The Government is aware that some militiamen from the Federal Republic of Ethiopia have, in a number of occasions, attacked Kenyan fishermen in Lake Turkana. However, the Government is not aware of any attacks perpetrated by Ethiopian marine/police towards Kenyan fishermen. Further, the Government is only aware of six persons that have been killed by suspected militiamen in the month of August, and not 25 people as alleged by the hon. Member. The said incident occurred on 13th August, 2013, at around 6.30 p.m. at Kanamkuny, Windmill area when 11 Turkana fishermen were attacked by suspected Dassanech, militiamen from Ethiopia. During the incident, six fishermen were killed and I wish to read their names as follows:

- (i) Ewoton Amerikook, aged 35 years;
- (ii) Eragae Kaeris, aged 28 years;
- (iii) Alorinyang Longor, aged 30 years;
- (iv) Nattoo Lokorodi, aged 26 years;
- (v) Nanginyamuria Nasil, aged 22 years and
- (vi) Nakimat Aisan, aged 30 years.

The Inquest No. 2/2013 was opened and it is still under investigations. During the recent Kenya-Ethiopia joint border commissioners and administrators meeting that was held

between 7th and 9th October, 2013 in Adama, Ethiopia, the Kenyan delegation raised concern over the recurring conflicts in the Apalokwang, Sibiloi and Lopeilele islands between Turkana and Dassanech tribesmen over the fishing area. It was resolved that in future, the two communities in dispute should seek consent before accessing the territorial waters of the other community. The meeting further agreed to establish joint border sub-committees within two months, which shall deal with issues affecting the border communities, including fishing.

The Government has further taken the following measures:

(i) set up a marine policy base and posted marine police officers in Lowarengak area to enhance patrol in the Turkana waters;

(ii) deployed officers drawn from General Service Unit (GSU), Rapid Deployment Unit (RDU), Regular Police and Administration Police in Todonyang which is on the shores of Lake Turkana.

Thank you, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Cheboi): I will give the first opportunity to hon. Nakuleu.

Hon. Nakuleu: Thank you, hon. Temporary Deputy Speaker, Sir. First, I wish to thank the Chairperson of the Departmental Committee on Administration and National Security for making an attempt to respond to the Statement I sought.

I wish to say that some of the requests for statements will effectively be handled if the persons who sought them are summoned to the Committee to provide information. In line with that, I am of the feeling that only a section of my request has been taken care of. For instance, part two of the question asks what the Government is doing to secure those islands that are within the Kenyan soil and are now inhabited by Ethiopians. No attempt has been made to answer that question. Pertaining to the recent Kenya-Ethiopia joint border commission meeting held between 7th and 9th in Adama in Ethiopia, no person from the host community, which is most affected, was part of that delegation. The record of the proceedings of the meeting was not given to the people of the county of Turkana since none of the leaders, neither the Governor nor the Senator, were informed.

Hon. Temporary Deputy Speaker, Sir, the Government is now admitting that it is only aware of six people who were killed. But going further, from the response I have been given, the supplementary information of recent kidnappings and killings that occurred in the same month of August, 2013---The other recent attacks happened on 22nd August, 2013.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nakuleu, as you seek for clarifications, and for avoidance of confusion, let us not use the word “question” because it is a statement that you requested.

Hon. Nakuleu: Hon. Temporary Deputy Speaker, the Government is admitting that four more people were kidnapped and their whereabouts have not been established up to now. In the first part, the Government says it is only aware of six people and not 25 people. So, I am of the opinion that the statement has not been adequately addressed. I would require through you, hon. Temporary Deputy Speaker, a comprehensive response to the question.

The Temporary Deputy Speaker (Hon. Cheboi): Well, let us have another Member seeking clarification as we ponder over that. Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Temporary Deputy Speaker. I want to agree with the hon. Member that this Statement has not been adequately responded to especially when I heard from the hon. Member that he was not invited before the Committee. Since we have changed the format of our governance structure, we do not have a Cabinet Secretary who can be here to respond directly. Therefore, when a matter goes before a committee, it must invite all Members who are interested in this issue.

Hon. Temporary Deputy Speaker, this is not an issue that only affects Turkana. My constituency is very heavily affected by this issue. The fishermen in Remba and Ringiti islands are being asked by authorities in Uganda to pay an equivalent of Kshs70,000 if they want to fish in the waters and there is no defined boundary. So, they asked me to come and ask this Government whether we are in Kenya or Uganda so that if we are in Uganda, I can move and represent the people of Uganda in Uganda because I cannot be representing Kenyans and we are paying taxes to Uganda.

So, hon. Temporary Deputy Speaker, this is not a light issue because this is the stuff wars are made of. When the fishermen from my constituency go to fish, there is no clear boundary. So, they are being arrested daily. Their boats and nets are being confiscated. Many of them are languishing in Ugandan jails and now over and above that they are being asked to pay Kshs70,000 as a licence. They do not even make a quarter of that money.

So, hon. Temporary Deputy Speaker, with your guidance I request that we be allowed time to present issues to this Committee so that all the concerns we have as border communities are raised. I border both Tanzania and Uganda and we are having very serious issues.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. Let us see if we can dispose of that. Hon. Chair, I really wanted to give opportunity to two more Members to seek clarifications but I think I want you to respond to that particular bit. First, that you did not invite the Member who requested for the Statement and that you have not given it sufficient weight. I really want you to respond to that before you even deal with the issues which have been sought by the Members. Respond to that specific one first.

Hon. Abongotum: Hon. Temporary Deputy Speaker, I want to agree with the hon. Member, Christopher Nakuleu that these issues are really weighty and that the issue of the militia coming from Ethiopia to harass and even kill Kenyans is a matter that will not be tolerated. I wish to say that I am willing to solve this issue. You know, this Committee receives so many requests. If hon. Nakuleu is not satisfied and even hon. Millie--- Of course hon. Millie has raised her issue right now and we are also aware that boundary issues are very common in that part of Lake Victoria. Of course, I will not advise her to go to Uganda. I will plead with her to just remain in Kenya because this is the best country.

The Temporary Deputy Speaker (Hon. Cheboi): So, hon. Chair, if that is agreeable, I think we do not need to waste a lot of time on it. We can now have it back to the Committee so that you can deal with it.

Hon. Abongotum: Hon. Temporary Deputy Speaker, I actually want to propose that in situations where we have weighty issues like those ones, we will take like five requests and then call the Cabinet Secretary. We can even take 10 of them because insecurity issues are just too many and most Kenyans and even Members of Parliament

are aware of that. You know we really have to address these matters. So, we will take like five or 10 of them and then invite hon. Nakuleu to come and prosecute the matter. I will also invite my good friend, hon. Millie to come because if Kenyans are paying Kshs70,000, then it is really ridiculous. Of course, you know the issue of Migingo is still there and our interests---

The Temporary Deputy Speaker (Hon. Cheboi): I think Chairman, if that is agreeable let us get a confirmation from you. When are you likely to bring the Statement? By the way, I understand the predicament that your Committee has because you have quite a lot of requests. In fact, as we speak now you will be going to respond to another one. So, I know the issues you have but give us a timeframe so that Members can be satisfied.

Hon. Abongotum: Hon. Temporary Deputy Speaker, I intend to do it in two weeks' time because next week we will be compiling our report on the Westgate Mall terror attack. So, the two committees of Defence and Foreign Relations and that of Administration and National Security will be too busy. So, after next week we will convene that meeting and call all the Members.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. Is that comfortable with you hon. Nakuleu considering that we will be going on recess? Hon. Dido Rasso, you have a point of order? Just a minute hon. Nakuleu.

Hon. Dido: Thank you, hon. Temporary Deputy Speaker. I think considering the number of security-related questions that Members continue to ask in this House, the Departmental Committee on Administration and National Security will need to change its *modus operandi* because the issues that have been raised by hon. Nakuleu is a wider security problem that is being experienced by all communities that live along the border but more intricately, there are other security issues that are raised from---

The Temporary Deputy Speaker (Hon. Cheboi): You rose on a point of order, hon. Rasso. What is out of order?

Hon. Dido: Hon. Temporary Deputy Speaker, I wish to request through you that the *modus operandi* of that Committee needs to be changed if the issue of security has to be robustly addressed because the Cabinet Secretaries concerned are not in the House to answer Members' concerns or questions.

The Temporary Deputy Speaker (Hon. Cheboi): That is fine hon. Dido but I think we will be able to dispose of this thing very easily if we got a confirmation from hon. Nakuleu on whether he is comfortable with the two weeks. That is really what we need to dispose of now. Hon. Nakuleu.

Hon. Nakuleu: Thank you, hon. Temporary Deputy Speaker, Sir. As much as I am comfortable with the two weeks' period, my only fear is that we will have proceeded for recess within the period that the Chairman has given. How will that be done?

The Temporary Deputy Speaker (Hon. Cheboi): We have two weeks to recess. The Hon. Chair will make your Statement within two weeks. You have seen hon. Nakuleu, hon. Millie Mabona, hon. Mbadi and hon. Lomenen are very interested. Kindly make sure that they are all informed so that they are able to canvass properly. I think that matter is disposed of.

Hon. Abongotum: Hon. Temporary Deputy Speaker, Sir, I just want to inform hon. Members that Committees will always operate even after recess. We will call the Minister to come and respond to this. As a Committee, we intend through you, to ask for

permission to have a *kamukunji* where the Cabinet Secretary will address this House on insecurity in this country. We intend to do that very soon.

The Temporary Deputy Speaker (Hon. Cheboi): That is okay. Hon. Muluvi, you are on a point of order.

Hon. Muluvi: On a point of order, hon. Temporary Deputy Speaker, Sir. I agree with what the Chair has said. However, the hon. Member has said that during the reconciliation meeting held on the ground, the affected parties were not involved. It will be an exercise in futility even if the Cabinet Secretary is invited and comes here but the affected parties are not brought on board. My take on this is that it is important to have a meeting on the ground---

Hon. Ng'ongo: Hon. Temporary Deputy Speaker, Sir, from the Chair of the Committee, I got it that apart from dealing with the issues of Turkana, he will address the insecurity affecting fishermen in Lake Victoria, at the Coast and all the other places in Kenya where fishing is an economic activity.

I wanted the Chair to be realistic about the two weeks period. If it is only to deal with the Turkana issue which is probably a new issue, it is practical. However, on the issue of Lake Victoria, it is not practical for the Chairman to handle it in two weeks' time. I would rather the Chair gives a realistic timeframe. Even if we have to wait until February, we will because this matter has been there for far too long. It may even require the intervention of the Head of State because the Cabinet Secretary may not handle this matter. Some of us---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mbadi, this is a Statement that was requested by a specific Member of Parliament who had a specific issue he wanted addressed. The Chairman, in my opinion has been magnanimous enough to include--- Hon. Members are free to ask for other Statements. It will be very unfair, Hon. Mbadi if you say that you want a Statement requested by Hon. Nakuleu to last until February when he is comfortable with two weeks. You can proceed and request for another Statement. I think we have agreed on the two weeks period.

Let us proceed to the next Statement from the same Committee.

Hon. Abongotum: Hon. Temporary Deputy Speaker, Sir, issues of security are weighty. Even what hon. Mbadi is raising is valid. In fact, I want to propose that let him make a special request. This is because the issues of Migingo, Mfangano Island and others are just too many. Let him put a specific request so that we can address him exhaustively when he appears before the Committee. This is because these issues are too many and we need to address them.

The Temporary Deputy Speaker (Hon. Cheboi): We will have another opportunity to deal with that Statement and you will raise those other issues.

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

The Temporary Deputy Speaker (Hon. Cheboi): I will not allow any other point of order on that matter because it will be canvassed when it is brought before the Floor in two weeks' time.

The hon. Chairperson, Departmental Committee on Administration and National Security, again, you have another Statement on chiefs that was requested by hon. Protus Akujah.

DELAYED APPOINTMENT OF CHIEFS COUNTRYWIDE

Hon. Abongotum: Hon. Temporary Deputy Speaker, Sir, hon. Protus Ewesit Akujah, the Member for Loima Constituency requested the first Statement on the delay in appointment and deployment of chiefs countrywide. The hon. Member is concerned that the absence of chiefs especially in areas prone to insecurity has had adverse impact in terms of governance and successful elimination of criminals. The hon. Member sought to be informed on the following: -

(i) the reason behind the delay in appointment and deployment of chiefs countrywide; and

(ii) the measures that have been taken against officers who are delaying this process.

Hon. Temporary Deputy Speaker, Sir, although the Government is committed to ensure that all chiefs and assistant chiefs' positions are filled as soon as they fall vacant, sometimes delays are inevitable and in exceptional circumstances, the process of filling these positions takes longer than expected.

Some of the factors that occasion these delays include: - Advertisement fails to attract reasonable number of applicants and if an advertisement fails to attract qualified applicants as required by the scheme of service for chiefs and assistant chiefs. The scheme of service was done around 2006.

There is no reported case of any officer in the Ministry who has deliberately delayed the process of appointment and deployment of chiefs and assistant chiefs.

Thank you, hon. Temporary Deputy Speaker, Sir.

Hon. Akujah: Hon. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank the Chair and appreciate what he has brought to this House in the form of a report. However, I want to say that the report which has just been read on the issues that I raised is shallow, inadequate and if it were to be ranked, it is below average. This is because the specific things which I thought would be addressed in that Statement have not been touched. It is just a general statement. If you look at the time which has been taken to issue this Statement, you will find that it has taken almost one month and two weeks. If you look at what has been read, you also will find that it is barely 10 lines. So, I do not understand what the officer was doing in one month and two weeks.

I have not been requested to appear before the Committee to interrogate the officer or the person who this Statement was directed to.

The Temporary Deputy Speaker (Hon. Cheboi): That is a very interesting admission, hon. Member. You are saying that you are a Member of this particular Committee and again you were not invited. I have been under the impression that all Members of Committees are always invited.

Hon. Akujah: Yes, hon. Temporary Deputy Speaker, Sir. However, the request for this Statement has never been brought to the Committee. That is my argument.

The Temporary Deputy Speaker (Hon. Cheboi): Where did you source this Statement from, hon. Chairman? The hon. Member is a Member of the Committee and he says that it has never been transacted at the Committee level. Is it probably your personal initiative?

Hon. Abongotum: Hon. Temporary Deputy Speaker, Sir, this is a Statement from the Cabinet Secretary for Interior and Coordination of National Government. Of course,

the Member has admitted that he is a member of the Committee. Apart from Statements, this Committee handles a lot of stuff.

The Temporary Deputy Speaker (Hon. Cheboi): Is that Statement owned by the Committee, hon. Chairman?

Hon. Abongotum: Hon. Temporary Deputy Speaker, this is the property of the Committee. If the hon. Member wants to prosecute it further, he may bring the issue back to the Committee, so that we can address it. On the issue of the Report being shallow, I would like to state that this is a report from the Government. It is not for evaluation of my performance. During my primary school examination, my index number was one and I have been passing examinations throughout my education life. So, this has nothing to do with my ability to prosecute this matter. I have always been above average.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, the bit that I am a bit uncomfortable with is the fact that Members of particular Committees can still request for Statements from their own Committees. As a House, this is something we need to tidy up because if you are a Member of a Committee, you do not need to bring the matter here. You are supposed to transact it at the Committee level. Of course, that has been done but the hon. Member says that it has not been properly done.

I do not know how we intend to proceed on that one because, as a Member of the Committee, saying that the Committee has not done a good job raises concerns. Anyway, I know from the Procedure and House Rules Committee that there is some model that is being crafted where Cabinet Secretaries will be coming to the House from time to time, not necessarily to this particular Chamber but to other Chambers in the model, for instance, of the Westminster in Britain. Hon. Members will be able to raise all such issues and transact them at that particular point in time.

However, that is something which needs a lot of consultations so that hon. Members do not have to feel that their colleagues should respond to Statement requests as if they were the Cabinet Secretaries themselves. As the matter has been raised properly, hon. Members must be invited, other than this particular one, of course, in respect of which the hon. Member is always invited because he is a Member of the Committee.

What is your point of order, hon. Langat?

Hon. Langat: Hon. Temporary Deputy Speaker, we need to spend our time well. It has been said in this House before that if you are a Member of a Committee, you should not seek a Statement from that same Committee, unless you want to play to the gallery, which in my view, is not necessary. In fact, in admitting that the answer is not sufficient, as a Member of the Committee, he is actually saying that he has failed in his duties in that Committee.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Waititu, you have an intervention.

Hon. Waititu: Thank you, hon. Temporary Deputy Speaker. Regarding the matter of consultations, it is true that the Chairman of the Committee on Administration and National Security handles issues of national security alone. I have heard that from my colleague here. That is why he is having difficulties in responding to Statement requests. He does not involve the entire Committee. So, is he in order not to allow Committee Members to own the Statements?

The Temporary Deputy Speaker (Hon. Cheboi): Let us hear a word from hon. Akujah. What would you propose we do with the Statement?

Hon. Akujah: Hon. Temporary Deputy Speaker, the Statement should be referred to the Committee, so that the officer in charge can be interrogated at that level. This is something I have followed up since I came to this House. I am not getting any response from the Office of the President. That is why I had to seek the Statement from the House.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, you should also be kind enough to the Chairpersons of Committees. When they ask for a month to seek information on a Statement request, you should not be very rigid. This means that the reason as to why some Chairpersons bring Statements quickly is pressure from hon. Members. So, that is an issue which needs to be referred back to the Committee. How much time do you require, hon. Kamama?

Hon. Abongotum: Hon. Temporary Deputy Speaker, I will probably be able to respond in two weeks from now. What the hon. Member is---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kamama, I am okay with two weeks. I always hear Chairpersons of Committees requesting to be given two weeks all the time. I do not want this to be just a fashionable statement. It is important for the various Committee Chairpersons to factor in the issues they have in their Committees, particularly in the case of hon. Kamama. It would be in order to acknowledge that you have quite a number of other requests and other issues to deal with. If you say two weeks, and you think that it is comfortable with you, we have absolutely no problem but you need to factor in the workload that you may be having. So, is two weeks okay, hon. Kamama?

Hon. Abongotum: Hon. Temporary Deputy Speaker, two weeks will be okay but I also want to admit that the issue of recruitment of chiefs is a problem across the country, especially in far-flung areas and particularly in pastoral areas. Even the policy of employing chiefs who hold Kenya Certificate of Secondary Education mean grade of C+ (plus) qualification cannot work. This is a National Rainbow Coalition Government policy that was formulated to satisfy the circumstances of that time.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kamama, we have handled that bit. You are now responding yet we have given you two weeks. I can see that hon. Ekomwa Lomenen has a burning issue. I do not know if it is about this specific issue.

Hon. Ekomwa: Hon. Temporary Deputy Speaker, I have a burning issue concerning security. I have been very keen. Since I came to this House, I have been very keen on the way issues of security have been handled. I want to be sincere. All the insecurity issues in Turkana County are mishandled. I have some fears. People in Turkana County get killed every now and then. We have been seeking Statements here but no action has been taken, which indicates that there is a problem. The Chairman of the Committee is not committed in his work. We cannot be waiting endlessly as he requests to be given two weeks every time an issue is raised here. The enemies killing our people cannot wait for two weeks.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Lomenen, I would not want you to accuse your colleague because the issue is about the Cabinet Secretary. So, your concern has been properly raised. It will be handled within the two weeks that we have given the Chairman.

Let me hear something from hon. Dalmás Otieno as we wind up on this one.

Hon. Anyango: Hon. Temporary Deputy Speaker, as you realise, this is a matter we have not streamlined. The Statements are being requested from the Chairpersons, and not from the Committees themselves. The request is then sent to the Executive and the Executive writes a statement which is sent back to the Chair. At that stage, the Chair comes to the House and reads what the Executive has said. The Chair has not even interrogated the Executive over the issue. The Committee has not even seen the statement, let alone even the response from the Executive. The statements read before the House here are not reports of the Committee. They are responses adequate, inadequate or useless from the Executive. Unless we change the procedure that the Executive comes before the Committee so that the Cabinet Secretary is properly interrogated over the statements requested; the committee confirms and brings it to the House as a statement or report of the Committee on that matter, it is difficult to own it. You realize, in a Departmental Committee like Administration and National Security, the issues are so many and they come up on a daily basis. That procedure will not be satisfactory. We had recommended that the Chair holds a weekly session with the Cabinet Secretary for Interior and Coordination of National Government so that they have an opportunity to interrogate the Cabinet Secretary, Principal Secretary and other security agents before they can bring a satisfactory answer to the House. That has not worked. We said every Tuesday at 8.00 O'clock the Chair and our Vice Chair have been going to Harambee House, they have never held that meeting. So, we have a serious situation that now the security of the Jubilee Government is failing. A system has to be put in place so that Parliament can get the right responses and adequate action taken on these issues.

The Temporary Deputy Speaker (Cheboi): That makes a lot of sense. Let us hear hon. Aden.

Hon. Nooru: Thank you, hon. Temporary Deputy Speaker. Hon. Dalmas is a very senior member of this house and he has made a very serious allegation against the Chairs. If the Chair of the Committee on Administration and National Security has a problem, it is not all Departmental Committees of this House that have a problem. We have been giving statements. When we get requests, we invite the Cabinet Secretary and Principal Secretary. We then invite the Member who raised the issue to interrogate them. Is it in order for Dalmas to say that every Departmental Committee does not interrogate the Executive?

The Temporary Deputy Speaker (Cheboi): What Dalmas has done is to try and help resolve the issue of the predicament of Chairs of Committees. There was nothing that was totally out of order. I want to pick the mind of a few Chairs and see how we can proceed. We will have hon. Cheptumo and then we can finalize and proceed to the business.

Hon. Cheptumo: I want to agree with you that what hon. Dalmas was doing was to sympathize with the situation Chairs find themselves in, in regard to answering questions. I want to address two issues. One, the comments from hon. Dalmas and other Members of the Committee on Administration and National Security give an impression that there is a problem in that Committee. I think it is important for Committees to address these issues in their own forums. If there are challenges, they can resolve them. In the interest of our integrity as Committees and the House, we need to sort out these issues within our Committees. I am hoping that the Committee on Administration and

National Security will be meeting the Ministry officials every Tuesday. That is the way to go so that we build consensus.

I was in the Tenth Parliament and when Ministers used to come to this House to answer Questions, it was easy to deal with these issues, but now we are in a different setup. We need to live with it and see how best we can improve. We need to accommodate the situation Chairs find themselves in. It will be very unfair if a member of the Committee comes to accuse the Chair in the House. It paints a very bad picture. There is a serious problem. Even in the House Business Committee, we have been discussing this issue to see how best we can resolve it. That is my appeal; that we work together to ensure that our Committee works.

The Temporary Deputy Speaker (Cheboi): I think we need to move to the next Order.

Hon. Members: On a point of order!

The Temporary Deputy Speaker (Cheboi): If it is on the same thing, I think we have said that we should look--- The person I intended to give an opportunity is hon. Simba Arati because he had an issue. I think he stepped out. Let us get hon. Kaluma and then I come to you, hon. Chair for the final word.

Hon. Kaluma: Thank you. On this issue of chiefs, there is a clarification I needed to be captured by the Committee when they go back to deal with the matter.

The Temporary Deputy Speaker (Cheboi): But that you could go to the Committee yourself. You will be invited.

Hon. Kaluma: But I needed to mention it.

The Temporary Deputy Speaker (Cheboi): Be brief because I thought it was on the issue of how to transact business.

Hon. Kaluma: It is very brief. It is a requirement by the Government, I do not know under what law that for one to be recruited as a chief, he must have a Form Four certificate with a mean grade of C+ (plus). It could be one of the reasons why, particularly the Arid and Semi-Arid Lands (ASAL) areas have a problem with the issue of chiefs and others. The chiefs who have served best are those people with primary school certificates or zero education. I do not see why as Members of the National Assembly we should have no qualifications required specifically in law when a mere chief needs a Form Four certificate. Could the Committee also deal with the issue so that we ensure that all parts of the country really can have the services of chief?

The Temporary Deputy Speaker (Cheboi): Let me have Lelit and then the Chair.

Hon. Lati: Thank you. I really need your guidance because of a few things that were raised today. I have always believed that whether you are in the Committee or not some of these questions that are being asked by Members are actually questions that are important for our entire country. So, we benefit by Members asking questions even if we are not in Committee. I am not sure whether I got it right. I thought somebody said that if you are in that Committee, you should just deal with questions in the Committee. I do not think it is very beneficial for us as Members of Parliament. We benefit from the questions that are asked by Members.

The Temporary Deputy Speaker (Cheboi): Hon. Lati, that is the position. Committees belong to this House. Even if business is transacted at the committee level, the benefits will spill to the house and the country at large. What we are saying is that

there are issues that we really do not need to bring to the House. They can be transacted at the committee level. We are running out of time. I have given you an opportunity. Let us have the Chair.

Hon. Abongotum: First of all, I want to agree with hon. Kaluma that when we are recruiting chiefs---

The Temporary Deputy Speaker (Cheboi): Hon. Chair, I do not want you to delve into that now. We have agreed on two weeks. You will have an opportunity to transact it at that point.

Hon. Abongotum: I just want to call upon my good friend, hon. Lomenen, who cast aspersions against my own person; that I am not doing this and that. He is forgetting that I am just a chairman. I am not a Minister. If he wants me to book an appointment for him to meet the Cabinet Secretary for Interior and Coordination of National Government, I can do that. So, do not cast aspersions.

The Temporary Deputy Speaker (Cheboi): Actually, Chairman you do not need to book an appointment, he can walk into the Office of the Cabinet Secretary and he will be given an opportunity. We are going to the next Order.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF S.O. 40(3)

Hon. Katoo: Hon. Temporary Deputy Speaker, Sir, I beg to move the following Motion: -

THAT, pursuant to the provisions of Standing Order 256(1), this House resolves to exempt the business appearing in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Party or a Member belonging to the Majority or Minority Party or business sponsored by a committee.

This Procedural Motion arises from the fact that we have very few days. Our Parliamentary Calendar is now public and is no longer an issue of anticipating debate. We are supposed to go for the long recess on 5th December. If you count the Parliamentary days from today, they are about 10 working days. About 12 Bills are pending after being approved by the House Business Committee. Some of these Bills have constitutional timelines and have to be passed before we go for recess or else, we will be here for a longer time. Therefore, we are requesting that this House agrees, as it has done before, to approve this Procedural Motion.

If you look at Motion No.9, it has a lot of importance to this House. I want to congratulate the Members of this House for sitting last night up to 11.00 p.m. For those who were not here, this House sat up to 11.00 p.m. last night and we were not able to conclude that Motion because we did not have the numbers. For that Question to be put today, we have to approve this Procedural Motion. Therefore, I kindly request my colleagues that we approve this Procedural Motion, so that we can try to finish with the pending Bills before we go for recess.

In that regard, I request the Chairman of the Departmental Committee on Justice and Legal Affairs to second the Motion.

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, Sir, I rise to second the Motion moved by the Whip. In particular, it is important that we pass this Procedural Motion in light of the fact that we will be proceeding for recess in about 15 days. It is important that we pass this Motion because as you know, the media has always gauged this House on the number of Bills that we have passed. If we do not conclude these Bills, it will be a sad occasion that someone will say that these Bills were not concluded because of our own Motions.

I know we have passed a number of Motions. We have done very well, but we can do better by passing this Procedural Motion, so that we can conclude all the pending Bills. I, therefore, second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Cheboi): I am not putting the Question. I want to give the first slot to hon. Mary Mbugua, the County Member for Nakuru. That is probably your maiden speech. I am sure you had to wait until you gave thanks on Saturday to make your maiden speech, which is totally appropriate.

The Nakuru County Woman Representative (Hon. (Ms.) Mbugua): Thank you very much, hon. Temporary Deputy Speaker, Sir. It is in order to greet my colleagues. Again, let me thank each one of those who came to my home on Sunday. I had a homecoming party. Many of these people were there and I was grateful, you being one of them.

I would like to support this Motion. This is because we do not have time and we are going on recess. We should pass the Motion so that we can deal with the Bills. I support the Motion.

Hon. Mohamed Diriye: Hon. Temporary Deputy Speaker, Sir, I wish to oppose this Motion. This is a very serious violation of our rights as private Members. Wednesday morning is reserved for Private Members' business. There is a very bad trend that is appearing that even last Wednesday, the same was done and we accepted it. Doing this again is going to infringe on our rights. There are some Private Members' Motions that are also lining up. I know time might be an issue, but this is a House of rules and procedures. We are just contravening the rules and procedures of this House.

I, therefore, request that this Motion should not be passed. If we need more time, and for sure we need more time, we can have extra sittings on Tuesday or even Thursday morning. This issue of eating into our Private Members' time is very serious and we cannot accept it. It should not be accepted.

The Temporary Deputy Speaker (Hon. Cheboi): The only bit that I have a problem with is when you say that there is a violation of rules here. The procedure used by the Leader of Majority Party is pursuant to the very rules you are saying are violated. So, let us have hon. Mwaura.

Hon. Mwaura: Bw. Naibu Spika wa Muda, nimesimama kupinga Hoja hii kwa sababu Serikali ama chama kilio na wengi ama wachache kina nafasi ya kuleta Miswada na ajenda zao Bungeni Jumanne, Jumatano saa nane na pia Alhamisi. Wabunge wengi wana Miswada tofauti ambayo wangependa kupendekeza. Kutokana na Katiba mpya, Bunge hili halifai tu kupatiwa ajenda na upande wa Serikali. Tunafaa kuwa na nafasi ya

kuweza kuwasilisha matakwa na jumbe kutoka kwa wale ambao tunawaakilisha, na Jumatano asubuhi tunakuwa na mwanya mwafaka.

Ninapenda kupinga kwa sababu wakati huu ndio tunapata nafasi ya kuzungumza kwa sababu mara nyingi wakati ule mwingine hatupati nafasi. Utakuta kwamba ni Mkuu wa Wengi na wengineo ambao wanazungumza. Kwa hivyo, ninafikiri muda huu unafaa kutengwa tuweze kujieleza na kuwashawishi Wabunge wenzetu, ndiposa ajenda zetu pia ziwe na nafasi katika Bunge hili. Ninapinga.

The Temporary Deputy Speaker (Hon. Cheboi): I will hear a few more. Let us start with hon. Serut.

Hon. Serut: Thank you, hon. Temporary Deputy Speaker, Sir. I understand Wednesday morning session to be for Private Members' Motions. This refers to independent candidates just like hon. Serut. I am the only person and three others, who can oppose this Procedural Motion. But because of the urgency in passage of these Bills before us, I want to support that we proceed to deal with the Bills before us.

With that, I support.

Hon. Ng'ongo: On a point of order, hon. Temporary Deputy Speaker, Sir. We are referring to Private Members' Motion as spelt out under Standing Order No.40. It talks of business that shall be disposed of on Wednesday morning. I would like hon. Serut to pay attention. It says: -

“A Bill or a Motion not sponsored by the Majority or Minority Party or a Member belonging to the Majority or the Minority party or by a Committee, shall have precedence over all other business and such other as the House Business Committee shall ballot”

Therefore, the fact that I brought a Motion or a Bill does not mean that it is sponsored by the Majority or the Minority party.

The Temporary Deputy Speaker (Hon. Cheboi): So, you are actually confirming that hon. Serut is right?

Hon. Ng'ongo: Any other Member who is not from the small or non-existent parties, like Serut can bring a Motion so long as he is not sponsored by any other party.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Mbadi! Let us have hon. Amina Abdalla.

Hon. (Ms.) Abdalla: Thank you, hon. Temporary Deputy Speaker. I would like to support this Procedural Motion and I want to urge the Members of the Minority Coalition to appreciate that our current Standing Orders will lead to these Bills which have already been read a first time to collapse. We know this Motion is important, but if we do not conclude these matters, Bills such as the one from my Committee has been languishing in this House for 11 years. Do you want it to be in your conscience that you are the ones who want to debate Motions that require urging and nudging the Government instead of dealing with what brought you here? More importantly Members, it is time we really appreciate that the Constitution changed our system from a parliamentary to a presidential one. There is no space for Motions and Statements in a presidential system. What is happening is that those of us - it is true, let me say the truth - who moved the last Standing Orders, and I was one of them---

The Temporary Deputy Speaker (Hon. Cheboi): We have a point of order. What is your point of order, hon. Wandayi?

Hon. (Ms.) Abdalla: There is nothing constitutional, hon. Wandayi. Your speciality is constitutional matters.

Hon. Wandayi: Is the hon. Member who is my very good friend and my Chair in the Committee on Environment and Natural Resources in order really to suggest that there is no place for Private Members' Motions in a presidential system, yet it is very clear in the Standing Orders that on Wednesday Morning there is space for Private Members' Motions and indeed on the Order Paper, those Motions are listed? Is she in order and can she apologize for that mix?

The Temporary Deputy Speaker (Hon. Cheboi): No, that was a bit clear hon. Wandayi. It was admitted by the Leader of Majority Party and that is why he is seeking to change the order of issues this morning.

Hon. (Ms.) Abdalla: Allow me to embark on this matter because this is the basis of the confusion in this system. Those of us who are Chairs are suffering in the Liaison Committee, looking at how to accommodate issues that are not compliant with a presidential system. What happened, for those of you who were not here, was that we had Members in the last Parliament who had hang-ups and really wanted to cling on to the Question Hour which was the comedy hour, and the Motions and Statement issues.

We have four years of this process; we have been amending the Standing Orders to comply with a presidential system slowly. We need to agree that the issue of Statements and Motions need an outlet that is compliant with a presidential system. What is in the Standing Orders is based on hang-ups that we had in the 10th Parliament and we could not let go off the Question Hour. You guys do not have the Question Hour, release this mongrel system hang-up.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Amina, there are no guys here, there are hon. Members.

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Speaker, I apologize. Sincerely, I want us to appreciate that there are so many things we have in the Constitution that we are reluctant to put in the legislation and in our Standing Orders. One of them is the fact that we are supposed to be legislators, not to deal with non-business like Statements and Motions. We are representatives, I agree. What representation would you do by nudging and urging a Ministry?

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Amina! I hope nobody has an issue when hon. Amina brings in the issue of what is business and what is not. I am sure hon. Members having spent between six and seven months in this House know what business is, for example, we know that Statements are not business. Hon. Kaluma, I hope that is not the issue.

Hon. (Ms.) Abdalla: Hon. Kaluma, remember that you are a lawyer, do not start being emotional about this thing.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Amina, I do not want that exchange done, it does not help.

Hon. (Ms.) Abdalla: Having said that, I am pleading with Members on that side; the Minority side, I am really pleading.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kaluma, I will therefore give you the intervention. What is out of order?

Hon. Kaluma: Is my good friend in order to mislead the House that really Question Hour is unnecessary business in a presidential system, when we know the Constitution vests in this House---

The Temporary Deputy Speaker (Hon. Cheboi): Even before you proceed, hon. Kaluma, there is no Question Time here.

Hon. Kaluma: It is requests for Statements.

The Temporary Deputy Speaker (Hon. Cheboi): Are you talking about Statement Hour.

Hon. Kaluma: Yes, the Statement Hour.

The Temporary Deputy Speaker (Hon. Cheboi): Proceed, then.

Hon. Kaluma: Is it in order for the hon. Member to insinuate or rather mislead the House by indicating that we should not be raising the issues concerning the Executive, when indeed the prime duty of this House as the National Assembly is to play oversight role over the Executive? How do we oversee the Executive when we are not raising those Statements and Motions?

The Temporary Deputy Speaker (Hon. Cheboi): You were bringing it very well hon. Kaluma, but I still want us to understand what business is and what is not. For example, it is clear that Statements are not business. I want to give two more chances and then I put the Question. I will give hon. Cheptumo because he is ready.

Hon. Cheptumo: Thank you, hon. Temporary Deputy Speaker. I arise to support this Motion. I want to plead with the House that as we debate this Motion, one question arises - is this Motion justifiable? That is the question we need to ask as we debate. My humble submission is that this Motion is justified for the reason that we have very limited time left before we proceed on recess.

This House has done very well. It would have been really good for us to conclude these Bills before recess. In so doing, the image of this House will also improve. I want to plead with Members to allow this Motion so that we deal with the Bills. Let me also say that these Members are also justified to insist on proceeding with Private Members' Motions, but let us balance that right and the request for this Motion so that we all move together. My plea is that the request for this Motion is justifiable.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Now, you see this is a fairly straightforward one. I would really want to give a chance to Members who want to contribute, I am giving hon. Oner Ogalo and then I put Question. Who is out of order, hon. Millie?

Hon. Ogalo: Thank you, hon. Temporary Deputy Speaker, Sir. I am looking at the Motions which are supposed to come after the main business; that is Motion on Order Nos.9, 10 and 11, and I am inclined to support this Procedural Motion because I would not want to be in the House that merely urges the Government. We have Bills here that we need to transact and my personal opinion is that we support this Motion. We clear the Bills and we make sure we are ready to go to recess having achieved something for this House.

(Question put and agreed to)

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Hon. Cheboi): Obviously, you are below the required number. Let me confirm the numbers of the hon. Members standing. They are

17 and that can be confirmed again; 17 hon. Members. You have not met the requisite numbers. You can sit down. You can resume your seats.

Next Order!

Hon. Members, you will recall that at the time of adjournment yesterday evening, the Committee of the whole House had reported its consideration of the Public Finance Management (*Uwezo* Fund) Regulations, 2013. What remained was putting the Question for the agreement with the report of the Committee of the whole House

THE PUBLIC FINANCE MANAGEMENT (*UWEZO* FUND) REGULATIONS, 2013

(Question put and agreed to)

(The Regulations were accordingly approved)

BILLS

Second Reading

THE INSURANCE (MOTOR VEHICLE THIRD PARTY RISKS) (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Millie Odhiambo, today you are on the intervention slot all the time. What do you have?

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Temporary Deputy Speaker, Sir. I would request for your indulgence. I really wanted to contribute on the previous Motion, but I do understand that we are many hon. Members. However, the reason why I want to contribute is because today happens to be the Universal Day for Children and we have children in the galleries. You also notice we have two Motions touching on children and we have put them last.

So, I wanted the Chair's indulgence going by your discretion under Standing Order No.1, read together with Standing Order No. 40. With due respect, I want to disagree with what hon. (Ms.) Abdalla was saying in relation to what pertained the House Business Committee. It provides that each day after prayers have been said and the House has been called to order, the Business of the House shall be proceeded with in the following sequence: -

- “(i) Administration of Oath;
- (ii) Communication from the Chair;
- (iii) Messages;
- (iv) Petitions;
- (v) Papers;
- (vi) Notices of Motions;
- (vii) Statements; and
- (viii) Motions and Bills”

I agree with her reasoning that sometimes we do not need to put much weight on Motions, because we urge and substantive law actually gives more cogent results. But, going by my request in relation to your powers under Standing Order No.1 as read together with No. 40, would I be in order to request that we give priority to Motion Nos.

13 and 14 so that we can be seen to be champions as a House, for children because the Executive has not put the issue of children at the front?

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): I lost you somewhere. Now, clarify the last bit, hon. Millie-Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: I am asking if you could exercise your discretion that you are granted under Standing Orders, to prioritize Motions under Order Nos. 13 and 14 that talk about children given that today is the Universal Day for Children. It is unfortunate that we are dealing with the Universal Day for Children and we are not prioritizing issues of children that are already in the Order Paper. I am asking if we can put it up on the Order Paper.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Millie-Odhiambo, you have given a very good suggestion but unfortunately, we have just finalized the Procedural Motion which actually makes it extremely difficult for me to change my mind about it. It is really a decision of the House that we have just adopted. Therefore, much as I sympathize with your position and especially considering that this date is the Universal Day for Children, it will remain just sympathy, there is nothing much I can do at this point in time.

Let us proceed. Hon. Chairman, you can now move the Motion on the Bill.

*[The Temporary Deputy Chairman
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Chairman
(Hon. (Ms.) Mbalu) took the Chair]*

Hon. Langat: Thank you, hon. Temporary Deputy Speaker. I beg to move that the Insurance (Motor Vehicle Third Party Risks) (Amendment) Bill, National Assembly, Bill No.6 of 2013, be now read a Second Time.

This Bill came for the First Reading way back on 27th June, 2013. Pursuant to our Standing Orders, we did engage the stakeholders so that we also hear their views. When this Bill came to our Committee, we did engage the Association of Kenya Insurers, PricewaterhouseCoopers; which is an independent accounting firm, the Institute of Certified Public Accountants of Kenya and the Law Society of Kenya.

Hon. Temporary Deputy Speaker, I wish to inform hon. Members that this Bill seeks to amend Chapter 405 of our laws.

Hon. Temporary Deputy Speaker, the Members of this House may well know that the accidents that are caused by vehicles with third party insurances, there is no formula for compensation. If you lose your hand or leg, it is not clear how compensation will be done.

So, this is a very short Bill and it seeks to create certainty, that in the event of accidents and somebody dies or you lose your hand, eye or ear, there is a structured way of compensation. This Bill seeks to introduce what is called a structured compensation plan for third party accidents which may be caused by our motor vehicles. Therefore, in a very simple way I want the House to understand that this amendment seeks to introduce a

schedule which shows that if somebody loses his or her hand, how much will be payable to that person.

Hon. Temporary Deputy Speaker, what I want to mention before I move to the other parts is that this Bill proposes to set a maximum of Kshs3 million as compensation. So, there is a ceiling of Kshs3 million and all other payments for any other loss have been given a percentage of this maximum ceiling. I want to refer Members to the schedule that has been proposed. The proposal is that we put percentages for every part of the body, in the event it is lost. For example, this Bill proposes that if somebody dies in an accident, then the compensation that has been put under this proposal is 100 per cent of the ceiling, which is actually Kshs3 million. If anybody dies then the maximum compensation that has been proposed is Kshs3 million. According to some quarters and what we heard from the other stakeholders, they said that it is not fair to pay Kshs3 million for everybody. However, that is for the House to decide at the right time when we come to the Third Reading.

Hon. Temporary Deputy Speaker, I also want to briefly take the House through the schedule so that it can appreciate what this Bill says. For example, if somebody becomes totally blind in an accident, he will be paid Kshs3 million as compensation. If there is partial blindness, there are respective percentages. It requires a professional in that area but I want to refer Members to the schedule that provides the percentages. It says for lack of vision affecting one eye, 30 to 10 degrees from the focal point, it is proposed that we give one to five per cent of the total compensation. If it is less than 10 degrees from the focal point, it is proposed that we give five to 15 per cent as per the schedule.

Hon. Temporary Deputy Speaker, I do not want to go through the schedule because it is actually in the Bill itself. I want Members to refer to it, but I want to say that this is an attempt to reduce subjectivity in terms of when we are compensating people in the course of accidents. Two issues which the House needs to appreciate are that we must balance between compensation and also the risk. If, for example, we put this compensation too high, it has the effect also of pushing up the insurance premiums so as to be able to compensate these people. So, the House must be alive to those two competing issues – the need for compensation and also the need to sustain the premiums amongst our people.

Hon. Temporary Deputy Speaker, generally my Committee is supportive of the proposed amendment. If you look at the report, and I hope Members have it, the Committee has received submissions. It is considering some of the additional amendments so that we fine tune this Bill and at the end give certainty in the event of accidents and that also reduces corruption. The insurance sector is full of corruption from the insurers themselves. Many of them do not want to accept liability but we also have those who have been beneficiaries. There is a lot of corruption. So, this House should really put in place a law which makes sure that insurance companies accept genuine claims and also ensures that people who want to take advantage of the situation and make fraudulent claims in the insurance sector are also brought to book.

Therefore, I want to urge the House that these are fairly short amendments. I have explained the rationale behind these amendments. I am only saying that let us start here. I know this is the beginning and going forward we will continue fine tuning it. In other countries, this system has been adopted. For example, in Switzerland, this structured

compensation scheme has been implemented and there is a budget by the Government to compensate those people who are involved in accidents. There is a budget provided and anybody who is involved in an accident is paid without undergoing serious challenges.

Hon. Temporary Deputy Speaker, somebody has snatched the microphone from me. I think I need your protection so that nobody should steal my air time. I do not want to engage the House in a lengthy debate. This is a fairly straightforward Bill. It aims at structured compensation. If you lose your arm, there is a figure for that. If you lose your leg, there is a figure for that. If you lose your ear, there is a figure for that. I have informed the House that Kshs3 million has been given as maximum compensation. The only challenge we can have as a House is how the figure of Kshs3 million was arrived at and that is something we are still considering in our Committee. If there are amendments, we will consider them in the Committee of the whole House.

Hon. Temporary Deputy Speaker, I do not want to bore the House. I want to urge hon. Nelson Gaichuhie who is my able Vice-Chair to second this Bill. Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Nelson Gaichuhie.

Hon. Gaichuhie: Thank you, hon. Temporary Deputy Speaker. I rise to second this Bill. Let me say that third party insurance is a very important premium which is required of any person driving a motor vehicle. If you are not able to insure your motor vehicle comprehensively, it is a requirement that you have to insure it on third party risk. We find that so many accidents that happen in this country are actually caused by people who have insured on third party. Currently, when one is injured or maybe in a worst-case scenario dies, the judges will award compensation ranging at times from Kshs600,000 to even Kshs300,000 and we do not have any discretion.

But this Bill is now trying to quantify how much one can be paid in case of an accident. If you lose your arm or any part of your body, there is a certain amount that has been allocated pegged on the Kshs3 million figure which is still disputed because the industry feels that, that amount of money is high while others feel that it is low. So, it is up to this House to decide on the figure that is best after consultation. However, the good thing about the Bill is that people will now know how much they expect when they are injured.

The Bill further says that in case of an injury that has not been quantified or an injury that has not been stated well in the Bill, the Cabinet Secretary in charge can consult the Director of Medical Services for him to give an analysis of the kind of injury and the compensation that should be given.

If you look at the compensation range, you will find that it is a percentage and the Committee feels that we should consult further and have it specifically stated instead of having a range of between 30 and 40 or 20 and 10. So, we want to consult further and have an amendment to have a specific percentage so that people can know the compensation that they expect.

The only challenge we find with this kind of quantified rate is that we might have increased ambulance chasers. Any time there is an accident, you will find even a vehicle that carries a maximum of 14 passengers, 20 or 30 passengers claiming that they were in the same vehicle. So, the Government should come up with a way of curbing ambulance chasers who have caused many insurance companies to go under. This is because when you have 30 or 40 people claiming from a vehicle that was insured to carry only 14

passenger, the insurance industry gets affected. Since these claimants come at different times, they cannot be sent away.

I think this is a very good Bill. With simple amendments which hon. Members can move, this is a Bill that we should pass to ensure that insurance companies pay the claims.

Hon. Temporary Deputy Speaker, the Bill also shortens the time of paying a claim. This is because we already know how much is required. In the other Act, we reduced the book period time from 120 to 90 days. This means that people will be compensated quickly. It has also been tested in other countries. We have gone to other jurisdictions. Switzerland is a success story because they have structured compensation. It was also tried in the United States of America but it has succeeded partially. I think it is also good that we try it in Kenya. We hope that if well documented and strict measures taken, it will succeed in this country.

I believe that this is a Bill that we should pass urgently to ensure that people know the amount of compensation they should get from insurance companies.

Hon. Temporary Deputy Speaker, with those very few remarks, I wish to second the Bill.

Thank you.

(Question proposed)

Hon. Gikaria: Thank you, hon. Temporary Deputy Speaker. I was actually reading the Bill. With your indulgence, could you give me a second chance after 10 minutes?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): If you are not ready, let us get hon. Abdul Rahim Dawood.

Hon. Dawood: Thank you, hon. Temporary Deputy Speaker. I would like to support the Bill. The amendments which have been brought are good because the structured way of paying compensation has been lacking in the insurance industry. This is because whenever somebody dies or something happens, the insurance companies do not pay. They look at who is claiming. They offer very little money most of the time. I think this Bill will address those inequalities. However, we need to come out and see how we can increase the Kshs3 million which has been proposed in this Bill because there are times when a breadwinner dies and the family cannot be compensated. A case in point is the man we saw the other day in the news whose hands and legs were amputated. He received compensation of over Kshs19 million, but to date he cannot access the money because of the bureaucracy or his lawyer was given the money and never submitted it to him.

Hon. Temporary Deputy Speaker, as a House, we need to come up with some rules and regulations. If compensation is made to the bereaved family, it should reach the family. The lawyer should not keep the money as the bereaved family suffers. We should look at how we can amend a few rules where the compensation is paid to the bereaved family and a certain percentage is set aside for the lawyers.

Since this Bill talks about structured payments, people will know what they expect from the insurance industry if they lose a leg, an arm or any part of the body. It is prudent to say that we should know exactly when and how many days an insurance

company will take to pay a claim. This is because there are times when insurance companies stay for years before making payments under the guise of investigations going on. There should be a timeframe within which they should pay the claims. They should not keep people on hold as litigation goes on.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to support this Bill with a few amendments in the Third Reading. We will probably bring them as the Departmental Committee on Finance, Planning and Trade.

Hon. (Ms.) Kiptui: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity. I would like to support this Bill. Specifically, coming from the legal profession and having been a practitioner before joining Parliament, I have witnessed a lot of suffering by the citizens of this country when it came to compensation for injuries sustained in the transport sector. A structured mode of payment will help injured persons to know what they are likely to get in terms of compensation. So many people used to suffer because they never knew when the payments were made. I am sad to say that some of colleagues were unscrupulous. Whenever they received payment, they would never inform the victims. They would want to invest the money and pay the victims later. By that time, they would even have deducted their legal fee. So, the victims always got a raw deal. So, to me, this is a great improvement of the laws of this country in the sense that you will know for sure that if you lose an eye, you are likely to get so much.

I would want this law to force insurance companies to be revealing to all the claimants how much has been paid. Whenever they make payments, there should be a way of informing the claimants that payments have been made to their lawyers. In any case, in this time and age in Kenya, information is no longer secret. There are very many ways of passing over information digitally. Therefore, it should be made mandatory for insurance companies to carry out an audit and reveal what they have already paid and what cases have been concluded, so that victims can be aware and go ahead to challenge lawyers.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, hon. Benson Makali.

Hon. Mulu: Thank you, hon. Temporary Deputy Speaker. I also rise to support this very important Bill, bearing in mind the fact that accidents in this country happen daily these days. Many Kenyans die and others lose their limbs. Therefore, this Bill will help Kenyans once they get into such situation. I like the schedule because it will help judges and magistrates in terms of determining how much should be paid to individuals who have lost either their lives or limbs or arms. Once enacted, this law will help this country because previously, it was left to the discretion of judges and magistrates to determine how much compensation a victim should be paid. With this schedule in place, even victims can know how much compensation to expect. The idea of knowing how much compensation one is to expect is very important because in this country, a number of lawyers have actually taken advantage of accident of victims.

I know a number of victims who have been pursuing compensation from lawyers throughout their post-accident lives. When you investigate the cases, you find that the insurance companies have actually paid the money into the lawyers' account. What happens is that the lawyers take the victims round in circles. Meanwhile, the victims' children will have been chased out of school. Their sick ones will have died because they

cannot pay hospital bills. Once this Bill is passed, it will be very easy for victims of accidents to follow up their payments with lawyers because they will be having an idea of how much compensation they should be paid. However, at the same time, I would like to plead with the Committee. We need to do something so that any lawyer who takes advantage of accident victims can be punished because what they do to Kenyans is very unfair.

At the same time, the issue of maximum compensation is kind of a double-edged sword because if we increase the amount, insurance premiums are also likely to go up. A compensation of Kshs3 million for somebody who has died in Kenya is not much money, bearing in mind inflation and the cost of prices that come with it. So, I will be pleading with the Committee to see whether this figure could be increased but at the same time take caution so that insurance premiums do not go too high for bus owners and *matatu* owners.

With those recommendations and comments, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next on my list is hon. Esther Gathogo.

Hon. (Ms.) Gathogo: Ahsante, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi hii. Karibu niulize, pia tukiwa watatu sipati nafasi? Ningependa kuunga mkono Mswada huu, lakini ningependa kusema kwamba hakuna kiasi cha pesa kinachoweza kulipa uhai wa mwanadamu ama kumlipa mwanadamu aliyethiriwa na ajali. Hata hivyo, ni bora kufikiria kwamba tuko na shida na ni lazima tuitatue. Tukiangalia tutaona kwamba watu wengi wanaumia kutokana na kutolipwa fidia wanapopata ajali. Hata hizo hela kidogo wanazostahili kulipwa ndiyo waweze kujisaidia zinapotelea mikononi mwa watu wengine.

Ninaamini kwamba mtu anapoumia, inafaa ajijulie hali yeye mwenyewe. Katika maeneo Bunge, watu wanalia sana. Unapata muathiriwa akisema kwamba kesi yake imemaliza miaka 20, na mwingine akisema kwamba kesi yake imemaliza miaka 10, lakini unapofuatilia unagundua kwamba fedha za fidia za waathiriwa hao zimelipwa na kupotelea kwa mikono ya watu wengine. Kwa hivyo, hili ni jambo muhimu. Ikiwezekana, inafaa waathiriwa walipwe pesa ambazo zitawasaidia katika mambo ambayo watakua wakifanya, ingawaje hawataweza kufurahia fedha hizo. Mtu hufurahia akiwa na afya njema na uhai. Ni jambo la kuhuzunisha sana familia inapozunguka tu kortini ikifuatilia fidia ya mpendwa wao aliyega dunia kwenye ajali pasi na mtu yeyote kuwaonyesha njia. Kwa hivyo, hii ni njia nzuri sana itakayowasaidia watu wetu.

Kwa hayo machache, ninaunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, hon. Boniface Otsiula.

Hon. Otsiula: Thank you, hon. Temporary Deputy Speaker. I rise to support the Bill.

First and foremost, let me say that the current law governing the operations of the insurance industry in this country is very hollow and lopsided. It gives insurance companies a lot of leeway in terms of messing up the industry players, particularly those who may have been involved in accidents. Setting the limit of compensation that each category of injury is entitled is some kind of good Christmas gift to Kenyans. Of course, I am not advocating for people to die but it will be a very good Christmas to Kenyans, particularly those who may be involved in any form of injury, be it fatal or otherwise.

As stated by my colleagues, we may want to blame the lawyers but if you look at the law, you will appreciate that it is not very specific in terms of what exactly lawyers taking briefs are supposed to do. That is why if you look at the law that we are about to pass, you appreciate that it is milestone to Kenyans. It is going to regulate the industry. However, as much as it will regulate the industry, insurance premiums will also go up, and we will feel the pinch. So, as much as we celebrate, we will also feel the pinch by paying very high insurance premiums.

With those few remarks, I beg to support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, hon. Patrick King'ola.

Hon. King'ola: Thank you for giving me this chance. I want to say from the outset that I am a Member of this Committee and I rise to support the Bill. The Bill gives Kenyans a chance to smile. Third party insurance has been very cheap. Actually, most insurance companies have been charging between Kshs.5,000 and Kshs.6,000. That is why most Kenyans who have had injuries through motor vehicle accidents have ended up not being---

(An hon. Member crossed the Floor without bowing)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, hon. Member walking out! Please, make sure you do what is necessary. Go back, bow and get to the other side of the House.

(The hon. Member bowed to the Chair)

Hon. King'ola: Hon. Temporary Deputy Speaker, you realize how you need some induction for Members. They have not learned for one year. However, as I continue, this Bill realizes how important livelihood is. An amount of Kshs.3 million per se is not enough. In the past, Kenyans have been maimed, they have lost their limbs through road accidents but third party insurance has not been addressing these cases. The passage of this Bill will stop the so-called ambulance chasers. We know lawyers who have been chasing accident victims so that they can take advantage of them. The Bill is straightforward. Every body part has its percentage of compensation. In the past, people could become blind through road accidents and not be compensated.

The passage of this Bill will also check careless driving. For the drivers who drive carelessly, premiums will go up. Kenyans must be prepared for that. If you put your *matatu* on the road, you will be careful. This Bill will compel motor vehicle owners and even public service vehicle owners to be careful.

I rise to support this Bill.

Hon. Midiwo: Thank you, hon. Temporary Deputy Speaker. Let me add my voice in supporting this noble Bill. I want to support and urge the Chair that even as we support this Bill, before it gets to Third Reading, let it be a Bill that can make sense. Let it be looked at as a Bill that is modern enough to change our lives. Nobody's life is worth Kshs.3 million. This money is peanuts. I want to say that I have had a discussion with some people, having been the sponsor of the last amendment to the traffic law, early this year or late last year. The recklessness with which our motorists drive on the road,

only insurance penalty will control them. The police are not controlling them. The culture has sunk, that it does not matter. The only thing that will matter is if the owners of the motor vehicles and drivers are hit in their pockets.

Chair, I want to plead that we need to go further to force insurance companies to monitor the people they insure. For example, in many other jurisdictions, a driver who causes accident twice or who has a speeding ticket once or three times, pays higher premium. If we do that, we can have safe drivers only on the road. The reason they pay high premiums is because they are high-risk drivers. We have too many high-risk drivers on our roads. Now, you can do better by giving Kenyans a Christmas gift. The cream of our society dies during festive seasons; some through public service vehicles and many are just ordinary citizens who decide to be reckless and celebrate their lives to death. We need to control them. The things I see *matatu* drivers do, in civilized nations, you will never have a driver's licence. We need to do this. This Committee has a duty to do that for this country.

Hon. Temporary Deputy Speaker, two years ago, my own daughter was involved in a school bus accident; the Loreto accident. In that accident, about five kids lost their limbs. Two kids died in Isiolo. One of the kids who lost both limbs, to take her for limb replacement, it cost Kshs.7 million. The girl has just finished Form One and has no limbs because of a reckless driver. You cannot say that if you gave them Kshs.3 million, you have given them any reprieve. I think this money is very little. Let it not be our business about premiums going up. Let insurance companies take responsibility for the people insured; let them take responsibility for the vehicles they insure. Why are insurance companies churning out insurance certificates if they do not wish to take responsibility? We must go after insurance companies that allow unroadworthy vehicles on the road and allow drivers without driver's licence. Half of the licences on the roads are fake. It is the responsibility of the insurance companies to verify who they insure. Right now, you can make a call and an insurance broker will deliver a sticker without even knowing which car they are insuring. We must sort out this mess. I want to thank the Committee and say that they have tried. I think it is one per cent of a journey. I know that this an able Chairman, you can take this Bill and do so much with it.

Currently, 98 per cent of road accidents are caused by motorcycles. This Bill talks about motor vehicles. If you look at the word "motor vehicle" does it include motorcycles? None of you here does not have a hospital ward full of motorcycle accident victims. They are killing our people. Somebody gets on a motorbike in the morning and by midday he is on the road. He has taken *bhang*, *chang'aa* and he is carrying an innocent person going about his business. The other day, I saw in Kisumu a boy carrying five school children on the highway. The irony of it is that there was a traffic police officer standing there waiting for a *matatu* to take a bribe. What do we do? It is only these laws that can help us. Let me tell you, when I said motorcycle riders had to wear helmets and must have insurance, I got into trouble. When I went home for re-election it was such a big thing. I could not even pass on road because my opponent decided to play cheap politics. He said when he goes to *Bunge*, he will change the law---

Hon. (Ms.) Gathogo: Mhe. Mwenzangu anaongea vizuri, lakini ni vizuri kusema kwamba wale wanabeba wateja kwa pikipiki wanakunywa *bhang* na pombe? Uko na uhakika kwamba wanakunywa pombe?

Hon. Midiwo: Hon. Temporary Deputy Speaker, that is called common knowledge. My colleague, Nyambura, may never have been in a *chang'aa* den, but I go to those places often and I see them. So, you may not know. I am telling you that these are the realities of our roads. In these bus stops, go to Machakos Terminus that is where they sell the most *chang'aa* to drivers and *makangas*. We must do something about it. You cannot fear. This is your job. It is a responsibility which is constitutional, and we do not do it for free. We are paid for it handsomely. We must face the challenges that face our people. We have no choice. When somebody is doing this as a job, the law says that you cannot ride a motorbike in slippers.

I have been to the Rift Valley, especially Eldoret area and I was so impressed because you will not see a cyclist without a helmet. If you go to Kisumu, nobody has a helmet. What options do we have once a section of the society decides to have their own Government and collude with the police? Do not fear, let us make laws that bite. You will only die once and you will never die inside this Chamber. You will go somewhere, but you will have left a mark. Laws must be stringent.

Last Sunday, I watched a girl on television who lost her arm in that accident that I have talked about. I saw hundreds of people sitting on wheel chairs having been maimed by unnecessary accidents that can be avoided. It is good to go to a public rally and say "policemen should stop disturbing drivers". The kind of recklessness on our roads is worrying. Today I have just read in the newspaper that in Kisian Kisumu, motorists are stoning police officers because they do not want the mobile court. What do people want the Government to do? The Government must do something. Jail them! We must support the Government to bring sanity on our roads. We have no choice. It is the responsibility these legislators have. We spend so much time on sideshows. It is also part of politics, but sometimes, we need to deal with something this noble.

We are dealing with issues of insecurity. You cannot have security if there is so much disorder on the roads. You can never have civilisation if people depict disorder everywhere on the road. The laws are there and they are not being enforced. We must deal with the police. I want to plead with this House that it may look expedient to try to protect the current police---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Midiwo, you should be finishing.

Hon. Midiwo: Hon. Temporary Deputy Speaker, I am. It may look expedient to try to protect the current police structure, but unless the people of Kenya follow the law; unless we agree that we must reform the police force, it will keep deteriorating and will deteriorate to the extent that when you see those people being killed by criminals, you will be those people. You will be the one the criminals will be coming after. We have a responsibility and I want to support and plead with the Chair, please, open up this thing for another debate with your Committee and even invite us and everybody with an idea, so that during the Third Reading, we make a proper law like the former Minister, hon. Kimunya did when we said we must debate. The Committee should revisit that Act as amended by the former Minister for Transport. You will make a very good law.

Hon. (Ms.) Tuya: Thank you, hon. Temporary Deputy Speaker, for giving me a chance to contribute to this very important Bill. I wish to support the Bill and the amendments proposed therein. These are issues that touch on the daily lives of Kenyans. It is very important in many respects. First, we need to get certain that accident

compensations are clear for the victims, the insurance companies and some of the owners of these motor vehicles that we are talking about. So that if you go on to endanger the life of a Kenyan, you know what is at stake on the other side.

We need to balance between making sure that the insurance premiums are not very high and the compensation is sufficient. By the time the Bill comes for Third Reading, it is important for us to understand the import of the Kshs3 million as the maximum of the insurance compensation payments. It needs to be rationalised in the sense that young Kenyans are losing their lives. Kenyans who are below their life expectancy are suffering because of accidents. They lose vital body parts and they cannot attain their maximum in contributing to building this nation. It is important to rationalize how much people are going to receive in terms of compensation. For example, a young student who losses her or his limbs way below his or her life expectancy and the potential they would have by the time they reach their optimum life expectancy, requires specific compensation. Another example is of an athlete who suffers from an accident and losses his legs and is not able to continue with their career. For an artist, who losses his voice and is not able to continue singing, his career is cut short because of an accident on our roads. This might arise, as is commonly the case, from recklessness.

As I support this Bill, I wish the Committee would go back to do some research, so that we are not just endorsing a maximum of Kshs3 million which may not be realistic for different cases that are taken before insurance companies for compensation. The other major problem that we are facing is the implementation of awards. I am a lawyer and I would not be hesitant to point an accusing finger at my colleagues who do not respect the lives of Kenyans. A colleague just spoke and said that we may not want to blame the lawyers because the law has been vague. It has nothing to do with the law. Once an award has been issued for a victim, it has nothing to do with the law any more. It is just about implementation. These are some of the things we may want to align as a House to make sure that nobody in the insurance sector, including the lawyers and legal practitioners, will take the lives of Kenyans for granted. So, once an award is issued, then it should be implemented to the letter in the shortest time possible so that Kenyans can continue with their lives.

With those few remarks, I wish to support the Motion.

Hon. Angwenyi: Thank you, hon. Temporary Deputy Speaker, for giving me the chance to contribute to this important debate. It has taken a long time for this Parliament to accede to the needs of Kenyans who travel using motor vehicles.

Like my colleague, hon. Midiwo, said we should include motorbikes in this Bill. Therefore, I believe that the most able Chairman will include an amendment on motorbikes in this Bill. Kenyans have suffered; I know a lot of people have suffered. Every time there is a problem in the constituency, the first person to be informed is the hon. Member. It is good that this Bill has been brought to this House. The amount of money which has been put is not high enough, but you can never compensate for a life or serious injury to a human being. Let us stand with this amount and make it effective.

We have had another problem and I do not know how we can address it in this Bill; the problem of lawyers getting paid and taking the whole payment without paying the victims of those accidents. We have seen a number of lawyers being deregistered because they have taken disabled people's money; people who have been maimed. The other day, I read a story in one of the newspapers where somebody was involved in an

accident some 17 years ago, and Kshs18 million was paid as compensation. The victim received Kshs800,000 out of Kshs18 million which was paid. We should address that issue too. The lawyer took Kshs17.2 million out of Kshs18 million. We have to include in this Bill the maximum fee a lawyer can get out of accident compensation.

Hon. Temporary Deputy Speaker, we may have to include the duration a court case should take. It should be clear how long a court may take to determine a case. Our courts are working; you have seen the duration it takes to determine a petition. It has been quite fast. Maybe, we should ensure that they dispose of cases within a specific period of time, maybe one year or nine months, so that it does not take 20 years. It should not take 20 or 17 years for one to learn that he was paid money, which he never received. Like what my colleague, hon. Midiwo said, let us attend to the issues affecting Kenyans. Let us lower our propensity to discussing sideshows and address issues such as this one. I hope hon. Members will bring up amendments to improve this Bill.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Angwenyi. Hon. Members, I must appreciate there are a lot of requests. As the Chairman said it is a short Bill, but we need to give time for our legislators to debate the Bill. Hon. (Ms.) Muia, the Floor is yours.

Hon. (Ms.) Muia: Thank you, hon. Temporary Deputy Speaker. I rise to support the debate on the Bill as amended.

I have listened to how our colleagues have contributed to this Bill. When one is involved in an accident, he is affected psychologically. If you go to hospitals where accident victims are, you will see how they suffer. Some stay in hospitals for more than six months and during such time, some of them are not compensated. They pay a lot of money in terms of hospital bills and at the end of this long journey of staying in hospital; they are paid Kshs3 million.

I would propose, if it is possible, before this Bill goes to the Third Reading, we raise this amount to Kshs5 million. Sometimes parents and relatives suffer. I am sure hon. Members will agree with me that sometimes we pay hospital bills for accident victims.

Hon. Temporary Deputy Speaker, sometimes some get involved in accidents and they are bedridden. I propose that, after the court's determination of the cases, compensation is made directly to the victims and then lawyers can be paid. I think that can solve the problem. We have heard people talking about lawyers keeping money for one year. Lawyers lie to their victims that they have not been compensated when they have been given the money. We should agree that once the judgment is determined, money is paid directly to their accounts and then---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. (Ms.) Muia, I know you will be there during the Third Reading of the Bill and I am sure those amendments are very welcome by the Chairman.

Thank you for your proposal. Continue.

Hon. (Ms.) Muia: Hon. Temporary Deputy Speaker, as we speak about road accidents, few hon. Members have proposed that we include motorcycles in the Bill. We need to include motorcycles and then come up with a figure for their compensation. We also propose and agree that because of delays of victims getting compensated---

Hon. Ichung'wah: On a point of information, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Antony Ichung'wah has a point of information. Hon. Muia, do you want to be informed?

Hon. (Ms.) Muia: I do not want to be informed. He does not know what I want to say. I want to finish. Let him give me a chance to contribute because he had his time.

I was proposing that payments can be made within one or three months after an accident so that the families of the victims do not suffer.

Thank you so much.

Hon. Mwaura: Asante sana, Bi. Naibu Spika wa Muda. Nimepatiwa nafasi na mwenzangu, Mhe. Bi. Regina Muia nichangie Mswada huu.

Nasimama kuunga mkono Mswada huu kwa sababu watu wengi sana wameathirika kwa ajali za barabarani. Kuna watu wengi sana ambao wamelemaa na maisha yao yakabadilika kwa sababu ya ajali ya barabarani. Kwa hivyo, ni jukumu letu sisi Wabunge, sio tu kutambua ni ulemavu upi ama ni kiungo kipi kimeathirika bali tuangalie kwa undani zaidi vile ambavyo watu ambao wameathirika wanaweza kujumuishwa katika ujenzi wa nchi hii. Wengi wao hawawezi kutekeleza majukumu waliokuwa wakitekeleza kwa sababu ya ulemavu.

Kwa kweli wahenga walisema kwamba ajali haina kinga lakini utakuta kwamba mara nyingi ajali hizi zinatendeka kwa sababu madereva wetu wamekosa kuzingatia zile kanuni za barabara.

Bi. Naibu Spika wa Muda, ukiangalia mapendekezo ambayo yako katika Mswada huu, ningependa kuangazia kwamba ni muhimu yule mkurugenzi wa matibabu wa umma pia aweze kushirikiana na baraza la kitaifa kuhusu watu walemavu katika kutambua aina zingine za ulemavu ambazo hazijatajwa katika vipengele vya Mswada huu. Hilo ni jambo muhimu kwa sababu hili jopo limekuwa na uzoefu wa kazi wa kuhakikisha kwamba maswala ambayo pengine hayaangaziwi, yanaangaziwa. Sio eti tu kutoka kwa mtazamo wa afya bali pia katika mtazamo wa kijamii na mtazamo wa haki za kibinadamu. Pia tuangazie, kwa mfano vile ambavyo kumesemwa hapo awali, wale vijana ambao watapata ajali waweze kupatiwa marupurupu na ridhaa ambayo itaweza kuwasaidia.

Bi. Naibu Spika wa Muda, pia nimeshangaa kwa sababu Mswada huu, hata kama ni mzuri kiasi kile, haujagusia kule kuathirika kwa ngozi; unajua kwamba ngozi ni kiungo kikubwa sana cha mwili. Ni asilimia ishirini ya miili yetu. Kwa hivyo, nafikiria pia kuna faa kuwa na vipengele ambavyo vinazungumzia vile ambavyo ngozi inaweza pia kuathirika.

Bi. Naibu Spika wa Muda, pia vile mwenzangu alivyosema nafikiri kiwango cha Kshs.3 million ni cha chini sana. Kama umepoteza viungo vya mwili wako, kama huwezi kufanya kazi, kama huwezi kuhudhuria shule, basi nafikiri lazima tuongeze hizi fedha pengine kuwa Kshs5 million ama Kshs.6 million ndiposa uweze kujimudu. Ni vizuri sana katika sheria hii tuweze kuwa na vipengele ambavyo vitawasaidia waathiriwa kufahamu jinsi ya kupata hizi fedha. Kwa kweli, watu wanaweza kupata uamuzi wa korti lakini tunaona kwamba kuna kule kuchelewa. Wakati mwingine utakuta kwamba kuna matapeli. Watu wanachukua hizi hela na wanaziweka katika mabenki ili wapate riba na ilhali walioumia wanazidi kuteseka. Kwa hivyo, kama tunaweza kuwa na uwazi wa njia ambayo mtu anafaa kuifuata ndiposa aweze kupata zile pesa, litakuwa ni jambo bora sana. Pale mwanzo wakati watu wanatia sahihi katika hii mikataba ni vyema kila jambo liwe wazi. Kusiwe na vijisababu vidogo ambavyo vimewekwa katika maandishi madogo

ambavyo watu hawewezi kuvielewa. Nafikiri hilo limependekezwa katika Mswada huu; kwamba wanaweza kukwepa ulipaji kutokana na sababu tofauti tofauti.

Bi. Naibu Spika wa Muda, nikimaliza nasema kwamba lazima tuangazie kwamba hizi hela ziongezwe na pia kuwe na mikakati ya kuhakikisha kwamba tunaangazia sio tu ulemavu wa viungo lakini vile ambavyo tunaweza kujizatiti katika jamii.

Naunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Asante sana Mheshimwa Mwaura. Hon. Members, this is a short Bill and we need to catch up with the other Bills. I need to give an opportunity to only two more Members and then we call the Mover to reply. Hon. Rose Nyamunga.

Hon. (Ms.) Nyamunga: Thank you, hon. Temporary Deputy Speaker. I also stand to support the Bill being one of the members of the Finance, Planning and Trade Committee. This is a Bill that has taken a bit of our time working on it to make sure that it measures to the standards of Kenyans. One thing I always ask myself is: As a country, do we need more Bills or their implementation? If you look at the number of accidents that we get on our roads, it is very high. They occur almost every other day and if you compare that with other parts of this region, say Uganda or Tanzania, we do not hear so many fatal accidents in those countries but in our country it is one after the other and with all the rules and regulations that we put in place, they keep occurring. So, I wonder exactly what we need as a country so that we curb accidents.

We realise that if you go to some of these hospitals you see that---

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Members. Your consultations are very high. Let us have decorum in this House.

Hon. (Ms.) Nyamunga: Some of the wards are just left for accident victims. Much as I am part of the Committee, sometimes when you are deliberating you may not articulate all the points. I would like some amendments to be brought to the Bill so that it is really wholesome because you realise that the disabled are again disabled with the accidents. What shall we do with such cases? How is this Bill going to take care of such cases?

My second point is that you realise that most people resist road signs. Like I saw in the newspapers and it has already been articulated by one of the Members, hon. Jakoyo Midiwo, in Kisian which is my area people have taken stones to destroy road signs. Instead of doing such things, it is very important that we as a nation obey the rules. The problem in Kenya is failure to obey rules. We have some of the best rules and regulations but implementation is the problem. What is the trick that we need as a nation to make sure that all our rules and regulations are put in place and they are implemented to the letter? If we do that, I do not think we will be coming up with more Bills.

Now, one of the areas that I would like an amendment on is a case where two drivers are involved in an accident and only one is compensated. That one does not make a lot of sense. Secondly, if we put a blanket cover that if somebody dies, he or she is given a compensation cover of Kshs3 million, that also needs amendment. It depends on the victim himself. Okay, there is the income and all that. I think it should not be a

blanket cover. Another thing is that the victims must be given an opportunity, such that if they want to go for litigation they should be allowed. It should not be a blanket cover.

I beg to support this Bill with a few amendments that we are going to propose in the Committee.

The Temporary Deputy Speaker (Hon.) (Ms.) Mbalu: Thank you, hon. Member. The last one is hon. ole Ntutu and please hon. Members let us get ready with our amendments so that when we come to the Committee of the whole House, we can give our sentiments, proposals and amendments to the Bill.

Hon. ole Ntutu: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity and I will not waste time because we have a very important Motion that is coming up. I just wanted to say that this is a very good Bill that has been brought by the Committee. I think that we should all support it. As we are about to break for the Christmas holidays, accidents become an everyday occurrence and the only way that we can deal with this is actually by passing this Bill. It gives a structured compensation liability schedule that all of us must support. I want to say that insurance companies must take full responsibility for loss of lives because as one of my colleagues has just said, insurance brokers insure vehicles that they have not seen. So, I am saying that we must put very stiff penalties on these insurance companies.

Hon. Temporary Deputy Speaker, confusion normally occurs when accidents occur, both in courts and even between lawyers and clients. So, I think this Bill will bring order. I also want to join the rest of my colleagues by just saying that motorcycles cause more accidents than vehicles in this country. So, we must include that. I think when we bring amendments, we will also include motorcycles that are not captured in this Bill. I also want to say that this country has come a long way and we must amend laws that are going to help our people.

With those very few remarks so that I can give time for the Mover to move, I want to say thank you for giving me this opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I now call upon the Mover, the Chairperson of the Departmental Committee on Finance, Planning and Trade, hon. Langat to reply.

Hon. Langat: Hon. Temporary Deputy Speaker, I want to donate one minute to hon. Ichung'wah and then I spend another one minute to reply.

Hon. Ichung'wah: Thank you very much, hon. Temporary Deputy Speaker. I thank the Chair for donating one minute to me.

I wanted to say that as much as I support this Bill, it is imperative that Members realize that the responsibility to regulate road safety in this country does not rest with insurance companies. Therefore, as much as we are all touched by the number of road accidents in this country, we should not, as a House, be seen to be punishing insurance companies for the reckless drivers that we employ, ourselves as drivers and the behavior on our roads.

Indeed, I agree with hon. Midiwo that no life is worth Kshs3 million. If we increase this amount to Kshs10 million or Kshs100 million, we will be punishing insurance companies for mistakes that are not of their own making. We should, and I will at an appropriate time be moving amendments to reduce this amount and ensure that drivers are forced to take up professional indemnity covers so that we end up punishing the drivers who are reckless on our roads and not insurance companies.

Imagine a case of a 14-seater *matatu* that is involved in an accident, if an insurance company pays Kshs3 million per passenger, you will be asking one insurance company to pay between Kshs42 million and Kshs50 million.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your one minute is up! Thank you. I am sure that those amendments are very welcome by the Chairman.

Yes, hon. Langat.

Hon. Langat: Hon. Temporary Deputy Speaker, I just want to inform the House that I have heard the comments of the House and I want to thank hon. Members for the great interest they have shown in this Bill. Initially, I was a bit worried but they have exceeded my expectation.

Thank you, hon. Members. We will look at your proposals at the Third Reading.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Langat. Let us move on to the next Order.

THE WILDLIFE CONSERVATION AND MANAGEMENT BILL

Hon. Katoo: Hon. Temporary Deputy Speaker, I beg to move that the Wildlife Conservation and Management Bill, National Assembly Bill No.21 of 2013 be now read a Second Time.

Very quickly, I want to say that the goal of this Bill is to create an enabling environment for conservation in perpetuity of Kenya's rich diversity of species, habitats and ecosystems for the wellbeing of the people of Kenya.

Kenya is rich in natural resources comprising of wildlife richness and ecosystem diversity. In that regard, Kenya is categorized as a mega biodiversity country. It has very many protected areas and wetlands that are internationally recognized as world heritage and biospheres reserve sites. It is, therefore, important that we get to know that our wildlife resources in this country constitute a unique natural heritage that perform critical ecological functions important for the interconnected web of life supporting system.

Kenya's major water towers are located in wildlife protected areas that also contribute to immense social, cultural and aesthetic values that need to be protected. Wildlife does contribute directly or indirectly to local and national economy through revenue generation and wealth creation. It is also important to know that there is a lot of human-wildlife conflict in this country and that has tremendously increased over the last few years.

We have several problems that have necessitated formulation of this policy and the proposed Bill. As I have said, there are poor human-wildlife conflict management, inadequate compensation mechanisms, inadequate punitive penalties on wildlife offences and rapid conversion of wildlife habitats and corridors to other forms of land use types leading to extensive loss of wildlife population through land fragmentation and destruction of the ecosystem. There has also been lack of adequate security for both wildlife and human in protected, private and community lands.

It is also important to know that there has not been full or adequate participation of stakeholders, especially the communities in the process of wildlife conservation, planning, implementation and decision making. There is also inadequate scientific data to inform wildlife conservation and integrated management planning, implementation and

decision making. We have also not had a strong framework to support incentive and benefit-sharing to promote public private partnership investment.

Therefore, this Bill seeks to, among other things, provide solutions for those shortcomings I have highlighted, in addition to aligning the Bill to Vision 2030, the Constitution and other emerging circumstances including climate change.

The Bill will also address some inadequate institutional governance that has failed to provide for separation of function on policy development, regulation and operation in the sector.

The common conflict on mandates and jurisdiction between the Kenya Wildlife Service (KWS) and the Kenya Forest Service (KFS) will also be addressed. The need for devolution and decentralization of wildlife management to the lowest level will also be addressed. I would also like to bring to the attention of this House that this Bill, in compliance with the Constitution, will provide several guiding principles shown in Part I. This is especially on Clauses 4, 5 and 6. This will be good corporate governance, effective conservation, sustainable utilization, incentive and benefit sharing and integrated ecosystem approach to conservation of wildlife.

If you look from Clauses 15 to 17, you will see some financial implication on the proposed Bill. This is in terms of setting up institutional framework to co-ordinate and broaden investment in order not to only rely on the Exchequer or the National Treasury. The Bill will also promote equity in sharing benefits accruing from sustainable management of wildlife resources and provide compensation and managing of conflicts.

Clauses 18 to 23 on Part IV explain about institutional arrangements that are proposed in this Bill. It is trying to address concerns raised by the public on the need to streamline function on policy formulation, regulation as well as effective licensing structure. Some of the proposals include restructuring and strengthening the KWS, Wildlife Training Institute and Manyani Field Training and Research Centre, establishing of a wildlife regulatory framework at the national level and at county wildlife conservation committee.

We have wildlife training institutes like Manyani Field Training Institute and research centres. There is need for establishing wildlife regulatory framework at national level as well as county wildlife conservation committees. The Bill proposes new institutional arrangements that will be financed by fee levied on user rights, grants as well as the Exchequer.

Part V of the Bill, especially from Clause 29 through to Clause 32, is trying to address the issues of establishment of a compensation scheme, conflict management and creation of an endowment Fund. Regarding loss of life and property, it proposes an improvement on the rates of compensation as well as ways of reducing human-wildlife conflict. The Bill proposes development of ecosystem management plan, establishment of wildlife conservation endowment fund and innovation for the compensation scheme to be financed through income from investment under the scheme, grants, donation from friends of conservation, among others.

If you look at Part X, which is from Clause 75 to 95, you will see detailed penalties that have been proposed. They are punitive penalties which will help in the conservation of our precious wildlife. Many of them explain the penalties in terms of finances and the maximum imprisonment terms that they attract. So, I would like to say that this is a very important Bill, which is long overdue. I have been here during the

Ninth Parliament and the Tenth Parliament. We are now in the 11th Parliament. There has always been a promise from the Executive to bring a comprehensive Wildlife and Conservation Management Bill to address such issues, but it never happened. Therefore, I request hon. Members to pay attention in terms of contributing and scrutinising this Bill.

With those remarks, I beg to move and request hon. Kiptanui to second the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, hon. Kiptanui.

Hon. Kiptanui: Thank you, hon. Temporary Deputy Speaker. I want to thank the Mover of the Bill for reserving some five minutes for me to second it.

In support of this Bill, I would like to say that wildlife is our national heritage. Many countries are not proud because they do not have wildlife. Therefore, we should be proud of this important national heritage. As my colleague said, tourism earns this country a substantial amount of money through foreign exchange. Tourism, indeed, contributes greatly to our Gross Domestic Product (GDP). Therefore, we must protect wildlife in this country. The Jubilee Government promised that the number of tourists visiting this country will increase from three million to 10 million in the next five years. In order for us to achieve that objective, we must address the issues surrounding wildlife conservation.

As a country, we are pleased to say that the eighth wonder of the world is found in this country – that is the wildebeest migration that happens every year. I understand that millions of tourists visit this country to watch it. This year, we are experiencing something which has never happened before. The wildebeest migration is taking place for the second time. I understand that they migrated from Maasai Mara and Serengeti. They are now going back. This has never happened before.

The tourism sector employs quite a number of Kenyans. Statistics show that the sector employs over 200,000 Kenyans, which translates to over 10 per cent of the total work force in this country. Therefore, we need to improve this sector to protect wildlife and ensure that we are able to attract tourists to come to this country. I would like to note that wildlife in our country is found in natural habitats, and not in zoos like in many other countries. Therefore, we should be proud and continue to protect it.

Part II of the Bill talks of establishment of the Kenya Wildlife Service. I want to believe that this Bill contains a section which protects the current employees of the current KWS, the Board of Directors and management to ensure continuity. On the same note, we must empower the KWS by funding it sufficiently, so that they can protect wildlife and its habitat. I understand that currently, there is a lot of poaching going on due to insufficient funding of the KWS. Therefore, we must empower the KWS to enable them have enough funds, so that they can employ and train sufficient personnel in order for them to eliminate poaching and deal with the illegal trade of wildlife and wildlife products. We must give sufficient funds, so that they can protect wildlife.

Clause 24 of the Bill talks of establishment of County Wildlife Conservation Committee, whose roles will include ensuring that benefits derived from the use of wildlife resources are distributed in accordance with this Act. I want to believe that the establishment of the committee will be fair, so that all the people in counties are taken care of. I want to believe that those who will play the role of forming the committees will consult with the various stakeholders, so that we can have a broad coverage in terms of representation.

Finally, I wish to say that we must expand the tourism sector. In order for us to do so, we should know clearly which taxes belong to the national Government and which ones fall under the county governments. We need to protect our national parks and game reserves and expand to reach the various counties. We need to support the KWS to enable them employ more rangers to protect our wildlife. The question that we must be asking ourselves is how to ensure that the communities living within wildlife areas can benefit from this resource. I want to believe that there is a formula of ensuring that monies raised by the Government can be shared between the national Government, the county governments and the communities within wildlife conservation areas.

Therefore, we need to look at the benefit sharing agreement and ensure that all the communities within wildlife conservation areas are taken care of. As I have said, we need to support the Government and the wildlife sector to ensure that more tourists come into this country. In order to ensure that more unemployed youth get jobs, we need to expand the tourism sector. We also need to come up with ways of ensuring that families of people killed by wild animals are compensated. Such compensation should be done in a timely manner. There should be a timeframe within which compensation should be paid from the day one applies for the same.

With those few remarks, I beg to second.

(Question proposed)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, it is now 12.30 p.m. Therefore, the House stands adjourned until this afternoon, Wednesday, 20th November, 2013, at 2.30 p.m.

The House rose at 12.30 p.m.