

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday 27th November, 2013

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Hon Members, we may not transact any business because we do not have the requisite quorum. I, therefore, order that the Quorum Bell be rung for 10 minutes, in the first instance.

(The Quorum Bell was rung)

Hon. Members, we now have more than enough quorum. I can see hon. John Mbadi is walking in. We may proceed.

COMMUNICATON FROM THE CHAIR

DELEGATION FROM NATIONAL ASSEMBLY OF SOUTH SUDAN

Hon. Speaker: Hon. Members, I wish to introduce to you and welcome this afternoon a delegation of members of the *ad hoc* committee of the National Assembly of South Sudan, who are seated in the Speaker's Row. They are as follows: -

(1) The hon. Jasmine Samuel A.S., MP – Deputy Speaker and Leader of Delegation.

(ii) The hon. Akot, Makuach Majok, MP- Member.

(iii) The hon. John Chuol Char Deng, MP – Member.

(iv) The hon. Tago'do Joseph Ngere Paciko, MP – Member.

(v) Mr. Othom Rago Ajak Aweibuny – Clerk of the Assembly.

They are accompanied by Mr. Edward Apinyi M.O., Legal Advisor and Ms. John Stephen Jackline Yangi, Secretary to the Delegation.

(Applause)

The delegation is on a study tour of our Parliament from 25th to 29th November 2013, with the objective of gaining an understanding of the structures, operations and management of the Parliamentary Service Commission and how they will use our experience in setting up a similar commission in their parliament.

On behalf of the House and on my own behalf, I wish the delegation a fruitful study tour in our Parliament and a nice stay in Kenya. Hon. Members, please, in our traditional manner, let us welcome the Members. I thank you.

(Applause)

As per the Order Paper, we move to Statement No.200 requested by hon. Malulu Injendi.

REQUESTS FOR STATEMENTS

BENEFICIARIES OF SOCIAL WELFARE PROTECTION FUND

Hon. Injendi: Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding the Social Welfare Protection Fund.

Hon. Speaker, Article 57(d) of the Constitution stipulates that the State shall take measures to ensure the rights of older persons of the society to receive reasonable care and assistance from the family and the State. The Government established the Social Welfare Protection Fund to cater for senior citizens. However, not all eligible senior citizens from across the country have benefited from the Fund.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- (i) the number of senior citizens over the age of 65 years receiving Social Welfare Protection funds in each constituency and the percentages;
- (ii) the amount allocated for the senior citizens since inception; and
- (iii) the measure the Government has put in place to ensure all senior citizens receive those funds.

Thank you, hon. Speaker, Sir.

Hon. Speaker: The Chairperson, Departmental Committee on Labour and Social Welfare, the Vice-Chair or any Member. Is there any other Member from that Committee? One is there without being there. There is no other Member. There is only one Member from that Committee.

Hon. Serem: Thank you, hon. Speaker Sir. On the same item, in fact, we went to Mombasa two weeks ago to deliberate on the same issue. Give us two weeks, we should be able to give you an answer. We are almost done with the whole document since the Chairman is not here. The first week we should be able to give you the breakdown on how much each constituency should receive and specific amounts.

Hon. Speaker: How long?

Hon. Serem: Two weeks, hon. Speaker

Hon. Speaker: You are perfectly in order to say two weeks, it being immaterial that we may have gone on recess. In two weeks, you will be ready?

Hon. Serem: Yes.

Hon. Speaker: So, you are right. There is nothing unusual even next week.

Hon. Serem: In fact, Members are saying here that it will be out next year. But two weeks is okay.

Hon. Speaker: Because we cannot control requests for Statements by Members, I am sure even on 5th December there will be Members seeking requests for Statements and the Chairs and members of the committees will be at liberty to give undertakings. This is the practice world over. So, you are perfectly in order to give the answer in two weeks.

Yes, what is your reaction?

Hon. Injendi: I have no problem. He is saying that they were in Mombasa over the same. I was imagining that, maybe, next week they can give us the report. But I am in agreement over the two weeks because I want to have a good report. I have no problem.

Hon. Speaker: Very well. Next Statement is No. 201 requested by hon. Waiganjo. I will let you know this for free; when it is proposed that a Member requests another Member to stand in for them, it is only fair that the Chair is also informed. Otherwise, Members will make all manner of purported requests and then disappear into their villages and other places. You are holding the Statement? I will allow you. Is that hon. Lati? Yes, place your request.

PROCUREMENT OF MODERN COMMUNICATION CONTROL SYSTEM

Hon. Lati: Thank you, hon. Speaker. The Member went to a funeral. It was a bit urgent and so, he left the Statement request with me.

Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the procurement by the National Police Service of a modern communication control system in 2006 to replace the outdated microwave truncated radio communication system. The Government of the day formed a technical committee on procurement comprising of the National Police Service, Communications Commission of Kenya, Telkom Kenya Ltd., Safaricom Ltd., Airtel Communication Ltd. and Nairobi Central Business Association. The need for a modern police communication system in the light of the heightened terrorism threat cannot be gainsaid.

In his Statement, the Chairperson should inquire and report on one, whether the subsequent advertisement in the local dailies on 5th and 19th February 2008 for expression of interest to procure the system was financed and what was the outcome. Two, the findings of the technical committee; three, the outcome of former President Mwai Kibaki's visit to China in May 2010, in which the police communication project was discussed and a concessional loan facility of US\$100 million to finance the project obtained. Let him say why subsequent requests by the Commissioner of Police in July 2010 to the Ministry of State for Provincial Administration and Internal Security and a proposal to the National Treasury for funding were not acted upon. Finally, the findings of the Director General of Public Procurement Oversight Authority (PPOA) in April 2013 when the tenders were opened around July 2012, and status of the procurement of the said modern communication and command control system.

Thank you.

Hon. Speaker: The Chairperson, Departmental Committee on Administration and National Security, hon. Abongotum.

Hon. Abongotum: Hon. Speaker, this Statement will require very elaborate investigations. We want to ask for three weeks to present it to the House. I do not want to speculate or anticipate the issue of recess. So, three weeks will be sufficient.

Hon. Speaker: Well, I suppose that hon. Lelit will have no objections with that. In any case, he is standing in for hon. Waiganjo.

Hon. Lati: Yes, hon. Speaker. I have no objection because I was not given further details. I want to thank you for giving me this opportunity to stand in for him.

Hon. Speaker: Very well. Statement request No. 202 by hon. Kisang.

DISCRIMINATION IN RECRUITMENT OF KENYA DEFENCE FORCES OFFICERS

Hon. Kisang: Thank you, hon. Speaker Sir. Pursuant to Standing Order No. 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations regarding the issue of discrimination in the recent Kenya Defence Forces (KDF) recruitment exercise. The just concluded recruitment of KDF officers appeared to contravene Article 27 of the Constitution with regard to discrimination. One of the divisions in Marakwet West Constituency, Kapcherop Division, was denied a chance to participate in the recruitment by the recruiting officers without any reason being given for the exclusion of its youth from applying for the valuable posts.

In his Statement, the Chairperson should inquire into and report on, one, the basis for exclusion of that division from the recruitment process this year and in the previous two years as well; two, the number of divisions in the constituency as shown in the KDF records; and three, the steps being taken to ensure those disadvantaged youth are compensated in future recruitment exercises.

Thank you.

Hon. Speaker: Chairperson, Departmental Committee on Defence and Foreign Relations.

Hon. Gethenji: Thank you, hon. Speaker Sir. I think we can offer our response in two weeks, if that is sufficient

Hon. Speaker: Hon. Kisang.

Hon. Kisang: That is fine, hon. Speaker, Sir.

Hon. Speaker: Very well. Let us go to Statement No.203, as requested by the hon. Kenneth Okoth.

STATUS OF KENYA RAILWAYS CORPORATION PENSIONERS SCHEME

Hon. Okoth: Thank you hon. Speaker, Sir. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Committee on Labour and Social Welfare, regarding the status and management of the Kenya Railways Corporation Pensioners Scheme (KRCPS).

Hon. Speaker, Sir, the KRCPS is possibly one of the wealthiest corporations in the country, but it has been unable to take care of its ageing members across the country living in different provinces in this country. In his Statement, the Chairperson should inquire into and report on how long the corporate trustee, Alexander Forbes, will serve and under what terms; two, when the pensioners will be able to elect their own trustee to

manage the schemes assets; three, state the current assets of the pensioners in terms of property, that is land, vehicles and other investments; four, whether there is a policy in place to prevent irregular sale and disposal of assets below market value rates; five, the number of members of the pension scheme who have not received their termination benefits commonly known as the Golden Handshake and what measures are being taken to ensure payment of those benefits.

Hon. Speaker: The Chairperson of the Departmental Committee on Labour and Social Welfare. You do not have a card? It is even worse when you want to give a response and you do not have a card. But since you appear to be the only one who is responsive, use the Dispatch Box. You mean the Committee has no other hon. Members who even carry cards? Very soon, we are going to begin auditing committees.

Hon. Serem: Thank you, hon. Speaker, Sir. We should be able to give a response in one weeks' time on the same.

Hon. Speaker: Very well. I think that is very positive.

Hon. Okoth: Hon. Speaker, I think it will be very rewarding and happy for our pensioners to go for Christmas knowing answers to those questions. I will be happy if the Committee could work with speed and give us the information in one week's time as promised.

I also have another question for the same Committee on the Government policy on hiring.

Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Committee on Labour and Social Welfare regarding the Government hiring policy.

Hon. Speaker, Sir---

Hon. Speaker: Are you asking for another Statement?

Hon. Okoth: Yes, I have got two Statements approved, hon. Speaker, Sir.

Hon. Speaker: There is only one on the Order Paper. Anyway, since you have started, you can continue.

DELAYED SALARIES FOR NEWLY HIRED GOVERNMENT EMPLOYEES

Hon. Okoth: Thank you, hon. Speaker, Sir. Some Government employees who were hired more than six months ago have not received their first salaries to date despite having served for the legal probationary period of six months. Government departments have taken advantage of the new recruits to extend the probationary period beyond six months without the consent of employees, contrary to Section 42(2) of the Employment Act of 2007.

In the Statement, the Chairperson should inquire into and report on: One, the Government policy on hiring of new employees and two, measures the Government has put in place to prevent exploitation of new employees on probation within the Government.

Hon. Serem: Hon. Speaker, Sir, in two weeks' time, we will be able to respond.

Hon. Okoth: Hon. Speaker, Sir, I think the Departmental Committee on Labour and Social Welfare is very committed and hardworking and, if they can give us answers in two weeks, I will be very happy because as a young Member of Parliament---

Hon. Speaker: Do not worry about your youth. If you are happy, that is enough!

(Laughter)

Hon. Okoth: I think the whole House should be happy because this is affecting constituencies all over the nation, from Garissa to Kisumu.

Hon. Speaker: Please, let us not waste time. If you are happy, you should say you are happy. Forget about nuances about your age, gender and things like those.

Let us go to Statement No. 204, as requested by hon. Dan Kazungu.

REPAIR OF VASCO DA GAMA PILLAR IN MALINDI

Hon. Muzee: Thank you, hon. Speaker, Sir. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committees on Lands, and Labour and Social Welfare, regarding the state of Vasco Da Gama Pillar in Malindi.

Hon. Speaker, the Vasco Da Gama Pillar was built by the great Portuguese Explorer, Vasco Da Gama in the 15th Century. It is a renowned local monument and attracts tourist to Malindi from across the world, having become synonymous with the town.

However, there are fears that the pillar may fall off the cliff it was built on owing to massive cracks due to washing by sea waves. Worst still, the land around the monument has been annexed to the extent that accessing the pillar requires one to walk through a narrow alley making it difficult for tourists to access the pillar.

Hon. Speaker, in the Statement, the Chairpersons should inquire into and report on the following: One, the state of the Vasco Da Gama Pillar; two, measures the National Museums of Kenya is taking to enforce the pillar's support base and prevent it from total collapse; three, when work will start on the renovation of the pillar support base, which is a key national monument; four, whether land around the monument is designed as national public land or private land and finally, measures to ensure provision of an access path for tourists to gain access to the monument because it is a key national monument in town.

Thank you very much.

Hon. Speaker: How does it fall under the Departmental Committee on Labour and Social Welfare?

Hon. Muzee: Yes, hon. Speaker, I had inquired about it and I was advised that it falls under the Departmental Committees on Land, and Labour and Social Welfare.

Hon. Speaker: Well. Let us hear from hon. Alex Muthengi.

Hon. Mwiru: Thank you so much, hon. Speaker, Sir. From the point of my understanding and from how the Statement has been done, only the issue to do with the excision of land around the monument will probably touch on land. But I can see it more on the heritage side than where it has fallen in my docket.

I also understand that my senior hon. Member who is the Chairperson of the Departmental Committee on Labour and Social Welfare is out of the country with the Liaison Committee. I would have consulted with him but for now, I would need your guidance, whether this one falls under the Departmental Committee on Lands or the Departmental Committee on Labour and Social Welfare.

Hon. Speaker: Perhaps, you can deal with the aspects that touch on land and then the Committee on Labour can wait. Of course, you will need to harmonize your investigations.

Hon. Mwiru: Yes, indeed, hon. Speaker, Sir. I will be able to consult with my colleague, Chair for Labour and Social Welfare. I see what touches on his department and what touches on my department. But, at least, we are able to move together. But, again, as I have said, he is out of the country. We need about three weeks so that the first one week, we shall have consulted to see which areas we can do together.

Thank you.

Hon. Serem: Thank you, hon. Speaker, Sir. We will respond to the question after we liaise with the Department Committee on Lands. That will be next year, First Session. That is when we will respond.

Hon. Muzee: Thank you, hon. Speaker, Sir. While I appreciate that the two Chairpersons need to consult and come back to me, I think it just gives me a blanket response that we have to wait until next year, and I do not know exactly when. I think I have a problem with that. I need to be told exactly when I can expect some action on this.

Thank you.

Hon. Speaker: I am aware that certain Chairpersons of Committees are out of the country on official Parliamentary business.

Hon. Alex Muthengi has said that he will consult with his counterpart, so that they can decide when to do what and at what time they should sit jointly. So, what he has said makes a lot of sense. What you need to do is to keep the matter alive, pursue them and make sure that when they plan a visit, you are also informed and involved.

Hon. Muzee: Hon. Temporary Deputy Speaker, I stand guided. Thank you so much for that.

Hon. Speaker: Next is Statement No.205 requested by hon. Harrison Kombe. Is hon. Kombe present? He is not. The Statement is dropped. Next is Statement No.206, requested by hon. Peter Kaluma.

(Hon. Kombe's request dropped)

IRREGULARITY IN APPOINTMENT OF CHIEF EXECUTIVE OFFICER OF
KENYA BUREAU OF STANDARDS

Hon. Kaluma: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Committee on Finance, Planning and Trade regarding interference by way of favouritism and discrimination by the Cabinet Secretary and the Principal Secretary for the Ministry of Industrialisation and Enterprise Development on the appointment of the Managing Director and Chief Executive Officer of the Kenya Bureau of Standards (KEBS). The Chairperson should inquire into and report to the House on the following: -

(i) why an employee of Barclays Bank currently based in Uganda, who was not amongst the nine shortlisted applicants that were interviewed, was ranked the overall best applicant;

(ii) why the said employee of Barclays Bank, who earns over Kshs1.4 million salary per month, ended up being interviewed and yet, all other applicants, whose salaries were above Kshs700,000, were not shortlisted;

(iii) under what circumstances the name of the applicant who was ranked second-best overall was not included in the list of the three candidates presented to the Cabinet Secretary for consideration and appointment;

(iv) whether the Committee could table the report by the Manpower Services Limited on the recruitment exercise, the minutes of the Board of KEBS on the recruitment exercise and a report, if any, by the Ethics and Anti-Corruption Committee on the applicants; and

(v) confirm or deny whether there was any favouritism and discrimination during the said recruitment exercise.

Thank you, hon. Speaker.

Hon. Speaker: Chairperson, Committee on Finance, could you give an undertaking? Yes, hon. Dawood.

Hon. Dawood: Hon. Speaker, on the Statement sought by hon. Kaluma, we can give him a comprehensive report if he gives us three weeks. I would like to point out that he received a Statement two weeks ago from hon. Kabando, but the Statement had not been approved by your office. He has two Statement requests for the same day. One was approved and one was not approved. So, I would request that the hon. Member confirms whether the Statement has been approved by your office.

Hon. Kaluma: Hon. Speaker, the Statement request I had made was very urgent. The House would understand where I am coming from, knowing the previous employer of the Cabinet Secretary and the ongoing process. My fear is that the recruitment process is nearing conclusion. In fact, the three names of the persons amongst whom the Cabinet Secretary should be making the appointment are already with him. The rules of this House do not allow us to injunct the process. The issues we are seeking to know are very straightforward. If the Committee would agree to get back to the House on the matter within a week, I will be very grateful.

Hon. Speaker: Hon. Dawood, are you able to respond in a week's time?

Hon. Dawood: Hon. Speaker, it will be impossible because by the time we get the request through the right channels, it will be next week. We have many Statements to deal with. So, three weeks would be appropriate.

Hon. Speaker: Should it be necessary to invite anybody from the Executive? As we said in the past, they need to be given a notice of not less than seven days.

Hon. Kaluma: Hon. Speaker, if it is impossible for the Committee to do it within a week, two weeks would do. It will be good if the Committee summoned the mentioned members of the Executive. If possible, even the Ethics and Anti-Corruption Commission should be invited. Personally, I will be grateful to appear before the Committee to assist in the process.

Hon. Dawood: Hon. Speaker, two weeks will be okay. We will invite the hon. Member. If he has more information, we will appreciate it as well.

Hon. Speaker: Yes, hon. Steven Wachira Karani.

Hon. Karani: Hon. Speaker, last week, I requested for a Statement from the Chairman of the Committee on Agriculture, Livestock and Cooperatives concerning the appointment of the Director of Veterinary Services by the Ministry's Principal Secretary.

The Chairman then promised to give an answer in a week's time. A week has already passed since then. I am worried because, starting next week, we will be on recess. If the Statement request is not responded to, this country will make great losses.

I would like the House to note that we have an Acting Director of Veterinary Services, whose contract will end on 31st December, 2013. We have outbreaks of livestock diseases in this country. In Laikipia and Samburu counties, Foot and Mouth Disease has been reported. We have anthrax in Murang'a County and rabies in Mombasa County. However, those outbreaks cannot be gazetted because the substantive Director of Veterinary Services has been transferred to the Office of the Cabinet Secretary in charge of Agriculture. The one who is currently in charge is working in acting capacity. According to the law, he cannot gazette those disease outbreaks.

So, I am asking for your indulgence, hon. Speaker, so that I can get the Statement before we go on recess. This country stands to lose a lot. In fact, according to the information I have today, an international organisation by the name IOE is threatening to ban animal products in this country because those counties where there are outbreaks of diseases have not been gazetted. So, that would be very bad if we go on recess without getting the answer.

(Several hon. Members stood up in their places)

Hon. Speaker: Hon. Members, just revise your Standing Orders. You must, at all times, look at the person speaking and remember you must not impede his presence from the view of the Chair. So, when so many of you stand out there, I cannot see who is speaking. I need to see how he is behaving even how he opens his mouth. It is important. I want to see his facial expressions.

(Laughter)

Now, I needed to see what the reaction of the Chair of the Committee was because I could see him consulting with other people and I wonder whether he even really heard what the request was about. Hon. Nooru, that request was directed to you.

Hon. Nooru: Thank you, hon. Speaker. That question was given to us last week on Tuesday and we have submitted it to the Executive and the Ministry and we are still waiting for the reply. However, I am promising the Member that he will get the reply next week before we go on recess. However, there is no vacuum in the office. There are still people who are working.

Hon. Speaker: Is it the case that the person who is gazetted as the Director and who has the authority to gazette can still exercise those functions and powers? Is that what hon. Nooru is trying to suggest so that the hon. Member does not have to fear or worry that there is nobody who can exercise the functions of that office of Director of Veterinary Services?

Hon. Nooru: Hon Speaker, the hon. Member who brought the question is a veterinarian and obviously, despite the fact that the Director is in an acting capacity, it does not mean that there are no people to treat animals at the moment. The services are still going on but, nevertheless, we are going to give the Statement next week.

Hon. Speaker: Well, the days available are Wednesday morning and Thursday afternoon. I direct that you then produce the Statement by Wednesday morning. That response should be in the Order Paper on Wednesday morning.

Hon. Nooru: I am most obliged, hon. Speaker.

Hon. Speaker: Hon. Rachel Shebesh.

FUNDS ALLOCATED TO COUNTY GOVERNMENTS

Hon. (Ms.) Shebesh: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Leader of Majority Party on the funds allocated to county governments. In the Statement, the Leader of Majority Party should inform the House and the country at large on one, how much money has been disbursed to the county governments since their inception; two, out of the money disbursed to the county governments, how much has been utilized; three, provide a comparative list of all counties and how much the counties have utilized and how much is unutilized; four, further provide the total amount of funds still unspent and held at Central Bank of Kenya(CBK) and the reasons for that money to be held at the CBK.

Hon. A.B. Duale: Hon. Speaker, I will provide an answer on Wednesday morning next week.

Hon. Speaker: Very well. Hon. Stephen Mule.

STATUS OF NOMINATION OF CHAIRPERSON AND COMMISSIONERS TO TEACHERS SERVICE COMMISSION

Hon. Mule: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the status of the nomination of the chairperson and commissioners of the Teachers Service Commission (TSC).

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on when the nomination of the chair and the commissioners of the TSC will be forwarded to Parliament for consideration and the interim measures put in place to ensure that there is no interruption in the delivery of the crucial service provided by the yet to be appointed officer in the country.

Thank you, hon. Speaker.

Hon. Speaker: Chairperson of the Departmental Committee on Education, Research and Technology. Any member of that Committee? Hon. Julius Kibiwott Melly.

Hon. Melly: Thank you, hon. Speaker. I think the request is very crucial and we will give a Statement in the next two weeks.

Hon. Speaker: Hon. Mutinda Mule.

Hon. Mule: Hon. Speaker, this is a matter of national importance and I think the Committee probably has a clue of what we are looking forward to. I will be glad if they will give a report probably next week because it seems like we are going to push this matter to next year and yet, the education sector is very important in this country.

Hon. Speaker: You may not anticipate what is going to happen next week. Even when you know it, you are not allowed by your own rules to anticipate. I know everybody's notion is that there is something happening next week. Hon. Melly.

Hon. Melly: Hon. Speaker, because of the issues which we have, I know it is an issue of national importance and we are going to ensure that we give him a report because there are so many issues that are now going on. We will ensure that he gets that report in the next two weeks, please.

Hon. Speaker: Very well. Two weeks, it is hon. Mule. Dr. Pukose.

Hon. (Dr.) Pukose: On a point of order, hon. Temporary Deputy Speaker. More than a month ago, I asked the Chair of the Departmental Committee on Defence and Foreign Relations about an issue concerning one of my constituents called Mr. Mukanda who was working with Kenya Defence Forces (KDF) and was involved in a road accident. I have tried to inquire about his case and the Chair informs me that up to today the Office of the Clerk has not sent the petition. When you look at the tracking system, today is 40 days past the period I requested for this Statement and it is supposed to be given within 60 days. I am afraid that we will go for our Christmas break before this citizen receives an answer from the Department of Defence (DOD). Could the Chair, please, direct that this matter is dealt with accordingly and the answer is provided to this House before we go on recess?

Hon. Gethenji: Hon. Speaker, I can confirm that the Office of the Clerk has not provided us with the written petition. You saw me consulting there at the Clerk's desk. We wish to be provided with the written petition so that we can call a Committee meeting and deliberate on the same. So, we need your indulgence. We are not getting action.

Hon. Speaker: Hon. Githinji, check with your Committee clerk. He should be the one having it. Perhaps, you have been too busy with other assignments, which you are doing. I am told that may be the reason. But just check with your Committee clerk and try to provide some response to hon. Karani

Hon. Ng'ongo: Hon. Speaker, Sir, I also requested for a Statement from the Leader of Majority Party regarding the possible merger or dissolution of State corporations. The Leader of Majority Party, my friend, with a lot of confidence said that he would provide that Statement the following week, which was last week. To date, I have not seen any indication of him having the Statement. Could he now tell us when he will deliver the Statement?

Hon. A.B. Duale: Hon. Speaker, Sir, today is not the day for Statement responses. So, if he wants, I can give it tomorrow. If the Member will be available tomorrow afternoon, I can deliver the Statement.

Hon. Speaker: Very well. I can see too many interventions, not people seeking fresh Statements. We are through with that. So, if you are placing a request for a Statement, please, you will be cut short.

Hon. (Ms.) Mathenge: Hon. Speaker, Sir, last week, you indicated that I would get a Statement from the Chairperson of the Parliamentary Committee on Health regarding the missing X-ray machine in the Nyeri General Hospital. You indicated that this was a simple task and I would get the information by Tuesday. So far, I have not had it.

Hon. Speaker: Which Chairperson? Hon. (Dr.) Pukose, are you able to respond?

Hon. (Dr.) Pukose: Hon. Speaker, Sir, I had said that we would respond to this one week after. Our Statement is ready only that we have not been listed on the Statements' list. We will ask our clerk to ensure that it is listed on the Order Paper so that we can respond.

Hon. Speaker: Members, responses will be as indicated, namely, Wednesday morning and Thursday afternoon. We cannot just dedicate all our time to Statements. They have to queue and fight for space. If it is ready as I understand it to be, it could easily come up either tomorrow or Wednesday morning next week or Thursday afternoon next week, whichever the day. Hon. Rahim!

Hon. Dawood: Hon. Speaker, Sir, I had filed a Motion more than three or four weeks back, but it has not reached the Budget Committee. I was invited by the Chairman of the Budget and Appropriations Committee today, but it seems that it has been lost in the Clerk's office. So, I would like to have directions as to what happens in such a case? Whenever I ask, they say that it is with the Budget Office, but it is never there. I cannot bring that Motion.

Hon. Speaker: Members, I think it is not fair to require me to do administrative work from here. I cannot possibly do administrative work from here. If there is an issue of that nature, please, feel free to come to the office or even write, so that we can find out from the Clerk's office where the Motion is or the Bill, if it is a legislative proposal. Wilber Otichilo!

Hon. (Dr.) Otichilo: Hon. Speaker, Sir, a month ago, I requested for a Statement from the Committee on Agriculture, Livestock and Cooperatives on status of food security in this country. To date, I have not received any Statement or been called to the Committee to know what is going on. As you are aware or you may be aware through the Press, there is an impending problem of food security in this country. This House is entitled to know the food security status of this country, so that we can know what measures are going to be taken.

Hon. Speaker: You requested the Statement from the Chair of the Committee on Agriculture, Livestock and Cooperatives?

Hon. (Dr.) Otichilo: Yes, hon. Speaker, Sir.

Hon. Speaker: The Chair of the Committee on Agriculture, Livestock and Cooperatives? Members, you cannot just make a technical appearance and disappear. He has been here and now he has disappeared. Is his deputy hon. Simba Arati here? I can see you are very alert. Are you the Vice-Chair or the Chair of the Agriculture, Livestock and Cooperatives Committee or you are a member? Hon. Arati Simba, who is terribly alert.

Hon. Simba: Hon. Speaker, Sir, we may give an answer in three week's time before we go for Christmas.

Hon. (Dr.) Otichilo: Hon. Speaker, Sir, you can see that even the Member is not serious about this matter. This request was made a month ago and he is still talking of three weeks. We are talking about the issue of food security in this country. Is he serious?

Hon. Simba: Hon. Speaker, Sir, I am now serious. We have been having sugar crisis and that is what we have been dwelling on for the past one month. Indeed, for us to deliberate on the issue, I want to beg the Member to give us only three weeks and we will have done it and give a substantive response to his Statement.

Hon. Speaker: Well, Members, you see you may not be able to get blood out of a rock.

Hon. (Dr.) Otichilo: Hon. Speaker, Sir, I need you to intervene in this matter because it appears that the Member is not serious about this question. This question was asked a month ago. Those of you who have been reading in the Press can see that there is an impending famine. This House needs to know what decisions the Government is going

to take. The Committee seems to be not caring at all. So, I need your intervention, hon. Speaker, Sir.

Hon. Speaker: Hon. Simba, can you invite hon. Ottichilo to your next Committee sitting, so that you can discuss that matter?

Hon. Simba: Hon. Speaker, Sir, I would like to invite the Member to Crown Plaza tomorrow where we are having a meeting. It is not specific for this issue, but for him to bring us facts. I believe we are having rains all over the country. The issue of shortage of food, I do not think is important. We invite him tomorrow to the meeting.

Hon. Speaker: Hon. Otichilo, if you appeared before that Committee tomorrow, you may be able to prosecute. Members, we may even want to say this is very serious, but hon. Simba Arati is also saying what it is that his Committee has been doing. They can only do so much. They are Members of Parliament like yourself and have to attend the plenary here like you are attending. So, you may be requiring them not to also do their oversight and legislative work in the House. So, sometimes, you may want to push as though--- This is not the Executive.

I suggest that you attend the Committee meeting and make your representations there. Indeed, possibly, in the course of early next year, we will even remove this process from here because it is actually not helping the Members to do their other work. Your colleagues also have to do representation work like you are doing. They have also to do legislative work even as much as they do oversight. So, this system, as you can see, and I am sure everybody has noticed, has its inherent weaknesses. But, more particularly, Kenyans are used to seeing questions being responded to by the Executive, even though they were not always satisfactory. Of course, people must change and we have moved on. So, it behooves all of us to come up with suggestions as to how best we can improve the system to serve us better.

Hon. Kimaru: Thank you, hon. Speaker, Sir. I sought a Statement sometimes back from the Chairs, Departmental Committee on Lands, Departmental Committee on Administration and National Security and Departmental Committee on Defence and Foreign Relations on a matter that is very serious and concerns my constituency. We have had invasion of land and cattle rustling.

Currently, we have trafficking of arms after a particular police patrol base was removed sometimes back. I sought that response and I thought that the Ministry of Interior and Co-ordination of National Government would respond but as things stand today, nothing has happened. I have not been invited to any Committee meeting. So, I assume that nothing has been done and yet, that problem still persists and it is very serious.

I thought I would get a response this morning because I was given two weeks but no response was given. I would like to get an assurance that the response will be given tomorrow, given the grave nature of this matter.

Hon. Speaker: Moving forward, I will disallow Members from making those kinds of interventions because this is the time for Members whose names have been indicated on the Order Paper as seeking Statements. To come here and start saying that you made a request for a Statement a month ago is not fair. This is purely administrative. I would like to encourage hon. Members that if you have those difficulties, use the Office of the Clerk which is supposed to fast-track those requests. Indeed, this is not the work of the Speaker. I should not be the one to do those things. For instance, you can see that

the Chair, Departmental Committee on Agriculture, Livestock and Cooperatives has left because he has responded to what he had come for. You are lucky that hon. Asman Kamama is one who stays in the Chamber throughout. So, hon. Kamama, could you give some comfort to the hon. Member?

Hon. Abongotum: Hon. Speaker, Sir, I have like 20 pending Statements and I have tried to impress upon the Ministry of Interior and Co-ordination of National Government to really expedite this matter which is very urgent. I have compared notes with the Departmental Committee on Defence and Foreign Relations and the Departmental Committee on Lands and we are waiting for the Statement in a week's time. We have really impressed upon the Ministry to give us this Statement because the hon. Member is even my neighbour and I know the issues there are really urgent. We plead that we will respond in a week's time.

Hon. Speaker: Granted that the Executive is not here, we may even devise a method where responses once brought may not have to be read here; that hon. Members go and pick the responses from their pigeon holes or wherever else there is a medium of communication. That is because Statements are read to Members who still say that this is merely an attempt and it is most unsatisfactory as though the Member reading the Statement is the author. So, we may have to devise a system that encourages Members to seek statements because there is also the hour of exhibition and once you are through with the exhibition, you will go and pick the response from your e-mails or from the pigeon holes if they will still be available or in your respective offices. That is for those who have offices. There is nothing much we can do about this because this system is different. Here, we will raise matters of concern which every Member has a right to. Thereafter, I think it is not fair to appear to be bombarding Chairs of Committees with allegations that they have not made any effort and that this is the most unsatisfactory Statement. I have heard those kinds of statements being made. However, you are lucky that hon. Asman Kamama has given an undertaking that you will get the response next week.

Hon. Sumra: Hon. Speaker, Sir, I just want to seek clarification. I do not know whether hon. Simba Arati is in the City Council of Nairobi. He is saying that there will be a report in three weeks. I do not know whether he knows the calendar of Parliament says that we will go on recess on 5th December, or he will be left in Parliament to carry on. Hon. Simba Arati, this is Parliament. Please, clarify that.

(Laughter)

Hon. Speaker: Hon. Members, let us not be distracted. I am sure that hon. Simba Arati, you do not want to respond to that.

Hon. Simba: Hon. Speaker, Sir, you know there is a problem with people who put some tobacco in the mouth. That could be the reason hon. Sumra is not himself and he needs to be himself. He knows very well that this is Parliament and it is not the City Council of Nairobi which is found on the other side of the road. Therefore, there is a problem with what hon. Sumra takes. It is in his mouth. Let him check that.

Hon. Kaluma: Hon. Speaker, Sir, this is a House of procedure and rules and there is something about the sitting arrangement in the House. I was designated by this side of the House to be the Assistant Deputy Minority Leader and in the absence, you always see

me take the place of the Minority Leader. Hon. John Mbadi, hon. Wandayi, hon. Kazungu and hon. Maanzo have sat in front of me. Why is my takeover of the leadership of the coalition being blocked by my good brothers? This is the issue I wanted to raise.

(Laughter)

Hon. Speaker: Honestly, why do you want to drag me into the management of coalition matters? Hon. John Mbadi, have you taken over forcefully?

Hon. Ng'ongo: Thank you, hon. Speaker, Sir. I have heard such serious allegations from hon. Kaluma but, in the event that a decision was taken, it was a wrong one that needs to be reversed. That is because hon. Kaluma is a very junior Member of Parliament who just came the other day and found me here. Even in terms of age, he should respect me, my seniority and accept his rightful position behind me.

Hon. Speaker: Is hon. (Dr.) Pukose about to come to your assistance?

Hon. (Dr.) Pukose: Hon. Speaker, Sir, just as the Leader of the Opposition, hon. Raila Odinga said, lizards will always struggle to climb trees so that they can be seen. I think you can just allow the men to sit the way they want so that we can also see them.

Thank you.

(Laughter)

Hon. Speaker: Hon. Members, including the vertically challenged Momanyi--- Even as you walk around, you are the size of the seat. The Chair is not able to tell whether you are walking, sitting or standing. He is a great Member.

Hon. Members, it is proposed that tomorrow, the House may consider the following Bills in the Committee of the whole House: The Election Campaign Financing Bill, the Wildlife Conservation and Management Bill and the Insurance (Motor Vehicle Third Party Risks (Amendment) Bill. Therefore, this is to notify hon. Members who may have proposals for amendments to submit them to the Office of the Clerk starting today up to tomorrow at 10.00 a.m. so that they may be included in the Order Paper for ease of reference as the House transacts the business in the manner proposed.

PROCEDURAL MOTION

REDUCTION OF REFERRAL PERIOD

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order No.127(4) this House resolves to reduce the referral period of the Value Added Tax (Amendment) Bill, National Assembly Bill No.37 of 2013 to the relevant Departmental Committee from 20 days to eight days.

Hon. Speaker, just like I stated earlier in the morning, we have a challenge as per the Standing Orders that when a Bill has been published and it has not reached the second stage, if the House goes on recess, then that Bill becomes invalid. It has to start again during the second Session of the House, hopefully next year. That means there are a lot of

costs involved. Of course, again, the consultations by the Committees that looked at the Bill during the pre-publication period will have to start afresh.

We felt that this is a small Bill and we could reduce the referral period to the Committee. Hon. John Mbadi consulted the leadership and we have discussed this in the House Business Committee (HBC). The HBC Members are agreeable that we reduce the number of days from 20 to eight days.

I would like to ask hon. Mbadi, now that he has an interest in this, to give us more and second this Procedural Motion.

Hon. Ng'ongo: Hon. Speaker, really, this is just a Procedural Motion. The reasons for asking this House to reduce the referral period of the Value Added Tax (Amendment) Bill is because the period that we have between now and 5th December, 2013 when we are breaking for recess, is such a short time. This Bill has been with us for some time – I will not say for a very long time, but quite some time. The relevance of this Bill will be realized if it is enacted into law and Kenyans start benefitting from reduction of cost of certain basic commodities which include, among others, certain milk products, some pesticides and fungicides which will reduce the cost of production, animal feeds, fishing nets and so on.

I urge my colleagues that we support this Motion and reduce the referral period so that this Bill is debated either tomorrow or Tuesday. I would, however, prefer Tuesday as I had indicated that tomorrow I may not be able to attend parliamentary proceedings.

Thank you, hon. Speaker and I second.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Members it, therefore, means that the Bill may come for Second Reading at the earliest moment, but it is also directed - at the request of hon. John Mbadi - that the Bill be placed in the Order Paper starting Tuesday next week.

BILLS

Second Reading

THE KENYA HEROES BILL

(Hon. A.B. Duale on 27.11.2013)

(Debate Concluded on 27.11.2013)

Hon Speaker: I am informed that debate on this Bill was concluded. Hon. Members, I will, therefore, put the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed)

to a Committee of the whole House tomorrow)

Second Reading

THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL

(Hon. A.B. Duale on 25.09.2013)

(Resumption of Debate interrupted on 12.11.2013)

Hon. Speaker: The hon. Kimaru was on the Floor. You have a balance of five minutes.

Hon. Kimaru: Thank you, hon. Speaker. I had indicated that the structure of command in the police needs to be streamlined according to the amendments proposed. There has consistently been insistence that the Commission should be in charge of administrative functions such as simple transfers and even giving commands. This, in my view, has resulted in the police force not performing its duties properly.

We have instances like I earlier mentioned about Laikipia, where the police force is not able to respond adequately and speedily to situations on the ground, my view is that this comes from a disorganized command structure. This may be removed if certain functions of command are made the sole preserve of the Inspector General of Police. I had earlier on said that constitutional commissions such as Teachers Service Commission (TSC) in their structure leave the day to day running of their affairs to the Chief Secretary of TSC; similarly, the day to day running of the police force can be in the hands of the Inspector General.

Apart from the constitutional commissions that have the day to day running of affairs being done by executives, we also have institutions like co-operatives that have a structure where they have directors, but they are only involved in formulating policies and they leave the day to day running of their institutions to the Chief Executive Officer (CEO). Equally, for those who come from the corporate world, they will agree with me that even companies do not have the day to day running under the board of directors. If they have to give promotions at certain levels, this does not have to involve the board of directors. If they also have to do transfers on a day to day basis, it is not the whole board that comes down to do this.

I agree with the Mover of this amendment Bill that some of the functions of the police force can be under the Inspector General and not the Commission as a whole to increase efficiency and to also have an organized command structure. Apart from that, there will be an issue of loyalty, because if we have the Commission appointing and doing most of the work that the Inspector General is supposed to do, we will find that even the troops down there may not have any loyalty for the Inspector General. Those who are familiar with the armed or disciplined forces will agree with me that it is very important that loyalty be to the person giving orders. Since, I have spoken to this issue at length, this were my only additions towards supporting this particular amendment Bill.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Hon. Isaack Mwaura, take the Floor.

Hon. Mwaura: Hon. Speaker, Sir, I spoke on this Bill.

Hon. Speaker: You had contributed to this? Hon. Gladys Wanga.

Hon. (Ms.) Nyasuna: Thank you, hon. Speaker, Sir, for giving me this opportunity to speak on this Bill, which I oppose. From my reading of this Bill and the partner Bill, that of the National Police Service Commission (Amendment) Bill, what I see as the long and short of these Bills is to restrict the powers of the National Police Service Commission, while expanding the powers of the Inspector General, improving his security of tenure and introducing powers for the Cabinet Secretary to control the Commission.

As a House, we must look at where the Police Service has come from and the genesis and dire need this country had for police reforms. We all remember the 2007 post election violence, where over 1,000 Kenyans lost their lives, over 100,000 properties destroyed and over 350,000 people displaced. We must remember why police reforms became an agenda item. It is because there was a strong feeling---

Hon. Speaker: Yes, what is your point of order?

Hon. Abongotum: Hon. Speaker, Sir, I stand on a point of order and let me make some clarifications because my good friend, hon. Wanga is actually misleading the House.

What is happening because we need to really clarify issues here, is that there was an amendment which was brought and that is what she is discussing. She is actually referring to what we did in the report. That amendment is what was forwarded to our Committee for consideration. We have already addressed that.

Is it in order for hon. Wanga, to actually read the two amendment Bills with the exclusion of the report, because what she is discussing has already been addressed? The power of a Cabinet Secretary has been removed, the powers of the National Police Service Commission are intact and we have harmonized everything. Please read together with the report so that you are guided appropriately.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Very well, hon. Wanga, it is good to note that the Committee may have addressed the issues. You may be reading the Bill with the exclusion of the report.

Hon. (Ms.) Nyasuna: I also had an opportunity to read the report. I am speaking to the spirit of the amendments that were introduced to this House, through the two amendment Bills. If these matters were corrected by the Committee, then we will be amenable to these amendments, particularly when they come on the Floor of this House. I have prepared my notes on the basis of the amendment Bills and I wanted to express myself with that spirit so that we do not have Bills being introduced and us having to push and pull. The people who intend to bring Bills to this House should really look broadly at the genesis of where we are coming from and going as a country.

The Chair will just indulge me as I speak on the historical issues of the matter of police reforms. The National Taskforce on Police Reforms chaired by hon. Justice Philip Ransley, provided a good basis for the reforms that we see in the current Constitution. It was clear that recruitment in the police is a big issue and this reform sought to cure the process of recruitment of police. For many years, the final say on recruitment of police lay with the Commissioner of Police and the Administration Police (AP) Commandant. The report said that the recruitment of both Kenya Police and Administration Police has increasingly been characterized with allegations of nepotism, political patronage, favouritism and bribery.

When we look at the report by the National Cohesion and Integration Commission that was done later, really it does confirm so, because almost 40 per cent of the police force was constituted at the time of the report by just two communities and we do know that the current Constitution in Article 246(4) is very clear that the composition of the police service must reflect the ethnic diversity of this county. The reason we are very firm on this matter, and I am glad that the Committee has looked at some of these issues, is because we do not want to go back on the gains we have made in terms of spreading out all our services and forces showing the face of Kenya.

Transfers have also emerged as an area of discontent among the police and it is being used to discipline officers sometimes unfairly.

I speak to this issue in this manner because I am sure--- When I look at the Report of the Committee, those policemen at the lowest level have communicated a lot to us on that matter, and they have been very concerned about returning all the powers to the hands of one person. If the Committee has addressed this really, we will be very happy. Looking specifically at the amendments, if you read Articles 8 and 10 of the Police Service Act, they clearly provide for the roles of the Inspector General (IG) as far as the operational mandate of the service is concerned. The spirit of the police reforms is clearly to make it a force of service, so that they live up to their motto “*Utumishi Kwa Wote*”. “*Utumishi*” means service. The National Taskforce on Police Reforms that I have referred to earlier was the basis of the reforms in the current Constitution. The Ransley Report was very clear, that the police are poorly equipped, poorly resourced, suffer from low morale due to poor remuneration and other terms and conditions.

In general, Kenyans regard police as ineffective and trust levels among them are very low. In the specific amendments, I see the creation of a service board among whose responsibilities will be to determine recruitment, promotions, transfers and discipline. The commission is created to be able to handle some of these responsibilities. Now, there is the creation of a board and a board can exist to deal with operational matters, but matters of human resource are in the clear purview of the National Police Service Commission. The Inspector General and his two deputies are part and parcel of the Commission as it is currently. Therefore, in my view, all consultations should be held within the context of the Commission and requiring the Inspector General to be consulted independently, for me is strange because he is a Member of the Commission. If the desire is to remove the two from the *ex-official* status within the Commission and make them substantive members, then those are amendments that I hope the Committee can really consider and bring to this House.

Section 10(2) of the National Police Service Act provides for the Commission to delegate powers to recruit, appoint and promote officers under the rank of Sergeant in accordance with Article 10 and Chapter Six. This should be explored instead of removing powers and putting them in the hands of one person. In view of the fact that I have not seen what the amendments are, I oppose the amendments in their current form. The amendments as considered by the Committee, we will review them as per their merit. I know that the leadership of the House will meet to discuss these amendments and come to an agreement. That is an approach that I applaud. I hope that we will not come up with something that will reverse the gains that this country has made of police reforms and of moving us in the right direction. If things continue the way they were, we will really

move several years back. I oppose this Bill and wait for the Committee to bring its amendments.

Hon. Wandayi: Hon Speaker, just to put the record straight, I had earlier spoken on this matter

Hon. Speaker: There is somebody who is on a point of order.

Hon. H.K. Njuguna: Hon Speaker Sir, this has been one of the most ventilated Bill and I think it is about time to call the Mover to reply.

(Loud consultations)

Hon. Wandayi: Thank you hon. Speaker, Sir. I just want to talk very briefly on this matter. If you look at this Bill, as it is before the House, you will fail to understand its purpose. Ask any ordinary police officer, anywhere including the bodyguards who guard half of the MPs, apart from the issue of their pay, what other three issues concern them most? They will tell you firstly, it is the issue of arbitrary transfers which are used as punitive measures against them. Secondly, they will talk about the issue of promotion, which hardly comes. Thirdly, they talk about the issue of disciplinary procedures. The reason I am saying this is because what informed the process of police reforms---

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

Hon. Speaker: What is it?

Hon. Kimaru: Hon. Speaker Sir, on the admission of my friend and colleague that he had spoken on this issue before, is it not against the Standing Order for him to be allowed to speak on the same issue the second time?

Hon. Wandayi: Yeah, I had spoken on a point of order and addressed some issues.

Hon. Speaker: What does the record say?

Hon. Kimaru: It is on his own admission.

Hon. Wandayi: Yes, it is true. I am very clear, on a point of order.

Hon. Speaker: Hon. Members I am informed that this Bill has been debated for three days; therefore, I may need to look at the records to see in what context hon. Wandayi may have spoken. It is only the staff who can provide that information.

Hon. Wandayi: Hon. Speaker, I raised a point of order when I last spoke on this Bill.

Hon. Speaker: If it was merely a point of order, that does not deny you the right to---

Hon. Wandayi: The purpose of police reforms, was to---

Hon. Speaker: Hon. Wandayi, the record shows that on 13th November you spoke between the hours of 15.40 and 15.47, when you finished. You had seven minutes. That could not have been a point of order. So, it is totally out of order for you to contribute twice to the same Motion. Therefore, I rule you out of order and discontinued.

I think, hon. Wandayi you risk being punished for misleading the Chair. The record shows that on 12th November, you began contributing from the hour of 18.27 to 18.30; you spoke then for three minutes and, therefore, the next day you had carried forward a balance of seven minutes; The record shows that on 3th November, you spoke between the hours of 15.40 and 15.47. Why is it that you cannot own up? There is no

room for you to explain. If the record shows you contributed, give another Member a chance to contribute.

Hon. (Ms.) Kiptui: Thank you, hon. Speaker Sir. The amendments that we proposed in the Committee were meant to remove the conflicting sections between the duties of the National Police Service Commission and those of the Inspector General. There were even areas where the meetings would have continued without the presence of the Inspector General or his deputies, and we thought that would have raised issues.

The rest of the hon. Members would proceed with the meeting and arrive at conclusions, where the side of the Inspector General was not represented. My colleagues from the other side were suggesting that these amendments did not cure the problems at the beginning of the year between the Inspector General and the Chairman of the Commission. So, I want to encourage hon. Members to look into the matter and see to it that we work so hard to make sure that there is no conflict and that the two bodies work smoothly in serving Kenyans.

Thank you.

Hon. Speaker: Hon. Members, sometimes it is important that the record shows when you speak, whether you support or oppose. It is not just to thank the Chair. Are you supporting, hon. Jemutai? How does the record show that you merely thanked the Speaker? You should not thank me without indicating whether you are supporting the Bill or you are opposing?

Hon. Jemutai, are you supporting or opposing the Bill?

Hon. (Ms.) Kiptui: I am supporting, hon. Speaker, Sir.

Hon. Mule: Thank you, hon. Speaker, for giving me an opportunity to raise my voice on this important Bill.

I want to thank the Committee for working extremely hard to cure some of the problems we have been having. There has been an attempt to show that the Inspector General and the Chair of the Commission are clashing over the responsibilities of the police force. It is important that this House makes laws through a bi-partisan way without caring whoever is holding an office at any particular time. I believe it is at that juncture that the Committee should come out with very clear amendments to define the roles of the Inspector General and the Chairperson of the Commission. It is important to make sure that we do not lump all the powers of the police in one hand. We have seen what it means when one is completely in control of a force. He is supposed to provide security to the ordinary Kenyans, but at the end of the day, they are being super-controlled from remote areas. It is important that we give opportunity to the police to make sure that they play their cardinal role under the Constitution; providing security, giving proper information and make sure we are in control and not to get to a situation where the Police Service and the Police Commission do not appear to be working for one nation.

We need a system where most of the amendments try to cure this problem. It is important for the police to work within the law. It is also important for this House to keep a close eye to what is happening. If need be, we probably, in the next six or seven months, need to evaluate how the police have been working. If there are any challenges, we need to come up with proper and more amendments to make sure that we streamline this important unit of the Government.

With those remarks, I support the Bill with the amendments.

Hon. Speaker: Hon. (Ms.) Wahome, the Floor is yours. Have you spoken to this Bill?

Hon. (Ms) Wahome: Thank you, hon. Speaker, Sir, I have not. I hope the record does not catch me differently. I believe I only stood on a point of order.

Hon. Speaker: Let me just confirm. Hon. Members, this is the reason why we keep records. I keep telling you that this is a House of records. In fact, the hon. Wandayi ought to have apologized because he was misleading the House.

Hon. (Ms) Wahome: I rose on a point of order on this particular Bill, hon. Speaker, Sir.

Hon. Speaker: Hon. (Ms.) Alice Wahome, the record shows that you spoke between the hours of 18.13 to 18.26.

Hon. (Ms) Wahome: How many minutes are those? I believe I spoke on a point of order.

Hon. Members: Even if you were to stand on a point of order, you could not have taken 13.3 minutes.

Hon. Speaker: It is not possible to do that for 10 minutes. We must give somebody else a chance to speak.

Hon. Patrick ole Ntutu, the Floor is yours.

Hon. ole Ntutu: Thank you hon. Speaker, Sir, for giving me this opportunity. I also rise to support the Bill because when you look at what has been happening with our police force and the Commission, you will realize that there has been a slow down or people not knowing what they are supposed to do.

Hon. Speaker, Sir, I am part of this Committee. I remember when we called the Chairman of the Police Service Commission, everybody read the Bill differently because everybody wanted more powers. Let me say that the issue of the command of the police or any force needs clarity. What was happening was that there was no clarity. I must say that we did a lot of good work and we put in a lot of hours to rectify that anomaly. This House should appreciate what the Committee has done because had we left this Bill to go the way it was, I can assure you that this country's security would have been compromised.

When you look at the recruitment, appointments, promotions and transfers--- One of my colleagues mentioned that, one thing that any police officer cares about is who is transferring or who is promoting. Without that, the police force will not listen to anything being said. That is why we said the Inspector General must be given powers to do that. But any other human resource work can be done by the Commission.

Hon. Speaker, Sir, we are a country that is reactive. We normally react to situations. What happened in 2007 is what we are reacting to by saying that we need a lot of changes, but changing things without thinking is dangerous. The previous Bill did not take care of who is in charge. In this situation, we wanted to give somebody who is in Nairobi authority to be in charge of a police force in Marsabit. That cannot happen because we know that with the police, you must have a boss.

Somebody who does not know the work of the police will definitely not take care of their business. Therefore, I support the Bill because I believe that it will bring order and professionalism in the National Police Service. Insecurity in this country has become a problem. The Members of this House will agree with me that for the last six months, we have been having security issues. Who knows? Maybe, this was one of the problems. So,

I totally agree with the Committee. What we have done is a good job. This Bill must be supported. I know that a lot of people like talking about the Ransley Report. That Report did not say that we should give power to somebody sitting in Nairobi to command the police force. We must have a police force that is proactive, instead of one that reacts to security situations that have already happened.

With those very few remarks, I beg to support.

Hon. Speaker: Yes, hon. Sakaja.

Hon. Sakaja: Hon. Speaker, I rise to support the Bill as amended but I have a number of caveats that I would like to add for consideration by this House. We already have a model that gives us experience about uniform, coherence, command and control. That is where we have been over the years. We also know where that led us to. As we consider this Bill, we must have an element of modesty and appreciate the setbacks that we experienced. We should be cognizant of the fact that as we seek to get uniform, coherence and control, there is also the down-side bit, which still bothers me. Therefore, I will support the amendments. That is one side of it.

Secondly, when we say that, because of unclear command structure, crime has increased, we are saying that we have a look at very many things. I do not know how the unclear command structure deals with issues of human rights or whether that is what is limiting them. I do not know how the poor command structure is leading to a sudden surge of crime, which might imply that the police are not entirely part of the solution. They may also be part of the problem, which indicts the police force as it were. That is the direction I would like to go. If that is the case then the medicine for it is a different thing altogether, and not the amendments that we have made. We need to look at that very carefully and thank the hon. Member.

The third area is that we need to go beyond the legislation framework that we are dealing with, including the one under discussion, and think a bit more about how the police force itself will functionally be accountable. It is not enough for the police to respond to insecurity incidents. The response time is important. It is not enough that they contain crises. How they do it is important. I am not one of those who say that the police should not use a strong arm to get a situation under control because sometimes some people do not listen to anything other than strong arms. So, that is not my real concern. There are boundaries in terms of human rights concerns but what is important is that the police should be able to say: "Given the changes that we have made, these are the qualitative improvements that we have made", beyond the legislative framework that we are working with.

Therefore, my comment on this, in summary, is that I support the amendment in terms of having a responsive police force that is moving with the times. In terms of answering the question as to why there is a surge in crime, along the lines of the defence of this legislation, we are simultaneously indicting the police force without being fully aware of it.

With those few remarks, I support the Bill.

Hon. Speaker: Yes, hon. Grace Kipchoim.

Hon. (Ms.) Kipchoim: Hon. Speaker, I rise to support the Bill. It has come at the right time. We have waited for long. I come from a constituency which has a lot of security problems. Therefore, I would like to thank the Committee that sat tirelessly and came up with amendments that are going to improve this Bill. Whenever we ask for

security in our respective regions, we are told that the Inspector General is also asking the National Police Service Commission to post a security team to places where they are needed. These are some of the things that hinder swift action by the police. So, I want to support the Bill and say that I commend the Committee.

Thank you.

Hon. Speaker: Yes, hon. Julius Kibiwot.

Hon. Melly: Hon. Speaker, I rise to support this Bill on several grounds.

Firstly, it is giving power to the Inspector General as the leader of the larger human resource, to be able to evaluate the performance of officers and give them the opportunity to move to areas where there is a lot of insecurity. I come from a constituency where a few weeks ago, we had to move in with the Inspector General and the Cabinet Secretary due to a lot of insecurity. The serious issue that was affecting our people in Nandi County is the inability of the National Police Service Commission to move officers to those places. The particular officers who were on the ground were not able to deal with the issues that were affecting the people.

Previously, the head of the Police Service used to have a lot of say on promotion and transfer of his officers. We all know that a police force is a command unit. As the commander of any particular unit, you should be able to relate to your officers in the field and the various commands. The National Police Service will be energised. Commanders will have the ability to evaluate junior officers within its ranks.

With those remarks, I beg to support.

Hon. Speaker: Yes, Dr. Pukose.

Hon. (Dr.) Pukose: Hon. Speaker, we have exhausted debate on this Bill. Therefore, I request that the Mover be now called upon to reply.

Hon. Speaker: Hon. Members, if you look at your Standing Orders, you will note that purported points of order may be limited to only when debate is going on because the Chair does not contribute. The record shows that over 30 Members have contributed to this Bill. Therefore, I will put the Question.

(Question, that the Mover be called upon to reply, put and agreed to)

Hon. Asman Kamama, you are not the Mover but the Chairman of the Committee. I have looked at the record. Perhaps, you ought to have been alerted that you are supposed to have had 20 minutes. Unfortunately, when you spoke, you were limited to only 10 minutes. That was wrong. As the Chairman of the Committee, especially since the Bill is not shown to originate from the Committee, you are entitled to 20 minutes. Perhaps, you can take full advantage of that in replying.

Hon. Abongotum: Hon. Speaker, I was actually meant to take 20 minutes but I had a lot of pressure from hon. Members who wanted to speak. So, I took 10 minutes because of the pressure from my colleagues. Even at this stage, in the interest of time, through your indulgence, I will take only five minutes and then you can put the Question.

Hon. Speaker, first of all, I want to thank all the hon. Members who contributed to this Bill. Some of them have discussed the other Bill; the National Police Service (Amendment) Bill, which will come to this House tomorrow. Hon. Members have actually mixed the two Bills.

Hon. Speaker, we have taken the concerns of Members. What the Members are saying about the police reforms is true because for a very long time we have had a police force that has not been pro-people. I want to confirm to Members that we have actually overhauled the amendments that were brought to this House. We went and had more than 18 consultations with stakeholders, very respected institutions and eminent Kenyans in this country, like Prof. Yash Pal Ghai and the rest and quite a number of them are in agreement with the amendments by the Committee.

So, hon. Speaker, on the issues that were raised by hon. Justice Ransley, I want to confirm that 60 per cent of them have been implemented so far. So, the rest will actually be implemented through these amendments.

Hon. Speaker, I want to confirm that the issue of the mandates of the Commission *vis-à-vis* the Office of the Inspector General have been totally harmonised but you will see this when we come to the Committee stage. So, we want to promise or rather confirm to the House that we have actually given amendments that will serve posterity and not a particular region. This is because we were told when we were in Mombasa by the Speaker of Ghana that today's opposition is tomorrow's Government and *vice versa*. So, we have made some of these amendments taking cognisance of the fact that most probably next time this side will be on the other side and *vice versa*. It has happened before and I want to confirm that we have harmonised the issues that were raised about recruitment, reduction of powers of the Commission and those given to the Cabinet Secretary and the Inspector General. We have done them and you will see them when we go to the Committee stage, even when we go to the next Bill. I do not want to anticipate debate on the Bill because Members have started discussing it.

Hon. Speaker, on the issue of 40 per cent which was raised by Members, we have addressed it by making sure that the Commission has actually what we call regional balancing and even when we go to the Office of the Inspector General, it also represents that. So, the issues of transfers, National Police Board and resources will be covered later.

So, hon. Speaker, with those remarks, I beg to move. Thank you.

Hon. Speaker: Hon. Members, well, I need to confirm that--- This is really out of order. Hon. Millie Odhiambo and hon. Ken Okoth, I think I may have to take some disciplinary action against you. It does not happen like that. May I be told from the Clerk's Table how many Members are in the House? Just confirm before I put the Question. Maybe hon. Members, we could transact some other business before I put the Question. What is the number? Hon. Members, then I put the Question.

(Question put and agreed to)

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

COMMUNICATION FROM THE CHAIR

MEMORANDUM ON THE KENYA INFORMATION
AND COMMUNICATIONS (AMENDMENT) BILL, 2013

Hon. Speaker: Hon. Members, before we move to the next Order and for the convenience of the House, I interrupt the flow of business to make this Communication from the Chair.

This is with regard to a memorandum of refusal to assent to the Kenya Information and Communications (Amendment) Bill, 2013. Hon. Members, you will recall that on 31st October, 2013, the House passed the Kenya Information and Communications (Amendment) Bill, 2013. However, on Wednesday, today, 27th November, 2013, I have received a letter forwarding a memorandum from His Excellency the President declining to give assent to the Bill pursuant to the provisions of Article 115(1),(b) of the Constitution.

Hon. Members, in that connection therefore pursuant to the powers conferred by the Constitution, His Excellency the President has submitted a memorandum to the National Assembly outlining in details the issues for reconsideration and resolution by the Assembly.

Hon. Members, Article 115 of the Constitution provides that the National Assembly shall reconsider a Bill referred to it by the President taking into account the recommendations of the President and shall either approve the recommendations with or without amendment or refuse to accept the recommendations and, therefore, approve the Bill in its original form by a resolution supported by two-thirds of all the hon. Members of the National Assembly.

As hon. Members are aware, Standing Order No.138 (1)(2) provides that on recomittal of Bills, the Committee of the whole House considers only those matters which are specifically referred to it for consideration. The procedure on a Bill recommitted as provided shall therefore apply *mutatis mutandis*. This means that only amendments to specific clauses being reconsidered shall be entertained. The essence of Article 115 of the Constitution is that in order for the House to reject the recommendation by His Excellency the President, it requires a requisite number of 232.6, approximately 233 Members. This is two-thirds of the total membership of the House. The reporting procedure of the Bill will not be read a Third Time as this was done when it was passed on 31st October this year.

Hon. Memebers, I will therefore give further guidelines on Tuesday 23rd December 2013, when the Bill appears on the Order Paper for consideration. I now direct that the Clerk circulates the memorandum from His Excellency the President to all Members. In the meantime, the memorandum by His Excellency the President is referred to the Departmental Committee on Energy, Communication and Information.

I thank you, hon. Members.

Sorry, hon. Members. I think I said Tuesday, 3rd December and not 23rd. Next Order.

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Hon. A.B. Duale: Hon. Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendments) Bill, 2013, be read a Second Time.

The Statute Law (Miscellaneous Amendments) Bill, 2013, is in keeping with the practice of taking minor amendments which do not merit the publication of a separate Bill and consolidating them into one Bill. I want to state from the outset that this Bill was read the First Time and has gone to the Committee on Justice and Legal Affairs after we reduced the referral period to 14 days. We intend to bring it through the House Business Committee as the last one, so that Members can go through it. I will go very fast on just a number of highlights.

One of the reasons why this House must dispose of this Bill among many others is the section touching on the Vetting of Judges and Magistrates Act, No.2 of 2011. This Bill proposes to amend the Vetting of Judges and Magistrates Act, and to make provisions regarding the review of the decision of the board and further to extend the timelines for the vetting exercise. The board has still a long way to go in vetting of magistrates and I am sure there are still thousands of magistrates who have not gone through the exercise.

This Bill amends the Advocates Act, Cap.16. The Bill proposes to amend the Advocates Act to remove the Director of Public Prosecutions from the membership of the disciplinary tribunal in order to avoid potential conflict of interest. In most of these amendments, at a later stage, compromises will be reached. We make laws and amend them, not for individual sectors, individuals and not for today or tomorrow, but for posterity and for the people of Kenya. In one of the amendments on the Kenya Ports Authority Act, Cap.391, the Bill proposes to amend it in order to extend the application of the Act to include inland waterways and ports. That part was not in the KPA Act, Cap.391. The Bill is amending it to make sure that we cover both the inland waterways and we also cover that under the Kenya Railways. This will enable the Port of Mombasa to take over the mandate and the development of ports.

There is an amendment on the Kenya Airports Authority, Cap.395. In this, the Bill proposes to amend the Kenya Airports Authority Act in order to increase the number of the independent board members from two to five. That institution has had the challenge of lack of quorum and a case where one or two members chair two sub-committees. So, in order to make sure that there are different independent directors chairing different committees and that the frequent lack of quorum is cured, this Bill wants to increase the number.

QUORUM

Hon. Simba: On a point of order, hon. Speaker, Sir. Given that the Leader of Majority Party is talking about quorum, if you look in the House, we have no quorum. Is it in order that we proceed with business without quorum?

Hon. Speaker: You do not have to argue the point. You just have to raise the issue. May I know whether we have quorum?

Well, it is confirmed that there is no quorum. May the quorum bell be rung for 10 minutes?

(The Quorum Bell was rung)

Hon. Members, we are now quorate. The Leader of Majority Party, you may proceed.

Hon. A.B. Duale: Hon. Speaker, Sir, the Independent Offices Appointment Act, 2011, No.8 of 2011 is also being amended. The Bill proposes to amend this Act to provide for the appointment of the next senior-most person within the office to perform the function of the office holder in the event of a vacancy. This cures a situation which leads to an organization, based on nepotism and tribalism, having somebody very junior being brought in, in acting capacity. I think that is in the interest of the country.

The Political Parties Act, 2011, No.11 of 2011 is being amended. Again, the Bill proposes to amend this Act to clarify the provisions relating to the appointment of the Registrar and the Assistant Registrar of Political Parties. The current provisions are predicted on holding of the first general election under the Constitution, an event which has already taken place. So, both offices are due.

Hon. Speaker, Sir, the most controversial, and I want to go on record on this, are two areas. One is Clause 27 on the Public Benefits Organization Act, 2013, No.18 of 2013. I am sure that some NGOs have done great in our country. However, some who are briefcase NGOs have no accountability in terms of resources and operations. As a country, we must move within the confines of the new Constitution of 2010. If the Government, Parliament and the Judiciary are held accountable, then the NGO community must also be held accountable.

The element of the 15 per cent ceiling might be very outrageous from where I sit because I come from a constituency or region where the NGO community is well pronounced. However, a consensus must be reached. We might reach a consensus at the Third Stage to make sure that the way the Auditor-General brings a report to this House on the Executive, he must also bring audited accounts of the funding of the NGO community in our country. This will ensure that as the Public Accounts Committee and this House debate the Auditor-General's accounts, individual Members of Parliament can know that the US\$10 million for water and sanitation given to Care International has reached the ground. How do we play an oversight role as Members of Parliament based on the report of the Auditor-General?

The ceiling on the 15 per cent is debatable. This is something we can reach a consensus on but the question of accountability in terms of resources and operations is something I am sure the NGO world will agree with me. I had the privilege of working for the NGO community before I joined this great House.

The other controversial element is the one on our famous old friend, the Salaries and Remuneration Commission (SRC). That is the Sarah Serem-led Commission. Sarah Serem has asked for a permanent job. She is now on a job that she does on part time. She is asking for a permanent job. We are now very happy that Sarah Serem and the Commission cannot run away from the 11th Parliament. When it reaches that stage, Members of Parliament have the liberty---

The problem that we encounter is that this green book is the way it has been published. We are in the Second Reading and Members will raise concerns. When we reach Third Reading, as the Leader of the Majority Party, we might even agree on a number of Acts that we might remove. Just like in any other Bill, we might compromise. We might enrich this Bill. However, I am sure that the issue of the gender parity in terms of the National Police Service Act is also a matter for discussion.

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

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

I think the rest are issues that are common and can change the life of our people. There is the Anti-Corruption and Economic Crimes Act, No.3 of 2003 which this Bill proposes to amend to replace the term “Director” with that of the “Secretary”. You remember when P.L.O. Lumumba was in charge, he had a title of the Director of Kenya Anti-Corruption Commission (KACC). Now, there is the Secretary of the Ethics and Anti-Corruption Commission. So, there are very minor amendments.

There is the Kenya Anti-Counterfeit Act, 2008. The Bill proposes to amend this Act to provide for the establishment of a board to manage that agency. There is also the National Youth Council Act, 2009 and the Bill proposes to amend this Act to streamline the membership of the Youth Advisory Board and clarify its functions. So, these are amalgamation of laws. In every parliamentary calendar, the Statute Law (Miscellaneous Amendments) Bill is brought to the House. This is a practice to make minor amendments which do not merit the publication of a Bill.

Hon. Speaker, Sir, the irony is, and I want to point it out at the outset, you cannot at this stage divide this Bill. You cannot say that you pick one aspect of the Bill and leave the rest. What will happen is that at the Third stage, we might remove some or withdraw some Acts within this Bill or we might amend or reach consensus. At the end of the day, the law-making function of this House is for posterity.

Hon. Temporary Deputy Speaker, Sir, I beg to move and request hon. Kimani to second.

Hon. Ngunjiri: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to second the Bill as moved. I would like to echo the sentiments of the Mover that this particular Bill----

Hon. F.K. Wanyonyi: On a point of order, hon. Temporary Deputy Speaker, Sir. First of all, I am a new Member. I am trying as much as possible to learn about this Bill. My worry is: Why can the Mover not come with an individual amendment to the Act rather than put all of them together? I have a fear that these things could just be passed without due consideration being given to them. I do not understand why we should have all the amendments put together as miscellaneous. Indeed, some of the amendments are major. Why can we not take each amendment after the other? We have the time. Those that are urgent, we have not finished with them.

(Loud consultations)

No, you wait! Why are we in a hurry to have all these things lumped together? Why can we not have one Act after the other?

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Wanyonyi! What I would have preferred is to have you seeking an opportunity to ventilate. The issues you are raising are fairly valid, but on the other hand it is always a tradition. Every year, we have the Statute Law (Miscellaneous Amendments) Bill in the House. You will also have an opportunity at the Committee of the House to work on this particular Bill. Let me hear hon. A.B. Duale because I thought he had spoken to that.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I will repeat. The Statute Law (Miscellaneous Amendments) Bill, 2013 is a practice. It is in keeping with the practice of taking minor amendments which do not merit the publication of a separate Bill and consolidating it in one Bill. So, it is a tradition of the House and it is something that has been happening. It is not something new.

Hon. Wanyonyi asked a simple question: Why do you bring these amendments in an amalgamation form and not in one? The answer is that the Statute Law (Miscellaneous Amendments) Bill is in keeping with the practice of taking minor amendments. For instance, under the Kenya Ports Authority Act, Cap.391; the KPA wants to bring on board just the element of the inland waterways port which is not found within its current Act. So, they want that amendment. You cannot create a Bill for that amendment only. I think I have answered.

Hon. Oyugi: Hon. Temporary Deputy Speaker, you know very well that I respect the Leader of Majority Party. He has spoken very well on the reason and import of the Statute Law (Miscellaneous Amendments) Bill. It is clear that such a Bill ought to just make amendments which are very minor indeed. However, if you look through this purported Statute Law (Miscellaneous Amendments) Bill, there is a raft of legislation which cannot be confirmed to be minor. The first one is on the Criminal Procedure Code which first of all negates the right to bail. That cannot be minor; it is a constitutional right.

Secondly, we are speaking to the Public Benefits Authority Act which creates a total paradigm in terms of how we enjoy this kind of regulation. This cannot be minor. This particular amendment also speaks to Transition Authority (Amendment) Act which radically changes the devolution process in the country. That cannot be a minor amendment. So, are we in order to discuss a Statute Law (Miscellaneous Amendments) Bill which is going to radically change the legislation of this county through a raft of amendments in a manner like this one? We need some guidance.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Neto, and Members who, probably share the same opinion, we are going to propose the Question and there will be arguments, one way or the other. We will put the Question and you will--- Let us make progress. I will give all of you an opportunity, particularly those Members who have interest in this matter.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Speaker, I want to apologize that I had an emergency and I had to run out. I really wanted to raise a point of order even before the Leader of Majority Party proposed these amendments under the Statute Law (Miscellaneous Amendments) Bill.

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

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Arati, that is not how we are going to work. Let hon. Millie finish.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Temporary Deputy Speaker. You know this one is a *simba* who is a rat.

I would want to request and urge that you make a ruling on this matter. This is a very weighty issue. We are a new House and this is going to guide how this House is going to operate for the next years. The Leader of Majority Party has spoken very well and I want to agree with him, which is very rare, that the Statute Law (Miscellaneous Amendments) Bill only pertains to minor amendments. I want to agree with my young

brother hon. Neto that this Bill does not propose minor amendments. If you actually look at the area that hon. Neto has spoken to especially on the issue of bail, it raises very fundamental issues that touch on the constitutional rights.

If you look at Article 49(1)(a) of the Constitution as read together with Article 24(2) on limitations of rights, the Constitution is clear how that is to be done. When you are limiting a right, there is a very clear way of doing it – it is not by way of miscellaneous amendments. Even in the issue of regulating the funding of NGOs, that is a major amendment. It is not the only one. I am just giving you examples. There are very many fundamental issues.

Hon. Temporary Deputy Speaker, I am requesting for a substantive ruling from the Chair on whether this Bill should actually be debated at all because it actually goes against the rules of the House.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Odhiambo-Mabona, you have asked the Chair to make a ruling. Why do you want me to burden myself with making a ruling when you have an opportunity to make your decision at the end of this particular argument?

(Loud consultations)

This is how we will proceed. We will have a seconder. You will debate and at the end of the day you will make your decision.

Hon. Kaluma: Hon. Temporary Deputy Speaker, at exactly 12.30 p.m., as a Member of the House in the Departmental Committee on Justice and Legal Affairs, I received a message inviting Members of the Committee to sit and consider the Statute Law (Miscellaneous Amendments) Bill, 2013 in Room 9. I am just from that meeting.

Hon. Temporary Deputy Speaker, the meeting was chaired by the Vice-Chair of that Committee when considering the Bill. Indeed, as a Committee of the House dealing with the Bill in order to report to the House, our views about this Bill--

The Temporary Deputy Speaker (Hon. Cheboi): But there is a clarification which I want to seek from you. Had the Speaker referred this particular Bill at this point in time to the Committee?

Hon. Kaluma: I do not know and I will not know.

The Temporary Deputy Speaker (Hon. Cheboi): If the Speaker had done that, I would say probably--

Hon. Kaluma: Maybe, I confirm. The HANSARD can be checked.

Hon. A.B. Duale: On a point of order, hon. Temporary Deputy Speaker, Sir.

Hon. Kaluma: Could the Leader of Majority Party let me finish please?

Hon. Temporary Deputy Speaker, Sir, I have signed a notice of a meeting as a Member of Justice and Legal Affairs Committee, taking allowances from the House to consider this Bill. We have left the meeting with the resolution that, indeed, on Monday we will be meeting as hon. Members of the Committee to come up with a report for the House to discuss in relation to this Bill. Indeed, that is the practice.

(Applause)

Hon. Temporary Deputy Speaker, Sir, were we conning the House and the country as Members of the Committee in that meeting, or were we doing something we

are supposed to do for the House? This matter was committed to the Committee, if I remember very well, and we have not discussed it. What is this hurry, so that the Committee cannot be allowed to work?

The Temporary Deputy Speaker (Hon. Cheboi): Let me hear from the Leader of Majority Party.

Hon. A.B. Duale: Hon. Deputy Speaker, Sir, I want to make it very clear. I want the Committee on Justice and Legal Affairs to listen to me and to follow the procedure of this House.

Hon. Temporary Deputy Speaker, Sir, this Bill was published. This is a House of rules. It was published and it went through the 14 days publication period and it came for the First Reading. The substantive Speaker referred it to the Committee on Justice and Legal Affairs of hon. Kaluma 14 days ago.

The substantive Speaker said the following: -

“Whether you bring a report or not, when the 14 days elapse, this Bill will be slotted for Second Reading.”

Hon. Temporary Speaker, Sir, the records of the House will bear me out. It is also me, as the Leader of Majority Party, to guide you on the process.

Last night, in the House Business Committee--- I am sure there are hon. Members of that Committee sitting here like hon. Gladys Wanga. This Bill matured and is properly before this House; it is in the Second Reading. No period has been reduced! It is very dishonest for an hon. Member to say that this Bill was referred to them this afternoon. The HANSARD will bear me out. When was the First Reading done?

If you relax and allow me---

Hon. Kaluma: Hon. Temporary Deputy Speaker, Sir, he is imputing something---

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, Sir, he is out of order and disorderly. I am on the Floor and you must protect me. I have said that on the First Reading--- I have never been intimidated and I will never be intimidated. I have the Floor.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. A.B. Duale, do not raise the temperatures. We are having fine exchanges in the House.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, Sir, no choruses can intimidate me. This Bill was with the Committee for 14 days. If you allow me--- I have a three-year history. I refused to be intimidated in 2009 when I left ODM.

Thank you.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Now, can we first cool down? We will have an opportunity to---

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

Hon. Member: On a point of procedure, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Cheboi): Just relax and relax completely. Hon. Members, you will have an opportunity at every stage. When the Question will be put, you will have an opportunity to have your say. When we will be debating you will have an opportunity at every stage and even at the amendment stage. If

it goes that far, you will have an opportunity. What we are going to do is to have the Secunder and then we propose the Question.

I am not going to take what is ordinarily supposed to be your decision. You will make a decision. You will make a decision one way or the other.

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

The Temporary Deputy Speaker (Hon. Cheboi): Kindly, let us proceed and I do not think there is anybody who will be prejudiced totally at this point in time.

(Loud consultations)

Now, if we are going to be shouting from our seats, we will disrupt the debate. I am going to look at the intervention slot here and will---

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

Hon. Kimaru: Thank you, hon. Temporary Deputy Speaker, Sir. As the Mover of this particular Bill said, the majority of the amendments involved are minor. There may be those that are substantive to some hon. Members and, indeed, some that we might need to adjust. But we might need to tidy up. I would appreciate if I would be given my moment. You will have your moment.

This Bill is before this House procedurally.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wanga, I am not going to give you an opportunity because you are shouting from where you are. I am looking at the intervention slot here and I am not seeing your name.

Hon. Kimaru: This Bill is before the House procedurally.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Kimaru!

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, Sir, with all due respect to the Chair and my good friend, hon. A.B. Duale, hon. Members of this House, we have big concerns about this Bill. We would request you to give us guidance before we proceed. I will just take one example. In this Bill there is a proposal to amend the National Police Service Act, which is already before this House. The import of that amendment is to remove gender parity which, in my opinion, is an affront to the Constitution. What we are concerned about is that it should not be seen that we are trying to frustrate debate in this House.

We are here to debate; it is our business and we are here to make good laws. What is the purpose of putting in the miscellaneous amendments and they are many? There are also many areas where what we need is not these minor amendments. The import of the amendments, as suggested here, is huge.

Hon. Temporary Deputy Speaker, Sir, we are just asking for your direction. Do we need Statute Law (Miscellaneous Amendments) Bill when there is already an amendment Bill before the House?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gumbo, there is something I want you to respond to. Who is stifling debate? Is it, probably, you? The debate is going to go on. At that point, you will be able to raise those concerns. Once you raise your concerns, you will obviously influence the rest of your colleagues, who will make a decision. What is the fear? I am talking to you as a fairly senior person.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I agree with you entirely. You know this is a House of rules. It is a House of traditions and customs. In my view,

some of the things that we are doing here appear to be an affront to the traditions, customs and the way we conduct business in this House. I have raised a particular issue.

The Temporary Deputy Speaker (Hon. Cheboi): I am still giving you the Floor to answer this particular bit. You are talking about it being an affront to the customs and traditions of this House. Almost every year, since you became a Member of Parliament – I was in this House slightly earlier than you – miscellaneous amendments have been coming. What is the real issue here then? What is different from the customs that we are used to?

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I have given an example of the National Police Service (Amendment) Bill. We already have before this House comprehensive amendments in the National Police Service (Amendment) Bill. We are asking: Why sneak in another amendment in the Statute Law (Miscellaneous Amendments) Bill when we already have a comprehensive amendment of the Bill?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Gumbo, that is why I indicated that it would be better for us to proceed with the debate; it will be easier for us to go that way. So, I want the hon. Member to finalise the seconding, I propose the Question and then we proceed. I will give you the opportunity to speak.

Hon. Kimaru: Hon. Temporary Deputy Speaker, I do not know why these brickbats are being thrown at me unnecessarily.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kimaru, you are seconding. I want you to do so without involving yourself in side issues.

Hon. Kimaru: Hon. Temporary Deputy Speaker, so as to allow for debate to proceed, I beg to second the Bill.

An hon. Member: Put the Question! Put the Question!

The Temporary Deputy Speaker (Hon. Cheboi): No, I am not going to put the Question. I am actually going to propose the Question.

(Question proposed)

Hon. Members, I want to give the first shot to hon. Wandayi. I am not giving you the Floor to raise a point of order. I am giving you the opportunity to debate.

Hon. Wandayi: Thank you very much, hon. Temporary Deputy Speaker, Sir.

Before I go to the substantive issue, I have always said in this House that the discretion, as provided for under Standing Order No.47, is not open-ended. Discretion must be exercised within the confines of democracy, the rule of law and constitutionalism. If discretion was exercised properly, this Bill could not have found its way to the Floor of this House. That is one point.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wandai, I am looking at Standing Order 47.

Hon. Wandayi: Hon. Temporary Deputy Speaker, Sir, I will read it for you. Standing Order No.47 partly reads: -

“47(3) If the Speaker is of the opinion that any proposed Motion-

(b) is contrary to the Constitution or an Act of Parliament without expressly proposing appropriate amendment to the Constitution or the Act of Parliament, the Speaker may direct either---”

The import of this is that the Speaker is not supposed to allow a Bill that infringes on the Constitution to be tabled before this House. That is one point. It is very clear. If you look at one of the proposed amendments contained in this Bill, you will see that it is attempting to transfer the powers of managing extradition proceedings from the Office of the Director of Public Prosecutions to somebody else. If you look at the Constitution, Article 157 is very clear. Those who have got eyes can see for themselves. Sub-Article (6) of Article 157 of the Constitution says: -

“157(6) The Director of Public Prosecutions shall exercise State powers of prosecution and may institute and undertake criminal proceedings against any person---”

My argument is that extradition proceedings are essentially criminal proceedings. Therefore, to try to transfer them from the Office of the Director of Public Prosecutions to somebody else is to play mischief. The question is: Why is the Office of the Attorney-General trying to amass powers which have not been given to him by the Constitution? If he has to amass those powers, why can he not have the courage of bringing a constitutional amendment Bill to this House to have those powers properly transferred to his office?

If I am to speak on the issue of the right to bail, our Constitution has one of the best Bills of Rights in this part of the world. Chapter 4 of the Constitution, which is the Bill of Rights, is very clear. Article 49(h) guarantees every member of this country the right to bail. The right to bail is a constitutional right. This amendment Bill is proposing the removal of that right through the backdoor. Unless one has never suffered in the hands of the Kenyan Judiciary, or in the hands of the Kenya Police, one can attempt to pass this law. To try to remove the right to bail from Kenyans at this point in time is to play the greatest form of mischief.

I am speaking from personal experience. If I may remind some of the hon. Members who are new to the reform struggle, in 1997, when we led the “no reforms, no elections” campaign, I was unfortunate to have been held incommunicado for more than 10 days. I went ahead to stay at Kamiti Maximum Security Prison for five months on trumped-up charges. Anyone trying to abuse the Constitution must be resisted.

One should not attempt to sneak in fundamental changes to the Constitution through this Statute Law (Miscellaneous Amendments) Bill, which is a very mischievous piece of legislation. What is the Jubilee Government afraid of? Why are they trying to roll back the gains that we have made in this country by trying to deny Kenyans their fundamental rights, which some Kenyans died for and many others shed blood for? You can go on and on.

Therefore, this Bill is not properly before this House. Look at the statute dealing with NGOs, the so-called Public Benefits Organisations Act. The import of the proposed amendment to this Bill is essentially to muzzle the NGOs in this country. The Government attempted to muzzle the media but they failed. They now want to muzzle the NGOs which are the alternative voice of the people. Some of the gains that we presently enjoy in this country, some of the freedoms that we presently enjoy in this country; some of the freedoms that have made some hon. Members to sit here today, have been gained because of the contributions of the NGOs that we are now attempting to muzzle.

Any right-thinking Member of this House cannot support this Bill as it is. In fact, there is no point of debating it. It needs to be withdrawn from the Order Paper. History will bear us out. In fact, this House stands the risk of going down in history as the House

that committed the worst form of impunity on the people of Kenya, if we allow this kind of proposed legislation to be debated here.

Hon. Temporary Deputy Speaker, I do not expect you to preside over this kind of abuse of the Constitution. This is a blatant abuse of the process of law-making in this country. The Constitution of Kenya was not a donation from anybody. It was not donated to Kenyans by Moi, Kibaki or Uhuru Kenyatta. It was fought for and realised by Kenyans themselves. Therefore, anybody attempting to rip it in the manner that we are trying to do now must be resisted, regardless of who it is.

If you went through this Bill, from page one to the last page, you would be ashamed of even talking about debating it in this House. These are not minor amendments. They are amendments that go to the core of the Constitution. These are amendments that cannot be debated as miscellaneous amendments in this House. Therefore, I plead with you, once again, please, use your discretion, under Standing Order No.1, and stop this debate for history to judge you fairly. History will be very kind to you if you use your discretion, under Standing Order No.1, and stop debate on this diabolical Bill. This is mischief of the worst kind. What is the Government of President Uhuru Kenyatta hiding? Why would you want to muzzle the media? Why would you want to muzzle the NGOs? Why do you want to remove powers from the Office of the Director of Public Prosecutions (DPP) and take them to the Attorney-General when the Constitution does not allow for that?

Hon. Temporary Deputy Speaker, with those very many remarks, I request you to stop this debate; I oppose it in its entirety.

The Temporary Deputy Speaker (Hon. Cheboi): Yes; know that is a better way to go. You are opposing it.

Hon. Wandayi: And I want you to invoke the Standing Orders and withdraw this Bill from the Floor of the House.

The Temporary Deputy Speaker (Hon. Cheboi): I am reluctant to invoke the Standing Orders.

Hon. Wandayi: Hon. Speaker, you may have to rethink your decision. History will judge you very harshly if you take that direction.

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): Now, let us have hon. Wanga contributing to this debate.

Hon. (Ms.) Nyasuna: Thank you, hon. Temporary Deputy Speaker. I rise on a point of order as per Standing Order No.127.

The Temporary Deputy Speaker (Hon. Cheboi): I have given you an opportunity to debate. The slot I have picked you from is for debate. So, you will have better time to raise those other issues. You have 10 minutes of canvassing your position.

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Speaker, I stand to strongly oppose this Bill. I would like to raise some procedural issues that have also been raised by my colleagues, particularly under Standing Order No.127 on committal of Bills to committees and public participation. Really, we will be able to vote on the contents of this Bill but we will not be able to vote on whether the procedure followed on this Bill is correct. You have to rule on that; it is only you who has the law and the powers to do

that. That is why we are calling on you to really guide this House in terms of the procedural matters.

Hon. Temporary Deputy Speaker, as a House and as Members of this House we will be able to competently debate matters of substance in the Bill and vote whichever way. However, I am reading Standing Order No.127 together with Article 118(b) of the Constitution which says:

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees.”

Hon. Temporary Deputy Speaker, if you look at Standing Order No.127(5), it says:

“If for any reason, at the commencement of the Second Reading the report of the Committee has not been presented, the Committee concerned shall report progress to the House and the failure to present the report shall be noted by the Liaison Committee for necessary action.”

Hon. Temporary Deputy Speaker, that has not happened in the case of the Departmental Committee on Justice and Legal Affairs. In any case, you will note that even the referral period of this Bill was reduced substantially; we reduced it from 21 days as provided for to 14 days. This Statute Law (Miscellaneous Amendments) Bill is amending 49 statutes that required various committees to be listened to as well. The Committee was not expected to perform a miracle and look at 49 statutes within 14 days. I will be looking forward to your ruling as to whether this Bill is procedurally before the House given that the Committee has not reported progress.

Hon. Temporary Deputy Speaker, going back to this Bill, now that I have this opportunity to really contribute to it and oppose it to the maximum, if I was in Jubilee I would be at the forefront of opposing it because it is the Bill that will be the Waterloo of the Jubilee Government. It will bring down the Government.

(Technical hitch)

Hon. Temporary Deputy Speaker, I thought that somebody had switched off my microphone. Thank you for returning it so that I can make this point.

I have 10 minutes to contribute. Please, protect my 10 minutes. I am looking at, for example, the matter that has already been raised by hon. Gumbo on the National Police Service Commission (Amendment) Bill. When you look at this Bill - we have not really had much time to look at it - the section amending the Act says in Clause 14(b) “delete”. Now, how are you supposed to know what you are deleting? When you go back to the original Act, you find that what you are deleting is the requirement that the Inspector General and his deputies be of opposite gender. Is that what we want to delete?

Hon. Temporary Deputy Speaker, I urge Members to look at the amendments proposed to the Tourism Act of 2011; what we are doing is removing powers of this National Assembly. This is because if I look at this, the number of times we are deleting “with prior approval of the National Assembly” are uncountable. Looking at the Tourism Act, Section 8(3) says: “delete”. Section 14(1) says: “Delete words “with prior approval of the National Assembly.” Section 25(1) says: “Delete words with prior approval of the National Assembly.” Section 48(1) says: “Delete words with prior approval of the National Assembly.” Section 82(1) says: “Delete words with prior approval of the

National Assembly.” Are we saying that we are ceding our powers through an amendment that has just come here and we are looking at it in a hurry?

Hon. Temporary Deputy Speaker, if you look at the section on the Salaries and Remuneration Commission, this House has an oversight role over all constitutional commissions. No chair of a constitutional commission can be appointed without approval of this National Assembly. What this Statute Law (Miscellaneous Amendments) Bill is suggesting--- If you look at page 946 of this Bill it says: “Delete Section 1(6). Delete words “with prior approval of the National Assembly.” So, we are saying that commissions can now operate and appoint chairs without prior approval of the National Assembly. What we are doing is giving away or ceding all our powers.

Hon. Temporary Deputy Speaker, I come to an even more controversial amendment. I come from Homa Bay County. Homa Bay County has the highest prevalence of HIV/AIDS. Eighty per cent of anti-retroviral drugs (ARVs) funding is from community service organisations (CSOs) and external sources. If we are now saying that we want to cap this funding at 15 per cent and these organisations get 100 per cent of their funding from outside and those of us who have been in this country have asked the Government whether it can do the funding, it is not proper. This is because we all want the Government to fund programmes such as those of provision of anti-retroviral drugs (ARVs) but because of the shortage of funding that we have the Government has been unable to do so. What these people have been doing is complementing this funding. Now, if we are saying we want to cap this funding at 15 per cent, really where are we driving to as a country? These are amendments that we cannot look at.

I understand that within these amendments there are some very urgent matters that need to be addressed such as the vetting of magistrates and judges. These matters should be isolated, brought to the Floor of this House, debated and passed because they are not even controversial. What we are saying is that Members of this House should be given time, so that even as we cede powers of the National Assembly we do so when we are awake and our eyes are wide open. We do not cede them in the middle of the night, that is at 11.00 p.m. and then wake up and ask: “What exactly did we do?” Give us time to review these Bills. Give us time for committees to sit down. Give us time for the public to participate in the passing of these Bills. Isolate these Bills. Take the ones that belong to the Departmental Committee on Transport, Public Works and Housing there. Let them be interrogated. Take the ones that belong to the Departmental Committee on Labour and Social Welfare there. Let them be interrogated. Take the ones that belong to the Departmental Committee on Health there. Let them be interrogated. That will not change the decision of this House. If we want to pass them, we will do so. If we want to fail them, we will do so. However, what we are saying is that we will be aware of what we will be passing; we will be aware of what we will be failing to do.

Hon. Temporary Deputy Speaker, what we need is time and that is why I call upon you to rule. According to Standing Order No.127 the Committee has not reported progress to this House. When we have committee reports, it is usually very easy for us to debate them. Now, as I look through this Bill, I see “delete”, “delete”. I have to refer to 49 statutes, which I do not even have; it means I will not know what I will be deleting and introducing.

Hon. Temporary Deputy Speaker, can we have time to debate this Bill? That is what we are calling for. Can we have time to review this Bill?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wanga, looking at the way you are arguing, you look like somebody who has really had a lot of time to look at those matters. You are looking very well informed. So, I really do not know what time we are still asking for but just proceed.

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Speaker, I have not seen the 49 statutes. I have just looked at three and I have already seen the wonders and miracles of this world. I am wondering what will happen if I look at the 49 laws. Perhaps, other Members as well have not had an opportunity to go through them. Usually, we get an opportunity to go through materials within our committees. When our committees come to this House and give us reports, we are very confident. In fact, most of the time we strive to pass those reports because our staff happen to have taken us through them; they happen to have gone through the laws; they happen to have told us what is bad; they happen to have told us what is good and they happen to have given us their perspectives. Isolate what is urgent. After isolating what is urgent, bring it here and then give us time. When we come back in February, let us debate these matters in a sober manner when we all have time. Let us give it sufficient time.

Hon. Temporary Deputy Speaker, with those many remarks, I really oppose these amendments and seek your guidance on the way forward.

Hon. (Dr.) Pukose: Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. I stand to support this Bill and at the Committee stage, we will bring in some amendments. There are several areas that we think are good in this Bill, more so when we talk about the amendments on the issue of bail. More often than not, out there, many people are arrested for committing very serious crimes and the next day, they are out. When you read the amendments, which have been introduced, especially in Clause 102---

Hon. Oyugi: Thank you, hon. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Neto, there is a problem with the gadget. I have not given you opportunity; just press again. I am not giving you an opportunity. Hon. Pukose has the Floor.

Hon. Oyugi: On a point of order, hon. Temporary Deputy Speaker, Sir. If you may permit---

The Temporary Deputy Speaker (Hon. Cheboi): I really had not given you that opportunity. I will give it to you later.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, Sir, when you read the Advocates Act and the Criminal Procedure Code, 123(a), it says: -

“Subject to Article 149(1)(h) of the Constitution, notwithstanding Section 123, the court may decline to grant bail to a person to whom that section applies, where-

(a) the court or the police officer in the case of a person under arrest had a reason to believe that the person may, if released on bail, with or without conditions, fail to surrender to custody, commit an offence while on bail, interfere with witnesses or otherwise obstruct the course of justice, or the person should be kept in custody for his own protection or welfare.

Hon. Oyugi: On a point of order, hon. Temporary Deputy Speaker, Sir. I was rising earlier on a point of order, but even before I prosecute the point of order which is under Standing Order No.127, you have just heard the fundamental statement the Members made on the right to bail. He thinks the right to bail, which is constitutionally

guaranteed, can be limited by manner of statute. This is strange. I will not speak to that because it will be subject to other amendments.

I would like to draw your attention to Standing Order No.127. You are my learned senior and this is a House of procedure and rules. If you engage in an analysis of the Standing Order No.127, you will appreciate several things. The first part says that:

“A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question put”.

That is okay. That was done to the Justice and Legal Affairs Committee. Then, 127(3) says: -

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its report to the House”.

Then you can read 127(5), which my hon. sister referred to. You can read 127(1), (3) and (5). I would like to read that Standing Order in juxtaposition to Article 1 of the Constitution, which says very clearly:

“All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution”.

I want you to look at Article 10 of the Constitution, which proceeds to say:

“The national values and principles of governance in this Article bind all State organs, State officers, public officers and all persons whenever any of them—

(a) applies or interprets this Constitution;

(b) enacts, applies or interprets any law; or

(c) makes or implements public policy decisions.

(2) The national values and principles of governance include—

(a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people”.

We appreciate that sovereignty belongs to the people. We have agreed that this is a House of rules and procedures. I have referred you to the Standing Order No.127(1), (3) and (5). I have also juxtaposed the same to Articles 1 and 10 of the Constitution. Are we still in order to debate this particular Statute Law (Miscellaneous Amendments) Bill without the Committee report and public participation? That is what I would like you to rule on.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, we will proceed and debate and since the Question will not be put today, we will look at the specific details you have raised and make an informed decision. So, proceed, hon. Pukose.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, Sir, when it comes to the issue of the NGOs capping of foreign financing at 15 per cent, we know the role the NGOs have played in this country. That is an area that even the Leader of Majority Party said is debatable and we can amend it. I know we will not be able to have it capped at 15 per cent. We should allow the NGOs to have resources to carry out their various functions. At the same time, we must hold them accountable for the finances which they have. If they are NGOs which are working, for instance within my constituency, I need to know what they can do, how much they receive and what they use that money for. In this country, we have known of people who have briefcase NGOs. They are NGOs that have acted responsibly in as far as their activities and mandates are concerned.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Pukose, just for clarity, you say you want to know?

Hon. (Dr.) Pukose: No, I have said that if I have NGOs within my area, I need to know---

The Temporary Deputy Speaker (Hon. Cheboi): Yourself?

Hon. (Dr.) Pukose: No, as a Member of Parliament, I should get a report from the Auditor-General. He should interrogate the NGO report and know that in the last financial year, the NGOs which were within my constituency received this much, they did this and I am able to appreciate them. These are people who engage in saving lives. We have NGOs which have performed well in this country, but we also have briefcase NGOs. We have people who have received funding and put up skyscrapers within the country in the name of assisting the poor. This is where we need accountability.

As we move into the other areas where, for instance, the police---

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Pukose. There is something which I want the Members to do. There are quite a number of Members who have slotted their cards into the intervention slot. Therefore, we cannot reach others who want to raise points of intervention. I will give a specific example of hon. Arati and hon. Wandayi. Their cards are always at the intervention slot. It should be clear that it will be very difficult for us to reach the other Members. Let us proceed. I think I have made that very clear.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, Sir, the oversight role of this House and appointing people to various statutory boards is an area that we think that-- If amendments to it are brought to this Floor, we will oppose them. This House has to play an oversight role over appointments, and we cannot drop it. We should canvass, among ourselves, and say that this is an area that we think should not be done away with.

We must reach a stage where we pass laws for posterity. We should be able to discuss among ourselves as legislators and look at laws, even in these amendments, and say that this is good and this is not good, but we need to avoid activism when one argues a point that he thinks is meant to protect certain interests. We are here to debate and make laws for this country and for posterity.

With those few remarks, I oppose the Bill where I think that it is threatening the independence and the role of this House. However, we will support it in areas that we think are good.

The Temporary Deputy Speaker (Hon. Cheboi): You are either opposing or supporting.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, I support the Bill.

Hon. Katoo: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Bill. First of all, let me explain because hon. Members should learn to be tolerant and listen to the views of others. I know in most cases we want to influence our colleagues to buy our positions. However, it is also good that we give Members time to listen and read.

First of all, as has been said by the Mover and the Seconder of this Bill, the Statute Law (Miscellaneous Amendments) Bill, as the practice has been, contains only minor amendments that do not merit being put in separate Bills. They are consolidated into one Bill.

Most of these are trying to harmonize the semantics in some Acts or statutes. They are 49 as has been said. However, if you look at some, you will find that it is just a

matter of trying to correct an error. For example, if you look at the amendments to what is called Mohammedan Marriage and Divorce Registration Act, Cap. 155, you will find that it is just a matter of trying to remove the word “Mohammedan” and replace it with “Muslim” and nothing else. That is not the only one.

Hon. Temporary Deputy Speaker, Sir, it is good that Members get to listen because this is the first Statute Law (Miscellaneous Amendments) Bill in the 11th Parliament. The majority of us are seeing a Statute Law (Miscellaneous Amendments) Bill for the first time. If you look at the Anti-Corruption and Economic Crimes Act, 2003, you will find that you are just trying to replace the title “director” with the title “secretary”.

If you look at some amendments you will find that you are just trying to replace the title “Minister” in the previous Constitution with “Cabinet Secretary” in the new Constitution. Most importantly, I agree that there are some which have issues and those are the ones that we need to address. Those who were in the House Business Committee yesterday can confirm that I was the one who brought the proposal that brought the middle ground as the way forward on this Bill. I can confirm that out of the 49 Acts, maybe 10 or 15 have issues that need to be sorted out on the Floor of this House. I have no doubt about that.

However, Members should learn that this is a debating Chamber and we do not just reject a Bill because it is in bad taste or is not consistent with other laws. What we should do is to cure the anomaly by amending the Bill and not rejecting it. That is what we will do when we go to the Committee stage.

Hon. Temporary Deputy Speaker, Sir, we agreed yesterday to take the position that we took in the 10th Parliament. I can see many of my colleagues are seated here and can very well recall that the last Statute Law (Miscellaneous Amendments) Bill in the 10th Parliament came in January when we had about 10 days to the end of the life of that Parliament. This is what we had to do; those laws that had timelines and urgency were passed at the Third stage and those that could wait for the 11th Parliament to come were dropped at the Committee stage.

Therefore, we agreed yesterday that some of the proposed amendments have got timelines. For instance, if you look at the Vetting of Judges and Magistrates Act, you will see that we need to extend the timeline before we go for recess. However, those that can wait until we come back in February, if there will be recess for that matter, we agreed that they will be dropped at the Third Reading. They could also be shelved or as we say “stood down” at that particular stage.

If you look at the Anti-Corruption and Economic Crimes Act, you will find that this was the same amendment which was rejected by the 10th Parliament. It has now been brought back because State officers have to be cleared before they vie for any elective post. I think we rejected this amendment in the 10th Parliament but it has been brought back. This Parliament may again reject it.

(Applause)

I am saying that we should give views, but let us allow it to go to the Third Reading together with all those others that have been identified as having timelines, and we pass

them before we go on recess. What can wait until we come back in February should wait. That was the consensus in the House Business Committee.

Let me explain to Members. Even in one Bill, you go clause by clause at the Committee stage. You approve one clause and reject the other. If you remember, the Mover who was the Attorney-General in the last Parliament said; “as the Mover, I drop that amendment”. You cannot say that because it is one Bill you have to reject all of it. Going through it clause by clause is what is called the “Committee”. You approve what you think is good and you drop what you think is not good.

Hon. (Ms.) F.I. Ali: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to oppose the Statute Law (Miscellaneous Amendments) Bill for many reasons. I oppose this Bill for one key reason. That is the amendment to Section 14 of the National Police Service Act, which is totally eroding the gains one gender has fought for, for a long time in just a second or a minute through the amendment.

I do not know why this amendment was sneaked into this voluminous Bill to deny one gender, which I presume is women, the benefit that they have struggled for. This amendment is not in good faith because it undermines the gains achieved. We reject this amendment.

The other reason why I strongly oppose this Bill is the amendment to the Public Benefits Organizations Act. I am really disturbed that a Government which is supported by the civil society on a large scale wants to reduce their external funding to 15 per cent. I thought this Government would appreciate the efforts of the civil society, especially its contribution and great work. This Constitution we are proud of is as a result of the efforts of the civil society. We said that Kenyans had enacted the best and most progressive Constitution in the world. The struggle for this Constitution was by the civil society, whose operations we now curtail.

This country is experiencing difficulties in funding devolution and other public service deliverables. If this, indeed, is the proposal of the Government, honestly, this Government is experiencing serious challenges in terms of funding the devolved Government. I thought this would be the time for the Government to appreciate the civil society and expand opportunities and space for the civil society, so that they can tap into external resources. I come from the former North Eastern Province, where the presence of Government is very thin. The presence of the civil society, however, is very strong. Reducing and capping access to resources by the public benefits organizations to 15 per cent means paralyzing delivery of services.

I am saying this because some areas in the former North Eastern Province have been neglected for too long. The saviour we had was the public benefits organizations. We are worried that the next move is to disband the operations of NGOs in this country. At one time the Government completely disbanded most of the charitable organizations, which were being funded by Muslim institutions and external Islamic organizations. I can tell you that Muslim schools, *madrassa* and other charitable organizations are paralyzed. The schools are dead because the Government is not funding them. Muslim donors have been labeled terrorists yet they were doing charitable and noble work to support the poor in northern Kenya. If we are not careful and we do not use the strength of Jubilee, we will end up abolishing civil society organisations and public benefits organizations. I want to appeal to Jubilee to oppose this move of barring civil societies’ external funding.

I thought that this was a progressive regime. I still believe so and I have a lot of hope in this Government. I never thought that such a Bill would find its way into this Parliament. It wants to stop funding to public benefits organizations, which have restored dignity and life to people who cannot access public service and resources.

I stand with passion and humility to oppose this misleading amendment.

Hon. (Maj-Gen.) Nkaisery: Hon. Temporary Deputy Speaker, I stand to oppose this Bill. When you look at this Bill, it is taking Kenyans back to the dark ages. First of all, I want to point out that the Office of the Attorney-General has become a conveyor belt. This Bill went through that office and what you find in it are things which are very bad for the citizens of this country. If you are arrested today, the police can deny you bail, yet the Constitution gives you that.

The Temporary Deputy Speaker (Hon. Cheboi): Let me be a bit clear on that issue because it will be raised by many hon. Members. Supposing a policeman denies you bail and the Constitution allows you bail, which one supersedes the other?

Hon. (Maj-Gen.) Nkaisery: Hon. Temporary Deputy Speaker, that is a very important question. It is a great question. Why then do you bring something that is against the Constitution to this House? All commissioners appointed will not have the approval of this House. Any Tom, Dick and Harry can be given a job and nobody in this House, which is supposed to oversee and pass legislation on behalf of the people of Kenya, will have the opportunity to vet the commissioners. This is an extremely bad law.

Look at the issue of NGOs, you are telling Kenyans that NGOs get external support. Please mark my words: It is external support on behalf of Kenyans. Now you want to reduce it to 15 per cent. This is something we are getting for free; we get Kshs125 billion and now you want to reduce this by 85 per cent, yet it is not your money. This is somebody's money and he is giving it to you for free. You are telling us that we do not want this money and that all that we need is 15 per cent of it. This money is going to do several things. It is going to provide us with water. It will help us deal with the problems of HIV/AIDS, malaria and so on. The Attorney-General has allowed this Bill to come before this House.

I am surprised that the Leader of Majority Party and the Chief Whip of the so-called Jubilee administration can support this on the Floor. It is very shameful.

The Temporary Deputy Speaker (Hon. Cheboi): I do not want to use that term, "so called". It is Jubilee.

Hon. (Maj-Gen.) Nkaisery: Okay; I will not say "so called". I know it is real, but it is a coalition of confusion. This is because you cannot bring things like this to the House.

(Applause)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nkaisery, you are not only a senior politician, but also senior General. Please, use some language that will not provoke anybody.

Hon. (Maj-Gen.) Nkaisery: Okay; I will use--- You know when Generals speak, they do so with power.

Can you imagine, and this is fundamental - I also want hon. Sakaja to listen to me. How can you have a Commander-in-Chief as a Cabinet Secretary, the same level of the people he appoints? It is amazing. You read this, if you have not read it. It is amazing yet

the Attorney-General has brought this thing on the Floor. It is there. Let me read it out to you. Read the Schedule. You can see for yourself.

“Cabinet Secretary” means a person appointed as a Cabinet Secretary of the Government of Kenya under the Constitution; the President, the Deputy President and all these other fellows---” Hello, what is this now?

(Laughter)

This is amazing! We cannot have this? Hon. Chair, I want to say the following: This amendment Bill will kill our people who depend on NGOs for support. We get support from World Vision, AMREF and all these other NGOs. If you are going to curtail their support, this is going to kill our people.

With those very few remarks, I oppose this amendment Bill.

The Temporary Deputy Speaker (Hon. Cheboi): You mentioned hon. Sakaja; I will give him the opportunity to contribute.

Hon. Sakaja: Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. I stand to support this Bill with the hope and knowledge that this House--

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(Loud consultations)

I will request hon. Members to listen. When I speak, you should listen. I am standing to support this Bill with the hope and knowledge that this House is a House that will consider all these matters objectively. I realize that this Bill actually matured after 14 days, when it came in for the First Reading.

I am also aware that the Committee did not get it in good time. What we need to improve at this point is matters of public participation as well as the Committees to get the relevant clauses that affect different Departmental Committees.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Sakaja, try to clarify so that hon. Members can read from the same page. First, you have reduced the time. Secondly, at this point in time, if your Committee does not handle the matter within a specified period, it can still come to the House without their input. Therefore, this is not for this particular Bill, but for general information. If they do not find time, it will still come here.

Hon. Sakaja: Thank you, hon. Temporary Deputy Speaker, Sir. We are aware that the Vice-Chair of the Committee--- In the HBC, they wanted to receive this Bill. It was supposed to be put in schedules, so that we may actually legislate in a meaningful manner.

The Temporary Deputy Speaker (Hon. Cheboi): It was re-committed to the Committee, hon. Sakaja. As to when they will decide to discuss it, that is another matter.

Hon. Sakaja: Hon. Temporary Deputy Speaker, my point is that I would like to urge the Committee to expedite its work and actually give a report to the Finance, Planning and Trade Committee, so that we see the way it will affect finance. We want to look at it before the Third Reading.

I am supporting this Bill with the knowledge that this House is a House of intelligent hon. Members who will do the best thing for this country. I have seen certain provisions in this Bill which I am not comfortable with at all. When you remove

representation of the youth from the Youth Advisory Board of the National Youth Council, really it makes no sense. As the Chairman of the Kenya Young Parliamentarians Association (KYPA), I want to tell you that we will oppose the issue of young people being removed from the advisory board.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Members! What is the shouting all about? Is it that you do not want to hear about youth?

Hon. Sakaja: Maybe, they are supporting removal of the youth, but we do not accept that. In addition to that, we have an issue where the advisory board has shrunk in terms of numbers. That is welcome because we do not want a very bloated board. But to give it executive powers when the actual youth council has been elected from the ground is not in good taste.

We are also aware that there has been hue and cry from public benefit organizations. As a House, we need to listen because we know that in many respects, many NGOs like Cradle do a good job. I want us to be very clear on this. I am not just accepting in a blanket manner. We are also aware that some NGOs really do not deserve the term “NGOs”, because they are not non-governmental organizations. They are working at the behest of other governments. Let us regulate these NGOs. There must be some regulation and they must be answerable; there must be accountability.

I know very many people who are known to be big fighters for human rights in this country. I will not abuse my parliamentary privilege by naming them, but they have actually misappropriated a lot of funds that go to the NGOs. I know many NGOs benefit many young people; women and children are getting education and health services because of NGOs. Therefore, let us not kill all of them because of three or four bad ones.

(Applause)

We know the bad ones; they are very few. Those ones can be dealt with in other ways that are constitutional. This House must thrive. I know that we have been under attack for a long time. But let us thrive to the greatest extent possible. Let us use technology to have the public to participate. Many people ask me on *Twitter* and *Facebook*: “How can we, as Kenyans, engage on these Bills without doing memoranda or coming to the House?”

If we had an online portal on the parliamentary website, when a Bill is brought to the House for debate, people can comment on it and give their views. That alone makes Kenyans feel that they have participated. So, instead of having fear of legislation, let us get consensus on the offensive provisions that need to be dropped. I want to assure hon. Members on the other side of the House that, on this one, we will do the best thing as we always do. Let us agree, if something is offensive. You cannot tell me that NGOs are only in Jubilee or CORD strongholds. They are everywhere. They are benefiting all our people.

If you look at some of the amendments contained in this Bill, you wonder whether there is mischief from some of the offices that have proposed them. I want to assure this House that we will, objectively, deal with them. What hon. Nkaissery said about the so-

called Jubilee, I do not know what was not in good taste because he knows that on many issues I, personally, and him have convergence on matters of national interest. This is a matter of national interest. I am not a lawyer but I am a good student of law. My understanding of miscellaneous amendments is that they are supposed to be on miscellaneous matters, and not substantive matters. There are certain amendments contained in this Bill which should come in stand-alone Bills, so that we can consider them.

With those remarks, I second the Bill but I hope that between the Second Reading and the Third Reading, we will have meaningful engagement and listen to Kenyans. The Committee can actually unbundle the amendments in the various relevant committees.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, hon. Diriye.

Hon. Mohamed Diriye: Thank you, hon. Temporary Deputy Speaker. I rise to oppose the Statute Law (Miscellaneous Amendments) Bill, 2013 for some reasons. First, I am disappointed that hon. Sakaja, who is the chairman of KYPA is supporting this Bill yet he knows that a lot of youths will miss jobs. If we remove the right to bail, a lot of youths will spend long periods of time in remand. So, as our KYPA Chairman, it is good for hon. Sakaja to present the plight of the youth, particularly in the areas of job creation and incarceration. We know very well that as we speak, there are many NGOs which have already closed shop, citing hostile environment. This is partly contributed to by the drum-beating that has been going on and the introduction of such legislation.

One of the things that this Bill seeks to amend is the Public Benefits Organizations Act. I would like to state that in Kenya, there are areas where the NGOs are the government. There is no other government in such areas. Examples of such areas are Wajir, Garissa and Mandera in the north eastern region of this country. Non-governmental organisations are non-state actors. They are parallel to the Government. They are supposed to provide services where the Government cannot do so. They operate in areas like the north eastern region, where we do not have proper Government services.

I dare repeat that there are no proper Government services in the border area of my constituency of Wajir South, and that it is only NGOs which provide life-saving services like water, health and education. Were it not for NGOs like Oxfam in Wajir which has done more than the Government of Kenya for the last 20 years, maybe things would be very different today for the people of Wajir. So, it is very disappointing and disheartening for the *Wanjikus* and the people in the rural areas to see the Government they elected trying to erode all the gains made over the last few years.

Hon. Temporary Deputy Speaker, I am opposing this amendment Bill and also the issue of arrested person being refused bail under the Criminal Procedure Act. I wish to state that today because of the war against terror and the Westgate attack, we have lost all that we gained under the new Constitution. We have lost all our human rights. As we speak, many Muslims and Somalis are languishing in jail. The Anti-Terrorism Police Unit (ATPU) is fighting them and as we speak even traders cannot transact their business. Rogue police officers and the ATPU are just jailing innocent people. We have Sheikhs who have lived in this country for 20 years, and who are not allowed to come back to this country. They have been declared *persona non grata*, yet they do not have any criminal records.

Hon. Temporary Deputy Speaker, we are all Kenyans. We have the right to access services. We have the right to do business and be heard. This Statute Law (Miscellaneous Amendments) Bill was crafted in bad faith and it should be rejected by this House in totality. If we allow such things to happen, this will show that the Jubilee Government is not working for the interest of *Wanjikus*, mothers and the innocent child who does not even have a classroom in Wajir and is learning under a tree shade, and who even does not have enough teachers.

The NGOs actually complement provision of services to the people neglected by the Government. So, why are we rejecting them? You say that 15 per cent only of their funding should come from the donor world, where do you want them to get money from? You know it is very funny. If some NGOs like Africa Centre for Open Governance (AFRICOG) have done some bad things, why do you not deregister them only instead of targeting all NGOs in Kenya? This is very bad. Some NGOs may be bad. They may mismanage funds, which is very true, but they can be dealt with. However, you know again this money is given by donors. You are saying that the money paid by donors should pass through the Auditor-General or a federation. This is going to be very serious.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Sakaja, on a point of order.

Hon. Sakaja: Hon. Temporary Deputy Speaker, the Member has alluded to a certain NGO called AFRICOG and he has also alluded to the fact that the Government does not like AFRICOG or does not want to deal with it. Could he kindly substantiate or withdraw that because we have a very cordial relationship with AFRICOG?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Sakaja, well, you have taken the opportunity to say how cordial the relationship is but I did not hear the Member speak of the Government having a problem with AFRICOG. He said: "If there are organisations..." Probably he is in order. Proceed, hon. Diriye.

Hon. Mohamed Diriye: Thank you, hon. Temporary Deputy Speaker. I was saying if there are some NGOs, there might be a few bad apples within the NGO community just as we have bad apples everywhere in society. If there are some few bad ones, why do you not deal with them decisively? Why do you generally target a whole industry which plays a very important role? They are providing 47 per cent of the health services in Kenya today; we have seen the wonders they have done over the last 20 years. Somebody like me was fed using money from NGOs. They have been buying for us relief food from 1990 up to today. Does the Government want us to die after the NGOs are removed from the country?

(Applause)

Hon. Temporary Deputy Speaker, the other thing is that this 15 per cent funding is---

The Temporary Deputy Speaker (Hon. Cheboi): Your time is almost over. You have a minute.

Hon. Mohamed Diriye: Hon. Temporary Deputy Speaker, Sir, why can some NGOs not be closed if they are not wanted? When you say that only 15 per cent should come from outside, basically you are strangling NGOs and you want them to die a natural death. So, instead of that, it is better to deal with the few NGOs which bring problems.

We get money from the donors who have been supporting us. North eastern region is marginalised and does not have even a kilometre of tarmac road, electricity and access to basic services. People there have been surviving through the grace of God. We have covered good ground through the NGOs.

We should not lose all what we have gained under the Constitution. Kenya is not where it was in 1963, 1980 or even 2002 before the NARC Government took power. We have made a lot of progress. The former President Kibaki made this country attain a high standard and we do not want to lose all that we have gained over the last 10 years. The Jubilee Government might be having good intentions, but we want them to take us to the next level. We want Kenya to develop. In our rural areas, we have seen that some of the shanty towns that were sleepy have electricity, thanks to President Kibaki's tenure. We also have hospitals and boreholes in some areas. Still, much needs to be done.

If we are going to lose all those things in these five years, I oppose this Statute Law (Miscellaneous Amendments) Bill.

The Temporary Deputy Speaker (Hon. Cheboi): I will give hon. Gumbo a chance, but he will have a minute and a half. He will continue in the next session.

Hon. (Eng.) Gumbo: Thank you, hon. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. From the outset, I stand to oppose strongly the provisions of this Bill.

In the Memorandum of Objects and Reasons, line two states that: -

“This Statute Law (Miscellaneous Amendments) Bill, 2013 is in keeping with the practice of effecting minor amendments which do not merit the publication of a separate Bill and consolidating them into one Bill”.

“Minor”, in my view, does not reside in word count. If your memory serves you well, in 1992 elections were postponed in this country because of a single mischief where somebody opted to change the words “not less than” to the words “not more than”. This is the mischief that we are talking about here. This Bill has so much mischief, and as has been spoken to by those before me, many of these things which are being called minor, require comprehensive review under the respective statutes. I will give you an example. The Air Passenger Service Charge Act, Cap.475, proposes apportionment of a service charge collected for external journeys alone between the Kenya Airports Authority and the Kenya Civil Aviation Authority. What is needed under this statute is not what is proposed by this statute.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Gumbo! Your time is over. You still have eight minutes.

Hon. Members, the time being 6.30 p.m., this House stands adjourned until tomorrow, Thursday, 28th November, 2013, at 9.00 a.m.

The House rose at 6.33 p.m.