

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th July 2013

The House met at 2.30 p.m.

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

PRAYERS

MESSAGE

NOMINATION OF MEMBERS TO TEACHERS SERVICE COMMISSION

Hon. Speaker: Hon. Members, Standing Order No.42 (1) provides that the Speaker shall read to the House any Message from the President delivered to him for Communication to the House. In this regard, I have a Message from His Excellency the President. The Message, whose subject is “Nomination of Members of the Teachers Service Commission” (TSC), was submitted to my office by way of a letter dated 8th July, 2013 for submission to the House. It reads as follows: -

“In exercise of powers conferred upon me by Section 8 (11) of the Teachers Service Commission Act, 2012, I have nominated Dr. Salome Wanjiku Gichura and Saadia Abdi Kontoma to the Teachers Service Commission.”

Hon. Members, the same Section 8 (7) requires that a Member nominated by the President be approved by the National Assembly. Standing Order No.45 requires that upon receipt of notification of nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee of the House for consideration. Pursuant to the provisions of the said Standing Order and Paragraph (3) of Standing Order No.42, on Messages from the President, I hereby refer the Message from His Excellency the President, containing the names of the two nominees, together with their curriculum vitae (CV), to the Departmental Committee on Education, Research and Technology to undertake the necessary approval hearings.

Hon. Members, under the Public Appointments (Parliamentary Approval) Act, 2011 and the Standing Orders, the National Assembly shall, within 14 days of receipt of nominees, consider all the nominations received and may approve or reject any nomination. In this regard, I wish to guide the Committee and the House as follows:

1. The Departmental Committee on Education, Research and Technology should notify the nominees and the general public on the time and place for holding of the approval hearings in good time. In order to manage our time optimally, the notification should be made on Thursday, 11th July, 2013.

2. The Committee may, therefore, undertake the approval hearings between 17th and 23rd July, 2013. Thereafter, the Committee should table their Report before this House on or before 23rd July, 2013.

Thank you.

Next Order

PETITION

CONSTRUCTION OF PEDESTRIAN CROSSING AT GITHOGORO SHOPPING CENTRE

Hon. Wetangula: Hon. Speaker, I wish to petition the House, on behalf of the residents of Githogoro Slum within Westlands Constituency, Nairobi County, as follows: -

We, the undersigned, being Kenyan citizens and residents of Githogoro Shopping Centre, along the Nairobi Northern Bypass, in Westlands Constituency, draw the attention of the House to the following: -

The Nairobi Northern Bypass, commissioned in the year 2011, passes through Githogoro Shopping Centre. The highway has a huge traffic flow but has no provision for pedestrian crossing. Sitting on both sides of the highway are Cheleta Primary School in Nairobi County and Kasarini Primary School in Kiambu County, in addition to the shopping centre. There have occurred several accidents on that road since it was commissioned, as pupils and residents attempted to cross the road.

Through the area chief, we have sought several interventions, first through the Kenya Highways Authority during the design of the road for them to provide a pedestrian crossing, and through the Ministry concerned, but in vain. The issues in this petition are not pending before any constitutional, legal or judicial body.

Hon. Speaker, your humble petitioners pray that Parliament engages the Ministry of Transport and Infrastructure to give an undertaking to construct a pedestrian crossing along the road within Githogoro Shopping Centre. Several people have been injured along that road. Some of them have even lost their lives. Therefore, it is of great public importance that the action sought is taken quickly to address the concerns of the residents.

Thank you, hon. Speaker.

Hon. Speaker: Very well, hon. Wetangula. That Petition is transmitted to the Departmental Committee on Transport, Public Works and Housing.

Hon. Wetangula: Yes, hon. Speaker, Sir, this is a matter for the Departmental Committee on Transport, Public Works and Housing.

Hon. Speaker: Exactly.

Next Order.

NOTICE OF MOTION

ESTABLISHMENT OF NATIONAL UNIFIED IDENTIFICATION SYSTEM

Hon. C.M. Nyamai: Hon. Speaker, Sir, I beg to give notice of the following Motion: -

THAT, aware that the process of obtaining national identification documents such as birth certificates and national identification cards is long and complex due to the different processing centres of such documentation; deeply concerned that there is a multiplicity of identification documents in the registration of identification cards, birth certificates, passports, electors' cards, driving licences, NHIF and NSSF cards, yet there is a simplified way of doing the

same; noting that the Government is embracing more Information and Communication Technology (ICT) measures in line with Vision 2030, this House urges the Government to spearhead the establishment of a national unified identification system that harmonises all personal bio data.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Very well. Next Order.

REQUESTS FOR STATEMENTS

CRITERIA FOR CLASSIFICATION OF HARDSHIP AREAS

Hon. Speaker: Yes, hon. Onesmus Muthomi Njuki.

Hon. Njuki: Thank you, hon. Speaker, Sir. I do not have a Statement to issue but on 6th June this year, I requested for a Statement from the Ministry of Education. Sorry; I requested for a Statement from the Departmental Committee on Education, Research and Technology on the criteria by the Government to categorise areas for hardship allowance, with a particular reference to Igambang'ombe Division of Chuka/Igambang'ombe Constituency, which does not qualify for hardship allowance, yet the environmental conditions in it are the same as the ones in the neighbouring areas. To date, even though I understand the Departmental Committee on Education, Research and Technology is handling a lot of work on the issue of teachers, it is over four weeks since I asked for the Statement.

I seek your indulgence. Thank you.

Hon. Speaker: I suppose you mean the Departmental Committee on Education, Research and Technology and not the Ministry because the Ministry is not here?

Hon. Njuki: Sorry, hon. Speaker, Sir. It is the Departmental Committee on Education, Research and Technology. Thank you.

Hon. Speaker: As you can see, that request really is a Question and needs an answer, but the Departmental Committee is not the one that determines the areas where people may claim hardship allowance, and where they may not. All they will do is to go and get the information. They may not assist you to get your area listed for hardship allowance, which I suppose is what you are seeking.

Hon. Njuki: Hon. Speaker, Sir, you directed that we get at least the explanation on the criteria that is used by the Government to categorise areas. We then asked them to put the area under hardship allowance. Thank you.

Hon. Speaker: Could you seek an appointment to appear before the Committee on the date that they may invite the Cabinet Secretary, so that you can go and canvass the matter before the Committee, which may then, perhaps, come and give a Statement here?

Hon. Njuki: Hon. Speaker, Sir, if that is okay with the Chair of the Committee, I can be given the date on which to appear and I will oblige. Thank you.

Hon. Speaker: Remember also that as a Member of Parliament, you are at liberty to appear before any committee and not just the one you sit in. The only thing you may not do in a committee where you are not a member is to vote, but you can participate in the proceedings.

Hon. (Bishop) Mutua: Thank you, hon. Speaker, Sir. More than a month ago, I requested for a Statement on the Agricultural Finance Corporation (AFC) loans in Lower Eastern, and the Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives promised to bring that report but he has not done so. However, what is quite offensive is what has happened after that request; farmers in Kitui County have been seriously followed in respect of loan repayments. They are actually being embarrassed by being pursued on a daily basis. So, instead of the request helping them, it has become a problem to them. I think this cannot continue. Could I request for your indulgence, so that I get the information so as to be able to take the next step?

Hon. Speaker: Again as you see, your colleague, the Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives, hon. Angatia--- Even if he were to make a Statement, he would not help the people of Kitui. The help you seek can only, perhaps, come from the Ministry concerned. This is part of the reason why I am really discouraging this system; we do not want to become a talking shop. When you seek some intervention, there should be some assistance towards the region. I am sure the Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives, even if he came here he may not solve your problem. Since he is not AFC or whoever, it is not under him. He is only a chairman of a committee of the House. However, hon. Angatia, you have heard the concerns of your colleague. What is your reaction?

Hon. Angatia: Hon. Speaker, Sir, thank you for giving me this opportunity to respond. Actually, we discussed the matter in the Committee the other day. We met the Ministry officials and we shall finalize on Thursday. Next week, he will have a full report. We invite him to Thursday's meeting. He can interrogate the Cabinet Secretary. Thank you.

Hon. Speaker: Exactly, that is the best thing. The Member requesting the Statement should actually appear before the Committee, so that whatever matters he may want to be canvassed can be canvassed there and not here. Really, we do not want you to keep on challenging your colleague yet he is merely giving a report.

Hon. David Ochieng.

Hon. Ochieng: On a point of order, hon. Speaker, Sir. Thank you very much, hon. Speaker. I am not challenging what you have just said, but I am on a point of order on this issue of Statements. The reason some Members are chairpersons and some are not is the responsibility that follows. Much as I know you are trying to help the chairs of those committees, there is a responsibility for being a chair. I think we are going to let the chairs off the hook easily the way I am seeing things happening. I do not think this House will be doing the right thing.

Thank you.

Hon. Speaker: Well, it is true that I chair the Parliamentary Service Commission and the House Business Committee, but now I am not wearing that hat. Hon. Ouma, even trying to say that we want to let the chairmen of committees off the hook--- I really do not know whether they are in any hook. They are not in any hook.

(Laughter)

They will just come and make a Statement. In fact, I want to develop a system, so that those reports do not become a subject for debate when they are brought here in response to requests for Statements. Really, we must remain faithful to the traditional role of the House, of overseeing the Executive. So really, a committee should not be the one to bring a report or an answer from a Cabinet Secretary or a Government functionary.

I think, it is not letting them off the hook but I am trying to draw the attention of ourselves to the difficulties that we may be creating by those requests. Nevertheless, it is the legitimate right of Members, really, to raise concerns of the people that they represent. That I appreciate; it is for that reason that we have to grapple with the situation and see how best to navigate this new structure.

Yes, hon. Washington.

Hon. Midiwo: On a point of order, hon. Speaker, Sir. You just will not let go this Washington thing.

I am rising to support you on the direction you have began to take the House towards. There is no Government in this House, and I want to plead with you that whatever you have been eating in the last few days, wherever you were in Rwanda--- When you were away, you kept eating it.

(Laughter)

Keep guiding us constitutionally as you are doing. You know, in the last three months we have been given by “Mr. my Government here,” a lot of promises, yet he is just an ordinary Member of Parliament. We are all ordinary Members of Parliament.

(Laughter)

So, what you are doing is the right thing, and Members ought to understand. I was going to ask you that you keep referring Members to the Fourth Schedule of the Constitution. Some issues belong to counties. What we are trying to do is to ask questions, which the ward representatives should be asking the governors. It is very important because, even when I talk to ward representatives across the country, they seem to think that they should refer some of their functions to us.

I think that this House has a duty, through you, to guide the country through the teething problems. Remember, the only answer to this predicament may be to revise the structure of Government, so that the Government sits in Parliament. We have been used for 50 years to interrogating the Government. How do we oversee people we do not know where they are? Right now, they are busy using chase cars, and doing all sorts of things. We do not know where those people are. We may need to confront this issue as a country in a way that allows the Government to sit in front of us and we talk directly to it. If we do not go the parliamentary system, we may face some monster or mongrel of an arrangement; we were so used to the old system since Independence. Thank you, hon. Speaker, Sir.

(Applause)

Hon. Speaker: It seems like then we may have been attracted to the mongrel.
Yes, Leader of the Majority Party.

(Laughter)

Hon A.B. Duale.: Thank you, hon. Speaker, Sir. I think a month ago, you made a ruling on this matter. You made a very clear communication from the Chair, and I expect hon.

Members, including the Deputy Leader of the Minority Party, to read that very clear communication on how a presidential system is to be run.

Of course, you will see once in a while that people will raise matters touching on the counties, as hon. Midiwo said. A committee will be subjected to an issue which should have been handled better by the County Assembly of Garissa or Siaya. But fundamentally, hon. Jakoyo Midiwo, the Member for Gem, cannot usurp the powers given to the people of Kenya within the Constitution.

In 2010, the people of Kenya went to a referendum and chose a presidential system of government. If I may draw from my memory, he was in the forefront at the time in the clamour for a new Constitution. Unfortunately, now that the good friend of mine is finding himself not in Government, he wants to switch to another system of government. He wants a parliamentary system of government, a mongrel system of government, where Cabinet Secretaries will sit in Parliament. That mandate is with the people of Kenya. He can call for a referendum, or he can join the many that are collecting the million signatures out there, and who want to bring changes.

I think the process to amend the Constitution will start from this House and go to the people of Kenya. But the matter that he raised earlier is within your and our domain but the latter part of it, in my opinion, is a serious matter. He is telling the country to change from a pure presidential system. I want him to be very honest. If the hon. Member for Gem was sitting where I am today, I am sure he would love to be the Leader of the Majority Party; the Kenyan people decided that he be where he is. It was not the Jubilee Government which made the decision; it was the people of Kenya on 4th March, 2013. They decided who will be in Government and who will be in the Minority Party, and until an opportunity is given again to the people of Kenya in a democratic election, the reverse cannot take place. The reverse cannot take place through the back door; it is hon. Jakoyo who wants to bring a parliamentary system through the back door.

Hon. Members: How?

Hon A.B. Duale.: We do not want to use this. If we consult under the leadership conference, which we are going for this weekend, both coalitions can agree and take it to the Kenyan people through a referendum, but it would be very costly. It has only been three months; let us remain with the presidential system. Let us learn the ropes; let us allow the Jubilee Government to work and let our brothers and sisters oversee and make sure that this baby called “presidential system of government” works.

It has worked in Indonesia, the United States of America (USA) and in many other countries. Just because you want Ministers here, we cannot go that way. We want a clear separation of power between the Legislature, Executive and the Judiciary. Some of us do not want to see Ministers here. When Ministers were here, corruption was at its highest. That was when Ministers fought reports here which touched on their own ministries. The Kenyan people want clear separation of power; we want an independent Judiciary, Legislature and Executive.

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

Hon. Speaker: I am sure all of you are familiar with the Standing Orders. The Member who started it, hon. Ben Ouma, was on a point of order, drawing the Chair’s attention to the fact that we appeared to be letting chairmen of committees off the hook. Then, hon. Midiwo, rising also on a point of order--- It is only fair that when a chance comes, we allow everyone to say their bit.

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

Hon. Speaker: Points of order are put through as interventions. The first one I can see here is from hon. Chris Wamalwa. Do not just shout from your place.

(Laughter)

Hon. Wakhungu: Thank you, hon. Speaker Sir. I rise to get your guidance over this issue. The issue of having the Executive here has not just been on the CORD side, but even on the Jubilee side. The Leader of the Majority Party should stop politicizing issues of importance to the hon. Members. Even Members of Jubilee Coalition ask questions, which also need to be answered. Personally, I requested a Statement from the Departmental Committee on Justice and Legal Affairs, but when I met hon. Chepkong'a he told me that the IEBC was summoned but they never appeared before them. The statement I requested was about political parties; some political parties are dysfunctional because of lack of funds. So my humble request is that the Leader of the Majority Party should stop being petty when hon. Members ask questions.

(Applause)

We are here as the Opposition yes, but we do not oppose everything, we engage in constructive criticism. So, what hon. Jakoyo said had nothing to do with CORD. We know we have presidential system, but at times when a case study comes up it may have merits and demerits. In this case we can do some amendments. The aspect of sycophancy should stop.

Thank you, hon. Speaker, Sir.

Hon. Speaker: I am sure all of you are familiar with the provisions of Articles 255 and 256 regarding amendments to the Constitution. For those of you who may not be having copies of our Constitution, you can check. You should familiarize yourselves with that. If you want to move amendments to the Constitution, you are at liberty to do so. It is your right as a Kenyan to propose any such amendments.

Before we take the next points of order, may I get a response from hon. (Ms.) Sabina because this matter is before the Departmental Committee on Education, Research and Technology.

Hon. (Ms.) S.W. Chege: Thank you very much hon. Speaker, Sir. The Hon. Member understands that my Committee has other urgent national issues that we are dealing with. Next week we will be inviting him to come as we summon the Cabinet Secretary. We have summoned the Cabinet Secretary three or four times, but the issues which were before the Committee were more urgent. However, the Hon. Member's question is still being tackled. We will invite him next week so that he can join the Committee.

Thank you.

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

Hon. Speaker: Unless you make a request, you are unlikely to catch my eye now. Do not try to catch my ear. Just catch my eye!

(Laughter)

Hon. Abongotum: On a point of order, Hon. Speaker, Sir. I will try to catch your eye and not your ear. My good friend, the Member for Gem, hon. Washington Jakoyo Midiwo, has just said that there is no Government in this House. We must draw a dichotomy between the

Executive and the Legislature. To the best of my knowledge, we have one arm of Government in this House. So, it is misleading to say that there is no Executive in this House.

Again, I just want to remind Members that we are in a pure presidential system. There has been a total paradigm shift from what we were used to for 50 years. When funds become available, I will request that those hon. Members visit the countries where we have a purely presidential system, so that they learn and change. In psychology, they say that it takes a human being seven years to change their mindset. So, let us live with the pure presidential system until we are ready for a referendum, or something of that sort. I was a supporter of the mongrel system, but the big guys in politics told us to take this direction. Of course, my good friend and I were great campaigners of the “Yes” team.

Hon. Speaker, Sir, I request that when funds become available, hon. Members should visit USA and other countries so that they can observe this complicated system at work.

Thank you.

COMMUNICATION FROM THE CHAIR

KNUT PETITION ON STATUS OF LEGAL NOTICE NO.16 OF 2003

Hon. Speaker: Still with regard to the Departmental Committee on Education, Research and Technology, this Communication relates to an issue that was raised by an hon. Member. This is the ruling.

Hon. Members, you will recall that on 3rd July, 2013, Hon. Sabina Chege, M.P., Chairperson of the Departmental Committee on Education, Research and Technology rose on a point of order seeking guidance on the matter of the Report of the Committee on Delegated Legislation of the 10th Parliament on the degazettement of Legal Notice No.16 of 21st February, 2003, and in particular the status of the recommendations of the Committee in view of the fact that the report of the Committee on the matter was not adopted by the 10th Parliament.

Indeed, records of the House indicate that the Committee on Delegated Legislation on 3rd January, 2013, tabled a Report arising from a petition from the Kenya National Union of Teachers (KNUT) on the legal status of Legal Notice No.16 of 2003. The Standing Orders in force then – Standing Order No.210 – required the Committee to which a petition had been committed to respond to the petitioner by way of a report addressed to the petitioner(s) and laid on the Table of the House.

In addition, a notice of Motion to adopt the Report of the Committee, which is a rare practice in the Commonwealth jurisdiction, was given. However, the Motion was never debated before the term of the 10th Parliament came to an end on 15th January, 2013. Like in all other parliamentary jurisdictions, the effect of the end of the term of the 10th Parliament was that all proceedings pending before the House lapsed, including the Motion in question.

Hon. Members, it is my considered opinion that the issue canvassed by the hon. Member was adequately dealt with in the 10th Parliament. A Committee of that House investigated the matter, made recommendations and laid a report on the Table of the House. The matter actually lapsed.

Hon. Members, the rules of this House do not permit reopening of matters that were spent in the previous Parliament as no one Parliament can impose its will on an incoming Parliament.

Standing Order No.141(4) provides that a Bill, the consideration of which has not been concluded at the end of the term of a Parliament shall lapse. This similarly applies to Motions.

However, not all is lost. A petition, as described in the Australian House of Representatives Practice, Fifth Edition is a formal and public way of expressing a grievance and even if an immediate action is not taken on it, it assists in the creation of a climate of opinion which can influence or result in action, and it draws public attention to a grievance.

That is the position as at this moment relating to that Motion. Thank you.

Hon. Wandayi: Thank you hon. Speaker, Sir. I just want to add my voice to this matter of Committees. I am beginning to sympathise with the Committee Chairs. Unless something drastic is done by this House, this idea of asking committees questions and expecting answers will remain a ritual.

I am beginning to believe that a country such as Kenya, in the state of development in which we are, requires very close interaction between the Executive and the Legislature. This is because the questions we are asking here about pedestrians crossing and speed bumps on the roads are never asked in the US Congress. This is because they are past that stage.

There is also no provision in the Constitution, or in the Standing Orders, that bar a Cabinet Secretary from attending this House---

Hon. Speaker: Please, re-read your Standing Orders and your Constitution. This House does not admit strangers!

(Laughter)

Hon. Wandayi: Thank you, hon. Speaker, Sir. I just want to move forward my argument.

Hon. Speaker: But not that way.

Hon. Wandayi: Hon. Speaker, Sir, the Leader of the Majority Party had earlier on stated that we want clear separation of powers. It is a fact that we have got very clear separation of powers in a parliamentary system of democracy as in India, the United Kingdom (UK) and Israel. If we cannot find a way of having Cabinet Secretaries appearing before us, so that we can interrogate them on a regular basis in this House, we shall have to move very fast, as a House, to not only create what hon. Jakoyo referred to as a mongrel system of Government, but to further introduce amendments to the Constitution in order to bring back the parliamentary system of Government. This is an issue we shall have to confront as a matter of urgency; it is an issue we cannot wish away. Otherwise, if we continue the way we are, we shall not achieve much as a House.

Hon. Speaker: Again, it is your right. Read Articles 255 and 256. If you want to move amendments to the Constitution, do not say that this House is going to do it. Hon. Wandayi, you have a right and you can actually move. You have all it takes, please go ahead and do that.

Hon. (Ms.) Abdalla: Thank you, hon. Speaker. Mine is still on this issue of statements. But I am going further than the issue of statements. We are now in the stage where we are dealing with teething problems of moving to the presidential system of government that requires the Cabinet Secretaries not to be Members of Parliament. Some of the issues that we were dealing with, when we discussed in the Ninth Parliament about how to deal with the question of losing the 'comedy hour', as it was known in the last Parliament, we discussed that those issues could be dealt with by the ombudsman system, so that if a Minister is not responding to an issue that is affecting your area, you could raise it through the ombudsman system.

Hon. Speaker, Sir, the reason why I stood to contribute is that as a Chair, I am faced with another issue that I would like to have a ruling on or a direction from the leadership meeting this Thursday. In the past, we had Ministers responding to Private Members' Bills. I would want to know what mechanism a chair, who is not a Cabinet Secretary would use and what ideas they would propagate when replying to Motions that are directed to their Ministries. Do I raise my opinion, the Ministry's view or the Committee's view on that matter?

Hon. Speaker, I am raising this issue because even the statements that are requested, the time it is taking to deal with them and interact with Cabinet Secretaries, then we have the Motions is much. We need to have a streamlined approach where we discuss how the interactions will be and who will be responding. Are you responding on your personal opinion?

Hon. Speaker, Sir, if I was responding to the formation of the select committee on *miraa*, my personal opinion would be different from what the Cabinet Secretary would have because you would have to protect the economic interest of the persons who are producing *miraa*. My personal opinion is that I would agree that *miraa* should be banned. So, I need guidance on my role in responding. Do I respond as hon. Amina Abdalla or give information from the Minister? So, with those complications that are basically teething problems, we need to address them so that we do not continue being asked to respond on matters that we do know the Government's position.

So, we require guidance.

Hon. Speaker: Very well. You are very right. It is for that reason that we are developing a system. But for the time being, we will respond because hon. Members are people's representatives. From time to time, they may have to make those requests. Even listening to hon. Abdalla, the chairpersons of Committee are likely to be bringing reports or answers given by Cabinet Secretaries or Government departments, but the unfortunate bit is that hon. Members seeking those statements may not be satisfied with the report of the Committee. They purport to pin down the chairpersons of Committees. Surely, the Chair of the Committee has no business knowing who is supposed to build roads, bumps and so on.

(Hon. Angwenyi interjected)

Hon. Jimmy Angwenyi has never learnt that this is the 11th Parliament and it is high tech.

Hon. Member: He could be suffering from teething problems.

Hon. Speaker: Yes, he has teething problems, I can see. Hon. Bunyasi, the Floor is yours.

Hon. Bunyasi: Thank you hon. Speaker, Sir, for giving me this chance. I want to contribute to this debate. I am particularly saddened. I think that this House really ought to be given time. It is going to take time to know how to work within the constitutional dispensation. It is going to take time now to work between the different arms of Government and I really suggest that any indications of rushing to amend the Constitution should be put off for some time.

I think we have to be subservient to the Constitution and time will help us to deal with that. I do not think I would like to see the Cabinet Secretary sitting here all the time as we debate. There must be a mechanism which, indeed, realizes that this is now a problem that the administration of Parliament should find a way to deal with. They need to interact with senior officers in various Ministries to get answers, which are signed by Cabinet Secretaries. The answers need not be accurate or nice, but they will be substantive answers that commit Government. I think if we learnt to give and take, over time we are going to be fine and then

give ourselves a year or two before thinking of amending the Constitution. Otherwise, it will be like whenever we have issues, we rush to the Constitution. I want that solemnity of the Constitution to remain.

Thank you very much, hon. Speaker, Sir. I seek guidance from the Chair on what statements we are actually going to ask on the Floor of this House because all that we are doing is not in order. Which kind of statements do we seek on the Floor of this House?

Hon. Speaker: It is for that reason that it is good that we hear as many opinions as possible so that we are able to develop some workable ways of transacting business, especially that business where hon. Members have issues to raise touching on their constituencies and constituents. It is important we hear as many opinions as possible so that when we finally come up with some way forward, it is informed by those views.

Hon. Onyango: Thank you, hon. Speaker, Sir. I stand guided by your eyes as a counsel and that of senior hon. Members who have spoken before me.

Hon. Speaker, Sir, I took a two-days off to go round this country and learn about how hon. Members are viewed by the public. The response was that, in as much as the public may appear to detest hon. Members, they are the people they like most and they know that we hold the key to their survival. That is for a fact and I realized it.

Hon. Speaker, Sir, concerning the matter before us which is of great importance, I would like to say that, as it has been said, we are in a new system and it is us who are not used to it. As a house, our role is to legislate and we can even go to the extent of making laws that will make the systems that you want to work. But for the time being, there are certain things that I believe we can sort out without even going to bring a Bill to enact into law so that it works.

You have been guiding us as the Chair on certain matters just as you have done to hon. David Ochieng. However, in as much as we would like to make the public believe that those committees are not powerful, those committees are really powerful. They have the status of the High Court during their sittings. What we need to do is to rationalize how and who is supposed to present himself and how the House is going to handle the matters that they bring. When we come before the House we need to reveal that “they came up with this matter, but as a Committee we interrogated the matter further and found out this or that.” That way, the House will know how to deal with such issues. Some of them might only require somebody appearing to give a statement.

We are telling the public through those cameras today that those committees are not powerful. The implication is that you can summon an IEBC Commissioner and he or she fails to turn up. I want them to know that if they fail, the consequences or repercussions may be horrendous.

Hon. Speaker: Familiarize yourself with provisions of the Powers and Privileges Act. Read between sections 16 and 22 thereof and you will see how much power you have. You cannot say that you do not have powers. I agree with hon. Osele.

Hon. Jimmy Angwenyi, even when you have pressed your button you do not want to look at your microphone.

Hon. Angwenyi: I was looking at you, hon. Speaker.

(Laughter)

Hon. Speaker, having served where I catch the Speaker’s eye for more than 10 years you can see what is happening in this House. For a long time, we used the system where we asked Ministers questions. Now we cannot accommodate the new system where the Leader of Majority

Party or some chairman responds to us and yet we cannot interrogate them. If the Leader of Majority Party gave an answer to an issue in this House, we cannot interrogate him because he does not know. What he will give as an answer is what he would have been given. I stand to support the idea that we must develop a certain system or process whereby Cabinet Secretaries hang around here so that when we ask questions, they are called upon to respond.

(Laughter)

As you know, since we came here three months ago we have passed more than 100 Motions – I do not know for what purpose. There has been no response to them. However, if a Cabinet Secretary was here and saw how we voted to a Motion and undertake to respond to it or take action we would move an inch higher.

Before we passed the current Constitution, the retired President Kibaki said that this Constitution is not perfect. He talked of 15 per cent of it not being perfect. We want to tackle that percentage. One of them is that our remuneration should be controlled by another agency. The other one is that we are unable to get answers to the questions we raise here. Thirdly, no action is taken on what we petition. Let us be proactive in thinking so that we develop a system which will harmonize our relations with the Executive in offering services to Kenyans.

I beg to support that Motion.

Hon. Speaker: There is nothing to support, hon. Angwenyi.

(Laughter)

Hon. Angwenyi has already assumed that there is a Motion on the Floor being debated. I can see the need for this retreat.

Hon. Ng'ongo: Hon. Speaker, it is true that many of us, especially those who served in previous Parliament, missed the exciting times of Question Time and Ministerial Statements. We are in a pure presidential system. I am also like the rest when it comes to doubting whether we are really mature for a pure presidential system. We belong to the Commonwealth. All Commonwealth countries have purely parliamentary systems. We, here, have gone presidential. I would like to inform this House that recently we were in London attending the Commonwealth Parliamentary Association (CPA) seminar and workshop and we realized that something was totally wrong. We are the only country that has adopted a totally different system. For me, that is a long-term solution. Right now, we are in this. Most of us would want to get issues in their constituencies addressed.

Even though we have been putting a lot of weight on the Leader of Majority Party to address some of those issues he really cannot because he does not work for the Executive. He is the Leader of Majority Party in Parliament which is separate and distinct from the Executive. It is the same thing for chairpersons of Committees. Some of them, in fact, come from the minority side. Supposing you elect a minority Member of Parliament – it did not happen – to chair a Departmental Committee, how would that Member even answer on behalf of the Government? Think about the Public Investments Committee and the Public Accounts Committee.

The Speaker can initiate for us a two days workshop so that we exhaustively discuss this issue and come up with short-term solution. Could we get written answers from Ministries? Can we have a situation where we file questions and we get written answers? Is there a way we can have our questions addressed in this House? I would love to see my question answered in this

House and I interrogate it. That is even when my people in Suba would know that I am a good legislator. Some of us probably won our second or third or fourth term because of how effective we were able to articulate the issues affecting our constituencies. When you put us here in a way that we are unable to interrogate and hold the Government to account, you are somehow contributing to our failure in the next general election.

Hon. Speaker, we need to have that two-day retreat and see a way of marrying the systems and be in a position to discharge our duties.

Hon. Sakaja: Thank you, hon. Speaker. It is for a good reason that the Constitution we have passed by Kenyans. I do not think it was done in a rush. I do not think it is a mistake that we have a pure presidential system. It is not time to start thinking about amending it. Somebody once said that you do not react against a mosquito with a hammer. The issues we are dealing with can be sorted out if we decide to be creative and also embrace digital solutions.

If we think about it, summoning Cabinet Secretaries every day to answer to questions such as a pothole in the constituency or somebody looking for pension in the constituency in as much as those are important issues, there are certain questions that can be dealt with creatively. I would like to suggest that if we come up with a solution outside the confines of the Standing Orders and the Constitution – we are not boxed into it and we have space to be creative – certain issues that are below a certain threshold do not require you to summon a Cabinet Secretary here because we also need them to work. Three of them have been here today. Yesterday there were a few here. In fact, some of them were summoned by the Senate. So, that way, the Executive cannot operate.

However, if we have a parliamentary liaison office there are certain issues that have to do with constituencies – Article 96 is very clear that this House is not only legislative but also representative – that you could put in writing and then demand a response from the Ministries within a certain period. If the response is not dealt with in a proper manner, then it goes to the next level. We could even amend the Standing Orders to allow that.

On the new system that is causing a lot of problems, we can think outside the box. I would like to appeal to hon. Jakoyo Midiwo and the rest of the hon. Members not to start talking about amending the Constitution. The Constitution is new. It was passed overwhelmingly by Kenyans. The hon. Members were in the forefront supporting it. In as much as they may have called some people “water melon”, let it not look like those who are now uncomfortable with the Constitution are the same people who had been pushing for its adoption, who are now in the CORD. Let us think of a digital solution that can enhance relations amongst the arms of the Government, especially between the Judiciary and the Executive and between the Executive and the Legislature. I believe that we can sort out such matters.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Gumbo.

Hon. (Eng.) Gumbo: Thank you, hon. Speaker. I just want to add to what has been said by my colleagues. I want to agree with the Chairman of the TNA, hon. Sakaja; that there are some issues we must find a way, as a House, to address. I know for a fact that, for instance, in order for us to get the Cabinet Secretary for Finance to read the Budget here, something had to be done because he was not meant to be here. So, we need to find a way of facilitating such important occasions because we represent the people of Kenya.

Hon. Speaker, as you are aware, right now, I personally follow the issues that happen in our country. I know for a fact that in Kitui County, about three or four days ago, a serious incident occurred. There is nothing, in my view, which will please the people of Kitui more than

seeing the whole country uniting behind them, in light of what happened there. So, I know that it is something within the powers of your office. I may be guided, if I am wrong but I think it can be possible when the need arises, for us to convert a sitting of this House into a Committee of the whole House and interrogate matters while interacting with Cabinet Secretaries so as to be able to comprehensively address national issues, like what is going on in Kitui.

I know that the Principal Secretary responsible for security was there yesterday but I am sure that if the people of Kitui today were to see this House discussing the matters that are so dear to them, regarding a renegade individual who is basically holding a whole division to ransom, they will know that, truly, it is a matter which grieves the country, and a matter we have taken hold of, which we want to address, as a country. That is not the only issue. We have seen many times that my good friend – whom sometimes I prefer referring to as my former good friend – the leader of the Majority, tackling issues.

An hon. Member: (*off-record*)

Hon. (Eng.) Gumbo: Hon. Speaker, sometimes he talks like a former friend, but we have seen how he struggles with issues concerning security, for example, because it is a countrywide problem. I have been keeping track of what has been happening in the country. I can tell you that even in your own county of Embu, in the last one month, there have been security issues. If you go to Eldoret, the county of the Deputy President, there have been security issues. If you go to Kiambu, the county of the President, there have been security issues. So, those are matters regarding which we must be creative, as a House, to find a way of canvassing, so that the people of Kenya can see that we are seized of those matters, and that we care about what is going on in our country.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Cheptumo.

Hon. Cheptumo: Thank you, hon. Speaker. I was in the 10th Parliament, during which I sat in the Justice and Legal Affairs Committee. The truth of the matter is that we have a problem. If you ask most of the hon. Members, they will tell you that when they were looking for votes to come to Parliament, their intention was to be in this House to express the feelings of their people, so that they can represent them fully. However, as it is today, that desire is completely reduced. It is not our mistake. It is because of the way the Constitution has been designed. Therefore, I would like to propose that we deal with this issue in two ways. There are, perhaps, some long-term measures, as proposed by some hon. Members. The Constitution provides for its amendment. That is one way of doing it but we have the more serious problem of how to deal with the situation in the interim period.

Hon. Speaker, you ordered that the Executive would be appearing before Committees of this House but I think we also need to take stock. From the day you gave that order to-date, how effective has that procedure been? We have the Committee on Implementation. We need to strengthen it so that, as we deal with the Executive, through the Committees, we can have a way of following up on matters to ensure that our resolutions are implemented in the interim period. So, we need to look at the matter in the short-term and long-term. The truth of the matter is that this House is facing a serious problem of how to ensure that issues affecting our country are dealt with effectively. I propose that we deal with them in the manner I have explained. We should strengthen the Committee on Implementation.

Thank you.

Hon. Speaker: Hon. Members, as you know, the powers of a Committee are clearly stated. I do not know how many more teeth you want them to be given. If they have 32 teeth, we

cannot make them 40 teeth. If hon. Members attend Departmental Committees or Select Committees before which Cabinet Secretaries and other Government officials appear and give undertakings, Committees may table their Reports to say that the Cabinet Secretary or whatever Government functionary has given a certain commitment and undertaking, so that the Committee on Implementation would pick them up from that point. The Committee will then be helped by the hon. Members who will have raised the issues to ensure that Government undertakings are implemented.

I also suspect that there is an issue of people not being very comfortable appearing before Committees because there may be no cameras to capture them as they participate. So, there is the issue of thinking of how to get hon. Members to be seen on television to be representing the interests of their constituents. I am sure that if Reports come here, which contain undertakings from Government, the Committee on Implementation will be seized of the matters in those Reports and make follow ups. Hon. Members will also be attending the proceedings of that Committee, or constantly reminding the Committee that a Government functionary gave a certain undertaking and request that they see the Committee's progress Reports. In the interim, we may have to suggest that we go that route because, short of that, we need to amend several laws, including the Constitution, quite apart from the Standing Orders.

I can see that hon. Midiwo has a burning issue but before he says what it is, let me recognise an intervention from hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, I want to, first of all, thank you for giving us the opportunity to ventilate on this issue because it has been an issue of concern for some of us. I would want to say that, in relation to the issue on the fact that we are in a pure presidential system, as a Member of the Select Committee on the Constitution then, I know that majority of us were not for this system but, because we wanted to move the country forward, the process entailed a give-and-take kind of spirit – a spirit I would want to encourage this House to embrace so that sometimes we do not have almost acrimonious exchanges.

Therefore, having adopted this new system, and given the fact that about 80 per cent of us are new in this House, it may entail us going through this process for a while to see whether it works before we even think about amending the Constitution.

Hon. Speaker, Sir, in the interim, I would suggest that we think of noble ways. Again, what you have suggested in terms of the Committee on Implementation is good but I think I want to agree with the hon. Member for Rarieda. I was actually going to suggest that one way is to go through the Committee of the whole House. However, one of the things that is of major concern to me are Motions. You know, I think this is the third month or so that we are in the House and most of the work we have done is in relation to Motions. My concern is that even though we are saying we will use the Committee on Implementation, going by the work that the Committee on Implementation did in the last Parliament, I do not know whether we need to review the problems that, that Committee may be having because it absolutely did no work in the last Parliament.

Hon. Speaker, Sir, I will give an example. We have already passed a Motion that was brought by hon. Mbadi and I did an amendment on fishing. Even though the House has passed a Motion that directs the Executive to go in a specific way, I have had to chase. I was taking the role of hon. A.B. Duale. That is why I was telling him that I should be sitting in his place. I have had to take his role of informing the Executive of what the House has passed. I have had to photocopy the HANSARD. I think it is almost 200 pages of the HANSARD of what happened in this House. I am going to send it to the Cabinet Secretary. I have to send it to the Leader of the

Majority Party. I have to send it to the Principal Secretary because there is no clear system to inform the Government of what has been passed in this House.

Hon. Speaker, Sir, therefore, I want to say and I want to agree with you that as a matter of urgency, we need to look at the issues of Motions and our legislative agenda. I know we are making the committees very busy with Motions, Questions and Statements and I know that we have constitutional deadlines which are coming in August and the legislation will be rushed the way we rushed it in the last Parliament. I am really concerned about our primary role which is the legislative agenda. Other than the budgetary issues that are very urgent, where is the legislative agenda because some of those things will be addressed within the framework of our legislative agenda? So, I would want to encourage that, as a matter of urgency, we need to sit as a House outside this so that we can look at noble ways of dealing not only with this, but the so many things that are teething problems for this 11th Parliament.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Well spoken but this House has Constitutional Implementation Oversight Committee (CIOC) doing oversight. That Committee by now should be telling the House, through a report, what laws are supposed to be coming up, and which will not require to be rushed through the night. Surely, it is not enough for us to--- Why did we form the Committee? It is specifically to be the medium through which the plenary will know what is coming up and what requires to be passed by the deadline of 27th August. Of course, most likely, the House may be in recess by that time and, therefore, I would expect by now that, that Committee should be up here with the report. However, there is no harm in us ventilating on this matter because it is important. It is important because it is necessary that even the public knows what it is that Parliament is doing.

The Member who was first on the screen has decided to rest his eyes. I hope he has not rested his brain.

(Laughter)

Hon. Njenga: Hon. Speaker, Sir, I think I had given up. Noting the position we are in and the desire to move forward, and also noting that we are experiencing teething problems, there are issues that are of importance to this nation and issues that have been raised in the past. With that, I seek your intervention on an issue that I raised on the plight of IDPs, resulting from the 1991/1992 tribal classes – people who ran to the Aberdares in Kieni Forest. That is a water catchment area that serves this city with water. That situation continues to mushroom despite all the problems. Those are IDPs who have actually been through three regimes now.

Hon. Speaker, Sir, I also sought an intervention about the integrated IDPs who are all over this country. Those IDPs are still suffering. So, I placed that request to the Chairman of the Departmental on Administration and National Security, hon. Kamama, but I have not gotten any answer for a very long time. Even attempts to actually get it straight from him at the Committee level have not been very fruitful. I, therefore, would seek your intervention that Kenyans whom we represent are waiting to know when and how they will be settled. That is because they are Kenyans who are entitled to decent living and the protection that the Constitution gives them. They are Kenyans who have suffered in many regions and time has come when we should not wait. I actually have more time on that.

Thank you, hon. Speaker, Sir.

Hon. A.B. Duale: On a point of order, hon. Speaker, Sir. We were discussing a very important matter of national importance just before my good friend raised a burning issue on the IDPs. I think I agree that the 11th Parliament, being under a new dispensation and, maybe, this will help you following your communication, it is important to make a further communication. One, it is confirmed that the 20 per cent problem that hon. William Ruto was talking about in the Constitution is haunting us now. He said let us do it and some of us said we will do it later. However, I urge Members to take time and study the presidential system of Government. Hon. Mbadi was very very right that the most interesting but time-consuming session in all the Parliaments was the Question Time. However, hon. Jakoyo will agree with me that yes, we were bringing issues concerning the people but the serious legislative agenda of Parliament never used to get time. Question Time used to continue until 5 O'clock and under this new dispensation, Article 153 describes directly how a Cabinet Secretary in this dispensation should relate to this Parliament when Members of Parliament raise issues. The Committee, which is an extension of this House, will interrogate the Executive. They will bring a report. The report will be debated and if a Member feels that the answer given by the Executive is not adequate, then an amendment to that report can be done.

Secondly and very fundamentally, under the presidential system of governance - in which we are in - Members of Parliament should bring and amend existing statutes touching on the Executive. This is the point which we are missing. We are bringing Motions. In the place of Motions, Members should bring Bills, statutes and constitutional issues touching on their people. For example, if you are not happy with the current livestock laws in the country, as a Member of Parliament, you go and draft a Bill. We have a fully fledged and competent team of legal drafters in this House. Come here with a Bill, then you amend it. By virtue of this House amending that livestock law and by virtue of this House amending any statute, then you are bringing the Executive under a presidential system of Government to book. We should lead the way instead of "urging" because we cannot urge the Government. You are a legislative body and you have three roles to play. Those roles are oversight, legislation and representation. We are not using the legislative arm properly. We need to go back and use the facilities we have in Parliament and amend existing laws and even the Constitution for that matter. If you can come here and convince Members of Parliament that the laws pertaining to the health or livestock sector needs to be amended, we will support it. That is the way we should go. That is the only way we will bring the Executive here.

Hon. Speaker, Sir, today, I saw five Cabinet Secretaries leave the precincts of Parliament. Committees of the House, under the able Chairs are an extension of this House because they represent us. So, if a Member feels that the issues he raised with the Committee and the answer given by the Executive is insufficient, he can amend that report when it is tabled in this House. He can further go ahead, bring a Bill and amend that section of the law that he feels will change the lives of his people and the people of Kenya.

Ultimately, I agree that we are in a new system. The baby is crawling and needs to walk. I am sure that the leadership is meeting this weekend so that we can discuss that more. However, in my opinion, I want to tell my good friend, hon. Mbadi, that we used the platform of Questions in the last Parliament to raise issues affecting our people. That platform has been withdrawn and we have to look for another platform or infrastructure to come back to Parliament in the 12th Parliament. I do not think that the idea of Question Time session can be brought back.

Finally, I agree with hon. Jakoyo that if we agree as a country that we made a mistake and we should not have embraced the presidential system, we are the leadership of this country

and we should sit down and agree. I am sure that for some of us – and I want to be on record – we are very comfortable when we do not see Ministers in the House. Ministers were the guys who used to create corruption and nepotism in the Executive. There were Cabinet Secretaries out there who feared the powers of Parliament but, if you had your colleague from your county or neighbourhood and he carried the tribal card and used the ethnic card, he would use politics and this House to perpetuate corruption, nepotism and all the ills that the new Constitution has restricted.

Hon. Speaker, Sir, it is only that Members have not condensed how to work in a legislative framework through a presidential system. However, I urge my colleagues to bring Bills that will amend the particular laws.

Above that, there are Members who are bringing issues pertaining to counties. We must read the Fourth and Fifth Schedules in the Constitution before you are even granted a statement or a Motion. That is because you can bring a Bill but if it is touching on the county, then you must be ready for it to go to both Houses.

We need to be very careful. The COIC must tell us that because the Speaker has directed. Let us not run away from the baby. Let us nurture this baby called the “presidential system of government”. Let us give him enough milk; let us buy him clothes; let him walk and let him be--

(Laughter)

Hon. Speaker: Hon. Members, I think we have heard sufficient expression of this but we will have--- This is very health because it will help us grow this system or discard it one way or the other. That is because if you look at the Motion in the next Order, you will realize that it is a Motion that could very well be addressed by way of proposing amendments to the existing Electric Power Act.

Yes, hon. Midiwo.

Hon. Midiwo: Thank you very much, hon. Speaker, Sir. One other issue on your ruling in-between is to the Departmental Committee on Education, Research and Technology and nobody canvassed--- Listening to that ruling, I thought you opened a window for the Committee to relook at that Report so that it is brought here afresh since the other one lapsed. The example of the Australian Parliament that you gave suffices because it says that it is a grievance and it remains live.

Without politics and on the issue of teachers, we are talking about 200,000 Kenyans who are unhappy. I think this House has a duty, through a Committee to, at least, not ignore that fact so that we can find a solution for the children, teachers and parents. I thought the Committee should be urged to relook at that Report because it cannot be left to lapse like that because of a technicality.

Secondly, the issue of whether we will continue being under a pure presidential system or a parliamentary system needs some historical look. Hon. Amina Abdalla will tell you that when they were in the Committee that occasioned the Constitution, it was agreed that for decades, the clamour has always stalled over the issue of the presidency. That is because the presidency, as we had it, was one where the pyramid had too much power. We said 20 per cent of the Constitution had problems and I want to go on record as saying that the day the Naivasha team reached a solution, I was the first person to say that I was against the document. That was because of the Executive structure. However, I was convinced by many Kenyans that 80 per cent

was very good. In fact, we now enjoy a devolved system of government. It has taken away a lot of power from the centre and, given time and if it is properly implemented in 10 or 15 years, this country will never be the same. In fact, there will be no reason for people to go on the streets fighting over the central presidency. The truth is that as per the document that we have today, the presidency is actually a shell. That is the truth of the matter. That is if we devolve properly.

The issue which we are canvassing is fundamental. Rwanda, which is in our neighbourhood, found a way of dealing with this issue. However, it is not possible to address some things if the Executive is not reachable. For example, you cannot resolve the massacre which happened in the lower Eastern Province through a Bill. We need the Government to be here so that it can tell us why our people are living without security. They need to be here but they are not here. We ought to find a short-term and a long-term solution to such problems. That is why we need a way, and I agree with Jimmy, where those people could hover around at our disposal. I know it hampers the work of the Executive but we are in this quagmire and a solution must be found because they even have deputies.

I am saying - and hon. Members will agree with me - that most Members here, including the County Women Representatives, campaigned in 11 constituencies. They come here and then look subordinate to somebody we have interviewed and not even vetted properly. That person is actually sitting somewhere as a Cabinet Secretary.

Further to that, the President stood in this House and said that he wants a leaner Government. So, why are you employing somebody to do work and furnish that office while a Member who is already paid, could be paid a further allowance to do the same job? Much of the job is policy, which this House must approve. So, what I am saying is that, having the position of a Cabinet sitting away from Parliament is duplication and misuse of resources. That is because we are here doing nothing. That job could be done by 18 people here.

Hon. Speaker, let me tell you this today: If we had the mongrel which we have just heard, you would be the Prime Minister of this country. Those Ministers you do not like would be the Prime Minister of this country. Think about it!

So, hon. Speaker, even the Bills that the Leader of Majority Party - with a light touch - is advising us to do, in the last Parliament, I passed most Private Members' Bills. That process is tedious. For example, the Consumer Protection Bill had started eight years ago and it only passed early this year. So, that process is very tedious and even for politics, it is not a way we can manage resources of our constituencies. There are real issues and I want to urge this House to look at what is best for our country.

Hon. Speaker, Sir, let me say this to Kenyans: The so-called pure presidential system can only work where there is one tribe. What we are having today is a tribal system where the big five tribes will always collude and rule the smaller ones for ever. At any one time, the Luos, Luhya and Kalenjins will group, the rest of the 38 tribes will not see anything. This is not a good system for this country.

Hon. A.B. Duale, I can tell you that under the pure presidential system that you seem to adore, you will never be the president of this country. That is because nobody from your community will manage. So, we want to have a Kenya where political parties can work and everybody has an equal opportunity under the law. That way, we will not end up having Kenyans being angry at one another when we can sort that out. Laws are made for man not man for laws. It is us to sort it out. In fact, I said it over the last years, even in forums where the hon. Speaker was.

The hon. Retired President and the retired Prime Minister told Kenyans that 20 per cent of the Constitution is bad. They enjoyed the old Constitution and never said a single thing about how to sort out the 20 per cent that was bad. They refused. So, it is not that we cannot talk about this. They convinced us to vote and that 20 per cent can take us somewhere. The 20 per cent is the crux of the matter. It is not good. I can tell you, if we stay like this, the top five tribes in this country will rule this country forever. We need to think properly.

Thank you, hon. Speaker.

Hon. Langat: Thank you very much hon. Speaker, Sir. Much has been said about the presidential system. I am very happy today that from very unlikely quarters, we are hearing about the amendment to the Constitution. In fact, for some of us, history will bear us right because the same people who went out of their way to champion the system are now telling us that they oppose. Anyway, I just wanted to say, as regards, the House---

(Hon. Ng'ongo consulted loudly)

Hon. Speaker: I can see there is still nostalgia about that mongrel system. Hon. Ng'ongo, he is on a point of order; let him say his bit.

Hon. Langat: Hon. Speaker, Sir, I think the best we can do now is to embrace the system. If we copy the American system and some bit of the copy we leave in America, I think the best thing for us to do is to go and look for that bit that remained in America, so that the system is fully American.

Hon. Speaker, Sir, concerning committees, what do the Americans do in their system? Because this is their system, what do they do during Question Time? Do they do the same thing? Can we learn from them so that we do not fight to re-invent the wheel when it has been manufactured and it is on the shelves? So, I would suggest that let us learn from the systems that have been there before.

In terms of the Committee, as the Chair of a Committee, questions are being asked and hon. Members want to come and seek instant clarification. I cannot give instant clarification because I am not in the Executive. I can only table a written answer and if the hon. Member wishes, we can create a time and say: Twice every month, we collect all the questions from hon. Member and call Cabinet Secretaries in Committee where hon. Members can come and seek clarifications directly from the Cabinet Secretaries. It will be, maybe, twice monthly. We can call all the Cabinet Secretaries with relevant questions and the respective hon. Members can come and seek direct clarifications.

On the other hand, the Constitution says that this House considers and resolves issues concerning the people of Kenya. That is something that we need to relook at because that is a constitutional power given to this House. But we have never operationalised that provision under Article 95. So, we need to operationalise that and say, if we decide here that this matter shall go this way, then it is supposed to go that way. For example, hon. Members have been rising and saying: "I rise on a matter of great national importance."

Hon. Speaker, Sir, if you look at that Standing Order, it is a fallacy or a talk-show. It is something that we need to relook at and say: If it is a matter of great national importance, at the end of the day, do we take a vote on that matter or not? But the truth of the matter in that Standing Order is that we never take a vote. It is a talk show and a waste of time. I think we need to amend the Standing Order so that, if it is really a matter of great national importance, and we have admitted that it is such, then we must take a vote and that resolution must be implemented

by the Executive. Otherwise, we will stand here every day, talk and hon. Members will bring Motions which are urging the Government. I support the Leader of Majority Party when he said: If you have an issue, how do you want the Government, for example, to stop corruption? It is you to bring legislation and say: "This should be done like this and this and to that extent," and the Executive will be guided.

On the issue of the amendment to the Constitution, I want to challenge my friends from the other side. They can bring it and we can negotiate on that subject. But I am happy that proposition is coming from that side.

Otherwise, thank you very much.

Hon. Speaker: Let me say that this has not been an idle talk. It is so important that the country must understand that we are in a different dispensation. They must not look at hon. Members as if they are not representing them. They complain that we do not have water here or sewerage there. But hon. Members assist in those matters. But we are in a different governance system which we gave ourselves.

The hon. Jimmy Angwenyi was a very serious campaigner for this Constitution. So, it is important that Kenyans also know that this system has no time for hon. Members to come and ask questions because there is nobody to ask questions. We are all playing three roles; representation--- How best do we represent the matter which we are actually debating? How best do we represent our people so that they can see and understand that, actually, they are being represented? How do we play the oversight role? I am sure they know how we undertake the legislative function.

Let us hear the very last contribution.

Hon. (Ms.) Tuya: Hon. Speaker, I had to apply some desperate measure to catch your eye.

Hon. Speaker: Hon. Soipan, you do not need to catch my eye.

Hon. (Ms.) Tuya: I was trying to catch your ears and eyes, but they were not forthcoming. I wish to add my voice to this discussion which I think is really important. I am the Chairperson of the Committee on Implementation and that is why I was desperately trying to catch your eye. I can assure you that my 28 Members and I have our 32 teeth intact. We are grappling with the quagmire that we are finding ourselves in. We are, indeed, faced with a concern because as a Committee, we have clear resolutions to follow from the previous Parliament. However, I see a problem going forward.

My point of view as the Chairperson of the Committee on Implementation is that we are supposed to scrutinize resolutions of this House, as well as undertakings by the national Executive. Looking at what we mostly do on the Floor, very few things amount to enforceable resolutions or something you can follow through and put the Executive to task so that it can be implemented. It is a challenge because devoid of legislation or a Bill, most of our Motions – and you have said that several times – are merely urging to the Government. It is impossible or there is no clear way of making sure that the Executive--- Again because of the gap that we have concerning what happens in this House so that we regard a Motion as an enforceable resolution--

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Hon. Speaker, I am just adding my voice to the concerns that have been raised by hon. Members. This will be important to my Committee when we agree on the way forward. Our tray is full right now, but only with resolutions of the past House. There is a challenge presently. This could also be an opportunity for my Committee to be the channel through which this House can learn from the USA. We could actually go there and learn how a pure presidential system does

its things. This is an issue which we need to raise over the weekend in the retreat. Surely, it is meant to be addressed and then we find a common way forward.

Hon. Speaker: Well, let us not dwell on this because, as you have heard from the Chairperson of the Committee on Implementation, when we pass Motions here urging the Government, if they were to make a follow up they would say to the Ministry of Lands: "You were urged". The Ministry officials would then respond, "No, we were not urged. We were not even there to be urged. So, how did you urge us?" I am sure we will get out of this.

Hon. Rege, I am sure you want to contribute. Hon. Oburu, I am sure you are just nostalgic about the past. Let him contribute. You will also have a chance.

Hon. (Eng.) Rege: Hon. Speaker, we are talking about the Committee on Implementation. I do not know if we need to reconstitute that Committee because there are so many resolutions from this House that---

Hon. Speaker: For free, I will tell you that, that matter of the reconstitution is over.

Hon. (Eng.) Rege: In the 10th Parliament---

Hon. Speaker: About the reconstitution of the Committee, that matter is over. It was the resolution of this House to adopt those Committees.

Hon. (Eng.) Rege: Hon. Speaker, what happened in the 10th Parliament is that my Committee wrote a recommendation that the Kenya Pipeline Corporation removes everybody that lives along the pipeline. This did not take effect. We recommended that, that be done in Mombasa and Nairobi. Before we knew it, people were burning in Industrial Area. We cannot say that whatever happened in the 10th Parliament be forgotten and what happens in this current Parliament be forgotten. No! I want to suggest that every Committee should follow up on what happened in the last Parliament so that those matters are brought up in the succeeding parliaments.

Hon. Speaker: Hon. Rege, your proposal is very good. Remember that the Committee on Implementation is empowered to even bring a report here that a particular Government functionary is in receipt of the resolution of the House and has not implemented it. This House will take action against whoever it is.

(Applause)

We are the Legislature!

Hon. Angwenyi: We are toothless!

Hon. Speaker: Hon. Jimmy Angwenyi has teething problems.

(Laughter)

Hon. Shidiye: Thank you, hon. Speaker. We appreciate that we are under a new dispensation. You will realize that the old Parliament had a lot of flavour and there was a lot of drama but, at the end of the day, not much was happening. This is the first Parliament in the world that gave out its power. We are now the same group which is complaining. The 10th Parliament drafted this Constitution and we are the same Parliament. Parliament remains the same although we are complaining that we have no powers.

Hon. Speaker I am a Member of the Departmental Committee in charge of administration and security. You will realize that it is one of the most active Committees. Issues of security are very common and difficult. The Chairman of that Committee has to play the role of a Minister. It

is as if he has to be working with the Minister for 24 hours. As you will remember, the late Ojode and Prof. Saitoti would have to answer to three or four questions in any sitting of the House.

I think we need to do something about it. I see the new Constitution as an “activists” Constitution. I say this because it has a lot of mistakes and those things need to be addressed. My approach is a reformative one in the sense that we manage the old and the new order. This Parliament will not be able to deliver the Kenyan mandate. There will be a lot of bureaucracy between the Chairpersons of Departmental Committees and the Executive. Members of the Executive are always coming to Parliament to consult and so they will not be doing their jobs. At the end of the day, we are kind of doing the same thing in a different way, but being bureaucratic and not able to deliver the Kenyans’ mandate.

Hon. Speaker, the point is: Where does the buck stop in this game? About a month ago, I brought an issue about some officers who were on the verge of being sacked but up to now, no reply has come back to Parliament. So, it will take even a longer time for services to be delivered. Therefore, something needs to be done. With time, we will realise that we have done some mistakes. If we are going to go the whole hog, in terms of the presidential system, we need to find out a way of dealing with our issues. Those people even ask Members of Parliament: “What are you doing? We do not see you on television. You are not speaking.” Most of the time people in my constituency ask me: “Is hon. Duale the one in charge of Parliament? He is the only one who appears on television.” I tell them: “Yes, he is the Leader of Majority Party.” So, people ask me: “Are you in Parliament? Are you around? What are you doing for the constituency?”

There are many issues coming up which need to be addressed. So, something needs to be done. We have gone wholly presidential. We need something which can ameliorate the situation – something that will massage Kenyans to appreciate that their Members of Parliament are in charge of the country, their constituency and in charge of the destiny of their people. The way things are moving, it will not be that easy. Therefore, we must look for the best practice. If we marry the old order and the new order, we can deliver services to our people. However, in the current situation, there is a huge disconnect between the Executive and the Legislature.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, even as we contribute to this matter, let us not be apologists for Cabinet Secretaries and their Principal Secretaries. If Cabinet Ministers used to attend Parliament, as hon. Members, really, Chairpersons of Committees, you cannot be the ones to express sympathy that Cabinet Secretaries appear before Committees every day. If they used to attend Parliament, why can they not appear before Committees? We must even develop a system where requests for Statements will have to be channelled directly to the Chairpersons of Committees, with clear deadlines as to when they should get responses from the Cabinet Secretaries and the Principal Secretaries, so that they can produce reports.

The hon. Members raising requests are also being requested to appear before the Committees alongside the Cabinet Secretaries. If Cabinet Ministers used to attend Parliament, we cannot start sympathising with them and their Principal Secretaries by saying that we do not want them appearing before Committees every day. They used to attend parliamentary proceedings. So, there is nothing wrong with them being summoned even on a daily basis to appear before Committees of the House. So, let us not begin sympathising with them and saying that they are supposed to be doing some other work. Which work?

Cabinet Ministers used to attend Parliament, and they were also doing some other work. As hon. Members, we are now sympathising with them that they will be appearing before

Committees all the time. They have to organise themselves and advise you on the days and times they will be available to appear before Committees, so that you can organise your respective diaries. So, let us not be the ones to apologise and sympathise with them. As Committees, you have the responsibility and the power to summon them, have them interrogated and produce reports. If they do not give you sufficient answers, you should bring a report to the House. As the plenary, we will know how to deal with them. That is the way it works all over, as I know it. So, let us not begin saying that Cabinet Secretaries are going to appear before Committees in too many occasions and yet, we know that Cabinet Ministers used to sit in this House during plenary, in addition to appearing before Committees.

We must also know that when they appear before Committees, they do so as witnesses. A Committee of Parliament has the power to demand whatever is required to be provided by the Cabinet Secretaries, so that the Committee chaired by hon. Soipan gets work. The Committee should be able to note: "The Cabinet Secretary appeared before this Committee and gave us the following undertaking..." That Report should be brought to the House, so that hon. Soipan and her Committee will take up the matter on behalf of the entire House.

Yes, hon. Oburu Odinga.

Hon. (Dr.) Oginga: Thank you, hon. Speaker. As you are aware, I was one of those being grilled here every day? Hon. Speaker, you will recall that when we were with you, we went round the country opposing the Kilifi Draft Constitution. At that time, there was a committee which had gone round the country seeking opinions from members of the public, asking them to give their views on various aspects of the Constitution. One of the aspects on which a lot of deliberation was done was on the Executive Chapter. You will recall that majority of Kenyans wanted a parliamentary system of government. Hon. Duale, I am sure that if you check the opinion from your constituency, you will find that they wanted a parliamentary system of government, because that is the system which would have served them best.

Hon. Speaker, majority of Members of Parliament at that time did not want a prospect where they would struggle for votes only to become mere Members of Parliament. All of them wanted a parliamentary system, which gave them the prospects of flying flags. So, what actually happened did not reflect the opinion of the people. This is something which happened in the committee where hon. Millie Odhiambo and others sat in Naivasha, where the Draft Constitution was changed in favour of a presidential system. I want to confirm that the presidential system of Government that we have is not a pure presidential system because it has a very weak Senate. In the USA, where there is a pure presidential system, the Senate is the check on the Executive. In our case, we have a Senate which only looks at matters to do with the counties. So, we already have mongrels. So, if we want to improve on the mongrels, let us improve on it but we cannot pretend that we have a pure presidential system of government. We do not have it here.

Hon. Speaker, on the issue of implementation, the Chairperson of the Committee on Implementation spoke here. I want to advise her freely.

Hon. Speaker: Hon. Oburu, even as you contribute, you should try to expound on what you mean by "pure presidential system".

Hon. (Dr.) Oginga: Hon. Deputy Speaker, a pure presidential system is like the system in the USA, where the Senate is the check on the National Assembly.

Hon. Speaker: Hon. Oburu, even that one has been described as not being pure. So, just call it a presidential system.

Hon (Dr.) Oginga: Hon. Speaker, although even that one has been described as not being pure, we should be alive to the fact that we were trying to copy the American system. However, when our colleagues went to Naivasha, they diluted it.

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

Hon. Speaker: Hon. Oburu, let us hear the point of order from hon. Chachu Ganya.

Hon. Ganya: Hon. Speaker, I was a Member of the team that went to Naivasha to review the Constitution. In all the drafts, Kenyans said very clearly that they wanted to elect their president directly. That was the will of Kenyans. As Members of Parliament, we had to listen to the will of Kenyans. There were lots of compromises in Naivasha. The ODM team wanted a parliamentary system of Government, with devolution. The PNU wanted a presidential system. So, there was a compromise. Therefore, we have to be fair.

Hon. Speaker: Yes, hon. Duale.

Hon. (Dr.) Oginga: *(off-record)*

Hon. Speaker: Let us hear hon. Duale and then I will get back to you.

Hon. A.B. Duale: Hon. Speaker, hon. Oburu – the oldest Member of this House – has been elected five times. I have a lot of respect for him. He has made some very, very serious allegations which should be expunged from the HANSARD. Whether the Senate is weak or powerful, it is the choice of the Kenyan people. With your indulgence, his younger brother made sure when we were in ODM that he went to every village campaigning for the Constitution. I am saying that what the Parliamentary Select Committee did in Naivasha was ratified by the 10th Parliament and it was put to a referendum to the Kenyan people. My constituency voted 98.8 per cent because they were concerned. They said that they wanted to elect the presidency on a popular vote and they wanted devolution.

Hon. Speaker, we cannot have the cake and eat it. You cannot say that today you want a presidential system and tomorrow, when you are not in power, you want to circumvent the wheel. No! The Member is out of order. The Senate as it is – until again Kenyans decide – is in the draft. It is in the minutes. Kenyans wanted the Senate that we have at the Kenyatta International Conference Centre (KICC) and it was agreed. It is supposed to serve the counties. It has no other job.

Hon. Speaker: Hon. Oburu, I will still give you a chance to continue. So, the issue is that Kenyans voted for the new Constitution in which there is Article 95(1) that says that the National Assembly represents the people of the constituencies and special interests in the National Assembly. Article 96(1) states that the Senate represents the counties and serves to protect the interests of the counties and their governments. They represent corporates. That is the Constitution Kenyans voted for. So, they knew they were going to have a Senate and a National Assembly which would represent the people. Then the other one will represent the corporates called counties and their governments.

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

Hon. Speaker: Hon. Onyonka, let hon. Oburu finish. You will get a chance.

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

Hon. (Dr.) Oginga: No, I do not want your information.

(Laughter)

Hon. Speaker: Hon. Onyonka, I will give you chance to make your point.

Hon. (Dr.) Oginga: Hon. Speaker, Sir, I do not know why you allow points of argument to be taken as points of order. I think the House has rules and those people who are speaking are actually disagreeing with me. But disagreement is not a point of order. It is very healthy to disagree but you should not bring it up as a point of order. What I was saying is that in a bigger presidential system, you have a Senate which is not majoritarian. A Senate is supposed to serve the interests of the minorities. In the Senate – like we have 47 Senators – even the most powerful or most populous county is represented by one person and the most scarcely populated county has also one Senator. That is why, if there are excesses in the National Assembly, which is majoritarian in nature, then it can be moderated by the Senate. However, we have a system where the majoritarian rules and they make all the laws. The National Assembly is not moderated by the Senate. Only laws that concern the counties are moderated there. It is not a very fair system. If we wanted a pure presidential system, we should have gone with a system which protects the interests of the minorities. Kenyans wanted to vote for the President directly but that did not mean that they did not want a parliamentary system.

Hon. Speaker: Hon. Onyonka. You do not have a card?

Hon. Onyonka: I have a card. Thank you, hon. Speaker, Sir. I do not know why hon. Oburu is making the same argument. If he is uncomfortable with the position of the Senate, let him put mechanisms in place for him to ask for a referendum and we go and change this. For me, it is really belabouring the point and yet the reality is that the way the Senate is, it is constitutional. Thank you.

Hon. Speaker: Hon. Oburu, please, conclude about the Senate and I think hon. Onyonka is right. You will have the kind of Senate you want and others will also want the one that they want. So, the majority will decide.

Hon. (Dr.) Oginga: Hon. Speaker, Sir, I understand that. I was just making it clear that we do not have a pure presidential system. But I had already moved to another point. You are the one who brought me back to this.

Now, the point I had moved to is on the implementation. In this Parliament, unless we have the Cabinet Secretaries sitting here, Motions will never be implemented. That is because those Cabinet Secretaries do not come here to agree with the Motions we are moving. Because they do not agree and even propose amendments like we used to do, they will find it very difficult. In fact, most Motions which were passed in this House have never been implemented. So, I am sure if the Chair of the Committee on Implementation wants to be effective in this country or Parliament and be useful to this Parliament, she should concentrate more on the legislation because, sometimes, Cabinet Secretaries refuse the legislation that has been passed and are reluctant to implement it. You can follow up those ones easily but on Motions, until we change and find a way of interacting with the Cabinet Secretaries and getting their commitments on the Floor here when we pass them, I am very sure that the process of implementation is going to be an uphill task if not impossible.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Well, you know every committee has its mandate clearly defined and, among other things, is to bring reports about Government Ministries to which they are responsible. If it is a select committee like the one on implementation, it has mandate to even bring a report that a certain Government functionary is not implementing a particular resolution of the House. That is if it is a resolution and not the one of “urging”. If the House resolves that this and this happens and it will be done by a particular Government department, then the Committee will surely be able to follow up. Please, do not put yourselves in a position of

weakness. You have all it takes to really put the Government on its toes even through the reports. Then you will find that the Government will start paying attention to the resolutions of the House. The moment it will begin seeing reports here saying that a particular Cabinet Secretary here is not implementing resolutions of the House, you will see them coming up here to say: "We are sorry. We did not do this. We are going to do it in the next one week, two weeks or wherever." However, I am sure that we all need to take up our responsibilities seriously. I think we have now sufficient material on this. Let us move to the next Order.

MOTION

LIBERALIZATION OF POWER DISTRIBUTION IN THE COUNTRY

THAT, aware that Kenya, as East Africa's largest economy, remains a minor electricity supplier with a low penetration level of about 15 per cent; concerned that Kenya Power, as a strategic national agency, appears to be grossly inefficient in its operations, still having 85 per cent of the population unconnected and facing a fast-growing population of 3 per cent annually; also noting that power outages and surges have become the norm especially with the onset of long rains, sometimes causing electrical faults that result in fires and loss of property which is never compensated by Kenya Power; and further concerned that Kenya Power has portrayed a lackluster approach to handling customer complaints which leaves customers disadvantaged due to lack of alternatives in electricity providers, this House urges:-

(i) the Government to liberalize power distribution thereby breaking the monopoly of Kenya Power in order to encourage competition, improve efficiency, and reduce the cost of power; and,

(ii) Kenya Power to offer compensation to those who have encountered fires and loss of property due to power outages and surges.

((Hon. David Kangogo Bowen on 9.7.2013))

(Resumption of Debate interrupted on 10.7.2013 – Morning Sitting)

Hon. Speaker: Who was on the Floor? Hon. Mbalu, you were on the Floor and you have a balance of four minutes.

Hon. (Ms.) Mbalu: Thank you, hon. Speaker, Sir, for giving me this opportunity to conclude my contribution that was interrupted in the last Sitting.

I was contributing to this very good Motion by my good friend, hon. Bowen on the supply and distribution of power by Kenya Power. The Motion talks about liberalization, monopoly and competition. I had made my contribution on this Motion and the four minutes that were remaining, I was to make a summary.

The prices charged by Kenya Power are very high. So, I support this Motion for the liberalization of Kenya Power. We urge the hon. Member to bring a Bill to this House after we pass this Motion. I want to thank the hon. Member for saying that he will bring a Bill to this House very soon so that we can come up with what is good for this House and the country. The tariffs are very high now but I am sure they would be low if we had other supply and distribution

agencies. We want to have tariffs that Kibwezi East, which I represent and my county, can afford.

Hon. Speaker, Sir, the connection fee is also very high. We thank the Rural Electrification Authority (REA). In my constituency, we are being charged about Kshs70,000 for connection, which we cannot afford. I am sure that if it was not for the monopoly of Kenya Power, we could be talking about low connection fee. That is because we know what competition brings.

There is also the issue of timeliness. Before I was interrupted, I was talking about timeliness when it comes to distribution of power. My constituency and county are marginalized in terms of power supply. We are No.45 out of No.48, which is No.3 from behind. I was elected by my people to come and represent them here. I have said that this House should not urge but give instructions or directions. That is because we are advisors and legislators. We were elected by our people because they really believed in us. I urge hon. Members to join hands when this Bill is brought before this House so that we can have laws that are good for us.

I am sure that the Jubilee Government has a very good report for us on computers. Every time we talk about that, eyebrows are raised. We should always listen to the contribution from either Jubilee or CORD Members. We want the Government to ensure that distribution and supply of power in the constituencies and counties which have no power is done as a priority. Power should be distributed before the distribution of computers is done.

Hon. Speaker, Sir, corruption has made my constituency and county not to have electricity. I would like to thank REA because primary and secondary schools are being connected with power of late. Even homesteads are being connected. I believe that we could have other agencies supplying power to people using solar energy if Kenya Power was liberalized.

As I speak now, I have investors in my constituency who want to install solar panels in all homesteads. I welcome all of them so that we can look at development from different perspectives. We should not just politick all the time.

I have observed hon. Members speak from different perspectives in this House. We are speaking as Jubilee and CORD Members. I wish the Leader of Majority Party was here. When he calls himself the Government, we are here to check, support and facilitate him. When you are here as a representative, you are also the Government. So, let us not have Jubilee and CORD in this House. The Government should be advised where applicable. We do not want false advice to be given to the Government. We are experts when it comes to giving advice. I am the Government because I represent the people of Kibwezi East. I know their problems are electricity and unemployment. The youth will not have employment when there is no electricity.

So, I support this Motion and I will be at the forefront to support the Bill when it is brought to this House.

(Some hon. Members raised their hands)

Hon. Speaker: Hon. Members, I can see some Members raising their hands. We must have some order. I want to encourage hon. Bichage who says that he has lost his card to go and report this matter to the relevant office so that he can be issued with another one. You will speak today but we want you to have a card tomorrow.

Hon. Mbui: Thank you very much, hon. Speaker, Sir. On the issue of the card, I would like to thank God because I now know that mine is working. I thought that it was either spoilt or had expired.

I rise to support this Motion. I would like to talk about a few experiences that all of us have had. I know that most of us have experienced power blackouts in this country. Those are things that do not happen in other countries in this world.

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

[The Temporary Deputy Speaker

(Hon. (Ms.) Mbalu) took the Chair]

On the issue of shortage, I want to say that electricity supply is of utmost importance because it is supplied to very sensitive installations in this country. We have electricity in our hospitals and schools. There are major issues that go wrong every time we have a shortage in supply. For example, when we do not have power in our health centres and yet, we have patients on life support machines and equipment that operates on electricity that, obviously, is a sensitive issue that puts us in an awkward position.

There are also risks when lights go off in the middle of the night in our schools. We know that our children are learning very well from our teachers and, therefore, they rise up in arms and want to fight for their rights in whichever way when they are in certain situations. I want to say that many players will come on board and electricity will be supplied in a better way if we do away with the monopoly that Kenya Power enjoys. Probably, our installations will have power all the time.

Hon. Temporary Deputy Speaker, I understand that there are times we require monopoly. That is when the issues are very strategic to the nation. Monopoly is required when we are talking about security issues. However, electricity is almost a basic right for our people. It is unfortunate that, up to now, there is still a monopoly in that sector. That is because we have allowed only one organization to supply power in the entire country.

The demand and supply rules are very clear. Of course, electricity supply by Kenya Power is strained because the demand is very high. That means that the prices will be high and that is why we keep on having problems of power disconnections and yet, the Jubilee Government wants to digitize this country. I do not think that, that will be possible if we cannot bring down the cost of power. Let the Government understand that, that is a basic requirement. Let the Government go out of its way and ensure that the prices of power are brought down. That will only happen if other players are allowed to invest in the power sector so that the supply will be more than the demand.

Hon. Temporary Deputy Speaker, I want to talk about fair distribution of power. As a country, we do not have enough power. However, there are some areas that are more equal than others. It is important that Kenya Power does not have political patronage so that it can distribute power without fear or favour. We will definitely move on to the next level if that happens. We have talked about developing this economy and that can only happen if those things are put in place.

Finally, I want to talk about Kenya Power taking responsibility. We know very well that when you want to be connected with power, you should have documents that indicate the people

who did the wiring for you. Based on that, Kenya Power inspects the building and then allows power to be connected. Once we are connected and there is a problem, Kenya Power does not take responsibility. They ignore those problems.

I had an incident where I lost many electrical appliances. I ran a business before I came to this House that had many electrical gadgets. All those gadgets went up in flames but Kenya Power did not take any responsibility. It is important that we insist that they take responsibility whenever damages connected to their supply arise.

Hon. Temporary Deputy Speaker, I beg to support this Motion.

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

Hon. Member: I am standing in for him.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You cannot stand in for hon. Barua! Can I have hon. Barua?

Hon. Barua: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion which, in my opinion, is timely. It is very important for every Kenyan to have access to electricity. With the current penetration by Kenya Power of 15 per cent, I think it will spell doom if this Parliament does not pass this Motion. I think it is time for us to pass this Motion and get away from this monopoly by Kenya Power.

Hon. Temporary Deputy Speaker, we all know that Kenya Power lacks capacity to cover the remaining 85 per cent of the Kenyan population and give them access to power. This might take years as one hon. Members said in the morning that it might take almost 50 years to do that.

In terms of maintenance, we are aware that Kenya Power does not have adequate capacity to maintain their installations any time there is interruption. We are all aware that sometimes in this country when the core of power generation and distribution is affected the entire country gets into darkness and hence poses a security risk to the nation as a whole.

Hon. Temporary Deputy Speaker, as it is now, we have minerals in Kwale; we have titanium. We have been told that titanium cannot be processed locally and we cannot add value to it locally because we do not have enough energy to do the processing. We cannot as a nation, add value locally because we do not have adequate and reliable power. I am supporting this Motion so that we can have competition so that we can as well be effective. If we have an alternative source of power, it will mean that in case the lines from the Kenya Power cannot work, we can still have continuation of operations.

Hon. Temporary Deputy Speaker, in my constituency, we have 15 micro hydro-power stations; small hydro-power stations in the rivers which are generating power. I support this Motion because I would like hydro-power stations to be given the authority and legal mandate to distribute the power that they generate. Right now, they are generating the power but they cannot distribute it because they have to feed it to the grid.

Hon. Temporary Deputy Speaker, we have reached the technology era. In the digital Government, which I support as a TNA and Jubilee hon. Member, we need to have access to power in many households. If we have household having power, we can have some people running their consultancies and businesses from their homes. If we have access to power, even micro and small enterprises will not have to go to the city centre and high expensive offices because they can operate from their homes. This may help to decongest the cities and achieve much more in terms of efficiency. If it is for those reasons which I have mentioned, I will support the liberalization of power supply so that Kenya Power could be more efficient and competitive.

With those remarks, I support.

Hon. (Dr.) Laboso: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I want to start by thanking hon. Bowen for bringing this very timely Motion.

Earlier on, the Leader of Majority Party had said that this kind of Motion could just be an amendment to the current Electricity Bill. This is because when you have it as a Bill, it can actually move to become law.

I heard hon. Members talking earlier on about how we have passed many Motions in the last three months that we have been in this House. Hon. Gikaria was asking whether this is a talk shop or really we are intending to take action. So, I urge hon. Bowen to move with speed and see if we can suggest amendments therein.

Hon. Temporary Deputy Speaker, I want to also say that this situation where the Kenya Power has monopoly has really been very uncomfortable for most Kenyans. We are claiming that we want to be an industrialized nation, but we have 80 per cent of our brothers and sisters in this country going without electricity. It is really a very shameful thing and when you look at REA – having been hon. Member in the last Parliament and I am here now - part of the reasons why I came back to this House is because of the work that REA did in my constituency. I want to emphasize “REA”, and I do not want to talk about Kenya Power. This is because Kenya Power in many occasions would even be impeding the work of REA. Sometimes, REA finishes their work, but Kenya Power will take forever to come and commission or put power on the project. So, I want to say that if the distribution of power is liberalized and if the market, then REA and Kenya Power, will begin to get pressure they can deliver results.

Hon. Temporary Deputy Speaker, recently we have heard about the increase in the cost of installing electricity. Here we have *wananchi* who cannot afford the Kshs35, 000 connection fees. We have a case where REA has brought poles up to the schools but schools cannot get electricity because they are being asked to pay Kshs120,000 for three-phase connection, so they are all waiting. At least, the ones in my constituency are waiting for us to be given the Constituencies Development Fund (CDF) money so that we can give them the money in order for them to be connected. It is a shame and I believe that this increase has been occasioned not because it is a requirement, but because of the high inefficiencies that we have in Kenya Power.

Hon. Temporary Deputy Speaker, I had been informed from very reliable source that if you look at the actual cost of providing power, it cannot be more than Kshs20. So, really for them to keep moving this figure up until it reaches Kshs120,000, in my view, is completely irresponsible and it does not get us to where we aim to be as an industrialized nation.

On the question of compensation, I want to say that it is really unfortunate that so many Kenyans lose so many hard-earned items, items they have struggled to get. As a teacher in high school or primary school, or even *Jua kali* young men out there struggle to buy themselves little radios to give them some entertainment away from the problems of poverty and vulnerability, but what happens? The Kenya Power with their power outages and surges destroy them in a minute. Then that is forgotten.

We must liberalize the market and open it so that there is competition and Kenyans enjoy the benefits of an open market. They have a chance to go to the lowest bidder or where they think they are going to get the best service.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Dr. Bichage you have been very restless today. I am sure you have something to tell us. Hon. Members, please, let us carry our cards. It is technology, technology and technology.

Hon. Bichage: Hon. Temporary Deputy Speaker, as you are aware, I have written a letter before and made it public. The Clerk's Office is taking action. I apologize.

I stand to support this Motion and at the same congratulate the hon. Member for bringing it. In fact, it is long overdue. I would like to associate myself with the sentiments of the Deputy Speaker, Dr. Laboso, about REA. It is true that REA has done a wonderful job. Unfortunately, the world being what it is, I am told that the Managing Director of REA has been sacked. I do not know whether it is true or false.

When we talk about Vision 2030 and energy is not being addressed then we are wasting time. When you talk about employment for the youth, you cannot give youth employment by sending money to the constituencies. They will squander it. Our request as Parliament is to address this issue of energy very quickly. I am told that Kenya has the highest cost of energy in the world. As you are aware, if your energy costs are high, your productivity is either low or whatever you produce is very expensive and so it is not market friendly.

Hon. Temporary Deputy Speaker, we are talking about heavy industry. Without this you cannot industrialize. You cannot be technologically savvy if you do not do heavy industrialization. You cannot do heavy industries with expensive energy.

We have just come back from Korea as a Parliamentary delegation. They are using nuclear energy and so their energy costs have come down drastically to below 30 per cent of the production cost. In Kenya, energy costs are going up to 60 per cent or 70 per cent. The Kenya Association of Manufacturers (KAM) is always crying about this. If you do not reduce the cost of energy you cannot create jobs for our youth. If you want to create jobs for the youth let us not have a youth fund; let us allow entrepreneurs to produce cheaply so that they can have a bigger capacity and then employ a lot of our youth. That way, our job at the school level will be to train the youth. You cannot train our youth if secondary schools and universities lack electricity to facilitate proper learning in the area of technology.

We are looking at Kenya Power. This is a monopoly and we have a problem. It has been said on the Floor that you are at their whims when you want their services, be it that you want connection or your electrical equipments have blown up. They do not give a damn. If we bring competition, we will bring this industry back to sense.

I heard the Speaker saying that if we pass Motions here, we should pray that they go on to become Bills so that they end up being laws. I am surprised by the sentiments aired by some hon. Members that Cabinet Secretaries will not implement what we pass in this House. We are the third arm of Government. What we pass here and becomes law must be obeyed by all and sundry. If you are within the boundaries of Kenya, you must accept and follow the law that emanates from this House. The issue of implementation is not an option; it is a must.

This Motion is long overdue. We would like energy to be addressed as agenda number one in Kenya. If we do not address energy then we will not do anything. In fact, Vision 2030 will remain a pipe dream. That is not what we want. We want it to go on. The President and his deputy are digital. If they are digital, we must support them by giving them affordable energy. We have to liberalize distribution of power first.

I support.

Hon. Anami: Thank you, hon. Temporary Deputy Speaker. This is an important Motion for us especially at this time when we are trying to develop our rural Kenya and provide opportunities for the urban population as well. However, the issue of electrification is an enormous challenge. I would like to thank the hon. Member who has brought this Motion. This is because we will now be able to address a few issues.

I am particularly concerned about the opportunities that we lose as Kenyans. Kenya Power, statistics show, can only provide electrification of 15 per cent. In fact, the actual one is 10 per cent. This is a big shame especially if you compare it with other countries. Electricity, as we know it, is at the centre of industrialization. We can never be an industrialized country if we do not double or triple the penetration rate of electrification by Kenya Power.

It is important that we tell ourselves the truth which is that electrification penetration in the rural Kenya is only about two per cent. This will not make any significant contribution to poverty reduction. What this means is that we are allowing 98 per cent of our rural population to have nothing to do with electricity and yet we have opportunities through REA. I would like to support hon. Members who congratulated REA. The work REA is doing is very good.

However, with regard to Kenya Power, it is a question of inefficiency. We have to address this issue. This company has all the opportunities, but they will stay longer than a year without effecting a connection. We have tangible cases where they have done this. Our institutions of education, market centres and many other premises cannot access power and so we cannot talk about industrialization in the rural countryside.

There is the issue of compensation. This is where we have the most serious situation. There is compensation in terms of destroyed gadgets. There is also the issue of people losing lives. Every year Kenyans get electrocuted because of carelessness on the part of Kenya Power workers. As I say this, I want to mourn Justus Akhonya, the son of Patrick Lumusi who was electrocuted. I would like to mourn Ms. Rachel Nyenze, the wife of Manoah Riaga who was electrocuted when she was only hanging clothes of her child. That child is orphaned now. She died and Kenya Power does not care. I would like to mourn the life of Desmond Wesonga who was also electrocuted only last year. All of them were electrocuted within one year. That only happened in Shinyalu Constituency. What about other places? I think it is important that Kenya Power takes stock of the lives that have been lost. That is because it has been happening every day and Kenya Power does not care. There should be full compensation for the loss of those lives. There are others who get maimed because of careless connectivity. We cannot take that matter lightly.

There are business cases. We are losing many businesses as a country. If we really want to improve the economy, we have to invest in power. We should make sure that all citizens have access to power.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Can we have hon. Jared Andrew Mwadime.

Hon. Mwadime: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I am here to support this Motion. We know the world is going towards green. To realize that noble objective of going green, we must have more power penetration to our villages. Liberalizing Kenya Power is like devolving the services. The Government Manifesto is for creating more jobs. For that to become a reality, we need to have more power. Actually, that goes hand in hand with job creation.

Mwatate Constituency is very rich in minerals but due to lack of power, we cannot do mining. That has left the people of Mwatate to grapple with poverty. This Motion has come at the right time and I stand to support it.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have gender balance. Hon. Alice Muthoni Wahome.

Hon. (Ms.) Wahome: Thank you, hon. Temporary Deputy Speaker. I rise to support the Mover of this Motion. I want to say that it is timely and we should all support it. Taking into account that we have all, as the Jubilee Government, confirmed that we are going digital, we shall move the economy from where we found it. My biggest concern is that we need to urge the Government to carry out possible urgent evaluation of that strategic Government agency immediately. Why do I say so?

In my constituency, and I believe that is the case facing all of us here, Kenya Power has recently raised the fees from Kshs35,000 – as has been stated by the Deputy Speaker – to Kshs75,000, I believe for one-phase, two-phase or three-phase. That applies to the clients who had paid that fee even before the fee was raised. There are no such contracts in law. Once you have paid the contract to connect electricity, it becomes valid, whether you had paid before the fee was raised. They have created an illegality and they are seeking those who had paid to pay the extra sum, so that they can have a total of Kshs75,000. We need to urge immediate investigations. The Thika Office, for example, is most inefficient in terms of handling even applications. The first applications, once they are taken to the office, an assessment of Kshs800,000 for a rural home will be given to an applicant. So, in most cases, they are put off and they go back in shock and panic. I say that because I have a case in point. When I wanted to connect a three-bedroomed rural home – my late mother’s rural home – six years ago, the quotation was Kshs900,000 from Kenya Power and Lighting Company. When I went back to find out what was the problem, it was brought down to, I believe, something like Kshs400,000. Then I said: “That is not practical. I do not have an industry and I do not intend to go beyond domestic usage”. Eventually, a quotation of Kshs48,000 for a two-phase was given. So, we cannot expect to spur economic growth with that kind of approach and attitude. That agency is still living in the old constitutional dispensation and has no intention of waking up or changing its habits or work ethics. I have several applications and payments for people in my constituency who have been told unless they give the additional sum, the connection will not occur. If there were alternatives, then one would seek a refund and go to other power providers.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Hon. Antony Kimani Ichung’wah.

Hon. Ichung’wah: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion although I find the second bit of this Motion not really adding much value. This is because when we ask Kenya Power to offer compensation to those who have encountered fires and loss of property due to power outages and surges, I am aware from my experience in the insurance industry that every single year, Kenya Power does take out massive insurance cover and pays a lot of money in premiums to private insurance companies to cater for such eventualities as accidental fires out of power outages or any other risks that will emanate from their work.

Therefore, I have advised hon. David Bowen probably to get another way maybe of informing Kenyans and the country at large that, indeed, already KP does compensate people who lodge claims. This is because KP will never compensate you unless and until you lodge a claim with them. Since the company most likely may not afford to pay for all those risks, they take out an insurance cover. It is important that we also educate our people and let them know that indeed if anything happens with power in your house or business premises and you incur a loss, all you need to do is report it to the KP. Get a reference number. Get records including a police abstract of everything that has been destroyed by that fire or power outage and for sure if you pursue it, you will get compensated.

Hon. Temporary Deputy Speaker, I will probably also encourage hon. Bowen to graduate this into a Bill where you can amend the law to make sure that we make that process easier for a majority of our people such that we do not have to incur other costs. You could get compensation without necessarily going to court or lodging an expensive claim to KP. However, the intention of the Motion in liberalizing the power sector especially the distribution of power through KP is timely and I support that very much. It is not lost on me that the current Principal Secretary for Energy, a very good engineer, has famously been seen on television saying that even darkness is competition to KP, when he was the Managing Director of KP. I think it is only high time that as a nation we offered KP real competition other than darkness because darkness is no competition to KP.

Maybe we also need to look at this and that is why I encourage hon. Bowen and the Departmental Committee on Energy, Information and Communication Information to seriously think about bringing a Bill to this House, which I am sure Members will support, to not only liberalize distribution through KP but to look at the power sector at large. We need to look at generation of power because even the power we are generating basically is still a monopoly of KenGen. Even the Independent Power Producers (IPPs) who are producing energy are doing this as sub-contractors of KenGen and I think that is where the problem emanates from and not just in distribution. We are still a power deficient country and if we are serious with realizing our Vision 2030, we cannot do this if we do not have access to cheap power, if we cannot distribute power to the smallest villages in the furthest corners of this country. We can only do that first of all, if we are able to generate power cheaply and you shall not be able to generate power cheaply if that remains a monopoly under KenGen.

We cannot distribute it efficiently if that remains a monopoly of KP which, as you heard, believes that even darkness is competition. Well, many of us know darkness is actually a punishment to the hardworking Kenyans of this country especially those in the *Jua Kali* sector, like many of my constituents in Kikuyu who do not have land. We depend on the *Jua Kali* sector. Small *Jua Kali* artisans depend on KP to be able to engage in welding jobs and all that and to make a living and we feel punished and a lot of pain when for two or three days we cannot work because we do not have power.

Hon. Temporary Deputy Speaker, simple things like poultry farming that our people are engaging in are going to waste. You have slaughtered your poultry after they have matured in about six and seven weeks and you have invested a lot of money, probably your lifetime savings in that poultry or the fish that you are rearing in your fish pond, then on the last day after harvesting your fish or after slaughtering your chicken you store it in your deep freezer and KP issues a notice overnight that there will no power for the rest of the following day. Without a generator, all your harvest goes to waste and nobody ever pays for this because Kenyans are not aware that you can even sue KP for that. If you were to sue KP and the litigation process becomes very expensive to the ordinary Kenyan, it is incumbent upon us as Members of this House and as leaders of the people that we represent in this House to stand with them. We should encourage the Departmental Committee on Energy, Information and Communication to bring a Bill to this House where we can amend the Power Act and make sure that the entire power sector in this country is liberalized. That will only benefit our people and country. We will be able to realize Vision 2030 where people create jobs and good livelihoods for themselves.

With those few or many remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Rege and we are sorry for your sickness since you have not been in this House for the last one month.

Hon. (Eng.) Rege: Thank you, hon. Temporary Deputy Speaker for giving me the opportunity. I have been actually fidgeting, flipping my fingers and doing everything to attract your eyes or attention but nonetheless thank you for giving me the opportunity. I am actually under the weather and I am here to contribute to this Motion. After that I will go home.

I am a member of the Departmental Committee on Energy, Information and Communication in this Parliament. In the 10th Parliament I was the Chairman of the Departmental Committee on Energy, Information and Communication and I feel I have an understanding of this Motion which should actually be the Bill. I am standing to oppose this Motion. If I am the only one, I shall be the only one person to oppose this Motion. I feel that this Motion is convoluted because it should have been brought to our committee – a committee that is composed of very competent people under the chairmanship of hon. Jamleck Kamau. We should have discussed this Motion not just here in the parliamentary vicinity. We should have even gone out, even to Mombasa and invited stakeholders to discuss this Motion.

Hon. Temporary Deputy Speaker, this Motion is not as simple as we may see it. The 349 Members who have a big majority in their first term in Parliament may just think that since Kenya Power gave them very high bills last time then they must kill it. We cannot go that direction. I have paid three times for my school to get power and until now they have not supplied it with power for the last three years. There is inefficiency in Kenya Power but that is not to say that we must kick them out.

A lot of countries have liberalized their sectors. Britain and Ireland are some of them. They liberalized their power sectors and bought them back because it was not working.

Hon. (Ms) Wahome: On a point of order, hon. Temporary Deputy Speaker. Is it in order for the hon. Member of Parliament to impute improper motives on Members of this House by suggesting that because we may have bills, pending bills or we were billed very expensively by Kenya Power then we have no business in raising our views in support of this Motion? Is it in order? I think the hon. Member should be asked to withdraw because that is completely out of order, in my own humble view.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu: Hon. Member, I think the substantive Speaker gave an indication on the way forward for this matter. Actually, we are working in committees in this House and I am sure the hon. Member is trying to argue that Motions should be brought before the respective departmental committees. As the Speaker has said before, we are supposed to take most of those Motions to the relevant departmental committees and I am sure all of us belong to committees. So, for this time, I think it is important for us to discuss the Motion in the House. So, the hon. Member should be allowed to deliberate and discuss the Motion.

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, let me apologise. I did not mean that. In fact, I have even said that I have been duped by Kenya Power. I am sorry if she understood it that way. However, that is not what I meant. I was trying to say that in the 1970s and 1980s the whole world thought that nationalization was the best thing but today, most countries think otherwise. Britain is one example. I think they have bought back British Telecom, Power or something like that. However, many countries are buying back their infrastructure.

Hon. Temporary Deputy Speaker, I do not want to speak too much on this. I request the Chair to bring this Motion to our Committee so that we can address this issue in its entirety. New people were elected on 4th March and nobody knows what is happening in this country because we have not understood the Government yet. I have said that this Motion should have been

brought to our Committee first. We really should have discussed this Motion at the Committee level before it was brought to this House for discussion. I can see that we are going to place a very serious aspect of the Government in the hands of a few. This is the way it is going. I am saying this because sometimes you can find only three Members in this House passing a Bill that has over 40 clauses scheduled for amendment.

Hon. Iringo: On a point of order, hon. Temporary Deputy Speaker. Is the Member in order to insinuate that we pass Bills in this House when we do not have a quorum? Since I came to this House, we have never passed any Bill without a quorum. Could the hon. Member stand guided?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. (Eng.) Rege, can you be clear in what you are saying in this House? Please be precise and to the point so that you can be understood by every Member.

Hon. (Eng.) Rege: Thank you, hon. Temporary Deputy Speaker. I think we have been debating Motions here.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. (Eng.) Rege, we follow procedures here. I want you to conclude your contribution on this Motion.

Hon. (Eng.) Rege: Hon. Temporary Deputy Speaker, I want to conclude by saying that instead of kicking out Kenya Power, we should have one distributor who understands power purchasing agreement (PPA) because if we do not understand that, we will even pay more for our kilowatt hour. I am saying this because Kenya Power does not understand our suffering. We need to have one distributor who will control power generation. In other words, KenGen and all fossil power generating companies should fall under one distributing company that will understand all their PPAs. However, we should not get rid of Kenya Power because right now it has---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. (Eng.) Rege, the time for contribution and ventilation on this Motion is over. So, I now call upon the Mover to reply.

Hon. Bowen, you have only 10 minutes to reply. You can donate some of your minutes to some hon. Members.

Hon. Bowen: Thank you, hon. Temporary Deputy Speaker. I want to thank all the Members who have supported the Motion. I just want to take two minutes to make a few highlights. I will donate two minutes each to hon. Nyamweya, hon. Mwashetani, hon. Sang and hon. Lady.

I would like to point one or two issues. First, this is the Jubilee Government which says that it is a digital Government. I am one of the members of the Jubilee Government. The Government will remain analogue until there is power all over the country to make it digital. Most of the aspects in the Jubilee Manifesto are power oriented.

Laptops cannot be used without power. The Government has talked about introducing a railway levy to construct an electric railway line and that cannot happen without power. Even the one million acres to be put under irrigation cannot be realized without power. Hon. (Eng.) Rege has said that we should not get rid of Kenya Power. That is not my intention. My Motion is about bringing competition. We want Kenya Power to compete with other stakeholders in power distribution. Competition brings about efficiency in power distribution and good customer relationship. Sometimes when you call the customer care desk, you are told that the number is not in service. This is the case and yet this is the number Kenya Power has given out for customer service. Industrialization cannot be achieved in 2030 if Kenya Power still enjoys the monopoly with only 15 per cent connection penetration in this country.

I have initiated a Bill which is at the drafting stage and it will be in this House in the next few weeks.

Hon. Temporary Deputy Speaker, with those few remarks, I will allow hon. Nyamweya and the other three hon. Members I have donated two minutes each to, to make their contributions. Thank you.

Hon. Nyamweya: Thank you hon. Temporary Deputy Speaker. First and foremost, I want to thank the Mover for this timely Motion.

When I looked at this Motion and tried to understand it, the problem we are talking about here is about inefficiency which is taking place. I do not think that this may require another firm. For us to bring another distributor, it requires enormous capital inflow to make economic sense for another investor to come in and invest in Kenya. Unless we allow the free flow of power supply in the entire East African Region, we will not achieve much. Therefore, it is good for us to urge the Kenya Power management, they have heard our voice and they have heard what we have said.

Hon. Bowen, before you bring your Bill, can they wake up and improve connectivity. Even if we talked about competition, I am saying here out of sincerity, it is not possible at this stage to get another investor without State support. I will tell you today that the last Parliament actually improved borrowing from the State corporations. We have already hit the ceiling on Government borrowing.

When you want to look at that, it was a guarantee we gave to KenGen. The 10th Parliament passed it. So, when you want to look at what is ailing us, it is majorly corruption. That is the disease and that is what needs to be handled. That is what needs to be fought so that we get value for our money. We are not getting what we pay for; we are not getting attention when we need it. So, it is not only in Kenya Power.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your two minutes are over.

Hon. Mwashetani: Asante sana, Mhe. Bowen kwa fursa hii. Ningependa kuunga mkono Hoja hii kwa sababu ni Hoja ambayo imekuwa mara kwa mara katika Serikali ya Kenya, tukiangalia Shirika la Kenya Power likiwa na uzembe wa kupeleka huduma zao kwa wananchi. Kulingana na mfumo wa kibiashara, lazima kuwe na mashindano. Yakiwemo mashindano, nina hakika yale malipo ambayo wananchi wanatakikana kulipa yatashuka.

Mwezi huu wa Ramadhani, sisi Waislamu tunatumia wakati wa usiku kupeleka maombi yetu, kukaa vizuri na kuomba Mungu ili atusamehe makosa na dhambi zetu. Kwa hivyo, ninaomba Kenya Power wapunguze visa vya kukata stima wakati wa usiku kwa sababu tuko katika harakati za kuomba Mungu wetu wakati huu wa mwezi wa Ramadhani.

Vile vile, tukiwa Vanga, tunatumia stima kutoka Tanzania. Sasa hivi, Tanzania pia wanatukatia stima. Sisi Wakenya tuko katika mpaka wa Kenya na Tanzania. Shirika la Kenya Power limeshindwa kufikisha stima kwetu ndio sababu tunatumia stima kutoka Tanzania. Kwa hivyo, tunaomba shirika la Kenya Power lihakikishe kupitia kwa REA kwamba tunapata umeme. Kwa sababu ya huu mradi wa Serikali unaokuja, naona kila mahali stima itasambazwa, itapenya katika shule. Kwa hivyo, ninaomba kwamba REA ambao wanafanya kazi nzuri, wahakikishe kwamba stima inafika katika maeneo wananchi wanamoishi.

Kwa hayo machache, naunga mkono Hoja hii na kumshukuru mhe. Bowen.

Hon. (Ms.) A.W. Ng'ang'a: Thank you very much, hon. Temporary Deputy Speaker. I also rise to support the Motion.

I would like to say that if we stop the monopoly of Kenya Power, then we are going to have competition. Once we have competition, everything will become better, effective and

efficient. People will become innovative and creative services will be offered in a better way. Right now, we know that at the end of every year, Kenya Power brags about the amount of money they have made from Kenyans. When they are making this amount of money, it is Kenyans who usually suffer at the expense of Kenya Power making a lot of profit.

Hon. Temporary Deputy Speaker, there is a lot of corruption in Kenya Power. At times they disconnect your power only because they want to reconnect it with a lot of money and they tend to frustrate you. But if we have a competitor, another firm or another industry or company offering the same service, we will find that they will definitely treat their clients well and they will respect them. Right now, when Kenya Power knows that it is the only firm that offers this service, it can frustrate industries. You can see industries that make a lot of money going without power the entire day.

Hon. Temporary Deputy Speaker, also for the Jubilee Government, we have said that we want to offer our youth a lot of job opportunities. At the grassroots, the youth there do activities like wielding, running salons and barber shops. Without power they cannot do business. With Kenya Power as a monopoly, power is very expensive and people tend to steal it. So, to avoid this, we should go ahead and allow other companies to offer the same product and with this, all of us are going to be very happy. When mobile phone services were being offered by one service provider, we were charged a lot of money for a phone call. When other firms came in, we are doing very well in this country.

So, I support the Motion.

Hon. Kisang: Thank you, hon. Temporary Deputy Speaker. I want to take this opportunity to thank hon. Bowen for this Motion, which is actually overdue.

I remember 15 years ago, when we had only Kenya Posts and Telecommunications Corporation (KPTC) supplying services to the country, we had a penetration of 300,000. With liberalization, we now have more than five operators and over 25 million Kenyans have access to telecommunication. So, basically, we are not saying that we want to kill Kenya Power. We want to assist Kenya Power to wake up by ensuring that there is competition.

Hon. Temporary Deputy Speaker, I am a Member of the Committee on Energy, Information and Communication. I believe, when we will pass this Motion and enable hon. Bowen to move ahead and make it a Bill, it will come to our Committee and we will support it so that we ensure there is fair and free competition. We are not saying we want a competitor the size of Kenya Power, we have regions where we cannot generate hydro-energy and supply power to those areas.

Hon. Temporary Deputy Speaker, we can generate hydro-energy in Elgeyo Marakwet County and then supply it within the county and the county can sell this power so that we do not have the regular blackouts that we have currently. One of the hon. Members said that we need to create employment. We cannot become digital when penetration of power in my constituency is less than 10 per cent. If the average penetration in the country is 15 per cent and basically Nairobi makes it 90 per cent---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, it is time for the Mover to reply. As I said, we work with procedures and your time is over. Thank you for your contribution.

Hon. Members, pursuant to Standing Order 35, we are not able to put the Question. So, we defer putting the Question to the next Sitting. Standing Order 35 talks about quorum. Please refer to your Standing Order.

Thank you.

(Putting of the Question deferred)

Next Order!

We now go to the Motion by hon. Jude Njomo. Hon. Njomo, you move your Motion with the amendments.

There is a point of order by hon. Antony. What is your point of order?

Hon. Ichung'wah: Hon. Temporary Deputy Speaker, as you rightly notice, pursuant to Standing Order No.35 there is no quorum in the House.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Member. I do order the Clerks-at-the-Table to ascertain whether or not we have quorum.

I confirm that we do not have quorum. I direct that the Quorum Bell be rung.

QUORUM

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, we could not realize quorum. Therefore, this House stands adjourned until tomorrow, Thursday 11th July, 2013 at 2.30 p.m.

The House rose at 6.00 p.m.