

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 6th June, 2012

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

CANCER AWARENESS DAY

Mr. Speaker: Hon. Member, I have this Communication to make. As you are aware, the Catering and Health Services Committee is a Committee of Parliament established by a resolution of the National Assembly. The Catering and Health Services Committee is mandated, among other functions, to approve services to be provided at the Health Club, including outdoor and indoor games for the fitness of hon. Members. In view of the foregoing, the Committee has organized for a cancer awareness day during which time hon. Members will be taken through:-

(i) A presentation by a team of medical experts on prostate, cervical and breast cancer and their prevention.

(ii) Cancer screening, clinical breast examinations, pap smears and Prostate-Specific Antigen (PSA) tests.

Hon. Members are, therefore, invited to that important event scheduled to take place tomorrow, Thursday 7th June, 2012 at the Old Chamber, Parliament Buildings as from 9,00 a.m. to 1.00 p.m.

Thank you.

PAPERS LAID

The following Papers were laid on the Table:-

Report of the Joint Department Committee on Administration and National Security and Justice and Legal Affairs on the consideration of a petition on the adoption of the National Peace Building and Conflict Management Policy.

(By Mr. Baiya)

Financial Statement of the County Council of Narok for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the Municipal Council of Maua for the year ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the Municipal Council of Meru for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the Municipal Council of Kabarnet for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the Town Council of Yala for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the County Council of Rongo for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the Municipal Council of Kisii for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the Town Council of Keroka for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the County Council of Migori for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the County Council of Pokot for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the County Council of Bomet for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

Financial Statement of the County Council of Kipsigis for the two year period ended 30th June, 2009 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister, Ministry of State for Defence
(Maj-Gen. Nkaisserry) on behalf of the Minister for Local Government)*

Financial Statement of the Lake Basin Development Authority for the year ended 30th June, 2011 and the certificate thereon by the Auditor-General.

*(By the Assistant Minister, Ministry of State for Defence
(Maj-Gen. Nkaisserry) on behalf of the Minister for
Regional Development Authorities)*

The Budget Committee Report on the Estimates of Revenue and Expenditure for the Financial Year 2012/2013

Report of Public Hearings on 2012/2013 Budget Estimates held in 17 centres on 11th, 12th and 14 May, 2012.

(By Mr. Mbau)

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. I remember that yesterday, I raised an issue with regard to these Budget Estimates. Now that the Minister for Finance is in Parliament and the report that my Committee has tabled is incomplete as far as the Estimates of Revenue are concerned, could we get a reaction from the Minister because this matter is urgent?

Mr. Speaker: Order! Yesterday, I gave some preliminary directions and I said that we would want to hear from the Minister. I believe I said on Thursday. But, Mr. Minister, maybe, you could let me know what my directions were?

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, in fact, I am very grateful because I was not aware of the issue. I will find out because even my Assistant Minister is not in

and nobody brought this issue to my attention. But if it is on Thursday, then I will have an answer then.

Mr. Speaker: Very well, Mr. Minister. You may resume your seat for a moment. This matter was raised and spoken to by a number of hon. Members, apart from the hon. Member for Gwassi. They wanted directions on whether or not you have complied with the provisions of the Constitution. I indicated that I will make directions after I hear you. To the best of my recollection, I said I want to hear you tomorrow afternoon at 2.30 p.m. Then I will give substantive directions. It is a critical constitutional matter that has a lot of significance. So, it is important that you work hard on it before you come to make your response tomorrow. That is because it has constitutional implications and consequences. It is important that you, as the Minister in charge, address the matter.

We will let it rest there, hon. Member for Gwassi, for the moment until we hear the Minister tomorrow.

Next Order!

NOTICE OF MOTION

ADOPTION OF THE BUDGET COMMITTEE REPORT

Mr. Mbau: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the Budget Committee Report on the Estimates of Revenue and Expenditure for the Financial Year, 2012/2013 laid on the Table of this House today, Wednesday, 6th June, 2012.

QUESTIONS BY PRIVATE NOTICE

NON-PAYMENT OF TAXES BY KINGSWAY TYRES AND AUTOMART LTD

Dr. Khalwale: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that Ms. Kingsway Tyres and Automart Limited, PIN P000609825C and VAT NO. 0021199L owes a whopping Kshs2,639,210,836.00 and Kshs270,074,978.00 as tax arrears in form of uncollected Income Tax and VAT respectively as of 30th April, 2012?

(b) What is the reason for the failure by Kenya Revenue Authority (KRA) to collect those taxes?

(c) What is the Minister doing to ensure that money is collected with immediate effect?

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Kingsway Tyres and Automart Limited PIN No.P000609825C and VAT NO.0021199L owes tax arrears for Income Tax and Value Added Tax (VAT) which arose through a KRA audit carried out in the year 2003 and out of which, assessments were raised on account of un-declared income and incorrect expenses.

(b)The tax remains uncollected for the following reasons:-

(i) Lack of funds in the officially operated bank accounts by Messrs Kingsway Tyres and Automart Limited where taxes would have been recovered from.

(ii) Court orders restraining Kenya Revenue Authority (KRA) from enforcement action. This is Miscellaneous Application No.1288 of 2004.

(iii) Irregular transfer of the company's business to another continuing entity from Kingsway Tyres and Automart Limited to Kingsway Tyres Limited which operates normally filing tax returns and paying resultant taxes.

(iv) Challenges of proceedings against a company which is, for all practical purposes, dead with no known assets or property.

(c) The following measures are currently being undertaken to recover the outstanding taxes:-

(i) Tracing of assets that may have been irregularly transferred to the other entities. Already, one property has been identified and charged, while the process of charging a second property is ongoing. The process of disposal of the charged property is in progress. However, I wish to mention the process of asset tracing is a tedious and laborious one, and which consumes significant amount of time.

(ii) Evidence is being collected to support a case of willful intent to evade tax on the part of directors through the irregular transfer of business to Kingsway Tyres Limited.

(iii) Interventions have been made to prevent attempts to deregister Kenya Tyres and Automart Limited as a company and the management structure remains preserved for any future actions, including both criminal and civil suits.

(iv) In addition, I wish to state that I am going to propose taxation measures in the next Finance Bill that will address the abuse of corporate structures by persons intending to commit illegal acts, including tax evasion.

Thank you, Mr. Speaker, Sir.

Dr. Khalwale: Mr. Speaker, Sir, I want to dispute the Minister's reasons for failure to collect tax. He has given two reasons. The first one is a matter that was decided by a court, and the second one is lack of funds. I have proof here - which I now want to table - which shows that the matter which was in court was brought before the court on 18th October, 2011. To the extent of the obstacle which had been put by the company not to have the tax collected by KRA, Justice Wendo decided on 16th May, 2007 that the tax be collected. So, the matter of court is not there. I would like to table the judgment before this House.

(Dr. Khalwale laid the document on the Table)

The second issue is about the lack of funds. I would like hon. Members to know that the company we are talking about is associated with, amongst other businesses, the Nakumatt chain of stores. They trade in tyres and they are also associated with the closed down Charterhouse Bank. What they did was that they changed their name---

Mr. Speaker: Order, Member for Ikolomani! I respect the way you want to articulate your question, but can you, please, do it in a manner that you have some regard for brevity, so that you come to the question quickly?

Dr. Khalwale: Thank you, Mr. Speaker, Sir. In fact, I was doing my last paragraph so that I then ask the question.

Mr. Speaker, Sir, they changed the name as the Minister has conceded. After that, it was the same company, the same LR. number, the same business and the same directors. So there was no reason why he would not collect taxes from the new company. Now that I have made this revelation to him through documents which I am now tabling, when will the Minister move so

that all the monies held in the account of the residual company can then be acted upon through agency to ensure that the taxes are paid? I table the document.

(Dr. Khalwale laid the document on the Table)

Mr. Mwau: On a point of order, Mr. Speaker, Sir. Is it possible for the hon. Member to point out in the ruling that he is tabling exactly where it says that tax must be paid?

Mr. Speaker: Order! Member for Ikolomani, you need not respond to that. Member for Kilome, I do not find that to be a valid point of order. You have asked the hon. Member for Ikolomani a question, yet it is Question Time. The Member for Ikolomani had put a supplementary question to the Minister. So, yours is out of order. Think again and see if you can get round it.

Minister, answer the question by the Member for Ikolomani.

Mr. Githae: Mr. Speaker, Sir, I did not give two reasons. I actually gave four reasons why we have been unable to collect the amount. On the court case, yes, I agree that the previous commissioner in charge of legal services was able to navigate this case and actually won it in favour of KRA, and that was why the KRA was then able to levy distress on the company.

What the hon. Member is saying is actually what we are suspecting, that there may have been collusion; but you are aware that in law these two companies are separate entities. That is why in my Finance Bill I will be amending the Income Tax Act to provide that where in the opinion of the Commissioner-General a limited liability company has transferred its business to another entity then the directors remain personally liable for the tax arrears that may not have been paid. I am saying that because if you look at the names of the directors, not all of them are in both companies; some are there while some are not there. The new company, that is Kingsway Tyres Limited, is actually tax-compliant. It pays all its taxes on time. So, the opinion that KRA has received is that they require to do more to be able to connect the two companies; but as of now, in law, they are different companies and they have different directors and different bank accounts. The new one is tax compliant; it is paying its taxes on time. That is the legal bit. However, for the previous company, I can confirm that it has no assets.

Mr. Baiya: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is your point of order, Member for Githunguri?

Mr. Baiya: Mr. Speaker, Sir, this being a matter relating to collection of taxes, when the Minister says that the company that was supposed to pay taxes transferred property to another entity, what other evidence would he need to levy taxes? Is the Minister in order not to actually tell the public the measures he has taken to collect taxes in respect of the property which was transferred, presumably because it still belonged to the earlier company which had failed to pay taxes?

Mr. Speaker: Order! Member for Githunguri, you have not prosecuted that successfully as a point of order, but I will treat it as a question. Minister, please, answer it.

Mr. Githae: Mr. Speaker, Sir, I would be one of the happiest people to collect taxes from these two companies, but the fact of the matter is that the properties we have identified are not in the names of the new company. There is an intervening company. However, it was previously owned by the previous company and transferred to another company, but not the Kenya Tyres Limited. We are now trying to connect the two to say that this was not a genuine transfer. That is what we are trying to do. For the one we have identified, a charge has already been registered by the Commissioner of Taxes and actually auctioneers have been given instructions to sell. The

other one was recently discovered. Again, we suspect that since it was previously owned by them this transaction may not have been genuine. Therefore, we want to actually sell it and try to recover the tax owed. So, the connection is not direct. If it was in the name of the new company, yes, the connection would be direct, but there was an intervening company. So, it may not have been genuine.

Mr. Olago: Mr. Speaker, Sir, as I listened to the answers by the hon. Minister, I thought the Ministry was handling these companies with a velvet glove. Allow me, being the hon. Minister's senior in our learned profession, to remind him of three concepts in taxation and corporate law, which he does not appear to have addressed his mind to. One is lifting the corporate veil, which allows KRA to go behind the incorporation of the company and find out who the real directors are. He does not appear to have addressed his mind to that.

Secondly, in taxation law, tax avoidance is not an offence while tax evasion is a criminal offence. Tax avoidance is not. Under these circumstances, what has the Minister done to involve the concept of lifting the veil and deal with the issues of tax avoidance and tax evasion?

Mr. Githae: Mr. Speaker, Sir, we have actually addressed ourselves to the issue of lifting the corporate veil, and that is why we have embarked on this very tedious and laborious action of trying to trace whatever property may have been of the previous company. I said that we have discovered two properties that were previously in their name, but they are now in the name of the transferee. After lifting the corporate veil we are saying that this transfer may not have been genuine, and we are going to sell these two properties. So, we have addressed ourselves to this issue.

Mr. Speaker, Sir, I agree that tax avoidance is not an offence, but tax evasion is. However, again, the directors of the two companies are not the same in all these respects. The shareholders also, are not the same in all respects; some are there while some are in the other company. So, to get a direct relationship is difficult; but we are going to try and sell those two properties; if we are successful we will move on to the others because it will be a test case and we will have succeeded.

Mr. Mbadi: Mr. Speaker, Sir, if the Government was to allow companies to behave the way the Minister is trying to imply in the House then no Kenyan would pay taxes. There are clear ways even in the current legal framework as to how a business entity can transfer a business to another through acquisition or merger. Now that they have discovered that this transfer was illegal and irregular, and they have already traced the property, whose value we will be glad to hear, why has the Government not taken clear steps to recover taxes from this company, which it owes Kenyans through tax evasion?

Mr. Githae: Mr. Speaker, Sir, there was no formal transfer of assets. We know that they should have put it in newspapers and notified all the creditors. This was not done. As I said, the new company is a fresh registration; there was no formal transfer. This is a fresh registration of a new company. This new company is actually tax compliant. It is paying its taxes on time. We are trying to get the connection between the directors and the shareholders to justify our case that the transfers of those two properties may not have been genuine. Do not forget that they were already in the names of other people. We, therefore, want to have this as a test case. Auctioneers have already been instructed to sell one property. With regard to the other one, the Commissioner-General is in the process of registering a charge, and we are also going to sell it.

Mr. Speaker, Sir, it is not that we have not tried. We have written to all the banks in Kenya seeking to know of anybody holding, probably, an account. Yes, they have an account, but it is actually in overdraft. There was an account, but the money has been withdrawn. That is

what we have received so far. However, I can assure this House that we are going to try and make sure that whatever tax is owed is paid. Let me take this opportunity to warn and caution all companies and all Kenyans: Please, pay your taxes. We are going to hit you hard if you do not pay.

Dr. Khalwale: Mr. Speaker, Sir, when this matter arose, Mr. Mumo Matemu was the Commissioner for Support Services, which is the legal arm of KRA. Mr. John Njiraini was the Commissioner for Large Tax Office. Mr. Waweru was the Commissioner-General. Mr. Njiraini is now the Commissioner-General and Mr. Mumo Matemu has become the guru of fighting corruption, the fact that he was forced upon Kenyans notwithstanding. What are the directions from the Minister to the Director of CID to ensure that these directors who are known to have evaded tax are arrested today, arraigned in court and charged with tax evasion? What are the instructions to Mr. Mumo Matemu to go down and investigate the grand corruption that today prevails at the KRA?

Mr. Githae: Mr. Speaker, Sir, I am not aware that Mr. Mumo was forced onto that job. I thought Parliament approved his appointment and with a very vast majority. Therefore, really Mr. Mumo Matemu is validly in that office.

Secondly, as I said it is not the directors who owe taxes to the KRA. It is the Kingsway Tyres and Automart Limited that owes tax arrears.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House that Mr. Mumo Matemu is in office when we know that he has been stopped from going to the office due to a court process that is ongoing at Nakuru Law Courts?

Mr. K. Kilonzo: On the same point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Let the Minister respond.

Mr. Githae: Mr. Speaker, Sir, I think it is a matter of public record that this Parliament approved Mr. Mumo Matemu as the Chairman of the Ethics and Anti-Corruption Commission (EACC). If there is a court case, I am not aware of it. However, that is besides the point. The point is his appointment was approved by this House. That is the most important thing.

Mr. Speaker, Sir, I think we need to commend the KRA. In 2003 the total tax collection was Kshs150 billion; today it is almost Kshs1 trillion---

Mr. Speaker: Order, Minister! You will notice that we have spent 15 minutes on this Question so far. Can you please restrict yourself to just answering the questions by the Member for Ikolomani? They were specific; answer the questions and do not go into the policies and philosophizing.

Mr. Githae: Mr. Speaker, Sir, I think I have already answered that there is no corruption in KRA. He wanted to know the instructions I have given to the Commissioner of Police against the directors; the directors do not owe taxes. It is the company that owes taxes, and we are doing all that we can to make sure that the amount outstanding is paid.

Thank you.

Mr. Speaker: Member for Emuhaya.

IRREGULAR INCREASE OF FUEL PRICES BY ERC

Dr. Otichilo: Mr. Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) What factors did the Energy Regulatory Commission (ERC) consider when it increased the retail prices for super petrol and kerosene during the month of May, 2012?

(b) Is the Minister aware that during the month of April the price of crude oil declined from US\$126 in March to US\$121 a barrel and local currency had stabilized against the world's major currencies, and if so, why did the Commission fail to factor in the decline of the cost of the crude oil and stability of the shilling when setting retail prices for May, 2012?

(c) Could the Minister consider disbanding the Commission since it is not serving the purpose for its establishment?

The Assistant Minister for Energy (Eng. M. M. Mahamud): Mr. Speaker, Sir, I would like to seek your indulgence. I have informed my colleague, Dr. Otichilo that I do not have an adequate answer. I request that the Question be deferred to Tuesday next week, when I will bring a comprehensive answer.

Mr. Speaker: Dr. Otichilo, what is your position?

Dr. Otichilo: Mr. Speaker, Sir, we have discussed and I have agreed with him that the answer he has given is inadequate and he needs to bring a comprehensive answer on Tuesday.

Mr. Speaker: It is so directed; Tuesday next week.

(Question deferred)

Next Question by the Member for Mutito.

ORAL ANSWERS TO QUESTIONS

Question No.1122

REHABILITATION OF KITUI-ZOMBE ROAD

Mr. K. Kilonzo asked the Minister for Roads when the Ministry will rehabilitate the section of the Kitui-Zombe Road at Ngai Ndethya corner in Kiongwe village, Thua Location.

The Assistant Minister for Roads (Dr. Machage): Mr. Speaker, Sir, I beg to reply.

If you remember I had effectively executed the answer to this Question except for one part where you instructed that---

Mr. Speaker: Order, Ms. Amina Abdalla! You have been standing at that place for too long.

Dr. Machage, please, proceed.

The Assistant Minister for Roads (Dr. Machage): I had effectively executed the answer except for one part where you instructed that I quote the amount of money that my Ministry had requested Parliament to approve for this project.

Mr. Speaker, Sir, I beg to reply.

My Ministry through the Kenya National Highways Authority (KeNHA) has set aside Kshs24 million for the periodic maintenance of the Kyuluni-Mwitika Road, otherwise referred to as C96, in the proposed Budget for the Financial Year 2012/2013.

Thank you.

Mr. K. Kilonzo: Mr. Speaker, Sir, if you look at the Question which the Minister is attempting to answer, part "a" asks when the Ministry will rehabilitate the section of the Kitui-Zombe Road at Ngai Ndethya corner in Kiongwe village, Thua Location. At that time the Assistant Minister came here and said the money they had set aside was Kshs3 million. You

directed the Assistant Minister to go back and come up with a specific answer on the money which is supposed to be spent on this part after I said the area was in a very bad state. What the Assistant Minister has done today in his supplementary is trying to show that he has allocated Kshs24 million to Kyuluni-Mwitika Road (C96).

Mr. Speaker, Sir, my Question was specific about the area of Ngai Ndethya in Thua Location. This is the area which is very dangerous; it is causing deaths and is not passable. I did not want to know the money which has been allocated for the road all the way from Kyuluni to Mwitika, which is about 70 kilometers long. I was specific on this area. Could the Assistant Minister tell us how much more he has put aside for Ngai Ndethya?

Dr. Machage: Mr. Speaker, Sir, Ngai Ndethya is part of this road but since the Member wants to get specifics, I talked about Kshs3.5 million that had been set aside for the repair of this road. Actually, there is a balance of Kshs6.1 million still to be used on this road and the work is in progress.

Mr. Speaker: Last question, Mr. K. Kilonzo.

Mr. K. Kilonzo: Mr. Speaker, Sir, I want to reiterate my question that the area of Ngai Ndethya was tarmacked but the tarmac has since worn out. An amount of Kshs3.6 million cannot even tarmack 100 meters. Since the Assistant Minister says that they are going to repair this section, how much more does the Ministry intend to use to re-carpet this area? Kshs3 million is not enough. I have visited this area with the good Minister and Assistant Minister and they promised to put in a lot more.

Dr. Machage: Mr. Speaker, Sir, if my memory serves me right I think I have attempted to answer that question but I will repeat it. Apart from---

Mr. Speaker: Order, Assistant Minister! You need not repeat. Just answer so that the Member understands. Repetition is not allowed.

Dr. Machage: Mr. Speaker, Sir, thank you for the advice. Apart from the Kshs6.1 million that we are going to spend on the same road, we have requested Parliament to approve Kshs24 million for the purpose of the whole road; part of it will be spent on the Ngai Ndethya area.

Mr. Speaker: Member for Eldoret South.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Mutito! I have called the next Question.

Question No.1583

MEASURES TO STOP CCK FROM INFRINGING ON KENYANS' RIGHTS

Ms. Chepchumba asked the Minister for Information and Communications:-

(a) whether he could confirm that the Communications Commission of Kenya (CCK) will spy on Kenyans' online activities with the monitoring system it is installing, and if so, whether he could state the measures the Ministry will take to ensure that privacy of Kenyans who use mobile phones and communicate on social media is not infringed;

(b) whether the Government has established a process through which information by Kenyans will be treated with strict confidence and to what extent the service providers will adhere to such arrangements; and,

(c) how the Government will handle legal requirements or litigation in the event that Kenyans' rights are infringed.

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Speaker, Sir, I beg to reply.

(a) The monitoring system being implemented by the CCK is an initiative of the Kenya Computer Incident Response Team Coordination Centre, a function of the CCK whose mandate is to offer advice on cyber security matters nationally, and to coordinate response to cyber incidents in collaboration with relevant stakeholders.

The purpose of monitoring the system is to assist in early detection and prevention of cyber crime incidents, which is a proactive approach to managing cyber crime. The system monitors internet traffic to detect any potential cyber threats or any bad things happening on the internet. It is intended to benefit internet users, internet providers and the general public by protecting them from cyber criminals. It is a passive system and not a tool for spying on users.

Further, the system cannot be used to block access to internet at all. It should also be noted that there is a very thin line between privacy and security. In order to reap the benefits of the internet and information resources in general, the Government must endeavour to ensure that the online platforms used by the public are secure. This, in one aspect, therefore, calls for monitoring data traffic in order to identify any potential threats at the earliest instance thus enabling us to put in place appropriate and timely response measures.

Mr. Speaker, Sir, just like the physical security measures we have to put in place as a result of the current threat from the terrorist network, online security can tend to have a certain level of intrusion into people's personal privacy presenting a circumstance where security management overrides privacy. Take for example, the war with *Al Shabaab* where the Government has sent troops to protect Kenya's borders with Somalia. Such a measure translates to physical protection of our borders. This, however, leaves our online borders open to exploitation by any would be cyber attackers. Best practice requires us to put in place measures that not only react but also importantly detect and prevent any cyber incident from happening. The war on terror has compelled the world to intrude into personal privacy. People are now being frisked at the airport, public malls, churches, banks and other public shared areas as a preventive measure. The online world is no exception as terrorist groups are now using the internet as a form of communication and as a platform for planning attacks. It is, therefore, imperative that we put in place measures that are also digitally frisk online platforms for any potential attacks.

(b) To ensure the privacy of Kenyans who use mobile phones and communicate on social media is not infringed, the Communications Commission of Kenya (CCK) intends to sign non-disclosure agreements with partner organizations clearly stipulating that the data gathered will be used for intended purpose only. The reverse applies where partner organizations will be required to adhere to strict confidentiality agreements. On a more general note, the Kenya Computer Incident Response Team Coordination Centre will have the necessary guidelines for handling citizen confidential information.

(c) The Kenya Information and Communications Act, Cap.411 (a) mandates the CCK to establish a national cyber security framework. The policy is anchored on Kenya's ICT sector policy of 2006. As such, the Commission is both mandated and guided by the national policy, our laws and resultant regulations. The monitoring system is a component of Kenya's national cyber security framework and in the case of any infringement of any rights of Kenyans, then such cases will be handled in line with existing related legal instruments and provisions.

Thank you.

Ms. Chepchumba: Mr. Speaker, Sir, as I thank the Assistant Minister for the elaborate answer, the Constitution, Article 31 grants the citizens of Kenya the right to privacy. In this new information age, is the Assistant Minister aware that such a move is retrogressive and undermines *wananchi's* rights and should be done away with?

Mr. Khaniri: Mr. Speaker, Sir, the use of ICT comes with its challenges. I want to assure the hon. Member that this is the practice all over. As a Government and as a Ministry, we have a right to protect Kenyans from cyber crimes. The measures we are putting in place are strictly to protect Kenyans and not to infringe on their private lives.

Mr. Mbadi: Mr. Speaker, Sir, even as the Government is concerned about security, what will the Assistant Minister do to ensure that the National Security Intelligence Service (NSIS) is stopped from tapping our phones because I am not *Al Shabaab* and I am not intending to be one? I am also not a member of the Mombasa Republican Council (MRC) or *Mungiki* but I am an hon. Member. What will the Government do to stop the NSIS from tapping our phones and interfering with our communication?

Mr. Khaniri: Mr. Speaker, Sir, you will agree with me that the NSIS is not under my portfolio but if the hon. Member is not *Al Shabaab* or a criminal, then why is he worried?

Mr. Lekuton: Mr. Speaker, Sir, about four million Kenyans today are using the internet and just last year the Permanent Secretary for the Ministry of Information and Communications said that we have to actively increase the number of users to a point where operators are able to reduce costs. To do that, the Ministry was looking forward towards conducting a countrywide sensitization campaign in an effort to increase the number of internet users. Could this Assistant Minister tell this House when that will happen because the internet is very important for every Kenyan? When is he going to make sure that all counties are integrated into the internet and ICT?

Mr. Khaniri: Mr. Speaker, Sir, I respect the hon. Member's knowledge on ICT matters and I believe he should know that the cyber optic project that the Government undertook together with other development partners has now reached each and every county and the next stage for this particular project is what we call the last mile where we want to ensure that each and every constituency is connected to the fibre optic. Once this is done, I want to believe that we will have moved these services closer to the rural population.

Ms. Chepchumba: Mr. Speaker, Sir, could the Assistant Minister produce before this House the details of the non-disclosure agreement stipulating the information used to ensure that it facilitates response to cyber incidents and not used for other motives like political motives?

Mr. Khaniri: Mr. Speaker, Sir, certainly, I am more than willing to table that particular document on the Floor of the House.

Mr. Speaker: Very well. Do you have it now?

Mr. Khaniri: No, I do not, Mr. Speaker, Sir, but I can undertake to do it next week.

Mr. Speaker: Very well, but the Question need not appear on the Order Paper. So when we get to Papers Laid next week on Tuesday, if you have the document, then just stand and table it.

Mr. Khaniri: Mr. Speaker, Sir, most obliged.

Question No.1592

BONA FIDE OWNERS OF PLOTS IN KISUMU

Mr. Mbadi asked the Minister for Lands:-

(a) who the *bona fide* owner(s) of plot numbers Kisumu/Tonde 113, 91, 58, 92 and 128 are; and,

(b) when the plots were registered, and what the acreage of each plot is.

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Speaker, Sir, I am told that this Question was partially answered by my colleague and I am willing to answer it again if so permitted although I do not know where he stopped.

Mr. Speaker: Order! Assistant Minister, our institutional memory advises that the Question appeared on the Order Paper, it was called but not answered so you might as well just answer it if you have the reply.

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Speaker, Sir, so I start afresh?

Mr. Speaker: Yes, indeed, because it has not been answered at all.

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Speaker, Sir, I beg to reply.

(a) The following are the *bona fide* owners of plot numbers Kisumu/Tonde 113, 91, 58, 128 and 92.

(i) Harun Omom Okal Akeyo, Plot No.Kisumu/Tonde/91.

(ii) Settlement Fund Trustee, Plot No.Kisumu/Tonde/113.

(iii) Alfred Buore Ng'ong'a, Plot No.Kisumu/Tonde/58.

(iv) David Okal Omum, Plot No.Kisumu/Tonde/92.

(v) Harun Omom Okal Akeyo, Plot No.Kisumu/Tonde/128.

(b) The plots were first registered on 2nd November, 2004 in the names of the Settlement Fund Trustee and were later transferred to the above mentioned registered owners as follows:-

(i) Plot No.Kisumu/Tonde/91 – 1.2 hectares. On 2nd November, 2004, it was under the Settlement Fund Trustees and on 2nd June, 2009, we registered it in the name of Harun Omom Okal Akeyo. On 2nd June, 2009, the title deed was issued.

Mr. Speaker: Order, Assistant Minister! Maybe you can just save time if in “b” you just indicate the acreage of each because you have given us the full recital of 113. Now just say 19, so many acres and 52, so many acres. Then you finish.

The Assistant Minister for Lands (Mr. Bifwoli): Thank you, Mr. Speaker, Sir.

(ii) Plot No.Kisumu/Tonde/113 is 37.7 hectares. It is still in the name of the Settlement Fund Trustees.

(iii) Plot No.Kisumu/Tonde/58 is 1.2 hectares.

(iv) Plot No.Kisumu/Tonde/92 is 1.2 hectares.

(v) Plot No.Kisumu/Tonde/128 is 1.2 hectares.

Mr. Mbadi: Mr. Speaker, Sir, I would like to thank the Assistant Minister for coming out clearly and indicating the exact owners of these parcels of land. I am sure he is aware that the Lake Basin Development Authority has denied these land owners access to their parcels of land. What could be the reason why the Lake Basin Development Authority is laying claim to these pieces of land if at all the parcels are clearly and properly registered in the names of private owners?

Mr. Bifwoli: Mr. Speaker, Sir, I was very clear and my brother heard me very well that the Lake Basin Authority has no land anywhere there. The 13 hectares is still with us. If not, they are squatters on our land. They have no right to interfere with the owners of the land. If they interfere with the owners, they should go to court and we shall prove them wrong.

Mr. Mbadi: Mr. Speaker, Sir, with the clear answers from the Assistant Minister, knowing very well that he does not control security I will not ask him any more questions. I just wanted him to confirm that the Lake Basin Development Authority has no claim to these parcels of land.

Question No.1575

ILLEGAL MINING OF MINERALS IN CENTRAL POKOT DISTRICT

Mr. Litole asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware that informal mining of chromium, nickel and gold is taking place at Tulot area of Sekerr Location in Pokot Central District;

(b) whether he could provide detailed information of the companies that are involved in the illegal mining and also indicate the period of involvement and how much of the minerals have been shipped abroad since the mining started; and,

(c) what measures the Ministry will take to ensure that the mining work is legalized, so that local communities including the County Council of Pokot could benefit.

The Minister for Environment and Mineral Resources (Mr. Mwakwere): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that informal mining of chromium, nickel and gold is taking place at Tulot area of Sekerr Location in Pokot Central District.

(b) I do not have detailed information of companies that are mining illegally, the period of involvement and how much of the minerals have been shipped abroad since the purported mining started.

(c) The Ministry of Environment and Mineral Resources is working on a draft Minerals and Mining Bill, which will be presented to Parliament not later than the end of July. This will bring proposals on mineral royalties, revenue sharing between the National Government, the county governments and local communities from where the minerals are extracted. The draft Bill will also propose to fix royalties for all minerals. So, we have no record of companies that are mining illegally.

Mr. Litole: Mr. Speaker, Sir, this is an interesting thing because there is a company that has been mining for the last 12 months and the Minister is not aware. Does it mean that one arm of the Government does not know what the other arm is doing?

Mr. Mwakwere: Mr. Speaker, Sir, the Question refers to illegal mining. There is one company that is mining legally, namely, Zain International Limited. This company obtained its exploration licence on 30th May, 2011. They further received special licence for mining purposes on 28th June, 2011 and got authority to export limited quantities for further analysis. They did this under a licence that was issued by the Government on 1st January, 2012 and on 1st February, 2012. So, the company has been operating legally and it received all the necessary licences from the Government.

Mr. Litole: Mr. Speaker, Sir, that is the same company that has been there for the last 12 months. The area of Sekerr is mountainous and there is only one road leading to the upper part of the area. One time, the Kenya Postal Corporation tarmacked a one way road all the way to

Sekerr, but the road is now damaged. What action is the Ministry taking to make sure that this road is rehabilitated to its original state before these people leave within the next one year?

Mr. Mwakwere: Mr. Speaker, Sir, I will take the responsibility of passing this information to the Minister for Roads, so that they may do the needful. It is important that communication is facilitated in all areas of our country.

Question No.1601

DETAILS OF CONTAINERS SHIPPED
FROM VENEZUELA/COLOMBIA

Mr. Mwau asked the Minister for Transport:-

(a) whether he could provide the numbers and details of all containers received by the Kenya Ports Authority (KPA) from Venezuela and Colombia if any, indicating the container numbers, vessel, cargo, shipper, consignor and consignee, dates and the importer from the year 2000 to 2011; and,

(b) how many containers out of the ones shipped from Venezuela and/or Colombia to Kenya, have been transshipped to the United States of America (USA) and/or Europe and whether he could provide all details of the vessel, including the container number, shipper, consignor, consignee, dates and cargo of such containers.

The Assistant Minister for Transport (Mr. Joho): Mr. Speaker, Sir, I beg to reply.

(a) I hereby table lists indicating the numbers and details of all containers received by the Kenya Ports Authority (KPA) from Venezuela and Colombia. The lists indicate the container numbers, vessel, cargo, shipper, consignor and consignee, dates and the importer from 2000 to 2011. These records indicate that between 2000 and 2011, 793 containers were received in the port from Colombia while 84 containers were received from Venezuela.

(Mr. Joho laid the documents on the Table)

The records indicate that none of the containers in the table list were transhipped to the United States or Europe. The containers were for domestic and transit markets i.e., Kenya, Tanzania, Uganda, Congo and Southern Sudan.

Mr. Mwau: Mr. Speaker, Sir, could the Assistant Minister confirm whether any of those containers is related in any way to the Member of Kilome?

Mr. Joho: Mr. Speaker, Sir, as per the list I have tabled, no. There is no link whether direct or indirect to the Member for Kilome.

Mr. Pesa: Mr. Speaker, Sir, those are quite a number of containers and probably Kenyans would like to know the contents of the containers.

Mr. Joho: Mr. Speaker, Sir, the mandate of Kenya Ports Authority (KPA) is just handling of containers, inbound and outbound. In terms of verification of the contents, that is actually done by Kenya Revenue Authority (KRA) and security departments. It is not under my Ministry.

Mr. Speaker: Last Question, Member for Kilome

Mr. Mwau: Thank you, Mr. Speaker, Sir. I have no further question.

Mr. Speaker: Very well. Order, hon. Members! Hon. Members, you are all aware that today is Prime Minister's Time. So, we will now move to Questions to the Prime Minister and defer Questions on the last page to Wednesday morning next week. They will take priority over Questions that are otherwise programmed to appear on Wednesday morning next week.

Question No.1544

IRREGULAR RETURN OF FUNDS MEANT FOR KIBULLINE
DISPENSARY TO MINISTRY

(Question deferred)

Question No.1363

MEASURES TO FACILITATE HAWKERS
IN NAIROBI

(Question deferred)

Question No.1593

REMOVAL OF HIGH BUMPS
ALONG URIRI-KADRA-MIGORI-ISIBANIA ROAD

(Question deferred)

Question No. 1041

MEASURES TO CURB DRUGS
AND ALCOHOL CONSUMPTION

(Question deferred)

PRIME MINISTER'S TIME

QPM/004

DETAILS/COST OF RT. HON. PRIME
MINISTER'S FOREIGN TRIPS

Mr. Speaker: We will now ask the Member for Kamkunji to ask his Question.

(The Clerk-at-the-Table consulted Mr. Speaker)

Hon. Members, information that has come to the fore is that the Member for Kamkunji had actually excused himself to be away from Parliament in the afternoon.

(Mr. Hassan walked into the Chamber)

Hon. Members: He is here!

Mr. Speaker: Order, hon. Members. Maybe, the Member for Kamkunji will want to indicate to the House why he chose to mislead the Office of the Speaker and/or the Clerk.

I have just been given information that you had written to excuse yourself, Member for Kamkunji.

Mr. Hassan: Mr. Speaker, Sir, I have not. I wrote a letter to your Office that I will be away from 18th of last month to 3rd of June, and I am back.

Mr. Speaker: Fair enough. That is the point of misunderstanding. So, you now want to ask the Question then.

QPM/004

DETAILS/COST OF RT. HON. PRIME
MINISTER'S FOREIGN TRIPS

Mr. Hassan: Mr. Speaker, Sir, I beg to ask the Prime Minister the following Question:-

(a) How many official foreign trips has the Rt. Hon. Prime Minister undertaken since his appointment in 2008?

(b) How much money has been spent on transport, air tickets and accommodation?

Mr. Speaker: Rt. hon. Prime Minister, I know that you did address a letter from your Office to the Clerk of the National Assembly but it arrived too late to keep this Question away from the Order Paper. So, now that it is on the Order Paper, you owe the House a duty to indicate why you cannot answer it.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, as I indicated in the letter, this Question arrived very late in my office. So, information is not available. I said that I will deal with the Question at a later date.

Mr. Speaker: Next Wednesday.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, fine.

Mr. Speaker: Member for Kamkunji, you should find that acceptable. Really, you want information.

Mr. Hassan: Yes, I do. But I just want to say that I asked this Question about six weeks ago.

Mr. Speaker: That is fine. The Rt. hon. Prime Minister tells you that he has not been able to put together all the requisite information. So, I expect you to understand. So, the Question will be put on the Order Paper on Wednesday next week.

Next Question by the Member for Nyakach.

QPM/005

MEASURES TO MITIGATE FLOODS IN THE COUNTRY

Mr. Outa: Mr. Speaker, Sir, on behalf of **Mr. Ochieng**, I beg to ask the Prime Minister the following Question:-

(a) What is the Government doing about the floods in the country considering that the floods have caused damage to bridges, roads, homes and serious soil erosion?

(b) How many people have been displaced by floods countrywide?

(c) What immediate steps and long term measures does the Government intend to put in place to avert the floods menace?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir. I beg to reply.

(a) Due to climate change and global warming, weather patterns in Kenya are now characterized by episodes of drought, followed by floods. The recent floods are due to a combination of enhanced rainfall and effects of environmental degradation. As a consequence of heavy deforestation over the years, many parts of the country have experienced substantial soil erosion, mudslides and excessive siltation of riverbeds. The floods carrying capacity of most large rivers has been compromised. Anti-flooding dykes have also been made susceptible to over-topping or in some cases, breaches by flood discharges. Increased human presence on flood plains for agriculture, livestock farming and settlement has compounded the situation.

Mr. Speaker, Sir, the impact of recent floods has been felt in rural as well as urban areas. 84 Kenyans have lost their lives to the recent floods in Gwassii, Bungoma, Kakamega, Murang'a, Kisii, Nakuru, Meru, Kajiado, Nyeri, Kiambu and Nairobi. 79 Kenyans are nursing injuries caused by the recent floods, while displaced families stand at 5,269 households. The Government has provided medical attention, food items and temporary shelter to the affected victims of the floods.

Mr. Speaker, Sir, I will table a report by the Government's Crisis Response Centre giving a breakdown of the areas affected by the floods, damage cost, the Government response and the current status on the ground.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, the Government, through the Ministry of Water and Irrigation, is undertaking rehabilitation and construction of dykes along the lower reaches of Nzoia and Nyando rivers to control floods. Several dams are also under construction to control and regulate river flows by storing water for use during drought periods. Of the five large dams currently under construction with a capacity to store 21 billion litres of flood flows, one in Kiserian in Kajiado County and another in Maruba in Machakos County have been completed. The other dams to be completed by 2013 are in Badasa in Marsabit County, Chemususu in Eldama Ravine County and Umaa in Kitui County.

Mr. Speaker, Sir, the Government has secured funding from the African Development Bank for the construction of Yatta Dam in Machakos County and Thwake Dam in Makueni County.

The Government is currently mobilizing internal and external resources for the construction of the High Grand Falls Multipurpose Dam along the Tana and Athi Rivers in Meru County, the Magwagwa Multipurpose Dam along the Sondu River, Mwache Multipurpose Dam along Mwache River in Kwale County and Nandi Hydropower Project on River Yala in Nandi County.

Mr. Speaker, Sir, to enable hon. Members appreciate the impact of the floods as well as the mitigation measures being implemented by the Government, I table a Report on the damage caused by floods in Ewaso Nyiro South Region and Kerio Valley Region.

(Mr. Raila laid the document on the Table)

The recent floods have caused serious damage to sections of our national roads, urban and rural roads network. The national roads that have been damaged are: Ahero-Sondu Road; Lokichoggio-Nadapal Road; Mai Mahiu-Narok Road; Kitui-Kibwezi Road; Habaswein-Wajir Road; Maragua Bridge; Rironi-Mai Mahiu-Naivasha Road, Mwingi-Ukasi Road; Lunga Lunga-Kombani Road, Kinango-Mariakani Road; Mwatate-Taveta Road; Biretwo-Tot Road; Tot-Marich Pass Road; Marich Pass-Kainuk Road; Kapcherop-Kachibora Road; Lomut-Nyagaite Road; Kapedo-Lokori Road; Nairobi-Naivasha Road at Ihindu; Nairobi-Kiambu Road; Thuita-Kibichoi Road; Bomas of Kenya-Magadi Road; Magumu-Njambini Road; Nyeri-Kahuti Road; and Makutano-Meru Road. Emergency repairs have been carried out on Mai Mahiu-Narok Road and Ahero-Sondu Road at a cost of Kshs.80 million and Kshs.36 million respectively. Funds are being mobilized for the repair of the other roads estimated to cost Kshs.1.3 billion. The floods have also caused heavy damage to urban roads. Inadequate storm water drainage systems, uncontrolled urban development and ineffective---

(Mr. Ruto stood up in his place)

Mr. Speaker: What is it, hon. Member for Chepalungu? Order, Right hon. Prime Minister! There is a point of order.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. With due respect to the Right hon. Prime Minister, the Question is No. 005 and it is in the normal three parts. The Prime Minister seems to be giving a very lengthy statement, and is in no way attempting to answer Question No. 005 as asked by the hon. Member for Nyakach. Would I be in order to request that the Prime Minister be relevant to the Question, be clear and specific like all other Ministers?

Mr. Speaker: Right hon. Prime Minister, what is your reaction to that point of order?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir---

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Let the Right hon. Prime Minister respond to that first!

(Several hon. Members stood up in their places)

Order! The Prime Minister is responding to a point of order by the hon. Member for Chepalungu. You have to allow him to finish.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the Questions that are addressed to the Prime Minister are cross-cutting Questions; they do not just deal with one specific sector. They deal with several sectors. I invite the hon. Member to read the Question again, which is:-

“(a) What is the government doing about the floods in the country considering that the floods have caused damage to bridges, roads, homes and serious soil erosion?

(b) How many people have been displaced by floods countrywide?

(c) What immediate steps and long term measures does the government intend to put in place to avert the flood menace?”

Mr. Speaker, Sir, I am answering the Question the way I should answer it. I am answering the Question comprehensively because that is the way the Question has been framed. I do not think that I am deviating from what is being called for.

Secondly, Mr. Speaker, Sir, floods---

Mr. Speaker: How far are you from the end, the Right hon. Prime Minister?

The Prime Minister (Mr. Raila): I am about to finish.

Mr. Speaker: That prompting may very well have been useful just to get you to conclude.

The Prime Minister (Mr. Raila): Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, It is estimated that it will cost Kshs.2.7 billion to repair the urban roads-

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Mr. Ethuro: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, hon. Member for Turkana Central? Right hon. Prime Minister, you have to take another point of order.

Mr. Ethuro: Mr. Speaker, Sir, I would like the Right hon. Prime Minister not to take offence. We are just appreciating our Standing Orders. I know the Chair made a distinction between a Ministerial Statement by the Prime Minister and a Question to be answered by the Prime Minister.

Mr. Speaker, Sir, I appreciate the technology being employed by the Prime Minister, who is obviously a dot.com – he is using an iPad – but we are entitled to written copies of answers to Questions. So, in appreciating the technology, do we suspend that other requirement?

(Applause)

Mr. Speaker: What Standing Order are you looking at? Can you read it in *extenso*?

Mr. Ethuro: Thank you, Mr. Speaker, Sir. I rise to the challenge. In Standing Order No.42---

Mr. Speaker: I am there at Standing Order No.42.

Mr. Ethuro: Standing Order No.42(5):-

“(5) When the Speaker directs that a Question is in order, the Clerk shall as soon as possible forward the Question to the Minister to whom it is directed and the Minister shall, within five days of receipt of the Question, submit a written reply to the Clerk.”

Now, was the answer supplied to the Clerk, Mr. Speaker, Sir?

Mr. Speaker: Okay, leave it there! Right hon. Prime Minister, has your office supplied a written answer to the Clerk?

The Prime Minister (Mr. Raila): Yes, Mr. Speaker, Sir. The Standing Order talks about submitting a written reply to the office of the Clerk, and not to the hon. Member for Turkana Central.

(Applause)

Mr. Speaker: Proceed, Right hon. Prime Minister.

Order! Order! Member for Turkana Central, actually, the point is made; that is where we were going – to make you understand the import of that Standing Order.

Mr. Ethuro: Mr. Speaker, Sir---

Mr. Speaker: Order, hon. Member for Turkana Central! Order! Order!

(Dr. Nuh stood up in his place)

Order, hon. Member for Bura! Order!

Proceed, Right hon. Prime Minister.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, it is estimated---

Dr. Nuh: On a point of order, Mr. Speaker, Sir.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, the hon. Member for Turkana Central! I am not sure I want to allow that, but let us hazard it. Order! Hon. Member for Turkana Central, let me hear you.

Mr. Ethuro: Thank you, Mr. Speaker, Sir. It is really a matter of accuracy because I read Standing Order No.42 (5) in terms of the days. If you look at 42(9), it says:-

“(9) The Clerk shall avail copies of the reply under paragraph (8) and shall post such reply on the parliamentary website on the same day.”

(Applause)

Mr. Speaker: Order, hon. Member for Turkana Central! Just relax! Collect yourself and--

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Mr. Ethuro: I am relaxed, Mr. Speaker, Sir.

Mr. Speaker: Yes, collect yourself and read this properly, and you will find that you are not saying anything new!

Proceed, Right hon. Prime Minister.

Mr. Ethuro: Fifteen copies shall be required to appear in the House---

Mr. Speaker: Order! Order!

Proceed, Right hon. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I hope that the hon. Member for Turkana Central will compose himself next time he stands up on another point of order.

(Laughter)

Mr. Speaker: Proceed, Right hon. Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, It is estimated that it will cost Kshs2.7 billion to repair the urban roads damaged by the recent floods in Nairobi, Garissa, Machakos, Kitui, Meru, Tharaka, Embu, Mombasa, Kilifi, Bomet, Taita Taveta, Kericho, Nyandarua, Nakuru, Turkana, West Pokot, Baringo, Nandi, Kitale, Eldoret, Bungoma, Kimilili, Webuye, Busia, Vihiga, Mumias, Kakamega, Siaya, Kehancha, Migori, Homa Bay, Kisii, Kisumu, Kiambu, Limuru, Thika, Ruiru, Nanyuki, Nyeri, Karatina, Murang'a and Kerugoya Kutus.

I table a report by the Kenya Urban Roads Authority (KURA).

(Mr. Raila laid a report on the Table)

Mr. Speaker, with respect to rural roads, it is estimated that the damage caused by the current floods stand at Kshs.1.2 billion, while the cumulative damage from last year's floods to now stands at Kshs.8.2 billion. I again table a report by the Kenya Rural Roads Authority (KeRRA) on the rural roads damaged by the floods.

(Mr. Raila laid the report on the Table)

Mr. Speaker, Sir, the Government is vigorously implementing a national strategy for integrated flood management. The strategy includes policy, legislative and institutional reforms; reducing vulnerability of people to floods through improved livelihoods. Structural measures such as flood embankment, flood focusing and preparedness and flood mitigation and recovery measures are some of the elements of the strategy.

Mr. Speaker, Sir, let me end by reiterating the importance of sound environmental management of our natural resources, as the answer to the problem of floods. I wish to table here a copy of the Government Flood Mitigation Strategy.

(Mr. Raila laid the document on the Table)

Mr. Speaker, Sir, we must restore our forests, vigorously enforce the laws of urban planning and continuously improve on the design, construction and maintenance of our infrastructure to avert the crisis from floods.

Thank you, Mr. Speaker, Sir.

Mrs. Shebesh: Mr. Speaker, Sir, this is probably the fourth or fifth time that the Prime Minister is responding to the issue of floods and disasters caused by climate change. For how long will he answer Questions, where there are straight Ministers who can answer, on the disaster response issue which involves many Ministries? This is the fourth time that we have brought up the issue that needs to be taken to the line Ministry. After the answer that the Prime Minister has given, I am sure that the people of Nyakach might not be fully aware of what involves them. For how long will the Prime Minister deal with this issue rather than clearly the Government making a policy for it to be either under the Ministry of State for Special Programmes, Ministry of Water and Irrigation or Ministry of Agriculture, so that they can answer these Questions more directly?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, there are Questions which should actually be sent to specific Ministries. I gather that your office is the one that is charged with the responsibility of looking at the Questions and referring them directly to the Ministries concerned. This Question came to my office and it was only because it was felt that it was cross-cutting. This is because floods destroy roads and crops, and also displace people. So, that is the reason it was sent to my office. But, ideally, it should have been sent to the Ministry of State for Special Programmes which deals with issues like this.

Ms. Shakila Abdalla: Mr. Speaker, Sir, the Prime Minister has given a very long list of measures to be taken by the Government. Could he confirm to the House whether there are funds for those projects and if there are, when they will start and end?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I have stated the amounts that are required, for example, for dam construction and repair of roads. As we speak now, in the Ministry of Roads, about Kshs8.7 billion is required, yet we have only Kshs2.3 billion. The reason is that you cannot properly budget for floods. These are emergencies and you do not know how much damage is going to be caused by floods. So, you cannot really accurately plan or budget for it. So, we will make do with what we have right now in the Budget.

Mr. Outa: Mr. Speaker, Sir, I would like to ask the Prime Minister if there are some short-term measures for the areas that were affected by the flood menace, especially the greater Nyando, which includes Nyando Constituency, Nyakach Constituency and Muhoroni

Constituency. Year in, year out, these areas are affected and at the moment, most of our rural roads are impassable. Could the Prime Minister put in place some measures immediately, so that we can repair these rural roads?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member ought to appreciate that the works are not done by the Office of the Prime Minister. There are respective Ministries which are in charge of the implementation of these projects. As far as roads are concerned, the Ministry of Roads is there. As far as floods control is concerned, it will be dealt by the Ministry of Water and Irrigation. So, I am not in a position right now to give exactly the period within which these measures will be taken. But the point is noted and the relevant Ministry will be informed accordingly.

Mr. Njuguna: Mr. Speaker, Sir, arising from the Statement given by the Prime Minister, it is notable that the recently experienced floods and landslides destroyed tea, maize and banana plantations in various parts of this country. Lari was one of the areas that were affected. What is the Government doing to bail out the affected farmers from this predicament?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I have stated the measures that the Government is taking to deal with the floods. But I have also cautioned that our people should also help the Government to help them. The flooding that you are experiencing right now is as a result of bad land use. People who deliberately cut trees in the catchment are responsible for the kind of erosion that is taking place and the flooding that is the consequence of the erosion. The Government is working day and night in order to deal with the consequences of flooding. For those who have been displaced and the farmers whose crops have been destroyed by floods, these amounts will be quantified and the Government will try to assist them.

Mr. Hassan: Mr. Speaker, Sir, while I agree with the Prime Minister that it is difficult to be prepared to respond or deal with floods, I think in most countries better planning, preparedness and response activities mitigate the effects of floods. We have raised this issue a number of times and I was wondering whether there is any plan, as far as his office is concerned, to create the necessary institutions to be able to do that. Also, there are many countries which face floods, but their bridges are not destroyed as much as ours. Their roads are not washed away because they are better built. In our particular case, we give most of these jobs to cowboy contractors who do shoddy jobs and poor construction. What is the Government doing in order to ensure that in the next stage, when we are spending a lot of money to rebuild those roads and bridges, we will give them to the best contractors who will build them to the highest standards, so that we get real value for our money? Much of it is now corruption, incompetence and shoddy construction work.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member spoke as if he was an engineer, because he is telling us that there are countries which are also affected by floods and their bridges are not washed away and so on. I would want him to give an example. It really depends on the nature and type of flooding that you are talking about. For example, the other day, we saw in Pakistan a town turn into a complete lake. Even if you have the best drains, you cannot deal with that amount of water, because you cannot have planned for it. When we are constructing roads, we design drainage.

That drainage takes into account assumptions that in the event of a rainfall, we are expecting so much volume of water to come. That is what determines the diameter of the drainage to use or the culverts. The kind of flooding we are experiencing today is not something we would have planned for 20 years ago because at that time we did not have the effects of climate change which have come into effect as a result of the change of climate globally and also

as a result of bad land use. I do not see how the hon. Member is ignoring this. Yes, there are cowboy contractors.

Once upon a time, in my earlier incarnation, I was the Minister for Roads. I am the one who classified them as cowboy contracts and we deregistered them. We have created sanity in the construction industry. So, we now have contractors who are responsible. We have specifications which are used by our engineers in designing roads. There is enforcement which is the Ministry of Roads, and the Minister for Roads here will bear me witness, which ensures that those standards are followed. So, the hon. Member is talking about another era that we have passed. We are now in a completely different era and we want to ensure that our people get value for money when roads are being constructed.

Mr. Namwamba: Thank you, Mr. Speaker, Sir. The Rt. Hon. Prime Minister has correctly indicated that one of the biggest factors behind the flooding menace is poor land use. The Prime Minister has been at the forefront of gallantly fighting for conservation especially of our forest resources at considerable political risk because of rather myopic political posturing. Could the Prime Minister tell the House and assure the nation that his gallant efforts that have even won international acclaim are on track because they are critical?

(Applause)

Those gallant efforts are critical as part of the final lasting solution to this menace. Are those efforts, the Rt. Hon. Prime Minister, on track?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I stated in this House that I was prepared to put my political life on the line in order to ensure that the environment is protected in this country. At that time, a number of Members thought that I was targeting a particular group of people particularly some of my best supporters. Nothing could have been further from the truth. I was speaking in the interest of this country generally. I said and I want to repeat again that we must be prepared to protect our environment particularly our water towers.

This country has five water towers namely Mount Kenya, the Aberdares, the Cherangany, Mount Elgon and the Mau. Of the five, Mau is the biggest of them all. The efforts that we took in order to restore Mau have begun to yield fruits. People living around Mau today acknowledge that the rainfall has increased in the area. There has been natural regeneration of the areas where we ask people to move out from. So, the Mau Forest is reviving. We have also continued deliberate plantation of the Mau. If we work together and if all the Members came out strongly in support of conservation, we can change this country and improve the quality of lives for our people.

Thank you, Mr. Speaker, Sir.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: It is Question Time, the Member for Turkana Central.

Ask the last Question, the Member for Nyando!

Mr. Outa: Thank you, Mr. Speaker, Sir. Could the Prime Minister make sure that all those short-term and long-term measures are committed to make sure that there will be no flood menace in the area of Nyakach and other parts of the country?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, this is not a question of the Prime Minister making sure. This is a collective responsibility of all Kenyans. We estimate that for us to achieve 10 per cent forest cover which is what we need, we need to plant 7.6 billion trees.

Members also need to note that at the time of Independence of this country, the forest cover was 12 per cent. That was in 1963 when the indigenous people took over from *Wazungu*. Since that time, it has dwindled to under 2 per cent and to be exact, it is 1.7 per cent. Since we started these efforts, we have moved it to 1.9 per cent. In other words, we have added 0.2 per cent by our actions. However, we are still very far from the target of 10 per cent. That is why we want each and every Kenyan, Members of Parliament included, to participate in this effort of greening Kenya. Greening Kenya is not just about replanting but also going green in terms of energy. That is why we are now talking about kerosene free economy. That is why we move our people away from using kerosene lamps and using other lamps like solar lanterns. Here, we are also talking about other green energy sources like geothermal, bio-fuels, solar and wind. We also must make good use of our land. I am trying to appeal to the hon. Members here that they must be responsible. A Member must make sure that every year they plant, at least, five trees. This also includes each member of their family. So, if we begin with them, we will go somewhere. Then they should ensure that this is also propagated in the schools in their constituencies so that we use school children and students as the agents for change.

Change is a language that is used broadly and we must use it much more broadly. There should be change of behaviour in terms of the environment; change in terms of our politics so that we do not become very ethnic when we talk to our people; change by decreasing from use of violence and insolent language when we talk to our people so that we appear to be patriotic and change when we talk about political party leadership so that we embrace political parties which are national in outlook and character.

(Applause)

Thank you, Mr. Speaker, Sir.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. The Prime Minister has just indicated that good language would be used even in rallies. A few minutes ago, the prospective Minister for Local Government, Ababu Namwamba, talked about myopic political statements and the Prime Minister did not even correct him.

(Applause)

Now, he is posturing that he has good language. I am getting a little bit confused. I had forgiven him but now that he has revisited the issue, can he also admonish the prospecting Minister for Local Government?

Mr. Speaker: Order! That does not pass for a point of order. We all can see the point you are trying to make but you would do better than that. If I was in your shoes, I would prosecute that point of order very easily. So, maybe you want to see me in my Chambers and I will train you.

(Laughter)

Prime Minister, do not respond to that unless you want to be generous. Okay. That then brings us to the end of Orders No.6 and 7.

Next Order!

MINISTERIAL STATEMENTS

FREE PRIMARY EDUCATION AND FREE DAY SECONDARY FUNDS

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, yesterday, I undertook to make a Ministerial Statement on the Floor of this House upon the request of hon. Namwamba on the very pertinent issue of free primary education funds as well as free day secondary funds. As I speak at the moment, the Minister for Education, the Minister for Finance and officials of the Kenya National Union of Teachers (KNUT) as well as Kenya Union of Post Primary Education Teachers (KUPPET) are on a round table discussing the issue and I am very hopeful that this matter will be resolved in the next few hours. So, if I could be given more time up to tomorrow, then I could be able to furnish the House with the results of the current ongoing discussions.

Mr. Speaker: Assistant Minister, then we will take that Statement tomorrow afternoon at 2.30 p.m.

The Assistant Minister for Education (Mr. Mwatela): Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well. The Minister for Agriculture!

MAIZE INFECTION IN BOMET AND OTHER AREAS

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I would like to issue a Ministerial Statement on the disease which has affected maize especially in Bomet and the other areas.

Mr. Speaker, Sir, in September last year, an infection of maize was reported in parts of Bomet District by some farmers and our District Agricultural Officers (DAOs). The disease had not been reported in the area or any other part in the country before. The symptoms of the disease are manifested as a streak and withering. Subsequently, the disease was reported in Chepalungu, Narok North and Naivasha District. Immediately the disease was reported, Kenya Agricultural Research Institute (KARI) and Kenya Plant Health Inspectorate Services (KEPHIS) were on the scene within three days. The farmers in Bomet and Naivasha can confirm that to the hon. Member, Dr. Kones, who alleges that he has and I quote: "Seen lastly from the Government and particularly the Ministry."

Mr. Speaker, Sir, the scientists who went to the field brought in reports that the disease was new in this country and, therefore, they needed further assistance from other scientists to diagnose the disease. We sought further assistance from CABI, International Wheat and Maize Improvement Centre Summit and Egerton University. The sample materials collected by KARI and KEPHIS were subjected to laboratory analysis by several institutions both locally and abroad and results confirmed that the disease is caused by two viruses namely maize chlorotic virus and sugar cane mosaic virus in combination with a fungus. We found out the disease had been reported in China, US, Hawaii, Nebraska, Kansas State, Argentina and Mexico.

Now we are aware of the disease and how to deal with it. We are using our extension workers and the media to educate farmers on how to avoid it. I want to state that the disease is not related to real or imagined importation of genetically modified (GMO) seed maize. There has been no such importation and if you visit the farmers, they have kept the packets of the maize seed they used. The seed they use is exactly as last year and the year before and other years in the past.

Mr. Speaker, Sir, we are now aware of the problems the affected farmers are experiencing and we are seeking to mitigate these problems by ensuring that in the next planting season, they will receive subsidized seeds as well as fertilizer. In the meantime, we are involved in a programme to provide seeds for alternative crops such as beans, potatoes to break the cycle of the disease and also have some food before the regular maize planting season.

Mr. Speaker, Sir, as far as food security is concerned, we have mapped out the area affected by the disease and we are aware that approximately 261,000 bags of maize will be lost. The total expected maize harvest this year is going to be 35 million bags. So, if we put this in proper perspective, the loss will not unduly constrain our total harvest.

Thank you.

Dr. Kones: Mr. Speaker, Sir, I must say I have listened to the Ministerial Statement from the Assistant Minister but I am bit disappointed by it because he is not giving hope to the farmers of this country. When I sought for this Ministerial Statement last week, there was an attempt by the Minister to visit parts of Bomet and other areas and instead of giving hope to those farmers, the Minister actually dampened their spirits. This is because the farmers were expecting to be told what measures the Ministry was going to undertake, first, to compensate them for the losses and when the Government will supply subsidized or even free seeds and fertilizer to them so that they can be able to plant new ones. Rather than doing that, the Minister went ahead to tell the farmers that anytime you feel sick, the Government does not pay you. This is a food security situation. Could the Assistant Minister inform the House whether they are really addressing the food security situation in this country or you are worsening it?

Mr. Mungatana: Mr. Speaker, Sir, yesterday in the Budget Committee, we received a very worrying report from the Chairman of the Departmental Committee on Agriculture, Livestock and Co-operatives. He said that there is a possibility of actual biological warfare and actual sabotage in terms of finishing off crop production with the sole purpose of ensuring that some people or company benefits commercially. Could the Assistant Minister tell us whether they have launched investigations to clarify this claim? He told us that it is not only this country but also other countries are facing some kind of biological warfare. If this is so, what preparations has the Government done?

Mr. Speaker, Sir, there is the issue of the crop insurance. Like the hon. Member said, when there is anticipated massive crop failure, has the Government now considered insurance for crops for these farmers to protect them against this kind of thing?

Mr. Ethuro: Mr. Speaker, Sir, this afternoon, this House has been treated by the Prime Minister – and now the Assistant Minister for Agriculture – as if Kenyans are to blame for the role of the Government. You have heard the Assistant Minister say that farmers in Bomet and other affected areas are still planting the same seed that they planted last year and the years before. I am speaking with authority because I am a research scientist by profession. It means that the line Ministry, which is supposed to do extension work, is not doing its job. What are they doing to ensure that the disease resistant seed varieties that have been developed by Kenya Agricultural Research Institute (KARI) and other agricultural research organisations are being given an uptake by farmers?

Thank you, Mr. Speaker, Sir.

Mr. Pesa: Mr. Speaker, Sir, the Assistant Minister is advising Kenyans to carry out crop rotation as a cure for this disease. I would like him to give us the reports from KARI and Kenya Plant Health Inspectorate Services (KEPHIS) for us to see what the cause of this disease is.

According to KEPHIS, the disease is in the seed that we plant. So, can he give us the reports from the two organisations?

Thank you, Mr. Speaker, Sir.

Dr. Nuh: Mr. Speaker, Sir, hon. Mungatana has raised concerns in respect of which we all need to worry, but I have a different line of thought. Last year, when enough maize was harvest in this country, the Government made an allegation in this House that we were facing a shortage of food and maize, and that they wanted this House to approve the importation of millions of bags of maize. As a House, we turned down that request. Since we have denied them the right channels for the importation of maize, is this a scheme by the same Government to hoodwink Kenyans and arm-twist us into giving them a nod to import maize? Kenyan farmers will not be able to plant. They are now advising the same farmers to go for other crops, instead of planting maize; because it is this same maize that those in Government want to import.

Thank you, Mr. Speaker, Sir.

Mrs. Shebesh: Mr. Speaker, Sir, I am one of those Members of Parliament who have no problem with GMOs. I believe that KARI, which is under the Ministry of Agriculture, is an agricultural research institute. I believe that KARI must have been aware of this disease way back before it struck. If KARI is not aware, the Assistant Minister needs to tell us what the role of KARI is if a disease like sugarcane mosaic virus can suddenly invade our crops yet we have had KARI for years. The Kenya Agricultural Research Institute is probably one of the best agricultural research institutes in the continent. How can he expect us to believe him that they did not know about the disease or is it just politics, given that the people of Bomet produce the biggest amount of maize in this country?

Mr. Langat: Mr. Speaker, Sir, the Assistant Minister seems to be taking this matter very lightly. In fact, he has even said that in terms of general food production countrywide, the loss in Bomet and South Rift region is insignificant but the losses that will accrue will accrue to individual families. So, can he tell us the estimate of the total losses that have accrued to the families that have planted these seeds and what urgent action he is going to take, in terms of compensation, so that the individual families that are affected without their knowledge are compensated for the losses?

Mr. Speaker: Assistant Minister, give your responses because this matter must rest there.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I want to start with the clarification sought by the Member for Ainamoi.

The report is not yet complete. We still have our people in the field, trying to establish how many farmers and how many acres have been affected. They want to quantify the seeds that have been used. That exercise is in progress. So, until we gather that information, we are not in a position to say how many farmers have been affected. The findings of that exercise will be brought to this House.

Mr. Speaker, Sir, on hon. Shebesh's clarification about KARI, it is true that KARI is a research institution. The first farm reported the symptoms of this disease last year in Naivasha. Scientists from KARI went to the field and they have already come up with a seed that is resistant to the disease. The disease resistant seed has been planted amongst the seed that has been affected but the former has not been affected by anything. So, that is the seed we have earmarked for distribution to farmers as we go on.

Dr. Laboso: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Member for Sotik?

Dr. Laboso: Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House? He is clearly telling us that this is a seed-borne disease.

The Assistant Minister for Agriculture (Mr. Ndambuki):---(Off record)

Dr. Laboso: That is what you said---

Mr. Speaker: Order, hon. Laboso! Prosecute your point of order.

Dr. Laboso: Mr. Speaker, Sir, my point of order is that the Assistant Minister is misleading the House. He needs to tell us the truth – whether this disease is soil-borne or it is seed-borne.

Mr. Speaker: Order! Order! Hon. Laboso, maybe, you just need to relax and prosecute your point of order properly, so that it can pass the test. You ask: Is the Minister in order to mislead the House that – whatever, whatever – when in fact the scientific truth is---?“ and cite the authority.

(Laughter)

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, according to the information that we have been given by the scientists, this is neither a seed-borne nor a soil-borne disease. It is a virus that is affecting the maize crop. One of the diseases has been in this country since the 1930s. It is only that the virus has not been that strong. It has now been combined---

(Dr. Kones stood up in his place)

Mr. Speaker: Order, Member for Konoini! Assistant Minister, make your responses quickly, so that we close this matter.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I was saying that this is neither a seed-borne nor soil-borne disease. Researchers are still on it. So far, they have said that it is a virus.

Mr. Speaker, Sir, hon. Pesa has requested me to table the reports by KARI and KEPHIS. I will get the reports from KEPHIS and KARI and table them in this House for everybody to know that it is not---

Mr. Speaker: Order! Move to the next one.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, hon. Mungatana said that it could be sabotage. Up to now, we have not established the cause of the problem. We are still in the initial stage of the investigation. So, we should wait until we get the full report, which we will bring to this House for everybody to know the cause of the problem.

(Mr. Langat stood up in his place)

Mr. Speaker: What is it, Member for Ainamoi?

Mr. Langat: Mr. Speaker, Sir, the Assistant Minister is misleading the House. Initially, he told the House that KARI actually did some investigations last year and came up with a seed that is resistant to the disease. He is now telling the House that investigations are still going on, and that they do not know the cause of the disease. How do you develop a seed that is resistant to a disease if you do not know what is affecting the seed in the first place?

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, hon. Pesa asked for the reports from KEPHIS and KARI, and I said that I will bring those reports.

On hon. Mungatana's request for clarification, I was saying that we have not yet established whether there is sabotage or not but all avenues are being pursued to establish what is happening.

Mr. Speaker, Sir, another way of reducing the disease is embracing crop rotation. Farmers have been planting maize on the same farms year in, year out. They do not plant anything else. We are ready to provide farmers with seeds of other crops. We are ready to provide other types of crops. For example, in the area of Bomet they need potatoes and beans---

Dr. Kones: No!

Mr. Speaker: Order, Dr. Kones!

Mr. Ruto: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to continue misleading the House that we actually do not need the maize; and that we can use other crops and yet the same Ministry has requested for Kshs17 billion, even before they knew the crop would be destroyed, to import maize?

(Applause)

Why do they not then import potatoes or beans?

Hon. Members: Or onions!

Mr. Ruto: Mr. Speaker, Sir, is the Assistant Minister in order to mislead Kenyans that they do not require maize?

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I am sorry I have not said anything like that. I can only say we need to also practice crop rotation in what we are doing. It is not the Ministry of Agriculture which sought the Kshs17 billion. Go and check who did that. We still stand by our position that we are not ready to import any maize into this country until we buy all the maize from the farmers. Go and find out who asked for that money. It is not us.

Mr. Ethuro: Mr. Speaker, Sir, the good Assistant Minister is my friend and also my neighbour. In trying to respond to Mr. Ruto's point of order where he is supposed to be misleading the House, he has misled us even further by saying that the Ministry of Agriculture did not ask for the maize to be imported. The Permanent Secretary, Ministry of Agriculture sits in the Strategic Grain Reserve board. So, how does he divorce himself from such a committee?

(Applause)

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, the Permanent Secretary, Ministry of Agriculture is on record when he said that he never, and he did not know that. That is all.

Let us move on to crop insurance cover. The farmers can get crop insurance cover because there are some insurance firms which offer the cover to protect farmers' crops.

Hon. Members: Give an example!

Mr. Speaker: Order! Mr. Assistant Minister, just address the House. Answer the questions and issues raised.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, it is true. They can get insurance. Any farmer, including Members of Parliament who do farming, can get insurance cover to protect their crop.

Dr. Kones: On a point of order, Mr. Speaker, Sir. The Assistant Minister has avoided answering my questions. First, I had asked a question on compensation. I asked whether the Government has plans to compensate the farmers and secondly, when the Government will provide free seeds and fertilizer to the farmers.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I said---

(Mr. Ethuro stood up in his place)

Mr. Speaker: Order, the Member for Turkana Central! Let the Assistant Minister respond to that point of order first.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I said we are still taking stock of how many farmers have been affected.

Secondly, we will provide subsidized seeds and fertilizers to the affected farmers.

Mr. Ethuro: Mr. Speaker, Sir, I also wanted to remind the Assistant Minister that he had not responded to my clarification in terms of the role of extension service officers. In fact, I have a document here from the Ministry of Agriculture which tries to give an introduction to the disease burden. The concluding sentence on Part I of the introduction says:-

“Planting of young crops in close proximity to old crop harboring disease inoculum greatly enhanced disease spread.”

This is just making my point. If the extension service officers were doing their job, they would have advised the farmers not to do this.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, as I said when I was reading my Statement, we are working with our extension officers to teach our farmers what to do to avoid their crop being affected by the disease.

Mr. Mungatana: Mr. Speaker, Sir, there is a point the Assistant Minister is not getting to. The hon. Member for Konoin has asked whether the Government is planning to compensate the farmers and the Assistant Minister has told us they are taking stock of the affected farmers. However, he has not committed before this House whether he will compensate the farmers or not. He is not giving us a complete answer. Is the Assistant Minister in order to evade answering the Question?

Mr. Speaker: Mr. Assistant Minister, that is valid. Speak to that specifically.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I cannot say “Yes” or “No” until we know the number of farmers we need to compensate.

Mr. Lagat: On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that he is taking stock of the affected farmers and I do not know whether he is taking stock of the affected farmers in Bomet alone or in the entire country. This is because we are also affected by the same disease in Nandi. The Assistant Minister has also said that the farmers will be compensated. We know the planting season is from March to April and if farmers are compensated in July they cannot plant because it will be too late.

Mr. Speaker: Order, the Member for Emgwen! That will not pass for a point of order. However, I will make the exception. Treat it as a question. Mr. Assistant Minister, you may want to answer that.

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

Mr. Speaker: Let the Assistant Minister respond to the Member for Emgwen. You people have a lot of airtime! The Member for Emgwen does not get so much of it.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, it is true. We are taking stock of all the parts of this country which are affected. We have officers in every district who are trying to ascertain how many farmers are affected and the acreage involved. So, this is being done countrywide and not just in Bomet.

Mr. Ruto: One more!

Mr. Speaker: Order! How does the Member for Chepalungu decide which is one more or the other?

(Dr. Nuh stood up in his place)

What is it, the Member for Bura?

Dr. Nuh: Mr. Speaker, Sir, the Assistant Minister has not responded to my question. Although he has said that they are not aware of any biological warfare from companies, I made it clear to him that this Government was contemplating importing maize which we turned down as a House. Although he says that he will not allow maize to be imported to this country until they exhaust and buy all the maize in the country, they are already dissuading farmers from planting maize and telling them to plant tomatoes and beans and as a result, creating artificial shortage. So, is the Assistant Minister confirming to the House that there is a scheme in the Government - whether they are using the Ministry of Agriculture or extension officers, that is their business - to derail farmers from producing maize because they want to import maize? He has to be very clear.

Mr. Speaker: Order! That does not pass the test!

Mr. Ethuro: Mr. Speaker, Sir, Turkana County is food deficient. We rely on the goodwill of farmers of Bomet and all the other areas that are being affected for us to get that relief food. This includes Tana River. We are asking the Assistant Minister to compensate farmers who are affected because part of the recommendation is to ask the farmers to burn the remaining crop. If the crop was reported as per their record, and I am quoting from the Ministry of Agriculture--- If they said the disease was reported in Bomet District in September, 2011, is the Assistant Minister satisfied that by 6th June, 2012, he does not know how many farmers are affected?

An hon. Member: Shame! That is nine months down the line!

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, with this disease, you can only tell that the crop is affected when it is knee high. You cannot tell when it is below the knee.

I have said that the research institute went and took samples which we took overseas and we will come up with a disease resistant crop which will be distributed to the farmers.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. The Assistant Minister is still evading the question of compensation. He is already aware that farmers in South Rift, particularly Bomet are supposed to have harvested their crop now but they have harvested nothing. What are they feeding on? Is the Ministry issuing or giving them relief food, at least, 10 bags per family so that they can stay alive while they wait for the Ministry's seeds which he will distribute in September? Farmers in Bomet, Chepalungu and all the way to Trans Mara up to Kisii and Kuria are supposed to be harvesting maize right now but there is nothing at all and we do not know what the people are supposed to be eating. What will the Assistant Minister do?

Mr. Speaker: Order, Minister! You need not respond to that. He caught my eye on a point of order; he has asked you a question. At least we have given him airtime to speak to the people of Chepalungu and Bomet. The matter must rest there.

Next order!

BILLS

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

(The Minister for Lands on 15.5.2012)

(Resumption of Debate interrupted on 5.6.2012)

Mr. Speaker: Who was on the Floor? Member for Githunguri.

Mr. Baiya: Mr. Speaker, Sir, I wish to contribute to these various amendments. I am supporting some and proposing amendment and further amendment to some of the proposed amendments.

With regard to proposed amendment to the Magistrates Court Act--- It proposes to increase the pecuniary jurisdiction of the magistrate's court as scheduled. The highest Magistrate's Court, that is the Chief Magistrate's Court, to increase to Kshs10 million then Kshs8 million and so on all the way to Kshs2 million. These figures are being increased substantially from what they have been. It has been proposed that most of the disputes relating to claims be dealt with or will be dealt with in the magistrates' court. The only challenge we find in this regard is that the country is aware we are in the process of implementing judicial reforms. They have not fully been implemented. There is also the vetting of magistrates and so on. There is a danger, or risk, that if we increase these amounts too quickly some decisions may be made that will have repercussions. For this reason it might have been more prudent to increase the amounts, but at different figures; maybe from Kshs10 million to a figure like Kshs8 million. These are figures which can be reviewed time and again as experience demonstrates.

Mr. Speaker, Sir, the proposal has a dramatic increase in the figures and we know that the bigger the claim amount, the more intricate and complex the legal issues become. Therefore, they really require to be handled by very experienced judicial staff. That is the reason why we would propose that the Minister considers moderating the proposed increase.

With regard to the Advocates Act, Cap.16, there is a very drastic proposal to change the disciplinary committee into a disciplinary tribunal. I say this is a drastic amendment in the sense that previously, under the disciplinary committee system, it is the legal profession which has been exercising self regulation. When you bring in the disciplinary tribunal, it is an attempt to bring in a State controlled or State regulated tribunal, thereby undermining the legal profession's existing status of self regulation. It is not made apparent why this is being proposed. It is something that is not in the nature of a miscellaneous amendments Bill. It is a very substantive amendment that brings in a policy shift, and we should really not support it without justification.

Mr. Speaker, Sir, with regard to the witness protection Act, once again the amendment seeks to exempt the witness protection agency from the applicability of the State Corporations Act. The reason given is to ensure that it carries out its activities of agency covertly or not

openly, owing to the very nature of its work. However, the import of the State Corporations Act is to achieve accountability in terms of the resources made available to the witness protection agency, subjecting it to the normal regular audit procedure to account for the money used. There is therefore, a misconception by this attempt to use the cloak of covert operation of the witness protection programme to shield it from the responsibility for accountability. We see no justification why a State agency cannot be held to account for the resources made available to it, that is the taxpayers resources made available to it; this it can very well do without disclosing the confidential aspect of its operation. Therefore, we will be opposing this proposed amendment.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. Ethuro) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, there is also the Truth, Justice and Reconciliation Commission Act, which is sought to be amended. The import of the amendment is that it is sought to reduce the period of winding up of the TJRC from three months to 45 days. I am aware that other Members have contributed and said that this period should be reduced further to 30 days. However, it has not, again, been explained why it has become necessary to reduce this period. In the initial design of the TJRC we clearly specified, or gave the Commission, three months within which to conclude its work. This Commission has done a tremendous job under difficult circumstances. We know that it has even encountered differences among the Commissioners, and somehow as they come to conclusion they have found a way to reconcile themselves.

The purpose of this concluding part is not simply to write a report as if they were just compiling information and the final thing is simply to write down a report. It should be understood that the Commission is expected not only to compile a report but also come up with a reconciliation programme. It must make practical recommendations and recommend activities that will lead to actual reconciliation between communities. Its work in the preceding period before the report consisted also of designing methods and strategies for reconciliation. These three months will be utilized to ensure that they do a good job. To ask them to wind up within a limited period, which has been scaled down from what was initially three months, is unreasonable and it is like an attempt to invite this Commission to do a shoddy job after it has utilized substantial public resources. There is no justification for this. We would urge the House not to effect the amendment and let the statutory period of three months remain.

With regard to the National Cohesion and Integration Commission (NCIC) Act the amendment proposed seeks to give power of reappointment of the existing Commission. Once more, we have no explanation as to why this amendment is sought to be made. This amendment is once more an illustration of the old ways of doing things. Why do we want to reappoint the existing commissioners contrary to the spirit of the new Constitution; not even the spirit but the provisions of the current Constitution. Section 232 of the current Constitution requires that every constitutional commission and by extension any other Government commission, must conduct its recruitment or replacement competitively, openly, transparently but not to appoint or reappoint people just because they happen to be in office. The process of reappointment is also a process of re-evaluating the performance of those who have been in office and the window should not be closed because, it may be that they are replaced based on their performance. If this applies to all

other State commissions, the more reason it should apply to the National Cohesion and Integration Commission (NCIC). It is also important that this process incorporates the spirit of ensuring that these replacements are done timely and not to delay the process of reappointment and wait until when you want to be allowed to make reappointments at the last minute.

Mr. Temporary Deputy Speaker, Sir, with regard to the Vetting of Judges and Magistrates Act, the amendment proposes to delete Section 23(2). This Section sets timelines within which the process of vetting of judges and magistrates was to go on. Under the current Section, the period is one year. We are quite aware that the process of vetting judges and magistrates only started about two or three months ago after the process underwent certain challenges. It was challenged in court by people who felt that it ought not to have taken place. Having started for a period of two or three months, we are aware that they have now run out of time and it is imperative that their time be expanded. But, to seek to actually eliminate the timelines all together, we find it objectionable. We do not want to make this vetting an unlimited process. It would be counter-productive to the effective reform of the Judiciary.

We want to amend the timelines to ensure that the process of vetting judges and magistrates is done expeditiously so that the Judiciary has time to make use of the new vetted officers to discharge their mandate. However, if this process is prolonged indefinitely, it will have the impact of allowing a painful process to beset the institution of the Judiciary and expose it to prolonged uncertainty, and this should not be encouraged. We are, therefore, proposing that the Minister should consider dropping this proposed amendment. Instead, what is anticipated under the Act is that he should bring a Motion seeking for extension of time within which the Vetting of Judges and Magistrates Commission can complete its process. They can seek six months or, on the maximum, one year. If this Motion is brought, I am sure the Departmental Committee on Justice and Legal Affairs will gladly consider supporting it but to remove the timelines all together is completely unnecessary and against public interest.

Indeed, it was anticipated that the way they would proceed, especially to vetting of junior cadre of Judicial officers is that they would set themselves into separate panels and not doing the vetting as one Commission. Those were the considerations that led to the constituting of a commission of nine members and if they divide themselves into three or so panels, they will expedite the process and ensure that our Judiciary has well vetted judicial officers who meet the new constitutional criteria which require that they all undergo vetting before they can serve in the Judiciary.

The other amendment which I wish to talk about relates to the Elections Act with regard to the requirement for elections. There is an amendment here which seeks to change the eligibility for the documents that are required to be produced by a person before he/she can vote. It is now becoming very apparent that the use of the voter's card as a requirement for voting in addition to a national identity card, the driving licence or any other document issued by the Government such as the passport is not adding any value. It is, therefore, imperative that we consider deleting all together from voter requirement the production of a voter's card. This would make the process easier. Perhaps it will also reduce the budget of the IEBC which is becoming a big issue. We will, therefore, ask the Minister to redesign or review this proposed amendment to delete the use of the voter's card all together rather than to require that it be one of the requirements. If a voter is to be identified by a voter's card, in addition to a driving licence or passport, they ought to be adequate. Voter registration in that respect would simply become a process of confirming that as a voter you have been registered, you have an identity card and during the voting day those are the same documents you produce. It would make the voting

process faster especially now that the voters will be under an obligation to vote at once to elect so many office holders; from the President, Members of Parliament, the Senators and so forth.

Mr. Temporary Deputy Speaker, Sir, I would also wish to comment about the proposed amendments with regard to the Ethics and Anti-Corruption Commission (EACC). The amendment proposed by the Minister seeks to make one of the conditions of operation of the Commission; that it will have the headquarters of the Commission being in the Capital City and in addition, that the Commission ensures access to its services in other parts of the Republic. This provision is once again illustrative of an attempt to make our laws poorer than they have been. The Section as it was before only required the Commission to ensure that its services are accessed by all Kenyans in all parts of the country but here comes an amendment that purports to put a legislation that the headquarters of the Commission must be in Nairobi. I find no relevance for that requirement in law and one can foresee a situation where for one reason or another, the Commission may need to actually sit outside of Nairobi maybe in circumstances of disturbances or whatever nature. If you insist that its headquarters is in Nairobi, you are telling us that if they sit in another place like Mombasa, Nakuru or Kisumu, their decisions would be liable to challenge or possibly be annulled because they were not done from the City of Nairobi. That is not a reasonable requirement and we, therefore, ask the Minister to allow the section to remain the way it was before and not to incorporate it within our law because it does not make sense.

There are other amendments that we would wish to speak to specifically. I wish to stop there and seek to support, subject to those amendments that we have proposed being incorporated.

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to the Statute Law (Miscellaneous Amendments) Bill, 2012. I want to congratulate the Minister for coming up with these amendments and especially the amendments on vandalism which is in this document. It could not have come at a better time than this because we have been trying to bring a Bill dealing with vandalism since last year. Only yesterday, it came out in the newspapers, which I believe is still going to take some time. But this is a quick fix for the Vandalism Bill.

Mr. Temporary Deputy Speaker, Sir, in the last three years, and you know because you are a Member of our Committee, we have experienced a lot of problems with vandalization of transformers, fibre optics, metal and cutting of bridges. While this Bill will quickly deter vandalism of these items, it falls short of addressing the real vandalism which we have at hand. Yesterday, I spoke with the Minister about this Bill and we agreed that it goes very quickly to start deterring the vice while our main Bill is coming up in Parliament. First, it does not recognize vandalism as an economic crime. Secondly, it prescribes a fine of not exceeding Kshs10 million. This means that a fine of Kshs1,000 can still be imposed for stealing a transformer and we know how much a transformer costs in terms of buying it and also the inconveniences. Some of these transformers supply power to our hospitals which sustain the lives of Kenyans. I am not sure whether life imprisonment sentence prescribed by the Bill will stand the test of constitutionality. I am sure that if we give a minimum sentence of say, ten years, we will be within the Constitution.

The Bill also does not bring out clearly all the ingredients which make up the offence of vandalism, for example, hovering with intent to steal telecommunications or energy apparatus. Further, the Bill contains no mention of the end users of vandalism, namely; the scrap metal dealers who create demand for all these cables, wires, transformers and rail. This House will agree with me that once vandalism takes place, all the vandalized goods end up in the scrap

metal market. Indeed, it is the unregulated scrap metal industry which is fueling the demand for copper wires and transformers. So, we believe that 80 per cent of this problem could be reduced if we institute proper crime intervention. In a nutshell, we need to deal with scrap metal dealers and the only way to do this is to re-introduce the provisions of the Scrap Metal Act, Cap.503, that were removed by a similar Bill.

In conclusion, at the Committee Stage, on behalf of the Committee, I will be introducing amendments to this Bill to introduce stiffer penalties in both the Energy and the Communications Acts. This will introduce the offence of economic sabotage and recognize the act of vandalism. It will also introduce the new offence of stealing transformers or transformer oil which is also not captured in the present Bill.

With those remarks, I support the Bill. Thank you for giving me the time.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for this chance also to contribute to this very critical legislation. On the amendment to the Energy Act, I note that it has been difficult sometimes when the Kenya Power and Lighting Company (KPLC) personnel are supplying power in certain areas. Plot or land owners have refused to allow the power lines to pass through their farms. At times, this has been caused by the KPLC not giving compensation in good time. I wish to be heard saying that the attitude by the KPLC must be changed if, indeed, it wants land owners to comply with its request. It has been inactive and slow in that regard. The amendment proposes a life sentence for whoever will not be compliant. This is a very harsh sentence and I would suggest that a lighter sentence of 20 years would be appropriate to encourage people to allow power lines to pass through their land.

On the Kenya Information and Communication Act, I note that some people in this country have become millionaires overnight for engaging in vandalism of facilities owned by the KPLC. We have seen new transformers not taking more than a day. They are stolen. The people who encourage the small fish to vandalize these facilities are the big people. Therefore, it is important that the Vandalism Act is strengthened to deter the theft of transformers, copper wires and fibre optic cables. When cables are stolen, various sectors in the country are affected, for example, security, industries and even banks. Therefore, deterrent measures must be put in place as per the amendments. A fine of Kshs10 million would be encouraging and I would propose that these people being millionaires, the fine must be raised to even Kshs20 million. A life sentence for the same offence would be very severe and very harsh. This must be reviewed downwards. Maybe we need to think of putting people in for at least, five to ten years.

On the TJRC, we have witnessed unnecessary wrangles that have necessitated unnecessary stay of the Commission on a very important national assignment. On the appointment of Commissioners, we have patriots in this country, namely, people who have the country at heart. These are the people who must be appointed to such Commissions. We have even seen board room infightings. Spare money has been used unfairly by that Commission. Now that the Commission has not been able to conclude the assignment that it was given by the new Constitution, I would propose that being the first Commission, it must be given, at least, two months to complete its work. In future, those to be appointed must be people of impeccable character, so that they will be able to measure up to the requirements of Chapter Six of the Constitution.

Mr. Temporary Deputy Speaker, Sir, on the National Cohesion and Integration Commission, let me recognize the good work that it has done so far, led by Mr. Kibunjia. We have noted recently that the Commission has been addressing national interest, desires and concerns of Kenyans. That Commission has, to some extent, even given warnings on lack of

harmonization in public and private sectors concerning the employment imbalance in Government offices. That is an area that the Executive and private sector must try to address. That is because if ills are pointed out by a very credible organization like that one and no action is taken, that is killing the spirit of this Commission. Therefore, I would like to recommend that, that Commission should enjoy a new term.

Mr. Temporary Deputy Speaker, Sir, on the political Parties Act, it has taken long to appoint a substantive Registrar of Political Parties. However, the current Acting Registrar has given good service. But it is important that His Excellency the President, in consultation with the Prime Minister, should appoint the Registrar and Assistant Registrar so that the entire Political Parties Act is implemented to the letter.

Mr. Temporary Deputy Speaker, Sir, concerning the vetting of judges and magistrates, the panel led by Sharad Rao has done a commendable job. It is important that they are given more time - probably one year - to complete the remaining process in order to clean the judiciary system. We have seen the good work that has been done by weeding out the bad eggs in the Judiciary. That way, the lost confidence will be reclaimed and gained and the pending number of cases in our Judiciary will be addressed. We have seen some people who have filed cases dying even before the cases are heard. This is the time for Kenyans to enjoy the new spirit of the new Constitution by having their cases heard and determined within the shortest time possible.

With those few remarks, I fully support the Bill.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members. In the absence of the Government Responder, I will go ahead and put the Question.

(Question put and agreed to)

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

Second Reading

THE LEGAL EDUCATION BILL

(The Minister for Justice, National Cohesion and Constitutional Affairs on 30.06.2012?)

(Resumption of Debate interrupted on 30.05.2012)

The Temporary Deputy Speaker (Mr. Ethuro): Who was on the Floor? He was moving the Bill. I do not see the Minister here. Let us go to the next Order!

(Bill deferred)

MOTION

ADOPTION OF REPORT ON ACCOUNTS OF
LOCAL AUTHORITIES, UDD AND CDF

Mr. Mwadeghu: Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, this House adopts the First Report of the Local Authorities and Funds Accounts Committee on the accounts of local authorities, countrywide projects done by the Urban Development Department (UDD) of the Ministry of Local Government and the accounts for the CDF for the 2006/2007 and 2007/2008 financial years laid on the Table of the House on Thursday 14th October, 2010.

Mr. Temporary Deputy Speaker, Sir, the Committee commenced its Sittings on 24th June, 2009 and 63 sittings were held during the period ending October, 2010. The Sittings comprised the following activities:-

- (a) Induction workshop.
- (b) Evidence taking.
- (c) Inspection tours.
- (d) Stakeholders consultative fora.

Mr. Temporary Deputy Speaker, Sir, the Committee was expected to examine the accounts of the entire 175 local authorities from 2003/2004 Financial Year, the period when the Public Audit Act took effect, together with the accounts of other devolved funds such as the Constituency Development Fund (CDF), the Youth Enterprise Development Fund and the Women Development Fund, among others. However, most of the accounts of the councils and the funds had not been laid before the House and, therefore, were not ready to be examined at the time.

Currently, accounts up to the year 2010/2011 Financial Year have been tabled in the House for examination and our Committee's review.

Mr. Temporary Deputy Speaker, Sir, the Committee took evidence from the following during that period:-

(a) The Urban Development Department (UDD) of the Ministry of Local Government. The Committee held extensive deliberations and took comprehensive evidence from the UDD of the Ministry of Local Government responsible for multiple, huge and questionable projects done across the country. The Committee identified the projects during each inspection tours, which were funded and managed by the UDD.

(b) The Constituency Development Fund (CDF). The Committee also examined the accounts of the CDF for the 2006/2007 and 2007/2008 financial years. Specific recommendations are noted in the particular paragraphs in that section of the Report.

(c) Various Councils. During the Sittings of the Committee, the chief officers of the major councils; that is, from the City Councils of Nairobi and Mombasa, Kisumu Municipal Council, Nakuru Municipal Council, Thika Municipal Council, Eldoret Municipal Council and Narok County Council appeared to give evidence. However, the Committee was only able to examine to conclusion the accounts of Nakuru Municipal Council for the year 2004/2005 and 2005/2006, respectively. The chief officers of the various councils who appeared before the Committee did not adequately respond to financial and management queries raised either by the Committee or in the Auditor-General's Report. Since this was the first time for the accounts of local authorities to be examined, the Committee noted with concern the following issues, among others:-

- (a) Lack of certified accounts for several councils.
- (b) Production of accounts without books of accounts.
- (c) Presentation of un-signed accounts to the Controller and Auditor General.

(d) Quality of responses to audit queries was wanting.

(e) Chief officers brought responses to management letters instead of responses to certified annual accounts.

(f) The level of un-preparedness of chief officers. Chief officers appeared unaware of the expectations from the Committee and how to respond to queries. All the witnesses were subjected to thorough interrogation by members of the Committee who analyzed both oral and written submissions critically. Only in a few cases were witnesses able to give the required information.

QUORUM

Mr. Njuguna: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise under Standing Order No.28---

The Temporary Deputy Speaker (Mr. Ethuro): Order! Who has given you the Floor? Now you may try.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I rise under Standing Order No.28 to report that there is no quorum. The Report before us is very critical.

The Temporary Deputy Speaker (Mr. Ethuro): Okay, we will ascertain. There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! We have been unable to realize a quorum. The House stands adjourned until tomorrow, 8th June, 2012, at 2.30 p.m.

The House rose at 5.19 p.m.