

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 10th October, 2012

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker  
(Mr. Koech) in the Chair]*

### PRAYERS

### QUESTION BY PRIVATE NOTICE

DELAYED COMPENSATION TO MAJ-GEN  
RONALD Y. CHELAGAT

**Mr. Kigen:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney General aware that Maj. Gen. (Rtd) Ronald Yatich Chelagat was hit and seriously injured by vehicle Reg. No. GK A 268D on or about 16th December, 2004?

(b) Is he also aware that the victim is in urgent need of medical care which he cannot afford due to failure by the Government to pay him damages as awarded by the court on 11th May, 2009?

(c) When will he be paid his dues?

**The Temporary Deputy Speaker** (Mr. Koech): Is the Attorney-General not here? We will revisit that Question later on.

### ORAL ANSWERS TO QUESTIONS

*Question No.1788*

#### NON-UTILIZATION OF GOVERNMENT LAND IN BURA

**Dr. Nuh** asked the Minister for Water and Irrigation:-

(a) whether she is aware that 3000 acres of land in Bura prepared under the Economic Stimulus Programme have degenerated and also wasting away even after the Government spent enormous resources;

(b) whether she is further aware that the residents are in the process of acquiring the land unprocedurally in a bid to save the Government from losing money; and,

(c) why the Ministry has not facilitated the hand-over of the land to the public for optimal utilization even after repeated requests through letters and what

the Ministry intends to do to avert the crisis and to save any further loss of taxpayers' money.

I would like to inform the Chair that I do not have a copy of the written answer and as a result I cannot prosecute it.

**The Temporary Deputy Speaker** (Mr. Koech): In that case, do you want to prosecute the Question or you want it deferred?

**Dr. Nuh:** Mr. Temporary Deputy Speaker, Sir, it can come at the end of Question Time after I have looked at the copy of the written answer.

**The Temporary Deputy Speaker** (Mr. Koech): Minister, hand the response to him. We will come back to the Question later on.

*Question No.1664*

PARKING OF LORRIES ALONG  
SALGAA/JUA KALI TOWNS

**The Temporary Deputy Speaker** (Mr. Koech): We will come back to this Question later on.

*Question No.1660*

ILLEGAL EXPORT OF SCRAP METAL TO CHINA/INDIA

**The Temporary Deputy Speaker** (Mr. Koech): Is hon. Shakeel Shabbir not here? Just like the others, I will come back to this Question later on.

*Question No.1794*

UPGRADING OF ROADS IN WEST POKOT/TURKANA COUNTY

**The Temporary Deputy Speaker** (Mr. Koech): We will come back to that Question later on.

*Question No.1648*

CANCELLATION OF LICENCE FOR JATROPHA  
PILOT PROJECT IN KITANGALE RANCH

**Dr. Otichilo** asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware that NEMA granted Bedford Bio-fuels a licence for a 10,000 hectare Jatropha "pilot" project in Kitangale Ranch in Tana Delta;

(b) whether he is further aware that East African Wildlife Society objected to the grant and petitioned the Ministry to cancel the licence in view of the expected negative environmental consequences; and,

(c) whether the licence has been cancelled and if he could assure the House that the Government will not grant such licences in the area in future.

**The Temporary Deputy Speaker** (Mr. Koech): Is there anyone here from the Ministry of Environment and Mineral Resources? It seems as if both sides are not doing very well today. I will come back to that Question later on.

*Question No.1529*

IRREGULAR ALLOCATION OF LAND LR.NO.INOI/KIMONDO/139  
BY KIRINYAGA COUNTY COUNCIL

**Mr. Gitari** asked the Minister for Lands:-

- (a) whether he is aware that land LR. No. Inoi/Kimondo/139 was set aside by the Kirinyaga County Council for a pig breeding project;
- (b) under what circumstances the piece of land was transferred to the current owners, who have now subdivided it into six plots; and,
- (c) whether he could consider revoking the six titles and reverting the land to its intended use.

**The Temporary Deputy Speaker** (Mr. Koech): Is anyone here from the Ministry of Lands?

*(Mr. Rai walked into the Chamber)*

We shall be patient for two minutes as you settle and give you a chance to answer Question No.1529 on the Order Paper.

**The Assistant Minister for Lands** (Mr. Rai): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that LR. No. Inoi/Kimondo/139 was set aside by Kirinyaga County Council for a pig breeding project.

(b) The parcel of land which is subject to this Question was subdivided into six portions in 1996 by the registered owner, Caroline Njeri Kamau and the resultant portions transferred to various individuals.

(c) I cannot revoke the six titles and revert the land to the intended use because the same is subject to a court case No.85868788 of 2010 at the High Court of Kenya, Embu.

**Mr. Gitari:** Mr. Temporary Deputy Speaker, Sir, I am a bit scared and worried because this Question has appeared on the Order Paper for the last two weeks. I asked for more time so that I can serve the Assistant Minister with the green card for the said piece of land; which I did. On page two of the green card, it is clearly indicated that the said piece of land was set aside for piggery. Is the Assistant Minister in order, even after giving him the green card, to mislead this House that he is still not aware that, that piece of land was set aside for piggery?

*(Mr. Khang'ati crossed the Floor)*

**Mr. Chanzu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have seen Mr. Khang'ati crossing the Floor twice without bowing to the Chair. Is he in order?

**The Temporary Deputy Speaker** (Mr. Koech): Can you come again?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, you have seen Mr. Khang'ati crossing here, from that side coming this side and then crossing again to that side. He has crossed twice. Is he in order?

**The Temporary Deputy Speaker (Mr. Koech):** I did not notice that but if that is what happened, Mr. Khang'ati, as ruled by the Speaker, you are supposed to go up to the Bar before you cross the Floor. Please, do that.

*(Mr. Khang'ati went to the Bar, bowed and crossed the Floor)*

Assistant Minister, can you answer?

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, yes, it is true that the Questioner gave me the green card. But the green card says:-

“On 4<sup>th</sup> March 1960 this land did belong to Native Land Trust Board”. Then it was actually under the County Council of Kirinyaga. It is the County Council of Kirinyaga that transferred the land to Caroline Njeri Kamau on 7<sup>th</sup> October, 1996. Therefore, whatever is coming up is the subject of a court case and I am not in a position to comment on it. The fact is that when it was trust land, the same county council transferred the land to Caroline Njeri.

**The Temporary Deputy Speaker (Mr. Koech):** Mr. Assistant Minister, maybe, you may need to come clean and clear. Are you suggesting or indicating to the House that, that issue is in court?

**Mr. Rai:** Yes, Mr. Temporary Deputy Speaker, Sir. I even tabled the court proceedings. Again, he furnished me with a green card which I am holding at the moment. The card says that on 4<sup>th</sup> March, 1960, the land belonged to Kirinyaga County Council. It is the Kirinyaga County Council that transferred the land to Caroline Njeri who later on subdivided the piece of land into six portions. It became the subject of a court case because of the other emerging issues.

Therefore, I am not in a position to unravel the mystery surrounding how it was transferred to Caroline Njeri and, at the same time, set aside for the pig project.

**The Temporary Deputy Speaker (Mr. Koech):** Mr. Assistant Minister, now that you did not refuse to answer from the word go, you must be prepared for any further clarifications from Members.

**Mr. Kathuri:** Mr. Temporary Deputy Speaker, Sir, for the information of this House - and Mr. Gitari can bear me witness - the Kirinyaga Lands Office is a den of thieves. Could the Assistant Minister consider transferring all the staff members in the District Lands Office to any other corner of this country and, more so, be discliplined? That way, he would be able to investigate and unearth the problems that Mr. Gitari is talking about. But, of course, do not post them to Embu?

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Emilio Kathuri in order to suggest that other parts of Kenya like Bura can accept thieves, when he is asking the Assistant Minister to transfer officers who, in his own opinion, are not fit to hold office?

**The Temporary Deputy Speaker (Mr. Koech):** I think that is a very valid point of order. Did I hear you say, “transfer”?

**Mr. Kathuri:** Mr. Temporary Deputy Speaker, Sir, I am talking about “transfer” because some of them may be innocent. However, because you cannot separate the innocent and the guilty, it is only fair that they all get transferred. Those who are involved in criminal activities, of course, will be sorted out. My words may have been very strong but I would also wish to withdraw the word “thieves”.

I am sure that, that is the only remedy for the Kirinyaga Lands Office. They should be taken to far places so that it can act as a disciplinary measure.

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, that is a very serious allegation made against my officers. My attention has not been drawn to that kind of allegation. Unless he is prepared to go and make a statement with the police, I will actually pursue the matter. For him to come to this House and make allegations of that kind--- I am answering a Question here. The Question is: "Why is the land set aside for a pig project transferred and sub-divided?" The history of the land is that Parcel No.139 was registered in the name of the County Council of Kirinyaga on 4<sup>th</sup> March, 1960. Copy of the green card is attached here.

On 7<sup>th</sup> October, 1996, the same land was transferred by the Kirinyaga County Council to Caroline Njeri Kamau. The transfer was executed by the Commissioner of Lands on 8<sup>th</sup> November 1993. In the same year, Caroline Njeri subdivided the parcel of land into six portions and transferred them to different individuals. Copies of the green cards are attached. The subdivision and transfers to different individuals has resulted in court disputes vide Civil Suits Nos. 85, 86, 87 and 88 of 2010 at the High Court in Embu. The proceedings are here.

Mr. Temporary Deputy Speaker, Sir, unless you rule that we proceed with the matter as it is, I cannot divulge any further information since the matter is in court. The matter is in court because of the dispute. The land belonged to Kirinyaga County Council. But it is the same council that transferred the land to Njeri.

**Mr. Kigen:** Mr. Temporary Deputy Speaker, Sir, the kind of confusion that is being experienced in Kirinyaga is prevalent in quite a number of places. Could the Assistant Minister tell us exactly what he is going to do to avoid such kind of confusion coming up where one user has been allocated land only to end up with another beneficiary at the expense of the original user?

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, it is just a matter of somebody going to County Council of Kirinyaga to confirm what I am tabling here; the green card. It confirms ownership. From there, they will get to know how Kirinyaga County Council transferred the land to Caroline Njeri. From there, they will get to know how Caroline Njeri transferred the land to those six individuals. We can now separate the two issues of the pig farm project and the transfer to Caroline Njeri. If any other issues emerge, I am in a position to deal with them. However, as it is, it is just a question of confirming how the council transferred the land. My position is that it was transferred through the Commissioner of Lands with the request of Kirinyaga County Council. That is the information.

**The Temporary Deputy Speaker** (Mr. Koech): Last question by the Member for Kirinyaga Central.

**Mr. Gitari:** Mr. Temporary Deputy Speaker, Sir, as much as the Assistant Minister is saying the matter is in court, in part of the court summons that he tabled before the House, the County Council of Kirinyaga denied having transferred that piece of land. In his answer, he has kept on saying that the County Council of Kirinyaga transferred that piece of land to the person who later subdivided it. Could he confirm to this House whether he has made any efforts to liaise with the County Council of Kirinyaga to confirm the allegation?

**The Temporary Deputy Speaker** (Mr. Koech): Assistant Minister, can you confirm that?

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, to confirm what? The matter is in court. The transfer was done by Kirinyaga County Council and it is on the basis of that, that the matter is a subject of a court case. Yet, I have to answer here---

**The Temporary Deputy Speaker** (Mr. Koech): Assistant Minister, it was a very specific question from the hon. Member that Kirinyaga County Council has denied ever transferring--- The answer should be “yes” or “no”.

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, if Kirinyaga County Council has denied, it has done so in court. I have not seen the ruling of the court saying Kirinyaga has denied. Unless I am supplied with a copy of the ruling confirming that Kirinyaga has been exonerated on the question of the transfer, I cannot say much.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is refusing to answer the Question because of the rule of *sub judice*. If that is the case, Standing Order No.8 is very clear. It is upon him to table documents showing that the matter is active in court, and that discussing it in Parliament will prejudice the outcome of the case. Without such evidence, he cannot claim so.

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, I had previously tabled court proceedings. I am, again, going to table them.

**The Temporary Deputy Speaker** (Mr. Koech): Assistant Minister, had you previously tabled the proceedings?

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, I had tabled the proceedings and I am, again, tabling them.

**The Temporary Deputy Speaker** (Mr. Koech): Order, Assistant Minister! I asked you, on the outset, why you accepted to answer the Question.

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, I sought the indulgence of the Speaker to rule whether I should answer the Question or not, following my tabling of the court proceedings. The Question is actually on the Order Paper, and it has been asked. I have stated that the matter is in court. So, it is upon the Chair to rule whether I should answer the Question or not. I tabled the proceedings when this Question was asked the other day. That is why I did not answer it then. I have actually been waiting for a ruling from the Speaker on the matter.

**The Temporary Deputy Speaker** (Mr. Koech): Hon. Members, I have just been informed that this matter is actually *sub judice*. I was not aware before. So, let the matter rest there.

*(Question dropped)*

**The Temporary Deputy Speaker** (Mr. Koech): Next Question, Member for Wajir West.

*Question No.1768*

IMPLEMENTATION OF SESSIONAL  
PAPER NO.1 OF 1996

**Mr. Keynan** asked the Minister for Agriculture:-

(a) what measures the Ministry has taken towards introduction of farming in arid and semi-arid areas in North Eastern Province and other pastoral areas as recommended in Sessional Paper No.1 of 1969; and,

(b) why the people of North Eastern Province and other arid areas suffer from recurrent famine yet there are several seasonal and permanent sources of water for irrigation.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has undertaken numerous measures to upscale farming in arid and semi-arid areas in the North Eastern Province and other pastoral areas. Those measures include distribution of 34 metric tonnes of free assorted high value traditional crop seeds, valued at Kshs4.69 million, to 1,038 farmers during the long rains season for establishment of 833 hectares of crop; excavation of 48 water pans capable of harvesting a total of 550 million cubic metres of water at a cost of Kshs166 million, for domestic and livestock use and limited cropping in various districts within the North Eastern Province. I have given the hon. Member a list of the water pans.

*[The Temporary Deputy Speaker  
(Mr. Koech) left the Chair]*

*[The Temporary Deputy Speaker  
(Dr. Laboso) took the Chair]*

Madam Temporary Deputy Speaker, other measures include support in construction of permanent water canals and supply of water pumps and engines for irrigated agriculture in Garissa and Mandera counties; improved extension services through various agricultural projects and programmes in all the districts within North Eastern Province; and introduction of conservation agriculture in areas where the climatic conditions permit it.

(b) The people of North Eastern Province and other similar areas suffer from recurrent famine because there is frequent drought and lack of adequate irrigation for crop production, while there are a few rivers in the region. The irrigation potential has not been exploited due to lack of capital for infrastructure development.

Thank you.

**Mr. Keynan:** Madam Temporary Deputy Speaker, as much as I appreciate what the Ministry has done, this is the same answer that has been given by all the successive regimes of the Government of the Republic of Kenya; right from the colonial times to the times the late President Jomo Kenyatta, retired President Moi and, currently, the regime of President Kibaki and Prime Minister Raila Odinga. The Government has all along been giving the same answer to the people of North Eastern Province yet the land mass of that region accounts for more than 30 per cent of the total land mass of the Republic of Kenya.

That area is endowed with a lot of underground water. What policies has the Ministry put in place to ensure that people in those areas enjoy food security and get away from the culture of depending on relief food supplies by the Government of Kenya? The Assistant Minister talked about Kshs4.69 million. I am sure that this is less than the amount of money he uses in his office as petty cash. He has talked about Kshs166 million for the last forty-something years for irrigation for the whole region. The list he has provided contains projects which had been donated by donor agencies. What measures has the Government of Kenya put in place to enable those people have their own food?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, while appreciating what the hon. Member has said, I would like to clarify that this is the portion for agriculture alone. The Ministry of Agriculture has really done a lot. Even though these projects were donated by development agencies, it was done through the Ministry of Agriculture. This year alone---

**The Temporary Deputy Speaker** (Dr. Laboso): Assistant Minister, there is an intervention from hon. Sofia Abdi.

**Mrs. Noor:** Madam Temporary Deputy Speaker, I have personally negotiated for some of the projects contained on the Assistant Minister's list.

**The Temporary Deputy Speaker** (Dr. Laboso): Are you on a point of order, hon. Sofia Abdi?

**Mrs. Noor:** Yes, I am building my case, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to allude that all these projects were negotiated by the Ministry when I know very well that some of them are projects I personally negotiated with donors? It is through such personal effort that some of the projects have been implemented. Is he, therefore, in order to mislead the House?

**The Temporary Deputy Speaker** (Dr. Laboso): Minister, are you misleading the House?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, I am not misleading the House. I said that some of the projects have been funded by donors, who go through the Ministry. The Ministry has also done a lot. I remember that we had an irrigation system in place, but it was uprooted and taken away, together with the pumps. What I am trying to say is that the Ministry has not forgotten the people of North Eastern Province. Between 2008 and this year, the Ministry has put about Kshs260 million in North Eastern Province.

So, when the hon. Member says that the Ministry has not done anything in the North Eastern Province, it is not true. We have done a lot. We only need the co-operation of the people from that area. For example, we send seeds, but they are never picked up by farmers. They rot in stores. As we speak, some seeds are still lying in stores in that area. The climate in North Eastern Province is similar to that of Makueni District. I am, therefore, requesting hon. Members from those areas to educate their electorate.

**The Temporary Deputy Speaker** (Dr. Laboso): Yes, hon. Mututho.

**Mr. Mututho:** Madam Temporary Deputy Speaker, Sir, the Lorian Swamps in Wajir harbour enough water which can be consumed by Nairobi City for up to 70 years. This is underground water that is clean and fresh. If these swamps are open to irrigation they could open up about five million acres or thereabout. Does this Ministry have any plans at all to open up Lorian Swamps for irrigated agriculture and to sort out this food insecurity problem?

**The Temporary Deputy Speaker** (Dr. Laboso): Mr. Ndambuki, please try to be brief because we have a lot of business today.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, the Ministry is working on that. The District Officer (DO) and the local extension officers are working and will come up with a programme and we are going to open up that area.

**Mr. Duale:** Madam Temporary Deputy Speaker, I seek your indulgence. This is a very serious matter. Dujis Constituency alone covers 22,000 hectares of irrigation land in North Eastern Province. What this Assistant Minister has provided, and I want to read it out to the House--- The Question by Mr. Keynan is very specific; what has the Kenya Government, specifically the Ministry of Agriculture, done to improve agriculture? This Assistant Minister is misleading the House. He has provided what donors have given to the people of North Eastern in terms of exploiting agricultural potential. I want the nation to hear what this Assistant Minister has given us. He has given us what Care International has provided. He is giving this House what United States Agency for International Development (USAID), arid lands bodies and other private sector players have provided. That is not what we want. We want what the Government



has done since Independence. This is the Government led by President Kibaki, Prime Minister Raila Odinga, Minister Sally Kosgey and you, as her deputy. What have you given to the people of northern Kenya.

I want to say the document that the Assistant Minister has tabled is a fabrication and he is trying to use the donor funding portfolio as if it was from the Treasury. Could he give what the Ministry of Agriculture has done?

**Mr. C. Kilonzo:** On a point of information, Madam Temporary Deputy Speaker. I want to inform the hon. Member, and for that matter this House, that they should not expect anything from the Ministry of Agriculture. First, they have killed the cotton industry. The Assistant Minister is aware of what they have done to the cotton industry. Secondly, where we have canals as in my constituency, we only get support from the Ministry of Water and Irrigation and not the Ministry of Agriculture. Finally, who revived Bura Irrigation Scheme? It is the Ministry of Water and Irrigation and not the Ministry of Agriculture. So, do not expect anything from the Ministry of Agriculture. Their interest is not to do anything in this country.

**The Temporary Deputy Speaker (Dr. Laboso):** Mr. Ndambuki, can you defend yourself? Is your Ministry giving absolutely nothing?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, Sir, I do not agree with Mr. C. Kilonzo that we have killed the cotton industry. That is not true. It is only that the production was high and the Government provided the environment for the crop to be produced. The farmers were supposed to organize themselves and sell the crop. The Government has nowhere to take the cotton. He is really misleading the House.

**The Temporary Deputy Speaker (Dr. Laboso):** Mr. Ndambuki, please address yourself to Mr. Duale's question. Let us avoid these diversionary questions.

**Mr. Ndambuki:** Regarding Mr. Duale's question, it is true that some of what I have given was done by donors who were co-ordinated by the Ministry of Agriculture and we cannot duplicate work.

**Mr. Kigen:** On a point of order, Madam Temporary Deputy Speaker. The Minister has been asked specifically to tell this House what the Government has given to North Eastern Province in terms of crop production, but he continues to go round and round telling us about the same thing. Is he in order to mislead us and avoid the question?

**The Temporary Deputy Speaker (Dr. Laboso):** Mr. Ndambuki, do you have a specific answer about what the Government or the Ministry of Agriculture has done for North Eastern Province?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, I have a list of water pans which the Ministry of Agriculture has done. I have tabled that list. I have also tabled a list of canals which have been done by the Government and also donors. I have tabled that and the hon. Member has a copy of what I have tabled.

**Ms. Karua:** Madam Temporary Deputy Speaker, I think the Assistant Minister has to come clean and tell the country and Parliament that for the whole of North Eastern Province and majority of the Arid and Semi-Arid Lands (ASALs) the Government of Kenya has not budgeted any money whatsoever since Independence, and that those areas have been left to development partners. They have completely been excluded from the Budget in matters of agriculture and in the matter of expansion of irrigation!

**Mr. Duale:** On a point of order, Madam Temporary deputy Speaker. It is only this House and us who can save the people of northern Kenya. Yesterday, when the substantive Chair was here, the Minister for Roads said that the people of northern Kenya do not deserve roads. The

water pans that the Assistant Minister is talking about have been done by the National Agriculture and Livestock Extension Programme (NALEP), the Swedish Government programme for northern Kenya. This Assistant Minister is still misleading the House. Even the 48 water pans, which are in my constituency, have not been done by his Ministry. I am sure the Swedish Embassy is watching the proceedings of this House. This Assistant Minister is misleading this nation and we cannot allow that to happen under the new Constitution.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, if a donor goes to do something in North Eastern Province, the Ministry cannot also go and put up a similar thing because that would be duplication. I agree that from Independence up to sometime in the past, the province had been left behind and we need to look for a way of doing something there, but we cannot sort it out here now. I am only giving you what the Ministry of Agriculture has done and it works with donors. The donors give the money through the Ministry and we cannot just duplicate projects.

**Mrs. Noor:** Madam Temporary Deputy Speaker, what the Assistant Minister was asked is specific. He was asked, under the recommendation of Sessional Paper No.1 of 1969, what the Government has done. We are not talking about donors. Donors came because there was a gap. Leaders from that region sat with the donors and did it. I am saying that as a person from a Non-Governmental Organization (NGO) I negotiated for some of the projects. It was not the Ministry of Agriculture. So, we are asking the Assistant Minister to inform the House what the Government has done as a result of Sessional Paper No.1 of 1969 through the national Budget of Kenya.

**The Temporary Deputy Speaker (Dr. Laboso):** Hon. Members, all questions are revolving around the same thing; you are just putting it in different words. Mr. Ndambuki, is there anything the Government of Kenya, through the Ministry of Agriculture, has done in North Eastern Province?

If you do not have that answer now, we can defer this Question so that you bring us a comprehensive answer on exactly what the Government has done. So far from what the hon. Members are saying, all the projects that you have mentioned are by development partners and not the Ministry of Agriculture.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, that is not really correct. Not all projects were done by our partners. Some were but when we are dealing with development partners they channel their funds to the parent Ministry. Once they channel them to the parent Ministry, work is done. We all agree that the areas have been marginalized; but it is now time to look for ways of doing something. The Government has done its work and I have laid on the table what we have done and what we are going to continue doing.

**The Temporary Deputy Speaker (Dr. Laboso):** Mr. Ndambuki, owing to the level of interest by hon. Members, I want to defer this Question to Tuesday. Let us please have a specific list indicating very clearly what is from the Government of Kenya and what is from the donors. We should move on. We cannot deal with one question for this long. We have other business. Since it is deferred, you can hold on to your questions until when he brings the comprehensive answer.

Last Question, Mr. Keynan, has been deferred and you will have another opportunity.

**Mr. Keynan:** Thank you, Madam Temporary Deputy Speaker. I do not want to contradict what you are saying neither anticipate debate.

Madam Temporary Deputy Speaker, right now, we are seeing the signs of the rains in northern Kenya. I am familiar with the calendar of this House. Could I plead with the Chair that this Question be answered tomorrow because it is relevant to the people of Kenya?

Secondly, Madam Temporary Deputy Speaker, from what the Assistant Minister has said, it seems as if he has not contextualized what the Question entails. I want him to appreciate and understand my Question. It says:-

“What measures has the Ministry taken towards introduction of farming in arid and semi-arid areas in North Eastern Province and other pastoral areas as recommended in Sessional Paper No.1 of 1969?”

The first thing he ought to do is to familiarize himself with the contents of Sessional Paper No.1 of 1969. Once he is through with that, then he will know ---

**The Temporary Deputy Speaker** (Dr. Laboso): Order! Mr. Keynan, do not guide him!

**Mr. Keynan:** Madam Temporary Deputy Speaker, I just want to assist him to answer the Question.

**The Temporary Deputy Speaker** (Dr. Laboso): Order, hon. Member!

**Mr. Keynan:** Once he is familiar with the Sessional Paper No.1 of 1969, he needs now to understand it. How has that been utilized as far as the people of northern Kenya are concerned on irrigation?

Thirdly, Madam Temporary Deputy Speaker, he needs to educate---

**The Temporary Deputy Speaker** (Dr. Laboso): Thank you, hon. Keynan. We must move on! I think you can go and give him the ideas on a one-to-one basis---

**Mr. Keynan:** Madam Temporary Deputy Speaker, I am voluntarily---

**The Temporary Deputy Speaker** (Dr. Laboso): Order, hon. Member! On a one-to-one basis, just approach the Assistant Minister and you can give him the advice.

**Mr. Keynan:** Madam Temporary Deputy Speaker, finally, I am pleading with the Chair that this Question, because it is seriousness, it be answered tomorrow afternoon.

**The Temporary Deputy Speaker** (Dr. Laboso): Assistant Minister, we had already ruled that this Question be answered on Tuesday, next week. But would you be ready to answer it tomorrow afternoon---

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, let me answer it on Tuesday, next week.

**The Temporary Deputy Speaker** (Dr. Laboso): Okay, hon. Members. So, we will leave it for Tuesday, next week. He has appealed so that he can give us a comprehensive answer. Hon. Keynan, allow it to be answered on Tuesday, next week.

Next Question by hon. Harun Mwau.

*(Mr. C. Kilonzo stood up in his place)*

**The Temporary Deputy Speaker** (Dr. Laboso): Are you asking the Question on behalf of hon. Mwau?

**Mr. C. Kilonzo:** Yes, Madam Temporary Deputy Speaker. I do have permission to ask it on behalf of Mwau.

*Question No.1764*

GRANTING OF REFUGEE STATUS TO MR. PETER G. ODHIAMBO BY US

**Mr. C. Kilonzo**, on behalf of **Mr. Mwau**, asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) whether he could confirm that the Kenya National Commission on Human Rights (KNCHR) received a complaint from Mr. Peter George Odhiambo in 2006, and if so, provide a copy of the complaint and the investigation report;

(b) whether he could also confirm that after the investigation of the complaint, the KNCHR sought, facilitated, and assisted Mr. Peter George Odhiambo's protection under the US Law as a refugee and if so, he could provide all copies of correspondence from the KNCHR to the US Embassy and replies, if any; and,

(c) whether the Criminal Investigation Department or the Banking Fraud Investigations Department investigated Mr. Odhiambo at any time following requests by the United States Embassy in Nairobi and/or Barclays Bank of Kenya Ltd and, if so, whether he could provide full details and the circumstances under which the investigations arose, including copies of statements therein and charge sheets, if any.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Madam Temporary Deputy Speaker, I beg to reply.

**The Temporary Deputy Speaker** (Dr. Laboso): Order, Assistant Minister! You are answering from the wrong position. You must do so, either from the Dispatch Box or the First Row.

*(Mr. Cheptumo moved to the Front Bench)*

**Mr. C. Kilonzo**: On a point of order, Madam Temporary Deputy Speaker, Sir. I do not have a copy of the written reply. I plead with the Assistant Minister if he has an extra copy to furnish me with it, so that I can go through it. If he does not have an extra copy, maybe you should go through the other Questions and then we come back to this one later.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Madam Temporary Deputy Speaker, I have a written answer.

**The Temporary Deputy Speaker** (Dr. Laboso): Apparently the hon. Member has not been furnished with the written answer.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Madam Temporary Deputy Speaker, I can give him a copy.

**The Temporary Deputy Speaker** (Dr. Laboso): Okay, maybe if you can have somebody to get a copy for the hon. Member. Hon. C. Kilonzo, are you willing to allow him to continue while a copy is being made for you?

Proceed, Mr. Assistant Minister.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Madam Temporary Deputy Speaker, I beg to reply.

(a) The Kenya National Commission on Human Rights (KNCHR) did not receive a complaint from Mr. Peter George Odhiambo in 2006. There is, therefore, no copy of a complaint or an investigation report to be tabled.

(b) As there was no complaint received and no investigation undertaken, the KNCHR did not assist or facilitate Mr. Peter George Odhiambo's protection under the US Law as a refugee. In the same vein, there was no correspondence between the KNCHR and the US Embassy with regard to this.

(c) On the basis of the foregoing, the KNCHR is not aware of any investigations by the Criminal Investigation Department or the Banking Fraud Investigations Department against Mr. Odhiambo as may have been requested by the United States Embassy or Barclays Bank of Kenya Ltd. KNCHR does not, therefore, have details of these alleged investigations to provide and neither does it have copies of charge sheets and statements to produce.

Thank you, Madam Temporary Deputy Speaker.

**Mr. C. Kilonzo:** Madam Temporary Deputy Speaker, I think the answer is very clear and I do not have any further questions to the Assistant Minister.

**The Temporary Deputy Speaker** (Dr. Laboso): He is satisfied with the answer. Therefore, we move on to the next Question by hon. Olago.

*Question No.1581*

DELAY IN PAINTING VEHICLES WITH ADMINISTRATION POLICE COLOURS

**Mr. Olago** asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he could confirm that the Government has imported 240 motor vehicles for the Kenya Police which have already been painted with Kenya Police colours and another 99 vehicles for the Administration Police (AP) which the Government has declined to paint with Administration Police colours; and,

(b) why the Government has declined to paint the 99 vehicles with Administration Police colours and whether the vehicles will be used for Administration Police work and not be used for partisan political activities.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Khang'ati): Madam Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the Government has imported 240 motor vehicles for the Kenya Police and 99 vehicles for the Administration Police, respectively. What I am, however, aware of is that Kenya Police Service raised orders with various dealers to supply the department with 267 motor vehicles and 200 motorcycles, some marked while others not marked with Kenya Police colours, depending on the operational requirements. I am also aware that the Government, on behalf of the Administration Police service, has locally procured 19 vehicles from last year's financial allocation.

(b) I am not aware that the Government has declined to paint Administration Police vehicles with the service colours. Indeed, I wish to emphasize that all vehicles procured by the Government will be used for the intended purpose and none will be diverted to political activities.

Thank you, Madam Temporary Deputy Speaker, Sir.

**Mr. Olago:** Madam Temporary Deputy Speaker, last week, I asked a Question about Administration Police recruits who went to the Kenya Police Training College (KPTC), but were

asked to go home shortly before graduation. I did say to this House that the intention was to have a private militia trained in the art of war to be used during election time. In this case, there are motor vehicles imported by the Government. I did tell the House that some of them have not been painted with the colours of either the Kenya Police or Administration Police. What the Assistant Minister is saying is that the ones which are not painted with police colours are to be used for operational purposes. What are these purposes that he is saying they are going to be used for?

**Mr. Khang'ati:** I think, Madam Temporary Deputy Speaker, we dealt with the issue of Administration Police recruits last week. I believe it was satisfactorily dealt with. I do not see where the connection of the Administration Police recruits and the vehicles is. I have already indicated to the hon. Member that no vehicles are intended for any other purpose other than the official purpose. In fact, if the Minister was---

**The Temporary Deputy Speaker** (Dr. Laboso): Order, Assistant Minister! There is a point of order by Dr. Khalwale.

**Dr. Khalwale:** On a point of order, Madam Temporary Deputy Speaker. Is the Assistant Minister in order to mislead the House by pretending that there is no nexus between the 600 recruits of last week and the 49 unmarked motorcycles when we contended last week that these 600 youth were intended to be trained so as to be facilitated for clandestine activities? Now that facilitation has been demonstrated through these motorcycles, could you come clean?

**Mr. Khang'ati:** Madam Temporary Deputy Speaker, we dealt with the issue of recruits satisfactorily last year. The issue we are dealing with here is with regard to motor vehicles; in fact, not motorcycles. The Question is specific to motor vehicles to be used by Administration Police not even the general police. It is just indicated that the vehicles for the general police have been procured and they are all painted with the colours of the Kenya Police.

I have said here and I repeat that the motor vehicles I am aware of are only 19 which were procured last year and which have been put to proper use.

**Mr. Koech:** Madam Temporary Deputy Speaker, we are headed towards a general election where already we have seen some insecurity in certain parts of this country. Could the Assistant Minister confirm to this House the exact number of vehicles he is expecting to receive and by when, to be sure that they shall be distributed all over the country and evenly?

**Mr. Khang'ati:** Madam Temporary Deputy Speaker, the question which Mr. Koech has raised is very important. As a Government, we are aware of one fact that the security agencies in this country lack vehicles. That is one of the issues that we were made aware of when we took office two weeks ago. We are addressing that issue. For us to acquire vehicles and, therefore, to give comfort to Members of Parliament that enough vehicles will be available, we need to get money from the Treasury and discussions are going on.

In general terms, I am aware that we will procure vehicles. It is my belief that the Minister and I will make sure that things are done the correct way. I will, therefore, request hon. Members to have faith in the Government and stop doubting it. Hon. Members should start believing that the Government will not initiate activities which will undermine its own security; that it is in charge of.

**Mr. Ochieng:** Madam Temporary Deputy Speaker, I am still not satisfied with what the Assistant is trying to say. The late hon. Ojode promised us vehicles and these vehicles ought to have been given out by September this year. He even confirmed that the money had already been availed and that the vehicles were to be purchased in China. How come the Assistant Minister is coming to tell us here now that he is negotiating with the Treasury to release the money so that

they can buy vehicles? We need these vehicles. My OCPD is suffering; he cannot discharge his responsibilities. We are headed to elections. How will he manage the security of that particular area if he has no vehicles?

**The Temporary Deputy Speaker** (Dr. Laboso): Assistant Minister, can you give some undertaking and time frame as to when you will provide those vehicles?

**Mr. Khang'ati:** Madam Temporary Deputy Speaker, basically the concerns of hon. Members are the same concerns I share. I have already told them that we do not have enough vehicles. Yes, there are funds which have been allocated but we need more funds so that we can provide sufficient number of vehicles. Even in my own constituency, when I met the people in charge of security they told me to come here and make sure they have two Land Rovers. My own OCPD does not have a Land Rover. So, I share these concerns with you.

I want to assure you that under my watch, I am not just going to make promises. If hon. Ojode made promises and they appeared satisfactory to you, I will not make empty promises. I want to make promises that will be fulfilled.

**Mr. Kioni:** Madam Temporary Deputy Speaker, I appreciate what the Assistant Minister has said but in his answer he has also said that in his own constituency they have a problem. When you drive along Nakuru-Gilgil Road, the OCPD, Gilgil Police Station has not had a vehicle for the last five years and that is a very busy point. I had an incident and that is how I came to know of it.

In Ndaragwa, the OCS and OCPD are used to walking. What criteria will the Assistant Minister use now that he has even said that his own area requires a vehicle - he could be tempted to start with his own area and he is looking for two vehicles - so that those deserving areas and also areas that have not even received a vehicle like Gilgil and Nyandarua also receive vehicles?

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, I have a long list of requests and you are all going to talk about your own constituencies. I think the answer will be the same. Let the Assistant Minister give us one blanket answer for everybody because it is all about vehicles. I wish you could have just given us an undertaking when these hon. Members should expect the vehicles so that we can move on from this Question.

**Mr. Khang'ati:** Madam Temporary Deputy Speaker, I had already given that answer. I have already said that as a Government, we are aware that we do not have sufficient vehicles for the security of our country. I am not surprised when Mr. Kioni cites specific police stations. I was giving my own police station as an example. So, I am not surprised. The assurance I am giving is that the matter is being seriously looked at within the shortest time possible.

**Dr. Nuh:** On a point of order, Madam Temporary Deputy Speaker. Now that the Assistant Minister has confirmed that these vehicles might take long to come and Mr. Kioni has talked of OCPDs and OCS who are now used to walking when executing their duties, would I be in order to request the Assistant Minister as a short-term measure, to purchase motorcycles and *boda boda* for the OCPDs and OCSs until when the Government sees it fit to bring vehicles?

**The Temporary Deputy Speaker** (Dr. Laboso): Is that a point of order, Dr. Nuh? Assistant Minister, you do not have to respond to that.

**Mr. Chanzu:** Madam Temporary Deputy Speaker, as a way of innovation, now that the Assistant Minister is saying that he will bring change in this, the Government had plans of having a Land Rover rehabilitation factory in Thika. Could the Assistant Minister consider looking at that again so that he can even make it cheaper for the Government to ---

There are many Land Rovers even the old ones which have been involved in accidents; they are all over the place. Could he think of bringing up this factory so that we can have these

vehicles assembled here and it will be easier for you to supply the security agencies with the vehicles?

**Mr. Khang'ati:** Madam Temporary Deputy Speaker, the short-term solution to the issues that have been raised by Members of Parliament is to purchase vehicles. I do not think I am in a position to say when the intended factory for rehabilitation of vehicles will be in place, but I can assure the House that before the end of this year we will have endeavoured to provide as many vehicles as possible. It is not only the issue of providing vehicles, we want---

**The Temporary Deputy Speaker (Dr. Laboso):** I think the question was what criteria will be used in distribution.

**Mr. Khang'ati:** Madam Temporary Deputy Speaker, the criteria will be on need basis and this one will be determined by the technical team.

**Mr. Olago:** Madam Temporary Deputy Speaker, I do not pretend to be a soothsayer or fortune teller but in 2008 most of the murders that were committed in Kisumu during the post election violence were done by people who were using unmarked vehicles and they were said to be Administration Police officers. Could the Assistant Minister confirm to this House that this time round nothing like that will ever happen?

**Mr. Khang'ati:** Madam Temporary Deputy Speaker, we have moved away from 2008. Nobody in Kenya; whether the police or politicians want the episodes of 2008 to be repeated. So, I want to give that assurance that we will try our very best to have peaceful elections and, therefore, the need to go round in private vehicles shooting people will not be there.

*Question No.1570*

DELAYED COLLECTION OF TEA LEAVES FROM  
BUYING CENTRES IN VIHIGA CONSTITUENCY

**Mr. Chanzu** asked the Minister for Agriculture:-

(a) whether she is aware that tea farmers in Vihiga Constituency wait for many hours before their tea is collected from buying centres to Mudete Tea Factory; and,

(b) what she is doing to remedy the situation.

**The Assistant Minister for Agriculture (Mr. Ndambuki):** Madam Temporary Deputy Speaker, I beg to reply.

(a) I am aware that there were some delays in receiving green leaf from farmers in Mudete Tea Factory due to change in technology from analog to electronic weighing scales introduced gradually in October, 2010. However, due to the acquisition of adequate electronic weighing scales and adoption of time-bound collection system designed to cover established routes, the tea factory is now able to serve farmers and reduce the waiting time before leaf collection.

(b) The Kenya Tea Development Authority (KTDA) and Mudete Tea Factory have increased the number of tea leaf collection clerks by training their drivers to double up as clerks in an effort to enhance timely collection and delivery of green tea to the factory. This cost-effective strategy will complement the existing transport system and the electronic weighing method, thereby increasing income to farmers. Farmers are encouraged to deliver their produce to the factory, where Kshs1.50 per kilogramme of green leaf delivered is reimbursed.



**Mr. Chanzu:** Madam Temporary Deputy Speaker, I want to thank the Assistant Minister for the answer, but he has not answered my Question. The problem that we have in that area is the issue of vehicles coming late to collect tea. I think this has to do with poor planning and inefficiency by the KTDA. What has the Assistant Minister done about that, because that is where the problem is? The problem has nothing to do with the new technology that he has talked about in the answer. It is just a simple thing of timely collection of tea. Due to lack of this, old women end up staying in tea buying centres until 4.00 a.m. waiting for their tea to be collected. The tea also gets spoilt when it overstays before collection.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, we have also increased the number of tea collection centres to 74. The routes have also been increased and the KTDA has offered to reimburse farmers if they deliver their crop to the factory on their own.

**Ms. Karua:** Madam Temporary Deputy Speaker, it is quite clear that this is a problem of poor planning. Although this also could be done at the local level, could the Assistant Minister undertake through his officers, to ensure that these concerns are raised with Mudete Tea Factory and the KTDA to see how they can assist them to streamline their operations so that the farmers are not punished?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, already a meeting between the factory and the KTDA has been held and all these concerns are being addressed.

**Mr. Yinda:** Madam Temporary Deputy Speaker, could the Assistant Minister assure this House that what the Member for Vihiga has talked about will be taken care of immediately? When the collection of tea is delayed, it affects the quality of tea produced. So many farmers are actually suffering because the longer the tea takes before collection, the more the quality deteriorates. What has the Assistant Minister done to ensure that the request by the Member for Vihiga is taken care of to ensure that farmers get maximum benefit of good quality tea?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, as I have said, the factory and the KTDA management have come up with ways of minimizing the collection time, by increasing routes and collection centres and also requesting farmers to deliver their produce directly to the factory where they will be reimbursed Kshs1.50 per kilogramme. This problem is not only experienced in Mudete Tea Factory, but it is also experienced in other areas.

**Mr. Kiptanui:** Madam Temporary Deputy Speaker, a number of kilogrammes were spoilt during this period. Could the Assistant Minister tell us how many kilogrammes were spoilt? What will he do to compensate the farmers?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, I do not have the actual number of kilogrammes which were spoilt, but that has been corrected and it will not happen again.

**Dr. Khalwale:** Madam Temporary Deputy Speaker, the Mudete place that the Assistant Minister has talked about is where we come from. The problem is not only limited to Vihiga, but the same challenge is in Shinyalu, Ikolomani, Khwisero and Sabatia constituencies. Up to and including the day before yesterday, I was there. Could the Assistant Minister tell us where the increased centres are, for example, in Ikolomani where I come from? It is important because this is adversely affecting our farmers. The Assistant Minister should table the new centres that have been created and the list of the new clerks who have been hired, because this problem has made some farmers to uproot their tea.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, they have hired some clerks and also trained their drivers to double up as collection clerks. They have also increased the centres and also come up with incentives. The routes which were being followed have also been

increased, so that they can reduce the collection time. The Ministry, tea factories and the KTDA have taken up this issue and it will be corrected immediately because it is a concern to all of us.

**Dr. Otichilo:** Madam Temporary Deputy Speaker, the people of Emuhaya have also intensified the growing of tea to ensure that Mudete Tea Factory has sufficient tea for processing. However, through the Constituencies Development Fund (CDF), we have built many tea buying centres, but Mudete Tea Factory has refused to register them. Therefore, we are unable to use those centres. What has the Assistant Minister done to ensure that the tea buying centres built through the CDF are registered so that the people of Emuhaya can use them to deliver tea to the factory?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, I was not aware of that. I can assure the hon. Member that immediately I get out of here, that will be dealt with. This is because they should not refuse to register them.

**Mr. James Maina Kamau:** Madam Temporary Deputy Speaker, how will the Ministry address a situation where it becomes very difficult to access tea buying centres, because what is happening is that---

*(Mr. A.C. Mohammed crossed the Floor without proceeding to the Bar and bowing to the Chair)*

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Assistant Minister, you have to go to the Bar before you cross the Floor!

*(Mr. A.C. Mohammed walked out of the Chamber)*

**Mr. James Maina Kamau:** Madam Temporary Deputy Speaker, what has the Ministry done to ensure that they do not leave the maintenance of these roads only to cess money? What have they done to make sure they allocate money from the Ministry of Roads since some of these centres are inaccessible because of the condition of the roads?

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, the cess money is supposed to repair and maintain those roads. The KTDA is also responsible for the repair of those roads. We will address that issue with the KTDA to make sure that all the roads are motorable all the time so that tea can be collected.

**The Temporary Deputy Speaker** (Dr. Laboso): Ask the last question Mr. Chanzu!

*(Loud consultations)*

**Mr. Chanzu:** Madam Temporary Deputy Speaker, there are loud consultations between hon. Dr. Khalwale and the Presidential candidate there.

**The Temporary Deputy Speaker** (Dr. Laboso): Order, Presidential candidate and Dr. Khalwale.

**Mr. Chanzu:** Madam Temporary Deputy Speaker, that area where we come from, where my colleagues are also talking about is a place where there is coffee planting. But I think with the collapse of coffee, they were encouraged to plant tea. But the way the Minister is handling this question is like the Ministry is running this tea sector in this country from an ivory tower. Could the Minister make an undertaking to this House that he can visit these areas so that some

of these issues can be addressed? He is being given answers, which are not true. The answers he is giving us are ivory tower answers. If he visits the place, he will be able to see for himself. This is a sector---

**The Temporary Deputy Speaker** (Dr. Laboso): I think you have made your point, hon. Chanzu.

**Mr. Ndambuki:** Madam Temporary Deputy Speaker, this is not being made from the ivory tower. This is an answer, which has been prepared from the ground by the KTDA and also the officers of the Ministry and I can assure my friend, hon. Chanzu, that this problem of delaying of collecting tea is going to be done away with. There is no problem. That can be arranged.

**The Temporary Deputy Speaker** (Dr. Laboso): Thank you, Assistant Minister. We could revisit the first Question by Private Notice by the Member for Rongai. We have received a letter from the Attorney General indicating that he is unable to answer this Question because he is engaged in the Judicial Service Commission. So, hon. Member, I hope we can put this in the Order Paper next week on Tuesday.

### QUESTION BY PRIVATE NOTICE

DELAYED COMPENSATION TO MAJ-GEN  
RONALD Y. CHELAGAT

**(Mr. Luka Kigen)** to ask the Attorney General:-

(a) Is the Attorney General aware that Maj. Gen. (Rtd) Ronald Yatich Chelagat was hit and seriously injured by vehicle Reg. No. GK A 268D on or about 16th December, 2004?

(b) Is he also aware that the victim is in urgent need of medical care which he cannot afford due to failure by the Government to pay him damages as awarded by the court on 11th May, 2009?

(c) When will he be paid his dues?

*(Question deferred)*

**The Temporary Deputy Speaker** ( Dr. Laboso): Next Question, by the Member for Bura.

### ORAL ANSWERS TO QUESTIONS

*Question No. 1788*

NON-UTILIZATION OF GOVERNMENT  
LAND IN BURA

**Dr. Nuh** asked the Minister for Water and Irrigation:-

(a) whether he is aware that 3000 acres of land in Bura prepared under the Economic Stimulus Programme have degenerated and also wasting away even after the Government spent enormous resources;

(b) whether he is further aware that the residents are in the process of acquiring the land unprocedurally in a bid to save the Government from losing money; and,

(c) why the Ministry has not facilitated the hand-over of the land to the public for optimal utilization even after repeated requests through letters and what the Ministry intends to do to avert the crisis and to save any further loss of taxpayers' money.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Madam Temporary Deputy Speaker, I beg to reply.

(a) I am aware that under the Economic Stimulus Programme, 2000 acres of land in Bura was allocated to the National Youth Service (NYS) under the Ministry of Youth Affairs and Sports for production of maize. The NYS was not able to utilize all the land as they did not have adequate resources but only utilized 1000 acres out of the 3000 acres.

(b) I am not aware that residents are in the process of acquiring the land unprocedurally as the National Irrigation Board is yet to put up irrigation infrastructure in the remaining 2000 acres of the 3000 acres under the NYS before it can be allocated to farmers. However, the NIB has just completed installation of irrigation infrastructure in another additional 2000 acres which is not under the NYS and is in the process of allocating the same to farmers for production.

(c) The allocation of land to residents is carried out by an inter-governmental committee co-ordinated by the NIB as per the Irrigation Act, Cap.347 of 1966, which is currently under repeal.

**Dr. Nuh:** Madam Temporary Deputy Speaker, Sir, the last time the hon. Minister was answering a Question related to irrigation schemes, she was so apprehensive that she refused to answer the Question. But even as of today, I doubt whether the Minister looked at the answer she is presenting to me before she came to the House, because my Question in part "a" was very specific. I am asking whether the Minister is aware that gains made on the 3000 acres by the NYS is being lost because of degradation, but she only says that the NYS were able to utilize 1000 out of the 3000 acres. What has become of the other 2000 acres?

Madam Temporary Deputy Speaker, I want to table a letter that I wrote to the Ministry on 19<sup>th</sup> March, 2012 and I quote one paragraph saying that: "Two years now, the NYS has only been able to cultivate 800 of the 3000 acres envisaged. The infrastructure development gains realized on the 3000 acres by the Government is now in jeopardy as the *prosopis* plants is taking over. *Prosopis* is the famous *Mathenge* tree.

The Minister does not even attempt to answer that part of the Question. If I go to part (c) of the Question, when asked why the land is being allocated to the people, she cites an Act that is under review by the inter-governmental committee co-ordinated by the NIB. But in part (b) of the answer, she says that the 2000 acres which have been cultivated by the NIB is about to be distributed to the public. So, which Act are they using to distribute the 2000 acres? Which is this one that is under review that is sabotaging the distribution of the 3000 acres to the public?

**Mrs. Ngilu:** Madam Temporary Deputy Speaker, these answers are very clear actually because I am saying that---

The hon. Member is talking about 800 acres that have been utilized but I am saying it is 1000. So, assume it is 800, I am saying 2000 acres are not at the moment under agricultural work that is supposed to be ongoing because we never put infrastructure there because it was under the NYS. This is how we are working in Bura.

I am also saying in part two that we are now putting another infrastructure. If we leave the farms as they are and give them to the residents to work on them, as long as we have not put infrastructure, they will not be able to use the land. They need water and it is only the NIB which can do it. We leave the land to the residents and they will not be able to use it. So, I am just trying to say to the hon. Member that we are preparing this land and we will get the residents to do the farming work once the land is prepared for them.

**Dr. Nuh:** On a point of order, Madam Temporary Deputy Speaker. I thought the Minister is very familiar with her Ministry but I think there is a lot of misinformation given to her by her officers. The 3000 acres currently given to the NYS has not been budgeted for by the Ministry of Water and Irrigation because it is not under their purview. So, they cannot purport to be developing that 3000 acres. I come from the ground.

So, there is no budgetary allocation towards the Ministry of Water and Irrigation to develop the infrastructure of the 3000 acres. The 3000 acres which have been allocated to NYS cannot be developed by the NYS because they also do not have funding. So, why is the Minister misleading the House that they are developing the 3000 acres when in essence she knows that the 3000 acres is beyond her purview and it is not within her docket as we currently speak? They do not want to go ahead to reposses the 3000 acres.

**Mrs. Ngilu:** It will appear like the hon. Member is not looking at what I have said in Part (b).

Madam Temporary Deputy Speaker, I have said the NIB has just completed installation of irrigation infrastructure on another additional 2000 acres which is not under the NYS and it is in the process of allocating to farmers for production. That is what I have said and that is what the truth is.

**Mr. Mututho:** Thank you, Madam Temporary Deputy Speaker. Is the Minister in order to tell this House that, indeed, the NYS did not have the resources whereas there are 4,000 bags of fertilizer which have remained in the stores in Bura, and they have been stolen, bit by bit? We were at Bura and saw that physically. We also saw some seeds that had expired. What other resources do they require, yet they have equipment and water and they have also cleared the land? What other resources do they really require to do farming on the 3,100 acres? This was the situation at that particular time.

**Mrs. Ngilu:** Madam Temporary Deputy Speaker, I must say that I am not aware that the NYS had all these things and fertilizer in the stores. However, I could always check on that. What I am aware of is the fact that in 2009, we were able actually to harvest a lot of maize; over 6,000 bags of maize were not utilized but were taken to the market at that right time. Once we produce the food, marketing is done by somebody else.

**Mr. Bahari:** Madam Temporary Deputy Speaker, I wanted the Minister to clarify an issue. The Question is about the 3,000 acres of land under the Economic Stimulus Programme (ESP), yet the Minister is talking about another additional 2,000 acres which were not in the Question by the hon. Member. Will I be in order to ask the Minister to address the issue of the 3,000 acres, and specifically clarify how much money has been set aside to do the balance of 2,000 acres that are underutilized? That way, we will move forward.

**Mrs. Ngilu:** Madam Temporary Deputy Speaker, I do not have the exact figure here with me of the amount of money we have, but I can say that we have adequate resources to work on this 2,000 acres. We are in the process of actually allocating it to farmers. It is only farmers who can do this. We are also building the capacity of these farmers, so that they are not caught up

again in what we saw happening in earlier years when Bura Irrigation Scheme just collapsed, because the farmers were not well prepared.

**Ms. Karua:** Madam Temporary Deputy Speaker, while congratulating the Minister for recently acquiring the power to read, I want her to confirm to the House that the irrigation mandate is under her Ministry and, therefore, they are capable of developing irrigation infrastructure wherever it is needed. I also want her to confirm to the House whether the Ministry has any plans to ensure that all the arable land within Bura area and elsewhere in the country--- Do they have plans to develop the required infrastructure to enable utilization?

**Mrs. Ngilu:** Madam Temporary Deputy Speaker, yes, we have plans to irrigate more acres of land in this country to ensure food security. Actually, in Bura we have just concluded a contract with a contractor who is now going to do an extra 12,000 acres of land. This project is funded by Arab Bank for Economic Development in Africa (BADEA) and has been concluded. This is among other areas in the country where we are doing irrigation.

**Mr. Outa:** Madam Temporary Deputy Speaker, under Standing Order No.81, I want to declare my interest that I am a farmer No.351 of West Kano Irrigation Scheme, where we had the same situation facing Bura. Under the ESP, I am aware that Bura was given Kshs2 billion. In her answer here, the Minister says that she only developed 1,000 acres. Where is the rest of the money? This is because Kshs2 billion is such a colossal amount of money. If Bura residents, who are supposed to be empowered, do not see value for money at the end of your project--- In fact, we went there as the Departmental Committee on Agriculture, Livestock and Co-operatives. There is nothing tangible to show what the Kshs2 billion was spent on.

**The Temporary Deputy Speaker (Dr. Laboso):** I think your point has been made.

**Mrs. Ngilu:** Madam Temporary Deputy Speaker, I must say that Bura Irrigation Scheme, like all other irrigation schemes in the country, had absolutely collapsed. We had to start afresh. It was not like the ongoing schemes where we were spending this money. We had to start afresh by putting water, cultivating land and even putting workers on the ground. Therefore, I believe that the money was utilized properly.

**Dr. Nuh:** Madam Temporary Deputy Speaker, with your indulgence, because I do not want to be in confrontation over facts with the Minister, I want to request you to refer this Question to the relevant Departmental Committee for action. This is because of two things. One, the Minister has alleged that they have money to develop the 3,000 acres that have been given to NYS. The fact is that even as I held discussions with Permanent Secretary, Ministry of Water and Irrigation; they have said that they have no power over the 3,000 acres given to NYS because it is under a different Ministry. When we requested as leaders that this land reverts to the public, they said that it has first to revert from NYS to NIB for it to be given to the public. The letter I wrote in March was followed by another one on 18<sup>th</sup> May, 2012. I just want to quote one paragraph where I said: “Meanwhile, thousands of residents who are expecting to be allocated the land are burning with anticipation and a situation of unease is developing which might explode and result in the residents acquiring the land unprocedurally”.

Who is better informed in terms of the dynamics of Bura Constituency and the public there than the Member of Parliament? I informed the Ministry via a letter I wrote in May, but they still have the audacity to say that they are not aware. Because I know of the Budget allocation – I sat in this House and we approved the Budget – there is no budgetary allocation for the development of the 3,000 acres under the NYS. That is why the Ministry of Water and Irrigation and NIB are irrigating a further 2,000 acres when they know that the 3,000 acres are facing the possibility of being taken over for the proposed plan.

I request that you refer this Question to the Departmental Committee on Agriculture, Livestock and Co-operatives, so that they can respond to these matters for the Government not to lose money any further, and for the Exchequer to be saved the loss of money.

**The Temporary Deputy Speaker** (Dr. Laboso): Thank you for your bit, but the Committees know their mandate; if they feel that this is a matter they want to take up they can do so without any direction from the Chair. Minister, can you respond to what the hon. Member has said?

**Mr. Mututho:** On a point of order, Madam Temporary Deputy Speaker. I did not wish to challenge my colleague, Dr. Nuh. However, is he in order to say that the Committee should know when he knows that we will be travelling there? Is he in order then to come and draw---

**The Temporary Deputy Speaker** (Dr. Nuh): Hon. Member, you already know action is being taken by the Committee without any orders from the Chair.

Conclude Minister!

**Mrs. Ngilu:** Madam Temporary Deputy Speaker, I said that the NIB has just completed installation of an additional 2,000 acres, and not the NYS' 2,000 acres. This is different from the 2,000 acres that is under the NYS. That is what I have said here. Once this is done the farmers will be settled. I also said that Cap.347 of 1966 is under review. Therefore, we cannot just allocate farmers land in any way. Once we have prepared the land and it is ready, farmers will be allocated land to do their work; their capacity will be build for them to know what they need to do.

**The Temporary Deputy Speaker** (Dr. Laboso): Thank you, Minister. Next Question by the Member for Mosop.

*Question No.1664*

PARKING OF LORRIES ALONG SALGAA/JUA KALI TOWNS

**Mr. Koech** asked the Minister for Roads:-

(a) whether he is aware that lorry drivers are parking their vehicles along the road in Salgaa and *Jua kali* towns, which is dangerous to other motorists, especially at night; and,

(b) what he is doing to ensure that they get parking sites, especially in these two towns.

**The Assistant Minister for Roads** (Mr. Kinyanjui): Madam Temporary Deputy Speaker, I beg to reply.

(a) Yes, I am aware that lorry drivers park their vehicles along the road in Salgaa and Jua Kali towns.

(b) My Ministry, through the Kenya National Highways Authority, is working to acquire land for construction of a truck parking bay at Salgaa. In the meantime, we are working closely with the police department to enforce traffic rules, so that trucks can be discouraged from parking either on the carriageway or on the road shoulders.

**Mr. Koech:** Madam Temporary Deputy Speaker, I want to thank the Assistant Minister, first for confirming that he is aware that lorry drivers are parking at Salgaa and Jua Kali towns. However, he did not confirm the fact that this is dangerous to other motorists, especially at night. In his response to part (b), he has indicated that he is working with KENHA to acquire land. These two stretches are very popular since Independence. It did not start yesterday. I am

surprised that he wants to start acquiring land now. He has stated that this land is for Salгаа and has not indicated anything about Jua Kali. What exact works are happening in the Ministry? How much has the Ministry set aside to ensure that this land is acquired and that the parking bays are constructed to avoid the dangers that these two spots pose?

**Mr. Kinyanjui:** Madam Temporary Deputy Speaker, I wish to confirm to the Member that it is not now that we are starting to acquire the land. Indeed, during the construction of the Njoro turn off to Timboroa Road which commenced in 2006, we had set aside a total of Kshs115 million to construct a parking bay at Salгаа to accommodate approximately 50 trucks. This parking bay would also have bathrooms and washrooms, so that the drivers who have driven for about five hours would freshen up, so that we can also reduce the fatigue and road accidents. However, just before the construction started at the Salгаа business community, we had a notice from Odhiambo and Odhiambo Advocates, who resisted the acquisition of land for the parking bay. Therefore, the Ministry could not go through. We have since started a process of amicable settlement, so that we can get this land.

In the meantime, the Ministry through KENHA is exploring means and ways of getting land there and also in other places. It is important for the House to remember that even in Kikopey, we had a major accident involving a bus that killed over 30 people because these lorries are parked so close to the road. At times, some of them are not properly reflected and can be a major hazard. I want to assure the Member that we have money for these particular projects, but we had a problem because the community went to court.

As you may be aware, we had to obey the court order because we did not want to get into any controversy with the community. However, it is a matter that we are taking very seriously and we would wish to work with the Kenya Police.

I wish to inform the Member that because we have about 50 or sometimes even 100 trucks in that place, it will be necessary for the police to deploy some officers there at night so that we can have the lorries properly parked, so that there is no obstruction or even when they are coming out, there is no obstruction that would cause any accident.

**Mr. Kioni:** Madam Temporary Deputy Speaker, I thought the Assistant Minister would have used the opportunity to also tell us what they are doing at the Gilgil Toll Station, which has a similar problem and, in essence, across the country. I am happy to hear that they building toilets at Njoro, but it will be difficult for somebody to drive all the way from Mombasa to Njoro for a toilet. It is important for him to tell us at what intervals they are constructing toilets for the long distance drivers. Even for bus passengers, you find people rushing to the bush and, in the process, some of them have been attacked.

**Mr. Kinyanjui:** Madam Temporary Deputy Speaker, I want to agree with the Member that there is need for us to have a comprehensive survey that will be enlist specific areas where we will construct these facilities. I know many will testify that, sometimes, when we are going towards Kisumu and Eldoret, a bus will just park by the road side and women, children and the old will all rush to the bush. This is not acceptable.

Currently, we are looking for specific areas where we can manage the traffic. I also want to remind the Members that a good number of the accidents that occur on our roads are caused by fatigue, especially by the drivers. You will have a driver leave Mombasa and he wants to drive all the way to Eldoret without any stop. Even more importantly, when they want to stop, there are no facilities. As a Government through my Ministry, we want to ensure that at realistic intervals, we can have safe places where people can park their vehicles, freshen up and proceed with the journey. Through that, we can provide other facilities for the ordinary passengers.



**Ms. Karua:** Madam Temporary Deputy Speaker, while thanking the Assistant Minister for his answer so far, could his Ministry consider, apart from providing the facilities for freshening up, providing parking bays for the vehicles, including the trucks and also police stations at these intervals to ensure security 24 hours?

**Mr. Kinyanjui:** Madam Temporary Deputy Speaker, I want to agree with the Member that the intervals will not just be about freshening up. We would want them to be comprehensive stop-over, so that even if you are driving your small car and you have a problem or there is something you would want to report, you have a place where you can report. It will also be important to remind Members that, especially along the major highways, when you have an accident, it is extremely difficult for you to get any sort of service, even a telephone booth from where you can make a call. So, these are places where we will have the ambulances working together with the Red Cross and other people to respond to emergencies or even any crime that may happen on the highway.

**Mr. Kigen:** Madam Temporary Deputy Speaker, with regard to the parking bay at Salgaa, the Assistant Minister has told the House that there was a court case which was filed by Odhiambo and Odhiambo Advocates Company. I want to inform him that that case is already done away with. The process needs to begin and he does not need to negotiate any more.

Could he confirm to this House that he is going to move expeditiously to ensure that the parkings along the road side at Salgaa, which occasion too many accidents, at least, one every week, are dealt with by way of buying the land and beginning to construct the parking bay as was earlier intended?

**Mr. Kinyanjui:** Madam Temporary Deputy Speaker, I want to assure the Member that we are going to move expeditiously to ensure that the project commences and that everybody is brought on board. Also, in lieu of concern, Kenyans generally want roads and the parking bays done, but every time we want to acquire some land legally, so that we can construct these things, we have people rushing to court. We also need to agree that for roads to be done, somebody has to make a sacrifice and we are ready to compensate them as is the case here. So, we will call the community and all the concerned parties, so that we can commence this very important project.

**Mr. Koech:** Madam Temporary Deputy Speaker, first of all, I really want to thank the Assistant Minister for confirming that they are going to construct a parking bay at Salgaa. I want him to take these matters very seriously in terms of what happens to travelers in this country, especially in buses where they enter bushes at some point because the Government has failed to provide toilet facilities at certain intervals. We hope he is going to do something.

Lastly, my Question was referring to Salgaa and Jua Kali towns. Now that he is doing the road at the Jua Kali area, could he confirm to the House that part of what he is going to do, as the contractor is constructing the road, is to identify land for the parking bay at Jua Kali and ensure that there is money to construct it?

**Mr. Kinyanjui:** Madam Temporary Deputy Speaker, I wish to clarify that the funds that are currently available are specific to Salgaa because this was part of the Njoro turn off to Timboroa section of the road. We had already planned for that section. However, for the Jua Kali and many others along the way, we have come up with a policy that will accommodate all of them. The answer that I have given is specific to Salgaa but I wish to assure the hon. Member that we will incorporate all the others in our planning and ensure that the issue of trucks obstructing the highway is a thing of the past.

*Question No.1660*

ILLEGAL EXPORT OF SCRAP  
METAL TO CHINA/INDIA

**Mr. Shakeel** asked the Minister for Trade:-

(a) whether he will review the Scrap Metals Act (1959) which has since been ineffective in monitoring and regulating the scrap metal industry;

(b) whether he is aware that metals of different types are being exported as scrap metal mainly to India and China and yet these countries have banned exportation of the same; and,

(c) when the Ministry will ban exportation of scrap metal.

**The Minister for Trade** (Mr. Wetangula): Madam Temporary Deputy Speaker, I beg to reply.

(a) Discussions are underway with the Ministry of State for Provincial Administration and Internal Security and other stakeholders to review the Scrap Metal Act of 1959. The need to review the Act has been necessitated by the negative impact the scrap metal trade is causing in the infrastructure sector and road safety particularly due to vandalism of road rails and telephone cables.

(b) I am aware that some scrap metal dealers who had huge stocks were granted a one-off approval by the Ministry of Finance and the Ministry of Industrialization. This was done within a controlled time frame.

(c) Exportation of scrap metal is already prohibited in Kenya and in all other parts of the East African Community states. This is as per the Legal Notice No.16/2010 amended part "b" on restricted and prohibited goods of EAC Customs Management Act, 2004.

**Mr. Shakeel:** Madam Temporary Deputy Speaker, I want to thank the Minister for the answer. However, in the answer, the Minister admits that there was a one-off approval given by the Ministry of Finance, and that the exportation of scrap metal is prohibited. However, as I speak at this moment in time, exportation of scrap metal is still going on. Is the Minister aware that the one-off approval might have been misused by unscrupulous scrap metal dealers to continue exporting some of these valuable scrap metals abroad?

**Mr. Wetangula:** Madam Temporary Deputy Speaker, the export of scrap metal is not only prohibited in Kenya, but is also prohibited in the entire East Africa Community (EAC) Region. The one-off approval was coordinated by the Ministry of Finance and the Ministry of Industrialization, and to my understanding that was it. If there is any continuing export of scrap metal, then, it is illegal, a smuggling exercise and if the hon. Member has any information that can help, we welcome the information. However, I also take this opportunity to encourage the Department of Customs to be strict in enforcing the EAC ban on the export of scrap metal.

I am equally aware of the harm that scrap metal dealers have done particularly to our roads by vandalizing road rail guards and road signs so that they can trade in this business. We even have had a situation where a whole railway was vandalized by people removing slippers and the rails themselves to sell to dealers as scrap metal. That is why the entire EAC came together in order to protect the development of the nascent steel industry but more importantly to protect our installations which have been the target of vandals.

**Dr. Otichilo:** Thank you, Madam Temporary Deputy Speaker. This Question has come to this House several times and I have personally raised it. The issue that has never been answered up to now is; who licenses the scrap metal dealers and who monitors their activities

because this is where the crux of the matter is? This is because scrap metal dealers appear not to be monitored. There is no enforcement on what they do and that is why the problem of vandalism has become very rampant. For example, people remove *mabati* from people's houses in Emuhaya to sell.

**Mr. Wetangula:** Madam Temporary Deputy Speaker, the administration of the Scrap Metal Act of 1959 is domiciled in the Ministry of State for Provincial Administration and Internal Security. They are the ones who have been responsible for licensing dealers in scrap metal through District Commissioner's Offices. There has been a ping pong when it comes to answering this Question. When this Question came to this House, it was sent to the Office of the President, the Ministry of Trade, Office of the President, the Ministry of Finance and eventually to my office. I want to assure the hon. Member for Emuhaya that everything is being done. I have communicated with the Ministry of State for Provincial Administration and Internal Security. First of all, I do not understand why this Act is administered by that Ministry and yet they are not under the Ministry of Industrialization or the Ministry of Trade. However, that is an arrangement in Government. We will do everything collectively possible to ensure that---

**The Temporary Deputy Speaker (Dr. Laboso):** There is a point of intervention by Mr. Koech.

**Mr. Koech:** On a point of order, Madam Temporary Deputy Speaker. The Government is giving this House conflicting information. There was a similar Question by hon. Dr. Otichilo and the Ministry of State for Provincial Administration and Internal Security claimed that it had nothing to do with scrap metal. Is the Minister in order to claim before this House that the Act is "domiciled" in the Ministry of State for Provincial Administration and Internal Security without telling us specifically what the Government will do about this because it is becoming a big issue?

**Mr. Wetangula:** Madam Temporary Deputy Speaker, I have not claimed anything but I have answered a question. The answer is that the administration of the Act is domiciled in the Ministry of State for Provincial Administration and Internal Security. That is a fact. Aware of the damage being done to our infrastructure by vandals---

I agree with the hon. Member for Emuhaya that we have seen road signs removed within days of being put up and I believe that the Ministry of State for Provincial Administration and Internal Security has the capacity through the police, the Administration Police, chiefs and everybody else to stop this exercise that is very harmful to our economy. I do not know the answer that was given when hon. Dr. Otichilo filed the Question in this House, but I am giving him the answer that I have, which I know is correct and can help the House.

**Mr. Letimalo:** Madam Temporary Deputy Speaker between 2009 and 2010, a Mr. Muriithi, a scrap metal dealer from Archers' Post in Samburu East was killed after collecting scrap metal from a military training area. The scrap metal exploded and killed him on the spot and yet these are people who are fending for their livelihoods. This is the case and yet he was registered as a scrap metal dealer. Does the Minister have mechanisms to educate these people on the type of scrap metal they should collect, and is there any way that he can assist them when scrap metal dealers encounter such unfortunate situations?

**Mr. Wetangula:** Madam Temporary Deputy Speaker, my condolences to the family of Mr. Muriithi. Scrap metal is scrap metal. That is it. However, when somebody goes to pick a road rail guard, road sign or an electric cable, that is not scrap metal.

Scrap metals are found on dump heaps or vehicles that have had accidents and so on and so forth. Perhaps - and this is not based on fact - we need to get the police to investigate why Mr.

Mureithi was killed. Collecting scrap metal even if it was an illegal act cannot attract death. It can only attract prosecution if one is on the wrong.

**Mr. Mututho:** Madam Temporary Deputy Speaker, is the Minister aware that the top Kenya export to China is scrap metals followed by cashew nuts, which are all contraband?

**Mr. Wetangula:** Madam Temporary Deputy Speaker, it is not true that our top export to China is scrap metal. In fact, like I said, the East African Community Customs Protocol banned any export of scrap metals out of the five East African States in the year 2010. The ban is in force and if there are any smugglers violating it, like I said, please, pass on information so that they can be dealt with. We are collectively protecting the interests of our country.

**The Temporary Deputy Speaker** (Dr. Laboso): Last question, Mr. Shakeel.

**Mr. Mureithi:** On a point of order, Madam Temporary Deputy Speaker. Am I in order to request the Minister to set up a monitoring unit which can identify some of those scrap metal dealers? For example, they are now stealing metals along Thika Road. We should not continue losing parts of our modern highways at the expense of those unscrupulous people.

**Mr. Wetangula:** Madam Temporary Deputy Speaker, there is an inter-Ministerial Committee between Trade, Industrialization, Roads and Provincial Administration ministries that is dealing with the issue. All scrap metal dealers who are locally licensed through the Provincial Administration have been put on notice. The notice includes a warning that anybody found handling stolen property, whether private property or Government property, will stand the risk of prosecution and the penalties are quite stiff. Therefore, they stand advised and warned.

**Mr. Shakeel:** Madam Temporary Deputy Speaker, the Minister has clearly told us his frustration. Even this Question has bounced between four Ministries. The Minister is aware that under the Counterfeit Act, a cross-ministerial authority was set up. The authority of prosecution--

**The Temporary Deputy Speaker** (Dr. Laboso): Ask your question Mr. Shakeel.

**Mr. Shakeel:** Madam Temporary Deputy Speaker, that is the question. I am putting it forward because this has caused a lot of problems. We do not want it to keep bouncing.

Could the Minister assure this House that his Ministry is going to review the Scrap Metal Act so that, in future, the responsibility and the prerogative remain with the Ministry of Trade and not split between four Ministries?

Madam Temporary Deputy Speaker, finally - and this is very important---

**The Temporary Deputy Speaker** (Dr. Laboso): That was the last question.

**Mr. Shakeel:** Yes but it is very important, Madam Temporary Deputy Speaker. It is a matter of national interest.

You have said that there are people who have been prosecuted. There is one person we know who was caught red handed with copper wires worth millions of shillings. He is an Asian trader and he is still walking around scot free. Could the Minister tell us what he is going to do about that person?

**Mr. Wetang'ula:** Madam Temporary Deputy Speaker, my good friend from Kisumu Town East knows that the Minister for Trade and the Ministry do not have prosecutorial powers. However, I can say that anybody found with materials that you have mentioned like telephone wires and electric cables commits a criminal offence even under the various statutes that this House has passed. I will find out from the relevant arms of the Government that deals with investigations and prosecutions where the case could be.

Lastly, the review of the Scrap Metal Act of 1959 is ongoing and those with concerns and information like the hon. Member are welcome to forward to us any value-adding material that can make it better to administer our scrap metals.

**The Temporary Deputy Speaker** (Dr. Laboso): Next Question by Ms. Martha Karua!

*Question No.1794*

UPGRADING OF ROADS IN  
WEST POKOT/TURKANA COUNTY

**Ms. Karua** asked the Minister for Roads:-

(a) whether he is aware that Cheparelia-Chepkombe-Sook Road (West Pokot), Ortum-Sigor-Lomut Road (West Pokot) and Lokichar-Lokori-Kapedo-Marigat Road in Turkana County are in a deplorable state; and,

(b) when he will consider upgrading them to bitumen standards.

**The Assistant Minister for Roads** (Mr. Kinyanjui): Madam Temporary Deputy Speaker, I beg to reply.

(a) I am aware that Cheparelia-Chepkombe-Sook Road is in need of repair. However, Ortum-Sigor-Lomut Road section is paved and is in good condition, while Lokichar-Lokori-Kapedo-Marigat Road was recently graded to improve mobility.

(b) The road links falls under the LAPSET Corridor and will soon be upgraded to bitumen standards.

**Ms. Karua:** Madam Temporary Deputy Speaker, I do not know what the Assistant Minister calls good condition because I was recently on the Ortum-Sigor-Lomut Road and in some of the places where there are lagers, there was no concrete on the road. When it rains, it becomes impossible to pass.

We have been talking about marginalization of ASAL areas and West Pokot and Turkana are part of those areas. What concrete plans does the Ministry have to ensure that those areas get motorable roads? In particular, what can the Assistant Minister do - on emergency basis - on the Chapareria-Chepkombe-Sook Road, especially the lager at Chepkobe, which has a big hole and when it is covered by water, it becomes very dangerous to cross? I crossed it when it was covered by water and it is a place where vehicles can easily overturn.

**Mr. Kinyanjui:** Madam Temporary Deputy Speaker, I also agree with the hon. Member that, indeed, there is a significant need for us to be able to improve the roads in this section. More importantly, that area has largely remained undeveloped for a long time. In terms of future concrete plans, you are aware that development in this country has tended to follow the Mombasa-Nairobi-Kisumu Highway. I think it is for that reason that the Government has come up with the LAPSET Corridor so that we can also be able to exploit other sections of the country that have for so many years remained ignored.

However, on the issue of what we can do to make the roads motorable, Madam Temporary Deputy Speaker, I want to agree that we are in the process of finalizing our emergency budget so that we can be able to put some funding to ensure that the road is motorable, especially now before the rains start.

**Mr. Koeh:** Madam Temporary Deputy Speaker, certain parts of this country have definitely been marginalised for a very long time. It is our hope that the Government will now be able to seriously address some of these issues. I am glad to hear that the Minister is trying to

ensure that he gets enough money for emergencies, given that we have had a very heavy rainfall in some parts of this country, especially in my Constituency of Mosop, where most of the roads have been rendered impassable. Specifically, what measures is he putting in place to make the Chepareria-Chepkombe-Sook Road motorable, and when should we expect the emergency funds to be disbursed? I hope that my constituency will also benefit from those funds.

**Mr. Kinyanjui:** Madam Temporary Deputy Speaker, we have already sent out a team of officers to carry out an assessment of the situation. So, I may not be able to immediately give an exact figure as to how much money will be used or allocated for that matter. Once we get a report of what is required to restore the road to motorable condition, we will allocate the funds accordingly.

In Mosop and other areas, we have had very long rains. As much as we welcome the rain because of agriculture, we realise that a heavy rainfall also has negative impact on our roads. Therefore, we have sent out officers to parts of Rift Valley Province, where we have had more than normal rainfall for the last six months; to assess the situation, so that we can have a package we can use to restore some of the badly damaged sections.

It is unfortunate that you can have a bumper harvest and be unable to take it to the market or find that the cost of taking it to the market is so high. In such a situation, the impact of the rains in terms of increase in production is undermined by the problem of connectivity. So, I want to assure the hon. Member that we will be working hard to ensure that we solve the problem.

*[The Temporary Deputy Speaker  
(Dr. Laboso) left the Chair]*

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

**The Temporary Deputy Speaker** (Mr. Chanzu): Yes, hon. Mututho.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, now that the Assistant Minister appreciates the problem of road signage, can they consider making it compulsory to have reflective plastic fittings on the highways to save lives? Without warning signs, motorists, and especially politicians, who travel at night; are at risk. Can we have plastic reflectors compulsorily fitted on all the new roads, so that when scrap metal dealers steal road signage, motorists can stick between the white and the yellow lines?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, I want to agree with what the hon. Member has said. Indeed, we have had a big problem, in terms of signage because a lot of it is stolen. Through our Materials Department, we have tried to come up with materials which cannot be recycled and which, therefore, are not attractive to scrap metal dealers. Plastic or polythene is one of them, but we also have other materials we are currently considering using.

We are also in the process of working with the private sector, so that road signage can also be used for advertising purposes. We can have a particular company taking up a whole road for advertisement as we ensure that the road signage is equally visible. So, I want to agree with hon. Members that we will come up with materials which cannot be recycled to ensure that the investment on our roads is protected.

Thank you.

**The Temporary Deputy Speaker** (Mr. Chanzu): Next Question, hon. Ottichilo.

**Dr. Ottichilo:** Mr. Temporary Deputy Speaker, Sir, I rise for the second time to ask Question No.1648 on the Order Paper.

**Ms. Karua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am surprised that my good friend and colleague is asking his Question in the middle of my Question. You have not even given me the last chance. Supplementary questions were being asked and people were queuing. I cannot be denied a chance to ask the last supplementary question.

**The Temporary Deputy Speaker** (Mr. Chanzu): Hon. Karua, I just came in. I thought you had donated your time. Nevertheless, you can ask your last question.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, only one supplementary question has been asked. It is very unfair. So, I want to request you to, at least, allow one other supplementary question.

**The Temporary Deputy Speaker** (Mr. Chanzu): Yes, hon. Letimalo.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I just want the Assistant Minister to understand the total negligence and marginalisation that we are suffering in the northern part of Kenya. It is good that hon. Martha Karua has cited the road linking West Pokot District and Turkana County. The Assistant Minister is aware that there is a bridge which links Isiolo and Samburu National Reserves. This is an area which relies entirely on tourism as a source of income. The bridge was built by the British Army, but it collapsed during the heavy rains of 2009/2010. To-date, it has not been reinstated. This has caused tourists to be discharged in Isiolo and go round Samburu. So, they are charged twice, which is, really, unfair.

We have the Seya Bridge, which was built by the Ministry, for which we really appreciate; but it also collapsed. So, why is the Government so insensitive? It takes so long before such infrastructural mechanisms are put back in place. Why have the bridges that were built by the British Army and the Ministry not been reinstated? When officers from the Education Department want to inspect some schools on the other side of the river, they have to travel for two days to reach those schools.

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, it is indeed unfortunate. As we all know, the collapse of a bridge is a great inconvenience because one has to cover a long distance, so that he can get to the same place, which would probably be only a short distance away if one were to cross the bridge. I also want to share my Ministry's frustration with the House that a good number of bridges have collapsed in that area because of overloaded trucks carrying relief food. A bridge may have been designed to carry 20 tons but you find that a truck tries to cross it with a load of 100 tons. Therefore, the bridge is not able to withstand such weight.

Nevertheless, I want to assure hon. Members that we will do a survey, especially for the bridges in that part of the country. We appreciate that, due to the nature of the terrain there, bridges are very critical. You can operate on a bad road but if there is no bridge, even that bad road cannot be used. So, I want to assure hon. Members that we will do a survey and see what immediate intervention we can make.

**The Temporary Deputy Speaker** (Mr. Chanzu): Last question, Martha.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, I am disappointed by the Assistant Minister, who has said that they have not yet assessed how much the emergency works will cost. This Question was asked about three weeks ago. They should have carried out that assessment. I also note that the roads money for the constituencies has been delayed and, therefore, no work is going on ahead of the forecasted *El Nino* rains. He has already indicated that he is aware of the difficult terrain in that area. So, what is he going to do about all those areas, particularly, the area I have asked about in West Pokot and Turkana County? Additionally, in Turkana County, there

is the road from Kalokool to Lodwar, where water swept away a section of the road and deep gullies exist. When the rain comes, those areas will be completely cut off. What is he going to do to ensure that the emergency work is actually done before the rains come?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, the rains have been going on for quite some time. As soon as we got the report that those sections had been cut out, we sent a technical team to bring us a detailed report on exactly what needs to be done. As I said, it was not possible for us to come up with the exact figures because, other than the sections that the hon. Member has mentioned, there are many other areas which were equally affected, which also require our intervention.

So, I want to assure the hon. Member that we will indeed address this particular matter. We know that the problem is serious, and that it affects many people, especially when you consider the fact that we have to transport food and other commodities to those areas. Therefore, I want to assure her that we will address the matter once and for all, especially the reinstatement of bridges, which we consider to be very critical. I would also like to give a warning to the people who overload their trucks.

I also want to inform the House that we put up a bridge at about Kshs30 million and before long it collapses. So, we shall be able to look at ways in which we can have a mobile weighbridge, so that we can get those who are overloading trucks.

*Question No.1648*

CANCELLATION OF LICENCE FOR JATROPHA PILOT  
PROJECT IN KITANGALE RANCH

**Dr. Otichillo** asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware that NEMA granted Bedford Bio-fuels a licence for a 10,000 hectare Jatropha “pilot” project in Kitangale Ranch in Tana Delta;

(b) whether he is further aware that East African Wildlife Society objected to the grant and petitioned the Ministry to cancel the licence in view of the expected negative environmental consequences; and,

(c) whether the licence has been cancelled and whether he could assure the House that the Government will not grant such licences in the area in future.

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I am terribly sorry that this Question is being asked for the second time. The more I gather information on how the license was granted to Bedford Bio-fuels for the Jatropha project in Kitangale Ranch, the more I get more grey areas surfacing. I must admit that I am discovering more and more anomalies. Therefore, I am humbly asking the Chair to consider and grant me more time to clear all these grey areas, so that I may give a truly comprehensive response to the Question that has been posed for the second time by Dr. Otichillo. We have discussed the same; I have presented the issue to him and he concurs that the grey areas must be sorted out, so that the House gets a comprehensive and satisfactory answer.

**Dr. Otichillo:** Mr. Temporary Deputy Speaker, Sir, I want to concur with the Minister that the answer he has is not adequate. I have had a chance to look at the answer and it is not adequate for this Question, given the importance of the Tana Delta as a major bio-diversity area in this country. Therefore, I have agreed with him that he can be granted another week, so that he



can come up with a comprehensive answer for this very important area in this country in terms of conservation.

**The Temporary Deputy Speaker** (Mr. Chanzu): We can put it off to Wednesday morning next week.

Next Order.

## POINTS OF ORDER

### IRREGULAR ALLOCATION OF LAND BY SETTLEMENT OFFICERS IN THE COUNTRY

**Mr. Mureithi:** On a point of order, Mr. Temporary Deputy Speaker Sir. I rise to seek a Ministerial Statement from the Minister for Lands with regard to the irregular land allocation by the settlement officers in various settlement schemes in this country. In that Statement, the Minister should confirm whether the settlement officers in the Ministry play any facilitative role in the irregular allocation of public land. For that matter, I want a clarification on the ownership and status of a piece of land belonging to Nyandarua Institute of Science and Technology, 100 acres in Ol Kalou Township, which seems to have been allocated to individuals, Gatimu Market which has received Constituencies Development Fund (CDF) twice and seems to have been allocated to individuals and also Madaraka Primary School, which has lost four acres, meaning that they cannot have any land on which to construct a high school in Ol Jororok Division.

I would like the Minister to provide details on how many public utility plots have been irregularly allocated to private individuals or organizations in other settlement areas. I would also like him to explain the steps being taken to make sure these pieces of land revert to the Government for public good.

**The Temporary Deputy Speaker** (Mr. Chanzu): Mr. Mwakwere, could you give a commitment on behalf of the Ministry?

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): I will do the needful, Mr. Temporary Deputy Speaker, Sir.

### DELAY IN DELIVERY OF STATEMENTS

**Mr. Kabogo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I seek the indulgence of the Chair. Yesterday, the Speaker, Mr. Marende, ordered or asked the Minister for Justice, National Cohesion and Constitutional Affairs to come to the House this morning and deliver a Ministerial Statement, and he promised to do so. As you are aware now, the Minister, Mr. Wamalwa, is not in the House. It is unfortunate that a Minister is asked by the Chair to make sure that he is present to deliver a statement, and without any reason, he decides that the attention required by the House is not necessary. I wish to request that you find this gross misconduct on the part of the Minister. I, kindly, request that he appears here in the afternoon with the Ministerial Statement. I have been sitting here since 9.00 a.m. waiting for him to appear but he is not here. This is my first point of order.

My second point of order is on another Ministerial Statement I asked from the Minister for Finance regarding the issue of clearing transit cargo. He promised that he would issue that Ministerial Statement this morning. You realize again that Mr. Githae is not here, although he had promised to issue the statement himself. What I am trying to say is that this Coalition

Government is not working. It is not ready to come to work. We are now held at ransom or hostage by the Government side. I again ask you to find that this is gross misconduct on the part of the Minister Githae, and that he should be asked to appear this afternoon and explain to the House why he did not come in the morning and to also issue the Ministerial Statement in the afternoon.

**The Temporary Deputy Speaker** (Mr. Chanzu): Mr. Mwakwere, these two Ministers gave commitments here. It is serious on the part of the Government to give a commitment and not come to deliver the Ministerial Statement. So, here are two Ministers, Mr. Wamalwa and Mr. Githae. They should get that information, and then they should be here in the afternoon to issue these Ministerial Statements.

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): I will communicate accordingly.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know if you heard the hon. Member, who was on a point of order, Mr. Kabogo, calling our Government a “government of collusion” to imply that there is some kind of collusion and that it is not performing. Could he withdraw because that is imputing an improper motive on the Government?

**The Temporary Deputy Speaker** (Mr. Chanzu): All right, hon. Kabogo, I think we know what this Government is. Could you state the correct position or withdraw?

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, the English Language is a foreign language. For some of us, the command of the language is quite challenging. I said “this Coalition Government.” If I would speak it with a Luo accent, I will say *coalison!*

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Chanzu): Maybe you are excused because of the primary school you went to!

*(Laughter)*

Proceed, hon. Mureithi.

**Mr. Mureithi:** Mr. Temporary Deputy Speaker, there was a statement which was supposed to have been delivered by the Minister for Transport regarding all the airport lands. I would like to agree with my colleague, hon. Kabogo, that, probably, there is a way in which the Front Bench is not willing to provide information to this House.

For that matter, I would like to request the Chair to prevail upon the Minister for Transport to issue the Statement this afternoon because he has failed to do so this morning.

Thank you, Mr. Temporary Deputy Speaker, Sir.

#### STATUS OF AIRPORTS AND AIRSTRIPS IN THE COUNTRY

**The Temporary Deputy Speaker** (Mr. Chanzu): Hon. Mwakwere; there is another one. Hon. Kimunya also gave an undertaking yesterday to give a statement on the airports and airstrips in the country this morning, but he is not here. But, maybe, you can ask him to give it tomorrow afternoon since we have asked for so many of them to be given this afternoon.

**The Minister for Environment and Mineral Resources** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I will communicate to the Minister as directed.

**The Temporary Deputy Speaker** (Mr. Chanzu): Thank you.  
Next Order!.

## BILLS

### *First Reading*

#### THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL

*(Order for First Reading read – Read the First Time  
and ordered to be referred to the relevant Departmental Committee)*

### *Second Readings*

#### THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Mr. Chanzu): I am told that the Mover, hon. Kapondi, was on the Floor and he had just started moving this Bill. He was to continue today, but I am told that he is not in. He has given information that he is out. So, I think we will defer this Bill to next week when the hon. Member will be present to continue moving.

*(The Alcoholic Drinks Control (Amendment) Bill deferred)*

Next Order!

#### THE SOCIAL ASSISTANCE BILL

**Dr. Laboso:** Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to move that The Social Assistance Bill, Bill No.10 of 2012, be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, this is a very important Bill. It is important to note that very recently, the Cabinet approved the Social Protection Policy. I want to state that once this policy is passed, then the three arms of social protection will be covered within that policy, where you have the National Social Security Fund (NSSF), the National Health Insurance Fund (NHIF) and then the National Social Assistance Authority (NSAA). That is the point at which this Bill fits; the National Social Assistance Authority. The Minister for Gender, Children and Social Development is intending to move the National Social Protection Bill, which will establish the National Social Protection Council. This council will co-ordinate the three aspects of social protection. These are security, insurance and social assistance.

So, Mr. Temporary Deputy Speaker, Sir, the Social Assistance Bill that I am moving is really based on Article 43 of the Constitution that expressly guarantees all Kenyans their economic, social and cultural rights, including the basic rights to health, education, food and even to decent livelihoods. It expressly or explicitly asserts the rights of every person, including the right to social security. Article 43 (3) says:-

“The State shall provide appropriate social security to persons who are unable to support themselves and their dependants.”

Mr. Temporary Deputy Speaker, Sir, social assistance or social protection is really well covered in the sense that Kenya has actually ratified international agreements. For example, we have ratified the Universal Declaration on Human Rights of 1948, which recognizes social protection as a fundamental human right for all citizens of the world. Otherwise include the International Convention on the Economic, Social and Cultural Rights of 1967. We also have the United Nations (UN) Convention on the Elimination of all Forms of Discrimination against Women of 1979; the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities; the African Charter on the Welfare of the Child and several others. You will find that most of these are conventions that Kenya has ratified. They guarantee a universal minimum package of social transfers and services consisting of access to education, essential health services, income security through family and child benefits, unemployment benefits, disability benefits *et cetera*.

Kenya being a member State of the East African Community (EAC) is also party to wide ranging provisions on the harmonization and the co-ordination of social security that guides the actions of the partner states. The Kenyan Government and its development partners are currently actually implementing several assistance interventions that are specifically targeting specific categories of beneficiaries. If we look at the issue of cash transfers, we have cash transfers that are given to orphans and vulnerable children; we have cash transfers to older persons; we have cash transfers under the hunger safety nets and we even have the cash transfers under the urban food subsidies. Some of these are in the piloting stage while others are actually ongoing running projects.

Mr. Temporary Deputy Speaker, Sir, under food distribution which is another Government initiative, we have the school feeding programmes, even expanded school feeding and even the general emergency relief food which, again, is particularly being carried out in the Arid and Semi-Arid Lands (ASAL) areas. In terms of public works, which is still another way of assisting Kenyans, we have the *Kazi kwa Vijana* (KKV), despite its many myriad of problems. It is also another initiative that the Government is giving to its citizens to assist them, particularly the unemployed youth. In terms of grants, you have, for example, the programme from the Ministry of Agriculture; *Njaa Marufuku* which again, is giving grants of fertilizer and seeds to vulnerable groups in the society.

The issue is that all these programmes are going on but the main issue is that they are not really anchored or linked to a legal framework. Why then do we want to have this social assistance programme? The reason we have avoided calling it social protection programme is because of what I said in the beginning; that social protection would then have to include the insurance and security aspects which the members would have to contribute some money to. But this Social Assistance Bill is purely one that the Government or donors and the beneficiaries would not be making any contributions of their own.

Mr. Temporary Deputy Speaker, Sir, we are saying that the justification for needing a Social Assistance Bill is basically as we said, to address the issues of Article 43 of the Constitution which clearly has stated that every person has the right to the highest attainable standards of health which include the right to healthcare services, rights to reproductive healthcare, the right to accessible and adequate housing and, of course, to a reasonable standard of sanitation. That is really from a rights-based approach to providing these services to our citizens.

*[The Temporary Deputy Speaker  
(Mr. Chanzu) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, another very important reason why this Bill should have been there when we started these other programmes that I have mentioned is because we also know that the country has been experiencing economic growth and development but at a very slow pace. We know that we have even higher rates of poverty or higher levels of poverty even than our neighbouring countries. Currently, about 50 per cent of our total population lives below the poverty line. That tells you that a lot of people are vulnerable and would require social assistance. This social assistance would then permit these families to be included in the social economic growth like other able bodies.

The food crisis that we are all aware of, if you look at the country even where I come from, we have had this big catastrophe with the maize disease and I can foresee that in a very short while; by December, we will have a crisis in terms of food in the area. We have just been talking earlier on about the north eastern areas where everybody was saying it is marginalized and how we are always sending relief food and all manner of things to these areas. So, we are really saying that there is a food crisis.

We have also had the HIV pandemic that has also contributed immensely to the high levels of poverty that we have experienced in our country. We have an increased number of orphans in this country who we are told currently stand at over 2.5 million and they became orphans as a result of the HIV pandemic. It has contributed immensely to the levels of vulnerability amongst our citizens. We have the general poverty levels and inequalities in our society. I am sure we are all well aware about the very few haves and the majority of the have nots that we have in our country.

The poorest must be again integrated. Since we are saying that over half of them live below the poverty line, we need them to be integrated into national development. The only way to do it is to be able to assist them have some measures that can be able to at least bring them on board in terms of national development.

Again, another vulnerable group of people are the older persons. Maybe almost 5 to 10 per cent of our population in this country is aged over 60 years and above. Again, they are amongst the poorest in the country and are actually regarded as economically inactive. They are not active and, therefore, need to be supported.

We have again persons with severe disabilities. Again, we are told that 10 per cent of our population is living with very severe disabilities. We know that even our social networks have collapsed. Years back, you would hear that all the children belonged to the community or they belonged to the village and everybody would take responsibility in looking after children from different families. But as you are well aware, these social networks have broken up and a lot of people are living in urban areas and the urban poor are living in slum areas. So, a lot of the things that used to happen are not happening any more. I would want to say that as Members of Parliament, you know very well that you have almost become the social security of the people that you represent. When they come to you, you know you are their last hope. You cannot say

“no” to the demands they are making because you are literally the social security of the community.

So, these are some of the reasons why we came up with this Bill. We are saying that if you review the social assistance programmes that are being conducted by the Government at the moment and the development partners since 2005 until 2009, there was a review that was carried out and it clearly highlighted the fact that there are a lot of inadequacies in the existing interventions.

For instance, while repeated distribution of food to the poor families in the ASAL areas has kept people alive, it has not actually reduced poverty. So, you are simply keeping them alive but poverty has not been reduced. Even though the Government is spending about 0.9 per cent of its GDP on social assistance, most of the financing of these programmes comes from the development partners. So, 90 per cent of financing for social assistance is actually from development partners which again goes to highlight what we were discussing earlier on that even the northern parts of this country and some areas in this country have been left to development partners to develop them rather than the Government coming in strongly to see what programmes and projects they can carry out for its people.

So, these are some of the reasons why we have come up with this Social Assistance Bill. We have looked at some of the countries that have been carrying out the social assistance programmes and they actually had very positive impact on their citizenry. If you look at Mexico, they have something called *Opportunidas* Program that actually provides cash transfers and in kind transfers on condition to school-attending children. This means they support children when they go to school to encourage them to stay in school. As a result of that, there has been increased educational achievement by up to 14 per cent and improved nutrition of the children.

In Ethiopia, they have what they call Productive Safety Net Programme that also provides regular cash and food transfers to about Kshs8 million to chronically food insecure people in over 290 *Waridas* which are like districts. The impact of this programme has been very positive and research found that they have improved food security and that the beneficiaries enjoyed an increased income.

In Bangladesh, they also have what they call the Praks which is an ultra poor programme that focuses on the most vulnerable groups and seeks to build up productive assets based of the poorest households. These are examples to show there is a programme in Zambia, Lesotho and Malawi and all have got very positive trends in the impact that these interventions have had on the citizenry.

Really, it is to say that this Bill is important because we are saying, yes, the Government has got some scattered programmes in different Ministries in gender, agriculture and in the Ministry that deals with ASAL areas. But we are saying it is not anchored on any legal framework. Therefore, the importance of making sure that all these interventions can be co-ordinated and controlled from one source.

Mr. Temporary Deputy Speaker, Sir, I want to look at the different parts of the Bill. Very quickly, Part A of the Bill contains the preliminary provisions where “social assistance” is defined as assistance that is provided in accordance with this Bill, to persons in need and other persons. It includes financial assistance and social services.

Clause 2 of Part A also defines basic assistance, such as food, clothing, shelter, education, money, rehabilitation, psychosocial support, funeral and burial expenses, comfort allowances, adoption services, medical care *et cetera*. So, that is the first part of the Bill.

Mr. Temporary Deputy Speaker, Sir, the second part of the Bill provides for the establishment of powers and functions of a National Social Assistance Authority. This is established under Clause 3 of the Bill. As a corporate body, it is cushioned from personal liability.

There are nine functions of the National Social Assistance Authority that are enumerated in Clause 4. Its main functions will be management, administration, payment of social assistance and enforcement of the provisions of this Bill. It shall be run by a management board comprising of the chair, director and members. It will have powers to investigate and establish a compliance and anti-fraud mechanism to ensure integrity of the social assistance programme.

Part 3 of the Bill provides for vulnerable persons and the scope of social assistance under this Bill. If you look at Clause 17, you will find that it specifically says who the people that will be targeted are. They are orphans and vulnerable children, poor elderly persons, unemployed persons, persons disabled by acute chronic illnesses, persons with disabilities and any other person as shall be determined by the Minister in consultation with the authority. They maybe destitute children and even war veterans, if there will be need for them to be supported.

Mr. Temporary Deputy Speaker, Sir, Clause 19 of Part 3 says that a person shall be entitled to social assistance if that person falls under Clause 17 that I have just enumerated and is a Kenyan citizen who complies with any other requirement as may be prescribed by the Minister in consultation with the Authority and approved by Parliament.

Part 4 of the Bill provides for financial provisions and the establishment of the National Social Assistance Fund. That is how it will be funded. We talk about where the funding will be coming from in Clause 34. The Fund shall be used *inter alia* to provide assistance to the vulnerable persons and facilitate research in matters relating to social assistance. It shall be administered by the Authority that we have just talked about.

Mr. Temporary Deputy Speaker, Sir, what will be the sources of funds? It is any funding that is provided by bilateral and multilateral donors for the purposes of the Fund and monies that may accrue to or vest in the Authority in the course of the exercise of their function. I am sure that you are all aware that we put this way since being a Private Member's Bill, we cannot commit Government money. But we have all the time consulted with the Minister on the same and we hope that they will chip in at some point and commit some money into this Fund.

Mr. Temporary Deputy Speaker, Sir, Part 5 deals with the miscellaneous provisions which include offences, general penalties and the power of the Minister to make regulations. Clause 40 clearly states that a person is guilty of an offence if he or she makes a false or misleading statement in any application or report under this Act or makes an application or report that by reason is of non-disclosure of the facts, is false or misleading. In other words, it clearly stipulates those that may misuse the Fund by, for example, fraudulently trying to get money from the Fund or cashes a cheque for assistance to which the person is not entitled. All the offences are clearly stated in that clause.

That in essence without going into too much detail is what the Bill is about. It clearly shows what the National Social Assistance Authority will do. It will be acting as the sole agent and bring together all the various cash transfers and services that are currently being delivered from different Ministries or agents. They will all be put under one roof.

Mr. Temporary Deputy Speaker, Sir, I beg to move and request hon. Millie Odhiambo to second this Bill.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, first of all, I want to take this opportunity to congratulate hon. Laboso for bringing this Bill to this House. Indeed, I

want to indicate that when I came to Parliament, we shared with hon. Laboso that I had an interest in a similar Bill. Hon. Namwamba coincidentally had a similar interest. I did intimate to hon. Laboso that I will let my interest cease so long as she promises that she will pursue it to the logical conclusion. So, I want to thank hon. Laboso for living up to her promise and for doing an excellent job by bringing this Bill.

Mr. Temporary Deputy Speaker, Sir, I have a personal interest in this Bill because this is the work that my mum did all her life. She passed on last year and so, for me, by passing this Bill, I feel very honoured that the work that my mum did all her life is furthered through this Bill. Indeed, being my mother's child, I am very passionate about the issues of social assistance, especially to vulnerable persons. Even though I am a lawyer, I did my Masters in Public Interest Law, which is a law that primarily seeks to protect vulnerable groups such as children, women, persons with disability and elderly persons amongst other persons who are vulnerable in the society. Therefore, I am really gratified and happy that hon. Laboso has taken this initiative.

Mr. Temporary Deputy Speaker, Sir, this Bill gives effect to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, International Covenant on the Rights of the Child and Convention and elimination of all forms of discrimination against women and the African Charter on the Rights and Welfare of the Child amongst others that hon. Laboso mentioned. It also gives effect to Article 43 of the Constitution, part of Article 100 and all the other articles of the Constitution that have to do with women and children.

Mr. Temporary Deputy Speaker, Sir, when we were growing up, the Government had a form of social assistance where my mother worked. I saw as we grew up the Government consistently provide assistance to vulnerable groups in the society. The Government catered for the ones who were not able to pay school fees and lacked food. Indeed, it is embarrassing for us, as a country, that we will be celebrating 50 years which in the Bible is called the "Year of Jubilee", with lamentations. It is unfortunate, as a country and we need to really look back and ask ourselves: Where did the rain start beating us? If you look at smaller countries that got their independence later and some of which are facing serious economic challenges like Zimbabwe, you will realise that they are doing much better than us even in terms of providing social assistance.

We had the honour and pleasure to visit Namibia with hon. Dr. Laboso, where we were shown how an effective social assistance programme is run. We share with several other countries around what they are doing. Indeed, I can say that in Kenya, there are certain initiatives that we have indicated such as the Cash Transfer Programme for children and the one for women and older persons. I want to thank this Tenth Parliament for the many Motions and laws that we have passed that have actually anchored these initiatives in law. Before it was dependent on the whims of the Government in place and if the Government was not interested, then it would not be provided. But now by constitutional provision, we have taken the mandate of ensuring that we protect these vulnerable groups under Article 43 of the Constitution. Even though it is progressive, I want to thank hon. Laboso that by providing this legislative framework, we are actually even fulfilling our constitutional mandate in relation to Article 43 of the Constitution.

Mr. Temporary Deputy Speaker, Sir, as the Vice-Chair of the CIOC, I am, indeed, happy that we have taken this initiative. I want to indicate that there are many Kenyans; over 50 per cent, who live below the poverty line with many living on less than one dollar a day. We have incidents of child headed households that is extremely prevalent especially in parts of Nyanza where my father comes from. I want to also indicate that we also have very severe cases of



feminization of poverty with women bearing the greatest brunt of poverty especially with issues of skewed gender relation. Therefore, when you provide this law, it goes a long way in also balancing the gender equation and also, it seeks to ensure that women are put in our development table.

I want to thank hon. Dr. Laboso for mentioning the fact that many parliamentarians are fearful of talking about. I do not and I have said here in the House before that I do not support any increment of salaries for Members of Parliament. However, one of the things that Members of Parliament fear saying because then it is not the most prudent or most sexy things to say in the public, is that Members of Parliament have become the social security system in this country. As Members of Parliament, we are the ones to provide money for burials for members of our communities. We are the ones who provide medical bills for members of our communities; we are the ones who provide school fees for members of our communities; we are the ones who build houses for poor members of society and because people still need to marry, we are the ones who also help poor people pay dowry. Then, whenever we say this, sometimes, I share with my friends, they also tell me, we also do that. They do it occasionally and it is not obligatory, as it is for elected Members.

Mr. Temporary Deputy Speaker, Sir, fortunately, I can be speaking today as a Nominated Member. I see what my elected colleagues go through and I can tell you for a fact it is a challenge that this Government must deal with. I will be very happy if we reduced the salaries of Members of Parliament to Kshs20, 000 per month so long as the Government of Kenya can take its responsibility fully and squarely by taking care of the marginalized and do not making it a responsibility of Members of Parliament. It is one of those things Members of Parliament do not want to say because they fear that if they say it in this podium, they may not get elected. I will go and get elected by saying the truth and the truth is that the Government must deal with the issue of social assistance. That is why I want to thank hon. Laboso for being brave and for putting on the table what a lot of us fear. The burden has been transferred to Members of Parliament and other elected leaders; councillors and other categories of elected leaders. It is not because Kenyans are lazy but because the incident of poverty is extremely high and the incident of taxation in this country is extremely high. Kenyans are over-taxed and Kenyans are poor and struggling. So, the Government must take action. I know that Members of Parliament will like the monies to be released so that we do not have the scenario where we see here sometimes, where former Members of Parliament come here seeking for assistance from sitting Members of Parliament because they are not able to make ends meet and in the end, the public laugh at them.

I am part of a social media network and the last few days, I have been engaging members of the public. They have been throwing all vitriol at us especially for those who are brave enough to engage. I can tell you, there is a woman who I think lives in the United States of America. I do not know if she is a woman or a man. I remember the second name is Malianya and this person has been engaging the public and he or she actually wrote that, if the decision was hers, she would look for *Al Qaeda* to come and bomb this Parliament. When you hear those sentiments coming against Members of Parliament, it is not good. But why are Members doing this? It is not that Members of Parliament are bad because we are part of the society. It is because of the undue burden that has been put on Members of Parliament. I do not support any increment of salaries for Members of Parliament but the Government must hold the bull by the horns and deal with the challenges that we face as a country.

Mr. Temporary Deputy Speaker, Sir, having said that, I just want to suggest certain amendments. One on the issues is the definition of youth. I know that because of the issue of

access and criteria the Ministry is probably using the standard age of 30 years, but constitutionally more specifically Chapter 17 under the General Provisions provides of a youth as a person up to the age of 35 years. So, I will want to encourage that we actually recognize that. Once in our wisdom, we have decided that the youth are persons up to 35 years, we must recognize and give respect to that.

Mr. Temporary Deputy Speaker, Sir, again, in the provision under Clause 5 of the persons who shall sit in the Board of the Authority, I want to encourage Dr. Laboso, if she could also expand the representatives of the Non-Governmental Organizations (NGOs) and also define Non-Governmental Organization broadly because when you only put it to the National Council of NGOs because of the multiple systems of registration, then we exclude quite a big chunk of agencies that work in this area but who are not necessarily registered under the National Council of NGOs. There is an Act of Parliament that deals with NGOs and that establishes this body.

Again, I would urge under Clause 5(3) that we provide for a person who has at least five years of experience so that we enhance youth participation and employment because I think by five years, you have appropriate experience.

I also want to thank hon. Laboso for providing in Part 3, that there is a whole list of persons who qualify. They include orphans and the vulnerable children, poorer elderly persons, unemployed persons, persons with disability by acute chronic illness and generally, persons with disabilities. I am very particularly interested in D, the persons disabled by acute chronic illnesses and that will take care of persons with HIV and AIDS and persons that are living with cancer especially given that we are in the breast cancer month.

Mr. Temporary Deputy Speaker, Sir, very recently, I lost a dear friend, Mary Onyango, to cancer. In her memory, I know how much money it took and she actually introduced me to that world and how difficult it is to deal and manage cancer. I lost a very dear young friend, Nyakia, again to cancer very recently and very many people die from cancer and are not able to access healthcare. So, if the Government could provide a category of disable persons by acute chronic illnesses, we should also then configure the disabled very broadly not to just say that you are also disabled because you are not able to move but that you are not able to do things in the same manner that every other person can.

In Clause 20, I will want to encourage that we rethink about it and expand it because there are elderly persons who are taking care of young children. If you look at Clause 21 very clearly, it does not really cater for them because the proviso is there that the elderly person must have attained 65 years or has been neglected or abandoned or lives on begging, yet it does not take into account the older persons who are taking care of children whose parents have died.

I want to say that I am very happy with the provisions that provide for punitive measures for persons who abuse this law, because then they will be taking advantage of an opportunity that is given to the most vulnerable in the society. I want to encourage that the fine of Kshs100,000 be enhanced to Kshs500,000, so that we will not have people taking advantage of this well intentioned Bill.

Finally, I am happy to see the Minister for Gender, Children and Social Development, Dr. Naomi Shaban, whom I know is also very positive to issues of gender and children. I am happy that at a time such as this, she is sitting at that docket. I want to encourage her to emphasise Clause 35, so that the Government could provide, as the Mover has indicated, the funds from the Consolidated Fund.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. I. Muoki:** Mr. Temporary Deputy Speaker, Sir, I would like to make a few comments in support of this important Bill. First of all, I want to thank my sister and colleague, hon. (Dr.) Laboso, for bringing this Bill. This is because we have had social problems in the country and also some kind of assistance, but very unco-ordinated. I am very happy that we are seeking an authority to address this issue. Maybe, with a light touch, I would have preferred that Dr. Laboso should have had a man to second this Bill, so that it does look more of a family issue. This is because we are dealing with social issues.

Having said that, we have moved from a society where the community used to take care of everybody in; if you were poor, orphaned or sick, the community would take care of you, thereby riding society of these extreme cases. As we develop, the family system will change. We now have this problem of people not being able to support themselves. I am thinking of various groups. Of course, we have the aged who are over 65 years of age and who have no persons to support them. We have the sick and also those I would call “social outcasts”. These are the people who, because of the pressure of the society, have left their communities and engaged in activities like prostitution. They have been rehabilitated, but somehow they are nowhere. I am thinking of orphans and people who, as a result of disasters, find themselves with nothing and so they are exposed to problems.

If we have a body that co-ordinates all these activities, then I think we will be moving in the right direction. When we give this assistance haphazardly, we may assist some people and leave others unassisted. I fully support this Bill. It would be very important for this Authority to, first of all, identify what the problems are that cause some of these people not to be able to support themselves. We have had cases where people run from their families, the youth try to commit suicide and so on. This is because we have problems.

We need this Authority to, first of all, identify these problems, so that, as an Authority, if they have a way of preventing these occurrences, then, of course, they will reduce the number of the people who need social assistance. It will also be important to look at issues that are short-term. For instance a disease may occur, or we could have the case of IDPs where you just need to have a quick intervention and after sometime, things are back to normal and then life continues.

We also need to look at the kind of assistance to be provided. You find an old man and woman, say, of 70 years, who does not have people to support them. We have to support such people up to the end of their lives. There is a case where you find a family of young children or what we call “families headed by children”. Here, you find that a first born is still in primary or secondary school. It is important that we provide assistance to these families, so that the first born goes through education, gets salaried employment or self-employment and becomes able to support his or her siblings. It is important that this Authority looks at those areas of social need and provide quick support and long-term support.

If the issues of educating children who are unable to cater for themselves is addressed, that will be a good thing. Assistance in terms of housing is equally important. We have cases where people are not able to get accommodation for themselves. We need the Government to address those issues, so that we do not have that problem and others such as lack of food, education and so on.

Mr. Temporary Deputy Speaker, Sir, I would prefer that the Government adopts this Bill and then we have money coming from the Consolidated Fund, donors and well-wishers in support of this Authority. As you can see, the people who require this kind of assistance are

many. Therefore, we need everybody's participation and support, so that we can help those members of our society who are not capable of supporting themselves.

With those few remarks, I support.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill by my great friend, Dr Laboso. I want to congratulate her for this very insightful initiative. As we progressively implement the Constitution, there will, obviously, be important legislative steps that we will need to take in order to cause the Government to move towards the direction of putting in place programmes that will either synergize what exists already and is spread across various dockets and projects in the system, or bring complementary ideas like hers.

Listening to the hon. Member moving the Motion, it was obvious that she had done her research very well and looked at the global best practices. She even cited neighbouring countries like Ethiopia which you cannot say have as much money as some first world countries. They are at our level, but they still take steps to ensure that they mainstream the underprivileged. I was in that country recently to attend a conference on youth issues, which have been cited in this Bill. I know that although we have had our major achievements in the area of bringing up the youth, women and children to the mainstream through legal and the programmes that give them some empowerment---

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt my good friend, hon. Kabando wa Kabando, but can I suggest that we do three minutes each, so that all of us can contribute given that time is running very fast?

**The Temporary Deputy Speaker** (Mr. Mureithi): Are we in agreement that we take three minutes each because there is quite a lot of interest? It is agreed. Hon. Kabando wa Kabando, you can complete your statement, so that we can give others a chance.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, I had done only 20 seconds and I wish to use the remaining minutes to finish it.

We need to build synergy among institutions, for example, the National Council of Children, the NGOs and the Kenya National Human Rights Commission and the National Council for People with Disabilities together, so that we can cause the vulnerable groups and the disadvantaged to benefit from a sustainable Government initiative.

I note that in order to have a watertight system, Part III deals with people who qualify and employ people with disabilities, any other person like me, this is in Section (f), may from time to time be determined by the Minister. The Mover needs to think about that as we move forward, so that it is not open-ended. There is another section on the people who qualify.

Again, the Bill talks about people who are begging on the streets for a living. There is need to do a bit of an audit in that area, so that it is not open to abuse. I know that ahead, the Bill has provided mechanisms of disqualification, but so that we do not encourage people to go to the streets to beg and then they qualify for that, the Government has already been taking some actions. Since the late Maitha removed street children and beggars from the streets, the number has come down. We know it is possible.

In conclusion, it is, indeed, a fact that very many initiatives currently ongoing are based on quick *ad hoc* interventions. This was put very well by the Seconder, hon. Odhiambo. We do not want to accept the realities on the ground when we talk about orphaned children going to school and issues to do with deceased, in hospitals and mortuaries. The best way is for a Member of Parliament to come, like Dr. Laboso has done, to put a system that promise and gives a way

that can consolidate a programme that will benefit those very people. Therefore, as Parliament, we are telling the country that, indeed, we accept this, but it is not to be reliant on the *ad hoc* interventions of politicians or even welfare groups. The welfare groups like the constituency offices, the social development officers and other social managers will give the information and the data possible, so that we feed into the national system and then we download the benefits to those that qualify.

I support this Bill knowing that it is very timely. Again, I want to congratulate Dr. Laboso, for bringing it to the House.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I support the Bill. Just today in the news, somebody buried a 95 year old woman alive because she was too poor and a headache to the family. It cannot be worse than that in any part of the world. Looking at where we sit in this wonderful Chamber here, and I invite the Members to look at the Mosaics on the walls of all the regions from Mt. Kenya to the Coast, they show poverty. In some of the areas, people live in areas that are defined by the United Nations as conditions that limit even their human dignity.

We may talk of lack of money. It is true that we lack money. During the former President's Moi Budget and I am in KANU and so I knew the Budget then, it was only Kshs240 billion. Today, the Minister for Finance says that they are losing 30 per cent of the Kshs1.5 trillion. This works out to be about Kshs300 billion, which is going through looters. That is higher than the entire KANU Budget. We can do it. We can afford US\$1 or US\$2 for the poor through a system that will ensure that all the Kenyan citizens are all the vulnerable that are defined in this Bill are truly taken care of. We cannot sit here and pretend. I very strongly wish to thank the designers of this Chamber for making sure that every time we sit here and debate, we shall always be faced with these Mosaics to remind us that some people live in those hard conditions.

Famine relief should now go to this Authority once established, so that we do not have it becoming a source of enriching a few, but an organization that is going to be entrusted with the administration of that plastic card. We have 30 million Kenyans today with mobile phones. Even if it means supplying mobile phones to those poor Kenyans, so that they can access the M-pesa system or any other system, we should do that.

With those few remarks, I support.

**Mr. Kathuri:** Mr. Temporary Deputy Speaker, Sir. I also rise to support this timely Bill. It is a well thought of Bill by Dr. Laboso. I congratulate her for moving it. Before I forget what is ailing our society, there is the issue of children being employed as house girls. I would want this captured somewhere in this Bill, so that much as we know that the Ministry of Labour has a duty, we also want to see social assistance being used to address that issue. To me, there is no other evil in our society than when you see girls below 25 years or 30 years, being subjected to the work of house girls and being misused to the extent of some of them serving as wives. It is very sad. We need to see that matter addressed thoroughly. It will be a move without direction. Social assistance should not only target the aged. I also see the need for the age, but this vulnerable group should be targeted, so that it can be assisted.

With regard to the elderly, we have seen some initiatives in the constituencies, but they are so scanty. Let us also see a comprehensive approach towards the same, so that we do not regret a case like the one that was in Kirinyaga yesterday which has been referred to by the previous speaker. We saw an elderly woman being buried alive just because she has become a burden to the family. We want to see serious attention being given to the elderly, so that we can assist them for the sake of the number of years that God has given them.

It is also very sad that some NGOs source for funds from donors to come and assist the less privileged, but this money ends up in the pockets of some few individuals and they construct high rise buildings.

**The Temporary Deputy Speaker** (Mr. Mureithi): Hon. Member, you should conclude because I have to give the Minister five minutes and the Mover five minutes and then we conclude this debate this morning.

**Mr. Kathuri:** Thank you, Mr. Temporary Deputy Speaker, Sir. The NGOs were created specifically to source for funds to assist the less privileged. We should not see them getting away with it. We need to see this Bill address this very well so that we do not see people take advantage of the less privileged. We should ensure that the funds are delivered.

**The Minister for Gender, Children and Social Development** (Dr. Shabaan): Mr. Temporary Deputy Speaker, Sir, I want to join the others in congratulating Dr. Joyce Laboso for having brought this Bill to the House. From the outset, I also want to put a request to her for some reasons. I want her to hold on (if she will accept) and wait for the following things that we, as a Ministry, are doing. We passed the National Social Security Policy through the Cabinet and the procurement for printing took a bit long. However, it is now at the printing stage and it will come for debate on the Floor of this House.

My sister here has dealt with the social assistance where already there is goodwill coming from the Government side. Since there is goodwill coming from the Government side – that spends about Kshs6.2 billion on social assistance right now - we appreciate that there are important points in this Bill which will be very useful. Owing to the goodwill coming from the Government, once the Sesssional Paper on Social Protection is brought to Floor of the House, it will be obvious that we will move with the Bill of Dr. Joyce Laboso so that we put everything together and read from the same script.

What is also coming out of the policy is that we also have a Draft Bill on the National Social Protection Council which will put everything under one umbrella considering that we have the NSSF which is operating through an Act of Parliament and the NHIF.

**The Temporary Deputy Speaker** (Mr. Mureithi): There is an intervention by John Mututho.

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister need not worry about this going on because we have seen it in the Traffic Act. There is a precedence that we will continue up to the conclusion. The good ideas in this Bill can still be amended further when the other Bill comes into force. However, we must have something to take home for the sake of the 95-year old woman who was buried alive.

**The Minister for Gender, Children and Social Development** (Dr. Shabaan): Mr. Temporary Deputy Speaker, Sir, it is not that I am worried but I just wanted to request my sister to hold on and be a bit patient so that we move on together. I appreciate the issues that have been raised. Most of what the Bill seeks to do is what is needed in this country. But since we, as a Government, are creating a bigger body which is---

**The Temporary Deputy Speaker** (Mr. Mureithi): There is another intervention by hon. Midiwo. Let this be a point of order!

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The route that the Minister is taking to try and convince the Member to basically withhold the Bill is not good because it will set a very bad precedence. Just like it has been alluded to by hon. Mututho, this House's term is almost expiring and the Executive cannot wait for five years to give social assistance to our people and when a Private Member tries to do it, the Government persuades the

Member not to do it. I want to plead with the Minister to allow us and even bring amendments to this Bill in line with whatever they have so that we have the Third Reading of this Bill next week so that our people--- We can even “structure” the Kshs6.5 billion they give to Kenyans because our people are dying. We look awkward and appear to be the most extreme capitalists as a House because we are not reacting to the poverty of our people.

**The Temporary Deputy Speaker** (Mr. Mureithi): Thank you. *Waziri*, you have a very short time to finish so that we can have a response from the Mover.

**The Minister of State for Special Programmes** (Dr. Shaban): Mr. Temporary Deputy Speaker, Sir, I wish I had been allowed to go on and explain. They would have understood. There is a lot of goodwill already coming from the Government. It is not like you are talking to a Government which is not aware of what its people are suffering from. This is a Government which is already implementing something that has not even been put in a policy. It is now coming to a policy level.

The Government has gone out of its way. We are already covering over 210,000 beneficiary households in this country. We have been scaling it up over the years and, honestly, I need to point out that this is not a Government that is not sensitive to the issues affecting its people. That is why I just wanted to talk to you, people, so that you can understand. Yes, it is true that this is timely but all the same, the fact that we are at the printing level, I do believe that this is something that is going to be discussed immediately we come back. However, if we are not going for recess, towards the end of this week or next week, we should be able to discuss it.

Mr. Temporary Deputy Speaker, Sir, I concur with the others that we are in a hurry but the Government had already started implementing. I want to take this opportunity to ask my colleagues to bear with us.

Thank you.

**The Temporary Deputy Speaker** (Mr. Mureithi): I now call upon the Mover to reply.

**Dr. Laboso:** Mr. Temporary Deputy Speaker, Sir, I want to start by thanking all my colleagues for the very good contribution that they have made to this Bill. I want to say that I am very grateful. This is all going to enrich this Bill. The definition of youth as was suggested by Millie was enlightening. There are children who are looking after children. There are older persons looking after children. There are those with children who have passed on.

Mr. Kabondo wa Kabondo also brought out the issue of the system not being open to abuse, particularly, if we talk about the beggars in the streets. We have to be careful on how those will be handled.

Again, they mentioned the *ad hoc* interventions that need to be coordinated. Then, of course, Mr. Mututho made the plea for the 95 year old woman. So, if not for nothing else, we should pass this Bill just to save a situation like that. There have been very good suggestions. Even when it comes to disbursing the money to these people, the cheapest way is the new technology of M-pesa. It is an important technology which is known internationally. It is our own Kenyan system of disbursing money. It is a very excellent suggestion and a cheap one.

Mr. Kathuri also mentioned about the maids. We should also find a way of including them.

Mr. Minister, I want to agree with you that we have talked severally with you. I do not think that my Bill is in conflict with your suggestions. Allow the Bill to continue to the Third Reading. As you have clearly seen, up to this point, we have not included funding from the Government. As we continue to converse together and to agree on how we are going to proceed, I am sure we will come to an understanding. I, however, would wish that the Bill continues as we

had rightfully agreed in this House. A Private Members Bill will continue until such a time that the initiative of the Government comes in. We will then find a way of merging them.

Otherwise, I want to thank everybody for all the support. This is a very important Bill for all of us particularly us, Members of Parliament, who have become the social security in our constituencies.

I beg to move.

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Mureithi): Hon. Members, it is now time for interruption of business. This House is, therefore, adjourned until this afternoon, Wednesday, 10<sup>th</sup> October, 2012, at 2.30 p.m.

The House rose at 12.30 p.m.