

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th October, 2007

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-
Annual Report and Accounts of the Tea Board of Kenya for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister for Youth Affairs, (Mr. ole Metito) on behalf of the Minister for Agriculture)

NOTICE OF MOTION

NOTING OF DEPARTMENTAL COMMITTEE REPORT ON EQUITY BANK

Dr. Oburu: Mr. Speaker, Sir, I beg to give notice of the following Motion.
THAT, this House notes the contents of the report by the Departmental Committee on Finance, Planning and Trade on Equity Bank laid on the Table of the House on Tuesday, 16th, October, 2007.

QUESTION BY PRIVATE NOTICE

KILLING OF MR. WILSON ISUMBA

Mr. Khaniri: Mr. Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Question by Private Notice.

(a) Under what circumstances was Mr. Wilson Isumba gunned down on Saturday, 6th October, 2007, at Hamisi District Headquarters?

(b) How many suspects have been apprehended in connection with the incident?

(c) Could the Minister assure the House that proper investigations will be conducted to ensure that the perpetrators of the killing are brought to book?

Mr. Speaker: Where is the Minister? Yesterday, this Question was here and we deferred it because he was not there! Is there anybody who knows where he is?

Mr. Khaniri, what do I do?

Mr. Khaniri: On a point of order, Mr. Speaker, Sir. This Question first came to the Floor of this House on Thursday last week. The Minister requested that it be deferred to Tuesday.

We all know the practice in this House is that Questions by Private Notice are supposed to be answered within 48 hours. I think this is a deliberate move by the Ministry in order not to answer this Question.

Mr. Speaker, Sir, I beg that you make a ruling on this matter.

Mr. Speaker: There is really nothing for me to rule! I thought that the Question is properly before the House. The Minister should have been here to answer it! He did not come here yesterday. I ordered for the Question to be on the Order Paper today. I wonder whether he was informed.

Mr. Speaker, Sir, could somebody inform the Minister that this Question will be on the Order Paper tomorrow?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I will inform the Minister that this Question will be on the Order Paper tomorrow afternoon and that he has to be here to answer it.

Mr. Speaker: Thank you! The Question is deferred to tomorrow.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.327

NON-PAYMENT OF DEATH GRATUITY TO LATE ALANGO'S DEPENDANTS

Mr. Sungu, on behalf of **Prof. Olweny**, asked the Minister of State for Administration and National Security:-

(a) whether he is aware that Mr. Stephen Okuto Alango, P/No.01792019087, who was the Assistant Chief of Wang'aya II Sub-Location, Miwani Division, Muhoroni Constituency, died on 29th October, 1997;

(b) whether he is further aware that the death gratuity and benefits of the deceased have not been paid to the family; and,

(c) what efforts he is making to ensure that the benefits and death gratuity of the late Alango are released to his wife, Mrs. Jane Juma Alango.

Mr. Speaker: Mr. Minister!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, this is the same Minister who should answer this Question. I will ensure that he is here tomorrow afternoon to answer it.

Mr. Speaker: Is that okay?

Mr. Sungu: Mr. Speaker, Sir, I would really like to protest. Yesterday, as the Minister was avoiding the Question by Mr. Khaniri, I knew he was having a sumptuous lunch in the Dining Hall.

Again, today we saw one of them there. I beg the Chair to prevail upon the Minister to take matters of this House seriously because it is our constitutional right to ask Questions!

Mr. Speaker: I agree with you! The Question is deferred.

(Question deferred)

Mr. Speaker: Next Question by the hon. Member for Samburu West Constituency!

Question No.045

DISMISSAL OF MR. ALOIS LESINGIRAN

FROM POLICE FORCE

Mr. Lesrima asked the Minister of State for Administration and National Security:-

(a) why Alois Ripalat Lesingiran, No.36367, was dismissed from the Police Force in 1990;

(b) why his appeal, in a letter dated 7th, November, 1990, was never heard; and,

(c) when he will be reinstated.

Mr. Speaker: Mr. Minister!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, it is the same Minister!

(Laughter)

Mr. Speaker: What is happening with this Minister?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, as I have said, I will ensure that he is here tomorrow to answer all the three Questions.

Mr. Speaker: Mr. Lesrima, there is not really much I can do!

Mr. Lesrima: Mr. Speaker, Sir, could you authorise me to go and pick him from the Dinning Hall?

(Laughter)

Mr. Speaker, Sir, my Question is very straight forward. There is no reason for him to dodge it!

Mr. Speaker: Mr. Lesrima, I sympathise with you. But as you know, I have no powers of arrest! I will persuade him to come tomorrow

(Laughter)

Capt Nakitare: On a point of order, Mr. Speaker, Sir. The Minister is aware that the Ninth Parliament is coming to an end. Is this a pretence that we have to extend the sitting of the Ninth Parliament to an unknown time to wait for his answers? We need your guidance.

Mr. Speaker: There is something called in law "Thou shall not act in vain". I have already made my sentiments known and I hope tomorrow he will here. If he will not be here tomorrow, then you will ask me to make my stand known.

Next Question!

Question No.490

CONFIRMATION OF GOVERNMENT PLEDGE
ON FREE SECONDARY EDUCATION

Mr. Osundwa asked the Minister for Education whether he could confirm that public secondary schools in the country will not charge school fees and other levies beginning January, 2008.

The Assistant Minister for Education (Dr. Mwiria): Mr. Speaker, Sir, I beg to reply. As hon. Members will recall, we passed Sessional Paper No.1 of 2005 in the year 2006. In

this Paper, the recommendation was that basic education comprise of up to 14 years of formal schooling. That is from pre-primary, primary to secondary schools. The 14 years would include all the four years of secondary education. The commitment is to have free basic education all the way to the end of secondary education.

Mr. Speaker, Sir, in line with that recommendation, several measures have been taken. At the pre-primary school level, there are issues that were discussed yesterday, including the policy that we have put in place, the provision of facilities and training of pre-primary teachers. At the primary school level, we have the free primary school education programme which has been implemented.

At the secondary level, measures have been taken to make education more affordable. This includes the increment of the bursary money from Kshs547 million to Kshs800 million per year; provision of grants to needy schools; laboratory equipment to schools to, at least, nine schools in every district. There is a provision of up to Kshs1.5 million for ICT to 213 secondary schools of this country. Currently, there is an allocation of Kshs4.3 billion for tuition for free secondary education.

In line with this policy of making it progressively affordable, and then eventually free, the Government is working with all stakeholders towards the realization of that 14 years of basic education. This Government is, therefore, committed to Kenyans. The promise we made to Kenyans was that we would deliver basic education up to 14 years. We are committed to that. I hope next year we will be able to implement this policy.

Mr. Osundwa: Mr. Speaker, Sir, the Assistant Minister has given a very long and winding answer to, an otherwise, very short Question. I wanted him to state categorically whether our students will pack their boxes and go to Alliance High School or whichever school and not pay a single shilling. Will public secondary education be free from January as we are hearing from various pronouncements from Ministers?

Dr. Mwiria: Mr. Speaker, Sir, you will realise that the same people who are now asking whether or not free secondary education is possible, also doubted basic education. I would like to say that, that was a commitment which was implemented. We are now committed to implementing free secondary education. If we have to come up with resources from the supplementary budget, we will do so. There is that commitment.

Capt. Nakitare: Mr. Speaker, Sir, if I read the lips of the Assistant Minister, credibly, he said that if there is a provision in the budget, free secondary school education will be implemented. However, the Permanent Secretary categorically told the public that there would be no free secondary school education. Is this contradictory to what the Assistant Minister is saying? Could he confirm?

Dr. Mwiria: Mr. Speaker, Sir, I can confirm that we are committed to implementing free secondary school education, just like I can confirm that in 2002, one of the campaign pledges of NARC was provision of free primary school education which was implemented.

Mr. Angwenyi: Mr. Speaker, Sir, I happened to have been in a function on Monday where we sang the clarion call "free Form One, Form Two, Form Three, Form Four" and everybody went--

(Mr. Angwenyi gestured)

Mr. Speaker: Went what?

(Laughter)

Mr. Angwenyi: They went ecstatic. This was somewhere in Kisiland---

Mr. Speaker: Order, Mr. Angwenyi! You know I maintain a HANSARD. When you say "Everybody went---" and you throw your hands in the air, how do we write that in the HANSARD?

Mr. Angwenyi: Everybody went into ululations after hearing that message and they started singing: "Free Form One, Form Two, Form Three, Form Four!" Could the Assistant Minister confirm whether that message which was said in Kisii on Monday to more than 100,000 people was correct or not?

Dr. Mwiria: Mr. Speaker, Sir, I spoke to Mr. Angwenyi and we agreed that this is true and I can confirm. So, he is basically getting what he asked me to deliver.

Mr. Speaker: That one is called in parliamentary parlance a friendly question.

Archbishop Ondiek: Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House by saying that the Government will provide free secondary school education, yet his own Permanent Secretary who is the implementing officer said categorically yesterday that the Government will only be responsible for tuition fees?

Mr. Speaker: You know you are repeating what another hon. Member asked. I cannot allow a repetitive question.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is misleading the House. Could he confirm that we will get the circular before Parliament is dissolved saying that free secondary education will be provided from Form One to Form Four and not just waiving tuition fees?

Dr. Mwiria: Mr. Speaker, Sir, you will realise the hon. Member said that "he thinks I am misleading the House." Fortunately, it is just a thought. So, I would like to confirm that, that thought is misplaced. As I said, we have that commitment.

Mr. Osundwa: Mr. Speaker, Sir, I am seeking this information from the Assistant Minister because a lot of schools are undertaking projects like building laboratories, buying school buses and other facilities. Could he inform this House in precise terms whether students will not be required to pay any fees, that is from Form One to Form Four in form of levy or tuition? Will the Government provide free secondary school education? This is what we are asking in simple language. We want to get it from the horse's mouth today.

Dr. Mwiria: Mr. Speaker, Sir, I do not know why the hon. Member says he wants to get it from the horse's mouth when he has said that there are only two horses in this country. I would like to confirm that the reason he is asking the Question has nothing to do with the teachers. Yesterday, he confessed to me in what we call friendly parliamentary parlance that this is actually a political Question. I did tell him that I would respond to it politically. So, we are committed to this.

Mr. Speaker: Very well. We have two Questions, but I understand the hon. Members are not here. I was told that Mr. Sambu will come late. He has reported to me that he will be late. I will defer the Question to tomorrow.

Question No.174

TSC'S FAILURE TO IMPLEMENT
NANDI NORTH DEB'S
RECOMMENDATIONS ON RECRUITMENT

(Question deferred)

Mr. Speaker: Mr. Choge is also not in here. He called my office to say that he will not be

here. I, therefore, defer his Question.

Question No.492

NON PAYMENT OF NSSF BENEFITS
TO MR. KIPTENAI ONDIEK

(Question deferred)

Mr. Speaker: That is the end of Question Time.

COMMUNICATION FROM THE CHAIR

CHANGE OF ORDER OF
BUSINESS ON THE ORDER PAPER

Mr. Speaker: Hon. Members, you will realise that the next Order is Committee of the Whole House on three pieces of legislation beginning with the President's Memorandum on the Political Parties Bill, the Occupational Safety and Health Bill and the Constituencies Development Fund (Amendment) Bill. I cannot see the Minister for Justice and Constitutional Affairs. I do not know whether there is any Minister ready to represent her. Before I give directions for the next Order of Business, is there any Minister ready for the next Order?

The Minister for Local Government (Mr. Kombo): Mr. Speaker, Sir, could you give us a minute? I think the Attorney-General is just out here. We can get him.

Mr. Speaker: What shall I be doing in the meantime?

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Speaker, Sir, in the meantime, if we go to Committee of the Whole House, Dr. Kulundu is here, we can start with his Bill as we wait for the concerned Minister, so that we can deal with the Political Parties Bill thereafter.

Mr. Speaker: That is a reasonable proposition. We will take business in the following manner. We will begin with Order No.7(ii). Upon completion, we will return to Order No.7(i) and upon conclusion we will conclude the Committee on Order No.7(iii). For the information of the House, I have not got any amendments from any hon. Member in respect of the Political Parties Bill. There are no amendments preferred by any hon. Member. Therefore, there will not be any at the time of considering that Bill. So, you will either accept the questions or not and that will be the end of the story.

Mr. Ahenda: On a point of order, Mr. Speaker, Sir. Would it be in order, just in case, by the time you finish with Order No.7(ii), before we go back to Order No.7(i) and if the Minister is not in we can---

(Ms. Karua entered the Chamber)

Hon. Members: The Minister is here!

Mr. Speaker: Order, hon. Members! Now that the Minister is here, I will reverse everything now. We will reverse all the directions I had made and business will proceed as stated in the Order Paper.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Speaker, Sir, I would like to apologise for coming late after the Order had been called. I seek the indulgence of the

House.

Mr. Speaker: Very well. Actually you were expected to come after Question Time. Somehow we finished Question Time much earlier than anticipated. Your apologies are accepted.

My directions, therefore, are the following: We will proceed with the Order Paper the way it is. There are no amendments preferred against Order No.7(i). There will not be any because it is out of time.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairman

(Mr. Khamasi) took the Chair]

THE POLITICAL PARTIES BILL

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, we are in the Committee of the Whole House to consider three Bills. We will start with the Political Parties Bill.

Clause 2

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 2 be amended by:-

(a) inserting the following new definition in a proper alphabetical sequence

"Corporate member" means a registered political party";

(b) adding the following proviso at the end of the definition of "political party"-

"Provided that in the case of a political party whose membership includes corporate members, each such member shall, unless the context otherwise requires, be deemed to be a political party within the meaning of this Act."

This is intended to give clarity as indicated in the Memorandum.

*(Question of the amendment
proposed)*

*(Question, that the words to
be inserted be inserted,
put and agreed to)*

*(Question, that the words to be added
be added, put and agreed to)*

(Clause 2 as amended agreed to)

Clause 17

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary

Deputy Chairman, Sir, I beg to move:-

THAT, Clause 17 of the Bill be amended by inserting a new sub clause immediately after subclause (4) as follows:-

(4A) Subsections (3) and (4) shall not apply to a member of a political party which joins another political party as a corporate member.

This is again for clarity.

*(Question of the amendment
proposed)*

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I have looked at Clause 17 of the Bill and unless the clauses have been subsequently renumbered, the Attorney-General appears to have implied that, that amendment does not seem to apply to the Clause. May be I can get some guidance.

The Temporary Deputy Chairman (Mr. Sungu): I am advised that this has been renumbered by the drafting officers at the Attorney-General's office. So, we have to deal with it as renumbered.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 17 as amended agreed to)

Clause 30

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 30 of the Bill be amended-

(a) by deleting the proviso to subclause (3) and substituting therefor the following new proviso-

"provided that-

(i) where a presidential

candidate is supported by more than one political party, only the votes cast for the parliamentary and civic candidates of the respective parties shall be taken into account in calculating the amount payable to the respective parties; and

(ii) in the case of a political party with corporate member parties which opt for joint nomination of parliamentary and civic candidates, its share of the Fund under paragraph (b) shall be further distributed proportionately to the member parties in reference to the total number of votes secured at the last general election by each parliamentary and civic candidate belonging to the party".

(b) by inserting a new subsection

immediately after subsection (3) as follows:-

(3A) For the purposes of paragraph (ii) of the proviso to subsection (3), a political party with corporate member parties which opt for joint nomination of parliamentary or civic candidates shall, on the date for the nomination of candidates, indicate to the Commission the party to which each candidate belongs.

Again, this is to give clarity.

*(Question of the amendment
proposed)*

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I want to make one comment. The proposed amendment of the new proviso is quite long. Like I said before, having just the original Bill for reference is very difficult to understand it. We do not have the redrafted version by the Attorney-General's office. So, it is very difficult for us to understand. It will be nice if the Minister would explain to us the import of this amendment, so that when we make a decision, we are clear about it.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I want to remind the hon. Members that when we were passing the Bill, we added a proviso that said that if more than one political party supports one presidential candidate, then, for purposes of funding those parties, it is not the presidential vote that would count, but the votes of the parliamentarians and the civic members of each political party. Now, this new proviso clarifies and puts it in its proper context.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 30 as amended agreed to)

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the recommendations by His Excellency the President on the Political Parties Bill (Bill No.3) of 2007, and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT

THE POLITICAL PARTIES BILL

Mr. Khamasi: Mr. Speaker, Sir, I beg to report that a Committee of the Whole House has considered the recommendations of His Excellency the President on the Political Parties Bill and approved the same without amendments.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

(Question proposed)

Mr. Sungu: Mr. Speaker, Sir, as we adopt the Memorandum by the President and as we have now defined a new meaning to corporate membership to political parties, I wish to draw your

attention to the fact that Section 5(3)(a) of the Constitution may well come into play because it says that whenever Parliament is dissolved, an election of a President shall be held at the ensuing general election and at that election, each political party taking part in the general election, shall nominate one candidate for President in such a manner as will be described under an Act of Parliament.

My concern is that now there are so many corporate members. Will they be fielding candidates like other candidates? Will they be forced by the Constitution to field a presidential candidate? This corporate membership of political parties in one political coalition would imply that the many political parties, as referred to in the Constitution, will have a right or must actually have a presidential candidate.

Mr. Speaker: Can I just say the following: I doubt whether you have read all the provisions of the Constitution in regard to the election of President. It is in two parts. First, upon the general dissolution of the House, and in the other situation, where the vacancy of the President occurs outside the general election. Please, also read the Chapter in that Constitution: Election. I am not called upon to make a ruling in that regard because it is relevant to what we are doing. But I suspect you are telling us what you read, which may be thoroughly misleading.

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Khamasi) took the Chair]*

THE OCCUPATIONAL SAFETY AND HEALTH BILL

Clause 2

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Chairman, Sir, I beg to move:-

THAT, Clause 2 of the Bill be amended in the definition of the term "occupier" by inserting the words "and includes the employer" immediately after the word "not" appearing in the second line.

(Question of the amendment proposed)

*(Question, that the words to be
inserted be inserted,
put and agreed to)*

(Clause 2 as amended agreed to)

(Clause 3 agreed to)

Clause 4

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 4 of the Bill be amended-

(a) in Sub-clause (1) by deleting the word "may" appearing in the first line and substituting therefor the words "shall in consultation with the Council";

(b) in Sub-clause (2) by deleting the word "may" appearing in the first line and substituting it therefor the words "shall in consultation with the Council";

(c) in Sub-clause (3) by deleting the word "may" appearing in the first line and substituting therefor the words "shall in consultation with the Council".

*(Question of the amendment
proposed)*

*(Question, that the words to
be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 4 as amended agreed to)

(Clause 5 agreed to)

Clause 6

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 6 of the Bill be amended-

(a) in Sub-clause (2) by deleting the word "section" appearing in the second line and substituting therefor the word "subsection";

(b) by inserting the following new sub-clause immediately after Subclause (3)-

(4) Every occupier shall send a copy of a report of risk assessment carried out under this section to the area occupational safety and health officer;

(c) in the existing Sub-clause (4) by deleting the word "eminent" appearing in the second line and substituting thereof the word "imminent";

(d) by deleting Sub-clause (6) and substituting therefor the following new sub-clause-

(7) An occupier who fails to comply with a duty imposed on him under this section commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both,

(e) by renumbering the existing Sub-clauses (4),(5) and (6) as Sub-clauses (5), (6)

and (7) respectively.

(Question of the amendment proposed)

(Loud consultations)

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order, Mr. Wanjala!

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Chairman, Sir. Is hon. Wanjala in order to move from the Government side to the Opposition side to lobby? What is he lobbying for? What is the problem?

The Temporary Deputy Chairman (Mr. Khamasi): Order! Mr. Wanjala, you have got a problem!

*(Messrs. Wanjala and Ojode
consulted loudly)*

Order! order! I think we are doing serious business here and we need to be attentive.

Mr. Ojode, what meeting is going on there? If you are not all careful, you will find yourselves out. Can we attend to the business in the House?

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I just wanted to reinforce the Minister's position that it is necessary to actually make sure that the offences that will fall as a result of the responsibility of occupiers of premises be punished in the order as it is prescribed in Sub-section 7 of the same clause. I would like to support the Minister.

In fact, I would like to say that the offence is so serious that it should have been punished with a heavier fine than merely Kshs500,000.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Chairman, Sir, I appreciate the suggestion of my friend, Gor Sungu, but I think in meting out punishment to these offenders, we should not make it impossible for them to comply.

*(Question, that the words to be
left out be left out,
put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 6 as amended agreed to)

(Clauses 7 and 8 agreed to)

Clause 9

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 9 of the Bill be amended-

- (a) by inserting the following new sub-clause immediately after Sub-clause
- (2)-
- (3) An occupier shall not penalise an employee who is a member of a work

place safety and health committee for doing anything in furtherance of the object of this section.

(b) by renumbering the existing sub-clause (3) as sub-clause (4).

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 9 as amended agreed to)

(Clause 10 agreed to)

Clause 11

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 11 of the Bill be amended by deleting Sub-clause (3) and substituting therefor the following new sub-clause-

(4) An occupier who fails to comply with a duty imposed on him under this section commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

(Question of the amendment proposed)

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, although I agree with the Minister, the penalty prescribed for this kind of offence relating to owners of premises is very little because most of these people are very rich.

A fine of Kshs500,000 is peanuts to them. They will just pay it and continue to flout the law. Would the Minister agree with me and increase that fine to Kshs1 million, which would be more reasonable in the prevailing circumstances?

The Temporary Deputy Chairman (Mr.Khamasi): Order! Order! Surely, Mr. Sungu, if you were serious and you wanted this to be done, why did you not send a notice to amend this amendment so as to save us time? The Minister cannot do it on the Floor of the House!

Mr. Muturi: Mr. Temporary Deputy Chairman, I would like to observe that it is not the owners of all premises that are multinationals, as hon. Sungu would want us to appreciate. We have some small industrialists and, therefore, a fine of Kshs500,000 could as well spell doom to some of them.

I beg to support the proposal by the Minister.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 11 as amended)

agreed to)

(Clauses 12 and 13 agreed to)

Clause 14

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 14 of the Bill be amended in Subclause (1) by deleting the word "employees" appearing in the seventh line and substituting therefor the word "employee".

*(Question of the amendment
proposed)*

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 14 as amended agreed to)

*(Clauses 15, 16, 17, 18, 19,
20 and 21 agreed to)*

Clause 22

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 22 of the Bill be amended by deleting the word "industrial" appearing in the marginal note and substituting therefor the word "occupational".

*(Question of the amendment
proposed)*

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 22 as amended agreed to)

Clause 23

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 23 of the Bill be amended in Subclause (9) by deleting the word "An" appearing at the beginning thereof and substituting therefor the word "A"

*(Question of the amendment
proposed)*

*(Question, that the word to be left
out be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 23 as amended agreed to)

(Clauses 24 and 25 agreed to)

Clause 26

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 26 of the Bill be amended-

- (a) by inserting the following new Subclause immediately after Subclause (1)-
- (4) No person shall be appointed under Subsection (1) unless that person is the holder of a degree in science, medicine, engineering, chemistry, physics, biochemistry, nursing, zoology, computer science, occupational safety and health or industrial hygiene;
- (b) by renumbering Subclauses (2) and (3) as Subclauses (3) and (4) respectively.

*(Question of the amendment
proposed)*

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, Clause 26 relates to the appointment of occupational safety health officers. In addition to what the Minister has said, the new proviso says:-

"No person shall be appointed under Subsection (1) unless that person is the holder of a degree in science, medicine, engineering, chemistry, physics, biochemistry, nursing, zoology, computer science, occupational safety and health or industrial hygiene;"

Mr. Temporary Deputy Chairman, Sir would that not be discriminatory against those who have other degrees like environmental sciences? Those are sciences. That appears to discriminate against other people who may well be qualified to be appointed as such officers. What does the Minister say about that?

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, the rationale behind that is to make qualified people in a relevant field to practice the profession. It would be very difficult for a historian, for example, to practice what is set out here.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I beg to disagree. Knowledge is of two kinds; either you know it as Benjamin Dessailly said, or you know where to find the knowledge. I have been practising as an insurance loss adjuster. I have had occasion to write reports on engineering, medical and chemical things and yet, I have never studied those subjects. So, it is wrong to say that those with historical backgrounds in liberal sciences cannot do that kind of job.

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Minister. As I said earlier, Mr. Sungu, you seem to have a different view about the qualifications being set out in this proviso. I believe that if you are serious enough, you should have come to tell us: "Scrap out this or include this". You have not done it. I am now really at a loss, as I ask the Minister to come. What is he going to add or exclude?

Yes, Minister! I want to listen to you.

The Minister for Labour and Human Resource Development (Dr. Kulundu): No person shall be appointed under Subsection (1) unless that person is a holder of a degree in science and so forth and so on. That was done in line with the International Labour Organisation Convention No.81 on labour inspections.

The Temporary Deputy Chairman (Mr. Khamasi): Yeah! I thought there was some reasoning behind this. But what hon. Sungu thinks is otherwise. So, Mr. Sungu, have you got something to say or you want to engage us in this exercise?

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Sungu! I would like to see you come out with proposals, if you disagree with some of the things which the Minister has proposed.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, as we are making these laws, we need to actually challenge the Minister so that hon. Members can know what is going on.

Mr. Temporary Deputy Chairman, Sir, we do not want to overstate this. But we also need to keep you company because I know how it is when you are on that Chair. You do not need any intervention from the Floor.

Thank you.

The Temporary Deputy Chairman (Mr. Khamasi): Thank you for keeping me busy, Mr. Sungu!

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 26 as amended agreed to)

*(Clauses 27, 28, 29, 30, 31,
32, 33, 34 and 35 agreed to)*

Clause 36

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 36 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note "Improvement Notices".

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 36 as amended agreed to)

Clause 37

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 37 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note "Prohibition Notices".

(Question of the amendment proposed)

*(Question, that the words to be
left out be left out,
put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 37 as amended agreed to)

(Clauses 38 and 39 agreed to)

Clause 40

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 40 of the Bill be amended in Subclause (2) by deleting the words "or place" appearing in the sixth line.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 40 as amended agreed to)

*(Clauses 41, 42, 43, 44, 45, 46, 47,
48, 49, 50, 51, 52, 53, 54, 55, 56,
57, 58, 59, 60, 61, 62, 63, 64, 65,
66, 67, 68, 69, 70, 71, 72, 73,
74, 75 and 76 agreed to)*

Clause 77

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 77 of the Bill be amended in Subclause (4)-

[The Minister for Labour and Human Resource Development] (a) by deleting the word "and" appearing in the third line and substituting therefor a comma;

(b) by inserting the words "and objects ejected from machines and work

processes" immediately after the word "objects" appearing in the third line.

*(Question of the amendment
proposed)*

*(Question, that the words to be left out be
left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 77 as amended agreed to)

*(Clauses 78, 79, 80, 81, 82, 83, 84, 85,
86, 87, 88, 89, 90, 91, 92, 93, 94, 95,
96, 97, 98, 99, 100, 101, 102, 103,
104, 105 and 106 agreed to)*

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, could I consult the officers from my Ministry first before we move on to the next clause?

The Temporary Deputy Chairman (Mr. Khamasi): Sure!

*(Dr. Kulundu consulted officers
from his Ministry)*

Clause 107

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 107 of the Bill be amended in Subclause (1) by deleting the word "employer" appearing in the first line.

*(Question of the amendment
proposed)*

*(Question, that the word to be left out
be left out, put and agreed to)*

(Clause 107 as amended agreed to)

(Clause 108 agreed to)

Clause 109

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 109 of the Bill be amended in Subclause (1) by deleting the word "one" appearing in the third line and substituting therefor the word "three".

*(Question of the amendment
proposed)*

*(Question, that the word to be left
out be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 109 as amended agreed to)

Clause 110

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 110 of the Bill be amended by deleting the word "cour" appearing in the marginal note and substituting the word "court";

*(Question of the amendment
proposed)*

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 110 as amended agreed to)

*(Clauses 111, 112, 113, 114, 115, 116,
117, 118, 119, 120, 121, 122, 123,
124, 125 and 126 agreed to)*

Clause 127

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 127 of the Bill be amended in Subclause (1)

(a) by deleting paragraph (a);

(b) by renumbering paragraphs (b) and (c) as paragraphs (a) and (b) respectively.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 127 as amended agreed to)

Clause 128

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 128 of the Bill be amended in Subclause (8) by deleting the word "thinks" appearing in the third line and substituting therefor the word "deems".

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 128 as amended agreed to)

(Loud consultations)

The Temporary Deputy Chairman (Mr. Khamasi): Order! There is too much loud consultation in that corner behind Mr. Angwenyi! Mr. Cheboi is in the wrong place!

(Mr. Cheboi moved to his seat)

I think, now that he has moved out of that corner, we shall have lesser loud consultations!

(Clause 129 agreed to)

(First Schedule agreed to)

Second Schedule

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Second Schedule of the Bill be amended in paragraph 22, in the second column, by deleting the word "which" appearing after the word "for" in the second line and substituting therefor the word "white".

*(Question of the amendment
proposed)*

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I am concerned that as the Minister purports to amend Clause 127 in Subclause 1 by deleting (a) and looking at the Bill, this appears not to have been shown anywhere under the Second Schedule.

Mr. Temporary Deputy Chairman, Sir, I would be grateful if the Minister would explain to us why---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Sungu! I know you have sat here many times and I know you know what you are talking about because you are referring us to Clause 127. Has it got something to do with the Second Schedule?

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I apologise most profusely. I was confused by the loud consultations.

Hon. Members: Aah!

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

*(Second Schedule as amended
agreed to)*

*(Third, Fourth, Fifth, Sixth,
Seventh, Eighth and Ninth
Schedules agreed to)*

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Mr. Khamasi): Order! I think we are going to Report. We want to Report to the House the proceedings of this Committee.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Occupational Safety and Health Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE OCCUPATIONAL SAFETY
AND HEALTH BILL

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered the Occupational Safety and Health Bill and approved the same with amendments.

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Water and Irrigation (Mr. Katuku) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Labour and Human Resource Development (Dr. Kulundu): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Occupational Safety and Health Bill be now read the Third Time.

The Minister for Water and Irrigation (Mr. Katuku) seconded.

(Question proposed)

Mr. Ligale: Mr. Temporary Deputy Chairman, Sir, I want to congratulate the Minister for moving this Bill to this level. It is important that our people at the workplace are protected and have a safe working environment.

With those few remarks, I beg to support.

Capt. Nakitare: Mr. Temporary Deputy Chairman, Sir, I congratulate the Minister for having brought this Bill. We all know that industrial premises have been a death trap for both workers and their employers. Recently, we witnessed very bad incidents where industrialists lock up workers in their premises during working hours at night. When there is a fire outbreak, they have no escape route. I hope this Bill will protect both workers and their employers.

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Sungu) took the Chair]*

THE CONSTITUENCIES DEVELOPMENT
FUND (AMENDMENT) BILL

Clause 2

Dr. Oburu: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 2 of the Bill be amended-

- (a) in paragraph (a)-
by deleting the word "Authority" wherever it appears and substituting therefor the word "Board";
- (b) by deleting paragraph (b) wherever it first occurs;
- (c) after paragraph (b), by re-numbering the consecutive paragraphs "b" and "e" as "c" and "d".

Mr. Temporary Deputy Chairman, Sir, the rationale behind this is that replacing the word "Authority" with the word "Board" is because if you establish an authority, it will fall under the State Corporations Act. By it doing so, it will create a monster for this House. It is something which is not good for the House. Therefore, we are proposing that a Board be established specifically for the purposes of owning property belonging to the Constituencies Development Fund (CDF) Committees.

(Question of the amendment proposed)

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I stand to support the amendment proposed by hon. Dr. Oburu in his capacity as the Chairman of the Departmental Committee on Finance, Planning and Trade. I would also like to explain to the House that this is as a result of negotiations and discussions between the same Committee and the Select Committee of the House in charge of CDF. We have agreed on these amendments wherever they are and we do appeal to the House to support them.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 2 as amended agreed to)

Dr. Oburu: Mr. Temporary Deputy Chairman, Sir, I want to request that the subsequent amendments by the Committee be moved by hon. Oparanya.

The Temporary Deputy Chairman (Mr. Sungu): That is fine. Proceed, Mr. Oparanya!

Clause 3

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 3 of the Bill be amended-

- (a) by correctly re-numbering the paragraphs.
- (b) by deleting the word "Authority" wherever it appears and substituting therefor the word "Board".

Mr. Temporary Deputy Chairman, Sir, if you look at the Act, the numbering of Clause 3 was left out. So, we are saying that Clause 3 comes in because Clause 4 appears twice. So, Clause 3 comes in, so that the numbering is sequential. There is nothing new.

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 3 as amended agreed to)

Clause 4

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 4 of the Bill be amended by deleting the word "Authority" wherever
it appears and substituting therefor the word "Board".

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 4 as amended agreed to)

Clause 5

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 5 of the Bill be amended by deleting the word "Authority" wherever
it appears and substituting therefor the word "Board" correctly re-numbering the
paragraphs.

(Question of the amendment proposed)

*(Question, that the word to be
left out be left out,
put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

Clause 7

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 7 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Board."

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 7 as amended agreed to)

Clause 8

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 8 of the Bill be amended by-
(a) deleting the word "Authority" wherever it appears and substituting therefor the word "Board";
(b) deleting paragraph (e).

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 8 as amended agreed to)

Clause 9

(Loud consultations)

The Temporary Deputy Chairman (Mr. Sungu): Order, hon. Members! I believe this Bill is in your interest. So, please, follow the proceedings; otherwise, you may vote the wrong way! It is important that you follow what is going on! We are dealing with Clause 9(a) only, on page 753 of the Order Paper.

Yes, Mr. Oparanya!

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 9 of the Bill be amended by deleting the word "Authority" wherever

it appears and substituting therefor the word "Board."

*(Question of the amendment
proposed)*

*(Question, that the word to be left
out be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

The Temporary Deputy Chairman (Mr. Sungu): Mr. Oparanya, you can now go to Clause 9(b).

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I wish to withdraw Clause 9(b) so that it remains the way it is. This was a typographical error.

The Temporary Deputy Chairman (Mr. Sungu): Order, hon. Members! Clause 9(b) has been withdrawn.

(Amendment withdrawn)

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, we just want to understand the amendment. In Clause 9(b), the hon. Member is proposing to delete the words "Authority detailing how they intend to re-allocate the unspent funds" and substituting therefor the words "Secretariat for approval." We have already deleted the word "Authority" wherever it appears in the Bill.

Mr. Temporary Deputy Chairman, Sir, so, if he withdraws the amendment and leaves it as it was, then it means that the word "Authority" will appear in this clause. Could Mr. Oparanya explain?

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, if you look at Clause 9(b), item 5---

Mr. Temporary Deputy Chairman (Mr. Sungu): Order, Mr. Oparanya! You wait to be recognized so that I can listen to you.

Proceed!

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, if you look at Clause 9(d), item 5, on page 1793 of the Bill, there word "Authority" is not there. That is why I said there was a typographical error. So, the word "Authority" is not there.

The Temporary Deputy Chairman (Mr. Sungu): Could you go to the root of the matter and look at the original Bill and tell us what it is that you were trying to amend and which you are now withdrawing?

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, the original Bill---

The Temporary Deputy Chairman (Mr. Sungu): At which page?

Mr. Oparanya: Let us turn to page 1793, paragraph (d), item 5 of the original Bill, which we intended to amend. We are suggesting that it remains the way it is because that was a typographical error. Clause 9, paragraph (d), item 5 says:-

"Unspent funds for re-allocation in accordance with Sections 3 and 4 may be allocated to any eligible project and such project may be new or ongoing at the end of the financial year."

So, the word "Authority" does not appear. That is why we are leaving the clause the way it is.

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I think the concerns raised by hon. Muturi are quite valid, because this is the Clause which deals with what we should do with the situation at the end of the financial year; when there are some funds to be re-allocated.

The Temporary Deputy Chairman (Mr. Sungu): Order, Eng. Muriuki! The position here is very simple. We are dealing with Clause 9. We have already dealt with the amendment to Clause 9(a). Now, we are dealing with the amendment at Clause 9(b) which affects--- If you look at page 1793 of the Bill, it is the secondlast item, that is, paragraph (d)(5). Hon. Oparanya is withdrawing his amendment.

Now, when somebody who proposes an amendment wants to withdraw it, you really have no business interfering with that, unless it is going to make any fundamental changes that might affect the meaning of the Bill.

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I think I am quite in agreement with you. The problem is that, as a House, we shall be left with the word "Authority" in Subsection (d), which might create a problem. So, I am appealing that hon. Oparanya will reinstate the amendment but then amend Clause 9(b) to delete the word "Authority" and substitute therefor the word "Board."

The Temporary Deputy Chairman (Mr. Sungu): Order, Eng. Muriuki! Please, let us be together in this! That is why I was appealing to hon. Members to concentrate and listen! You should have access to a copy of the original Bill.

In the original Bill, at page 1793, there is Clause 9, paragraph (d), item 5, which is the secondlast paragraph of the Bill, which is what hon. Oparanya intended to amend. But he is now withdrawing his amendment because as you can see, in that original wording, the word "Authority" which you are referring to is not there. Are we together?

Eng. Muriuki: Yes!

The Temporary Deputy Chairman (Mr. Sungu): So, Mr. Oparanya is withdrawing that amendment. That is the subject of contention here.

Capt. Nakitare: Mr. Temporary Deputy Chairman, Sir, with due respect, in order to avoid the contradiction here, we are getting rid of the word "Authority."

(Loud consultations)

The Temporary Deputy Chairman (Mr. Sungu): Order, hon. Members! Please, let us follow the Bill! I will not hesitate to send somebody packing if you are not careful!

The hon. Member intended to amend the penultimate paragraph, which is actually Clause 9(b), item 5. If you look at that, even in passing, the word "Authority" is not there. He is trying to rectify a typographical error. So, the originator of the amendment is actually withdrawing it.

Hon. Members: Agreed!

The Temporary Deputy Chairman (Mr. Sungu): Order, hon. Members!

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I have withdrawn that and now it makes sense. We cannot insert the word "Authority" there because it is referring to Sections 3 and 4.

The Temporary Deputy Chairman (Mr. Sungu): Hon. Members, do you now understand? Please, respect the Chair because it is following these things. Since there is no amendment to Clause 9(b), I will now put the Question with regard to Clause 9(a).

(Clause 9 as amended agreed to)

(Clauses 10, 11, 12, 13, 14,

15, 16, 17 and 18 agreed to)

*(Mr. Sang was applauded as
he entered the Chamber)*

Clause 19

The Temporary Deputy Chairman (Mr. Sungu): Order! Order, hon Members! If you look at the Order Paper on page 756, we have amendments by Prof. Ojiambo. Prof. Ojiambo, I understand that you have withdrawn your amendments. Could you confirm this? This is the House of records. We want it to appear in the HANSARD. Give her a chance to say that, so that she is recorded. Could you say what you want to say, Prof. Ojiambo?

Prof. Ojiambo: Yes, Mr. Temporary Deputy Chairman, Sir. After consultations with other hon. Members, I wish to withdraw my amendments to Clause 19.

(Amendments withdrawn)

(Clause 19 agreed to)

(Clause 20 agreed to)

Clause 21

Prof. Ojiambo: Mr. Temporary Deputy Chairman, Sir, I wish to withdraw my amendment to Clause 21.

(Amendment withdrawn)

The Temporary Deputy Chairman (Mr. Sungu): We have a further amendment by Mr. Oparanya on behalf of the Departmental Committee on Finance, Planning and Trade.

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 21 of the Bill be amended by deleting the word "Authority"
wherever it appears and substituting therefor the word "Board".

(Question of the amendment proposed)

*(Question, that the word to be left
out be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 21 as amended agreed to)

Clause 22

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 22 of the Bill be amended by deleting the word "Authority"
wherever it appears and substituting therefor the word "Board".

*(Question of the amendment
proposed)*

*(Question, that the word to be
left out be left out,
put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 22 as amended agreed to)

Clause 23

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 23 be amended by deleting all the words after the words "by
deleting" and substituting therefor the following-

`Subsection (2) and substituting therefor the following-

(2) Notwithstanding the provisions of Subsection (1) an education bursary scheme,
mocks and continuous assessment tests shall be considered as a development
project for purposes of the Act, provided that such a project shall not be allocated
more than 15 per cent (fifteen per centum) of the total funds allocated for the
constituency in any financial year.

Mr. Temporary Deputy Chairman, Sir, the essence of this amendment is that "bursary
scheme" is not defined in the Act. We feel that mocks and continuous assessment tests be part of
the bursary so that, the money released for the bursary can cover mocks and continuous assessment
tests for the poor pupils.

(Question of the amendment proposed)

*(Question, that the words to be
left out be left out,
put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

The Temporary Deputy Chairman (Mr. Sungu): There is a further amendment by Prof.
Ojiambo.

Prof. Ojiambo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the amendment proposed to Section 25 of the principal Act be amended by
renumbering the proposed amendment as (a) and inserting the following further
amendment-

(b) Section 25 of the principal Act is amended by inserting the following proviso at
the end of Subsection (2)-

Provided that the Constituency Development Committee shall ensure that any such
education bursary scheme is equally accessible to boys and girls and men and

women.

(Question of the further amendment proposed)

Prof. Ojiambo: Mr. Temporary Deputy Chairman, Sir, there is a small further amendment which has been proposed by Eng. Muriuki.

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I wish to support the amendment by Prof. Ojiambo and raise a further amendment to her amendment.

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

THAT, Prof. Ojiambo's amendment be amended by deleting the word "equally" and substituting therefor the word "equitably".

The Temporary Deputy Chairman (Mr. Sungu): Order! That is the danger of standing and talking before the Chair recognizes you!

Prof. Ojiambo has made a proposed amendment and I am going to propose it.

(Question of the further amendment proposed)

Eng. Karue, do you have a further amendment to that?

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Prof. Ojiambo's amendment be amended by deleting the word "equally" and substituting therefor the word "equitably".

(Loud consultations)

The Temporary Deputy Chairman (Mr. Sungu): Order! Order, hon Members! Let us have some order, please!

Eng. Karue is perfectly in order to raise a further amendment to the amendment which is on the Floor of the House. That is perfectly in order and if there is any dispute, we will put it to the vote. But I would like to listen to what hon. Members are saying.

Mr. Ojode: It is my turn, Mr. Temporary Deputy Chairman, Sir!

The Temporary Deputy Chairman (Mr. Sungu): Order! Yes, Mr. Sambu? I will come back to you, Mr. Ojode!

Mr. Sambu: In that case, it is sad--- I am Sambu! Not you!

Mr. Temporary Deputy Chairman, Sir, it is sad that we are bringing up issues like these here. For example, when we say:-

"equally accessible to boys and girls and men and women".

When we give bursaries, we do not--- We just see that he or she is from Mosop and I give the bursary! Why are we bringing up issues like this? Let us shoot it down!

An hon. Member: Correct!

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, the Constituencies Development Fund (CDF) Act is very clear. It says that not more than 10 per cent of the amount which is given to a constituency will be disbursed as bursary.

Mr. Temporary Deputy Chairman, Sir, what Prof. Ojiambo wants is administrative.

(Applause)

If you have, say, as many girls in your constituency, you have to give them! If you have many boys than girls, you have no choice! You have to give those who qualify for the bursary.

I beg to oppose this amendment!

Mr. Angwenyi: I beg to oppose this amendment!

(Applause)

The Temporary Deputy Chairman (Mr. Sungu): Let me put the Question now. I will deal with the amendment to the amendment as proposed by Eng. Muriuki.

(Question of the further amendment to the amendment, that the word to be left out be left out, put and negatived)

I will now go to the previous amendment by Prof. Ojiambo.

(Question, that the words to be inserted be inserted, put and negatived)

(Clause 23 as amended agreed to)

Clause 24

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 24 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Board".

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 24 as amended agreed to)

(Clause 25 agreed to)

Clause 26

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:- THAT, Clause 26 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Board".

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to inserted

*in place thereof be inserted,
put and agreed to)*

(Clause 26 as amended agreed to)

Clause 27

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 27 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Board".

*(Question of the amendment
proposed)*

*(Question, that the word to be
left out be left out,
put and agreed to)*

*(Question, that the word to inserted
in place thereof be inserted,
put and agreed to)*

(Clause 27 as amended agreed to)

Clause 28

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 28 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Board".

*(Question of the amendment
proposed)*

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to inserted
in place thereof be inserted,
put and agreed to)*

(Clause 28 as amended agreed to)

(Clause 29 agreed to)

Clause 30

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 30 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Board".

*(Question of the amendment
proposed)*

*(Question, that the word to be
left out be left out,
put and agreed to)*

*(Question, that the word to inserted
in place thereof be inserted,
put and agreed to)*

(Clause 30 as amended agreed to)

(Clauses 31 and 32 agreed to)

Clause 33

Prof. Ojiambo: Mr. Temporary Deputy Chairman, Sir, I have consulted with hon. Members and I wish to withdraw the amendment appearing on the Order Paper.

(Amendment withdrawn)

(Clause 33 agreed to)

(Clause 34 agreed to)

Clause 35

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 35 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Board".

*(Question of the amendment
proposed)*

*(Question, that the word to be
left out be left out,
put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 35 as amended agreed to)

Clause 36

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 36 of the Bill be amended-

(a) by inserting the following new paragraph immediately before the existing paragraph (a)-

(a) by inserting the words "or registered micro-finance institution" after the words "commercial bank".

(b) by re-numbering the existing paragraphs (a) and (b) as (b) and (c) respectively.

The essence of this amendment is that we are now allowing micro-finance institutions to handle the Constituencies Development Fund (CDF) because right now they are being controlled under the Micro-Finance Institutions Act which we passed in this Parliament last year. But still we will still need the Minister for Finance's approval before the funds are placed in a micro-finance institution.

Mr. Temporary Deputy Chairman, Sir, the Minister has also stipulated the minimum capitalization of the micro-finance institution. In the rural areas it is Kshs20 million and in the urban areas it is Kshs65 million. So, the risk is now minimum and so we feel they can handle the CDF finances.

(Question proposed)

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, while it sounds good in principle, the unfortunate thing is that the law limits what micro-finance institutions can do. They cannot issue counter-party cheques. So, this amendment would not serve the purpose that the hon. Member wants and I would urge the Committee to either withdraw it or the House to oppose it.

Mr. Temporary Deputy Chairman, Sir, the law limits what the micro-finance institutions can do. They cannot service CDF because they cannot issue the cheques.

Mr. Midiwo: Mr. Temporary Deputy Chairman, Sir, while I agree with the Minister, once we write the cheques that are going to the project, we want to have authority that those cheques can be banked with micro-finance institutions. The Minister should realise that this does no harm in future when we allow micro-finance institutions to write cheques, we would not have to come back to amend the CDF Act.

The Temporary Deputy Chairman (Mr. Sungu): Order, Mr. Midiwo! We cannot deal with the future, we must deal with the existing laws here.

Capt. Nakitare: Mr. Temporary Deputy Chairman, Sir, I oppose this amendment and support what the Minister for Finance has suggested. What is the purposes of re-banking a CDF cheque from a normal commercial bank into a micro-finance institution?

Mr. Khamasi: Mr. Temporary Deputy Chairman, Sir, I thought perhaps the Committee would like to reconsider this in view of what the Minister for Finance has said. Perhaps, we are bringing it a little too early. I think we should wait until we mature into that situation when this institutions are able to issue cheques so that we can proceed and bank with them.

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, having read the mood of the House, I wish to withdraw.

The Temporary Deputy Chairman (Mr. Sungu): Thank you, hon. Members. This is the essence of debate. It is very important. So, there is no amendment to Clause 36.

(Amendment withdrawn)

(Clause 36 agreed to)

(Clause 37 agreed to)

Clause 38

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 38 of the Bill be amended by deleting the word "Authority" wherever it appears and substituting therefor the word "Board".

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to inserted
in place thereof be inserted, put and agreed to)*

(Clause 38 as amended agreed to)

Clause 39

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 39 of the Bill be amended-

(a) by deleting the word "Authority" wherever it appears and substituting therefor the word "Board";

(b) in Subclause (4) by-

(i) inserting the words "and the Constituency Development Committee" immediately after the words "Districts Projects Committee";

(ii) deleting the word "Minister" and substituting therefor the word "Board".

Mr. Temporary Deputy Chairman, Sir, the essence of this amendment is to include Constituency Development Committee members to be given sitting and other allowances as shall be determined by the Minister. If you look at the Act the way it is, it only mentions the District Projects Committee. So, we are now including the Constituency Development Committee.

*(Question of the amendment
proposed)*

Capt. Nakitare: Mr. Temporary Deputy Chairman, Sir, I concur with my colleague, Mr. Oparanya. In addition to that, we have been requested by the Head of State to co-opt representatives of Maendeleo ya Wanawake Organisation in the Constituencies Development Fund (CDF) Committees. This is an additional number of people, in which case---

(Loud consultations)

The Temporary Deputy Chairman (Mr. Sungu): Order! Order, hon. Members! Are you all right, Capt. Nakitare?

Capt. Nakitare: Yes!

The Temporary Deputy Chairman (Mr. Sungu): Thank you. Order, hon. Members! We will finish this Bill very quickly.

*(Question, that the words to be
left out be left out,
put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 39 as amended agreed to)

Clause 40

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 40 of the Bill be amended-

(a) by deleting the word "Authority" wherever it appears and substituting therefor the word "Board";

(b) in Subclause (7) by deleting the words "one year" and substituting therefor the words "six months".

Mr. Temporary Deputy Chairman, Sir, part (a) of the amendment is obvious. Part (b) of the amendment arises from the Committee's feeling that the one year period given to hon. Members to decide whether to join the Constituencies Development Fund (CDF) National Management Committee is too long. So, we are giving them six months to decide whether to join the National Management Committee or to remain where they are. Otherwise, the Bill provides for one year, which we thought it is too long.

Hon. Members: *Sawa!*

*(Question of the amendment
proposed)*

*(Question, that the words to be
left out be left out,
put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 40 as amended agreed to)

*(Clauses 41, 42, 43, 44,
45 and 46 agreed to)*

New Clause 21A

The Temporary Deputy Chairman (Mr. Sungu): Hon. Members, at page 757 of the Order Paper, there is an amendment by Prof. Ojiambo.

Prof. Ojiambo: Mr. Temporary Deputy Chairman, Sir, following consultations with my colleagues, I have withdrawn the amendment.

The Temporary Deputy Chairman (Mr. Sungu): Hon. Members, for the purposes of record, I have learnt that the originator of the New Clause 21 has withdrawn it. Therefore, I will not put any Question, because that clause does not exist any more. It falls flat on its face!

(Amendment withdrawn)

New Clause 36A

The Temporary Deputy Chairman (Mr. Sungu): Hon. Members, on page 758 of the Order Paper, there is New Clause 36A by Prof. Ojiambo.

Prof. Ojiambo: Mr. Temporary Deputy Chairman, Sir, again, following consultations with my colleagues, I withdraw this amendment.

The Temporary Deputy Chairman (Mr. Sungu): Hon. Members, for the purpose of clarity, I understand that Prof. Ojiambo has withdrawn New Clause 36A. Therefore, I will not put any Question. It falls flat on its face!

(Amendment withdrawn)

The Temporary Deputy Chairman (Mr. Sungu): Hon. Members, the procedure is that we should dispose of Prof. Ojiambo's amendment to the Schedule of the CDF (Amendment) Bill, 2007, appearing on page 759 of the Order Paper, before coming to Mr. Oparanya's amendment to the First Schedule. So, I call upon Prof. Ojiambo to move her amendment.

Schedule

Prof. Ojiambo: Mr. Temporary Deputy Chairman, Sir, considering that there are very many women groups in the country, I have decided to withdraw the amendment seeking to include the two women groups appearing on the Order Paper.

The Temporary Deputy Chairman (Mr. Sungu): Hon. Members, I understand that the proposed amendment to the Schedule by Prof. Ojiambo has been withdrawn.

(Amendment withdrawn)

Hon. Members, let us now move back to Mr. Oparanya's amendment to the First Schedule on page 756 of the Order Paper.

First Schedule

Mr. Oparanya: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, the First Schedule of the Bill be amended by deleting the word "Authority"
and substituting therefor the word "Board"

(Question of the amendment proposed)

*(Question, that the word to be
left out be left out,
put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(First Schedule as amended agreed to)

*(Second Schedule, Third Schedule,
Fourth Schedule, Fifth Schedule
and Sixth Schedule agreed to)*

(Title agreed to)

(Clause 1 agreed to)

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Constituencies Development Fund (Amendment) Bill and its approval thereof with amendments.

Mr. G.G. Kariuki seconded.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL

Mr. Sungu: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered The Constituencies Development Fund (Amendment) Bill and approved the same with amendments.

Eng. Muriuki: Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. G.G. Kariuki seconded.

(Question proposed)

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I would like to congratulate the hon. Member for OI Kalou for bringing this Bill to the House. I would also like to thank this House for having approved the proposed amendments to the Bill. I hope that the people of OI Kalou will return that hon. Member to Parliament!

Thank you.

(Applause)

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I would like to congratulate the hon. Member for Ol Kalou, but the amendments that have been passed is a lesson to the President that he cannot just go and make pronouncements that certain women from certain organisations can just jump into the CDF Committees.

Mr. Deputy Speaker, Sir, I would also like to support Prof. Ojiambo who said that we have so many women groups whose members can be co-opted into the CDF Committees and not just particular women groups.

Thank you.

Mr. Deputy Speaker: Last one, Capt. Nakitare!

Capt. Nakitare: Mr. Deputy Speaker, Sir, this House applauds Eng. Karue for introducing the CDF in this country. The CDF has far-reaching benefits for this country. The Government has always found it difficult to revolve funds and, therefore, the CDF is the only way of revolving the national cake to the common man.

Thank you.

Mr. Deputy Speaker: I had said that Capt. Nakitare would be the last one to contribute, but now Mrs. Chelaite wants to speak. I give you a chance, madam.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Thank you, Mr. Deputy Speaker, Sir, for giving me this chance. I would also like to congratulate the Chairman of the CDF Committee, Eng. Karue, for the good work of presenting the amendments. I also thank the House for approving the proposed amendments to this Bill.

I would like to inform a few hon. Members that women have not been left out in the Act. I would like to urge hon. Members that even as they form the CDF Committees, they should consider gender parity so that women can also be given their space.

(Question put and agreed to)

Eng. Muriuki: Mr. Deputy Speaker, Sir, I beg to move that the Constituencies Development Fund (Amendment) Bill be now read the Third Time.

Mr. G.G. Kariuki seconded.

(Question proposed)

Mr. Ligale: Mr. Deputy Speaker, Sir, I would also like to record my voice, amongst the others in congratulating Eng. Karue and the Departmental Committee on Finance, Planning and Trade for the amendments that have been very ably moved this afternoon.

Mr. Deputy Speaker, Sir, I trust that once the Constituencies Development Fund (Amendment) Bill becomes law, the Minister for Finance will enhance the contribution towards the CDF to five per cent so that we can get these funds and pass them to our people to assist the development in our respective areas.

I beg to support.

An hon. Member: Put the Question!

Mr. Deputy Speaker: Who wants to put the Question? I am in the Chair! Proceed, Mr. Sambu!

Mr. Sambu: Mr. Deputy Speaker, Sir, I want to support the amendments that have been made to the Constituencies Development Fund Act. Those who talk about majimbo should know that this is the best majimbo. We only need the Government to increase it to 10 per cent next year and we will re-elect them!

Prof. Ojiambo: Mr. Deputy Speaker, Sir, I would also like to congratulate Eng. Karue and hon. Members for effecting the CDF teams around the country and causing development to take place at the grassroots. We hope that women will also be given tenders because at that level, very few women are participating.

Mr. Sungu: Mr. Deputy Speaker, Sir, I would like to thank hon. Eng. Muriuki and hon. Members in general for making these amendments which are aimed at improving the Constituencies Development Fund Act. I would like to appeal to the CDF Committee and the Minister to ensure that, at least, all constituencies whose applications have been approved get funding. This is because we have many stalled projects. There are a lot of controversies about these things because the CDF is effective on the ground. This is the best idea whose time came a long time back through this House. Thank you.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I also want to congratulate my friend, Eng. Karue. Indeed, the only semblance of development in my constituency is through the CDF. I thank the hon. Member for that.

Mr. Deputy Speaker, Sir, for example, the Government made Kshs3 billion from Mumias Sugar Factory, which is in my area. That amount of money went to the Treasury. However, the only money that goes back to Mumias is only Kshs53 million a year. I thank Eng. Karue because I am able to recoup some of the money that comes from my constituency.

Mr. Deputy Speaker: Finally, Eng. Muriuki!

Eng. Muriuki: Mr. Deputy Speaker, Sir, allow me to humble myself while accepting the compliments from the various speakers. At the same time, I would wish, on behalf of the Committee, which is in charge of the policies of the CDF, to thank hon. Members and all those who have been involved in the CDF activities until now. We started off with very difficult areas, but now, as you have seen, most of the amendments are actually meant to streamline bits and pieces where there was either a lacuna in the original law or there was need to define more clearly what we are doing.

Mr. Deputy Speaker, Sir, my final word is to appeal to those constituencies--- We have about 30 constituencies who have yet to bring their requests for the CDF money for the Financial Year 2007/2008. I would like to urge them to, please, do so because the way things are, we could go back to the constituencies any time and they might be time barred.

Mr. Deputy Speaker, Sir, with those few words, I wish to thank everybody.

Mr. Deputy Speaker: I said that Eng. Muriuki would be the last one, but I see Mr. G.G. Kariuki has something to say. I must allow him to say it.

Mr. G.G. Kariuki: Mr. Deputy Speaker, Sir, the management of the CDF money has had very many big problems because members of the locational project committees, which have the authority to determine what ought to be developed, are not paid any allowance. That is a major problem. I think that the Minister and all those who are concerned will make a provision to ensure that members of the locational project committees are paid some allowances. They do a lot of good work, but they all complain that they are never paid. We try to give them some little money from the same basket, but it is not official. So, I think time has come for members of the locational project committees to given sitting allowances like the CDF Committees themselves.

(Question put and agreed to)

*(The Bill was accordingly
read the Third Time and passed)*

MOTION

ADOPTION OF SESSIONAL PAPER NO.3 OF
2007 ON NATIONAL YOUTH POLICY
FOR DEVELOPMENT

The Minister of State for Youth Affairs (Dr. Kuti): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House adopts Sessional Paper No.3 of 2007 on National Youth Policy for Youth Development, laid on the Table of the House on Tuesday, 16th October, 2007.

Mr. Deputy Speaker, Sir, the youth in this country, as, indeed, in a number of other countries are a wonderful resource that can greatly contribute to national development. If not properly addressed, however, they can be a veritable time-bomb. This is a fact that all Members of this august House are aware of and I am sure that all of us want the issues concerning the youth addressed urgently. The following amazing statistics illustrate the extent of the problem we are grappling with:

About 75 per cent of our population is below 30 years of age. Those between 15 and 30 years account for 32 per cent of the population. Over 50 per cent of all convicted criminals are young men aged between 16 and 25 years.

About 67 per cent of all those who are unemployed are between 15 and 30 years old and 45 per cent are under 24 years old. About 92 per cent of those unemployed, especially the youth, have no vocational or professional skills training. Over 60 per cent of new HIV infections are among the youth.

Mr. Deputy Speaker, Sir, Kenya will not meet its Millennium Development Goals without addressing youth development. While many challenges face young people, undoubtedly, most acute is the inability to access employment and the lack of opportunities to earn a decent and honest living. It is this that drives young people into crime and drugs and a general state of hopelessness and despair. The issue of creating employment opportunities for the youth; be it formal, informal or self employment, needs to be addressed urgently with the kind of resource, focus and commitment as that has been directed towards HIV/AIDS.

Mr. Deputy Speaker, Sir, the youth are Kenya's most wasted resource. If two million unemployed young people could be given jobs and produce at the average industrial output per worker, they would add Kshs504 billion to our Gross Domestic Product (GDP). This constitutes 50 per cent increase in our GDP.

Mr. Deputy Speaker, Sir, with a view to focusing on the research for solutions to this robust development, His Excellency the President created the Ministry of State for Youth Affairs under the Vice President's Office on 7th, December, 2005. The mandate of the Ministry covers the National Youth Service (NYS), Youth Development, Youth Polytechnics, National Youth Policy, development of Youth Resource Centres and coordination of Youth Organisations. Since its establishment, the Ministry has worked tirelessly with the major stakeholders; that is the youth, in order to start the ball rolling on mutually acceptable programmes that will not only benefit the youth, but also the country as a whole.

Mr. Deputy Speaker, Sir, the Ministry has drafted the National Youth Policy to address the challenges facing the youth. We have identified the following eight key areas to be addressed urgently. First, is the youth and employment. About 500,000 youths join the labour market every year ready to enter the job market. However, due to the slow economic growth, corruption, nepotism and demand for experience by potential employers, 75 per cent remain unemployed. The Ministry of State for Youth Affairs is developing policies that will address

unemployment and create an environment where the youth can exploit their potential through value-adding initiatives.

Mr. Deputy Speaker, Sir, slow economic growth, rapid increase in the number of youths graduating from secondary and tertiary education institutions and inability of both public and private sectors to accommodate these large groups of skilled graduates, account for youth unemployment in the country. In the absence of opportunities in the formal labour market, young people turn to self employment in the informal sector. The Government has addressed youth unemployment in several policy documents such as Poverty Reduction Strategy Paper which extensively elaborates on youth employment strategies through youth entrepreneur training, micro credit schemes, vocational training and career guidance service development, youth leadership training and ICT skills training.

Mr. Deputy Speaker, Sir, the Ministry of State for Youth Affairs intends to collaborate with other stakeholders to implement these strategies with emphasis on increasing financial commitment to youth employment initiatives.

Mr. Deputy Speaker, Sir, the Government has formed an inter-Ministerial task force on employment creation for youth mainly through reforestation, road construction and labour export. The task force draws its membership from the Office of the President, the Ministry of State for Youth Affairs, the Ministry of Labour and Human Resource Management, the Ministry of Environment and Natural Resources, the Ministry of Roads and Public Works and the Ministry of Planning and National Development. We believe that through structured labour export schemes, it will be possible for the youth with the right skills, experience and education to get international jobs in other liberalised external markets. Locally, the use of labour intensive technologies will generate employment opportunities for the youth, especially through large scale public works and road construction.

Mr. Deputy Speaker, Sir, as hon. Members are aware, the Government is establishing the Youth Enterprise Development Fund that will enable young people to access credit to start or scale up small and medium scale enterprises. The proposed Fund is premised in the recognition that micro-enterprise development interventions are likely to have the biggest impact on job creation. The informal sector has, over the last decade, emerged as the main source of employment outside small scale agriculture. The Government has committed Kshs1.75 billion towards this Fund in the year 2006/2007 and 2007/2008 Budgets.

Mr. Deputy Speaker, Sir, finally, a pilot project on entrepreneurial training has commenced and will soon be rolled out countrywide, especially through the youth polytechnics. I am happy to present the draft Sessional Paper on Youth Development and the National Youth Policy Sessional Paper No.3 of 2007 for debate.

Mr. Deputy Speaker, Sir, the other areas that the Ministry is addressing youth issue concerns youth participation and empowerment. This is through the creation of youth councils across the country. Through these youth councils, the youth will have voice and will be able to articulate youth issues at the district, provincial and national levels.

Mr. Deputy Speaker, Sir, the other area that the Ministry stresses on is youth, crime and drugs. This is because abuse of illicite drugs is on the increase, especially among the youth. This has had an effect on crime as research reveals that the use of drugs and crime are inter-related. The Ministry is working closely with other agencies like NACADA and the UN Office on Drugs and Crime, in order to seek solutions to these problems.

Mr. Deputy Speaker, Sir, the other area of concern to the Ministry is that of ICT. We know that if the rural-urban digital divide is minimised, many young people could benefit from ICT, especially in setting up businesses and improving education opportunities.

Mr. Deputy Speaker, Sir, the other area is youth and health. From statistics, we know that

90 per cent of new cases of HIV/AIDS are among young people aged between 16 to 24 years. The Ministry, in collaboration with the Ministry of Health and the National AIDS Control Council, would like to reverse this trend. We have also come up with a policy on youth and health which we developed in collaboration with UNSPA. This is in the realisation that due to hopelessness in the villages, the youth tend to engage in illicit drinks. This leads to irresponsible sex and, therefore, unwanted pregnancies and illegal abortions. Beside other diseases like tuberculous, malaria and other normal diseases, the areas of HIV/AIDS, unwanted pregnancies and illegal abortions is a major concern to young people. The Ministry, in collaboration with other stakeholders, would like to reverse this.

Mr. Deputy Speaker, Sir, without boring the House with a long speech, I would like to state that, we, at the Ministry, have developed this Policy Paper for debate. We request that the debate on this Paper be prioritised as its adoption will enable us address youth concerns more comprehensively. The implementation of the policy will not only have a major impact on the perception of the youth, but also start addressing in a concrete manner the many challenges that face and enable them to play their rightful role in national development.

Mr. Deputy Speaker, Sir, I beg to move.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I would like to second the introduction of this Policy Paper. The youth of any country are the blood-line of that nation. Imagine if our nation did not have the youth that it has--- We have travelled quite far and wide in this world and we have seen societies where people are not willing to give birth to kids. Those societies are now dying. So, we should thank the Minister for having developed this Policy Paper. If this House, as one of its final acts, has to be commended by Kenyans, it should consider, deliberate and pass this Policy Paper.

Mr. Deputy Speaker, Sir, our youth are found all over wherever we go. When the President was launching his presidential bid for re-election at the Nyayo Stadium, the place was full. A bulk of those people who were there were the youth. When Agwambo was launching his campaign at Uhuru Park, a bulk of those people who were there were the youth. When the "clean man"; hon. Kalonzo, was launching his campaign a few days ago, a bulk of the people who attended that function were the youth. Half of the youth who attended those functions are unemployed. They are idle. Idle youth is a time-bomb waiting to explode. This Policy Paper addresses some of the issues which affect the youth, for example, unemployment. This is why I brought to this House a Motion, which was adopted, requesting the Government to employ 250,000 people in this country per year, mainly 1,000 youth from each and a balance of 40,000 will be based on various factors like population. I hope that when this House adopts this Policy Paper, the Government will move with speed and address the issue of unemployment among the youth on the basis of my Motion.

Unemployed youth are an untapped resource and is a reservoir for crime. It is a reservoir for the youth to be involved in crime because they must fend for themselves. If a young couple gets a child or twins - and these days they even give birth to triplets - with nowhere to fend for their families, they are left with no option but to be involved in crime and take away from those who have. I hope that with the passing of this Policy Paper, the Government will address the issue of inequality in this country in terms of *per capita* income.

This Policy Paper addresses the issue of health. As the Minister said, the people who suffer most from health problems are the youth. They are the ones who have been married recently and are easily susceptible to fall victims to HIV/AIDS because they are active, reckless and idle. So, they are easily attracted to lifestyles that can encourage the spread of HIV/AIDS. So, this Policy Paper addresses such important issues. Of course, it is the youth, who have young children, who deserve to be provided with health care services and food. Therefore, this Policy Paper has addressed that issue quite substantially.

Mr. Deputy Speaker, Sir, we have seen incidents of crime. We have seen the so-called *Mungiki*. Unfortunately, the youth are found in a web of crime and some of them do not know what they are doing. Some of them have even been arrested without committing any crime at all. Some of them have been arrested and butchered because they have been found in a web of crime. This is because they are idle, reckless and active! They are potentially active because they have a lot of energy in their bodies. If we pass this Policy Paper and implement it, then we will be able to handle cases related to groups such as *Mungiki*, *Amachuma* and others, which are said to be committing crime. How would an old man like me be involved in crime? That would be very rare. I would not be involved in crime, especially violent crime. However, for a young person, because he has to fend for himself, he could be easily involved in crime.

Mr. Deputy Speaker, Sir, we have not provided recreational facilities for these young people to release the energy in their bodies. This can be compared to buying a new car and keeping it in your garage or driving it at 10 kilometres per hour. You feel the energy of that vehicle. We have not provided adequate facilities for them to recreate such as in sports or athletics.

Some of our youth are abused by foreigners. I hope that when we pass this Policy Paper, we will enact a law. I hope and pray that Kenyans will re-elect a majority of the hon. Members in this House so that we can implement this policy and outlaw any homosexuals from visiting this country. They come here and abuse our youth including our boys. They are teaching our youth bad habits. The youth are easily exploited because they are poor and some of them have not gone to school. Even those who have gone to school are poor. Therefore, they are easily exploited by those foreigners who "import" bad morals into this country. So, I am sure we will address that issue.

Mr. Deputy Speaker, Sir, we have not really encompassed---The Minister has done a lot by building up the Youth Enterprise Development Fund and disbursing it out to our youth. Although it was not much, it is something which we can start with. So, we should give more opportunities to the youth to direct their energies and abilities so that this country can develop even faster. If the six million youth in this country, who are unemployed and do not have any opportunities and cannot hawk their wares in the streets of Nairobi or in any other town, were to be given opportunities to release their energy, for example, by hawking their wares, or by participating in sports or by being employed to dig canals or to remove water hyacinth from Lake Victoria and clean other lakes and to do the roads and dig boreholes; this country's growth rate would double even to above 20 per cent per year. That would be a miracle like the one that occurred on Sunday! Those people who thought that Mr. Kalonzo would be riding on a donkey found out that he was riding on a very luxurious horse! That is the same way the youth would lead this country, if we were to give them opportunities.

Mr. Deputy Speaker, Sir, finally, I want to commend the Minister. He is a youth and he has shown interest in matters pertaining to the youth. I hope when he is re-elected, he will be given the youth portfolio but with, maybe, a wider mandate, so that he can develop our youth.

With those few remarks, I beg to second.

(Question proposed)

Eng. Okundi: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

Mr. Deputy Speaker, Sir, the production of the Youth Development Policy Paper has been long overdue. I am glad that it has come up. Imagine the Paper says that over 75 per cent of the population in Kenya is below or about 30 years of age. That is the real core of youth activities. Also, imagine that almost over 50 per cent of the criminals in this country are the youth. Even with regard to the HIV/AIDS pandemic, over 60 per cent of those who are infected are the youth.

Mr. Deputy Speaker, Sir, the youth stage is the most active phase of our life. That is the time when human beings feel that there is nothing they cannot do. They have a lot of energy. They are very anxious. They want to fill their heads with things that they do not know. So, they are, in short, a very major resource for the construction and development of any country. They should be released into very big economies, like other countries have done. So, really, our Government and, particularly, the Minister, have done a wonderful job in bringing this Sessional Paper here.

Mr. Deputy Speaker, Sir, I urge all my colleagues to really support this Policy Paper. I know that many times, when you produce something that never existed, it has many pitfalls. It may not be encompassing everything. But now that this Policy Paper is before us, it is a chance to tap the knowledge of the youth. The Paper targets some eight areas which have to be addressed in order to do something about our youth. Those areas are many. I know that they are not the only ones. There are so many other areas. Some of them will come along as our youths do so well in our society in terms of developing themselves and producing revenue and economic growth for our country.

Mr. Deputy Speaker, Sir, I remember very well that I have trained some youths in my constituency. Some of them did not do so well in school because their parents are either not there or are so poor to support them. But what I have seen is that they have learnt to repair things without proper formal training. They pick the trade so fast.

That brings me to the area of youths in Information, Communication and Technology (ICT) development. That is one of the fastest growing industries in the world. We know that technology has changed our lives in all sectors; in agriculture, medicine, food production and inspection of health standards and everything. So, technology has made things very simple. So, what has happened is that today, in the area of repairs, be they cars, houses, plumbing and cleaning water, all that information has been harnessed, prepared and put in a very simple language in the computer and the internet. So, if the youths are trained to access the internet using computers, they will follow those instructions step by step. When they follow those instructions, that opens a very large area for industry where the youth can earn a living.

Mr. Deputy Speaker, Sir, I started by saying that I saw some youths in my constituency who are able to manufacture mobile phones at a much cheaper rate than our shops. For example, the cheapest phone is around Kshs1,500 to Kshs1,800. That is a gadget that can cost, at least, Kshs5,000 to Kshs8,000 in the normal shops. But when you look at the device prepared by the youths using ICT access---

I have found out that I can buy from them. Recently, I bought 15 mobile phones to give to some people who always ask me for mobile phones. Those are repaired by the youths who did not have good education because of poverty.

That is why the Minister said that the Paper addresses eight target areas which require the youth to develop. One of them is the youth in ICT development. That is a minefield that can really engage our youth.

Mr. Deputy Speaker, Sir, the Government said 500,000 youths will be employed per year. That has not been realised. We have talked about it everywhere. But we know that, informally, like in the *Jua Kali* Sector and the ICT area, some employment is taking place. I think that is one area that can realise employment without talking in the traditional way that: "If you employ me, then I have a clerk and so on."

Mr. Deputy Speaker, Sir, I would like to say that the youth are involved in all the activities in this country, political or otherwise! Whatever we campaign for, the success requires the activities of the youth. I feel that the youth are a big potential which we do not know how to exploit. Once it is tapped, it is there. But it requires training and enterprises.

Mr. Deputy Speaker, Sir, this area is so large. We can speak for a whole day. But I want to

touch on the area of enterprises, which the Minister introduced and it is working very well. The Kenya Industrial Estate would like to partner with the Constituencies Development Fund in the constituency in order to promote training. The youth entrepreneurs could be given some training. In that training, they identify some very good youths. Say in one constituency, they identify about 200 to 500 youths. They say they will help them to process the request for funds so that they can be assisted to do the enterprises. That is a noble idea and I commend the Minister. I urge him to push that matter as far as possible, so that it happens.

Mr. Deputy Speaker, Sir, I with those few remarks, I beg to support.

Mr. Deputy Speaker: Yes, Mr. ole Metito! You have not said anything today!

The Assistant Minister, Ministry of State for Youth Affairs (Mr. ole Metito): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute in support of this Motion. First, I would like to congratulate the Ministry officials and other stakeholders who came together and drafted such a wonderful Sessional Paper. The National Youth Policy visualises a society where the youth have an equal opportunity, as other citizens, to realise their full potential. They will productively participate in economic, social, political, cultural and religious lives without fear or favour.

Mr. Deputy Speaker, Sir, there are many issues that affect the youth of this country. But I just want to mention three of them namely: Employment, education and governance. Those are among the issues that this Sessional Paper aims to address.

When we talk about employment, there has not been equity in distributing employment opportunities in this country. When the Minister was moving this Motion, he said that the youth in this country constitute about 75 per cent of the population. It is also worth noting that, out of the 500,000 youths who leave schools, be it colleges or universities, only 25 per cent get absorbed in the job market. That leaves out 75 per cent unabsorbed or unemployed. While we appreciate that there are very limited employment opportunities, it is also worth noting that there has not been equity in distributing the very few job opportunities in our market. That is why only 25 per cent of the youth are employed annually.

There has been a lot of discrimination based on age. When someone applies for a job, he or she is told that they must be, for example, 40 years and above. There has also been discrimination based on experience. When someone applies for a job, he or she is told that they must have five or ten years of experience. One cannot get the experience without having a job at hand. There has been discrimination based on gender and political affiliation.

But this Sessional Paper, if it is adopted and approved by this House, aims at distributing those job opportunities equitably. It also aims at streamlining the accessibility to the principle of equal opportunities and equitable distribution of services and resources. It is, therefore, good to support this document because it promotes that access to both social and economic opportunities for the youth.

Mr. Deputy Speaker, Sir, a lot has been said about education. Some youths in this country do not have the necessary skills because of some reasons. Some of them drop out of school because of poverty and lack of school fees. If this Sessional Paper is adopted by this House--- It will come up with a curriculum. We are told that the country's training institutions are not only inadequate, but also lack the essential facilities and technology to prepare students for the challenging market demands. We all know that some colleges and training institutions have mushroomed. Those institutions have taken the advantage of shortage of training opportunities. They are exploiting the desperate youths. This Sessional Paper aims to develop a curriculum that will address the problems affecting the youths. That way, they will attain market-oriented skills that are required for job absorption.

The Sessional Paper is advocating for quality and affordable education at primary,

secondary, technical and even university levels. It will address the issue of students not completing their education because of lack of fees due to poverty. It is also good because it is promoting the exchange of information, knowledge and human resource between public and private institutions. The courses that are being offered in those training institutions are actually market-oriented. They are up to date. One is able to attain the skills that are required in public and private institutions. It will also improve the existing training facilities for the youth. Some of our training institutions have got outdated facilities that are no longer important in training our youth. That is why the Ministry of State for Youth Affairs has embarked on a programme of reviving youth polytechnics and providing them with modern facilities for technical training at that level.

It is also good to note that some of our children, especially the girl-child, really drop out of school because of pregnancies. Others drop out of school because of lack of fees. We have not been having a re-admission system that allows a girl who has become pregnant to pick from where she left. This policy document really calls for the re-admission of girls who drop out of schools due to pregnancies and others reasons.

Mr. Deputy Speaker, Sir, our youths are not involved in formulating and reviewing our education and training policy. This policy document will ensure that, that is done. There is total inclusiveness and participation in terms of formulation and reviewing of education curriculums for training institutions. The students will actually be called upon to give their views on what they would wish to see implemented in their curriculum activities.

It is also good that this document calls for the scrutiny of private training institutions, to ensure they meet the required academic and technical standards. That way, we will protect our youth from exploitation by private institutions that have mushroomed to take advantage of desperate youths. They exploit them and they are already poor.

Mr. Deputy Speaker, Sir, the other issue I would like to talk about briefly is on governance. In terms of governance, we are talking about decision-making at all levels. The youth of this country have not been given the opportunity to participate in making decisions in this country. This Sessional Paper seeks to promote the values of good governance. That is a just and tolerant society that promotes transparency, accountability, a spirit of nationhood and patriotism. I just want to pick the spirit of nationhood and patriotism. That is what is very core in terms of good governance in this country. If you look at the way things are happening now, that nationhood and patriotism is not there because there has been a lot of tribalism, ethnicity, nepotism and other things that cannot give the youth of this country an opportunity to exercise their constitutional right and get involved in such levels of decision making for this country.

Mr. Deputy Speaker, Sir, this Paper is advocating for a just and transparent framework where the youth of this country can be accommodated in governance levels without necessarily considering issues of tribalism, ethnicity and nepotism. Even at the political level, it is good that the youth of this country are also given space in political activities. I urge that they get affirmative action when it comes to political activities. Some of the proposals I have in mind that could be taken into account as affirmative action with regard to political activities is that, when it comes to nomination for political seats, be it civic or parliamentary, it is good that the youth of this country be considered and several seats reserved for them. As it is now, political parties do not give a chance to the youth in terms of nomination.

The political field has become an all-rich activity in this country. For one to participate in the civic or parliamentary elections in all political parties, they are asking for Kshs100,000 nomination fees, others are asking for Kshs150,000 while others are asking for Kshs1 million for one to be considered for such a position. If you look at the youth in this country, that is people who are 35 years old and below, I do not think they can afford such enormous fees. That is tantamount to leaving them out completely of that field. So, it is good that political parties consider the youth

by asking them to pay less nomination fees to those political parties.

I just want to conclude by saying that the Ministry's vision is to see a responsible and empowered youth building a better Kenya. The youth of this country should be given that space so that the Ministry of State for Youth Affairs can create such an environment, where we can have a responsible and empowered youth, building a better Kenya. That is only possible if the leaders of today stop telling the youth that they are the leaders of tomorrow. If the leaders of today stop using the youth of this country for political gain and give them that space to exercise their constitutional right, we shall see a responsible and empowered youth, building a better Kenya.

With those few remarks, I beg to support.

Mr. Deputy Speaker: I will now give the chance to Mr. Odoyo. Hon. Members, even though you have 30 minutes, you must be conscious of the environment and limit your contribution so that others may also have an opportunity.

Mr. Odoyo: Much obliged, Mr. Deputy Speaker, Sir. May I add my voice to some of the positive points raised by previous speakers. I must say that though youth is a transitional period in ones life, according to this Sessional Paper No.3 of 2007; the National Youth Policy for Development, it is a 15 year period in ones life; from 15 years to 30 years.

Even though the youth today may benefit from some of the digitally driven technology; issues like the Internet, Mp3, CD players and Mp4 computer-driven technology, I must say that today to be a youth in Kenya is a very difficult prospect for any individual. Today the youth in Kenya are faced with far much more hopelessness than has been in Kenya for the past 50 years. I believe that youth is a period of hope. It is a period when the impossible is, indeed, the possible. In today's Kenya, there are no guarantees for the youth. In my youth, if you were bright and capable, you went to school to the university and when you came out you got a job. There is no guarantee that you will go to school - no matter how bright you are - and will come out and get a job. It used to be that if you were healthy, strong and capable, there was a job outside there even though you may not be highly educated. All these are not available today. The National Youth Policy for Development has done a good job of highlighting some of these trouble times that are facing our youth today, not to mention HIV/AIDS and the others.

For purposes of time, let me limit my comments to what the Minister has indicated in this particular youth policy. First of all, it would have done us a lot of good if the Minister took the trouble to tell us what exactly is wrong with the current various youth initiatives going on in the country. It is not as though there is nothing happening for the youth. There are some things happening for the youth but why are they ineffective? It would have helped us very much if the Minister was able to take a global view; a bird's-eye view to tell us what is wrong with all those things that are being done for the time being that necessitates a new Sessional Paper No.3 of 2007 on the National Youth Policy for Development. For example, I know that under his Ministry, he has taken certain initiatives. It would have benefited me as an individual to have had this global view.

Mr. Deputy Speaker, Sir, moving very quickly to some of the strategic focus of this policy, for example employment. Employment, indeed, is the biggest challenge to the youth because all the others we have mentioned like HIV/AIDS, drugs *etcetera*, are by products of unemployment. That is to say that, first and foremost, when the youth come to our offices as hon. Members, what is uppermost in their minds is employment. It is lack of employment that they now revert to some of these other extra-curricular non-productive activities like drugs and promiscuous sex which leads to HIV/AIDS. But the programme that the Minister elaborates in the National Youth Policy for Development is again not very clear.

For example, I will take the Youth Enterprise Development Fund. It envisages, say, an average of Kshs50,000 to be given to a youth group to do something. It is a good idea but it is not

supported by an institution or training. I am imagining that a Form IV drop-out who is now about 18 years or 19 years old coming out, being given Kshs50,000 and maybe he has never done anything. The chances that he will succeed are very minimal.

Mr. Deputy Speaker, Sir, we have to move away from this political window-dressing type of policies to more concrete policies which will help the youth of Kenya today. So, I propose that under the Youth Enterprise Development Fund (YEDF), which is ongoing, the Minister should concurrently to it, have a Youth Enterprise Training Fund (YETF). It should say that unless someone is trained, he or she cannot access this Fund. The youth need to be trained in basic matters of planning, organisation, staffing, co-ordination, finance, accounting and so on. By so doing, they can run this Fund. For the time being, Equity Bank, which is banking the money, is the one profiting from it. However, the youth are not benefiting from the Fund. Therefore, I am asking the Minister to re-look at the best way that will target the youth who are going to help us.

Mr. Deputy Speaker, Sir, secondly, the Minister has talked about public sector projects. Indeed, history is available to us. Germany, after the depression, built autobahns. The youth were made to work. They worked like mad and got paid on a daily basis. They built street ways. Come the depression of the USA, to get out of it, they built motorways. I am sure the Chair, having spent time in the USA, knows very well about this stuff. However, in more recent history, is China. China has built roads using the youth. Let the youth build one thousand kilometres road and get them to work with shovels, picks and so on. Let them work and we put money in their hands. Once money is in the hands of the youth, they will buy shoes or clothes. So, the factories in Nairobi now will produce more clothes. Consequently, when there is a market, they employ more youth. This is basic reasonable economics that I hope we shall put into operation not too long from now.

Mr. Deputy Speaker, Sir, I have seen your left hand signal to me.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Mr. Odoyo, you are not supposed to disclose that! There are two hon. Members who wish to contribute, Ms. Ndung'u and Capt. Nakitare! Let me give the chance to the lady first and then we see how it goes!

Ms. Ndung'u: Mr. Deputy Speaker, Sir, thank you very much. I stand to support the adoption of this Motion and the Sessional Paper on the National Youth Policy for Youth Development. I want to congratulate the Minister because I know that as he was developing this Sessional Paper, he really did consult widely with the youth of all kinds, including the Kenya Young Parliamentary Association (KYPA) of which I am the Chair. Of course, the Minister being as youthful as he is, and his assistant, are also members of the KYPA.

Mr. Deputy Speaker, Sir, I like the way this Paper is structured. It is simple and clear and even young people can understand it. Also, it is put in such a way that we can see what the Government is proposing to do, so that we can actually assess its performance against its policy.

Mr. Deputy Speaker, Sir, I want to congratulate the Minister for also being clear about the priority areas, particularly the youth with disabilities, in the streets and those affected by the HIV/AIDS pandemic, the senile and unemployed youth because now we can see what it is that the Ministry is doing for these groups for which he has given priority. Let me tell the Minister that we are supporting the policy as young hon. Members of Parliament. Yesterday, we passed the maternity law, which is going to make young women very happy and also the paternity law which will make young men very happy. In fact, I have received a lot of calls from young men who are saying that finally they can hear that there are hon. Members who are speaking for their particular circumstances.

Mr. Deputy Speaker, Sir, in line with what the Minister is proposing, this Government, by zero-rating tax on sanitary towels, has really thought about helping the young girls in schools, particularly those between the ages of 13 and 18. I also noticed in the Sessional Paper, that the

Minister has addressed the issue of the HIV/AIDS scourge affecting the youth. In fact, we, as the KYPA, together with the Ministry, did participate in an exercise which was quite challenging, which was to know one's HIV/AIDS status. It is something which can scare a lot of people and which is also very challenging. However, it is something that must be done. When the youth know their status, they can plan their lives and develop their own goals. I think that the KYPA Members and the Minister, Ms. Abdalla Messrs. Sudi, Magara, Ochilo-Ayacko and myself took that brave step. As a result, we were told that many young people came forward to know their status. This is what is called leadership by example. Let the Ministry of State for Youth Affairs continue to lead by example.

Mr. Deputy Speaker, Sir, I have heard a lot about the issue of jobs. For me, particularly as we are going into an election, I think that this indicates some significant differences of both sides of the political divide and political parties in terms of how they view the economy. I do believe in the Kibaki Government, that the creation of jobs is not to develop jobs of eight to five in Government offices. It is not for the Government to employ youth to build roads. What the Kibaki Government has done is to take money and to give it to the youth and say: "Start your business". It is not creating one job, but creating many job opportunities. However, the message that the Ministry must send to the youth is that jobs are not to be given, they are to be created. I think we can do away with this myth that the President did not deliver his 500,000 job opportunities as he promised. In fact, at this time of the second phase of the YEDF, in every constituency, there are thousands of youth groups that have started youth businesses. This is really a different thing in terms of wealth creation through job creation.

It is significant that this Government has established the Ministry of State for Youth Affairs. Our youth are now represented in the Cabinet. I have heard many politicians talking about the improvement of youth, the development of committees and commissions. But this Government has done its best. It has put its youth in the Cabinet through a Ministry. This means that right at the top, positions have been taken by the youth.

Mr. Oduyo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member not misleading this House by implying that the youth are right at the top at the Cabinet level when they only have got one youth hon. Member in the Cabinet? The rest of the people are what may be defined in terms that start from 80 years and above!

Ms. Ndung'u: Mr. Deputy Speaker, Sir, it is so unfortunate that the hon. Member is not a member of the KYPA because he is above the age. However, because in politics you cannot have people who are 15 years old, we have included, as young hon. Members of Parliament, those between the ages of 21 to 40. If you are not in that bracket, I am sorry for you. Perhaps, that is why the hon. Member has not been following issues of the youth as he should!

Mr. Deputy Speaker, Sir, I really do think that we need to focus more and more on job creation, but also focus on the need to move youth away from crime and drugs. About 90 per cent of our present population is made up of young men under the age of 30. It is time to really move them away. They do not belong in prisons. They belong to good jobs and families. As adults, I think we must mentor them. One of the things that women MPs are doing, for example, is that we are doing a big sister project. We go to girls secondary schools to teach them about how to be responsible adults. I know that I have been accused and the women MPs have been accused of focusing too much on girls; that we are role modelling girls only. However, I have found it very difficult for us to role model young boys. I really think the challenge should be taken by the men. The men in this House, families and in community leadership roles need to mentor our young boys. That responsibility cannot be left to women. Let me encourage all men, including the men in this House, to help the Minister in terms of moving our boys from crime and into better and helpful positions in society.

Mr. Deputy Speaker, Sir, I do not want to contribute too much because when we look at the priority strategic areas and what this Government has done, it speaks for itself. When we look at employment creation, which is one of the strategic areas from pages 9 to 12, the Ministry said that they will establish a youth Fund. They have done so. They said that they will create a scheme for foreign employment for young people. They have done so.

Mr. Sungu: No!

Ms. Ndung'u: Yes, they have done so! If the hon. Member does not know, there is even a desk in the Ministry of Finance!

Mr. Deputy Speaker: Order! Address the Chair!

Ms. Ndung'u: Let me address the Chair. I hope the Chair will protect me! I must be protected!

Mr. Deputy Speaker: You are very well protected. Address the Chair and be mindful of the statement I made earlier about time!

Ms. Ndung'u: Yes, I will, Mr. Deputy Speaker, Sir. I just wanted to say that on the issue of HIV/AIDS and supporting youth campaigns on behaviour change, there are on-going programmes right now.

On the issue of recreation and leisure, indeed, it is written here that we should remunerate and honour sportswomen and sportsmen. That is being done. We have also improved the accessibility to sporting facilities. I am glad, as a person who supports the youth, that in the last five years, there is a big difference. Now, we just want to come back to improve.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Hon. Members, I want us to be fair to everybody here. There are three hon. Members standing and there is a very short time left given that the Mover has to reply. Therefore, let us look at the clock and by concurrence, let us give each hon. Member five minutes.

(Applause)

Mr. Kimeto: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity.

We have many youth in this country and the Ministry is new. It is headed by a young Minister! The Minister has brought this Sessional Paper to the House to address problems facing the youth. However, they are very many. Although we are training most of our youth in polytechnics, the Minister has not set out modalities in this Sessional Paper how the Ministry will assist the youth after they graduate from those polytechnics. What are they going to do after completing their studies? He has not allocated money to cater for the youth after they complete their education in polytechnics. Most of them stay without jobs after completing their studies. They also lack the start up capital to enable them put into practice the skills that they learnt in the universities, polytechnics and other colleges. The Minister should allocate funds in the Ministry's budget to assist the youth to start businesses and other projects after completing their studies. The money that we are giving them under the Youth Enterprise Development Fund is very little. If we have to make our youth useful, we should utilise them to do the roads in the rural areas. By so doing, they will be able to earn a living and support themselves. For example, the Maai Mahiu-Narok Road will cost Kshs6 billion to rehabilitate. If we assigned the youth to do that road, it would cost the Government less than the Kshs6 billion. In my constituency, I have contracted the youth to do roads using the Constituencies Development Fund (CDF) money. However, the CDF Act does not allow us to engage the youth to do the roads. Why do we not allow them to do all the roads in our constituencies and pay them? If we do that, they will become very useful to the society. They will not engage in crime. The only problem is that we talk about things which we

cannot even implement. If we continue to talk about things which we cannot implement, then our youth will grow old without doing any constructive work.

Mr. Deputy Speaker, Sir, let me turn to the issue of health care. Every year, we train nurses from different parts of the country--- Why do we not set aside money to enable them set up private dispensaries and clinics in villages? We can also have health facilities in villages which are funded by the Ministry. Very many trained nurses and clinical officers are still jobless. The Minister needs to prepare a budget for these youth so that we can provide them with money to start projects.

Mr. Deputy Speaker, Sir, let us also ban the importation of manufactured goods. Let us manufacture goods in this country, because we have many youth who can provide labour. Most of our youths are jobless because we are importing most goods. Why do we not make use of our youth to manufacture goods like electronics?

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Capt. Nakitare: Asante, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niunge mkono Hoja hii kuhusu sera ya vijana.

Shida za vijana zinatokana na mpango mbaya ambao ulikuweco kuanzia zamani. Mambo haya hayakuanza mwaka huu au miaka miwili au mitatu iliyopita. Ukiangazia jamii kama ya kutoka Bara Asia, mtoto akihitimu umri wa kusoma, baba yake anamfunza hesabu ya biashara. Hivyo, basi, mtoto huyo anakua akiwa anajua hesabu inayohusu biashara. Leo tumeleta Sera ya kutenga pesa zitakazopewa vijana ili wajimudu. Je, tunawafundisha vijana wetu kuvua samaki ama tunawapatia samaki? Ikiwa tunataka kuwafundisha wajue kuvua samaki, ni lazima wajue urefu wa ndoano na mahali pa kutafuta samaki hao. Nashangaa kwamba Sera hii ambayo Waziri amelea inahusu watu ambao wamesoma. Ni lazima turekebisha swala hili.

Ni miaka mingi sasa tangu hayati Mzee Kenyatta alimtuma marehemu J.M. Kariuki kwenda Cuba. Aliporudi, alianzisha chuo cha Vijana wa Huduma ya Taifa, yaani, National Youth Service. Madhumuni ya kuanzisha chuo cha National Youth Service ilikuwa ni kuwafundisha vijana ambao hawakuwa shuleni na wale ambao wangelielewa ufundi ili waweze kujitegemea kimaisha. Ningependekeza kwamba Wizara hii ingewalazimisha vijana ambao ni asilimia 65 ya watu wote wa Kenya wajiunge na National Youth Service. Pesa nyingi zinafaa kutumia katika vyuo vya National Youth Service ili kuwafundisha. Wakitoka huko, watakuwa wamekomaa kiakili. Hivyo, basi, wakipewa nafasi ya kufanya biashara ama ufundi wataifanya bila wasiwasi. Siku hizi tunatafuta wanakandarasi wa kukarabati barabara. Miaka iliyopita National Youth Service ilikuwa inajenga barabara. Kwa mfano, ilijenga barabara ya kwenda Garissa. Ni vijana ambao hawakuwa na shahada za digrii lakini ni watu ambao walikuwa wemefundishwa sanaa mbali mbali na kuendesha tingatinga. Je, kuhusu hizi pesa ambazo vijana wanapewa kupitia hazina ya kuwaendeleza vijana, kuna mtu yeyote ambaye amefanya hesabu na kusema kwa mfano: "Nikikupa Kshs50,000 za kufanyia biashara, utapata faida kiasi fulani?" Je, tumewaelimisha vijana kuhusu faida na hasara katika biashara au tunawafurahisha kwa kuwapa pesa tu? Tumewapatia mawazo lakini tumewapatia pia tamaa. Hivyo basi wasipotengewa pesa katika Bajeti ya mwaka ujao, watailazimisha Serikali kuwapa pesa. Watauliza Serikali: "Kwa nini leo hatujapewa pesa ilhali mlitupatia mwaka uliopita?" Na itakuwa ni lazima kwa Serikali kujiandaa kwa mambo hayo. Kwa hivyo, mimi naona ni mpango mzuri. Wale vijana wengi ambao wamewacha shule na ambao wamehitimu umri wa miaka 18 wasukumwe National Youth Service (NYS). Waende wafanye kazi huko. Wawe na mafunzo ya miezi 18 na wakitoka huko, watakuwa wamekomaa.

Kwa hayo machache, Bw. Naibu Spika, naunga mkono.

Prof. Mango: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this youth policy.

Mr. Deputy Speaker, Sir, I notice that out of all the population of Kenya, 9.1 million are the youth. That is a major resource for our nation. There are countries which have developed into First

World countries through the development of their human resource. We have a resource which can help this country to move on. We can move on by developing our youth to be technologically empowered.

Mr. Deputy Speaker, Sir, while we are developing free primary education and going on to provide free secondary education, we should add on free university education. The Ministry of Youth Affairs should work together with the Ministry of Education and Ministry of Labour and Human Resource Development. At the end of any schooling, there should be courses in entrepreneurship and technology to empower our youth with skills. At the end of university education, students graduate and they have no practical experience. Therefore, they cannot compete in the job market. Any

jobs that are being advertised are asking for experience. The students have no experience.

Therefore, Mr. Deputy Speaker, Sir, the Ministry of Youth Affairs is a very noble idea. It should craft the resources to develop the skills among our youth, be they primary or secondary school drop-outs or college graduates. That way, they will be empowered to participate in nation building, instead of roaming around in the streets, jobless.

Mr. Deputy Speaker, Sir, another area where we need to develop our youth is through sports. If all our schools had rigorous sports training courses, some of our youths would develop their skills in sports. You have seen Kenyans who go elsewhere and get proper coaching earn their living by using their legs in athletics, playing football or whatever. We have neglected that aspect. This is the time to factor it in our youth development, so that we can develop the youth both intellectually as well as physically, to take on the challenges in sports.

Mr. Deputy Speaker, Sir, we need to keep our youth occupied, so that they do not fall into vices like chang'aa drinking, drug abuse, prostitution and other negative activities that eventually lead them to nowhere.

Mr. Deputy Speaker, Sir, when you talk about HIV/AIDS, 75 per cent of the people infected are youths. That means that those youths are condemned to death unless we put them on Anti-Retroviral Drugs (ARVs). That is wasting our human resource. Therefore, the Ministry of Youth Affairs should work together with the Ministry of Education to develop a human resource as a production line, from primary school, secondary and up to the university level. They should acquire skills so that they can be gainfully employed. In so doing, we will not waste the human resource. We will have everybody contributing to nation building. Mr. Deputy Speaker, Sir, it is very important to utilise the Youth Enterprise Development Fund properly. But if the youths have no skills, they will not benefit from that Fund. I have seen examples of youths who have got Kshs50,000. They think they will share out that money and that is the end of the story! But, on the other hand, if they have the skills, they will put that money into good use and progress from there.

So, I congratulate the Minister of State for Youth Affairs. But I would like the Ministry to develop polytechnics and all the other technical colleges to empower our youth by giving them skills.

With those few remarks, I beg to support.

(Mr. Weya stood up in his place)

Mr. Deputy Speaker: Mr. Weya, before you came in, I had already promised Mr. Sungu the next chance to contribute.

Mr. Sungu, if you can limit your time, we can accommodate Mr. Weya.

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir. I will make it less than five minutes because I understand that, as a young man, he wants to contribute.

Mr. Deputy Speaker, Sir, I just want to associate myself with the approval of this youth

policy. Even though I am an old man of 54 years, I have been part and parcel of the consultation process. I have been with the Minister in several fora. We have discussed some of the issues involved. I feel that I also need to put my stamp of approval so that my constituents, a majority of whom are youth, can also know that I am with them.

Mr. Deputy Speaker, Sir, when we talk about our youth, we are actually talking about ourselves. We have children. I have three children who are in that category in the universities. I also have children who are just coming up. They have not even qualified to go to nursery schools. They are still very young. I even have a young wife.

So, I am concerned about their future. That future can only be guaranteed if the Government is serious about creating a legislative and policy framework that can help to give those people direction. That will help our young people to find a way forward for themselves.

Mr. Deputy Speaker, Sir, that is not upon the Government only. It is upon us as Kenyans, parliamentarians, Members of the Government benches and Members of the Opposition benches. It is incumbent upon us, as the people of this country, to give our youth a chance.

Mr. Deputy Speaker, Sir, even the private sector must get involved! In many countries, you find that many projects that are designed to help the youth are funded by rich people. Some of them are young or old sportsmen, celebrities and musicians. They set up foundations. They include people like Bill Gates and so on. They do so to help the youth.

Mr. Deputy Speaker, Sir, I want to say that majority of youths in this country form what I call "vulnerable groups". The question of employment; the question of even inheriting their own land because of HIV/AIDS pandemic--- The fact that many people have died because of that and so on--- Those are issues that must be put to the fore.

Therefore, in supporting this Motion, I want to urge the Minister: "Please, let us take this matter seriously. Let us not just play lip service. Let us walk the talk!" That is what I said this morning.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Mr. Weya, can you take a few minutes?

Mr. Weya: Mr. Deputy Speaker, Sir, I am the Secretary-General of the Kenya Young Parliamentarians Association (KYPA), which the Minister is also an active Member. We also went for HIV/AIDS test publicly and he was very supportive. So, I know that as youthful leaders, they also have interest in this Sessional Paper. I would also like to support him for the initiative he has taken to revive the youth polytechnics all over the country.

The only concern that we have, is the issue of young men and women who hang around bus stages. I think the Minister needs to go and get them to go to the youth offices that he has established in the constituencies and districts. They are at the bus stages and they are doing nothing. Some even have degrees. I remember when I was growing up and in school, some companies used to come, especially when we were about to finish school and identify students they would like to go and work for their companies and get trained. I remember companies like the Kenya Power and Lighting Company (KPLC), Kenya Railways Corporation (KRC), Kenya Posts and Telecommunications and so on. I want to encourage the Minister to collaborate with these parastatals so that they can start identifying bright students in schools so that we do not have an elite society capturing most of those jobs in those institutions.

Mr. Deputy Speaker, Sir, the youth should not be made to feel that going to the farms in schools is a punishment. They should be told that, that is the way to go because Kenya is an agricultural country. They should be told that farming is the only way that we can make this country grow. In most schools, teachers punish students by sending them to go and plough farms. So, the youth find that farming is a punishment and not a way that will benefit their lives.

The youth should be encouraged to engage in afforestation. Long time ago, there were

nurseries in schools and so the youth knew the importance of trees and tree-planting. The Minister should encourage that through a policy on afforestation.

I sponsored athletics for the youth over the weekend in my constituency. The Ministry should collaborate with hon. Members to have road and bicycle races within the constituencies. These are the things that encourage the youth and also help in developing some of those sports. Although the Constituencies Development Fund (CDF) is not allowed to be used in sports activities, there is a way in which they could organise and work hand-in-hand with us in creating those activities because we are Members of Parliament in those areas and we know how to mobilise the youth so that they can be involved in road races. They could also put up institutions like small gyms, a sports area or a social centre in every constituency where the youth can keep themselves busy.

Mr. Deputy Speaker, Sir, with regard to the issue of information, our youth lack a lot of information. Many youth do not know about computers or Information and Communication Technology (ICT). So, we should get the youth officers to go round and come up with informative documents so that the youth can be informed. Otherwise, we will not be able to compete with other countries where the youth are aware of what is going on around them due to accessibility to the internet and computers.

I would like to congratulate the Minister for the work he has been doing in the Ministry and encourage him to continue. The Government should continue developing the youth agenda.

Mr. Deputy Speaker: Thank you, Mr. Weya. There being no other person wishing to speak, I now call upon the Minister to reply.

The Minister of State For Youth Affairs (Dr. Kuti): Mr. Deputy Speaker, Sir, I would like to be very grateful to all the hon. Members who have contributed and supported this Motion. As you can see, this Motion has received support from both sides of the House and this is because the problems of the youth face every hon. Member in his constituency. All of us have the urge that something positive and genuine needs to be put in place to reverse the trend of issues affecting our young people in all parts of the country.

Mr. Deputy Speaker, Sir, I will briefly run over the issues that were raised. There was the issue of past initiatives. There was the issue of initiatives even in the past and why they have not been highlighted and why they did not succeed. That is because in the past, youth issues were handled by departments or divisions in various Ministries. So, you will find health issues being handled by the Ministry of Health while issues on environment were being handled by the Ministry of Environment and Natural Resources, while employment matters were being handled by the Ministry of Labour and Human Resource Development. Those were not well co-ordinated and there was no inter-relation in terms of implementing those programmes. The fact that all youth issues have now been brought under one Ministry, will make a lot of difference in impacting positively on reversing the negative challenges facing young people.

Mr. Deputy Speaker, Sir, regarding the issue of the Youth Enterprise Development Fund as relates to training, I would like to very clearly say that, right from the time the Fund was put in place, we have partnered with organizations that provide entrepreneurial training. As of now, about 150 Training of Trainers (ToTs) have been trained by United Nations Development Programme (UNDP) and posted to all the districts so that before the youth access the Fund, even the Kshs1 million in the constituency, they are supposed to undergo a training which will be conducted by the youth officers utilising those ToTs. Also, for the Fund that is channelled through the micro-finance institutions, I would like to state that 1 per cent of the 8 per cent interest charged, is to be utilised by those micro-finance institutions to conduct entrepreneurial training like book-keeping. So, training has been a very major component of the disbursement of this Fund.

Mr. Deputy Speaker, Sir, regarding the issue of using young people to build roads, there is

an inter-Ministerial committee that is now looking into it. We already have a pilot project where 2,000 young people are planting trees in collaboration with the Ministry of Environmental and Natural Resources. They will take care of those trees and they will earn Kshs3,000 per month for as long as that tree is able to sustain itself. Also they undergo training so that they save that money so that by the time the tree is on its own, the young person has also saved enough to start a business. Also, the training that he or she has received will help him or her start the business.

Regarding the issue of youth polytechnics, this is an area where we have put a lot of focus because we know that 92 per cent of the unemployed youth are unemployed mainly because they do not have skills. The literacy level in Kenya is high but skills are lacking. So, the only way is to impact skills through the revival of youth polytechnics. In collaboration with UNDP, we have brought a new curriculum for youth polytechnics. That curriculum will enable even a Form Four graduate to proceed all the way to the university from the youth polytechnics. They will get Diploma, a Higher National Diploma and through that channel they would proceed to universities and even study for engineering courses. This curriculum is now developed and is in place.

We have also changed the management of youth polytechnics. In the past, they were managed by very poorly qualified personnel because they were supported by the communities. But now we are taking over the management and we are putting in qualified managers and we are also posting instructors. We are slowly phasing out those who do not have diplomas in their field of instruction. If the instructor does not have a diploma, in the next three years, they will all be phased out. We have given them three years to upgrade themselves so that we have qualified instructors and managers so that the graduates of youth polytechnics can produce graduates who can access the market.

Mr. Deputy Speaker, Sir, right now, youth polytechnics are not popular because the products they produce do not access the market. So, you may qualify and not be able to get any gainful employment. In youth polytechnics curriculum, we have put technical training alongside entrepreneurial training. So, the graduates will not only have the certificate as a mechanic going round and looking for a job, but he or she will also be having entrepreneurial skills. Also the Youth Enterprise Development Fund is available so when he or she qualifies, then he or she could put the entrepreneurial and technical skills into business so that we convert him or her from a job seeker to a job creator.

Mr. Deputy Speaker, Sir, regarding the issue of international jobs, which was raised here, I would like to report that a team of officials from my Ministry, headed by the Permanent Secretary (PS), has returned into country from the Philippines. For the information of hon. Members, out of every ten Filipinos, one works in a foreign country. The Philippine Government has a well-structured programme, through which it sends skilled personnel outside the country, where they get jobs. The team has come back with very positive results. We have already sent 1,720 young people to the Gulf States.

We have an initial order of over 2,000 workers to Canada. Once this initial team succeeds in terms of conduct and technical capabilities, we have a promise for larger numbers to Canada, Australia and even African states like Botswana and Namibia. Already, 100 nurses have been sent to work in Namibia. Therefore, we are looking forward to structuring this programme very well, so that our people do not get enslaved.

Mr. Temporary Deputy Speaker, Sir, when people go out of the country on their own in search of employment, the main problem they face there, especially in the Gulf States or Arabian countries, is enslavement. Hon. Members will bear witness that many people returned to the country and reported harassment. So, this is a government-to-government structured programme, where all the issues pertaining to their rights, *et cetera*, are handled by our ambassadors. They can even remit their income back home. As I said, the Philippines receives over US\$12 billion

annually as

foreign exchange resulting from her citizens working abroad. I hope the same will happen to Kenya.

On the issue of using our youths to take care of the environment, we have a tree planting programme, which I have already mentioned, which offers jobs to our them. We have a target of planting 15 million trees. The Kenya Scouts Association and the Girl Guide Association, as well as Saint John Ambulance, and all other youth organisations, have already taken up portions of the targeted number of trees to be planted. In that way, there is hope that young people will be conscious of the environment, which will benefit their future.

Mr. Deputy Speaker, Sir, I would not want to take long on this one. Therefore, I would like to thank hon. Members so much.

I beg to move.

Mr. Deputy Speaker: Thank you very much, Mr. Minister. I will now put the Question.

(Question put and agreed to)

Mr. Deputy Speaker: Next Order!

BILL

Second Reading

THE ANTI-COUNTERFEIT BILL

Mr. Deputy Speaker: The Minister for Trade and Industry!

An hon. Member: Absent!

Mr. Deputy Speaker: He is not here? The Bill is deferred!

(Bill deferred)

Next Order!

MOTION

Mr. Deputy Speaker: Who is the Leader of Delegation, Kenya Parliament Representatives to the Pan-African Parliament? Is it Mr. Oparanya?

An hon. Member: Yes!

Mr. Deputy Speaker: Where is Mr. Oparanya?

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, as you, probably know, the Pan-African Parliament is actually in session. So, all of the Kenyan representatives are expected to have been there. It is by mistake that as of today, Ms. Ndung'u is still here. She will leave tomorrow. However, she is not the leader of the delegation.

Mr. Deputy Speaker: Very well. The Motion is deferred!

ADOPTION OF REPORT ON
SEVENTH SESSION OF PAN
AFRICAN PARLIAMENT

THAT, this House adopts the Report of the Kenya Parliament representatives to the 7th Ordinary Session of the Pan-African Parliament held on 7th-18th May, 2007 at Ghallagher Estate, Midrand, the Republic of South Africa, laid on the Table on Wednesday 27th June, 2007.

(Motion deferred)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, my duty is to say that we have no more business to transact this afternoon. We still have five more minutes. Nevertheless, as I have already said, we have no further business. Therefore, the House stands adjourned until tomorrow, Thursday, 18th October, 2007, at 2.30 p.m.

The House rose at 6.25 p.m.