

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 1st March, 2011

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PETITIONS

(Eng. Rege stood up in his place and proceeded to the Dispatch Box)

Mr. Deputy Speaker: Eng. Rege, are you sure that is a Petition?

(Eng. Rege resumed his seat)

Next Order!

PAPERS LAID

The following Papers were laid on the Table:-

Report of the Select Committee on Delegated Legislation and Departmental Committee on Energy, Information and Communication on the scrutiny of the energy, Importation of Petroleum Products Quota Allocations Regulations 2010.

(By Eng. Rege)

The Report of the Committee on Equal Opportunity on the distribution of water boreholes in the country for the last three years.

(By Mr. Affey)

NOTICES OF MOTION

ADOPTION OF REPORT ON SCRUTINY OF PETROLEUM
IMPORTATION REGULATIONS

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

THAT, this House approves the Report of the Select Committee on Delegated Legislation and Departmental Committee on Energy,

Information and Communication on the scrutiny of the energy, importation of petroleum products quota allocations regulations 2010 laid on Table of the House on 1.3.2011.

ADOPTION OF REPORT COUNTRYWIDE DISTRIBUTION
OF WATER BOREHOLES

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

THAT, this House adopts the Report of the Committee on Equal Opportunity on the distribution of water boreholes in the country for the last three years laid on the Table of the House on 1.3.2011.

QUESTIONS BY PRIVATE NOTICE

UPSURGE OF INSECURITY IN VIHIGA COUNTY

Mr. Chanzu: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware of the increased wave of insecurity in Vihiga County over the last one month?

(b) What urgent measures is the Minister taking to stem the dangerous trend?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of the increased wave of crime in Vihiga County over the last one month. The crime trend in Vihiga over the last one to three months shows a steady decline as indicated by crime statistics which I have supplied the hon. Member with. I will lay on the Table this for the benefit of those who were not able to see it.

(Mr. Ojode laid the document on the Table)

(b) To reduce crime levels in the county the following measures have been put in place:-

(i) Beats and patrols have been stepped up in the vast rural areas within Vihiga County;

(ii) Staggered roadblocks are being laid along the Vihiga-Kisumu Road;

(iii) Collection and sharing of intelligence has been stepped up, and is being used to track and apprehend suspects involved in criminal activities within that area.

Mr. Deputy Speaker, Sir, I am happy that the crime rate has really gone down. I believe that Mr. Chanzu is happy with what police officers are doing on the ground.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I want to appreciate the answer the Assistant Minister has given. However, I think he does not have the up to date information, and the reason for which I raised this Question. In fact, before I give the background information, the Assistant Minister has written here that in February, there was no crime reported. We have had two reported murders in February, including one of

an Assistant Chief, which took place on 2nd February. On Wednesday, 23rd February, somebody was killed at a place called Kibagala. The Assistant Chief was killed near Mudete Police Post at 11.00 p.m., that is at night. So the information the Assistant Minister has is not correct.

On 3rd February, there were five robberies at night in a row; two girls' secondary schools and homes were attacked. This means there are no patrols. I want to request the Assistant Minister to consider providing more vehicles for patrol, because at the moment there is no patrol. Secondly, could he consider upgrading the police post at Mudete into a full police station?

Mr. Ojode: Mr. Deputy Speaker, Sir, the issue of upgrading Mudete Police Post to a fully fledged police station is something we have talked about with the Questioner. I advised him that the security team can sit down and agree on which police post they want us to elevate.

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. The issue I was raising with the Assistant Minister is very clear. What he is telling me to do is what he is supposed to do himself. Is he in order? Can you get your security team to sit down and make recommendations to your office, instead of telling me to do it?

Mr. Ojode: Mr. Deputy Speaker, Sir, the issue of upgrading Mudete Police Post to a fully fledged police station is an issue I have discussed with the hon. Member and I did advise that the security team can sit down and agree on which police division or police post you want to be elevated.

Mr. Chanzu: Mr. Deputy Speaker, Sir, the issue I was raising with the Assistant Minister is very clear. What he is telling me to do is what he is supposed to do. Is he in order? Could you get your security team to sit down and make recommendations to your office instead of telling me to do it?

Mr. Ojode: Mr. Deputy Speaker, Sir, elevating a police post to a fully fledged police station is something which is done at the local level and the hon. Member is an ex-officio Member of the security team in his area. I do not have any problem in elevating that police post.

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is telling me to go and make recommendations to his office and I am telling him that there is the district security committee which comprises the DO, the DC the OCPD and so on. Could he instruct his security team to make a recommendation to his office so that we can have this police post upgraded?

Mr. Ojode: Mr. Deputy Speaker, Sir, I said that the security team within the local county will come up with the recommendations. They normally hold meetings and recommend which police post should be upgraded. I am suggesting to my good friend that they should fast-track the minutes where they recommended that police post to be upgraded to a fully fledged police station. There is no way I can upgrade a police post to a fully fledged police station without recommendation from the security team at the local level.

Mr. Deputy Speaker: Assistant Minister, the security team does not involve the Constituency Development Committee. It is a body that falls within the mandate of the Central Government. It is formed by civil servants.

Mr. Ojode: Mr. Deputy Speaker, Sir, the district security team also allows Members of Parliament to sit in those meetings. In any case, we allow Members of

Parliament to sit in the district security policing committees. Community policing just came in the other day. In order for me to act on his proposal, I need a recommendation from the district level and I will upgrade that police post to a fully fledged police station.

(Hon. Mbuvi entered the Chamber and took a seat in his place)

POINT OF ORDER

IN APPROPRIATE DRESSING BY HON. MBUVI

The Assistant Minister for Information and Communications (Mr. Khaniri): On a point of order, Mr. Deputy Speaker, Sir. I rise to seek your ruling on this particular issue. Hon. Gideon Mbuvi has just walked in and you can see him putting on shades and some things in his ears. I want you to rule whether that is appropriate dressing.

Mr. Deputy Speaker: Hon. Mbuvi, whereas in the history of this House that I have known myself – many hon. Members will bear me out – I have never seen any situation in which an hon. Member of Parliament who is male has come in the Chamber in earrings. Do you have any explanation for that?

Mr. Mbuvi: Mr. Deputy Speaker, Sir, I think it is not supported in the standing orders. It is just a matter of dressing. I am representing the youth in this House. I think the hon. Member should concentrate on his constituency instead of interfering with me.

The Assistant Minister for Lands (Mr. Bifwoli): On a point of order, Mr. Deputy Speaker, Sir. In the history of this world since God created it, men have never imitated women.

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Deputy Speaker, Sir, this House is guided by the Standing Orders and the precedents of rulings that have been made before. I stand here to inform the House that sometimes back, hon. Martha Karua, myself and other Members of Parliament were involved in an accident and I had some damage to my eyes and the doctor recommended that I put on shades. When I walked with those shades in the House, the Speaker who was in the Chair then, hon. Kaparo, ruled me out of order until I had to produce evidence from the doctor that it was a medical condition. Therefore, there is precedence.

Mr. Outa: On a point of order, Mr. Deputy Speaker, Sir. You heard hon. Mbuvi saying that he is representing the youth. In my constituency there are young people but I have never seen them wearing earrings. Could he be clear to this House who these youth he is representing are? Are they in his constituency or are they the young people in Kenya?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, obviously hon. Members do not know the difference between earrings and studs for men. Studs are meant for men and hon. Mbuvi represents the youth in Makadara who wear studs. The fact that the youth in hon. Khaniri's and hon. Bifwoli's constituencies do not wear studs does not mean that the youth in Makadara who are represented by none other than the youthful Member of Parliament should not wear the same. He represents the face of Makadara.

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Mr. Deputy Speaker, Sir, as much as we would wish to enjoy the liberties of individual choice, it is also important to actually consider the universal representation of

the youth. As the Assistant Minister in charge of youth affairs, I do not have any decree, any stipulation or any regulation that would in any way be verified as authority that would change the expectations of the House in terms of dressing. Therefore, it is important that you give guidance because we would not wish to suffocate hon. Mbuvi's freedoms and at the same time, to lower the dignity of the House. We want to respect both the urban and the rural youth. Mr. Mbuvi, through your guidance, needs to have the totality of that dressing. So, earrings and a skirt would be in order for him.

Mr. Yakub: Hoja ya nidhamu Bw. Naibu Spika. Kwa heshima nilizo nazo juu ya Bunge, ni lazima tuzungumze ukweli na haki. Mbunge ni kiongozi ama kiigizo cha wale ambao walimchagua. Ninafikiri sio sawa kiongozi wa kisiasa kama Mbunge kujibadilisha na kujioengeza vifaa ambavyo havifahi. Ninamheshimu Mbunge wetu lakini hizo studs ama vipuli havifai kuvaliwa hapa.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate what hon. Mbuvi has said, in your ruling it is important to take note of the many youth in this country, including students in our primary and secondary schools. By ruling that it could be in order, the expectation will be that tomorrow you will see all students wanting to walk into class in that kind of dressing. I believe that by not allowing that in the House, we are not stopping hon. Mbuvi from putting on that outside this Chamber. I ask that you consider the youth in totality.

Mr. Kutuny: Bw. Naibu Spika, inagadhabisha na kufedhehesha kwamba wanaopinga mapambo ya mhe. Mbuvi ni wale waliounga Katiba hii mkono. Haya ni baadhi ya manufaa ya Katiba ya sasa ambayo walipigia debe usiku na mchana. Katiba hiyo inasema wazi kwamba kama una itikadi au wewe ni wa dini Fulani, unaweza kuruhusiwa kuvaa kulingana na dini au itikadi hiyo. Vile vile, mhe. Mbuvi ana jina lake la kisasa la utani. Yeye anaitwa "Sonko." Tabia na mienendo ya akina "Sonko" ndio hii. Sasa anathibitisha wazi kwamba yeye ndio "Sonko." "Sonko" ni mtu ambaye amerembeka na anavalia vipuli na suti ambayo imenyooka. Kwa hivyo, yote mengine ni maneno tu. Naomba biashara ya Bunge iendele. Yeye yuko taratibu na Sheria.

The Assistant Minister for East African Community (Mr. Munya): Bw. Naibu Spika, nadhani zamani Waafrika walikuwa wanavaa vile mhe. Mbuvi amevalia. Walikuwa wanavalia hivyo vitu, lakini mambo yakabadilika. Nafikiri pengine mambo yanaenda yakibadilika hata sasa. Labda hiyo ni *fashion* mpya ambayo "Sonko" analeta na Waheshimiwa wengine hawajaiielewa sasa. Labda yeye anatuletea staili mpya.

Ms. Karua: Mr. Deputy Speaker, Sir, with respect to the hon. Members, there is a level of intolerance. Dressing is personal unless it is totally offensive. Even the way we are dressed today, everybody is dressed according to their taste. When we first wore trousers in this Parliament, a male Member rose on a point of order to challenge the dressing. Like has been captured by hon. Munya, trends change. On a personal level, one may not admire, but we really have got to let people go on with their business, unless it is offensive. I want to say this to those who are parents: Our male children sometimes come home with lines plaited on their heads. That does not mean that they are deviants in any way. It is just a fashion that passes. Later on, the same young man will dress the hair the way it should be. They will come in studs and after two weeks they will remove them on their own.

Mr. Deputy Speaker, Sir, I urge you to stand for liberty, except where it is offensive.

Mr. Imanyara: Mr. Deputy Speaker, Sir, as you ponder the ruling that you are likely to make, I wish to remind the hon. Members that one of the most important dates in this House is the State Opening of Parliament which is preceded by prayers from denominations of all types. You will recall that just recently we had a traditional prayer in this House by a religious leader who wore earrings. If we are allowing traditional leaders in this House at a formal session of ceremonial opening of Parliament, why would we prevent somebody like hon. Sonko from putting on what he wants? I do not see anything offensive in the way he is dressed.

Mr. Muthama: Bw. Naibu Spika, mbali na kuwa kuna uhuru wa kuvaa, kulingana na mtindo wa Kiafrika na hasa Sheria za Bunge, siwezi kuja hapa kama nimevalia skati, lakini mwanamke anaweza kuvalia suruali ndefu. Kwa hivyo mwanamme yeyote kuvalia vipuli sio tabia nzuri. Tukiwaruhusu mambo haya hapa na kule nyumbani wale waliotuchagua wanatarajia tuwe viongozi wenye hekima na heshima, tutakuwa tukiwahangaisha wananchi. Kwa hivyo, haifai hata kama sio leo kwamba katika siku zijazo wanaume wavalie sindilia au vitambaa vichwani na kuja navyo Bungeni ati kwa sababu ni mavazi. Mtindo wa mavazi na heshima ya Bunge ni lazima vizingatiwe. Kwa hivyo, kuvalia vile hakufai kwa kiongozi.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Bw. Naibu Spika, nafikiri kuwa uamuzi wako hauhusu njia ambayo tunatakiwa kuvaa kule nje, bali ni vile tunafaa kuvaa hapa kuambatana na Sheria za Bunge. Kama Sheria za Bunge zinasema kwamba tunafaa kuvaa mavazi kwa njia Fulani, lazima tuzingatie umuhimu wa Bunge.

Mr. Olago: Mr. Deputy Speaker, Sir, on the same issue of proper dressing in the House, in my humble view, as much as hon. Mbuvi's dressing could be proper outside on the streets, it is clearly not proper in the House. You will recall that earlier in this Parliament, I came one afternoon dressed in an advocate's collar, gown and flaps. I thought that, that was proper dressing for this House as a lawmaking organ, but the Speaker made a ruling that I was not properly dressed. Clearly, this dressing, even if it is an emerging trend, is in my view, not acceptable on the Floor of Parliament.

Mr. Deputy Speaker: Order! Hon. Members, the dress code in the Chambers of the House is not covered under the Standing Orders, but it is covered in the Speaker's Rules. Speaker's Rule No.5 says:

"Members are required not to enter the Chamber, lounge or dining room without being properly dressed."

It goes further down and gives a footnote which says:

"This means coat, collar, tie, long trousers, socks and shoes or service uniform, or decent national dress for men and an equivalent standard for women with hats, optional."

Clearly from these Speaker's Rules, we realize that the Members of the Speaker's Panel at the time, did not envisage the possibility of a man putting on something that amounts to ear rings or whatever you want to call it. Under the circumstances, I will give the ruling in accordance with Standing Order No.1(1). It says:-

"In all cases where matters are not expressly provided for by these Standing Orders, or by other Standing Orders of the House, procedural questions shall be decided by the Speaker".

Nonetheless, the manner in which we will deal with this will also be decided by the Speaker. The Deputy Speaker vehemently says the dress or the manner in which the

hon. Mbuvi is dressed today does not depict, in the eyes, opinion and the conscience of the Chair, the befitting dignity of this House and a Member of Parliament.

Under the circumstances, hon. Mbuvi, you will remain out of the House until such time that you dress properly. Could you, please, go out of the House and come back when you are dressed properly?

(Applause)

Hon. Mbuvi, you will remain out of the House and come back when you are properly dressed.

(Hon. Mbuvi removed his studs and shades, bowed to the Chair, walked to the Bar, handed them to one of the Chamber orderlies and resumed his seat)

(Laughter)

Proceed, hon. Assistant Minister.

Mr. Ojode: Mr. Deputy Speaker, Sir, I was just telling my friend that we will consider upgrading that particular police post to a fully fledged police station, once we get the minutes.

Mr. Langat: Mr. Deputy Speaker, Sir, the issue of insecurity is very important. What is happening in Vihiga is also happening in Kericho where I come from.

Mr. Deputy Speaker, Sir, sometimes back we used to have security road blocks at nights. However, they were removed. At the moment, thugs and criminals are having a field day. They steal knowing very well they can go all the way to Bomet, Kisii, Kisumu and Nakuru without anybody arresting them. Could the Assistant Minister inform us when he will restore the road blocks in Kericho to curb insecurity?

Mr. Ojode: Mr. Speaker, Sir, we have not done away with the road blocks. However, we said we will not have permanent road blocks in one particular place. Road blocks will be erected as and when need arises. So, if there is any problem within that particular area, I will instruct the OCPD to have them erected, as and when need arises.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the assurance to upgrade the police station. Could he also assure this House that he will also provide an additional patrol vehicle to Vihiga Police Station to minimize crime?

Mr. Ojode: Mr. Deputy Speaker, Sir, as I said here, we have organized a leasing scheme in order for us to get the vehicles through the Treasury. In the meantime, we have asked the OCPD to avail his vehicle on a 24 –hour basis to patrol within the Vihiga town.

QUESTIONS BY PRIVATE NOTICE

LEADERSHIP WRANGLES
IN AFRICAN INLAND CHURCH

(Rev. Murgor) to ask the Attorney General.

(a) Is the Attorney-General aware that the African Inland Church (AIC) is facing imminent collapse due to wrangles in the leadership?

(b) How did the Registrar of Societies allow two varying registration numbers of 1152 & 1138 and the circulation of two varying Constitutions for the church, and could the Attorney General table the genuine Constitution and state the registered officials?

(c) What action will the Attorney General take against the persons who printed and circulated a fake Constitution of the church and could the Government declare as illegal, the sale at Kshs.200, of the fake Constitution?

Mr. Speaker: Question No.2 by Private Notice; hon. Murgor is out of the country on Parliamentary business. The Chair, therefore, directs that this Question appears on the order Paper two weeks from today.

(Question deferred)

WATER SHORTAGE IN MIGORI MUNICIPALITY

Mr. Pesa: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water and Irrigation the following Question by Private Notice.

(a) Is the Minister aware that residents of Migori Municipality have gone without water for the last two months due to non-payment of an electricity bill amounting to Kshs600,000 to Kenya Power and Lighting Co. Ltd. by the Migori, Kuria and Transmara Water Company (MIKUTRA)?

(b) Could the Minister urgently pay the bill to ensure reconnection and avert the imminent outbreak of waterborne diseases?

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir I beg to reply.

(a) I am aware that Migori Municipality water supply was disconnected by the Kenya Power and Lighting Company (KPLC) Limited on 2nd February, 2011 and not two months ago. The disconnection was due to an outstanding electricity bill of Kshs600,015, which was not paid by the water service provider, Migori, Kuria and Transmara Water Company (MIKUTRA)?

(b) On 23rd February, 2011, the water supply was reconnected after my Ministry made arrangements with the Kenya Power and Lighting Company to settle the outstanding bill.

The lasting solution to this problem of power disconnections is to call upon water consumers to settle their water bills promptly to enable MIKUTRA Water Services Company to collect revenue.

Mr. Pesa: Mr. Speaker, Sir, so far so good. That answer is pleasant. However, I want to know the type of arrangement the Ministry had made with the KPLC. I do not want to see a situation, where the water is disconnected.

Mr. Waititu: Mr. Deputy Speaker, Sir, I have different bills that have been settled by my Ministry. One is for Omo Pumping Station, which is a borehole supply, I have given an account number here. It had an outstanding bill of Kshs600,015. It consists of a borehole each, pumping 15 cubic metres per hour with a single metre for both. This station serves the District headquarters, District Hospital, Post Office and several Government offices.

Mr. Deputy Speaker, Sir, my Ministry has paid Kshs284,000 for the meter. We have another meter for Kilgoris Water Supplies Work. It has an arrears of Kshs546,000.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! The hon. Assistant Minister must be heard.

Mr. Waititu: Mr. Deputy Speaker, Sir, the total outstanding bill was Kshs1.3 million. But we have already paid Kshs600,000 in one account. We also paid Kshs120,000 for another account. We have also paid for another account Kshs488,000. The balance, so far, is Kshs56,000 only.

Mr. Konchella: Mr. Deputy Speaker, Sir, you can hear from the Assistant Minister that they are micro-managing this particular water provider. Indeed, in Kilgoris Town, we have had water shortage for the last two months. This is because of a power bill, which I am glad the Ministry has paid and also due to the breakdown of water pumps. The Ministry spent Kshs2 million to fix that problem. I sincerely thank him. They are not able to provide water because they have no chemicals. The Water Officer asks to be allowed to use the money to buy chemicals so that schools can have water. However, they have refused him to do so. Could you order the local water manager to utilize the money he has collected to buy chemicals and provide water to schools, because children go to rivers to collect dirty water?

Mr. Waititu: Mr. Deputy Speaker, Sir, the water companies are still very young. They have not connected enough customers to sustain themselves. That is why our Ministry supported the said company in Kilgoris by paying Kshs2 million for the electricity bill. We expect that, in one or two years, such a company will connect enough customers in that area and it will have enough revenue to sustain itself. As far as the chlorine for water is concerned, those companies are supposed to buy directly from the suppliers. But where they cannot do so, they can bring that request to our Ministry's Headquarters and we can still support them.

Mr. Konchella: On a point of order, Mr. Deputy Speaker, Sir. I have just said that Kilgoris has lacked water for two months. The company has not been providing that water. Could he order them to provide chemicals or he provides the chemicals himself? I am asking him as the representative of the people. Let him give us the chemical himself. Otherwise, he should ask them to provide the chemicals today.

Mr. Waititu: Mr. Deputy Speaker, Sir, I undertake to order the said company to give the chemicals immediately. I will also find out whether they have any stock. If they do not have, I commit that I will give the chemicals from the Ministry Headquarters immediately.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House? That particular company, Migori, Kuria and Transmara Water

Company (MIKUTRA) is a private water provider. How can the Ministry provide finances to private companies? Is the Assistant Minister in order to say that he is going to provide finances to a private company that has been unable to supply water anymore?

Mr. Waititu: Mr. Deputy Speaker, Sir, the water companies that we have are just agents to supply water on behalf of the Ministry. If they are not able to sustain

themselves, we are at liberty, as the Ministry Headquarters, to support them until such a time that they are able to sustain themselves.

Mr. Pesa: Mr. Deputy Speaker, Sir, so far, the Assistant Minister has answered my Question. I have no further questions to ask.

ORAL ANSWERS TO QUESTIONS

Question No.605

PROJECTS UNDER KKV IN MOMBASA/LAMU

M. Yakub asked the Minister for Youth Affairs and Sports:-

(a) whether he could state the number and provide details of projects undertaken under the “Kazi kwa Vijana” (KKV) Programme in Mombasa and Lamu in the 2009/2010 financial year; and,

(b) how much funds were allocated and used in the projects.

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry only implements the “trees for jobs” component of the KKV Programme. The rest of the components of the KKV Programme are undertaken by other line Ministries. In this regard, in the year under review, the “trees for jobs” component of the KKV programme was implemented in six districts in Mombasa and Lamu as follows:-

In Lamu District, 20,000 trees were planted in Lamu West and 200 youths were engaged. In Lamu East, 20,000 trees were planted by 200 youths who were engaged. That totals to 40,000 trees and 400 youths. In Mombasa District, 20,000 trees were planted in Mvita and 300 youths were engaged. In Chagamwe, 52,000 trees were planted by 301 youths who were engaged. In Kisauni, 20,000 trees were planted by the 200 youths who were engaged. In Likoni, 20,000 trees were planted by the 400 youths who were engaged. The total number of trees that were planted in those four districts amount to 112,000 and 1,201 youths were engaged.

(b) The total amount of funds allocated and used in those projects in the six districts was Kshs16,096,625 and it is broken down as follows:-

In Lamu West, Kshs2,795,375 and in Lamu East, Kshs2,793,375. The total amount in the Lamu region was Kshs5,586,750. In Mombasa, Kshs2,793,375 was spent in Mvita, Kshs2,129,750 in Chagamwe, Kshs2,273,372 in Kisauni and Kshs2,973,372 in Likoni. The total for Mombasa was Kshs10,509,875.

Mr. Yakub: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for the answer. But considering the amount which was used in Mombasa County, Kshs10,509,875, by the number of youths engaged, which was 1,201, it means that each youth received Kshs8,750. Could the Assistant Minister give us the number of days which that process took from the time it started to the time it ended and assure the House that all the 1,201 youths were paid their dues?

Mr. Kabando wa Kabando: Mr. Deputy Speaker, Sir, I do not have the total figure, but in a broken form, in the area of Lamu, for instance, in Faza Secondary School where 3,00 trees were planted and 32 youths were engaged for 44 days, a total of

Kshs341,000 was paid as dues. In Kiunga Division of Lamu East, 5,000 trees were planted at Milimani Primary School by the 50 youths that were engaged. They worked for 44 days each and they received wages amounting to Kshs525,000. In Kizingitini Division, trees were planted in two sites; that is Kizingitini Secondary School and Kiwayo Village. In Kizingitini, 6,000 trees were planted and 60 youths were engaged for 42 days. A total of Kshs618,000 was paid as dues while in Kiwayo, 5,000 trees of the mangrove type were planted and 50 youth were engaged. A total of Kshs602,000 was paid in wages. In Lamu West, the District Youth Officer in charge of that area led in planting of trees in the four divisions, namely, Hindi, Mpeketoni, Amu and Witu. In Hindi Division, 6,000 trees were planted and 60 youths were engaged for 40 days. A sum of Kshs600,000 was paid in wages. In Mpeketoni, 7,000 trees were planted and 70 youths were engaged for 40 days. A sum of Kshs700,000 was paid in wages. In Lamu Division, 4,000 trees were planted and 40 youths were engaged for 40 days and an amount of Kshs400,000 was paid in wages. In Witu Division, 3,000 trees were planted and 30 youths were engaged for 40 days. An amount of Kshs300,000 was paid in wages.

Mr. Deputy Speaker, Sir, in Kisauni, the project was implemented in nine sites, namely Kongowea Primary School where 800 trees were planted and 14 youths were engaged. At Kongowea Health Clinic, 200 trees were planted and three youths were engaged.

Mr. Deputy Speaker, Sir, I do not know whether I need to go through the very long list. If I were to give an example of Mombasa in Mvita, the project was implemented in three sites, namely; Simanzi where 12,000 mangrove type of trees were planted. In Tudor Creek, 8,000 mangrove type of trees were planted. In Tudor Hospital, 200 trees were planted.

Mr. Deputy Speaker, Sir, 300 youth were engaged in the exercise for 30 days at Kshs250 per day. A total of Kshs2.2 million was paid in wages. The list of the youth who worked was drawn as follows: Majengo, 40 youth; Simanzi, 52 youth; Mwembe Tayari, 35 youth; Tudor, 70 youth; Tononoka, 35 youth; Old Town, 30 youth and Ganjoni, 38 youth.

Mr. Deputy Speaker, Sir, Changamwe received Kshs2,129,750 for the *Kazi kwa Vijana* Programme where 310 youth were engaged in the project. These were 190 males and 111 females. Over 40,000 mangrove type of trees were planted in four hectares and 12,000 of various other species were planted in other sides.

In a nutshell, these sites include Kibarani, Port Reitz, Mikindani, Alidina, NYS, Miritini St. Patricks, Bangladesh, Mikindani Dispensary, Mwijambo Primary, Umoja Primary, Chaani Clinic, Gome Primary, Changamwe Primary School, Changamwe Secondary School, Amani Primary School and Mikindani Clinic.

Mr. Deputy Speaker, Sir, do you want me to proceed with the rest of the list?

Mr. Deputy Speaker: Table it.

(Mr. Kabando wa Kabando laid the document on the Table)

Mr. Twaha: Bw. Naibu Spika, ningependa kumuuliza Waziri Msaidizi kama ana mpango wa kurudia mradi kama huu na kuupanua zaidi ili vijana wengi wafaidike.

Mr. Kabando wa Kabando: Bw. Naibu Spika, tuna mpango maalum wa kuhakikisha kwamba utaratibu huu wa Kazi kwa Vijana utasimamiwa vizuri na Wizara

yangu. Hakuna haja ya kuhusisha Wizara zingine kule mashinani kwa sababu tunalenga kuwasaidia vijana wengi zaidi. Hatutaki kuhusisha Wizara ya Serikali za Mkoa, Wizara ya Maji, Wizara ya Barabara na Wizara ya Misitu na Wanyama wa Porini. Hii ni kwa sababu sisi kama Wizara tunataka kuajibika vilivyo kwa mapana na marefu ya mpango huu. Mpango wetu ni kuyahusisha mashirika ya vijana, polytechnics na youth empowerment centres mashinani ili masilahi ya vijana yashughulikiwe kwa njia mwafaka.

Ms. S. Abdalla: Mr. Deputy Speaker, Sir, it is very unfortunate that the Assistant Minister has given very misleading information on the *Kazi kwa Vijana* Programme in Lamu East. I can assure the House that not a single tree has been planted in Lamu East. If he has any tangible information to prove that there are trees which were planted in Lamu East, I would like to see it because I know not even a single tree has been planted there.

Mr. Kabando wa Kabando: Mr. Deputy Speaker, Sir, that would constitute a very serious allegation. I would undertake as the Assistant Minister in charge to do a field visit to the following areas: Kiunga Division where, according to my list, 5,000 trees were planted at Milimani Primary School. It is not difficult to prove that 5,000 trees were planted in Milimani Primary School.

In Faza Division, I have already said that 1,000 trees were planted in Nipate Primary School and Faza Secondary School. So, the allegations by Ms. S. Abdalla constitute a responsibility for my Ministry. I would undertake at the shortest time possible to verify this information. This matter has been brought to the House. I have candidly said 40,000 trees were planted. If that is not the case, then I would be misleading the House by giving incorrect information that I received from the District Youth Office in Lamu East and Lamu West. This account shows that a huge amount of money was expended in this exercise.

Mr. Deputy Speaker, Sir, if you give me that leeway, I will dispatch my Coast Provincial Youth Officer to these institutions tomorrow morning with cameras to meet with the teachers, the local District Officer, the local District Commissioner being helped by the Office of the President, so that we can bring substantive documentation and evidence to the House.

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that his Ministry collaborated with other relevant Ministries like the Ministry of Forestry and Wildlife, Ministry of Environment and Mineral Resources and Ministry of Roads in the implementation of this programme whereas in my constituency not a single Ministry was involved?

Mr. Kabando wa Kabando: Mr. Deputy Speaker, Sir, it is part of the records of this House that the Ministry, through myself, in two instances, has said that we were not satisfied with the way the *Kazi kwa Vijana* Programme was implemented. We have even decried, and this is recorded in the HANSARD report, and Ministry pronouncements that it appears that and, indeed, it was evident that the implementation of the *Kazi kwa Vijana* Programme was being wrongly co-ordinated from the Prime Minister's office, thereby almost sabotaging the real work of the line Ministry.

That is why I have said that the work that was done by the Ministry of Water and Irrigation, the Ministry of Roads, the Ministry of Forestry and Wildlife and the Ministry of Local Government in the implementation of this programme was not properly done. Therefore, plans are in place to ensure that every programme that concerns the youth is

executed by my Ministry directly on the ground. That is why we have delegated in every constituency, one or two district youth officers to ensure that the work on the ground is implemented.

Mr. Deputy Speaker: Mr. Assistant Minister, you have indicated that you wish to verify the facts that you stated here about trees planted in Lamu County. Under the circumstances, the Chair direct that this Question be deferred to Tuesday afternoon, next week, so that you can comprehensively answer the questions that have been raised on the Floor of the House.

Mr. Kabando wa Kabando: Mr. Deputy Speaker, Sir, Ms. S. Abdalla has raised a very heavy issue.

Mr. Muturi: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Kabando wa Kabando: I do not think that we even need a week to verify this information because it will fly---

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just admitted that the entire Government has not coordinated that project properly. Is he in order to admit failure on the part of the Government and continue reading figures that do not add up?

Mr. Deputy Speaker: Mr. Assistant Minister, under the circumstances, the Chair directs that you answer the same Question on Tuesday afternoon.

Is that okay with you?

Mr. Kabando wa Kabando: Mr. Deputy Speaker, Sir that is very okay. I oblige.

(Question deferred)

Question No.612

DELAY IN CONSTRUCTION OF FRESH PRODUCE
MARKET IN KONOIN DISTRICT

Dr. Kones asked the Deputy Prime Minister and Minister for Local Government:-

(a) what has caused the inordinate delay in constructing the Fresh Produce Market at Kaptebengwet Market in Konoin District through the Economic Stimulus Programme (ESP); and,

(b) when the works will commence.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Konoin Constituency was one of the 210 constituencies that were to benefit from the ESP Market component. The delay in construction of the fresh produce market in Konoin Constituency was caused by three main factors. One is that the project was advertized by the Office of the Deputy Prime Minister and Ministry of Finance on 25th September, 2009 and handled through the CDF framework. However, the implementation framework was changed on 13th January, 2010. The tender document and minutes of the CDF were forwarded to my Ministry for validation, award and contract execution from the CDF Secretariat on 12th March, 2010.

Two, the Ministerial Tender Committee awarded the tender on 7th April, 2010. However, the necessary pre-contract documents; the performance bonds, programme of works and cash flows were presented on 28th September and the contract signed with Messrs. Wenkori Building and Civil Engineering Contractors Limited the same day.

(b) The order to commence works was issued on 4th October, 2010. I, however, wish to make some correction here. You will recall that when I answered this Question on Wednesday, last week, I had said that one of the delays in the construction of the Kaptebengwet Fresh Produce Market in Konoin District through the ESP was due to differences between the contractors and the local leaders. It has since been clarified that the reason for the delay was due to the change of site from Roret which is not in Konoin Constituency but in Bureti Constituency to Kaptebengwet which is in Konoin Constituency where the fresh produce market should be constructed. Therefore, there were no differences between the leaders. It was a question of the site.

I now wish to notify the House that the site will be handed over to the contractor by the Town Clerk of Bureti County Council, tomorrow, 2nd March, 2011 and thereafter mobilization for construction work will start immediately.

Dr. Kones: Thank you, Mr. Deputy Speaker, Sir. I thank the Deputy Prime Minister and Minister for Local Government for that answer. Arising from that answer, you can see that there are problems in the implementation of the ESP projects within the Ministry. First, the Deputy Prime Minister and Minister for Local Government has admitted that a market was to be established in my constituency. That information did not exist in my constituency. I learnt about it in the newspapers and yet, last week, there were allegations that there were disputes among the residents. However, the Deputy Prime Minister has admitted that there have been no disputes between the residents and the contractors. I would like to know from the Deputy Prime Minister what specific measures he has put in place to ensure that there is clear coordination between his Ministry and the ESP Management Committees in the districts.

Mr. Mudavadi: Mr. Deputy Speaker, Sir, I would like to, very candidly, admit that the whole initiation of the ESP markets generated some confusion because the first tendering process was under the Office of the Deputy Prime Minister and Ministry of Finance. It advertised first and then the Office of the Deputy Prime Minister and Ministry of Local Government took over. I want to acknowledge that, indeed, there were some errors and, in fact, the first advertisement by the Office of the Deputy Prime Minister and Ministry of Finance which was published - I can produce that advert here - was for 180 constituencies. Therefore, 30 constituencies were missing in that advertisement. This was then, subsequently, advertized through the Office of the Deputy Prime Minister and Ministry of Local Government. However, I need to point out that I am seized with this matter and I am putting some corrective measures in place. In certain instances, I will quote a place like Cherengany, just the way the list has come out, and there was a difference between the venue and the site that was being advertized and what the locals wanted. We have had a number of those cases and we are frantically making sure that we can correct such errors so that where there is delay in starting the process; the land issues are harmonized and synchronized by the local leadership. That way, construction of the markets can start. Our target is that we will be through by the end of March and by then, we will have harmonized issues of discrepancies on venues or sites and the projects can start.

Mr. Njuguna: Thank you Mr. Deputy Speaker, Sir. While I appreciate the answer given by the Deputy Prime Minister and Minister for Local Government on this Question, I would like him to indicate to this House what the Ministry is doing in areas where land is not available to put up the fresh produce markets which are urgently required? Funds should not be returned to the Treasury.

Mr. Mudavadi: Mr. Deputy Speaker, Sir, I will repeat exactly what I said. We will consult with the remaining areas where we have clearly identified issues such as lack of land. We want to have a Committee from the Ministry working with the respective constituencies that have been identified so that we can complete that aspect by the end of March. The contractors will then go on site to prevent the resources from being returned to the Treasury.

Dr. Munyaka: Thank you, Mr. Deputy Speaker, Sir. The fresh produce markets are part of the ESP projects that were awarded money in 2009. Surprising enough, the construction of centers of excellence is almost complete. The construction of model health centers is almost complete. However, in Machakos Town, the site was offered in 2009. There has been no controversy between the residents and the contractors and yet, the project is not complete. Could the Deputy Prime Minister and Minister for Local Government tell us whether his Ministry is sleeping on duty because we have seen other Departments that have started their projects and they are almost coming to completion?

Mr. Mudavadi: Mr. Deputy Speaker, Sir, for purposes of record, I will avail to this House the status report of all the markets under the ESP indicating where there has been a delay and the actual status of the project. This will show that very many markets are under construction. However, I have, indeed, acknowledged that there are some areas, as I have pointed out, where there are either logistical or technical problems or more critical aspects relating to land that we need to sort out. In other areas, maybe, the contractors who have been identified have also failed to produce the requisite performance bonds that are required to facilitate proper contractual arrangements.

Mr. Shakeel: Mr. Deputy Speaker, Sir, could the Deputy Prime Minister and Minister for Local Government confirm that the Economic Stimulus Package (ESP) is under the umbrella of the CDF and not solely under the Office of Deputy Prime Minister and Ministry of Local Government? There are certain places where the councils have taken this as their project and are not willing to work with the Members of Parliament in respect of the development of markets. Further, could he also assure us that when the markets are built, no charges will be levied by the local authorities on the traders? This is not financed by the Local Government.

Mr. Mudavadi: Mr. Deputy Speaker, Sir, there is some truth in the fact that in certain areas, it is possible that some local authorities may have had a different interest. Therefore, they could also have been part of the source of controversy when it comes to land related issues. That is why I am saying that we want to resolve the pending issues by the end of March, so that, that can be put out of the way. The second aspect that I want to deal with is that all the markets in the country, whether under the ESP and even some of the others, have been supported by the Central Government in one way or the other, for instance, under the LATF or money extended to those local authorities. These local authorities will require to generate some revenue. The logic that we must put across is that the fees and charges that will eventually be charged should be reasonable. I want to urge the Members to bear in mind that very soon, we are entering into the territory of

county governments and assemblies and it will be important that we do not send a message to our residents out there that everything is going to be for free. This will undermine the capacity of those county governments to generate their own revenue, over and above what will be coming from the Central Government.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Are you sure you are on a point of order? Are you sure the Minister is out of order and you want to draw the attention of the Chair to that fact?

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Our interpretation of the ESP is just that. The ESP was directed to the citizens of the country and not to any local authority. I am wondering whether the Minister is in order to use the ESP to stimulate the local authorities' finances.

Mr. Mudavadi: Mr. Deputy Speaker, Sir, that is a point of argument, but even medical centres are being built under the ESP. Staff will be sent there and drugs will be required. You cannot tell people that at one time or the other, they will not pay certain amounts of money for their medicines. Schools are being constructed and you cannot say that at some point, certain fees and charges should not be charged by those schools even though they are under the ESP.

Mr. Mureithi: Mr. Deputy Speaker, Sir, I would like to congratulate the Deputy Prime Minister and Minister for Local Government for the answer. However, these markets affect all of us as Members of Parliament. Most of them have not taken off as we expected through the ESP. Considering that this is a grant, is it possible for the Minister to create a Fund like the CDF, so that this money addresses itself to a certain market and at the end of the financial year in June, it does not go back to the Treasury, but is earmarked to continue developing that market, so that we do not lose the opportunity to have markets in our constituencies?

Mr. Mudavadi: Mr. Deputy Speaker, Sir, that is a noble idea if we can cultivate and put it in proper perspective. It involves reinforcing resources from a given market and making sure that you plough back a percentage of that money for further market development. It is an idea that can be developed over time in conjunction with the local authorities.

Mr. Deputy Speaker: I am not sure if that is the question the Questioner had in mind. I thought he had in mind the same funds. Hon. Minister, you should pay attention! If you paid attention, I think the Member is talking about these funds going back to the Treasury.

Mr. Mudavadi: Mr. Deputy Speaker, Sir, could he repeat the question?

Mr. Mureithi: Thank you, Mr. Deputy Speaker, Sir, for coming to my aid. We are all Members of Parliament facing the same problem. All the Members here are affected by the ESP with respect to markets. Why can he not create a Fund like the CDF, such that come June, we do not lose the money, but it continues to develop the markets? Otherwise, we shall lose the money and probably, it will be a problem to re-vote it. He has the grant that can continue to develop our markets.

Mr. Mudavadi: Mr. Deputy Speaker, Sir, we are in touch with the Treasury. I can undertake that we will definitely work very closely with the Treasury, so that where there is any delay, for whatever reason, the resources can then be re-voted in the next financial year. The issue of creating a Fund may take slightly longer and would also

require further consultation with the Treasury. As of now, the understanding is that, the funds, if not utilized, would be re-voted. We shall make sure that the Treasury does that.

Mr. Koech: Mr. Deputy Speaker, Sir, the intention of the ESP was to stimulate the economy almost immediately. Because of that, the Ministry of Finance directed the committees at the grassroots that when they award a contract to a contractor, that contractor should not qualify for a second project because the projects were supposed to be completed within the shortest time possible. A company known as M/S Wilkoli Building and Civil Engineering won a contract to construct a health centre in my constituency and, therefore, was disqualified by the committee from the market tender. Thereafter, he was awarded a contract at the Ministry Headquarters to construct the market, which is yet to start. I have also learnt that the same contractor is constructing the district headquarters in Cherangany. He has two projects in Eldoret North, two in Eldoret East, two in my constituency, one in Pokot, one in Bureti and one in Konoin.

Could the Minister confirm that there could be an issue with the contractor? Could he assure this House that the Kaptebengwet project will be completed by March? This contractor seems to be using delaying tactics. How can he cover the entire nation and do all these projects at the same time? Unfortunately, the Ministry has not responded to my letter of complaint against the same contractor.

Mr. Mudavadi: Mr. Deputy Speaker, Sir, I have here with me the minutes of a meeting of the Konoin Constituency Development Committee held on 16th February, 2010. The Chairperson was Ms. Susan Rono Chepkairor. In the minutes, they are the ones who awarded the tender to Wilkori. So, the Office of the Deputy Prime Minister and Ministry of Local Government was just validating. The decision, choice, and evaluation were done by the constituency. Really, if this contractor had a problem, this Committee should have been able to detect it!

However, the hon. Member, Mr. Koech, has already raised this issue with me and I am investigating further to reach some concrete evidence as to whether or not there is any impropriety on the part of this contractor and any officer of the Office of the Deputy Prime Minister and Ministry of Local Government. With regard to the other Ministries, I cannot speak for them because they have their own tender committees and evaluation process. I can only speak on the market issues.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. I have made it very clear that this contractor could be using delaying tactics. In my constituency, in a place called Mosoriot, he has not started and yet there are no issues. I asked the Minister to confirm whether this contractor will complete work by March. Is the Minister in order to avoid answering the question?

Mr. Mudavadi: Mr. Deputy Speaker, Sir, when I was answering the Question, I did not say that the contractor will complete work by March. I said that, in the case of the market, the contractor is being awarded the site on 2nd March, 2011, that is, tomorrow. I am not, therefore, avoiding answering the question whatsoever.

With regard to the one that relates to Mr. Koech's constituency, that becomes a different subject which we need to follow and get details of that specific contract.

Mr. Olago: Mr. Deputy Speaker, Sir, I am glad that Mr. Mudavadi has conceded bravely that there are challenges in the implementation of this project from the Ministry. Part of the challenge is dishonesty by some senior officers in the Ministry who after tenders have been awarded properly also award tenders to their friends thereby causing

conflict. To that extent, it is not just Konoin, or Cherangany - Kisumu Town West is actually affected and I feel very frustrated. What is the Minister doing about double award of tenders by his Ministry officials with regard to Kibuye Market Fresh Produce?

Mr. Mudavadi: Mr. Deputy Speaker, Sir, where there is a double award of contracts--- I said that there was some confusion. There was migration from the Treasury tendering process to the CDF process, and finally to the Office of the Deputy Prime Minister and Ministry of Local Government. Indeed, some mischief transpired in some of these areas – let me not be specific about the numbers. We are, however, following the matter closely and we shall definitely hold to account those who ended up signing more than one contract. That is clearly a very serious mistake.

Dr. Kones: Mr. Deputy Speaker, Sir, I have not got it clearly from the Minister. What does he intend to do exactly to ensure that the programme is implemented without any conflict? I expected the Minister to tell me the role of the Economic Stimulus Programme (ESP) Management Committee that was constituted through a circular from the Treasury *vis-à-vis* what the Ministry is doing now.

If the Ministry opted to move from that structure, where are the guidelines for the implementation at the ground level? Can he table them if he has them?

Mr. Mudavadi: Mr. Deputy Speaker, Sir, I do not have guidelines with me at the moment, but it is clear that upon awarding the contract we are working together with the District Works Officers. This is because the Ministry of Government itself does not have the capacity of having all these officers there. The District Works Officers are helping us in the process of monitoring and evaluating the performance of these contractors before any payment is made. Indeed, before payments are released, the signature of the District Works Officer in that given area is necessary so that it can be used in the verification process. This will enable us determine that the work is actually in progress.

Question No. 650

NON- EMPLOYMENT OF YOUTH AS CHIEFS/ASSISTANT CHIEFS

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

(a) If the Minister is aware that Kenyans aged 18-35 years are unfairly denied chances of being recruited as chiefs or assistant chiefs purely on the basis of their ages despite the minimum legal employment age in the country being 18 years; and

(b) What measures the Ministry is taking to correct the illegality.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Recruitment of chiefs and assistant chiefs is guided by the scheme of service for chiefs and assistant chiefs. The scheme provides for the job specification for the recruitment and selection of chiefs and assistant chiefs on the account of age and other requirements.

(b)The Ministry is currently reviewing the scheme of service for chiefs and the assistant chiefs. The concerns raised by the hon. Member shall be considered during that review.

Mr. Mbau: Mr. Deputy Speaker, Sir, I appreciate that the Assistant Minister has made a good attempt. However, the Constitution ensures that every Kenyan who is an adult has every right to whatever jobs that are advertised as provided in the Bill of Rights.

The scheme of service that the Assistant Minister has referred to appears to me to be wrongly premised, discriminatory and punitive to young Kenyans who this country is endeavouring to offer job opportunities. Could the Assistant Minister assure this House that in the revision they are doing, this age bracket will be brought down so that young people who are leaving universities get jobs as assistant chiefs and chiefs something they deserve?

Mr. Lesrima: Mr. Deputy Speaker, Sir, a chief has got a cultural aspect. A chief is somebody who is a resident of a particular sub-location. He or she is a person of integrity and they command respect. In many communities in Kenya, it is very difficult to get a chief who is 18 years old. However, I agree that there is a problem with the upper limit. That limit, in our own experience, requires to be reduced from 35 years of age to, probably, 30 years of age.

So, within the context of the implementation of the current Constitution, I think views are being collected on what the future of Provincial Administration should be, including the issue of chiefs.

The Assistant Minister for Youth and Sports (Mr. Kabando wa Kabando): On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Do you want to be informed by Mr. Kabando wa Kabando?

Mr. Lesrima: Mr. Deputy Speaker, Sir, he is likely to stick to the age of 18 years now that he is the Assistant Minister for Youth and Sports!

The Assistant Minister for Youth and Sports (Mr. Kabando wa Kabando): Mr. Deputy Speaker, Sir, I want to inform the Assistant Minister that Article 55 of the Constitution states that the youth are entitled to employment like any other Kenyan.

Again, going to the qualifications of representatives in the Legislature, the Constitution talks about people who have integrity and who are registered voters. If Members of the County Assemblies, the National Assembly and the Senate are people who qualify because they have been vetted and have passed the integrity test as provided under Chapter Six of the Constitution, then it implies that in order for one to be an assistant chief or chief, which is a system being reviewed in the next five years, one should be even more advantaged than a Member of a County Assembly or a Member of the National Assembly, in terms of basic access to leadership position. Therefore, I want to inform the Assistant Minister that my Ministry intends to vigorously, passionately and compassionately support the initiatives they want to put in place, so that the youth, who are the dot.com.net generation aged between 18 and 35 years, are wholly entitled to their constitutional rights envisaged and provided for in the Constitution that we passed.

Mr. Mbuvi: Mr. Deputy Speaker, Sir, since the Ministry is responsible for youth affairs in this country, could the Assistant Minister consider exerting pressure on the Government to review the current retirement age from 60 years to 35 years, so as to pave way for the young skilled youth who have just left public universities and who are unemployed?

Mr. Deputy Speaker: Assistant Minister, do you have any intentions of lowering the retirement age from 60 years to 35 years?

Mr. Lesrima: Mr. Deputy Speaker, Sir, we shall have to re-visit the Constitution of Kenya because, in order for one to qualify to be the President of Kenya, one needs to be aged 35 years. So, I have no problem with that, but we need to re-visit the Constitution.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Did you hear the Assistant Minister say that in order for one to be the President of Kenya, one needs be aged 35? I wonder which Constitution he is referring to. Our Constitution does not talk about 35 years. He is living in the past. Is he in order to mislead this country?

Mr. Deputy Speaker: Fair enough!

Last question, hon. Elias Mbau!

Mr. Mbau: Mr. Deputy Speaker, Sir, I want to appeal to the Assistant Minister to note that the age limit of 35 years that is currently in use is that of persons who are adults, married and with huge responsibilities. The salary attached to the position of assistant chief is such that persons with such responsibilities in many parts of the country cannot be attracted to this position. So, I want to get guarantee from the Assistant Minister, if this Government really cares about job creation, that the age limit for the job of assistant chief, if not that for chief, is reduced to the constitutional age limit of 18 years. I must tell him that the scheme of service he has referred to is archaic and, therefore, should not be referred to, if we want to move forward.

Mr. Lesrima: Mr. Deputy Speaker, Sir, as I said, there is an ongoing discussion on devolution, where the issue of the future of the Provincial Administration also features. I have also said that there are communities in Kenya which will not accept somebody aged 18 or 21 years to preside over certain community matters as a chief. So, this is a matter which is under discussion. There are normally consultations when picking chiefs. Chiefs are not picked by the Minister. They are picked in consultation with the communities. My communities will not accept an 18 year old boy to be a chief. I am sorry.

Mr. Wambugu: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister is not in touch with what is happening on the ground. He has said that his community cannot allow somebody who is aged 21 to preside over any meeting. Most of the District Officers (DOs) we have today graduated from university at the ages of 23 and 24 years. They have taken up those positions, which are even more senior than the position of chief. Is he in order to continue misleading this House that youth aged between 18 and 35 years cannot be given the jobs of assistant chiefs?

Mr. Deputy Speaker: Hon. Wambugu, that is not a point of order! An opinion cannot be subjected to a point of order.

Mr. Mbau: On a point of order, Mr. Deputy Speaker, Sir. You have heard the Assistant Minister say that he is sorry. To me, that is an insult. He has said that some communities cannot allow people aged 18 years to become assistant chiefs. Could they review the scheme of service to allow other communities who are willing to recruit assistant chiefs aged 18 years to do so?

Mr. Lesrima: Yes!

Mr. Deputy Speaker: Next Question, hon. Olago Oluoch!

Question No.688

PROMOTION OF WESTERN CIRCUIT AS TOURISM DESTINATION

Mr. Olago asked the Minister for Tourism:-

(a) what concrete tourism marketing strategies the Ministry is employing to promote the upcoming Kisumu International Airport as a destination of choice for local and international tourists;

(b) what steps the Ministry is taking, in liaison with the Ministry of National Heritage and Culture, to ensure that the burial site of Okore Ogonda, the ancestral hero of the Kogony clan next to the airport, is converted into a shrine; and,

(c) how else the Ministry is engaging the local tourism industry players, so that Kisumu and surrounding areas of the Western Tourism Circuit make maximum gains from the airport.

Mr. Deputy Speaker: Hon. Members, I am informed that the Minister for Tourism and his Assistant Minister are not in town. They have asked for a deferment of this Question. Therefore, the Chair directs that this Question appears on the Order Paper next week, on Tuesday.

(Question deferred)

Question No.738

ORIGINAL DESIGN OF KPC CAPACITY ENHANCEMENT PROJECT

Mr. Ochieng asked the Minister for Energy:-

(a) whether he could provide the original design of the Kenya Pipeline Company (KPC) “Line 1 Capacity Enhancement Project” (Mombasa-Nairobi Petroleum Product Pipeline) and state which firm won the tender for the project;

(b) under what circumstances the tender was split into four (4), who authorized the split and at what point; and,

(c) whether consultants were involved prior to the advertisement and subsequent awarding of the tender and, if so, whether he could provide documentary evidence of the same.

The Assistant Minister for Energy (Mr. Magerer): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There was no original design of the project as it was to be implemented through an Engineering Procurement and Construction (EPC) type of contract. After advertising for prequalification of EPC contractors, the bids were found to be non-responsive and, therefore, no firm was awarded the EPC contract.

(b) The original EPC tender was split into four because two out of three bidders withdrew their proposals, thus making the process non-competitive. In addition, the bid security of the remaining bidder was found to be defective, hence rendering the tender a nullity. Consequently, the tender committee of the board submitted a Paper to the Board of Directors on the reasons of nullification of the tender and recommended its split into

four components. The board endorsed the tender committee's recommendation on splitting of the project into four components in order to increase competition.

(c) Petroleum India International/Sapamo Consultants were involved and prepared a functional specification of EPC contracts and tender documents, including vetting of designs done by EPC contractors. They also supervised the construction of the entire project.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Ochieng: Mr. Deputy Speaker, Sir, in the first place, the way the contract was awarded was not procedural. I want to believe that the cost of petroleum products in this country has risen because of such shoddy kind of contracting exercises. Could the Assistant Minister tell us whether the size of the pipeline from Kipevu to Pumping Station No.1 was ever increased from 6 inches to 12 inches?

Mr. Magerer: Mr. Deputy Speaker, Sir, the point that the hon. Member is making is that the increase in the size of the pipeline was to allow the flow rate to be faster and move bigger volume. The initial flow rate was at 440 cubic metres of diesel per hour, and it took about four days to Nairobi. It was increased to 550 cubic metres, and now stands at 810 cubic metres per hour. That was achieved in August 2009; this is expected to reduce the travel period to 2.2 days.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just indicated that the increase was actually done up to 530 cubic metres instead of 880. Is the Assistant Minister in order to insist that this project was actually done as expected, yet at the commissioning point it was never increased to 880 cubic metres?

Mr. Deputy Speaker: Hon. Assistant Minister, was the 880 cubic metres in the original plant design and contract?

Mr. Magerer: Mr. Deputy Speaker, Sir, I said the flow rate was increased to 550, and later in August 2009 we were able to achieve 810 cubic metres per hour in terms of the flow rate. We were at the peak performance of the project expecting to operate at 840 cubic metres per hour in terms of the flow rate. However, in terms of the real versus the expected, we have been able to achieve 810. I know we are still working hard to ensure that this flow rate is achieved according to the design that was intended.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. The Questioner had asked for the designs and I am checking whether they have been tabled, so that we can ask supplementary questions but they are nowhere. Could the Assistant Minister be compelled to table the designs as requested by the Questioner?

Mr. Magerer: Mr. Deputy Speaker, Sir, hon. Karua did not, probably, hear what I said when I answered the Question. I said that there was no original design of the project as it was implemented through an EPC type of contract.

Mr. Deputy Speaker: Order, hon. Assistant Minister! EPC or any other, there is no engineering project that can be implemented without a design. Whatever you call it, where is the design for whatever it is?

Mr. Magerer: Mr. Deputy Speaker, Sir, in terms of the Question that was asked there was no original design as it was given at first. However, procurement of a consultant who was supposed to do the engineering, procurement and construction was, therefore, done later. An expression of interest (EOI) for the engineering consultancy services was advertised on May 19th 2005.

Mr. Baiya: On a point of order, Mr. Deputy Speaker, Sir. I have listened to the Assistant Minister speaking of the fact that they did some advertisement, procurement and so on and so forth. There must have actually been a standard document which must have contained a design. That is what we need to be able to scrutinize what was really done. Is he in order, therefore, to mislead this House that there was no design?

Mr. Deputy Speaker: Mr. Assistant Minister, in all engineering undertakings, the consultant who supervises the construction must have his supervision based on a design. Otherwise, what do they supervise? Do they wake up every morning and decide this is the way they want it? Where is the design?

Mr. Magerer: Mr. Deputy Speaker, Sir, as far as I know, there was no original design.

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. If the Assistant Minister is insisting that there was no design, surely there were some documents on the basis of which they did the bill of quantities and the construction itself. Is it in order to ask the Assistant Minister to produce the contract, the bill of quantities or whatever documents they used to decide how much the contract should be, otherwise this is a display of the opaqueness of the Ministry?

Mr. Magerer: Mr. Deputy Speaker, Sir, I undertake to bring the same; I will get back to the Ministry and if these documents are available, then I should be able to table them here.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. I was really trying to refrain myself from contributing to this matter, because I am in the Public Investments Committee (PIC) and know what is going on. However, I would urge the Assistant Minister that as he prepares to get us the documents, he should be sure of what he is saying, because he is going to be on the record of the House. It may turn out that what he is telling this House is not correct. If I were him, I would ask the substantive Minister to come and answer this Question himself. This is a very serious matter. Remember that the President and the Prime Minister were duped into opening this project; I do not want to go beyond that. However, I am telling my friend that if I were him, I would desist from answering this Question and allow the substantive Minister, who knows much more than what he is saying, to answer it.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. This is a mega project. Kenyans are paying a lot for fuel in this country. Now that the Assistant Minister has confirmed that he can get more information, am I in order to request that we defer this Question, so that he brings all the necessary documents, so that Kenyans get to understand them and, therefore, be part and parcel of this project?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, what we find amusing from the Assistant Minister is when he says "The original EPC tender was split into four", and then he gives reasons. Then in the end, he says, "There was no original design for the project". Obviously he is misleading this House deliberately, purely because you cannot tender unless you have designs. Is he not being untruthful to the House by not giving us proper facts in this matter?

Mr. Deputy Speaker: Hon. Assistant Minister, you understand the consequences of misleading the House. You have to be responsible for veracity of every statement you make on the Floor of the House. The Chair will advise you not to get further into mud. The Chair defers this Question to another day, so that you can get your facts in order.

Mr. Magerer: Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Chair directs that this Question appears on the Order Paper tomorrow morning.

Mr. Magerer: Mr. Deputy Speaker, Sir, I seek your indulgence to be given a little more time, so that I do not fall into trouble, as my colleague is saying.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question appears on the Order Paper next week on Tuesday.

(Question deferred)

Question No.739

ILLEGAL ACQUISITION OF UHT EQUIPMENT

Mr. Baiya asked the Deputy Prime Minister and Minister for Finance:-

(a) whether he is aware that some officials of Githunguri Dairy Farmers' Co-operative Society Limited breached the provisions of the Public Procurement and Disposal Act 2005 in the procurement of the Ultra Heated Temperature (UHT) plant and equipment;

(b) whether he is also aware that the Public Procurement Oversight Authority (PPOA), acting on complaints about the irregular procurement conducted an investigation and, if so, whether he could provide the report of the investigation to the House; and,

(c) what action he will take against the officials involved in the irregular procurement to safeguard the interest of the members.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there was a breach of some provisions of the Public Procurement and Disposal Act, 2005 in the procurement of Ultra Heated Temperature (UHT) plant and equipment by the Githunguri Dairy Farmers Co-operative Society Limited.

(b) I am also aware that the Public Procurement Oversight Authority (PPOA) conducted a procurement assessment on the procurement entity to establish the level of its compliance with the procurement law. I hereby table a copy of the authority's procurement assessment report.

(Dr. Oburu laid the report on the Table)

(c) The findings of the PPOA assessment team have been availed to the Kenya Anti-Corruption Commission. The PPOA has also prepared an elaborate action plan to improve procurement systems and ensure the society's compliance with the Public Procurement and Disposal Act, 2005 and regulations, 2006. The Authority will continuously monitor and reveal the implementation of the action plan and take appropriate action against the society's management in the event of failure to implement the same.

Mr. Baiya: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer he has given. I have also had occasion to look at this report. The purpose of the procurement law and procedures is to encourage efficiency and ensure there is value for money for the procurement entity. The challenge that Githunguri Dairy Farmers' Co-operative was having, which I happen to know very well having been a former Chairman, is the huge volumes of members' milk. Therefore, it required first to assess its needs before it could undertake whatever project it was undertaking. There was no feasibility study in place. A report by consumer insight purporting to be a feasibility study is not one of them. The report that has been tabled before this House discloses flagrant violations of procurement laws and procedures. There was no competitive tendering and there was single sourcing. They disregarded the laid down threshold. The report also discloses that there are cases of glaring theft. For example, there is a parcel of land measuring two acres which was bought by the co-operative for Kshs12.5 million. There was evidence from a member that the money that went to this seller was not even the Kshs12.5 million. This is evidence of theft.

Currently, the management is expelling members and mobilizing the police to gag members from raising these issues. In light of these violations, what makes the Ministry think that there will be compliance of the action plan without acting on the already disclosed violations of the public procurement act and laws? What will the Assistant Minister do to ensure that non-compliance of the law is punished before he can talk about enforcing the action plan?

Dr. Oburu: Mr. Deputy Speaker, Sir, we are aware of these violations. It is clearly stated in the report which I have just tabled. The Office of the Deputy Prime Minister and Ministry of Finance is not an investigation arm. We also do not have powers to prosecute. So, our role is to hand over the report to the rightful authorities that are empowered to investigate further and if they find any criminal involvement by the individuals, they will take action. The Ministry has already handed over the report from the PPOA to the KACC for further investigation and possible prosecution.

Mr. Koech: Mr. Deputy Speaker, Sir, as I thank the Assistant Minister, many co-operatives in this country have collapsed with a lot of money from members. This is because of management's failure to follow procurement procedures and involvement in corruption and mismanagement. The PPOA falls under the Office of the Deputy Prime Minister and Ministry of Finance which has power to recommend for prosecution or stop the contract. Why did they decide to hand over the report to the KACC which may take one or two years while the members are suffering? Why did they not take quick and necessary action to save the farmers?

Dr. Oburu: Mr. Deputy Speaker, Sir, stopping a contract which has been awarded has consequences. If you award a contract and stop it, the person who was awarded the contract is not culpable because he was awarded the contract. So, you have to be ready to pay damages to that person. So, it is the PPOA to weigh the pros and cons of stopping the contract. In this case, it decided not to stop the contract but to recommend further investigations against the people who are culpable to be punished and not the person who has been awarded the contract.

Mr. Deputy Speaker: Mr. Baiya, the last supplementary question on the same!

Mr. Baiya: Mr. Deputy Speaker, Sir, I am just concerned by the response given by the Assistant Minister. The PPOA has powers to cancel contracts which are proven to

have been awarded illegally. The illegality does not only pertain to the procurement entity but the supplier or the contractor who is also supposed to look at compliance of the procurement laws. This project involves Kshs120 million which is members' money. That money is being invested in a project that will be a white elephant. Was cancellation of the contract not the right thing for the Ministry in order to save the members' proceeds and have those people prosecuted?

Dr. Oburu: Mr. Deputy Speaker, Sir, I have stated that cancellation of contracts has dire consequences even for the society. Eventually, if somebody takes the society to court, it is not those who are culpable who will pay but the poor members who will pay from their meagre resources. So, the PPOA could have cancelled the contract but in this case, they decided not to cancel it but to hand over the report to the KACC with recommendations for further investigations and possible prosecution of the culprit.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. While the Assistant Minister has fears on the cancellation of the contract, there was the second option addressed by the hon. Member. Why did they not recommend for direct prosecution with the information before them about the management team so that we do not face the same in future? Is he in order to avoid answering that question?

Dr. Oburu: Mr. Deputy Speaker, Sir, I am saying that, that option was there but the PPOA is not there to punish the organization. The report states the weaknesses which have been identified and have led to some of these mistakes. Therefore, the PPOA has drawn a very clear plan of action which it is monitoring very closely. If those people continue to violate these regulations, they will be taken to court in future by the PPOA. However, the KACC will deal with any financial malpractice.

Mr. Deputy Speaker: Hon. Members, Question No.745 by Ms. Leshomo will be deferred because she is out of the country on parliamentary business. So, the Chair directs that this Question be deferred to three weeks from today. Question No.653 by Eng. Rege will be deferred because Eng. Rege and the Minister are not with us now. They have approached the Chair and the Chair directs that this Question be deferred to one week from today.

Question No.745

REHABILITATION OF BARAGOI AIRSTRIP

(Question deferred)

Question No.653

EXPENDITURE ON PURCHASE OF
SHARES FOR TEAMS

(Question deferred)

Question No.695

FUNDS FOR MAUNGU-BUGUTA WATER PROJECT

Mr. Mwakulegwa asked the Minister for Water and Irrigation:-

(a) when he will avail funds for the Maungu-Buguta Water Project;

and,

(b) whether he could indicate the scope of works for the project.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry, through the Coast Water Services Board (CWSB), has allocated Kshs6 million to Maungu-Bugutu Water Supply. The funding will be utilized to install two pumping sets and accessories. One pump will be at Maungu and the other one at Idhinyi Pump Station. This will improve the pumping efficiency and reliability of the water supply. My Ministry will complete the rehabilitation works at a cost of Kshs70 million, which will be provided by the Ministry, starting from next financial year.

(b) The scope of works will include the laying of GI pipes for 26 kilometers, installation of two booster pumps at Idhinyi and Maungu, construction of two masonry storage tanks with a capacity of 200 cubic meters and 20 water kiosks along the pipeline.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for his answer. However, is he aware that there are plans to frustrate the rehabilitation programme, so that water vending services are given to a private company?

Mr. Waititu: Mr. Deputy Speaker, Sir, indeed, it is true that there are some politicians at the grassroots who are trying to take over the operations of the company. Our Ministry has given a stern warning to the CWSB to immediately take over the company, and all the assets are supposed to be for the company. Our Ministry has also instructed that all illegal connections in the pipeline be disconnected immediately, so that the company can run everything on the ground. All the consumers using this water will then pay directly to the company.

Mr. Yakub: Mr. Deputy Speaker, Sir, the Assistant Minister said that Kshs6 million was allocated to the CWSB. Is he aware that right now in Malindi and Mombasa taps are completely dry in schools, houses, hospitals and hotels? The funds he allocated, were they supposed to reduce the water problems which Malindi and Mombasa have been facing?

Mr. Waititu: Mr. Deputy Speaker, Sir, the Kshs6 million has been allocated specifically to Maungu-Buguta Water Project and not to the CWSB. We know very well that there is a problem of water in the Coast, because of the Baricho Station which has a big problem of power. Two motors have been burnt down as a result of fluctuations in electricity in the Coast. We have been talking to the Kenya Power and Lighting Company (KPLC) Ltd., and they have given us a guarantee that before the 15th of this month they are going to replace those motors. The water supply at the Baricho Station will then become normal.

Mr. Ochieng': On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that the KPLC can replace those motors? We know KPLC can only compensate under the insurance scheme but not replace the motors. For how long will the people of that area wait for those pumps to be replaced so that they get clean water?

Mr. Waititu: Mr. Deputy Speaker, Sir, the problem at Baricho is the continuous breakdown of motors, because of power fluctuations. We have talked to the KPLC. I, in

fact, went there personally and they agreed to repair some of the motors that have broken down. They will put a certain gadget in the motors that will reduce power fluctuations.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that many of the water projects all over the country, particularly in my constituency, have stalled or the pace of progress is very low because of the bureaucracy involved in the tendering system? What is he doing to ensure that the process is improved or made faster?

Mr. Waititu: Mr. Deputy Speaker, Sir, as indicated before, our Ministry is in the process of restructuring some of its organs. We have instructed our District Water Officers (DWOs) to form constituency committees, so that in future all funds will be channeled to the constituency, so that the process of procuring is hastened. This is the same thing we are doing with roads through Kenya Rural Roads Authority (KeRRA).

Eng. Rege: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Eng. Rege, who do you want to inform?

Eng. Rege: Mr. Deputy Speaker, Sir, I want to inform the Assistant Minister.

Mr. Deputy Speaker: Assistant Minister, do you want the information by Eng. Rege?

Mr. Waititu: Mr. Deputy Speaker, Sir, yes, if it is fruitful.

Mr. Deputy Speaker: Proceed, Eng. Rege!

Eng. Rege: Mr. Deputy Speaker, Sir, I want to inform the Assistant Minister that the breakdown of the motors at the site is not necessarily due to bad power. The over-voltage is the cause of the breakdowns; until people stop stealing the ground wire, there will always be power cut-offs, or power fluctuations going to over 300 volts at any one time. Until this is arrested, they will never have motors working properly.

Mr. Deputy Speaker: Mr. Mwakulegwa, last supplementary question.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that Maungu-Buguta Water Project power was disconnected between January and mid last month? The reason for this was that TAVEVU could not raise the amount of money required to pay the bill. What is he going to do to make sure that all illegal connections are disconnected and the rightful amounts of money are paid to TAVEVU to enable them pay those bills?

Mr. Waititu: Mr. Deputy Speaker, Sir, it is true that TAVEVU was not able to pay their electricity bills on time. Our Ministry intervened and we paid the bills for them.

We have instructed the CWSB to disconnect all illegal connections, so that people can be connected to meters and they start paying to the company. This way, it will have enough revenue to pay for their electricity on time.

Mr. Deputy Speaker: Next Order!

MINISTERIAL STATEMENTS

APPOINTMENT OF CBK GOVERNOR

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, on 23rd February 2011 Mr. Gitobu Imanyara, MP, sought a Ministerial Statement from the Deputy Prime Minister and Minister for Finance regarding the filling up of the post of the Governor of the Central

Bank of Kenya (CBK). He sought a confirmation to the effect that the filling up of this position, being a constitutional office, will be transparent, competitive and will be preceded by an advertisement so as to avoid a crisis similar to the one relating to the four nominees to the various constitutional offices.

Mr. Deputy Speaker, Sir, I wish to respond as follows:-

Mr. Deputy Speaker, Sir, the office of the Governor of the Central Bank of Kenya is not a constitutional office as alleged by the hon. Member. Article 231 of the Constitution provides for, among other matters, the establishment of the Central Bank of Kenya. The Article further provides that an Act of Parliament shall provide for the composition, powers, functions and operations of the Central Bank of Kenya. The import of this article is to accord the Central Bank of Kenya as an institution, an operational autonomy. It is, therefore, not meant to make the office of the Governor of Kenya a constitutional office.

In view of the above, the current provisions of the Central Bank of Kenya Act apply when it comes to the appointment of the Governor of the Central Bank of Kenya. Section 11(2) of the Central Bank of Kenya Act, Cap.491 Laws of Kenya provides for the appointment of the Governor among others. It states as follows:-

“The Governor, Deputy Governor or directors appointed under paragraph (d) of sub-section (1) shall be appointed by the President and shall hold office for terms of four years each, but shall be eligible for re-appointment, provided that no Governor, Deputy Governor or director shall hold office for more than two terms”.

It is, therefore, very clear that the law provides for the re-appointment of the Governor unless the appointing authority is not satisfied with the performance of the Governor.

Having been satisfied with the performance of the Governor, His Excellency the President has vide Gazette Notice No.2055 published on 25th February 2011 re-appointed Prof. Njuguna Ndung’u for a second term and final fourth year term with effect from 4th March 2011. We believe that this re-appointment will augur well for the continued pursuit of our development agenda.

As with the case of the other existing laws, the Central Bank of Kenya Act will amended and streamlined with regard to the composition, powers, functions and operations of the Central Bank of Kenya in the spirit of the new Constitution.

With regard to the reconstitution of the Board of Directors of the Central Bank of Kenya, I wish to confirm that we are working on the same and hope to have the new Board of Directors in place by the end of this week.

Thank you.

Mr. Imanyara: Mr. Deputy Speaker, Sir, it is amazing that the Assistant Minister should claim that this is not a constitutional office when he quotes the Articles of the Constitution that provide for the establishment of Central Bank. Nevertheless, would the Minister tell us for how long the Central Bank of Kenya has gone without a board and whether any action was taken to replace the Deputy Governor of the Central Bank in accordance with the recommendations made by the board?

Bearing in the mind the exact provisions of Section 13 of the Central Bank of Kenya Act which constitutes the Governor, the Chief Executive Officer of the Bank, the Principal Representative and the person responsible for its management, he is required to work with the board and make consultations with the board. Bearing in mind that there

has been no board and the Deputy Governor has been on sick off for the last 11 months, who has been advising the Governor on the day to day operations of the Bank? Would the Assistant Minister agree with me that there has been no meeting of the board for a period of more than one year now, and if there has been, would he be prepared to lay the minutes of those meetings on the Table of the House?

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, I need clarification from the Assistant Minister, because the issue of public offices will be coming up time and again. The Constitution under the definition section defines public office to mean:-

“An office in the national government, a county government or the public service, if the remuneration and benefits of the office are payable directly from the Consolidated Fund or directly out of money provided by Parliament.”

So, I would like to know whether the Governor’s position falls within that because if it does, then it could be a violation of Section 232(1) (i).

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Could you repeat that again?

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, could the Assistant Minister clarify how the Governor is paid? If the Governor is paid as a public office, then you are definitely in violation of the Constitution. But if he is not paid as a public office, then I think you are in order. The Constitution defines public office to mean:-

“An office in the national government, a county government or the public service, if the remuneration and benefits of the office are payable directly from the Consolidated Fund or directly out of money provided by Parliament.”

So, if the Governor is not paid any more whatsoever, whether allowance, salary or otherwise from the Consolidated Fund or for money provided by Parliament, then it is not an office in the public service. But if it is an office in the public service, then it is subject to Chapter 13 of the Constitution on public service under 232(1) which says:-

“The values and principles of public service include-

- (i) affording adequate and equal opportunities for appointment, training, and advancement, at all levels of the public service of-
 - (i) Men and women
 - (ii) the members of all ethnic groups; and
 - (iii) persons with disabilities.”

So, in case the monies come from the funds that I have talked about, then it would be in violation because you would not have met Section 232 of the Constitution. Could you please clarify where the money comes from?

Ms. Karua: Mr. Deputy Speaker, Sir, I want to agree with the Assistant Minister that there is need to review the Central Bank Act and also draw his attention to Article 10 of the new Constitution which is applicable in all situations.

“The national values and principles of governance include –

- (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people.
- (b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of marginalized;
- (c) good governance, integrity, transparency and accountability.”

Now, if I may pause there, even though the new laws have not been made, do you not think that the Constitution is enough to compel all public jobs to be advertised first

even if one is eligible for re-appointment? I have no doubt that the Governor was. Would it not be a good practice to advertise them in order to give Kenyans time to participate and offer an opportunity to make it more democratic and transparent, so that even when a person is picked Kenyans are satisfied? Would you agree with me that the spirit of the Constitution you quoted was not captured in the manner of that and many other appointments that have been done recently by the Government and not necessarily by your Ministry?

(Mr. Deputy Speaker left the Chair)

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

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister also clarify whether the Governor, for the last four years, has ever made any tangible reforms within the banking sector and that is why he was given another four year term to continue being at the helm of the Central Bank?

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to clarify whether the continued long absence of the board of directors had any connections with the cancellation of the Central Bank of Kenya (CBK) tender of printing new notes that was awarded to De La Rue, with a view to allowing a one-man decision situation, contrary to the provision of the Act which says that the top decision making organ is the board.

Mr. Magwanga: Mr. Temporary Deputy Speaker, Sir, could the Minister also clarify the functions or duties of the Deputy Governor of the CBK?

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to tell this House whether he finds it in order for somebody who was adversely mentioned in the Report of the Commission of Inquiry into the Sale of Grand Regency Hotel which was chaired by none other than hon. Justice (Rtd) Majid Cockar--- The conclusion on page 79 of the reports reads:

“Prof. Njuguna Ndung’u was not truthful to other public institutions namely, Kenya Anti-Corruption Commission (KACC), Commissioner of Lands, Public Procurement Oversight Authority, the Prime Minister...”

Then it concludes to say:-

“His conduct was contrary to Section 18 of Public Officer Ethics Act, which provides that a public officer shall not knowingly give false or misleading information to members of the public or any other public officer. The Governor must take responsibility for the disposal of the hotel...”

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. While I did not want to interrupt the seeking for clarifications, is the hon. Member in order to introduce into the House and start quoting a report which the Speaker has not given a ruling on after an attempt was made to table it here by Dr. Khalwale? The Speaker undertook to give a ruling on the same in terms of its admissibility on the understanding that the Report has never been made officially public.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. C. Kilonzo, from which report are you quoting?

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, the Cockar Report. We always quote from a lot of literature which is not necessarily tabled in the House. There is nowhere in the rules of this House that states that a Member must only quote a document which has been tabled in the House.

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Kimunya not to declare his interest in this matter when he is adversely mentioned in the same report?

The Temporary Deputy Speaker (Mr. Ethuro): Order! There is absolutely no need for hon. Kimunya to declare the interest. He was not contributing to the Report; he was only asking whether it is in order for the Report to be in the House.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, indeed, an attempt was made by hon. Dr. Khalwale to table that Report. The Speaker took it and said that it was strange in the House because of the fact that it had never been made public. He undertook to give a ruling on its admissibility. So, something that has already been doubted in terms of credibility cannot be a source of quoting in this House. This is an attempt to mislead the House and the people in terms of its contents.

Mr. C. Kilonzo: On a point of information, Mr. Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Who is being informed, hon. C. Kilonzo?

Mr. C. Kilonzo: The House, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): You cannot inform the House!

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I want to inform the Minister!

The Temporary Deputy Speaker (Mr. Ethuro): Order! You know the rules of the House. You can only inform somebody who is willing to be informed.

Minister, can you respond?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, regarding the points raised by hon. Imanyara about the number of months the board has not met, it has not met for some months, but I cannot say how many. I did not bring the minutes of the board meetings, but it is not true that it has not sat for over one year, as the hon. Member claims. I am ready to table those minutes in the House, if required, maybe tomorrow.

Mr. Temporary Deputy Speaker, Sir, although the Constitution creates the CBK, it does not make the position of the Governor a constitutional office.

Mr. Ogindo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Hon. Members, let us allow the Minister to respond.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, hon. Odhiambo-Mabona quoted a source; that a public officer is one who is paid from the Consolidated Fund or Government coffers.

Mr. Imanyara: On a point of order, Mr. Temporary Deputy Speaker, Sir. While answering the clarification sought, the Assistant Minister only referred to one regarding the members and undertook to bring the minutes, but he did not say anything about the Deputy Governor, whom there was a recommendation to send on retirement on medical grounds. The Minister has not said anything on that.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Let us be patient. Hon. Manyara, you will remember that there were other hon. Members who also mentioned the Deputy Governor. Maybe the Minister wanted to raise all of them at the same time.

Proceed, Mr. Minister!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, there are other hon. Members who also raised issues regarding the position of the Deputy Governor. But if hon. Manyara wants me to answer him straightaway, the Deputy Governor has been sick, as he says, for quite sometime and it has been recommended that he be retired on health grounds. Currently, we are seeking to appoint a Deputy Governor and we shall do that in due course.

Mr. Temporary Deputy Speaker, Sir, hon. Odhiambo-Mabona raised the issue of how the Governor is paid. It is true that the Governor is paid from public coffers like any other public officer. But payment of the Governor from public coffers does not make it a constitutional office.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to mislead the House as to what I asked? I did not say that the office is a constitutional office I said that it is a public office. I did not quote from a source, I quoted from the Constitution and now that he confirms, then he is actually confirming that what he has done is unconstitutional. What I quoted is page 172 of the Constitution. It indicates what a public office is. If that is an office in the public service, then it must be subject to Section 232 of the Constitution. You must advertize and there must be competitiveness, otherwise, what you have done is unconstitutional.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I do not interpret the Constitution, but there is an Act which established the CBK, which is also a constitutional provision. As I said, this Act is not quite in conformity with the new Constitution and we are in the process of bringing amendments to this House, so that, that Act which is still operational is in conformity with the new Constitution.

Mr. Temporary Deputy Speaker, Sir, as it is now without being amended, it allows His Excellency the President to do the appointment, the way he did. That is not against this Constitution. The law which was supposed to be established according to the same Constitution has not been established by this honourable House. Therefore, there is no vacuum. The law which still exists operates until the Deputy Prime Minister and Minister for Finance brings a new Bill to this House to amend the Central Bank of Kenya Act to conform with the new Constitution.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Even as I try to sit down quietly, as the Vice-Chair of the Constitution Implementation Oversight Committee (CIOOC), I am very concerned that the Assistant Minister is misleading; not only this House, but this country, that another piece of legislation can override the Constitution. The Constitution is clear, where there is an express constitutional provision, we cannot use secondary legislation to override the Constitution. To the extent of inconsistency with the Constitution, it is null and void and the Constitution takes effect. So, I just want to advise him that what you have done is unconstitutional.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, if the hon. Member was a judge that would have been her verdict. However, we are not arguing this matter in a court of law. What I am saying is to the best of my understanding of the law. What she says is unconstitutional is to her best understanding of the law.

Ms. Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that he can only take advice, if the hon. Member was a judge, when Article 2 on the supremacy of the Constitution clearly says any law, including customary law, that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or commission or omission in contravention of the Constitution is invalid? So, actually the sections she read invalidate those actions. Is it in order for him to brush it aside and this is now the document that binds the entire country?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, it is the responsibility of this House to revise all the laws, which have been in existence to conform with the new Constitution.

Mr. Temporary Deputy Speaker, Sir, unless that is done, I do not know how this country will be run until we revise the Act. We are acting according to the existing laws. I have no powers to violate them unless there is some interpretation which is given by a court of law. We are obliged to follow the law as it exists now.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order to mislead the House when Section 7 of the Sixth Schedule says:

“All laws in force immediately before the effective date continue to be in force and shall be construed with alterations, adaptations, qualifications and exceptions necessary to bring it into conformity with this Constitution.”

In line with that and the other articles that I have read and hon. Karua has read, would I be in order to request that this matter be referred to the CIOC for further investigations?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, reference to the CIOC is really not an issue for me to decide. However, if you so rule, we shall appear there and answer all the questions that they need. I do not know whether that stops the other questions from being answered.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Hon. Assistant Minister, you may proceed because the CIOC is at liberty to look into this matter. It does not have to be referred by the Chair.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, if the committee invites us, we shall go.

Mr. Temporary Deputy Speaker, Sir, there was an issue which was raised by hon. Karua in regard to the national values, participation, inclusiveness, transparency and accountability in Article 10 of the Constitution. As I said, it is the same thing; the interpretation here was that we ought to have done it more transparently, more inclusively and with participation and so on. However, as I said, we acted in accordance with the law as it exists. In our view, we did not violate any Constitution.

Hon. Ochieng asked whether Prof. Ndung'u whose term has been renewed has instituted any reforms in the CBK to warrant renewal of his contract. Mr. Temporary Deputy Speaker, Sir, in conjunction with the private sector, Prof. Ndung'u has introduced something which is very unique together with Safaricom. This is MPESA. This is a unique Kenyan invention and Kenya is lauded by the whole world.

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. The invention of MPESA was done by Safaricom and not CBK. So, I wonder how this could be credited to Prof. Ndung'u. Is the Assistant Minister in order?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, Prof. Ndung'u has introduced innovation, which has connected banks with the MPESA. Right now, if you open an account with MPESA, automatically you have an account with the Equity Bank of Kenya. This is something which has to be done by the CBK Governor and not by Safaricom. Safaricom can only do their part, but this innovative way of mobilising the unbanked is one way of actually bringing the Kenyan people access to financial resources which they did not have hitherto.

Mr. Temporary Deputy Speaker, Sir, the Governor has also introduced what is called instant banking. Instant banking is when you transfer money; money is transferred straight away from the bank to the customer without any delay. In fact, I was answering that question here and I gave details of the innovations which the CBK has done. This is along with many other innovations which have been created under Prof. Ndung'u in the last four years.

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. The law is very clear on who reviews the performance of a Governor. This is a function of the board. The law says very clearly:-

“The functions of the board, include keeping under constant review the performance of the Governor in discharging the responsibility of that office and keeping under constant review the performance of the Governor in ensuring that the bank achieves its objectives.”

If the board has not met, who did this review? Is it the Governor himself or who did the review? Are you not misleading the House because that review should only be done by the board?

(Applause)

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I said that I will avail the minutes of the Board. It does not mean that the Board did not meet! I said I am ready to provide those minutes to the House tomorrow.

Mr. Ogindo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Hon. Members, let us raise relevant points of order. I know there was an issue about the Board but he was responding to another one about the reforms by the Central Bank of Kenya (CBK) Governor. Although it is related, it was not at that particular point.

Mr. Ogindo: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is important that we raise these points of order on a timely basis. The Assistant Minister has

said that he is going to avail the minutes. It is important for him to tell us before he brings the minutes, when those meetings were held because we are aware that those things were hurriedly done to beat the Statement that was sought by Mr. Imanyara. So, could he kindly tell the House when the meetings were held before he can bring the minutes?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, there is no hurry in getting those dates. I will table the minutes and you will see the dates stated there. If a question by an hon. Member---

The Temporary Deputy Speaker (Mr. Ethuro): Order Dr. Oburu! When are you tabling the minutes?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, tomorrow. I have said I will table them tomorrow in the afternoon. If the prompting by an hon. Member makes the Government work - if we are sleeping - I do not think that is a bad thing. I do not know why---

(Laughter)

An hon. Member: Maybe, you were sleeping!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, if we are sleeping a bit and you prod us and we act, I think that is proper. Mr. Ogindo has asked whether the appointment of the Governor is related to the tender for the new notes which was given to De La Rue. There is no relationship at all with the tender which was awarded to De La Rue.

(Mr. Ogindo stood up in his place)

The Temporary Deputy Speaker (Mr. Ethuro): Order! Let him, at least, finish his submission and then you can ask another question.

Mr. Ogindo: But he is answering the wrong question!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): You do not want me to answer your own question?

The Temporary Deputy Speaker (Mr. Ethuro): Proceed, Dr. Oburu!

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, he is responding to a question I did not ask him.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Ogindo! The Assistant Minister has not even done two sentences of responding to your clarification.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, the tender for the new notes, which was given to De La Rue, has nothing, whatsoever, to do with the appointment of the Governor. That is a separate issue which is being handled by the Government and I think the Cabinet has already given a position that that company--- Indeed, we will table a report because there is an extensive report about De La Rue, the intentions of the Government to acquire it. That is a separate issue which we are going to update the House on very soon.

Mr. Magwanga asked about the functions of a Deputy Governor. The Deputy Governor is the principal assistant to the Governor. The Deputy Governor also attends the Board of Directors and he handles operational issues of the bank on a day to day basis. Mr. C. Kilonzo was attempting to introduce issues which were raised in a report---

(Mr. Magwanga stood up in his place)

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Magwanga, your clarification was very clear. The Chair is satisfied that it has been answered and, in any case, it is in the law. You can seek further reference to the Act.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I think those are the many issues that have been raised.

Mr. C. Kilonzo: Mine!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. C. Kilonzo, you are the one who asked about the Grand Regency Hotel?

Mr. C. Kilonzo: I can repeat again!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, there are issues you raised there and I am saying---

Mr. C. Kilonzo: Cockar Report!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I am saying that there was an attempt to table the Cockar Report in the House.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Oburu! For the purpose of the House, the record is very clear, Mr. C. Kilonzo. That Report was supposed to be tabled and the Chair ruled against it.

Ms. Karua: And my request was also declined!

The Temporary Deputy Speaker (Mr. Ethuro): And the request by Ms. Karua was also declined. So, Mr. C. Kilonzo, you cannot, therefore, purport to be quoting from the same Report that the Chair ruled against. Are you done, Dr. Oburu?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Yes, Mr. Temporary Deputy Speaker, Sir.

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. Given your wise ruling on that matter, would I be in order to ask the Chair to order that the utterances by Mr. C. Kilonzo on that matter be expunged?

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Mr. Kimunya will be heard!

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, could I be in order to ask that the contribution by Mr. C. Kilonzo on the matter of the Cockar Report he was quoting from be expunged from the records of this House?

Hon. Members: No!

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. As a suggestion to the Chair, can we put that to the vote; whether you should expunge it or not?

(Laughter)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! It is good that it is just a suggestion and it will remain as so. It will not be taken by the Chair. To respond to Mr. Kimunya's concern, you will remember that last week, the Chair said that he was going to make a considered ruling on similar issues raised when we were discussing the drugs matter. I would believe that this will also be raised at the same time.

POINT OF ORDER

DISPLACEMENT OF MANDERA RESIDENTS DUE TO ACTIVITIES OF SOMALI MILITIA

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, I beg to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the security situation in Mandera Town. In his Statement, I would like the Minister to explain:-

1. The circumstances surrounding the massive displacement of Mandera residents following the on-going conflict in Bula Hawa Town or Somalia.
2. The presence of foreign troops in Mandera Town who are engaged in combat with Somali militia in Bula Hawa by launching their attack from Mandera Central Business District thus making residents scared.
3. Confirm the death of two Kenyan civilians in Mandera Town resulting from the attack from Somalia and the destruction of property.
4. Measures the Government is taking to urgently attend to the dire humanitarian crisis in Mandera.
5. The immediate measures the Government will take to arrest the situation and avoid the spillover of insecurity to the rest of the country.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, we will give the Statement on Tuesday next week.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, may I add something? While the Minister is answering the question from Mr. Sirat, could he also tell this House at that time why the foreign troops have remained in Mandera for close to two weeks with no action?

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, in addition, I request your indulgence because of the urgency of this matter; whether he could respond tomorrow.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Really, this is a grave matter. Can you bring it forward? In any case, the assumption is that Mr. Sirat will have told you before.

(Applause)

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, the question of security is a very dear in our Ministry. As I speak now, we are dealing with the situation on the ground. Why I was saying next week, but I can even bring it on Thursday this week; that is, because the issues are cross-cutting. You are asking the humanitarian aspect and the foreign troops. I think there are no foreign troops in our country and I can say that even here. But I will bring the Statement on Thursday next week.

Mr. Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, let us grant the Assistant Minister his request to bring the Statement to the House on Thursday afternoon.

POINTS OF ORDER

CLAIMS OF NARCOTICS PROCESSING FACILITY NEAR EASTLEIGH KENYA AIR FORCE BASE

Mr. Mwau: Mr. Temporary Deputy Speaker, Sir, I rise to seek two Ministerial Statements; one long, one short.

I rise to ask for a Ministerial Statement from the Minister of State for Defence, recalling that in his criminal complaint against hon. Members of this House, tabled before the House, Mr. Michael Ranneberger claimed that a location near Eastleigh Air Force base in Nairobi was used as a processing and packaging facility for narcotics.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, he alleges that at this location, heroin was taken into the base by body cavity couriers and that cutting of the heroin was done using an identified chemical and that the drugs were packaged using special machinery. He claimed that they were shipped out of the base in military vehicles to other distribution sites and unidentified base commanders were used to protect the narcotics trafficking activity inside the military base.

These are extremely serious allegations by Mr. Michael Ranneberger, who also violates our national security. It is, therefore, imperative that the Minister of State for Defence sheds some light on these allegations. I am seeking a Ministerial Statement from the Minister in this regard. I would like the Ministerial Statement to indicate the circumstances upon which, if it is true---

Mr. Deputy Speaker: Order, Mr. Mwau. You are seeking a Ministerial Statement from which Minister?

Mr. Mwau: From the Minister of State for Defence.

Mr. Deputy Speaker: And you are a Cabinet Minister?

Mr. Mwau: I am not a Cabinet Minister!

Mr. Deputy Speaker: You were suspended, but effectively enjoying the benefits of being an Assistant Minister?

Mr. Mwau: No, Mr. Deputy Speaker, Sir. I was not suspended, but I decided to step down.

Mr. Deputy Speaker: Okay, proceed under those circumstances.

Mr. Mwau: Mr. Deputy Speaker, Sir, I would like the Ministerial Statement to be tabled before the House and specifically to confirm whether the allegations by Mr. Michael Ranneberger are true or false.

I would like to seek the second Ministerial Statement from the Minister of Foreign Affairs in that, taking into consideration the shame that has been brought to myself and other Members of Parliament through criminal allegations---

Mr. Deputy Speaker: Order, Mr. Mwau. On the first Ministerial Statement that you sought, could the Minister of State for Defence give an undertaking when that Ministerial Statement will be here on the Floor of the House?

The Assistant Minister, Ministry of State for Defence (Maj.-Gen. Nkaisserry): Mr. Deputy Speaker, Sir, I undertake to bring the Statement on Tuesday. Whatever the report is, this is outrageous because the allegation touches on national security which states that the military is actually transporting drugs. If this is true, we will deal with the people involved. This is an outrageous allegation, but I will bring the Statement on Tuesday next week.

Mr. Deputy Speaker: Mr. Mwau, you will have an opportunity to seek your other Ministerial Statement. You will be given an opportunity again to seek the other Ministerial Statement.

It is so directed that the Statement that Mr. Mwau sought from the Ministry of State for Defence be made available on Tuesday next week.

INSECURITY IN KIRINYAGA COUNTY

Ms. Karua: Mr. Deputy Speaker, Sir, I rise to ask for a Ministerial Statement from the Minister in charge of internal security on the state of security in Mwea, Kirinyaga County following the murder of five people in Kajiji Village two days ago and also regarding the previous incidents of insecurity throughout Kirinyaga County.

In that Statement, I would be glad if the Minister could include what measures he is taking to ensure the security of people of Kajiji and the entire Mwea and also Kirinyaga County.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I will communicate to the Minister and we expect to have a Statement by Thursday this week.

Mr. Deputy Speaker: Fair enough.

CAUSE OF INFERNO IN SOUTH B ESTATE

Mr. Yakub: Mr. Deputy Speaker, Sir, I rise to seek for a Ministerial Statement from the Minister of State for Special Programmes regarding an inferno that occurred in South B Estate in Nairobi last night.

(Mr. Mwau stood up in his place)

Mr. Deputy Speaker: Order, Mr. Mwau. The Chair did not disallow you from asking for another Ministerial Statement. He said that you will be given an opportunity to seek the other Ministerial. Could you, please, wait?

Proceed, Mr. Yakub.

Mr. Yakub: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Special Programmes regarding an inferno that occurred in South B Estate in Nairobi last night, on Monday, 28th February, 2011.

Mr. Deputy Speaker, Sir, the Minister should inform the House what caused the fire, the nature of destruction and damage in terms of people left homeless, the value of property destroyed and the number of lives lost. Could he also arrange for immediate assistance in terms of food, clothes, blankets, shelter and water to the affected people?

Lastly, he should further clarify to this House the measures that the Ministry is undertaking to address the losses incurred by the fire victims and what steps the Ministry is taking to mitigate a recurrence of similar tragedies in the future?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I will communicate the same and we can have a response by Tuesday next week. In the meantime, I would ask the hon. Member to get in touch with the Ministry, because of the other issues and give more information. We will have a detailed response by next week.

Mr. Yakub: On a point of order, Mr. Deputy Speaker, Sir. The issue of receiving a Statement by next week is quite okay. However, there is the issue of affected people who need immediate assistance. I can wait for the Statement next week. What about the immediate assistance which these people require? Tonight, these people will not have shelter to sleep in.

Mr. Deputy Speaker: Mr. Minister, under normal circumstances, you do not get selective about the Ministerial Statement that is being sought. You do not just seek the Ministerial Statement and say it will be on such a day, but you also give a complete content of the Statement as sought by the hon. Member. In any case, the hon. Member is seeking a clarification on what immediate measures will be taken.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, do I get your concurrence for Tuesday next week?

Mr. Deputy Speaker: Yes. It is so directed.

OUTBREAK OF FOOT AND MOUTH DISEASE IN NYATIKE DISTRICT

Mr. Anyanga: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Livestock Development regarding the outbreak of foot and mouth disease in Nyatike District recently.

In giving this Ministerial Statement to this House, I would wish him to address the following pertinent issues regarding this issue which has affected a big percentage of livestock in Nyatike District.

One, I would like to know what urgent measures are being put in place to contain the outbreak that has seen several animals dying since the beginning of the outbreak.

Two, I would like to know why there are no livestock field officers and when they will be posted there. I would also like to know how many animals have been lost since the beginning of that outbreak. The Minister should also include, in his statement, a compensation package that the Government has put in place for farmers who have lost

their animals. I would also like to know, from the Minister, whether the Government has a policy that will address the issue of livestock development, including the eradication of Foot and Mouth Disease as a way of promoting economic development of farmers in the rural areas.

Lastly, I would like to know under what circumstances the Livestock District Officer, Mr. Jura, from Migori District, ordered for the closure of Ong'er Market in Nyatike District.

Mr. Deputy Speaker: Mr. Anyanga, are you sure you want to know under what circumstances the livestock market was closed? Is Ong'er Market a livestock market?

Mr. Anyanga: Mr. Deputy Speaker, Sir, it is a livestock market.

Mr. Deputy Speaker: On the other hand, are you claiming that there is an outbreak of Foot and Mouth Disease?

Mr. Anyanga: Mr. Deputy Speaker, Sir, yes, but today, at about 12.00 noon, the District Livestock Officer from Migori closed that market. I would like the Minister to come out clearly and tell Kenyans, particularly the people of Nyatike, why the market was closed.

Mr. Deputy Speaker: If there is an outbreak of Foot and Mouth Disease, as you are claiming, that must be the reason for the closure.

Mr. Anyanga: Mr. Deputy Speaker, Sir, I am not claiming. It is a reality.

Mr. Deputy Speaker: If it is a reality, why would you want the market to function? People would transfer the same disease to other parts of the country. Was that not the logic behind the closure of the market?

Mr. Anyanga: Mr. Deputy Speaker, Sir, no! Let the Minister tell us.

Mr. Deputy Speaker: The Standing Orders say that information that is fairly obvious should not be sought. It is the position of the Chair that closing a livestock market due to an outbreak of a livestock disease is an obvious matter. So, the Chair directs that the Ministerial Statement be issued with an exception of the last sentence. We will expunge the last part of the statement.

Mr. Minister, could you give an undertaking of when you will avail it?

Mr. Anyanga: Mr. Deputy Speaker, Sir, I am in agreement with that. That is okay.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I would like to ask for two weeks so as to give time that will enable a census exercise to be carried out on the animals that have died, among other things, and given the expanse of the request by the hon. Member.

Mr. Deputy Speaker: Fair enough! The Chair directs that the Ministerial Statement be delivered here two weeks from today.

Mr. Mututho: On a point of order, Mr. Deputy Speaker, Sir. Indeed, if there is an outbreak of the Foot and Mouth Disease and quarantine has been imposed on one of the markets; the nature of this disease demands that we cannot wait even for 48 hours. Two weeks is a very long time and the situation could aggravate from bad to worse. I would like to seek your indulgence that this matter is treated as an emergency. We should have the report as soon as possible.

Mr. Deputy Speaker: Other than the first part of the Ministerial Statement which seeks to know the immediate measures, the Chair does not see the urgency in this matter because it is all factual. Nonetheless, how soon can you give the Ministerial Statement?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, as already evident in the submission by the hon. Member, a market has already been closed. The action is already taking place in terms of containing the problem. However, in terms of stating the wider issues like how many animals have died and what will be done in terms of the policy issues, that can come in two weeks. However, action on the ground is already being taken. I believe that we do not need to bring a Statement to say that action is being taken. It is already evident in the closure of the market that action is being taken on the ground to contain the situation and to avoid further contagion effects.

Mr. Deputy Speaker: Are you comfortable with two weeks, hon. Anyanga?

Mr. Anyanga: Mr. Deputy Speaker, Sir, I am comfortable.

Mr. Deputy Speaker: Fair enough! It is so directed.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek direction from the Chair regarding a ruling that you made in this House. On 22nd December, a Question was brought to this House by hon. Mututho.

Part “c” of the Question stated as follows:-

“(c) what quantities of Genetically Modified Organisms (GMOs) maize had been imported into the country in the last three years and what law the Government was using to allow and control GMO imports into the country?”

There was heated debate, if I may remind you, and you were on the Chair. However, you gave the following ruling. I will quote from the HANSARD.

“Given the nature of the problem and the risk it poses to Kenyans, the Chair directs that a Joint Committee of the Departmental Committee on Agriculture, Livestock and Co-operatives, Departmental Committee on Defence and Foreign Relations and the Departmental Committee on Health to move with speed and report back to the House on this matter.”

The convening Chair of the Joint Committee was none other than the Questioner of this Question. To date, the Report on this matter has never been laid on the Table. I am just curious whether my good friend has become mixed up by the maize business. This matter is being discussed in other Parliaments. Unless that Report is brought here, we will be denied an opportunity to discuss the matter. This matter has been heavily criticized, for example, in the Scottish Parliament. So, I would want a ruling on why the Chair of the Departmental Committee on Agriculture Livestock and Cooperatives has not tabled that Report.

Mr. Mututho: Thank you, Mr. Deputy Speaker, Sir. I am surprised that my good friend has opted to come and discuss this matter here, having consulted me severally. However, that notwithstanding, I want to deny, and I will seek your protection, that I am not mixed up with maize business. Maize business is bad. We, as a Committee, have come up with very specific recommendations in the past and the present, regarding the issue of maize. All those matters are with your technical department, either waiting to be processed into a report or waiting further investigations in terms of trying to reconfirm the GMO content or laboratory results. The hon. Speaker ordered the Committee to move with speed and we moved with speed and, indeed, impounded 30,000 metric tonnes of maize in Mombasa. However, a Report of that nature would require very extensive research and the matter is within the administrative wing of Parliament.

As far as the last point is concerned, whereas I agree that you ruled that we table the Report, we invited all the Chairs of the Committees that were mentioned. However,

we could not order them to come and join us. As a Departmental Committee on Agriculture, Livestock and Co-operatives, we have done what is humanly possible. We have put down our proposals for the Report and it is about to be processed.

I am shocked by the hon. Member and would wish that he withdraws the allegation that I am mixed up with the maize business. When maize business is mentioned, in the context of Kenya, it means that over Kshs2 billion has been squandered and over 280,000 metric tonnes of GMO maize, unfit for human consumption, has been imported by a customer here and over 27 million bags of maize have not been bought because of things we cannot define. This is a situation I would not wish, as the Chair of the Committee and the Member for Naivasha, to be mixed with.

Mr. Deputy Speaker: Hon. Mututho, whereas the Chair would want to see that HANSARD, there is a firm reflection on the part of the Chair; a direction that was given to your Committee to spearhead this particular Report to be generated by you, but in the form of a Joint Committee with all the relevant committees. The best reflection of the Chair is that, as the Chair of the Liaison Committee and the authority that approves Committees when they go out to carry out their role of scrutiny, to my best of recollection, I have not seen an application from your Committee or a Joint Committee for that matter to undertake this task. The Chair was very categorical in this particular case.

The Chair, indeed, said: “Hon. Members, I understand the seriousness of the matter. Indeed the Chair sees it with all the seriousness it deserves. You can only seek redress through other provisions of the Standing Orders if you do not feel satisfied with the ruling that the House gave Mr. Mututho or, for that matter, any other Member. You can seek an Adjournment Motion at the end of the sitting under Standing Order No.16 to exhaustively deal with this matter.

In the meantime, given the nature of the problem and the risk it poses to Kenyans, the Chair directs that a Joint Committee of the Departmental Committee on Agriculture, Livestock and Co-operatives, the Departmental Committee on Defence and Foreign Relations and the Departmental Committee on Health moves with speed and reports back to the House on this serious matter.” Have you done the needful in this case in the form of a joint Committee? Have you had problems also interesting the other Committee Chairs? If you have had problems, have you come to the Chairman of the Liaison Committee, who is none other than the person on the Chair now, on those frustrations?

Mr. Mututho: Mr. Deputy Speaker, Sir, our procedure is that at the Committee level, you generate letters which go to the Clerk of the National Assembly. The Clerk of the National Assembly will then decide to disburse them or not. I am prepared to bring our minutes here and a copy of the letter seeking the same. If the Clerk’s Department does not reply, truly, it is not the responsibility of the Chairman. I concede, with apology though, that I have not come to the Chairman of the Liaison Committee, which I am a Member, to discuss this problem, but I did a memo to the Speaker on the same a few weeks ago. He replied and promised to take action. I called for a meeting with the Director of Committee Services, which is captured in our minutes, and expressed the same views that I am expressing here in respect of maize.

I do not wish, at any time, to contest your ruling or delay any action on my part as the Chairman of the Committee, but I stand to be directed on how to deal with your department if action has not been taken within the line and the procedure for filing this

report has not been followed. We travelled to Mombasa, did everything and forwarded everything that we were supposed to forward, including samples. It is the Clerk's Department, which should, through you, advise us on the results, so that we can come to the Liaison Committee. At the Liaison Committee, we shall have a conclusive report and then seek to table it here. We cannot proceed to bring in rumours and other stories until this is substantively covered.

What is even more worrying is that today the Wikileaks are quoting things that we have discussed in some of those reports, some of which were rejected by this House in respect of the Kshs2 billion deal. Notwithstanding our rule that we should not anticipate debate, these things are there in black and white. The Committee has had over 50 meetings and we have, in our possession, that proof. I stand to be directed by the Chair, so that we can review this matter, maybe with the Chair, and see where the jam is. As a Committee, we have done all that is humanly possible.

Mr. Deputy Speaker: Order, Members! The practice in our Parliament is that, if as Committee Chairs or Committee Members, you encounter any frustrations in the execution of your Committee work, the office to go to and express those frustrations, which in all cases, you will get a very swift and urgent response, is the Office of the Deputy Speaker, who is the Chairman of the Liaison Committee. I have not received any of those frustrations in the past, as you admit now, but nonetheless, I am going to carry out my own investigations within the Clerk's Department. The Chair expects, as all the Chairs of other Committees do, that when you have problems, you go to the right office to seek solutions. This is a very grave matter. It was a very lengthy matter and took a very long time for the House to deliberate on, on the food that Kenyans consume. If at any time you had carried out your responsibilities and mandate and approached the Chairman of the Liaison Committee for approval to even travel outside this country to go and gather information that needs to be gathered, because some of this maize was also imported into this country, the Chairman of the Liaison Committee would not hesitate to approve that. But nonetheless, I will give a Communication on the same on notice once I have carried out the necessary investigations.

FAILURE OF DEPARTMENTAL COMMITTEES TO MEET DEADLINES

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. I wish to seek the indulgence of the Chair on matters that have been referred to Departmental Committees from the House. You will realize that in many occasions, matters are referred to Departmental Committees and timeframes are given within which the Committees should report to the House. A case in point is on the 250 employees of the Thika Municipality Council who were fired without the due course. The matter was referred to a Departmental Committee which was supposed to report to the House after ten days. It is now 15 days ago.

There are many other cases where matters have been referred to Departmental Committees. It is my understanding that matters referred to Departmental Committees cease to become matters of the Members who raised them and become matters of the House. What will the Chair do to get the Office of the Clerk to follow up these matters?

Mr. Deputy Speaker: Fair enough! You are perfectly in order and hon. C. Kilonzo was also perfectly in order to raise and seek why, indeed, this report has not been

concluded and brought to the Floor of the House. Any matter that is raised here is a property of the House. If, at any given time, you feel that the deadline has not been met without the Committee seeking an extension of time from the Chair and without the Committee tabling a report, any Member is at liberty to raise that matter and draw the attention of the Chair to that.

You understand that our practice is that the Chair cannot originate the scrutiny. The scrutiny has to come from the Plenary of the House. In that case, the Chair takes note of the fact that there was a matter also on Thika Municipal Council and directs that, that information be made available to it, so that further direction can be given.

PERSONAL STATEMENT

REQUEST FOR CRIMINAL COMPLAINTS AGAINST HON. MWAU BY MICHAEL RANNEBERGER

Mr. Mwau: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Ministry of Foreign Affairs. Taking into consideration the shame that has been brought on myself and other Members of Parliament through criminal allegations tabled before the House, manufactured and published by Michael Ranneberger, and in view of the fact that drug-trafficking is a menace that cannot be dealt with through falsehoods and or witch-hunting, with a view of getting to the bottom of this matter, it is imperative that the alleged reliable and collaborative evidence by Michael Rannerberger that led him to file a criminal complaint against myself and other Members of this august House be brought and tabled before this House. This House, just like the United States Congress, has the powers and authority to deal and give directions on matters such as this one.

In the circumstances, I seek a Ministerial Statement from the Minister for Foreign Affairs in respect of those criminal complaints filed by Michael Ranneberger. I demand that the evidence thereof containing the allegations that were made be sought by the Minister for Foreign Affairs from the Ambassador. In particular, the evidence should address and provide the following:-

1. Evidence or record of when I was or have been involved in drug trafficking or narcotic trade.
2. Evidence of when the Kenya Police linking me with a seizure of one tonne cocaine in a container at Pepe Container Depot.
3. Evidence and names of the Akasha family members that I am alleged to be close to.
4. Evidence on how hon. William Gitau Kabogo is my son in law;
5. Evidence on when hon. William Gitau Kabogo was responsible for the operations at Pepe Container Depot.
6. Evidence on any container belonging to me, which was cleared through Customs without being inspected or without being charged duties or taxes by the Kenya Revenue Commission (KRA).
7. To provide evidence on how and what basis he proceeded to brand me as being dangerous.
8. To provide any evidence of any killing under contract and to give names, places, and dates where they might have happened.

9. To provide any evidence on when hon. Kabogo was my driver;
10. To provide evidence when hon. Kabogo married my daughter and to provide names, date and place.
11. To provide evidence of the circumstances and occasion that I used my position in the Ministry of Transport for personal gain.
12. To provide details on all shipment in the region, through the Port of Mombasa, that Michael Ranneberger alleges that I am in control of.
13. To provide evidence on any companies that Michael Ranneberger alleges that I am co-owner with hon. Kabogo.
14. To provide evidence on the alleged weapon, human, and drug trafficking, money laundering, and corrupt Government contracts alleged by Michael Ranneberger.
15. To provide evidence which links me to the alleged shipment of 1.25 metric tonnes of cocaine seized at Mombasa and Nairobi in December, 2004.
16. To provide evidence of the alleged refrigerated container purported containing bananas from Venezuela that was seized in 2004 in Mombasa that was linked to me.
17. To provide the full details and evidence of the cocaine purported to have been stored at Pepe Inland Port and/or seized or imported by Pepe Inland Port.
18. To provide evidence and details of the alleged smuggling, money laundering, and gangster activities that he alleges I am involved in.
19. To provide evidence of the military property and vehicles used in drug trafficking at Eastleigh Airbase.
20. To provide evidence of the alleged Kshs2 billion deposited in Mr. Ndegwa's Green Corner bank account at Charterhouse Bank on my behalf.
21. To provide evidence of any containers intercepted, arrested, or seized while entering or within the USA containing cocaine and other narcotic shipments and/or transshipments from Kenya. Also, to give full details of the containers, their shippers, consignee, dates, and description of the cargo on the basis that at all times the allegations are that Kenya is a transshipment centre for cocaine. Therefore, it is imperative for the ambassador to provide all evidence of containers which have been arrested by the USA customs or any other authority as they enter or which have entered having been exported by Kenyans.
22. To provide full details and evidence of any Kenyans arrested in the USA at the airport or port while purporting or trying to import narcotics in the USA by Kenyans.

The Minister for State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, I need time to examine very carefully what has been underlined by the hon. Member. To the extent that he has asked me to demand evidence from the ambassador, it will be necessary to examine carefully what the Vienna Convention says. I ask to be given time up to Tuesday next week.

Mr. Deputy Speaker: Fair enough. It is so directed.

Mr. Mwau: Mr. Deputy Speaker, Sir, this has nothing to do with Vienna Conventions or diplomatic relations. Michael Ranneberger, on his own will and accord authored and manufactured criminal complaint. He went to the Kenya Anti-Corruption

Commission (KACC) offices, a gazetted police station, and personally made criminal complaint against myself and other Members of this House. That criminal complaint contains all these allegations. He states categorically that he has reliable and corroborative evidence. All I am asking the Minister to do is to ask Michael Ranneberger to provide him with that reliable corroborative evidence so that any person who is mentioned and there is that evidence can be taken to court.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. The HANSARD will bear me witness. I sought a Ministerial Statement from the same Minister and I tabled a speech made by Michael Ranneberger on 16th November, 2010. The Minister promised the House that he would table the information. I sought corroborative evidence---

Mr. Deputy Speaker: Order, Mr. Kabogo! The Ministerial Statement sought by hon. Mwau has to be disposed of. The Chair has already directed that this Statement be made available on Tuesday next week. Is that so, Prof. Saitoti?

The Minister for State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, as I said before, the Statement being sought is not easy to produce because one has to examine the contents of the Vienna Convention. I do not want to anticipate what will come out, but there is a great deal of work to be done. I need to liaise with the Attorney-General so as to come up with a Statement of that nature.

Mr. Deputy Speaker: For the benefit of the hon. Members, the Minister is entitled to say that he has to consult on certain provisions of the Vienna Convention because that regulates the relationship between a Government and any envoy.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. I was not trying to raise a different matter. I was only trying to build on the matter that the Minister is now seeking to hide under the Vienna Convention and yet when I sought a Ministerial Statement from him, he promised that he would speak to the ambassador and bring corroborative evidence in terms of the issues raised by hon. Mwau. He is now seeking time to run away from the same matter.

We are all aware that he came here and said that we were not found to have been connected with these issues. We are now chasing the matter of evidence--- The ambassador went and complained in a police station about several hon. Members. He should be duty bound to bring that Statement on Tuesday.

Mr. Deputy Speaker: Are you seeking your own Ministerial Statement which you sought some time back or are you following up a matter that has already been disposed of, that is, the Statement sought by hon. Mwau?

Mr. Kabogo: Mr. Deputy Speaker, Sir, for the sake of time, he will do it at the same time. I have no problem with that.

Mr. Mwau: On a point of information, Mr. Deputy Speaker, Sir. I want to inform the Minister that I am not asking him to go and investigate. Michael Ranneberger has already said that together with his team, they have investigated the matter and they have reliable and corroborative evidence. He held a Press conference at KICC. I am asking the Minister to write to Michael Ranneberger as the Minister for Foreign Affairs. He should not be scared of that small fellow. The Minister should write and ask Michael Ranneberger to give him that evidence, so that he can convince people here, if the allegations are true.

Mr. Deputy Speaker: Fair enough!

DAMMING OF RIVER OMO BY ETHIOPIAN GOVERNMENT

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. On Thursday, I sought a Ministerial Statement from the Minister for Water and Irrigation on the damming of River Omo. You really need to appreciate my concern because this is an issue which is going to affect so many lives and livelihoods, and the Government seems to be dilly dallying with the issuance of the particular Ministerial Statement.

Mr. Deputy Speaker, Sir, you will also notice from your schedule of Ministerial Statements sought that there is quite a number of Ministerial Statements sought by me, which are still outstanding. One of them is about the Kipsongo Slums, which I sought a long time ago. I also sought a Ministerial Statement about a circular issued by the Ministry of Public Health and Sanitation regarding the release from maternity hospitals of mothers who have given birth.

All these Ministerial Statements have been pending, and I am just wondering whether there is a conspiracy by the Executive against me and the issues I have raised for this country.

(Mrs. Mugo and Dr. Kosgei consulted)

Mr. Deputy Speaker: Order! Order! Minister for Public Health and Sanitation, it is the presumption of the Chair that when a matter concerning your Ministry is raised, you should be attentive.

DETENTION OF MOTHERS BY HEALTH FACILITIES

Hon. Ethuro, can you repeat what you were saying for the benefit of the Minister for Public Health and Sanitation?

Mr. Ethuro: Mr. Deputy Speaker, Sir, I was raising a general concern about failure by Members of the Front Bench on the Government side to respond to my Ministerial Statements. One of them was sought from the Minister for Public Health and Sanitation, hon. Beth Mugo, who is present. It was on the issue of issuance of Government a circular to the effect that no mother should be detained in a maternity ward because she has given birth. The Ministerial Statement was, in fact, sought as a follow up of her own directive. She is yet to respond to it.

EVICION OF TURKANAS FROM KISPONGO SLUMS BY KITALE MUNICIPAL COUNCIL

The other Ministerial Statement was about the Kipsongo Slums in Kitale, where squatters comprising of the poorest of the poor people of this country, who happen to be from my community, were being threatened with eviction by Kitale Municipal Council. This Ministerial Statement was sought from the Office of the Deputy Prime Minister and Ministry of Local Government.

The Chair has been assisting me to have the Ministerial Statement on the damming of River Omo issued but, apparently, the Government is treating the Chair with

a lot of contempt. The Chair has decreed severally; on Tuesday and Thursday, that the Ministerial Statement be issued today.

Mr. Deputy Speaker: Minister for Public Health and Sanitation, the Ministerial Statement relating to your Ministry was sought by hon. Ethuro on 25th November, 2010.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Deputy Speaker, Sir, the Government has a lot of respect for the Chair. It does not treat the Chair with contempt as the hon. Member has alluded. May I say that I believe I issued the Ministerial Statement relating to my Ministry when the hon. Member was not present. He can check for that record in the HANSARD. If it emerges that I have not issued the Ministerial Statement, I will do so, but my recollection is that I issued it.

Mr. Deputy Speaker: Our record does not indicate that you have issued the Ministerial Statement. In any case, the practice is that a Ministerial Statement would be issued by a Minister when the hon. Member who sought it is in the House. So, give an undertaking as to when you will have the Ministerial Statement issued.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Deputy Speaker, Sir, the Ministerial Statement is ready.

Mr. Deputy Speaker: Very well! The Chair directs that you issue the Ministerial Statement on detention of mothers by health facilities tomorrow.

For your benefit, Deputy Leader of Government Business, the Chair also notes that hon. Ethuro---

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I am sure that, with regard to the Ministerial Statement relating to hon. Beth Mugo, you have directed that it be issued tomorrow morning.

Mr. Deputy Speaker: Indeed, yes!

The other Ministerial Statement is on the eviction threat to Kipsongo and Jamanuu residents, which was sought on 6th October, 2010. So, Deputy Leader of Government Business, can you give an undertaking on that one also?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I will communicate the same to the Office of the Deputy Prime Minister and Ministry of Local Government and we will see whether the Ministerial Statement can be issued on Thursday.

Mr. Deputy Speaker: The Chair directs that the Ministerial Statement be issued on Thursday.

Finally, on 24th February, hon. Ekwe Ethuro sought a Ministerial Statement on the damming of River Omo by the Ethiopian Government. The undertaking then was that the Ministerial Statement would be issued today by the Minister for Water and Irrigation.

Deputy Leader of Government Business, can you also give a firmer undertaking on that one? It is very urgent. The Chair remembers how often the Minister did seek more and more time. This is a matter which has been coming in and going out of this House.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, indeed, the Assistant Minister for Water and Irrigation was here. I thought he was going to issue the Ministerial Statement, but I cannot see him now. So, give me tomorrow morning to look for him with an intention of having the Ministerial Statement issued tomorrow afternoon.

Mr. Deputy Speaker: Fair enough! The Chair directs that we have this Ministerial Statement issued either in the morning or in the afternoon. If we can have it issued in the morning, so much the better.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. You will agree with me that there is a deliberate plan by the Government not to respond to the Ministerial Statements we seek here. The Assistant Minister for Water and Irrigation in particular has actually been coming to this House but when time for issuing Ministerial Statement comes, he disappears. On Tuesday and Thursday last week, and today, the Assistant Minister has been in the House. So, I would like to have your direction. In the event that the Assistant Minister does his disappearing act again, can the Deputy Leader of Government Business issue the Ministerial Statement? On the International Day for Safety of Fisheries, the Acting Minister for Foreign Affairs invoked the Vienna Convention not to allow my people, who are friends of Lake Turkana, just to do a peaceful demonstration to prove this point.

Mr. Deputy Speaker: I am sure that the Deputy Leader of Government Business understands the sentiments and frustrations of hon. Ekwe Ethuro. The importance of the damming of River Omo is not just to the people of Turkana but to the people of Kenya at large. If we can have the Ministerial Statement issued tomorrow morning, so much the better but, certainly, not later than tomorrow afternoon.

INSECURITY IN UASIN GISHU AND TRANS NZOIA COUNTIES

Mr. Kutuny: On a point of order, Mr. Deputy Speaker, Sir. On Tuesday last week, I requested for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security over the deteriorating security situation in Uasin Gishu and Trans Nzoia Counties. There are attacks which were done in several hotels in Uasin Gishu County. I requested the Minister to give the number of people who have been killed in those two counties. The Minister undertook to issue the Ministerial Statement today but up to now, there is no communication. So, I seek your indulgence.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, I would like to ask your indulgence, so that I look into that matter and ensure that the Statement is delivered on Thursday.

Mr. Kutuny: Mr. Deputy Speaker, Sir, the Assistant Minister told me sometime back that he had communicated to you over the same, to the effect that he was to give that Statement tomorrow in the morning. I was waiting to hear from you on this matter.

Mr. Deputy Speaker: If he did, then the Minister should give an undertaking to give that statement on Wednesday morning, which is tomorrow, 2nd March, 2011. That is fair enough. The Chair has acquainted himself with the HANSARD to verify that, nevertheless trust is very important. All hon. Members are trusted.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, the hon. Member has said that that he has spoken with my Assistant Minister, who told him that the Statement would be issued tomorrow. Let me say that I have not been in touch with my Assistant Minister the whole of this morning and up to now. However, if he said so, I have no doubt at all that he will, indeed, bring statement tomorrow.

Mr. Deputy Speaker: Next Order!

COMMUNICATION FROM THE CHAIR

DEFERMENT OF THE VETERINARY SURGEONS AND PARA-PROFESSIONALS BILL AND THE TOURISM BILL

Mr. Deputy Speaker: Order, hon Members! The amendments to the first Bill came late and could not be processed. So, The Veterinary Surgeons and Para-Professionals Bill is deferred. The amendments to the next Bill, The Tourism Bill, are also not ready. Consequently, it is also deferred.

(Bills deferred)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, there being no other business to transact, the House stands adjourned until tomorrow, 2nd of March, 2011 at 9.00 a.m.

The House rose at 6.13 p.m.