

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 20<sup>th</sup> June, 2012

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### SUBMISSION OF DETAILS ON KQ RIGHTS ISSUE

**(Mr. M’Mithiaru)** to ask the Minister for Finance:

(a) What is the Government’s stake in the just concluded Kenya Airways Rights Issue and who were the transaction advisors or sponsoring stockbrokers?

(b) Is the submission of Provisional Allotment Letter (PAL) in a public placement like Kenya Airways Rights issue a separate service from the advisory services provided by Transactions advisors?

(c) What is the procedure of selecting stockbrokers for the submission of the Provisional Allotment Letter, and does the Provisional Allotment Letter service attract a commission, and if so, how much will be paid to the submitting stockbroker(s)?

**The Temporary Deputy Speaker** (Mr. Ethuro): Member for Igembe North!

#### NON-PAYMENT OF COPYRIGHT COMPENSATION CLAIMS TO ENOCK ONDEGO BY KBC

**(Dr. Khalwale)** to ask the Minister for Information and Communications:

(a) Is the Minister aware that Mr. Enock Ondego, alias Mr. Hassan Rashid, aged 82, a freedom fighter from Kisauni, Mombasa County, is in urgent need of medical care, which he cannot afford due to failure by Kenya Broadcasting Corporation to pay him compensation claims for copyright violation?

(b) Is the Minister also aware that the freedom fighter, who sang many freedom and patriotic songs including “*Kenya Yetu and Kenya ni ya Ajabu*,” has lost his eyesight?

(c) When will he be paid his dues?

**The Temporary Deputy Speaker** (Mr. Ethuro): The Member for Ikolomani! We will revisit those Questions, hon. Members. Let us proceed to Ordinary Questions.

### ORAL ANSWERS TO QUESTIONS

*Question No.1604*

IRREGULAR ALLOCATION OF KMC LAND  
TO PRIVATE DEVELOPERS

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Duale is not in? Next Question by Mr. Affey.

*Question No.1296*

ISSUANCE OF ID CARDS TO YOUTHS IN  
WAJIR SOUTH CONSTITUENCY

**Mr. Affey** asked the Minister of State for Immigration and Registration of Persons:

(a) if he is aware that youths in Wajir South Constituency lack national ID cards;

(b) how many cards have been issued in the constituency since 2008, and if he could provide a per-administrative location list of recipients; and,

(c) what urgent measures he has taken to register residents of the constituency.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Minister of State for Immigration and Registration of Persons not here?

Next Question by hon. Yakub!

*Question No.1462*

DETAILS OF BOAT ACCIDENT IN LAMU

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Yakub not here?  
Next Question by the Member for Bura!

*Question No.1460*

MEASURES TO CURB DELAYS IN HEARING OF  
CRIMINAL APPEAL CASES IN NAIROBI

**The Temporary Deputy Speaker** (Mr. Ethuro): The Member for Bura not here?  
Next Question by the Member for Keiyo South!

*Question No.1504*

ISSUANCE OF TITLE DEEDS TO SCHOOLS  
BUILT IN FOREST LAND

**The Temporary Deputy Speaker** (Mr. Ethuro): The Member for Keiyo South not here?  
Next Question by the Member for Machakos Town.

*Question No.1489*

UPGRADING OF KONZA-KATUMANI-MACHAKOS ROAD

**The Temporary Deputy Speaker** (Mr. Ethuro): Member for Machakos Town not here?

Next Question, hon. Sirat!

*Question No.1304*

LACK OF MEDICAL PERSONNEL/FACILITIES IN  
WAJIR SOUTH CONSTITUENCY

**Mr. Sirat** asked the Minister for Medical Services:

(a) if he is aware that the two districts in Wajir South Constituency, covering over 23,000 square kilometres, have only one medical doctor and no GK ambulance or other GK motor vehicles; and

(b) when the Ministry will post more doctors and nurses to the two districts and provide an ambulance and other vehicles to the district.

**The Temporary Deputy Speaker** (Mr. Ethuro): Is the Minister in? He is not yet present!  
Next Question, Mr. I. Muoki.

*Question No.1410*

TARMACKING OF ROADS IN KITUI COUNTY

**The Temporary Deputy Speaker** (Mr. Ethuro): Member for Kitui South not here?  
Next Question, hon. Shakeel.

*Question No.1452*

NON-COMPLIANCE WITH GOVERNMENT  
AIR TRAVEL DIRECTIVE

**The Temporary Deputy Speaker** (Mr. Ethuro): Member for Kisumu Town East not here?

Next Question, Dr. Kones.

*Question No.1445*

ALLOCATION OF MONEY BY CDF BOARD  
WITHOUT PARLIAMENTARY APPROVAL

**The Temporary Deputy Speaker** (Mr. Ethuro): Member for Konoin! He is not in yet.  
Hon. Members, we will do the second round now and if an Member is not present, his Questions will be dropped.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have called out many Questions and hon. Members are not here. You are aware that many times fire has been thrown on the side of Government. Is it not right that at this juncture, you caution hon. Members to be in the House to ask Questions?

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that hon. Members are not here, yet I have asked a Question? The Cabinet has not been able to answer this same Question in the last several weeks. Is he in order to mislead the House that there is failure on the part of hon. Members to ask Questions?

**The Temporary Deputy Speaker** (Mr. Ethuro): I think both of you are right. Most hon. Members are actually absent. Two hon. Members have asked their Questions, but Ministers are absent. Hon. Musila, it becomes a bit difficult to caution the Back Bench when the Front Bench Members have not demonstrated their availability either to deal with the Questions that have been asked.

Let us do the second round.

### QUESTIONS BY PRIVATE NOTICE

**The Temporary Deputy Speaker** (Mr. Ethuro): Of course, I will drop the first Question by Private Notice by the hon. Member for Igembe North.

#### SUBMISSION OF DETAILS ON KQ RIGHTS ISSUE

**(Mr. M'Mithiaru)** to ask the Minister for Finance:

(a) What is the Government's stake in the just concluded Kenya Airways Rights Issue and who were the transaction advisors or sponsoring stockbrokers?

(b) Is the submission of a Provisional Allotment Letter (PAL) in a public placement like Kenya Airways Rights issue a separate service from the advisory services provided by Transactions advisors?

(c) What is the procedure of selecting stockbrokers for the submission of the Provisional Allotment Letter and does the Provisional Allotment Letter service attract a commission, and if so, how much will be paid to the submitting stockbroker(s)?

**The Temporary Deputy Speaker** (Mr. Ethuro): Member for Igembe North! Question dropped.

*(Question dropped)*

#### NON-PAYMENT OF COPYRIGHT COMPENSATION CLAIMS TO ENOCK ONDEGO BY KBC

**(Dr. Khalwale)** to ask the Minister for Information and Communications:

(a) Is the Minister aware that Mr. Enock Ondego, alias Mr. Hassan Rashid, aged 82, a freedom fighter from Kisauni, Mombasa County, is in urgent need of

medical care which he cannot afford due to failure by the Kenya Broadcasting Corporation to pay him compensation claims for copyright violation?

(b) Is the Minister also aware that the freedom fighter, who sang many freedom and patriotic songs including “*Kenya Yetu and Kenya ni ya Ajabu*,” has lost his eyesight?

(c) When will he be paid his dues?

**The Temporary Deputy Speaker** (Mr. Ethuro): The Member for Ikolomani! The Question is dropped.

What is it, hon. Assistant Minister?

**The Assistant Minister for Trade** (Mr. Ogari): Mr. Temporary Deputy Speaker, Sir, this Question came up yesterday and, as a Ministry, we were unable to answer it. I want to take this early opportunity to apologize to the House that we were unable to answer it yesterday. It is just for record purposes that we were not here yesterday.

**The Temporary Deputy Speaker** (Mr. Ethuro): That is proper. He is registering his apologies for their failure yesterday. Of course, the Question has been dropped.

*(Question dropped)*

## ORAL ANSWERS TO QUESTIONS

*Question No.1604*

### IRREGULAR ALLOCATION OF KMC LAND TO PRIVATE DEVELOPERS

**Mr. Duale** asked the Minister for Lands:

(a) if he is aware that a huge acreage of land and properties that are owned by the Kenya Meat Commission (KMC) has been irregularly allocated to private developers across the country;

(b) if he could provide a list of all the land parcels and properties owned by KMC, indicating the land reference numbers, their locations and status of ownership; and,

(c) what action the Ministry has taken to safeguard properties owned by KMC.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Duale! You must apologize. This is the second time!

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I apologize. You know that I am very obedient, particularly to you.

**The Assistant Minister for Lands** (Mr. Rai): Mr. Temporary Deputy Speaker, Sir, I wish to seek the indulgence of the House to get some more time because I am trying to liaise with the Ministry of Livestock and Fisheries Development to get the correct information sought by the Questioner. If I am given time to answer this Question next week, I will be very grateful.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I want to go on record in the HANSARD that this Question is of national importance. It involves public land grabbed by private individuals and some people in the Government. The Minister was asked to bring names of individuals and explain an allegation by the Minister for Lands that Members of Parliament in

this House are involved. The answer that he gave me is the same one I have. I have no problem with the Question being deferred. However, I want the Ministry to be candid and honest to the nation and give the names of people who were involved in these land transactions.

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I was present when this Question was discussed two weeks ago. The blanket condemnation by the Minister of Members of Parliament is--- He kept on saying that the parcels of land were allocated to Members of Parliament from Coast Province, Kamba Members of Parliament and so on. That blanket condemnation will remain hanging on the Members of Parliament who come from the regions mentioned. I think withholding the answer for too long will be like perpetuating a blanket condemnation of Members of Parliament, who are dignified members of this House. That is the more reason why this Question should be prosecuted more urgently for the nation to know who were involved.

**The Temporary Deputy Speaker (Mr. Ethuro):** That should be the point. It is a matter of the time it has taken the Assistant Minister to bring the answer.

*(Several hon. Members stood up in their places)*

Order, Members! This Question is not really on the Floor. So, we cannot spend a lot of time on it.

**The Assistant Minister for Lands (Mr. Rai):** Mr. Temporary Deputy Speaker, Sir, since the Question is very important and I wish to actually seek for more time so that I can unravel all those land allocations which were given to individuals so that at least hon. Members can get the names to clear the air.

**The Temporary Deputy Speaker (Mr. Ethuro):** Mr. Rai, are you asking for next week?

**The Assistant Minister for Lands (Mr. Rai):** Mr. Temporary Deputy Speaker, Sir, if you give me time up to Wednesday next week, I will really appreciate.

**The Temporary Deputy Speaker (Mr. Ethuro):** Let me give you up to Tuesday because this matter should be in your possession.

**The Assistant Minister for Lands (Mr. Rai):** Mr. Temporary Deputy Speaker, Sir, I will give it my best. Thank you very much.

*(Question deferred)*

**The Temporary Deputy Speaker (Mr. Ethuro):** Next Question by hon. Affey!

*Question No.1296*

ISSUANCE OF ID CARDS TO YOUTH  
IN WAJIR SOUTH CONSTITUENCY

**Mr. Affey** asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that youth in Wajir South Constituency lack National ID cards;

(b) how many cards have been issued in the constituency since 2008 and whether he could provide a per-administrative location list of recipients; and,

(c) what urgent measures he has taken to register residents of the constituency.

**The Temporary Deputy Speaker** (Mr. Ethuro): Is the Minister of State for Immigration and Registration of Persons not here? Hon. Musila, I think you seem to have taken the leadership. Can you account for the absence of the Minister?

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, the Minister is not in. Yes, I agree. I apologise and I request that this Question be deferred to next week.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! For the benefit of the Chair, who is holding brief for the Leader of Government Business on the Front Bench? Somebody should be looking for the Ministers! It is not enough just to postpone the Question as hon. Musila has done!

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I will take the responsibility in the spirit of collective responsibility to get the Minister to respond to this Question next week. I give that undertaking.

**The Temporary Deputy Speaker** (Mr. Ethuro): On which day next week?

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, Tuesday will be fine.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, for the last three months, this Question has appeared on the Order Paper and if you look at it, you will agree with me that it is a matter that is so important for the youth of this country and, in particular, the youth of Wajir County. I do not intend to anticipate debate but knowing the calendar of the House and what we could be hearing, I think Tuesday next week will be too far. Could you ask the Minister to answer this Question tomorrow? I already have a written answer. Tomorrow will be okay.

**The Temporary Deputy Speaker** (Mr. Ethuro): I agree with the hon. Member. This is a Question of importance. I order that it appears on the Order Paper on Thursday and that the Minister needs to come and apologise to the House before Thursday. Those are the instructions, hon. Musila.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, I undertake to look for the Minister today to make sure that he comes tomorrow.

**Mr. Mwangi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While I accept your guidance, this Question has been repeatedly asked in this House. So, when the Minister comes to respond to this Question, could he cover the entire country because it is not only in that constituency? Every time the Minister comes, he just answers one bit of the Question. Could you prepare him to cover the entire country with regard to the issue of identity cards?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Muturi! While the Chair is sympathetic to your request, you know the rules of the House. What is before the Minister is a Question about Wajir South Constituency and if you want the Minister to extend, you can either ask through a supplementary question or you seek your own Question.

*(Question deferred)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Question by hon. Yakub!

*Question No.1462*

DETAILS OF BOAT ACCIDENT IN LAMU

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Yakub not here! His Question is dropped.

*(Question dropped)*

*Question No.1460*

MEASURES TO CURB DELAYS IN HEARING OF  
CRIMINAL APPEAL CASES IN NAIROBI

**Dr. Nuh** asked the Minister for Justice, National Cohesion and Constitutional Affairs:-

(a) whether he could provide a list of all criminal appeal cases currently pending before Kenyan appellate courts up to and including the year 2012, indicating the respective years the appeals were filed;

(b) what the average time a criminal appeal takes to be heard and determined after filing in the Kenyan justice system is; and,

(c) whether he could confirm that only one judge is assigned to hear criminal appeals in Nairobi, hence precipitating the delays and, if so, what the Ministry is doing to remedy the situation.

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

(a)The criminal appeal cases pending before the Kenyan appellate courts are as per the attached list. However, the details of the parties and the dates of the filing of the criminal appeals before the High Court are not currently available due to the manual filing system of recording in the Judiciary. This challenge is being addressed through the reforms being undertaken in the Judiciary.

(b) It is currently not possible to track the life cycle of a case in the Judiciary due to the manual system and processes in the Judiciary.

(c)There are four judges of the High Court assigned to the Criminal Division which hears criminal appeals.

**Dr. Nuh:** Mr. Temporary Deputy Speaker, Sir, I do not know whether part “c” of the Question has been satisfactorily answered by the Assistant Minister because the records he has given me on the number of criminal appeal cases pending before the appellate courts in this country are 2,400 cases and this is excluding the appeals to the High Court from the lower courts which are currently standing at 9,000. Since I specifically asked about Nairobi, there are currently close to 770 cases of appeals pending in the appellate courts and with only four judges assigned to such duties, is it not a denial of justice because justice delayed is justice denied and many Kenyans have been relegated to prisons since 1988, 1991 and 1992 and their appeals are to date pending before the appellate courts and not even a date for hearing has been given?

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, what has been said by my colleague is indeed true. This House, on 29<sup>th</sup> of May, was able to pass the Judicature Amendment Bill which has already been assented to by His Excellency the President in which case, we will be able to increase the number of judges from 70 currently to 150 and those in the Court of



Appeal from 14 to 30. On when this will be done, I am aware that as we are talking now, the Judicial Service Commission is beginning to advertise for these positions. This then will really be a solution to this problem so that we have enough judges now to deal with these criminal appeals. It is indeed true that there are some cases which have been outstanding for a very long time. It is not fair to our Kenyan people and I believe with this move now, we are going to have a solution to this challenge.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, I think this country has enacted a new Constitution and we have a reformed Judiciary under the leadership of hon. Willy Mutunga who I have a lot of respect for. However, I want to point out a case in Mombasa where since 1980 there are 220 pending appeal cases. Justice delayed is justice denied.

Could the Assistant Minister categorically say when these 220 cases pending at the Court of Appeal in Mombasa since 1980 will be heard and determined in favour of the Kenyan people? Justice must be delivered. It is not the old story. We want implementation.

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, it is not just Mombasa. It is really from all our courts. I may not be able to give a specific date or time when this will be done but I can assure the House and the nation at large that this is an issue that we are taking very seriously because indeed, as he says, justice delayed is justice denied.

We are not going to rest until we ensure that this is done. The Judiciary has already advertised, inviting all Kenyans who have their cases pending in court to come forward and tell the Judiciary, so that we can track those cases. So, the reforms that are currently going on in the Judiciary will surely deal with this problem once and for all, so that Kenyans can access justice for the benefit of their lives.

Thank you.

**Mr. Chepkitony:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister said that he cannot give a timeline. If the Judiciary is really serious, and that they are undergoing reforms, they should be able to give timelines on what to expect. A lack of timelines shows that there are no reforms taking place. If there are reforms taking place, we should have timelines indicating when we should expect what reforms to have taken place. So, he should tell us what timelines he has for all the reforms.

**The Temporary Deputy Speaker** (Mr. Ethuro): Assistant Minister, when you talk of reforms that are taking place and, again, say that you cannot give a specific date or even give an indication of timelines, one wonders what reforms you are engaged in. So, indicating the timelines will help this House.

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, we have the *Judiciary Transformation Framework (JTF)*, which is meant to take four years to implement. I have the document here, which was circulated to Members of Parliament while we were in Mombasa. This will be done within a period of three years. So, we will be able to completely undertake the reforms within this period. Of course, this will be done on piecemeal basis and in a progressive manner. So, this will ultimately be done within a span of two to three years, as per the JTF. While we were in Mombasa, the Chief Justice himself gave a copy of this document to every Member of Parliament who was present.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, of course, the Judiciary is an important arm of the Government. We have faith in the leadership of the Chief Justice in running the affairs of the Judiciary, but it is strange that the Assistant Minister can still tell the country that they still use a manual filing system. At what stage is the Judiciary going to computerise its systems, so that when anybody in this country wants to establish the flow of his case, he can do so at the

touch of a button? At what stage are they going to computerise their systems, so that it becomes easier for Kenyans to follow their cases?

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, indeed, part of the reforms being undertaken under the JTF is computerisation of our registries, so that litigants can track their cases online. The Judiciary has been allocated Kshs15.7 billion in the 2012/2013 Budget. Part of that Budget is supposed to enable the Judiciary to computerise the entire court system. So, this will be done in the 2012/2013 financial year. Computerisation of the court system is very important in the reforms we are undertaking.

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question, Dr. Nuh.

**Dr. Nuh:** Mr. Temporary Deputy Speaker, Sir, it is good that the Assistant Minister has at least acknowledged the delay in justice that has now resulted in a bit of denial for Kenyans. Part of the reason as to why I raised this Question was because the Government seemed responsible and unaware of the enabling legislation that was lacking to allow the Judiciary to employ more judges to be able to dispose of the justice system that has been cobbled over the years.

Mr. Temporary Deputy Speaker, Sir, the Judicature Bill was published on 2<sup>nd</sup> December, 2011. It was read the first time on 20<sup>th</sup> December, 2011 but since then, the Government went to sleep. At least, they knew that if this legislation was passed by this House, it would have enabled the Judiciary to hire more judges and by now, they would have cleared most of the pending cases. I filed this Question in about March. When we questioned the urgency with which Ministers answer Questions in this House, the Minister woke up and introduced the Judicature Bill for the Second Reading on 19<sup>th</sup> May, 2012 and within 10 days, this House disposed of the Bill. I am informed that His Excellency the President actually signed the Bill into an Act last Friday.

The final question I would like to ask the Assistant Minister is when the Judicial Service Commission (JSC) is likely to advertise the impending positions of judges to be hired to dispose of the backlog of cases in order for Kenyans to get justice swiftly.

**Mr. Cheptumo:** Mr. Temporary Deputy Speaker, Sir, yesterday, I was with the Attorney-General here. I raised this issue with him, and he confirmed to me that the positions will be advertised from next week. Therefore, in the course of this month, we are going to roll out the advertisements. We were waiting for the President to assent to the Judicature Bill into law, which he did on Friday. So, beginning next week, we will roll out the advertisements. I would like to call upon qualified Kenyans to apply for the jobs, so that we can have an adequate number of judges to help this country in ensuring that Kenyans access justice.

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Question, Member for Keiyo South.

**Mr. Kiptanui:** Mr. Temporary Deputy Speaker, Sir, I wish to apologise for coming late.

*Question No.1504*

ISSUANCE OF TITLE DEEDS TO SCHOOLS  
BUILT IN FOREST LAND

**Mr. Kiptanui** asked the Minister for Forestry and Wildlife:-

(a) whether he is aware that there are many schools and other public institutions in Keiyo South within forest land; and,

(b) what steps he is taking to ensure that these institutions are issued with title deeds since they were allocated the said land by the Government.

**The Assistant Minister for Wildlife and Forestry** (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that in Keiyo South Constituency, there are a total of 21 primary schools, seven secondary schools and polytechnics, 15 churches, dispensaries and various Government offices on forest land.

(b) My Ministry is not taking any steps to ensure that the institutions in the forest are issued with title deeds because the forest land in question is a State forest that is gazetted and reserved for the conservation and management of forests under the Forest Act.

Currently, forests in the country cover only 5.6 per cent of the land surface area, which is below the constitutional requirement of 10 per cent forest cover. In addition, most of these forests are not categorised as State forests and, therefore, are not well protected.

Under the prevailing conditions of low forest cover, excessive pressure to convert forest land into other usages, direct degradation of forests through poaching, and global concerns on mitigation of climate change through carbon de-concentration; the Ministry of Wildlife and Forestry will only prioritize and support activities that will result in an increase of the forest cover in the country.

Therefore, the forest land in question is not available for de-gazetment or excision for other uses, unless Parliament instructs so. However, in order to resolve the situation of the institutions already located in that forest and other State forests throughout the country, the Kenya Forest Service (KFS), which is mandated to manage and conserve forests, has developed policy guidelines on facilities in State forest reserves.

Under the Act, these facilities are required to be issued with special user licences to operate within the forest reserves. The KFS has initiated the process of issuance of the special user licences and several institutions have already been licensed. The guidelines require that all public facilities in the forests, which include schools, colleges, churches, hospitals, Provincial Administration offices, Nyayo Tea Zones, Kenya Wildlife Service camps, Kenya Forest Research Institute (KEFRI) offices, police stations, among others; pay land rent specified in the Forest Service General Orders.

In addition, non-public institutions and facilities such as hospitals, schools and colleges within the forest should pay an annual operational fee of Kshs50,000, Kshs100,000 and Kshs200,000, respectively. Thank you.

**Mr. Kiptanui:** Mr. Temporary Deputy Speaker, Sir, this Question was directed to the Ministry of Education last week. In answering it last week, the Minister for Education did indicate that these schools which are over 20 are registered by the Government. He said before they are registered, they are normally required to give some proof of ownership. Since these schools were registered long time ago, and now that they have allotment letters which were given many years ago, could they use the same allotment letters to apply for title deeds?

**Mr. Nanok:** Mr. Temporary Deputy Speaker, Sir, I think I was very clear in my answer that this is still gazetted forest. Instead of reducing the amount of land that is under gazetted forest, we should aim to maintain it. However, one thing that my Ministry has done through the Kenya Forest Service is to issue special licences for these institutions to continue operating. That is how we will handle this case so far.

**Mr. Gaichuhie:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to ask the Assistant Minister what he has done to make sure that people do not encroach on forest

land because most people who have *shambas* next to the forest are actually tilling Government forest land. What urgent measures has the Assistant Minister taken to curtail that?

**Mr. Nanok:** Excuse me, Mr. Temporary Deputy Speaker, Sir. I did not hear that question properly. Could it be repeated?

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, I am asking what urgent measures the Assistant Minister has taken to make sure that people who have land next to the forest do not encroach the forest. This is because in most cases, you will find people who have *shambas* next to the forest till inside the forest and later on claim that to be part of their *shamba*.

**Mr. Nanok:** Mr. Temporary Deputy Speaker, Sir, we are making a number of efforts through the Kenya Forest Service to make sure that we have secured gazetted public forest land everywhere.

One of the things that my Ministry has done is to form the forest conservation committees that also involve communities that live around forests so that they can take care of those forests. Secondly, there are certain forests which we have already mapped out and fenced off with clear markings. Thirdly, we have intensified patrols although the number of forest rangers is inadequate. You can imagine one forest ranger overseeing 700 hectares of forest. They are still inadequate but we hope that in the Budget that will be debated in this House in the coming financial year, sufficient resources will be approved by this House so that we can enhance the capacity of the Kenya Forest Service to be able to police the forest.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! This is a Question about schools in forest land. So, we are not discussing forests. So, I will not entertain questions on forests.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, this country is really encouraging public private partnership in education. The Assistant Minister has just said that they are coming up with special licences to be issued to these schools and yet we know that many of these private partners are reluctant to give in money where they are not very sure that they have title deeds or a permanent licence. Could the Assistant Minister confirm that the licences they are talking about will be long-lasting so that the partners can come in and help in education? For example, I will not give CDF if I am sure that the title deed or letter of allotment will be revoked.

**Mr. Nanok:** Mr. Temporary Deputy Speaker, Sir, indeed, the licences will be renewable annually but institutions can be able to acquire licences that last for more than one year.

**Mr. Chepkitony:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. This issue is also touching on my constituency because I have several schools. Some of the schools were built on forest land in the 1950s and they were not excised officially. Since these schools and hospitals have been there for many years and the forest cover in my constituency is over 20 per cent, which means that we are safe. Could the Ministry as one of the benefits to the communities living around forests, waive these charges which are under the special licence? Could the Ministry waive them so that communities can benefit on the utilization of this land because they have been benefitting since Independence? Could they waive these charges by the Kenya Forest Service because these charges are illegal? The charges are in the Act. Could the Ministry waive the charges because these are non-profit making institutions?

**Mr. Nanok:** Mr. Temporary Deputy Speaker, Sir, I take note that public institutions were established in forests way back before the Forest Act was put in place in 2005. I would have hoped that hon. Members who are in this House when they were enacting that law should have taken that matter into consideration. I believe the hon. Member was a Member of Parliament at that particular time. I think this is an issue we can revisit for special consideration if they write to

us through the Forest Zonal Officer a strong appeal from the community. I think this is an issue which the Board of Kenya Forest Service can re-look at and give advice on whether they can be able to give a waiver.

**Mr. Mwangi:** Mr. Temporary Deputy Speaker, Sir, if you listened to the Assistant Minister in the first instance when he answered the Question, you will find that one, the schools are registered under Cap.211 of the Education Act. The hon. Member who asked the Question said they are registered. They would not have been registered as schools unless they had a piece of land to their ownership.

The other aspect that the Assistant Minister has not considered is that education is a right to our children. How can he declare that the schools are illegally constructed on that particular land when they are registered under Cap.211 of the Education Act? Could the Assistant Minister consider the right of the child and re-allocate the school if they find that the forest would have remained under their Ministry? However, they cannot deny the right of the child to have education while the school is registered under the Education Act. Could the Assistant Minister consider rather than giving a certificate---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! You have made your point.

**Mr. Nanok:** Mr. Temporary Deputy Speaker, Sir, I can attest here that no public institution that is within gazetted forest has been closed down because of limitations of the law. I think we do understand that there have been various Acts of Parliament that this House has passed, for example, the Education Act. The Forest Act was also passed in this House.

However, as we move along, we should be able to see where we have conflicts in the laws we have established so that we can harmonize them.

After reviewing the law that established the gazetted forest, we have seen this is still gazetted forest that is managed by the Kenya Forest Service. The best we have done through the same service is to create an enabling way for these institutions to continue operating without closing down.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Kiptanui:** Mr. Temporary Deputy Speaker, Sir, I wish to thank the Assistant Minister for having answered this Question. In answering one of the Questions by Members of Parliament, he said that once we write some letters to the Minister he should be able to review the rates or even waive them. I think that will be good for all institutions within forest land in this country. My point is that when this policy was being made, I do not know whether there were any consultations between the Ministry and the stakeholders. Could the Assistant Minister tell us what informed his Ministry when it came up with these punitive guidelines? If you want to farm in my constituency, an acre is going for Kshs3,000 to Kshs4,000 but the Ministry wants to levy Kshs10,000 per acre per institution. What informed the Ministry?

**Mr. Nanok:** Mr. Temporary Deputy Speaker, Sir, the response to the question that has been asked is basically that the regulations that are provided for under the Forest Act empower the Kenya Forest Board to establish regulations on how to operationalize some of the sections of that particular Act. This particular Act, and the regulations, also went through a series of stakeholder meetings and information sharing before it came to this House. I want to state clearly that what I had said is that the appeal should come through the Zonal Forest Officer and then we will have the Kenya Forest Board look at it and give way forward and what they can do in those special cases. If we say that we will give a waiver to all the public institutions that are inside forests--- I think it will be difficult for me to give that undertaking now. Let us treat every case

on its merits and justification that is going to be provided by the *wananchi* on the ground. This will be evaluated by the Kenya Forest Service (KFS); we can re-look into this.

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Question by the Member for Machakos Town.

*Question No.1489*

UPGRADING OF KONZA–KATUMANI– MACHAKOS ROAD

**Dr. Munyaka:** Mr. Temporary Deputy Speaker, Sir, I also apologize for missing the first round of Questions.

**Dr. Munyaka** asked the Minister for Roads when the Government will upgrade the road extending from the Konza–Mombasa Road junction to Katumani to bitumen standard.

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

The Government appreciates the upgrading of the Konza–Mombasa Road junction to Katumani Road (D522). This is in view of the new Konza City development and the expanding Machakos Town. However, we have no funds in the current financial year but we will prioritize it in the next financial year, also bearing in mind that these new developments have come in the last one year.

Thank you Mr. Temporary Deputy Speaker, Sir.

**Dr. Munyaka:** I want to thank the Assistant Minister for promising that this road will be done in the next financial year, bearing in mind that Konza ICT City is a very important city; since Machakos Town and the ICT city are both in my constituency, the link will be very important for the growth of the two towns. I also want to thank the Assistant Minister for completing River Mwanja Bridge, which was constructed after I asked a Question around three years ago.

Thank you very much. Can I ask the Assistant Minister whether in the meantime he can do the design works, so that we can be assured that the Government will undertake the project in next financial year?

**Mr. Kinyanjui:** Yes, indeed, Mr. Temporary Deputy Speaker, Sir, we have a kitty for design and I will ensure that this particular road is actually designed as we look for funds.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Member is happy. He has thanked the Assistant Minister. Let us proceed, there are no issues here. Next Question.

**Dr. Munyaka:** Okay, the last question---

**The Temporary Deputy Speaker** (Mr. Ethuro): I have just called out the next Question and not the last question.

**Dr. Munyaka:** I have a last question.

**The Temporary Deputy Speaker** (Mr. Ethuro): The Assistant Minister has answered all your questions in the affirmative, so, let us proceed.

Next Question.

*Question No.1304*

LACK OF MEDICAL PERSONNEL/FACILITIES  
IN WAJIR SOUTH CONSTITUENCY

**Mr. Sirat** asked the Minister for Medical Services:-

(a) whether he is aware that the two districts in Wajir South Constituency, covering over 23,000 square kilometres, have only one medical doctor and no GK ambulance or other GK motor vehicles; and,

(b) when the Ministry will post more doctors and nurses to the two districts and provide an ambulance and other vehicles to the district.

**The Assistant Minister for Medical Services** (Mr. Kambi): Mr. Temporary Deputy Speaker, Sir, I do apologize for coming to this House late. This morning, I was going through the answer; so, it delayed me. I am sorry for coming late.

Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there is only one medical doctor in the Wajir South Constituency, and that there are no utility vehicle for the health sector in the constituency. However, there is a new GK ambulance in the constituency. The Ministry of Medical Services is responsible for staffing hospitals. The only hospital in Wajir South Constituency, namely Habaswein District Hospital, at present offers limited services as the functional facilities are few. For the available range of services, the hospital is not disadvantaged compared to other hospitals in the country, all of which suffer staff shortages. However, the Ministry is in the process of expanding the hospital with support from Danish Government and more doctors and nurses will be deployed to the hospital as soon as the new facilities are completed. Some of the facilities coming up include a theatre, a maternity ward and a twin-general ward. As already observed, an ambulance is now available in the constituency.

(b) As regard utility vehicles, the Ministry has for a number of years not had a budget for this category of vehicles. In the last three financial years, the Treasury has only been allocating the Ministry funds for procurement of a few ambulances. We have, therefore, not been able to procure utility vehicles for our hospitals in this period. However, the needs of the various hospitals are known and Habaswein District Hospital will be considered for allocation of a utility vehicle along with other needy hospitals when funds will be made available.

**Mr. Sirat:** Mr. Temporary Deputy Speaker, Sir, we have one district hospital and three sub-district hospitals, and they are entitled to have doctors as well. The Rajabulla Sub-district Hospital, Abakore Sub-district Hospital and Lehellei Sub-district Hospital do not have doctors, neither do they have clinical officers. Why do we not have doctors and Registered Clinical Officers in those three sub-district hospitals?

Mr. Temporary Deputy Speaker, Sir, why do we not have Clinical Officers in the 15 health centres in the constituency? At the moment, there are no nurses and clinical officers in all the health centres. Why is that the case?

**Mr. Kazungu:** Mr. Temporary Deputy Speaker, Sir, if you look at this budget you will see that we were given a lot of money to recruit doctors, nurses and clinical officers. I think we will start the process and sooner rather than later we are going to post all these officers to these facilities, so as to minimize the misery and suffering of Kenyans.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, you can see the seriousness with which this Government is taking in developing the north. You are not serious at all and you have never been serious. I am not surprised with the answer that there is only one doctor in a constituency the size of three provinces combined. The Assistant Minister should know better.

**The Temporary Deputy Speaker** (Mr. Ethuro): It is question time, Mr. Affey.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, Habaswein District Hospital is on a highway that goes all the way to Mandera. Why has the Assistant Minister why he has not equipped this hospital with a laboratory, a kitchen and has morgue? The other day, we lost a non-local, who was a civil servant in Habaswein. It was difficult because we could not burry him there, and there was no way of preserving the body. It is, therefore, a shame that a hospital of that nature cannot have this basic facility. When are you going to have funding to provide this very basic facility in that very hospital?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, shortage of staff or doctors is not only a problem in this facility, but in all other facilities in the country. That is why we asked for more funds. I am happy to say that this House approved funds for the recruitment of doctors, clinical officers and nurses. As soon as we complete this process--

**The Temporary Deputy Speaker (Mr. Ethuro):** Order! You are repeating yourself. That was not the question. The question was about a kitchen and a morgue.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, he asked why there is only one doctor in that facility and I was responding to it. If it is about buying equipment for the kitchen, we will do so immediately. With regard to putting up a morgue in this facility, we will do so when funds are available in our budget.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, speaking from experience, the Assistant Minister will forgive me if I request him to take what I am saying with a degree of believe. One of the reasons why nurses and doctors do not find it easy to work in these places is because of the unique conditions there. Therefore, the answer does not lie in recruiting other doctors. The answer lies in his response to the following questions: When will he change the policy of admitting students at the Kenya Medical Training College (KMTC), so that students from these areas, that is, North Eastern, can be admitted with lower grades? These students will then be reposted to their homes because they have no problems working there.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, sometimes back I suggested to this House that we should come up with a policy of admitting students to the KMTC with low grades from these areas, so that upon completion of their study, they are posted to work there. The KMTC should recruit from each and every constituency so that once we get the trained staff it would be easier for them to work there. As a matter of policy, we will prepare a paper to the Cabinet so that recruitment is done from the constituency level.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to evade answering the question on the need of putting in place a policy and merely come here and cry like a Back- bencher that he is suggesting? He is the Assistant Minister! He is in the Government. Kenyans are dying. All he has to do is change the policy. When will he change the policy? Do not evade the question!

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I agree with the hon. Member that we need to change the policy. This will not only benefit his constituency, but the country at large.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, while thanking the Assistant Minister for that very elaborate answer, could he then indicate to this House an immediate course of action, considering the vastness of the region, the special efforts the Ministry is taking to make sure that this region has more nurses and clinical officers in order to address the plight and health of the people in this region?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, there are people from those regions who are training as doctors, nurses and clinical officers. In the recruitment exercise, we will



consider trained medical personnel from those regions, so that it would be easier for them to remain there.

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question!

**Mr. Sirat:** Mr. Temporary Deputy Speaker, Sir, you have cut short the hon. Members who had burning questions.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Sirat! I have not cut short any hon. Member.

**Mr. Sirat:** Mr. Temporary Deputy Speaker, Sir, I want the Assistant Minister to categorically assure the House that he will post a doctor, a clinical officer and a nurse in the three sub-district hospitals which are currently manned by only one nurse in each.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, once we do the recruitment, this will be a problem of the past. We will post the necessary officers to these facilities.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Sirat! Let me help you. Mr. Kambi, you are talking of a region that has not been receiving Government services. You should make a specific commitment to that particular place and not just generic.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, give me some time so that I can sit down with my officers. I want to assure the hon. Member that we are going to post some officers immediately.

**Mr. Duale:** Mr. Temporary Deputy Speaker, Sir, could he commit himself to go to Habaswein and see for himself how the situation is rather than telling us that he will sit with his officers in Nairobi?

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has finally created a window of hope that he will sit down with his officers at the Ministry and then provide the answer. Could you kindly allow that this Question be deferred so that we put pressure on the Government to ensure that we have a doctor and a nurse, at least, one each in these hospitals?

For your information, according to the statistics in Kenya, 325,000 patients lose their lives on pregnancy related cases. They die because of his inefficiency.

**The Temporary Deputy Speaker** (Mr. Ethuro): I will decline to do that. I think the Question has been answered, but the Assistant Minister can promise the House that he will visit this particular place, sit with your officers then come to the House with a comprehensive Statement.

**Mr. Sirat:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I will appreciate if, instead of the Assistant Minister waiting for recruitment, he can do a reshuffle and post at least two or three doctors in my constituency.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I do have a shortage of staff. However, as I said, I will sit down with my Director of Medical Services and see whether we can either post a doctor or a nurse there immediately. If we are going to take a doctor from Dr. Khalwale's hospital, I think he will be the first person to fight me. I am begging for some time so that this recruitment is processed so that we sort out this problem, once and for all. I am ready to go to Habaswein with the hon. Member and assess the situation there and then make a decision.

*Question No.1410*

TARMACKING OF ROADS IN KITUI COUNTY

**Mr. I. Muoki** asked the Minister for Roads:-

(a) whether he is aware that most roads in Kitui County, particularly Kibwezi-Mutomo-Kitui (B7) Road is impassable due to the heavy rains experienced in the county since the beginning of November 2011;

(b) the urgent measures he will take to ensure the damaged road is repaired; and,

(c) when the Kibwezi-Kitui-Mwingi-Maua-Isiolo Road will be tarmacked.

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

(a) I am aware that some sections of Kibwezi-Mutomo-Kitui, that is B7 have deteriorated as a result of heavy rainfall experienced during the month of November, 2011. The Minister personally visited this section of the road on 27<sup>th</sup> November, 2011 to assess the situation.

(b) As an emergency measure, my Ministry through the Kenya National Highways Authority (KeHNA) has awarded a contract for the maintenance of the road to M/s Continental Inn Company.

(c) The Government of Kenya approached the People's Republic of China for funding of the project and negotiations between the Government of Kenya and the EXIM Bank of the People's Republic of China for financing of the road project are currently ongoing. I am hopeful that the negotiations will be successful, thus leading to the signing of the finance agreement which will be followed by construction.

**Mr. I. Muoki:** Mr. Temporary Deputy Speaker, Sir, indeed, I confirm that the Minister, Mr. Bett, visited this area and it was good that when we went with him we got stuck because the road was very bad. The reason this road is so bad is because it has been neglected; it has not been tarmacked and the story has been that we are approaching donors. That was seven months ago. Have they not got a firm commitment so that he can tell me when this road will be tarmacked?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, as I have indicated, we are in negotiations with the EXIM Bank and we have already given them our commitment and all the documentation they required for the purpose of processing this particular request. They have not been able to get back to us but I want to assure the hon. Member that in the next month or so we should get a response through the Treasury.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister inform the House what steps the Ministry is taking to bring this road to motorable standards so as to ease communication in the area?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, as I have indicated, as we await the discussions between the governments of Kenya and China, we awarded a contract of Kshs20,491,000 to M/s Continental Inn Company. The scope of the work was bush clearing, culverts and drainage works, grading and gravelling and potholes repair. We expect that as we continue to pursue this particular financing from the Chinese Government, this money will be able to restore this road to motorable condition and ensure that communication and transport within this section of the road continues unhampered.

**Mr. I. Muoki:** Mr. Temporary Deputy Speaker, Sir, let me say that I am very disappointed with the Assistant Minister because he knows very well that the Kshs20 million he has given is only for a section of the road. This road is over 140 kilometers. If you maintain a road halfway, that road still remains impassable. So could the Assistant Minister look for more funds to do repair works for this road in the meantime as he looks for donor funding for

tarmacking? My Question was covering other roads in Kitui County. We have the road from Kitui to Tana River which is C96---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. I. Muoki! You have only one last question and I think you have asked it.

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, I appreciate the hon. Member's disappointment but I am also happy to note that he is in the Committee that also oversees transport and roads. Our request for more funding sometimes has not been very successful. Therefore, I hope he will be a voice in the Committee so that we can get more funding.

**Mr. I. Muoki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Indeed, I am in that committee and I am the Vice-Chairman but you will agree with me that the Ministry of Roads has been given a lot of money, next to the Ministry of Education. So, if he had his priorities right, he would have this road funded. So, the Assistant Minister is not in order to give that one as an excuse. He should give us the right answer.

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, I was only encouraging the hon. Member to continue doing the good job in the committee and also to probably tell him that if we were to tarmack all the roads in Kenya, it would cost close to a trillion. Therefore, even with the Kshs120 billion, we still cannot do all the roads. But in the meantime, I want to say that a section of this road and this is Kitui-Mwingi to Kandui and from Mwingi to Munguu has already been financed by the Government of Kenya under the Development Vote and this contract has been awarded to Synohydro Corporation for a total sum of Kshs1.938 billion and for a contract period of 24 months. This will also ensure that we have better roads within this section as we wait for that section to get proper financing.

*Question No.1452*

NON-COMPLIANCE WITH GOVERNMENT  
AIR TRAVEL DIRECTIVE

**Mr. Shakeel** asked the Minister of State for Public Service:-

(a) whether he was aware of the Government's directive that all public servants, including those working for parastatals, should travel Economy Class for flights less than two hours and, if so, why the directive is being defied by public officers; and,

(b) what measures he will take to ensure that the directive is fully complied with.

**The Assistant Minister, Ministry of State for Public Service** (Maj. Sugow): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware of the Government directive that all public servants including those working for parastatals should travel Economy Class for flights less than two hours. The directive is being implemented and excludes Ministers, Assistant Ministers and Permanent Secretaries. However, officers wishing to travel First Class or Business Class are required to personally pay for the upgrading of the ticket.

(b) All Accounting Officers and Chief Executive Officers have been instructed to ensure strict adherence to the directive by all officers accordingly.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, as much as I have heard the answer I want to inform the Assistant Minister that this is not the case on the ground. We have been

travelling and many times we find even people in parastatals travelling Business Class. Bearing in mind what the Assistant Minister has said and bearing in mind the financial situation and the economy that we are facing here, could the directive that excludes Ministers, Assistant Ministers and Permanent Secretaries now be reviewed to cover everybody? They should perhaps exclude the Minister but cover everybody else because hon. Members travel in Economy Class and many others have agreed to do so. Could this regulation be reviewed?

**Maj. Sugow:** Mr. Temporary Deputy Speaker, Sir, the Question by the hon. Member talked about two aspects. First, he raised concern that despite the circular or instructions given by the Government, there are officers who still travel Business Class. In my answer in part “a”, I indicated that members of staff who want to upgrade their tickets to business are allowed. However, if there are cases that are known where Accounting Officers or Chief Executive Officers are giving authority for people who have not been authorized by that circular to travel Business Class to do so, then action will be taken if we can get proof of that. There are normal accounting procedures that reveal this and necessary measures will be taken.

On the issue of austerity measures, I very much agree with the hon. Member and I believe we still have room, without necessarily resorting to saying that a Minister, Assistant Minister or Permanent Secretary should travel in Economy Class. I believe that we can still do something about the number of trips and reduce them to the bare minimum and address the issue of strengths of delegations that travel so that we put more effort in ensuring that we save more in these hard times.

**Mr. Shakeel:** The Assistant Minister was not very clear about Members of Parliament. From what I understand, Members of Parliament should be travelling in Economy Class. I want the Assistant Minister kindly to note that I am travelling to Mombasa tomorrow for a meeting which has been organized by the Ministry of Finance. The ticket I have been given is for Business Class. So, the directive is not being followed in the same way the directive on motor vehicles is not being followed. I am very willing to travel in Economy Class or even Third Class, as long as this country saves money.

To go in Business Class to Mombasa costs Kshs35,000 and in Economy Class Kshs12,000. Could the Assistant Minister give us assurance that his Ministry will now ensure that all Accounting Officers who have made these errors are surcharged accordingly?

**Maj. Sugow:** Mr. Temporary Deputy Speaker, Sir, it depends on what capacity the hon. Member is travelling for that workshop. If he is a Committee Member and particularly, if they are Members of the Chair’s Panel or Committee Chairs, I believe that they enjoy the same level of treatment as Assistant Ministers. Therefore, it is not a surprise that despite the fact that the circular states that, there are those Members of Parliament who are also entitled to that particular provision. However, I have taken the concerns raised by the Member of Parliament and we will revisit the measures that we have so far put in place and see how we can further save something for the taxpayer.

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Question by the hon. Dr. Julius Kones!

*Question No.1445*

ALLOCATION OF MONEY BY CDF BOARD  
WITHOUT PARLIAMENTARY APPROVAL

**The Temporary Deputy Speaker** (Mr. Ethuro): Dr. Kones not here? The Question is dropped.

*(Question dropped)*

*(Mr. Baya stood up in his place)*

What is it, hon. Baya?

**The Assistant Minister, Ministry of State for Immigration and Registration of Persons** (Mr. Baya): Mr. Temporary Deputy Speaker, Sir, I stand to seek your indulgence. I have an answer but the Question was asked when I was on my way. I seek your guidance, I would like to answer the Question, if you will allow.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, I have a copy of the HANSARD where the Deputy Speaker yesterday ruled that the Question must be answered today. The Chair gave the Minister the last chance that the Question should be answered today. Since the Assistant Minister has realized the seriousness of the matter, he has come to the House and we will grant him the opportunity to answer the Question.

Next Question by hon. Affey.

*Question No.1296*

#### ISSUANCE OF ID CARDS TO YOUTHS IN WAJIR SOUTH CONSTITUENCY

**Mr. Affey** asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that youths in Wajir South Constituency lack National ID cards;

(b) how many cards have been issued in the constituency since 2008 and whether he could provide a per-administrative location list of recipients; and,

(c) what urgent measures he has taken to register residents of the constituency.

**The Assistant Minister, Ministry of State for Immigration and Registration of Persons** (Mr. Baya): Mr. Temporary Deputy Speaker, Sir, first, I want to apologize to hon. Affey and the House at large for being unable to answer the Question yesterday and coming late today.

I now beg to answer:-

(a) I am aware that there are many youths across the country, including Wajir South that have not yet registered for identity cards.

(b) The number of identity cards issued to Wajir South Constituency as per registration records from 2008 to 16<sup>th</sup> of May, this year are as follows:

Diff Division in 2008 registered 410, in Habaswein we registered 930, Sabuli we registered, 1470 and total for that year was 2810. In 2009, we registered 345 for Diff, 738 for Habaswein and 632 for Sabuli, total 1715. In 2010, we registered 96 for Diff, 387 for Habaswein and 372 for Sabuli, total 855. In 2011, we registered 236 for Diff, 1060 for Habaswein and 591 for Sabuli, giving us a total of 1887. This year, we have registered 688 for Diff, 182 for Habaswein and 142 for Sabuli, giving us a total of 1012. In all these years, from 2008 to date we have registered 8279.

(c) The urgent measures the Ministry has taken to register residents of the constituency are as follows:-

(i) The Ministry has issued Kshs4.2 million in the current financial year to both District Registrar of Persons in Wajir South and Habaswein to enable them conduct mobile registration programmes in their respective districts.

(ii) We have also posted a new Registrar to Wajir South after the previous one was kidnapped by *Al Shabaab* militia in January this year.

(iii) We have also issued sufficient registration materials to all Registrars in the country, including the area in question.

(iv) The Ministry has waived registration fees to all applicants seeking fresh registration.

(v) Lastly, the Ministry is collaborating with the Ministry of State for Provincial Administration and Internal Security to distribute processed cards and to publicize the need for applicants to register in large numbers. We have also opened additional District Registry in Wajir South at Leheley Town.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, when we complain about marginalization, there is always thinking that we are exaggerating the extent of marginalization.

Mr. Temporary Deputy Speaker, Sir, how is it possible for the Government to register in a constituency as expansive as Wajir South for a whole year only 800 Kenyans? If you divide 12 months by that number, it is less than 50 people in a whole month, yet the youth of that constituency and Wajir County continue to mature every other day.

In five months of 2012, you have registered less than 200 Kenyans in Wajir South Constituency. According to your records, you said you have issued 200 identity cards. How many were registered, because there is a difference between registration and issuance? How many were registered so that we know the extent of the gap? Are you telling us it is the 1000 you registered and all were issued with IDs? Do you have evidence to show the number registered *vis-a-vis* the number issued because this is the point of displeasure that we have?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, the figures we have here are figures of those who were not only registered but were issued with the cards. This year as I have read there, we have registered a total of 1012.

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. But just so that the Assistant Minister can understand my question and I want the Chair to help him understand it, you, as a pastoralist, knows that there is a difference between registration and---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Hon. Affey, you are the pastoralist or the Chair is the pastoralist?

**Mr. Affey:** No! Not the Chair, but myself. The Chair is the principal pastoralist, but as I speak now, I am speaking on behalf of all the pastoralists and the Kenyan youth. There is a difference between registration and issuance. First, you register and then the process commences. How many has he registered and processed?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Affey! You are doing an overkill! The Assistant Minister is the one responsible for registration and issuance, so he knows!

Proceed, Assistant Minister.

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, it is true that sometimes we do registration, but it takes time to do the processing and distributing the identity cards to the owners. These figures here are of those who were not only registered, but have their identity

cards issued to them.

However, Mr. Temporary Deputy Speaker, Sir, I am aware that there are some cards which could be lying or are lying within offices awaiting processing or distribution. That is why we are working in consultation with the Provincial Administration to make sure that the cards which are still lying within the DCs' offices are distributed. As for those that are within our offices here, hon. Affey or any other hon. Member who has such a problem, they could give me the information and I will work it out with the Registrar, so that we can have them issued.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Assistant Minister! Before you came, there was an hon. Member who actually sought a comprehensive Ministerial Statement. Since we have indulged you after coming late, I think the minimum you can owe to the House, because the House has been quite generous to you, is to ensure that you actually make an undertaking of bringing a comprehensive Statement stating the kind of issues in terms of how many were registered and how many were issued with identity cards. This is an important exercise for the forthcoming elections. So, maybe, as you respond to some other hon. Members, let us hear Sheikh Dor.

**Mr. Yakub:** Thank you, Mr. Temporary Deputy Speaker, Sir. On the same issue of registration and issuance of identity cards, could the Assistant Minister tell us the normal time limit for a Kenyan youth to be registered, from the time of registration until he or she gets his or her identity card?

Mr. Temporary Deputy Speaker, Sir, I would like to table a Government document of one of the youth in Kenya under the name of Mr. Ibrahim Abdillahi. This registration was done on 13<sup>th</sup> August, 2010. Until last week, this Kenyan has not received his identity card.

**Hon. Members:** Shame! Shame!

**Mr. Yakub:** Allow me to table those documents, Mr. Temporary Deputy Speaker, Sir.

*(Mr. Yakub laid the documents on the Table)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Assistant Minister, you now have a specific case.

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, the timeframe of processing an identity card varies. This is because all cards are processed in Nairobi. The information is collected from the field, after which it is brought to Nairobi where the cards are processed and then sent back to those areas. But in the case of hon. Yakub, I think that card has really delayed. I think there must have been a problem.

**Dr. Nuh:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): Assistant Minister, do you want to be informed by Dr. Nuh?

**Mr. Baya:** It is okay, Mr. Temporary Deputy Speaker, Sir.

**Dr. Nuh:** Thank you, Mr. Temporary Deputy Speaker, Sir. A year ago, I asked such a Question to the substantive Minister and he informed us that it takes a maximum of 34 days for a Kenyan to get an identity card. That is for the extreme end of northern Kenya and Turkana. So, I just wanted to inform the Assistant Minister that much so that he compares it with the two years.

**The Temporary Deputy Speaker** (Mr. Ethuro): Assistant Minister, the Chair also recalls the same. So, how come this case has taken those two years?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, these are some of the few exceptions that are bound to happen when we are dealing with such a huge number of citizens. Sometimes

only a photograph that has been taken wrongly can cause a delay. This would necessitate the documents to be sent back to the original registration unit for the photograph to be taken again. So, these are some of the few cases. But generally---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Assistant Minister! Does it not bother you that there are cases which have delayed for too long to the extent that you may actually wish to be informed of the same?

**Mr. Baya:** Yes, we are concerned, Mr. Temporary Deputy Speaker, Sir. That is why I have said that in such cases, we discuss them in the monthly meetings. But if there are some that have escaped our attention, then hon. Members could bring them to my attention and I will take action immediately.

*(Several hon. Members stood up in their places)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, we must conclude this Question now. What is it, Mrs. Shebesh?

**Mrs. Shebesh:** Thank you, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister stated very clearly that he recognizes that there is a problem between registration and eventual disbursement of identity cards. Could he tell us whether he is aware that the vetting committees that are normally used to vet citizens who want to get identity cards in these particular regions demand for an allowance of Kshs200 to Kshs300 from them? Is this money spent appropriately? Does the Government itself facilitate the vetting committee or does it ask them to get the facilitation from those who are coming to apply for the identity cards?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, I am not aware that the vetting committees get money from the applicants who are supposed to be given consideration. If that happens, then it would amount to inducing those committees. I know for sure that my Ministry facilitates those committee members.

**Hon. Members:** How?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, when I talk about facilitation, I mean that they are given some allowances to cater for their transport. There is nothing like a monthly allowance that is given to them. If that happens, we will have a situation with permanent vetting committees, which is dangerous to this country. We keep on changing these people with a hope that they are not compromised.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mrs. Shebesh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid answering this question concisely, because I believe it is one of the reasons there is laxity?

How much it is that they give the vetting committees? Even if they change them often, how much do they give them as facilitation allowance? It is only fair for us to know how much they are given.

**Mr. Baiya:** Mr. Temporary Deputy Speaker, Sir, most of the vetting committee members are public servants. We have, for instance, the DC or the DO of the area and the chief. The locals are just a few; maybe one or two. That is why I am saying that we have no fixed allowance for them. Our Registrars facilitate them with transport and lunch allowance. There are no fixed allowances.

*(Mr. Midiwo stood up in his place)*



**The Temporary Deputy Speaker** (Mr. Ethuro): What is it, hon. Midiwo?

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister needs to clarify something. Only last week, hon. Duale told his substantive Minister that they were going to issue identity cards in a division in his constituency and the civil servants wrote to the hon. Member to facilitate. They were asking hon. Duale to provide water, allowances and a whole list of things. They wrote an official letter to the hon. Member. What is the position so that people can know, because I think that there is more than meets the eye? The Assistant Minister needs to go and come back with a proper answer, because this is an important issue. An identity card now is a right to Kenyans in the Constitution.

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. On the same, I do not know how we expect vetting committees, who are elders of high esteem gotten from the villages, to be very honest and identify the residents who should be given identity cards, if even the Ministry cannot give guidelines as to how much allowance - even if it is a day or week service allowance - they are supposed to be paid. Would that not open avenues for corruption; for Registration Officers to manipulate how much they give and charge applicants?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, first, with regard to hon. Midiwo's question, I think that this was a special occasion. The Minister was going there together with the area Member of Parliament to kind of address a *baraza* and oversee the registration exercise. So, I think the area DC could have run out of money and was requesting for assistance, because this was a special occasion. Otherwise, we are not supposed to give payment as such. I have done it in my constituency and I was not forced by anybody. I feel like I should facilitate on my own. I believe that this was an isolated case.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We need to be a bit more serious on this Question. This is because an Assistant Minister of Government cannot stand before Parliament and justify distortion and corruption. The question is basic: What is the allowance of the identity cards vetting committee? This issue is important, particularly to the marginalized communities. We are talking about the north, where some of these people are victimized. Some of them are Kenyans who are 90 years old without identity cards because of marginalization. I urge you to send the Assistant Minister back and probably bring the substantive Minister here to talk about this issue.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! We are not making much progress on this Question. I will allow the Assistant Minister to conclude and entertain other Members to seek other avenues to get the kind of information that they need.

Last question, hon. Affey!

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I just want to thank the hon. Members, because the concern is genuine not only in Wajir but also throughout the country. I want to plead with you to consider deferring the Question so that the Assistant Minister can furnish the House with the number of Kenyans who are registered in Wajir South and the issued and processed identity cards. This is because, as we speak, 50 per cent of those cards that were brought to Nairobi have been rejected for no apparent reason. We know that they have been rejected because the people at the headquarters do not want to give us identity cards. I wish that we defer the Question, so that the Assistant Minister can furnish the House with sufficient information. I know of a lady with seven kids, who has tried more than eight times to acquire an identity card in Wajir and she has not gotten it. Her kids are almost going to secondary school. Therefore, it is apparent that nothing is happening. We are going to a general election where people are not

going to participate in a manner in which we want them to. Please, defer this Question so that the House can be furnished with enough information. The information we have is sketchy!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Affey! There is no amount of pleading that will make the Chair change its decision, because your Question is very explicit; just read it. It had nothing to do with registration. It talked about issuance.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Now you are even trying to argue with the Chair, hon. Affey! The Chair is communicating. The Assistant Minister has heard our feelings and views and so, let him respond. I will allow even in the next Order if you so wish, that you ask for a Statement along the lines that you are talking about. This is because what you are asking for cannot be sufficient to defer the Question. The Question has actually been answered. It is just that it is not sufficient.

Mr. Assistant Minister!

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, I think we have tried our best to answer the Question. If there are any issues, I think hon. Affey can come to the office and we will sort them out.

**The Temporary Deputy Speaker** (Ethuro): Order, Mr. Assistant Minister! The Chair has been very generous to you, but you are abusing its generosity. We come to this House to ask Questions and also get proper answers. You cannot take the business of this House again to your office. It is supposed to come from your office to the House. So, the only way we can entertain the office is in terms of implementation or way forward.

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very passionate issue. Could I then request the Assistant Minister to give us a timeline within which the cards that have been registered reach their final destination, so that the country and people at home can know? Within how many days or hours do you think those cards will reach their destination?

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is handling this matter a little bit casually. Being a prospective running mate to my party leader, is he in order to make this matter small, when he knows that there are those votes from Tana River, North Eastern and Turkana that he has to rely on for him to access the status?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, with regard to hon. Affey's request, 30 days will do for us to---

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Assistant Minister, are you revising the earlier one of 34 days?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, it is 30 days or thereabout because they have stayed there already. Thirty days will be enough for me to sort out those cards from this particular area that are still being processed or delayed.

*(Dr. Khalwale stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Is it on the same matter or a different one?

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, it is a different one.

**The Temporary Deputy Speaker** (Mr. Ethuro): Okay!

Dr. Khalwale.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am aware that you are about to move to the next Order. I just wanted to rise on a point of order to beg for your forgiveness. I came late and I want to apologise for this profusely. The reason being I was talking to an old man, a freedom fighter, in Mombasa on phone called Hassan Rashid also known as Ondego. His Question was coming and I was taking a brief from him. I beg that you allow the Question to come because I am now ready to handle the matter.

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. On the same issue, and it is not hon. Khalwale's fault--- If copies of the written answers to the Questions we pose are given to us a little bit earlier, we would be able to collect our facts and sometimes even correspond with the people who are interested in the Question to try and get the facts. So, when they give us a late reply, we are forced to do last minute rushes to make phone calls and try to verify some of the falsified information that Ministries supply to Members in the quest to answer them.

**The Temporary Deputy Speaker (Mr. Ethuro):** If you look at the Question in a way ---- Hon. Dr. Khalwale made a presentation to the Chair and the Chair is quite sympathetic. This is a freedom fighter and an old man. I think even the Constitution compels all of us to give some special consideration to the elderly. However, I do not see the Minister and I cannot blame him because he might have walked out on the assumption that the Question had been dropped. I would urge that we put the Question on the Order Paper tomorrow afternoon. I also want to urge hon. Dr. Khalwale that briefs should be taken much earlier before the Question is processed.

Let us move on to the next Order!

## QUESTION BY PRIVATE NOTICE

### NON-PAYMENT OF COPYRIGHT COMPENSATION CLAIMS TO ENOCK ONDEGO BY KBC

**(Dr. Khalwale)** to ask the Minister for Information and Communications:-

(a) Is the Minister aware that Mr. Enock Ondego alias Mr. Hassan Rashid, aged 82, a freedom fighter from Kisauni, Mombasa County is in urgent need of medical care which he cannot afford due to failure by Kenya Broadcasting Corporation to pay him compensation claims for copyright violation?

(b) Is the Minister also aware that the freedom fighter who sung many freedom and patriotic songs including "Kenya Yetu and Kenya ni ya Ajabu," has lost his eyesight?

(c) When will he be paid his dues?

*(Question deferred)*

## POINT OF ORDER

### DELAYED RULING ON CONDUCT OF EXECUTIVE

**Dr. Nuh:** Mr. Temporary Deputy Speaker, Sir, I rise to seek your guidance. Three weeks ago, we were confronted with issues in this House that had to do with the conduct of the Executive arm of the Government in terms of answering queries and statements raised by hon.

Members of Parliament. With a great length of discussion from the Back Bench and a few responses from the Government Side, the Speaker then on the Chair made an undertaking that a ruling would be made to the House on Tuesday, 19<sup>th</sup> June, which was yesterday. We waited for such a ruling but it was not made. I only want to seek your guidance whether this ruling has been put in abeyance or we should not expect it to come. I think it is only upon that ruling that the Executive arm would be impressed to act on things a little bit more differently than they can be.

**The Temporary Deputy Speaker** (Mr. Ethuro): Indeed, the Chair is aware that the Chair undertook to make that ruling on Tuesday and it was a matter of extreme importance. Let me consult and we will communicate when the ruling will be delivered. You will appreciate that the ruling was to be made by the Speaker himself but he has not been around. We will revisit the matter within this week.

## BILLS

### *First Reading*

#### THE KENYA MEDICAL SUPPLIES AUTHORITY BILL

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

### *Second Reading*

#### THE TRAFFIC AMENDMENT BILL

*(Mr. Midiwo on 15.5.2012)*

*(Resumption of Debate interrupted on 13.6.2012)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Who was on the Floor? Was it you Mr. Kathuri?

**Mr. Kathuri:** Thank you, Mr. Temporary Deputy Speaker, Sir. As I was saying, during the last session of this Bill on Wednesday, the late hon. Michuki Rules were---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Hon. Kathuri, you have 18 minutes.

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

*[The Temporary Deputy Speaker  
(Prof. Kaloki) took the Chair]*

**Mr. Kathuri:** Thank you, Mr. Temporary Deputy Speaker, Sir. The Michuki Rules which were introduced in 2003 were very important in this sector. But unfortunately, because of the disconnect that was created by the three Government Ministries namely the Ministry of Local Government, the Office of the President and the Ministry of Transport we never realised the

fruits of those rules. The rate of accidents went down but shot up immediately thereafter simply because the three Ministries never synchronized what was supposed to be implemented for us to achieve our objectives.

However, when I look at the new Bill, I see that it is also not very clear on what role will be played by what Ministry. At the end of the day, this will create a lot of confusion. When we see the Traffic Department report to the Commissioner of Police and yet the rules come from the Minister for Transport and those rules are controlled by the local authorities, there is a lot of confusion. We do not achieve the objective at the end and it makes it very difficult to improve road safety.

When I look at the other issues that ought to have been attended to, like the issue of the 14-seater *matatu*, the ones which were previously 18-seater, I do not see them being mentioned. We should have them phased out rather than have public declarations in the streets by politicians. We need to see a clear phase out arrangement. As much as we know that we cannot allow them to operate, we also know that there are some areas where the 14-seater *matatu* cannot be replaced by bigger capacity vehicles. There are some areas where to get passengers to fill a 14-seater vehicle takes a minimum of between 30 minutes to 40 minutes. What would happen if you subjected the passengers or commuters to bigger capacity vehicles? It would mean that they wait for about three to four hours. In the same areas the 14-seater *matatu* are being threatened by the so-called "Probox". I find it very difficult for us to ignore that issue while debating the Traffic (Amendment) Bill. Whichever way we look at it, these are issues that must be addressed for us to achieve our objective.

Mr. Temporary Deputy Speaker, Sir, the issue of instant ticketing was introduced in the Finance Bill way back in 2009. This was a solution to the massive corruption that exists on our road. However, to date, it has not seen the light of the day. I wish this Act would also incorporate that. I intend, at the Third Stage, to introduce the various proposed fines so that they can be impressed in the Act so that every time a driver commits an offence, it is properly tabulated how much he or she should pay and administratively either KRA or the banks or whichever agents can be used to collect the fees or the fines. That way, we would reduce corruption. However, if we leave this to the discretion of the magistrate, the Judiciary, or the Traffic Police to determine what fines to be imposed on an offender in specific crimes, there will be too much leeway which will definitely create many loopholes which have always been exploited.

If you went to the High Court today faced with an offence of obstruction, you will find yourself paying a fine of Kshs10,000 and another person paying Kshs1,000 or Kshs3,000. If you look at the circumstances surrounding the fines that have been imposed, you will see some loopholes which they either exploit at the lower levels or the higher levels. It is important for us to clear that. However, while addressing this, it is also important for us to know the areas we would like to see traffic rules being followed to the letter.

In some rural areas, we do not have roads yet you still find police officers going there to enforce rules. Everybody in Kenya knows that the vehicles there are lorries. How do you expect lorry drivers to obey rules? We see police officers on that road, but we do not see people being charged in court. We are wasting human resources! We would rather have those officers manning roads that are motorable. It should not be a question of going to the bush to collect money under the pretext of enforcing traffic rules.

Mr. Temporary Deputy Speaker, Sir, these are some of the issues that make me feel reluctant to support this Bill as it is. However, with the amendments that I intend to introduce at the Third Reading, it will be easy for us to ensure that we have a Traffic Act that is realistic. It

should be one that will make us realize our goals. It should be friendly and also ensure that road safety is entrenched properly.

I expect to see a South African model where the stakeholders are involved. They need to be entrenched in the Act. As of now there is no way the stakeholders are assisting the Government in crafting and enforcing these rules. They have been left out completely. How do you expect the enforcement agencies to fulfill what the Act intends to do without involving the stakeholders? In South Africa, stakeholders are properly recognized in the law. That way, enforcement becomes very easy. The issues of over speeding, overloading, unroadworthy vehicles and so on can be sorted out by the stakeholders and that way reduce the burden on the Executive to employ more police officers to go and enforce what is very easy to enforce.

Mr. Temporary Deputy Speaker, Sir, I do not see why this should be very difficult. I believe that it is very easy for the Government to introduce those amendments. It should not be difficult for this Bill to include these amendments. That way, we will get a Traffic Act which is easy to operate, is realistic and friendly.

With those many words, I oppose the Bill.

**Mr. Mureithi:** Mr. Temporary Deputy Speaker, Sir, I stand to support the Bill. In spite of all the problems that we are having, we need to relook at this Traffic Bill with the intention of improving our own security on the roads. However, there are many issues that have been omitted. One of them is the issue of reflectors. We only talk of reflectors on the vehicles forgetting that there are many other road users who require reflectors. When you go to the sugarcane growing areas, you will realize that there are big trucks that have been causing deaths, particularly at night. They must be designed in such a way that they have enough reflectors, so that they are visible when on the roads.

The other things that people forget are the donkey-carts and the human-carts. At night it is not possible to see them. So, we need to design a way of making these carts have reflectors to avoid harming the people who handle the carts. We have a problem with our roads. You are all familiar with the Thika Super highway. If you are travelling on Thika Road from Kahawa, it will take you about 15 minutes to reach Museum Hill. However, from the Museum Hill to Parliament, it will take you one hour. As we make these amendments, we need to do a parallel Bill on our roads. One of the clauses in the Bill says that you cannot overtake. If there are areas where the roadside has earth and there are vehicles moving at a low speed, really if you have a car that can use the earth section of the road you should be allowed to pass. However, it is now an offence for you to overtake on that section of the road. It is necessary that as we move amendments to this Bill we understand that our traffic problems are caused more by the state of our roads. They are not suitable for the number of vehicles using them.

With regard to highways, in other countries, for example the USA, they have highway cars. These cars monitor vehicles and issue tickets on the spot. There are no negotiations. I am appealing to the Government to turn to e-Government. In the USA, if you are asked to give your information, it is immediately keyed in to New York and your history is immediately revealed to the police officer on the road. He is then able to book you or recommend that your licence be withdrawn.

Mr. Temporary Deputy Speaker, Sir, I recommend that the Government establishes a data centre so that information about drivers is keyed in. This will enable police officers to know the history of drivers on the road. They will tell for instance whether one is a killer driver, or whether a driver has been booked before. That is done on the spot in advanced countries, for example South Africa.

The reason the Michuki Rules have not taken root is because we have been depending on the same human personnel that were there before Michuki. If you do not have a strong personality like Michuki, who was able to stick to the rules, then it becomes difficult to break old habits. We know that old habits die hard. For the Traffic (Amendment) Bill to take root, we must have a system whereby we are able to monitor drivers and stakeholders. We need to know how people behave.

There is a problem with traffic in the rural areas. Even where motorcyclists have driving licences you will find that they are arrested by the police. We need to stop the harassment of motorcyclists by the police. These people look for food. We should allow these people to earn their living as opposed to them being harassed by the police. This has made them abandon their motorcycles to go and do things that are not good.

Mr. Temporary Deputy Speaker, Sir, this Bill is good, but it requires a lot of amendments, so that it reflects the Kenya that we are in today. The Kenya we have today is one that is literate. It is one that requires a data centre where all our data is put. We need a Kenya that promotes entrepreneurship at the grassroots level. In my constituency, motorcyclists are harassed. They are asked to pay hefty amounts of money which they cannot afford. They are, therefore, afraid of owning their own motorbikes. We need to create an environment conducive to entrepreneurship. As a country that takes pride in having human capital, we need to ask the Government to develop IT that monitors all the people involved.

With those remarks, I beg to support.

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill but I also want to say that we really need to do an overhaul of the whole Traffic Act. So, since the Minister is here, I would urge him to bring amendments to overhaul the whole Traffic Act.

First, I want to say that in most developed countries priority is given to Public Service Vehicles (PSVs) but when you look at this Bill, it is like having deterrent measures to PSVs. PSVs are used by majority of Kenyans because most of them do not own cars but when you go to the roads they are the most penalised vehicles. When you see policemen on the roads, they never stop private vehicles. We drive private vehicles along the highways but they only erect roadblocks to stop PSVs. I wish the hon. Member who brought the amendments would have considered the PSVs where we should have a special lane for them. When he talks of motorbikes, they should also incorporate that when somebody is buying a motorbike they should provide two helmets and two reflector jackets before a motorbike is sold so that the buyers of motorbikes should be able to comply with the rules.

Mr. Temporary Deputy Speaker, Sir, the fines that are imposed by the Government should be consistent. You find today the fine is Kshs1, 000 and the following day it is Kshs3, 000. So, people do not know how much one is supposed to pay when he is arrested because of over speeding or overtaking on the wrong lane. We should have a complete overhaul of the Traffic Act or maybe even delay this Bill so that we bring in more amendments to see to it that everything is streamlined. I think the best person who is suited to bring the amendments is the Minister who should incorporate all the stakeholders. He should have a meeting with them and make sure that we overhaul the Traffic Act to be in line with the current situation because I think this Act was enacted when we had very few vehicles on our roads here in Kenya before these superhighways were built. Since we have superhighways we have many vehicles. So many things have changed and we should have that Bill overhauled. We should also incorporate all the stakeholders before such amendments are brought.

Mr. Temporary Deputy Speaker, Sir, roadblocks should only be erected when we have emergencies and not for stopping PSVs, hence delaying travelers. On the Nakuru-Nairobi highway, we normally have roadblocks erected by the Motor Vehicle Inspection Unit and they make sure that everybody alights including school going children because maybe a bus does not have reflectors. They delay school going children who are on a trip. They inspect vehicles and remove number plates. It is really inconsistent and you will never know when they will undertake a motor vehicle inspection.

The Motor Vehicle Inspection Department should also be overhauled. We should have all motor vehicles inspected and not only PSVs. We should change habits of our drivers and conductors. Whenever there is an inspection it only applies to PSVs. So, you will find all the PSVs grounded on that particular day and yet they are the ones that transport people throughout the country. In some cases you will find the drivers using other routes which are not motorable, thus inconveniencing the passengers. So, I wish that the Minister for Transport who has just come in could overhaul the Traffic Act in totality.

With those few remarks, I want to say that the Minister should overhaul the whole Traffic Act.

**The Assistant Minister for Roads** (Mr. Kinyanjui): Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to contribute to this Bill. From the onset, let me say that I oppose it and I will be able to give the reasons as we move forward. However, I also want to agree that, indeed, we have had serious challenges on the roads because if you look at the road carnage in the last few years and the sort of accidents that we have had, it is, indeed, worrying.

A visit to our Spinal Injuries Hospital here in Nairobi will reveal that the sort of devastation we get when these accidents occur is unbelievable. We also incur losses because most of the people who are also involved are within the economically productive age group. That cannot be underscored and, therefore, we need to look at how we can be able to ensure that we tame these drivers.

Mr. Temporary Deputy Speaker, Sir, having said that, it is important that we also come up with ways that are consistent and practical and which will ensure that we have reduced accidents and probably, if possible, to eliminate them. I also want to appreciate that at this stage, we have had many Bills that have come before this House that have had great promises to this country towards changing certain sectors, but even having been enacted, little has been seen. I am afraid that this is one such Bill because it does not address the core issues within the road traffic accident arena.

Allow me also to suggest that one of the areas that really require revision is the area of training of drivers in this country. It only takes about 22 hours for you to train a Kenyan driver and the unfortunate part is that all the traffic signs that they are shown when they go to driving schools are forgotten when they go to the roads. They do not see these road signs. So, as we teach them the nearly 40 road signs, I want you to have a look at the roads and you will appreciate that those road signs do not exist. Therefore, we need to ensure that as we train our drivers, it is not just for purposes of training but it is for purposes of ensuring that when they get to the roads, they do the correct thing.

Mr. Temporary Deputy Speaker, Sir, I also want to take this opportunity to congratulate the Minister for Finance, because in his Budget Speech last week, he imposed very heavy penalties on people who are trading in scrap metal and this is one area that has been a big problem in the area of road safety. This is because you find a road sign that clearly indicates the speed limit or that there are bumps ahead or a school ahead and somebody comes and takes it to



go and make *sufurias* or to sell as scrap metal. So, the Kshs1 million penalty or three months jail term, I believe, if properly enforced, will ensure that we have proper use of our road signs and that everybody will ensure that they use those road signs.

Mr. Temporary Deputy Speaker, Sir, the other issue is that we have also had accidents because of congestion on our roads. Recently we completed Thika Road but before it was completed, at the time construction commenced, traffic on that road was about 150,000 vehicles per day but today it is approaching 200,000 vehicles. So, the more roads we built, the more vehicles we have on the roads. Therefore, we believe that to be able to address the issue of congestion on our roads, we must be able to address the issue of public transport. In many countries, trains will ensure that congestion is reduced on roads. Proper bus transport or the mass transit system as has been seen in many other countries will ensure that we reduce these many vehicles and, therefore, reduce the wear and tear on our roads.

It should also be noted that in most countries, the ratio of cargo that is ferried from the port to the destination is about 95 per cent by rail and only about 5 per cent by road. Unfortunately, because the railway is not operational in this country, we have a situation whereby about 80 per cent of our cargo goes through our roads and, therefore, our roads are permanently overloaded and overused and, therefore, their lives tend to be short. This in return means that even the repair and management of this road infrastructure will always be a problem.

Mr. Temporary Deputy Speaker, Sir, the other issue that has been of great concern to us is the lenient sentences to offenders and especially to drivers of public buses. You will come across an accident where a driver was careless, reckless and probably drunk while driving a bus and it has been involved in an accident and probably 20 or 30 people have died. If you follow up most of these cases, the driver is only charged with what is called reckless driving and in most cases the fines are only Kshs5, 000, Kshs3, 000 or Kshs10, 000.

Mr. Temporary Deputy Speaker, Sir, these penalties are not deterrent enough to ensure that drivers do not commit the crimes. Therefore, we must clearly look into ways of enforcing greater deterrents to ensure that drivers do not continue flouting the law. It must also be noted that even when a driver has been involved in a grisly accident, there is no system of ensuring that such a driver will not be on the road the next day. So, a driver can be involved in a serious accident today and move on to another company and continue doing the same things. So, we have notorious drivers who continuously cause chaos on our roads, and there is nothing we can do about it.

I am happy that the Ministry intends to introduce an electronic driving licence, which will clearly indicate the kind of offences that a driver has committed over time, and which will ensure that if such a driver causes accidents beyond a certain point, he is barred from driving.

Mr. Temporary Deputy Speaker, Sir, allow me to also say that if we are to address the issue of accidents in this country, we must embrace the use of technology to ensure that speed limits are adhered to. You find that whenever police officers go to the road with speed guns to try and enforce adherence to speed limits, we see a remarkable reduction in the number of accidents on the sections of the roads that are covered. Unfortunately, drivers of *matatu* and buses plying that route inform every motorist going in the opposite direction to slow down because the speed enforcement team is ahead.

As soon as motorists pass that speed enforcement team, they increase their speed to 120 KPH or 150 KPH or 200 KPH. So, again, we fall into the same problem. Therefore, we need to embrace technology, so that we can have cameras across all our main highways to capture on

camera anybody who will be over-speeding, so that such evidence can be used in court to ensure that offenders are properly prosecuted.

Mr. Temporary Deputy Speaker, Sir, you can have a problem occurring on a certain section of a road. An accident may have happened or a vehicle may have stalled on the road. Sometimes our drivers are not very careful. So, they may not properly place the hazard sign to forewarn other motorists that such a problem has occurred. So, other motorists approach such a scene fast and, consequently, we have multiple accidents at that particular point.

What I would advocate is that, in future, we should have more police patrols on such particular sections to ensure that whenever there is a problem, we respond in good time, and that we do not have accidents as a result. Thika Road is a good example. When a vehicle stalls and blocks one lane of the highway, you have a lot of cumulative traffic coming. So, this is a matter that should be looked into.

Mr. Temporary Deputy Speaker, Sir, lastly, allow me to say that in this particular Bill, there is a proposal to abolish the Traffic Police Department. It is characteristic of us, Kenyans, that whenever there is a problem, instead of addressing it, we sack the coach. In this case, we would rather go for the Traffic Police Department yet the issues are bigger than the Traffic Department. So, I hope that as we go into this matter, we will be able to address the real issues and give Kenyans a real opportunity to drive on the roads safely.

As it has been said here in the past, when you drive on our roads, you are at a higher risk of dying than even dying of certain diseases or any other thing. Therefore, we need to make our roads safer through proper legislations that appreciate the diversity of this particular challenge.

Thank you.

**Mr. Balala:** Mr. Temporary Deputy Speaker, Sir, I stand to support the Bill, but with major amendments. It is high time we thought of harmonising the Government's position with the position of the Mover of this Bill.

It is important for us to bring about discipline and adherence to law and order on our roads. Categorisation of vehicles is very important. Public Service Vehicles (PSVs) are generalised. They are not sub-categorised. I want to speak from my previous tourism perspective. I said that Tourism Service Vehicles (TSV) should be introduced, so that we can know which vehicles are TSVs, which ones are private vehicles and which ones are PSVs. That way, there will be a difference between having a *matatu* for tourists and a *matatu* for ordinary passengers since the specifications of the two categories of *matatu* will be different.

Mr. Temporary Deputy Speaker, Sir, apart from just the cars and the traffic police officers, there is the issue of traffic flow on our roads. I believe that if there is a review of the traffic flow and management of the same, we will be able to reduce traffic congestion on our roads. At the moment, traffic on our roads is chaotic. I want to congratulate the traffic police officers serving on our roads. They have done a great job in difficult circumstances. You will always find them working, be it on a sunny day or on a rainy day. They try their best.

However, when it comes to talking about corruption or condemning some officers in the National Police Service, traffic police officers also get condemned. Maybe, a change of uniform can differentiate traffic police officers from officers in other police units. Traffic police officers all over the world have different sets of uniforms from the ones we have in this country. In Kenya, traffic police officers and ordinary police officers put on the same uniforms. So, when there is a problem, you do not know which officer is supposed to help you.

Mr. Temporary Deputy Speaker, Sir, when we talk about traffic flow and traffic management, we only talk about motor vehicles. Why do we not think big and sophisticate our

economy by introducing more modes of transport? Between Mombasa and Lamu, we do not have ferry or ship services yet there is demand for this mode of transport to Kilifi and Malindi from Mombasa. There is even the possibility of introducing some small ships to link Mombasa Island with Mtwapa. There is also the possibility of introducing ships in Lake Victoria to take people from one side of the lake to another. Motor vehicles are more dangerous on the roads. They also pollute the environment.

Countries like Singapore, Columbia and China have introduced cable cars. Why can we not introduce cable cars within Nairobi City or have cable cars crossing the Likoni channel in Mombasa to ease traffic? At the same time, cable cars are environmental friendly. That way, we can decongest the City of Nairobi. A cable car link between Westlands and Nairobi City Centre can move 4,500 passengers within an hour. That is the equivalent of about 1,000 car loads of passengers plying our roads.

Mr. Temporary Deputy Speaker, Sir, it is evident that we have not opened up our minds to think of alternative modes of transport. Motor vehicles cause accidents because they are roughly driven. At the same time, motor vehicles are unfriendly to the environment due to the fumes that they emit. So, if Government officials in the Ministry of Transport can think bigger, we can have a solution.

Whereas one of the causes of accidents is carelessness on the part of drivers, there is also the aspect of unqualified drivers accessing our roads. We can give powers to police officers to detain traffic offenders or issue them with traffic offences tickets. That is easier said than done. At the same time, are our drivers well trained? You can see a car on a hill being driven dangerously, or a car moving very fast on the right side of the road, instead of moving on the left side. It is like nobody knows the driving code in this country.

Mr. Temporary Deputy Speaker, Sir, drivers in the whole country, including us leaders, should go for fresh driving training because we are rough and careless. We assume a lot while on the road, and we have no courtesy towards other road users. So, everything can be done. I was in Government before, and I know that there was good thinking in terms of reforming the Traffic Police Department. I do not agree with the proposal to abolish this Department, but we can harmonise the idea of the Mover of this Bill with that of the Minister for Transport, so that we can have a sensible and sober way of addressing the problems in this sector.

Finally, I want to congratulate the Ministry of Transport because they are doing their best. I know that there is already an ongoing process to bring about discipline and order in the Traffic Police Department. So, we should find a middle ground and merge these ideas rather than come here and abolish offices that have served this country well.

With those remarks, I beg to support.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to oppose this Bill. This is a very populist Bill. To me, it is totally meaningless because, first of all, our Traffic Police are doing a remarkable job. If, for example, you take Clause 117(b) to totally abolish the Traffic Police Department, you will have chaos. Take an example of Uhuru Highway. If we remove the Traffic Police from Uhuru Highway - I have just come from Karen - you will have chaos in this town. So, we must have modalities on how to resolve traffic problems. We need to make recommendations.

Mr. Temporary Deputy Speaker, Sir, the Government of Kenya is undertaking serious and comprehensive police reforms and this will encompass traffic laws. I am aware that the Ministry of Transport is working on a very comprehensive Bill to incorporate all the traffic rules which are required to ensure that traffic laws are obeyed.

If, for example, a drunkard decides to cross the road and you are driving your car home nicely – Mr. Temporary Deputy Speaker, Sir, I am just quoting you - without seeing this gentleman and you knock him down, can you imagine what this Bill is saying? You will be hanged and yet it is not your mistake. We will have no Speaker the following morning. So, these are serious issues and it can be very dangerous.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to plead with the hon. Assistant Minister not to misrepresent the intention of the Bill. There is nowhere in this Bill where we intend to hang anybody who has not broken any law. I want him to be clear. It is a shame and an embarrassment that hon. Members of this House cannot accept the fact that accidents are finishing our people. If you drive carelessly, we will hang you because you will have broken the law. But I want the Assistant Minister not to misrepresent the facts in the Bill.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Midiwo! I am trying to get what is not in order. Could you be specific to me?

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, what is not in order is that the Assistant Minister is purporting to say that we want to criminalize and punish innocent people. We are saying that people are now committing crimes and are going scot free. This includes Members of Parliament.

**The Temporary Deputy Speaker** (Prof. Kaloki): Alright, Mr. Midiwo, but the Assistant Minister is giving a specific example of a careless individual who is crossing the road under the influence of alcohol. I think that is what he was bringing up.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, I will speak the truth and that is why the hon. Member who is the Mover of this Bill is jittery because he has just confirmed now that his intention is to hang people. That is what he has said. If we pass this Bill and we have the likes of the Mover, the law makers, we will hang people every day in this country. This applies even to the people who could not have been on the wrong.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, we should allow the comprehensive reforms taking place now so that we can encompass all these laws and then we make recommendations. For example, if we want to reduce traffic in this town, we should create parking zones. For example, if you are coming from Machakos, we can create a parking zone in Athi River. If you are coming from Kajiado, we can create a parking zone in Kitengela. This also applies to traffic from Ngong. This will ensure that you park your car and use public means. Instead of having 200 cars on the road, we can have six to seven buses coming to the City Centre. These are the recommendations we should forward to the Ministry of Transport.

Mr. Temporary Deputy Speaker, Sir, I said earlier on that we should not bring populist Bills so that we can be seen that we are doing a good job. If you abolish, for example, the Traffic Department, what are you replacing it with? What is your recommendation? I do not see it in the Bill. So, this Bill should be opposed. We should “kill” it now and we should not waste time debating this issue. The Chair should call upon the Government to respond, we “kill” this Bill and we move on to another business of the House.

Mr. Temporary Deputy Speaker, Sir, I beg to oppose.

**Mr. Hassan:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Bill given the fact that the situation on our roads is in a crisis that needs to be addressed with the urgency and importance it deserves.

First of all, I would like to speak on driving. Many of our drivers are reckless and dangerous and there is need for a major change in the way we issue driving licences.

I came back home after many years of living in other countries and I am totally shocked by the complete lack of any rules and regulations on our roads. Many of the drivers simply do not know or respect the rules of the road. They can come from a village in any part of our country; the next day they buy a driving licence and on the second or third day, they are on our roads. This is a very dangerous situation that needs to be addressed.

I think Nairobi is the only City in the world where the traffic light “red” means “go” and the “green light” means “stop”. I have never been to any other city where the rules of traffic are so confused that you do not know whether “red light” means “go” or “stop.”

The other element is the large number of people I see driving on the shoulders of the road, for example, Thika Highway. You will see a huge truck driving on the fast lane, stopping all the other traffic or even putting the lives of other drivers at risk and no police officer takes any action. Or, you will find someone driving on the wrong side of the road at top speed. Even this morning on Thika Highway as I was coming here, there was someone driving on the wrong side of the road putting everyone else’s life at risk. So, we really need to take action now rather than later.

The other element is etiquette and the complete lack of respect for other road users which is quite common. Our roads may be bad and we may have potholes but there is really no reason to behave in the way we behave. There is something that needs to change about how the Kenyan man or woman drives on our roads and how the Kenyan authorities manage and control traffic and road use in our country.

The other element that needs to be addressed is the condition of vehicles on our roads. I see many vehicles that are not roadworthy and are very dangerous. In fact, they are moving coffins. These vehicles should not be on our roads and action should be taken by the Ministry of Transport to ensure that vehicles that are old and defective and have not passed the test should not be on our roads.

Another element of concern is the impunity. Many of these drivers do what they do because they know they can get away with it; the *matatu* culture in our country which is similar to the *matatu* politics of our country. These people do not respect and fear any rules. They also do not care. Their driving is risky and they put everybody else’s life in danger. These drivers also cause the many road accidents that we witness on our roads every day.

The other element of concern is corruption. I have a feeling that the reason many road users, who misbehave, are reckless and dangerous, feel that they can get away with it is because of the level of corruption that exists among some elements of our traffic police. I know many of our traffic police officers are doing a wonderful job, but there are many rotten apples among them. These are the ones who take bribes and spoil the good name of our police force. They need to be punished and taken off the roads.

Finally, Mr. Temporary Deputy Speaker, Sir, the other day I was driving on a brand new road in Kiambu, between Kiambu and Limuru. There was not a single sign on that road. We have many tourists and visitors who come to our country; you will have no idea whether you are driving east or west. Every road sign has disappeared. This is one of the reasons I think recently the Ministry of Finance introduced penalties against scrap metal dealers. We really need to take more severe action. We need to punish scrap metal dealers more severely to ensure that they do not buy road signs and ensure road signs are on our roads for safety and the security for every road user.

With those few comments, I support this Bill.

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, thank you for this opportunity to put on record my concerns as a Minister on a Bill proposed by Mr. Jakoyo Midiwo which, although good in intension, may not be practicable and---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! Are you opposing or supporting?

**The Minister for Transport** (Mr. Kimunya): I am coming to that.

As a result, on a balance of the issues I am compelled to oppose the Bill. However, as I oppose this Bill---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! For clarity and for the record, I think you are contributing. Is that what you are doing now?

**The Minister for Transport** (Mr. Kimunya): I am contributing, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right, you need to take sides, one way or the other.

**The Minister for Finance** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I have already taken sides and said that I am compelled to oppose this Bill. This is because when I look at the issues contained therein, I find that, perhaps, we are providing a very simplistic solution to a very complex problem.

I also want to confirm to this House that as a Government and as the Ministry of Transport we have already looked at all these issues, consulted with all the stakeholders and have come up with a comprehensive Traffic (amendment) Bill which is only awaiting the disposal of this Bill, so that it can then be introduced into this House for a comprehensive debate by the Members of the House. When I looked at the possibilities we had of, perhaps, even taking over this Bill and merging the two, I found that it would be very unfortunate for me to try to superimpose a Bill of 40 plus pages on a four-page Bill; that would be an over-kill, and will not do justice to the debating that is required in this House.

Mr. Temporary Deputy Speaker, Sir, if I was to look at specific sections that we are uncomfortable with, the very first one is obviously at the very beginning; this is the amendment proposed under Section 12. The hon. Member seems to have the impression that the Kenya Revenue Authority (KRA) is the registrar of motor vehicles. The KRA is set up by an Act of this House, and has been given specific mandate to collect revenues and not to register motor vehicles. It is only a matter of administrative convenience that they have actually been doing that; the Registrar of Motor Vehicles is an appointee of the Ministry of Transport and we have an office for him. Attempting now to even give the ownership of the vehicle identification number plates to the KRA, which is a revenue collector, and taking it from the Registrar of Motor Vehicles is a misguided proposal; I am not sure what the logic of it is. It goes further that even when you sell a vehicle you are supposed to surrender the numbers and then get new numbers. We will lose track of even the identity of the vehicle, yet the number is a unique identifier of a vehicle; so, you can trace its owner and everything else. We have already captured all that in our data bases. That is only one of the things that I have an issue with.

When you look at the penalties proposed - Maj-Gen. Nkaissery just mentioned one of them - you are managing accidents, but an accident is an accident. It is called an accident because nobody intends it, neither the driver nor the victim. The circumstances will always be different. There are accidents where the driver is a 100 per cent contributor and there is a penalty for that. When you say that when one commits an accident he is subject to life imprisonment, you are basically even removing the discretion of the courts to assess the mitigating

circumstances under which the accident occurs. We looked at that within our own Bill after consultation with all the stakeholders and agreeing; if you attribute the level of negligence to the different parties then the sentence should reflect the same, which is not the case in this Bill.

Mr. Temporary Deputy Speaker, Sir, when you look at Section 46, it is a typical example of that. When you also look at some of the other things the Member is trying to do in this Bill, you will recall that the late Michuki gazetted some rules in 2003, the so called “the Michuki Rules”. Those were in Legal Notice 161 of 3<sup>rd</sup> October 2003. They required that drivers must wear uniforms, a, b, c, d. The reason why they came through a Legal Notice was so that you could change them. If the uniform was blue and colour blue was not in production, what would you do? When you put it in the law that every driver must wear a blue uniform and the conductor must wear a maroon uniform and those colours are not in production, you are basically creating cartels and monopolies through an Act. You put it in regulations, so that the Minister can change the requirement as circumstances change. We deliberately kept all this in regulations. What the hon. Member is trying to do is to lift the entire Michuki Rules and put them within the Traffic Act. This now removes the discretion for altering those rules as circumstances change. It is the same thing with the rules we gazetted for *boda bodas* in 2009 through Legal Notice No.173 of 2009; they address the issue of helmets and all that for the *boda bodas*. Now, what the Member is trying to do is again pick those, which are already in the law, and purport them to be an amendment by him by changing Section 103(a).

Now, there is a reason why Parliament legislates the way it does and says that this is substantive and we are going to put it in the main law; this is something that changes on a day to day basis, and we will give the discretion to the Minister to issue regulations as the circumstances change. If we change the architecture of drafting laws--- I am not convinced why it is happening. We will now be forced that every time there is a small change, we have to come to this Parliament and it takes a couple of months before a law is changed here. In the mean time, we will be holding people at ransom out there.

You also look at some of the other things in terms of abolition of the Traffic Department. Yes, the Traffic Department may have had its challenges, but is abolishing it going to be the solution, or is the solution not reforming it within the comprehensive police reforms that we are undertaking and equipping it? What do you expect us to do when the police do not have motor cycles? Right now I can confirm to this House, and I know it is a fact, that there are over 250 motor cycles that have been bought for the Traffic Department. The riders are currently undergoing training, so that they can then be dispatched to our roads and towns to sort out some of the matters. I have requested the Commissioner of Police that of those 250 plus motor cycles, I would like to see half of them deployed within Nairobi; that should be about 100 of them. This should be done so that the issue of people overlapping in the morning or overtaking in the wrong place--- There should be a police motor cycle patrolling every road and it should be able to contain that situation. It is an administrative issue. Parliament has provided them with the resources and we will provide them with the legal framework.

We brought to this Parliament a law that comprehensively addresses how we will set up a National Police Commission (NPC) which will be given the power to set up the various departments by the Constitution. We have done that already. We are only waiting for the appointment of the NPC. But we are now coming back again to say that since the Traffic Police have failed us in the past, we are passing another law to disband it. Why did we pass the first one and even put it in the Constitution that the police shall be managed and administered through the NPC? It does not quite make much sense to me that as a House, we seem to be shooting at both

sides of the barrel by creating power and at the same time denying the NPC the power to reorganize itself and to respond to our issues. I believe that this raises a constitutional issue which we did not want to challenge at that point but it is up to this House to determine where we want to go. The bottom line is, when I look at this Bill, there are good proposals, but they are not unique to this Bill. These proposals are also contained in the Government Bill. I will be happy and I have also asked my people to look at the two. I had, in fact, proposed to the hon. Member that we harmonize the two, so that we have only one comprehensive Bill. However, I think the hon. Member was very keen to have his Bill published.

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to keep referring to a Government Bill which is not before this House? We do not know that the Government has a Bill. Also to put the record straight, in the House Business Committee, we delayed debate on this particular Bill, so that the Minister could come up with something. I understand he is opposing for obvious “do nothing” reasons by the Government. Is he in order to keep referring to a Bill whose existence this country or this Parliament does not know about it?

**The Temporary Deputy Speaker (Prof. Kaloki):** Order, Mr. Minister! What I heard from the Minister and I think I heard him right, he is trying to work with you to make sure that you come up with a comprehensive Bill. That comprehensive Bill is not in the House, but the issue is to harmonize them.

**The Minister for Transport (Mr. Kimunya):** Mr. Temporary Deputy Speaker, Sir, I will respond to that. The Cabinet approved the publication of the Traffic (Amendment) Bill which is very comprehensive. It covers every clause within the Traffic Bill and not just a few clauses. It has enhanced the entire fines regime and brought it in conformity with the current situation. That Bill could not be published because we had this Bill on the Floor of the House. Eventually, the Attorney-General advised that we go ahead and publish the Bill. I believe by now, it has either been published or it will come out in this week’s publication. The only reason we could not publish it is because the advice we got from the Clerk’s Office is that we could not have two Bills in this House.

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead the House that the reason they did not publish the Bill is that there was another Bill on the Floor. In this same House, the Committee on Agriculture published the Sugar Bill and the Government went ahead to publish another Bill on same subject. Are we having double standards here?

**The Minister for Transport (Mr. Kimunya):** Mr. Temporary Deputy Speaker, Sir, that was one of the issues that was raised. We have had a situation where a Private Member has a Bill and the Government also has a Bill. Even in terms of reference, the Bills would confuse everyone. We can only have one Bill at a time. The advice we received from the Clerk’s Office was to wait until we have disposed of the one by Mr. Midiwo to avoid creating confusion. We learnt lessons from the Agriculture Act and other Bills that run parallel and people got confused. Even in the media, the people who have seen our Bill, through public participation, are quoting certain things. Those who have seen this Bill in the House are quoting different things. That confusion can only be avoided by having only piece of legislation on the Floor of the House. So, it happened in the past, it was not the best example. We learnt lessons from that and that is why we are moving towards having one at a go.

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



**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Mututho! Let the Minister proceed.

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, as I said, Traffic Management is a very complex issue. It is not just a legal issue, but a social issue. I have heard comments like providing parking places for people who are coming into town, so that they can leave their vehicles behind to decongest the city. I can confirm that the railway station at Syokimau will serve that purpose. I went to inspect the work and which I hope will be open to the public from next month, we have created a situation where there is a lot of parking space for people using Mombasa Road. They will come, park, their vehicles and get on to the train. The way we have designed the coaches is that each will take 200 people. Therefore, a train with six coaches will bring 1,200 people from Syokimau to town within 22 minutes. That removes about 100 vehicles on the road simultaneously. The congestion we have in town will be reduced. People will only need to drive to Syokimau Station, leave their vehicles there and come to town. Then they will go back to Syokimau, assemble and drive back home. This will reduce all the congestion we are having in town. We have also identified nine points into the City where all those things would be happening. Therefore, so many things are happening. They are not supposed to be addressed through a Traffic (Amendment) Bill that suggests do “a”, “b”, “c” and “d”. It is scaring people, but it not practicable. I can see all these Members of Parliament have an issue. You drive when you are late and you will all, probably, be the first ones in jail for over speeding, overtaking and yet there are reasons why you do it. Those circumstances need to be sorted out through a different angle, through decongesting the road so that one does not need to get into traffic jam because you are rushing to Parliament to ask or answers a Question or rushing from one Committee to another one. These are realities of how we live in this place.

We looked at those things and said that we needed a very comprehensive solution through enhancing penalties, but within reasonable means, so that they are not seen to be punitive, victimizing people or criminalizing traffic matters. Traffic matters are not criminal. It does not constitute criminality whereby it can even bar you from being a Member of Parliament. We cannot over-criminalize them, but be sensitive to the balance between deterrence and not being seen to victimize people. What this Bill is doing is going to one extreme. Our Bill has sorted out all that by consulting all stakeholders and doing public debates. We are going to bring it this House, so that hon. Members can also debate it rather than just bringing one extreme or the other.

Mr. Temporary Deputy Speaker, Sir, as I said, I am compelled to oppose this Bill so that we can open the door for the Government Bill to come to the House. We want to give hon. Members opportunities to then discuss it within the framework of public participation. I also undertake that I will be looking at this Bill because there are one or two items that are positive. I promise to pick them and incorporate them within our Bill at the appropriate Committee stage.

With those few remarks, I beg to oppose.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. Having listened to the Minister, I realized that his problem, perhaps, is that he is in the Government. The Government is assumed to be superior to everybody else. We cannot sit here and hide from the naked truth that we are dying in large numbers. Kenyans have gone through a lot of suffering due to accidents. I do not want to refer to that matter. People have died in big numbers; children and adults. We cannot sit here and wait for him to bring that comprehensive Bill, but continue dying in the meantime.

I am a licensed driver in Victoria State, Australia. In Australia the people who deal with these issues are in the Road Traffic Authority (RTA). It is not the traffic police. They sit there, license you and organize traffic the way it is supposed to be. They are civil, they are the ones who issue licenses, knock off points from you, organize, for instance, Moi Avenue at 4.00 p.m. there is no parking. It becomes a triple way so that cars can move the way they are supposed to move.

Mr. Temporary Deputy Speaker, Sir, if your car is parked there and you miss to be present for a quarter minute after that time, you get a ticket and that is what the RTA does. The traffic department has been condemned and I do not want to repeat it in as many words. But it has been condemned as bringing down the police department. The police department, bad as it may look, does a wonderful job but the much that is done by the traffic department brings them down. I want to tell you that I witnessed in 1988 the Minister for Police in Australia – in Australia, there is a Ministry for Police – given a ticket for over speeding by the RTA. When he was booked, the junior officer was asked by the media and all of them were there: “Why did you do this to your boss?” He said that he was faced with two options; to follow the law or not to follow the law and then get a sack from the same Minister.

The indiscipline with hon. Members and Ministers can be sorted out if we have an authority that is truly professional. The Minister was charged and points knocked off from his license. Ultimately, he was forced to be driven because of his over speeding. I also saw, at the same time, an ambassador to Russia at that particular time driving a Mercedes Benz S320. He oversped and crushed. When he crushed, again more sanctions were put on that particular aspect.

Mr. Temporary Deputy Speaker, Sir, this is about life and death. It is about people who are going to die in Naivasha. Recently with a lot of sadness, we buried 26 unidentified bodies which have been left in Naivasha because of these kind of accidents. When you are dealing with this kind of scenario, truly one day is too long to wait. One week is even longer and one year is impossible to wait. We have a time limit in our lives; our lives are not limitless. We need to have traffic flow that functions. Let us look at the practicability of it and look at the Thika Super Highway. True, the Minister is doing something and we thank him. His thinking about Syokimau is up to date and that is how Ministers should do their business. If you look at the number of vehicles that are going to be reduced from Syokimau, it is immense. The same story can be learnt from New York when they did the big highway and forgot the railway could be done. But the Minister has not spoken about the Thika Highway which in itself has a potential to cause even a bigger mess than what that route from Eastlands is doing. So, if the Minister could also say in the same breath that by the end of the year, Thika people will not have to use the big highway but instead have to use the railway line and then use the same facility, then that works.

Just in case the Minister forgets, I come from a place called Nakuru County and proudly so. A place where we had the last Cabinet Minister in 1966 and we are contented with that. We are happy because the last one was a personal friend of the then President; Mr. Achieng Oneko, and that was the Minister who was appointed. We are 1.6 million people so we shall not have a Minister but if you look at our numbers like what we have in Nakuru, we are at 1.6 million people. So, now that he is the Minister, if he could in the same breath – since we are children of a lesser god and, therefore, cannot be Ministers – he should give a commitment that there will be another railway line from Naivasha or Nakuru, then he would reduce the carnage around that area. That is what we are saying; but as long as it takes the managers of traffic talking about police and the traffic police *per se*, we are very far off.

I want to say that now that we are going towards elections and I know in some quarters that some junior officers are said to be under pressure from their bosses to do certain things and because of that, they continue asking for fixed bribes, usually Kshs100 or Kshs50 depending on which route you are and how poor you are and it is routine even if you have a new vehicle. I had a personal experience in 1986. Having come from Australia, I bought a brand new pickup. For clarity so that you can check, my vehicle was KXH 909. That brand new pick-up went for inspection in Nakuru and it failed the inspection; a brand new vehicle. It failed the inspection twice, though it was a new vehicle. When I went to ask, I was told and I was introduced by the OCPD then, that bosses do not take vehicles for inspections. I should sent the driver and I have to put at the cigarette lighter about Kshs700 so that the car can pass for inspection. This idiocy must come to a halt!

*(Applause)*

We must have systems that function. A new car could not pass because the owner is driving it and did not have in the cigarette ashtray Kshs700 or Kshs800. What we are saying is that Mr. Michuki - God rest him in eternal peace - did the rules but they were not in the main statute. I do not see the difficulty with the Minister coming here at the Third Reading and causing amendments in this particular amendment. I do not see the difficulty with it.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Mututho, how did describe those police officers who asked you to put money in the ashtray? How did you describe them?

**Mr. Mututho:** The Temporary Deputy Speaker, Sir, I would describe them by any other word as corrupt police officers in precise and concise English.

**The Temporary Deputy Speaker** (Prof. Kaloki): What was the first word you used?

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I withdraw the word “idiocy” because it is not parliamentary but I want to find a better English word and I wish I had my dictionary here; a word that describes a corrupt police officer who forces a brand new car owner to put Kshs700 in the ashtray so that that car can pass an inspection test.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is clear.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I am trying to find a good English word but my English is failing me. Having said that and having withdrawn the word “idiocy” with apologies to them, they must have been sacked a long time ago,

I want to tell the Minister to look at the cries of many people who are wailing in mortuaries today. I have seen my own uncle in Naivasha where there was an accident where 41 people died. I asked the Minister who is before me here about that accident and before my uncle died, he only gave one name, Zakayo. So nobody knew and we had to recover the body after two months because that is what he said and the old man did nothing but just boarded a bus. I have said again that we buried in Naivasha the other day 26 bodies that could not be identified because they were so mangled and the owners do not seem to know. Even as we speak, there are about three or five bodies which are still lying in Naivasha. Naivasha is the home of it all. I want to say that we must support this, save for a few amendments which are on the extreme. When you bring your good Bill and I have no reason to doubt Mr. Kimunya because yesterday I saw the Minister literally running so that he could catch up with Parliament business; he takes his business seriously. Both of us were in Mombasa and there was going to be a Parliament session in the afternoon and he was to come. I was surprised at the haste and manner in which he was trying to make his way to Parliament, compared to his colleagues. So I know he means well but

even so, he should forget his Government. Let him just visit the Kenyatta National Hospital (KNH) Mortuary. Look at the people who are wailing and the many people who have been maimed. He should go and look at the junkyard or the traffic here.

Mr. Temporary Deputy Speaker, Sir, hon. Ole Ntimama if he is here and I am asking for forgiveness, he will say that his daughter passed on because traffic could not move. There was no way ambulances could have moved from Athi River up to Nairobi Hospital because of the jam. There was a traffic jam for over two hours and she died of cardiac arrest.

The blame for that mess can be shared by two people; first, the Government. The Government itself has failed to do what is called the fire lane. The fire lane is where hon. Kimunya and other VIPs, not only VIPs but the fire engines and the ambulances can pass. I have seen the designs of the roads now, and I do not see any such designs. I have seen the designs of the new roads and I see the Minister in charge of roads is also here with us today. He also comes from Nakuru--- In all those ones, we have ignored the police and enforcement such that even for Muthaiga Roundabout, if a police officer wanted to intercept a car, it is a big a struggle for him to get access to even that superhighway and then control the mess. Those are design problems that we can talk about. There is no safe place where you can park on Thika highway in case you car stalls. Every few kilometres, in every civilized world, you know there is a place where you can hide your car and then clear. This safety and lack of safety consideration in design of our roads is what is now making us support this law so that the Government, for once, can rise from slumber.

The other one is about indiscipline. The feeling that you can buy everything including people's lives with money; that is what is even killing our people. We have to support this Bill so that the Government wakes up from slumber and at the Third Reading, we will cause a few necessary amendments.

With those many remarks, having gone through the hell of the Naivasha Highways, having known the many Kenyans who are suffering, I support wholeheartedly.

**The Assistant Minister for Housing** (Bishop Wanjiru): Mr. Temporary Deputy Speaker, Sir, from the onset, I want to make myself very clear that I stand to oppose this Bill. I have several reasons why I stand to oppose the Traffic Amendment Bill. One of the reasons is that as much as I do accept that we need a law that must put order in the traffic sector and among road users, in the way we relate with each other, when we are on the roads and that we will bring down the rate of accidents in this country, when I read through this Bill, this is not the solution. The proposals in the Bill are "unimplementable"; the proposed Bill is not practical at all. When I look at this Bill, while at the same time, I am looking for solutions and hon. Mututho has really appealed to emotion of Kenyans, because of the high rate of accidents in our roads, of which hon. Member, I will want you to know that we are all concerned. We are concerned about the high rates of accidents on our roads. We are all looking for solutions but the solution is not abolishing the traffic police. The solution will not be provided by failure to separate the crimes from the accidents. When you want to say every accident becomes a crime, it is not going to work. There are those drivers who are very careful - and that is why it is called an "accident" - and somewhere along the line, a driver will cause an accident. When I read through this Bill for every so-called accident that was converted into a crime, every driver who causes the accident *cum* crime will be fined in the better part of it, ten years jail or over Kshs500,000 fine. It is impractical. How many *boda boda* people can afford Kshs500,000? How many *matatu* drivers can afford Kshs500,000? Even how many MPs can afford Kshs500,000? Let us be realistic in what we propose in our laws.

Another impractical provision is the one on road blocks. I appreciate that we cannot have road blocks everywhere. But I oppose one thing, that we can only have road blocks at designated areas. It is not practical. What happens today, if the police in Nakuru call the police in Nairobi and say; “we have three vehicles on the highway coming towards Nairobi or Naivasha or somewhere and they have robbed or done some crime in Nakuru, please put road blocks and arrest them? What will the police in Naivasha or Nairobi say? We cannot put road blocks because this is not a designated area. We need to leave the police, to some extent, to be able to regulate themselves. We cannot regulate everything that they do. Again, I feel for all of us. I feel for the many bad drivers we have on the road. I am not going to support the disorder we have in the *matatu* sector or with the *boda boda*, but I am also saying this Bill is not the solution. The proposed Bill does not offer us any solution so far.

Mr. Temporary Deputy Speaker, Sir, coming to the uniforms for the *matatu* driver, I do accept that they need some order. But we cannot come to an extent where we define their colours. Probably we need to propose uniforms like we do for schools but then we leave it for the investors in that sector to decide what kind of colours their particular staff will wear. But we cannot start defining what colour the uniforms will be. That is not part of legislation. That is a function and we can leave the functions to the investors. The bottom line - my take is that I conclude that the stakeholders were not consulted. The Traffic police were not consulted. The *matatu* investors were not consulted. The *boda boda* investors were not consulted. Again, just like we do as Parliamentarians, we bring a Bill in the House without consulting the consumers of the same Bill. So, what do we do? We come and set laws and we want to impose the same laws on Kenyans. This is unworkable. With those few remarks, I oppose.

## QUORUM

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Charles Kilonzo, what is your point of order.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I want to bring to your attention the fact that we do not have a quorum.

**The Temporary Deputy Speaker** (Prof. Kaloki): Okay, clerks, do we have quorum in the House? All right, Serjeant-at-Arms, could you ring the Bell so that we can get more Members into the Chamber?

*(The Division Bell was rung)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Hon. Members, there being no quorum, the House now stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.15 p.m.