

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 20th December, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

Mr. Speaker: Hon. Members, I have a number of communications to make.

APPOINTMENT OF ETHICS AND ANTI-CORRUPTION COMMISSION SECRETARY

First, Section 16(1) of the Ethics and Anti-Corruption Commission Act requires the Commission to appoint, through an open, transparent and competitive recruitment process and with the approval of the National Assembly, a suitably qualified person to be the Secretary to the Commission.

The Minister for Justice, National Cohesion and Constitutional Affairs via a letter dated 19th December, 2012 has forwarded to the National Assembly the name of one Mr. Halakhe Dida Waqo for approval, as the most appropriate candidate for the position of Secretary to the Commission.

I, therefore, direct that the name of the nominee and the accompanying curriculum vitae be forwarded to the Departmental Committee on Justice and Legal Affairs for consideration prior to approval by the House. The Committee is directed to table its Report to the House on or before 27th December, 2012.

I thank you.

APPOINTMENTS TO THE PUBLIC SERVICE COMMISSION

Hon. Members, the next Communication is with respect to appointments to the Public Service Commission (PSC).

Section 6 of the Public Service Commission Act, 2012 provides that the PSC shall consist of a chairperson, vice-chairperson and seven other members appointed in accordance with Article 233(2) of the Constitution and the provisions of the Act.

In particular, the First Schedule lays down the elaborate procedure for the appointment of the chairperson and members of the Commission. It *inter alia* requires the President to make public vacancies in the Commission by notice in the gazette and then constitute a selection panel whose role is to invite applications for the position of the respective vacancies in the Commission, consider those applications, shortlist and interview the applicants. The selection panel is thereafter required to select three persons qualified to be appointed as chairperson; three persons qualified to be appointed as vice-chairperson; and three persons qualified to be

appointed as members of the Commission for each vacancy and forward the names of the persons selected to the President for nomination to the respective offices. The President is in turn required to forward the names of nominees to the National Assembly for vetting and approval.

Consequently, by a letter from the Office of the Permanent Secretary, Secretary to the Cabinet and Acting Head of Public Service dated 18th December, 2012, the National Assembly has been advised that His Excellency the President has, after consultation with the Right Honourable Prime Minister, nominated the following persons to be considered by the House for its approval for appointment to their respective positions:-

Prof. Margaret Kobia - chairperson

Amb. Peter O. ole Nkuraiya – vice-chairperson

The Members are:-

1. Prof. Michael N. Lokuruka
2. Mr. Patrick G. Gichohi
3. Mr. Lawrence Nyalle
4. Ms. Veronica Chemutai Birgen
5. Ms. Catherine Raini Omweno
6. Dr. Judith Emboyi Bwonya
7. Mr. Titus Ndambuki.

I, therefore, direct that the names of these nominees and their accompanying curriculum vitae, score sheet and report of the selection panel be forwarded to the Departmental Committee on Labour and Social Welfare for consideration prior to approval by the House. The Committee is directed to proceed with dispatch and table its Report to the House on or before 27th December, 2012.

APPOINTMENT OF CHAIRPERSON/MEMBERS OF THE TSC

Hon. Members, Section 5 of the Teachers Service Commission Act, 2012 provides that the Teachers Service Commission shall consist of a chairperson and eight other persons appointed in accordance with the Constitution and Section 8 of the Act.

Section 8 provides that whenever a vacancy arises in the Commission, the President, in consultation with the Prime Minister shall by notice in the gazette declare a vacancy and constitute a selection panel for the purpose of selecting suitable candidates for appointment as the chairperson or member of the Commission. The selection panel is obligated to invite applications for the position of the respective vacancies in the Commission, consider those applications, shortlist and interview the applicants. The selection panel is, thereafter required to submit the names of qualified applicants to the President for nomination to the respective offices and thereafter the President is required to forward the names of nominees to the National Assembly for approval.

Consequently, by a letter from the Office of the Permanent Secretary, Secretary to the Cabinet and Acting Head of Public Service dated 19th December, 2012, the National Assembly has been advised that His Excellency the President has, after consultation with the Right Honourable Prime Minister, nominated the following persons to be considered by the House for its approval for appointment to their respective positions:-

Mr. Kiragu Wa Magochi - chairperson

The Members are:-

1. Mr. Kahindi Ziro James

2. Mr. Fredrick Haga Ochieng
3. Mr. Adan Sheikh Abdullahi.

I, therefore, direct that the names of these nominees and their accompanying curriculum vitae, score sheet and report of the selection panel be forwarded to the Departmental Committee on Education, Research and Technology for consideration prior to approval by the House.

The Committee is directed to proceed with dispatch and table its Report to the House on or before 27th December, 2012.

I thank you.

PAPERS LAID

The following Papers were laid on the Table:-

The Draft Regulations for the Breast Milk Substitutes – Regulations and Control Act, 2012.

(By the Minister for Public Health and Sanitation)

A Report arising from a petition by the hon. Member for Naivasha, hon. Mututho on the unlawful arrest and detention of the late hon. Joseph Martin Shikuku and the late hon. Jean-Marie Seroney.

(By the Minister of State for Provincial Administration and Internal Security)

Mr. Speaker: Very well! The Member for Naivasha, I know that you have been pushing this for some time, but now you have a Report on the petition. So, please, find time to acquaint yourself with it and even the rest of the Members so that if there are any issues or, maybe, need for a Motion you will then cause that to happen.

Report of the Departmental Committee on Lands and Natural Resources on the Petition by Dr. Nuh Nasir on the Siu land allocation in Lamu County.

Report of the Departmental Committee on Lands and Natural Resources on Ordinary Question No.1044 by hon. Shakila Abdalla, M.P, on the issuance of title deeds by the Ministry of Lands in Lamu.

Report of the Joint Departmental Committee on Administration and National Security; Lands and Natural Resources; Local Authorities; Transport, Public Works and Housing on the Forensic Investigation Report of the Auditor-General, Kenya National Audit Office on the demolitions and evictions in Syokimau, Kyang'ombe, KPA, Maasai, Mitumba Villages and Eastleigh and the annexes therein in Volumes I and II.

(By Mr. Musyimi)

Report of the Joint Committee investigating the matter of adverse security situation, loss of property and loss of lives of security personnel and civilians in Garissa, Eastleigh and Baragoi areas.

Report of the Departmental Committee on Defence and Foreign Relations on the inspection of Kenya Missions in Vienna, Geneva, the Hague and visit to the international organizations in August, 2011.

(By Mr. Keynan)

Report of the Departmental Committee on Finance, Planning and Trade on privatization proposals of the five public sector-owned and controlled sugar companies; three Kenya Tourist Development Corporation (KTDC) owned hotels and Kenya Wine Agencies Limited.

Report of the Departmental Committee on Finance, Planning and Trade on the approval of Mr. Francis Wang'ombe Kariuki for appointment as the Director-General of the Competition Authority of Kenya.

(By Mr. Okemo)

Report of the Departmental Committee on Labour and Social Welfare on the Question by Private Notice by hon. Dr. Khalwale, Member for Ikolomani Constituency requested on 1st December, 2011 on the Kenya Delegation to the 10th All Africa Games, Maputo on 3rd to 18th September, 2012.

(By Mrs. Noor)

Mr. Speaker: Next Order!

NOTICES OF MOTIONS

ADOPTION OF REPORT ON PRIVATISATION PROPOSALS

Mr. Okemo: Mr. Speaker, Sir, I beg to give notice of the following Motions:-

THAT, this House adopts the Report of the Finance, Planning and Trade Committee on privatisation proposals of the five public sector owned sugar companies, three Kenya Tourist Development Corporation owned hotels and Kenya Wine Agencies Limited laid on the Table of the House today, Thursday, 20th December 2012.

ADOPTION OF REPORT ON APPOINTMENT OF MR. KARIUKI AS DIRECTOR-GENERAL OF COMPETITION AUTHORITY

THAT, this House adopts the report of the Finance, Planning and Trade Committee on the approval of Mr. Francis Wang'ombe Kariuki for appointment as the Director-General of the Competition Authority of Kenya laid on the Table of the House today, Thursday, 20th December, 2012.

ADOPTION OF JOINT COMMITTEE REPORT ON ADVERSE SECURITY SITUATION

Mr. Keynan: Mr. Speaker, Sir, I beg to give notice of the following Motions:-

THAT, this House adopts the report of the Joint Departmental Committee on Administration and National Security; Defence and Foreign Relations; Justice and Legal Affairs and the Select Committee on Equal Opportunity investigating the matter of adverse security situation, loss of property, loss of lives of security personnel and civilians in Garissa and Eastleigh Town and also Baragoi environs as laid on the Table of the House today, Thursday 20th December, 2012.

ADOPTION OF JOINT COMMITTEE REPORT
ON STATE OF KENYA MISSIONS

THAT, this House adopts the report of the Departmental Committee on Defence and Foreign Relations on the state of Kenya Missions in Vienna, Geneva and the Hague as tabled on the Floor of the House today, Thursday, 20th December, 2012.

ADOPTION OF JOINT COMMITTEE REPORT
ON DEMOLITIONS AND EVICTIONS

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

THAT, this House adopts the report of the Joint Departmental Committee on Administration and National Security; Lands and Natural Resources; Local Authorities; and Transport, Public Works and Housing on the forensic investigation report of the Auditor-General, Kenya National Audit Office on the demolition delegation to Syokimau, Kyang'ombe, KPA, Maasai and Mitumba villages; Eastleigh and their annexes bearing on unit 1 and 2 laid on the Table of the House today Thursday, December 2012.

ADOPTION OF DRAFT REGULATIONS ON BREAST MILK
SUBSTITUTES REGULATION AND CONTROL ACT 2012

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House adopts the draft regulations on the Breast Milk Substitutes Regulation and Control Act 2012, laid on the Table of the House today, Thursday, 20th December, 2012.

*(Mr. Mbuvi crossed the Floor
without bowing to the Chair)*

Mr. Speaker: Order, hon. Mbuvi! Will you kindly go back to your seat and I want you to go back where you came from. Please, retrace your steps. Please, go back to where you came from before you went to hon. Munya. Retrace your steps to your seat. Go back to where you were initially sitting. You were sitting next to the hon. Shebesh.

(Mr. Mbuvi resumed his original seat)

Will you now proceed and go and consult with hon. Peter Munya?

(Mr. Mbuvi went to the Bar, bowed to the Chair and crossed the Floor)

Hon. Mbuvi, that is how it is done and if you do not have space next to hon. Peter Munya, you request him and go to where there is space and the two of you can sit next to each other.

(Mr. Mbuvi sat next to Mr. Munya)

Mr. Speaker: Next Order!

QUESTIONS BY PRIVATE NOTICE

FAILURE TO REGISTER DIPLOMA GRADUATES FROM KENYAN UNIVERSITIES BY TSC

Mr. Lessonet: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that the Teachers Service Commission (TSC) has refused to register graduates with Diploma in Education (Arts) from Egerton, Moi, Methodist and Mt. Kenya Universities rendering them unemployable by the TSC?

(b) What action will the Minister take to ensure that graduates are not frustrated in pursuit of their career?

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that the Teachers Service Commission (TSC) has refused to register duly qualified graduates with Diploma in Education (Arts) from Egerton, Moi, Methodist and Mount Kenya universities rendering them unemployable by the TSC. The minimum entry requirements for admission for Diploma in Education are set by the Ministry of Education which applies to the diploma teacher training colleges.

(b) The Minister, in liaison with the Minister for Higher Education, Science and Technology and the TSC will advise the teacher training institutions and especially the universities to stick to the minimum academic requirements at the KCSE before admission to Diploma in Education to ensure that nobody is denied registration and subsequent employment by the TSC. However, the TSC will not register graduates from institutions who pursued the diploma courses without meeting the minimum KCSE requirements for admission.

Mr. Lessonet: Mr. Speaker, Sir, these are graduates who had a mean grade of C plain in their KCSE and who have subsequently been admitted in universities registered and operating in Kenya and thereafter they are not allowed to proceed with their professional studies. Could the Assistant Minister tell us what his Ministry is doing about these grade anomalies that students are admitted to diploma courses with a C plain and thereafter they are not able to teach because they cannot be registered by the TSC?

Prof. Olweny: Mr. Speaker, Sir, on this enrolment to these other colleges, they went to those colleges without meeting the requirements set by the Ministry so that we maintain the good

quality of our teachers. There is the standard of education for our teachers. I want to inform the hon. Member that the qualifications that we need for our teachers to be trained for diploma certificates is that there must be a mean grade of C+ at the KCSE, a mean grade of C+ (plus) in each of the teaching subjects that the candidate is going to do the diploma in and that is the only way we can register such graduates, according to our rules today. There must be also a mean grade of C plain in English for all applicants.

Everybody who wants to go to diploma colleges must have a mean grade of C and a mean grade of C for Mathematics for those who are going for science-based subjects. A mean grade of D+ (plus) if you are going for Arts-based subjects. For those with special needs, a mean grade of C plain for KCSE, mean grade of C plain in each of the two teaching subjects, a mean grade of C- (minus) in English, a mean grade of C- (minus) in Maths or Science-based teaching subjects. Those are the rules as we have them today. Anybody who goes to the college without those qualifications will not be registered as teachers even if they graduate with diploma or whatever.

Mr. Pesa: Mr. Speaker, Sir, we have one Government and I know that universities are under the Ministry of Higher Education, Science and Technology. In exercising their power as a Government, after punishing the relevant Vice-Chancellors who allowed these students to be admitted when they did not qualify for those courses, could they agree amongst themselves to bring in bridging courses for these Kenyans who have had to go through the university education and are now rendered redundant because of the mistake by the universities?

Prof. Olweny: Mr. Speaker, Sir, the Member was one of the best teachers in this country when he was teaching and he knows very well that we have bridging courses for such cases. We have. They are there.

Dr. Khalwale: Mr. Speaker, Sir, we must commend the Assistant Minister for upholding standards of education, but at the same time, obviously these students were duped by the respective colleges and universities. What action is he taking against these colleges and such other colleges that continue to dupe students purely for commercial purposes when they know that at the end of the training, these degrees, diplomas and certificates will not meet the Ministry's minimum requirements for recognition?

Prof. Olweny: Mr. Speaker, Sir, we will have two things. One, we will liaise with the Ministry of Higher Education, Science and Technology. We are informing all these institutions to go as per the rules. Secondly, I would request those graduates to do their bridging courses. They are very short and do not take much time. Then we shall register them. In the meantime, we are also initiating review of some of these rules, so that we do not subject Kenyans to suffering when they have had such cases.

Mr. Imanyara: Mr. Speaker, Sir, these universities that are mentioned here are not back door private universities. They are some of the best well known universities in the country. The Assistant Minister has agreed that admitting students and then giving them certificates of competence for which they are not entitled, knowing that they are breaking the rules, is a very serious offence.

Could he agree with me that the best way to deter this conduct is to refer these cases to the Director of Public Prosecutions? Then have these universities charged in a court of law for duping innocent Kenyan students and parents to pay money to undertake courses for which the universities know will not be registered or acknowledged by the Ministry? Could he do that in order to deter other universities from doing the same thing?

Prof. Olweny: Mr. Speaker, Sir, it is a good idea, but we can do that through the Commission for Higher Education (CHE).

Mr. Speaker: Very well! Hon. Assistant Minister, you confirm that you will take those steps.

Mr. Lessonet: Mr. Speaker, Sir, the students who pursued diploma courses pursued them after the vacancies were advertised by those institutions of higher learning, whether it is Egerton University, Moi University and all the other universities that we have mentioned here. What action does he intend to take against the administrators and the leadership of such universities for having misled these young students that they could pursue those courses? Finally, like we have realized, they cannot pursue their teaching career.

Prof. Olweny: Mr. Speaker, Sir, that question is not different from the question hon. Imanyara asked just a minute ago. I will do the same thing.

Mr. Speaker: Fair enough!

IMMINENT EVICTION OF ADING'O OPANGA
FAMILIES BY FORESTRY DEPARTMENT

Mr. Ochieng: Mr. Speaker, Sir, I beg to ask the Minister for Forestry and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that the Ministry is planning to evict families in Ading'o Opanga location, Nyakach, on a piece of land purported to belong to the Forestry Department?

(b) Why has the Ministry failed to hold any stakeholders meeting for the last 70 years to sensitize the occupiers that the land belongs to the Forestry Department?

(c) Why has the Department of Forestry failed to engage the affected families on the way forward on this matter before issuance of the 30 days notice and could the Minister confirm that the eviction notices issued are, therefore, null and void?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Speaker, Sir, once again, I want to ask for your indulgence for this particular Question to be moved to the next sitting of this House. This is basically because the answer that I was given by my officers did not satisfy the information that I was comfortable to bring to this House. However, I know that the Questioner is much more concerned about the eviction. I have already instructed my officers that no eviction should be done until the proper procedures, as per the law, are followed and until they provide the information, so that I can provide a comprehensive answer in the next sitting of this House.

Mr. Mututho: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to address the House without apologizing for having failed to appear yesterday? He has gone straight to seek the indulgence of the House hence causing even more delay. He did not appear yesterday to answer two Questions in the morning and in the afternoon. Is he in order?

Mr. Speaker: I have not acquainted myself with the HANSARD to know that, that is the position. But hon. Assistant Minister is that accurate?

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Speaker, Sir, I expected my substantive Minister, who had the answer, to come and answer because I was busy elsewhere. I only learnt later that he was not here.

Mr. Speaker: Order, Mr. Assistant Minister! Is it not the easy thing to do, now that you are aware that your Ministry was not available when it should have been, just to apologize? It is a decent thing.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Speaker, Sir, we regret the absence and I hope that the substantive Minister, the next time when the Question comes to the House, will answer it. But for today, I am ready and willing to answer it next time.

Mr. Speaker: Mr. Ochieng', are you ready to take 27th December, 2012?

Mr. Ochieng: Mr. Speaker, Sir, that is okay. That is what my people in Ading'o Opanga Location would want to hear.

Mr. Speaker: Fine! At least, you have an undertaking that there will be no evictions until then.

Mr. Ochieng: Yes, Mr. Speaker, Sir.

Mr. Speaker: Fair enough! Question ordered to be deferred to 27th December, 2012

(Question deferred)

DELAYED COMPENSATION FOR FAMILY OF LATE EVAN M. NJUKI

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

(a) Is the Minister aware that the late Mr. Evan Muchiri Njuki was knocked down by a vehicle registration No. KBL 737P belonging to the Likoni Traffic Base Commander on 19th November, 2012?

(b) Is the Minister also aware that the family of the deceased is apprehensive of the independence of the investigation?

(c) When will the family of the deceased be compensated?

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

(a) I am aware that on 19th November, 2012, at about 6.00 a.m., Mr. Evan Muchiri Njuki, a handcart operator, was involved in a road accident along Likoni-Shelly Beach Road with a vehicle Registration No. KBL 737P, a Toyota Premio by make, which was being driven by Chief Inspector Francis Gituma Mukiira, the Likoni Traffic Base Commander who is also the owner. The victim was rushed to the Coast General Hospital where he died while undergoing treatment. The accident was booked at Likoni Police Station vide OB No.4 of 19th November, 2012 and investigations led by Mr. Martin Kariuki, SP, the Deputy Provincial Traffic Enforcement Officer, Coast, vide IARNo.32/2012, commenced immediately.

(b) I am not aware that the family of the deceased is apprehensive of the independence of investigations and none of the family members has so far complained of the same. The case is pending under investigation as statements from the family members, namely, Sarah Wanjiru and Patrick Wanjohi, wife and brother to the deceased respectively, who attended the postmortem have not been recorded. The two had promised to avail themselves after the burial, but they are yet to do so.

However, the investigating officer has contacted them and they have promised to avail themselves on 3rd January, 2013. If investigations are completed, the file will be forwarded to the Director of Public Prosecutions as it is the requirement, for perusal and advice and appropriate action will be taken accordingly.

Regarding compensation, the motor vehicle was insured against third party risk by African Merchant Assurance company Limited as per the certificate of insurance No.C9246800, Policy No.AM2/079/1/002180/212 expiring on 12th December, 2012. The driver, Mr. Francis

Gituma Mukiira is also a competent driver and holder of driving licence number C419616 which expires on 19th August, 2013. I herewith table copies of insurance certificates and driving licence.

(Mr. Khangati laid the documents on the Table)

The family should therefore be advised to pursue compensation with the insurance company.

Mr. Gitari: Mr. Speaker, Sir, while thanking the Assistant Minister for the good answer, I would like to ask him whether he is aware that this accident was caused by one of his officers, Inspector Francis Gituma Mukiira who, I am made to understand was very drunk and was going home in the morning. Having known that, what action have you taken against your officer, Inspector Francis Gituma Mukiira because of drunkenness and causing the accident?

[Mr. Speaker left the Chair]

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

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, I am not aware that the driver was drunk. That is information that I am gathering from the hon. Member of Parliament. What I know is that the accident was caused early in the morning, at 6.00 a.m. and that the matter is being treated purely as an accident and it does not matter whether he is an inspector of police or a security officer, he will receive the same treatment as a civilian. I intend to go back to the office and issue instructions to Coast Provincial Police Officer (PPO) to ensure that this matter is dealt with expeditiously and that there should be no interference whatsoever.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, in answering part “b” the Assistant Minister claims that he is not aware that the family is apprehensive of the investigation yet he has confirmed that---

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, Mr. Shakeel?

Mr. Shakeel: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister correctly telling us---

The Temporary Deputy Speaker (Mr. Imanyara): You have interrupted an hon. Member who was asking a supplementary question.

Mr. Shakeel: I beg your pardon, I pressed it late, Sir. I am so sorry.

The Temporary Deputy Speaker (Mr. Imanyara): Continue, Mr. Koech.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, in answering part “b” of the Question, the Assistant Minister indicated that he is not aware that the family is apprehensive of the independence of investigations yet he has confirmed that the driver is indeed the Likoni Traffic Commandant. What assurance are you giving to the family that there will be independent investigations?

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, I have already indicated that there will be a correct approach to this matter. When I was finishing the last response, I mentioned that from here, I am going to give instructions to the Coast PPO to ensure that there is no interference. So far, there is no interference which has been reported but I am also aware that Mr.

Gituma could as well do the same. I think that is the concern of the hon. Member. We want justice to be done. Police officers are not allowed to commit mistakes and get away with them. They should be disciplined like everybody else.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, the pedestrian here was actually killed in this particular incident. It is a very serious matter and I would want the Assistant Minister to explain to us how long it takes for investigations to be completed and when the police officer is going to be charged. We believe that since he was drunk, he could have been at fault.

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, I want to repeat here that I am not aware of the police officer being drunk. I cannot also stand here on his behalf and say that he was not at fault. I have given the facts that the matter is being investigated. In fact, investigations would have been completed if members of the family of the deceased who witnessed the post-mortem had availed themselves and wrote statements.

The Temporary Deputy Speaker (Mr. Imanyara): What the hon. Members are asking is; who is conducting the investigations? Ordinarily, the officer in charge of those investigations is the officer involved. Since he was the one driving this vehicle, who is conducting the investigations? That is the question.

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, the investigations are being conducted by the Deputy Provincial Traffic Enforcement Officer, Mr. Martin Kariuki.

The Temporary Deputy Speaker (Mr. Imanyara): Is that the deputy of the person who was driving?

Mr. Khangati: No. This is the Deputy Provincial Traffic Enforcement Officer.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, this is a very important Question because reporting matters in police stations is very complicated. You have to go and report at the reporting desk and then it is the same officers who will decide what to report to their bosses. So, could the Assistant Minister take special interest in this matter and monitor it directly? He knows himself what happens in police stations. There is conflict of interest here and the rigidity of police. So, I would like the Assistant Minister to assure this House that he will take interest in the matter himself---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Chanzu! That is what the Minister has stated more than three times. He is taking personal interest and that is why he is saying that he will give instructions. What other guarantee do we need?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, he can reaffirm that and tell us exactly what he is going to do.

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, I have already made the commitment that this matter is not going to be swept under the carpet simply because the person involved is a security officer. I wish to acknowledge the fears that hon. Members have and that is why the reforms in the police are ongoing. That is why today we are going to approve an Inspector-General.

The Temporary Deputy Speaker (Mr. Imanyara): Order! You cannot say that is what we are going to approve. You cannot anticipate the decision of the House. You can say that, that is why you have submitted names for approval but you cannot say that we are going to approve. You have no idea how the voting will go unless you know and you will be anticipating debate, which is contrary to the Standing Orders.

Mr. Khangati: My apologies, Mr. Temporary Deputy Speaker, Sir.

Mr. Gitari: Thank you, Mr. Temporary Deputy Speaker, Sir. I thank the Assistant Minister for the assurance. Now that one Sarah Wanjiru, the wife of the deceased and the brother, Patrick Wanjohi, have given an assurance that they will go and record their statements after the postmortem on 3rd January, how long do we expect the matter to be concluded?

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, I have already indicated that once family members have gone to record their statements, the file will be sent to the Director of Public Prosecutions who will have the final say on whether the prosecutions will be conducted or not. He will also have the final say.

ORAL ANSWERS TO QUESTIONS

Question No.1777

AVERTING CONFLICTS BETWEEN RANCHERS/PASTORALISTS IN LAMU COUNTY

The Temporary Deputy Speaker (Mr. Imanyara): Is hon. Shakila Abdalla not here? The Question is dropped!

(Question dropped)

Question No.1850

CRITERIA FOR AWARD OF LICENCES TO HARVEST TREES FROM MAU FOREST

Mr. Mututho asked the Minister for Forestry and Wildlife:-

(a) whether he could provide a list of companies/individuals licensed to harvest trees in Mau Forest in the last eight years indicating the origin of the companies and their respective allocated forest portions and how much they paid for the licences;

(b) what criteria was used in pre-qualification and awarding of the above licences and the rationale in exempting others from paying local cess and licences; and,

(c) whether he could consider revoking the above licences and facilitate participation of the local community as important stakeholders of the Mau forest.

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

(a) A total of 39 saw mills have prequalified licence to bid for plantations in Mau Forest blocks as per the attached list which I will table. The list also indicates their respective allocated plantation forest portions and how much they paid for their licences as royalties. The companies are Kenyan owned and are registered in Kenya.

(b) The 39 saw mills were prequalified in accordance with:-

(i) Government Procurement Act, 2005, Procurement Rule of placing advertisements in two newspapers of national circulation inviting interested saw millers to apply for prequalification;

- (ii) production of pre-registration documents that comprise of certificates of registration, VAT registration certificate, PIN certificate, trade licence and a copy of Income Tax returns;
- (iii) evidence of financial capability by providing certified financial statements and letters of reference from reputable banks;
- (iv) litigation history; and,
- (v) proof of technical capability to carry out saw mill business; that is qualified personnel and availability of saw mill machinery.

Awarding is done through competitive bidding and the highest bidder is awarded subject to a reserve price.

(c) My Ministry does not intend to revoke licences of saw millers operating in Mau Forest since they were awarded in accordance with the existing laws and regulations and have been operating within the conditions appertaining to the licences.

My Ministry is also working closely with the local community forest association stakeholders through joint forest management, helping them generate income for forest-based micro-enterprises including bee keeping, fish farming, plantation establishment and livelihood schemes formally known as the *shamba* system.

The local community members are also allowed to harvest trees subject to prequalification and availability of forest materials.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Mr. Nanok laid the document on the Table)

Mr. Olago: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the hon. Assistant Minister simply recite the requirements of the Public Procurement and Disposal Act that sets out what needs to be done. However, he did not disclose to the House whether those requirements were complied with in terms of whether any advertisement was made and the date it was done.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mututho has agreed with you because that was his supplementary question which you have asked in the form of a point of order.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has indicated that there is a list but we have not seen it. Could I be in order to request that we skip this Question for a few minutes so that I look at the list?

The Temporary Deputy Speaker (Mr. Imanyara): How long will you take? Should we skip it until the end of Question Time?

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, before the end of Question Time, I will be ready.

The Temporary Deputy Speaker (Mr. Imanyara): I will visit this at the end of this Order. When we come towards the end of this order, I will revisit the Question so that you will have looked at the list that the Assistant Minister has tabled.

(Mr. Nanok laid the document on the Table)

If you want time to look at the list, I will give you that time. We will revisit the Question and I will allow you to ask the supplementary question and then other hon. Members.

Mr. Mututho: Thank you.

Mr. Waibara: Mr. Temporary Deputy Speaker, Sir, allow me to speak from the Dispatch Box because I misplaced my card.

Question No.1849

NON-ELECTRIFICATION OF BUCHANA COFFEE FACTORY

Mr. Waibara asked the Minister for Energy:-

(a) how many projects have been undertaken to completion by the Rural Electrification Authority in Gatundu North Constituency since its inception and how much has been utilized;

(b) whether he could provide details of all new service lines that have been installed in the Constituency since 2008; and,

(c) what the capacities of all the transformers that have been installed in the constituency are and when one will be installed near Buchana Coffee Factory to serve the factory and its environs.

Mr. Temporary Deputy Speaker, Sir, you will notice that this Question was on the Order Paper on Tuesday this week and the Minister did not provide me with a written answer to enable me ask supplementary questions. That is why it was deferred to today.

Today, the Minister called me and told me that he had some urgent issues to attend to at the Ministry. With your indulgence, I kindly ask that you defer this Question to the next sitting date.

The Temporary Deputy Speaker (Mr. Imanyara): To when would you like it to be deferred?

Mr. Waibara: Mr. Temporary Deputy Speaker, Sir, to the next sitting day.

The Temporary Deputy Speaker (Mr. Imanyara): On Thursday 27th?

Mr. Waibara: Yes, Mr. Temporary Deputy Speaker, Sir, because I was in agreement with the Minister.

The Temporary Deputy Speaker (Mr. Imanyara): The Question is deferred to next Thursday.

Mr. Waibara: Thank you, Mr. Temporary Deputy Speaker, Sir.

(Question deferred)

Question No.1753

STALLING OF WORKS ON FRESH PRODUCE MARKET AT MAJENGO

Mr. Chanzu asked the Minister for Local Government:-

(a) what has caused the stalling of the fresh produce market under the Economic Stimulus Programme at Majengo in Vihiga District; and,

(b) what measures he will take to ensure that the market is completed without further delay.

The Minister has sent me a message saying that he is on his way coming. I think he is held somewhere between Jogoo House and this place.

The Temporary Deputy Speaker (Mr. Imanyara): Who has sent the message?

Mr. Chanzu: Mr. Nguyai, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Has he sent you the message?

Mr. Chanzu: Yes, he has sent me the message right now. He has told me that he is held up but he is on the way coming.

The Temporary Deputy Speaker (Mr. Imanyara): What did you agree with him because this is your Question?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, he has just told me to inform you. Maybe, we should leave it until he comes because he is near this place.

The Temporary Deputy Speaker (Mr. Imanyara): Except that the right addressee to that message should have been the Chair and not you because your duty is to ask the Question.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I do not know how he would have communicated with you.

The Temporary Deputy Speaker (Mr. Imanyara): What are you suggesting?

Mr. Chanzu: I am requesting that we give him time. Probably, by the time we finish the first round, he would have come.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, but that is a matter that I should be getting from the Leader of Government Business and not you because they are the ones who organize the business on the Government side.

However, I will return to this Question.

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir.

Question No.1875

DELAYED PAYMENT OF DUES TO MR. JEREMIAH OBWOMA

Dr. Monda asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Mr. Jeremiah Obwoma (P/No.82108957), a Chief from Kiogoro Location in Kisii Central District was retired in public interest and subsequently reinstated after he successfully appealed the decision;

(b) whether he is also aware that the said officer has not been paid his dues for the period the appeal was being considered; and,

(c) when he will be paid his dues and whether he could confirm that the dues will include interest for the period they remained unpaid.

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

(a) I am aware that Mr. Jeremiah Obwoma was retired in public interest with effect from 1st August, 2003 and later reinstated after making an appeal which was approved by the Public Service Commission in October, 2008.

(b) I am also aware that the said officer has not been paid dues for the intervening period; that is from August, 2003 to October, 2008. That was because he was considered to be retired during the appeal period. Since he did not render any services, he does not qualify to be paid any salary.

Dr. Monda: Mr. Temporary Deputy Speaker, Sir, while I thank the Assistant Minister for the attempt he has made in answering this Question, the chief, Mr. Jeremiah Obwoma, was given a letter on 30th July, 2002 to show cause why he should not be retired in public interest.

He was given a notice of 21 days, but the letter was forwarded to the chief by District Commissioner 31 days later. From the time he was given the show cause why letter there was no further communication to the chief until sometime in October, 2006 when he was instructed by the District Commissioner to handover to his assistant chief.

Mr. Temporary Deputy Speaker, Sir, we are, therefore, asking what the Assistant Minister is doing to pay the chief for the period between 2002 and 2006, when he was in office awaiting the decision on the show cause why notice.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, are you telling the hon. Member that during the time this matter was going through the appellate stages, you consider that he was in retirement, notwithstanding the fact that the matter ended in his favour because the appeal succeeded?

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, the officer was retired in public interest in 2003. Naturally, before that retirement stage he had been served a show cause why letter in 2002; the process of reviewing his performance was considered. So, he was retired in 2003----

The Temporary Deputy Speaker (Mr. Imanyara): In the public interest as a measure of disciplinary proceeding against which he appealed?

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, then he appealed to the Public Service Commission on 21st October, 2004. He lodged two appeals. The first appeal was rejected by the Public Service Commission by reference letter D/0/OP/111 of 15th March, 2006, meaning that in 2006, the Public Service Commission stood by its earlier decision. He made use of his second right of appeal, which was done on 29th June, 2006 and the PSC on 29th October, 2008 accepted appeal and reinstated him into his position.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, I am now speaking from a position of a lawyer, and if you are to take advice from the Chief Legal Adviser, who is not very far from you, you will find out that if his appeal succeeded at whatever stage--- As long as the appeal against retirement in the public interest pursuant to disciplinary proceedings succeeded, the appeal succeeded then you cannot punish for the intervening period, no matter how long it was. You cannot do that.

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, the right for public officers to remain in service is with the PSC; at this point I have not acquainted myself with the facts that led the PSC to reinstate him.

The Temporary Deputy Speaker (Mr. Imanyara): I direct therefore that you go and acquaint yourself with the facts; the facts that you are giving do not tally with the state of the law. So, I will give you an opportunity to acquaint yourself with the facts; I would strongly advise that you give those facts to the Office of the Attorney General and seek his opinion and you will find out that this particular public officer is entitled to his dues, if he, indeed, his appeal did succeed. So, with your concurrence hon. Member for Nyaribari Chache, I am going to defer this matter to enable the Assistant Minister to acquaint himself with the fact. It is up to him to tell me how long he requires for this purpose.

Mr. Khangati: Mr. Temporary Deputy Speaker, Sir, I will come back with the necessary facts at the next sitting of this House.

The Temporary Deputy Speaker (Mr. Imanyara): Very well; I do not know when the next session of this House will be, but whenever it will be, please, be ready. I suspect it will be on the 27th of December. So, I do not know whether you are certain that between now and the 27th of December, you will have that information.

Mr. Khangati: I will, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Very well; we will defer this to Thursday, 27th of December.

Member for Samburu East, hon. Letimalo.

Question No.1877

Mr. Letimalo asked the Attorney-General:-

(a) whether he is aware that shares totaling 50 per cent were irregularly transferred by a co-director of Trolley Concepts (K) Limited, Ms Edith Njeri Kimani to Ms Diana Wambugu without the authority and consent of the other co-director(s);

(b) why the Attorney-General has not enforced the instruction reinstating the status quo in the company as contained in the letter dated 17th September, 2012 signed by the Registrar of Companies; and,

(c) when the directive will be enforced.

Mr. Temporary Deputy Speaker, Sir, I have not received a copy of the answer from the Attorney-General.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Attorney-General, the Member is complaining that you have not furnished him with a written response to his Question.

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I think there has been some delay, which I would attribute to the Clerk's office because my office has already forwarded a written answer to the Clerk's Office.

Be that as it may, I had a word with the hon. Member a few minutes ago. I assured him that I had an answer for him which is written and I was happy to leave him with the original of this answer, once I have provided the answer to him.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, I think the Attorney-General can proceed and answer the Question.

The Temporary Deputy Speaker (Mr. Imanyara): So, you are happy, and the Attorney-General, may proceed and answer the Question?

The Attorney General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The company in question, Trolleys Concept Kenya Limited was registered as a private company on 4th June, 2003 and its registration number is C103899. The directors' details upon incorporation were as follows: Director/Shareholder, Edith Njeri Kimani, P.O. BOX 62575, Nairobi, Kenya, 500 shares; George Ragui, P.O.BOX 6257, Nairobi, Kenyan, 500 shares.

Mr. Temporary Deputy Speaker, Sir, on the 21st of June, 2005, a Form 2 two or 3 was filled out and presented to the Registrar showing that one George Ragui Karanja had ceased to be a director or shareholder, and in his stead one Diana Kanyi Wambugu had been appointed.

Mr. Temporary Deputy Speaker, Sir, on 22nd May, 2012, my office received a letter dated 7th May, 2012 from the law firm of Lumumba Muma and Kaluma Advocates, who alleged that a fraud had taken place in relation to the company. The said law firm alleged that they were writing on behalf of one George Ragui Karanja, who claimed to have privately investigated the fraud. The particulars of the alleged fraud were that George Ragui Karanja, who was the complainant, had been irregularly removed from the company and his shares transferred to one Diana Kanyi Wambugu.

Mr. Temporary Deputy Speaker, Sir, on 28th May, 2012, my office wrote to the directors of the company asking them to respond to the issues which had been raised by Mr. Ragui Karanja. Their advocates, M/s Munga Kibanga responded and indicated that the matter was already in court and was, therefore, subjudice.

My office noted that the matter in court had been instituted by the complainant and was not specific to the issue of the shareholding or the directorship, and was, therefore, subject to the judicial process for determination. After several meetings between my officers and the complainant, and a lot of correspondences exchanged between all the parties, an order to retain the status quo was made by my office and was communicated by a letter dated 17th September, 2012, which letter is available and is attached to this answer.

Mr. Temporary Deputy Speaker, Sir, my office has, therefore, comprehensively addressed the complainant's concerns by reversing the controversial change of the directorship and shareholding, while awaiting the decision of the court in the matter.

I thank you.

The Temporary Deputy Speaker (Mr. Imanyara): Before I give Mr. Letimalo the Floor to ask his question, hon. Attorney-General, the Clerk has brought to my attention the fact that the response was not received in his Office. All responses received are entered into a register. As I speak to you, the response from your Office has not gotten to the desk of the Clerk. You can supply the hon. Member with the answer, but let the HANSARD, at least, show that the Office of the Clerk is not to blame for not circulating the answer to hon. Members.

Yes, Mr. Letimalo.

Mr. Letimalo: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the Attorney-General for the comprehensive answer. I would like him to listen. He has cited a letter dated 17th September, 2012 from his Office. In it, the Assistant Registrar-General says that the status quo in the company before the transfer of shares be maintained.

Secondly, this matter was also taken to the Criminal Investigations Department (CID). A criminal report was made at the CID Office, Central Police Station, on 25th June, 2010. The Occurrence Book (OB) reference number has been given. Why has the Office of the Attorney-General not taken any action as per the letters from the Assistant Registrar-General and the CID?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Letimalo, the issue of the CID is not part of this Question, but the answer from the Attorney-General confirms exactly what you are asking. In fact, they acted. That is my understanding of the Attorney-General's response.

Yes, Attorney-General.

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, first, I want to thank you for drawing to my attention the fact that the written answer has not reached the Office of the Clerk of the National Assembly. I promise to take up that matter with my officers. I apologize to the Clerk for misleading the House in that regard.

With regard to the supplementary question by the hon. Member, indeed, you are quite right that the letter dated 17th September, 2012 does precisely what he has asked us to do. It confirms that we reversed what is alleged to have been a fraudulent change of directorship. Therefore, the register now ought to read the way it read before what is alleged to have been fraudulent was inserted in the register. We now await the court order and we will abide by it.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Letimalo, are you satisfied?

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, I am satisfied. However, I have a further supplementary question in view of this incident. In this case, we have investors who

established legitimate businesses, but then this kind of fraud took place. What signal are we sending to potential investors?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, I want to assure the hon. Member that I share his concern. It is a serious concern. That is why before this House is a new comprehensive Companies Bill which we shall be debating when you direct. This is the most comprehensive reform of company law in this country for the last 60 years. Part of what we want to address is what the hon. Member has raised: How do we have a proper registration system whose integrity can be guaranteed by the Government? We will do so.

I am happy to confirm to the House and the hon. Member that the Office of the Attorney-General has undertaken a comprehensive review of all its operations. It has received a grant from the World Bank. As I speak, we have consultants in place reviewing all the operations of the Office.

Hon. Members are aware that only two days ago, this House passed a brand new Office of the Attorney-General Bill. All these are efforts intended at making sure that we get away from the old culture that suppresses commerce, thus frustrating hardworking businessmen. I hope that before I leave the Office of the Attorney-General, I will ensure that this is behind us.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Attorney-General for his very swift action in retaining the status quo on this company. Has he notified the complainant as per his letter dated 17th September, 2012 to settle the matter?

Prof. Muigai: Mr. Temporary Deputy Speaker, Sir, the information that I have brought to the House was transmitted to the respective parties through their advocates who our office had been communicating to. The letter is addressed to M/s Munga Kibanga Advocates and copied to M/s Lumumba Muma & Kaluma Advocates. So, I believe that the parties are in the picture.

Thank you.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Letimalo, do you have any further question on this matter?

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, I am satisfied.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. John Mututho, I now come back to you. Are you ready with your supplementary questions to Question No.1850?

Mr. Mututho: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Please, proceed.

Question No.1850

CRITERIA FOR AWARD OF LICENSES TO HARVEST TREES FROM MAU FOREST

Mr. Mututho asked the Minister for Forestry and Wildlife:-

(a) whether he could provide a list of companies/individuals licensed to harvest trees in Mau forest in the last eight years indicating the origin of the companies and their respective allocated forest portions and how much they paid for the licences;

(b) what criteria was used in pre-qualification and awarding of the above licences and the rationale in exempting others from paying local cess and licences; and,

(c) whether he could consider revoking the above licences and facilitating participation of the local community as important stakeholders of the Mau forest.

Mr. Mututho: Hon. Assistant Minister, on your list, look at the first three names – M/s Comply Limited, M/s Team Sales Limited, M/s Ry Plye Limited and M/s Homaline Limited. These three entities are the same company. It is the same family, which has got 99 per cent of the entire forest allocation. The three companies have the same directors. Is that what you are calling fair? Is it fair for you to come here and table such document to confirm our worst fears that you have given the whole of Mau forest to one family?

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, from the list of 39 saw millers, you will realise that the last 36 saw millers are locals. They are the only ones who were allowed to start accessing the forest materials and products after we got an interpretation from the Attorney-General on the ban of logging. As you know, a logging ban has been in place for quite some time.

During the time of the ban, the first three companies were the only companies which were allowed to continue harvesting forest materials and re-planting the areas from which they harvested. So, if you look at the volumes of trees that they harvested and compare them with the royalties that they have paid, they may look very big, but it is basically because they were the only ones who were operating then. In the last two years, we opened up the forest to more companies after the logging ban was lifted and after pre-qualification of the various saw millers all over the country was done.

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, hon. Mututho?

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to avoid a very basic question? If you remove the veil of the three companies, you will see that they literally belong to one person. That person has enjoyed harvesting wood products from Mau forest to a level of 99 per cent, compared to all the other local people sharing only 1 per cent. Is he in order to avoid the question?

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, yes, if that is what the statistics say, but there are reasons for that position. I was trying to explain to the hon. Member that it is possible that it happened. Indeed, it is the three companies which have been allocated the most part of the forest since they have a much bigger capacity than all the other saw millers that have been pre-qualified.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, it is clear from the answer the Assistant Minister has given that he has not answered part (b) of the Question. That part deals with which companies or individuals were exempted from paying local cess tax and licenses. He has not indicated which of those companies were exempted and why.

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, the original Question asked what criteria was used in the pre-qualification and awarding. I have basically presented that.

The Temporary Deputy Speaker (Mr. Imanyara): It also asked: “And the rationale in exempting others from paying”.

Mr. Nanok: And the criteria used for awarding. Which I have listed as---

The Temporary Deputy Speaker (Mr. Imanyara): No. If you look at part (b), it talks about the rationale in exempting others. That is what you are being asked.

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, it was not part of the original Question. So, I am not prepared for that.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Nanok, please, just look at part (b) of the Question. This is what is on the Order Paper not what you had.

Part (b) of the Question reads as follows: “What criteria was used in pre-qualification and awarding of the above licenses, rationale in exempting others from paying---“

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, I apologize. I was reading from the Question that is on my answer paper.

That was not answered, but I can say that all saw millers that were awarded licenses have paid royalties. That is what we are dealing with. It is about royalties for the volume of forest product that have been awarded to the qualified saw millers.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, maybe, I can come to your assistance. Obviously, you had overlooked that part of the Question because you do not have the answer to it. The rationale for exempting means that there are some who are paying and others are not paying. Members want to know the rationale for exempting some. That is the question you are saying you are not prepared for.

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, there is no rationale for exempting. If the hon. Member has extra information that I am not aware of, can he make that information available, so that we can look at it and see whether---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Koech, what is your point of order! I can see you are really interrupting the Assistant Minister.

Mr. Koech: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to bring to your attention to the fact that yesterday, the substantive Minister refused to come to the House to answer this Question. There is a lot of destruction in Mau Forest as we speak today. The Minister tried to edit the Question from the Member to avoid telling this House the truth of what is happening in Mau Forest. Am I in order to request that this Question be deferred so that the Assistant Minister can bring real and truthful information to this House? It is confirmed that it is only one family that is harvesting the entire Mau Forest. Am I in order to request for that?

The Temporary Deputy Speaker (Mr. Imanyara): Yes, indeed, the Member is perfectly in order because there is a specific question asked and there is no answer given to that question. You have admitted that you are not aware of that part of the question. Therefore, I will give you the opportunity to acquaint yourself so that you can answer the Question. Members are entitled to answers to their Questions. What would you prefer?

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, the Forest Act (2005) that was passed by this House does not give my Ministry, through the Kenya Forest Service (KFS), the leeway to exempt certain royalties for any particular saw miller. If the Member has any information to the contrary, can he table it now in this House so that we can follow up and find out what the true story is?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! When a Question goes through the process, this is the pipeline. It is approved by the Speaker, it goes to the Ministry and it comes to your office. When you stand to answer, you answer the Questions; you cannot transfer the Question to the Member and ask him: “If you know”. The responsibility is yours to answer and say that there are no exemptions. That is a perfectly valid answer. If there are exemptions, you should give the rationale for it. However, you cannot transfer the obligation to answer a Question or to give information to a Member when the Question is validly before you to be answered.

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, I take note of that. I, however, have also said that the law does not allow exemptions. If you find the question has not been answered,

maybe, you can defer it, so that we can put that bit that I have said in my answer to the supplementary question as part of the original answer.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I just want to add something. There is an aspect where the Assistant Minister said there is 99 per cent and 1 per cent. He said they were looking for people who have the capacity. I do not know how he was able to assess the capacity. When he will be bringing the information, we want him to tell us how the selection for this was done and what he is referring to as capacity to prove that 99 per cent against one per cent is justified.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, is it that you are asking me to defer this matter or are you feeling you are prepared to answer supplementary questions? They are quite a number. I want to determine whether to allow them.

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, I would like to answer them.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I would have liked to ask a supplementary question on the same thing. Now that you have given direction, mine would be: Is the Assistant Minister aware of the serious destruction that is going on in the Mau Forest, which is a water tower? He should be able to inform this House the corrective measures the Government is taking to make sure that, that area is re-afforested thus maintaining the ecosystem required in this country.

Mr. Nanok: Mr. Temporary Deputy Speaker, Sir, yes, indeed, the programme for re-afforestation, particularly in areas where we have removed mature trees that have been given to the saw millers, is re-afforested. From this year, we have insisted that the saw millers, when they get a certain acreage of mature trees to harvest, they replant the same. We have equally allocated other areas for replanting of trees using Government funds and resources from development partners.

As you know, the protected forest still has encroachers inside. It is still going to take quite a while to replant everywhere. On the positive note, that is happening and the rivers from Mau have begun to flow in almost all directions. I think this is a process that we are engaged in and every financial year, we allocate resources towards afforestation and maintenance of the tree up to a level that they can sustain themselves.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mututho, last question!

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I need your indulgence to seek guidance again on whether you have deferred the Question. However, I am standing on a point of order.

The Temporary Deputy Speaker (Mr. Imanyara): He actually answered the Question. He said there were no exemptions. I demanded that he answers the Question and he said that there are no exemptions. That is the answer to the Question.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I rise under Standing Order No.82. I can see there are some exemptions and there are some people who did not pay. Under Standing Order No.82, depending on your accommodation, I can be given time until the next working day to prove that some people did not pay. I would like to be given up to Thursday, next week, to prove the Assistant Minister has misled the House. If so, he should be named under Standing Order No. 97 for having misled the House.

Mr. Temporary Deputy Speaker (Mr. Imanyara): If you have information that the Minister has misled the House you do not require my permission. At any stage, you can come and stand on a point of order and say on such and such a date this House was misled by the Minister in this respect. We will then be able to take it up from there. You do not have to come

and do it on Thursday, next week. You can do it at any time you wish. It is up to you. But as far as the Question is concerned, the Assistant Minister has answered it.

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. We were waiting for the Assistant Minister for Local Government, whom I can see is here.

The Temporary Deputy Speaker (Mr. Imanyara): The hon. Member did inform the Chair that you were in communication, and that he would come late to answer your Question. Is that the position, Mr. Nguyai?

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I have been in communication with the hon. Member the whole morning regarding this particular Question because I received an answer that I was not satisfied with.

When I answered this Question I did promise that by 31st October, 2012, the structure would be completed. The answer I got was exactly the same as the one I had given on the 11th. So, I wanted to know the position of the construction and whether it was completed. I did not get the answer in time. I still do not have the answer. I am informed, and I do believe that the hon. Member is correct, that the structure is incomplete. So, I need to come and give a comprehensive answer that will ensure that market is completed.

So, I would like to ask for the indulgence of the House to be allowed to answer this Question first thing on Wednesday.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, you are perfectly aware that if you were not intending to be in the House at the appointed hour to answer questions, you should communicate with the Chair or the Clerk of the National Assembly and not the Questioner. Secondly, when you come to the House late after the Question has been called and you were not there to answer, it being disorderly conduct. The first thing you should do is to apologize, not only to the House, but also to the hon. Member who asked the Question. So, perhaps, you can do both before I give directions.

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I do sincerely apologize, one for being late, and two, for not having been able to provide the answer. I apologize most sincerely. I am taking appropriate action to ensure that, that is corrected.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, when will you be in a position to answer this?

The Assistant Minister for Ministry of Local Government (Mr. Nguyai): I just want to be given one day and I will be able to answer this Question.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. The Question is deferred to the next sitting day.

I can see a lot of points of orders. I do not know whether they relate to the same issue, or whether they are matters under Order No.7.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, it is on the same matter. This House has severally been treated to a situation where Ministers come to the House and say they are not satisfied with the answer given to them. This Question has been with the Ministry for many days. Why would the Assistant Minister wait--

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kabogo. If it were not that the Questioner had agreed with the Assistant Minister, your point would have been valid. But the hon. Member did indicate to the Chair. You heard it, that he was in communication with the Assistant Minister and they had agreed on the issue. So, I think we should indulge this

Assistant Minister and you can raise those issues when he comes to answer the Question tomorrow.

Mr. Kabogo: Mr. Temporary Deputy Speaker, I have no problem with that. I agree with you. All that I was raising with the Chair is that the Assistant Minister should be able to work in the Ministry to make sure he gets a satisfactory answer before he comes to the House.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, take note of that.

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I appreciate what the Minister has said, but I think there is more to it because this was before we went on recess in August. He insisted that the project was over 90 per cent complete. I said that because---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Chanzu, everything that you are telling me is the truth. The Assistant Minister says that is, in fact, the position. So, what is the point of repeating it? He says what you have informed the House about non-completion of the project is, indeed, the truth. Now he wants to give you the reasons he is asking for just one day. Why do we not hold our horses?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Si, I think he was misled by his officers. It is a pity he comes and takes a position on the Floor of the House based on wrong information.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Nguyai, if you have been misled by your officers you can address that issue when you are answering this Question. But you need not stand up now.

(Question deferred)

Next Order!

MINISTERIAL STATEMENTS

THE ARRIVAL OF MS. ESTHER MUTHONI NGAREGA'S BODY AT THE JKIA

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Temporary Deputy Speaker, Sir, I would like to issue the following Statement.

About two days ago, the Member for Mathioya, Mr. Wambugu sought information from the Ministry of Foreign Affairs to confirm that the body of a constituent of his, Ms. Esther Muthoni Ngarega, of Passport No.A1746327, who had died in Saudi Arabia had been brought home.

Mr. Temporary Deputy Speaker, Sir, I would like to inform the House that, in consultation with Ms. Ngarega's father and mother this morning--- Mr. Ngarega discussed with me and we sent an officer to the airport who confirmed that the remains of Ms. Esther Muthoni Ngarega, of Passport No. A1746327, arrived at Jomo Kenyatta International Airport at 1.00 p.m. today. It arrived on Qatar Airways Flight No.535. They have just picked the body and they are taking it home for burial.

Finally, I would like to thank Mr. Wambugu for his tireless efforts to fight for his constituent and for the support and information he gave the Ministry of Foreign Affairs which enabled us to put together a team that has managed to bring the body of this Kenyan back home.

EXCHEQUER CASH RELEASES TO CDF

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, yesterday, 19th December, 2012, I undertook to make a Ministerial Statement on Exchequer cash releases to the Constituencies Development Fund (CDF) in the current Financial Year, 2012/2013.

I wish to confirm that as at 19th December, 2012, Kshs10,881,500,000 had been issued from the Exchequer Account to the Constituencies Development Fund as follows. First of all, let me start with the allocation.

Printed estimates	-	Kshs21,763,000,000
Releases		
14 th August	-	Kshs7 billion
21 st November	-	Kshs1.5 billion
6 th December	-	Kshs1.5 billion.
17 th December	-	Kshs881,500,000.

The Total is Kshs10,881,500,000, leaving a balance of Kshs10,881,500,000. This represents 50 per cent of the CDF allocation for the Financial Year 2012/2013. This means that according to the CDF Act, we are not in arrears.

Mr. Temporary Deputy Speaker, Sir, I am aware that the Management Committee of the CDF expected to receive the whole amount of Kshs21,763,000,000 allocated to the Fund during this financial year, before the end of December, 2012. However, due to shortfall in revenue collections amounting to Kshs43 billion, I have not been able to meet the expectation. In addition, the increase in salaries of teachers, lecturers and doctors, which were not originally programmed, made very heavy demands on the national Exchequer. In the interest of our children and the sick, the Government had to prioritize and ensure that the payments were honoured.

In the meantime, I am appealing to the Members to ensure that the amount of Kshs10.8 billion, so far, released is utilized in a prudent manner. It is imperative that the wananchi see value for the money. Please, be assured that I am committed to release to the CDF the balance of Kshs10.8 billion immediately the revenue performance improves.

I referred this matter to the Cabinet for direction. The matter was discussed by the Cabinet and I was told to see whether we could release the balance of Kshs10 billion immediately, although as per the Act it is not due. But in view of the fact that I am seeing in the Order Paper that there is a proposal to adjourn to a day other than the next normal Sitting Day, meaning that we will come back on 3rd and 4th, I have made a decision---

The Temporary Deputy Speaker (Mr. Imanyara): Order! You cannot say that. You do not know how the House will vote.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I am saying that there is a proposal.

The Temporary Deputy Speaker (Mr. Imanyara): But then you do not say that we are coming back because you do not know.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I am saying that there is a proposal. If that proposal is carried through, it means that we will be coming back.

I want to tell this House that I have a decision to borrow the Kshs10billion from domestic sources, so that it is released as agreed before 31st December. Then, for the following week, we will just reduce our domestic borrowing by a similar amount, so that the Members can complete all the projects. We do not want any issue or controversy coming in, in case, there is a new

Member of Parliament and then he says that it is the old Member of Parliament who messed up the account. We want to avoid those issues. So, I am now confirming to this House that I am going to borrow Kshs10 billion and release the entire amount before 31st December, 2012. This is development and I am allowed by law to do so.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Instead of screaming, there are many of you who want to seek clarifications. I will give you one minute each starting with hon. Kabogo, hon. Ogindo, hon. Neto, hon. Mbau and hon. Gaichuhie in that order.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, I do not want to contribute to that issue. I want to seek a Ministerial Statement, but I appreciate the Minister's concern.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, allow me to congratulate the Minister on that bold step in as much as he started in a very zigzag way. There was an understanding in this House that extra ordinary times require extra ordinary measures and we had a contract with our constituents which we needed to live up to. I am glad he has appreciated the same. Between now and 31st December, we only have ten days.

Could he expedite so that we can get this money within this week rather than later? We also need to be involved in the implementation of these projects, so that we do not leave any project unattended to in a manner that will undermine our re-election efforts.

Mr. Oyugi: Mr. Temporary Deputy Speaker, Sir, whereas I would like to thank the Minister for giving an undertaking that all the arrears will be paid by 31st December, I would like to bring to his attention the case of Ndhiwa Constituency. Whereas he has said that there is no constituency with arrears, I would like to inform him that about Kshs39 million for the Ndhiwa Constituency, CDF 2011/2012, have not been paid. In 2012/2013 Financial Year, we have just been paid Kshs14 million. That does not even add up to 10 per cent of our 2012/2013 allocation. Is it possible for him to make an indication that the arrears for Ndhiwa Constituency shall be given special consideration and paid before the other constituencies?

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Neto, that is a matter that will require consultation. So, I will not require him to give that undertaking now. It is not part of the question that was before him. You are ambushing him.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I want to appreciate the Minister's decision to borrow from domestic sources to fund the CDF fully. However, I also want to bring to his attention to the fact that my Budget Committee has occasionally and severally raised the matter of under-collection of targeted revenues by the Kenya Revenue Authority (KRA) and its other affiliate collecting agencies. The KRA holds the view that the Treasury, which is here represented by the Minister, also ties its capacity to collect target revenues because of its inability to fund its requisite provisionary allowed legal amounts of 2 per cent of the total raised.

Instead of keeping on saying that the KRA underperformed, could he ensure that the KRA is also sufficiently funded as per the law, so that we do not keep on going round and round? We are expecting from the cow, but we are not feeding the cow.

Mr. Gaichuhie: Mr. Temporary Deputy Speaker, Sir, while thanking the Minister for his assurance that he is going to release money before 31st December, 2012, could he also assure us that he is not going to freeze the accounts again on 31st December?

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, in the event that he succeeds in borrowing this money from the domestic market, how much time do we have to spend it before the accounts are frozen?

Mr. Langat: Mr. Temporary Deputy Speaker, Sir, I appreciate what the Minister has said, but could he also confirm that he will give instructions to the staff who are handling the CDF, namely, the District Accountants and the DDOs, to do an extra job, so that the money is released to the various development projects on or before the expiry of this Parliament?

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, while I appreciate the words of the Minister this afternoon, I want to remind him that we had entered into an agreement with him earlier this year which was not honoured. So, I hope this time he will honour what he is saying today and make sure that this money is used before 14th and not freeze the accounts by 31st.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Temporary Deputy Speaker, thank you very much for giving me this opportunity. There are two issues that I want to clarify. One, we had agreed that CDF accounts will be frozen by 31st December. But I came here and clarified that it will go on until this Parliament expires on 14th January 2013. I was doing this on the basis that the Minister for Finance had agreed that all CDF funds will be released by the end of September which has not happened. So, I want to state here that it will be impossible to receive this money and spend it by 14th January 2013. Since we have CDF committees and they will continue to operate until another Member of Parliament is elected, it would be prudent that this money is left to flow until there is a proper handover to the next Member of Parliament. So, that is an issue that I wanted to clarify.

The other issue that I want to clarify is that I have had a chance of going around several constituencies and I have found that in some constituencies, money is not being used. While you are pushing that, you should get money. In some constituencies, there are constraints and the Board has a regulation that unless your balance is below Kshs10 million, you cannot receive any other funds. So, I want to request hon. Members of Parliament that, please, make sure that you make submissions that you request for the money. There is a procedure that you must request for the money. This money does not flow automatically. For those who have requested and those who have confirmed that the balance is below Kshs10 million, they get the first priority of getting the funds. So, make sure that, that is done.

On staff, we have got proper instructions. If there are further instructions, I am going to make sure that they expedite expenditure of this money, possibly, before 4th March of next year.

Mr. Mureithi: On a point of order, Mr. Temporary Deputy Speaker, Sir. If you allow me because it affects all of us, there is an issue which the Minister for Planning, National Development and Vision 2030 should note that the Fund managers are threatening us that they will freeze the funds and go on leave. If he gives us the leeway that we can go up to March, what authority do the CDF managers have to say that they can freeze the money and go on leave? It is affecting quite a number of constituencies where we are being threatened and yet, that money is supposed to complete the projects.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I am only inclined to want to urge the Minister for Planning, National Development and Vision 2030 to confirm that he is able to give that directive from here. He does not have to go back to the office to write a circular to the CDF managers and District Development Officers (DDOs). He can confirm from here that he is urging them to comply with this statement now so that they go up to March without having to go behind the scenes.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, in the same vein, a major impediment to the implementation of CDF projects are the DDOs. These are the authority to Incur Expenditure (AIE) holders. Some of them are hardly in the offices. Some of them are unnecessarily uncooperative. Could we get an undertaking from the Minister directing his DDOs to ensure that these projects are completed by March?

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, while appreciating what the Minister for Planning, National Development and Vision 2030 has clarified, when it comes to the issue of when to dispense of these monies, could he also liaise with Treasury, so that the accountants can also expedite the signing of these cheques because that is another problem we are having with the District Accountant, so that these projects do not stall because some Government bureaucracy is not working?

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, the Minister sometimes back, the management of the CDF issued a circular that accounts would cease to function, except for ongoing projects as of 31st December which elicited a Question in this House and he revised that deadline to 14th January 2013. So, by the statement he has made in this House, is he giving an order to the CDF Board to issue another circular to all CDF committees and tell them that CDF projects should progress? It should not only be the ongoing projects, but even the implementation of new projects should go on until 4th March 2013.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, the Minister has partly answered, but the only part that I wanted clarity from the Minister for Planning, National Development and Vision 2030 is: Under what law was he initially issuing the first decree that 31st would be the end of the use of CDF and yet, the law is very clear that CDF proceeds until the next Member of Parliament comes in and that these committees do not cease? This is a CDF for the constituency not for the Member of Parliament. Why would he want to deny citizens the enjoyment of their rights and why would he or a Board issue directives that are not anchored in any law?

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, the position as I see it is that the Minister for Finance has assured you that before the 31st of December, 2012, he will provide this money. Now what remains is the clarification from the Minister for Planning, National Development and Vision 2030 that he will give the necessary instructions, particularly with regard to the circular that was freezing CDF accounts on 31st December. So, perhaps, Minister, you may clarify what is the actual position now that you have heard all the Members of Parliament speak their concerns and what is the position as they get out of this House this afternoon regarding the funds that Mr. Githae is releasing?

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Temporary Deputy Speaker Sir, with regard to this issue, I issued a Ministerial Statement and I think hon. Ruto was not here. I clearly said that it was the Board that gave this directive and it has functions. If you look at the Act, the Board has a function of managing CDF funds and from the experience we had last time during the transition, the CDF lost some money through some constituencies. So, they were just being conscious that this time let us have a deadline, so that we are able to manage funds during the transition. When I came here, I clarified and I have even reversed it and said that the funds will be used until the other Member of Parliament comes in and I think we should not repeat this. That is very clear.

Now, on staff, it will depend on my colleague the Minister for Finance. If he agrees that he will have funds by the end of this year on 31st December, I will give a directive that all staff---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Minister! There has been a very clear undertaking by your colleague that he is going to provide funds before 31st of

December even as he has said, goes to the extent of borrowing. So, it is not a question. It is a question of whether the Minister is giving you the money.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Thank you, Mr. Temporary Deputy Speaker, Sir, for that clarification. So, I want to give the directive here that no staff will be allowed to go on leave from 1st January up to 4th March to make sure that this money is used. I also want to clarify one issue here. We have had so many cases of competitors going to court to block the CDF from operation in some constituencies. I know of some three constituents where they have gone to court to block the use of CDF. I want to clarify that they do not have the authority to do that. We have provided an arbitration process in the law. If there is a problem on CDF funds, there is a provision for arbitration.

The Temporary Deputy Speaker (Mr. Imanyara): Last week, he clarified that position in exact words that you have used now. My advice is that if you can get a copy of that order, circulate it to all your CDF account managers, so that they know the process that they need to follow in the event of dispute resolution. The High Court has made a very specific ruling on the issue and it has to go to the Arbitration Board before going to court. So, I think it is out of ignorance. If you are to clarify in a circular, I think this will go a long way to also addressing that issue of these injunctions that have delayed the implementation of the CDF projects.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, thank you for that clarification.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Githae, do you have anything?

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I wish to respond to one clarification from hon. Mbau. I agree and I have made a decision that we must invest in the KRA. In fact, in my Supplementary Budget, which is coming, I have added them another Kshs2 billion to sort out all the fakes and counterfeits, particularly on the Excise Duty stamps and to eradicate all revenue leakages. I have realized that for this cow; the KRA, to produce milk; taxes, it must be fed and we are going to do so.

I am, by this Statement, instructing that all District Accountants to co-operate with the Members and not to go on leave. They should not go on leave, so that there is a smooth transition from one Member of Parliament to the other and that all the projects are completed. Any Member of Parliament coming in will not have the excuse that he found uncompleted and stalled projects. That is the way it should go. We have now moved away from the dissolution of Parliament. We need to go a further step that a Member of Parliament continues to be a Member of Parliament until the next one is sworn in as happens in America.

The Temporary Deputy Speaker (Mr. Imanyara): Your officers, obviously, do not take instructions from Parliament. That would be your intention, but will you now undertake to this House that your Permanent Secretary will issue that circular that will reach every single district and every constituency office during the course of the week?

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I am hereby ordering the Permanent Secretary, the Treasury, to revoke all leave of accountants with immediate effect and to issue a circular now.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order! I now direct that during the next sitting of Parliament, which I believe will be next Thursday, the Minister will produce the circular that will have been delivered by his Permanent Secretary. He will table it before this

House. The Minister for Planning, National Development and Vision 2030 will table the circular from the Board directing the Account Managers in the manner in which they have given the undertakings in the House. Who was asking for a Ministerial Statement? I know Mr. Kabogo you were. You may do so now.

CONFRONTATIONS BETWEEN POLICE OFFICERS
AND MEMBERS OF PUBLIC IN TWIGA FARM IN RUIRU

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security as to why currently there are serious confrontations between police officers in Twiga Farm and the public. This morning, two civilians were killed by way of shooting and four police officers hurt by arrows.

(Mr. Mbuvi consulted loudly)

Mr. Temporary Deputy Speaker, Sir, protect me from hon. Mbuvi! In his Statement, could the Minister tell the House how he intends to deal with these skirmishes? As I speak, I am told that there is a contingent of 1,000 policemen entering Twiga Farm this afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Haji, I do not see your colleague here. So, please, take note of what hon. Kabogo is saying. It is very important.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, as we wait for that Statement, may we get a confirmation from the Minister that this afternoon they will not cause deaths to the public by way of shooting? I am told that there is a contingent of over 1,000 policemen entering Twiga Farm this afternoon.

The other Statement is one that---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Kabogo. Let us, first of all, get an undertaking from the Minister with regard to the first Statement.

(Loud consultations)

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, very many people are talking here as you talk to me.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Kabogo! The people sitting next to Mr. Kabogo, please, give him an opportunity to be heard. Hon. Kabogo, let us, first, hear the Minister to tell us when he is going to issue the Statement with regard to the request you have just made.

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, I am waiting for the Minister.

The Minister of State for Defence (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, I will convey the request of the Member to the Minister concerned.

The Temporary Deputy Speaker (Mr. Imanyara): When will the Minister issue the Statement?

The Minister of State for Defence (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, on 27th December, 2012.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Kabogo, that is the next available day on 27th December, 2012. What was your second request?

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, I sought an assurance from the Minister that, that he makes an assurance that the members of the public are not killed by the police this afternoon. If he would be kind enough to just walk to the back and make phone calls, we would save lives.

REGULAR CONFRONTATIONS BETWEEN POLICE AND
MEMBERS OF PUBLIC IN BANANA TOWN

Mr. Temporary Deputy Speaker, Sir, the other one is a similar Statement from the same Ministry as to why there are regular confrontations between the police and the members of the public in Banana Town. A civilian was shot yesterday.

In his Statement, he may tell the House what he is exactly going to do to quell problems between the OCS in Banana and the members of the public. The members of the public are losing property and life due to confrontations between them and the OCS and his team in Banana Town.

The Minister of State for Defence (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, again, I undertake to convey the same message to the Minister of State for Provincial Administration and Internal Security. The Statement will be issued on the same day, 27th December, 2012.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. Hon. Mbuvi!

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, I rise to request for two Ministerial Statements, one from the Prime Minister.

The Temporary Deputy Speaker (Mr. Imanyara): Leader of Government Business, please, take note.

SHOOTING OF SIX HAWKERS IN NAIROBI CBD

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, I rise to request for a Ministerial Statement from the Prime Minister on the shooting to death of six hawkers and wounding of six others in the Central Business District (CBD), Nairobi, between February and December 2012, in operations to flush out hawkers from the CBD ordered jointly by the Director of City Inspectorate and the Administration Police.

In his Statement, he should clarify the following:-

- (a) Why the police used live bullets against unarmed people;
- (b) Whether he is aware that more than 2,000 hawkers are forced to pay bribes amounting to over Kshs500 per day per person;
- (c) What action he will take against the Director of City Inspectorate and the Commandant of the Administration Police for the wanton loss of human life; and,
- (d) What plans he has to provide a lasting solution to these hardworking people to ensure that they continue with their economic activities in order to contribute to nation building without facing any harm.

The Temporary Deputy Speaker (Mr. Imanyara): Deputy Leader of Government Business, I do not even know why that is going to the Prime Minister. It is clear that it is for the Minister of State for Provincial Administration and Internal Security.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, indeed, I want to agree with you that this is a matter for internal security. We will get the

Minister of State for Provincial Administration and Internal Security to issue the Statement at the next available sitting of Parliament, which could well be 27th December, 2012 or later.

The Temporary Deputy Speaker (Mr. Imanyara): Whenever it will be! What is your second Statement?

Mr. Mbuvi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Still on the first one, is the Minister in order to refer this Statement to the Minister of State for Provincial Administration and Internal Security while there are two Ministries involved here? We have the Ministry of Local Government and the Ministry of State for Provincial Administration and Internal Security.

The Temporary Deputy Speaker (Mr. Imanyara): He did so at my request because I was satisfied that that Question could be dealt with by the Minister of State for Provincial Administration and Internal Security in consultation with the Minister for Local Government because they have collective responsibility. The Office of the Prime Minister is where two or three Ministries are involved, but it is just one or two then there is no point of directing it to the Prime Minister. That is why I have requested the Leader of Government Business to direct it to the Minister of State for Provincial Administration and Internal Security who will make the necessary consultation with the Minister for Local Government then issue that Statement on Thursday, next week. So, you may make your second request.

ILLEGAL SALE OF VISA OSHWAL PRIMARY SCHOOL

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, I wish to seek another Ministerial Statement from the Minister for Education on the illegal sale of Visa Oshwal Primary School which is a public school belonging to the City Council of Nairobi---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mbuvi! Mr. M. Kilonzo, that is for you. I hope you are taking notes.

You may continue, Mr. Mbuvi. He is now attentive.

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, I beg to seek for a Ministerial Statement from the Minister for Education on the illegal sale of Visa Oshwal Primary School, a public school belonging to the City Council of Nairobi situated in Parklands Nairobi. In this Statement, the Minister should clarify the following:-

(a) The circumstances in which the school owned by the City Council of Nairobi was sold to private individuals, the process through which the sale was conducted and reasons thereof.

(b) Indicate the actions he will take to restore this public utility back to the council and measures to prosecute public officials involved in the sale.

(c) Confirm that teachers employed by the Teachers Service Commission in this school will not be withdrawn.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kilonzo, only from the Front or the Dispatch Box.

The Minister for Education (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, this is a matter of very serious concern to me. I have discussed it with the hon. Member and I promise to make a Statement, preferably early in January, so that I can finish the consultations that I am doing with the Ministry of Lands.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mbuvi, are you happy with that? I do not see any requests from you and that is why I am not giving you the microphone.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I am expecting a Ministerial Statement from Mr. Wamalwa, the Minister for Justice, National Cohesion and Constitutional Affairs. That is the Statement I asked last week on the status of Mr. Mbuvi and Mr. Waititu regarding the remarks by the Ombudsman. I am expecting that Ministerial Statement today.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Temporary Deputy Speaker, Sir, I had given an indication to Mr. Mbuvi that I would be issuing the Ministerial Statement on 27th December, 2012. We are working on it.

Mr. Mbuvi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Minister has to be serious because this is a grave matter that requires urgent attention. The Ombudsman has convicted us before undergoing any trial and we wonder why he has not delivered this Statement and yet he promised to deliver it today.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Temporary Deputy Speaker, Sir, what Mr. Mbuvi is saying is true because the utterances of the Ombudsman have very serious consequences and implications, particularly on the career of our honourable friend. We wish to have more time to get all the reports and the basis at which he arrived at that recommendation. So, as we issue the Ministerial Statement, we wish to table whatever documents and basis that he used to arrive at that decision. So, I beg for your indulgence until 27th December, 2012 when I can make a comprehensive Statement.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mbuvi, that is the next available date. So, could you indulge the Minister?

Mr. Mbuvi: Much obliged, Mr. Temporary Deputy Speaker, Sir. But in addition to what Mrs. Shebesh has requested, we want the Minister to clarify---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Are you seeking a further Ministerial Statement? I only asked you to confirm that 27th December, 2012 is okay with you.

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, that is fine with me, but there is a further clarification that we want the Minister to bring together with the Ministerial Statement requested by Mrs. Shebesh.

The Temporary Deputy Speaker (Mr. Imanyara): Go ahead.

Mr. Mbuvi: Mr. Temporary Deputy Speaker, Sir, we want the Minister to clarify whether he is aware that the Ombudsman is not fit to hold any public office because there are also serious allegations which I am going to table on this Floor against him.

ERRORS OF OMISSION AND COMMISSION BY
GOVERNMENT PRINTER ON PUBLISHING LAWS

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, on 28th July, 2012, I sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security in connection with the persistent and consistent errors of omission and commission on the printing of the Draft Constitution and also on the failure to print the Ligale Report. To date, I have not received that Statement. This matter is very serious because recently I also noticed that the National Intelligence Service Act had serious omissions on what we passed in this House. There are amendments that were approved by this House, but they are conspicuously missing. It appears that this notoriety has continued. I want your intervention that this matter now be addressed so that we stop this mischief at the Government Printers.

The Temporary Deputy Speaker (Mr. Imanyara): Attorney-General, this is a very serious allegation that the Government Printer is, indeed, publishing laws that are not originating

in this House in the form in which they are sent to him. Would you like to clarify the situation and when you can give a Ministerial Statement on this as your department?

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, unfortunately, the said officer is not an officer in the State Law Office. I believe he is an officer in the Office of the President answerable – I believe - to the Permanent Secretary in that Ministry. However, I would be quite happy to forward this particular complaint to the Minister involved in the hope that he would be able to come back and provide an answer.

The Temporary Deputy Speaker (Mr. Imanyara): The officer may not be an officer in your department, but you are the person who conveys the documents from here to the President and from the President to the Government Printer, unless I am mistaken.

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, so far, no law has been drawn to my attention where there has been a publication inconsistent with the HANSARD or inconsistent with the deliberations of the House. The last time this happened, you remember, it was in very dramatic circumstances. It was alleged that I personally had inserted some illegal clause in the Elections Act. You ordered a wide range of investigations; an apology was tendered to me, to the Clerk and to everybody. We found out at that time that you had actually directed me, yourself personally, to make the amendment and I had done it. So, I am happy, before the matter gets out of hand, to investigate it first before any very serious allegations are made against any specific officer. If we find that there has been a discrepancy between anything we have passed. The final publication, as you will recall in the past, you have directed me to use the revisions of the Laws Act and I have done so. We have been able to get back to the position that is consistent with the deliberations of the House.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ogindo, those are serious allegations. The Attorney-General is inviting you to bring to his attention those discrepancies in those laws that you have seen to enable him to take the necessary action. So, perhaps, you need to get in touch with the Attorney-General as soon as possible to provide the evidence that the Government Printers is mischievously amending the law to suit purposes other than the purposes to which this House addressed. You can get in touch with him in that regard.

The Attorney-General (Prof. Muigai): Thank you.

The Temporary Deputy Speaker (Mr. Imanyara): I will take two more since we are really running out of time.

Yes, Mr. C. Kilonzo!

Mr. C. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. On the same matter, the Attorney-General yesterday accepted that there was a system failure. I do not know whether he is listening.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Attorney-General, the Member is alleging that you are not listening to him.

Mr. C. Kilonzo: Yesterday, the Attorney-General told this House that there was a system failure in the way Bills move from Parliament to his office and to the final or highest office. This is very unfortunate because this is the fourth time that a law is amended and other laws are made out there by unknown people. So, I plead with the Chair that if, indeed, this has happened, somebody must be answerable in this particular case.

The Temporary Deputy Speaker (Mr. Imanyara): We have been assured that an investigation will happen.

Dr. Nuh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have two concerns. I do not know whether I should air them at the same time or whether I should get a response, first to one and then I get the second one.

The Temporary Deputy Speaker (Mr. Imanyara): Are they requests for Ministerial Statements?

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, both of them are.

The Temporary Deputy Speaker (Mr. Imanyara): Do the first one. If it is to a different Minister, we will get the response first and then you go to the second one.

ARREST OF HON. ETHURO, HON. NANOK AND HON. SHEIKH DOR

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, three weeks ago, I sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security concerning the arrest of hon. Ekwe Ethuro, hon. Nanok and hon. Sheikh Dor.

(Mr. Y. Haji consulted with other hon. Members)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Y. Haji! The hon. Member is addressing you. Please take note.

Dr. Nur: Mr. Temporary Deputy Speaker, Sir, the Ministerial Statement was supposed to be issued two weeks ago. I would like to get an indication when the Ministerial Statement will be forthcoming.

The Minister of State for Defence (Mr. Y. Haji): Mr. Temporary Deputy Speaker, Sir, first of all, I want to thank you for being very kind to me because I have not been very attentive. I undertake again to report this matter to my colleague, the Minister of State for Provincial Administration and Internal Security, and possibility request him to issue the Statement on 27th.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! What is the second request, Dr. Nuh?

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, the second one is not a Ministerial request but a promise given by the Minister for Justice, National Cohesion and Constitutional Affairs to this House. You will remember that last week, a Question by one of the hon. Members concerning the IEBC and the registration process was shelved. We were promised that we would have a *kamukunji* with the IEBC officials and all the players on Thursday but this never happened.

Secondly, the Minister concerned had promised that most of the issues we sought clarification on and were raising anxiety among Kenyans and aspirants would be made clear in two of the daily papers so that there would be no apprehension on the part of those who are seeking public office as to the regulations defining them. We seek direction from the Chair as to whether we will have a round-table meeting with the IEBC and all the players--- For us to know that we are reading from the same script of law, the IEBC will publish in the daily papers the regulations, steps and all the processes involved until the nomination day so that we do not have apprehension and last minute disappointment.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Temporary Deputy Speaker, Sir, we made the request and we were waiting for the Speaker's confirmation as to when we can have this *kamukunji*. There was one today but it was dealing with the issue of pension. The issue of election will require its own *kamukunji*. It is

quite a sensitive matter and we are waiting as and when the Speaker approves and allocates time. We will request the IEBC Chairman to come here because there are numerous issues from Members that he needs to respond to. I have just assured the hon. Member, a while ago that we are still arranging for that *kamukunji*.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! So, are you liaising with the Office of the Speaker?

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Yes, Mr. Temporary Deputy Speaker, Sir.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to issue the following Statement with regard to business of the House for next week.

The Temporary Deputy Speaker (Mr. Imanyara): Sorry! I can see a request for a point of order from the Member for Lari. What is it?

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, that must be a computer error or something because I have not touched the equipment.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kabogo, what is your point of order?

Mr. Kabogo: Mr. Temporary Deputy Speaker, Sir, it is Mr. Mbuvi who is using my card.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mbuvi, that is misconduct. You should not use another Member's card.

Mr. Kimunya, you may continue.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, as you may be aware because it is clear on the Order Paper, we proposed a Motion of Adjournment to a day other than the normal sitting day which will provide Members the opportunity to join their families, constituents and friends during the Christmas and the New Year holidays.

Mr. Temporary Deputy Speaker, Sir, next Thursday will be on 27th. There is a feeling that if Members approve this, it will not be good to travel on Boxing Day to be here on Thursday and then go back to join their families. It will make sense for Members to take the full week, recharge and come back in the New Year. Therefore, we will be proposing that Motion and if it is carried, next week, we will not have a sitting of the House. We will then be convening to have a meeting after the New Year.

However, we still have crucial business which is yet to be done.

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

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order?

The Minister for Transport (Mr. Kimunya): I am not yet through with the Statement.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I am willing to wait for him to finish.

Dr. Nuh: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Standing Orders do not allow us to anticipate Debate. I was just wondering whether the Minister is in order to do that.

The Temporary Deputy Speaker (Mr. Imanyara): Please, let us allow him to complete. He is just telling you what is on the Order Paper. Basically, he is not anticipating debate.

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir. Having explained what is in the Order Paper and is subject to what the Members will decide--- However, we still have crucial business which is yet to be concluded. While we will be seeking extension of normal sitting time to allow us to cover more ground, we may not dispose of all business in today's Order Paper.

Most importantly, on Tuesday, the House Business Committee asked the Leader of Government Business to ensure that all important Bills implementing the Constitution are published and introduced for enactment without any further delay. That was cleared in the Cabinet today to utilize the short period remaining before the life of the Tenth Parliament elapses on 14th January, 2013---

If the House decides not to go for break on Thursday, we will carry forward the business which will not be completed today to that day. Then we will meet again the next Wednesday to prioritize business for the first week of January, 2013.

With that, I invite any clarifications.

Mr. Chachu: Thank you, Mr. Temporary Deputy Speaker, Sir. Some of us have Bills awaiting the Committee Stage. Some of them have been pending for the last four to five months. I want to know from the Leader of Government Business because he also sits in the House Business Committee, what plans they have for the Bills which have gone all the way to the Committee Stage. They should be allotted the necessary time so that we can dispose them of since we have spent a lot of time on them. This is especially for the Private Members' Bills and in particular, my own Bill, the National Drought Authority Bill which has gone through the Second Reading and is awaiting the Committee Stage to be finalized. This is a concern shared by other Members.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I rise to find out from the Deputy Leader of Government Business whether he is aware that amendments to the Statute Law (Miscellaneous Amendments) Bill are not on the Order Paper and they have not been processed by the Office of the Speaker. We require certain critical amendments to this Bill to facilitate the House to sit through to even around 10th January, 2013. He is proposing that we actually dispose of the State Law (Miscellaneous Amendments) Bill, today without the requisite amendments, yet he is refusing us from sitting on Thursday. I thought since it was not possible for the Speaker's Office to process our amendments, he would allow us to sit on Thursday to process this, because there is a deadline. Before 4th January, 2013, the Bill should have assented to. Therefore, I think this proposed adjournment up to 3rd January is not quite prudent.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, it has been the practice of the Deputy Leader of Government Business in the past, when he is giving the programme for next week, to actually itemize the business that would be transacted for the whole week. But you note today that even though some of us are carefully watching to see whether the Government will bring some very critical Bills for discussion and conclusion, the Minister has very shrewdly avoided to indicate whether there is any possibility for such Motions and Bills to come to the House next week.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, what I would like the Deputy Leader of Government Business to clarify, one is in relation to Bills that have passed the Third Stage such as Treaty Making and Ratification Bill and why it has not been assented to despite the fact--- Indeed, there are many Bills that were passed later. To the best of my knowledge, information and belief, it has not been assented. So, I would like to know what the problem with it is.

As the last speaker has indicated, the Deputy Leader of Government Business normally gives us a schedule. Whether we will come in January or not, could we have the schedule of property Bills, especially in relation to facilitating smooth transition to a new system of governance?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I want to thank the Deputy Leader of Government Business; I personally appreciate the effort and energy, which he puts into his work. Why does he think that we cannot go on Christmas, come back do business, go back enjoy the New Year and come back and continue? Could he give an explanation on what will happen after Christmas, so that we will not have the energy to come back, especially knowing that he has not given us the priorities in all the Bills that are required for purposes of the general election and to effect the devolution when it comes? In particular, there is a requirement in the Public Finance Management Act--- My able chair of the Budget Committee has been crying over this particular matter and even yesterday, we revisited the matter. It requires that within four months to the general election, the Government must bring a fiscal and economic report to the House. Up to now, there is neither an indication nor an intention to bring it here in addition to the other Bills required by Article 218.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, this House has never been in the mood it is to do as much as possible before we break. So, I am really suggesting to the Deputy Leader of Government Business to consider even withdrawing the Motion for adjournment and allow us to save that time and transact what is already in today's Order Paper. Come Tuesday--- Police men are working and everybody else is working. Why not us, Members of Parliament?

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I believe we have an obligation to finish the business of this House. I believe that we have had a very busy schedule throughout. But I will kindly ask my colleagues that we have a refresher break because even in a classroom, there is a tea break and a health break. This health break is for giving us time to go to see our families.

Mr. C. Kilonzo: (off record)

Mr. Mututho: I take that one kindly because hon. Mr. C. Kilonzo, a very good friend of mine, has not been here himself and there is a record to show that he has not been here. So, he may not know who has been here and who has been absent. Even in a very serious seminar, there is a health break. A human being can only do so much. So, I would support that we start our work on 2nd January, 2013 so that---

The Temporary Deputy Speaker (Mr. Imanyara): Order! We have not even come to that Order. So, please, let us not anticipate debate.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, when you told me we allow the Minister to proceed, he should have given the priority of what will be in business next week regardless of whether the Government has an adjournment Motion or not. Whatever is not dealt with will be carried on to next week; if the adjournment Motion he so wills to pass, or to force through this House, is done away with, it will still be dealt with next week. Considering that the Mututho laws have subjected Kenyans to very few hours of drinking, even if people go for Christmas, they will be very sober on Thursday. So, I do not think there is much reason for us to miss a whole day of business on Thursday when we know the workload that this House has to transact.

Mr. Temporary Deputy Speaker, Sir, going by the accolades the President and Speaker gave this House, then we only have to do more, so that when we go back to our electorates, they will know we have delivered as much as we could.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, I also rise to add my voice to this Motion.

First of all, I want to say that this House has worked very hard, and I want us to be a little bit more practical. I think what the Minister has said makes a lot of sense.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! We are not on that Order yet. We are not debating the adjournment Motion. So, do not anticipate debate.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, I know for sure that even if we say that we come back on Thursday, given the distances that most of the Members of Parliament cover in a day, like hon. Ethuro, they may not even make it here. I think it is only practical that we take what the Minister has said----

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! You are now out of order.

Hon. Njuguna, you will be the final one before I ask Mr. Kimunya to respond.

Mr. Nyambati: Why am I out of order?

The Temporary Deputy Speaker (Mr. Imanyara): You are anticipating debate. We have not come to the Order for adjournment, at which you can speak and oppose.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, the Minister has just said that the Cabinet approved four critical constitutional Bills. It would have been prudent if the Minister went ahead to inform the House of the four Bills, so that they can be given special attention.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, Mr. Kimunya.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, indeed, I appreciate the comments by the hon. Members. As I said, in terms of whether hon. Members will take a break next week or not, that is a decision which will be made when we get to that Motion. We will ventilate on the matter, weigh the pros and cons of doing it and make a decision. We will be guided by hon. Members.

In terms of the Statute Law (Miscellaneous Amendment) Bill, I am aware of the technical constraints in terms of the processing of the amendments. The Speaker will be making a ruling on that one shortly, in terms of how we go on, on that matter. We can finish it today. The Speaker will be guiding the House on that one.

Mr. Temporary Deputy Speaker, Sir, in terms of the specifics on the Finance Bill---

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, hon. Millie Odhiambo?

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I am a little worried about what the Deputy Leader of Government Business has said – that the Speaker will be guiding us on how to go about the Statute Law (Miscellaneous Amendment) Bill. I have brought personal amendments. The Committee on Justice and Legal Affairs also did but none of those amendments are on the Order Paper.

The Statute Law (Miscellaneous Amendment) Bill has very many serious amendments, in terms of legislation. Indeed, as a Committee, we have very serious concerns – that it actually goes against the ruling of the Speaker to the effect that some of those laws should not have been brought here in the first place. So, I do not know whether the Minister is putting us in the right track by saying that we are going to proceed and finish the Statute Law (Miscellaneous Amendment) Bill.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kimunya, I really do not know whether that is what you had in mind. If that is what you had in mind, you are definitely out of order. I never heard him suggest that we will be proceeding to finish the business on the Order Paper.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I had indicated that it would be our wish to complete debate on the Statute Law (Miscellaneous Amendment) Bill for the concerns that were expressed by hon. Isaac Ruto earlier. That is

because of some deadlines that may need to be integrated within the process. If we do not finish today, we should then take a decision on how to do it before the deadline that he is concerned about.

In terms of the other concern on the specifics, the reason as to why I have not listed down all the specific Bills is because I know that we have been talking of the various finance-related Bills. There is the Budget Policy Statement and the Pre-election Report, which will be coming to the House. There is the County Allocation Bill. Once the Bills are published, we will get the specific references so that I can present them to the House. That way, we can be talking of, say, "The County Revenue Bill", rather than just make reference to a general Bill.

Mr. Temporary Deputy Speaker, Sir, therefore, that is the reason as to why I have not specified them. I do not have the specific details for them but, generally, all the Bills relating to finance will be coming to the House. They have been approved, including The Supplementary Estimates. So, the Bills that will be coming here will be tabled for First Reading. The Bills are not yet here because they are not yet out of the Government Press.

On the concern raised by hon. Ekwe Ethuro, it will be covered within the adjournment debate. It would be my desire that we finish everything, even if we have to work on Saturday and Sunday. We will be calling upon the House that we actually do the extra mile. The concern was that we just come for a half a day, which we will discuss in the Motion. Coming here for only half a day, after covering all those distance, may not be worth bringing hon. Members and staff to Parliament. But that is something we can discuss when we get to the Motion. In the meantime, that is the programme for next week. We hope to cover all the business shown here.

Mr. Temporary Deputy Speaker, Sir, what hon. Chachu Ganya has asked is very important and I would like hon. Members to travel with us on this route. Hon. Members have brought to this House many Bills. We have done a lot of work. Those Bills have gone through the public participation process and parliamentary Committees. But we have limited time. I have spoken with the Speaker on this matter. The only route that we have, now that we have the new Standing Orders, which will guide the business of this House between now and the next Parliament, we have an opportunity to make amendments to save all the work that has been done by this House to automatically transit to the next Parliament.

Therefore, I am asking hon. Members that we look at it from that angle, so that we can save all the work that will not have been completed by 14th January, 2013, so that it becomes the first Order of business in the next Parliament. That is something within our control. I want to ask the relevant Committees of this House; that we look at it within the review of the Standing Orders to save this work. That is because so much effort and resources have been put into it. It will be a shame for us to let it lapse with the Tenth Parliament just because our term has lapsed.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Attorney-General, there was the issue raised by hon. Millie Odhiambo regarding Bills which have not been published. I think that falls within your Department. Maybe, you can respond to that one.

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I want to start with the specific one she mentioned, The Treaties Ratification Bill. That one has already been assented to, as was the Consumer Protection Bill. I had assured the hon. Member yesterday. As to the amendment to the Anti Money Laundering Bill, it has as well been assented to. So, we are working very hard and there is no cause for alarm.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, hon. Ethuro.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I want to appreciate the Attorney-General for confirming the assent to those Bills. But I recall that only yesterday, he promised that

the IDPs Bill will be assented to today. So, I just thought it would be nice for him to just admit all of them, in the true spirit of full disclosure and given that he actually promised the House he would get it done today. This is the only opportunity he can use to confirm the good job that he is doing.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Attorney-General, that is a valid point.

The Attorney-General (Prof. Muigai): Mr. Temporary Deputy Speaker, Sir, I made best faith endeavours this morning to procure the IDP Bill, as I had promised the House. Unfortunately, not sufficient vellums were available, but they have been published. I promise that they will be with His Excellency the President tomorrow at the latest.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to take great exception to what the Attorney-General has said. He knows that our Standing Orders are very clear. He is responsible for the accuracy of the information given to the House. He promised yesterday. He came here today and sat pretty. If he had volunteered the information, I would understand. He waited for the House to prompt him, only to confirm that he did not do so. I find the Attorney-General out of order.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Attorney-General, you do not have to respond to that one. The Chair has an interest in the matter, having originated it in order to end the debate here.

Next Order.

PROCEDURAL MOTION

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, just before we go to the Procedural Motion, there is some information with regard to the order of business under Order No.9, so that you may stand guided. I have communication from the Speaker of the National Assembly that the amendments with regard to the Statute Law (Miscellaneous Amendment) Bill and the Office of the Director of Public Prosecutions Bill are pending. They have not been approved. They have not appeared on the Order Paper and, therefore, the Speaker has not approved them for debate in the House.

I have been informed that the Constituencies Development Fund Bill also faces a similar problem, because a lot of amendments are on the Order Paper and many more have not yet been approved. The case is the same with the Institute of Curriculum Development Bill. I understand that even if we were ready to go to any business under that Order. That is the only one we would be able to go to today but even on that one, I understand that there are amendments which have not yet been approved. I do not know whether you can guide me in that respect, Mr. Mutula Kilonzo.

(Mr. M. Kilonzo was unable to log in)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mutula Kilonzo, the reason as to why they are not coming up is that you cannot speak from there. That is why the lights are refusing to turn on. You can go to the Dispatch Box.

The Minister for Education (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, if you look at page 4619 of the Order Paper, my amendments have not only been approved, but are

also on the Order Paper. Therefore, I am ready to proceed with this particular Bill. It is also very short.

The Temporary Deputy Speaker (Mr. Imanyara): I would like to know whether there are any amendments that are lying at the Speaker's desk awaiting approval. Clerks-at-the-Table, could you, please, guide me on that?

I am told there are some which are not on the Order Paper. Therefore, unfortunately, we will defer the considerations of all matters under Order No.9 to immediately after Order No.14 hoping that, by that time, the amendments will have been circulated. If they will have not been circulated, we will defer business.

So, read Order No.9 immediately after Order No.14.

Next Order!

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, notwithstanding the provisions of Standing Order 20(2), this House orders that today's sitting be extended until 8.30 p.m.

Mr. Temporary Deputy Speaker, Sir, I want to, once again, request that Members of this House, true to our tradition and spirit, we donate an extra two hours today so that we can sit up to 8.30 p.m., to transact the business we have so that we can clear as much as possible of what has already been ordered and then move on to the balance to clear our slate before we eventually go home.

I beg to move and ask the Minister for Finance to second.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I rise to second.

It is clear that Members really want to clear many Bills. I think if we had known this, we would have gone up to midnight.

I second.

(Question proposed)

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I support this Motion. There are many important businesses that we need to transact. We owe it to Kenyans that we give enough time so that we can clear as much business as we can.

For that reason, I support the Motion.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I would like to support the extension of time because today, the Minister for Finance has promised that he is going to behave very well for the next 14 days. He has made this House go into a good mood. He has also promised to publish the Bills---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ruto!
Mr. Githae, are you listening to Mr. Isaac Ruto?

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I am congratulating him for promising to publish the requisite Bills to facilitate transition. Therefore, I am ready to extend to whatever time he would suggest.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, because the very essence we want to extend time is so that we can transact business; I support and request that the question be put.

(Question put and agreed to)

Next Order!

MOTION

ADOPTION OF REPORT ON APPOINTMENT OF MR. DAVID KIMAIYO AS INSPECTOR-GENERAL OF POLICE

Mr. Kapondi: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the consideration of the nomination of Mr. David Kimaiyo for the appointment to the post of Inspector-General of Police laid on the Table of the House on Wednesday, 19th December, 2012.

Mr. Temporary Deputy Speaker, Sir, the Police Service Commission conducted public interviews recently for the post of Inspector-General. Consequently, three persons were shortlisted for the post; that is Mr. David Kimaiyo, Mr. John P. Ochieng' and Miss Grace Kaindi.

Mr. Temporary Speaker, Sir, the three names were subsequently forwarded to the President and the Prime Minister for consideration and subsequent appointment. In a letter by the Permanent Secretary, Secretary to the Cabinet and Acting Head of the Public Service; Ref. No.OP/CAP3/77 dated 17th December, 2012, Parliament was informed that His Excellency the President, in consultation with the Prime Minister, had nominated Mr. David Kimaiyo to the position of Inspector-General. Parliament was, therefore, required to consider the nominee for approval in accordance with the law.

On 18th December, 2012, the Speaker of the National Assembly in a Communication from the Chair directed that the name of the nominee be forwarded to the Departmental Committee on Administration and National Security for consideration prior to approval by the House. The Committee was required to file its report on or before Thursday 20th December, 2012.

Mr. Temporary Deputy Speaker, Sir, the Committee embarked on the process of vetting the nominee to the post of Inspector-General of Police on 19th December, 2012. The name of Mr. David Kimaiyo was forwarded to the National Assembly for vetting and subsequent approval or rejection in accordance with the law.

On 19th December, 2012, the Committee held a session with the nominee to the post of Inspector-General of Police and in conducting the vetting exercise, the Committee was guided by among other documents, the Constitution, the Public Appointments and Parliamentary Approval Act (2011), the National Police Service Act (2011) and the Report of the National Police Service Commission on the recruitment exercise.

Mr. Temporary Deputy Speaker, Sir, Mr. David Kimaiyo is a man of impeccable credentials. He is a Kenyan citizen, who was born on 1st of July, 1960. He has a Bachelors of Arts degree in Criminology and Criminal Administration from the University of South Africa. He also undertook a course from the University of Leicester for his Masters. He holds a Bachelors of Theology degree from the Beacon University of Institute in the United States of America (USA) and a Masters of Science in Criminology and Criminal Justice from the University of Leicester in the United Kingdom (UK). He further has a Masters of Theology from the Beacon University of Institute in the USA and is currently pursuing a PhD in Criminology and Social Order from the University of Nairobi.

Mr. David Kimaiyo is a man who has had a distinguished service in management and operations. Currently, he is the Director and Coordinator of the Kenya National Focal Point on Small Arms and Light Weapons. He has served as a Senior Deputy Secretary in the Ministry of Heritage and Culture from the year 2008 and 2009.

He was a Director of Operations of the Kenya Police from the year 2003 to 2008. He has been a co-ordinator of the Kenya National Focal Point on Small Arms and Light Weapons from 2003 to 2004. He was a Director of Inspection Establishment and Manpower Control of the Kenya Police. He has been the Commandant, General Service Unit, from the year 2002 to 2003. He has been a commandant of the Presidential Escort from the year 1999 to 2002.

Mr. Temporary Deputy Speaker, Sir, this particular officer has undergone special training programmes both locally and overseas. Among many, he attained a certificate in illicit, small arms and light weapons skills from Gaborone, Botswana in the year 2004. In the same year, he underwent a special training in crisis management and contingency planning in the United Kingdom. He has had an advanced VIP protection course in Tel Aviv in Israel in Israel. He has been a board member of the NGO Co-ordination Board.

Mr. Temporary Deputy Speaker, Sir, having thoroughly vetted this officer, the Committee was persuaded that pursuant to Article 245(2) of the Constitution and Section 12(17)(a) of the National Police Service Act, Parliament should approve the nomination of Mr. David Kimaiyo for appointment as the Inspector-General of Police. He in an officer who deserves the job and we feel, as a Committee, that this House should approve his nomination.

The police force for some time has been yearning for reform. The reason why these changes have been instituted is to reform the police to respond to the current challenges.

With those few remarks, I would wish to ask my colleague, Mr. Letimalo, to second.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, given the experience Mr. David Kimaiyo has, and with the kind of reforms that are required to be undertaken in the police, I think he is the right man to head the Kenya Police Service.

I second the Motion.

(Question proposed)

Mr. Cheruiyot: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute in support of the Report of the Committee. In supporting it, I would like to say that Mr. Kimaiyo, on merit and ability, qualifies for this particular post. He has proved himself worthy of this service. He is a career policeman who is honest. He is tough, but he is also amiable and humane. I have worked with him and we are justified that 10 years later we have very good officers who are rendering service to this country.

I support.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I also rise to support this Motion and the proposal for Mr. Kimaiyo to be the Inspector-General of Police during the new dispensation under the new Constitution.

When I saw the list of the people who were being considered for this position, the only person I knew reasonably well was Mr. Kimaiyo. I got to know Mr. Kimaiyo reasonably well during the post-election violence of the year 2008. He was the then Deputy Commissioner of Police. As you know, there were many problems that we faced. I found Mr. Kimaiyo, as my friend Mr. Cheruiyot has said, to be a very amiable gentleman.

I always found it easy to pass information to Mr. Kimaiyo, and to discuss issues of security with him. I must say Mr. Kimaiyo was always very ready to advise, listen and share in the agony that we, as politicians, were going through then.

I, therefore, in retrospect now see that that was baptism by fire for Mr. Kimaiyo. He has now risen to a position that will demand that the manner in which Gen. Tonje professionalized the Army during his tenure, Mr. Kimaiyo too will continue to professionalize the police force, and make it a truly independent agency for guaranteeing security to Kenyans rather than an agency for wielding heavy *rungus* on Kenyans. I rise to support Mr. Kimaiyo's appointment. We will pray for him and wish him the best in his new career, hoping that when he finally retires from that position, he will have given this country good service and posterity will look proudly at him.

I beg to support.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I have known Mr. David Kimaiyo for a long time. I recall when the former President, His Excellency Daniel Toroitich arap Moi, would visit my constituency Mr. Kimaiyo was heading the security unit. In my very considered view, Mr. Kimaiyo is, therefore, a very dependable and humble servant of this country. He is a great reformer that this country has been looking for.

Therefore, without any reservation, I support his appointment to the new position.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I think the President and the Prime Minister have looked carefully at the recommendations and they have approved them. The Chairman of the Departmental Committee and his Committee Members have looked at this and they have approved it, so, who are we to reject their recommendations?

I really support and ask hon. Members that we dispose of this Motion and go to the next one.

Thank you.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought you heard the good Minister ask "who are we to reject?" Is he implying that this is a rubberstamp Parliament? We are legislators. It is only yesterday I told an appointing authority that we would deal with him accordingly.

The Temporary Deputy Speaker (Mr. Imanyara): The Minister has been very kind to you this afternoon, Mr. Ethuro.

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I want to say that Mr. Kimaiyo has been---

The Minister for Medical Services (Prof. Anyang'-Nyong'o): On a point of information, Mr. Temporary Deputy Speaker, Sir. I only want to remind Mr. Ethuro that the words "who are we?" is just an English expression. It does not derogate the House in any way.

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, I was going to say that Mr. Kimaiyo has been subjected to a very elaborate vetting process, involving an interview by the National Police Service Commission, which was done in public to allow anybody who had any information touching on the suitability of the shortlisted candidates to present it to the Commission. In that interview, Mr. Kimaiyo emerged the best from a list of nine very able and distinguished officers with wide experience on matters of security in general and policing in particular.

Therefore, I have no doubt that if this House approves the appointment of Mr. Kimaiyo, the ongoing police reforms that are aimed to transform the police into a professional, accountable and people-friendly security organ that can inspire trust and confidence among the people it serves will benefit. This requires a person who understands the police and the circumstances under which they operate and has the courage to admit that there is urgent need to change the way we have conducted our policing in the past. Therefore, I believe that with Kimaiyo's leadership, the police can embrace reforms and ensure that policing is done in partnership with the community and with utmost respect for human rights and the rule of law.

Sir, I beg to support.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I also rise to support. Even though I do not know Mr. Kimaiyo personally, his curriculum vitae is extremely impressive. Given that he has gone through a very rigorous process, I believe that he is a suitable candidate. We have come through a very difficult time as a country and I am hoping that we will pass his name and he will lead the services at a time that the country needs a smooth transition.

The only thing that is unfortunate is that if it had been a woman, they would have created all manner of reasons to make sure that it did not come, including amending laws, so that they do not get positions as we are trying to sneak in cheekily and stop women from taking the deputy positions. I do not know why, as a country, the men want to pretend that they are allergic to women when they are not allergic to them.

The Temporary Deputy Speaker (Mr. Imanyara): Order! You are now going outside the Standing Orders. What is before this House is the appointment of the Inspector-General and not the deputies. Continue, hon. Odhiambo-Mabona!

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I will get back to the topic. I will bring the issue that I wanted to raise when we discuss the Statute Law (Miscellaneous Amendment) Bill to prove what I am saying.

Otherwise, I support the Motion. I congratulate Mr. Kimaiyo because I know we will pass it.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaiserry): Mr. Temporary Deputy Speaker, Sir, I also rise to support this Motion. I have known Mr. David Kimaiyo for a very long time. He is a man who is going to give the new Police Service prudent leadership. He is a man of courage. In fact, last May, I was the leader of a delegation to Washington and was privileged to benefit remarkably from the knowledge of Mr. Kimaiyo regarding security. So, this gentleman will give the new Police Service good leadership. He is a visionary leader, courageous and a man of impeccable qualifications both spiritually and academically. He is also fully trained in the security sector.

I want to put a rider in this august House that national security organs should be fully supported with resources. Also, this august House should not condemn the national security organs, which are the premium security of the country. Some of my colleagues have a habit of condemning the Police Service and the Military for doing their job. As I support Mr. Kimaiyo as

he begins his job, I want this House to support our security organs. That will give them the morale and the opportunity to serve the country.

With those few remarks, I beg to support.

Eng. Gumbo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion. I wish to start by congratulating Mr. Kimaiyo and the others who were approved by the Committee of the House on this appointment. I have had the privilege of meeting Mr. Kimaiyo personally when I was a Member of the House Select Committee that was investigating the root cause of cattle rustling in our country. He struck me as a knowledgeable individual, very level-headed, a Kenyan patriot and a man who takes his work very seriously. I believe that by the time Mr. Kimaiyo headed the Presidential Escort Command, he was, and probably still remains, the youngest Kenyan ever to hold that post, which as you know, is a very sensitive post.

I want to observe that Mr. Kimaiyo takes over at the Police Service at a time when insecurity and crime in Kenya is soaring. This is a matter that we cannot gloss over. The Police Force may have changed its name to Police Service, but the provision of security to the people of Kenya must remain its core mandate. That means that Mr. Kimaiyo and his team have their work surely cut out for them. This is because without security, all our aspirations for national development will remain elusive targets. Insecurity in Kenya, and I mentioned it here when His Excellency the President was here, is now a threat to our nationhood and it must be tackled as a national priority. As a student of management, we were always taught that you cannot assign a task to a worker without providing them with the necessary tools. That is why the issues of salaries, housing and insurance for the police must be addressed urgently. I hope the National Police Commission will look into this matter.

I have said it here on the Floor of the House that when the police gun down thugs, the civil society---

The Temporary Deputy Speaker (Mr. Imanyara): Eng. Gumbo, I do not want to interrupt you, but there are very many Members who want to speak.

Eng. Gumbo: Just one more minute, Mr. Temporary Deputy Speaker, Sir. I have said it here before that when police officers, in their line of duty and in protecting their lives, gun down thugs, the civil society in Kenya is always condemning them. I would want the civil society in Kenya to note and appreciate that policemen and women are also Kenyans with families and when thugs kill them, the thugs should similarly be condemned.

Mr. Temporary Deputy Speaker, Sir, as I conclude, I urge the Government to provide the police with the necessary tools such as vehicles, proper housing and modern arms, so that they can tackle crime.

With those remarks, I support and urge the House to approve the appointment of Mr. Kimaiyo and his team.

Mr. Nyammo: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion and wish Mr. David Kimaiyo well. I wish to tell him that he is assuming this office during a very difficult time. We keep on saying that the police force must reform or be reformed, but my question is whether it is the police that should reform or the Kenyan public. I say the Kenyan public because we have laws that many of us do not care or mind about.

So, it is important that we reform in a two way and that the Kenya public changes their attitude towards the police. The police are human beings. They are our brothers and sisters. As we vote for their money here, let us remember their accommodation and transport. Those of us who have been to police stations would admit that they live in really appalling situations and

these are the very people you want to get out at night and early in the morning to protect you and your property. We must reform ourselves and show them that we value them and what they do. As we reform them, I would request Mr. Kimaiyo to also get the police wear a human face. It cannot be business as usual when you take a *rungu* and chase individuals and maim and kill them. This is the time where we have a new dispensation. The Constitution requires that people should be taken through a reasoning process and not being brutalized.

Mr. Temporary Deputy Speaker, Sir, so, I am suggesting in short that as he assumes this position of Inspector-General, it is important that he knows that the reforms of both the Kenyan public and the police are very urgent.

With those few remarks, I beg to support.

The Minister of State for Defence (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, thank you very much. I have personally worked with Mr. David Kimaiyo both as a Provincial Commissioner (PC) and later as an Assistant Minister and then as a Minister in the Cabinet in the Office of the President and lately as Minister for Defence and Acting Minister for Internal Security. I would like to thank the Police Service Authority which had identified the qualities that we know of hon. Kimaiyo and by extension also thank His Excellency the President and the Prime Minister for concurring with the recommendation of the Police Authority. I also want to thank the Departmental Committee on Administration and National Security that also gave him an opportunity to appear before them for also recommending his appointment.

Mr. Temporary Deputy Speaker, Sir, Mr. Kimaiyo has many qualities which is very rare in many people and in the first place, he is a very religious person. Secondly, he is very humble and a quiet person. Thirdly, he is an honest and hardworking officer. During his career, he has dedicated himself to the service of this country and it is something to appreciate that Kenyans now have matured to know qualities of people who have served this country for many years because on many occasions, you will find that there is never a good Kenyan. A Kenyan can do donkey work as service for this country but he is never recognized. Only yesterday, we recognized the good job that was done by His Excellency the President but I want to appeal that while Mr. Kimaiyo has all those qualities and I am sure he can deliver, he needs the support of Kenyans and Kenyans must work hard to make sure that we help him to be able to do what is expected of him. Hon. Members have spoken here and said that he should be given resources. Of course, without resources, the police cannot deliver.

I also want to appeal to all the police officers – all rank and file, to give Mr. Kimaiyo the support for him to be able to do what we expect him to do and what this nation is striving for, which is security. He can only do all these things when both the citizens and the assistants working with him give him the necessary support. By extension also, all the other officers who have been nominated like him are dedicated and hardworking people with whom I have very closely worked during my time as a civil servant and recently as Minister in charge of Internal Security and Defence.

With those remarks, I wish him God's success and the help of everybody.

Mr. C. Kilonzo: Mr. Temporary Deputy Speaker, Sir, the problem with the police force has not really been the man at the top office but the problem has been the political Government and especially an animal called Treasury and the Ministry of Finance. We have done a lot of reforms but we forgot to reform the Ministry of Finance or the Treasury on the way they do business. But perhaps what could help so that these stories that they need more money as has been said for five years in this Parliament and as was said in other parliaments, is to move the

entire Government to live in Eastleigh so that they can feel the pain of insecurity. We should have the residences of these Ministers in First Avenue Eastleigh and Second Avenue Eastleigh so that when we say we need money, this Government can understand. I really hope Mr. David Kimaiyo will not be let down by this Government and the next Government by not being given the support which is required. He will be frustrated just like the current Police Commissioner if we do not give him money.

Mr. Temporary Deputy Speaker, Sir, we have seen Ministers coming here to whine and yet they sit in Cabinet. Please, do not whine here. Go and whine in the Cabinet meetings. If you find the Minister for Finance is not co-operating to give money to the police force, sack him and replace him with another one. If you have money to build Thika Road to the tune of Kshs20 billion, why can we not look for Ksh20 billion to equip the police force? Baragoi killings occurred and this Government does not recognize policemen. When 20 kids were killed in America, flags flew half mast in America. When 47 police officers died in Baragoi, no flag was flown at half mast in this country and this Government expects us to tell them that they have a good name. If they do not facilitate the police, the new Inspector-General will be as frustrated as the current Police Commissioner.

As I support, let us not talk of what should be done. Let us act.

The Minister for Higher Education, Science and Technology (Prof. Kamar : On a point of order, Mr. Temporary Deputy Speaker , Sir. Judging from the mood of the House, I would request you to allow the Mover to respond. It is my right according to the Standing Orders if hon. Members do not read the Standing Orders. If you can put it to vote, it will win.

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Imanyara): Yes, indeed it is her right to rise on a point of order when she is satisfied that there is repetition and there is nothing new coming and requests that a question be put. But in these circumstances, I want to allow a few more hon. Members on condition that we limit it to a maximum of two minutes and you are timed. I want to tell the Clerks-at-the-Table to time you on two minutes only or less.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir I rise to support this Motion. Having looked at the credentials of Mr. David Kimaiyo and his experience, this is a special man and he deserves to get this job. What we need is to give this very special officer support. If we are going to give him support, he will bring reforms in this country as regards police management and insecurity in this country.

So, I want to support his Motion without reservations.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I rise from the Back Bench to support the appointment or the nomination of my friend, Mr. David Kimaiyo. I want to declare that I know this exemplary Kenyan. If he cannot do this job, very few other Kenyans will be able to do it. However, I want to say just one thing that I hope that the new Inspector-General will realize that he is now independent from politicians. The police force is now an independent body that does not report to the Office of the President or the District Commissioner (DC). That is the import of what we are doing today. I hope Mr. Kimaiyo will tomorrow---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): I said the machine would go off after two minutes. If you see it go off, your time is up.

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, thank you for allowing me a chance to support this Motion. Mr. David Kimaiyo is the man for this job.

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order?

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I rose to contribute and support this Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Order!

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

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ethuro, I have understood you, but there is a list which shows exactly the order in which people have sought to speak. Hon. Kaino, please, continue! I have heard you, hon. Ethuro.

Mr. Kaino: Mr. Temporary Deputy Speaker, Sir, I want to join my colleague in supporting the appointment of Mr. David Kimaiyo. I had the privilege of being the Chairman of a Select Committee of this House on cattle rustling and I received a presentation by Mr. David Kimaiyo. I was amazed by the knowledge that he has in security issues in this country. He is a man who went to the top and worked with the President. He has also worked with the small man in the rural areas. He was brought up in the pastoral area, where we have a problem of cattle rustling. I believe he has a lot of knowledge on this issue. Also on urban crime, he will do the job properly. He is the best person for this job.

I support him.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Nanok! You cannot speak from there. You can go to the Dispatch Box, if you wish.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Temporary Deputy Speaker, Sir, I also rise to support this Motion. If this House considers the appointment of Mr. David Kimaiyo, it will restore the respect of Kenyans to the police force. The fact that he is also an insider and has a lot of respect within the force, I believe he is going to reform the Police Service.

One of the key things that are ailing the police force is dealing with impunity. Insecurity is a problem, but it is about dealing with impunity, abuse of office, disregard of the rule of law, the rights of representation and separation of powers. I am on record in this House making a Personal Statement about my illegal arrest and confinement by some officers of the police force last month. This is the kind of illegalities and abuse of office that we hope that Mr. Kimaiyo, once he takes up the role of the Inspector-General of the Police, is going to change. I hope that even the deputies who are going to be appointed to assist him will also be people who have not abused office. I have issues with some of them who have been involved in abuse of their offices.

I support.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. We worked with Mr. Kimaiyo at the Egerton University. We have variously worked with him in the Government. I know him as a humble officer from a humble background and no matter how high he rises in the ranks, he remains a humble person. This is really why this House today salutes him as the incoming Inspector-General. We expect the Government to understand the new dispensation. The Police Service has now to transform into professional, pure and simple. The only way through which the Minister will be instructing the Commissioner of Police will be strictly in writing. There will be no phone calls and other small meetings and pressure. Let them run the Police Service purely as a professional organ.

Today we also should empathize with what has happened to the police. This year, we have lost more policemen than we have ever lost in any other peaceful time and we have not understood why. I hope the incoming Minister for Finance - and I wish hon. Githae would continue, but unfortunately he wants to become a governor - must equip our police. He must protect them and give them proper insurance, so that their families do not end up in squalor just because of accidents in the line of duty. No other Kenyan puts his life on line for the safety of this State other than our police officers. It is really shocking that this Baragoi thing happened. We have seen it happening.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion and to congratulate Mr. Kimaiyo for having made it. Indeed, I want to congratulate all the other candidates who were on the interview list with him because all those people who appeared were good enough, but only the best can serve this country. We need to look at this appointment. It comes with challenges. It is the first time that we will be experiencing and Kenyans have a lot of expectations. It will be up to this one man to reinforce the expectations of Kenyans in the new Constitution, the new dispensation and in the new Police Service by making it a people-friendly Police Service. I long for the day when I will see policemen in this country not having any guns, walking with people and policing like it happens in the United Kingdom and other civilized worlds and working as a people-friendly Police Service. These are the expectations.

In the transport sector, I am looking for his support to sort out the issues within the Traffic Department. We got a new law and I am happy with this appointment. It will take effect in terms of the road blocks and the extortions that have been taking place on the road. All that can be sorted out. So, the expectations are huge and the challenges are many. I wish him well and hope that we shall all be there to support as part of ensuring that the wider reforms get realized.

With those few remarks, I beg to support.

Mr. K. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I rise to add my voice to this important Motion. I support the appointment of Mr. David Kimaiyo. I have known him for quite a while. He has been an outstanding police officer. Some of us might not know that in 2002, during the transition from KANU to the NARC Government, Mr. Kimaiyo was then Deputy Commissioner of Police and he did a sterling job at that time. This is an officer who comes in with a wealth of experience. He is known to police officers as a fair and just officer, who would get the team together. However, it is not the man at the top. It would be for the Government to help him in terms of logistics and providing the tools. As I speak and as Mr. Kimaiyo's appointment is approved, in a place like Kitui Police Station, there is no single police car which can do patrols. I hope the Minister for Finance is listening to this and will make sure that Mr. Kimaiyo and his team will have the vehicles and motivated personnel to ensure that they curb the rising crime rate.

With those few remarks, I support.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am asking for your indulgence for five minutes because I want to speak as the Chairman of Amani Forum and you know you are a Member of the said Committee.

First, I want to congratulate Mr. David Kimaiyo for coming this far in terms of this position. I was extremely delighted that in spite of my misgivings about the security forces and its ethnicity, they were able to bring out such a fine Kenyan. We are seeing signs of a reformed country and a reformed Police Service. I want Mr. Kimaiyo to appreciate Article 44 of the

Constitution. If we can focus on these issues where the Police Service will strive to get the highest professional standards; where they prevent corruption, promote and practice accountability and apply the constitutional standards of human rights, then we will truly have made a difference with the new Constitution. I say this as a victim of abuse of police powers in the most recent occasion. I want to speak hoping that Mr. ole Metito is here.

Mr. Temporary Deputy Speaker, Sir, the problem of northern Kenya is the issue of lack of sufficient security, chronic underdevelopment and marginalization which the Constitution in a way has tried to help but the Minister for Finance has yet to put in the Equalization Fund that will address some of the historical injustices including security.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Maina!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I requested for five minutes.

The Temporary Deputy Speaker (Mr. Imanyara): We agreed that it will be two minutes for each hon. Member.

The Minister for Education (Mr. M. Kilonzo): Mr. Temporary Deputy Speaker, Sir, as a matter of fact, this is Mr. Wamalwa's card, who after taking over my work in the Ministry of Justice, National Cohesion and Constitutional Affairs, has also taken over my card!

(Laughter)

Allow me, Mr. Temporary Deputy Speaker, Sir, because I know Mr. David Kimaiyo and I wish to support his appointment. He is a man of very high integrity and this is one of the milestones in the process of constitutionalizing the operations of our security forces including the police.

I beg to support.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I also want to support this Motion on the appointment of the new Inspector-General of Police, Mr. David Kimaiyo. For sure he has very impressive academic qualifications, the necessary experience and he is also a career policeman. He underwent a very transparent process. Although I do not know him in person, I think he is a very credible Kenyan who should be supported and who should be appointed to this position. While I congratulate him for this appointment, I call on him to address the issue of insecurity in northern Kenya. For too long, our people have suffered and insecurity can be addressed only if there is the political will do so. Just last week, I went to Laisamis where there is cattle rustling and I met the Officer Commanding Police Department (OCPD) but even a car to restore insecurity is not there. It is a shame and I really hope that, as a Government, we will give the police force adequate resources and this House should also enable this to happen so that they are able to undertake their duties and put the issue of insecurity in northern Kenya to an end. I wish him well and I hope he will be up to the task.

Mr. Konchellah: Mr. Temporary Deputy Speaker, Sir, I also want to support the Motion and observe that this is a very good officer. One of his attributes is that he is accessible. This is one officer who you can access anytime. You can talk to him even on phone and he can address the problem you have. So, I want to request him to remain that way because it is the only way leaders can be able to get him. One particular issue I want to address is that of cattle rustling which is a big problem in our own region, and particularly, my own constituency. These are the things we want to address. We want vehicles to be provided to police officers so that they are able to arrest criminals who are doing these things.

Mr. Temporary Deputy Speaker, Sir, the other big problem in our area is the issue of housing of police officers and even the police station. In my own constituency, these are not there. We would like this officer to look at the whole country and see where we need to support police on the ground in terms of housing and accommodation so that they are able to work in a proper environment.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, yesterday I had an opportunity to actually vet Mr. Kimaiyo in our Committee and I realized that he is a man with immense experience in terms of his profession. That is why we recommended him to this House so that he could be appointed the next Inspector-General of Police. The expectations of Kenyans are so high. I want to augment what my colleagues have said in terms of getting sufficient finance from the Ministry of Finance. When this happens, he will be able to discharge his responsibilities properly. Without being supported financially, he will still come out a very disappointed person and Kenyans will equally be disappointed. For this country to grow economically and for every Kenyan to feel secure and have an opportunity to get jobs, we must, first, think of equipping the police with proper gadgets.

Mr. Temporary Deputy Speaker, Sir, for somebody who has risen through the ranks to be where he is, he must have all these facilities with him in order to discharge his responsibilities, failure to which, all Kenyans will not get what they desire from that particular department.

Otherwise, I do support the Motion.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Elmi): Mr. Temporary Deputy Speaker, Sir, I have seen Mr. David Kimaiyo in action when things were really going wrong---

The Temporary Deputy Speaker (Mr. Imanyara): You stood on a point of order, Mr. Elmi.

The Minister of State for Development of Northern Kenya and Other Arid Lands (Mr. Elmi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order, having heard everybody say the same thing about how good he is, to propose that the Mover be called upon to reply?

Mr. Ogingo: Mr. Temporary Deputy Speaker, Sir, even in that kind of noise, I believe you heard me. We have waited for this Inspector-General for so long. I want to support. Yesterday, we saw His Excellency the President bid us bye here. He did the hardest work on land; the work of being the President of this country look so simple.

Mr. Maina: On a point of order, Mr. Temporary Deputy Speaker, Sir. I just want to thank you that you had given me the opportunity. I had just gone---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Maina!

Mr. Maina: I hope my chance will come, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Maina! Please, sit down.

Mr. Ogingo: Mr. Temporary Deputy Speaker, Sir, you appreciate that he has eaten into a few of my seconds.

I was saying that His Excellency the President made the work of the presidency look so simple until everybody thought they could be president. Similarly, Mr. David Kimaiyo has made the work of police look so simple even in difficult times like during the post-election violence. I want to say that a lot of money is being spent unnecessarily because of insecurity in this country. We privately employ many guards and erect so many walls because of insecurity. I think a mechanism should now be put in place to ensure that the police department spends its own money. The problem with the money that goes to the police is not that it is not adequate, but

there are so many brokers in-between. If we can find a mechanism where the Inspector-General spends his money, we will see immense development in the police force and we will see maximum output from the police.

With those few remarks, I beg to support.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I want to support this Motion because we need professionalism. In 2005, when I refused to support the “banana republic”, it was promptly ordered that I be put in because as a Kikuyu, I was supposed to be supporting “bananas” and not “oranges”.

This appointment joins other three which have really impressed me. This is the appointment of the Attorney-General, the Chief Justice and the Transitional Authority boss. At this rate, I am sure that we are getting somewhere. I thank all those people who have been behind the new Constitution as I congratulate Mr. David Kimaiyo.

Mr. Koech: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion and say that this country has longed for reforms in the Police Service so that we can deal with insecurities in the country.

In supporting the appointment of Mr. David Kimaiyo, I am very impressed by his academic credentials. We are talking about a person with Masters of Science in Criminology and Criminal Justice and a Master of Theology. At the moment, he is also pursuing a PhD. in Criminology and Social Order. I think this man has what it takes for us to have the order we need in this country. As a country, we hope that the Government will fully support the Department with the appointment of Mr. Kimaiyo.

If you look at the houses that these officers live in, for example, in my constituency, you will see that they have no proper houses. They also do not have offices and yet these are officers we expect to deal with issues of security in our country. I want us, as a country, to support a lot of resources to go into the security department. Again, we should not, as a country, hide the acquisition of equipment to security departments in our country. I am told that we spent almost three or four times what we should be spending on some of the equipment because we consider them as classified.

Mr. Temporary Deputy Speaker, Sir, I support this Motion.

Mr. Gaichuhie: Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to join my colleagues in supporting this Motion. I also want to say that it was good for the Commission to appoint a career policeman who has wealth of experience. Knowing that Mr. Kimaiyo has been in the police force, he knows all the problems of the police. Therefore, he has the experience and he will work well with the police. This has also created confidence among police officers for having one of their own as the Inspector-General of Police. I urge this House, which is now charged with budget making, to make sure that they give enough money to the police force so that Mr. Kimaiyo can have enough resources to equip the police force. We should also know that there are high expectations. We are happy that Mr. Kimaiyo will meet the challenges of the police force.

The Minister of State for the Development of Northern Kenya and other Semi Arid Lands (Mr. M.I. Elmi): Mr. Temporary Deputy Speaker, Sir, I think the House has agreed that this is an outstanding Kenyan who is being made the Inspector-General of the police which badly needs reforms and requires resources. I am sure that Parliament will vote for this.

But more importantly for Kenyans, we will have an Inspector-General who is independent, who has tenure of office, does not have to be threatened by anybody in this country and will do his job. We have the right person for that job.

Northern Kenya, as hon. Ekwe Ethuro has said, has suffered a lot. This is someone who knows the area and we believe that with change of tactics, insecurity, cattle and camel rustling and coffee theft in other parts of the country will be over. The expectations are high and, therefore, we wish him well. This is not something that one person can do alone. We, therefore, ask fellow policemen, both the Administration Police and the regular police, to support Mr. David Kimaiyo. Kenyans badly need a reformed police.

When we were voting for the new Constitution, we said that before one is arrested, the policeman will salute and say: "*Ninaomba nikushike*". We would like to see that happen sooner rather than later.

We also hope that the things that are happening in Eastleigh, where people are arbitrary being arrested and harassed late at night will become a thing of the past. We hope that we will have a clean police force. This is someone who has been brought up in police lines, and I believe that the police deserve better remuneration.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, hon. Gitari!

Mr. Gitari: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to add a word to this Motion. I would like to support the Motion that Mr. David Kimaiyo should be appointed as the first Inspector-General of Police. They normally say that a new broom always sweeps better. I believe that Mr. Kimaiyo is up to the task and he will be able to handle the issues pertaining to insecurity in this country.

Before our colleague, the late Ojode passed on; he had promised the people of Kirinyaga Central a motor vehicle. Therefore, I believe that Mr. Kimaiyo will consider this when he takes over.

I support.

Mr. Bahari: Thank you, Mr. Temporary Deputy Speaker, Sir, for this golden chance. I want to support the appointment of Mr. Kimaiyo as the Inspector-General of Police. I had an opportunity to interact with him when he was the Director of Operations to sort out among other things cattle rustling and insecurity problems of northern Kenya. I found him very approachable, resourceful and very effective. He would make very good follow-ups.

In addition, given his position as the person responsible for the national focal point on small arms and light weapons, certainly, he has had the exposure and he knows the dangers of the small arms which are a threat to this country. I have no doubt that he will do a wonderful job. This gentleman combines management skills, field experience and academic knowledge plus international exposure to enable him do this job as is required.

The other item is about change. I want him to look back and see the issues of change in management in his rural area because that is what is expected of him. I did not see that in his curriculum vitae. I hope that he will employ services or consultants on change management to optimally use his skills and experience so that he meets the expectations of Kenyans.

With that, I beg to support this Motion fully.

Dr. Nuh: Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to add my voice in supporting this Motion for the appointment of Mr. David Kimaiyo as the Inspector-General of Police. When the interviews were being conducted even before the appointment was done, we understand that there was so much apprehension within the police force. The fear was that someone outside the Kenyan Police Force could be appointed as the Inspector-General. The police thought that when someone from outside was appointed the Inspector-General, then their plight will be forgotten and that person will come without knowing the problems and inadequacies that the force has been suffering. Now, the police Service has no reason to relax or

to fail Kenyans. Mr. Kimaiyo, as one of their own, who has risen through the ranks, should bring change not only for the betterment of the security of the Republic of Kenya but also for the betterment of the servicemen in the police force.

Lastly, Mr. Temporary Deputy Speaker, Sir, I am almost sure that Mr. David Kimaiyo is not without cows at home. I would want to advise Mr. David Kimaiyo, if he does not have cows or camels, tomorrow to go to the market either in Baragoi or anywhere else and purchase 100 or 200 cows and we will wish that these cows be allowed to go and graze in Suguta Marmar. Why am I saying this? I want if any calamity happens and the cows of David Kimaiyo are stolen by cattle rustlers, he will feel the pain of losing cattle that he will have worked so much to acquire.

With those few remarks, I beg to support.

Eng. Maina: Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion. First of all, I wish to congratulate the Commission, which was assessing these people, for recommending a police officer, who has been in the police force. I must say that my genuine fear was that the police force could have ended up with somebody, who does not really understand what an OCPD does. I am glad that Mr. Kimaiyo is from the police force; I am sure he is going to do a good job. I might also ask this Parliament to try and make the work of the police easier. Today, we have a law, which says, when somebody is arrested, he must be taken to court in 24 hours. We must ask ourselves: What time will the police have had to do proper investigation in 24 hours? That is why a case is taken to court and somebody is given a bond. These kind of laws, I must say, are going to make the work of the police force very difficult. Today, even somebody who has murdered someone is entitled to a bond. When that person leaves the court, he goes and threatens the witness and they fear him. So, these are the things that this Parliament must also address if we want the Inspector- General to do his job.

Mr. Temporary Deputy Speaker, Sir, I must also say that we look upon Mr. Kimaiyo to ensure the kind of things that was going around called *Kwe Kwe* Squad eliminating young men should never exist in this country. If somebody is guilty, let him be taken to court. I stand to support Mr. Kimaiyo and ask this Parliament to actually strengthen the Police Department.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I also want to support the recommendation by the Departmental Committee on the appointment of David Kimaiyo as Inspector-General of the Police.

Mr. Temporary Deputy Speaker, Sir, this has now been done in conformity with the requirements of the new Constitution, which Kenyans voted for overwhelmingly. I am sure it will be very satisfying to have the Inspector-General of Police through the open process that he has taken.

Mr. Temporary Deputy Speaker, Sir, as we approve the appointment, the Inspector-General we must know that he is not going to be able to do miracles in the police force. There is the aspect of equipping the police. The police force lacks equipment and vehicles. I am sure if he can have proper co-ordination, we have got somebody who is responsible enough, and he will be able to pursue this in an effort to improve police service in this country.

Mr. Temporary Deputy Speaker, Sir, we need to have more police officers recruited to serve this country. If you go to some countries, you do not find the kind of crimes you find in this country, because we do not have enough police officers. So, I hope this will open up space for proper recruitment of the police.

Mr. Temporary Deputy Speaker, Sir, also the other thing that comes to mind is the issue of training. We need a police force which is properly organized, so that it can also have proper

training for its officers. I am sure that with these measures in place, and with the implementation of the new Constitution, we shall have all these things accomplished overtime.

Mr. Temporary Deputy Speaker, Sir, the other thing should be the issue of funding of the police---

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I would like to add my voice to that of my colleagues in supporting that the appointment of Mr. David Kimaiyo as the boss of the police.

Mr. Temporary Deputy Speaker, Sir, listening to Mr. David Kimaiyo during his interview, he really convinced me that he is the right person whom we need at this point in time to lead our police force.

Mr. Temporary Deputy Speaker, Sir, I saw that the man has what it takes to run the future, hitech police network in this country. I have travelled abroad and seen police networks like in Switzerland; looking at what Mr. Kimaiyo was talking about, I think he is going to take us in the right direction.

Mr. Temporary Deputy Speaker, personally, I have designed a model police station, which I would like to sell to this Government. I want it to build others like this one, and to see how they can work in this country. I think, I will get the support of Mr. David Kimaiyo. I believe that is the direction we need to go in order to have a solid police network.

With those few remarks, I want to completely support and congratulate the Commission for having chosen the right person.

The Assistant Minister for Education (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I also wish to support the appointment of Mr. Kimaiyo as the Inspector-General of the police force. This is in line with the reforms that came with the new Constitution. One good thing about Mr. Kimaiyo, which my colleagues have talked about, is his previous experience and training in the police force. So, this is the right person for this job instead of getting someone from outside the police force.

Sometime back the police force was given a police commissioner who was not a police officer. This actually demoralized the members of the police force. So, this appointment should give the police officers morale that they need. Recently, the performance of the police force went down, and this led to insecurity. I hope Mr. Kimaiyo will address this issue.

I also wish that Mr. Kimaiyo will ensure that the reforms that we need in the police force are undertaken according to the requirements of the new Constitution.

With those few remarks, I beg to support.

Prof. Kaloki: Mr. Temporary Deputy Speaker, Sir, I also rise to support the Departmental Committee on Administration and National Security in their nomination of Mr. David Kimaiyo to be able to serve in the post of the Inspector-General of Police. This is an individual who has wide experience in public service. Mr. Kimaiyo is a man, we believe, has whatever it takes to move this country and implement the much needed reforms. Mr. Kimaiyo brings the right qualifications to this particular appointment, and will be able to lead the police force in a way that will create stability in terms of security and peace in this country.

Mr. Temporary Deputy Speaker, Sir, I highly recommend the appointment of Mr. David Kimaiyo so that he can assume office and move this country forward in terms of security.

Thank you.

The Temporary Deputy Speaker (Mr. Ethuro): Finally, Mr. Kathuri has expressed interest, as a person who has been in the *matatu* sector.

Mr. Kathuri: Mr. Temporary Deputy Speaker, Sir, it is good that you have recognised me by my previous career. Despite the fact that I went through Chiromo, I found myself entrenched in the Public Service Vehicle (PSV) sector. I am proud that it is what enabled me to unseat a full Cabinet Minister.

Let me join my colleagues in supporting the approval of Mr. Kimaiyo. It is very good that the police force will be headed by somebody who has gone through the ranks of the force. It is also important that police officers also feel that they now have an opportunity to be promoted. This is the only way we can ensure that their moral is boosted.

Mr. Temporary Deputy Speaker, Sir, as we boost their morale, it is also important for us to remind him, together with the Minister, that the police force lacks facilities. Residences of police officers require a lot of attention. They do not have tools. Their motor vehicles are in bad shape. Police officers always complain about fuel shortage. This is an issue which should be addressed alongside boosting the moral of police officers in terms of promotion.

The fact that we have seen changes taking place within the police force in terms of new rules and all that, it is also important for us to appreciate that they are also employees of the Government. They may not be able to complain. Police officers are the ones who take care of our security needs. If we do not take care of them, we may not achieve in terms of boosting their morale.

The Temporary Deputy Speaker (Mr. Ethuro): Yes, hon. M'Mithiaru.

Mr. M'Mithiaru: Mr. Temporary Deputy Speaker, Sir, let me also add my voice in supporting our recommendation on the appointment of Mr. David Kimaiyo as the Inspector-General of the Kenya Police Service.

I come from a hotspot area in terms of cattle rustling. Time and again, when such incidents occur, the problem that is normally witnessed as the reason as to why the bandits are not arrested is that the police do not have adequate resources and tools for the job. They do not have enough vehicles. Even where they sleep is quite questionable.

Mr. Temporary Deputy Speaker, Sir, while serving in the Committee on cattle rustling, we encountered a situation where a police station was actually surrounded by cattle rustlers and none of the officers went out. Even when they went out, there was no vehicle with which to pursue the bandits. Therefore, as much as we can have somebody with many credentials and skills, that person also needs adequate resources and tools, so that he can do the job properly. So, I hope that, in terms of resource allocation, the Government will also ensure that the Inspector-General will have all the resources necessary to ensure that he carries out his duties well.

With those few remarks, I support his appointment.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, I had allowed three last times. I cannot allow anymore.

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Ethuro): Next Order!

An hon. Member: Mr. Temporary Deputy Speaker, Sir, the Mover has not replied.

The Temporary Deputy Speaker (Mr. Ethuro): I acknowledge that fact, but we have already moved on. You should done so in a good time. You should be happy that the matter has been concluded.

Next Order!

BILL

Second Reading

THE COUNTY GOVERNMENTS PUBLIC FINANCE MANAGEMENT TRANSITION BILL

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I beg to move that the County Governments Public Finance Management Transition Bill (Bill No.84 of 2012) be now read a Second Time.

Mr. Temporary Deputy Speaker, Sir, I will be very brief. The main purpose of this Bill is the establishment of a framework and functions of the transition to county treasuries, county budget process, revenue raising measures and expenditures for county governments; responsibilities of transition county accounting officers and receivers of the revenue, prior to the establishment of the county governments. In fact, what we are saying is that this is really an omission. You are aware that we passed the Public Finance Management Act and the County Governments Bill, but we forgot to include transition clauses in those Bills. With two Acts in place, assuming that the election results are announced on the same day, it is assumed that on 12th March, 2012, when the governor assumes office, there will be county treasurer, county treasury, county secretary and somebody to swear-in the county assembly members.

So, that is an omission which we are now trying to cure through this Bill. What we are saying is that the transition ought to be between 5th March, 2012 and, latest, 30th June. Any time the governor puts in place his executive committee and he has the person in charge of finance and he is in a position to employ his own staff; as and when they employ their own staff, the transitional officers will immediately get out. This is basically what the Act is saying. It is saying that the moment the county government has employed the transitional county treasurer, the existing transitional county treasurer automatically ceases to act and the new one employed by the county takes charge.

Mr. Temporary Deputy Speaker, Sir, even for the others, what we are proposing is that there will be the transition head of the county finance department. This was also omitted. The two Acts of Parliament assume that on 12th March, 2013, there will be a finance department, but we know that it will take a few months for counties to set up the departments. So, this Bill provides for a transitional principal officer, so that we do not get into a constitutional crisis. The County Governments Bill says that the governor will be sworn-in by the secretary of the county government. If there is no county secretary on that day, who will swear in the governor? If the governor is not sworn-in, how can he swear-in the county assembly members?

So, basically, we are again saying that there will be a transition head of economic affairs department who shall be responsible for economic analysis and budgeting. There will also be a transition head of internal audit and transitional principal officer responsible for public finance matters of the state. The two Acts assume that on 12th March, 2013, the county will have its own staff. We know that it is not possible. So, we are saying that staff deployed on secondment to the counties will work during the transitional period. Once the county governments are in a position to employ their staff, the seconded officers, who are transitional, will cease to act.

Mr. Temporary Deputy Speaker, Sir, I will not go through each and every clause. There is even a more serious omission; the transition between local county councils and the county government was not provided for. What we are saying under this Act is that whatever charges,

taxes and impositions that the current local county councils are established under--- The Local Government Act will continue until the county government either reviews them or passes its own Act. This would have been a very serious omission. It would have meant that until the county governments pass that law, if it is rates, nobody would pay. Nobody would receive market charges. However, we are now providing for that transition.

Even the bank accounts are another serious omission. It is assuming that on the 5th of March, there will be a bank account. However, we are saying that the bank accounts that are currently being operated by the county councils will continue until the county government opens its own bank account.

Mr. Temporary Deputy Speaker, Sir, in short, this Bill seeks to comprehensively address the limitations in the existing County Governments Act (2012) and the Public Financial Management Act (2012) to ensure there is smooth transition to devolved Government while ensuring prudent management of public resources. It shall give full effect to the principles of public finance and devolved government as envisaged in the Constitution.

With those remarks, I beg to move and request Mr. Isaac Ruto to second.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, although I have been ambushed, I gladly accept to second.

That is because I think the Minister for Finance has done the right thing. We were going to have complete chaos without the passage of this particular Bill. I am sure that there will be a smooth transition.

Mr. Temporary Deputy Speaker, Sir, without this Bill, it would have been impossible to understand how to proceed. I want to make it clear that my understanding of this Bill is that it is purely transitory and that, as soon as it reaches around 30th of September---In any event, if the county governments are able to put their house in order earlier, this particular Act will lapse. Therefore, the concerns that some of our colleagues are raising about the Bill; that it is establishing some new officers and usurping the powers of the county government are not true. That is required for the purposes of smooth transition.

There are a few other errors in several other laws which may require attention. But I hope the next Parliament will immediately deal with that. Probably, we will be proposing some little amendment so that it can clean up several other laws that continue to refer to local authorities and other institutions which will no longer exist after 4th March.

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

(Question proposed)

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the chance to contribute to this important Bill.

Right from the outset, I want to say that I had my very deep-seated reservations on the way forward for this Bill. However, the Minister in moving this Bill has kind of enumerated the intent and the scope of this Bill.

This Bill is aimed at helping operationalization of some aspects of Schedule 6 of the Constitution. I want to read Article 15:-

“Parliament shall , by legislation, make provision for the phased transfer, over period of not more than three years from the date of the first election of county assemblies, from the national Government to county governments of the functions assigned to them under Article 185”

Mr. Temporary Deputy Speaker, Sir, and Article 15 (2) (b) also reads:-

“Parliament shall establish criteria that must be met before particular functions are devolved to county governments to ensure that those governments are not given functions which they cannot perform”

Arising out of this, the Transitional Authority Act has been enacted in this House which is invariably the organization of authority that is supposed to oversee the transitional functions.

Mr. Temporary Deputy Speaker, Sir, when I saw what the Minister is now raising, I quickly referred to the Public Finance Management Act (2012). In this Act, Section 103 provides for nearly all the functions, duties and powers that are now purportedly contained in this particular proposed Bill; the powers of establishment of county treasuries and general responsibilities of county treasury. When you go all the way up to Section 107, you find county treasury to enforce fiscal responsibility. Section 109 provides the establishment of a county revenue fund for each county.

What I am trying to raise is that for this particular Bill not to become superfluous, unnecessary or irrelevant, the Minister for Finance, who is the Mover of this Bill, must now go to last clause of the Bill itself, which is Clause 30, and read what it says. It says:-

“This Act shall stand repealed at the end of the transition period”

We must define the transition period which must be either 30th of June, 2013 or latest September. This must be spelt out because otherwise, in my mind, the transition period is already covered by the other Acts, and particularly Section 103 of the Public Financial Management Act.

Mr. Temporary Deputy Speaker, Sir, the Minister, in doing so, needs also to appreciate that Section 205 of Public Financial Management Bill requires the publication of regulations. Probably, if you had already published those regulations, you may already have catered for the many areas of concern and loopholes that you are now talking about in this Bill. Probably, the regulations would have dealt with that. If the Minister agrees that this Bill, in becoming an Act, shall be given that specific time-frame, then, of course, we shall continue to support it. That is because it shall be serving for only that transitory period and letting the other enabling laws towards the devolved system take effect.

I want to say that in supporting this Bill, the Ministry needs to be able to appraise this House. Even as we set up the structures to receive revenue and fund county governments, how about the preparedness of county governments in so far as integrated financial information management systems are concerned? The Controller of Budget shall be very unwilling - I would be very unwilling myself - to approve withdrawals or disbursements of funds from the national treasury to the counties without being very sure that we have a system that will not only administer but also control and be able to audit the resources when we enact this Bill, and, of course manage and account for the same. Otherwise, we shall end up devolving our national headquarters' bad habits that ensure resources are there to be misappropriated.

With those remarks, I beg to support subject to concurrence by the Minister that these issues I have raised shall be addressed when we get to the Third Reading stage.

Mr. Langat: Mr. Temporary Deputy Speaker, Sir, I also want to support this Bill; if we left it the way it was before, we would find problems in our counties taking off. When county governors take over, most of the revenues which are collected by the local authorities will need to continue being collected, so that the revenues for the county will be built up in every financial year. I think this transition Bill will actually help our counties to start picking up in good time and take over responsibilities.

Mr. Temporary Deputy Speaker, Sir, there was going to be a crisis as the Minister said, if we elected governors and county assembly members without actually knowing who will convene the first meeting of the county assembly, or even who will actually invite the governors to office after their election. So, I support this transition Bill because it will help our counties to start off the process of managing the affairs of the counties.

Mr. Oyugi: Mr. Temporary Deputy Speaker, Sir, I would like to support this Bill. I think it is a Bill that is timely in terms of midwifing the devolved governments.

I am supporting the Bill because it will facilitate the process of devolution. It will assist the county governments in terms of growing up before we can actually hand over power to them. This is an important process because devolution, being a new form of governance, if not properly midwifed will result in total chaos. I really support the spirit and letter of the Bill because it is very good and will help us welcome the devolved governments.

However, the Constitution does anticipate that the Transition Authority will not exist for more than three years. So, I would just like us to exercise caution that as we put limits we should know that the transitory period is not more than three years, otherwise the Bill, and the various authorities that it does create, will overstay their terms.

Otherwise, I think it is a timely Bill that is full of beautiful content.

I wish to support.

Mr. M'Mithiaru: Mr. Temporary Deputy Speaker, Sir, I also stand to support this Bill. In supporting this Bill, I am alive to the situation that we already have; we have the County Governments Act and the Public Financial Management Act that devolved at that level. But there are some gaps that must be closed now to ensure that the processes are put in place. We are also aware that the county councils will no longer be there. We are also aware that there is revenue being collected by the county councils, and at least there must be a way of trying to document them.

So, this Bill gives a way forward in terms of putting in place transitional processes; in those transitional processes, there will be the transitional officers to ensure that they put in place the groundwork as they wait for the county assemblies to be established and the governors to take office. Somebody must be there to prepare the office and take stock of what will be the requirements of the governor and the county governments when they are in place.

One thing that I do agree with my colleague, hon. Mbau, is that this Bill must actually have a shelf life, so that it does not just exist forever and will bring some other confusion. So, as we support this Bill I am sure the Minister is hearing this, there must be some amendments to ensure that the Bill has got a shelf life not exceeding one year.

I support the Bill.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill. I am supporting this Bill with one very important cautionary remark. One, we must understand that county governments will inherit all kinds of local authorities under them. You must understand that at the moment in my county, for example, there are about six districts, each one of which has had a local authority collecting revenue and expending it, owing assets and incurring liabilities. So, these counties will have a tremendous job to do. How do you collectivise what these different local authorities have been doing into one entity?

I hope that one of the first things that will happen is that as soon as we pass this Bill and it is assented to, to become an Act the Transition Authority, along with the Treasury, will move fast to appoint the relevant officers envisaged in this Bill to be trained in what they will do.

Let me draw your attention to Clause 8(e) which says among other things, despite the generality of sub-section (1) “Each Transition County Treasury shall act as the custodian of an inventory of the respective county government assets, except as may be provided by the Constitution or other legislation”.

One of the things that we envisaged, which will be a monumental task, is how county governments will assess and establish the assets owned by all these local authorities that they will have inherited from local authorities. Along with those assets will come liabilities. One of the things that completely flabbergasted me recently when I went to Nyando County Council was the fact that Nyando County Council had to collect settlement rates which go back several years. I am sure they will not complete doing that job by the end of this year. This means that this will be a liability that the new county government will inherit. I am quite sure that there are many new county governments which will inherit this kind of problem all over the country. So, it is not a small problem. So, the responsibility given here for the Transition Authority to act as custodian for the inventory of the respective county government assets, and I include liabilities as well, is a job that will take quite some time.

Secondly, in sub clause “J” it states “assist county government entities in developing their capacities for efficient, effective, prudent and transparent financial management.”

Mr. Temporary Deputy Speaker, Sir, when I was the Chairman of the Public Investments Committee (PIC) in the mid 90s, this occurred to me especially where we had public corporations owing or being owed money by county authorities. When we went to find out whether these county governments and municipalities could or could not pay the money they owed to these public corporations, we found that some county or municipal councils had not had their accounts audited for even 17 years. So, the new county governments are inheriting a monumental problem when it comes to assessing assets and liabilities of the local authorities that they are inheriting.

Mr. Temporary Deputy Speaker, Sir, when I go further to Clause 9(f), it says:-

“In addition to the functions and responsibilities of each Transition County Treasury provided in Section 8, each Transition County Treasury shall-

“(f) ensure that all procurement of goods, works, services and disposal of assets required for the purposes of a county government or county government entity is carried out in accordance with articles 201(d) and 227 of the Constitution, the Public Procurement and Disposal Act, 2005 and any other law relating to procurement”.

We know that one of the tragedies in the present county councils as well as many other Government entities is the issue of procurement of goods, works and services. I know that the new county governments are going to inherit tremendous problems in how goods, works and services have been procured by the local authority entities that they are taking over from. So, these provisions given to the Transition County Treasury is still an enormous task. We must be prepared for the first year or so of the existence of county government, that they will have to work very closely with the Central Government which has developed some capacity to do these things, as we make this transition. So, let it not be envisaged that this transition is going to be for only three months. I do not envisage it to be only three months. It is going to take much longer than that.

I know that the Committee on Implementation of the Constitution has been in a hurry to make sure that all functions of county governments are taken there. I am telling them that they are totally naive. Those of us who have been in politics for a long time know the capacity of local authorities and the problems that we are inheriting. Therefore, this issue should be

approached with a lot of precaution. Therefore, the establishment of this Transition County Treasury and entities is very important. But the Central Government must approach it, not with the idea of continuing to perform the functions of county governments, but with the idea of making those functions transitory, so that capacity is built among county governments and in the end, they become entities that can run by themselves.

Mr. Temporary Deputy Speaker, Sir, lastly, Clause 21 of the Bill says:-

“Before the establishment of the respective county governments, the Transition Authority in consultation with Cabinet Secretary, may, authorize the Kenya Revenue Authority (KRA) or appoint a collection agent to be a collector of county government revenue for the purposes of this Act on such terms and conditions as may be agreed in writing”.

This is a kind of provision that is both good and dangerous. It is dangerous in the sense that collection agents historically, like receivers, have always tended to perpetuate themselves in office, denying the entity for which these functions are being performed the ability to develop the capacity to do exactly what the collection agents are doing. So, those of us who are going to the Senate, including my Senior Counsel here, have a lot of work to do when it begins sitting. We must, in the first few months of the Senate, look at these Acts very carefully and become very active prefects over this transition period. If we do not, collection agents will easily become institutions unto themselves, claiming to the Treasury that counties have not developed the capacity to collect revenue and you know how sensitive collection of revenue is. We may find that building of capacity in the county governments is delayed for a very long time. Whereas I really support this Bill, let me also point out that it will have to be looked at very carefully by the Senate, because the Senate is the body that will be looking after the counties. It should make sure that the implementation does not lead to, first, the stifling of capacity developed in the counties and, secondly, ensure that as counties build capacity, those dangers in dealing with assets and liabilities and collecting revenue are very carefully looked into.

I beg to support.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, if you follow the trend that everybody else followed except Prof. Anyang’-Nyong’o, then we would save on time.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, in supporting this crucial Bill, I want to first of all thank the Minister with his staff for realizing that there was a serious omission in the previous Bill that was likely to cause a crisis or kill the spirit of devolution in the incoming devolved units. Therefore, this is a welcome overdue Bill.

My caution is to the Minister. As he plans to transfer personnel to the counties, he must be careful only to send experienced, skillful and dedicated staff to the counties. Otherwise, if the headquarters or Ministry decided to send or transfer deadwood to the counties, the foundation that is desired in the counties will not be realized. It is also important for the Ministry to realize that our local authorities have been reckless in allocating land. This spirit of allocating community land must be stopped immediately. This Bill is intended to stop that menace.

In conclusion, the public is expectant of good services immediately the devolved governments are put in place. Therefore, this Bill calls for the realization of that desire.

With those few remarks, I fully support the Bill.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, I will be very brief. I would like the Minister to listen because there were very important contributions by Prof. Anyang’-Nyong’o and hon. Mbau. He is not listening. It is important that he listens to exactly what we are saying.

I support this Bill. I want the Minister to note that there is no time limit for this transitory team to manage the counties. If we are not careful, and I want him to listen---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Nkaisserry! You speak through the Chair. You cannot assess all the abilities of the Minister to listen by not looking at you.

Proceed!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, the first reason why I am saying this is because there is no time limit on this transitory management team and they can perpetuate themselves. For example, if a county like Turkana comes up and says that it is not ready to manage its own affairs, they will continue to manage your affairs because there is no time limit on this. So, I would wish to propose or tell the Minister that we should put a time limit on when this transitory management teams are going to be out. We should put a position or deadline for all the counties to be ready to manage their own affairs. Unless we check on that, this transitory management team can perpetuate themselves.

Secondly, the current Transition Authority should have done or should do a stock-taking exercise, taking stock of all the counties on what we have for the Local Government and what we have for Central Government within each county. This way, they will be ready when the county Government moves in to know what assets each county possesses in terms of personnel, vehicles, money and so on and so forth. So, this needs to be looked at critically.

With those very few remarks, I support.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members. Since there are no further requests, I will call upon the Mover to reply.

The Minister for Finance (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank the hon. Members for those very useful suggestions. Indeed, I want to confirm to the Chairman of the Budget Committee, hon. Nkaisserry and the other hon. Members that, indeed, I have already prepared an amendment and it is already with the Clerk's office to say that on 30th September 2013, this Act will automatically lapse in order to avoid this Authority perpetuating itself by saying that this country is not ready and you will still require more time or by saying that the people you have employed are not qualified.

I thank hon. Members for those very useful suggestions and I beg to move.

(Question put and agreed to)

Second Reading

THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING BILL

*(The Minister for Higher Education,
Science and Technology on 18.12.2012)*

(Resumption of Debate interrupted on 18.12.2012)

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, the last contributor to that Bill was Mr. Chanzu. Is he in the House?

Hon. Members: He is not!

The Temporary Deputy Speaker (Mr. Ethuro): Is there any other hon. Member wishing to contribute? I do not see many requests.

Hon. Members: Let the Mover be called upon to reply!

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, before we call upon the Mover to reply-

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The Temporary Deputy Speaker (Mr. Ethuro): Order, Members! I want to bring to your notice that the amendments that we had been waiting for on Order No.9 are ready. So, we will take that Order immediately after Order No.12; the Committee of the Whole House.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I rise to add my voice to support this Bill on account of its necessity at this particular time of our economic growth and development. You will note that at some point in time, the Government and everybody else have tended to focus a lot more on ensuring achievement of higher education in the form of diplomas, degrees and masters to those who make it to public universities and also those who attain grades to join private universities.

In one of the research reports today, we are told that over 800,000 young people are joining the labour force. Many of these young people have degree certificates, but have nothing to do because the curriculum, for a long time, has tended to be in favour of non-technical knowledge. Therefore, this Bill is coming at a time when we are talking about moving this country to a newly industrialized country by 2020 or 2030. It cannot be gainsaid that we now need to develop and nurture a cadre full of skilled labour that will provide the technical back up for knowledge that will be moving the economy.

I want to commend the Minister for Higher Education, Science and Technology for her often stated desire to ensure there is a technical training college or institute in each of the 47 counties in our Republic. This will achieve a capacity of each county to admit, train and empower with skills that can be used where the students are within that county.

In the spirit of our new Constitution, we are told that specific respective counties should rise up and exploit the potential and resources found therein. That is why we are also saying that resources are being devolved towards the counties, so that leaders of that county can take advantage of their skills and their potential to move their counties forward.

I wish to support this particular Bill entirely with a view to ensuring that counties begin to own these training institutions. I also hasten to urge the Minister to facilitate each county to start technical colleges. This will go a long way in ensuring that we tap the potential of the students who finish Forth Form, but do not make it to public or private universities. They still have potential with their C's and D-plus. They should have a place to go, so that they do not get wasted. These are the majority. This is also what has led to the proliferation of very many private colleges that take a lot of money from our citizens. Students do certificates, diplomas and they transit to universities, but at a very high expense. At our economic status, our people may not have all the students who have the potential to join these private colleges, so that they can then transit.

With those few remarks, I beg to support.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I rise to support and thank the Minister for bringing this Bill. Indeed, what the Minister has done is to try and revolutionize the education sector. I congratulate her because this Bill is even a much better improvement even on the Universities Bill because it provides higher standards. If you look at it in terms of infrastructure standards this Bill is much clearer in terms of strengthening issue of human rights, it provides for participation of stakeholders, it provides for marginalized

groupings, persons with disabilities and inclusion of gender or gender parity in education. I am also happy that it also provides for consistent monitoring and evaluation of education standards. I would want to encourage that going by the standards we set under the Universities Bill, she should bring an amendment enhances the sentences where a person misleads the public by indicating that they can provide education when the institution is not accredited. In the Universities Bill, we set the fine at Kshs10 million. I think for this one we should put it at Kshs5 million because, perhaps, the investment that is put at this level of education is not as high as the investment that is put at the university level.

Again, I want to thank the Minister for also focusing on innovation, self-evaluation by institutions and for integrating internship because for most of our people whenever they are looking for jobs, they are told that they do not have experience. So, internship will give our young people an opportunity to showcase that they at least have some level of experience.

With those few remarks, I support.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill as a Member of the Committee on Education, Science and Technology. We have gone through this Bill and we are very happy with the contents. We want to congratulate the Minister, his staff and all the stakeholder who have been involved in the drafting of the Bill. I want to assure you that once this Bill is enacted into law, it will set a foundation for this country to become a middle income industrialized country because there is no country that can industrialize without middle level technical people. We destroyed our middle level colleges, but I am happy and I am very grateful to the Minister that this Bill is bringing them back. I am particularly very happy that this Bill is creating an authority that will regulate and control the technical and vocational education and training in this country.

So, without wasting more time, I want, on behalf of the Committee on Education, Science and Technology to say that we fully support this Bill. We hope that all Member of this House will support it. This Bill will go out of its way to make this country a better and great country.

Thank you.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I just want to make a very short contribution in supporting the Technical and Vocational Training and Educational Bill. One of the things I want to comment my colleague for is for seeing technical and vocational training in what I call modern terms. For quite some time, we have thought of vocational training in terms of purely village polytechnics. We thought of village polytechnics as training people to involve themselves in some very basic works of being carpenters, weavers of baskets or tailors. We believed that in every village polytechnics, there were only a few trades of tailors, carpenters and informal trade.

Mr. Temporary Deputy Speaker, Sir, even countries that have moved from Third World into the Second World, Ireland, for example, adopted what they call one village; one product approach whereby, in every village, the population produced a product that could be used locally and exported for purposes of earning revenue. This has led tremendously to the development of small and medium enterprises with roots in the production systems of this country. Nothing crafted has an artificial village of polytechnic uniform across the country.

What I am hoping that the Minister will do in developing a curriculum for this vocational training centres is to ensure that they become centres that produce people with knowledge and skills for industrialization. Centres that not only transforms raw material into manufactured products at small-scale level, but also for developing such skills that graduate from those institutions can be used in both agriculture and industry as productive workers.

I remember, particularly Egerton University grew out of Egerton Agricultural Technical Institution. That is where we used to get tractor repairers and people who could manufacture moulds and so on. The agricultural industry in this country suffered a tremendous set back because skilled labour that used to be there for the agricultural industry to use suddenly started to disappear.

I hope that as we enter this era of reviving vocational and technical education and training institutes, we will recover from the tragedy of swallowing technical training centres into universities. We needed universities, but this was done by sacrificing these very important institutions in the developing of a Third World country into a Second World country.

I must commend the Minister for this Bill. I look forward to the day when these vocational centres will mushroom all over the country to give this country a tremendous edge into limping into Second World status.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, I will start by thanking the Minister with her entire staff for their dedication in generating this Bill. We have admired the Minister for her style in leading the Ministry for the short time that she had been there. We have seen many reforms and we urge her to continue with that spirit.

In addition, I note that many illegal colleges are operating in this country. Parents have lost a lot of money through these illegal colleges because eventually they award illegal certificates to students who cannot get any jobs in the market.

Therefore, it is important for the Ministry to continue addressing this serious menace of colleges mushrooming in the country.

Mr. Temporary Deputy Speaker, Sir, secondly, I am calling for funding of this Ministry. When we devolve functions to the counties, they will be expected to create employment for the youth. This Ministry has got a key role to play in terms of establishing technical colleges in all counties. Therefore, it will be prudent for the House to consider a higher allocation of funds.

Mr. Temporary Deputy Speaker, Sir, finally, this Bill calls for quality education in our colleges and technical institutions. Standards and quality are key to improving the economy of this country, and sharpening skills for the people to take forward the country in various sectors of the economy and the management of the affairs of the state.

With those few remarks, I fully support this Bill.

The Minister for Public Works (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I want to join those who have made contributions on this Bill by saying that we have seen universities and other higher institutions of learning mushrooming all over and, in fact, taking the place of a number of colleges and medium-sized institutions. This has led to serious shortages of skilled workers, particularly in industry, and generally, in the economy.

Mr. Temporary Deputy Speaker, Sir, we have seen large contracts awarded for infrastructure development, for example. We have seen contractors coming in from outside with their own workers, workers who should normally be available in the country. But the truth of the matter is that workers with the kinds of skills required are not available locally. This is why today you see large numbers of Chinese workers around and so on.

Mr. Temporary Deputy Speaker, Sir, I must congratulate the Minister for bringing this Bill here. It will enable us to train our people and give them skills and technical know-how, so that they can fill the gap which has already developed. I believe that this measure will help us to fight unemployment. It will help us to create our own middle level entrepreneurs and innovators, so that we can use locally available materials to create more opportunities for our people.

Mr. Temporary Deputy Speaker, Sir, this is a move in the right direction. We are moving towards industrializing our country and this one of the ways to do so. I commend the Minister and I support this Bill.

The Temporary Deputy Speaker (Mr. Ethuro): Since I have no other contributor, I call upon the Mover to reply.

The Minister for Education, Science and Technology (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I want to thank the Members for their very good contributions. These are hon. Namwamba, hon. Koech, hon. C. Onyancha, hon. Nyambati, hon. Chanzu, hon. Mbau, hon. Odhiambo-Mabona, hon. Otichilo, hon. Anyang-Nyonggo, hon. Njuguna and hon. Obure. All of them have added value from their contributions. I want to say that we are very grateful for their comments.

Hon. Namwamba raised issues on standards and quality which I want to assure this House that TIVETA that has been established has taken care of that very well. That was noticed by other Members; we want to make sure that the standards in the middle level colleges are as high as what one will get internationally.

Mr. Temporary Deputy Speaker, Sir, I want to mention that in June, 2012, I travelled to Canada to see the Director for Technical Training on the invitation of the Government of Alberta. We wanted to discuss the possibility of our youth being employed outside this country, particularly in Canada, because we had been informed that that country had a shortage of skilled personnel. The reason is not to reduce the skilled staff, but it is because we are expanding very rapidly.

As I mentioned during my opening remarks, as the parent Ministry, we are going to ensure that every county has a technical institution. The future of this country is Vision 2030. Therefore, we must have skilled personnel to deal with industrialization. However, we know that before that time – because some courses are two-year or three-year courses – there will be need to export human resource. So, for that reason, we had to make sure that the standards and the quality within these institutions are high enough to enable us have human resource that can be employed anywhere in the world.

Mr. Temporary Deputy Speaker, Sir, I want to assure this House that, that is exactly what this Bill is going to do. The Authority is going to be a quality assurance Authority. It will make sure that there will be checks and balances. We are also going to look at the private institutions as their numbers have risen. Private institutions will also be subjected to quality standards by the same Authority.

The truth is that we have been closing down institutions. I closed 47 institutions last month. I had closed another 90 institutions earlier in the year. At the beginning of the year, I closed about 100 institutions.

So, we are very vigilant these days, because we do not want our youth to be imparted with skills which are not good enough to enable them do anything. So, we are very watchful on that one. With the coming into effect of this law, the Authority will be doing this as a routine exercise, so that even private technical training institutes will be subjected to the same standards that we subject our own institutions.

Mr. Temporary Deputy Speaker, Sir, on the part of vocational training, in fact, we are changing the curriculum, so that one can acquire a skill as per need. If you want to be a carpenter, you acquire the skill of carpentry and go back for a skill of painting later on. Afterwards, if you want to be a plumber or painter or carpenter, you can still get those skills. So, we have completely changed the programme. It is now going to be modular. Again, that is

according to international standards. Institutions all over the world are changing direction because they want skilled people, and that is the objective.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Minister! Summarise.

The Minister for Higher Education, Science and Technology (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I have actually reached the end.

I will start winding up by saying, once more, I want to thank hon. Members and inform those Members whom I may have written letters to. There are those who do not have Government Training Institutes (GTIs) in their own counties. We have budgeted for those counties. Please, work with your District Development Committees (DDCs) to ensure that they initiate them this year.

With those remarks, I beg to move.

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE CONSTITUENCIES DEVELOPMENT FUND BILL

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Members, we are now in the Committee of the Whole House to consider the Constituencies Development Fund Bill (Bill No.77 of 2012).

The Attorney-General (Prof. Muigai): On a point of order, Madam Temporary Deputy Chair. I would like to crave your indulgence before we get to that item. If I may request you very humbly to allow me to remove from the Order Paper the first item under Order No.9 and the fourth item under Order No.9.

If I may explain myself a little bit, we have had very extensive consultations with the co-chair of the Legal Affairs Committee on the Statute Law (Miscellaneous Amendment) Bill (Bill No.82 of 2012). The Committee itself has very extensive proposed amendments. They have only been availed to Members about ten minutes ago. Some of them have very far reaching implications. I would like myself to have an opportunity to consider them and for Members to consider.

Finally, on that point, we have agreed with the co-Chair, Mrs. Millie Odhiambo-Mabona, that I would want to have a joint session with the Committee, so that we can have a common position on the amendments.

Secondly, as far as the Office of the Director of Public Prosecutions Bill is concerned, again, the Committee has intimated that it has been unable to finalize its proposals in the period

given. I value the input of the Committee; we have worked very well together and I would like to accommodate them for another couple of days. I hope they will do this as they enjoy their vacation. For those reasons, if I have your kind permission, I would like those two items on the Order Paper put off to the next Thursday.

The Temporary Deputy Chairlady (Dr. Laboso): Okay, Attorney-General. I think you have given very valid explanations. Therefore, we will allow that those two items be deferred until when the House sits next.

THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL

(Deferred)

THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS BILL

(Deferred)

We will proceed with the Constituencies Development Fund Bill (Bill No.77 of 2012).

The Temporary Deputy Chairlady (Dr. Laboso): Let us move on to the Constituencies Development Fund Bill.

Yes, Mr. Ethuro.

QUORUM

Mr. Outa: On a point of order, Madam Temporary Deputy Chairlady. This is a very important Bill and I would really want to point out that we need a good quorum to be able to discuss it. There is no quorum in this House.

The Temporary Deputy Chairlady (Dr. Laboso): Indeed, there is no quorum. I will direct that the Division Bell be rung.

(The Division Bell was rung)

The Temporary Deputy Chairlady (Dr. Laboso): Order, hon. Members! I wish to report that there is no quorum. We will, therefore, just report progress.

(The House resumed)

*(The Temporary Deputy Chairman
(Mr. Ethuro) in the Chair]*

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I wish to report that there is no quorum.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! There being no quorum, the House stands adjourned until Thursday, 27th December, 2012, at 2.30 p.m.

The House rose at 8.05 p.m.