



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, MARCH 25, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.025** - was answered by an Assistant Minister in Office of the President (Mr. Dzoro).
4. **QUESTION NO.101** - was answered by an Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
5. **QUESTION NO.027** - was answered by the Acting Minister for Labour and Human Resource Development (Mr. Balala).
6. **QUESTION NO.069** - was answered by an Assistant Minister for Health (Mr. Konchella).
7. **QUESTION NO.055** - was answered by an Assistant Minister for Tourism and Information (Mrs. Mugo).
8. **QUESTION NO.039** - was deferred to another day.

9. **QUESTION NO.147** - was dropped in the absence of the Member.

10. **QUESTION NO.151** - was dropped in the absence of the Member.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Turkana Central (Mr. Ethuro) concerning distribution of relief food to Turkana District was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Isiolo (Dr. Kuti) concerning blowing off of roofs at St. Kizito Primary and Bula Mpya Primary Schools was answered by an Assistant Minister for Education, Science and Technology (Mr. Gumo).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Bura (Mr. Wario) concerning the amendments to the list of nominated councilors submitted to the Electoral Commission of Kenya was deferred to another day.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Gachoka (Mr. Joseph Nyagah) concerning Kenya's position on the Iraq crisis was answered by the Minister for Foreign Affairs.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Subukia (Mr. Koigi Wamwere) concerning an order for the release of the title deed of Mr. John Njenga Njoroge was deferred to another day.

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice a Nominated Member (Ms Njoki Ndung'u) concerning discrimination of female staff in Kenya Airways was dropped in the absence of the Member.

17. **COMMUNICATION FROM THE CHAIR**

Mr. Speaker conveyed the following Communication from the Chair:-

“Hon. Members, I wish to bring to the attention of the House the presence in the Speaker’s Row of four Members of Parliament from the African Continent.

The four colleagues are:

The Hon. Johannes Mahlangu – Deputy Chairperson of the National Council of Provinces – South Africa

The Hon. S.S. Rupinga – South Africa

The Hon. Jameson Mothibamele – Botswana

The Hon. Dr. William Shija – United Republic of Tanzania

They are attending meetings arranged by the Commonwealth Parliamentary Association (Africa Region).

Let me take this opportunity, on our behalf and on my own behalf to welcome them to our country and to this House and wish them a happy and enjoyable stay in Kenya”.

18. **PERSONAL STATEMENT PURSUANT OT PROVISIONS OF
STANDING ODER 69 – PLEDGES NOT HONoured BY THE MEMBER
FOR NYARIBARI CHACHE**

Pursuant to the provisions of Standing Order 69, the Member for Nyaribari Chache (Mr. Nyachae) made a Personal Statement in response to a reply by an Assistant Minister in the Office of the President (Mr. Tarus) to Question No.004 by Hon. Joe Khamisi referring to pledges he (Mr. Nyanchae) made to victims of the Paradise Hotel Bombing in Mombasa in November, 2002 but which he did not honour.

Thereupon, he informed the House that he sent Mrs. Nyachae with Ksh100,000/- to donate to the victims’ families but he never- made any other pledges to that effect.

(No.21)

TUESDAY, MARCH 25, 2003

(73)

19. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF
STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Wajir North (Dr. Abdullahi Ali) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

20. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF
STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Lamu West (Mr. Twaha) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

21. **ADOPTION OF CODE OF CONDUCT FOR MEMBERS OF
PARLIAMENT**

Motion made and Question proposed:

THAT, pursuant to Section 9 of the National Assembly (Powers and Privileges) Act, Cap.6 of the Laws of Kenya, this House adopts the Code of Conduct for Members of Parliament laid on the Table of the House on Wednesday, March 19, 2003.

(Chairman of Powers and Privileges Committee)

Debate arising;

(No.21)

TUESDAY, MARCH 25, 2003

(74)

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Bumula (Mr. Bifwoli) drew the attention of Mr. Speaker to the fact that there was no Quorum in the House;

And Mr. Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of two minutes;

Debate interrupted resumed;

22. **ADJOURNMENT OF DEBATE PURSUANT TO STANDING ORDER 21**

Motion made and Question proposed:

THAT, the debate on the adoption of the Code of Conduct for Members of Parliament laid on the Table of the House on Wednesday, March 19, 2003 be now adjourned.

(Mr. Henry Obwocha)

Question put and agreed to.

23. **THE ANTI-CORRUPTION AND ECONOMICS CRIMES BILL (BILL NO.2)**

Order for Second Reading read;

Motion made and Question proposed:

THAT, The Anti-Corruption and Economic Crimes Bill (Bill No.2) be now read a Second Time.

(The Minister for Justice and Constitutional Affairs)

(No.21)

TUESDAY, MARCH 25, 2003

(75)

24. **ADJOURNMENT OF DEBATE PURSUANT TO STANDING ORDER 21**

Motion made and Question proposed:

THAT, the debate on the Anti-Corruption and Economic Crimes Bill (Bill No.2) be now adjourned.

(Mr. Henry Obwocha)

Question put and agreed to.

And the time being forty minutes past Five O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

25. **HOUSE ROSE** - at forty minutes past Five O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, March 26, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, JUNE 10, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **ADMINISTRATION OF OATH**

Mr. Speaker administered the Oath of Allegiance to the following Members:

**Jayne Njeri Wanjiru Kihara
Mohamed Ahmed Khalif**

4. **ARIFA YA HOJA** – (Bw. Koigi Wamwere)
(Wizara ya Kawi)

KWAMBA, ikifahamika kuwa makundi mengi ya wananchi huko Subukia yaliahidiwa kwamba yangewekewa umeme na shirika la kutoa nguvu za umeme nchini, Kenya Power and Lighting Company (KPLC), iwapo wangelipa asilimia kumi ya gharama, ikijulikana kwamba mengi ya makundi hayo yalikamilisha malipo hayo chini ya mpango wa kusambaza umeme mashambani na kuidhinishwa na halmashauri ya maendeleo ya wilaya (DDC), Bunge hili linahimiza Serikali itekelezwe ahadi hiyo haraka iwezekanavyo.

5. **QUESTION NO.297** - was answered by an Assistant Minister for Finance (Mr. Katuku).
6. **QUESTION NO.272** - was answered by the Minister for Water Resources Management and Development.
7. **QUESTION NO.294** - was answered by the Minister for Water Resources Management and Development.
8. **QUESTION NO.296** - was answered by an Assistant Minister for Health (Mr. Konchella).
9. **QUESTION NO.266** - was answered by an Assistant Minister for Environment and Natural Resources (Prof. Wangari Maathai).
10. **QUESTION NO.159** - was answered by the Ag. Minister for Labour and Human Resource Development (Mr. Balala).
11. **QUESTION NO.038** - was deferred to another day.
12. **QUESTION NO.254** - was deferred to another day.
13. **QUESTION NO.295** - was deferred to another day.

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for West Mugirango (Mr. Henry Obowcha) concerning the channeling of constituency AIDS Control Committee funds through Community Based Organizations was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Baringo East (Mr. Kamama) concerning existence of militia groups in Kenya was deferred to another day.

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Tigania East (Mr. Munya) concerning the existence of a protracted border dispute between Tharaka and Tigania East constituencies was deferred to another day.

17. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning closure of Mumias Sugar Company as a result of strike by tractor drivers and reduction of sugar price was deferred to another day.

18. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mogotio (Mr. Korir) concerning the diversion of River Waseges for irrigation upstream around Subukia resulting to water scarcity downstream was deferred to another day.

19. **THE CONSTITUENCIES DEVELOPMENT BILL (BILL NO.10)**

Order for First Reading read;

Bill read a First Time and upon a Motion by the Chairman of Finance, Planning and Trade Committee referred to the relevant Departmental Committee after Question put pursuant to Standing Order 101A(2).

20. **THE PRESIDENTIAL RETIREMENT BENEFITS BILL (BILL NO.11)**

Order for First Reading read;

Bill read a First Time and upon a Motion by the Minister referred to the relevant Departmental Committee without Question put pursuant to Standing Order 101A(1).

21. **THE SUPPRESSION OF TERRORISM BILL (BILL NO.12)**

Order for First Reading read;

Bill read a First Time and upon a Motion by the Minister referred to the relevant Departmental Committee without Question put pursuant to Standing Order 101A(1).

22. PENSIONS (AMENDMENT) BILL (BILL NO.5)

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Pensions (Amendment) Bill (BillNo.5) be now read a Second Time.

(The Minister for Finance – 15.04.2003)

Debate interrupted on Tuesday, April 15, 2003 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Butere (Mr. Oparanya) drew the attention of an Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of three minutes;

Debate interrupted resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Maragua (Mr. E.P. Mbau) drew the attention of an Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of two minutes;

Debate interrupted resumed;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

23. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, June 11, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 11, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.129** - was answered by an Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
4. **QUESTION NO.146** - was answered by an Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
5. **QUESTION NO.156** - was answered by an Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
6. **QUESTION NO.298** - was answered by an Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
7. **QUESTION NO.187** - was answered by an Assistant Minister for Co-operative Development (Mr. Peter Kenneth).

8. **QUESTION NO.280** - was answered by an Assistant Minister for Agriculture and Livestock Development (Mr. Munyao).
9. **QUESTION NO.029** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Gumo).
10. **QUESTION NO.046** - was answered by an Assistant Minister for Local Government (Mrs. Tett).
11. **QUESTION NO.105** - was answered by the Minister for Water Resources Management and Development.
12. **QUESTION NO.099** - was answered by the Minister for Water Resources Management and Development.
13. **QUESTION BY PRIVATE NOTICE**
- Question by Private Notice by the Member for Laisamis (Mr. Ngoyoni) concerning insecurity arising out of cattle rustling was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
14. **QUESTION BY PRIVATE NOTICE**
- Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning the attack of the residents of Inaya Sub-location in Butere constituency by a gang of thugs on 29th March, 2003 was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
15. **QUESTION BY PRIVATE NOTICE**
- Question by Private Notice by the Member for Aldai (Mr. Jimmy Choge) concerning the ripping off of the roof of Soy Primary School in Terik Location by strong winds was answered by an Assistant Minister for Education, Science and Technology (Mr. Gumo).

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mandera West (Mr. M. Haji) concerning the blowing off of roofs of Darweed, Wajai, Dahan, Hillrode and Takaba Primary Schools by strong winds was answered by an Assistant Minister for Education, Science and Technology (Mr. Gumo).

17. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Gachoka (Mr. Joseph Nyaga) concerning the alleged intended sale of 70% of Telkom Kenya Ltd was answered by an Assistant Minister for Transport and Communications (Mr. Ligale).

18. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(1)**

Pursuant to provisions of Standing Order 88(1), the Deputy Speaker ordered the Member for Sigor (Mr. Rotino) to withdraw from the precincts of the Assembly for the remainder of the sitting for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

19. **ESTABLISHMENT OF MOBILE AND BOARDING FACILITIES IN THE PROVISION OF BASIC EDUCATION IN PASTORAL AREAS**

Motion made and Question proposed:

THAT, in view of the high illiteracy level in pastoral areas occasioned by lack of appropriate pastoral education policy; taking cognizance of the Government's commitment to the provision of free basic education for all Kenyans, this House urges the Government to put in place mobile and boarding facilities in each division within the pastoral areas in order to enable children in these areas to enjoy free basic education just like other children in other parts of the country.

(Mr. Ali Wario)

Debate arising;

THAT, the Motion be amended by deleting all the words after the word “to” in the fifth line and inserting the following words in place thereof:-

“establish extra and enhance existing boarding facilities within the pastoral areas in order to enable these children to enjoy free basic education like any other children in other parts of the country”

(An Assistant Minister for Education, Science & Technology – Mr. Gumo).

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Question of the Motion as amended proposed:

Debate arising;

And the time being thirty minutes past Twelve O’clock, the Acting Deputy Speaker (Mr. Wetangula) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

20. **HOUSE ROSE** - at thirty minutes past Twelve O’clock.

MEMORANDUM

Mr. Speaker will take the Chair today
Wednesday, June 11, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 11, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPERS LAID**

The following Papers were laid on the Table of the House:-

- (i) 2003/2004 Estimates of Recurrent Expenditure of the Government of Kenya for the year ending 30th June, 2004.
- (ii) 2003/2004 Estimates of Development Expenditure of the Government of Kenya for the year ending 30th June, 2004.

(The Minister for Finance)

- (iii) Estimates of the National Assembly for the Fiscal year 2003/2004.

(Mr. Oloo Aringo on behalf of the Chairman - Parliamentary Service Commission)

4. **QUESTION NO.211** - was answered by an Assistant Minister

for Finance (Mr. Katuku).

5. **QUESTION NO.221** - was answered by the Minister for Energy.
6. **QUESTION NO.107** - was answered by the Minister for Energy.
7. **QUESTION NO.153** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
8. **QUESTION NO.194** - was answered by an Assistant Minister for Agriculture and Livestock Development (Mr. Munyao).
9. **QUESTION NO.258** - was answered by an Assistant Minister for Agriculture and Livestock Development (Mr. Munyao).
10. **QUESTION NO.215** - was answered by an Assistant Minister for Education, Science & Technology (Mr. Gumo).
11. **QUESTION NO.250** - was answered by an Assistant Minister for Environment and Natural Resources (Prof. Maathai).
12. **QUESTION NO.271** - was answered by the Minister for Labour & Human Resource Development.
13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Baringo East (Mr. Kamama) concerning the existence of militia groups in the country was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Tigania East (Mr. Munya) concerning a border dispute between Tharaka and Tigania East was deferred to another day.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr Oparanya) concerning the closure of Mumias Sugar Company was deferred to another day.

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mogotio (Mr. Korir) concerning the diversion of River Waseges for irrigation around Subukia was deferred to another day.

17. **MINISTERIAL STATEMENT – NOMINATIONS TO THE KENYA ANTI-CORRUPTION ADVISORY BOARD**

By indulgence of the House, the Minister for Justice and Constitutional Affairs made a Ministerial Statement regarding the nomination of persons to the Kenya Anti-Corruption Advisory Board.

Thereupon, the Minister informed the House that under Section 18 of the Anti-Corruption and Economic Crimes Act, a number of bodies are required to nominate two persons each to form the Anti Corruption Advisory Board for approval by Parliament within fourteen days.

The Minister then read out the names of nominees and referred the list to the Departmental Committee on Administration of Justice and Legal Affairs for consideration and further reference to the House.

18. **THE PENSIONS (AMENDMENT) BILL (BILL NO.5)**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the Pensions (Amendment) Bill (Bill No.5) be now read a Second Time.

(The Minister for Finance – 15.04.2003)

(No.38)

WEDNESDAY, JUNE 11, 2003

(156)

Debate interrupted on Tuesday, June 10, 2003 resumed;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

19. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, June 12, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, JUNE 12, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **ARRIVAL OF HIS EXCELLENCY THE PRESIDENT**

Mr. Speaker called the House to Order announced the arrival of H.E. the President, the Hon. Mwai Kibaki, CGH, MP.

The Hon. Members rose in their places to welcome of H.E. the President.

Thereupon, H.E. the President took his seat in the Chair of State.

4. **COMMITTEE OF WAYS AND MEANS**

Order for Committee read;

Motion made and Question proposed:-

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance)

5. **DEPARTURE OF HIS EXCELLENCY THE PRESIDENT**

After the Budget Speech, Mr. Speaker rose in his place and announced that it was the pleasure of H.E. the President to take his leave.

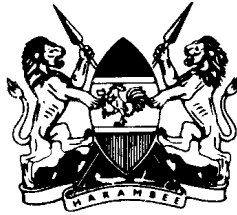
Thereupon, H.E. the President departed from the Chamber in procession.

And the time being twenty minutes past Five O'clock, Mr. Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

6. **HOUSE ROSE** - at twenty minutes past Five O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, June 17, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, JUNE 17, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPERS LAID**

The following Papers were laid on the Table of the House: -

- (i) Economic Survey – 2003
- (ii) Report of the Commissioner of Insurance for the year ended 31st December 2001.
- (iii) Annual Report and Accounts of the Registration of Accountants Board for the year ended 30th June 2001 and the Certificate thereon by the Auditor-General (Corporations).

*(An Assistant Minister for Planning and National Development-
Mr. Musikari Kombo)*

4. **NOTICE OF MOTION**

THAT, the proposals relating to:-

- (a) Customs Tariffs
- (b) Excise Duties
- (c) Value Added Tax
- (d) Income Tax
- (e) Miscellaneous Fees and Taxes

contained in the Financial Statement for the year of Account 2003/2004 be approved.

(The Minister for Finance)

(H.E. the President has signified his consent to this Motion)

- 5. **QUESTION NO.295** - was answered by an Assistant Minister for Tourism and Information (Mrs. Mugo).
- 6. **QUESTION NO.285** - was deferred to another day.
- 7. **QUESTION NO.293** - was deferred to another day.
- 8. **QUESTION NO.268** - was deferred to another day.
- 9. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mogotio (Mr. Joseph. Korir) concerning the diversion of River Waseges for irrigation upstream around Subukia resulting to water scarcity downstream was answered by the Minister for Water Resources Management and Development.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Shinyalu (Mr. Khamasi) concerning advertisement of land parcel L.R. 24984- Nairobi was deferred to another day.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Gatundu North (Mr. Patrick Muiruri) concerning the hosting of an Ethiopian farmer by the Government was dropped in the absence of the Member.

(No.40)

TUESDAY, JUNE 17, 2003

(161)

12. **LIMITATION OF DEBATE ON THE ANNUAL ESTIMATES**

Motion made and Question proposed:

THAT, the following limitations shall be applied to the business of the Annual Estimates:-

- (i) Each speech in the debate on the Financial Statement on the Annual Estimates shall be limited to ten minutes, excluding the Mover's speech and reply, which shall not be limited; and the Official Leader of the Opposition or designated official spokesperson who shall be limited to thirty minutes.
- (ii) On the Motion "That, Mr. Speaker do now leave the Chair" to enable Ministers to initiate debate on policy, the Mover be limited to a total of one hour; half an hour for moving and half an hour for replying to the debate; thirty minutes for the Leader of the Official Opposition or designated official spokesman; and that each other Members speaking be limited to ten minutes, provided that one hour before the Question of the Vote is put, the House shall go into Committee and the Chairman shall put every question necessary to dispose of the Vote.
- (iii) Each speech in Committee of Ways and Means and Committee of Supply shall be limited to ten minutes.

(The Deputy Leader of Government Business)

Debate arising;

Question put and agreed to.

13. **COMMITTEE OF WAYS & MEAN –(1ST ALLOTTED DAY)**

Order for Committee read being the 1st Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance – 12.06.2003)

Debate interrupted on June 12, 2003 resumed;

Rising in his place on a Point of Order, the Member for Bomet (Mr. Salat) drew the attention of the Deputy Speaker to the fact that there was no Quorum in the House;

And the Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of three minutes;

Debate interrupted resumed;

And the time being thirty minutes past Six O'clock, An Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

14. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, June 18, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 18, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.279** - was answered by an Assistant Minister for Co-operative Development (Mr. Peter Kenneth).
4. **QUESTION NO.252** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Gumo).
5. **QUESTION NO.198** - was answered by the Minister of State, Office of the Vice-President and Ministry of National Reconstruction.
6. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Wycliffe Oparanya) concerning the closure of Mumias Sugar Company as a result of a strike by tractor drivers was deferred to another day.

7. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning deduction of Ksh40,850,457.95 by the Managing Director of Miwani Sugar Company from farmers dues was deferred to another day.

8. **COMMITTEE OF WAYS & MEANS (2ND ALLOTTED DAY)**

Order for Committee read being the Second Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance – 12.06.2003)

Debate interrupted on Tuesday, June 17, 2003 resumed;

9. **INTERRUPTION OF BUSINESS DUE TO POWER FAILURE**

The Acting Deputy Speaker (Mr. Poghisio) interrupted the business of the House for fifteen minutes due to power failure in the Chamber;

And there being power at the expiry of fifteen minutes and the Division Bell having been rung for five minutes;

Debate interrupted resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Moyale (Dr. Galgallo) drew the attention of an Acting Deputy Speaker (Mr. Poghisio) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of four minutes;

Debate interrupted resumed;

And the time being thirty minutes past Twelve O'clock, An Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.41)

WEDNESDAY, JUNE 18, 2003

(165)

9. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, June 18, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 18, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.119** - was answered by an Assistant Minister in the Office of the President (Mr. Dzoro).
4. **QUESTION NO.259** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Mwiria).
5. **QUESTION NO.268** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Mwiria).
6. **QUESTION NO.038** - was dropped in the absence of the Member.
7. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Gatundu North (Mr. Patrick Muiruri) concerning the circumstances under which an Ethiopian farmer, Mr. Lemma Ayanu was recently hosted by the Government was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

8. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Lamu West (Mr. Twaha) concerning the closure of Mokowe Primary School was answered by an Assistant Minister for Education, Science and Technology (Mr. Mwiria).

9. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Shinyalu (Mr. Khamasi) concerning the sale of public land No. L.R. 24984 in Nairobi was answered by an Assistant Minister for Lands and Settlement (Mr. Ojodeh).

10. **COMMITTEE OF WAYS & MEANS (3RD ALLOTTED DAY)**

Order for Committee read being the Third Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance – 12.06.2003)

Debate interrupted on June 18, 2003 – Morning Sitting - resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Wundanyi (Mr. Mwandawiro) drew the attention of the Deputy Speaker to the fact that there was no Quorum in the House;

And the Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of three minutes;

Debate interrupted resumed;

And the time being thirty minutes past Six O'clock, An Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, June 19, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, JUNE 19, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.315** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
4. **QUESTION NO.249** - was answered by an Assistant Minister for Transport and Communication (Mr. Ligale).
5. **QUESTION NO.330** - was answered by an Assistant Minister for Water Resources Management & Development (Mr. Munyes).
6. **QUESTION NO.058** - was deferred to another day.
7. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Runyenjes (Mr. Wambora) concerning victimization of Mr. Elias Njagi Kavanda, a senior security officer with the Kenya Railways Corporation was answered by an Assistant Minister for Transport and Communicatioins (Mr. Ligale).

8. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning closure of Mumias Sugar Company was deferred to another day.

9. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning alleged deduction of money from farmers' dues for purchase from Miwani Sugar Company was deferred to another day.

10. **MINISTERIAL STATEMENT – LAND MINE IN MOYALE TOWN**

By indulgence of the House, an Assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement in response to a matter earlier raised by the Member for Moyale (Dr. Galgalo) concerning a land mine that hit a vehicle along Moyale-Isilo road;

Thereupon, the Assistant Minister informed the House that one person had so far been arrested in connection with the planting of the landmine and would be arraigned in court soon. He further stated that highway patrols had since been intensified.

11. **COMMITTEE OF WAYS & MEANS (4TH ALLOTTED DAY)**

Order for Committee read, being the Fourth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance – 12.06.2003)

Debate interrupted on Wednesday, June 18, 2003 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, a Nominated Member (Mr. Adelina Mwaru) drew the attention of the Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of ten minutes;

And the time being ten minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. **HOUSE ROSE** - at ten minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, June 24, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, JUNE 24, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.285** - was answered by the Minister for Environment, Natural Resources & Wildlife.
4. **QUESTION NO.058** - was deferred to another day.
5. **QUESTION NO.288** - was deferred to another day.
6. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Tigania (Mr. Munya) concerning conflict between Tharaka and Tigania constituencies was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
7. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning closure of Mumias Sugar Company was deferred to another day.

8. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning alleged deduction of money from farmers' dues for purchase from Miwani Sugar Company was deferred to another day.

9. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair:-

Hon. Members,

You do recall that on Thursday, June 19, 2003, a Question by Private Notice by the Member for Butere, Mr. Wycliffe Oparanya, was scheduled to be answered by the Minister for Agriculture and Livestock Development.

A former Assistant Minister in the Ministry of Agriculture and Livestock Development, Mr. Joseph Munyao, who had been elevated the previous day to the newly created Ministry of Livestock Development, stood up to answer the Question.

However, Members did raise objections to the Minister answering the Question on the basis that his Oath of office as an Assistant Minister had lapsed with the new appointment yet he had not subscribed to the oath of his new office as Minister as stipulated by Section 21 of the Constitution which states as follows:-

"A Minister or an Assistant Minister shall not enter upon the duties of his office unless he has taken and subscribed the Oath of Allegiance and such oath for the due execution of his office as may be prescribed by Parliament".

Hon. Members,

Consequent to the foregoing, the House did request the Chair to rule on whether it was appropriate for the elevated Assistant Minister to respond to a Question that appertained to his former office before subscribing to the Oath as a Minister.

I have perused various authorities which include the Constitution of Kenya and the Promissory Oaths Act (Cap.100, Laws of Kenya) but, as you may anticipate, specific legal provisions and, or precedents are not available.

I will, therefore, proceed to give my guidance based on the general application of the principle and philosophy of an Oath and its obligations.

(No.44)

TUESDAY, JUNE 24, 2003

(173)

An Oath is a solemn pledge by a person to a particular obligation. The Hon. Joseph Munyao subscribed to an Oath to do certain things as an Assistant Minister following his appointment by his Excellency the President.

This Oath is prescribed in the schedule to the Promissory Oaths Act (Cap. 100, Laws of Kenya). Once the appointment as an Assistant Minister was quashed, it meant that Hon. Munyao's obligations under the Oath to that office were effectively nullified.

To all intents and purposes, the office of the Assistant Minister for Agriculture became vacant pursuant to the provisions of Section 19(2) of the Constitution of Kenya.

In essence, therefore, until the former Assistant Minister subscribes to the Oath as a Minister, he cannot purport to answer Questions on behalf of the Cabinet.

Hon. Members,

I have had time to look at the Hansard where arguments for and against Hon. Munyao's competence to answer the Question on account of not having been sworn were raised. Hon. Godana is reported to have said:

"I sat on that Chair for five years having been unanimously elected by the first multi-party Parliament and I know the rules..."

This statement smacks of arrogance on the part of the Hon. Member and can only be interpreted to be geared towards intimidating the Chair. This is totally unacceptable and will not be tolerated. It is honourable for Members whenever they have points of arguments to advance them in a civil and dignified manner.

The Chair takes great exception to the utterances made by the Member. I take this opportunity to warn Hon. Godana and other Members, that such attacks aimed at intimidating the Chair are not only totally unacceptable, but will in future be dealt with firmly. The Chair expects hon. Members to conduct themselves with decorum in order to maintain the dignity of the House.

Thank you.

(No.44)

TUESDAY, JUNE 24, 2003

(174)

10. **PROCEDURAL MOTION – EXEMPTION OF DEBATE PURSUANT TO THE PROVISIONS OF STANDING ORDER 137(1)**

Motion made and Question proposed:

THAT, this House orders that the business appearing on today's Order Paper be exempted from the provisions of Standing Order 137(1) which gives precedence to the debate on the Financial Statement.

(The Deputy Leader of Government Business)

Debate arising;

Question put and agreed to.

11. **COMMITTEE OF SUPPLY – (VOTE ON ACCOUNT - 2003/2004 FISCAL YEAR)**

Order for Committee read;

Motion made and Question proposed:

THAT, in accordance with Section 101 of the Constitution of Kenya, the withdrawal of Kenya Shillings 109,206,517,915 representing one-half of the total net estimates of Recurrent and Development Expenditure made up in the manner set out in the Vote on Account schedules laid in the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending 30th June, 2004, until such time as the Appropriation Act for the year comes into operation.

(H.E. the President has signified his consent to this Motion)

(The Minister for Finance)

Debate arising;

Mover replied;

Question put and agreed to;

And the time being thirty minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.44)

TUESDAY, JUNE 24, 2003

(175)

12. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, June 25, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 25, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.292** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
4. **QUESTION NO.289** - was deferred to another day.
5. **QUESTION NO.314** - was deferred to another day.

6. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Nyatike (Mr. Ochola Ogur) concerning pupils learning under trees in Kobama Division, Homa Bay District was deferred to another day.

7. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Budalang' (Mr. Wanjala) concerning funding of Sure Link Media Production in the HIV/AIDS campaign was deferred to another day.

8. **MINISTERIAL STATEMENT – ALLEGATIONS OF EXTRAVAGANT SPENDING BY THE GOVERNMENT**

By indulgence of the House, an Assistant Minister in the Office of the President (Mr.Tarus) made a Ministerial Statement regarding extravagant spending by the Government;

Thereupon, the Assistant Minister informed the House that the Government was aware of the country's financial constraints and could, therefore, not afford to spend lavishly and that it was endeavoring to ensure that the country's limited resources are utilized prudently.

He also informed the House that the purchase of the Presidential Mercedes Benz limousines including the President's official car was approved by the Treasury during the KANU regime and further that the old fleet of vehicles used by the former regime had not been disposed of.

9. **MINISTERIAL STATEMENT – ALLEGED HUMILIATION OF MEMBERS OF PARLIAMENT DURING MADARAKA DAY CELEBRATIONS**

By indulgence of the House, an Assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement regarding the reception accorded to Members of Parliament during Madaraka Day celebrations;

Thereupon, the Assistant Minister informed the House that he had conveyed a written apology over the incident through the Clerk of the National Assembly on 4th June, 2003. He further informed the House that in future, a specific sitting area would be designated for Members of Parliament during similar functions and that the Office of the President would liaise with the Clerk of the National Assembly in streamlining protocol functions.

10. **COMMITTEE OF WAYS & MEANS (4TH ALLOTTED DAY)**

Order for Committee read, being the Fourth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance – 12.06.2003)

Debate interrupted on Thursday, June 19, 2003 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Eldama Ravine (Mr. Sirma) drew the attention of An Acting Deputy Speaker (Mr. Ethuro) to the fact that there was no Quorum in the House;

And the Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of three minutes;

Debate interrupted resumed;

And the time being thirty-seven minutes past Twelve O'clock, An Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

11. **HOUSE ROSE** - at thirty-seven minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, June 25, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 25, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.089** - was deferred to another day.
4. **QUESTION NO.291** - was deferred to another day.
5. **QUESTION NO.303** - was deferred to another day.
6. **QUESTION NO.263** - was dropped in the absence of the Member.
7. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Saku (Mr. Sasura) concerning the killing of Mr. Gubo in Embakasi was deferred to another day.

8. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Bondo (Dr. Oburu Oginga) concerning the arrest of Kenyan fishermen in Uganda was deferred to another day.

8. **MINISTERIAL STATEMENT –DEATH OF A CHILD AT KAPSABET POLICE STATION**

By indulgence of the House, an Assistant Minister in the Office of the President (Mr.Tarus) made a Ministerial Statement regarding the death of a child, Brian Kimeli at Kapsabet Police Station on 15th June, 2003;

Thereupon, the Assistant Minister informed the House that the mother of the deceased was arrested and locked at Kabiyeet Police Station for disturbance. The following morning the deceased was left with one Eunice Jeptepkweny, a cellmate, while the deceased mother cleaned the cells. On coming back it was discovered that the child had been strangled by a leso by Ms Jeptepkweny who was thereafter arrested and charged with the murder of the child.

The officers in charge have been transferred and duly disciplined while an inquiry file had been opened to facilitate exhaustive resolution of the matter.

9. **MINISTERIAL STATEMENT – INSECURITY AT KAKUMA CAMP**

By indulgence of the House, an Assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement regarding insecurity at Kakuma Refugee Camp;

Thereupon, the Assistant Minister informed the House that the disturbances began on 16th June, 2003 after the killing of two male Sudanese refugees on theft suspicion. In revenge, a male Turkana was killed on 18th June, 2003 while two days later on 20th June, 2003, a Sudanese was shot and injured.

Subsequently, the Police instituted measures to contain the situation and the provincial administration mobilized local leadership of the refugees and host community to reach a mutual acceptable solution and stop further escalation of violence.

He further informed the House that the government, the UNHCR and other bodies are taking measures to address the various grievances that had been advanced by both parties. In addition confidence building was being encouraged to address the resources based conflicts. He assured the House that the government has taken necessary measures to ensure that peace and safety of both the refugees and the host community was assured.

10. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF
STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Subukia (Mr. Koigi Wamwere) to withdraw from the precincts of the Assembly for the remainder of the sitting day for improper dressing;

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

11. **COMMUNICATION FROM THE CHAIR**

Mr. Speaker conveyed the following Communication from the Chair:-

The following are the activities planned for the months of July to October, 2003 by the Kenya National Assembly:-

<u>Date</u>	<u>Activity</u>
4-6 July	Standing Committee of CPA Speakers (Africa) in Nairobi
7 th July	Workshop on Constituency Development Fund Bill, 2003 at Safari Park Hotel, Nairobi
12-14 July	Retreat for Committee Chairpersons (Naivasha)
25 July	Departmental Committees Charis leave for a two-week study visit to Canada and the USA (New York State Assembly)
25-27 July	Post-election Seminar for all MPs to be held in Nairobi
2-9 August	34 th CPA Africa Regional Conference to be held at the Grand Regency Hotel, Nairobi
14-15 August	Retreat for Parliamentary Service Commissioners
From 17 August to a date to be specified	Continuation of the National Constitutional Conference at Bomas of Kenya

(No.46)

WEDNESDAY, JUNE 25, 2003

(182)

3-17 October

P.S.C. Members visit to some European Parliaments

Hon. Members are requested to note the dates in their diaries for action as necessary.

12. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Mugirango South (Mr. Magara) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

13. **COMMITTEE OF WAYS & MEANS (5TH ALLOTTED DAY)**

Order for Committee read, being the Fifth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance – 12.06.2003)

Debate interrupted on Wednesday, June 25, 2003 (Morning Sitting) resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Baringo Central (Mr. Gideon Moi) drew the attention of An Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of four minutes;

Debate interrupted resumed;

(No.46)	<u>WEDNESDAY, JUNE 25, 2003</u>	(182)
(No.46)	<u>WEDNESDAY, JUNE 25, 2003</u>	(182)
(No.46)	<u>WEDNESDAY, JUNE 25, 2003</u>	(183)

And the time being thirty minutes past Six O'clock, An Acting Deputy Speaker (Mr.Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

14. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, June 26, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, JUNE 26, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.058** - was deferred to another day.
4. **QUESTION NO.346** - was deferred to another day.
5. **QUESTION NO.108** - was dropped in the absence of the Member.

6. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Tigania East (Mr. Peter Munya) concerning the death of Constable Obadiah Thiaine Mwingirwa at Kipsing GSU camp on 15th February, 2003 was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

7. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Bondo (Dr. Oburu Oginga) concerning the arrest of Kenyan fishermen in Uganda was answered by an Assistant Minister for Foreign Affairs (Mr. Wetangula).

8. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Nyatike (Mr. Ocholla Ogur) concerning the blowing off of Mbani Primary School was answered by an Assistant Minister for Education, Science and Technology (Mr. Mwiria).

9. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Saku (Mr. Sasura) concerning the invasion of Hurlingham Village, Embakasi Division by Police on 12th June, 2003 was deferred to another day.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning the closure of Mumias Sugar Company due to a strike by tractor drivers was deferred to another day.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning deductions of farmers' dues by the Managing Director of Muhoroni Sugar Company was deferred to another day.

12. **MINISTERIAL STATEMENT –**

By indulgence of the House, an Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai) made a Ministerial Statement regarding the killing of lions within Kitengela area;

Thereupon, the Assistant Minister informed the House that the Ministry deeply regretted the killing of the local community's livestock by lions from the Nairobi National Park. She further informed the House that the ministry was in the process of overhauling the current wildlife management and co-ordination Act. She added that since the wildlife had continued to migrate between Nairobi National Park, Kitengela area and Athi Kapili plains and thus the lions follow them and find themselves in areas of human settlement.

The Assistant Minister also informed the House that in the last two months the lions had killed 6 goats, 7 sheep, 1 donkey and 14 cows while 10 lions had been killed. She urged the community not to take the law into their own hands but to report any further incidents to the Kenya Wildlife Service.

In the interim, KWS had increased patrols in the area and had held several public relations activities outside the park, while KWS rangers together with veterinarians and police were tracking the remaining 9 lions to relocate them to the park.

13. **COMMITTEE OF WAYS & MEANS (6TH ALLOTTED DAY)**

Order for Committee read, being the Sixth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance – 12.06.2003)

Debate interrupted on Wednesday, June 25, 2003 (Afternoon Sitting) resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Eldama Ravine (Mr. Sirma) drew the attention of An Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of four minutes;

Debate interrupted resumed;

And the time being thirty minutes past Six O'clock, An Acting Deputy Speaker (Mr. interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

14. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, July 01, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, JULY 01, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.289** - was answered by a Minister of State, Office of the President (Mr. Tarus).
4. **QUESTION NO.089** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
5. **QUESTION NO.347** - was answered by an Assistant Minister for Transport and Communications (Mr. Ligale).
6. **QUESTION NO.058** - was answered by an Assistant Minister for Agriculture (Mr. Khaniri).
7. **QUESTION NO.108** - was answered by the Minister for Labour for Labour and Human Resource Development.
8. **QUESTION NO.299** - was answered by the Minister for Water Resources Management and Development.

9. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Saku (Mr. Abdi Sasura) concerning the killing of Mr. Wako Gubo was deferred to another day.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Isiolo South (Mr. Adbdul B. Ali) concerning District Officers in Isiolo was deferred to another day.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for South Mugirango Mr. D. Magara) concerting vehicles acquired in the last four months was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning a strike by tractor drivers in the Mumias Sugar Company was deferred to another day.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning the deduction made by the Manager of Chemilil Sugar Company was deferred to another day

13. **COMMITTEE OF WAYS & MEANS (7TH & LAST ALLOTTED DAY)**

Order for Committee read, being the Seventh & Last Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Finance – 12.06.2003)

Debate interrupted on Wednesday, June 25, 2003 (Afternoon Sitting) resumed;

Rising in his place on a Point of Order, the Member for Mt. Elgon (Mr. John Serut) drew the attention of an Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And Mr. Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of two minutes;

Debate interrupted resumed;

Mover replied;

Question put and agreed to.

And the time being thirty minutes past Six O'clock, An Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, July 02, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 02, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.139** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
4. **QUESTION NO.243** - was answered by an Assistant Minister for Agriculture (Mr. Joseph Nyagah).
5. **QUESTION NO.343** - was answered by an Assistant Minister for Agriculture (Mr. Joseph Nyagah).
6. **QUESTION NO.213** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
7. **QUESTION NO.261** - was deferred to another day.

8. **QUESTION NO.245** - was deferred to another day.
9. **QUESTION NO.291** - was dropped in the absence of the Member.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kinango (Mr. Gonzi Rai) concerning insecurity along the Mazeras/Kinango Road at Kasemeni and Gandini Locations was deferred to another day.

11. **COMMUNICATION FROM THE CHAIR**

Mr. Speaker conveyed the following Communication from the Chair:-

“Hon. Members,

I wish to introduce a delegation of Members of the Reforms and Modernization Committee from the Parliament of Zambia seated at the Speaker’s Row.

They are:-

The Hon. Robert K.K. Sichinga MP, Leader of the Delegation
The Hon. Dr. Ludwig S. Sondashi, MP – Minister of Works and Supply
The Hon. Crispin U. Sibette, MP
The Hon. Timothy K. Nyirenda, MP

They are accompanied by Ms Sharon Mwalongo, representing Civil Society and Mr. Jimmy Sabi, Secretary to the Delegation.

The delegation is here to study the work of our Parliamentary Service Commission, our parliamentary reforms, and the facilities available to our Members.

On your behalf, I wish them a fruitful stay in Kenya.

Thank you”.

Order for Committee called;

IN THE COMMITTEE

(An Acting Deputy Chairman of Committees – Mr. Poghiso- in the Chair)

Motion made and Question proposed:-

THAT, the proposals relating to:-

- (a) Customs Tariffs
- (b) Excise Duties
- (c) Value Added Tax
- (d) Income Tax
- (e) Miscellaneous Fees and Taxes

contained in the Financial Statement for the year of Account 2003/2004 be approved.

(H.E. the President has signified his consent to this Motion)

(The Minister for Finance)

Debate arising;

12. **PROGRESS REPORT**

Motion made and Question proposed:-

THAT, the Committee of Ways and Means do report progress and seek leave to sit again.

(An Assistant Minister for Finance – Mr. Katuku)

Question put and agreed to.

13. **HOUSE RESUMED** - The Deputy Speaker in the Chair

(No.49)

WEDNESDAY, JULY 02, 2003

(192)

14. **PROGRESS REPORT OF THE COMMITTEE OF WAYS AND MEANS –
APPROVAL OF TAX PROPOSALS**

Motion made and Question proposed:

THAT, the Committee of Ways and Means do report progress and seeks leave to sit again today.

(An Acting Chairman of Committees – Mr. Poghisio)

Question put and agreed to.

And the time being thirty minutes past Twelve O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today
Wednesday, July 02, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 02, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPER LAID**

The following Paper was laid on the Table of the House:-

The Report of the Departmental Committee on Administration of Justice and Legal Affairs on selection of Commissioners to the Kenya National Commission on Human Rights.

(Chairman of the Departmental Committee)

4. **NOTICE OF MOTION**
(Ministry of Justice and Constitutional Affairs)

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on selection of Commissioners to the Kenya National Commission on Human Rights laid on the Table of the House on Wednesday, July 02, 2003.

(The Chairman of the Departmental Committee on Administration of Justice and Legal Affairs)

5. **QUESTION NO.312** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
6. **QUESTION NO.344** - was answered by an Assistant Minister for Agriculture (Mr. Khaniri).
7. **QUESTION NO.216** - was answered by the Minister for Energy.
8. **QUESTION NO.303** - was answered by the Minister for Energy.
9. **QUESTION NO.335** - was answered by an Assistant Minister for Environment, Natural Resources & Wildlife (Prof. Maathai)
10. **QUESTION NO.120** - was answered by an Assistant Minister for Lands and Settlement (Mr. Ojodeh)
11. **QUESTION NO.325** - was withdrawn by the Member.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Saku (Mr. Sasura) concerning Police invasion of Hurlingham village, Ruai Location of Embakasi Division which resulted in the killing of Mr. Wako Mamo Gubo and injuring of eight others was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Makadara (Mr. Ndolo) concerning Government's position on informal schools in the light of provision of free education was deferred to another day.

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning deduction of Ksh140,850,457.50 by Chemelil Sugar Company from farmers' dues for purchase of shares from the company was deferred to another day.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Isiolo South (Mr. Bahari Ali) concerning the dilapidated structure at Malka-Daka Dispensary was deferred to another day.

PAPER LAID

The following Paper was laid on the Table of the House in relation to Question No.1 by Private Notice:

A copy of Court Order dated 17th April, 2003 regarding Civil Case No.249 of 2003.

(Mr. Sasura)

16. **COMMITTEE OF WAYS AND MEANS – APPROVAL OF TAX PROPOSALS- (2nd ALLOTTED DAY)**

Order for Committee called;

IN THE COMMITTEE

(An Acting Deputy Chairman of Committees – Mr. Khamasi - in the Chair)

Motion made and Question proposed:-

THAT, the proposals relating to:-

- (a) Customs Tariffs
- (b) Excise Duties
- (c) Value Added Tax
- (d) Income Tax
- (e) Miscellaneous Fees and Taxes

contained in the Financial Statement for the year of Account 2003/2004 be approved.

(H.E. the President has signified his consent to this Motion)

(The Minister for Finance)

Debate interrupted on Wednesday, July 02, 2003 (Morning Sitting) resumed;

(No.50)

WEDNESDAY, JULY 02, 2003

196)

17. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), an Acting Deputy Speaker (Mr. Khamasi) ordered the Member for Mumias (Mr. Osundwa) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct.

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Nyatike (Mr. Likowa) drew the attention of the Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And Mr. Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of four minutes;

Debate interrupted resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, a Nominated Member (Ms Amina Abdalla) drew the attention of the Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And Mr. Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of four minutes;

Debate interrupted resumed;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.50)

WEDNESDAY, JULY 02, 2003

(197)

18. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, July 03, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, JULY 03, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPER LAID**

The following Paper was laid on the Table of the House:-

The Eleventh Report of the Public Investments Committee on the
Accounts of State Corporations – Volumes I, II & III.

(The Chairman of Public Investments Committee)

4. **NOTICE OF MOTION**

THAT, this House adopts the Eleventh Report of the Public Investments Committee (Volumes I, II, & III on the Accounts of State Corporations laid on the Table of the House on Thursday, July 03, 2003.

(The Chairman of Public Investments Committee)

5. **QUESTION NO.188** - was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).
6. **QUESTION NO.290** - was answered by an Assistant Minister for Transport and Communications (Mr. Ligale).
7. **QUESTION NO.337** - was answered by an Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
8. **QUESTION NO.209** - was answered by an Assistant Minister for Lands and Settlement (Mr. Ojodeh).
9. **QUESTION NO.287** - was deferred to another day.
10. **QUESTION NO.229** - was dropped in the absence of the Member.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Isiolo North (Mr. Abdul Ali) concerning provision of Government vehicles to the District Officers in Sericho and Garba Tula Divisions was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning deduction of money from sugar farmers by the management of Chemelil Sugar Company was answered by an Assistant Minister for Agriculture (Mr. Nyagah).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for South Mugirango (Mr. Magara) concerning vehicles with cubic capacity rating above 2000 which have been acquired by the Government was answered by an Assistant Minister for Finance (Mr. Katuku).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Makadara (Mr. Ndolo) concerning Government's position on informal schools in light of provision of free education was deferred to another day.

15. **THE RETIREMENT BENEFITS (AMENDMENT) BILL (BILL NO.15)**

Order for First Reading read;

Bill read a First Time and upon a Motion by the Minister for Finance referred to the relevant Departmental Committee pursuant to Standing Order 101(A)(1).

16. **COMMITTEE OF WAYS AND MEANS - APPROVAL OF TAX PROPOSALS - (3RD & LAST ALLOTTED DAY)**

Order for Committee called;

IN THE COMMITTEE

(An Acting Deputy Chairman of Committees – Mr. Poghisio- in the Chair)

Motion made and Question proposed:-

THAT, the proposals relating to:-

- (a) Customs Tariffs
- (b) Excise Duties
- (c) Value Added Tax
- (d) Income Tax
- (e) Miscellaneous Fees and Taxes

contained in the Financial Statement for the year of Account 2003/2004 be approved.

(H.E. the President has signified his consent to this Motion)

(The Minister for Finance – 02.07.2003)

Debate interrupted on 2nd July, 2003 resumed;

Mover replied;

Question put and agreed to.

Resolution to be reported without amendments;

17. **HOUSE RESUMED** - The Deputy Speaker in the Chair.

18. **COMMITTEE OF WAYS AND MEANS – APPROVAL OF TAX PROPOSALS**

Resolution reported without amendments;

Motion made and Question proposed:-

THAT, the House adopts the Report of the Committee in the said Resolution.

(The Minister for Finance)

Question put and agreed to.

And the time being thirty minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

19. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, July 08, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, JULY 08, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.254** - was answered by the Minister of State,
Office of the Vice-President & Ministry of
National Reconstruction.
4. **QUESTION NO.454** - was answered by an Assistant Minister for
Education, Science & Technology (Mrs.
Mugo).
5. **QUESTION NO.452** - was answered by an Assistant Minister for
Health (Mr. Konchella).
6. **QUESTION NO.132** - was answered by an Assistant Minister for
Lands and Settlement (Mr. Ojodeh).
7. **QUESTION NO.470** - was answered by an Assistant Minister for
Lands and Settlement (Mr. Ojodeh).
8. **QUESTION NO.353** - deferred to another day.

9. **QUESTION NO.349** - was deferred to another day.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Makadara (Mr. Ndolo) concerning the government position on international schools was answered by an Assistant Minister for Education, Science and Technology (Mrs. Mugo).

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kinango (Mr. Rai) concerning insecurity along the Mazeras-Kinango Road was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mandera East (Mr. Isaack Shaaban) concerning standby generator for Mandera District Hospital was dropped in the absence of the Member.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kibwezi (Mr. Ndile) concerning the three thousand families in Kibwezi constituency was answered by an Assistant Minister for Lands and Settlement (Mr. Ojodeh).

COMMITTEE OF SUPPLY – (1ST ALLOTTED DAY)

Order for Committee called, being the 1st Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

Vote 01 - Office of the President

(A Minister of State, Office of the President – Dr. Murungaru)

Debate arising;

And the time being thirty minutes past Six O'clock, an Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

17. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, July 09, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 09, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.473** - was answered by the Minister for Education, Science & Technology.
4. **QUESTION NO.480** - was answered by the Minister for Education, Science & Technology.
5. **QUESTION NO.478** - was answered by an Assistant Minister for Environment, Natural Resources & Wildlife (Prof. Maathai).
6. **QUESTION NO.493** - was answered by an Assistant Minister for Environment, Natural Resources & Wildlife (Prof. Maathai).
7. **QUESTION NO.460** - was answered by an Assistant Minister for Finance (Mr. Katuku).
8. **QUESTION NO.461** - was answered by an Assistant Minister for Education, Science & Technology (Mrs. Mugo).

9. **QUESTION NO.484** - was deferred to another day.
10. **QUESTION NO.287** - was deferred to another day.
11. **QUESTION NO.449** - was dropped in the absence of the Member.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for West Mugirango (Mr. Obwocha) concerning registration and issuance of national identity cards was deferred to another day.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning closure of Mumias Sugar Company as a result of strike by tractor drivers was deferred to another day.

14. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(1)**

Pursuant to provisions of Standing Order 88(1), the Deputy Speaker ordered a Nominated Member (Mr. Oloo Aringo) to withdraw from the precincts of the Assembly for the remainder of the sitting for disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

PAPERS LAID

The following Papers were laid on the Table of the House:

- (i) Annual Reports and Accounts of Deposit Protection Fund for the years 1992/93; 1993/94; 1994/95; 1995/96; 1996/97; 1997/98; 1998/99; 1999/2000; 2000/2001 & 2001/2002 in relation to Question No.460.

(An Assistant Minister for Finance – Mr. Katuku)

- (ii) Report of the Commission of Inquiry into the Land Law System of Kenya.

(An Assistant Minister for Lands and Settlement – Mr. Ojodeh)

(No.53)

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(207)

- (iii) List of allottees of land belonging to ADC Nyota Complex, ADC Tall Trees and ADC Sirikwa.

15. **MINISTERIAL STATEMENT – ARREST OF MR. KHALIF ABDI IN MALAWI**

By the indulgence of the House, an Assistant Minister for Foreign Affairs (Mr. Wetangula) made a Ministerial Statement concerning the arrest of Mr. Khalif Abdi Hussein in Blantyre, Malawi;

Thereupon, the Assistant Minister informed the House that Mr. Khalif was arrested jointly with other four alleged Al Qaeda terrorists by Malawian and FBI security agents and that the Kenya Government was liaising with the government of Malawi to establish the grounds for his arrest and whereabouts.

16. **MINISTERIAL STATEMENT – STATUS OF SUGAR INDUSTRY IN KENYA**

By the indulgence of the House, the Minister for Agriculture made a Ministerial Statement regarding the status of the sugar industry in Kenya.

Thereupon, the Minister informed the House that the industry had been facing many constraints over the last two decades as a result of numerous factors. He stated that the Minister would continue with a clean-up exercise to rid the industry of mismanagement and illegal sugar imports

17. **MINISTERIAL STATEMENT – ARREST OF KENYA FISHERMEN**

By the indulgence of the House, an Assistant Minister for Foreign Affairs (Mr. Wetangula) made a Ministerial Statement regarding the fate of Kenyan fishermen arrested in Lake Victoria and jailed in Uganda.

Thereupon, the Assistant Minister informed the House that the fishermen would be released soon upon finalization of administrative procedures by the Ugandan authorities.

18. **MINISTERIAL STATEMENT – RAID AT KAPKETER LOCATION**

By the indulgence of the House, an Assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement regarding an armed raid at Kapketer Location in Aldai constituency.

(No.53)

WEDNESDAY, JULY 09, 2003

(208)

Thereupon, the Assistant Minister informed the House that following the incident, regular and administration police were dispatched to the area to track down the thugs.

19. **MINISTERIAL STATEMENT – SHOOTING OF MR. FRANCIS MAREKA BY POLICE**

By the indulgence of the House, an Assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement regarding the circumstances leading to the shooting of the late Francis Mureka by Police in Gucha;

Thereupon, the Assistant Minister informed the House that the deceased was killed accidentally after a bullet was discharged from the gun of an officer who was executing a civil warrant.

20. **MINISTERIAL STATEMENT – ATTACKS IN MANDERA TOWN**

By the indulgence of the House, an Assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement regarding criminal attacks on residents of Mandera Township;

Thereupon, the Assistant Minister informed the House that the attack on 26th June, 2003 by a lone gunman should not be construed to mean that territorial boundaries were being compromised. He said that a suspect had been arrested and would appear in court soon.

21. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair:-

“Hon. Members, I have received a written notice from the Member for Kisumu Town East (Mr. Sungu) of his intention to move a Motion of adjournment under Standing Order 18;

Accordingly, I have acceded to the request and will call upon the Member to move the Motion on Thursday, 17th July, 2003”.

(No.53)

WEDNESDAY, JULY 09, 2003

(209)

22. **ESTABLISHMENT OF MOBILE AND BOARDING FACILITIES IN THE PROVISION OF BASIC EDUCATION IN PASTORAL AREAS**

Motion made and Question proposed:

THAT, in view of the high illiteracy level in pastoral areas occasioned by lack of appropriate pastoral education policy; taking cognizance of the Government’s commitment to the provision of free basic education for all Kenyans, this House urges the Government to establish extra classes and enhance

existing boarding facilities within the pastoral areas in order to enable these children to enjoy free basic education like other children in other parts of the country.

(Mr. Ali Wario – 11.06.2003)

Debate interrupted on June 11, 2003 resumed;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY:

THAT, in view of the high illiteracy level in pastoral areas occasioned by lack of appropriate pastoral education policy; taking cognizance of the Government's commitment to the provision of free basic education for all Kenyans, this House urges the Government to establish extra classes and enhance existing boarding facilities within the pastoral areas in order to enable these children to enjoy free basic education like other children in other parts of the country.

23. **REHABILITATION OF MIWANI SUGAR FACTORY**

Motion made and Question proposed:

THAT, in view of the importance of the sugar industry to the economy; noting that Miwani Sugar Factory is one of the first factories to operate in this country and cognizant of the fact that the factory assets have been misappropriated by investors, this House calls upon the Government to rehabilitate Miwani Sugar Factory in order for it to resume operation.

(Mr. Gor Sungu)

Debate arising;

(No.53)

WEDNESDAY, JULY 09, 2003

(210)

AMENDMENT PROPOSED:

THAT, the Motion be amended by deleting all the words appearing after the word "Factory" in the last line and inserting the following words in place thereof:-

“and all other factories in the country to make them operational”.

(Mr. Abdalla Ngozi)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Question of the Motion as amended proposed;

Debate arising;

And the time being thirty minutes past Twelve O'clock, an Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

24. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, July 09, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 09, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.499** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
4. **QUESTION NO.504** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
5. **QUESTION NO.506** - was answered by an Assistant Minister for Finance (Mr. Katuku).
6. **QUESTION NO.510** - was answered by an Assistant Minister for Education, Science & Technology (Mrs. Mugo).
7. **QUESTION NO.355** - was answered by Assistant Minister for Health (Mr. Konchella).
8. **QUESTION NO.505** - was answered by an Assistant Minister for Transport and Communications (Mr. Ligale).
9. **QUESTION NO.445** - was deferred to another day.

10. **QUESTION NO.492** - was deferred to another day.
11. **QUESTION NO.291** - was dropped in the absence of the Member.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kinango (Mr. Gonzi Rai) concerning the state of security along the Mazeras-Kinango Road was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Tigania East (Mr. Munya) concerning the cancellation of KCSE results for 26 students of Mikinduri Secondary School was deferred to another day.

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Isiolo South (Mr. Abdul Bahari) concerning the dilapidated state of Malka-Daka dispensary was answered by an Assistant Minister for Health (Mr. Konchella).

15. **MINISTERIAL STATEMENT – STATUS OF HEALTH MANAGEMENT ORGANIZATIONS (HMO)**

By indulgence of the House, the Minister for Health made a Ministerial Statement regarding the regulation of the Health Management Organizations (HMOs);

Thereupon, the Minister informed the House that the HMOs are businesses that combined health financing and health provision functions. The Minister stated that there was need for them to be regulated since they collect monies from the public on a promise to render or otherwise facilitate the rendering of a range of health services over an agreed period of time.

The Minister further informed the House that it was necessary for the public to be protected in the event of the HMOs facing financial difficulties and collapsing. The Ministry was, therefore, in the process of tabling the National Social Health Insurance Bill, 2003 in the House which will require the HMOs to operate as either insurance brokers or health providers but not both.

(No.54)

WEDNESDAY, JULY 09, 2003

(213)

16. **COMMITTEE OF SUPPLY – (2ND ALLOTTED DAY)**

Order for Committee called, being the Second Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

Vote 31 - **Ministry of Education, Science & Technology**

(The Minister for Education, Science & Technology)

Debate arising;

And the time being thirty minutes past Six O'clock, An Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

17. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, July 10, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, JULY 10, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.494** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
4. **QUESTION NO.357** - was answered the Minister for Roads, Public Works & Housing.
5. **QUESTION NO.508** - was answered by an Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
6. **QUESTION NO.269** - was answered by an Assistant Minister for Local Government (Mr. Betty Tett.
7. **QUESTION NO.514** - was answered by the Minister for Water Resources Management & Development.
8. **QUESTION NO.502** - was deferred to another day.
9. **QUESTION NO.491** - was dropped in the absence of the Member.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning Management Agreement between Mumias Sugar Company & Brooke Tate was deferred to another day.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kitutu Masaba (Mr. Okioma) concerning counterfeit pesticides and veterinary products sold in Kenya was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Budalang'i (Mr. Wanjala) concerning funding of Sure Link Media Production by NHIF for HIV scourge was deferred to another day.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Nakuru Town (Mr. Kariuki) concerning tension between traders, Goad Institute and a Mr. Azubedi was deferred to another day.

Mover replied;

Question put and agreed to.

Thereupon, the House dissolved into Committee;

14. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF
STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Kisumu Town East (Mr. Gor Sungu) to withdraw from the precincts of the Assembly for the remainder of the sitting day for improper dressing.

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

(No.55)

THURSDAY, JULY 10, 2003

(216)

15. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF
STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Subukia (Mr. Koigi Wamwere) to withdraw from the precincts of the Assembly for the remainder of the sitting day for improper dressing.

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

16. **COMMITTEE OF THE WHOLE HOUSE**

IN THE COMMITTEE

(An Acting Chairman of Committees – Mr. Khamasi – in the Chair)

Vote 31 - Ministry of Education, Science & Technology;

Motion made and Question proposed:

THAT, a sum not exceeding Ksh.39,138,926,295 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:

Vote 31 - Ministry of Education, Science & Technology

Debate arising;

Question put and agreed to.

Resolution to be reported without amendments;

17. **HOUSE RESUMED** - The Deputy Speaker in the Chair

18. **VOTE 31 - Ministry of Education, Science & Technology**

Resolution reported without amendments;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Minister for Education, Science & Technology)

(No.55)

THURSDAY, JULY 10, 2003

(217)

Debate arising;

Question put and agreed to.

And the time being thirty minutes past Six O'clock, an Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

19. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, July 15, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, JULY 15, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.322** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
4. **QUESTION NO.353** - was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).
5. **QUESTION NO.445** - was answered by an Assistant Minister in the Office of the President (Mr. Dzoro).
6. **QUESTION NO.338** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
7. **QUESTION NO.477** - was answered by the Minister for Energy.
8. **QUESTION NO.502** - was answered by the Minister for Energy.
9. **QUESTION NO.447** - was deferred to another day.

10. **QUESTION NO.472** - was deferred to another day.

11. **QUESTION NO.492** - was deferred to another day.

12. **QUESTION NO.287** - was deferred to another day.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Oparanya) concerning the ending of management agreement between Mumias Sugar Company and Booker Tate was answered by an Assistant Minister for Agriculture (Mr.Nyagah).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kitutu Masaba (Mr. Okioma) concerning the selling of counterfeit pesticides and veterinary products in Kenya was answered by an Assistant Minister for Agriculture (Mr. Khaniri).

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Budalangi (Mr. Wanjala) concerning the approval and funding of Sure Link Media Production by NHIF in the campaign against HIV/AIDS scourge was deferred to another day.

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Nakuru Town (Mr. Mirugi Kariuki) concerning the heightened tension over the ownership of Block 10/97 adjacent to Nakuru Wholesale Market, Nakuru Municipality was deferred to another day.

17. **COMMITTEE OF SUPPLY – (4TH ALLOTTED DAY)**

Order for Committee called, being the fourth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

Vote 01 - **Office of the President**

(A Minister of State, Office of the President - Dr. Murungaru – 08.07.2003)

Debate interrupted on Tuesday, July 08, 2003 resumed;

(No.56)

TUESDAY, JULY 15, 2003

(220)

Mover replied;

Question put and agreed to.

Thereupon, the House dissolved into Committee;

18. **IN THE COMMITTEE**

(An Acting Chairman of Committees – Mr. Khamasi – in the Chair)

Vote 01 - **Office of the President**

Motion made and Question proposed:

THAT, a sum not exceeding Ksh12,754,092,810.00 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:

Vote 01 - **Office of the President**

(A Minister of State, Office of the President – Dr. Murungaru)

Debate arising;

Question put and agreed to.

Resolution to be reported without amendments;

19. **HOUSE RESUMED** - The Deputy Speaker in the Chair

20. **VOTE 01** - **Office of the President**

Resolution reported without amendments;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(A Minister of State, Office of the President – Dr. Murungaru)

Debate arising;

Question put and agreed to.

(No.56)

TUESDAY, JULY 15, 2003

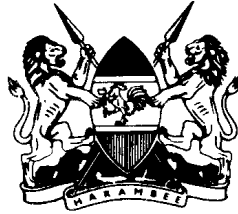
(221)

And the time being thirty minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

21. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, July 16, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 16, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **NOTICE OF MOTION** – (Mr. Koigi wa Wamwere)
(Ministry of Justice and Constitutional Affairs)

THAT, given that it is contrary to democratic, constitutional and the rule of law that the constitution be flouted, the democratic principle of all-inclusive and equal representation trampled upon and sovereignty of the people denied in writing a new constitution, this House urges, that before the National Constitutional Conference is reconvened, the Ministry of Justice and Constitutional Affairs undertakes the following measures:

- (a) introduce an amendment to Section 47 of the Constitution of Kenya to:
 - (i) authorise the ongoing writing of a completely new constitution for Kenya, and additionally,
 - (ii) entrench the constitutional review process in the constitution;

(b) that, the Constitution of Kenya Review Act Sections 27(1)(b), 2(c) and (5)(iii) and (6) be amended to ensure:-

- (i) that National Constitutional Conference shall have sufficient time and adequate resources to discuss, debate, amend and adopt the report and the draft bill as opposed to a hurried rubber-stamping exercise that is current evident;
- (ii) additional delegates from the under-represented areas are added to the National Constitutional Conference to reflect the democratic principle of all-inclusive and equal representation for regions and communities; and
- (iii) the mandatory holding of a National Referendum on the draft new Constitution prior to its being tabled before Parliament for final approval.

- 4. **QUESTION NO.199** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
- 5. **QUESTION NO.349** - was answered by an Assistant Minister for Health (Mr. Konchella).
- 6. **QUESTION NO.190** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
- 7. **QUESTION NO.443** - was answered by an Assistant Minister for Energy (Mr. Kiunjuri).
- 8. **QUESTION NO.148** - was answered by an Assistant Minister for Lands & Settlement (Mr. Ojodeh).
- 9. **QUESTION NO.440** - was answered by an Assistant Minister for Local Government (Mrs. Betty Tett).
- 10. **QUESTION NO.301** - was deferred to another day.
- 11. **QUESTION NO.291** - was deferred to another day.

Question by Private Notice by the Member for Nakuru Town (Mr. Mirugi Kariuki) concerning the land dispute between traders, Goan Institute and a Mr. Azubedi in Nakuru Town was answered by an Assistant Minister for Lands and Settlement (Mr. Ojodeh).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Alego Usonga (Mr. Weya) concerning the list of conditions set for Kenya by Bretton Woods Institutions was deferred to another day.

14. **REHABILITATION OF MIWANI SUGAR FACTORY**

Motion made and Question proposed:

THAT, in view of the importance of the sugar industry to the economy; noting that Miwani Sugar Factory is one of the first factories to operate in this country and cognizant of the fact that the factory assets have been misappropriated by investors, this House calls upon the Government to rehabilitate Miwani Sugar Factory and all other factories in the country to make them operational.

(Mr. Gor Sungu – 09.07.2003)

Debate interrupted on July 09, 2003 resumed;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, in view of the importance of the sugar industry to the economy; noting that Miwani Sugar Factory is one of the first factories to operate in this country and cognizant of the fact that the factory assets have been misappropriated by investors, this House calls upon the Government to rehabilitate Miwani Sugar Factory and all other factories in the country to make them operational.

15. **REVIEW OF BANKING LAWS TO FACILITATE FINANCIAL INSTITUTIONS, SACCOS AND MICRO FINANCE BANKS TO OPERATE IN RURAL AREAS**

Motion made and Question proposed:

THAT, being aware that all the key banks concentrate their activities and services within the major urban centers while most of Kenya's population lives in rural areas; further aware that our rural population do not have access to affordable credit to finance their formal and informal economic activities; this House urges the Government to review all the Banking Laws with a view to facilitating financial institutions, Saccos and micro finance banks, operate effectively in rural areas.

(Mr. Kirugi M'Mukindia)

Debate arising;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Sabatia (Mr. Akaranga) drew the attention of An Acting Deputy Speaker (Mr. Poghisio) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of four minutes;

Debate interrupted resumed;

And the time being thirty minutes past Twelve O'clock, an Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, July 16, 2003 at 2.30 p.m.

Ninth Parliament

(No.58)

**Second Session
Afternoon Sitting
(226)**



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 16, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.240** - was answered by an Assistant Minister for Home Affairs (Dr. Machage).
4. **QUESTION NO.368** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
5. **QUESTION NO.465** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
6. **QUESTION NO.479** - was answered by an Assistant Minister for Agriculture (Mr. Khaniri).
7. **QUESTION NO.372** - was answered by the Minister for Health (Mr. Konchella).
8. **QUESTION NO.112** - was answered by the Minister for Water Resources Management & Development

(No.58)

WEDNESDAY, JULY 16, 2003

(227)

9. **QUESTION NO.321** - was answered by the Minister for Water Resources Management & Development
10. **QUESTION NO.360** - was answered by the Minister for Water Resources Management & Development
11. **QUESTION NO.145** - was deferred to another day.
12. **QUESTION NO.364** - was dropped in the absence of the Member.
13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for West Mugirango (Mr. Obwocha) concerning the number of people issued with identity cards as at December, 2002 was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Ugenya (Mr. Ondiek) concerning the murder of Mr. Stephen Omondi by unknown assailants was deferred to another day.

PAPER LAID

The following Paper was laid on the Table of the House during Question Time in relation to Question No.321:-

“Proposed Water Supply to Pate Island”

(Hon. Abu Mohamed)

15. **COMMITTEE OF SUPPLY – (5TH ALLOTTED DAY)**

Order for Committee read, being the Fifth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Water Resources Management & Development

Vote 20 - **Ministry of Water Resource Management and Development**

Debate arising;
(No.58) **WEDNESDAY, JULY 16, 2003** (228)

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Kitutu Chache (Mr. Jimmy Angwenyi) drew the attention of an Acting Deputy Speaker (Mr. Ethuro) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the Hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of two minutes;

Debate interrupted resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Belgut (Mr. Keter) drew the attention of an Acting Deputy Speaker (Mr. Ethuro) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the Hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of five minutes;

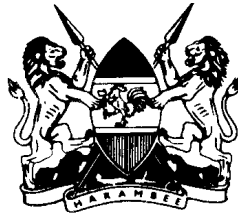
Debate interrupted resumed;

And the time being thirty minutes past Six O'clock, an Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, July 17, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, JULY 17, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **NOTICE OF MOTION** – (Dr. Oburu Oginga)
(Ministry of Foreign Affairs and International Co-operation)

THAT, in view of the fact that the Treaty signed between the British Colonial Authorities on behalf of the East African states and Egypt regarding the utilization of Lake Victoria waters is outdated and inimical to the socio-economic interests of the people living around the Lake; and taking cognizance of the importance of the Lake as a source of livelihood of our people, this House urges the Government, in consultation with other East African Governments, to re-negotiate the Treaty with all the states who are signatories.

4. **NOTICE OF MOTION** – (Mr. Martin N. Wambora)
(Office of the President)

THAT, taking into consideration that all constituencies/districts/ regions have many school leavers and unemployed youth; aware that in the past some Kenyan communities were left out or under-represented in recruitment of their youth into the public sector; this House urges the Government to put a mechanism to ensure that recruitment into the Civil Service, Armed Forces, Police Force, Prisons Department, National Youth Service, and other Public Institutions are not only based on qualifications, merit, competence, etc but also

on equitable constituency/district/regional distribution in relation to their respective population densities.

5. **NOTICE OF MOTION** – (Mr. Wycliffe Oparanya)
(Ministry of Local Government)

THAT, in view of the inability of the urban economy to meet urban employment needs; aware that the healthcare and social services in urban areas are in deplorable conditions and in dire need of improvement; this House urges the Government to provide adequate affordable housing, water and other basic amenities to slum dwellers in urban areas as a measure towards improving the living standards of slum dwellers.

6. **NOTICE OF MOTION** – (Mr. Joseph Lagat)
(Ministry of Health)

THAT, given the vital role played by district hospitals in the provision of affordable healthcare; acknowledging the importance of provincial and referral hospitals throughout the country; concerned that both the provincial and referral hospitals have been unable to effectively play their role due to lack of district hospitals in some parts of the country; this House urges the Government to establish a district hospital in every district in Kenya to ensure equitable and affordable medical care.

7. **NOTICE OF MOTION** – (Mr. Joseph Lagat)
(Ministry of Education, Science and Technology)

THAT, given the complementary role played by private schools in the provision of education; acknowledging the inability of public primary schools to accommodate all children, especially in view of free and compulsory primary education; this House urges the Government to provide equivalent basic educational support to private primary and pre-primary schools in order to enable all Kenyan children enjoy free basic education.

8. **NOTICE OF MOTION** – (Prof. Ruth Oniang'o)
(Ministry of Agriculture)

THAT, in view of the fact that problems affecting the sugar sub-sector have continued to escalate and that the sub-sector is on the verge of collapse; concerned that massive importation of cheap sugar from COMESA countries and other world markets coupled with high cost of production locally have compounded the problems facing the sub-sector; further concerned that the collapse of the sub-sector would lead to loss of means of livelihood for over 6 million Kenyans; aware that the Sugar Act, 2001 has failed to

address these problems; this House do grant leave to introduce a bill for an Act of Parliament to amend the Sugar Act in order to comprehensively address all problems affecting the sugar sub-sector.

9. **QUESTION NO.447** - was answered by an Assistant Minister for Agriculture (Mr. Khaniri).
10. **QUESTION NO.492** - was answered by an Assistant Minister for Energy (Mr. Kiunjuri).
11. **QUESTION NO.287** - was answered by the Minister for Livestock & Fisheries Development.
12. **QUESTION NO.472** - was answered by an Assistant Minister for Agriculture (Mr. Nyagah).
13. **QUESTION NO.449** - was answered by an Assistant Minister for Justice & Constitutional Affairs (Mr. Githae).
14. **QUESTION NO.498** - was deferred to another day.
15. **QUESTION NO.291** - was deferred to another day.
16. **QUESTION NO.495** - was deferred to another day.
17. **QUESTION NO.376** - was deferred to another day.

18. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Chepalungu (Mr. Koech) concerning Agricultural Finance Corporation office in Bomet was answered by an Assistant Minister for Agriculture (Mr. Khaniri).

19. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mumias (Mr. Osundwa) concerning awarding of the pre-shipment inspection tender by Treasury was deferred to another day.

20. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Kuresoi (Mr. Cheboi) concerning payment due to pyrethrum farmers was deferred to another day.

21. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning action taken against Nairobi City Council employees who were apprehended at the City Hall with millions of shillings early this year was deferred to another day.

22. SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Magarini (Mr. Kombe) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross misconduct.

Thereupon, the Member withdrew from the Chamber.

PAPERS LAID

The following Papers were laid on the Table of the House in relation to Question No.291 which was deferred to another day:-

- (i) unsigned copy entitled "List of firms and Technical Evaluation Report".
- (ii) Unsigned copy entitled "General Conditions of Tender MOH/1/99-2000".

(An Assistant Minister for Health – Mr. Konchella)

23. MINISTERIAL STATEMENT – TURKANA OPERATION INCIDENT REPORT

By indulgence of the House, an Assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement concerning insecurity along the routes between Marich, Pas Kainuk, Lodwar, Kakuma and Lokichoggio areas of Turkana District;

Thereupon, the Minister informed the House that the Rift Valley Provincial Security Committee had carried out an operation with a view to restoring peace in the area.

24. **THE PUBLIC PROCUREMENT AND DISPOSAL BILL (BILL NO.16)**

Order for First Reading read;

Bill read a First Time and upon a Motion by the Minister referred to the relevant Departmental Committee in accordance with Standing Order 101(A)(1).

25. **THE PENSIONS (AMENDMENT) BILL (BILL NO.5)**

Order for Second Reading read;

Motion made and Question proposed:

THAT, The Pensions (Amendment) Bill (Bill No.5) be now read a Second Time

(Hon. David Musila – 14.04.2003)

Debate interrupted on June 11, 2003 resumed;

Mover replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House by Leave of the House;

26. **COMMITTEE OF THE WHOLE HOUSE**

IN THE COMMITTEE

An Acting Deputy Chairman of Committees – Mr. Khamasi – in the Chair

THE PENSIONS (AMENDMENT) BILL

Clause 2 - agreed to.

Clause 3 - amendment proposed:

THAT, Clause 3 be amended by deleting the proviso to the proposed Section 19A and substituting therefore the following new proviso:-

“Provided that no interest shall be payable under this Section where the failure is occasioned by –

- (a) legal proceedings in respect of the payment; or
- (b) the dependants’ failure to supply the Director of Pensions with all documents necessary for the making of the payment within the period specified”.

(An Assistant Minister for Finance – Mr. Katuku)

Question of the first part of the amendment that the provision proposed to be deleted be deleted proposed, put and negatived;

Question of the second part of the amendment that the new provision to be substituted be substituted proposed, put and negatived;

Clause 3 - agreed to.

Title - agreed to;

Clause 1 - amendment proposed:

THAT, Clause 1 be amended by deleting the expression “1st July 2003” and substituting therefore the expression “1st January, 2004”.

(An Assistant Minister for Finance – Mr. Katuku)

Question of the first part of the amendment that the expression proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the expression proposed to be substituted be substituted proposed, put and agreed to.

Clause 1 - as amended agreed to.

Bill to be reported with amendments;

27. **HOUSE RESUMED** - An Acting Deputy Speaker (Mr. Khamasi) in the Chair

28. **THE PENSIONS (AMENDMENT) BILL (BILL NO.5)**

Bill reported with amendments;

Motion made and Question proposed;

THAT, the House doth agree with the Committee of the Whole House in the said Report;

(An Assistant Minister for Finance – Mr. Katuku)

Question put and agreed to;

Motion made and Question proposed:

THAT, the Pensions (Amendment) Bill (Bill No.5) be now read a Third Time.

(Mr. David Musila)

Question put and agreed to.

Bill read a Third Time and passed;

29. **THE NATIONAL COMMISSION ON GENDER AND DEVELOPMENT BILL (BILL NO.6)**

Order for Second Reading read;

Motion made and Question proposed:

THAT, the National Commission on Gender and Development Bill (Bill No.6) be now read a Second Time;

(The Minister for Gender, Sports, Culture & Social Services)

Debate arising;

30. **ADJOURNMENT OF THE HOUSE – END OF NORMAL SITTING DAY -
PURSUANT TO STANDING ORDER 18**

Motion made and Question proposed;

THAT, this House do now adjourn.

(An Assistant Minister of State, Office of the President – Prof. Kibwana)

Debate arising;

And the time being Seven O'clock, An Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

31. **HOUSE ROSE** - at Seven O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, July 22, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, JULY 22, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **NOTICE OF MOTION** – (Dr. Adhu Awiti)
(Ministry of Agriculture)

THAT, being aware of the fact that agriculture is the back-bone of our economy and in view of the need to jump-start economic growth, reduce poverty and create 500,000 job opportunities annually; convinced that a revived cotton industry provided with sufficient and affordable funding and given guaranteed fixed prices annually will increase the income levels of many small scale farmers; this House urges the Government to urgently revive the cotton industry and also review Cotton Act in order to enable the Government play its role in the industry and empower farmers to participate actively in the decision-making process affecting the industry.

4. **NOTICE OF MOTION** - Mr. Musikari Kombo

THAT, noting with concern the poor performance of the economy over the years, and appreciating that the Government has, through a consultative process prepared the Economic Recovery for Employment and Wealth Creation (ERSEWC), and being aware that H.E. the President officially launched the same on 11th June, 2003, and noting that the Report was tabled on 12th June, 2003, this House acknowledges the efforts being made by the Government in

providing a road map towards economic recovery and resolves to support the Government in this important endeavour.

5. **QUESTION NO.301** - was answered by an Assistant Minister in the Office of the President (Mr.
6. **QUESTION NO.498** - was answered by the Minister for Agriculture.
7. **QUESTION NO.453** - was answered by an Assistant Minister for Agriculture (Mr. Khaniri).
8. **QUESTION NO.145** - was answered by the Minister for Agriculture.
9. **QUESTION NO.291** - was deferred to another day.
10. **QUESTION NO.364** - was deferred to another day.
11. **QUESTION NO.501** - was deferred to another day.
12. **QUESTION NO.346** - was deferred to another day.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Tigania East (Mr. Munya) concerning the cancellation of Kenya Certificate of Secondary Education results of 26 students from Mikinduri Girls School was answered by an Assistant Minister for Education, Science and Technology (Mr. Mwiria).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kitutu Masaba (Mr. Okioma) concerning the selling of counterfeit pesticides and veterinary products in Kenya was deferred to another day.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kanduyi (Mr. Wamunyinyi) concerning the payment of arrears to cane farmers contracted by Nzoia Sugar Company was deferred to another day.

16. **NAMING OF A MEMBER PURSUANT TO STANDING ORDER 89(A)**

Pursuant to the provision of Standing Order 89(a), Mr. Speaker suspended the Member for Kanduyi (Mr. Wamunyinyi) for three days after being named for gross misconduct;

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

17. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair:-

Hon. Members,

My attention has been drawn to a report which appeared in the media on 18th June, 2003 regarding the rejection of a list of nominees to the Anti-Corruption Advisory Board by the Departmental Committee on Administration of Justice and Legal Affairs.

The House will recall that the Minister for Justice and Constitutional Affairs issued a Ministerial Statement in the House on 11th June, 2003 and consequently tabled a list of 18 names submitted by nine nominating bodies pursuant to the provisions of the Second Schedule to the Anti-Corruption and Economic Crimes Act. The Minister requested that the list be referred to the relevant Departmental Committee, to which I concurred and ordered that the Committee considers and reports back to this House via a Motion, following which the House would then approve the names that the Committee would have recommended.

I have been informed that, indeed, the Departmental Committee on Administration of Justice and Legal Affairs met on 16th June, 2003 to consider the list of names tabled in the House by the Minister. However, the Committee has to date not tabled the report on this subject.

I would like to remind Hon. Members of the duty to uphold the rules of procedure of this House, which do not equate a Committee of the House with the National Assembly. The laid down Procedure demands that when a matter is referred to a Committee of the House, that Committee, of necessity, must report its findings by compiling a report for debate and decision by the House.

(No.60)

TUESDAY, JULY 22, 2003

(240)

With regard to a Committee's deliberations on a matter referred to it by the House, the provisions of Standing Order 161 are very explicit, and I quote:

161.No evidence received and no documents presented to a Select Committee shall be published or otherwise disclosed to any person other

than a Member of the House until the report of that Committee shall have been presented to the House.

For the Chairman of the Departmental Committee on Administration of Justice and Legal Affairs to resort to issuing Press Statements on matters referred to it by the House, before bringing to the House a report thereon, is a gross breach of procedure.

I therefore wish to state the following:

- 1) Members should ensure that they do not bring embarrassment to the House through casual handling of business referred to their Committees;
- 2) the Departmental Committee on Administration of Justice and Legal Affairs should have compiled their report on the list of nominees and brought to the House their recommendations within 14 days as directed on 11th June, 2003, which was in accordance with the requirements of the Anti-Corruption and Economic Crimes Act. That they failed to do so and instead went on to disclose the contents of their deliberations before bringing their report to the House was completely out of order.

I now order that the Committee submits its report within seven days starting from today, failure of which the House will proceed to debate the list of nominees as tabled by the Minister on 11th June, 2003.

I also wish to remind Members that when Committees are appointed by the House to deal with a certain matter, they must refer their report back. Furthermore they should not open debate in the media before they have actually met and discussed with witnesses, as is currently happening. They should never assume the powers of their appointing authority.

Thank you,

(No.60)

TUESDAY, JULY 22, 2003

(241)

18. **MINISTERIAL STATEMENT – SUSPENSION OF CARGO FLIGHTS TO ELDORET INTERNATIONAL AIRPORT**

By indulgence of the House, the Minister for Transport and Communications made a Ministerial Statement regarding the suspension of cargo flights to Eldoret International Airport;

Thereupon, the Minister informed the House that the decision to suspend cargo operations to the Airport was communicated to air operators through Notam

(Notice of Airmen) issued by the Kenya Civil Aviation Authority after consultations through various organs.

He further informed the House that in addition to the flights posing a security breach at the Airport, various issues have been raised including

- (i) contraband goods were passed through the airport into the Kenya market;
- (ii) there was serious doubt as to the nature and quantity of goods passing through the airport;
- (iii) in the past some flights into the airport have landed without the requisite clearance thus violating Kenyan airspace restrictions; and
- (iv) some flights into the Airport do not return immediately to their country of origin but proceed to other destinations for non-ascertainable reasons.

He stated that since the primary objective of the government was to protect the welfare and security of its citizens, security at the Airport will be intensified and that the Airport will not be closed.

19. **COMMITTEE OF SUPPLY – (6TH ALLOTTED DAY)**

Order for Committee read, being the Sixth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Water Resources Management & Development

Vote 20 - **Ministry of Water Resource Management and Development**

Debate interrupted on July 16, 2003 resumed;
(No.60) **TUESDAY, JULY 22, 2003** (242)

Mover replied;

Question put and agreed to;

Thereupon, the House resolved into Committee.

20. **IN THE COMMITTEE**

(An Acting Chairman of Committees – Mr. Ethuro – in the Chair)

Vote 20 - **Ministry of Water Resources Management & Development**

Motion made and Question proposed:

THAT, a sum not exceeding Ksh1,960,416,300.00 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:

Vote 20 - **Ministry of Water Resources Management & Development**

(The Minister for Water Resources Management & Development)

Debate arising;

Question put and agreed to.

Resolution to be reported without amendments;

20. **HOUSE RESUMED** - The Deputy Speaker in the Chair

21. **VOTE 20** - **Ministry of Water Resources Management & Development**

Resolution reported without amendments;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Minister for Water Resources Management & Development)

Question put and agreed to.

(No.60) **TUESDAY, JULY 22, 2003** (243)

And the time being fifty-five minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

21. **HOUSE ROSE** - at fifty-five minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, July 23, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 23, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.210** - was answered by an Assistant Minister for Transport & Communications (Mr. Ligale).
4. **QUESTION NO.376** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
5. **QUESTION NO.490** - was answered by the Minister for Agriculture.
6. **QUESTION NO.314** - was answered by the Minister for Health.
7. **QUESTION NO.497** - was answered by an Assistant Minister for Water Resources Management and Development (Mr. Munyes)
8. **QUESTION NO.485** - was answered by the Minister for Health.
9. **QUESTION NO.458** - was deferred to another day.

10. **QUESTION NO.496** - was deferred to another day.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kasarani (Mr. Omondi) concerning the circumstances in which hired youths invaded Mathare North Estate leading to the death of 13 people was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Bomet (Mr. Salat) concerning the government's position on currency notes bearing the former President's portrait was answered by the Minister for Finance.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kuresoi (Mr. Cheboi) concerning the non-payment of pyrethrum farmers by the Pyrethrum Board of Kenya was answered by the Minister for Agriculture.

14. **MINISTERIAL STATEMENT – CLOSURE OF MASENO UNIVERSITY**

By indulgence of the House, an Assistant Minister for Education, Science and Technology (Mr. Mwiria) made a Ministerial Statement on the circumstances leading to the closure of Maseno University;

Thereupon, the Assistant Minister informed the House that the closure was necessitated by student unrest at the institution. He further informed the House that following the closure, the university Senate held a meeting which established that the riots that caused the closure were caused by differences between two factions of UASU.

In addition, a committee was appointed to chart the way forward for the immediate re-opening of the University.

15. **REVIEW OF BANKING LAWS TO FACILITATE FINANCIAL INSTITUTIONS, SACCOS AND MICRO FINANCE BANKS TO OPERATE IN RURAL AREAS**

Motion made and Question proposed:

THAT, being aware that all the key banks concentrate their activities and services within the major urban centers while most of Kenya's population lives in rural areas; further aware that our rural population do not have access to

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affordable credit to finance their formal and informal economic activities; this House urges the Government to review all the Banking Laws with a view to

facilitating financial institutions, Saccos and micro finance banks, operate effectively in rural areas.

(Mr. Kirugi M'Mukindia – 16.07.2003)

Debate interrupted on July 16, 2003 resumed;

Mover replied;

Question put and agreed to.

16. **SERIKALI KUWASAIKIA WAKENYA WALIOATHIRIKA KUTOKANA NA VITA VYA KIKABILA**

KWAMBA, ikieleweka kuwa vita vya kikabila vilisababisha kuporwa kwa mashamba, makazi na mifugo ya wekenya wengi na sasa wamerundikana kwenye vijiji na vitongoji vya miji wakiwa maskwota and masikini hohe hahe nchini mwao; ikikubalika kuwa suluhisho mwafaka ni kuwarudishia haki zao wahiniwa hawa kwa vile dhuluma hizi zilitokana na sera za kikabila ziliszoendelezwa na utawala uliopita; bunge hili linahimiza serikali iwasaidie wakenya walioathirika katika vita hivi kwa kuwarudishia makazi na mashamba yao ya awali.

(Bw. Koigi wa Wamwere)

Debate arising;

And the time being thirty minutes past Twelve O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

17. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, July 23, 2003 at 2.30 p.m.

Ninth Parliament

(No.62)

**Second Session
Afternoon Sitting
(247)**



REPUBLIC OF KENYA
NATIONAL ASSEMBLY
NINTH PARLIAMENT – SECOND SESSION
VOTES AND PROCEEDINGS
WEDNESDAY, JULY 23, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.218** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
4. **QUESTION NO.486** - was answered by an Assistant Minister for Roads, Public Works & Housing (Eng. Toro).
5. **QUESTION NO.374** - was answered by the Minister for Education, Science & Technology.
6. **QUESTION NO.383** - was answered by an Assistant Minister for Water Resources Management & Development (Mr. Munyes).
7. **QUESTION NO.242** - was answered by an Assistant Minister for Environment, Natural Resources & Wildlife (Prof. Maathai).

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8. **QUESTION NO.361** - was answered by an Assistant Minister for Water Resources Management & Development (Mr. Munyes).
9. **QUESTION NO.463** - was withdrawn.
10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Dujis (Mr. Hussein Maalim) concerning alleged raid on two Muslim schools by armed policemen in Garissa on

28th June, 2003 was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mutito (Mr. Kilonzo) concerning invasion of Malalani Location by cattle rustlers was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kitutu Masaba (Mr. Okioma) concerning counterfeit pesticides and veterinary products selling in Kenya was answered by an Assistant Minister for agriculture (Mr. Khaniri).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning action taken against Nairobi City Council employees who were apprehended at City Hall with millions of shillings early this year was deferred to another day.

14. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair:-

Hon. Members,

I wish to inform the Members that, pursuant to the decision made by all the Members early this year, the Post-election Orientation Seminar for all the Members will be held on Friday, 25th and Saturday, 26th July, 2003 at Safari Park Hotel starting at 8.30 a.m. on Friday.

The Seminar will be facilitated by distinguished resource persons who will include the Secretary General of the Commonwealth Parliamentary

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Association, the Hon. Dennis Marshall. In addition, there will be local resource persons who include several hon. Members.

I am therefore appealing and urging all Members to turn up for this extremely important Seminar, which will enhance their knowledge in parliamentary procedures and enrich their experience as elected representatives.

15. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair:-

Honourable Members,

You will recall that last Thursday, 17th July, 2003, Mr. Wycliff Osundwa raised a Question by Private Notice concerning award of tenders by Treasury for pre-shipment inspection of goods. The Minister for Finance, in his reply, informed the House that the matter is in court and, therefore, *sub judice*. The hon. Member for Nakuru Town, Mr. Mirugi Kariuki, requested the Chair for a ruling on the matter. I did direct the Minister for Finance to avail certified copies of the plaint to the House. The Minister has complied with my ruling vide reference of his letter No.ZZ/279/08 dated 21st July, 2003 and has forwarded copies of the plaint. The issues before the court *inter alia* relate to High Court of Kenya, Miscellaneous Civil Application No.723 of 2003; In a matter of an application for judicial review by Intertek Testing Services International Limited; In a matter of Exchequer and Audit Public Procurement Regulations, 2001, issued under the Exchequer and Audit Act, Cap.412; In a matter of a decision by the Public Complaints Review and Appeals Board delivered on the 27th June, 2003 in Application No.19 of 2003 and in a matter of an award by the Tender Committee of the Ministry of Finance of the Government of Kenya dated 20th May, 2003, Tender No. MOF/6/2002/2003.

Hon. Members, having perused the plaint, I am satisfied that this matter is *sub judice* and, therefore, in accordance with our rules of procedure and practice, the Question is deferred until the matter is decided by the High Court.

16. **MINISTERIAL STATEMENT – BARRING OF HON. GIDEON MOI FROM VISITING HIS CONSTITUENCY**

By indulgence of the House, An assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement concerning the action taken by Police to bar the Member for Baringo Central (Mr. Gideon Moi) from visiting his constituency.

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Thereupon, the Minister informed the House that the action had been taken because the situation at Muchongoi was very volatile due to tension that had built up between the two factions in the area. This was between those who had been allocated more land and those who never were allocated, hence, according to the information available to police, the subject of discussion at the meeting. With likelihood of confrontation, it was deemed prudent that no public gathering takes place at the venue to avoid breach of peace. The Minister further informed the House that the officer commanding police station (OCS) was simply enforcing the law as it relates to notification of public meetings to the police.

The Minister thereupon assured the honourable Members and the House that freedom of movement and speech is guaranteed as established in the constitution as long as that freedom is exercised within the law and is not likely to endanger the rights of other citizens in enjoying the same rights.

17. **MINISTERIAL STATEMENT – ARREST OF MR. KHALIF HUSSEIN**

By indulgence of the House, an Assistant Minister for Foreign Affairs (Mr. Wetangula) made a Ministerial Statement concerning a Kenyan, Mr. Khalif Abdul Hussein who was arrested in Malawi by Federal Bureau of Investigations (FBI) agents;

Thereupon, the Assistant Minister informed the House that Mr. Khalif A. Hussein, a Kenyan with no criminal record or relation with terrorist groups employed as a religious teacher had been held up in prison in Zimbabwe up to 14 July, 2003. After the intervention of the Kenyan mission in Zimbabwe he was released and will be joining his family soon.

The Assistant Minister further informed the House that, Mr. Khalif A. Hussein and other 4 non-Kenyans were arrested by Malawi authorities and FBI agents, transported to Harare, Zimbabwe and held there as investigations proceeded. It was then established that Mr. Khalif had nothing to do with the others arrested and hence his release.

18. **COMMITTEE OF SUPPLY – (7TH ALLOTTED DAY)**

Order for Committee read, being the Seventh Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Roads, Public Works & Housing)

(No.62)

WEDNESDAY, JULY 23, 2003

(251)

Vote 13 - **Ministry of Roads, Public Works & Housing**

Debate arising;

And the time being forty-seven minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

19. **HOUSE ROSE** - at forty-seven minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on

Thursday, July 24, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, JULY 24, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPER LAID**

The following Paper was laid on the Table of the House:-

The Report of the Departmental Committee on Administration of Justice and Legal Affairs on Deliberations on the Nomination of the Kenya Anti-Corruption Advisory Board.

(Mr. Mirugi Kariuki – on behalf of the Chairman of the Departmental Committee)

4. **NOTICE OF MOTION**

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the nomination members to the Kenya Anti-Corruption Advisory Board laid on the Table of the House on Thursday, July 24, 2003.

(Mr. Mirugi Kariuki)

5. **QUESTION NO.377** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

6. **QUESTION NO.484** - was answered by an Assistant Minister for Health (Mr. Konchella).
7. **QUESTION NO.501** - was answered by the Minister for Health (Mr. Konchella).
8. **QUESTION NO.346** - was answered by an Assistant Minister for Environment, Natural Resources & Wildlife (Prof. Maathai).
9. **QUESTION NO.371** - was deferred to another day.
10. **QUESTION NO.451** - was deferred to another day.
11. **QUESTION NO.495** - was deferred to another day.
12. **QUESTION NO.316** - was dropped in the absence of the Member.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning action taken by Nairobi City Council employees who were apprehended at City Hall with millions of shillings early this year was answered by the Minister for Local Government

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kisumu Town East (Mr. Sungu) concerning rogues hippos invasion of Nyamthoi and Anji river areas of Nyamsaria was answered by an Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai).

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Ugenya (Mr. Ondiek) concerning the killing of Mr. Steven Omondi Ouma on May 08, 2003 was deferred to another day.

16. **COMMUNICATION FROM THE CHAIR**

Mr. Speaker conveyed the following Communication from the Chair:-

Hon. Members will recall that earlier this month, I had informed the hon. Members that we were going to have a series of activities concerning us and amongst them was an Orientation Seminar for Members of Parliament. That

17. COMMITTEE OF SUPPLY – (8TH ALLOTTED DAY)

Motion made and Question proposed:

(The Minister for Roads, Public Works & Housing)

Thereupon, the House resolved into Committee.

18. **IN THE COMMITTEE**
(An Acting Chairman of Committees – Mr. Poghio – in the Chair)

(No.63) THURSDAY, JULY 24, 2003 (255)

Motion made and Question proposed:

THAT, a sum not exceeding Ksh2,573,671,490.00 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:

Vote 13 - **Ministry of Roads, Public Works & Housing**

(The Minister for Roads, Public Works & Housing)

Debate arising;

Question put and agreed to.

Resolution to be reported without amendments;

19. **HOUSE RESUMED** - The Deputy Speaker in the Chair

20. **VOTE 13** - **Ministry of Roads, Public Works & Housing**

Resolution reported without amendments;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Minister for Roads, Public Works & Housing)

Question put and agreed to.

And the time being thirty minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

21. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, July 29, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, JULY 29, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.570** - was answered by an Assistant Minister for Education, Science & Technology (Mrs. Mugo).
4. **QUESTION NO.512** - was answered by an Assistant Minister for Tourism & Wildlife (Mr. Gumo).
5. **QUESTION NO.569** - was answered by an Assistant Minister for Health (Mr. Konchella).
6. **QUESTION NO.572** - was answered by an Assistant Minister for Energy (Mr. Kiunjuri).
7. **QUESTION NO.364** - was deferred to another day.

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TUESDAY, JULY 29, 2003

(257)

9. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Ugenya (Mr. Ondieki) concerning the killing of Mr. Steven Omondi on 8th May, 2003 by unknown assailants was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kitutu Masaba (Mr. Okioma) concerning the tender for KTDA to supply 65,000 metric tones of fertilizer was answered by the Minister for Agriculture.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning action taken against the Nairobi City Council employees who were apprehended at City Hall with millions of shillings early this year was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kinango (Mr. Gonzi Rai) concerning the detention of Mr. Matai Murisa by Uganda security forces since May, 2003 was deferred to another day.

13. **PERSONAL STATEMENT PURSUANT OT PROVISIONS OF
STANDING ODER 69 – CAUSE OF PROBLEMS AT MASENO
UNIVERSITY**

Pursuant to the provisions of Standing Order 69, the Minister for Information and Tourism (Mr. Tuju) made a Personal Statement in response to allegations earlier made on the Floor of the House by the Member for Tigania East (Mr. Peter Munya) that the Minister was associated with the cause of problems at Maseno University;

Thereupon, the Minister informed the House that under a Memorandum of Understanding between the University and a firm, BITC dated 11th July, 2001, BITC was to operate an Information Technology trade certificate course in areas not covered by the University's Computer Science Department. The company also undertook to complete a building within the University which had been abandoned at no cost to the University. A trial run was done on the IT project and approved by the University, passed by the Senate and finally approved the full Council.

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(258)

He further informed the House that he was Chairman of BITC and was ready to quit the position if it amounted to clash of interest in view of his Cabinet responsibilities.

15. **COMMITTEE OF SUPPLY – (10TH ALLOTTED DAY)**

Order for Committee read, being the Tenth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Health)

Vote 11 - **Ministry of Health**

Debate arising;

And the time being thirty minutes past Six O'clock, an Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, July 30, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 30, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.557** - was answered by the Minister for Home Affairs.
4. **QUESTION NO.324** - was answered by an Assistant Minister for Energy (Mr. Kiunjuri).
5. **QUESTION NO.553** - was answered an Assistant Minister for Energy (Mr. Kiunjuri).
6. **QUESTION NO.398** - was answered by an Assistant Minister for Health (Mr. Konchella).
7. **QUESTION NO.573** - was answered by an Assistant Minister for Health (Mr. Konchella).
8. **QUESTION NO.617** - was answered by an Assistant Minister for Information and Tourism (Mr. Gumo).
9. **QUESTION NO.509** - was deferred to another day.

10. **QUESTION NO.613** - was deferred to another day.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kathiani (Mr. Kaindi) concerning the amount of money collected by the Ministry from the Weigh Bridge at Mlolongo was answered by an Assistant Minister for Roads, Public Works and Housing (Eng. Toro).

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by a Nominated Member (Dr. Julia Ojiambo) concerning the position of local authorities on demolition of kiosks to the rights of disabled persons was answered by an Assistant Minister for Local Government (Mrs. Betty Tett).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kiharu (Mr. Kembi Gitura) concerning lack of maternity ward, general surgical theatre and mortuary at Muriranga Sub-district Hospital was deferred to another day.

14. **SERIKALI KUWASAIKIA WAKENYA WALIOATHIRIKA KUTOKANA NA VITA VYA KIKABILA**

Motion made and Question proposed:-

KWAMBA, ikieleweka kuwa vita vya kikabila vilisababisha kuporwa kwa mashamba, makazi na mifugo ya wakenya wengi na sasa wamerundikana kwenye vijiji na vitongoji vya miji wakiwa maskwota na masikini hohe hahe nchini mwao; ikikubalika kuwa suluhisho mwafaka ni kuwarudishia haki zao wahiniwa hawa kwa vile dhuluma hizi zilitokana na sera za kikabila zilizozendelezwa na utawala uliopita; bunge hili linahimiza serikali iwasaidie wakenya walioathirika katika vita hivi kwa kuwarudishia makazi na mashamba yao ya awali.

(Bw. Koigi wa Wamwere – 23.07.2003)

Debate interrupted on Wednesday, July 23, 2003 resumed;

Mover replied;

Question put and negatived;

Rising in their places on Points of Order, several Members claimed for a Division;

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WEDNESDAY, JULY 30, 2003

(261)

And there being the requisite number of Members required rising in support of the claim;

And the Acting Deputy Speaker (Mr. Poghio) acceding to the claim, directed the Division Bell to be rung;

And after expiry of five minutes, the Bar having been drawn and doors closed;

And the names of the Tellers having been announced;

Thereupon, the House proceeded to a Division;

Question put and upon a Division agreed to;

AYES

47

NOES

46

ABSTENSIONS

AYES

Akaranga M.E.
Arungah J.O.
Bifwoli S.W.
Dzoro M.
Githae R.N.
Ivuti P.E.M.
Kagwima F.N.
+Kamanda M.
Kariuki M.
Kembi G.
Khalwale B.B.
Khamasi D.L.
Kibunguchy E.W.
Kilimo L.J.
Kiunjuri F.M.
Konchella G.S.
Kulundu (Dr) N.W.
Maathai (Prof) M.W.
Machage W.G.
Mbau E.P.
Miriti P.S.M.
Muchiri G.G.
Mugo (Mrs) B.W.
Muiruri P.K.
Mukiri M.
Mungatana D.B.
Munya P.G.
Muriungi R.
Murungi K.
Mutiso J.M.
Mwandawiro M.
Mwangi O.K.
Mwanzia F.D.
Mwau (Ms) A.N.
Ndoro R.O.N.
Nyagah M.G.K.
Nyagah J.W.N.
Ojiambo (Dr) J.
Okioma S.N.
Okundi P.O.
Omondi W.O.
Oparanya J.O.
Sungu E.G.
Tett (Mrs) B.N.
Toro J.N.

Wamwere K.
Wanjala K.

NOES

Biwott K.N.K.
Boit W.K.
Cheboi M.K.
Chepkitony L.K.
Choge J.
Dahir A.S.
Godana (Dr) B.A.
Kajembe S.R.
Keter C.C.
Kipchumba J.L.
Koech J.K.A.
Koech S.C.
Kones K.
Korir J.K.
Koros D.K.
Kosgey H.K.
Kuti M.A.
Lesirma S.S.
Maitha L.B.M.
Maoka R.M.
Mganga B.
Midiwo W.J.
Mohamed H.M.
Mohamed A.M.
Mohamed A.C.
Moroto S.C.
Ndambuki G.M.
Ngoyoni T.L.
Nkaisserry K.J.
Ogur T.O.O.
Okemo C.
Olweny (Prof) P.A.
Oniang'o (Prof) R.
Owidi P.O.
Poghisio S.L.
Rotino P.R.
Rutto S.K.
Salat N.K.K.
Sambu J.K.
Sasura A.T.
Serut J.B.
Sirma M.C.
Sudi D.K.S.

ABSTENSIONS

Sugwo A.A.

Wario, A.

Weya S.A.

Were D.

Likowa O.

Osundwa W.

15. **PURCHASE OF GRADERS FOR ALL CONSTITUENCIES**

Motion made and Question proposed:

THAT, in view of the importance of roads in economic development of this country; acknowledging the valuable contribution of the Kenya Roads Board in funding maintenance of roads; aware that funds provided by the Board are not adequate and noting that 25% of the funds are expended on grading roads; this House urges the Government to purchase a grader for each constituency so that the funds used for hiring graders are saved and utilized for further maintenance of roads).

(Mr. Joseph Lagat

Debate arising;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Belgut (Mr. Keter) drew the attention of an Acting Deputy Speaker (Mr. Poghisio) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of five minutes;

Debate interrupted resumed;

And the time being thirty minutes past Twelve O'clock, the Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, July 30, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 30, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.562** - was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).
4. **QUESTION NO.340** - was answered by an Assistant Minister for Roads, Public Works and Housing (Mr. Toro).
- 5.. **QUESTION NO.571** - was answered by the Minister for Local Government.
6. **QUESTION NO.359** - was deferred to another day.
7. **QUESTION NO.362** - was deferred to another day.
8. **QUESTION NO.458** - was deferred to another day.
9. **QUESTION NO.320** - was dropped in absence of the Member.
10. **QUESTION NO.526** - was dropped in absence of the Member.

Question by Private Notice by the Member for Eldoret South (Mr. David Koros) concerning harassment of residents of Kesses Division by Administration Police on 10th, 11th and 12th July 2003 was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Shinyalu (Mr. D Khamasi) concerning abandonment of National Soccer Team by Kenya Football Federation was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kasarani (Mr. Peter Omondi) concerning the Government's position on human wildlife conflict was dropped in the absence of the Member.

13. **COMMUNICATION FROM THE CHAIR**

Mr. Speaker conveyed the following Communication from the Chair:

Honourable Members,

The Kenya Branch of the Commonwealth Parliamentary Association (CPA) will be hosting the 34th CPA (Africa Region) Conference, which will be held at the Grand Regency Hotel between 1st-9th August, 2003.

This is a very important occasion for us as a country and particularly as a Parliament to host close to one hundred and forty Parliamentarians and Parliamentary Officers from sixteen African countries.

It is a great opportunity for us to share experiences with our African colleagues in democratization, evolution of political systems, development (or, if you like, underdevelopment) and perhaps more significantly, political transition.

Honourable Members,

Apart from the Plenary Sessions at the Hotel where sitting will be reserved for you to follow the proceedings, the delegates will visit various parts of Kenya to see for themselves what the country and its people have to offer.

This is, therefore, to officially invite you to the Conference in your capacity as Members of the CPA Kenya Branch and to request you to welcome, interact and network with the delegates when they visit your constituencies.

A programme for the Conference will be circulated to all Honourable Members and it is expected that you will be able to attend.

Thank you.

14. **COMMITTEE OF SUPPLY – (11TH ALLOTTED DAY)**

Order for Committee read, being the Eleventh Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Health)

Vote 11 - **Ministry of Health**

Debate interrupted on Tuesday, July 29, 2003 resumed;

Mover replied;

Question put and agreed to;

Thereupon, the House resolved into Committee.

15. **IN THE COMMITTEE**

(An Acting Chairman of Committees – Mr. Khamasi – in the Chair)

Vote 11 - **Ministry of Health**

Motion made and Question proposed:

THAT, a sum not exceeding Ksh8,924,100,860 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:

Vote 11 - **Ministry of Health**

(The Minister for Health)

(No.66) **WEDNESDAY, JULY 30, 2003**

(268)

Debate arising;

Question put and agreed to.

Resolution to be reported without amendments;

16. **HOUSE RESUMED** - An Acting Deputy Speaker – Mr. Poghisio – in the Chair

17. **VOTE 11** - **Ministry of Health**

Resolution reported without amendments;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Minister for Health)

Question put and agreed to.

And the time being thirty-five minutes past Six O'clock, an Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. **HOUSE ROSE** - at thirty-five minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, July 31, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, JULY 31, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

3. **ADMINISTRATION OF OATH**

Mr. Speaker administered the Oath of Allegiance to:-

KILONZO Charles Mutavi

3. **QUESTION NO.509** - was answered by an Assistant Minister in the Office of the President (Mr. Dzoro).
4. **QUESTION NO.568** - was answered by an Assistant Minister for Education, Science & Technology (Mrs. Mugo)
5. **QUESTION NO.526** - was answered by an Assistant Minister for Transport & Communication (Mr. Ligale).
6. **QUESTION NO.458** - was answered by the Minister for Labour and Human Resource Development.
7. **QUESTION NO.451** - was answered by the Minister for Labour and Human Resource Development.

8. **QUESTION NO.495** - was answered by the Minister for

Labour & Human Resource Development.

9. **QUESTION NO.359** - was deferred to another day.
10. **QUESTION NO.362** - was deferred to another day.
11. **QUESTION NO.388** - was dropped in the absence of the Member.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kiharu (Mr. Gitura) concerning Muriranja Sub-district Hospital which has no maternity ward was answered by an Assistant Minister for Health (Mr. Konchella).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kinango (Mr. Rai) concerning the arrest of a Mr. Mwai Murisa, an employee of Altigen Transporters, by Uganda security forces was deferred to another day.

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Shinyalu (Mr. Khamasi) concerning the abandonment of the National Soccer team by the Kenya Football Federation was deferred to another day.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Belgut (Mr. Charles Keter) concerning the suspension of cargo flights to Eldoret International Airport was deferred to another day.

16. **PROCEDURAL MOTION – PUBLIC HEARINGS OF SELECT COMMITTEE ON THE DEATH OF DR. ROBER OUKO**

Motion made and Question proposed:

THAT, noting that the Judicial inquiry into the murder of the late Dr. the Hon. R.J. Ouko, EGH, MP was held in public; aware of the fear of witnesses to give evidence *in camera*, this House orders that the business and proceedings of the Select Committee investigating the death of Dr. the Hon. R.J. Ouko, EGH, MP, be exempted from the provisions of Standing Order 161 in order to allow public hearings.

(The Deputy Leader of Government Business)

(No.67)

THURSDAY, JULY 31, 2003

(271)

Debate arising;

Question put and agreed to.

17. **ADJOURNMENT OF THE HOUSE TO A DAY OTHER THAN THE NEXT
NORMAL SITTING DAY**

Motion made and Question proposed:-

THAT, this House do now adjourn until Tuesday, 30th September, 2003.

(The Deputy Leader of Government Business)

Debate arising;

Question put and agreed to.

And the time being thirty minutes past Six O'clock, an Acting Deputy Speaker (Mr. Poghio) interrupted the proceedings and adjourned the House after Question put pursuant to the Standing Orders.

18. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, September 30, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 30, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.371** - was answered by the Assistant Minister for Lands and Settlement.
4. **QUESTION NO.627** - was answered by the Assistant Minister for Lands and Settlement.
5. **QUESTION NO.588** - was answered by the Minister for Roads, Public Works and Housing.
6. **QUESTION NO.613** - was answered by the Minister for Local Government.
7. **QUESTION NO.496** - was deferred to another day.
8. **QUESTION NO.364** - was deferred to another day.
9. **QUESTION NO.362** - was deferred to another day.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Shinyalu (Mr. Daniel Khamasi) concerning the abandonment of the National soccer team by Kenya Football Federation was answered by the Minister for Gender, Sport, Culture and Social Services.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Alego-Usonga (Mr. Sammy Weya) concerning the conditions that Bretton Woods Institutions want Kenya to meet was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for South Mugirango (Mr. Omingo Magara) concerning failure by Mediplus health provider to service their clients was deferred to another day.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Belgut (Mr. Charles Keter) concerning the suspension of cargo flights to and from Eldoret International Airport was deferred to another day.

14. **COMMITTEE OF SUPPLY – (11TH ALLOTTED DAY)**

Order for Committee read, being the Eleventh Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Local Government)

Vote 12 - Ministry of Local Government

Debate arising;

And the time being forty minutes past Six O'clock, an Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** - at forty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, October 01, 2003 at 9.00 a.m.



REPUBLIC OF KENYA
NATIONAL ASSEMBLY
NINTH PARLIAMENT – SECOND SESSION
VOTES AND PROCEEDINGS
WEDNESDAY, OCTOBER 01, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.647** - was answered by the Assistant Minister for Local Government.
4. **QUESTION NO.654** - was deferred to another day.
5. **QUESTION NO.633** - was deferred to another day.
6. **QUESTION NO.655** - was deferred to another day.
7. **QUESTION NO.656** - was deferred to another day.
8. **QUESTION NO.645** - was dropped in the absence of the Member.
9. **QUESTION NO.660** - was dropped in the absence of the Member.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by a Nominated Member (Mr. Franklin Bett) concerning the transfer of land belonging to Rift Valley Institute of Science and Technology was deferred to another day.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mumias (Mr. Wycliffe Osundwa) concerning suspension of payment of pending bills was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kanduyi (Mr. Wafula Wamunyinyi) concerning placement of shares undertaken at the Kenya Seed Company was deferred to another day.

13. **MINISTERIAL STATEMENT – COLLAPSE OF WORLD TRADE ORGANISATION NEGOTIATIONS AT CANCUN, MEXICO**

By indulgence of the House, the Minister for Trade and Industry made a Ministerial Statement on the collapsed WTO talks at Cancun;

Thereupon, the Minister informed the House that Members of Parliament were incorporated to the Government delegation to the talks, a partnership which should be harnessed.

He further informed the House that while the Government supports multi-lateral trade systems, intervention measures, trade regimes and rules must be put in place to protect the least developed countries as they cannot compete against the developed economies.

14. **PURCHASE OF GRADERS FOR ALL CONSTITUENCIES**

Motion made and Question proposed:

THAT, in view of the importance of roads in economic development of this country; acknowledging the valuable contribution of the Kenya Roads Board in funding maintenance of roads; aware that funds provided by the Board are not adequate and noting that 25% of the funds are expended on grading roads; this House urges the Government to purchase a grader for each constituency so that the funds used for hiring graders are saved and utilized for further maintenance of roads.

(Mr. Joseph Lagat – 30.07.2003)

(No.69)

WEDNESDAY, OCTOBER 01, 2003

(277)

Debate interrupted on 30th July, 2003 resumed;

Amendment proposed:

THAT, the Motion be amended by deleting the word “*constituency*” appearing in the fifth line and inserting the word “*district*” in place thereof.

(The Minister for Roads, Public Works & Housing)

Debate arising;

Question of the first part of the amendment that the word proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the word proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Further amendment proposed:

THAT, the Motion be further amended by deleting all the words between the words “*purchase*” and “*saved*” in the fifth and sixth lines respectively and inserting the following words in place thereof:-

“the necessary machinery and equipment for grading, gravelling and maintenance of roads in each district, including but not limited to two (2) motor graders, a loader, two (2) tippers, one (1) flat bed lorry, one (1) supervisory vehicle, one (1) water bowser and a hand roller, so that the funds used for hiring such equipment and machinery are”

(Mr. Billow Kerrow)

Debate arising;

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Question of the Motion as amended proposed;

Debate arising;

Mover replied;

(No.69)

WEDNESDAY, OCTOBER 01, 2003

(278)

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, in view of the importance of roads in economic development of this country; acknowledging the valuable contribution of the Kenya Roads Board in funding maintenance of roads; aware that funds provided by the Board are not adequate and noting that 25% of the funds are expended on grading roads; this House urges the Government to purchase the necessary machinery and equipment for grading, gravelling and maintenance of roads in each district, including but not limited to two (2) motor graders, a loader, two (2) tippers, one (1) flat bed lorry, one (1) supervisory vehicle, one (1) water bowser and a hand roller, so that the funds used for hiring such equipment and machinery are saved and utilized for further maintenance of roads.

15. REINSTATEMENT OF DISMISSED KENYA CIVIL AVIATION AUTHORITY STAFF

Motion made and Question proposed:

THAT, bearing in mind that the Kenya Civil Aviation Authority (KCAA) is in short of qualified technical personnel; aware that air navigation service staff dismissed from service on 8th April, 2002 are qualified young Kenyans aged between 22 and 35 years; noting that the dismissed staff were not given a hearing according to the rules of natural justice and realizing that they are likely to suffer irreparable harm and loss of benefits due to them if not reinstated; this House urges the Government to reinstate the dismissed navigation service staff, unconditionally.

(Mr. Peter Munya)

Debate arising;

And the time being thirty minutes past Twelve O'clock, an Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, October 01, 2003 at 2.30 p.m.

Ninth Parliament

(No.70)

**Second Session
Afternoon Sitting
(279)**



REPUBLIC OF KENYA
NATIONAL ASSEMBLY
NINTH PARLIAMENT – SECOND SESSION
VOTES AND PROCEEDINGS
WEDNESDAY, OCTOBER 01, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPER LAID**

The following Paper was laid on the Table of the House:-

The Report of the Controller and Auditor-General together with the
Appropriation Accounts, other Public Accounts and the Accounts of the
funds for the year 2000/2001.

(An Assistant Minister for Finance – Mr. Katuku)

4. **QUESTION NO.636** - was answered by an Assistant Minister for Finance (Mr. John Katuku).
5. **QUESTION NO.639** - was answered by an Assistant Minister for Education, Science & Technology (Mr. Kilemi Mwiria).
6. **QUESTION NO.346** - was answered by an Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Wangari Maathai).

(No.70) **WEDNESDAY, OCTOBER 01, 2003** (280)

7. **QUESTION NO.635** - was answered by the Minister for Roads, Public Works & Housing.
8. **QUESTION NO.641** - was answered by the Minister for Roads, Public Works & Housing.
9. **QUESTION NO.640** - was deferred to another day.
10. **QUESTION NO.643** - was deferred to another day.

11. **QUESTION NO.668** - was dropped in the absence of the Member.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Imenti Central (Mr. Kirugi M'Mukindia) concerning the pressure exerted by the US government on the Kenya government to sign the Rome Statute, Article 98 of the International Criminal Tribunal (ICT) was answered by an Assistant Minister for Foreign Affairs (Mr. Moses Wetangula).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Malindi (Mr. Lucas Maitha) concerning the circumstances leading to the death of Mr. Paul Shangonet Manase, a remand prisoner, was answered by the Attorney General.

14. **COMMITTEE OF SUPPLY – (12TH ALLOTTED DAY)**

Order for Committee read, being the Twelfth Allotted Day;

Vote 12 - Ministry of Local Government

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Local Government –30.09.2003)

Debate interrupted on September 30, 2003 resumed;

(No.70) **WEDNESDAY, OCTOBER 01, 2003** (281)

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Siakago (Mr. Justin Muturi) drew the attention of an Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of three minutes;

Debate interrupted resumed;

Mover replied;

Question put and agreed to.

Thereupon, the House dissolved into Committee;

15. **IN THE COMMITTEE**

(An Acting Chairman of Committees – Mr. Khamasi – in the Chair)

Motion made and Question proposed:

THAT, a sum not exceeding Ksh533,632,100 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 12 - **Ministry of Local Government**

(The Minister for Local Government)

Debate arising;

Question put and agreed to.

Resolution to be reported without amendments;

16. **HOUSE RESUMED** - The Deputy Speaker in the Chair

(No.70) **WEDNESDAY, OCTOBER 01, 2003** (282)

17. **VOTE 12** - **MINISTRY OF LOCAL GOVERNMENT**

Resolution reported without amendments;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Resolution.

(The Minister for Local Government)

Debate arising;

Question put and agreed to.

And the time being twenty-five minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. **HOUSE ROSE** - at twenty-five minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, October 02, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 02, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPERS LAID**

The following Paper were laid on the Table of the House:-

- (i) Annual Report and Accounts of Investment Promotion Centre for the year ended 30th June, 1998 and the Certificate thereon by the Auditor General (Corporations).
- (ii) Annual Report and Accounts of Electricity Regulatory Board for the year ended 30th June, 2002 and the Certificate thereon by the Auditor General (Corporations).
- (iii) Annual Report and Accounts of Kenya Coffee Auctions Limited for the year ended 30th June, 2002 and the Certificate thereon by the Auditor General (Corporations).
- (iv) Annual Report and Accounts of Kenya Tea Board of Kenya for the year ended 30th June, 2001 and the Certificate thereon by the Auditor General (Corporations).

- (v) Annual Report and Accounts of Tea Board of Kenya for the year ended 30th June, 2001 and the Certificate thereon by the Auditor General (Corporations).
- (vi) Annual Report and Accounts of Kenya Tourist Development Corporation (Utalii Investment Limited) for the year ended 30th June, 2000 and the Certificate thereon by the Auditor General (Corporations).
- (vii) Annual Report and Accounts of Mount Elgon Lodge Limited for the year ended 30th June, 2001 and the Certificate thereon by the Auditor General (Corporations).
- (viii) Annual Report and Accounts of Authorities Transfer Fund for the Financial Year 2001-2002.

(An Assistant Minister for Energy – Mr. Mwangi Kiunjuri)

- 4. **QUESTION NO.655** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwiria).
- 5. **QUESTION NO.632** - was answered by the Assistant Minister for Roads, Public Works and Housing.
- 6. **QUESTION NO.320** - was answered by the Assistant Minister for Health.
- 7. **QUESTION NO.654** - was answered by the Assistant Minister for Health.
- 8. **QUESTION NO.608** - was answered by an Assistant Minister for Agriculture (Mr. Joseph Nyagah).
- 9. **QUESTION NO.566** - was deferred to another day.
- 10. **QUESTION NO.580** - was deferred to another day.
- 11. **QUESTION NO.576** - was deferred to another day.
- 12. **QUESTION NO.603** - was deferred to another day.
- 13. **QUESTION NO.656** - was deferred to another day.

(No.71)

THURSDAY, OCTOBER 02, 2003

(285)

- 14. **QUESTION NO.615** - was deferred to another day.

15. **QUESTION NO.609** - was deferred to another day.

16. **QUESTION NO.362** - was deferred to another day.

17. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Alego-Usonga (Mr. Sammy Weya) concerning conditions that the Bretton Woods Institutions want Kenya to meet was answered by an Assistant Minister for Finance (Mr. John Katuku).

18. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for South Mugirango (Mr. Omingo Magara) concerning failure by Mediplus to serve their clients was deferred to another day.

19. **MINISTERIAL STATEMENT – KENYA NATIONAL FEDERATION OF
CO-OPERATIVES INVOLVEMENT IN THE THIRD MOBILE TELEPHONE
PROVIDER**

By indulgence of the House, the Minister for Co-operative Development and Marketing made a Ministerial Statement concerning the Kenya National Federation of Co-operatives involvement in the third mobile telephone provider;

Thereupon, the Minister informed the House that KNFC got into partnership with Econet Wireless International Ltd and bid to Communication Commission of Kenya to establish, develop and operate a GSM network in Kenya and that the consortium is under the name Econet Wireless Kenya Ltd.

20. **MOTION OF ADJOURNMENT OF THE HOUSE UNDER STANDING
ORDER 20(1) – MATTER OF URGENT NATIONAL IMPORTANCE**

Pursuant to the provisions of Standing order 20(1), the Member for Kapenguria (Mr. Samuel Moroto) claimed to move a Motion for adjournment of the House in order to discuss a matter of urgent national importance – the arrest of the Standard Newspaper reporters in connection with the report on Dr. Crispin Mbai's death.

And the Deputy Speaker having considered the matter, declined to accede to the claim.

(No.71)

THURSDAY, OCTOBER 02, 2003

(286)

21. **COMMITTEE OF SUPPLY – (13TH ALLOTTED DAY)**

Order for Committee read, being the Thirteenth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Environment, Natural Resources & Wildlife)

Vote 21 - **Ministry of Environment, Natural Resources
& Wildlife**

Debate arising;

And the time being forty-five minutes past Six O'clock, an Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

22. **HOUSE ROSE** - at forty-five minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, October 07, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 07, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.496** - was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus)
4. **QUESTION NO.580** - was deferred to another day.
5. **QUESTION NO.603** - was deferred to another day.
6. **QUESTION NO.603** - was deferred to another day.
7. **QUESTION NO.656** - was deferred to another day.
8. **QUESTION NO.576** - was deferred to another day.
9. **QUESTION NO.566** - was deferred to another day.
10. **QUESTION NO.400** - was deferred to another day.
11. **QUESTION NO.633** - was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Belgut (Mr. Charles Keter) concerning suspension of cargo flights to and from Eldoret International Airport was answered by the Minister for Transport and Communications.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kanduyi (Mr. Wafula Wamunyinyi) concerning illegal placement of shares of Kenya Seed Company was answered by the Minister for Agriculture.

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by a Nominated Member (Mr. Franklin Bett) concerning carving of land belonging to Rift Valley Institute of Science and Technology was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwiria).

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Samburu West (Mr. Simeon Lesrima) concerning the closure of 27 schools in Samburu district due to insecurity was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwiria).

16. **COMMITTEE OF SUPPLY – (14TH ALLOTTED DAY)**

Order for Committee read, being the Fourteenth Allotted Day;

Vote 21 - Ministry of Environment, Natural Resources & Wildlife

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

*The Minister for Environment, Natural Resources & Wildlife –
02.10.2003)*

Debate interrupted on October 02, 2003 resumed;

Mover replied;

Question put and agreed to.

Thereupon, the House dissolved into Committee of the Whole House.

17. **IN THE COMMITTEE**

(Acting Chairman of Committee – Mr. Ethuro - in the Chair)

Motion made and Question proposed:

THAT, a sum not exceeding Ksh1,507,523,345 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 21 - **Ministry of Environment, Natural Resources & Wildlife**

(The Minister for Environment, Natural Resources & Wildlife)

Debate arising;

Question put and agreed to.

Resolution to be reported without amendment;

18. **HOUSE RESUMED** - An Acting Deputy Speaker (Mr. Khamasi)
in the Chair

19. **VOTE 21** - **MINISTRY OF ENVIRONMENT, NATURAL
RESOURCES AND WILDLIFE**

Resolution reported without amendment;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Resolution.

(The Minister for Environment, Natural Resources & Wildlife)

Debate arising;

Question put and agreed to.

And the time being fifty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.72)

TUESDAY, OCTOBER 07, 2003

(290)

20. **HOUSE ROSE** - at fifty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, October 08, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 08, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPERS LAID**

The following Papers were laid on the Table of the House:

- (i) 2003/2004 Estimates of Recurrent Expenditure Volumes I and II (Revised Edition) of the Government of Kenya for the year ending 30th June, 2004.
- (ii) 2003/2004 Estimates of Development Expenditure of the Government of Kenya for the year ending 30th June, 2004.

(An Assistant Minister for Finance – Mr. John Katuku)

4. **QUESTION NO.373** - was answered by the an Assistant Minister for Agriculture (Mr. Nyagah).
5. **QUESTION NO.223** - was answered by the Assistant Minister for Health.

6. **QUESTION NO.200** - was answered by the Assistant Minister for Local Government.
7. **QUESTION NO.366** - was answered by the Minister for Water Resources Management and Development.
8. **QUESTION NO.566** - was answered by the Minister for Water Resources Management and Development.
9. **QUESTION NO.310** - was deferred to another day.
10. **QUESTION NO.113** - was deferred to another day.
11. **QUESTION NO.375** - was dropped in the absence of the Member.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Bahari (Mr. Joe Khamisi) concerning the killing of three innocent people by a police constable at Mtwapa Police Base was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Sotik (Mr. Anthony Kimetto) concerning a mental illness that has afflicted 13 young persons in Motiret village was answered by the Assistant Minister for Health.

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Keiyo North (Mr. Lucas Chepkitony) concerning the killing of a standard six pupil at Kibendo Primary School was deferred to another day.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Subukia (Mr. Koigi Wamwere) concerning the circumstances under which Mr. Moses Njenga Nyoike was shot and killed was dropped in the absence of the Member.

16. **MINISTERIAL STATEMENT – MURDER OF THE LATE DR. CRISPIN ODHIAMBO MBAI AND ARREST OF THE EAST AFRICAN STANDARD NEWSPAPERS JOURNALISTS**

By indulgence of the House, a Minister of State in the Office of the President (Dr. Chris Murungaru) made a Ministerial Statement regarding the murder of the late Dr. Crispin Odhiambo Mbai;

Thereupon, the Minister informed the House that the late Dr. Mbai was shot inside his house on 14th September, 2003 and died later the same day at the Nairobi Hospital.

He further informed the House that several suspects had been arrested and were being interrogated and their fate would be known in due course.

He also explained the reasons which led to the arrest of journalists from the East African Standard and appealed to Members to avoid issuing statements that may jeopardize the ongoing investigations.

17. **REINSTATEMENT OF DISMISSED KENYA CIVIL AVIATION AUTHORITY STAFF**

Motion made and Question proposed:

THAT, bearing in mind that the Kenya Civil Aviation Authority (KCAA) is in short of qualified technical personnel; aware that air navigation service staff dismissed from service on 8th April, 2002 are qualified young Kenyans aged between 22 and 35 years; noting that the dismissed staff were not given a hearing according to the rules of natural justice and realizing that they are likely to suffer irreparable harm and loss of benefits due to them if not reinstated; this House urges the Government to reinstate the dismissed navigation service staff, unconditionally.

(Mr. Peter Munya - 01.10.2003)

Debate interrupted on October 01, 2003 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Marakwet West (Mr. David Sudi) drew the attention of the Acting Deputy Speaker (Mr. Ethuro) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the honourable Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

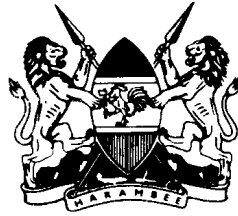
And there being no Quorum after expiry of eight minutes;

And the time being fifteen minutes past Eleven O'clock, the Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. **HOUSE ROSE** - at fifteen minutes past Eleven O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, October 08, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 08, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.389** - was answered by the Assistant Minister for Roads, Public Works and Housing.
4. **QUESTION NO.398** - was answered by the Assistant Minister for Health.
5. **QUESTION NO.405** - was answered by the Assistant Minister for Lands and Settlement.
6. **QUESTION NO.403** - was deferred to another day.
7. **QUESTION NO.362** - was dropped in the absence of the Member.
8. **QUESTION NO.384** - was dropped in the absence of the Member.

9. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by a Nominated Member (Prof. Oniang'o) concerning compensation for Samburu and Laikipia women by the British government following allegations of sexual molestation by British Military personnel was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Igembe (Mr. Raphael Muriungi) concerning the number of people from Igembe constituency recruited during the recent Armed Forces recruitment exercise was deferred to another day.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mukurweini (Mr. Mutahi Kagwe) concerning the government position on the issues outstanding on the DOHA Agenda was dropped in the absence of the Member.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mandera Central (Mr. Billow Kerrow) concerning the arrest and torture by the Police of Mr. Ahmed Mohamed Surut was dropped in the absence of the Member.

12. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Mumias (Mr. Wycliffe Osundwa) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

13. **STATEMENT BY THE DEPUTY SPEAKER**

The Deputy Speaker made the following Statement:

Mr. Speaker, I stand on a Point of Order in my capacity as Vice Chairman of the Inter Parliamentary Union (IPU) Kenya National Group to inform this House that during the 109th General Assembly of the IPU held in Geneva, Switzerland from 1st to 5th October, 2003, the Hon. Francis ole Kaparo, MP, Speaker of the National Assembly of Kenya, was among the four representatives from the

African Geo-political region elected unanimously to the Executive Council of the IPU for a period of five years. More details on this will be subject of a detailed Ministerial Statement.

I am sure Members of this House will join me in congratulating you, Sir, for the honour you have brought to this House and Kenya in general. We wish you, Mr. Speaker, the best in your five year term in the service of world parliamentarians.

14. **COMMITTEE OF SUPPLY – (15TH ALLOTTED DAY)**

Order for Committee read, being the Fifteenth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Agriculture)

Vote 10 - Ministry of Agriculture

Debate arising;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, October 09, 2003 at 2.30 p.m.

REPUBLIC OF KENYA
NATIONAL ASSEMBLY
NINTH PARLIAMENT – SECOND SESSION
VOTES AND PROCEEDINGS
THURSDAY, OCTOBER 09, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.466** - was answered by the Assistant Minister for Roads, Public Works and Housing.
4. **QUESTION NO.459** - was answered by the Assistant Minister for Roads, Public Works and Housing.
5. **QUESTION NO.576** - was answered by the Assistant Minister for Roads, Public Works and Housing.
6. **QUESTION NO.656** - was answered by the Minister for Transport and Communications.
7. **QUESTION NO.603** - was answered by the Minister for Transport and Communications.
8. **QUESTION NO.358** - was answered by the Minister for Information and Tourism.
9. **QUESTION NO.609** - was deferred to another day.
10. **QUESTION NO.645** - was dropped in the absence of the Member.
11. **QUESTION NO.615** - was dropped in the absence of the Member.

(No.75)

THURSDAY, OCTOBER 09, 2003

(299)

12. **QUESTION NO.580** - was dropped in the absence of the Member.
13. **QUESTION NO.526** - was withdrawn by the Chair.

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Subukia (Mr. Koigi Wamwere) concerning circumstances leading to the death of Mr. Moses Njenga Nyoike on 28th March, 2003 was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Keiyo North (Mr. Lucas Chepkitony) concerning the death of Kipsang Kiptoo, a fifteen year old standard six pupil on 16th April, 2003 was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kiharu Mr. Kembi Gitura) concerning lack of a general surgical ward in Murang'a District Hospital was answered by the Assistant Minister for Health.

17. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Igembe (Mr. Raphael Muriungi) concerning persons from Igembe constituency recruited to the armed forces in the recruitment exercise held in August, 2003 was deferred to another day.

18. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mumias (Mr. Wycliffe Osundwa) concerning payment of pending bills was deferred to another day.

19. **SSTATEMENT BY THE LEADER OF KENYAN DELEGATION TO THE 109TH ASSEMBLY OF IPU**

By indulgence of the House, the Deputy Leader of the Kenyan delegation to the 109th Assembly of Inter Parliamentary Union (Mr. Andrew Ligale) made a Statement on the Conference which took place in Geneva, Switzerland;

(No.75)

THURSDAY, OCTOBER 09, 2003

(300)

Thereupon, he informed the House that the Governing Council accepted the offer by Kenya to host the 114th Assembly of the Inter-Parliamentary Union in Nairobi in March/April, 2006.

20. **THE NATIONAL COMMISSION ON GENDER AND DEVELOPMENT
BILL (BILL NO.6)**

Order for Second Reading read;

Motion made and Question proposed:

THAT, the National Commission on Gender and Development Bill (Bill No.6) be now read a Second Time.

*(The Minister for Gender, Sports, Culture & Social Services –
17.07.2003)*

Debate interrupted on 17th July, 2003 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Alego-Usonga (Mr. Sammy Weya) drew the attention of the Acting Deputy Speaker (Mr. Poghisio) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the honourable Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of eight minutes;

And the time being forty-five minutes past Five O'clock, the Acting Deputy Speaker (Mr. Poshigio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

21. **HOUSE ROSE** - at forty-five minutes past Five O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, October 14, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 14, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

3. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for South Mugirango (Mr. Omingo Magara) concerning a tender for supply of Lotus notes for the government was answered by the Assistant Minister for Finance (Mr. Mutua Katuku).

4. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by a Nominated Member (Prof. Julia Ojiambo) concerning government position of bio-technology foods imported into the country was answered by the Minister for Agriculture.

5. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mandera Central (Mr. Billow Kerrow) concerning alleged torture of a Mr. Ahmed Surut, a charcoal dealer by security officers on 31st May, 2003 was deferred to another day.

6. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Igembe (Mr. Raphael Muriungi) concerning the number of persons recruited in the recent Armed Forces exercise in Igembe constituency was deferred to another day.

7. **QUESTION NO.367** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro).
8. **QUESTION NO.364** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro).
9. **QUESTION NO.364** - was deferred to another day.
10. **QUESTION NO.668** - was deferred to another day.
11. **QUESTION NO.384** - was deferred to another day.
12. **QUESTION NO.378** - was deferred to another day.
13. **QUESTION NO.643** - was deferred to another day.
14. **COMMITTEE OF SUPPLY – (16TH ALLOTTED DAY)**

Order for Committee read, being the Sixteenth Allotted Day;

Vote 10 - Ministry of Agriculture

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Agriculture – 08.10.2003)

Debate interrupted on October 08, 2003 resumed;

Mover replied;

Question put and agreed to.

Thereupon, the House dissolved into Committee of the Whole House.

(No.76)

TUESDAY, OCTOBER 14, 2003

(303)

15. **IN THE COMMITTEE**
(Acting Chairman of Committee – Mr. Khamasi - in the Chair)

Motion made and Question proposed:

THAT, a sum not exceeding Ksh3,992,656,145 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 10 - **Ministry of Agriculture**

(The Minister for Agriculture)

Debate arising;

Question put and agreed to.

Resolution to be reported without amendment;

16. **HOUSE RESUMED** - An Acting Deputy Speaker (Mr. Poghio) in the Chair.

17. **VOTE 10** - **MINISTRY OF AGRICULTURE**

Resolution reported without amendment;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Resolution.

(The Minister for Agriculture)

Debate arising;

Question put and agreed to.

And the time being forty-five minutes past Six O'clock, the Acting Deputy Speaker (Mr. Poshigio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.76)

TUESDAY, OCTOBER 14, 2003

(304)

18. **HOUSE ROSE** - at forty-five minutes past Six O'clock.

M E M O R A N D U M

Mr. Speaker will take the Chair on

Wednesday, October 15, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 15, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.306** - was answered by the Assistant Minister for Finance.
4. **QUESTION NO.201** - was answered by the Minister for Health
5. **QUESTION NO.311** - was answered by the Minister for Water Resources Management and Development
6. **QUESTION NO.100** - was answered by the Assistant Minister for Local Government.
7. **QUESTION NO.075** - was answered by the Minister for Co-operative Development and Marketing.
8. **QUESTION NO.378** - was answered by the Assistant Minister for Co-operative Development and Marketing.
9. **QUESTION NO.643** - was answered by the Assistant Minister for Co-operative Development and Marketing.
10. **QUESTION NO.067** - was deferred to another day.

PAPER LAID

The following Paper was laid on the Table during Question Time in relation to Question No.306:

Annual Report and Accounts of Deposit Protection Fund for the year ended 30th June, 2002

(The Assistant Minister for Finance)

11. REINSTATEMENT OF DISMISSED KENYA CIVIL AVIATION AUTHORITY STAFF

Motion made and Question proposed:

THAT, bearing in mind that the Kenya Civil Aviation Authority (KCAA) is in short of qualified technical personnel; aware that air navigation service staff dismissed from service on 8th April, 2002 are qualified young Kenyans aged between 22 and 35 years; noting that the dismissed staff were not given a hearing according to the rules of natural justice and realizing that they are likely to suffer irreparable harm and loss of benefits due to them if not reinstated; this House urges the Government to reinstate the dismissed navigation service staff, unconditionally.

(Mr. Peter Munya - 01.10.2003)

Debate interrupted on October 08, 2003 resumed;

Mover replied:

Question put and agreed to.

12. ESTABLISHMENT OF MODEL SCHOOLS IN DISTRICTS PERFORMING POORLY IN KCSE

Motion made and Question proposed:

THAT, in view of the perennial poor performance in the Kenya Certificate of Secondary Education by some districts in the country, occasioned by poverty, poor educational facilities and inadequate teaching staff, among other factors; this House calls upon the Government to establish two fully equipped and adequately staffed model schools, in every district which has performed dismally

continuously for the last 10 years, to serve as centres of excellence for purpose of improving performance in these districts and further that these schools be fully funded by the Government.

(Mr. Mohammed Mahamud)

Debate arising;

Mover replied;

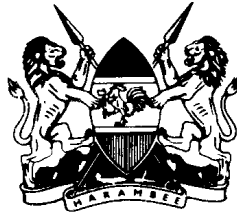
Question put and agreed to.

And the time being thirty minutes past Twelve O'clock, the Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, October 15, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 15, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPERS LAID**

The following Papers were laid on the Table of the House:-

The Report of the Controller and Auditor General together with the Appropriation Accounts, other Public Accounts (Appendices I, II & III) and the Accounts of the Funds for the year 2000/2001

(The Assistant Minister for Finance – Mr. Katuku)

4. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mumias (Mr. Wycliffe Osundwa) concerning payment of pending bills was answered by the Minister for Finance.

5. **QUESTION NO.407** - was answered by an Assistant Minister of State, Office of the Vice President (Mr. Wilfred Machage).

6. **QUESTION NO.413** - was answered by an Assistant Minister of State, Office of the Vice President (Mr. Wilfred Machage).
7. **QUESTION NO.339** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
8. **QUESTION NO.364** - was answered by the Assistant Minister for Health (Mr. Konchella).
9. **QUESTION NO.488** - was answered by the Assistant Minister for Local Government (Mrs. Betty Tett).
10. **QUESTION NO.336** - was answered by the Assistant Minister for Environment, Natural Resources & Wildlife (Prof. Wangari Maathai) .
11. **QUESTION NO.395** - was deferred to another day.
12. **QUESTION NO.668** - was deferred to another day.
13. **QUESTION NO.384** - was deferred to another day.
14. **COMMITTEE OF SUPPLY – (17TH ALLOTTED DAY)**

Order for Committee read, being the Seventeenth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Co-operative Development & Marketing)

Vote 22 - **Ministry of Co-operative Development & Marketing**

Debate arising;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Sotik (Mr. Anthony Kimeto) drew the attention of the Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the honourable Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of three minutes;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Poghio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, October 16, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 16, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPER LAID**

The following Paper was laid on the Table of the House:-

The Report of the Departmental Committee on Finance, Planning and Trade
on The Constituencies Development Fund Bill, 2003.

(The Chairman of the Departmental Committee)

4. **QUESTION NO.581** - was answered by the Minister for Agriculture.
5. **QUESTION NO.561** - was answered by the Assistant Minister for Transport and Communications (Mr. Ligale).
6. **QUESTION NO.625** - was answered by the Assistant Minister for Lands and Settlement (Mr. Ojodeh).
7. **QUESTION NO.601** - was deferred to another day.
8. **QUESTION NO.652** - was deferred to another day.
9. **QUESTION NO.395** - was deferred to another day.

10. **QUESTION NO.668** - was deferred to another day.

11. **QUESTION NO.547** - was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Ikolomani (Dr. Bonny Khalwale) concerning the impending strike by doctors from both Kenyatta National Hospital and Moi Referral/Teaching Hospital, Eldoret was answered by the Minister for Health.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Wajir South (Mr. Abdirahman Hassan) concerning non-registration of four students from SSD Secondary School for KCSE 2003 was deferred to another day.

PAPER LAID

The following Paper was laid on the Table during Question Time in relation to Question No.1 by Private Notice:-

Details of the missing names of the 2003 KCSE candidates

(Mr. Abdirahman Hassan)

14. **MINISTERIAL STATEMENT – DEMOLITION OF STRUCTURES BUILT ON ROAD RESERVES**

By indulgence of the House, the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro) made a Ministerial Statement regarding alleged wanton destruction of property on road reserves;

Thereupon, the Assistant Minister informed the House that the issue of road reserve encroachment has been serious in the recent past and illegal structures on road reserves have contributed a lot in road accidents, insecurity, road obstruction and blockage of drainage channels.

He further informed the House that under Section 91 of the Traffic Act (Cap 403), the Minister is empowered to ensure that all illegal structures erected on road reserves are removed. He also informed the House that owners of illegal structures are always given enough notice to remove their structures failure to which the ministry removes the structures at the owners' cost.

He assured the House that the demolition of illegal structures is legal and is done in good faith for the welfare of all Kenyans and as a way of fighting corruption from unscrupulous plot speculators.

15. PROCEDURAL MOTION – EXTENSION OF SITTING HOURS

Motion made and Question proposed:-

THAT, notwithstanding the provisions of Standing Order 17(1) and (2), this House orders that the hours of sitting on Thursdays be extended from 6.30 p.m. to 8.00 p.m. for the remainder of the Session.

(The Deputy Leader of Government Business)

Debate arising;

Question put and agreed to.

16. THE NATIONAL COMMISSION ON GENDER AND DEVELOPMENT BILL (BILL NO.6)

Order for Second Reading read;

Motion made and Question proposed:

THAT, the National Commission on Gender and Development Bill (Bill No.6) be now read a Second Time.

*(The Minister for Gender, Sports, Culture & Social Services –
17.07.2003)*

Debate interrupted on 9th October, 2003 resumed;

Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

(No.79)

THURSDAY, OCTOBER 16, 2003

(313)

17. THE CONSTITUENCIES DEVELOPMENT FUND BILL (BILL NO.10)

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Constituencies Development Fund Bill (Bill No.10) be now read a Second Time.

(Eng. Muriuki Karue)

Debate arising;

Rising in his place on a Point of Order, the Member for Eldoret East (Mr. Lagat) claimed to move that “the Mover be now called upon to reply”;

And the Acting Deputy Speaker (Mr. Khamasi) acceding to the claim;

Thereupon, the Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

18. **THE PRESIDENTIAL RETIREMENT BENEFITS BILL (BILL NO.11)**

Order for Second Reading read;

Motion made;

THAT, The Presidential Retirement Benefits Bill (Bill No.11) be now read a Second Time.

(The Minister for Finance)

By Leave of the House, Motion deferred to another day.

19. **THE PERSONS WITH DISABILITIES BILL (BILL NO.7)**

Order for Second Reading read;

Motion made;

THAT, The Persons with Disabilities Bill (Bill No.7) be now read a Second Time.

(The Minister for Gender, Sports, Culture & Social Services)

By Leave of the House, Motion deferred to another day.

And the time being ten minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

20. **HOUSE ROSE** - at ten minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, October 21, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 21, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.709** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwiria).
4. **QUESTION NO.615** - was answered by the Minister for Energy.
5. **QUESTION NO.668** - was answered by the Minister for Energy.
6. **QUESTION NO.652** - was answered by the Assistant Minister for Labour & Human Resource Development (Mr. Odoyo).
7. **QUESTION NO.395** - was answered by the Assistant Minister for Labour & Human Resource Development (Mr. Odoyo).
8. **QUESTION NO.547** - was answered by the Vice-President and Minister for Home Affairs.
9. **QUESTION NO.643** - was answered by the Vice-President and Minister for Home Affairs.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Malindi (Mr. Lucas Maitha) concerning shortage of teachers at Kakuyuni Boys Secondary School was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwiria).

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Alego Usonga (Mr. Sammy Weya) concerning firms issuing Kenya Power and Lighting and KenGen was answered by the Minister for Energy.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Wajir South (Mr. A. Hassan) concerning KCSE candidates at SSD Secondary School was dropped in the absence of the Member.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Shinyalu (Mr. Khamasi) concerning interest to be paid by KTDA to farmers was answered by an Assistant Minister for Agriculture (Mr. Joseph Nyagah).

14. **COMMITTEE OF SUPPLY – (18TH ALLOTTED DAY)**

Order for Committee read, being the Eighteenth Allotted Day;

Vote 22 - **Ministry of Co-operative Development & Marketing**

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Co-operative Development & Marketing – 15.10.2003)

Debate interrupted on October 15, 2003 resumed;

Mover replied;

Question put and agreed to.

Thereupon, the House resolved into Committee of the Whole House.

15. **IN THE COMMITTEE**
(Acting Chairman of Committee – Mr. Khamasi - in the Chair)

Motion made and Question proposed:

THAT, a sum not exceeding Ksh401,384,400 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 22 - **Ministry of Co-operative Development & Marketing**

(The Minister for Co-operative Development & Marketing – 15.10.2003)

Debate arising;

Question put and agreed to.

Resolution to be reported without amendment;

16. **HOUSE RESUMED** - An Acting Deputy Speaker (Mr. Poghio) in the Chair.

17. **VOTE 22** - **MINISTRY OF CO-OPERATIVE DEVELOPMENT & MARKETING**

Resolution reported without amendment;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Resolution.

(The Minister for Co-operative Development & Marketing)

Debate arising;

Question put and agreed to.

And the time being fifty minutes past Five O'clock, the Acting Deputy Speaker (Mr. Poshigio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.80) **TUESDAY, OCTOBER 21, 2003** (318)

18. **HOUSE ROSE** - at fifty minutes Five Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, October 22, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 22, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **NOTICE OF MOTION** – (Mr. Mirugi Kariuki)
(Ministry of Local Government)

THAT, noting with concern the growth and proliferation of uncontrolled Small Scale Enterprises and hawking in our streets and road reserves; appreciating that this informal sector is the source of livelihood of the overwhelming majority of our urban population, who cannot procure jobs or who have been retrenched or retired and aware that this sector of our population needs to be economically empowered and given legal protection and recognition; this House grants leave for introduction of a Bill for an Act of Parliament entitled **The Informal Sector (Small Enterprises and Hawking) Bill** to establish a regulatory and oversight Authority and to provide for Micro-finance to small business enterprises and to the Hawking fraternity.

4. **NOTICE OF MOTION** – (Mr. Mirugi Kariuki)
(Ministry of Justice and Constitutional Affairs)

THAT, whereas Kenya has its heroes and heroines who have contributed in a special way to our liberation and development in various sectors over the years

and aware that these heroes and heroines deserve a place in our history as a nation; this House urges the Government to introduce a legislation to establish a Heroes

(No.81)

WEDNESDAY, OCTOBER 22, 2003

(320)

Act for burial of these heroes, and to provide for a system of naming our streets and institutions after the departed heroes.

5. **NOTICE OF MOTION** – (Prof. Ruth Oniang'o)
(Ministry of Education, Science and Technology)

THAT, in view of the central role played by universities in the socio-economic development of this country; aware that over 90% of Kenyans who qualify to join universities do so locally; cognizant of the enormous amounts of money used by Kenyans on overseas tertiary training, this House urges the Government to set the remuneration of University teaching staff and other personnel to a level that is nationally and regionally competitive and to ensure adequate annual budgetary allocation.

6. **NOTICE OF MOTION – (Mr. Gor Sungu)**
(Ministry of Health)

THAT, aware that it is internationally accepted that tobacco and tobacco products are a danger to health; cognizant of the fact that tobacco manufacturing firms reap huge profits which do not benefit ordinary Kenyans, this House do grant leave to introduce a Bill entitled the Tobacco Control Bill to provide for litigation/compensation to the victims of tobacco smoking.

7. **NOTICE OF MOTION** – (Mr. Gor Sungu)
(Ministry of Trade & Industry)

THAT, aware that the Government does not have a comprehensive policy regarding advertising; cognizant of the fact that the industry has used unethical practices in pushing defective, dangerous and substandard products on the market, thereby endangering the lives of consumers; this House do grant leave to introduce a Bill for an Act of Parliament, entitled The Advertising Control Bill to legislate against such practices and to ensure that advertisements are truthful, ethical and recognize cultural and spiritual values of the Kenyan society.

8. **QUESTION NO.580** - was answered by an Assistant Minister in the Office of the President (Mr. Moses Dzoro).

9. **QUESTION NO.587** - was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).
10. **QUESTION NO.680** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwiria)

(No.81)

WEDNESDAY, OCTOBER 22, 2003

(321)

11. **QUESTION NO.664** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella).
12. **QUESTION NO.503** - was answered by the Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Wangari Maathai).
13. **QUESTION NO.464** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwiria).
14. **QUESTION NO.662** - was deferred to another day.
15. **QUESTION NO.609** - was deferred to another day.
16. **QUESTION NO.384** - was deferred to another day.

17. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Sabatia (Mr. Moses Akaranga) concerning the abduction of Mr. Jaxon Muhindi Aguta was deferred to another day.

18. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kathiani (Mr. Kyalo Kaindi) concerning money allocated to Kathiani constituency under the road programme was deferred to another day.

19. **MINISTERIAL STATEMENT – DELAYS IN RESPONDING TO LAND MATTERS**

By indulgence of the House, the Assistant Minister for Lands and Settlement (Mr. Joshua Ojodeh) made a Ministerial Statement regarding the loss of files from the Ministry of Lands and Settlement;

Thereupon, the Assistant Minister informed the House that administrative measures were being taken to ensure that members of the public are not inconvenienced during the exercise to streamline delivery of services.

(No.81)

WEDNESDAY, OCTOBER 22, 2003

(322)

20. ESTABLISHMENT OF A SUBSIDY FUND TO ENABLE FARMERS ACCESS NECESSARY INPUTS

Motion made and Question proposed:

THAT, aware that coffee had for many years been Kenya's top foreign currency earner; aware further that this sector started collapsing in the mid 1990s due to low international coffee prices; cognizant of the fact that the quality of coffee produced in this country has gone down due to prohibitive cost of inputs

such as fertilizers and pesticides; this House urges the Government to establish a subsidy fund in order to enable farmers access the required inputs at affordable prices.

(Mr. Nyaga Wambora)

Debate arising;

Amendment proposed:

THAT, the Motion be amended by deleting the words "at affordable prices" appearing in the sixth and seventh lines and inserting the following words in place thereof:-

"and waive the existing loans by the Co-operative Bank of Kenya or any other Government, public or farmers organisation".

(Mr. David Mwenje)

Debate arising;

Amendment to the amendment proposed:

THAT, the Motion be further amended by deleting the words "by the Co-operative Bank of Kenya or any other government, public or farmers organisation" and inserting the words "owed by coffee co-operative societies" in place thereof.

(Mr. Jimmy Angwenyi)

Debate arising;

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

(No.81)

WEDNESDAY, OCTOBER 22, 2003

(323)

Question of the second part of the amendment that the words proposed to be inserted in place thereof, be inserted, proposed, put and agreed to.

Question of the Motion as amended proposed;

Debate arising;

Further amendment proposed:

THAT, the Motion be further amended by deleting the word “subsidy” appearing in the sixth line and inserting the word “stabilization” in place thereof.

(The Assistant Minister for Finance – Mr. Mutua Katuku)

Debate arising;

Question of the first part of the amendment that the word proposed to be deleted, be deleted, proposed, put and agreed to.

Question of the second part of the amendment that the word proposed to be inserted, in place thereof be inserted, proposed, put and agreed to.

Question of the Motion as further amended proposed,;

Debate arising;

Mover replied;

Question of the Motion as amended put and agreed to.

RESOLVED ACCORDINGLY

THAT, aware that coffee had for many years been Kenya’s top foreign currency earner; aware further that this sector started collapsing in the mid 1990s due to low international coffee prices; cognizant of the fact that the quality of coffee produced in this country has gone down due to the prohibitive cost of inputs such as fertilizers and pesticides; this House urges the Government to establish a stabilization fund in order to enable farmers access the required inputs; and further waive the existing loans owed by coffee co-operative societies.

And the time being thirty minutes past Twelve O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.81)

WEDNESDAY, OCTOBER 22, 2003

(323)

21. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, October 22, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 22, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPERS LAID**

The following Papers were laid on the Table of the House:-

- (i) Annual Report and Accounts of Electricity Regulatory Board for the Year ended 30th June, 2001 and the Certificate thereon by the Auditor General (Corporations)
- (ii) Annual Report and Accounts of Kenya Forestry Research Institute for the Year ended 30th June, 2000 and the Certificate thereon by the Auditor General (Corporations)

(The Minister for Labour and Manpower Development)

- (iii) The Report of the Departmental Committee on Finance, Planning and Trade on the Presidential Retirement Benefits Bill, 2003.
- (iv) The Report of the Departmental Committee on Finance, Planning and Trade on the Retirement Benefits Authority Bill, 2003.

(Chairman of the Departmental Committee)

4. **NOTICE OF MOTION – (Dr. Adhu Awiti)**
(Ministry of Lands and Settlement)

THAT, in view of the fact that many Kenyans lack land; aware that there is a wide disparity that exists in land ownership in this country and being conscious that land is the resource based commodity which is an important factor for agricultural, industrial and commercial development of our country, this House urges the Government to review the land policy in order to establish a new land tenure system to fix a ceiling on the amount of land that an individual can own depending on the type of use and where the land is located.

5. **NOTICE OF MOTION – (Dr. Bony Khalwale)**
(Office of the President)

THAT, considering that cattle rustling is a major cause of insecurity in many parts of the country resulting in loss of property and sometimes loss of lives; taking into account that culprits when arrested often walk to freedom as a result of the right to bail and light custodial sentences; this House do grant leave to introduce a Bill for an Act of Parliament to amend the relevant sections of the Penal Code Chapter 63, of the Laws of Kenya, in order to provide for cattle rustling as a non-bailable offence punishable by life imprisonment.

- | | | | |
|-----|-------------------------------|---|--|
| 6. | <u>QUESTION NO.534</u> | - | was answered by an Assistant Minister in the Office of the President (Mr. Stephen Taurs). |
| 7. | <u>QUESTION NO.684</u> | - | was answered by the Vice President and Minister for Home Affairs & National Heritage. |
| 8. | <u>QUESTION NO.723</u> | - | was answered by an Assistant Minister for Agriculture (Mr. George Khaniri). |
| 9. | <u>QUESTION NO.412</u> | - | was answered by the Assistant Minister for Water Resources Management and Development on behalf of the Minister for Roads, Public Works and Housing. |
| 10. | <u>QUESTION NO.539</u> | - | was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwiria). |
| 11. | <u>QUESTION NO.332</u> | - | was answered by the Assistant Minister for Health (Mr. Gideon Konchella). |

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|-----|-------------------------------|---|------------------------------|
| 12. | <u>QUESTION NO.578</u> | - | was deferred to another day. |
|-----|-------------------------------|---|------------------------------|

13. **QUESTION NO.408** - was deferred to another day.
14. **QUESTION NO.393** - was dropped in the absence of the Member.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Sabatia (Mr. Moses Akaranga) concerning the supply of electricity to residents of Igunga Village, Sabatia constituency was answered by the Minister for Energy.

16. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Mosop (Mr. John Sambu) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

17. **MINISTERIAL STATEMENT – WORKSHOP ON ECONOMIC RECOVERY**

By indulgence of the House, the Minister for Planning and National Development made a Ministerial Statement regarding a planned Workshop for all Members of Parliament to deliberate on economic recovery programmes;

Thereupon, the Minister gave the names of the proposed provincial venues and invited all Members to attend.

18. **MINISTERIAL STATEMENT – SUPPLEMENTARY INFORMATION ON A QUESTION ANSWERED EARLIER**

By indulgence of the House, the Minister for Labour and Human Resource Development gave supplementary information concerning an earlier Question No.395 on the payment of withdrawal benefits to Mr. John Tsuma.

Thereupon, the Minister informed the House that Mr. Tsuma was paid his dues on 14th August, 2003 vide cheque number 462958.

(No.82)

WEDNESDAY, OCTOBER 22, 2003

(327)

19. **COMMITTEE OF SUPPLY – (19TH ALLOTTED DAY)**

Order for Committee read, being the Nineteenth Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Energy)

Vote 30 - **Ministry of Energy**

Debate arising;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

20. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, October 23, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 23, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **NOTICE OF MOTION** – (Mr. Paul Muite)
(Leader of Government Business)

THAT, pursuant to the provisions of Section 26(5) of the Constitution of Kenya Review Commission Act, Cap 3A of the Laws of Kenya, this House resolves that the period and mandate of the Constitution of Kenya Review Commission be extended to 30th June, 2004.

4. **QUESTION NO.067** - was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).
5. **QUESTION NO.399** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro).
6. **QUESTION NO.685** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro).
7. **QUESTION NO.559** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwria).

8. **QUESTION NO.883** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Kilemi Mwria).
9. **QUESTION NO.481** - was answered by the Minister for Water Resources Management and Development.
10. **QUESTION NO.662** - was answered by the Minister for Water Resources Management and Development.
11. **QUESTION NO.691** - was answered by an Assistant Minister for Trade and Industry (Mr. Petkay Miriti).
12. **QUESTION NO.693** - was deferred to another day.
13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Sabatia (Mr. Moses Akaranga) concerning the abduction and subsequent disappearance of Mr.Jaxon Muhindi Aguta on 8th September, 1995 was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).

14. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair:-

“Hon. Members, I would like to recognize the presence of distinguished members of the Standing Committee on Foreign Affairs of Norwegian Parliament, seated in the Speaker’s Row. They arrived in the country yesterday, and will be around up to the end of the week. They are:

Hon. Thorbjarn Jagland	-	Chairman, Labour Party
Hon. Inge Lonning	-	1 st Vice-Chairman, Conservative Party
Hon. Jon Lilletun	-	Christian Democratic Party
Hon. Kristin Halvorsen	-	Socialist Left Party
Hon. Haakon Blankenborg	-	Labour Left Party
Hon. Gunhild Oyangen	-	Labour Party
Hon. Cristopher Stensaker	-	Progress Party
Hon. Mr. Lars Rise	-	Christian Democratic Party
Hon. Finn Martin Vellersnes	-	Conservative Party
Hon. Morten Hoglund	-	Progress Party
Hon. Ingrid Opedal	-	Socialist Left Party
Mr. Christian Syse	-	Permanent Secretary

(No.83)

THURSDAY, OCTOBER 23, 2003

(330)

They are here to exchange view with government leaders, members of the Foreign affairs committee and other political leaders on bilateral issues between the two sister countries.

On my behalf and on behalf of the National Assembly, I wish them a successful tour of the country”.

15. **MINISTERIAL STATEMENT – PURGE IN THE JUDICIARY**

The Minister for Justice and Constitutional Affairs made a Ministerial Statement regarding the current purge in the Judiciary;

Thereupon, the Minister informed the House that on 19th March, 2003, the Hon. Chief Justice appointed the Integrity and Anti-Corruption Committee of the Judiciary under the Chairmanship of Hon. Mr. Justice Aaron Ringera to investigate and report on the magnitude of corruption in the Judiciary.

He further informed the House that the Committee submitted its report to Hon. Chief Justice on 30th September, 2003 and among its findings, the report identified certain judicial officers, including judges, magistrates and paralegal staff adversely linked to misconduct and corrupt practices.

He also informed the House that the Hon. Chief Justice advised the affected judges to either resign or be prepared to face a tribunal as provided for in the constitution. Consequently, His Excellency the President appointed two tribunals to investigate the said allegations of corruption and misconduct against 6 judges of the Court of Appeal and 17 judges of the High Court under Section 62(8) of the constitution.

He assured the House that the government is totally committed to re-establishing a truly clean, accountable, efficient and independent judiciary in Kenya.

16. **MINISTERIAL STATEMENT – SEAT BELTS AND SPEED GOVERNORS**

The Assistant Minister for Transport and Communications (Mr. Andrew Ligale) made a Ministerial Statement regarding seat belts and speed governors.

Thereupon, the Assistant Minister informed the House that as a result of the sharp increase in loss of lives through road accidents, the Minister for Transport and Communications introduced the Traffic (Amendment) Rules 2003. The rule required all vehicles using Kenyan roads to be equipped and fitted with seat belts and all public service vehicles and commercial vehicles be fitted with speed governors.

(No.83)

THURSDAY, OCTOBER 23, 2003

(331)

He further informed the House that some sections of the matatu industry started malicious rumours regarding the importation of seat belts and speed governors by unnamed businessman in conjunction with the ministry officials. Consequently, the ministry directed the Managing Director of Kenya Ports Authority to investigate the allegations which turn out to be untrue.

He also informed the House that Kenya was currently having a liberalized economy and anybody was free to carry out any type of business. The consumers of those items are also free to buy from dealers of their choice.

17. **THE PRESIDENTIAL RETIREMENT BENEFITS BILL (BILL NO.11)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, The Presidential Retirement Benefits Bill (Bill No.11) be now read a Second Time.

(The Minister for Finance)

Debate arising;

Rising in his place on a Point of Order, the Member for Kilome (Mr. Mutinda Mutiso) claimed to move that “the Mover be now called upon to reply”;

And the Acting Deputy Speaker (Mr. Khamasi) acceding to the claim;

Question put and agreed to.

Thereupon , the Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

18. **THE RETIREMENT BENEFITS (AMENDMENT) BILL (BILL NO.15)**

Order for Second Reading read;

Motion made;

(No.83)

THURSDAY, OCTOBER 23, 2003

(332)

THAT, The Retirement Benefits (Amendment) Bill (Bill No.15) be now read a Second Time.

(The Minister for Finance)

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Mt. Elgon (Mr. John Serut) drew the attention of the acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum;

And the Acting Deputy Speaker having counted the honourable Members and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of eight minutes;

And the time being fifty-five minutes past Seven O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

19. **HOUSE ROSE** - at fifty-five minutes past Seven O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, October 28, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 28, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.801** - was deferred to another day.
4. **QUESTION NO.693** - was deferred to another day.
5. **QUESTION NO.688** - was deferred to another day.
6. **QUESTION NO.672** - was deferred to another day.
7. **QUESTION NO.310** - was deferred to another day.
8. **QUESTION NO.393** - was deferred to another day.
9. **QUESTION NO.633** - was deferred to another day.
10. **QUESTION NO.073** - was deferred to another day.
11. **QUESTION NO.113** - was deferred to another day.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Saku (Mr. Abdi Sasura) concerning the amount of money involved in funding the Arid Lands Resource Management Programme was answered by an Assistant Minister in the Office of the President (Prof. Kibutha Kibwana).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Tharaka (Mr. Francis Kagwima) concerning discrimination of Tharaka district in recruitments in the Public Service was answered by an Assistant Minister in the Office of the President (Mr. Dzoro).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Maragua (Mr. Elias Mbau) concerning lack of health facilities in Maragua District Hospital was answered by the Assistant Minister for Health (Mr. Gideon Konchella).

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mukurwe-ini (Mr. Mutahi Kagwe) concerning the forthcoming World Trade Fair in London was answered by the Minister for Tourism and Information .

16. **COMMITTEE OF SUPPLY – (20TH AND LAST ALLOTTED DAY)**

Order for Committee read, being the Twentieth & last Allotted Day;

Motion made and Question proposed:

THAT, Mr. Speaker do now leave the Chair.

(The Minister for Energy – 23.10.2003)

Vote 30 - **Ministry of Energy**

Debate interrupted on 23rd October, 2003 resumed;

Mover replied;

Question put and agreed to.

Thereupon, the House resolved into Committee of the Whole House for Guillotine Procedure, being the last Allotted Day.

IN THE COMMITTEE

(The Deputy Chairman of Committees – Mr. Khamasi – in the Chair)

Vote 30 - Ministry of Energy

Motion made and Question proposed:

THAT, a sum no exceeding Ksh845,640,295 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 30 - Ministry of Energy

(The Minister for Energy)

Question put and agreed to.

Vote 02 - State House

Motion made and Question proposed:

THAT, a sum no exceeding Ksh554,625,215 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 02 - State House

(The Minister for Energy)

Question put and agreed to.

Vote 03 - Directorate of Personnel Management

Motion made and Question proposed:

THAT, a sum no exceeding Ksh782,628,210 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 03 - Directorate of Personnel Management

Question put and agreed to.

Vote 04 - Ministry of Foreign Affairs

Motion made and Question proposed:

THAT, a sum no exceeding Ksh1,843,131,500 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 04 - Ministry of Foreign Affairs

(The Minister for Energy)

Question put and agreed to.

Vote 05 - Office of the Vice President and Ministry of Home Affairs

Motion made and Question proposed:

THAT, a sum no exceeding Ksh2,492,089,030 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 05 - Office of the Vice President and Ministry of Home Affairs

(The Minister for Energy)

Question put and agreed to.

Vote 06 - Ministry of Planning and National Development

Motion made and Question proposed:

THAT, a sum no exceeding Ksh462,899,945 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 06 - Ministry of Planning and National Development

(No.84)

TUESDAY, OCTOBER 28, 2003

(337)

(The Minister for Energy)

Question put and agreed to.

Vote 07 - Ministry of Finance

Motion made and Question proposed:

THAT, a sum no exceeding Ksh10,399,946,235 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 07 - Ministry of Finance

(The Minister for Energy)

Question put and agreed to.

Vote 08 - Department of Defence

Motion made and Question proposed:

THAT, a sum no exceeding Ksh8,897,217,150 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 08 - Department of Defence

(The Minister for Energy)

Question put and agreed to.

Vote 09 - Ministry of Rural Development

Motion made and Question proposed:

THAT, a sum no exceeding Ksh611,850,310 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 09 - Ministry of Rural Development

(The Minister for Energy)

(No.84)

TUESDAY, OCTOBER 28, 2003

(338)

Question put and agreed to.

Vote 14 - Ministry of Transport and Communications

Motion made and Question proposed:

THAT, a sum no exceeding Ksh1,009,001,255 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 14 - Ministry of Transport and Communications

(The Minister for Energy)

Question put and agreed to.

Vote 15 - Ministry of Labour and Human Resource Development

Motion made and Question proposed:

THAT, a sum no exceeding Ksh761,750,000 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 15 - Ministry of Labour and Human Resource Development

(The Minister for Energy)

Question put and agreed to.

Vote 16 - Ministry of Trade and Industry

Motion made and Question proposed:

THAT, a sum no exceeding Ksh887,043,880 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 16 - Ministry of Trade and Industry

(The Minister for Energy)

Question put and agreed to.

(No.84) TUESDAY, OCTOBER 28, 2003

(339)

Vote 17 - Ministry of Justice and Constitutional Affairs

Motion made and Question proposed:

THAT, a sum no exceeding Ksh95,424,780 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 17 - Ministry of Justice and Constitutional Affairs

(The Minister for Energy)

Question put and agreed to.

Vote 18 - Ministry of Gender, Sports, Culture & Social Services

Motion made and Question proposed:

THAT, a sum no exceeding Ksh559,974,150 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 18 - Ministry of Gender, Sports, Culture & Social Services

(The Minister for Energy)

Question put and agreed to.

Vote 25 - The Attorney General

Motion made and Question proposed:

THAT, a sum no exceeding Ksh198,336,980 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 25 - The Attorney General

(The Minister for Energy)

Question put and agreed to.

(No.84)

TUESDAY, OCTOBER 28, 2003

(340)

Vote 26 - The Judicial Department

Motion made and Question proposed:

THAT, a sum no exceeding Ksh554,182,100 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 26 - The Judicial Department

(The Minister for Energy)

Question put and agreed to.

Vote 27 - The Public Service Commission

Motion made and Question proposed:

THAT, a sum no exceeding Ksh104,850,000 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 27 - The Public Service Commission

(The Minister for Energy)

Question put and agreed to.

Vote 28 - The Controller and Auditor General

Motion made and Question proposed:

THAT, a sum no exceeding Ksh202,550,000 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 28 - The Controller and Auditor General

(The Minister for Energy)

Question put and agreed to.

(No.84)

TUESDAY, OCTOBER 28, 2003

(341)

Vote 29 - The National Assembly

Motion made and Question proposed:

THAT, a sum no exceeding Ksh2,336,229,950 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 29 - The National Assembly

(The Minister for Energy)

Question put and agreed to.

Vote 33 - The Electoral Commission

Motion made and Question proposed:

THAT, a sum no exceeding Ksh605,400,000 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 33 - The Electoral Commission

(The Minister for Energy)

Question put and agreed to.

Vote 36 - Ministry of Lands and Settlement

Motion made and Question proposed:

THAT, a sum no exceeding Ksh736,117,445 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 36 - Ministry of Lands and Settlement

(The Minister for Energy)

Question put and agreed to.

(No.84)

TUESDAY, OCTOBER 28, 2003

(342)

Vote 45 - National Security Intelligence Service

Motion made and Question proposed:

THAT, a sum no exceeding Ksh1,950,000,000 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 45 - National Security Intelligence Service

(The Minister for Energy)

Question put and agreed to.

Vote 46 - Ministry of Tourism and Information

Motion made and Question proposed:

THAT, a sum no exceeding Ksh529,225,740 be issued from the Consolidated Fund to compete the sum necessary to meet expenditure during the year ending 30th June, 2004 in respect of:-

Vote 46 - Ministry of Tourism and Information

(The Minister for Energy)

Question put and agreed to.

Resolutions to be reported without amendment;

16. **HOUSE RESUMED** - An Acting Deputy Speaker (Mr. Ethuro)
in the Chair.

Resolution reported without amendments

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Resolution.

(The Minister for Energy)

Debate arising;

(No.84)

TUESDAY, OCTOBER 28, 2003

(343)

Question put and agreed to.

Resolved accordingly:

<u>Vote</u>	<u>Ministry</u>	<u>Kshs</u>
02	State House	554,625,215
03	Directorate of Personnel Management	782,628,210
04	Foreign Affairs	1,843,131,500
05	Office of the Vice-President & Ministry of Home Affairs	2,492,089,030
06	Planning and National Development	462,899,945
07	Finance	10,399,946,235
08	Department of Defence	8,897,217,150
09	Regional Development	611,850,310
14	Transport and Communications	1,009,001,255
15	Labour and Human Resource Development	761,750,000

16	Trade and Industry	887,043,880
17	Justice and Constitutional Affairs	95,424,780
18	Gender, Sports, Culture & Social Services	559,974,150
25	Office of the Attorney General	198,336,980
26	Judicial Department	554,182,100
27	Public Service Commission	104,850,000
28	Controller and Auditor General	202,550,000
29	National Assembly	2,336,229,950
33	Electoral Commission	605,400,000
36	Lands and Settlement	736,117,445
45	National Security Intelligence Service	1,950,000,000
46	Tourism and Wildlife	529,225,740

Debate arising;

Question put and agreed to.

And the time being twenty-five minutes past Six O'clock, the Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. **HOUSE ROSE** - at twenty-five minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, October 29, 2003 at 9.00 a.m.

Ninth Parliament
Morning Sitting
(No.85)

Second Session

(344)



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 29, 2003

1. The House assembled at Nine O'clock.

2. The Proceedings were opened with Prayer.
3. **QUESTION NO.857** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella)
4. **QUESTION NO.844** - was answered by the Assistant Minister for Lands and Settlement (Mr. Ojodeh).
5. **QUESTION NO.859** - was answered by the Assistant Minister for Transport and Communications (Mr. Ligale).
6. **QUESTION NO.113** - was answered by the Assistant Minister for Trade and Industry (Mr. Petkay Miriti).
7. **QUESTION NO.073** - was answered by the Assistant Minister for Trade and Industry (Mr. Petkay Miriti).
8. **QUESTION NO.720** - was answered by the Minister for Labour and Human Resource Development.
9. **QUESTION NO.809** - was deferred to another day.
10. **QUESTION NO.808** - was dropped in the absence of the Member.

(No.85)

WEDNESDAY, OCTOBER 29, 2003

(345)

11. **QUESTION NO.688** - was dropped in the absence of the Member.

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Molo (Mr. Macharia Mukiri) concerning the possibility of Kenyan soldiers deployment to Iraq was answered by an Assistant Minister for Foreign Affairs (Mr. Moses Wetangula).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Igembe (Mr. Raphael Muriungi) concerning the unlawful misappropriation of millions of shillings in Meru North by the Disabled Persons National Alliance of Kenya was deferred to another day.

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Budalang'i (Mr. Raphael Wanjala) concerning the destruction of Rwambwa-Maumau Road C29 by floods was dropped in the absence of the Member.

15. **NEED TO ESTABLISH DISTRICT IMMIGRATION OFFICES**

Motion made and Question proposed:

THAT, in view of the fact that all Kenyans are entitled to equal rights; aware of the difficulties encountered by Kenyans in their bid to acquire passports owing to the fact that passports are issued only in Nairobi and Mombasa; this House urges the Government to decentralize the issuance of passports by creating offices of District Immigration Officers in all districts in order to enable Kenyans to easily access this important document.

(Mr. Abdi Sasura)

Debate arising;

And the time being thirty minutes past Twelve O'clock, the Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.85)

WEDNESDAY, OCTOBER 29, 2003

(346)

16. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, October 29, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 29, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.721** - was answered by the Minister of State,
Office of the Vice-President.
4. **QUESTION NO.848** - was answered by an Assistant Minister for
Education, Science and Technology (Mr.
Kilemi Mwiria).
5. **QUESTION NO.810** - was answered by an Assistant Minister for
Agriculture (Mr. Joseph Nyagah).
6. **QUESTION NO.633** - was answered by the Assistant Minister for
Lands and Settlement (Mr. Ojodeh).
7. **QUESTION NO.733** - was answered by an Assistant Minister for
Agriculture (Mr. Joseph Nyagah).
8. **QUESTION NO.874** - was answered by the Minister for griculture.
9. **QUESTION NO.522** - was answered by the Assistant Minster for
Health (Mr. Gideon Konchella).

10. **QUESTION NO.834** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella).
11. **QUESTION NO.839** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella).
12. **QUESTION NO.856** - was dropped in the absence of the Member.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Eldoret South (Mr. Koros) concerning the illegal allocation of Plot No.241 in Turbo Settlement Scheme was answered by the Assistant Minister for Lands and Settlement (Mr. Joshua Ojodeh).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kangundo (Mr. Moffat Maitha) concerning the amount of money released to repair the roof of Kitambaasye School was deferred to another day.

15. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

The Constituencies Development Fund Bill (Bill No.14)

By indulgence of the House, Mr. Speaker deferred the Order to another day.

16. **THE RETIREMENT BENEFITS (AMENDMENT) BILL (BILL NO.15)**

Order for Second Reading read;

Motion made and Question proposed:

That, the Retirement Benefits (Amendment) Bill (Bill No.15) be now read a Second Time.

(The Minister for Finance – 23.10.2003)

Debate interrupted on 23rd October, 2003 resumed;

And there being no Member wishing to contribute after Question was proposed;

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

17. **THE INSURANCE (AMENDMENT) BILL (BILL NO.14)**

Motion made and Question proposed:

THAT, the Insurance (Amendment) Bill (Bill No.14) be now read a Second Time.

(The Minister for Finance)

Debate arising;

Rising in his place on a Point of Order, the Member for Embakasi (Mr. Mwenje) claimed to move that “the Mover be now called upon to reply”;

And the Acting Deputy Speaker (Mr. Khamasi) declining to acceding to the claim;

Debate interrupted resumed;

Thereupon, the Mover replied;

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Sigor (Mr. Rotino) drew the attention of the acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum;

And the Acting Deputy Speaker having counted the honourable Members and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of three minutes;

Debate interrupted resumed;

(No.86)

WEDNESDAY, OCTOBER 29, 2003

(350)

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, October 30, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 30, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.714** - was answered by an Assistant Minister for Education, Science and Technology (Dr. Kilemi Mwiria).
4. **QUESTION NO.779** - was answered by an Assistant Minister for Education, Science and Technology (Mrs. Beth Mugo).
5. **QUESTION NO.796** - was answered by an Assistant Minister for Agriculture (Mr. Joseph Nyagah).
6. **QUESTION NO.408** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella).
7. **QUESTION NO.785** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella).
8. **QUESTION NO.797** - was answered by the Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Wangari Maathai).

9. **QUESTION NO.384** - was answered by the Assistant Minister for Co-operative Development and Marketing (Mr. Peter Kenneth).
10. **QUESTION NO.578** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kapenguria (Mr. Samuel Moroto) concerning alleged denial of access of Turkwel residents to the medical dispensary at Turkwel by police was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mumias (Mr. Osundwa) concerning plunging of a matatu into the swollen River Sasala and retrieval of bodies of unaccounted passengers was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Molo (Mr. Macharia Mukiri) concerning alleged airing of pornographic materials by KTN through Channel "O" broadcast by DSTV Multichoice was answered by an the Assistant Minister for Information and Tourism (Mr. Fred Gumo).

14. **COMMUNICATION FROM THE CHAIR**

Mr. Speaker conveyed the following Communication from the Chair:-

"Hon. Members, on 26th March, 2003, the National Assembly adopted a resolution to constitute an ad hoc Select Committee to investigate and report to the House the circumstances that surrounded the death of the late Dr. Robert Ouko, MP. In addition to naming the composition and time frame within which the Select committee was to report its findings, the resolution also mandated it to exercise the powers under Section 14(1) and (2) of the National Assembly Powers and Privileges Act, Cap. 6 of the Laws of Kenya. On 31st July, 2003, the House resolved to waive the application of provisions of Standing Order 161 to enable the Committee to receive evidence in public.

Pursuant to Parliamentary traditions and practices, Committees are required to adhere to procedures which have been tested over time. For example, Committees have the right to summon witnesses to give evidence or produce documents. The examination of such witnesses, however, is the preserve of the hon. Members of the Committee who have solely been given the mandate by the House. The evidence is not to be led by counsel hired to assist Committees. That responsibility is exclusive to the hon. Members of the Committee. The foregoing obviates the need for prior recording of statements by the police, which would necessarily happen once the

report is adopted by the House, and as a result of the Executive ordering, action on the resolution of the House.

The Select Committee to investigate the late Minister's death held its first seating on 7th April, 2003 at which Mr. Eric Gor Sungu, MP, was elected the Chairperson. To date, the Committee has held 18 sittings and has had a three-day retreat in Mombasa.

Hon. Members, it has not been the tradition of the Chair to comment on the work of Committees prior to presentation of their reports. Neither has the Speaker used this forum to give procedural or operational advice. However, on this occasion, it is apt that I should do so with regard to the operation of this particular Select Committee.

As I have mentioned, Select Committees are constituted and operate in keeping with the procedures of the House, which we all know comprise, in the main, those which are written in Statutes, specifically the Constitution of Kenya, the National Assembly Powers and Privileges Act, the Standing Orders, conventions, traditions and rulings from the Chair. Thus, no Committee should operate outside the foregoing, save as the House may specifically authorize. The Committees, being the microcosms of the House, are always expected to conduct themselves with decorum and dignity at all times.

My attention has been drawn to recent utterances in the Press relating to the work of the Select Committee on the late Dr. Ouko and attributed to the Chairperson of that Committee. The utterances have been reported on at least five different occasions. On one occasion, complaints and accusations of the dismal performance of this Committee were heaped on the Speaker and all the staff of the National Assembly. For instance, the chairperson is reported to have said the following in the Sunday Standard of 28th September, 2003 on page 9, and I quote:-

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(354)

"The murderers of Dr. Ouko have teamed up with a clique in Parliament to frustrate the work of this Committee but we are determined too, and I assure Kenyans that this time we are heading to the bottom of the matter".

In the Daily Nation of 27th October, 2003 on page 6, it is reported:

“However, the hon. Sungu is said to have become adamant about the facilities his Committee wanted and threatened to move a Motion of No Confidence in the Speaker”.

There are several statements that I have not quoted, including one that appeared in the Press this morning.

This trend of operation is out of step with our known practices. It would hardly be said to serve the interest of the Committee or, ultimately, of this House in our corporate resolve to unravel the circumstances surrounding the death of the late Minister. The facts demonstrate that all necessary facilities, or most of them, anyway, in terms of personnel, services, facilities and funds have progressively been availed to the Committee. The following are the facts:-

1. So far, 18 Sittings of the Committee have been facilitated by my staff.
2. At least two sittings facilitated by the staff did not take off due to lack of quorum.
3. None of the 18 Sittings, except the first one, has registered attendance of more than 10 hon. Members.
4. An amount of Ksh22 million has been set aside for the work of the committee on the basis of a budget drawn by the Committee itself.
5. At the request of the Committee, and following physical inspection, five offices and two Committee Rooms have been provided for the work of the Committee at County Hall. They have also been furnished with the necessary equipment and furniture.
6. The government has availed 31 police officers while the Parliamentary Service Commission has provided 10 officers, to this Committee.
7. The government has availed two vehicles for use by police investigators. The vehicles are being fuelled and serviced by the National Assembly.
8. The National Assembly has availed a van for the use by the investigators.
9. The government has beefed up the personal security of hon. Members of the Committee by providing a police officer per hon. Member, in addition to the one they already have, identified by the hon. Members.
10. Summons have been drafted and I have certified them. They will, when needed, be used pursuant to the provisions of the National Assembly Powers and Privileges Act.

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11. The Parliamentary Service Commission and I have directed that the Committee hires a legal counsel from the funds allocated to it, provided always that procurement regulations in force are followed to the letter.

Hon. Members, I do not intend to go further into the goings-on at this Committee. Suffice it to say that I have repeatedly, and I now do it again, urged the Committee to move on with its work and utilize the available resources. In the same vein, I will urge it to exercise restraint and focus on its core business, which is to embark on

the work to gather evidence. I am informed that witnesses have indicated their willingness to appear before the Committee. Let the Committee, therefore, hear them, and ultimately submit its report. The National Assembly will continue to service it and facilitate its work to the extent possible within the resources made available to the National Assembly.

From the Floor of this House, I direct that the Committee and the staff charged with the responsibility of making it work must now proceed and execute the mandate given by the House to the letter without further side shows.

Thank you”.

15. **MINISTERIAL STATEMENT – FATE OF KILIFI CASHEWNUTS FACTORY**

By indulgence of the House, the Minister for Co-operative Development and Marketing made a Ministerial Statement on the fate of Kilifi Cashewnuts factory;

Thereupon, the Minister informed the House that the factory, which is located in Kilifi District was built in 1975 to process cashew nut and the government ownership which stood at 65% in 1982 was through NCPB, ICDC and IDM while the rest of the shares were owned by co-operative movement through the Kilifi District Co-operative Union (KDCU).

He further informed the House that in 1992, the government divested from the factory, and KDCU exercised its pre-emptive right and acquired the government shares of 65% in an arrangement signed in 29th October, 2003. The factory experienced financial problems following non-repayment of a loan of Ksh2 million allegedly lent to it by Kenya Plantations and products Ltd. The factory closed down in August, 1997 with an unserviced Barclay loan of Ksh95 million whose security was Kenya Cashewnut premises.

In February, 2002, Barclays Bank of Kenya advertised the property through a Receiver Manager who entered into private negotiations with Millenium Management Ltd for the purchase of property at Ksh58 million, although Kilifi

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District Co-operative Union had filed an injunction in court against the sale of the property until the ownership of the Kenya Cashewnut Ltd had been determined.

The Minister informed the House that the acquisition of the factory from KDCU was irregular and fraudulent and that in order to forestall any further loss of public property through cannibalization of machines by a management team at the factory, the government had taken over the premises of Kilifi Cashewnut.

16. **MINISTERIAL STATEMENT – DELAY IN APPOINTMENT OF KENYA ANTI CORRUPTION COMMISSION DIECTOR AND THE PROPOSED PAY PACKAGE FOR THE DIRECTOR**

By indulgence of the House, an Assistant Minister for Justice and Constitutional Affairs (Mr. Robinson Githae) made a Ministerial Statement on the alleged delay of appointment of Director of KACA and the proposed package for the Director.

Thereupon, the Assistant Minister informed the House that the Kenya Anti Corruption Commission had initiated the process of recruiting the Director and Assistant Directors of the Commission by advertising the vacancies in the Press on 28th October, 2003. He informed the House that there was no delay in appointing the Director as Section 2(i) of the First Schedule of the Act provides for three months within which the Advisory Board, which was only appointed on 11th August, 2003, has to recommend persons to fill the vacancies of Director or Assistant Directors.

The Assistant Minister further informed the House that the remuneration package of the Director has not yet been agreed upon and that the terms and conditions of service of the Director and the Assistant Directors will be determined by the Advisory Board pursuant to provisions of Section 8(5) of the Act.

The salaries of all KACC staff will, however, have to be competitive considering that the Act precludes them from engaging in any other income generating activity.

17. **MINISTERIAL STATEMENT – ISSUANCE OF VISAS BY THE BRITISH HIGH COMMISSION, NAIROBI**

By indulgence of the House, an Assistant Minister for Foreign Affairs made a Ministerial Statement on the issuance of visas by the British High Commission.

Thereupon, the Assistant Minister informed the House that there have been a number of complaints from Kenyans, particularly by students on the delays and other complications in the visa applications, processing and issuance at the British Consulate in Nairobi.

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(357)

He further informed the House that the government had raised this concern with British authorities at the highest level who gave assurances that practical administrative steps had been taken to streamline the procedures and minimize the time taken in the processing of visas.

19. **THE INSURANCE (AMENDMENT) BILL (BILL NO.14)**

Order for Second Reading read;

Motion made and Question proposed:

THAT, the Insurance (Amendment) Bill (Bill NO.14) be now read a Second Time.

(The Minister for Finance – 29.10.2003)

Debate interrupted on 29th October, 2003 resumed;

Rising in his place on a Point of Order, the Member for Mwea (Mr. Nderitu) claimed to move that “the Mover be now called upon to reply”;

And the Acting Deputy Speaker (Mr. Khamasi) acceding to the claim;

Question put and agreed to.

Thereupon, the Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

20. **EXTENSION OF PERIOD AND MANDATE OF CONSTITUTION OF KENYA REVIEW COMMISSION**

Motion made and Question proposed:

THAT, pursuant to the provisions of Section 26(5) of the Constitution of Kenya Review Commission Act, Cap 3A of the Laws of Kenya, this House resolves that the period and mandate of the Constitution of Kenya Review Commission be extended to 30th June, 2004.

(Mr. Paul Muite)

Debate arising;

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(358)

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Subukia (Mr. Koigi Wamwere) drew the attention of the acting Deputy Speaker (Mr. Ethuro) to the fact that there was no Quorum;

And the Acting Deputy Speaker having counted the honourable Members and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of eight minutes;

And the time being forty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

21. **HOUSE ROSE** - at forty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, November 04, 2003 at 2.30 p.m.

**Ninth Parliament
(No.88)**

**Second Session
(358)**



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 04, 2003

1. The House assembled at thirty minutes past Two O'clock.

2. The Proceedings were opened with Prayer.
3. **QUESTION NO.555** - was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).
4. **QUESTION NO.419** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro).
5. **QUESTION NO.730** - was answered by an Assistant Minister for Agriculture (Mr. George Khaniri).
6. **QUESTION NO.524** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella).
7. **QUESTION NO.434** - was answered by the Assistant Minister for Transport and Communications (Mr. Ligale).
8. **QUESTION NO.410** - was answered by the Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Wangari Maathari).
9. **QUESTION NO.467** - was dropped in the absence of the Member.

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10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Igembe (Mr. Raphael Muriungi) concerning an organization for disabled persons taking millions of shillings from school leavers in Meru North District was answered by the Minister of State, Office of the Vice-President.

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by a Nominated Member (Prof. Julia Ojiambo) concerning insecurity in Funyula was answered by an Assistant Minister in the Office of the President (Mr. Stephen Tarus).

12. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Lagdera (Mr. A.S. Dahir) concerning posting of laboratory technician to Modogashe Health Centre was answered by the Assistant Minister for Health (Mr. Gideon Konchella).

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kangundo (Mr. Moffat Maitha) concerning Kitambaasey Primary School roof being blown off was deferred to another day.

14. **MINISTERIAL STATEMENT – CIVIL SERVICE REFORM PROGRAMME**

By indulgence of the House, the Minister for Finance made a Ministerial Statement regarding the retrenchment of civil servants;

Thereupon, the Minister informed the House that the number of retrenched staff was 20,705 and not 26,000 as alleged. Of these, 19,818 had been paid their benefits. The balance has not been paid since some of the retrenched staff have not returned forms which contain information/documents the Ministry requires to calculate their benefits.

He further informed the House that the package adopted by the Government was economically and financially viable, affordable to Government and supported its fiscal and poverty reduction strategies. The Minister gave the benefits as follows:-

- Golden Handshake - Ksh40,000/-
- Severance payment of 2.5 months basic salary for every completed year of service.

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(360)

- 2 months basic salary in lieu of notice
- compassionate gratuity for staff employed prior to 1st April, 1966 (male) and 1st January, 1977 (female).

Pensionable employees

- Golden Handshake - Ksh40,000/-
- 2 months basic salary in lieu of notice
- Normal and additional pension

The Minister explained that the approved golden handshake was Ksh40,000/- and not Ksh240,000/- and this was dependent on the conditions and terms of service.

15. **COMMITTEE OF THE WHOLE HOUSE**

The Retirement Benefits (Amendment) Bill (Bill No.15)

IN THE COMMITTEE

(An Acting Chairman of Committees – Mr. Ethuro – in the Chair)

Clauses 2 – 7 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Resolution to be reported without amendment;

15. **HOUSE RESUMED** - The Deputy Speaker in the Chair.

Resolution reported without amendment.

Motion made and Question proposed:

THAT, the House doth agree with the said Resolution.

(The Minister for Finance)

Motion made and Question proposed:

THAT, the Retirement Benefits (Amendment) Bill (Bill No.15) be now read a Third Time.

(The Minister for Finance)

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(361)

Question put and agreed to.

Bill read a Third Time and passed.

16. **EXTENSION OF PERIOD AND MANDATE OF CONSTITUTION OF KENYA REVIEW COMMISSION**

Motion made and Question proposed:

THAT, pursuant to the provisions of Section 26(5) of the Constitution of Kenya Review Commission Act, Cap 3A of the Laws of Kenya, this House resolves that the period and mandate of the Constitution of Kenya Review Commission be extended to 30th June, 2004.

(Mr. Paul Muite – 30.10.2003)

Debate interrupted on 30th October, 2003 resumed;

Rising in his place on a Point of Order, the Member for Saku (Mr. Sasura) claimed to move that “the Mover be now called upon to reply”;

And the Acting Deputy Speaker (Mr. Ethuro) acceding to the claim;

Question put and agreed to.

Mover replied;

Question put and agreed to.

17. **THE PERSONS WITH DISABILITIES BILL (BILL NO.7)**

Motion made and Question proposed:

THAT, the Persons with Disabilities Bill (Bill No.7) be now read a Second Time.

(The Minister for Gender, Sports, Culture and Social Services)

Debate arising;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.88)

TUESDAY, NOVEMBER 04, 2003

(362)

18. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, November 05, 2003 at 9.00 a.m.



REPUBLIC OF KENYA
NATIONAL ASSEMBLY
NINTH PARLIAMENT – SECOND SESSION
VOTES AND PROCEEDINGS
WEDNESDAY, NOVEMBER 05, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.532** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro).
4. **QUESTION NO.630** - was answered by the Assistant Minister for Local Government (Mrs. Betty Tett).
5. **QUESTION NO.567** - was answered by the Minister for Energy.
6. **QUESTION NO.644** - was answered by the Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Wangari Maathai).
7. **QUESTION NO.575** - was dropped in the absence of the Member.
8. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kapenguria (Mr. Samuel Moroto) concerning money allocated to West Pokot District by National Aids Control Council was deferred to another day.

9. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Budalangi (Mr. Raphael Wanjala) concerning the displacement of 25,000 people by flooding after River Nzoia burst its banks was dropped in the absence of the Member.

10. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair:-

“Hon. Members,

It is my pleasure this morning to welcome a very distinguished group of guests who are Members of the African Parliamentarian Network Against Corruption (APNAC) who have been attending a regional Conference here in Nairobi. They are seated at the Speaker’s Row as follows:

The Hon. Ruzindana who is from Uganda and also the Chairman of APNAC, African Region; The Hon. Madam Ngadala, Chad; Hon. Patchili, Chad; Hon. Namabidde, Uganda; Hon. Nkuuhe, Uganda; Hon. Wanyancha, Tanzania; Hon. Ngwatura, Tanzania; Hon. Gama, Tanzania; Hon. Nomao, Niger; Hon. Boureima, Niger; Hon. Khupe, Zimbabwe; Hon. Tahama, Burkina Faso; Hon. Suzanne, Burkina Faso; Hon. Langa, Malawi; Hon. Yirgu, Ethiopia; Hon. Gieddhe, Ethiopia; Hon. Dessie, Ethiopia; Hon. Ofori, Ghana; Hon. Akorli, Ghana; Hon. Arthur, Ghana; Hon. Dansuah, Ghana; Hon. Thiam, Senegal; Hon. Wade, Senegal and Hon. John Williams from Canada who is also the Chairman of GOPAC.

On behalf of the Kenya National Assembly and all hon. Members, I wish to thank the hon. Members for having been in our capital city. This House wishes them success in their endeavours in the fight against corruption which is a serious problem in this continent. It is my hope that these ladies and gentlemen will find time to see parts of our country”.

11. **NEED TO ESTABLISH DISTRICT IMMIGRATION OFFICES**

Motion made and Question proposed:

THAT, in view of the fact that all Kenyans are entitled to equal rights; aware of the difficulties encountered by Kenyans in their bid to acquire passports owing to the fact that passports are issued only in Nairobi and Mombasa; this House urges the Government to decentralize the issuance of passports by creating

offices of District Immigration Officers in all districts in order to enable Kenyans to easily access this important document.

(Mr. Abdi Sasura 29.10.2003)

Debate interrupted on 29th October, 2003 resumed;

Mover replied;

Question put and agreed to.

12. **NEED TO ABOLISH THE QUOTA SYSTEM OF EDUCATION**

Motion made and Question proposed:

THAT, while appreciating the Government's commitment to improving education standards in the country; concerned that the Quota System of education has denied many deserving students opportunities to study in the schools of their choice; and noting that this system has not added value to education; this House urges the Government to abolish the Quota System of education in order to enable deserving students gain admission to schools of their choice.

(Mr. Daniel Karaba)

Debate arising;

Mover replied;

Question put and negatived.

12. **ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE THE MURDER OF THE LATE HON. ANTHONY WAMBUA NDILINGE**

Motion made and Question proposed:

THAT, following the sudden disappearance and murder of the late Hon. Tony Wambua Ndilinge, MP, on 2nd August, 2001 and the subsequent ruling by the High Court hearing the murder trial that the case is a mistrial; this House resolves that a Select Committee be established to investigate the circumstances leading to the murder of the late Hon. Ndilinge and report its findings and recommendations within six months and that the Committee be composed of the following Members:-

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The Hon. John M. Mutiso, MP
The Hon. Benson Mbai, MP
The Hon. Kalembe Ndile, MP
The Hon. Moffat Maitha, MP
The Hon. Kiema Kilonzo, MP
The Hon. Ivuti Mwangi, MP

The Hon. Otieno Kajwang' MP
The Hon. Jimmy Angwenyi, MP
The Hon. (Dr) Abdullahi Ali, MP
The Hon. Kahindi Kingi, MP
The Hon. Daudi Mwanzia, MP
The Hon. David Mwenje, MP
The Hon. Ekwe Ethuro, MP

The Hon. Charles Kilonzo, MP
The Hon. Gor Sungu, MP

Debate arising;

And the time being thirty minutes past Twelve O'clock, the Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, November 05, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 05, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPER LAID**

The following Paper was laid on the Table of the House:-

A list of two nominees received from the Joint Forum of Religious Organisations for approval by the National Assembly for appointment of the Kenya Anti-Corruption Advisory Board under Section 16 of the Anti-Corruption and Economic Crimes Act, 2003 and paragraph 1(3) of the Second Schedule of the Act:-

1. Mr. Charles Kariuki Wambugu
2. Shashikant Kantilal Raval

(The Assistant Minister for Justice and Constitutional Affairs – Mr. Githae)

4. **QUESTION NO.747** - was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).
5. **QUESTION NO.704** - was answered by the Minister for Education, Science and Technology.
6. **QUESTION NO.638** - was answered by the Minister for Agriculture.

7. **QUESTION NO.332** - was answered by the Assistant Minister for Health (Mr. Gideon Kochella).
8. **QUESTION NO.712** - was answered by the Assistant Minister for Health (Mr. Gideon Kochella).was answered
9. **QUESTION NO.809** - was deferred to another day.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Sigor (Mr. Rotino) concerning restoration of water supply to the people of Sigor Trading Centre was answered by the Assistant Minister for Water Management Resources and Development (Mr. John Munyes).

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mumias (Mr. Osundwa) concerning the sacking of some six officers by the Kenyatta National Hospital Board was deferred to another day.

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

(An Acting Chairman of Committees – Mr. Ethuro – in the Chair)

The Insurance (Amendment) Bill (Bill No.14)

Clauses 2 –16 - agreed to.

Clauses 17 – 18 - deferred.

13. **COMMITTEE TO REPORT PROGRESS**

Motion made and Question proposed:-

THAT, pursuant to the provision of Standing Order 107, the Committee do report Progress on the Insurance (Amendment) Bill (Bill No.14) to the House and seek leave to sit again tomorrow.

(An Assistant Minister for Finance – Mr. Katuku)

Question put and agreed to.

No.90) **WEDNESDAY, NOVEMBER 05, 2003** (367)

14. **HOUSE RESUMED** - The Deputy Speaker in the Chair

15. **THE INSURANCE (AMENDMENT) BILL (BILL NO.14)**

Progress reported to the House;

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Assistant Minister for Finance – Mr. Katuku)

Question put and agreed to.

16. **THE PERSONS WITH DISABILITIES BILL (BILL NO.7)**

Motion made and Question proposed:

THAT, the Persons with Disabilities Bill (Bill No.7) be now read a Second Time.

(The Minister for Gender, Sports, Culture and Social Services – 04.11.2003)

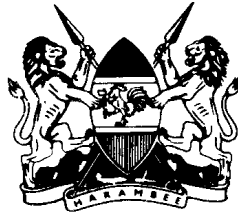
Debate interrupted on November 04, 2003 resumed;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

17. **HOUSE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

Mr. Speaker will take the Chair on
Thursday, November 06, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 06, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.801** - was answered by the Minister for Finance.
4. **QUESTION NO.310** - was answered by the Minister for Regional Development.
5. **QUESTION NO.738** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella).
6. **QUESTION NO.393** - was answered by the Minister for Water Resources Management and Development.
7. **QUESTION NO.864** - was answered by the Assistant Minister for Justice and Constitutional Affairs (Mr. Robison Githae).
8. **QUESTION NO.737** - was deferred to another day.
9. **QUESTION NO.838** - was deferred to another day.

10. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kapenguria (Mr. Moroto) concerning money allocated to West Pokot District by National Aids Control Council was answered by an Assistant Minister in the Office of the President (Prof. Kibutha Kibwana).

11. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Samburu West (Mr. Simeon Lesrima) concerning acute shortage of medical staff in the healthcare facilities in Maralal district was answered by the Assistant Minister for Health (Mr. Gideon Konchella).

12. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), the Deputy Speaker ordered the Member for Budalang'i (Mr. Raphael Wanjala) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

13. **MINISTERIAL STATEMENT – FOREST OFFICERS SENT ON COMPULSORY LEAVE**

By indulgence of the House, the Minister for Environment, Natural Resources and Wildlife made a Ministerial Statement regarding the recent action by the Government to send 829 Forest Officers on compulsory leave;

Thereupon, the Minister informed the House that the Government was forced to take this drastic decision following the extensive destruction of the forest cover.

14. **MINISTERIAL STATEMENT – EVICTION OF PASTORALISTS FROM LAIKIPIA DISTRICT**

By indulgence of the House, an Assistant Minister in the Office of the President (Mr. Stephen Tarus) made a Ministerial Statement on the eviction of pastoralists from Laikipia District;

Thereupon, the Assistant Minister informed the House that some pastoralists from Baringo, Samburu and Isiolo districts have invaded private farms in Laikipia district and were being forced back to their home districts.

(No.91)

THURSDAY, NOVEMBER 06, 2003

(370)

15. **THE PERSONS WITH DISABILITIES BILL (BILL NO.7)**

Motion made and Question proposed:

THAT, the Persons with Disabilities Bill (Bill No.7) be now read a Second Time.

(The Minister for Gender, Sports, Culture and Social Services – 04.11.2003)

Debate interrupted on November 05, 2003 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Kipkelion (Dr. Ruto) drew the attention of an Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

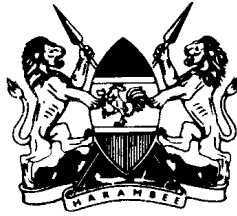
And there being no Quorum after expiry of eight minutes;

And the time being five minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at five minutes past Six O'clock.
-

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, November 11, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 11, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.555** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
4. **QUESTION NO.677** - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
5. **QUESTION NO.724** - was answered by the Minister for Roads Public Works and Housing (Hon. Raila).
6. **QUESTION NO.702** - was answered by an Assistant Minister for Education, Science and Technology (Mr. Mwiria).
7. **QUESTION NO.693** - was answered by Minister for Agriculture (Hon. K. Arap Kirwa).
8. **QUESTION NO.369** - was answered by the Assistant Minister for Local Government (Mrs. Betty Tett).
9. **QUESTION NO.679** - was answered by the Minister for Labour and Human Resource Development (Hon. Mwakwere).

10. **QUESTION NO.711** - was answered by the Assistant Minister for Energy (Mr. Mwangi Kiunjuri).
11. **QUESTION NO.609** - was deferred to another day.
12. **MINISTERIAL STATEMENT - GOVERNMENT STAND ON HARAMBEES**

By indulgence of the House, the Minister for Justice and Constitutional Affairs made a Ministerial Statement regarding the Government stand on Harambees;

Thereupon, the Minister informed the House that the harambees concept was initially a noble idea used to rally the fight against disease, illiteracy and poverty and to support social and development projects in the country. However, the concept has been abused and had become synonymous with corruption and for personal accumulation of money by senior civil servants.

He further informed the House that the government had sought to regulate harambees in the Public Collections Act, Cap 106 and Public Officer Ethics Act, 2003 which provides that public officers shall not use their offices as avenues for soliciting or collecting harambees or use their official position to exert pressure to obtain money or other property.

He added that harambees had not been banned but only regulated and that public officers were free to make personal contributions.

He said that public officers included the President, Speaker, Attorney General, Cabinet Ministers, MPs and Councillors who are prohibited over presiding over a harambees or playing a central role in its organization or playing the role of guest of honour.

13. **THE CONSTITUENCIES DEVELOPMENT FUND BILL**

Order for the Committee read;

Rising in his place, the Minister for Finance requested that debate on the Constituencies Development Fund Bill be deferred since it was unconstitutional to debate for enactment of it would occasion an increase in public expenditure.

The Speaker having deferred debate on the Bill resolved to make a considered ruling at a later date.

14. **THE PERSONS WITH DISABILITIES BILL (BILL NO.7)**

Motion made and Question proposed:

THAT, the Persons with Disabilities Bill (Bill No.7) be now read a Second Time.

(The Minister for Gender, Sports, Culture and Social Services – 04.11.2003)

Debate interrupted on November 06, 2003 resumed;

Rising in his place on a Point of Order, the Member for Mukurweini (Mr. Mutahi Kagwe) claimed to move that “the Mover be now called upon to reply”;

And the Acting Deputy Speaker (Mr. Ethuro) acceding to the claim;

Question put and agreed to.

Thereupon, Mover replied;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Mwatate (Maj. (Rtd) Marsden Madoka) drew the attention of an Acting Deputy Speaker (Mr. Ethuro) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of three minutes;

Debate interrupted resumed;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House tomorrow;

15. **ADOPTION OF THE REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

Motion made;

THAT, this House adopts the Eleventh Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on 3rd July, 2003.

(Chairman of Public Investments Committee – Mr. Justin Muturi)

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Kisumu Town East (Mr. Gor Sungu) drew the attention of an Acting Deputy Speaker (Mr. Ethuro) to the fact that there was no Quorum in the House;

And the Acting Deputy Speaker having counted the hon. Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of eight minutes;

And the time being twenty-five minutes past Five O'clock, the Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - _____ at twenty-five minutes past Five O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, November 12, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 12, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **QUESTION NO.778** - was answered by the Minister for Finance.
4. **QUESTION NO.768** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
5. **QUESTION NO.727** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
6. **QUESTION NO.775** - was answered by an Assistant Minister for Education, Science and Technology (Dr. Kilemi Mwiria).
7. **QUESTION NO.835** - was answered by the Minister for Health.
8. **QUESTION NO.690** - was answered by the Assistant Minister for Transport and Communications (Mr. Ligale).
9. **QUESTION NO.737** - was answered by the Assistant Minister for Local Government (Mrs. Betty Tett).
10. **QUESTION NO.855** - was deferred to another day.

11. **QUESTION NO.225** - was dropped in the absence of the Member.

12. **QUESTION NO.482** - was dropped in the absence of the Member.

13. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Subukia (Mr. Koigi Wamwere) concerning the nature of the trip undertaken by the Minister for Roads, Public Works and Housing to Germany, Austria, UK and The Netherlands between 27th August and 4th September, 2003 was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro).

14. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Butere (Mr. Wycliffe Oparanya) concerning the serious deficit of maize cereal in Butere was answered by the Minister for Agriculture.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Voi (Mr. Boniface Mghanga) concerning the destruction of classrooms of Mwanyambo Primary School by winds was deferred to another day.

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kigumo (Mr. Kihara Mwangi) concerning the circumstances under which Teresia Njambi Kamau was killed on 3rd May, 2003 was deferred to another day.

17. **MINISTERIAL STATEMENT – INSECURITY ALONG THE THARAKA/IGEMBE BORDER**

By indulgence of the House, an Assistant Minister in the Office of the President (Mr. Stephen Tarus) made a Ministerial Statement regarding the longstanding dispute between the residents of Tharaka and Meru North District;

Thereupon, the Assistant Minister informed the House that the dispute dating back to 1994 had been referred to the Meru Council of Elders but a lasting solution to it had not been found.

The Assistant Minister further informed the House that following the shooting and subsequent killing of Mr. Ntororu Mbiuthi, a joint Tharaka/Meru North District Security Committee had resolved that suspects mentioned in the case be immediately apprehended and security be beefed along the common disputed border area.

The House further heard that the suspects were apprehended and have since recorded statements with the Police and that investigations were going on. Security had been beefed up the area and calm has been restored, while the Government was seeking a lasting solution to the insecurity in the area.

17. **ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE THE MURDER OF THE LATE HON. ANTHONY WAMBUA NDILINGE**

Motion made and Question proposed:

THAT, following the sudden disappearance and murder of the late Hon. Tony Wambua Ndilinge, MP, on 2nd August, 2001 and the subsequent ruling by the High Court hearing the murder trial that the case is a mistrial; this House resolves that a Select Committee be established to investigate the circumstances leading to the murder of the late Hon. Ndilinge and report its findings and recommendations within six months and that the Committee be composed of the following Members:-

The Hon. John M. Mutiso, MP
The Hon. Benson Mbai, MP
The Hon. Kalembe Ndile, MP
The Hon. Moffat Maitha, MP
The Hon. Kiema Kilonzo, MP
The Hon. Ivuti Mwangi, MP
The Hon. Otieno Kajwang' MP
The Hon. Jimmy Angwenyi, MP
The Hon. (Dr) Abdullahi Ali, MP
The Hon. Kahindi Kingi, MP
The Hon. Daudi Mwanzia, MP
The Hon. David Mwenje, MP
The Hon. Ekwe Ethuro, MP
The Hon. Charles Kilonzo, MP
The Hon. Gor Sungu, MP

(Mr. Mutinda Mutiso – 05.11.2003)

Debate interrupted on 5th November, 2003 resumed;

Mover replied;

Question put and agreed to.

(No.93)

WEDNESDAY, NOVEMBER 12, 2003

(377)

18. **PAYMENT OF COUNCILLORS'S SALARIES BY CENTRAL GOVERNMENT**

Motion made and Question proposed:

THAT, considering the significance of local authorities in the development of our country; aware of the rampant misuse of revenue collected from the authorities under the pretext of remuneration for councilors; this House urges the Government to pay salaries of councilors from the Vote of the Ministry of Local Government and that 10% of all council revenue collected in the country be remitted to the Central Government.

(Mr. Abdi Sasura)

Debate arising;

Amendment proposed:

THAT, the Motion be amended by inserting the words “amend the Local Government Act, Cap 265 to” between the word “to” and “pay” appearing in the third and fourth lines and the words “and pensions” between the words “salaries” and “of” appearing in the fourth line.

(Mr. Mutinda Mutiso)

Question of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Question of the Motion as amended proposed;

Debate arising;

And the time being thirty minutes past Twelve O'clock, the Acting Deputy Speaker (Mr. Poghiso) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

19. **HOUSE ROSE** - at thirty minutes past Twelve O'clock.

MEMORANDUM

Mr. Speaker will take the Chair today,
Wednesday, November 12, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 12, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

3. **PAPERS LAID**

The following Papers were laid on the Table of the House:-

- (i) The Report of the Departmental Committee on Finance, Planning and Trade on the Insurance (Amendment) Bill, 2003

(Chairman of the Departmental Committee)

- (ii) The Report of the Departmental Committee on Administration of Justice and Legal Affairs on the deliberations of the nominees from the Joint Forum of Religious Organizations to the Kenya Anti-Corruption Advisory Board.

(Mr. Were on behalf of the Chairman of the Departmental Committee)

(No.94)

WEDNESDAY, NOVEMBER 12, 2003

(379)

4. **NOTICE OF MOTION** – The Chairman of the Departmental Committee on the Administration of Justice and Legal Affairs)

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the nomination of a representative of

the Joint Forum of Religious Organizations to the Kenya Anti-Corruption Advisory Board, laid on the Table of the House on Wednesday, 12th November, 2003.

5. **QUESTION NO.283** - was answered by an Assistant Minister in the Office of the President (Mr. Dzoro).
6. **QUESTION NO.386** - was answered by an Assistant Minister in the Office of the President (Mr.Tarus).
7. **QUESTION NO.404** - was answered by Minister for Finance.
8. **QUESTION NO.703** - was answered by the Minister for Finance.
9. **QUESTION NO.540** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
10. **QUESTION NO.689** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Toro).
11. **QUESTION NO.687** - was answered by the Assistant Minister for Health (Mr. Gideon Konchella).
12. **QUESTION NO.729** - was answered by the Assistant Minister for Lands and Settlement (Mr. Ojodeh).
13. **QUESTION NO.275** - was answered by the Attorney-General.
14. **QUESTION NO.838** - was answered by the Attorney-General.
15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Laisamis (Mr. Ngoyoni) concerning shortage of drugs in public health institutions was answered by the Assistant Minister for Health (Mr. Konchella).

(No.94)

WEDNESDAY, NOVEMBER 12, 2003

(380)

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mwatate (Maj. (Rtd) Madoka) concerning ban on movement of timber in the country was deferred to another day.

17. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning three schools in Ombeyi Location damaged by floods between April and July, 2003 was deferred to another day.

18. **NOTICE OF MOTION FOR ADJOURNMENT OF THE HOUSE UNDER
STANDING ORDER 20 TO DISCUSS A MATTER OF NATIONAL
IMPORTANCE – STRIKE BY UNIVERSITY LECTURERS**

Rising on a Point of Order, the Member for Kiutu Chache (Mr. Angwenyi) claimed to move a motion for Adjournment of the House under Standing Order No.20 to discuss a definite matter of urgent national importance concerning the strike by university lecturers.

And Mr. Speaker having considered the claim;

And there being the requisite Members rising in support of the claim;

Thereupon Mr. Speaker ruled that the Motion be moved today at 5.00 p.m.

19. **THE PUBLIC AUDIT BILL (BILL NO.19)**

Order for First Reading read;

Bill read a First Time and upon a Motion by the Minister for Finance referred to the relevant Departmental Committee pursuant to the provisions of Standing Order 101A(1).

20. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

An Acting Chairman of Committees – Mr. Ethuro) in the Chair

21. **THE INSURANCE AMENDMENT BILL (BILL NO.14)**

<u>Clauses 2 -16</u>	-	<u>agreed to.</u>	
(No.94)		<u>WEDNESDAY, NOVEMBER 12, 2003</u>	(381)

Clause 17 - Amendment proposed:

THAT, Clause 17 be deleted.

(The Minister for Finance)

Question of the amendment that the Clause proposed to be deleted be deleted proposed, put and agreed to.

Clause 17 - deleted.

Clause 18 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendment;

22. **HOUSE RESUMED** - An Acting Deputy Speaker (Mr. Khamasi)
in the Chair.

Bill reported with amendment.

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Minister for Finance)

Question put and agreed to.

Motion made and Question proposed:

THAT, the Insurance (Amendment) Bill (Bill No.14) be now read a Third Time.

(The Minister for Finance)

Question put and agreed to.

Bill read a Third Time and passed.

(No.94) **WEDNESDAY, NOVEMBER 12, 2003** (382)

23. **ADJOURNMENT OF THE HOUSE PURSUANT TO STANDING ORDER
20(1) TO DISCUSS THE STRIKE BY UNIVERSITY LECTURERS**

Motion made and Question proposed:

THAT, this House do now adjourn.

(The Minister for Gender, Sports, Culture and Social Services)

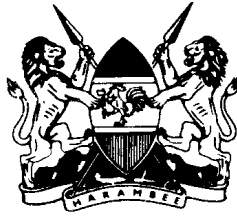
Debate arising;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

24. **HOUSE ROSE** - At thirty minutes past Six O'clock.
-

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, November 13, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 13, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

3. **PAPERS LAID**

The following Papers were laid on the Table of the House:-

- (i) Annual Report and Accounts of Catering Training and Tourism Development Levy Trustees for the year ended 30th June, 2001 and the Certificate thereon by the Auditor General (Corporations).
- (ii) Annual Report and Accounts of Kenya Ports Authority for the year ended 30th June, 2000 and the Certificate thereon by the Auditor General (Corporations).
- (iii) Annual Report and Accounts of Kenya Airports Authority for the year ended 30th June, 2000 and the Certificate thereon by the Auditor General (Corporations).

(The Assistant Minister for Tourism and Information)

4. **QUESTION NO.920** - was answered by the Minister for Water Resources Management and Development.

5. **QUESTION NO.515** - was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).
6. **QUESTION NO.342** - was answered by the Assistant Minister for Roads, Public Works and Housing (Eng. Joshua Toro).
7. **QUESTION NO.931** - was answered by the Assistant Minister for Health (Mr. Konchella).
8. **QUESTION NO.540** - was answered by the Assistant Minister for Health (Mr. Konchella).
9. **QUESTION NO.318** - was answered by the Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite).
10. **QUESTION NO.560** - was deferred to another day.
11. **QUESTION NO.551** - was deferred to another day.
12. **QUESTION NO.583** - was deferred to another day.
13. **QUESTION NO.594** - was deferred to another day.
14. **QUESTION NO.133** - was dropped in the absence of the Member.

15. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Kigumo (Mr. Kihara Mwangi) concerning the death of Teresiah Njambi Kamau on 3rd May, 2003 at Gituru Market was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

16. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Voi (Mr. Mganga) concerning Mwanyambo Primary School in Voi whose three classrooms were blown off was answered by an Assistant Minister for Education, Science and Technology (Dr. Mwiria).

17. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Muhoroni (Prof. Olweny) concerning three schools in Ombeyi Location damaged by floods between April and July, 2003 was answered by an Assistant Minister for Education, Science and Technology (Dr. Mwiria).

18. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mwatate (Maj. (Rtd) Madoka) concerning the ban on the movement of all timber in the country was deferred to another day.

19. **QUESTION BY PRIVATE NOTICE**

Question by Private Notice by the Member for Mwatate (Maj. (Rtd) Madoka) concerning the outcome of the President's visit to the USA and Britain was deferred to another day.

20. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), the Deputy Speaker ordered the Member for Bomet (Mr. Salat) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

21. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), the Deputy Speaker ordered the Member for Alego-Usonga (Mr. Weya) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

22. THE APPROPRIATION BILL (BILL NO.21)

Order for First Reading Read;

By indulgence of the House, Order deferred to another day.

(No.95)

THURSDAY, NOVEMBER 13, 2003

(385)

23. **ADOPTION OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS**

Motion made and Question proposed:

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the nomination of a representative of the Joint Forum of Religious Organizations to the Kenya Anti-Corruption Advisory Board, laid on the Table of the House on Wednesday, 12th November, 2003.

(Chairman of the Departmental Committee)

Debate arising;

Mover replied;

Question put and agreed to.

23. **ADOPTION OF THE REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

Motion made and Question proposed:

THAT, this House adopts the Eleventh Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on 3rd July, 2003.

(Chairman of Public Investments Committee)

Debate interrupted on Wednesday, 12th November, 2003 resumed;

And the time being thirty minutes past Six O'clock, the Acting Deputy Speaker (Mr. interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

24. **HOUSE ROSE** - at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday, November 18, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 18, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. PAPERS LAID

The following Papers were laid on the Table of the House:

- (i) Sessional Paper No. on National Housing Policy for Kenya
- (ii) Annual Report and Accounts of Kenya Accountants and Secretaries National Examinations Board for the year ended 30th June, 2002 and the Certificate thereon by the Auditor General (Corporations).

(The Minister for Roads, Public Works and Housing)

4. QUESTION NO.849 - was answered by an Assistant Minister in the Office of the President (Mr. Dzoro).
5. QUESTION NO.804 - was answered by the Assistant Minister for Finance (Mr. Katuku).
6. QUESTION NO.817 - was answered by an Assistant Minister for Agriculture (Mr. Joseph Nyagah).
7. QUESTION NO.809 - was answered by the Minister for Local Government.

8. QUESTION NO.790 - **was deferred to another day.**
9. QUESTION NO.853 - **was deferred to another day.**
10. QUESTION NO.880 - **was dropped in the absence of the Member.**
11. QUESTION NO.758 - **was dropped in the absence of the Member.**
12. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Sabatia (Mr. Akaranga) concerning allegation of fraud by Aviruki Group of Maragoli, Kakamega was answered by an Assistant Minister in the Office of the President (Mr. S. Tarus).

13. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mwatate (Maj. (Rtd) Madoka) concerning the outcome of the President's visit to the USA and Britain was answered by an Assistant Minister for Foreign Affairs (Mr. Wetangula).

14. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Eldama Ravine (Mr. Sirma) concerning the secondment of Efficiency Monitoring Unit officers to the Nairobi City Council was answered by the Minister for Local Government.

15. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Bomachoge (Mr. Onyancha) concerning ratification of WHO Convention on Tobacco Control was deferred to another day.

16. **MINISTERIAL STATEMENT – LEASING OF KEEKOROK LODGE**

By indulgence of the House, the Minister for Local Government made a Ministerial Statement regarding the leasing of Keekorok Lodge;

Thereupon, the Minister informed the House that Keekorok Lodge would be advertised internationally as it is a reputable world famous lodge and the Clerk of Narok County Council was suspended due to the irregularities surrounding the said issue.

17. MINISTERIAL STATEMENT – EXTRAORDINARY INSPECTION TEAM

By indulgence of the House, the Minister for Local Government made a Ministerial Statement regarding extraordinary Nairobi City Council Inspection team.

Thereupon, the Minister informed the House that the appointment of an extraordinary inspection team for Nairobi City Council was necessitated by the recent and still ongoing public outcry by Nairobi residents on the deteriorating level of service delivery by the Council and that the appointment was in accordance with Section 231(1) and 245(1) of the Local Government Act.

18. THE GOVERNMENT FINANCIAL MANAGEMENT BILL (BILL NO.20)

Order for First Reading read;

Bill read a first time and upon a Motion by the Minister for Finance referred to the relevant Departmental Committee in accordance with the provisions of Standing Order 101.

19. ADOPTION OF THE ELEVENTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE

Motion made and Question proposed:

THAT, this House adopts the Eleventh Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on 3rd July, 2003.

*(The Chairman of the Public Investments Committee –
13.11.2003)*

Debate interrupted on 13th November, 2003 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for (Mr. Lucas Chepkitony) drew that attention of the Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum;

And the Acting Deputy Speaker having counted the honourable Members and confirmed that that there was no quorum asked the Division Bell to be rung;

And there being a Quorum after the expiry of five minutes;

Debate interrupted resumed;

(No.96)

TUESDAY, NOVEMBER 18, 2003

(389)

And the time being thirty minutes past Six O'clock, an Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

20. HOUSE ROSE - at thirty minutes past Six O'clock.

MEMORANDUM

**Mr. Speaker will take the Chair on
Wednesday, November 19, 2003 at 9.00 a.m.**



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 19, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. QUESTION NO.753 - was answered by the Assistant Minister for Transport and Communications (Mr. Ligale).
4. QUESTION NO.890 - was answered by the Minister for Water Resources Management and Development.
5. QUESTION NO.749 - was answered by the Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai).
6. QUESTION NO.560 - was dropped in the absence of the Member.
7. QUESTION NO.912 - was dropped in the absence of the Member.
8. QUESTION NO.530 - was dropped in the absence of the Member.
9. QUESTION NO.755 - was dropped in the absence of the Member.
10. QUESTION NO.583 - was dropped in the absence of the Member.

11. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Moyale (Dr. G. Galgalo) concerning military incursions by the Ethiopian army into border villages of Obbu and Uran divisions was answered by an Assistant Minister in the Office of the President (Mr. S. Tarus).

12. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for West Mugirango (Mr. H. Obwocha) concerning the disappearance of Police Constable Andrew Mang'oa Nyang'au was answered by an Assistant Minister in the Office of the President (Mr. S. Tarus).

13. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Kuresoi (Mr. M. Cheboi) concerning the destruction by fire of three classrooms and beaming materials belonging to Bochege Primary School was answered by an Assistant Minister for Education, Science and Technology (Dr. K. Mwiria).

14. PAYMENT OF COUNCILLORS' SALARIES BY CENTRAL GOVERNMENT

Motion made and Question proposed:-

THAT, considering the significance of local authorities in the development of our country; aware of the rampant misuse of revenue collected from the authorities under the pretext of remuneration for councillors; this House urges the Government to amend the Local Government Act, Cap 265; in order to pay salaries and pensions of councillors from the vote of the Ministry of Local Government and that 10% of all council revenue collected in the country be remitted to the Central Government.

(Motion appears as amended)

(Mr. A. Sasura – 12.11.2003)

Debate interrupted on 12th November, 2003 resumed;

FURTHER AMENDMENT PROPOSED

THAT, the Motion be further amended by deleting all the words after the word “Government” in the fifth line.

(Mr. Bahari)

(No.97)

WEDNESDAY, NOVEMBER 19, 2003

(391)

Question of the further amendment proposed;

Debate arising;

Question of the amendment put and negatived.

Debate on the motion resumed;

Mover replied;

Question put and agreed to.

Rising in his place on a point of order, the Minister for Local Government called for a Division.

And there being the minimum number of Members required rising in support of the claim;

And Mr. Deputy Speaker acceding to the claim, directed that the Division Bell be rung;

And at the expiry of five minutes, the Bar having been drawn and the doors closed;

And the names of the Tellers having been announced;

Thereupon the House proceeded to a Division.

Question put and on a Division negatived.

AYES

NOES

ABSTENTIONS

33

43

2

A Y E S

1. Abdirahman, A. H.
2. Ali, A. I.
3. Angwenyi, J. N. O.
4. Biwott, K. N. K.
5. Cheboi, M. K.

6. Chepkitony, L. K.
7. Galgallo, G. B.
8. Kariuki M.
9. Kipchumba, J. L.
10. Koech, S. C.

- | | |
|-----------------------|----------------------|
| 11. Koros, D. K. | 23. Muturi, J. B. N. |
| 12. Kosgey, H. K. | 24. Mwandawiro, M. |
| 13. Kuti, M. A. | 25. Ngoyoni, T. L. |
| 14. Leshore, P. S. | 26. Onyancha, J. O. |
| 15. Lesrima, S. S. | 27. Owidi, P. O. |
| 16. Magara, J. O. | 28. Rotino, P. R. |
| 17. Magugu, A. K. | 29. Sambu, J. K. |
| 18. Maitha, I. B. M. | 30. Sasura, A. T. |
| 19. Manoti, S. K. | 31. Sugow, A. A. |
| 20. Mohamed, H. M. | 32. Wario, A. |
| 21. Mohamed, M. A. H. | 33. Keino, E. (Dr.) |
| 22. Mohamed, A. C. | |

NOES

- | | |
|----------------------------|-------------------------|
| 1. Akaranga, M. E. | 23. Nderitu, A. M. |
| 2. Awiti, A. (Dr.) | 24. Ngozi, A. J. |
| 3. Dzoro, M. | 25. Ntimama, W. R. O. |
| 4. Gitau, W. K. | 26. Nyagah, M. G. K. |
| 5. Kagwe, M. | 27. Odinga, R. |
| 6. Kajwang', G. O. | 28. Oginga, (Dr.) O. |
| 7. Karua, M. | 29. Olweny, P. A. |
| 8. Kembu, G. | 30. Omamba, H. O. |
| 9. Kenneth, P. | 31. Oparanya, W. A. |
| 10. Kibwana, K. (Prof.) | 32. Saitoti, (Prof.) G. |
| 11. Kilonzo, C. | 33. Sungu, E. G. |
| 12. Kihara, J. | 34. Syongoh, Z. M. |
| 13. Kingi, J. K. | 35. Tarus, S. K. |
| 14. Kiunjuri, M. | 36. Toro, J. N. |
| 15. Maathai, (Prof.) M. W. | 37. Wambora, M. N. |
| 16. Maitha, E. K. | 38. Wamwere, K. |
| 17. Muchiri, G. G. | 39. Wanjala, R. B. S. |
| 18. Mungatana, D. B. | 40. Weya, S. A. |
| 19. Mwangi, O. K. | 41. Mbarire, C. |
| 20. Mwendwa, (Mrs.) W. N. | 42. Mwau, (Ms.) A. N. |
| 21. Mwenje, D. K. | 43. Tett, (Mrs.) B. N. |
| 22. Mwiraria, D. | |

ABSTENTIONS

- | | |
|-----------------|------------------|
| 1. Maoka, R. M. | 2. Mutiso, J. M. |
|-----------------|------------------|

15. **REVIVAL OF THE COTTON INDUSTRY AND REVIEW OF THE COTTON ACT**

Motion made and Question proposed;

THAT, being aware of the fact that agriculture is the back-bone of our economy and in view of the need to jump-start economic growth, reduce poverty and create 500,000 job opportunities annually; convinced that a revived cotton industry provided with sufficient and affordable funding and given guaranteed fixed

(No.97)
(393)

WEDNESDAY, NOVEMBER 19, 2003

prices annually will increase the income levels of many small scale farmers; this House urges the Government to urgently revive the cotton industry and also review the Cotton Act in order to enable the Government play its role in the industry and empower farmers to participate actively in the decision-making process affecting the industry.

(Dr. Adhu Awiti)

Debate arising;

And the time being thirty minutes past Twelve O'clock, an Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. HOUSE ROSE - at thirty minutes past Twelve O'clock.

MEMORANDUM

**Mr. Speaker will take the Chair today,
Wednesday, November 19, 2003 at 2.30 p.m.**

Ninth Parliament

Second Session

Afternoon Sitting

**(No.98)
(394)**



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 19, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. QUESTION NO.807 - was answered by the Minister for Water Resources Management and Development.
4. QUESTION NO.686 - was answered by the Assistant Minister for Lands and Settlement (Mr. Ojodeh).
5. QUESTION NO.794 - was answered by the Assistant Minister for Labour and Human Resources Development (Mr. Odoyo).
6. QUESTION NO.825 - was deferred to another day.

7. QUESTION NO.717 - was dropped in the absence of the Member.

8. QUESTION BY PRIVATE NOTICE

Question by Private Notice by a Nominated Member (Prof. Oniang'o) concerning a looming drought and famine disaster in Northern Kenya was deferred to another day.

(No.98)
(395)

WEDNESDAY, NOVEMBER 19, 2003

9. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Makadara (Mr. Ndolo) concerning Government expenditure on Goldenberg Commission was answered by the Assistant Minister for Justice and Constitutional Affairs (Mr. Githae).

10. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mwatate (Maj. (Rtd) Madoka) concerning progress report on the Rwanda/Somali Peace Talks was dropped in the absence of the Member.

11. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Kigumo (Mr. Kihara Mwangi) concerning the release of a Mr. Maina from Central Memorial Hospital, Thika, was dropped in the absence of the Member.

12. MINISTERIAL STATEMENT – COMMENCEMENT OF THE NATIONAL INVESTMENT CONFERENCE

By indulgence of the House, the Minister for Planning and National Development made a Ministerial Statement regarding the commencement of the National Investment Conference.

Thereupon, the Minister informed the House that the Conference was due to commence on the evening of

November 19, 2003 at the Kenyatta International Conference Centre (KICC). He reiterated on the importance of the Conference as a forum for opportunities for Hon. Members to network with the private sector and survey possibilities of investments in their constituencies.

13. ADOPTION OF THE ELEVENTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE

Motion made and Question proposed:

THAT, this House adopts the Eleventh Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on 3rd July, 2003.

(The Chairman of the Public Investments Committee)

Debate interrupted on 18th November, 2003 resumed;

**(No.98)
(396)**

WEDNESDAY, NOVEMBER 19, 2003

Rising in his place on a Point of Order, an Assistant Minister in the Ministry of Regional Development (Mr. Mungatana) claimed to move that “the Mover be now called upon to reply;

And the Acting Deputy Speaker (Mr. Khamasi) acceding to the claim;

Question put and agreed to.

Thereupon Mover replied;

Question put and agreed to.

14. THE REFUGEES BILL (BILL NO.18)

Order for the Second Reading read;

Motion made and Question proposed:

THAT, The Refugees Bill (Bill No.18) be now read a Second Time.

(The Minister of State, Office of the Vice President and Ministry of Home Affairs)

Debate arising;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, a Nominated Member (Prof. Oniang'o) drew that attention of the Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum;

And the Acting Deputy Speaker having counted the honourable Members and confirmed that that there was no quorum asked the Division Bell to be rung;

And there being no Quorum after the expiry of eight minutes;

And the time being Six O'clock an Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** – at Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday November 20, 2003 at 2.30 p.m.

**Ninth Parliament
(No.99)
(397)**

Second Session



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 20, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

3. **for** QUESTION NO.855 - was answered by the Assistant Minister Roads, Public Works and Housing (Eng. Toro).
4. **for** QUESTION NO.928 - was answered by the Assistant Minister Roads, Public Works and Housing (Eng. Toro).
5. QUESTION NO.893
Livestock - was answered by the Minister for and Fisheries Development.
6. **for** QUESTION NO.902 - was answered by the Assistant Minister Energy (Mr. Kiunjuri).
7. **for** QUESTION NO.929 - was answered by the Assistant Minister Energy (Mr. Kiunjuri).
8. QUESTION NO.895 - was deferred to another day.
9. QUESTION NO.551 - was deferred to another day.
10. QUESTION NO.594 - was deferred to another day.

(No.99)

THURSDAY, NOVEMBER 20, 2003

(398)

11. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Bahari (Mr. Khamisi) concerning the evacuation of Mibirikani residents in Kilifi District was answered by the Assistant Minister for Roads, Public Works and Housing.

12. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Bomachoge (Mr. Onyancha) concerning ratification of WHO Convention on Tobacco Control was deferred to another day.

13. QUESTION BY PRIVATE NOTICE

Question by Private Notice by a Nominated Member (Prof. Oniang'o) concerning a looming drought and famine disaster in Northern Kenya was deferred to another day.

14. **MINISTERIAL STATEMENT – MATATU STRIKE CRISES**

By indulgence of the House, the Minister for Transport and Communication made a Ministerial Statement regarding matatu strike;

Thereupon, the Minister informed the House that there was no turning back with regard to bringing discipline into the transport industry. The Minister further clarified that road carnage had become the third highest killer of those 80% involved matatus. In this regard, the Minister reiterated that the policy would stay in force.

15. **MINISTERIAL STATEMENT – RINDERPEST OUTBREAK IN GARISSA AND IJARA DISTRICTS**

By indulgence of the House, the Minister for Livestock and Fisheries Development made a Ministerial Statement regarding rinderpest outbreak in Garissa and Ijara Districts;

Thereupon, the Minister informed the House that the quarantine in line with the ministry's mandate to control and eradicate major livestock diseases with a view to increasing animal productivity and improving public health and thus surveillance had shown clinical signs in the of rinderpest in the said districts.

And the time being Six O'clock an Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

. **HOUSE ROSE** – at Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday November 26, 2003 at 2.30 p.m.

**Ninth Parliament
(No.100)**

**Second Session
(400)**



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 25, 2003

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. ADMINISTRATION OF OATH

Mr. Speaker administered the Oath of Allegiance to the following Member:

WAFULA, Davies Nakitare.

4. COMMUNICATION FROM THE CHAIR.

The Speaker conveyed the following Communication:

Honourable Members,

It is my pleasure to introduce the following Members of Parliament who are seated in the Speaker's Row and are in Kenya to attend the Second Regional Agricultural Policy and Law Makers Forum, which is being held at Safari Park Hotel. They are:

1. Hon. Muhamed Seid, MP _ Ethiopia
2. Hon. Yonas Gidey, MP – Ethiopia
3. Hon. John Odit, MP – Ethiopia
4. Hon. Oliver Wonekha – Uganda
5. Hon. (Prof. O. Latigo – Uganda
6. Hon. Esterina Kilasi, MP – Tanzania

They are accompanied by other delegates who are seated in the Speaker's Gallery.

(No.100)

TUESDAY, NOVEMBER 25, 2003

(401)

On behalf of the Kenyan Parliament, I warmly welcome them to Nairobi.

5. COMMUNICATION FROM THE CHAIR

The Speaker conveyed the following Communication:

The Departmental Committee on Health, Housing, Labour and Social Welfare in conjunction with the National Aids Control Council (NACC) have organized a workshop for all Members of Parliament in Mombasa between 29th and 30th

November. 2003. Hon. Members are expected to travel to Mombasa on Friday, 28th November 2003.

The main objectives of the Workshop is to make a follow-up on the resolutions that Members of Parliament made in November, 1999 regarding response to HIV/AIDS pandemic; the progress of implementation of the National HIV/AIDS strategic plan; the revised institutional framework of the National Aids Control Council and the revitalization of the Constituency Aids Control Committees.

Members are also invited to the re-launch of the Constituency Aids Control Committees by H.E. the President on Monday, 1st December, 2003 at the Kenyatta International Conference Centre at 10.00 a.m.

- | | | | |
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| 6.
the | <u>QUESTION NO.757</u> | - | was answered by the Assistant Minister in

Office of the Vice President and Ministry
of Home Affairs (Dr. Machage). |
| 7. | <u>QUESTION NO.760</u>
for | - | was answered by the Assistant Minister

Roads, Public Works and Housing (Eng.
Toro). |
| 8. | <u>QUESTION NO.783</u>
for | - | was answered by an Assistant Minister

Minister Education, Science and
Technology
(Dr. Kilemi Mwiria). |
| 9.
for | <u>QUESTION NO.871</u> | - | was answered by the Assistant Minister

Lands and Settlement (Mr. Ojode). |
| 10.
for | <u>QUESTION NO.773</u> | - | was answered by the Assistant Minister

Lands and Settlement (Mr. Ojode). |
| 11. | <u>QUESTION NO.594</u> | - | was deferred to another day. |
| 12.
Member. | <u>QUESTION NO.800</u> | - | was dropped in the absence of the |
| 13.
Member. | <u>QUESTION NO.762</u> | - | was dropped in the absence of the |

14. QUESTION NO.880 - was dropped in the absence of the Member.

15. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for South Mugirango (Mr. O. Magara) concerning the money available for the Jamhuri Day celebrations was answered by an Assistant Minister in the Office of the President (Prof. K. Kibwana).

16. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mbita (Mr. O. Kajwan'g) concerning the proprietors and/or operators of Loto 6/49 was answered by the Assistant Minister in the Office of the Vice President and Ministry of Home Affairs and National Heritage (Dr. Machage).

17. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Samburu East (Mr. S. P. Leshore) concerning the looming drought in Northern Kenya and Rehabilitation of ebbators was answered by the Minister in the Ministry of Livestock Development.

18. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Tigania East (Mr. P. Munya) concerning the Constitutional review Process Funding was answered by the Assistant Minister in the Ministry of Justice and Constitutional Affairs. (Mr. R. Githae).

19. QUESTION BY PRIVATE NOTICE

Question by Private Notice by a Nominated Member (Prof. R. Oniang'o) concerning the looming drought in Northern Kenya was deferred to another day.

20. SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Budalangi (Mr. Wanjala) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

21. PAPER LAID

The following Paper was laid on the Table in relation to question 773:

“Minutes of the District Settlement Select Committee meeting held on 17/8/95 at the D. C’s office for Kibarani Settlement Scheme”.

22. SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Kanduyi (Mr. Wamunyinyi) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

23. MINISTERIAL STATEMENT – PROGRESS OF CONSTITUTION OF KENYA REVIEW PROCESS

By indulgence of the House, the Minister for Justice and Constitutional Affairs made a Ministerial Statement on the progress of the Kenya Constitutional Review Process.

Thereupon, the Minister gave a detailed progress of the Constitutional Review Process which dates back to 1997. He informed the House that the National Constitutional Conference has had two main sessions at the Bomas with last session held between 18th August, 2003 and 26th September, 2003 save for a short recess when the Conference last adjourned.

He informed the House that the Parliamentary Select Committee, the House Business Committee and the Constitution of Kenya Review Commission jointly deferred the commencement of the 3rd session of the National Constitutional Conference to 12th January, 2004. He assured the House that the Government is fully committed to the Constitutional Review Process and will continue to support the work of the Constitutional Review Commission and the process in general.

24. THE PRIVATIZATION BILL (BILL NO. 22)

Order for First Reading read;

Bill read a First Time and upon a Motion by the Minister for Finance referred to the relevant Departmental Committee pursuant to the provisions of Standing Order No. 101A (1).

25. THE REFUGEES BILL (BILL NO. 18)

Order for Second Reading read;

Motion made and Question Proposed;

THAT the Refugee Bill (Bill No. 18) be now read a Second Time

(The Vice President and Minister for Home Affairs 20.11.03)

Debate interrupted on Tuesday 20th November, 2003 resumed;

Rising his place on a Point of Order, the Member for Bomet (Mr. Nick Salat) claimed to move that “the Mover be now called upon to reply”;

And the Acting Deputy Speaker (Mr. Khamasi) acceding to the claim;

Question put and agreed to.

Thereupon, the Mover replied;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Embakasi (Mr. David Mwenje) drew the attention of the Acting Deputy Speaker (Mr. Khamasi) to the fact that there was no Quorum;

And the Acting Deputy Speaker having counted the honourable Members and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being a Quorum after the expiry of four minutes;

Debate interrupted resumed;

Question put and agreed to;

Bill read a Second Time and submitted to the Committee of the Whole House tomorrow.

And the time being twenty minutes past six O'clock, the Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Order.

26. **HOUSE ROSE** - at twenty minutes past six O'clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday 27 November, 2003 at 2.30 p. m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 27, 2003

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. ADMINISTRATION OF OATH

Mr. Speaker administered Oath of Allegiance to the following Member:

Metito, Judah Katoo

4. QUESTION NO.907 - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).
5. QUESTION NO.862 - was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).
6. QUESTION NO.300 - was answered by an Assistant Minister in the Office of the President (Prof. Kibwana).
7. QUESTION NO.912 - was answered by the Minister for Finance.
8. QUESTION NO.915 - was answered by the Minister for Roads, Public Works and Housing.

9. QUESTION NO.933 - was answered by the Minister of State
Office,
of the Vice President.

(No.101) THURSDAY, NOVEMBER 27, 2003 (407)

10. QUESTION NO.551 - was answered by the Attorney General.

11. QUESTION NO.327 - was deferred to another day.

12. QUESTION BY PRIVATE NOTICE

Question by Private Notice by Nominated Member (Prof. Oniang'o) concerning the looming drought that is likely to cause famine in Northern Kenya was answered by an Assistant Minister in the Office of the President. (Mr. S. Tarus)

13. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Migori (Mr. O. Likowa) concerning the breaking into the DO's office and stealing four guns was answered by an Assistant Minister in the Office of the President. (Mr. S. Tarus)

14. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Laisamis (Mr. T. Ngoyoni) concerning lack of Police Posts in Laisamis and Loiyangalani was answered by an Assistant Minister in the Office of the President. (Mr. S. Tarus)

15. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Ikolomani (Mr. B. Khalwale) concerning the opening of an I. C. U at the Kakamega District Hospital was answered by an Assistant Minister in the Ministry of Health. (Mr. Gideon Konchellah).

16. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mbita (Mr. O. Kajwang) concerning the appointments of the Kenya National Commission on Human Rights was answered by the Assistant Minister for Justice and Constitutional Affairs (Mr. Githae).

17. MINISTERIAL STATEMENT ON THE TEA INDUSTRY

By indulgence of the House, the Minister for Agriculture made a Ministerial Statement regarding the tea industry;

Thereupon, the Minister informed the House that the tea sector is the leading foreign exchange earner, employing over 3 million people and grow on over 122,000 hactres of land. He said that the production has been raising i.e. in 1998 it was 294,165 tonnes, 200 it was 294,631 tonnes earning over Kshs. 35 billion.

(No.101)

THURSDAY, NOVEMBER 27, 2003

(408)

He explained that the tea industry was liberalized on 1st July 2000 with new directors for Tea Board of Kenya and KTDA.

He pointed out some of the factors that affect the tea farmers earning which include;

- Excess production over demand
- Reduced prices vis-à-vis production costs
- Payment system of different currency

He pointed out that KTDA disseminates information on its activities through;

- Regular auction reports
- Market reports in the daily newspapers
- Scheduled Board meetings for the factories
- A G M for all tea factories
- Quarterly reports

He explained the ownership structure of KTDA and how brokers are appointed. In conclusion he said that the government is taking measures to enhance diversification in tea production and processing by adding tea value through blending and packaging of high quality tea for overseas marketing and promoting local tea consumption.

18. THE CONSTITUENCY DEVELOPMENT BILL (BILL NO. 25)

Order for the Second Reading read;

Motion made and question proposed:

THAT, the Constituency Development Fund Bill (Bill No. 25) be now read a second time.

(The Minister for Finance)

Debate arising;

Rising in his place on a point of order the Member for Ol Kalou (Mr. Karue Muriuki) claimed to move that “the Mover be now called upon to reply”

And the Acting Deputy Speaker (Mr. Phogisio) acceding to the claim.

Question put and agreed to.

Thereupon, Mover replied

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(409)

Question put and agreed to.

Bill read a Second Time and committed the Committee of the Whole House tomorrow.

19. COMMITTEE OF THE WHOLE HOUSE

Order for committee called and by leave of the House deferred to another day.

20. THE APPROPRIATION BILL (BILL NO. 21)

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time today.

21. THE APPROPRAITION BILL (BILL NO. 21)

Order for the second Reading read;

Motion made and Question proposed:

THAT, the Appropriation Bill (Bill No. 21) be now read a Second Time.

(The Minister for Transport and Communication)

Debate arising;

And the time being Eight O'clock an Acting Deputy Speaker (Mr. Phogisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

22. HOUSE ROSE – at Eight O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday December 02, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, DECEMBER 02, 2003

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. QUESTION NO.812 - was answered by the Assistant Minister
for Agriculture (Mr. Khaniri).
4. QUESTION NO.811 - was answered by the Assistant Minister
for Health (Mr. Konchela).
5. QUESTION NO.929 - was answered by the Minister for Energy.
6. QUESTION NO.594 - was answered by Vice-President and
Minister for Home Affairs.
7. QUESTION NO.688 - was answered by Assistant Minister for
Environment, Natural Resources and
Wildlife (Prof. Maathai).
8. QUESTION NO.833 - was answered by the Assistant Minister
for Lands and Settlement (Mr. Ojodeh).

9. QUESTION NO.752 - was dropped in the absence of the Member.

(No.102)

TUESDAY, DECEMBER 02, 2003

(411)

10. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Kinango (Mr. Gonzi Rai) concerning the circumstances that led to the death of Clement Ichiwaga Kamanza was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

11. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Eldoret East (Mr. Joseph Lagat) concerning non-payment of hotel accommodation by Senate Eldoret was answered by the Assistant Minister for Foreign Affairs (Mr. Moses Wetangula).

12. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Subukia (Mr. Koigi Wamwere) concerning Mary Cheroitich diagnosed with cerebral and vermis , i.e. damage to midline structure with internal tremor was answered by the Assistant Minister for Health (Mr. Konchella).

13. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Gwassi (Mr. Syongoh) concerning eradication of tsetse fly in Subao was answered by the Minister for Livestock and Fisheries Development.

14. QUESTION BY PRIVATE NOTICE

Question by Private by the Member for Bomachoge (Mr. Onyancha) concerning role signify and ratification of framework contention on Tobacco control was dropped in the absence of the Member.

15. SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 88(i)

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for Wajir (Dr. Abdullahi Ali) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

**16. SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF
STANDING ORDER 88(i)**

Pursuant to provisions of Standing Order 88(i), Mr. Speaker ordered the Member for (Mr. Sammy Weya) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct;

(No.102)

TUESDAY, DECEMBER 02, 2003

(412)

Thereupon, the Member withdrew from the Chamber.

**17. MINISTERIAL STATEMENT – ESTABLISHMENT OF CUSTOMS
UNION**

By indulgence of the House, the Assistant Minister for Foreign Affairs (Mr. Moses Wetangula) made a Ministerial Statement regarding the establishment of Customs Union;

Thereupon, the Assistant Minister informed the House that the Treaty establishing the East African Community EAC provided for the conclusion of protocol on the establishment of a customs union within a period of 4 years after the signing of the Treaty in November, 1999.

He said that the customs union provided for free trade between the partner states and a common external tariff for the East African sub region with a view to developing it as a style market and investment area. The signing of the Protocol was postponed to mid-January, 2003 after consultations between the three EAC Heads of state.

The negotiations process involved Teams of experts from the government ministries, Kenya Revenue Authorities and the private sector. He said that the overall benefits from the customs union exceeded the expected costs.

He further said that the union will facilitate some efforts and collective bargaining by the partner states and negotiations for development projects and programme from ACP, EU, WTO and AGOA.

18. MINISTERIAL STATEMENT ON THE ARREST OF MR. RONO

By the indulgence of the House, the Assistant Minister, Mr. Stephen Tarus made the follow ministerial statement regarding the arrest of a Mr. Rono;

Thereupon, the Assistant Minister informed the House that Mr. Julius Rono was arrested after a complain of assault was made against him by Mr. Christopher Koech of Leignet village, Sangalu sub location. He was subsequently booked in

the cell and remanded in Eldoret G.K. prison after denying the charge, and that the next Mweion of the case will be on 19th January, 2004.

He concluded by stating that the police acted lawfully in arresting Mr. Rono.

19. **COMMUNICATION FROM THE CHAIR**

Honourable Members,

I have received a written notice from the Member for Subukia (Mr. Koigi wa Wamwere) of his intention to raise a Motion of Adjournment under Standing Order No. 18(1) and (2), over a matter of an unsatisfactory answer to Question by Private

(No.102) TUESDAY, DECEMBER 02, 2003 (413)

Notice No. 2, answered on 12th November, 2003, concerning an overseas trip to Europe by the Minister for Roads, Public Works and Housing.

I have considered the matter and acceded to his request. I will, therefore, call upon the Member to move the Motion of Adjournment at the interruption of Business (Afternoon Sitting) on Wednesday, 3rd December, 2003.

20. **THE PUBLIC AUDIT BILL (BILL NO. 19)**

Order for second Reading read;

Motion made and Question proposed;

THAT, the Public Audit Bill (Bill No. 19) be now read a Second Time

(The Minister for Finance)

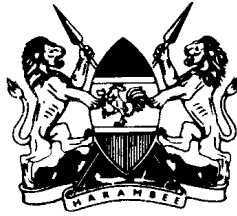
Debate arising;

And the time being thirty minutes past six O'clock, an Acting Deputy Speaker (Mr. Poghisio) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

21. **HOUSE ROSE**: - at thirty minutes past six o'clock

MEMORANDUM

Mr. Speaker will take the Chair on
Wednesday, December 3, 2003 at 9.00 a.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 03, 2003

1. The House assembled at Nine O'clock.
2. The Proceedings were opened with Prayer.
3. QUESTION NO.898 - was answered by an Assistant Minister in
the Office of the President (Mr. Tarus).
4. QUESTION NO.699 - was answered by the Minister for Finance
(Mr. Katuku).
5. QUESTION NO.846 - was answered by the Assistant Minister
for Roads, Public Works and Housing (Eng. Toro).
6. QUESTION NO.766 - was answered by the Assistant Minister
for Health (Mr. Konchella).
7. QUESTION NO.695 - was answered by the Assistant Minister
for Co-operative Development (Mr. Kenneth).
8. QUESTION NO.391 - was answered by the Assistant Minister
for Co-operative Development (Mr. Keneth).

9. QUESTION NO.908 - was answered by the Assistant Minister for Lands and Settlement (Mr. Ojodeh).

10. QUESTION NO.577 - was deferred to another day.

(No.103) WEDNESDAY, DECEMBER 03, 2003 415)

11. QUESTION NO.616 - was dropped in the absence of the Member.

12. QUESTION NO.769 - was dropped in the absence of the Member.

13. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mosop (Mr. Sambu) concerning alleged incitement of civilians by Police officers and subsequent loss of six herds of cattle was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

14. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Eldama Ravine (Mr. Sirma) concerning the release of Mr. Ndugu's body from Moi Teaching and Referral Hospital was deferred to another day.

15. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Subukia (Mr. Koigi Wamwere) concerning eviction of animals of former forest workers from forests in Dundori was deferred to another day.

16. MINISTERIAL STATEMENT – MURDER OF FORMER MP FOR BOMACHOGE

By indulgence of the House, an Assistant Minister in the Office of the President (Mr. Tarus) made a Ministerial Statement regarding the murder of the former Member of Parliament for Bomachoge the late on. Zedekiah Magara);

Thereupon, the Assistant Minister informed the House that none of the suspects had been arrested through a warrant of their arrest was still in force.

17. REVIVAL OF THE COTTON INDUSTRY AND REVIEW OF THE

COTTON ACT

Motion made and Question proposed;

THAT, being aware of the fact that agriculture is the back-bone of our economy and in view of the need to jump-start economic growth, reduce poverty and create 500,000 job opportunities annually; convinced that a revived cotton industry provided with sufficient and affordable funding and given guaranteed fixed prices annually will increase the income levels of many small scale farmers; this House urges the Government to urgently revive the cotton industry and also review

(No.103)

WEDNESDAY, DECEMBER 03, 2003

(416)

the Cotton Act in order to enable the Government play its role in the industry and empower farmers to participate actively in the decision-making process affecting the industry.

(Dr. Adhu Awiti – 19.11.2003)

Debate interrupted on 19th November, 2003 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for (Mr. Chepkitony) drew that attention of the Acting Deputy Speaker (Mr. Poghisio) to the fact that there was no Quorum;

And the Acting Deputy Speaker having counted the honourable Members and confirmed that that there was no quorum caused the Division Bell to be rung;

And there being a Quorum after expiry of five minutes;

Debate interrupted resumed;

Mover replied

Question put and agreed to.

18. **LEAVE TO INTRODUCE AN ACT OF PARLIAMENT**

Motion made and Question proposed:

THAT, in view of the fact that problems affecting the sugar sub-sector have continued to escalate and that the sub-sector is on the verge of collapse; concerned that massive importation of cheap sugar from COMESA countries

and other world markets coupled with high cost of production locally have compounded the problems facing the sub-sector; further concerned that the collapse of the sub-sector would lead to loss of means of livelihood for over 6 million Kenyans; aware that the Sugar Act, 2001 has failed to address these problems; this House do grant leave to introduce a bill for an Act of Parliament to amend the Sugar Act in order to comprehensively address all problems affecting the sugar sub-sector.

(Prof. Ruth Oniang'o)

Debate arising;

Mover replied;

Question put and agreed to.

(No.103)

WEDNESDAY, DECEMBER 03, 2003

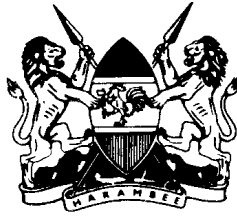
(417)

And the time being thirty minutes past Twelve O'clock, an Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

19. HOUSE ROSE - at thirty minutes past Twelve O'clock.

MEMORANDUM

**Mr. Speaker will take the Chair today,
Wednesday, December 03, 2003 at 2.30 p.m.**



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 03, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. QUESTION NO.820 - was answered by the Minister for Energy.
4. QUESTION NO.852 - was answered by the Assistant Minister For Health.
5. QUESTION NO.921 - was answered by the Assistant Minister For Water Resources Management and Development.
6. QUESTION NO.934 - was deferred to another day.
7. QUESTION NO.876 - was deferred to another day.
8. QUESTION NO.719 - was deferred to another day.
9. QUESTION NO.850 - was dropped in the absence of the Member.

10. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Makadara (Mr. R. Ndolo) concerning the sacking of the former Director of the National Aids Control Council was answered by an Assistant Minister in the Office of the President. (Mr. Stephen Tarus).

12. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mumias (Mr. W. Osundwa) concerning the sacking of officers by the Kenyatta National Hospital Board was answered by an Assistant Minister in the Ministry of Health. (Mr. G. Konchella)

13. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for South Mugirango (Mr. Magara) concerning the action being taken to reconstruct Nyandiwa Primary School whose roofs have been blown off by wind was answered by an Assistant Minister in the Ministry of Education, Science and Technology. (Mrs. B. Mugo)

14. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Kuresoi (Mr. Cheboi) concerning the action being taken to reconstruct Kabarnet Primary School whose roof was blown off by wind was deferred to another day.

15. SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER NO 88 (i)

Pursuant to the provisions of Standing Order No. 88 (i), the Deputy Speaker ordered the Member for North Horr (Dr. Bonaya Godana) to withdraw from the precincts of Parliament for the remainder of the sitting day for disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

16. SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER NO 88 (i)

Pursuant to the provisions of Standing Order No. 88 (i), the Deputy Speaker ordered the Member for Sigor (Mr. Philip Rotino) to withdraw from the precincts of Parliament for the remainder of the sitting day for disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

17. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER NO 88 (i)**

Pursuant to the provisions of Standing Order No. 88 (i), the Deputy Speaker ordered the Member for Member for Ugenya (Mr. Stephen Ondiek) to withdraw from the precincts of Parliament for the remainder of the sitting day for disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

18. **COMMUNICATION FROM THE CHAIR**

Mr. Speaker conveyed the following Communication from the Chair:-

Hon. Members,

I have received a written notice from the Member for Eldoret East (Mr. Joseph Lagat) of his intention to raise a Motion of Adjournment under standing Order No. (1) And (2), over a matter of unsatisfactory answer to Question by Private Notice No. 4 rose on Tuesday 2nd December, 2003, concerning non-payment of Hotel Bills in Eldoret by IGAD.

I have considered the matter and acceded to his request. I will, therefore, call upon the Member to move the Motion on Tuesday 9th December 2003.

19. **COMMITTEE OF THE WHOLE HOUSE**

Order for the Committee read.

IN THE COMMITTEE

(The Chairman of Committees in the Chair)

20. **THE CONSTITUENCY DEVELOPMENT FUND BILL (BILL NO. 6)**

Clauses 2-3 - Agreed to

Clause 4 – Amendment proposed

THAT, clause 4 be amended by deleting all the words in paragraph (a) of subclause (2) and in place thereof inserting the following new paragraph 4(2) (a)—

“(a) an amount of money equal to not less than 5 % (five percentum) of all the Government ordinary revenue collected in every financial year; and”

THAT, clause 4 be amended further by inserting the following new subclause (5).

“(5) If the Act comes into operation mid-way in a financial year then the Minister shall within one month of the assent table in the House the amount proposed to be put into the Fund and the allocation to each Constituency, and the amounts so proposed shall be allowed for through supplementary estimates”.

(Hon. Eng. Karue Muriuki)

Question of the amendment proposed;

Debate arising;

Amendment to the amendments proposed:

That Clause 4 (2)a be further amended by deleting the words “ 5 percentum and inserting the words 2.5 percentum thereof.

(Hon. Minister for Finance)

Question of the first part of the amendment that, the words proposed to be deleted, be deleted proposed.

Debate arising;

Question put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed put and agreed to.

Clause 4 - as amended - agreed to.

Clause 5 – Amendment Proposed

(a) That clause 5 (2) (f) be amended by deleting the word “six” and substituting therefor the word “eight”

(b) Clause 5 (3) be amended by deleting

(i) the word “twelve” and substituting therefor the word “sixteen”,

- (ii) deleting the word “six” wherever it appears and substituting therefor the word “eight”

(Hon. Jimmy Angwenyi)

Question of the first part of the amendment that the words proposed to be deleted, be deleted proposed

Debate arising

Question put and agreed to

Question of the second part of the amendment that the words proposed to be inserted in place thereof, be inserted proposed put and agreed to.

Clause 5 - as amended - agreed to.

Clause 6 – Amendment Proposed

THAT clause 6 be amended by deleting paragraph 6 (1) (f) and substituting thereof the following new paragraph 6 (1) (f)

(f) “to perform such other duties as the National Committee, in consultation with the Minister, may deem necessary from time to time for the proper management of the Fund”.

(Hon. Eng. Muriuki Karue)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof, be inserted proposed put and agreed to.

Clause 6 as amended agreed to.

Clause 7 – 10 - Agreed to

Clause 11 – Amendment proposed.

THAT, clause 11 be deleted and replaced with the following new clause,

“(11) (1) A portion of the Fund, equivalent to 5% (five percentum) herein referred to as the “Emergency Reserve” shall remain unallocated and shall be available for emergencies that may occur in any constituency or district.”

(2) The National Committee, with the approval of the Minister, which approval shall not be reasonably withheld, may allocate funds from the “Emergency Reserve” to help in case of disaster or calamity, which may occur in any constituency or district.

(3) The District Projects Committee shall have the mandate to recommend immediate response to a calamity that may occur and affect the whole or part of their district and may sanction, by a minuted resolution, expenditure of an amount not exceeding 2% (two percentum) of the total annual allocation of the constituency or constituencies where that calamity has occurred.

(4) The report of such a calamity, the action taken pursuant to clause 11(3) and the funds utilized for that purpose shall be reported to the National Committee together with the next monthly returns from the constituency.

(Hon. Karue Muriuki)

Question of the amendment proposed;

Debate arising;

Amendment to the amendment proposed:

THAT the amendment be amended, by deleting the words “in any” appearing between the words “occur” and “constituency” on the last line and inserting the words “within the” thereof and further deleting the words “or district” appearing after the word “constituency”.

(b) Deleting sub-clauses 2, 3 and 4 of that clause.

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted be inserted proposed put and agreed to.

Clause 11 - as amended - agreed to.

Clause 12 - Amendment proposed

THAT, clause 12 be amended by deleting sub-sections (2) and (3) and renumbering sub-section (4) as subsection (2).

(Hon. Eng. Karue Muriuki)

Question of the amendment proposed put and agreed to.

Clause 12 - as amended - agreed to.

Clauses 13 – 18 – Agreed to

Clause 19 – Amendment Proposed

- (a) That, Clause 19 (1) (a) be amended by deleting the word “half” in the first line and substituting thereof with the words “three quarters”.

(Mr. Ali Wario)

Question of the first part of the amendment that the word proposed to be deleted be deleted proposed put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed put and agreed to.

Clause 19 (1) (a) - as amended agreed to

- (b) **THAT**, Clause 19(1) (b) be amended further by deleting subclause (1) (b) and substituting thereof 19 (1) (b) an amount equal to one quarter the amount specified in subclause 4 (2) (a) divided by the national poverty index multiplied by the constituency poverty index.

(Hon. Mutinda Mutiso)

Question of the amendment proposed, put and agreed to.

Clause 19(1) b as further amended agreed to.

Clause 19 – as amended – agreed to

Clause 20 – Agreed to

Clause 21 - Amendment Proposed

THAT, clause 21 be amended by deleting subclause (3) and in place thereof insert the following new subclause-

“(3) All projects shall be development projects and may include costs relating to studies, planning and design or other technical input for the project but shall not include recurrent costs of a facility”.

(Eng. Muriuki Karue)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted, proposed put and agreed to.

Clause 21 as amended agreed to.

Clause 22 – Amendment proposed.

That, clause 22 (3) be amended by deleting the figure 20% (twenty percentum and substituting thereof 50% (fifty percentum).

(Hon. David Musila)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be substituted thereof be substituted proposed put and agreed to.

Clause 22 as amended agreed to.

Clause 23 – Amendment Proposed:

- (i) THAT, clause 23 be amended by deleting subclauses (1), (2) and (5) and substituting in place thereof the following new subclauses (1), (2) and (5),

“(23) (1) There shall be a Constituency Development Committee for every Constituency, which shall be convened by the elected Member of Parliament within the first thirty days of a new Parliament and shall have a maximum of fifteen members, comprising-

- (a) The elected Member of Parliament;
- (b) Two councilors in the constituency;
- (c) District Officers in the constituency;
- (d) Two persons representing religious organizations in the constituency;
- (e) Two men representatives from the constituency;
- (f) Two women representatives from the constituency;
- (g) One person representing the youth from the constituency;
- (h) One person nominated from among active NGO's in the area if any;”

“(2) The elected Member of Parliament for every constituency shall, Within the first year of a new parliament and at least once every two years thereafter, convene locational meetings in the constituency to deliberate on development matters for the location, the constituency and the district”.

“(5) The elected Member of Parliament for every constituency shall be the chairperson of the Constituency Development Committee, unless he or she opts out in which case the committee shall elect one amongst themselves to be the chairperson”.

THAT, clause 23 be further amended by inserting the following new subclause (7),

“(7) The membership of Constituency Development Committee shall be reviewed every two years”.

(Hon. Karue Muriuki)

Question of the amendment proposed;

Debate arising;

Amendment to the amendment proposed:

23 (i) That the words “constituted and” be inserted between the word “be” and “convened” in the second line.

(Hon. David Angwenyi)

Question of the amendment to the amendment proposed put and agreed to.

Further amendment to the amendment proposed:

23 1 (c) That the words District Officers appearing in 23 1 (c.) be deleted and the words “one District Officer” be inserted thereof

(Mr. Musa Sirma)

Question of the amendment to the amendment proposed put and agreed to

Further amendment to clause 23 proposed:

(ii) THAT, a new clause be inserted at the end of clause 23 to read “The nominated member of Parliament, if any, be an ex-officio of the Constituency”

(Hon. Njoki Ndung’u)

Question of the amendment proposed put and negatived.

Clause 23 – as amended – agreed to.

Clause 24 - agreed to.

Clause 25 - Amendment Proposed:

THAT, clause 25 be amended by re-numbering it as subclause 25 (1) and inserting the following new subclause 25 (2)

(2) Notwithstanding the provisions of subclause (1) of this clause, an education bursary scheme shall be considered as a development project for purposes of the Act, provided that such a project shall not be allocated more than 10% (ten percentum) of the total funds allocated for the constituency in any financial year”.

(Hon. Eng. Karue Muriuki)

Question of the amendment proposed, put and agreed to.

Clause 25 – as amended - agreed to.

Clause 26 – Agreed to.

Clause 27 – Amendment proposed:

- (a) That, clause 27 be amended by deleting the words “not more than fourteen” and substituting with the words “ not more than ten” in subsection (1).
- (b) That, clause 27 be further amended by deleting paragraph 27 (4) (d) and in place thereof inserting the following new paragraph.
“To oversee the implementation of this Act and in this respect shall after every two years submit a report to the National Assembly and where necessary propose any amendments to this Act, in particular, with respect to the quantum of funds payable into the fund in accordance with section 4 of the Act”.

(Hon. Eng. Karue Muriuki)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and agreed to

Question of the second part of the amendment that the words proposed to be inserted be inserted proposed put and agreed to

Clause 27 - as amended agreed to.

Clause 28 – 30 - Agreed to

Clause 31 - Amendment proposed:

THAT, Clause 31 be amended by renumbering it as clause 31 (1) and inserting the following new sub clause (2)

“(2) All tenders and quotations shall be tabled at a meeting of the District Projects Committee and the Committee shall indicate that they have no objection to the award through a minuted resolution before the tender or quotation is awarded”

(Hon. Eng. Karue Muriuki)

Question of the amendment proposed put and agreed to

Clause 31 as amended agreed to.

Clause 32 – 39 - agreed to.

Clause 40 – Amendment Proposed.

THAT, clause 40 be amended by deleting subclause (3) and inserting thereof the following new sub clause (3)

“(3) Members of the District Projects Committee shall elect a chairperson from among the members of the committee who are elected members of Parliament or elected Councilors for a term of two years or part thereof until the end of a term of parliament”.

(Hon. Eng. Karue Muriuki)

Question of the amendment proposed put and agreed to.

Clause 40 -as amended - agreed to.

Clause 41 – 42 - agreed to.

Clause 43 – Amendment Proposed

THAT, clause 43 be amended by deleting the word “approval’ in subclause (2) and in place thereof substituting the word “recommendation”.

(Hon. Karue Muriuki)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted be inserted proposed put and agreed to.

Clause 43 as amended agreed to.

Clause 44 and 45 - Agreed to.

Clause 46 – Amendment proposed:

THAT clause 46 be amended by deleting subclause (2) and in place thereof inserting the following new sub clause(2)-

“(2) The signatories to the account of the Fund maintained in accordance with subsection (1), shall be the officer administering the Fund and two other persons appointed by the National Committee from among its members”.

(Hon. Karue Muriuki)

Question of the amendment proposed, put and agreed to .

Claus 46- as amended agreed to.

Clause 47 – Amendment proposed:

THAT, clause 47 be amended by substituting the expressions “25%” and “15%” in subsection (2) and substitute in place thereof the expressions “50%” and “10%” respectively.

(Hon. Karue Muriuki)

Question of the amendment proposed;

Debate arising;

Amendment to the amendment proposed:

THAT, clause 47 be amended by substituting the expression “25%” and “15%” in subsection (2) and substituting in place thereof the expression 25% in the first quarter and 25% every quarter thereafter”.

(Hon. Mutahi Kagwe)

Question of the amendment to the amendment proposed put and agreed to.

Clause 47 as amended agreed to.

Clause 48 – Agreed to.

Clause 49 – Amendment proposed:

THAT, Clause 49 be amended by renumbering it as subclause 49 (1) and by inserting the following new subclause 49 (2)

“(2) The Minister may amend any of the schedules through a notice in the Gazette, provided such amendments shall first be approved by Parliament before implementation”.

(Hon. Karue Muriuki)

Question of the amendment proposed put and agreed to.

Clause 49 as amended agreed to.

First Schedule – Amendment proposed:

THAT, the first Schedule be amended by adding to the list of organizations to nominate persons to the National Committee the words The Institution of Surveyors of Kenya”

(Hon. Kihara Mwangi)

Question of the amendment proposed put and negatived.

Further amendment proposed

That, the First Schedule be amended by:

- i. Deleting “the Law Society of Kenya” and substituting thereof “Kenya Farmers Union”.
- ii. Deleting the “Architectural Association of Kenya” and substituting therefore “Kenya National Chamber of Commerce”.
- iii. Deleting “The Institute of Certified Public Accountants of Kenya” and substituting therefore “The Catholic Church”
- iv. Adding the following two organizations
 - a. The National Churches Council of Kenya (NCKK)
 - b. The Supreme Council of Kenya Muslims (SUPKEM)

(Hon. Jimmy Angwenyi)

Question of the amendment proposed put and agreed to.

First Schedule as amended agreed to.

Second Schedule – Amendment proposed:

THAT, the second schedule be deleted and in place thereof substitute with the following new second schedule-

(Eng. Muriuki Karue)

SECOND SCHEDULE

STANDARD CONSTITUENCY PROJECTS SUBMISSION FORM

Name of Constituency Financial Year
.....

District Province
.....

SERIAL NUMBER	NAME OF PROJECT	COST ESTIMATES In Kshs
TOTAL FOR THE YEAR Kshs		

1. Name of Member of Parliament Signature
2. Name of Member of the Constituency
Development Committee Signature
3. Name of District Projects
Committee Signature

Date

Question of the amendment proposed put and agreed to

Second schedule as amended agreed to.

Third Schedule**Third Schedule – Amendment proposed**

THAT, the third schedule be deleted and in place thereof insert the following new Third Schedule:-

THIRD SCHEDULE

STANDARD PROJECTS DESCRIPTION FORM

(To be completed in consultation with District departmental head)

Constituency District Province

Project Number Project title

Relevant Government Department
.....

Status of Projects (tick one) New Extension On-going ... Rehabilitation

Brief Statement on Progress at time of submission
.....
.....

Financial Year under reference 1st July to 30th June

Original Cost estimates, in Kshs Dated

Amount allocated last financial year

Person completing form: Signature

Position

Date

(Hon. Muriuki Karue)

Question of the amendment proposed put and agreed to

Third Schedule as amended agreed to.

Clause 1 – Amendment proposed

THAT, Clause 1 be amended by replacing the full stop at the end with a comma and then inserting the words:-

“but not later than thirty days from the date of assent”.

(Hon. Eng. Karue Muriuki)

Question of the amendment proposed put and agreed to.

Title – agreed to

Clause 1 – as amended agreed to.

Bill to be reported with amendments.

20. **HOUSE RESUMED** – The Deputy Speaker on the chair.

21. **THE CONSTITUENCY DEVELOPMENT FUND BILL (BILL NO.6)**

Bill reported with amendments

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said report

(The Minister for Finance)

Question put and agreed to.

Motion made and question proposed:

THAT, the Constituency Development Fund Bill (Bill No.6) be now read a Third Time.

(The Minister for Finance)

Question put and agreed to.

Bill read and a Third Time and passed.

22. **THE APPROPRIATION BILL (BILL NO. 21)**

Order for the Second Reading read.

Motion made and Question proposed:

THAT, the Appropriation Bill (Bill No. 21) be now read a Second Time.

*(The Minister for Transport and Communication on
behalf of the Minister for Finance - 27.11.03)*

Debate interrupted on 27th November, 2003 resumed;

Mover replied.

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the whole House today.

23. **COMMITTEE OF THE WHOLE HOUSE**

IN THE COMMITTEE

The Chairman of Committees in the Chair.

The Appropriation Bill (Bill No. 21)

Clauses 2 – 3 – agreed

Scheduled – agreed to

Title – Agreed to

Clause 1 – agreed to

Bill to be reported without amendments.

24. **HOUSE RESUMED** – Mr. Speaker in the Chair

25. **THE APPROPRIATION BILL (BILL NO. 21)**

Bill reported without amendment.

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said report.

(The Minister for Finance)

Question put and agreed to.

Motion made and proposed:

THAT, the Appropriation Bill (Bill No. 21) be now read a Third Time.

(The Minister for Finance)

Question put and agreed to.

Bill read a Third Time and passed.

And the time being thirty minutes past six o'clock Mr. Speaker interrupted the proceedings and adjourned the House without Question put pursuant to Standing Orders.

26. **HOUSE ROSE** – at thirty minutes past six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday, 4th December, 2003 at 2.30 pm



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 04, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. PAPERS LAID

The following papers were laid on the table of the House:-

- (i.) The Report of the Departmental Committee of Administration, National Security and Local Authorities on Insecurity and famine in the Rift Valley Province.
- (ii.) The Report of the Departmental Committee on Administration, National Security and Local Authorities on pension conditions in the Coast, Nairobi, Nyanza provinces and Likoni Rehabilitation school fact finding visits.

(Chairman of the Departmental Committee)

4. QUESTION NO.670 - was answered by the Assistant Minister
for Roads, Public Works and Housing (Eng. Toro).
6. QUESTION NO.609 - was answered by an Assistant Minister in
the Office of the President (Mr. Tarus).

7. QUESTION NO.516 - was answered by an Assistant Minister in the Office of the President (Mr. Tarus).

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8. QUESTION NO.541 - was answered by the Assistant Minister for Finance (Mr. Katuku).
9. QUESTION NO.666 - was answered by the Assistant Minister for Health (Mr. Konchellah).
10. QUESTION NO.522 - was deferred to another day.
11. QUESTION NO.642 - was deferred to another day.
12. QUESTION NO.934 - was deferred to another day.
13. QUESTION NO.752 - was deferred to another day.
14. QUESTION NO.605 - was dropped in absence of the Member.
15. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mbita (Mr. Kajwan'g) concerning one of the litigants in the Court of Appeal at Nairobi Civil appeal No. 63 of 2001 was answered by an Assistant Minister for Justice and Constitutional Affairs. (Mr. Githae).

16. **SUSPENSION OF A MEMBER PURSUANT TO THE PROVISIONS OF STANDING ORDER 88 (i.)**

Pursuant to the provisions of Standing Order 88(i.), the Speaker ordered the Member for Kitutu Chache (Mr. J. Angwenyi) to withdraw from the precincts of the Assembly for the remainder of the sitting day for gross disorderly conduct.

Thereupon the Member withdrew from the Chamber.

17. **MINISTERIAL STATEMENT – SAMPLES OF HONEY PURCHASED BY KENYA BUREAU OF STANDARDS FROM NAKUMATT HOLDINGS LTD.**

By the indulgence of the House, the Minister for Trade and Industry made a Ministerial Statement on Kenya's fate in AGOA programme.

Thereupon the Minister informed the House that the Government has taken steps to consolidate the gains achieved under AGOA and to respond to the provision in the AGOA to stop importation of apparel without compliance to the third-country sourcing by September next year.

The Minister further informed the House that the Government is making efforts to start increasing the local content and build a value chain in the apparel manufacture not only in Kenya but also in other East African Countries.

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He also informed the House that the Ministry has negotiated a credit line with Opic and Exim Bank of the United States of America to avail affordable credit for Kenyans.

He assured the House that the measures are undertakings in an attempt to fulfil the third-party sourcing requirement under AGOA.

18. MINISTERIAL STATEMENT ON IMPORTATION OF SUGAR INTO THE COUNTRY

By the indulgence of the House, the Minister for Trade and Industry made a Ministerial Statement on the importation of sugar into the country.

Thereupon, the Minister informed the House that one of the major concerns in the Sugar Industry is the problem of uncustomed sugar entering the Kenyan market particularly from COMESA countries.

The Minister further informed the House that the Ministry negotiated at the last Council Meeting of COMESA in Khartoum in March this year, a limit on the duty free sugar entering the Kenyan Market. This is an effort to sustain the country's obligation to open up markets to other COMESA countries while at the same time nurturing the vulnerable sugar cane sector.

He also informed the House that the Ministry together with the COMESA secretariat undertook a study on what it takes to rehabilitate and make competitive the Kenya Sugar Sector.

19. MINISTERIAL STATEMENT ON PENSIONS AMENDMENT ACT

By indulgence of the House, the Minister for Finance made a Ministerial Statement on Pensions Amendment Act.

Thereupon, the Minister informed the House that the Government has notified all Ministries, departments and Teachers Service Commission vide Treasury Circular No.2210/04/03/B of 19th September, 2003 to implement the provisions of the Pensions Amendment Act.

The Minister further informed the House that the Pensions Department has prepared statistics on the officers retiring before 31st December, 2003. However, all officers not paid their pension dues by their retirement date would be retained in the payroll until the payment is made.

He also informed the House that the Pension Department is addressing the backlog of pension claims through authorization of under time, strengthening of staff capacity and upgrading the information Technology (IT) Services.

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20. MINISTERIAL STATEMENT ON DONOR CONDITIONS

By indulgence of the House, the Minister for Finance made a Ministerial Statement on donor conditions.

Thereupon, the Minister informed the House of the following conditions that the Government accepted in order to get the IMF programme:

- Presentation by 2003/2004 budget to Parliament.
- Transfer of financial sector regulatory functions from the Ministry of Finance to the Central Bank of Kenya.
- Time bound plan for the restructuring of the National Bank of Kenya.
- Structural performance criteria involving finalisation of an audit at the stock of pending bills.
- Reduction of the wage bill in total expenditure.
- Completion of an audit on the financial position of the NSSF.
- No imposition of controls by the government or the Central Bank of Kenya rates.
- Structural benchmarks involving the presentation of 2002/2003 final budgetary account for audit by March 2004.
- Presentation to Parliament of the Privatization Bill.
- Establishment of a Kenya Anti-Corruption Commission
- Establishment of a clear timetable for the completion of assets declaration.

The Minister assured the House that the IMF had used the government own document to draw these conditions.

21. MINISTERIAL STATEMENT ON DONATIONS FOR JAMHURI DAY CELEBRATIONS

By indulgence of the House, the Assistant Minister, Office of the President Mr. Stephen Tarus made a Ministerial Statement on donations for Jamhuri Day Celebrations.

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Thereupon, the Assistant Minister informed the House that following the enactment of the Public Officers Ethics Act, the office of the President communicated to all field administration officers to adhere to the provisions of the law.

He further informed the House that the Ministry issued a Press Statement on 19th November 2003 stating that Kenyans should not be expected to contribute financially to the 40th Independence Anniversary event.

He also informed the House that thorough investigations were launched following reports in the print media that some officers were soliciting funds contrary to the directive. He assured the House that the alleged circular for soliciting funds did not originate from the Ministry's headquarters.

22. THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (BILL NO. 24)

Order for First Reading read;

Bill read a first time and upon a Motion by the Minister referred to the departmental Committee on Agriculture, Lands and National Resources without question put in accordance with the provisions of Standing Order 101.

23. THE NATIONAL MUSEUMS AND HERITAGE BILL (BILL NO. 23)

Order of the first Reading read;

Bill read a first time and upon a Motion by the Minister referred to the Departmental Committee on Agriculture, Lands and National Resources without question put in accordance with the provisions of Standing Order 101.

24. THE FINANCE BILL (BILL NO. 13)

Motion made and question proposed;

THAT, the Finance Bill (Bill No. 13) be now read a Second Time.

(The Minister for Finance)

Debate arising;

Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House today by leave of the House.

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(441)

25. **COMMITTEE OF THE WHOLE HOUSE**

Order for the Committee read;

IN THE COMMITTEE

An Acting Chairman of the Committee – Mr. Ekwe Ethuro – in the Chair

The Finance Bill (Bill No. 13)

Clause 2 - Amendment Proposed:

THAT clause 2 be amended—

(a) by deleting paragraph (a) and substituting therefor the following paragraph -

(a) in subsection (1)—

(i) by deleting the words “goods and services” from the definition of “duty” and substituting therefor the words “goods, services and gaming takings”;

(ii) by inserting the following new definition in proper alphabetical sequence—

“regional market” means the countries with which Kenya shares a common border, and includes Rwanda, Burundi and the Congo”;

(b) in paragraph (b) by deleting the proposed subparagraph (iv) and renumbering the proposed subparagraph (v) as (iv);

(The Minister for Finance)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 2 - as amended agreed to.

CLAUSE 3 - amendment proposed:

THAT clause 3 (b) be amended by deleting the expression “31st June 2004” appearing in the proposed subsection (1A) (f) and substituting therefore the expression “31st December 2004)

The Minister for Finance)

(No.105

THURSDAY, DECEMBER 04, 2003

(442)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 3 - as amended agreed to.

Clauses 4 – 8 - agreed to

Clause 9 - amendment Proposed:

THAT the Clause 9 be amended by inserting the following new clauses immediately after Clause 9—

Amendment of
Section 117 of
Cap.472.

9A. Section 117 of the Customs and Excise Act is amended by inserting after subsection (1) (f) the following paragraph—

(g) in respect of gaming takings, duty in accordance with the provisions of section 126A,

Insertion of new
Section 126 in
Cap. 472.

9B. The Customs and Excise Act is amended by inserting after section 126 the following section—

Duty on
gaming
receipts

126A. (1) A duty is hereby imposed on the gaming takings of licensees of gaming premises, at the rate of five per cent of all such takings.

(2) The duty shall be payable by the licensee of the gaming premises at

prescribed intervals.

(3) The licensee of any gaming premises—

(a) shall make and preserve such records, and furnish such returns, in relation to its gaming takings as may be prescribed; and

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(443)

(b) shall afford the proper officer full and free access to all such records and to all parts of the premises—

(i) at all times while they are open for gaming or other business; and

(ii) at such other times as the Commissioner may direct by order in writing issued to the proper officer.

(4) Without limiting the generality of subsection(3) (b) the proper

officer, for the purposes of ascertaining whether the provisions of this section are being complied with, shall have and may exercise, in relation to the licensee, the same powers as are conferred by paragraphs (a) to (e) of subsection (2) of section 174.

(5) The proper officer, when acting upon an order referred to in subsection (3) (b) (ii), shall produce a copy of the order to the licensee or person in charge of the premises at the material time.

(6) A licensee who—

(a) neglects or fails to pay any duty, to make or preserve any record or to furnish any return as required by or under this section; or

(b) fails to afford the proper officer full and free access as required by subsection (3) (b), shall be guilty of an offence.

(7) The provisions of subsection (3A) of section 96 shall apply in respect of a return required to be furnished under this section in the same way as they apply to return under subsection (2) of that section.

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(8) In this section—

Cap 131. “gaming” and “gaming premises” have the same meanings as in the Betting, Lotteries and Gaming Act;

Cap 131. “licensee”. In relation to gaming premises, means the holder of a licence in force under section 46 of The Betting, Lotteries and gaming Act In respect of the premises;

“gaming takings” means the total amount of wagered stakes taken by the licensee from gaming conducted on the premises during a prescribed period, reduced by the total amount paid out by the licensee on wagers in the course of such gaming during that period.

Amendment of
Section 127C
Cap. 472.

9C. Section 127C of the Customs and Excise Act is amended by deleting subsections (3) and (4) and substituting Therefore the following subsection—

(3) For the purposes of subsection (2), the Factory selling price shall not include—

(a) value added tax;

(b) cost of returnable containers; or

(c) cost of excise stamps.

(The Minister for Finance)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 9 - as amended agreed to.

Clause 10 - Agreed to

(No.105 THURSDAY, DECEMBER 04, 2003 (445)

Clause 11 - Agreed to

Clause 12 - Amendment Proposed

THAT clause 12 (a) be amended—

(a) by deleting subparagraphs (i) and (ii) and substituting therefore the following subparagraph—

(i) by deleting item 26 and substituting therefor the following new item—

26. Kenya military and police officers returning from United Nations peace-keeping missions outside Kenya.

One personal passenger motor vehicle (excluding buses and mini-buses of a seating capacity of more than 8 passengers and load-carrying vehicles of a load-carrying capacity exceeding 1.5 tonnes) imported by military or police officer returning from a United Nations peace-keeping mission outside Kenya:

Provided that—

(a) the motor vehicle was purchased prior to the return of the officer into the country; and

(b) the exemption from tax liability shall not exceed the limits specified in table hereunder—

Category	Military Officers	Police Officers	Maximum Tax exempted
Category I	Private to Senior Sergeant	Constable to Senior Sergeant	Kshs. 800,000/=
Category III	Major to Full Colonel	Superintendent to Assistant Commissioner	Kshs. 1,500,000/=
Category IV	Brigadier and above	Senior Assistant Commissioner and above	Kshs. 2,000,000/=

(b) by deleting subparagraph (iii) and substituting therefor the following subparagraph—

(iii) by deleting the words “ordered for or” from paragraph (d) of item 27.

(No.105

THURSDAY, DECEMBER 04, 2003

(446)

CLAUSE 12 (b) - amendment proposed:

THAT clause 12 (b) be amended by deleting sub paragraph (i) and Substituting therefor the following subparagraph—

(i) by deleting the expression “(kerosene type)’ appearing in item 1C and substituting therefor the word “and aviation spirit”.

(The Minister for Finance)

Question of the first part of the amendment that the paragraph and expression proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the paragraph and word proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 12(b) - as amended agreed to.

Clauses 14 – 18 - agreed to

Clause 19 – amendment proposed

THAT clause 19 be amended in paragraph (e) by deleting the proposed paragraph (j) and substituting therefor the following paragraph—

(j) goods imported under bond for manufacture of exports, indirect exports, good free import duty , goods for use in official aid-funded projects and good for use in manufacture of goods which

are in turn supplied to another manufacture of goods under the Essential God Support Programme.

Clauses 20-23 – **agreed to**

Clause 24 – **amendment proposed**

THAT clause 24 be amended in paragraph (a) (ii) by inserting the words
“including any services supplied in connection therewith” after the words
“drilling services” in the proposed item 15.

(The Minister for Finance)

Question of the amendment that the words proposed to be inserted be inserted proposed, put and **agreed to**.

Clause 24 - as amended **agreed to**.

(No.105

THURSDAY, DECEMBER 04, 2003

(447)

Clause 25 - **amendment proposed:**

THAT clause 25 (a) be amended—

(a) by deleting subparagraph (i);

(b) in subparagraph (a) (ii) by deleting the proposed paragraph (d) and substituting therefor the following paragraph—

(d) unless the motor vehicle was purchased prior to such recall;

(c) By inserting after subparagraph (iv) the following subparagraph—

(v) by inserting the following new item--

30. Kenya Military and Police Officers returning from United Nations peace-keeping missions outside Kenya

One passenger motor vehicle (excluding buses and minibuses of a seating capacity of more than 8 passengers and load carrying vehicles of a load carrying capacity exceeding 1.5 tonnes) imported by a military or police officer returning from a United Nations peace-keeping mission outside Kenya:

Provided that—

(a) the motor vehicle was purchased prior to the return of the officer into the country.

(b) the exemption from tax liability shall not exceed the limits specified in the table hereunder:

Category	Military Officer	Police Officers	Maximum Tax exempted
Category I	Private to Senior Sergeant	Constable to Senior Sergeant	Kshs. 800,000/=
Category III	Major to Full Colonel	Superintendent to Assistant Commissioner	Kshs. 1,500,000/=
Category IV	Brigadier and above	Senior Assistant Commissioner and above	Kshs. 2,000,000/=

(The Minister for Finance)

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THURSDAY, DECEMBER 04, 2003

(448)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 25 - as amended agreed to.

CLAUSE 25 (b)

THAT clause 25 (b) be amended—

(a) by deleting the proposed item 26 and substituting therefor the following item—

26. Jet Fuel and Aviation Spirit

Jet fuel and aviation spirit purchased by an aircraft owner or operator for use in an aircraft engine.

(The Minister for Finance)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 25(b) - as amended agreed to.

Clause 26 - agreed to

Clause 27 - Amendment Proposed

THAT clause 27 (b) be amended by deleting paragraph (b) and substituting therefor the following paragraph—

(b) in subsection (5)—

(i) by deleting the words “such value as the Commissioner may, from time to time prescribe” and substituting therefor the words “the fair market value of the benefit”;

(ii) by inserting at the end of the subsection the following proviso—

(No.105 THURSDAY, DECEMBER 04, 2003 (449)

Provided that, the Commissioner may from time to time prescribe the value where the cost of the fair market value of a benefit cannot be determined.

(The Minister for Finance)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 27 - as amended agreed to.

Clauses 28–30 - agreed to

Clause 31 - Amendment proposed

THAT clause 31 be deleted and the following clause substituted—

Amendment of section 35 of Cap. 470 Section 35 of the Income Tax Act is amended in subsection (3) (d) by inserting the expression “(except a commission or fee paid or credited to another insurance Company)” immediately after the words “group persons”;

(The Minister for Finance)

Question of the first part of the amendment that the clause proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the new clause proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 31 - as amended agreed to.

Clause 32 – Amendment Proposed

THAT clause 32 be amended in paragraph (b)—

(a) by deleting the proposed paragraph (a) and substituting therefore the following paragraph—

fifty per centum of its gross income from interest (other than

(a)
interest from its members);”

(No.105 THURSDAY, DECEMBER 04, 2003 (450)

(b) in the proposed paragraph (b) by deleting the words “with provisions” and substituting therefor the words “with the provisions of”.

(The Minister for Finance)

Question of the first part of the amendment that the paragraph proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the paragraph proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 32 - as amended agreed to.

Clauses 33 – 37 - Agreed to

Clause 38 – Amendment Proposed

THAT clause 38 be deleted and the following be inserted in place thereof -

Amendment of 38. The Third Schedule to the Income Tax Act is
Third Schedule to amended—
Cap. 470.

(a) in item 3 by inserting the following new paragraph (k) immediately after paragraph (j)

(k) in respect of gains or profits from the business of a ship owner which is chargeable to tax under section 9 (1) of the Act, two and a half percent of the gross amount received

(b) in item 5—

(i) by inserting the words “made after the expiry of fifteen years on the attainment of the age or fifty years upon earlier retirement of the grounds of ill health or infirmity of body and mind” after the word “withdrawal” in subparagraph (i);

(ii) by inserting the word “a” before the words “registered individual”;

(iii) by renumbering subparagraph (ii) as subparagraph (iii) and inserting the following subparagraph immediately before it—

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(451)

(ii) in respect of a withdrawal before expiry of fifteen years from a registered pension fund, registered provident fund, the National Social Security Fund or a registered individual retirement fund in excess of the tax free amounts specified under section 8 (4) and 8 (5) in any one year, and provided that tax has not been deducted under section 37—

10 % on the first Shs.116,160

15 % on the next Shs.109,440

20 % on the next Shs.109,440

25 % on the next Shs.109,440

30 % on any amount over Shs. 444,480 of the amount in excess of tax free amount;

(c) in paragraph (f)—

(i) by deleting the expression “ten percent” appearing in subparagraph (i) and substituting therefor the expression, “five per cent”;

(ii) by deleting the expression “five per cent” appearing in subparagraph (ii) and substituting therefor “three per cent”.

(The Minister for Finance)

Question of the first part of the amendment that the paragraph proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the paragraph proposed to be inserted in place thereon be inserted proposed, put and agreed to.

Clause 38 - as amended agreed to.

Clauses 39 – 54 - agreed to

Clause 55 – Amendment Proposed

(No.105

THURSDAY, DECEMBER 04, 2003

(452)

THAT clause 55 be deleted and the following clause substituted—

Insertion of new section 59 in Act No 3 of 1997. **55.** The Retirement Benefits Act is amended by inserting the following section immediately after section 58—

Exemption from compliance with provisions of this Act. 59. The Minister may, by order published in the Gazette—
(a) exempt any person or class of persons from compliance with any specified provisions of this Act; or
(b) extend the time

for compliance by
any person or class
of persons with any
specified provisions
of this Act.

Provided that nothing
in this section shall apply
in respect of any of the
provisions of Part III of this
Act.

(The Minister for Finance)

**Question of the first part of the amendment that the clause proposed to be deleted
be deleted proposed, put and agreed to.**

**Question of the second part of the amendment that the new clause proposed to be
inserted in place thereof be inserted proposed, put and agreed to.**

Clause 55 - as amended agreed to.

Clauses 56 & 57 - agreed to

NEW CLAUSE - amendment proposed:

THAT the Bill be amended by inserting after clause 57 the following new clause—

Amendm
ent of
section
311 of
Cap. 486.

58. Section 311 of the Companies
Act is amended—

- (a) in subsection (1) (e) by inserting
the words “or the Retirement
Benefits Act” after the words
“Fund Act”;
- (b) in subsection (2) by deleting
the words “four thousand” and
substituting therefor the words
“twenty thousand”.

(The Minister for Finance)

	2009.29.90 Kg	---Other	35 %	05929090
2009.39		---Other		
	2009.39.10 Kg	--Of a brix value exceeding 50	35 %	05991910
	2009.39 05939090	--Other Kg	35 %	
2009.49		--Other		
	2009.49.10 Kg	--Of a brix value exceeding 50.	35 %	05991990
	2009.49.90 Kg	--Other	35 %	05991990
2009.69		--Other		
	2009.69.10 Kg	--Of a brix value exceeding 50.	35 %	05992910
	2009.69.90 Kg	--Other	35 %	05992910
2000.79		--Other		
	2009.79.10 Kg	--Of a brix value exceeding 50.	35 %	05994910
	2009.79.90 Kg	--Other	35 %	05994990
2009.80.91		--Other		
	2009.80.91 Kg	-- Of a brix value exceeding 50.	35 %	05995910
	2009.80.99 Kg	--Other	35 %	05995990

(b) by inserting the following matter immediately beneath the heading “CHAPTER 21”—

Insert the following
National Notes
immediately after
the Chapter
Notes—

National Notes

For the purposes of
this Chapter,
preparations of kind
used for the
manufacture of
alcoholic and non-
alcoholic beverages
does not include
alcoholic and non-
alcoholic beverages
or preparations
which can be
rendered Ready To
Drink (RTD) by
simple dilution
(Chapter 22).

Delete all
references to Tariff
Nos.2106.90.30;
2106.90.40;
2106.90.60 and
2106.90.70 and
insert the following
tariff numbers and
their corresponding
descriptions, Import
Duty, S.I.T.C. and
Unit of Quantity.

2106.9 0		--Other food preparations.			
	2106.90.4 0	---of a kind used in the manufacture of alcoholic and non-alcoholic beverages	25%	11243000	Kg

(c) by inserting the following matter in proper numerical sequence in the matter appearing under the heading “**CHAPTER 39**”—

Delete tariff No.
3923.50.90 and
substitute therefor
tariff No.
3923.50.00

3923.50.0	-stoppers, lids, caps	25%	89319500	Kg
0	and other closures.			

(d) by inserting in proper numerical sequence the following matter—

CHAPTER 70

Delete all
references to tariff
numbers
7019.90.10 and
7019.90.30 and
substitute therefor
the following tariff
numbers and their
corresponding
Descriptions,
Import Duty,
S.I.T.C and Unit
of Quantity.

7019.9	7019.90.1	---Glass fibre	5%	66495910	Kg
0	0	<u>including glass</u> <u>wool.</u>			
	7019.90.3	<u>---Circular fibre</u>	5%	66495930	Kg.
	0	<u>netting, glass</u> <u>fibre</u> <u>reinforcement</u> <u>for the</u> <u>manufacture of</u> <u>grinding and</u> <u>cutting wheels.</u>			

(e) by inserting the word “not” between the words “thickness” and “exceeding” in the matter appearing under the heading “**CHAPTER 76**”;

(f) by deleting the heading “**CHAPTER 99**” and all matter included thereunder.

(The Minister for Finance)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

First Schedule - as amended agreed to

Second Schedule – Amendment Proposed

THAT the Second Schedule be amended—

(a) by inserting in proper numerical sequence the following tariff numbers, descriptions and rates of duty—

<i>Tariff No.</i>	<i>Tariff Descriptions</i>	<i>New rate of Import Duty</i>
2009.19.10	Orange juice of a brix value exceeding 50.	15%
2009.29.10	Grape fruit juice of a brix value exceeding 50.	15%
2009.39.10	Juice of any other single citrus fruit of a brix value exceeding 50.	15%
2009.49.10	Pineapple fruit juice of a brix value exceeding 50.	15%
2009.69.10	Grape juice and Grape must juice of a brix value exceeding 50.	15%
2009.79.10	Apple juice of a brix value exceeding 50.	15%
2009.80.91	Other juice of a brix value exceeding 50.	15%
2106.90.40	Other food preparations of a kind used in the manufacture of alcoholic and non-alcoholic beverages.	5%
2106.90.90	Other food preparations	25%
3302.10.00	Mixtures of odoriferous substances of a kind used in the food or drink industries.	5%

- (b) by deleting the matter “5%” wherever it appears opposite the matter relating to tariff numbers 2833.19.00 (Other sodium sulphates) and 2833.22.00 (Sulphates of aluminium) and substituting therefor the matter “15%”.

(The Minister for Finance)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Second Schedule - as amended agreed to

Third Schedule - agreed to

Fourth Schedule - amendment proposed

THAT the Seventh Schedule be amended—

- (a) in the matter included under item (1) by inserting the following tariff number and description in proper numerical sequence-

4902.20.0	Newspapers, journals and periodicals appearing at least four times a week.
-----------	--

- (b) in the matter included under item (2)—

- (i) by deleting the words “Others coffee” appearing under the heading “*Tariff Description*” opposite tariff number 1901.11.90 and substituting therefor the words “Other coffee”;

- (ii) By inserting the following tariff numbers and description in their proper numerical sequence—

2818.30.00	Aluminium hydroxide
2833.22.00	Sulphates of aluminium
4902.10.00	Newspapers, journals and periodicals whether or not illustrated or containing advertising materials, appearing at least Four times a week.

(The Minister for Finance)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Fourth Schedule - as amended agreed to

Fifth Schedule - agreed to

Sixth Schedule - Amendment Proposed

THAT the Sixth Schedule be amended—

(a) by inserting in the matter included under item (1) in Part I the following tariff number and description in proper numerical sequence—

4902.90.00	Other newspapers, journals and periodicals appearing at least four times a week.
------------	--

(b) by deleting tariff number “0802.90.11” appearing under the heading “**Tariff No.**” and opposite the words “Other macadamia nuts” in the matter included under item (2) in Part I and substituting therefor the tariff number “0802.90.19”;

(c) by inserting in the matter included under item (2) of Part I the following tariff number and description in proper numerical sequence—

4902.90.00	Other newspapers, journals and periodicals whether or not illustrated or containing advertising materials.
------------	--

(The Minister for Finance)

Question of the first part of the amendment that the tariff numbers to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the tariff numbers proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Sixth Schedule - as amended agreed to

Seventh Schedule – Amendment Proposed

THAT the Seventh Schedule be amended—
(No.105) THURSDAY, DECEMBER 04, 2003 (460)

(c) in the matter included under item (1) by inserting the following tariff number and description in proper numerical sequence-

4902.21.0 Newspapers, journals and periodicals
appearing at least four times a week.

(d) in the matter included under item (2)—

(j) by deleting the words “Others coffee” appearing under the heading “*Tariff Description*” opposite tariff number 1901.11.90 and substituting therefor the words “Other coffee”;

(ii) By inserting the following tariff numbers and description in their proper numerical sequence—

2818.30.00 Aluminium hydroxide
2833.22.00 Sulphates of aluminium

4902.10.00 Newspapers, journals and periodicals
whether or not illustrated or containing
advertising materials, appearing at least
Four times a week.

(The Minister for Finance)

Question of the first part of the amendment that the tariff numbers to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the tariff numbers proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Seventh Schedule - as amended agreed to

Clause 1 – agreed to.

Title – agreed to.

Bill to be reported with amendments;

26. **HOUSE RESUMED** - An Acting Deputy Speaker – Mr. Ethuro - in the Chair.

27. **THE FINANCE BILL (BILL NO.13)**

Bill reported with amendments;

(No.105 THURSDAY, DECEMBER 04, 2003 (461)

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Minister for Finance)

Question put and agreed to.

Motion made and Question proposed:

THAT, the Finance Bill (Bill No.13) be now read a Third Time.

(The Minister for Finance)

Question put and agreed to.

Bill read a Third time and passed.

28. **THE PUBLIC PROCUREMENT AND DISPOSAL BILL (BILL NO.16)**

Motion made and Question proposed;

THAT, the Public Procurement and Disposal Bill be now read a Second Time.

(The Minister for Finance – 2.12.2001)

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Ntonyiri (Mr. Maoka Maore) drew that attention of the Acting Deputy Speaker (Mr. Ethuro) to the fact that there was no Quorum;

And the Acting Deputy Speaker having counted the honourable Members and confirmed that that there was no quorum asked the Division Bell to be rung;

And there being no Quorum after the expiry of eight minutes;

And the time being thirty minutes past Six O'clock an Acting Deputy Speaker (Mr. Ethuro) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

(No.105

THURSDAY, DECEMBER 04, 2003

(462)

29. **HOUSE ROSE** – at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Tuesday December 09, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

TUESDAY, DECEMBER 09, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. QUESTION NO.577 - was answered by the Assistant Minister for Finance (Mr. Katuku).
4. QUESTION NO.808 - was answered by the Minister for Roads, Public Works and Housing.
5. QUESTION NO.414 - was answered by an Assistant Minister for Agriculture (Mr. Joseph Nyagah).
6. QUESTION NO.882 - was answered by the Assistant Minister for Water Resources Management & Development (Mr. Munyes).
7. QUESTION NO.392 - was answered by the Assistant Minister for Water Resources Management & Development (Mr. Munyes).

8. QUESTION NO.752 - was deferred to another day.

9. QUESTION NO.925 - was deferred to another day.

10. QUESTION NO.616 - was deferred to another day.

11. QUESTION NO.365 - was dropped in the absence of the Member.

12. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Kuresoi (Mr. Moses Cheboi) concerning two classrooms roofs blown off by wind in Kuresoi Division was answered by an Assistant Minister for Education, Science and Technology (Mrs. Beth Mugo).

13. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for O'Kalou (Eng. Muriuki Karue) concerning misappropriation of Ol Kalou Co-operative Society funds was answered by the Assistant Minister for Co-operative Development and Marketing (Mr. Peter Kenneth).

14. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Gatundu North (Mr. Patrick Muiruri) concerning action against owners, publishers, editors and writers of various listed newspapers was answered by the Attorney General.

15. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Eldama Ravine (Mr. Musa Sirma) concerning release of the body of the late Edward Ndung'u at Moi Teaching and Referral Hospital was deferred to another day.

16. COMMUNICATION FROM THE CHAIR

Mr. Speaker conveyed the following Communication from the Chair:-

Hon. Members,

It is my pleasure to welcome the Hon. John P. Mgufuli, MP, Minister for Public Works from the United Republic of Tanzania who is on official visit to Kenya. Hon. Magufuli is leading a

delegation of officials from Tanzania at the invitation of our Government to share experience in the spirit of East African Co-operation.

Tomorrow, he will launch the construction works on the Meru-Maua Road.

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He is accompanied by:-

Eng. L. Mujjungi	-	Director of Trunk Roads
Eng. P. Mfugale	-	Director of Regional Roads/Bridges
Eng. B. Muhegi	-	Registrar of Contractors Registration Board
Eng. M.T. Kimweri	-	CEO, Tanzania Building Agency
Eng. N. Ntemo	-	Head of Information and Communication.
Mr. B. Rahaza	-	Assistant to the Minister
Maj. Gen. M.S.H. Sarakikya	-	Tanzania High Commissioner, Kenya

On behalf of the House, we hail the cordial relations between our sister states.

Thank you”.

17. **MINISTERIAL STATEMENT – ALLEGED MISTREATMENT OF IRANIAN NATIONALS BY AIRPORT IMMIGRATION**

By indulgence of the House, an Assistant Minister for Foreign Affairs (Mr. Wetangula) made a Ministerial Statement regarding allegations of harassment on Iranian national at the airport by immigration officials;

Thereupon, the Assistant Minister informed the House that contrary to the allegation, no Iranian national was subjected to harassment, but that two months ago, Iranian sportsmen on transit from Durban were denied transit visas at Jomo Kenyatta International Airport since Iranians are required to give prior notice to the date of travel since the country was on referred visa category.

He also informed the House that the Iranian government has requested that this provision should be waived and that the visa committee would meet to consider their request.

He further said that the relations between Kenya and Iran were cordial and several agreements which include cultural education, trade and scientific co-operation have been signed and that Kenya would continue to effectively facilitate the issuance of visas to Iranian nationals.

18. MINISTERIAL STATEMENT – STATUS OF KENYA MEAT COMMISSION (KMC)

By indulgence of the House, the Minister for Livestock Development and Fisheries made a Ministerial Statement on the status of the Kenya Meat Commission (KMC).

Thereupon, Minister informed the House that KMC was established in 1950 to promote the country's meat industry through purchase and slaughter of livestock and marketing of livestock products and that the same time act as a strategic drought

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management tool and a s a buyer of last resort. The factory has performed poorly and that it was finally closed in 1992. It will be reopened in the next future, although the government intends to eventually divest from KMC. It is therefore necessary for the government to prepare KMC for divestiture and that was why the government appointed Joint Receiver Managers with a specific mandate of developing a feasible action plan.

The Minister further informed the House that the Receiver Managers are expected to complete their work within six months from the date of their appointment after which an interim board of management will continue with the restructuring of KMC.

19. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

(An Acting Chairman of Committees – Mr. Ethuro – in the Chair)

The National Commission on Gender and Development Bill

Clause 2 - amendment proposed:

THAT, Clause 2 be amended by inserting the following definitions in appropriate alphabetical sequence –

“development issues” includes issues relating to development in socio-cultural, political and economic sectors;

“gender” means the differences between women, men, boys and girls

- i. within the same household; or
- ii. within and between cultures and institutions.

which are socially and culturally constructed and change overtime.

(Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Clause 2 - as amended agreed to.

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Clause 3 - amendment proposed:

THAT, Clause 3 be amended by deleting the word “taking” and the comma which follows it.

(Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the word and comma proposed to be deleted be deleted proposed, put and agreed to.

Clause 3 - as amended agreed to.

Clause 4 - agreed to

Clause 5 - amendment proposed:

THAT, Clause 5 be amended –

- (a) be deleting the word “chairman” wherever it occurs and substituting therefore the word “chairperson”.**
- (b) By deleting paragraphs (f) and (g) and substituting therefore the following paragraphs –**
 - f) the Permanent Secretary in the Ministry for the time being responsible for matters relating to planning and national development**
 - (e) the Permanent Secretary in the Ministry for the time being responsible for matters relating to labour;**
 - (f) the permanent secretary in the ministry for the time being responsible for matters relating to agriculture;**
 - (g) the Attorney-General or a representative of the Attorney General**
 - (h) nine other persons appointed by the Minister, of who –**

- i) three shall be women nominated by the National Council of Women of Kenya who shall be representative of the various sectors, professions and provinces.
- ii) two shall be women nominated by the National Council of Non-governmental Organisations
- iii) one shall be nominated from the disability movement in such manner as the Minister may prescribe by notice published in the Gazette
- iv) one shall be nominated from the private sector in such manner as the Minister may prescribe by notice published in the Gazette.

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- v) One shall be nominated by the Kenya Pastoralism Forum and shall be conversant with pastoralist concerns
- (c) by renumbering subclauses (2), (3) and (4) as subclauses (3), (4) and (5) respectively and inserting immediately before them the following subclauses.

(2) it shall be the duty of the Minister to ensure that persons appointed under subsection (1)(j) include a gender specialist, an economist, a social scientist, a member of the Law Society of Kenya and a person from the pastoralist community.

(Minister for Gender, Sports, Culture and Social Services)

Debate arising;

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed:

THAT clause 6 be amended –

(a) in sub-clause (1) by inserting a comma and the word “implement” after the word “co-ordinate”.

(b) In sub-clause (2)(b) by inserting the word “in liaison with the ministry for the time being responsible for matters relating to gender” and a comma before the word “exercise”

c) By deleting paragraphs (c), (d) and (e) of sub-clause (2) and substituting therefore the following paragraphs –

c) initiate, lobby for and advocate for legal reforms on issues affecting women and to formulate laws, practices policies that eliminate all forms of discrimination against women and all institutions, practices and customs that are detrimental to their dignity

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- (d) institute proposals and advise on the establishment and strengthening of the institutional mechanisms which in particular, access to and benefits in education, health care, nutrition, shelter, employment and control of economic and national resources**
- (e) determining strategic priorities in all the socio economic, political and development policies of the government and advise on heir implementation**
- (f) by deleting paragraphs (i) and (j) of sub-clause (2) and substituting therefore the following paragraphs**
 - (i) carry out investigation on gender based rights and violations and forward recommendations to the relevant authorities and**
 - (ii) receive and evaluate annual reports on progress made by government ministries and other sectors on gender main streaming and women’s empowerment.**

(Minister for Gender, Sports, Culture and Social Services)

Debate arising;

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 6 - as amended agreed to.

Clauses 7-10 - agreed to.

Clause 11 - amendment proposed:

THAT, clause 11 be amended –

- (a) by deleting from subclause (1) all the words after the word “appointed by the minister”.
- (b) in subclause (4) by inserting the words “a gender specialist” before the word “appointed”
- (c) by renumbering subclause (5) as subclause (6) and inserting before it the following subclause -

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5. the Director and Deputy Director shall be of opposite sex”

(Minister for Gender, Sports, Culture and Social Services)

Debate arising;

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 11 - as amended agreed to.

Clause 12 - amendment proposed:

THAT, Clause 12 be amended by renumbering the clause as clause 12(1) and inserting at the end of it the following subclauses –

- (2) the gender balance principle shall guide all staff appointments
- (3) at no time shall more than two thirds of the staff of the commission be of the same sex

(Minister for Gender, Sports, Culture and Social Services)

Debate arising;

Question of the first part of the amendment that the clause proposed to be renumbered be renumbered proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted thereof be inserted proposed, put and agreed to.

Clause 12 - as amended agreed to.

Clauses 13 –14 - agreed to.

Clause 15 - amendment proposed:

THAT, Clause 15 be amended by deleting the words “agent or any person acting by his directions personally” and substituting therefor the words “agent” or any person acting under the directions of the Commission or any such member, officer, employee, personally”.

(Minister for Gender, Sports, Culture and Social Services)

(No.106)

TUESDAY, DECEMBER 09, 2003

(471)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed:

THAT, Clause 16 be amended by deleting the word “injury to him” his property or any of his interests caused by” and substituting therefore the words “personal or proprietary interest sustained by the person as a result of”

(Minister for Gender, Sports, Culture and Social Services)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 16 - as amended agreed to.

Clauses 17-19 - agreed to.

Clause 20 - **amendment proposed:**

THAT, clause 20(3) be amended by deleting the word “his” in the fifth line.

(Minister for Gender, Sports, Culture and Social Services)

Question of the first part of the amendment that the word proposed to be deleted be deleted proposed, put and agreed to.

Clause 20 - **as amended agreed to.**

Clause 21 - **amendment proposed:**

THAT, clause 21 be amended by deleting sub-clauses (2) and (3) and substituting therefore the following new sub-clause:

- (2) the annual accounts of the Commission shall be prepared, audited and reported upon in accordance with the Exchequer and Audit Act.**

(Minister for Gender, Sports, Culture and Social Services)

(No.106)

TUESDAY, DECEMBER 09, 2003

(472)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 21 - **as amended agreed to.**

Clauses 22 & 23 - **agreed to.**

Schedule - **amendment proposed:**

THAT, the Schedule be amended –

- (a) by deleting the word “Chairman” wherever it occurs and substituting therefore the word “Chairperson”.**
- (b) in paragraph 3, by deleting the word “eight” and substituting therefor the word “nine”.**
- (c) in paragraph 5, by deleting the word “eight” and substituting therefore the word “thirteen”**

(d) in paragraph 6, by inserting the words “or she” after the word “he”.

(Minister for Gender, Sports, Culture and Social Services)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Schedule - as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments

20. HOUSE RESUMED - An Acting Deputy Speaker (Mr. Khamasi) in the Chair

Bill reported with amendments.

(No.106)

TUESDAY, DECEMBER 09, 2003

(473)

20. THE NATIONAL COMMISSION ON GENDER AND DEVELOPMENT BILL
(BILL NO.6)

Bill reported with amendments.

Motion made and Question proposed;

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Minister for Sports, Gender, Culture and Social Services)

Question put and agreed to.

Motion and Question proposed:

THAT, the National Commission on Gender and Development Bill (Bill No.6) be now read a Third Time.

(The Minister for Sports, Gender, Culture and Social Services)

Debate arising;

Question put and agreed to.

Bill read a Third Time and passed.

22. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE
(The Chairman of Committees in the Chair)

The Presidential Retirement Benefits Bill (Bill No.11)

Clause 2 - agreed to.

Clause 3 - **Amendment proposed:**

THAT, Clause 3 be amended by inserting the words “or surviving spouses” after the words “surviving spouse” wherever they occur in clause 3(b) and (c).

(Mr. Mutula Kilonzo)

Question of the amendment that the words proposed to be inserted be inserted proposed;

(No.106)

TUESDAY, DECEMBER 09, 2003

(474)

Debate arising;

Question put and agreed to.

Rising in her place on a Point of Order, a Nominated Member (Mrs. Adelina Mwau) claimed for a Division;

And there being the minimum number of Members required rising in support of the claim;

And the Chairman of Committees acceding to the claim, directed that the Division Bell be rung;

And at the expiry of five minutes, the Bar having been drawn and the doors closed;

And the names of the Tellers having been announced;

Thereupon the House proceeded to a Division.

Question put and on a Division negatived.

AYES

NOES

7

34

ABSTENSIONS

Nil

(No.106)

TUESDAY, DECEMBER 09, 2003

(475)

AYES

ABSTENTIONS

**Abdalla (Ms) A.
Bifwoli S.W.
Ethuro D.E.
Masanya G.O.
Obwocha H.O.
Olweny P.A.
Shabaan A.I.**

Nil

NOES

**Arunga J.O.
Gachagua J.N.
Ivuti P.E.M.
Kajwang G.O.
Kamotho J.J.
Kariuki G.G.
Kariuki M.**

Katuku J.M.
Khamisi J.M.
Kihara J.
Maathai (Prof) W.
Magara J.O.
Marende K.O.
Mbau E.P.
Mbarire C.
Midiwo W.J.
Muchiri G.G.
Munyao J.K.
Muriithi P.G.
Mutiso J.M.
Mwau (Mrs.) A.N.
Mwendwa (Mrs) W.N.
Mwiraria D.
Ndile R.K.
Nyagah M.G.K.
Ojiambo (Prof) J.
Ojode J.O.
Omamba H.O.
Onyancha J.O.
Saitoti (Prof) G.
Sirma M.C.
Sungu E.G.
Toro J.N.
Wetangula M.M.

(No.106)

TUESDAY, DECEMBER 09, 2003

(476)

Clause 4 - Amendment proposed:

THAT, Clause 4 be amended by deleting sub-clauses (1) and (2);

Question of the amendment that the sub-clauses to be deleted be deleted proposed

Debate arising;

Question put and negatived:

Clause 4 - agreed to.

23. COMMITTEE TO REPORT PROGRESS

Motion made and Question proposed:

THAT, pursuant to the provisions of Standing Order 107, the Committee do report progress on the Presidential Retirement Benefits Bill (Bill No.11) and seek leave to sit again tomorrow .

(The Assistant Minister for Finance)

Question put and agreed to.

24. **HOUSE RESUMED** - Deputy Speaker in the Chair

Progress Report on the Presidential Retirement Benefits Bill (Bill No.11);

Motion made and Question proposed:

THAT, the House doth agree with the Committee of the Whole House in the said Report.

(The Assistant Minister for Finance)

Question put and agreed to.

25 **THE PUBLIC AUDIT BILL (BILL NO.19)**

Order for Second Reading read;

Motion made and Question proposed:

THAT, the Public Audit Bill (Bill No.19) be now read a Second Time.

(The Minister for Finance – 02.12.2003)

(No.106)

TUESDAY, DECEMBER 09, 2003

(477)

Debate interrupted on 2nd December, 2003 resumed;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

26. **ADJOURNMENT OF THE HOUSE PURSUANT TO STANDING ORDER 18(1) – UNSATISFACTORY REPLY TO QUESTION BY PRIVATE NOTICE BY THE MEMBER FOR ELDORET EAST (MR. JOSEPH LANGAT)**

Motion made and Question proposed:

THAT, this House do now adjourn.

(The Leader of Government Business)

Debate arising;

And the time being five minutes past Seven O'clock, an Acting Deputy Speaker (Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

27. HOUSE ROSE - at five minutes past Seven O'clock.

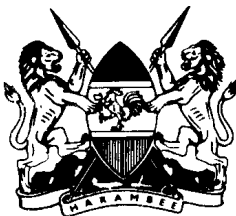
MEMORANDUM

**Mr. Speaker will take the Chair on
Wednesday, December 10, 2003 at 9.00 a.m.**

Ninth Parliament

(No.107)

**Second Session
Morning Sitting
(478)**



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

WEDNESDAY, DECEMBER 10, 2003

- 1. The House assembled at Nine O'clock.**
- 2. The Proceedings were opened with Prayer.**
- 3. QUESTION NO.725 - was answered by the Assistant Minister
for Water Resources Management and Development (Mr. J. Munyes)**
- 4. QUESTION NO.675 - was answered by the Assistant Minister
for Lands and Settlement. (Mr. O. Ojode)**
- 5. QUESTION NO.782 - was answered by the Assistant Minister
for Lands and Settlement. (Mr. O. Ojode)**
- 6. QUESTION NO.646 - was deferred to another day.**
- 7. QUESTION NO.787 - was deferred to another day.**
- 8. QUESTION NO.752 - was dropped in absence of the Member.**
- 9. QUESTION NO.642 - was dropped in the absence of the
Member.**
- 10. QUESTION NO.732 - was dropped in the absence of the
Member.**

(479)

- ## 12. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Nakuru Town (Mr. M. Kariuki) concerning the findings of the Nakuru Chief Magistrate inquest No. 13/95 regarding the late Jane Njeri Kimani was deferred to another day.

13. SUSPENSION OF A MEMBER PURSUANT TO THE PROVISIONS OF STANDING ORDER 88 (i.)

Pursuant to the provisions of Standing Order 88(i.), an Acting Deputy Speaker (Mr. Phogisio) ordered the Member for Kitutu Chache (Mr. J. Angwenyi) to withdraw from the Chamber for the remainder of the sitting for disorderly conduct.

Thereupon the member withdrew from the Chamber.

14. MINISTERIAL STATEMENT – SAMPLES OF HONEY PURCHASED BY KENYA BUREAU OF STANDARDS FROM NAKUMATT HOLDINGS LTD.

By the indulgence of the House, the Assistant Minister for Trade and Industry (Mr. P. Miriti) made a Ministerial Statement on samples of six (6) brands of honey purchased by the Kenya Bureau of Standards (KBS) from Nakumatt Holdings Ltd. Which failed to meet the required standards.

Thereupon the Assistant Minister informed the House that KBS instructed the Supermarket to desist from sale of the honey but the company refused.

The KBS filed a case against Nakumatt at Makadara who in turn proceeded to the High Court and obtained orders to stop the case which made it difficult for KBS to finalise.

15. MINISTERIAL STATEMENT – YALA SWAMP AND DOMINION GROUP

By the indulgence of the House, the Assistant Minister for Regional Development (Mr. D. Mungatana) made a Ministerial Statement on the reclamation of the Yala Swamp and the investment by the Dominion Group.

Thereupon, the Assistant Minister informed the House that Lake Basin Development Authority requested the Dominion Group to invest in Yala Swamp on a collaborative agreement.

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(480)

However the Dominion Group started developing the Land with minimal consultation with LBDA against the expectations of the agreement and hence the current problem.

The two parties have advised to meet and address all outstanding issues.

PAPERS LAID

The following papers were laid in response to the Ministerial Statement;

- (i) Environmental Impact Assessment Licence for the proposed Yala Swamp Project.
- (ii) A letter to the president, Dominion Group from the (Amb. F. Muthaura)
- (iii) A letter signed by the Ministers for Rural Development, Water Resources Management and Development and Environment Natural Resources and Wildlife halting physical activities at Yala Swamp.
- (iv) A letter from National Environment Management Authority acknowledging receipt of prescribed fees for EIA

(Dr. Oburu Oginga)

17. **LEAVE TO INTRODUCE A BILL FOR AN ACT OF PARLIAMENT TO AMEND THE SUGAR ACT TO ADDRESS PROBLEMS AFFECTING THE SUGAR SUB SECTOR**

Motion made and Question proposed;

THAT, in view of the fact that problems affecting the sugar sub-sector have continued to escalate and that the sub-sector is on the verge of collapse; concerned that massive importation of cheap sugar from COMESA countries and other world markets coupled with high cost of production locally have compounded the problems facing the sub-sector; further concerned that the collapse of the sub-sector would lead to loss of means of livelihood for over 6 million Kenyans; aware that the Sugar Act, 2001 has failed to address these problems; this House do grant leave to introduce a bill for an Act of Parliament to amend the Sugar Act in order to comprehensively address all problems affecting the sugar sub-sector.

(Prof. Ruth Oniang'o – 03.12.2003)

Debate interrupted on 3rd December, 2003 resumed;

Mover replied;

Question put and agreed to

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18. **NEGOTIATION OF THE TREATY REGARDING THE UTILIZATION OF LAKE VICTORIA WATERS**

Motion made and Question proposed;

THAT, in view of the fact that the Treaty signed between the British Colonial Authorities on behalf of the East African states and Egypt regarding the utilization of Lake Victoria waters is outdated and inimical to the socio-economic interests of the people living around the Lake; and taking cognizance of the importance of the Lake as a source of livelihood of our people, this House urges the Government, in consultation with other East African Governments, to re-negotiate the Treaty with all the states who are signatories.

(Dr. Oburu Oginga)

Debate arising:

Mover replied;

Question put and agreed to.

And the time being thirty minutes past Twelve O'clock an Acting Deputy Speaker (Mr. Phogisio) interrupted the proceedings and adjourned the House without question put pursuant to the Standing Orders.

19. **HOUSE ROSE** – at thirty minutes past Twelve O'clock

MEMORANDUM

Mr. Speaker will take the chair today
Wednesday, December 10, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 10, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. PAPERS LAID

The following papers were laid on the table of the House:-

- (iii.) Technical and Financial Audit Committee Report on the National Oil Corporation.
- (iv.) Technical and Financial Audit Committee Report on the Kenya Pipeline Company.
- (v.) Technical and Financial Audit Committee Report on the Kenya Power and Lighting Company and the Kenya Electricity Generating Company Ltd.

(An Assistant Minister for Energy - Mr. Mwangi Kiunjuri)

- (iv) Report of the departmental Committee on Finance, Planning and Trade of the Public Audit Bill (Bill No. 19).

(Chairman of the Departmental Committee).

4. QUESTION NO.934 - was answered by an Assistant Minister in the

Office of the President (Prof. Kibwana).

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5. QUESTION NO.876 - was answered by the Assistant Minister in the
Office of the Vice President and Ministry of Home Affairs (Dr. Machage).
6. QUESTION NO.993 - was answered by the Assistant Minister for
Roads Public Works and Housing (Eng. Joshua Toro).
7. QUESTION NO.700 - was answered by an Assistant Minister for
Education Science & Technology (Mrs. Beth Mugo).
8. QUESTION NO.942 - was answered by an Assistant Minister for
Foreign Affairs (Mr. Wetangula) on behalf of
the Minister for Health.
9. QUESTION NO.800 - was answered by the Assistant Minister for Lands and Settlement (Mr. Ojodeh) on
behalf of the Minister for Health.
10. QUESTION NO.678 - was answered by the Assistant Minister for Lands and Settlement (Mr. Ojodeh) on
behalf of the Minister for Health.
11. QUESTION NO.903 - was answered by the Assistant Minister for
Water Resources Management and Development. (Mr. J. Munyes)
12. QUESTION NO.616 - was deferred to another day.
13. QUESTION NO.997 - was deferred to another day.
14. QUESTION NO.713 - was dropped in the absence of the Member.

15. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Eldama Ravine (Mr. M. Sirma) concerning the release of the body of the late Edward Ndungu from the Moi Teaching and Referral Hospital Eldoret for burial was answered by an Assistant Minister for Foreign Affairs. (Mr. Wetangula) on behalf of the Minister for Health

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(484)

16. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mukurwe-ini (Mr. M. Kagwe) concerning the danger posed by the collapse of Rutune Bridge that connects the Nyeri and Muranga Districts through Mukurwe-ini and Kiharu constituencies was answered by the Assistant Minister for Roads Public Works and Housing (Eng. Joshua Toro).

17. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Samburu East (Mr. S. P. Leshore) concerning the amount of money collected by the National Universities in form of fees and levies from Private and parallel degree students and how it has been utilized was deferred to another day.

18. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

An Acting Deputy Chairman of Committees (Mr. Khamasi) in the Chair.

The Presidential Retirement Benefits Bill (Bill No. 11)

Consideration interrupted on 9th December 2003 resumed.

Clause 5 - Amendment proposed:

- (i) THAT, clause 5 (a) be amended by deleting all the words appearing after the word “one” in the second line to the end and insert the following words in place thereof:- “month’s salary for each year served as president subject to a maximum of ten (10) years”.

(Mr. Omingo Magara)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and negatived

(ii) THAT clause 5 (a) be amended by inserting the expression “(to a maximum of two terms)” after the word “President”.

(Hon. Mutahi Kagwe)

Amendments withdrawn by leave of the House.

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(485)

(ii) THAT clause 5 (b) be amended by deleting the words ”eighty percent” and replacing with words:- “forty percent”.

(Hon. Omingo Magara)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and negatived.

(v) THAT clause 5(c) be amended by deleting the words “not exceeding” and substituting therefor the word “of”.

(Hon. Mutahi Kagwe)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and agreed to.

Question of the second part of the amendment that the words proposed to be substituted therefore be substituted proposed put and agreed to.

THAT clause 5 (d) be deleted and the following paragraph substituted therefor—

(d) a housing allowance of three hundred thousand shillings per month to cater for both an urban and a rural dwelling;

(Hon. Mutahi Kagwe)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be substituted proposed put and agreed to.

THAT clause 5 (d) be amended by inserting the words “of the retired President’s choice” after the words “suitable dwelling”.

(Hon. Mutula Kilonzo)

Amendment withdrawn by leave of the House.

THAT clause 5 (f) be amended by deleting the words “Mercedes Benz cars” and substituting therefor the words new cars of the retired President’s choice, replaceable every three years, each car”.

(Hon. Mutula Kilonzo)

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WEDNESDAY, DECEMBER 10, 2003

(486)

Question of the proposed amendment put and agreed to

THAT clause 5(f) be amended by deleting the words “two thousand eight hundred and substituting therefor the words “at least three thousand”.

(Hon. Mutula Kilonzo)

Question of the amendment proposed:

Debate arising.

Amendment to the amendment proposed:

THAT, the amendment be amended by deleting the words “ at least” appearing on the on the second line and substituting therefore the words “not exceeding”.

(Hon. Henry Obwocha)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and agreed to

Question of the second part of the amendment that the words of the amendment that the words proposed to be substituted therefor be substituted proposed put and agreed to

THAT clause 5 (f) be amended by inserting the expression “(or equivalent)” after the words “Mercedes Benz cars”.

(Hon. Mutahi Kagwe)

Amendment withdrawn by indulgence of the House.

THAT clause 5 (f) be amended by deleting the words “two Mercedes benz cars” in the first line and insert in place thereof the words:- one Mercedes Benz car”.

(Hon. Omingo Magara)

Amendments withdrawn by indulgence of the House.

THAT clause 5 (g) be amended by inserting the words “of the retired President’s choice, replaceable every three years, each vehicle” after the words “motor vehicles”.

(Hon. Mutula Kilonzo)

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(487)

Question of the amendment that the words proposed to be inserted be inserted proposed put and agreed to.

THAT clause 5 (h) be amended by deleting the words “not exceeding” and substituting thereof the word “of”.

(Hon. Mutahi Kagwe)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and agreed to

Question of the second part of the amendment that the words proposed to be substituted therefore be substituted proposed, put and agreed to.

THAT clause 5 (j) be amended by inserting the words “and his children under the age of eighteen years” after the word “spouse”

(Hon. Mutahi Kagwe)

Question of the amendment that the words proposed to be inserted be inserted proposed put and agreed to.

THAT clause 5 be renumbered as clause 5 (1) and the following subclause be inserted as clause 5 (2):

(2) An allowance payable, during the year 2004 or any subsequent year, under any of paragraphs (c.), (d) and (i.) of sub-section (1) shall be adjusted by a factor determined by the Minister responsible for matter relating to finance, who shall in doing so take into account the inflation rate and the cost of living index, as ascertained by the most recent publications of the Central Bureau of Statistics or such other authoritative publications as he may approve:

Provided that no adjustment shall be made under this subsection that would result in a reduction of the allowance.

(Hon. Mutula Kilonzo)

Amendment withdrawn by leave of the House.

Clause 5 – as amended agreed to

Clause 6 – Amendment proposed

- (i.) THAT clause 6 (1) be amended by deleting the words “neither hold office in, nor actively engage in activities of” and substituting therefor the words “not hold office in”.

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(488)

- (ii.) THAT clause 6 (1) be amended by inserting the words “for more than six months after ceasing to hold office as President” after the word “party”.

- (iii.) THAT clause 6 (2) be amended by deleting the word “non-partisan” and the comma which follows it

(Hon. Mutula Kilonzo)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed put and agreed to

Question of the second part of the amendment that the words proposed to be inserted be inserted proposed put and agreed to.

Clause 6 - as amended agreed to

Clause 7 - Amendment proposed :

THAT clause 7 be amended by deleting the words “and other benefits” where they ever occur in the clause.

(Hon. Mutula Kilonzo)

Question of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to

Clause 7 - as amended agreed to.

Clause 8-12 – agreed to.

Schedule

Schedule – Amendment proposed:

THAT the schedule be amended by:

- (i.) deleting the word “unlimited” appearing under part (n)
- (ii.) Inserting the words “not exceeding two weeks each” at the end of part (o)

(An Assistant Minister for Finance – Hon. Katuku)

Question of the first part of the amendment that the word proposed to be deleted be deleted proposed, put and agreed to.

(No.108)

WEDNESDAY, DECEMBER 10, 2003

(489)

Question of the second part of the amendment that the words proposed to be inserted be inserted put and agreed to.

Further amendment proposed:

THAT, the schedule be amended by deleting paragraph (e) and substituting therefore the following words:-

- “(i.) Such number of guards for personal and escort unit use as may from time to time be certified by the Minister responsible for National Security in consultation with the retired President”.
- (ii) Adequate security at the retired President’s urban and rural residences as may from time to time be certified by the Minister responsible for National Security in consultation with the retired President”.

(Hon. Mutula Kilonzo)

Question of the amendment proposed:

Debate arising;

Amendment to the amendment proposed:

THAT, the amendment be further amended by inserting the following proviso:-

“Provided that there shall be a minimum of six security guards.”

(Hon. Obwocha)

Question of the amendment to the amendment proposed put and agreed to

THAT the Schedule be further amended

- (a) in paragraph (b) by deleting the word “four” and substituting therefor the word “two”;
- (b) in paragraph (c) by deleting the word “four” and substituting therefor the word “two”;
- (c) in paragraph (d) by deleting the word “four” and substituting therefor the word “three”;
- (d) in paragraph (j) by deleting the word “four” and substituting therefor the word “two”;

(Hon. Mutahi Kagwe)

Question of the amendment proposed put and negatived
(No.108) **WEDNESDAY, DECEMBER 10, 2003** (490)

Schedule – as amended agreed to

Title – agreed to

Clause 1 – agreed to

Bill to be reported with amendments

20. **HOUSE RESUMED** – An Acting Deputy Speaker (Mr. Khamasi) in the Chair.

21. **THE PRESIDENTIAL RETIREMENT BENEFITS BILL (BILL NO. 11)**

Bill reported with amendments.

Motion made and Question proposed:

THAT the House doth agree with the Committee of the Whole House in the said report.

(The Assistant Minister Finance – Mr. Katuku)

Question put and agreed to.

Motion made and Question proposed:

THAT the Presidential Retirement Benefits Bill (Bill No. 11) be now read a Third Time.

(The Assistant Minister Finance – Mr. Katuku)

Debate arising.

Question put and agreed to.

Bill read a Third time and passed.

22. **THE PUBLIC AUDIT BILL (BILL NO. 19)**

Order for Second Reading read:

Motion made and Question proposed:

THAT the Public Audit Bill (Bill No. 19) be now read a Second Time.

(No.108) *(The Minister for Finance)*
WEDNESDAY, DECEMBER 10, 2003 (491)

Debate interrupted on 9th December 2003 resumed.

Rising in his place on a Point of Order the Member for Kamukunji (Mr. Norman Nyagah) claimed to move that the mover be now called upon to reply.

And the Acting Deputy Speaker (Mr. Khamasi) acceding to the claim;

Question put and agreed to.

Thereupon the Mover replied;

Question put and agreed to.

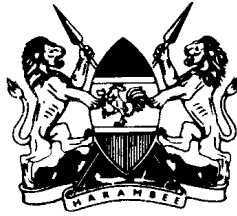
Bill read a Second Time and Committed to the Committee of the Whole House tomorrow.

And the time being thirty minutes past Six O'clock an Acting Deputy Speaker (Mr. Khamasi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

23. **HOUSE ROSE** – at thirty minutes past Six O'clock.

MEMORANDUM

Mr. Speaker will take the Chair on
Thursday December 11, 2003 at 2.30 p.m.



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

NINTH PARLIAMENT – SECOND SESSION

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 11, 2003

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PAPERS LAID**

The following papers were laid on the table of the House:-

- f) Annual Report and Accounts of Kenya Utalii College for the year ended 30th June, 2000 and the Certificate thereon by the Auditor General (Corporations).
- g) Annual Report and Accounts of Kenya Agricultural Research Institute for the year ended 30th June, 2002 and the Certificate thereon by the Auditor General (Corporations).
- h) Annual Report and Accounts of Kenya Pests Control Product Board for the year ended 30th June, 2001 and the Certificate thereon by the Auditor General (Corporations).

(An Assistant Minister for Agriculture – Mr. Joseph Nyagah)

- i) The Report of the Official Visit by the Chairman of the Liaison Committee, the Chairmen of Committees of the House and three other Members of Parliament from various Committees to the Canadian Parliamentary Centre, the Canadian Parliament and New York State

Assembly in Oban, USA, between July, 28th and 8th August, 2003.

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(493)

- j) Report of the 43rd Session of the Conference of the African Parliamentary Union held in Accra, Ghana, between 17th and 21st October, 2003.
- k) Report of the Study Tour of the Library Committee to the Parliaments of Zambia and Uganda on 3rd and 22nd November, 2003.

(The Deputy Speaker)

- 4. QUESTION NO.941 the - was answered by an Assistant Minister in Office of the President (Mr. Tarus).
- 5. QUESTION NO.997 the - was answered by an Assistant Minister in Office of the President (Prof. Kibwana).
- 6. QUESTION NO.616 the - was answered by an Assistant Minister in Office of the President (Mr. Tarus).
- 7. QUESTION NO.954 the - was answered by an Assistant Minister in Office of the Vice-President and Ministry of Home Affairs (Dr. Machage).
- 8. QUESTION NO.984 - was answered by the Minister for Roads, Public Works and Housing.
- 9. QUESTION NO.438 for - was answered by an Assistant Minister Agriculture (Mr. Joseph Nyagah).
- 10. QUESTION NO.963 for - was answered by an Assistant Minister Agriculture (Mr. Joseph Nyagah).
- 11. QUESTION NO.1027- was answered by an Assistant Minister for Education, Science and Technology (Mrs. Mugo).
- 12. QUESTION NO.989 - was answered by the Minister for Health.

13. QUESTION NO.968 - was answered by the Assistant Minister for Energy (Mr. Kiunjuri).
14. QUESTION NO.646 - was dropped in the absence of the Member.
15. QUESTION NO.787 - was dropped in the absence of the Member.

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(494)

16. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mumias (Mr. Osundwa) concerning illegal payments by the Sugar Board Executive to a fertilizer supplier was answered by an Assistant Minister for Agriculture (Mr. Nyagah).

17. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Mbita (Mr. Kajwang) concerning public collections of funds and harambees in contravention of the Public Officer Ethics Act was answered by the Assistant Minister for Justice and Constitutional Affairs (Mr. Githae).

18. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Nakuru Town (Mr. Kariuki) concerning the death of Jane Njeri Kimani was answered by the Attorney General.

19. QUESTION BY PRIVATE NOTICE

Question by Private Notice by the Member for Samburu East (Mr. Leshore) concerning the utilization of university levies collected from private students was dropped in the absence of the Member.

20. **MINISTERIAL STATEMENT – WRITE-OFFS BY COFFEE CO-OPERATIVE SOCIETIES**

By indulgence of the House, the Assistant Minister for Co-operative Development made a Ministerial Statement regarding write-offs by coffee co-operative societies;

Thereupon, the Assistant Minister informed the House that the initiative was intended to improve the coffee industry. He further reiterated that the objective of the proposed write off will go along way in reviving the coffee industry and help restore it to former status of a leading foreign exchange earner in the

country as well as help alleviate poverty in line with the government policy. He tabled a list of the proposed list for the write off.

20. **MINISTERIAL STATEMENT - FORMULATION OF GOVERNMENT WAGE POLICY**

By indulgence of the House, the Minister for Finance made a Ministerial Statement regarding the Government wage policy;

Thereupon, the Minister informed the House that the formulation of wage policy was joint responsibility of the Directorate of Personnel Management, the Ministry of Planning and National Development and the Ministry Finance. He reiterated that the country envisaged to contain in its wage Gross Domestic Product (GDP) ration

(No.109)

THURSDAY, DECEMBER 11, 2003

(495)

at 8.5 percent over the next two years and decline to 7.5 per cent in three to four years.

He further informed the House that the Government had appointed a Permanent Public Service Remuneration Review Board to regularly review the remuneration of public servants in line with the existing market rates. He assured the House that within one year, the necessary prerequisite for developing a wage policy would be in place.

23. **MINISTERIAL STATEMENT - STATE OF KENYA MEDICAL SUPPLIES AGENCY**

By indulgence of the House, the Minister for Health made a Ministerial Statement regarding the state of Kenya Medical Supplies Agency (KEMSA).

Thereupon, the Minister informed the House that the ministry had imported 300 million condoms between the year 2000 and 2002, which were stored at KEMSA stores. She further informed the house that the condition at KEMSA regarding storage and hygiene had improved dramatically.

24. **MINISTERIAL STATEMENT - CASES OF DEFILEMENT AND RAPE IN KENYA**

By indulgence of the House, the Attorney General made a Ministerial Statement regarding reported rape and defilement cases.

Thereupon, he informed the House that the government was gravely concerned and had taken measures to combat the crimes. He further informed the House that the need for comprehensive and specific sexual offences Act was recognized by the Government and a draft was currently being considered. He further said that more police doctors would be recruited.

25. **MINISTERIAL STATEMENT - COMPENSATION FOR MR. WALLACE GICHERE**

By indulgence of the House, the Assistant Minister for Justice and Constitutional Affairs (Mr. Githae) made a Ministerial Statement regarding compensation for Mr. Wallace Gichere;

Thereupon, the Assistant Minister informed the House that the Government had already accepted liability and the only thing remaining was assessment of damages and the issue was handled over to the Solicitor-General so as to agree with Mr. Gichere. However, the government had accepted to pay him a total of Ksh9,400,000 to cover all damages.

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26. **COMMUNICATION FROM THE CHAIR**

Mr. Speaker conveyed the following Communication from the Chair:-

Hon. Members,

I wish to bring to the attention of the House the fact that all Parliamentary staff members take their annual leave only in December, during the Christmas recess. Therefore, all Committee work will cease until next year, so as to enable parliamentary staff to take their well-earned annual leave. If they fail to proceed on

leave, they will lose part of their annual leave entitlement. I am not willing to let parliamentary staff lose their leave. So, take note that from next week, members of

staff will be going on leave. Those who will not want to go on leave will be deemed to have forfeited it.

Thank you.

27. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

An Acting Deputy Chairman of Committees (Mr. Khamasi) in the Chair.

The Persons with Disabilities Bill (Bill No. 7)

Motion made and Question proposed:

Clause 2 - amendment proposed:

THAT, Clause 2 be amended :

- (a) in the definition of “assistive devices and service” by inserting the expression “including the services of qualified interpreters for the deaf and qualified teachers for the blind” after the words “specialized services”
- (b) by deleting the definition of “disability” and substituting therefor the following definition:

“disability” means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation”.

This is the interpretation of “assistive devices” and “disability”.

(The Minister for Gender, Sports, Culture and Social Services)

(No.109)

THURSDAY, DECEMBER 11, 2003

(497)

Question of the first part of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be deleted be deleted proposed put and agreed to.

Clause 2 - as amended agreed to.

Clause 3 - agreed to.

Clause 4 - as amended agreed to.

THAT, Clause 4 be amended:-

- (a) by deleting paragraph (a) of subclause (1) and substituting therefor the following paragraphs:-
 - (a) not more than eight persons nominated, in a manner approved by the Minister, by organizations representing persons with various categories of disabilities;
 - (b) in the proviso to subclause (1) by inserting after paragraph (ii) the following paragraph –
 - (i) one of the members of the Council shall be from a rural based organization.
- (c) by inserting at the end of the clause the following subclause –
 - (4) the member appointed under subsection (1)(c) to represent the Ministry of Education shall be a child psychologist.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the first part of the amendment that the paragraph proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the paragraphs proposed to be inserted in place thereof proposed, put and agreed to.

Clause 4 - as amended agreed to.

Clauses 5 & 6 - agreed to.

(No.109)

THURSDAY, DECEMBER 11, 2003

(498)

Clause 7 - amendment proposed:

THAT, Clause 7 be amended –

- (a) in subclause (1)(b)(i) by deleting the words “so far as possible” and substituting therefore the words “to the maximum extent possible”
- (b) in the subclause (1)(d), by deleting the words “as far as possible” and substituting therefore the words “to the maximum extent possible”.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof proposed, put and agreed to.

Clause 7 - as amended agreed to.

Clauses 8-14 - agreed to.

Clause 15 - amendment proposed:

THAT, Clause 15 be amended by inserting after subclause (4) the following subclauses:

- (5) an employer shall provide such facilities and effect such modifications, whether physical, administrative or otherwise, in the workplace as may reasonably be required to accommodate persons with disabilities.

- (6) the minimum retirement age for persons with a disability shall be sixty years.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the subclauses proposed to be inserted be inserted proposed, put and agreed to.

Clause 7 - as amended agreed to.

Clauses 16 & 17 - agreed to.

(No.109)

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(499)

Clause 18 - amendment proposed:

THAT, Clause 18 be amended

- (a) in subclause (1) by inserting a comma and the words “if the person has the ability to acquire substantial learning in that course” after the words “such disability”.
- (b) in subclause (2) by inserting the words “entry requirements, pass marks, curriculum, examination auxiliary services” and a comma before the word “use”.
- (c) By deleting subclause (3) and substituting therefore the following subclause-

(3) special schools and institutions, especially for the deaf, the blind and the mentally retarded, shall be established to cater for formal education, skill development and self-reliance.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the first part of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Clause 18 - as amended agreed to.

Clause 19 - agreed to.

Clause 20 - amendment proposed:

THAT, Clause 20 be amended in paragraph (d) by deleting the word “marginalized”

(The Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the word proposed to be deleted be deleted proposed, put and agreed to.

Clause 20 - as amended agreed to.

(No.109)

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(500)

Clause 21 - amendment proposed:

THAT, Clause 21 be amended by inserting the words “and disability-friendly” before the word “environment”.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Clause 21 - as amended agreed to.

Clauses 22-25 - agreed to.

Clause 26 - amendment proposed:

THAT, Clause 26 be amended by inserting after subsection (1)(d) the following paragraph –

(e) on the ground of any ethnic, communal, cultural or religious custom or practice, discriminates against a person with a disability.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the paragraph proposed to be inserted be inserted proposed, put and agreed to.

Clause 26 - as amended agreed to.

Clauses 27-32 - agreed to.

Clause 33 - amendment proposed:

THAT, Clause 33 be amended by deleting subclause (1)(a) and substituting therefore the following paragraph –

(a) such moneys as may be appropriated thereto by Parliament.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the first part of the amendment that the paragraph proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the paragraph proposed to be inserted in place therefore be inserted proposed, put and agreed to.

(No.109)

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(501)

Clause 33 - as amended agreed to.

Clause 34 - agreed to.

Clause 35 - amendment proposed:

THAT, Clause 35 be amended by deleting by deleting the words “thereon as he deems fit” and substituting therefor the words “thereon, if any, as he deems fit, exempting the applicant wholly, or to the extent provided by the order, from income tax or other levies specified therein, and any such order shall notwithstanding the provisions of any other Act, have effect according to its terms”

(The Minister for Gender, Sports, Culture and Social Services)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 35 - as amended agreed to.

Clause 36 - amendment proposed:

THAT, Clause 36(1) be amended by inserting the words “or to organisations involved in such rehabilitation and registered with the council for the purpose of this section” after the word “disabilities”.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Clause 36 - as amended agreed to.

New Clause proposed:

THAT, the Bill be amended by inserting after Clause 36 the following New Clause –

37. It shall be the duty of the Minister responsible for matters relating to credit unions, co-operative s and other lending institutions to encourage the extension by such institution of credit to persons with disabilities.

(The Minister for Gender, Sports, Culture and Social Services)

(No.109)

THURSDAY, DECEMBER 11, 2003

(502)

Question of the amendment that the New Clause proposed to be inserted be inserted proposed, put and agreed to.

New Clause 37 - agreed to.

Clauses 38-42 - agreed to.

Clause 43 - amendment proposed:

THAT, Clause 43 be amended by deleting paragraph (d).

(The Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the paragraph proposed to be deleted be deleted proposed , put and agreed to.

Clause 43 - as amended agreed to.

Clauses 44 - agreed to.

Clause 45 - amendment proposed:

THAT, Clause 45 be amended by inserting the following words:

“any person who, being a doctor or other medical practitioner, negligently causes a disability to a patient is guilty of an offence and is liable to conviction and a fine not exceeding Ksh100,000 or to imprisonment for a term not exceeding one year, or to both such fine or imprisonment”.

(The Minister for Gender, Sports, Culture and Social Services)

Question of the amendment that the words proposed to be inserted be inserted be inserted proposed, put and agreed to.

Clause 45 - as amended agreed to.

Clauses 46-48 - agreed to.

Schedule - agreed to

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments

(No.109)

THURSDAY, DECEMBER 11, 2003

(503)

The Public Audit Bill (Bill No.19)

Clause 2 - amendment proposed:

THAT, clause 2 be amended by inserting the following:-

“Local authority” means a body established under the Local Government Act”

“Government includes the Central Government, the courts, the National Assembly, the Commissions established under the Constitution and any other institution connected with the Government or bodies set up under an Act of Parliament”

(Mr. Omingo Magara)

Question of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Clause 2 - as amended agreed to.

Clause 3 - amendment proposed:

THAT, Clause 3 be amended –

(a) In subclause (3) by deleting the word “three” and substituting thereof the word “two”.

- (b) In subclause (4) by deleting the word “five” and substituting thereof the word “four”.

(Mr. Obwocha)

Debate arising;

Question of the amendment that the words proposed to be inserted be inserted proposed, put and negatived.

Further amendment proposed:

THAT, Clause 3(b) be amended in subclause (4) by deleting the word “five” and substituting thereof the word “four”.

(Mr. Obwocha)

Debate arising;

(No.109)

THURSDAY, DECEMBER 11, 2003

(504)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 3 - as amended agreed to.

Clauses 4-7 - agreed to.

Clause 8 - amendment proposed:

THAT, Clause 8 be deleted and replaced with the following new clause –

“The Controller and Auditor-general shall audit the accounts submitted under sections 3 to 7, and shall express an opinion on the account based on the results of each audit stating whether:-

- (i) all information and explanations considered necessary for the audit was received.
- (ii) Proper records were maintained of all transactions as required under the generally accepted accounting practices.
- (iii) The accounts are in agreement with the records referred to under 8(ii)
- (iv) In his opinion, the accounts reflected fairly the financial position of the entity audited.

(Mr. Omingo Magara)

Debate arising;

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 8 - as amended agreed to.

Clause 9 - amendment proposed:

THAT, Clause 9 be amended in subclause (4) by deleting the word “eight” and substituting thereof the word “five”

(Mr. Obwocha)

Debate arising;

(No.109)

THURSDAY, DECEMBER 11, 2003

(505)

Further amendment proposed:

THAT, Clause 9 be amended by deleting Clause 9(1) and inserting the following new subclause –

- (a) 9(1) the Controller and Auditor General shall prepare a report based on the audit conducted under section 8 and submit the report to the National Assembly and such report shall include the matters covered under section 8 and any other information he may consider appropriate including but not limited to matter concerning efficiency in the usage of resources.

(Mr. Omingo Magara)

Amendment to the amendment proposed:

THAT, the amendment be amended by deleting the words “National Assembly” and inserting “Minister for Finance”.

(Mr. Obwocha)

Debate arising;

Question of the first part of the amendment that the clause proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the clause proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 9 - as amended agreed to.

Clauses 10 & 11 - agreed to.

Clause 12 - amendment proposed:

THAT, Clause 12 be amended in subclause (1) by inserting the words “for audit” after the word “submit”.

(Mr. Obwocha)

Question of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Clause 12 - as amended agreed to.

(No.109)

THURSDAY, DECEMBER 11, 2003

(506)

Clause 13 - agreed to.

Clause 14 - amendment proposed:

THAT, Clause 14 be amended by inserting a comma after the word “incorporation” and inserting the following words after the comma, “express an opinion” and by deleting the word “shall” after the word “and”

(Mr. Obwocha)

Question of the first part of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Clause 14 - as amended agreed to.

Clause 15 - amendment proposed:

THAT, Clause 15 be amended -

- (a) in subclause (1) by deleting the words “Minister responsible” and substituting thereof the words “appropriate Minister”.
- (b) In subclause (2) by rewording the section to read:

“proper books of accounts have been kept and the accounts are in agreement therewith”.

- (c) in subclause (4) by:
- (i) deleting the words “Minister responsible for Finance” and substituting thereof the words “Appropriate Minister”
 - (ii) deleting the word “eight” and substituting thereof the word “five”.

(Mr. Obwocha)

Question of the first part of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

(No.109)

THURSDAY, DECEMBER 11, 2003

(507)

Further amendment proposed:

THAT, Clause 15 be further amended in subclause (4) by deleting the word “eight” and substituting thereof the word “six”.

(Mr. Magara)

Question of the first part of the amendment that the word proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the word proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 15 - as amended agreed to.

Clauses 16-21 - agreed to.

Clause 22 - amendment proposed:

THAT, Clause 22 be amended in subclause (1) by deleting the word “six” and substituting thereof the word “three”.

(Mr. Obwocha)

Debate arising;

Question of the first part of the amendment that the word proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the word proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 22 - as amended agreed to.

Clauses 23 - 33 - agreed to.

Clause 34 - amendment proposed:

THAT, Clause e34 be amended to state the establishment of the Kenya National Audit Office.

(Mr. Obwocha)

(No.109)

THURSDAY, DECEMBER 11, 2003

(509)

Question of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Clause 34 - as amended agreed to.

Clause 35 - amendment proposed:

THAT, Clause 35 be amended by deleting the word “Government” and substituting thereof the words “Kenya National Audit Commission”.

(Mr. Obwocha)

Debate arising;

Question of the amendment that the words proposed to be inserted be inserted proposed, put and negated.

Clause 35 - agreed to.

Clauses 36-38 - agreed to.

Clause 39 - amendment proposed:

THAT, Clause 39 be amended in subclause (2) by inserting the words “and practicing” after the word “registered”.

(Mr. Obwocha)

Question of the amendment that the words proposed to be inserted be inserted proposed, put and agreed to.

Clause 39 - agreed to.

Clause 40-43 - agreed to.

Clause 44 - amendment proposed:

THAT, Clause 44 be amended –

- (a) in subclause (1) by deleting the words “Controller and Auditor General” and substituting thereof the words “the Accounting Officer for the Kenya National Assembly Audit Office”.

(No.109)

THURSDAY, DECEMBER 11, 2003

(510)

- (b) In subclause (2) by deleting the words “Controller and Auditor General” and substituting thereof the words “the Accounting Officer for the Kenya National Assembly Audit Office”

(Mr. Obwocha)

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

Clause 44 - as amended agreed to.

Clauses 45 - 48 - agreed to.

Clause 49 - amendment proposed:

THAT, Clause 49 be amended in subparagraph (b) by adding the following words immediately after the word “Assembly” –

“or in his absence the Chairman of the Public Investments Committee of the National Assembly”.

(Mr. Wamunyinyi)

Debate arising;

Question of the amendment that the word proposed to be added be added proposed, put and agreed to.

Clause 49 - as amended agreed to.

Clause 50 - amendment proposed:

THAT, Clause 50 be amended -

- (a) in subclause (2) by inserting the words “on such terms as may be determined by the Commission” after the word “Secretary”.

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(510)

- (b) By inserting a new subclause 50(3) as follows:

“0(3) provided that the Kenya National Assembly Audit Commission shall appoint, promote and discipline the staff of the Kenya National Audit Office”

(Mr. Obwocha)

Question of the amendment that the word proposed to be inserted be inserted proposed, put and agreed to.

Clause 50 - as amended agreed to.

Clauses 51-57 - agreed to.

First Schedule - amendment proposed:

THAT, the First Schedule, Part 5, be amended by adding the following proviso:

“provided the successor shall be appointed within one year from the day this Act comes into operation”

(Mr. Wamunyinyi)

Amendment to the amendment proposed:

THAT, the word “one year” appearing in the amendment proposed be deleted and the words “three months” be inserted in place thereof.

(Mr. Kajwang’)

Debate arising;

Question of the first part of the amendment that the words proposed to be deleted be deleted proposed, put and agreed to.

Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted proposed, put and agreed to.

First Schedule - as amended agreed to.

Second Schedule - agreed to.

Third Schedule - agreed to.

(No.109) **THURSDAY, DECEMBER 11, 2003** (511)

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

28. **HOUSE RESUMED** – The Deputy Speaker in the Chair.

29. **THE PERSONS WITH DISABILITIES BILL (BILL NO.7)**

Bill reported with amendments.

Motion made and Question proposed:

THAT the House doth agree with the Committee of the Whole House in the said report.

(The Minister for Gender, Sports, Culture and Social Services)

Question put and agreed to.

Motion made and Question proposed:

THAT the Persons with Disabilities Bill (Bill No.) be now read a Third Time.

(The Minister for Gender, Sports, Culture and Social Services)

Question put and agreed to.

Bill read a Third time and passed.

30. **THE PUBLIC AUDIT BILL (BILL NO. 19)**

Bill reported with amendments.

Motion made and Question proposed:

THAT the House doth agree with the Committee of the Whole House in the said report.

(The Minister for Finance)

Question put and agreed to.

(No.109)

THURSDAY, DECEMBER 11, 2003

(512)

Motion made and Question proposed:

THAT, the Public Audit Bill (Bill No. be now read a Third Time.

(The Minister for Finance)

Question put and agreed to.

Bill read a Third time and passed.

31. **ADJOURNMENT OF THE HOUSE TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY**

Motion made and Question proposed:

THAT, this House do now adjourn *sine die*.

(Deputy Leader of Government Business)

Debate arising;

And the time being Eight O'clock the Deputy Speaker interrupted the proceedings and adjourned the House after Question put pursuant to the Standing Orders.

32. **HOUSE ROSE** – at Eight O'clock.
