

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th June 2015

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

PETITION

ALLEGED COMPULSORY ACQUISITION OF LAND IN MAVOKO

Hon. King'ola: Hon. Speaker, I hereby present a public petition by residents of Mavoko Constituency regarding alleged compulsory acquisition of land parcel L.R. No.10029/2 in Mavoko Constituency.

I, the undersigned, on behalf of residents of Mavoko Constituency, draw the attention of the House to the following:-

THAT, we are the original and communal owners of the land referred to as “Sheep and Goat” situated in Athi River and Kitengela areas, LR. No.10029/2;

THAT, the land was compulsorily acquired from the right owners (the petitioners) for the purpose of holding ground for sheep and goats awaiting slaughter at the Kenya Meat Commission;

THAT, the land has never been used for the stated purpose and there is no evidence that the said land will ever be used for holding of sheep and goats.

THAT, the land has been allegedly used for other purposes, contrary to the original plans;

THAT, efforts to resolve this matter with the relevant Government agencies have been futile; and,

THAT, the matter presented in this petition is not pending before any tribunal or court of law.

Therefore, your humble petition prays that the National Assembly, through the Departmental Committee of Lands:-

Commences immediate investigations into the alleged irregular allocation and determines the validity of the current allocations and ensures that corrective action is taken;

Ensures that the Petitioners’ plight is addressed; and,

Makes any other order or direction that it deems fit in the circumstances of the case.

Your petitioners will ever pray.

Thank you, Hon. Speaker.

Hon. Speaker: The petition stands committed to the relevant Departmental Committee. I hope that they will give you a chance to appear before them, with many of your petitioners.

Next Order!

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Socialist Republic of Vietnam (pursuant to section 8 of the Treaty Making and Ratification Act 2012).

The Report of the Auditor-General on the Financial Statements of the Ministry of Labour, Social Security and Services for the year ended 30th June 2014, and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the National Youth Service Mechanical and Transport Fund for the year ended 30th June 2014, and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Official Receiver for the year ended 30th June 2014, and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Export Processing Zones Authority for the year ended 30th June 2014, and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the SACCO Societies Regulatory Authority for the year ended 30th June 2014, and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Kenya Industrial Property Institute for the year ended 30th June 2014, and the Certificate of the Auditor-General therein.

The Annual Report and Financial Statements of the Competition Authority of Kenya for the year ended 30th June 2014.

Thank you, Hon. Speaker.

Hon. Speaker: Of course, the one on the treaty making goes to the Departmental Committee on Transport, Public Works and Housing.

Hon. Mutava Musyimi.

Hon. Musyimi: Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Budget and Appropriations Committee on the Message from the Senate to the National Assembly on the Approval of the County Allocation of Revenue Bill, 2015.

Thank you, Hon. Speaker.

Hon. Langat: Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Departmental Committee on Finance, Planning and Trade on its consideration of the Special Economic Zones Bill, 2015.

Thank you, Hon. Speaker.

Hon. Speaker: For the convenience of the House, it is important that Members get to familiarise themselves with reports from various committees. It means that the Bills to which they relate are ready and mature for debate, so that the House is accordingly informed.

BILL*First Reading*

THE COUNTY ALLOCATION OF REVENUE BILL

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

Hon. Speaker: I can see that Hon. Muluve is itching to say something. Can you proceed?

Hon. Muluvi: Thank you, Hon. Speaker. I just want to make a formal request on a Statement I had requested on a very critical issue. It is about a student who disappeared, and who is still unaccounted for. You directed that the Cabinet Secretary (CS) for Interior and Co-ordination of National Government, and the CS for Education, Science and Technology appear before our Committee.

Hon. Speaker, the CS for Interior and Co-ordination of National Government came but the one for Education, Science and Technology sent a letter saying that he was representing the President at a function. Hon. Melly, who was chairing the Committee meeting, gave a one week notice within which the CS was to appear before the Committee. It is more than two weeks since then. I am very disturbed, as the Member of Parliament for the student. This is because it looks like the CS of Education, Science and Technology is handling this matter in a very casual manner. I want you to direct that the CS comes either tomorrow or the day after.

Thank you, Hon. Speaker.

Hon. Speaker: As you know, we go by our own rules. Knee-jack reactions are not part of the rules of the House. I am surprised that Hon. Marcus Muluvi does not know the name of the Chairperson of the Committee. He just remembers that there was an hon. lady who was chairing the Committee. The Chair of the Committee on Education, Science and Technology is Hon. Sabina Chege. I am sure that not many of us have the capacity to know the names of everybody who is here, but I am surprised you did not know the Chairperson's name.

Surely, it is more than two years now since we met here. We should know one another fairly well. What I can direct for your benefit is that the CS appears before the Committee on Tuesday, which is our normal day for CSs. This directive should be given priority over others that had been slotted to appear on Tuesday next week. We must go by our own rules. Unfortunately, you said he was given one week. You should have raised that issue last week, because that is when the week was ending. For now, the best we can do, because we appreciate the sensitivity of the issue; is to direct that the CS appears before the Committee on Tuesday, so that you can resolve the matter.

Does that satisfy you, Hon. Muluvi?

Hon. Muluvi: Yes, it does, Hon. Speaker, but I want to make a point: It is not that I did not know that Hon. Sabina was the Chair of the Committee but the person who presided over the Committee meeting on that day was Hon. Melly, the Vice- Chair.

Thank you, Hon. Speaker.

Hon. Speaker: But you said the Hon. Lady who was presiding! Hon. Muluvi, if you ask me, I will tell you that the Vice-Chair is Hon. Melly and not the lady. You may have thought that the said Melly had changed to Mary. I appreciate the difficulties that sometimes these names may present.

We can now proceed. Hon. Kenneth Okoth, you appear to want to make an intervention.

Hon. Okoth: On a point of order, Hon. Speaker. Would I be in order to raise a similar matter? Last year, I brought a petition on behalf of the retirees of Kenya Railways Corporation.

Hon. Speaker: Go and write a formal letter.

Hon. Okoth: No, Hon. Speaker sir.

Hon. Speaker: You cannot say no, certainly, not to me. You can say so to others, but not to me. You cannot say no to me. You are out of order! Resume your seat. You will engage in that kind of discussion with other people, but certainly not with the Chair.

(Laughter)

However, Kenneth Okoth, you are at liberty to do a formal letter. If you brought the petition last year, there is no reason why it should not have been reported on. But we do not want to be doing administrative work from the Chair. Just do that and I will give appropriate direction.

Next Order!

MOTIONS

NINETEENTH REPORT OF PUBLIC INVESTMENTS COMMITTEE

THAT, this House adopts the Nineteenth Report of the Public Investments Committee on the Audited Financial Statements of State Corporations (Volume I and II), laid on the Table of the House on Tuesday, 31st March 2015.

(Hon. Keynan on 23.6.2015)

(Resumption of Debate interrupted on 25.6.2015)

Hon. Speaker: Debate on this Motion was concluded. Therefore, what remains is for the Question to be put.

(Question put and agreed to)

REPORT ON LAND ISSUES IN TAITA TAVETA COUNTY

Hon. Members, a decision has been taken by the House Business Committee that this Report will be debated for exactly one hour and sixty minutes. We need to conclude a lot of these reports because they are very many. As you can see, Hon. Okoth is complaining about

some petition. Most likely what is required is a report. So, we need to be fair in the way we allocate time. So, debate on this Motion is going to be restricted to one hour.

Do I take it that the Chairperson is ready to move?

Hon. Members, everyone of you contributing will be limited to five minutes. Do not worry if you do not get a chance to contribute to this one, because you can contribute to the other businesses which are there. As an Hon. Member, you are elected to represent all manner of interests, including being “ATMs”. Hon. Chair, you are limited to 10 minutes in moving.

Proceed.

Hon. Mwiru: Hon. Speaker, I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Lands on Land issues in Taita Taveta County, laid on the Table of the House on Thursday, 25th June 2015.

I want to thank the House Business Committee for having slotted this Motion for debate because it had taken long. You realise that issues on land can change and they change very quickly at times. It is good for us to debate the report and give some solutions for some of these problems.

First of all, may I begin by thanking your good office and that of the Clerk for enabling this Committee to carry out its mandate, especially on land issues in Taita Taveta where they are very emotive. I also want to thank the Members of the Committee for having found time to carry out this particular duty besides their other schedules. The Departmental Committee on Lands is anchored in our Standing Order No.216, Second Schedule, section (K). It consists of 29 Members.

This is not a minority Report; we were unanimous on the particular matters that were undertaken. The Committee was seized of the matter through a complaint that was raised by some residents of Taita Taveta in Taveta Settlement Scheme. The complaint came through this House to the Committee on Lands, and we were supposed to undertake some investigations and get to know how that settlement scheme was planned, surveyed and allocated to the residents of that area. The Committee undertook a journey to the place to acquaint itself with the ground and the complaints that were being raised. We had a public *baraza* where officials of the County Government of Taita Taveta and the national Government were available to give us some insights into the same.

Since time is limited, I will go straight to what the Committee saw on the ground regarding the complaints that had already been made. Taveta Settlement Scheme has two phases, namely, Phase I consisting of about 5,000 acres and Phase II consisting of about 8,000 acres. Phase I is a section of Hon. Criticos land that he had already put under some loan with some bank. He was unable to pay the bank and the loan was accruing some interest. At that particular time, Mr. Criticos, the owner of that farm, had started selling some plots to some people to get some money to repay the loan. Therefore, some residents of Taita Taveta had already started buying some pieces of the land.

However, there were some differences between that particular person and the people who had bought land and it was not possible for the buyers to process their titles. The Government had to come in and pay off the particular loan to the bank and resettle the people who were already on the ground. Therefore, Phase I can only be described as a squatter settlement scheme. Phase I, which is about 5,000 acres, has 2,337 plots. These plots consist of public utilities and

individual plots of the settlers. The complaint was that because it is a squatter settlement scheme, some people had already been displaced at the time of survey, planning and settlement.

In the wisdom of the Committee, we thought that we could practically locate the plots of the people who were complaining. We had to send a Government surveyor and an experienced surveyor in our Committee to the ground to see whether these people were displaced or not. They went to the ground randomly. We saw that the people who were complaining to have been displaced were not displaced. They have built their houses on their plots. The only problem would have been that they had not been shown their plots properly and that is why they were complaining. As a Committee, we thought that, that was not a serious issue for us to pursue from any angle.

We thought that the National Land Commission, and we have made this recommendation, should conduct a proper audit to see whether all the squatters who were supposed to have benefited in the Taveta Settlement Scheme, Phases I and II, benefitted and whether outsiders might have been settled on that area disregarding some settlers who had been on the ground. We recommend that an audit of the whole process be done to see whether it was completely clean.

The other one was the Taita Sisal Estate in Mwatate Constituency, Taita Taveta County. According to the records and their three title deeds, Taita Sisal Estate occupies 30,000 acres of land on the ground. That is according to the title deeds they own. However, while on the ground, we realised that the said estate occupies more than what they deserve, more than what they are entitled to and more than what appears in their three title deeds. We realised that Taita Sisal Estate has enclosed areas of operation of all public utilities that were supposed to be accessible to the people of Mwatate. They have already fenced a railway substation within the area. So, people cannot access that particular railway substation. There is also a police patrol base that they are using as their own instead of being used as an institution to guard all other people in that particular area. The worst aspect is a public primary school which is attended by pupils from the neighbourhood. Unfortunately, even if a kid was to get sick in the school, parents cannot access the primary school to pick their kids. This is because the access road to the school, which is a public road, has been turned into a private road. So, those are some of the things that we observed there. They have also already enclosed Atasa Hill Forest. They have also cut down all the trees on that particular hill. So, it is like the estate is also trying to make that area a desert. This is because it is a gazetted forest but they have decided to use it for their own good.

There is also an airstrip within that particular area but the sisal estate has also enclosed it. So, it can never be used anymore by any other person other than them in their own dealings in that particular farm. In a nutshell, Taita Sisal Estate has deprived most of the people within Mwatate area and in the surrounding access to most of the public utilities and institutions. In essence, they have expanded their land from 30,000 to almost 38,000 acres. As we were doing our recommendations, it was only prudent for the Committee to recommend that these public institutions be accessible for use by the public. In the process of doing this, the police patrol base, which they are using as their private entity or property, be there to defend the rights of every citizen. This is because each and every one there is a citizen, including the management of that particular sisal estate.

Hon. Speaker: You have one minute.

Hon. Mwiru: Thank you, hon. Speaker. I do not want to belabour so much on this. That is what the Committee has done. I move the Motion and call upon hon. Thomas Mwadeghu, the Minority Whip, to second. He is also a member.

Thank you so much, hon. Speaker.

Hon. Speaker: Thomas Mwadeghu, you have the Floor.

Hon. Mwadeghu: Asante Mhe. Spika kwa nafasi hii. Mengi yamezungumzwa kuhusu suala hili la ardhi ambayo iko Mwatate. Kama ijulikanavyo, ardhi hii ni mojawapo ya dhuluma ambazo zimetendewa watu wa Taita. Kamati imependekeza yafuatayo:

Mipaka ya shamba hili ambayo iliwekwa mwaka wa 1992 iregelewe. Soroveya aende apime shamba hilo. Ni sawa na hamna tatizo kama mwenyewe ana ardhi ya ekari 30,000 lakini ardhi yoyote itakayopatikana juu ya ekari 30,000 irudi kwa wananchi wa Mwasima Mbuwa pale Mwatate. Watu wa Mwasima Mbuwa wamelilia ardhi hii na wamejitoa mhanga kuona kuwa haki yao inarudishwa. Kero ni kuwa hata masoroveya wa pale Wundanyi hawawezi kuingia katika shamba hilo. Tunaomba Serikali itumie nafasi hii kuhakikisha kwamba shamba hili linapimwa.

La pili ni kuwa bwawa la maji lililoko pale litumiwe na watu wote. Hayo ndio makubaliano yaliyokuweco. Kituo cha polisi kiwe cha umma na watu wote wakitumie. Polisi wasiwe wanatumiwa tu kulinda hali na hadhi ya mwenye shamba ambaye ni Mgiriki.

La nne ni kuhusu reli ambayo iko pale. Kituo cha reli ni cha wananchi wa Mwatate. Kifungliwe na kitumike. Tunaomba pia vile vizuizi vya barabara ya kutoka Mwatate kwenda Kasigau ambavyo vimepitia katikati ya shamba vifunguliwe ili barabara hii, ambayo ni ya umma, iwe inaweza kutumika na mtu yeyote bila shida yoyote.

La mwisho, naomba ikubalike kuwa suala hili limewakumba Wataita na watu wa Mwatate na wamekaa nalo kwa muda. Tunaomba Ripoti hii, ambayo imeletwa na kamati ya Bunge, ikubaliwe ili mambo haya tuliyoyataja kama vile uwanja wa ndege na msitu wa umma vifunguliwe kwa umma ili umma uwe unaweza kutumia vifaa hivi maana kikatiba ni vyao. Watu wa Mwasima Mbuwa wameonewa.

Kwa haya mengi, naunga mkono Ripoti hii na nawasihi Wabunge wenzangu wakubaliane na Ripoti ya Kamati yetu.

Asante, Mhe. Spika.

Hon. Speaker: Hon. Members, more importantly, assuming that the Report is finally adopted by the House, as Members, we also need to reduce our pleas to others. We have our own Committee on Implementation. If this Report is adopted, the Committee on Implementation should take it up and ensure that it is implemented. If there are any agencies of Government that are not amenable to the wishes of the House, then the Report is made to the House so that action can be taken by this House. We do not have to keep pleading with the Government and others.

(Question proposed)

Hon. Lay.

Hon. (Ms.) Lay: Asante sana, Mhe. Spika kwa fursa hii. Kwa kweli tumesubiri Ripoti hii kwa muda mrefu. Siku ya leo imewadia. Kitu ambacho wananchi wa Taita Taveta wanaomba ni kwamba haki itendeke. Ripoti inataka kuwe na uchunguzi wa kubaini kama haki ilitendeka kwa wananchi wa Taita Taveta katika kila mashamba ambayo walikuwa wanagawanyiwa kuanzia

shamba la Criticos ili tujue waliofaidika ni kina nani. Tunataka kujua kama waliofaidika ni wananchi ambao walikuwa hawana mashamba ama ni watu wengine.

Kwa hivyo, Ripoti inavyosema ni kwamba tuweze kuhakikisha ya kwamba tunajua mahali ukweli upo kwa sababu mambo ya mashamba yakiwachwa vile yako, huwa yanaleta shida. Yanaleta umwagaji damu na wananchi wanaanza kukosana wenyewe kwa wenyewe. Saa zingine inaweza kuwa kila kitu kimefanyika kihalali, lakini kwa sababu wananchi hawajaelezewa, hawawezi wakajua mahali ukweli upo. Kwa hivyo, ni vizuri kama kuna ukweli kisheria kuhusu chochote ambacho kilitendeka, tuwakalishe wananchi chini ili waweze kujua sheria na haki zilitendeka wapi.

Vile vile, tukigusia mambo ya mashamba upande wa Mwatate, katika shamba la makonge, limekua na utetezi kwa miaka mingi. Kumekuwa na wananchi ambao wamelia miaka mingi kwa sababu ya kunyanyaswa wakisema ya kwamba shamba hili la huyu bwenyenye ambaye analima makonge pale, ameingilia baadhi ya mashamba ya wananchi. Wamezunguka miaka mingi na ninakumbuka wako na kesi kortini hadi leo. Wamejitolea kuhakikisha ya kwamba haki imepatikana kutokana na kesi hii, lakini nguvu za wananchi ni chache kuliko za aliye na pesa nyingi. Akienda kortini, kuna njia anazotumia kuhakikisha haki ya wananchi haitendeki. Kulingana na Ripoti iliyosomwa mbele yetu, kuna barabara ambazo zimefungwa ili wananchi wasitumie ilhali ni za umma. Kisheria and hata kikatiba, hawa wananchi wa Taita Taveta upande wa Mwatate wamenyanyasika kwa miaka mingi. Hili ni jambo ambalo lazima liangaliwe.

Vile vile, Ripoti hii imegusia kuwa mwaka wa 1991, kulikua na wakati ambapo watu wa makonge walivamia mashamba wakakata mimea na chakula chote ambacho kilikua shambani. Huo mwaka, wananchi hawakupata fidia yoyote. Ni vizuri tuangalie hiyo fidia ili wananchi walipwe kwa sababu ni haki yao. Kama walikua wamelima chakula, najua mwaka huo walikaa njaa kwa sababu chakula chao kilikatwa.

Vile vile, lazima tuangalie katika Mwatate Settlement Scheme wapatiwe hati miliki kwa sababu wamekaa bila hati miliki kwa miaka mingi na hawajui kwamba kupata kile cheti ni utajiri wao. Hii ni kwasababu ukiambiwa una shamba lakini hauna cheti cha kuweza kumiliki, basi hautakuwa na ule utajiri ambao unaweza kujivunia.

Pia, kuna wananchi walioumia wakati walikuwa wanapigania mashamba. Walisema kuna wale waliumizwa na wengine wakaumwa na nyoka kwa sababu mahali yale makonge yamefika ni karibu na wananchi na yanaficha nyoka mle ndani. Wananchi wengi waliumwa na nyoka na wengine wakafariki. Kwa hivyo ni vizuri kuhakikisha kuwa haki za hizi familia zimetendeka. Vile vile, Mhe. Spika ulivyosema, kuwe na kamati ya kuhakikisha kwamba jambo hili ambalo limetoka katika Kamati ya Mashamba limefuatiliwa, kuhakikisha ukweli umetendeka na haki imefanyika kwa wananchi wa Taita Taveta.

Ahsante, Mhe. Spika.

Hon. Irea: Thank you, Hon. Speaker. I rise to support this Report. The Chairman of this Committee is my neighbour in Meru. He is in the neighbouring constituency but in the last two weeks, I am surprised because I do not know where he got powers to move from his constituency to my constituency to open a police station. What I do not know is whether he knows where his powers begin and where they end.

(Laughter)

Therefore, these Reports that are tabled should be followed properly so that the Chairman of the Departmental Committee on Lands does not use power that is not his to do things and interfere with other constituencies. Meru has a great chance this time because the Chairman comes from the bordering county. Therefore, the issues that we have in Meru concerning Tharaka and Meru County should be solved at the earliest opportunity because we have an able Chairman of the Departmental Committee on Lands. Therefore, Hon. Chairman, before you solve problems in other counties, take an opportunity to solve the problems that have been in Meru since Independence.

(Laughter)

The able Chairman has used the powers of being the Chairman of the Departmental Committee on Lands to interfere with issues in my constituency.

Thank you, Hon. Speaker.

Hon. Mwiru: Thank you, Hon. Speaker. I want to know whether the hon. Member is in order to discuss matters that are not before this House or even to discuss the Chairman of the Departmental Committee on Lands without a substantive Motion in this House.

Two, if he has been following issues and matters to do with business of this House and that particular Committee, there is also a Report on that particular thing he is talking about. Therefore when it comes to the House, he can afford to discuss the same. That is just for information but I do not know whether he is in order to discuss me or a matter that is not before the House.

Hon. Irea: Hon. Speaker, I rose on a point of order.

Hon. Speaker: Hon. Mwiti, I know you may not have been in the House long enough, but Standing Order No.106 on relevance, applies to you with equal force. So, just debate the Report; not Hon. Mwiru.

Hon. Irea: Thank you, Hon. Speaker. I have seen the Report and I support it. Land issues in this country have caused problems to people for a long time. After a Committee sits, some people purport to be acting on the directives of various politicians and cause chaos in constituencies. Therefore, I support this Report and say that it should be followed legally and to the letter.

Hon. (Ms.) Chidzuga: Shukrani, Mhe. Spika. Nasimama kuunga mkono Ripoti hii ambayo imetolewa na Kamati ya Ardhi na pia kuipongeza kwa maana kwa muda tuliokua nao, wameweza kuzunguka katika maeneo mengi wakijaribu kutatua haya mambo ya ardhi. Naiunga mkono hii Ripoti kwa sababu ukiangalia kiundani, utaona kwamba hili eneo la Taita ni moja kati ya maeneo ya Pwani ambayo yamedhulumika sana na mambo ya ardhi. Ikiwa tutaweza kuyafuatilia unyo unyo kama vile ilivyo saa hizi, nina imani tutaweza kuweka roho za wananchi katika hali ya usalama na kuweka roho za wananchi katika imani ya kuamini kwamba walichagua viongozi wanaowajali.

Mambo ya ardhi yamekuwa ni donda sugu sana hususan katika eneo letu la Pwani. Unapoliangalia kiundani utakuta wenyeji hawafaidiki bali ni watu wanaokuja kwa juu. Naishukuru Kamati ya Ardhi kwa maana imeweza kufika katika maeneo ya kwetu Kwale na tuna imani hivi karibuni wataweza kutoa Ripoti kulingana na yale ambayo wameweza kupata katika

eneo la Kwale. Pia, ningependa kuwahimiza viongozi wenzangu katika maeneo ya Pwani tuweze kushikana pamoja na tunapooona matatizo tuyakabili kwa sauti moja ndiposa hii Kamati iweze kuwa na nguvu ya kuweza kuyatatua haya matatizo.

Vilevile, ningependa kuiomba hii Kamati iweze kuangalia kiundani wakati hii ardhi inagawanywa, waweze kujua kama akina mama nao wamepata vipande vya ardhi kwa sababu sisi katika mila za Kiafrika, utakuta akina mama hawana kipande cha ardhi ambacho kinahesabika kwa jina la mama. Kwa hivyo, hii Kamati iangalie wakati ardhi inagawanywa, akina mama pia wapate sehemu za ardhi nao waweze kujivunia kama vile Wakenya wengine wanvyojivunia.

Pia, Kamati ya Ardhi iangalie kwa kina, katika wale ambao wanagawanya ardhi, kuna wengine ambao wanatumia ulaghai. Wanajihesabu kuwa wao ni maafisa wanaokuja kusaidia na kumbe palepale wanajikatia visehemu vyao. Tungependa kuona mkono wa sheria ukifanya kazi ili tuweze kuondoa tatizo hili sugu ambalo limetukabili haswa katika maeneo yetu ya Pwani.

Tumeumia na mpaka sasa hatuna cha kujivunia. Hii ni hatari kubwa kwa sababu tumewahi kumwaga damu kwa sababu ya mambo ya ardhi. Hatutaki kuona tena nchi yetu ya Kenya tukipigana kwa sababu ya ardhi. Tunataka tupigane na tumbo, ukosefu wa kazi na mambo ya usalama, lakini siyo kwa mambo ya ardhi. Pia, tutakapokuwa tumetatua haya mambo ya ardhi, tutaweza kuondoa yale ambayo yamekuwa yakitumiwa na wanasiasa kutafuta kuchaguliwa. Tunataka mambo ya ardhi yatatuliwe ili tuweze kubaki katika maeneo yetu na tufaidike kama Wakenya wengine.

Shukrani sana. Ninaunga mkono hii Ripoti.

COMMUNICATION FROM THE CHAIR

DELEGATION FROM THE COMMONWEALTH PARLIAMENTARY ASSOCIATION

Hon. Speaker: Hon. Members, I wish to introduce to you a delegation from the Commonwealth Parliamentary Association (CPA), United Kingdom (UK) Branch, which is seated in the Speaker's Row. The delegation comprises the following:

1. Rt. Hon. Lord Steel of Arkwood, Member of the House of Lords.
2. Rt. Hon. Baroness Armstrong, Member of the House of Lords.
3. Hon. Pauline Latham, Member of the House of Commons.
4. Hon. Gavin Shaker, Member of the House of Commons

The delegation is accompanied by:

1. Ms. Harry Cooper, Head of International Outreach at the CPA, UK Branch; and
2. Ms. Rachel Cox, the Africa Programme Manager CPA, UK Branch.

Hon. Members, the Members are in Nairobi to attend the Round Table Conference on gender quotas in Parliament which has been organised by CPA-UK and the Kenya Women Parliamentary Association (KEWOPA) which concludes today.

On my own behalf and that of the House, I wish to welcome them to the National Assembly of the Republic of Kenya and wish them fruitful engagements.

I thank you.

(Applause)

(Resumption of Debate)

Hon. (Dr.) Pukose: Thank you, Hon. Speaker for allowing me to contribute to this Motion.

At the outset, I want to say that I support the Report of the Lands Committee. I urge them to ensure that this Report is implemented. I have gone through the Report. What has happened in Taita Taveta is very sad. More so, you ask yourself: How has this been happening and yet the same area has had representation by the same person who is making it very hard for these people and even children to reach school?

[The Speaker (Hon. Muturi) left the Chair]

*[The Temporary Deputy Speaker
(Hon. Cheboi) took the Chair]*

In this country, when it comes to the issue of land, we should be able to address corruption. When it comes to allocations, we want at the time of implementation only genuine squatters to benefit. You are talking of 5,000 and 8,000 acres which have been given in two phases. Are those people allocated land squatters? In the past, we used to have “State House squatters” who got land almost everywhere in this country. Could it be the same people who are benefitting from this?

It is very sad that police officers who are supposed to maintain law and order can be used to fight these people and make it very difficult for them to enjoy the fruits of this country. This issue of Taita Taveta is just a study case. Issues to deal with land, especially in Coast and Rift Valley regions have been very rampant.

Where I come from we have had issues. I brought before this House a Question about the Chepchoina land issue where we have the General Service Unit (GSU) doing farming instead of providing security to the people. They want to keep on with that confusion so that they can continue thriving. I hope that issue will be handled.

We are hoping that the prayers of this Committee will be supported by this House so that the issues that they have raised can be implemented. The Committee on Implementation should follow up this matter very decisively and have it implemented. More so, the National Land Commission (NLC) and the Ministry of Land, Housing and Urban Development should follow up on the issues that have been raised in this House and implement them.

With those few remarks, I want to support the Report.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. We will have the Member for Kiminini. I must thank the Member for being brief so that many more Members can get a chance.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report. Matters of land are very critical. We know that land is a factor of production and it is the only asset that appreciates. So, it has to be handled in a careful manner so that we can improve the welfare of the people.

With regard to the Report that has been tabled, it is high time it was extrapolated. Issues of land, as my other colleague has mentioned, are not only in Coast Province, but also in parts of Rift Valley Province and especially Trans Nzoia County where we have all been having issues to do with land.

I have gone through this Report and I want to thank the Committee for the good work. They managed to consult key stakeholders. So, it was really consultative and participatory. When you read Article 66(2) of the Constitution, it says Parliament shall enact a legislation to ensure that matters of the land, where investment has been done, should benefit the local community. So, it is, indeed, important that in that particular region of Taita, whoever has bought the land and whatever investments he has put in place, he must plough back to the society. It is just like the aspect of corporate social responsibility. It is, indeed, critical that a proper legislation is put in place to ensure that all the investments in any given region, whether in Coast or Trans Nzoia improve the welfare of that particular local community.

It is very embarrassing to learn that people cannot access public utilities in the region like railway, dam or primary school. Again, when you read Article 66(1) of the Constitution, it is very clear that the Government can regulate land for purposes of public order. In case land matters are not sorted out, it can lead to bloodshed. So it is critical that the Government must move with speed to ensure that there is order in that particular region. Again, on the issue of 30,000, we have had a conspiracy when it comes to matters of surveying land with the Ministry of Lands. You find that somebody's portion of land is beyond what is in the title. It is, indeed, important that an inquiry is done so that you move with speed to ascertain the true acreage of that particular Taita Sisal Estate. In case there is any extra land that is being utilized illegally, just as the Constitution says, it must be reverted to the community and that particular person must pay back to the local community any proceeds that he has acquired from that extra land. This has been across the board and it is high time we implemented it.

On the issue of historical injustice, the Constitution is very clear. This is the time the NLC must move with speed to establish whether there are any historical injustices. This is not just in Coast Province. There are parts of Rift Valley that were affected. I can see *Mheshimiwa* Serut smiling there. In Rift Valley we have land problems. The NLC must, therefore, move with speed. For example, in my constituency, there is a place called Sikhendi. Some people have colluded and so you will find them coming up with some bogus court orders to evict the local community. This one should not be allowed. We must always defend the local community and the NLC must move with speed so that everything can be put in the proper order.

Thank you. I support.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Member for Narok North Moitalel ole Kenta.

Hon. ole Kenta: Thank you, Hon. Temporary Deputy Speaker for the opportunity. At the outset, I would like to say that I am supporting the Report. This is a very emotive matter and it is across the board. It is not just in Taita Taveta; it is all over the country where local people are marginalised, oppressed and denied their cultural and birth rights. It is unfortunate that 51 years after Independence people of Kenya are still suffering in the hands of a few remnants of the colonialists. I believe that it is time that the National Land Commission moves with speed to ensure that justice is done and land is returned to the owners. In fact, the worst part is that somebody has not only taken 30,000 acres but he is also taking more than that. He is taking the

livelihood of the local people and depriving them of their right to education, communication and all the human rights that the Constitution grants them.

It is time this Parliament says: "Enough is enough." We must support the people of Taita Taveta and other parts of our country. I have a case in point. For example, in my constituency, there is an encroachment of the Mau Forest water tower. A few people extended their parcels of land and took away the land that is supposed to be for the children of the Maasai. I believe that the Committee on Implementation will ensure that this Report is implemented to the letter.

The issue of historical injustices arises. Considering that we have the Constitution 2010 that addresses those kinds of injustices, we should also ensure that justice is done in Taita Taveta, like in any other counties.

Hon. Temporary Deputy Speaker, I wish to thank you for this opportunity and insist that this Report is valuable. It must be implemented. Thank you.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Order, Members! There are a lot of activities in the Chamber and I cannot understand the reason for them. I will give an opportunity now to the Member for Mvita.

Hon. Nassir: Asante sana, Mheshimiwa Naibu Spika wa Muda. Ningependa kuchukua fursa hii kupongeza Ripoti hii na kusihi wenzetu kutoka sehemu tofauti za Kenya waweze kuikubali. Maswala ya ardhi ni yenye chembechembe za historia kali katika Kenya.

(Loud consultations)

Pengine ungeweza kunisaidia na kikundi cha ndugu zetu walioko pale nyuma ambao wanaozungumza lugha ya *short wave* kidogo.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Members! Order, Hon. Wandayi and Hon. Ochieng! Please, let us give Hon. Nassir time to contribute.

Hon. Nassir: Asante sana, Mheshimiwa Naibu Spika wa Muda. Maswala ya ardhi kama nilivyosema yameweza kumwaga damu katika sehemu nyingi za Kenya. Kenya iliweza kupata Uhuru wake na jambo kubwa zaidi lilikuwa ni kuhusiana na maswala ya ardhi. Idadi ya Wakenya sasa hivi inazidi na kiwango cha ardhi ni kile kile. Dhuluma ambazo ziliweza kufanywa katika kihistoria hususan sisi kama watu wa Pwani, tusipoweza kuanza kuzitatua sasa hivi---Karne hii isipoweza kuwa ndio ya kutatua shida za ardhi zilizokuwa ziko, basi hatari yake itakuwa ni kubwa zaidi.

Ningetaka kutoa mfano. Leo hii katika eneo Bunge langu la Mvita ambalo ni eneo linalojulikana ni eneo la kimji, matatizo ambayo yako na shida ambazo ziko pale zikiwemo watu wanaojiita mabwenyenye wa ardhi na wao wenyewe hawapo katika ardhi ile---

The Temporary Deputy Speaker (Hon. Cheboi): Order for a minute, Hon. Nassir! I have to introduce some members just for half a second.

Hon. Nassir: Asante sana, Mheshimiwa Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Cheboi): I want to introduce the students from Our Lady of Fatima Secondary School, Nairobi County. In the Speaker's Gallery, there are also

pupils from Kokotendwo Primary from West Pokot County and pupils from Archbishop Gitari Boarding Primary School in Kirinyaga. They are welcome to the National Assembly.

Proceed, Hon. Nassir. You have two minutes now. Can you put your card at the intervention slot?

Hon. Nassir: Asante sana, Mheshimiwa Naibu Spika wa Muda. Huwa tunafuraha sana kuona vizazi vinavyokuja vikiweza kuja katika Bunge na kuona yale mambo yaliyofanywa na wale waliopita na yale yanayohitajika kufanyika hivi sasa ili wao wahakikishe wasifanye makosa yale yale.

Nikimalizia nilikuwa nazungumza kuhusiana na maswala ya ardhi katika eneo Bunge langu la Mvita. Mabwenyenye walioridhi ardhi wanasemekana ni wenye ardhi zile licha ya kuwa hawaonekani. Kuna watu wamekuwa wakilipa ada na kodi za ardhi kwa muda wa miaka na ikipigwa hesabu ya kodi ambazo wameweza kulipa pale na dhamani waliyoweza kuiweka katika ardhi ile, hivi sasa itakuwa ile ardhi kisawasawa inastahili kuwa ni yao. Nashukuru Mungu ya kuwa tume inayosimamia mambo ya mashamba imekubali kuja katika eneo Bunge la Mvita na kuweza kukaa chini pamoja na kila mitaa na watu waweze kuwaelezea shida za ardhi ambazo zinawakumba. Ningeomba maeneo mengine yaweze kuiga mfano ili historia iweze kutuhukumu ya kuwa Bunge hili ndilo ambalo limeweza kutatua lile donda sugu la ardhi.

Asante sana na ningependa kusisitiza yakuwa naipongeza na kuiunga mkono Ripoti hii kuhusiana na maswala ya ardhi.

The Temporary Deputy Speaker (Hon. Cheboi): Your time is over, Hon. Nassir. Thank you. I will use Standing Order No.1 to make a decision to give the Floor to two Members from Taita Taveta County to contribute. I will start with Hon. Naomi Shaban and then I will make a choice on the second one. Then, we will proceed in the normal way. I know that many Members have interests to speak on this particular one but I will give you an opportunity. So, let us start with Hon. Naomi Shaban.

Hon. (Dr.) Shaban: Asante sana, Mheshimiwa Naibu Spika wa Muda. Kwanza ni kuwapongeza Wabunge wa Kamati kwa kazi nzuri ile ambayo wamefanya. Ni kazi ambayo sio nyepesi na wameweza kuifanya wakifuata wananchi kule waliko mashinani ili kuweza kupatiwa habari zile zinazoendelea mashinani. Swala la ardhi hapa nchini ni kidonda sugu ambacho sio rahisi kukitibu. Nataka kuwaunga mkono kwa hii kazi ambayo waliofanya ambayo sio nyepesi. Vile vile, natumaini kuwa wataweza kusaidia Serikali kwa kuitumia Ripoti kama hizi ili Serikali iweze kuhakikisha ya kwamba wataweza kurekebisha matatizo yaliyoko hapa nchini.

Kenya hii, wananchi wamekuwa wakipigana na kugombana kwa sababu ya swala hili ambalo limetatiza Wakenya sana. Baada ya Katiba iliyopitishwa mwaka wa 2010, haswa wale ambao walikuwa na matatizo ya kihistoria kama yale maeneo tunayotoka sisi, sasa hivi tutapata afueni kama Kamati ya Bunge ya Ardhi itaendelea na kazi hii ambayo imekuwa ikifanya. Huku nchini kuna watu ambao kazi zao nyingi haswa nikiangalia upande wa Taita Taveta ni kupita wakidanganya wananchi ili kuwakoroga akili na hata ile kazi ambayo inafanyika inakuwa shida sana kuweza kutekelezwa.

Hivyo basi, Wabunge, viongozi ambao wamechaguliwa mashinani, wakitekeleza majukumu yao namna hii, tutaweza kuyamaliza matatizo ambayo yanatukabili hapa nchini haswa maswala ya ardhi.

Mheshimiwa Spika wa Muda, wananchi wanaokaa upande wa Mwatate wameteseka sana. Ukiangalia, utaona kuwa wamepandiwa makonge hadi mlangoni. Kwenye Ripoti hii,

Wanakamati wamesema kuwa masoroveya waenda waangalie kama maeneo yale yako kwenye shamba au nje ya shamba. Yakionekana kuwa nje ya shamba, wananchi wagawanyiwe sehemu zao. Kama haitawezekana, ikiwa wako ndani ya shamba, Serikali ijitolee kuhakikisha ya kwamba wananchi wamepatiwa sehemu zile kutoka kwa bwana mwenye shamba ili wakae kwa hali ya kutulia wakijua kuwa wako nyumbani kwao.

Vile vile nikitaja maswali ya Taveta, ninataka kutoa shukrani kwa Serikali ya Kenya kwa kutoa ekari 5,000 ili Wakenya wanaoishi Taveta, haswa Wataveta, wapewe maeneo yale. Ni kweli kuwa wananchi pale walitarajia kuwa zile jamii mbili au tatu ambazo zinaishi pale ndio pekee wangepatiwa shamba lile. Lakini tukiangalia, sheria ilifuatwa na tukahakikisha kuwa wote, hata wale ambao walikuwa kwenye vijiji kwenye hilo shamba, wamepatiwa mashamba na haswa wakapatiwa vyeti vya kumiliki ardhi isipokuwa wengi wao walidanganywa hata wakauza mashamba yao kwa sababu waliambiwa kuwa vyeti hivi si vya ukweli. Hiyo yote ni ile *propaganda* iliyopitishwa pale na wale ambao wameendelea kufanya hivyo. Wabunge walipoenda kule, waliambiwa kuwa hata wale ambao walikuwa na malalamishi walipatiwa vyeti vyao vya kumiliki ardhi.

Hivyo basi, bila shaka, sina wasiwasi kuwa Tume ya Ardhi nchini ikifika pale, itaona kuwa kila kitu kimefanywa sawa. Ningetaka pia kuishukuru Tume ya Ardhi kwa sababu tayari, walikuwa wametembea Taveta na bado watarudi ili kuhakikisha kuwa wananchi wameingia kwa mashamba yao.

Ninaunga mkono Ripoti hii.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Voi. I think there is a problem with your microphone. Can you, quickly, come to this one? I would rather you came quickly because we want to save time.

Proceed.

Hon. Mlolwa: Thank you very much, Hon. Temporary Deputy Speaker. From the outset, I support this Report because it is certainly going to solve the land problems in Taita Taveta County. Looking at the Committee's recommendations, there is need to add more recommendations in this Report, so that our problems in the county can be solved.

One of the recommendations should be that all the title deeds in Taita Taveta County should be revoked and then we start the process afresh to ensure that anybody who has land, it is acquired legally. Secondly, we need to form a taskforce to look into the land issues in the county, which should be spearheaded by people who are knowledgeable on land matters, Non-Governmental Organisations (NGO) and the Government, so that we can be sure that whatever was done was done properly. Thirdly, there is also need for the Government to look into the issue of excess land that we have, for instance, in national parks. National parks have taken over 62 per cent of our land in Taita Taveta County while our people only occupy about 11,000---

(Hon. Wandayi laughed)

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Wandayi! Even if you have to laugh, you must laugh in a manner that is parliamentary. Hon. Mlolwa, please, proceed.

Hon. Mlolwa: Thank you, Hon. Temporary Deputy Speaker. The Government should consider possessing any excess land, especially from national parks, which is not being utilised, to settle our people. You can see a population of over 300 people living in an area of about

11,000 Square Kilometres and the rest has been taken by sisal estates, national parks and hills. We should ensure that there is equity.

Fourthly, there is also need to ensure that land which was given out without peoples' participation reverts back to the people, so that people are involved when their land is being dished out. Finally, there is need to ensure that the land under the sisal estate, especially in Mwatate, where somebody has taken away the airstrip, the rail station and the dam which is used by everybody, is returned to the local people. This will ensure that there is equity and for the first time, people will see that there is a Government which is protecting them and their land.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Chuka/Igambang'ombe.

Hon. Njuki: Thank you, Hon. Temporary Deputy Speaker. The issue of land is very emotive. Parliament is held with high esteem and anything that is said on the Floor of the House can have a serious influence or effect on what goes on out there. A few minutes ago, when Hon. Mwiti Irea was contributing to this Motion, he said something that should either be withdrawn or expunged from the Report. He alleged that Hon. Mburi Mwiru opened a police station in his constituency. I believe we do not have constituents of Tharaka who live in Hon. Mwiti's zone. That is how land clashes are normally started or ethnic violence is started. As much as Hon. Mwiti is my personal friend, it will be good for him to withdraw and have that record expunged. Tomorrow, the residents of Imenti Central may go to uproot the police station and vice versa. That is a serious issue. If there is land dispute between those communities, there must be a proper way to handle it. I just thought I should say that because I come from that county and these are my good neighbours.

Taita Taveta is one of the places where we have had serious historical injustices. The name "Criticos" is not new in Kenya as far as land matters are concerned. As much as the Committee has done a very good job, part of the Report states that the Government of Kenya paid off a loan that was owed to the National Bank - money that was utilised by Basil Criticos - to settle people on the land. I believe that that loan did not only cover the land that was used by the squatters, but it partly covered what was occupied by the investor himself, Hon. Basil Criticos. Therefore, he should be surcharged for having utilised Government money in this particular case. The Government should not pay for him and the Committee should clarify this.

On the 30,000 acres on sisal, which has been expanded to 38,000 acres, it is an assault to the natives of Kenya. It is common sense that most of the native Kenyans would not be holding this land for sisal. This must be a foreigner, who may now be a Kenyan citizen, who does not respect the traditions of Africans. He does not respect Africans' right to own land. Therefore, as much as we want investors, it is important for the investors, especially foreigners, to appreciate that even the natives should have good public amenities. He may be the only one who has an aircraft in that area at the moment but an airstrip is an amenity that is used by people who do not even live there. You cannot make an airstrip which is on public land your own personal airstrip in this era where we have public transport, including air transport, being so critical in development. I suggest that this Motion be amended to include punitive measures against this kind of investment.

On the issue of corporate social responsibility that this person has not utilized---

The Temporary Deputy Speaker (Hon. Cheboi): You should be winding up, Hon. Njuki.

Hon. Njuki: It is proper business ethics that you have to give the community and workers that serve you proper amenities like schools, hospitals and police posts so that you can give back to the society.

As I conclude, this is a time-bomb waiting to go off. It is a disaster waiting to happen. Now that the Taita people know that an extra 8,000 acres has been hived off their land, it is just a matter of time---

The Temporary Deputy Speaker (Hon. Cheboi): Your time is over. It is now time for the Mover to reply.

Hon. Njuki: Hon. Temporary Deputy Speaker, I cannot see any warning light. Just give me a minute to conclude.

The Temporary Deputy Speaker (Hon. Cheboi): I have ruled. It is over. Let us have the Mover replying. You can donate one or two minutes to two Members such as Athuman Ali. Proceed, Hon. Member. Put your card in the intervention slot. You are free to donate one or two minutes to the rest of the membership who did not get a chance. I am very interested in Athuman Ali who seems to have two cards.

Hon. Mwiru: Hon. Temporary Deputy Speaker, you are about to eat into my time as well. I apologise for that. I want to donate one minute to Hon. Serut, who has also worked with lands, and another minute to Hon. Jessica Mbalu then I will respond.

The Temporary Deputy Speaker (Hon. Cheboi): When you do that you should know that you strictly have five minutes. Proceed, Hon. Serut. I have given you the opportunity.

Hon. Serut: Thank you, Hon. Temporary Deputy Speaker. Let me take this opportunity to thank the Committee for the work well done. This Committee brings out two issues, one being encroachment on the forest. I hope the Committee has recommended that those who colluded to hive off part of the forest should be prosecuted.

Secondly, those who have encroached on access roads should be followed up because that is criminal. They should also be prosecuted.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mbalu. Put your card in the intervention slot or move quickly to the Dispatch Box if you are short enough.

Hon. (Ms.) Mbalu: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to this Motion. I thank the Mover for being philanthropic enough to give me a chance to address this issue that has been handled by the Committee.

First, I need to congratulate the Committee because it has done a very good job. I wish all the Committees could follow suit. Hon. Temporary Deputy Speaker, the Leader of the Majority Party is making noise. I wish you could protect me.

The Temporary Deputy Speaker (Hon. Cheboi): Order! You can proceed.

Hon. (Ms.) Mbalu: The issue of land has not been easy. Taita Taveta is one of the counties that neighbours my constituency. I would request the Committee, as they look at implementation, and I am sure the Chairperson of the Committee on Implementation is in this House, that they also address the other issues of land. The issue of solving tribal conflicts is very welcome as conflicts breach people's rights. Chapter 4 of the Constitution should help us get possible solutions. I remember the President came to this House and one of the issues on the first page of his manifesto was land adjudication. I represent a constituency where we have issues of land. I do not have a title deed as we speak.

The Temporary Deputy Speaker (Hon. Cheboi): Now your time is up.

Hon. (Ms.) Mbalu: We have no title deeds in Kibwezi Constituency. I wish these marginalised places can be looked at. Masongaleni Settlement Scheme--- I am sure the issues in my Petition will be addressed. I want to promise the people of Kibwezi East that it is through this House, the Departmental Committee on Lands and through the Ministry that their issues will be dealt with.

The Temporary Deputy Speaker (Hon. Cheboi): They have surely heard that promise, Hon. (Ms.) Mbalu. You only have half a minute. You donated the rest of your minutes.

Hon. Mwiru: Thank you, Hon. Temporary Deputy Speaker. I want to thank the House for supporting the Motion. Even in future, we shall endeavour as a Committee to make sure that most of the issues that are affecting this country are dealt with. We get the concerns that Members have raised and we will work in that direction.

Thank you very much Hon. Temporary Deputy Speaker and the Members for supporting this.

The Temporary Deputy Speaker (Hon. Cheboi): Your minute is over. Order Members.

(Question put and agreed to)

BILL

Second Reading

THE PRIVATE SECURITY REGULATION BILL

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Leader of the Majority Party moving the Bill. Members, there is a lot of activity in the House.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, you had better deal with Hon. Chepkong'a and Hon. Ochieng'.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Leader of the Majority Party! Hon. Members, I am now going to take punitive action because there is unnecessary activity in the House. Members who want to consult are free to leave the Chamber and do their consultation outside this place. I cannot even follow the proceedings while sitting here. Let us keep order in the House.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. I beg to move that the Private Security Regulation Bill (National Assembly Bill No.4 of 2014) be now read a Second Time.

The Private Security Regulation Bill, 2014---

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Shortly, I am going to exclude a few Members from the remainder of the sitting of the House. That should be the last warning I am giving Members.

Hon. A.B. Duale: Hon. Chepkong'a and Hon. Keter, you are either in the House---

The Temporary Deputy Speaker (Hon. Cheboi): Proceed, Hon. Duale.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move that the Private Security Regulation Bill (National Assembly Bill No.4 of 2014) be now read a Second Time.

This Bill has been drafted by the Ministry of Interior and Coordination of the National Government. The objective of this Bill is to provide an accountable and transparent framework for the establishment and the running of private security services in our country. Currently, the private security service sector in our country is not regulated and so there is no regulation regime. In developing this Bill, the views of all the stakeholders have been taken into consideration.

Part I of this Bill is mainly about the preliminary provisions and it provides the persons and the entities who are to be regulated by this Bill. They include private security services officers, security guards, private security service providers and private security firms. In this Part, the Bill provides for a mandatory registration by an authority that will be established by this law, to make sure each and every person who is supposed to be regulated is registered. This law is coming at the right time. The private security services in this country are run in a very haphazard manner. It is like running a retail shop or a *mitumba* business and yet, it is a serious segment of the security sector in our country.

Private security services, as per this Bill, includes the following:- Provision of security guards and installation of anti-burglary items like alarms units, provision of protective equipment, private investigations and consultancy services, provision of car-tracking or surveillance systems, provision of Closed Circuit Television (CCTV) services, provision of access control installation services, among many other functions.

Part II of the Bill provides for the establishment of a Private Security Regulatory Authority – a corporate body. What will be the role of that authority, according to the Bill? The Bill anticipates that the authority will deal with effective administration, supervision, regulation and control of private security services industry in Kenya. It will also deal with the formulation and enforcement of standards in so far as the conduct of private security services industry is concerned. The authority will also deal with registration and licensing of all persons involved in private security services and deal with the protection and enforcement of the rights of security guards. This is very important because some well established security firms employ Kenyans and pay them less than 10 per cent of what they charge their clients. They charge their clients Kshs30,000 and pay the poor Kenyans serving as security officers Kshs3,000 or Kshs2,500 per month, with no insurance cover or transport allowance. The poor security officers are subjected to the harsh reality of insecurity that they face every day and night. Therefore, this Bill is a saviour and a panacea to enhancing the living standards of security guards in terms of enhancement of their welfare through salary reviews, introduction of leave allowances and providing for their proper equipment. There are people who cannot access jobs despite the fact that they have good educational background. In order for them to feed their families, they become security guards.

Hon. Temporary Deputy Speaker, we are discharging a very serious responsibility in order to save those who brought us to this House – some of who serve in the private security services sector. The authority will also provide private security officers and their employees with an employment formula and a way of protecting their interests as well as the interests of the users of security services. Under this proposed law, if you engage a security firm to provide you with security guards, an alarm system and cash transfer services, how are your rights guaranteed?

This law takes care of the owner of the company, the security guards and all the users of private security services.

Clause 11 of the Bill provides for a board of the proposed authority, whose composition will range from representatives of the national Government and those from the security firms.

Part III of the Bill outlines the requirements for registration of a private security service provider. It outlines certain parameters that one must fulfil in order to qualify for registration as a private security provider. Not every Tom, Dick and Harry can form a security firm. There are many quacks and private companies that pretend to provide private security and yet, they can hardly afford to provide their guards with uniforms. Clause 21 prohibits an individual private security service provider from providing security services at a fee unless such service provider is registered by the authority. Therefore, you cannot form a company and start charging security services fees before you are registered. Even the security services fee chargeable must be regulated by an independent entity.

Hon. Temporary Deputy Speaker, Clause 23 of this Bill sets out the requirements that one needs to fulfil in order to be registered as a private security service provider. They include submission of certificates of good conduct for the persons you are employing. As the owner of the company, you must also submit a certificate of good conduct, and appropriate clearance for individuals from the Kenya Defence Forces (KDF), National Police Service, Kenya Wildlife Service, or the service of any disciplined force. One must produce a letter showing the circumstances under which they exited the services of the particular disciplined forces. That is because there is a lot of crime taking place within the confines of private security service providers.

Clause 27 requires all individuals to comply with a new code of conduct that is set out in the Second Schedule of the Bill. If this Bill is assented to, there will be a code of conduct that every individual serving in the private security service must comply with.

Hon. Temporary Deputy Speaker, Part IV of the Bill provides for the registration of a corporate private security service provider. Clause 28 prohibits a corporate private security service provider from providing security services unless such providers are registered by the proposed authority. Even if you are a corporate private security service provider, you must register with the proposed authority.

Part V of the Bill sets out the general provisions. Clause 37 provides for additional requirements for registration, such as submission of clear and complete fingerprints of all the prospective service providers. Some have previously committed crimes. Some are murderers but because they have no jobs, they end up becoming security service providers. Some of them are known rapists but, at the end of the day, they end up guarding your house. Such people can rape your daughters and steal from your house. Therefore, under Clause 37, a security service provider seeking to employ a guard must provide a clear and complete set of finger prints of the prospective employee for clearance by the authorities.

Clause 38 empowers the authority to do a regular inspection of security. Some people say that they run a security firm of more 700 guards and yet, they do not have offices, yards or training equipment.

This Bill gives the Private Security Service Authority (PSSA) powers to do random inspection once you apply. They also do regular inspection of your premises.

Hon. Temporary Deputy Speaker, Clause 40 of the Bill requires PSSA to keep a register of all persons licenced and registered as private security providers under this Act. Today, if the Inspector-General of Police (I-GP), other national security armed agencies and the Director-General of Kenya's National Intelligence Service (NIS) wants to find out the number of private security service guards, they can have that information. They will have their history, bio-data and finger prints. The envisaged authority will have that data-bank to provide and say: "So and so works for this authority. These are his finger prints. This is his information and this is the bio-data."

Under Clause 41, all private security service providers are required to keep a register of all employed persons. Individual private security service providers must also keep that register.

Part VI mandates all private security service providers to co-operate with national security organs in the maintenance of law and order. All private security service providers must be answerable to national security organs and structures which are in place - if this law is passed - for us to maintain law and order.

Under Clause 45(2), the Cabinet Secretary (CS) for the Ministry of Interior and Coordination of National Government, in consultation with the I-GP and the authority, will come up with regulations. That service industry must have certain "dos" and "do nots". Using the law provided in terms of regulations, the CS for the Ministry of Interior and Coordination of National Government will bring regulations to the National Assembly once this Bill comes becomes law.

Part VII of this Bill relates to the general provisions of the private security service providers. Those powers include:-

Search, arrest, record and temporarily withhold identification documents. It is not the case now. If a private security firm and its employees stumble upon a criminal offence being committed, this law gives them the power to search, arrest, record and temporarily withhold identification documents in consultation with the other arms of our security that have been given those powers under the law. A security guard will not say: "I saw a terrorist passing by here! I did not say anything." They will be under obligation to make sure that, that does not happen.

Part VIII provides for equipment and other tools of trade that may be used by private security service providers. This is very important. As it is now, a security guard ordered to guard a godown in Industrial Area and yet, he does not even have a *rungu*. He does not have anything! He has a coat, uniform, shed and he earns Kshs3,000, when that company is paid Kshs20,000. We need to create a law to help our people so that if he is a night guard, he must have enough equipment to protect himself and the property he is guarding.

Clause 50 prohibits security service providers from using uniforms or branding their vehicles with colours similar to those of the National Police Service or any of the disciplined forces. This is very clear. If you look around now, there are people who give their security firms uniforms similar to those of the police and you cannot differentiate them at night. They then rob people. Those who have been robbed cannot tell whether they were robbed by a police officer or a security guard. This law under Clause 50 prohibits private security service providers from using uniforms or any branding of their vehicles or their premises with any of the colours that are used by the disciplined forces - that is Kenya Defence Forces (KDF), Kenya Police, General Service Unit (GSU) Kenya Prisons Service (KPS), Kenya Wildlife Service (KWS) and many others, including the Kenya Forest Service (KFS).

Part IX provides for a complaints process for a person aggrieved by the quality of the service provider. I am sure most of us use private security firms. They come to work when they are drunk. They come and rape the people they are supposed to guard. They steal from schools and collude with gangsters to steal from banks. So, Part IX provides the complaint process for a person aggrieved by the quality of service given by the security firm and how to get redress. Clause 35 sets the procedure for such a process.

Clause 54 provides for the appointment of inspectors of PSSA. PSSA will have inspectors who will do a daily inspection on the service that is provided by those bodies. Clause 56 empowers those inspectors to carry out an inspection of the affairs of any private security service provider.

Hon. Temporary Deputy Speaker, Part X talks about the kind of fidelity levy PSSA is to impose on any of the private security service providers. That authority must use resources from the people they check in terms of their operations.

Clause 59 establishes the Private Security Fidelity Fund whose purpose is to sustain PSSA. We do not want to burden the taxpayer. We want players in the industry to fund the operations of that body.

I am about to finish. Part XI sets out financial provisions. Clause 61 details the source of the funds.

The Temporary Deputy Speaker (Hon. Cheboi): Hold it there hon. Leader of the Majority Party. You know some of the visitors who come to our Speaker's Gallery are given a few minutes.

Hon. A.B. Duale: Yes.

The Temporary Deputy Speaker (Hon. Cheboi): It is important that we recognize them and then you proceed. You can also take a glass of water.

Hon. A.B. Duale: I am fasting!

The Temporary Deputy Speaker (Hon. Cheboi): Sorry! You are fasting. You would have taken the glass of water, ordinarily. I want to take this opportunity to recognise students from Limuru Girls' High School, which is one of our major national schools, from Kiambu County. Feel welcome to the august House and thank you very much.

Proceed, Hon. Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. I also come from---

The Temporary Deputy Speaker (Hon. Cheboi): I realise the reason you are having a hoarse voice today is because you are fasting.

Hon. A.B. Duale: No, Hon. Temporary Deputy Speaker. Fasting is a---

The Temporary Deputy Speaker (Hon. Cheboi): I know that you are a deeply religious person. Proceed.

Hon. A.B. Duale: No, Hon. Temporary Deputy Speaker. You know you are not a faithful in that faith and so, you cannot analyze.

(Laughter)

I am enjoying the *Ramadhan*. It is the 13th day and I have 17 more days to go. It is a conscious decision that I have made, but I am happy to welcome students from Kiambu County. I also happen to be a subject of the County of Kiambu because I live there.

Part XI is about the financial provisions of this Bill. Clause 61 details the source of the funds for PSSA and Clause 63 requires the authority to prepare estimates of its revenue and expenditure.

Part XII deals with miscellaneous provisions and Clause 65 requires the PSSA to submit.

That, in summary, is the genesis of the Private Security Regulations Bill, 2014. I am sure that this is a Bill that is coming at the right time when we have serious security challenges; when we have the enemy from both within and outside our country and when each and every citizen must make sure that he plays his role in ensuring that Kenya and Kenyans are safe. More importantly, it is about the men and women who serve as private security guards, who stay late in the night, who earn meager salaries and have families to take care of. I am sure that this is an important Bill; it is a legislative piece that touches on the poor of the poor of the Kenyan society. I hope that Members will bring all relevant amendments when we reach the Third Stage. I ask them to support so that the very important service they provide to many homes, many businesses and many education institutions is streamlined, organised, institutionalised and each and every stakeholder plays his role.

With those many remarks and concerned that this Bill went through them, I ask the Chairman of one of the most important Committees of this House, the Departmental Committee on Administration and National Security, to second this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Hon. Kamama.

Hon. Abongotum: Thank you very much, Hon. Temporary Deputy Speaker, for granting me the opportunity to second this Bill. The Leader of the Majority Party has given the gist, purpose and object of this Bill. At the outset, I want to inform the House that we had a lot of consultations with the Cabinet Secretary (CS) for Interior and Coordination of National Government when we were preparing this Bill. We also had an opportunity to talk to the Kenya Private Sector Alliance (KEPSA) in Mombasa. So, I want to confirm that there was sufficient consultation before this Bill was brought to this House.

The Bill intends, as already stated by the Leader of the Majority Party, to provide a framework for the regulation of private security service providers. For a very long time, we have managed our private security guards - or the so-called watchmen - in a very haphazard, unprofessional and demeaning manner. This Bill provides a paradigm shift whereby we will now come up with a framework that deals specifically with their rights and rules and regulations that govern the management of private security services.

This Bill will also ensure that private security service providers operate efficiently and in accordance with the principles of good governance. The former Minister for Provincial Administration and Internal Security, Hon. Katoo, will attest to the fact that we have consulted widely and it took time before this Bill was brought to this House. The Bill will make sure that private security service providers operate in a better way and observe commercial principles instead of operating in a haphazard way.

Part II of this Bill provides for the formation of a very strong authority that will govern the management of private security services. That authority will manage private security services as opposed to what is happening at the moment. There is no specific authority or board and so, private security service providers operate the way they want. We are talking of over 400,000 private security guards! So, we are talking of a very big employer in this country.

Part IX says that the authority will ensure that there is enforcement of standards, licencing and registration so that you do not just employ without observing certain standards or without a licence.

Part III provides for registration of individual private security service providers. At the moment, we do not know the number of private security service providers. We only know the major private security firms like Wells Fargo and KK. However, there are many of them, especially in the rural and slums areas, which are not registered. They just operate in a very *kienyeji* manner.

Part IV provides for the registration of corporate private security services. We are talking of these big private security firms like Securex, Wells Fargo, KK and the rest.

Clause 30 says the authority must have powers to grant or deny licences to those who meet or do not meet the specific requirements as provided for by the law.

Clause 35 talks about the duties of a licenced private security service provider. Those officers will have to be trained and given uniforms. Their duties are spelt out in this Bill.

Part V talks about keeping of a specific register and fingerprints of each and every applicant. At the moment, we do not have such a register. That is why there is a lot of impersonation. There are many private security guards who do not operate in a professional way. I read in today's paper of a case where a security guard is suspecting of conniving with and facilitating male students from a certain school with female uniforms of a neighbouring girls' school. The male students use those uniforms to conceal themselves and commit nefarious acts. We do not want a situation where a private security guard can conspire to commit crimes.

The Bill provides for co-operation between the National Police Service and the authority. It also spells out the powers of the CS because the private security service providers will be strictly under the Ministry. Though they will operate independently, they will have to be guided by the CS and the Inspector-General of Police (I-GP).

We must look at the powers of private security service providers. Those officers, when they see a recognisable offence, they will have powers to arrest, search, record details and temporarily withhold identification documents of a certain person before they can hand the suspect over to a police officer. He or she can then be taken to a police station and dealt with in accordance with the law. The Bill also provides for a code of conduct and a private security fund levy that will run the authority.

Lastly, there is going to be no confusion. Once the Bill is enacted, it is provided that the private security guards will not use police, army, navy or any other uniform similar to the ones being used by the disciplined forces. Even the vehicles they will use will be branded in accordance with regulations. They will not have vehicles that resemble the ones that are being used by our disciplined forces.

Generally, this is a good Bill. I want to convince Members to support it so that we can run our private security services in a professional manner that is really in tune with the law.

So, Hon. Temporary Deputy Speaker, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Cheboi): I will give the first shot to--- Well! What is out of order, Hon. Gikaria?

Hon. Gikaria: Sorry, Hon. Temporary Deputy Speaker. There is nothing out of order. I rise under Standing Order No.97. This is a very important Bill. Many Members will want to contribute to it and so, the 10 minutes might deny us the opportunity to contribute. I suggest that we be given five minutes per each speaker.

The Temporary Deputy Speaker (Hon. Cheboi): So, how many minutes are you proposing? That is a fairly valid request.

Hon. Gikaria: Five minutes.

The Temporary Deputy Speaker (Hon. Cheboi): Five minutes? Hon. Members, you now understand that you are the ones who make these decisions. I proceed and put the question straight away.

(Question, that debating time be reduced to five minutes, put and agreed to)

The Temporary Deputy Speaker (Hon. Cheboi): The first shot will be given to the Hon. Member for Ugunja. Hon. Wandayi. Five minutes.

Hon. Wandayi: Thank you, Hon. Temporary Deputy Speaker, for giving me this wonderful opportunity to contribute to this very important Bill. It is recognized universally that it is, indeed, the responsibility of every responsible Government to protect its citizens by way of providing them with security and, again, to protect the citizens' property.

The reality is that few governments have the capacity to do that and that is why the issue of private security services comes in. It is an issue that we have to live with because if we leave it to the Government to protect each and every Kenyan, your guess is as good as mine. We all know what will happen. You have seen in the recent past insecurity getting out of control because of the very fact that Government security apparatus are over-stretched beyond reasonable limits and, of course, in addition to lack of proper priorities.

That then brings the question of regulation of those private security services. Since we have to use them, we have to use them in a manner that is regulated, predictable and controllable. It is important to underscore the fact that security plays a critical role in enabling an environment that is conducive to investment. No economy can grow without the influx of investments, both foreign and local. Those investments cannot happen in an environment of runaway insecurity such as the one we are living in currently in this country. So, it is important that, as we support this Bill, we take cognizance of the fact that we are living in strange times. We are living in strange times in the sense that, for a very long time, we have witnessed insecurity which is beyond the control of the Government.

It is also important to underscore the fact that the over-stretching of security apparatus – and specifically the police – is as a result of over-concentration of the Police Service on the protection of the so called Very Important Persons (VIPs). Many VIPs have taken many security personnel who should be protecting the properties and lives of Kenyans. These days, it is also not un-common to see people calling themselves VIPs being trailed by chase cars full of police officers, when ordinary Kenyans are being killed like chicken in the countryside. This has to be contained as we address this issue of private security service providers.

We do not need to go far. If you look at countries that have managed to contain insecurity such as neighbouring Uganda and Rwanda, you will notice that it is through the professionalism

that they have in the private security sector. Therefore, we are not re-inventing the wheel. These things have happened. They have been done very successfully in other countries and, indeed, in some Third World countries that are “backward” than us. Therefore, we just need the right political goodwill to bring back sanity in the security sector. That is what has been lacking. I am happy that, for the first time, the Government has found it fit to initiate a Bill that is going to rein in insecurity.

When we bring in regulations to regulate private security service providers, it is important to address the issue of remuneration of those private security personnel. If we leave it to market forces to determine their wages, we shall end up in the same problems we are in.

The Temporary Deputy Speaker (Hon. Cheboi): Well, unfortunately, your time is over. So, let us have the Member for Ol Jorok, Hon. Waiganjo.

(Hon. Wandayi interjected)

The Temporary Deputy Speaker (Hon. Cheboi): You are out of order, Hon. Wandayi.

Hon. Waiganjo: Thank you very much, Hon. Temporary Deputy Speaker, for giving this chance to support the Private Security Regulation Bill. It is shocking that this country, in this age and time, has not passed this piece of legislation in a country where security is the main business. Any investor who would like to make money very quickly in Kenya should invest in security. Unfortunately, the investors in that sector have the habit, conduct and will to abuse and under-employ the people who work in that industry. The people who work in that industry are watchmen and security guards. This Bill stipulates that they will all be registered. Recently, we passed the Fair Administrative Act. It is important to expedite the registration of security providers. After the passage of this Bill, nobody will be employed as a watchman or a security guard without registration. We will know how many they are and the conditions under which they work. The registration should be made as easy as possible.

I have also seen in this Bill that there is a prescribed fee which will probably come with the regulations. But I am afraid that if that fee is kept to a maximum, it will hurt the stakeholders. The fee should be regulated so that if a security provider has to pay, it must be at the minimum. I am not thinking about private firms but private individuals who, out of their own accord, want to be employed not because they are working for a security firm but because, as individual, they have found a job to guard a family, for instance. Those people are not regulated. They are not well remunerated and they are not captured in any union. They are poorly paid and they work under very poor conditions. They are not given proper equipment. They are not recognized and they are not captured in any data. Therefore, those are the people we should be talking about.

I see the authority as a very important tool because as constituted, therefore, it will capture the data of the people we are talking about here. Most importantly, it is the view that they are going to enforce standards. As they enforce those standards, the starting point should, obviously, be their employers - the people who run private security firms.

The starting point should be there. Even before we pass this legislation, the authority comprises of even the Permanent Secretary in the Ministry of Labour, Social Securities and Services. As it is now, it is very important to look at the conditions that our guards work under, and not only in terms of remuneration. The wage that they earn is obviously not captured in our labour laws. Secondly, they are not permanent and pensionable employees. They also need guns.

In this Bill, nowhere is it mentioned that we should give our security personnel some guns. We will bring amendments to this Bill to provide that all security officers should carry guns. You cannot imagine a security guard with a *rungu* against a robber with an AK47 rifle. It is a slap on the face. It does not make sense. In our neighbouring country Uganda, all security guards carry guns. Why can we not give our security personnel guns and then fight the small arms peddlers? Moving forward, we need to have a security system that looks holistically at our security concerns, so that we can also assist the Government to provide security.

The Temporary Deputy Speaker (Hon. Cheboi): Let us also recognise an independent Member, the Member for Kibwezi West.

Hon. Musimba: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. As stated by the earlier speaker, this Bill is, indeed, overdue. Security, indeed, is a responsibility for all. The cardinal rule in security is to start with avoidance, destruction and then distance is your friend. In creating that distance, we need to have situational analysis which should be the prerogative of all citizens in Kenya. In having those security firms and individuals registered, it is important to have an elaborate training programme and sharing of data with all the individual security organs. This will enhance the atmosphere for investments, our national competitiveness and job creation within that vast sector.

As we have seen, they limit security to only what is visible by having guards with *rungus*. This goes much further in the area of forensics and CIT security, which becomes pretty prevalent as we grow our economy. All these things can become a reality. As we are rolling out CCTVs all over, it is important for people to adopt that technology. But within a space of limited budgeting, there could be providers who can offer those services by taking cognisance of counties and doing the wiring that feeds to a security centre. The Bill recognises those gaps or interventions that can come through. I really welcome the possibility of information-sharing. That will ensure that every inch of our society is covered.

As we move forward, we should look at the gallant officers who have served Kenya in different capacities, be it Kenya Wildlife Service, Kenya Prisons, Kenya Armed Forces and Kenya Police. We are now opening a page where every security firm will be employing them as part of the requirement. That gives them a future.

(Hon. Kang'ata consulted loudly)

The Temporary Deputy Speaker (Hon. Cheboi): The Member for Kiharu, let us keep order in the House. It is better to speak back at home rather than speak here. It is better to be a bit silent here.

Hon. Musimba: Thank you, Hon. Temporary Deputy Speaker. I was saying that any officer who has left service, so long he or she left honourably, is activated into a reservist database. That will tally with the world ratio of police to citizen of 1:300. We should ensure that those people are on high alert. They would go further and supplement initiatives like *Nyumba Kumi*, where you will have skilled people to supplement them within the communities. This will go a very long way in ensuring that Kenya is, indeed, a safe place.

I want to thank the Mover of this Bill for acknowledging the setting up of a fund. Once the regulations are passed, the fund will ensure that skills and knowledge in security matters is entrenched. There are people who have been in service for more than 40 years and when they

retire, all that knowledge disappears. They just sit at home and remain with the knowledge. They do not pass it to somebody else. So, through the security firms, we can transfer that knowledge. That would give Kenya the edge not just locally, but within the region.

I thank you for giving me the opportunity to contribute. I narrow my contributions to that.

The Temporary Deputy Speaker (Hon. Cheboi): We will have the Member for Likuyani Constituency.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Temporary Deputy Speaker. Let me start my contribution at the end, as I pose two questions before I go into other areas. At the outset, I support the Bill. The two questions that I would like to pose - and I can see my good friend, Hon. Kamama, is here - are as follows:-

(i) Is it that the Committee that has interrogated the Bill did not want to confront the whole concept of licensing our guards and watchmen to carry guns? As it has been observed - and as we see everywhere - the watchmen are like sitting ducks. They are doing a job in a world where criminals and thieves are well armed. Is it that the Committee was afraid to tackle this issue or not? If we are all playing in the same field, the guards and crooks should use the same equipment.

(ii) The second question should be at the tail-end because the time is not much. The Bill is really concerned about private security providers; namely, companies that provide private security. But have we really looked into the aspect of an individual watchman as recommended by a family member or a friend, that he is a nice man and can be a watchman, as we know them at home? They are not coming from any private security firm? Has their welfare been catered for in this Bill? I do not see it very well.

We need to do that because on average, that is the bulk of the watchmen and the people who guard us at home when we are fast asleep. If we have to deal with their welfare, we need to start looking at the individual and not very much the firm. This Bill really concentrates on the firm, but what about the individual?

It is a good Bill because it is bringing hygiene into the whole concept of private security. We are having a situation where there will be an authority to look into the standards, registration and training in those private firms.

Recently, we read in the newspapers about two cases that I would like to mention. One, a young man, a guard, was mauled by very fierce dogs somewhere in Nairobi. We have also heard of other circumstances where watchmen and guards turn against the very people they are watching after becoming criminals. This Bill is trying to bring sanity in the whole concept of private security and I agree with it.

The other aspect that we should really emphasise is that all those private guards should have some form of insurance so that, if anything happens to them, that insurance can take care of their families, just like it is happening at the National Police Service. For example, the family of the young man who was mauled by dogs would be taken care of. Most of the times, those people are the sole bread winners. Otherwise, it is a good Bill because the guards are actually like the "wretched of the earth".

[The Temporary Deputy Speaker (Hon. Cheboi) left the Chair]

[The Temporary Deputy Speaker (Hon. (Ms.) Mbalu took the Chair]

Thank you, hon. Temporary Deputy Speaker. I support it. However, we will look at the aspect of how we can bring in the two issues that I have raised.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, hon. Enock, Member for Likuyani. Hon. Members, next on my list is Member for Igembe Central, Hon. Cyprian Iringo.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. I stand to support the Bill. I also recommend an amendment which I believe will make it stronger - like my colleague, hon. Kibunguchy, has said.

The sector of security guards has been taken lightly. However, in essence, it is quite an important sector because it supplements our disciplined forces that are recruited by the Government. Those guards are usually recruited haphazardly. We have never taken stock of how many security companies we have in Kenya. Their mode of recruitment is quite haphazard. They are mostly family entities where people recruit friends, relatives, family members or people from their localities, who do not even have qualifications or capacity to do that work. Given that jobs are quite rare in Kenya today - and everybody is craving for, at least, a source of livelihood - it has also been used all along as a way of exploiting or misusing desperate people in need of jobs. That is because there is no law guiding the owners of those security companies or a clear-cut policy on how they should handle or engage the guards. They end up exploiting them. At the end of the day, they earn a lot of money from the people who engage or contract them. However, the guards who do the actual “donkey work” get peanuts. Most of them are night guards who spend a lot of hours in the night working. They even contract diseases because of the cold weather. They also risk being killed by thugs. It happens now and then in Kenya. When thugs strike, the first person to be hit is the watchman! So, they need insurance and proper remuneration. The recruitment system must be above board, so that we do not engage crooks in the noble job of guarding our homes, businesses and other premises.

It should be noted that those guards supplement the efforts of the Government as far as security is concerned. Therefore, I recommend that this Bill should be amended. We should include a clause which says that once one is vetted and employed, there should be a body, as the Bill recommends, which should manage all of them. They should be allowed to carry guns so that, at least, you can know that somebody is taking care of your family and yourself when you are asleep. It will also be for their security. When the *Al-Shabaab* terrorists struck during the Westgate Mall attack, they killed the watchmen first. They did not have anything but *rungus*. However, if there was a little resistance there, they could have, at least, repulsed or engaged them, which would have resulted in the rescue coming early and minimising the losses that we experienced during that time.

I can see my time is running out. I really feel that, that body will help those who join that sector to be disciplined, well remunerated and protected. They will also have an insurance cover. They should also be armed so that they can be confident and capable of repulsing any danger and protecting themselves.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Ladies also have equal rights to speak in Parliament. Let me have the Member for Meru County, Hon. Florence Kajuju.

Hon. (Ms.) Kajuku: Thank you, hon. Temporary Deputy Speaker, for providing an equal opportunity to all of us. I stand to support this Bill as proposed by the Committee and Ministry of Interior and Coordination of National Government. It is a very well thought-out Bill that looks at an industry that most people - and even we legislators - have not looked into so that we can take care of our community. Guards have been protecting our lives and yet, we have not done much about them.

I have looked at this Bill. It is a good Bill. The opening remarks of this Bill talk about providing a framework for co-operation with national security organs and for connected purposes. What that means is that it is only meant to supplement the other security agencies we have. We know that we cannot provide the disciplined forces to each and every Kenyan to protect them. However, with that supplement coming from the security organs in the private sector, we shall be able to take care of matters security.

There is an authority being established under the Bill. It is expected to set the standards that will encourage issues of equal opportunity. We know that in any occupation today, the rights of every person must be respected. As one of its functions, the authority is expected to ensure that there is protection and promotion of the rights of security guards. Chapter 4 of the current Constitution talks about fundamental rights and freedoms. Workers or any consumer of whatever services must be protected. What this body is expected to do *inter alia* is to ensure that the rights of the security service providers are taken care of. Therefore, I find it to be a good Bill.

The authority is also expected to set standards and accredit institutions offering training in security. In as far as the provision of service is concerned, accreditation is very good. The authority will be expected to carry out monitoring and evaluation regularly to ensure that the firms that have qualified to offer private security do not breach the regulations that have provided by the authority.

The authority will also be expected to set the minimum wage regulations. We know that, that is a group of people who have not been given value for money. They are people who provide security, they stay in our houses, firms and shops for 24 hours. But when you look at the kind of salary that they get, it is not equal to the exposure of the risks that they are exposed to. So, that authority is going to do a good job by ensuring that minimum wage regulations that are expected of those workers are taken care of.

In most cases, those private security guards have been exposed to occupational hazards. We can call them occupational hazards, but not when you think about the life of a person. When those security people carry cash-in-transit, we expose them to a lot of danger. That is why we are saying that with this kind of regulation, we are able to bring a law that will take care of their interests. At the end of the day, they are going to be better people in carrying out their duties. I, therefore, support the Bill and thank the Committee for its contribution.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let me have the Majority Whip before I go to the Minority Whip. Hon. Katoo ole Metito, Member for Kajiado South.

Hon. Katoo: Thank you, Hon. Temporary Deputy Speaker. Clause 9 of this Bill carries everything in this Bill and that is why you find most repetition is surrounding it. It is the clause that brings discipline and compliance in the sector. It talks about arms-tracking. It talks about growth and professionalism in the sector. It is also important for regular and proper integration of their input; that is, their private security input to the national security management and

operations. The same clause is also very important as it will bring the need to operate within principles of national values and morals in accordance with the Constitution. You will also find that the same clause helps in strengthening mechanisms for accountability and professionalism. It also brings in partnership with other security agencies.

The issue of regular modernization of private security sector on both hardware and software has been talked about in this Bill. This is through the aspect of training, which is in this Bill. The issue of accreditation of persons and institutions and the issue of monitoring and auditing of the quality of training function - as has been alluded to by the previous speaker - is well spelt out in this Bill. This will help in the compliance of the Act, should the Bill become an Act - and any other written law. It also brings about the need for knowledge creation and dissemination of information.

Therefore, if you move to Clause 11, it is very important in terms of coming up with an authority that governs the board. The Chairman of the Committee should hear this: It is important to bring in the Principal Secretary (PS) for the Ministry of Defence, since the PS for the Ministry of Interior and Coordination of National Government, Ministry of Finance, Ministry of Labour, Social Security and Services and the Ministry in charge of National Police Service are there. Since national security is centrally controlled and coordinated, it is important to bring the PS for the Ministry of Defence.

It is also important that the person in charge of Kenya Wildlife Service (KWS) - that is the Director-General - due to the poaching menace that we experience in this country. It is mostly because of private individuals who have arms in their hands and so, there is need for the two institutions to be brought on board.

I like Clause 26 which says that you can decline the application of an individual or an institution to provide private security. When you decline, you decline with reasons and communicate. Also the fee paid is refundable.

There was something on Clause 29 which says that for you to be in partnership with another company, you must have 25 per cent local shareholding. But I want to appeal to the Committee to bring an amendment and make it to be 75 per cent of local shareholding. That is because security is about national interests. Therefore, there is need for us to localize it as much as possible. If we allow foreign companies to provide security to citizens of this country, and we only have 25 per cent local shareholding, it is very little. A security company should have above 50 per cent of the local shareholding.

Clauses 32 to 44 talk about profiling of individuals and institutions that will provide private security services through registration of employees and their directors, and notifying the firm when an employee leaves and for what reason. Finally, there is the issue of ineligibility because of ethical or bad conduct for people who have served in the disciplined forces. They should not be allowed to provide private security.

I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You beg to support. Minority Deputy Whip, Chrisanthus Wamalwa, Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. At the outset, I rise to support this Bill. As other speakers have mentioned, this Bill has been long overdue. The critical issue here is guns. Most of those private security officers have been using *rungus*. The bone of

contention on security matters has been the guns. When you read this Bill, it does not provide any clarity.

Hon. (Ms.) Muhia: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! There is a point of order. State your Standing Order. What is out of order, Member for Nyandarua?

Hon. (Ms.) Muhia: Hon. Temporary Deputy Speaker, I am just wondering what “catches the Speakers’ eyes”. Does the card qualify?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): From where I sit, hon. Member from Nyandarua, you may not understand. So, sit where you sit. Let me do my work.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. As I mentioned earlier - and it is good that the Chair of the Departmental Committee dealing with security is keenly listening - the bone of contention when it comes to security matters has been guns. I have gone through this Bill but there is no clarity whatsoever whether those people are supposed to have guns. It is important that it comes out clearly.

One of the critical issues we have had in this country is the proliferation of small firearms which has contributed greatly as far as the issue of insecurity is concerned. Just to mention, for example, there is the issue of cattle rustling in Turkana, Baringo and the Pokot area. The proliferation of arms has contributed heavily to insecurity in that particular region. So, it is important that this Bill brings some clarification as to whether those people are going to be licensed to hold firearms or not. If at all they are licensed to have firearms, it is, indeed, critical that this Bill provides the aspect of training. What kind of curriculum are those people supposed to be given in terms of training? What is the duration of their training? More importantly, what is the criterion for selection? Are we going to follow the way the police or prisons have recruited? In many cases, when it comes to the issue of private security, we have had retirees from the police, prisons and the military carrying *rungus*. This country has an age limit as far as employment is concerned. So, it is also important that those retirees should not be competing with young people just because they have an advantage. Maybe, they were terminated because of some reason or the other. They leave the military and compete with young people in private security firms. So, that clarification is very critical and it has to be there.

More importantly, when it comes to the welfare of private firms, we have different categories in terms of security. We have the G4S and the KK Security who are in their own league. Some of them are international. When you travel abroad, you will see that G4S officers have guns. They provide security even in some of the airports because of the professionalism aspect. But here, we have different categories of private security. The watchmen we have in rural areas or the ones we have in schools are in totally different categories. So, when it comes to such a Bill, we need to put that into consideration because the critical problem we have is about affordability.

Another issue is that we have had many insecurity *militia* groups. I hope Hon. Angwenyi is listening. We have the *Chinkororo*, the *Amachuma* and the *Mungiki*. What are those *militia* groups? We must have a proper framework of doing away with all those groups. As I said, the issue of security must be categorized because we have different categories. There is also the issue of insurance. We have seen many people lose their lives. It is critical that before any private security firm is registered, we need to look at the issue of financial capability. Is there an

insurance cover so that, in case those people lose their lives in the line of duty, we are assured their loved ones will get compensated?

The requirement of certificates of good conduct is something that is very critical and has to be there.

When it comes to the issue of the board, we know very well that, in the State Corporation Act, the chair of the board is appointed by the President. Then we have board members. My colleague---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. You are not on the microphone, honourable Deputy Minority Whip. Hon. Member for Nyandarua was wondering what “catches the Speaker’s eye”. Let us not open debate to the public. Let us just do our work as Members of Parliament. Now that you had not “caught my eye”, it is now your time to do so. I do not know whether you are ready to contribute. I know you are attending some meeting somewhere that I do not want to say.

Hon. (Ms.) Muhia: I am a Member of the Departmental Committee on Administration and National Security and I have quite some information on this Bill which, at the outset, I support.

(Loud consultations)

An hon. Member: On a point of order!

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): No! There is no point of order. Let the Hon. Member for Nyandarua contribute. She will be heard quietly. That is my order.

Hon. (Ms.) Muhia: At the outset, I want to support this Bill. As a member of the Security Committee, I realise that Members are contributing on very critical issues that we may have left out. Possibly, we may need to consider them at the Third Stage because the Bill seems to concentrate so much on the firms, while leaving the guards behind. Considering the matters of security in this country, I want to plead with Members that, as we discuss, we go and read this Bill time and again. We need to come out of the cocoon where we want to sympathise with the guards because they serve at night and all that. I want us to use the same guards because they are estimated to be 400,000 in the security sector. Indeed, they could be the eyes of this Government in terms of complementing security. When we visit some countries in Europe, we see G4S and other guards all over, and they are very well trained. There is operational training and back-office training. So, even without the guns, as some Members are suggesting, they are able to identify the crime in any scene. There is enough numbers to complement the security that we are really struggling with in this country.

On matters of registration, we need to make it very strict such that we do not have on board people who have served jail terms. Businessmen have opened security firms for business reasons; not to secure the country. Those businessmen will go and get people from all over, train them for two days; that is, mark-time one, two, three and then, they give them *rungus* to guard our houses when we are at work. When you leave the guard behind, the next moment, he or she commits a crime. He could rape or do all manner of crimes. So, this legislation needs to be there. We need to be very strict. The licence needs to be renewed as regularly as possible. The certificate of good conduct is key and very necessary here.

I also realize that we have not captured the level of education. Time and again, we have got ourselves in problems. Let us not forget the case of the former Deputy Chief Justice, *Madam Baraza*, who had an issue with a guard somewhere. Some of those guards are Standard III drop-outs or even below. Considering the free primary education today in our country, possibly, we can make it mandatory for one to attain the level of Form IV certification. We need to consider the level of education such that if those people are very well trained, they can understand the work that they are given and obey regulations.

As I finalize, I wish to say that remuneration and equipment are key. Those guards work at night even without the right jackets. Sometimes, they are rained on. If we leave this Bill open, it will be at the mercy of the employer to consider equipping those guards with the necessary equipment. We should not leave the issue of equipment open. We need to capture very clearly what kind of equipment and clothing should be provided. That way, we shall have the security guards working in the right environment.

I also find one year to be too little to renew the license. I would suggest that we consider, at least, two years.

Having said that, I want to conclude by saying that 25 per cent of local shareholding is too exposing to our country. I would suggest, possibly, 40 per cent.

Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well spoken. I know she is attending a meeting somewhere. I wish her all the best. The next on my request list is the Member for Kiharu. Hon. Members in the House, may I say again we recognise leadership, like the Deputy Leader of Majority Party. Before I give opportunity to the Deputy Leader of Majority Party who is over here, let me give the Floor to Member for Kiharu, Hon. Irungu Kang'ata.

Hon. Kang'ata: Thank you, Hon. Temporary Deputy Speaker. May I support this Bill and also reiterate the issue that has been discussed by various Members here - giving private guards guns. I support that idea. Initially, it appeared to me as if it is not a good idea. But on thinking harder, I have come to that realisation that it can make sense. Why do I say so? One, we can come up with a mechanism to ensure that there is no abuse in the issuance of guns to people. How can we do that? One, we can propose amendments and provide that any guard who should get a gun should get some certain minimum payment. Maybe, a payment that rhymes with what a police constable gets from the Kenya Police Service. Two, we can raise the level of education. If you are getting a gun, we say for instance, you must be a Form IV leaver. Three, we can come up with a situation and say, once you get the gun, every day, you will be returning that gun to the police station nearest to you. It is the property of the Government and you are only getting it for some period and then returning it. Four, we can say that in the event you lose that gun or a bullet, it is going to become a punishable crime under the law. The idea of guns, in my own opinion, makes sense, particularly in this era where we have many terrorists.

The kind of war that we are waging with the terrorists is what we call "asymmetrical war", where you cannot tell where that person is. You are facing an enemy who you cannot even trace. In that kind of a situation - for instance the Garissa Attack - if we had our guards with guns there, they would have taken some time off to deal with the terrorists and, to a certain extent, by the time they would have probably been able to over-power the guards, it would have given our children time to exit out of the Garissa Campus. Therefore, it is time that this country embraced that idea which has been proposed by my colleagues - that we allow guards to get guns.

Let us look at the international good practices. In America, it is ingrained in the law. It is something that is provided for in the law. It is one of the so-called rights. In Uganda, our neighbouring country here, we have seen such kind of a scenario. That, maybe, explains why, despite Uganda being among the countries which invaded Somalia, they have never experienced an attack except just once. You can all recall the several attacks that Kenya has experienced - Mpeketoni, Garissa and Westgate.

Allow me to draw your attention to the incident in Westgate here in Nairobi. It was captured on video. We saw a private guard being shot at. One would have imagined that if that guard had a gun, he would have offered some resistance. To me, I am convinced that it makes some sense. We should allow, through an amendment to this Bill, to give guards guns but, of course, we provide for some form of measures to ensure that they are not abused. We can even serialise those guns and the bullets to ensure that no one is trading in them. We can ensure that people who are going home are checked. There should be some form of rationalisation so that, that process is not abused.

On various other aspects, I would also caution that, at times, it does not make sense for us to over-regulate an industry. Once you over-regulate an industry, the effect is: You will find a situation where people are now being kicked out of that industry because it is becoming too expensive to run it. The net effect will be high levels of unemployment. Notwithstanding this Bill being good, let us watch against over-regulation of any industry. If the impact results in a situation where investors do not invest in that industry, we will have a lot of joblessness.

As I sit down, may I pray that we give respect to old age. I am talking about people who came here before us - say four decades ago. Like my colleague here. I seek your direction on that issue. In court rooms, a lawyer who has practised for more than four decades---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. I wish you forfeited your position. We recognise and appreciate Hon. Angwenyi. I can see that there is a lot of lobbying. Hon. Angwenyi, we recognise you.

(Laughter)

That is serious lobbying.

Hon. Members, the next on my request list is the Deputy Leader of the Majority Party who is also a Member of Parliament for Taita Taveta Constituency.

Hon. (Dr.) Shaban: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I also want to add my voice to what my colleagues have already said. First of all, I want to congratulate the Executive for coming up with this Bill that will enable us establish an authority that will regulate private security.

I do not want to repeat many of the issues that have been raised by Hon. Members here but I want to talk about the welfare of private security personnel. If there are workers who have been suffering in this country, they are these private security guards who are usually referred to as *askari gongo*. A lot of money is usually paid for their services, and yet a very small fraction is given to them. This Authority will regulate and make sure that people are paid what is due to them and commensurate with the services that they offer.

I also want to talk about the issue of making sure that the people who do this work are well-equipped, well taken care of and earn their living so that they can live comfortably. Most of

the people who are usually killed when thugs attack are the security guards. This Bill has been long overdue. It should have been brought before this House many years ago to make sure that private security personnel are well taken care of.

Hon. Temporary Deputy Speaker, on having them armed with guns, we can have Public Private Partnerships (PPPs) where the National Youth Service (NYS) can even train some of these people on the basics before they are trained on how to use guns. Once they are armed, then they can deal with insecurity in our country. I do not want to belabour the point but it is high time we brought some amendments so that we can improve the welfare of these private security personnel. They should not only be well taken care of but they should also be well-equipped. They should be provided with the right clothing to keep them warm especially at night.

Hon. Temporary Deputy Speaker, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well spoken. It was short, brief and to the point.

Yes, Hon. David Gikaria, the Member for Nakuru Town East.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. First and foremost, as Members of the Departmental Committee on Administration and National Security, we were privileged to see this Bill before and discuss it.

The Kenya Police Service Act stipulates very clearly that we can formulate a law that can regulate other security agencies. This industry has not been very attractive and people have not invested a lot in it because of the very many shortcomings. As Hon. Chrisantus Wamalwa has said it only attracted retirees. This is because of the low wages people who work in security firms are paid.

A few international private security companies are now operating in this country. These companies have brought some order into the industry and I thank them for that. These companies have attracted very young, experienced and educated men and women. Training which has been mentioned earlier on is very important because we need a disciplined force. We have seen how the disciplined forces behave. It is important to have a training curriculum for these people. If we have very many people being employed in this industry and being given formal proper training, we will prevent crime. It is one thing to talk about crime and another thing to talk about how you can prevent crime before it takes place. That is very important.

Hon. Temporary Deputy Speaker, guns have been talked about. We need to be very careful when it comes to giving firearms to the people who work in this sector. We have seen a few policemen being charged in court for hiring out their guns to be used in crime. Therefore, it is important to be very careful when thinking about giving out guns.

The Committee on Implementation visited Turkana. We were looking at the Kenya Police Reservists (KPRs) and the situation was very pathetic. The KPRs said that they had guns which were outdated to the extent that no company manufactured their ammunition anymore. So, once the ammunition in that station is over, they look for other guns. It is very unfortunate. So, even if we gave out guns, we must understand that we do not just give out very old guns that cannot match what the enemies have.

The other aspect relates to percentages in ownership. It has been said that 25 per cent is too low. Secondly, we will bring some regulations to curb the fees which will be charged by this Authority. The National Construction Authority (NCA) has denied young people a chance to join that industry because of charging very high fees.

Lastly, I want to mention one of the laws that nobody has talked about. This is the affirmative action regarding the staff who will be employed in that industry.

I support the Bill. However, we will bring some amendments to improve the Bill in the Third Reading.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Let me get the contribution from the Member for Mvita. You have disconnected yourself, Hon. Member.

Hon. Nassir: Thank you very much, Hon. Temporary Deputy Speaker. This is a very interesting Bill which comes at an interesting time. To take you back, the rise in number of firms and companies associated with security is directly connected to the erosion of the State's ability in keeping its citizens safe and secure.

I would like to give some figures which were taken from various organisations including the Human Rights Watch Africa, the Kenya Human Rights Commission and Amnesty International. According to these figures, 66 per cent of respondents who were interviewed in Nairobi were victims of some sort of crime. The same figures indicate that 86 per cent of the respondents confirm that at one time or the other, they have witnessed some sort of crime. It gets scary that 36 per cent of the respondents feel that the police are aiding criminals. Needless to say, the figure of the citizens who have been victims of extortion by the police becomes even higher.

As a result of this, Kenyans have resulted to vigilante groups, neighbourhood watches, community policing units and in the more affluent populations, security firms. This Bill is welcome. It will regulate an industry that employs 400,000 Kenyans. The 400,000 people come from 2,000 companies with the largest employing an average of 10,000 people and the smallest firm employing less than 50 people. This is as per the official records. This means that for every one watchman, there are 10 Kenyans. If we look at unofficial records in terms of companies that have not officially registered their employees and we add the vigilante groups and the community policing units, it means that one person has to keep watch to an average of about six to seven Kenyans out there.

This Bill is welcome. It will regulate among others the advisors on issues to do with security and those who come up with response services, monitoring from CCTV to signet monitoring, private investigations and installation of equipment.

However, the Bill has failed to come up with two major aspects and I hope the Committee will bring some amendments. The first one is the element of sharing information between these companies. This is because we will have a situation where if we have 400,000 Kenyans employed, it is easy for someone to commit crime from one company and join another company. Over and above, there has always been an *ad hoc* kind of arrangement between the security forces and these private institutions to assist especially when it comes to monitoring public sirens and alarms that the companies have installed.

Lastly, the issue that will be bringing a lot of heat to Kenyans is the element of gun ownership. There is also the issue of whether it is time for us, as a country, to consider equipping our regulated security companies with guns and proper armory instead of stun guns to rightfully fight crime in this country.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well spoken. Let me get to the *wazee*. I do not know how to measure them, but they are next on my request list. Hon. Jimmy Angwenyi, I do not know whether you are the oldest, but it is just because you are the next on my request list.

Hon. Angwenyi: Thank you, Hon. Temporary Deputy Speaker for allowing me to contribute to this important Motion. Thank you again for recognising the service that we have given to this country through legislation. That is recognised and appreciated in other jurisdictions.

However, this Bill should have come here 20 years ago. Our security would have been secured. This Bill introduces four important items. The first one is the registration of the people who are providing security. We want to know them.

The second issue is to establish standards in terms of which basis they will be registered. That is very important. I hope this will include some form of training; two or three months training. The Government should contribute towards this by providing trainers to train these people before they take up their jobs.

The third issue is that it opens up our doors for investment. When we say that we must have a local contribution of 25 per cent, we are encouraging more investors into this country. Through the 75 per cent, we will attract foreign investments in our country thereby creating employment which is a big issue in this country.

If we establish this Authority with the requirement to register and meet certain standards, we can persuade some of the organisations which have been declared illegal, but are doing a very good job, like the *Chinkororo* in Kisii, to participate in this sector. The *Chinkororo* in Kisii have reduced the crime rate in Kisii by 70 per cent. The *Sungu Sungu* has reduced the crime level in Kisii by about 80 per cent. This is in the areas they operate. Let us register and recognise them, so that they can provide service and reduce crime in that area and maybe in the rest of Kenya.

There are close to 500,000 security guards in this country. If we did not have these security firms, those people would be jobless and would cause insecurity. Let us encourage more people to invest in this area and we recognise them. We should make sure that their salary scales are equal to the services that they provide. We should allow them to be unionisable so that they can negotiate their terms of service.

We should also make sure that they get medical insurance as well as pension so that when they retire or when they leave work, they get something to lean on and go to hospital when they fall sick, the same way you and I do. That will make our people healthier and secure.

Finally, let us not micro-manage these companies in terms of telling them what age they can employ somebody and the salaries they should give. That is not our job. Our job is to establish this Authority to provide employment to our people. Let us allow them to carry guns. However, those who will be allowed to carry guns should be well trained in terms of discipline and on how to use the guns. We should make sure that the guns are not in the wrong hands. This will make our country secure.

With those few remarks, I would like to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, you must appreciate that we look at very many parameters in terms of getting a speaker. The Member for Vihiga, you cannot be on intervention and yet you want to contribute. I want to start with you. You were the first one, but you keep on fluctuating. Where are you? This is the confusion you give to the Speaker Hon. Members.

Hon. Chanzu, do you want to contribute or you are on intervention? It is either of the two.

Hon. Chanzu: That is correct, Hon. Temporary Deputy Speaker. I was trying to raise a point of order because I have been here from 2.30 p.m. I have checked on your list and I have seen that I am number one.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, you are out of order!

Hon. Chanzu: Okay.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): It is your turn to contribute, unless you want to forfeit the chance to someone else.

Hon. Chanzu: Hon. Temporary Deputy Speaker, anyway, I have been sitting here waiting for a chance to support this Bill. I think we can go back to the same system where the Speaker used to handpick people.

I want to support this Bill because if you look at it, you will find that the definition of these private security services means any of the following:

- (1) installation of burglar alarms;
- (2) private investigations and consultancy;
- (3) car-tracking; and,
- (4) close circuit television.

This is a big sector which has been held back because of lack of proper regulation and rules to govern it. Lack of motivation has made the sector remain static. Although the people who are employed there are paid salary, if we can get this into law then the issue of career development will be a motivator to those who join private security firms. We would regulate and control the work they do.

The most important thing that I also find here is training. For us to entrust these people with a lot of responsibility, considering that the country requires a lot of security, training would be a very important component in the sector. If they are going to be armed or equipped, they should be trained on the equipment or the arms that they will be using. The same figure that we talked of 400,000 people although the previous contributor talked about 500,000, is large. If you look at the multiplier effect you will realise that the people who are employed in this sector are more than what we employ in the Civil Service or even in the teaching fraternity. It is a large number which will require a lot of caution. The only way we can take caution is by having proper laws which can regulate the industry.

The code of conduct and discipline will be a very important aspect because we have had a number of people, even the ones who are in the disciplined forces, who have taken the law into their own hands and shot at one another. The code of conduct will be a serious issue. They should go through a lot of discipline schedules so that they are brought to a level where they understand that they are not serving to be criminals but to help us, as a country, eliminate the crime that is rampant.

This will also bring about openness. The moment we enact laws that will govern this, we will bring transparency and openness so that we know what each firm is doing. This will bring openness and make it easier for the Government to monitor the activities that are going on. It will create some linkage.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is up. Well spoken. The next person on my list is the Hon. Member for Njoro. I will assume that one of the interventions or requests is not applicable.

Hon. Members, let me give you this advice for free. Hon. Member, your time is over. When you ask for both an intervention and a request, it is important to substantiate.

Secondly, if there is nothing out of order, the Speaker has the ability and capacity to declare that there is nothing out of order. What is out of order is what is not within our Standing Orders and procedures. I have 11 requests. You will all speak. Be patient. You each have five minutes to contribute on this. The Hon. Member for Njoro, contribute on the Bill we are debating.

Hon. J.K. Ng'ang'a: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill.

Many people have spoken and addressed various issues. There is one area which I feel has not been properly addressed. I would like to deal particularly with the issue about arms. Many people have said that we should arm our private security firms or guards. They have given various examples from neighbouring countries and even abroad. Does this mean that we are going to arm these private security guards?

We should know that as Kenyans, we are under threat especially from these militias. By arming these private security firms we need to be very cautious because some of them can easily be manipulated and give these arms to the wrong people. We have had instances whereby even some of our Regular Police, who are authorised to have arms, go to an extent of hiring out the firearm they have been issued to some thugs who commit crimes. I am totally opposed to the issuing of firearms. We should be very careful because if we go that way, we shall be encouraging more firearms to go into wrong hands.

On the same issue, I am of the view that the authorities should also be coordinating with our security personnel; that is all the uniformed personnel so that in case of anything they can know when to assist each other. This Authority should work very closely with the uniformed personnel to make sure that the security of the entire nation and those areas which they will be guarding are well protected.

As I wind up, these guards should also be vetted and scrutinised because there are some who may be employed with ulterior motives of getting information. We have heard of various incidents whereby guards of some security firms mastermind theft of various banks and robberies which have been happening. They should be vetted and scrutinised so that we make sure that they are people who can be entrusted with the security of this nation.

I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Johana Kipyegon followed by Hon. George Ogalo. This is as per my request list.

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker. I rise to support this very important Bill that deals with the security of the country. For a very long time, we have been thinking of our security based on particular sectors where the Government is the sole provider of security services. This Bill is timely because we need to professionalise this field, so that when we do not have enough government security personnel to take care of our security, we can resort to the private sector.

Shortage of security personnel in this country is as a result of centralization, where the Government has been the sole provider. The alternative is the private security service with guards who are not appropriately equipped to guard the people they are assigned to guard. The enactment of this Bill, with improvements, will ensure that even private security guards are good

enough to guard our homes, banks and private businesses. Some parts of this Bill will have to be amended to ensure that private security service providers work properly.

I wish to contribute on a few issues, including training of private security personnel. This is important because we might arm them just like security personnel in the National Police Service. They must be trained properly so that they can get the confidence of the people they will be guarding.

Their salaries must also be enhanced so that once they are accorded the privilege of carrying guns and guarding serious premises and important people, they can be motivated. They should also have unions like other workers.

An Hon. Member has talked about *Chinkororo* and *Sungu Sungu*, who I thought were gangs and not security personnel. The Hon. Member said that those gangs have reduced insecurity by over 80 per cent. However, these groups are not security officers. They are just *Chinkororo* unless we integrate and make them part of the security apparatus. The security firms we are talking about here are very serious. They are supposed to be registered and their personnel properly trained to ensure that they meet the requirements of the people they will be serving.

Hon. Temporary Deputy Speaker, these people will be guarding our homes and banks. The reason why we have a shortage of police officers is that most of them have been deployed to guard banks and other important premises.

Proper training, remuneration and arming of private security guards will make the NPS release police officers guarding private premises attend to national security matters. Regulating private security firms will also help reduce the security problems that we have as a country. We will eventually make some few improvements to this Bill, so that we can have a very important security sector in our country.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The improvement amendments will be welcomed during the Committee Stage.

Yes, the Member for Rangwe!

Hon. Ogalo: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to support this holistic Bill. It touches on most aspects of the private security service provision. There is no aspect or practice that has not been covered in this Bill.

This Bill seeks to set up a central regulatory authority to regulate the sector. It also provides how the individual and corporate security providers will be registered. It sets out the requirements for registration and provides linkages between private security service providers and the national security agencies. It also provides for the powers of the private security service providers and seeks to remove any confusion between private security service providers and members of the national discipline forces. It sets out a mechanism through which members of the public and those working for corporate security service providers will channel their complaints, in addition to providing for a code of conduct.

Hon. Temporary Deputy Speaker, why do we need private security? In an ideal situation, the NPS should protect each and every Kenyan, together with their property. However, because we do not have adequate NPS personnel, there are gaps which need to be filled up. As we fill up those gaps, there must be a regulatory mechanism through which the people going to provide you with security can be controlled and managed. In that sense, we need private security. We are

talking of private security, bearing in mind the fact that huge swaths of our country have not been properly secured.

Today, we are talking about Kenya having five to seven counties which even the police cannot access. Such scenario brings a lot of pressure on ordinary provision of security in a country. There is need for the President to act. The only tool he was handed when he took over Office was a sword. The only job we want him to do is to secure Kenya. Even as we talk about private security, public security is very important.

The areas of Garissa, Wajir, Mandera, Isiolo, Samburu and Baringo must be brought into governable state now. If we do not do so, we will end up with a proliferation of small arms, and our border with Somalia will be coming very close to Kitui. This is a very big problem and it will bring a lot of pressure to the security situation in the country, especially in Nairobi.

I would like to hail this Bill because, for the first time, we have a proposal dealing with the working conditions of our private security service providers. Private security firms have become a place where slavery takes place. One takes advantage of the lack of employment in the country, employs a number of jobless people, secures government or private sector contracts to provide security, deploys those people without any training or tools and expects them to provide security. The individual rakes in a lot of money from those agencies, while the people providing the security services get nothing. This Bill will enable us eradicate that kind of slavery.

Hon. Temporary Deputy Speaker, we have the Firearms Licensing Act. There is no security person who can be denied a licence to carry a gun, if they fulfil the requirement of the Act. We cannot provide for a blanket licence for people to carry guns just because they have formed companies to provide security services. Every individual in a company must meet the requirement of the Firearms Licensing Act. I oppose any move to use this Bill to issue firearm licences to Kenyans.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, the Member for Mukurweini.

Hon. Kabando wa Kabando: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Bill. As it has been said by my colleagues, this Bill is long overdue. Whether it came today or earlier it is very timely.

First, this Bill will allow us to enumerate and have a database of people who are serving in a very critical sector. Two, it will also allow remuneration so that wastage or enslaving of individuals in this sector who are highly qualified is checked.

As a speaker said before, it is no longer a sector for failures. It is a sector that is engaging very serious minds and graduates who were with us in school who have been very dedicated going through the ranks and serving in this sector very diligently. Remuneration based on this formalisation will give motivation and actually humanise the service.

Three is to harmonise the profession. This is because as we speak now, it is a bit random. It is a little uncoordinated and it is not watertight in the way it is managed. Therefore, it is difficult to track, know who are involved, who is misusing the human capital of this country, who is evading taxation and placements.

Harmonisation will complement the larger security network and will give improved service. It will also help information sharing which is very critical. All over the world where advancement or capacitation has been done in the security sector, this sort of private enterprises

help the national governments. It is not exclusive because they serve the same so that the National Intelligence Service (NIS), the Criminal Investigation Department (CID), the regular and Administration Police, all, benefit from those who are employed by the private sector. This means that even training is an obligation so that we do not have people recruiting today in the afternoon and tomorrow everybody is in uniform, with *rungus* and guarding very critical installations. This is because a lot of lobbying is also done by private enterprises, corporations and Government offices for private security. It even includes banks which is a very critical area. Therefore, it will give benchmarks and standards. This is why we have been sitting here for this long just to say that it is timely and very necessary.

One sub-sector of security that really needs this harmonisation is the area dealing with narcotics, dangerous drugs, illicit brews and so on and so forth. All these that we have been discovering in villages and in the leafy estates of the city and other county headquarters are activities that happen daily. The easiest person to track what is happening in a gated community, a mall, and other business conglomerations are these watchmen or security guards. They know who comes to the buildings and houses therefore, complementing the national security agencies will be very helpful.

Finally, even as we legislate, can we, as leaders, also take charge of 'legislating' our attitudes and minds. It is sometimes very disheartening, even at the gates of Parliament and even in the malls to see national leaders and the so called flamboyant business people treating security guards with a lot of condescending attitudes. We need to start that process to move together and respect these people because they deserve respect, promotion and support even as we anchor it in law.

I strongly support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over.

Yes, Hon. Susan Chebet.

Hon. (Ms.) Chebet: Thank you, Hon. Temporary Deputy Speaker for this opportunity to contribute to this Bill. It is timely.

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu) left the Chair]*

*[The Deputy Speaker (Hon. (Dr.) Laboso
took the Chair]*

Hon. Deputy Speaker, we have always known our informal security persons to take care of our property and very important premises in our country yet we do not have a regulator to check whether they are qualified to do what they are assigned to do, and whether they are qualified to understand the importance of the role they are playing.

The proposed Private Security Service Authority will take care of the welfare of security personnel who are recruited. It will take care of their welfare like provision of uniforms, wages and their working conditions in general including their medical subscriptions or provisions. We also need to look at their aptitude whether they are people who can be relied upon; whether they are people who are honest and who can be entrusted with information and the work they are doing.

I compare the security industry with the *matatu* or transport industry where they have an association where they control and coordinate all activities of the industry. I know the Authority will serve that purpose once it is established. I do not support the fact that we need to equip them with firearms because firearms are very dangerous equipment which can really cause havoc in the community. We need to regulate that so that we know who we are entrusting the firearms with.

Hon. Angwenyi compared the security guards that we are talking about to the militia groups like *Mungiki*, *Chinkororo* and others. Those militia groups are insecurity in themselves. We cannot encourage our communities to produce people like those. Once we have PSSA, I know we will have a decent workforce in our informal security personnel.

In this Bill, I also recommend that we look at the share that comes to locals if we have a foreign security company. We need to have up to 50 per cent. I think 25 per cent has been recommended in the Bill but I think we should raise it to 50 per cent so that we leave a good amount of money as share capital to our local operators if we have foreign companies running security agencies in Kenya.

With those remarks, I beg to support.

Thank you.

Hon. Deputy Speaker: Yes, Hon. Philip Rotino.

Hon. Rotino: Thank you very much, Hon. Deputy Speaker for giving me the opportunity to join my colleagues in supporting this very important Bill. As my colleagues have said, this Bill was supposed to have come earlier than this because we are dealing with a very important sector of our economy. You will find that we undermine these security people who guard us but they are very important people. They take care of very important properties yet we do not give them the value they deserve. It is very important that this Bill will elevate them to the status that they are worth. If you look at the people who are guarding us, you will realise that they sit in the cold but the salary they earn is peanuts yet they take care of our valuable things.

Mr. Speaker, I want to join my colleagues in saying---

An hon. Member: It is "Madam Speaker".

Hon. Rotino: Madam Deputy Speaker, I am sorry. I want to join my colleagues by saying that regulation of this sector is very important. We have to ensure that it is properly regulated in terms of training. We should regulate these companies so that not every Tom, Dick and Harry can just walk to Sheria House and register a company and the next day he gets people on the streets to take care of us.

Individuals in these companies must be vetted and have certificates of good conduct so that you know exactly who is taking care of your property.

As one of my colleagues has said, it is also important to have a list of these people. One of them might commit a crime in one company, go to another company, register and get employed in that company. That is what is happening now. They just hop from one company to another after committing crimes because we have not regulated this sector. Even their fingerprints should be taken so that it is exactly known where they are and what they are doing at any one given time.

I oppose this proposal of giving guns to private security guards. It is important that they are given guns, but a gun is a very delicate thing to just give to anybody in the security sector. Having a gun is creating more insecurity to our own people. So, if we are to give them guns, they

must be vetted. Even the training that these people undergo should be monitored. We should even give a condition that any private security firm must recruit their employees from NYS officers. At least, we can be sure of the training component such officers have.

Many of my colleagues have said that we need to improve the salaries, insurance and welfare of private security guards so that they can be people of moral standing, who can be respected and not what we are doing at the moment.

So, I support this Bill. There are certain amendments which I am going to bring during the Committee of the whole House stage to strengthen this Bill and ensure that it is passed as fast as we can.

With those few remarks, I beg to support the Bill.

Hon. Deputy Speaker: Yes, Hon. Aghostino Neto.

Hon. Oyugi: Thank you, Hon. Deputy Speaker. I rise in support of this Bill. I have listened to several of my colleagues speak to this Bill and talk about licencing and provision of guns, but I am not so sure that exists in the Bill that I have. So, whereas that sort of amendment will be made, it is not currently within the provisions of this Bill.

This Bill is proper because it gives definitions in terms of what private security and private security services are. The Bill covers the whole corpus of what private security issues are. As my colleagues have said, this Bill should have been in place several years ago, but we should not worry because we have it now.

The Bill speaks properly to the establishment of an authority. It is also fair that a fund has been created to finance the Authority, which means there will be less burden on the taxpayers. The private security firms are going to give us money to run the Authority. That is a proper way to do things.

The Bill is, however, lacking in terms of the welfare issues of the private security persons. It is also lacking in terms of training and competence of the private security persons. Clause 5 of this Bill speaks to the guiding principles. I am not very sure that the guiding principles enumerated here would be the sort of things that you tell people who do not have sufficient training. So, whereas we put together a very good Bill in terms of content, the capacity and qualifications of the persons we are going to hire as private security guards ought to also be taken into consideration.

The same is with Clause 46 of this Bill which speaks to the general powers of a private security service provider, including the power to arrest. When you want to give private security guards power to arrest, they ought to be taken through the kinds of arrests they can do and what they cannot do. This is because there are penal actions when you perform those functions. I am sure those in private security firms are happy to arrest, make sure you also feel their full force and you end up in custody. However, they should be told that there is recourse if they violate fundamental rights and freedoms.

Clause 26 of this Bill speaks to the annual renewal of registration by private security firms. That is good practice. We must constantly subject the private security firms to oversight and look at the sort of persons they employ. If you have a private security company whose guards are constantly engaged in crime or unlawful acts, their licences cannot be renewed. So, it is a good thing to subject the private security firms to annual renewal of registration. If at all you find any private security firm in violation then that is the firm you want to strike off. That power is not going to be misused because there is provision within the law to seek redress. One can

appeal to the Cabinet Secretary (CS) or High Court. Yes, it is possible to have everyone else registered as a private security provider, but renewal of registration is the only way you can exercise oversight on such a person.

Clause 48 of this Bills talks about production of identification documents each time you walk into buildings. This is a discretionary function. Constantly, if you walk into the buildings in Kenya private security guards will always ask you for your identification documents. We need to be shown at what point a private security guard needs to exercise this discretion because very many people are being turned away from buildings for reasons they do not understand or agree with.

The other thing is on the code of conduct. It is important to have a code of conduct that shows how the various private security firms will run their businesses. That is an important inclusion.

Lastly, because my time is running out---

Hon. Deputy Speaker: The time has run out, Hon. Neto.

Hon. Oyugi: I thank you, Hon. Deputy Speaker. I support.

Hon. Deputy Speaker: Hon. Sammy Mwaita.

Hon. Mwaita: Thank you, Hon. Deputy Speaker, for giving me the opportunity to contribute. First, I support the Bill. I wish to join my colleagues who have contributed earlier on and said that this Bill should have been enacted 20 years ago. This is because the sector is employing many Kenyans.

Currently, as it is, there are two associations which are loosely controlling the industry; that is the foreign-owned industry players' association which is Kenya Security Industry Association (KSIA) and the locally-owned companies' association called Private Security Industry Association. The two are miles apart like the north and south poles. The discrimination against the locally-owned companies is too much. This Bill, when enacted, will go a long way to strengthen Kenyans, particularly those in this industry. It will also enhance the level of training, particularly for guards who are being employed.

There is a clause in this Bill which talks about registering all private security companies. Currently, there are over 2,000 companies registered loosely through the Registrar of Companies and cleared by the National Intelligence Service (NIS). There is nothing else. Whether they employ guards who later on collude with criminals to steal is nobody's concern. Such guards would just move from one company to another. I am happy that the Bill provides for registration of all private security companies in the country.

I would wish in the Committee of the whole House stage to come up with a proposal, which the Committee can take up, for registering guards who have worked in a number of companies. You can put a cut-off line and say that all those who have worked in the private security industry for 10 years be registered so that their track record is followed. This is because most of them end up colluding with criminals.

Lastly, standards have not been stated clearly. You can find a Class Six or Seven drop-out getting a *rungu*, saluting and marching being given a job to guard a very critical facility like a university. For example, most of the guards at the Garissa University College were just ordinary people. So, this Authority should develop a specific curriculum on what these guards should be taught before they are deployed. That should be developed and properly regulated by this Authority.

Finally, on the question of former security officers who retire, I am happy with the provision of the Bill that if they have to engage in the private security profession, they should be vetted. This is because some of those who have been retired or fired loosely form a company and propagate the same crime which they may have been involved in when they were in the public sector. This needs to be looked at and I wish that when the Committee brings it to the Third Reading they will strengthen that.

Finally, Hon. Deputy Speaker, there is the question of guns. My colleagues have talked about guns. There are pros and cons of guns. In our neighbouring country, Uganda, guards are given guns. It is important that they are given guns, but the way they are given the guns should be regulated so that the guns are registered and tracked. If possible all guns should be given a code like the GPS tracking system so that if a security guard is given a gun, we know that the firearm number is for a particular company guarding a particular facility. That should be regulated and tracked by a GPS system which can be done by this Authority. I see my time is up.

I support.

Thank you.

Hon. Deputy Speaker: Hon. Stephen Mule.

Hon. Mule: Thank you, Hon. Deputy Speaker, for giving me this opportunity. I want to state categorically that this is a timely Bill for this country having had serious security issues. It is high time we regulate this sector.

I want to allude to the formation of the Authority in this Bill which gives us a very clear direction on how to deal with private sector security matters and make sure that all security companies in this country are well regulated.

Without fear of contradicting myself, I believe that some of the security firms in this country have been used, for a long time, by people who have ill motives towards Kenyans. They have been able to use these firms to know exactly when companies or individuals are transporting money and pass that information to people who have intentions of stealing from these Kenyans. So, the Authority gives us very clear directions on how we are going to manage these firms and at least, be assured that the people working in these firms are vetted, well taken care of and are people of integrity. We have employees who are purely not for the interest of security of their employers but for their own interests.

As my colleagues said, I have gone through the Bill but I have not seen anywhere we are giving direct authority to issue guns. I want to be very clear that we cannot use this law to issue guns to people who are not well vetted. If any Kenyan needs to be armed, there is very clear procedure he needs to follow. If those companies want their security officers to be armed, they also need to follow the law to the letter. So, let us not use this law to give guns to people we are not very sure of.

This Bill also needs to address the welfare of the personnel working in the private sector. We need to bring amendments to that effect. If they are not well remunerated or well taken of, I can assure you we will have problems.

The other thing we need to allude to on this Bill is the vetting of these companies. I would wish to say clearly that whoever will be given the authority to manage the board of these companies, he should not license companies which have engaged in criminal activities or which have been suspected to be in illegal business in this country. They have used that loophole in the security system to perpetrate all manner of crimes and walk away with it. So, it is important we

regulate those companies and make sure that they share the information and intelligence which they get from the ground with our own security personnel.

It is high time we sat as a country and looked at the entire regulation and its linkage with the national security, the police force and security intelligence.

As you know, some of us are human rights activists and we believe in human rights. I have seen that the Bill advocates for the rights of animals in Clause 51 used within the security system. At least, for the first time, we have a Bill which addresses the right of the dogs which are used by security officers and how they need to be kept and taken care of.

We support and we will definitely bring some amendments to enhance and enrich the Bill.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Nelson Gaichuhie.

Hon. Gaichuhie: Thank you, Hon. Deputy Speaker, for giving me this chance to support this Private Security Regulation Bill, National Assembly Bill No.4 of 2014. From the outset, I want to say that the services that are provided by these security firms are very important. It is important that the companies that provide such security are registered because as you know we do not have enough policemen to take care of Kenyan. When we have such security firms that are not well regulated, it also poses a danger to us because you find that some security firms that we know are briefcase firms will employ security guards without caring to ask for their certificates of good conduct. It is not proper when you sleep and entrust your whole property to somebody who is not even regulated. This Bill is going to regulate such firms and the people who are going to be taking care of the property of Kenyans or civilians.

Having a Bill that will regulate them is good so that they can even share information and have all records of all security personnel who are employed. In case of any company that is known to violate any rules, because this Bill also says that there shall be annual registration of the firms, it will not be licensed in the following year. That will deter briefcase companies that employ people they do not keep records of.

There are very many cases of what happens when something happens in a company providing security. You will find that the following day the security guard concerned is nowhere to be found. It becomes very hard to trace that person when you go to the company because they never kept records. If you go to court, it takes quite a lot of time before the case is concluded, but if we have these regulations that will make it easy to deregister such companies, their owners will make sure that they register all their employees.

The issue of guns has been spoken about. We want to refer ourselves to countries like Uganda where security guards have firearms. When we talk of issuing firearms, we have a law that regulates the way they are issued. Even before security guards are allowed to use firearms, they should follow the laid down regulations of how one should acquire a firearm. They should be well registered in case they are issued to them. As one Member said, these firearms should be handed over either to the police or the company when their security guard is not on duty so that we can make a follow up of all security firearms that are given to these watchmen.

It is a good Bill that is going to regulate this sector and it is going to increase the number of security personnel we have in the country.

Thank you, Hon. Deputy Speaker.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: Hon. Millie Odhianbo.

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Speaker, thank you for giving me this opportunity. I want to support the Bill which is long overdue. I want to say that given the level of unemployment many of our young people are employed in private security firms. This is a sector that needs to be regulated. We have seen a lot of things going wrong in the sector. Many times when crimes have been committed, sometimes some people in those firms have been implicated. I know of two cases including a recent one where an organisation lost a motor vehicle and immediately one of the people employed by the security firm disappeared.

Many times it is because there are no regulations or guidelines. Many of the security firms do not have proper records of the people they employ and so when someone disappears they do not know even where to start looking for him or her. So, I want to support the Bill because it provides for regulation of the sector.

One of the things I find challenging in the Bill is that it does not provide for standardized training for private security. If they had better training on issues such as public relations among others, then a situation like the one that happened to Nancy Baraza would never have occurred. Many of us, especially women leaders, know how many times we are subjected to ridicule. We live in a very patriarchal society and it does not matter what position you hold. When you go before the private security, people carry on with their work with those kinds of notions. In such a situation, sometimes you get worked up as a leader and when you overreact, the country gets too heavy on women.

I have said it before and I want to repeat that many times, we tend to be very hard especially on strong women. Increasingly, that is why we have seen many strong women under target recently. We have many men who are corrupt in this country, but when a woman is remotely mentioned, we get on very heavily on them like they are the ones who have invented corruption. I am not in any way supporting corruption, but I was just giving the example of Nancy Baraza as one example of the way we mistreat our women.

I do not think I have even finished five minutes. Nonetheless, I support this Bill. I know we will not have enough time, but I would like to bring some amendments to the Bill and maybe, I will speak to some of the issues of concern to me when the Bill comes.

I support.

Hon. Melly: Hon. Deputy Speaker, I rise to support the Bill. This Bill is timely. First of all, it regulates the industry. This is a very essential service. Apart from the mainstream security provision by the Government, the private sector provides security services.

For the first time, there is an authority that is going to ensure that the sector is providing services with efficiency, the laws are followed and the end users; those who are going to benefit from these security firms, are regulated. The Bill seeks to ensure that all private security firms pay good salaries to their employees.

They should have a code of conduct to ensure that the employees behave well. The employers should also give better remuneration to their employees. Private security providers employ a good number of our youth and they underpay them. From this provision, they are required to pay these young men and women well. They are required to work in close consultation with the National Police Service and they can even have the power to arrest. They will be allowed to arrest and even detain criminals. This will assist especially in the maintenance of law and order.

If private security firms are audited, they will follow the law. The code of conduct that is supposed to be signed between the employers and the workers will ensure that the employees work well. It is good for private security providers to be allowed to carry guns. I agree because it is not the provision of guns that is going to promote crime, it is how those guns are well tracked and taken care of. We have seen a number of security guards having guns in neighbouring countries but no deaths are reported as a result of that.

In this country, most of the guns are owned by the Government agencies but they have been misused. This is a timely Bill. It is important and it is very essential for our country.

I support this Bill.

Hon. Deputy Speaker: Let us have the Mover.

Hon. A.B. Duale: Thank you, Hon. Deputy Speaker. I thank all my colleagues who have contributed immensely to this Bill. The Chair of the Departmental Committee on Administration and National Security has been sitting here since 2.30 p.m. Today is a unique day. He has taken all the comments. I am sure all those will be transformed into viable amendments that will enrich this Bill.

I beg to move.

ADJOURNMENT

Hon. Deputy Speaker: Order, Hon. Members! The time being 6.30 p.m., this House stands adjourned until tomorrow, Wednesday 1st July 2015, at 9.30 a.m.

The House rose at 6.30 p.m.