

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 7th June, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

Report of the Departmental Committee on Finance, Planning and Trade and the Kenya Airways Rights Issue relating to Question by Private Notice.

(By Mr. Okemo)

QUESTIONS BY PRIVATE NOTICE

ASSAULT ON 13-YEAR-OLD BOY BY
MWEA EAST DISTRICT COMMISSIONER

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

(a) Could the Minister confirm that Ms Kula Hache, a District Commissioner in Mwea East District assaulted a 13 year old boy on 18th April, 2012?

(b) What action has been taken against her?

(c) Is the Minister also aware that over 800 people demonstrated and called for her removal from office and, if so, what measures has the Minister taken to address the public outcry?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, you are aware that this Question was answered by my colleague, Mr. Lesrima, but he is not here now. I would request the indulgence of the Chair to allow him to continue answering it.

Mr. Speaker: Fair enough! Hon. Member for Mwea!

Mr. Gitau: Mr. Speaker, Sir, I have a copy of a letter from the Director of Public Prosecution on the same matter calling for the file to his office. I wish to table it so that the Assistant Minister could also study it and be aware of its contents before he comes here to answer the Question.

(Mr. Gitau laid the letter on the Table)

Mr. Speaker: That is something reasonable to do. Mr. Ojode, shall we put this Question on the Order Paper on Thursday, next week at 2.30 p.m.?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, that is fine with me.

Mr. Speaker: Ensure that your colleague is here to answer the Question.

Mr. Olago: On a point of order, Mr. Speaker, Sir. On a serious note about the absence of Mr. Lesrima, is it enough for the hon. Member----

Mr. Speaker: Order! We have already dealt with that matter. We have directed when the Question should come. That point of order is too late.

SUBMISSION OF DETAILS ON KQ RIGHTS ISSUE

Mr. M'Mithiaru: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

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

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

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

Mr. Speaker, Sir, this Question was on the Order Paper two weeks ago, but it was not satisfactorily answered. Therefore, it was referred to the Department Committee on Finance, Planning and Trade whose report has just been laid on the Table. So, you may give some guidance on this.

Mr. Speaker: The report has just been tabled by the Departmental Committee on Finance, Planning and Trade. I am wondering if both you, the hon. Member for Igembe North and the Minister for Finance have had an opportunity to peruse it. Have you?

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, that is news to me. I have not.

Mr. M'Mithiaru: Mr. Speaker, Sir, I have had an opportunity of perusing the report.

Mr. Speaker: The Minister will need to look at the report. I will be giving directions on how we will proceed when a Question is referred to a Committee for inquiry. I have formulated an opinion which I will want to perfect before I communicate to the House because there are Questions which linger. If the tabling of the Committee report merely gives information to the House, or does it call for action? If it calls for action then we need to proceed in a manner that will actualize requisite action. So, Minister, perhaps, you want to read that report and let me have a feedback from you even as I move to give directions which will guide this process hereafter.

We will have this Question reappear on the Order Paper a week from today. I will be giving direction on just how we handle the Committee report.

Mr. M'Mithiaru: Much obliged, Mr. Speaker, Sir.

ORAL ANSWERS TO QUESTIONS

Question No.1403

DELAY IN CONSTRUCTION OF FRESH PRODUCE MARKET AT IKUTHA

Mr. I. Muoki asked the Minister for Local Government:-

(a) whether he is aware that the Fresh Produce Market projects funded under the Economic Stimulus Programme, at Ikutha stalled at the foundation stage; and,

(b) what measures he will take to ensure that the project is completed.

Mr. Speaker, Sir, as you may recall, this Question is appearing for the fifth time. There were issues which the Minister wanted to first sort out. This includes tabling of the reports. The issues raised here were with other markets in the country.

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Speaker, Sir, we had promised that we will be tabling some reports pertaining to the Economic Stimulus Programme (ESP) market component and market development report. I do have the reports ready here with me and I would like to table them.

(Mr. Nguyai laid the documents on Table)

I know that the hon. Member has not studied them, but I also have an answer for him, so I beg to reply.

(a) I am aware that the development of the Ikutha fresh produce market experienced a stoppage. Indeed, the contractor abandoned works on 15th March, 2012. The contract for Ikutha's ESP market was awarded to Messrs Roshui Construction Company on 3rd May at a tender sum of Kshs8,963,708. However, during site handover by the council on 5th November, 2010, it was noted that the site was not in vacant position and there were existing kiosks which needed to be demolished. The council gave traders a notice of 21 days to carry out demolitions. The contractor commenced construction of the market on 23rd March, 2011. The first interim payment certificate for Kshs2,501,253 was presented on 12th October, 2011 and was honoured on 31st October, 2011. That was a processing period of 19 working days. The contractor abandoned works on 21st October, 2011 when the market shades sub-structure was at slab level and the works completed was 45 per cent.

The contractor resumed works on 15th February, 2012 and stopped works again on 15th March, 2012 having done a foundation and built sub-structure walls for office block and dug toilet pits. My Ministry has served the contractor with a 14 day default notice. If the contractor does not resume operations within the 14 days, the contract would be terminated and awarded to another contractor.

M. I. Muoki: Mr. Speaker, Sir, the main issue I had with the Ministry was when the project would be completed, as a matter of urgency. Does the Ministry have funds and time-frame for completion of this particular project?

Mr. Nguyai: Yes, Mr. Speaker, Sir. The funds are available for the construction and completion of the market. We are in the process of finalizing the termination of the contract. If the contract is terminated, we will have to re-advertise the tender. I would say that the whole process would take at least another three months.

Mr. I. Muoki: On a point of order, Mr. Speaker, Sir. I can confirm to the Assistant Minister that he has already terminated the contract. Is he in order to say "if the contract is terminated" when the contract has already been terminated? I have a copy of the letter to that effect. I expected him to say when he will be awarding the contract.

Mr. Nguyai: Mr. Speaker, Sir, I am now in the process of re-advertising the tender. Once we do so, and this can be done immediately, we will go through the process of procurement and award. This will enable us to continue with the works.

Mr. Mwangi: Mr. Speaker, Sir, while I may appreciate, like any other hon. Member that the Assistant Minister has tabled a report, when these Questions arose, because there were several, he said that he would give a report on all the markets. Now that we are not able to peruse the report that has been tabled here now, would it be in order for him to commit himself to come and respond to the questions that will be raised? He has said that he has funds for this particular market, could he confirm whether he has funds for all the markets in the Republic?

Mr. Nguyai: Yes, Mr. Speaker, Sir. The report that I tabled does have specifics on each of the markets and not just on the ones I have reported on. There is one on ESP. The other one is on the market component that is run by My Ministry. I would want to confirm that we do have the funds.

Mr. Olago: Mr. Speaker, Sir, each of the constituencies in the Republic had an Economic Stimulus Programme component and the Ministry had to ensure that these markets were completed. This matter touches on nearly all Members of Parliament. Would it be in order to ask that questions on this matter be postponed until sometime next week to enable us go through this report more thoroughly, so that we can all contribute?

Mr. Speaker: It may be a genuine request, but this Question has been on the Order Paper for far too long. I will want to conclude business on this Paper; among other things bear in mind that hon. Members will have the document which has been tabled by the Minister covering all the Economic Stimulus Projects to look at. If they will have issues then we will revisit the matter by subsequent Questions.

Mr. K. Kilonzo: Mr. Speaker, Sir, it is true that ambitious projects have been begun by this Ministry in markets, specifically Ikutha Market. How much has the Assistant Minister set aside now that he has said that he has funds? Could he tell the people of Ikutha how much money he has set aside to complete this market? As everybody is saying, this is a problem all over the country, including Mutito Constituency.

Mr. Nguyai: Mr. Speaker, Sir, the tender sum for Ikutha Market was Kshs8.963 million. We will wait to see what comes in terms of the tendering and if there will be additional funds we will make them available.

Mr. Mureithi: Mr. Speaker, Sir, we are looking at Ikutha Market, but these projects cut across all the constituencies. I have had a look at the document presented today. The Assistant Minister happened also to visit Ol Kalou. The contractor deserted the place after he won the tender. He has done nothing. If you look at Ndaragwa, only 35 per cent of the works has been done. In Nyandarua, markets have not been constructed. What is the Assistant Minister going to do so that these markets are completed and the people stop operating from outside where they get rained on? In my constituency, which hon. Nguyai visited, the contractor left the site. If you look at Ndaragwa only 35 per cent of the works has been done. What is the Assistant Minister going to do to actually satisfy the whole House as every constituency has this problem?

Mr. Nguyai: Mr. Speaker, Sir, the Economic Stimulus component started off on a difficult note because it shuttled between my Ministry and that of Finance. We now have 42 projects that are 100 per cent complete and an additional 70 that are 97 per cent complete. So, 50 per cent of the markets are complete and the ones that are incomplete--- Last week we sought to delay this answer because we needed a rapid response team to ensure that all the problems affecting the markets were addressed. I believe we will complete these projects.

Mr. Chachu: Mr. Speaker, Sir, a good number of the markets have been completed. I want to know from the Ministry the plans they have to make them functional and viable. They are very decent structures, but up to now they are not serving the intended purpose. What plans does the Assistant Minister have to make them viable and operational?

Mr. Nguyai: Mr. Speaker, Sir, within the various environs, obviously the markets have to adapt to the environs. All the markets were meant to be fresh produce markets, but you will find that in certain areas the fresh produce may not be much. There are stalls that were provided to sell wares and they cannot be used to sell things like livestock. So, they will be adapted to that purpose.

Mr. Wambugu: Mr. Speaker, Sir, most of the reports we are getting about these markets look like they are just theoretical. Last week, the Acting Minister for Local Government said in this House that Kiriaini Market in Mathioya was complete and was supposed to be opened on 30th May, 2012. Could the Assistant Minister tell this House why this same market in Kiriaini has not been opened up to now? He asserted in this House that the market would be opened on 30th May, 2012.

Mr. Nguyai: Mr. Speaker, Sir, the Kiriaini Market is complete and the completion certificate has been signed. We were only operating with one hand, because as you know, the acting Minister is out of the country; his promise to attend and open the market has not been forthcoming because of other duties.

Mr. I. Muoki: Mr. Speaker, Sir, I am really worried because the Assistant Minister has said that the project has been done up to the slab level. At the same time he has said that, that is 45 per cent of the project which, of course, is very doubtful. Could the Assistant Minister assure me that he will provide enough funds? If he does the advertisement for the 55 per cent then, of course, that will not complete the project. Could he assure me that the project will be done to completion and speedily?

Mr. Nguyai: Mr. Speaker, Sir, yes, indeed, the slab level comprises of 45 per cent because the upper structure is a steel structure that does not require concrete. It is more of steel fabrication and iron sheets put together. If there is an additional cost because of, say, escalation of prices when it is retendered, we will provide sufficient funds.

Question No.1271

NON-PAYMENT FOR PRODUCE DELIVERED TO PYRETHRUM BOARD

Mr. Kioni asked the Minister for Agriculture:

(a) if he is aware that the Pyrethrum Board of Kenya (PBK) has not paid farmers in Nyandarua County for crop delivered; and

(b) what measures she will take to ensure that the farmers are promptly paid for their produce.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Speaker, Sir, this Question was earlier on raised in this House and it was referred to the Departmental Committee on Agriculture, Livestock and Cooperatives. I called my brother Kioni and we agreed that the matter be sorted by the Departmental Committee.

Mr. Speaker: You agreed what should happen? You are not audible!

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Speaker, Sir, this Question was referred to the Departmental Committee on Agriculture, Livestock and Cooperatives. I

called my brother Kioni and we agreed that the matter be sorted by that Departmental Committee.

Mr. Speaker: Member for Ndaragwa, perhaps, you know how long the Committee was given so that we can give appropriate directions.

Mr. Kioni: Mr. Speaker, Sir, it is true that the Question was referred to the Departmental Committee on Agriculture, Livestock and Cooperatives, but the aspects referred to that Committee related to the sustainability of the PBK. As to whether farmers in Nyandarua County have been paid, I think that is an answer the Assistant Minister ought to have given us straightaway because it is a question of pending payments that relate to 2008/2009.

Mr. Speaker: Are you able to respond to that part, Mr. Mbiuki?

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Speaker, Sir, I responded to that particular part and I indicated that the payment which is due will be made once the assets of the PBK have been disposed of; this will enable us clear the outstanding debts.

Mr. Kioni: Mr. Speaker, Sir, while I agree that we wait for the Departmental Committee to give us a comprehensive report, the answer that has been given to me this afternoon is a bit misleading. Part “b” of the answer states: “The Pyrethrum Board of Kenya has made arrangements to pay farmers on a monthly basis.” What we are asking for are arrears relating to 2008/2009. So, even as we wait for the Committee to respond to this issue, farmers continue to suffer because they are waiting for the payment.

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Speaker, Sir, all the arrears will be paid. The PBK has already advertized for sale of non-core assets and once all these assets have been disposed of, we will clear all the outstanding debts. Henceforth, all the payments will be done upon delivery.

Question No. 1499

DELAY IN CONSTRUCTION OF KATITO MARKET

Mr. Ochieng asked the Minister for Local Government:-

- (a) why the construction of Katito Market under the Economic Stimulus Programme stalled and how much money has been paid to the contractor so far;
- (b) why the tender for the construction works was awarded to the second highest bidder, contrary to the procurement procedure; and
- (c) when the construction works will be completed and handed over to the traders in Nyakach Constituency.

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Speaker, Sir, I beg to reply.

(a) The construction at Katito Market stopped in October, 2011 to December, 2011 and recommenced at the beginning of January, 2012. According to the contractor, the cessation of works was caused by financial difficulties that have now been resolved. Construction of the office block and the two toilets is complete. Trusses have been done for the market shade and are ready for roofing. The foundation walling for the refuse beam has been done up to the fourth course and two courses are remaining. The project is 70 per cent complete. The contract sum was Kshs10,546,030 and so far Kshs6,095,417, representing 61 per cent of the contract sum has been paid to the contractor. The payments were released as follows:- The first interim payment certificate was for Kshs1,814,46, and was released on 24th June, 2011; the second interim

payment certificate was for Kshs2,478,080 and was released on 18th January, 2012; the third interim payment certificate was for Kshs1,802,275 and was released on 30th April, 2012.

(b) The tender was not awarded to the second highest bidder. It was awarded to the third lowest bidder, M/s Jasso Investments Company of P.O. Box 84, Pap Onditi at a tender sum of Kshs10,546,050. The lowest bidder quoted Kshs9.9 million and it was Zainmark Builders of P.O. Box 149, Pap Onditi. They were not eligible due to lack of tax compliance. The second lowest bidder was also for Kshs9.90 million and he was Webson Builders and Contractors of P.O. Box 2252/30200, but was not responsive because of filing tender bid documents in pencil instead of doing it in indelible ink as specified in Clause 3.51 of the instructions to the tenderers.

(c) The market project commenced on 10th March, 2011 and was due for completion on 10th September, 2011. However, the contractor requested an extension period of up to 15th June, 2012 when he expects to complete the work and hand it over for commencement of operations.

Mr. Ochieng: Mr. Speaker, Sir, the Committee on Implementation visited this particular market sometime back in March. At that time the construction works on this market had already stalled. Up to now the contractor has not been on site. When we were there, the work that had been completed at that time was only 35 per cent. I am wondering where this 70 per cent is coming from. I was even there on Saturday. The market is still in the same state it was during the month of March. Is the Assistant Minister giving us the true position of the construction work at this market, or is he being misled by his officers on the ground?

Mr. Nguyai: Mr. Speaker, Sir, the contract sum was Kshs10 million. The interim payment certificates that have been paid out constitute 61 per cent. Most of the structures under the Economic Stimulus Programme--- The cost is normally on the foundation, the slab and the stone works. The missing component always is the steel structures and the iron sheets. Normally that bit comprises 30 per cent. So, you might find a market that already has the slab, but it has actually cost 65 per cent.

Mr. Njuguna: Mr. Speaker, Sir, could the Assistant Minister inform the House the status of funds for the markets that were started, but later stopped by court litigation, in particular the market in Lari Constituency?

Mr. Nguyai: Mr. Speaker, Sir, obviously, that is a substantially different Question and I would have to flip through the Economic Stimulus Programme. I would like to request the Member to first have a look at the two reports that we have and then I can provide that information.

Mr. Yinda: Mr. Speaker, Sir, could the Assistant Minister provide the House with details of all the markets under the Economic Stimulus Programme that have not been completed to date? As I speak, the market that was supposed to be constructed in Usonga is stalled and nothing much has happened to it.

Mr. Nguyai: Mr. Speaker, Sir, a total of 100 markets are 97 per cent or more complete. That basically means that about 50 per cent of the markets under the Economic Stimulus Programme are complete. The second component where we have 70 to 96 per cent completion, I have tabled the report and there are statistics to that. We are very keen on making sure that we complete all projects and I would like to request the Members who have not looked at the report to first look at it and see the status of their markets. If they have any concerns and queries, they can either direct them to my office or do so in form of Questions.

Mr. Kiptanui: Mr. Speaker, Sir, in his answer, the Assistant Minister has said that 50 per cent of the fresh produce markets have been completed, but in this financial year, the Ministry has budgeted close to Kshs2 billion for the completion of the ongoing fresh produce markets. Is

this Kshs2 billion for the completion of the ongoing projects or the Ministry will still give each constituency Kshs10 million for one fresh produce market?

Mr. Nguyai: Mr. Speaker, Sir, the markets component budget of Kshs2 billion is a combination of the Economic Stimulus Programme plus the other ongoing major markets in Mombasa, Nairobi and Kisumu that also need to be completed. This will take about Kshs600 million.

Mr. Ochieng: Mr. Speaker, Sir, the Assistant Minister indicated here that the construction of this market started on 10th March, 2011 and it was supposed to be completed by September last year. Since that time, the market has only been done 35 per cent. The people who were supposed to use this market for businesses got loans to do business in that market. Right now, they are not able to repay those loans. If this market will not be completed by 15th June, as he has indicated, and I am sure it will not be complete by that time, who will be responsible for reimbursing these women the loans that they had borrowed?

Mr. Nguyai: Mr. Speaker, Sir, we granted an extension up to 15th June and we are talking about another practical eight days. If the market will not be completed within that time, we will use the due process to ensure that the performance bond is enforced and then re-advertise the same. Obviously, I sympathize with the traders. During improvements, there are inconveniences and sometimes it has financial implication to the traders. I sincerely regret all those inconveniences.

Mr. Mureithi: On a point of order, Mr. Speaker, Sir. Would I be in order, considering the answer given to the Member, to ask for your guidance as to whether we can refer this matter to both the Implementation Committee and the Committee on Local Authorities and Funds Accounts Committee? The issue cuts across all our constituencies and the Committees can verify the documents and report back to the House.

Mr. Speaker: Order! Hon. Members, I am satisfied that the Question has been dealt with satisfactorily. The Assistant Minister has supplied all information as the Question calls for including tabling a comprehensive document, which Members apparently have not quite gone through. It is for Members to go through those documents and if you wish us to revisit this matter at any other time, the Standing Orders permit that. There is no bar to re-visitation.

Question No.1245

STALLED REHABILITATION WORKS AT KERUGOYA MARKET

Mr. Gitari asked the Minister for Local Government:-

(a) why the rehabilitation works at Kerugoya market stalled, forcing traders to operate in an incomplete facility;

(b) how much money was set aside for the rehabilitation of the market, what was the scope of works and how much money has been spent so far; and,

(c) when the Ministry will complete the market, including paving it.

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Speaker, Sir, I beg to reply.

(a) The development of Kerugoya Market was being undertaken by the Municipal Council of Kerugoya/Kutus. The council exhausted the available funds before the practical completion of the envisaged development.

(Ms. Chepchumba consulted loudly)

Mr. Speaker: Order! Hon. Chepchumba, this is not a market!

The Assistant Minister for Local Government (Mr. Nguyai): Mr. Speaker, Sir, I beg to continue.

The council plans to complete the construction during the 2012/2013 Financial Year.

(b) The money set aside for the construction of the Kerugoya Retail Market was Kshs15.2 million and the breakdown was as follows:-

(i) Contribution from Kerugoya/Kutus Municipal Council - Kshs2.5 million.

(ii) Contribution by the European Union - Kshs4.5 million.

(iii) Contribution from stall owners - Kshs8.2 million.

The scope of works at the time of contribution was:-

1. Ground levelling.
2. Hardcore filling.
3. Murram filling.
4. Construction of two toilet blocks, sewer septic tank and drainage system.
5. Construction of two office blocks.

The money spent so far in the market construction up to the current status is Kshs18.9 million mainly because of the escalation of construction materials.

(c) As indicated, the project was being undertaken by the Municipal Council of Kerugoya/Kutus. The council will complete the market during the next Financial Year of 2012/2013 after the necessary budgetary provisions are provided.

Mr. Gitari: Mr. Speaker, Sir, while thanking the Assistant Minister for the elaborate answer, I would like to know how much has been set aside now that we will have the Budget very soon. How much has been set aside within this Financial Year to make sure that the market is completed before the end of the next financial year?

Mr. Nguyai: Mr. Speaker, Sir, there were certain cost estimates that had not been finalized to bring the final figure. The procedure normally is that the council brings the budget to our office and then the Minister approves it. I do not have that figure at present because the quantification has not been finalized. However, this morning I had a very extensive talk with the Town Clerk pertaining to this and I have given very explicit instructions that there has to be sufficient budgetary provisions. He has to give me that answer within a week, so that I can give the sum then.

Mr. Gitari: Mr. Speaker, Sir, of the scope of work enlisted for the market in part "b", what can you say has been completed and what is still pending?

Mr. Nguyai: Mr. Speaker, Sir, even though I did not go to inspect the particular items that have been marked as contributed, all of them - I do believe - have been completed. What is being awaited is finishing the works.

Question No.1540

CHURCH/COMMUNITY DISPUTE OVER PLOT NO.6 AT KANGUI

Mr. Mureithi asked the Minister for Lands:-

(a) whether he is aware of a conflict between a church and the local community over the ownership of Plot No. 6 at Kangui;

(b) under what circumstances the plot, which was previously owned by a nursery school, transferred to the church; and,

(c) what steps the Minister will take to resolve the conflict.

Mr. Mureithi: Mr. Speaker, Sir, this Question had been answered earlier. It is only part “c” which remained. The Minister was supposed to bring proof that the case is in court and, therefore, it is *sub judice*.

The Assistant Minister for Lands (Mr. Biwfoli): Mr. Speaker, Sir, I beg to reply.

This Question was answered by my colleague and only part “c” remained. It was only to prove that the matter is in court. I hereby table the document.

(Mr. Bifwoli laid the document on the Table)

Mr. Speaker: Fair enough. The document tabled is admissible. It is duly dated and certified as a decree of the court. So, Member for Ol Kalou, I do not know where else you want to go.

Mr. Mureithi: Mr. Speaker, Sir, I am well advised because that is what the Minister was supposed to do.

Mr. Speaker: Very well. So, that settles the matter then. Mr. Assistant Minister, the matter is finalized.

Member for Wajir South!

Question No.1418

DRILLING OF BOREHOLES IN WAJIR SOUTH CONSTITUENCY

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

(a) whether she is aware of a promise by the Rt. Hon. Prime Minister during his visit in Wajir to commemorate the Wagalla Massacre that the Government would drill two boreholes in Wajir South Constituency and allocate Kshs300 million for the construction of an irrigation project in Habaswein during the 2011/2012 Financial Year;

(b) when the Ministry will drill the two proposed and surveyed boreholes in Getwab and Andaki locations; and,

(c) when the Ministry will also start construction of the irrigation project in Habaswein.

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

(a) I am aware of the promise by the Rt. Hon. Prime Minister that the Government will drill two boreholes in Wajir South Constituency. I wish to report that my Ministry, in response to that request, and through the National Water Conservation and Pipeline Corporation, is mobilizing to construct the two boreholes in Getwab and Dadachabula as agreed with the Member of Parliament for Wajir South. That is alongside a borehole at Blun, which is in this financial year’s workplan. It will completed by mid July this year. I am also aware that Kshs.300 million was allocated for construction of an irrigation project in Habaswein during the 2011/2012 Financial Year.

(b) Already, water sources for the irrigation project have been identified and necessary plans prepared involving development of three boreholes and a dam, which will be followed by the installation of a drip irrigation system. The National Irrigation Board is in the process of procuring a contractor for the works. He or she is expected to be on the site next month. It will be observed that the start of the construction work for the irrigation project in Habaswein took some time.

(c) In this project, just like in the Dawa Irrigation Project in Mandera County, it was important that consensus be reached with the local Members of Parliament on the irrigation projects before we start construction, so that we can ensure success. Reaching consensus with the leaders has taken time. But all the outstanding issues have now been resolved. In the case of Dawa, the Member of Parliament for Mandera East accompanied by officials from the Ministry and National Irrigation Board visited the proposed projects site in Mandera early May this year. Soon after the visit, advertisements were placed in the local dailies on 15th May, 2012 calling for the proposals for the preparation of the irrigation master plan for Dawa River Basin as agreed with the Members of Parliament from Mandera County. The proposals will be opened on 12th June.

Mr. Sirat: Mr. Speaker, Sir, I want to thank the Assistant Minister for his promise. I want to ask him to follow up with the National Water Conservation and Pipeline Conservation so that they can abide by his undertaking today.

Mr. Waititu: Mr. Speaker, Sir, I can confirm that every arrangement has been made and there is no problem.

Dr. Khalwale: Mr. Speaker, Sir, I want to thank the Prime Minister and the Government for starting those projects. But hon. Members, it must be remembered that it is about the Wagalla Massacre. By so doing, has the Government finally accepted to take responsibility for the Wagalla Massacre and, if that is the case, are they also going to extend an apology to members of the families that were affected and go and pay them compensation?

Mr. Waititu: Mr. Speaker, Sir, I think that is a different question.

Mr. Speaker: You are entitled to that claim. Mr. Yakub!

Mr. Yakub: Mr. Speaker, Sir, I would like to ask the Assistant Minister the following: The promise was done in February 2010, and in your answer, Mr. Assistant Minister, you have just mentioned that the drilling process will end by July, 2012. We are now in June. Could he inform the House whether the work of drilling those boreholes has already started? That is because between now and July, we are only left with one month. Is the Assistant Minister fully aware that by the end of July, 2012, the boreholes are going to be ready?

Mr. Waititu: Mr. Speaker, Sir, those boreholes are on top of the regular ones that we give every financial year. I promise they will have been completed by the end of July.

Mr. Njuguna: Mr. Speaker, Sir, while I thank the Assistant Minister for the answer that he has given, could he indicate to the House the amount of funds that were allocated to the two boreholes pledged by the Prime Minister?

Mr. Speaker: Mr. Assistant Minister, how much money?

Mr. Waititu: Mr. Speaker, Sir, we have done our regular boreholes and we have money to do the three boreholes. I do not know what the Member wants to know more than that.

Mr. M.H. Ali: Mr. Speaker, Sir, I wish to thank the Assistant Minister for clarifying the issue on irrigation along Dawa River in Mandera County. I wish to ask the Assistant Minister to confirm that the money, which was allocated for that purpose, which is Kshs400 million, shall be ring-fenced and not returned to the Treasury. The project has been delayed. I am happy you have

already advertised for the tender to do a comprehensive design. So, could you confirm to this House that the money will not be returned to the Treasury?

Mr. Waititu: Mr. Speaker, Sir, I confirm that the money is still there and we will make sure that it is reserved for that project.

Mr. Speaker: Hon. Sirat, last question.

Mr. Sirat: Mr. Speaker, Sir, following up on the irrigation project in Habaswein, while I thank the Government for giving us the first money since Independence - Kshs300 million for the irrigation project in Habaswein - could the Minister undertake to add more and more money every financial year, so that we can have a big irrigation scheme in Habaswein or, alternatively, look for a donor from overseas to invest in that irrigation scheme?

Mr. Waititu: Mr. Speaker, Sir, I can assure you that this project is continuous. It is not only this financial year that we have provided funds; but we shall ensure that we reserve money for it in the next financial year.

Question No.1230

ATTORNEY-GENERAL'S RESPONSE TO POLICE INQUEST FILE NO.2/2008 IN TANA RIVER

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

(a) whether the Attorney-General has responded to Police Inquest file number 2/2008 (CID Tana-River) for the three men shot by General Service Unit (GSU) Police Officers at Charindende;

(b) what his comment was and whether the victims have been informed; and,

(c) what action the Government has taken against the officers involved.

Dr. Nuh: Mr. Speaker, Sir, as I ask this Question, I want to bring to your attention that this Question was on the Order Paper two weeks ago. It was deferred to last week subject to the Minister providing documents I requested for, which I have not yet received.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, indeed, it is true that I was supposed to give some documents. I have managed to get one of the documents requested. I have with me here a letter from the Attorney-General. The court proceedings will be availed to me by 20th. So, I am seeking the indulgence of the Chair, again, after tabling this one, to allow me to table the court proceedings on 28th of this Month.

Mr. Speaker: 28th of June?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Speaker, Sir.

Mr. Speaker: So, you are asking for a deferment until after the 28th of June?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Speaker, Sir. In the meantime, I would want to table---

Mr. Speaker: In the meantime, you are tabling one document?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I am tabling the letter from the Attorney-General's Chambers, which was one of the requirements.

Mr. Speaker: Proceed and table it. I then want to hear the reaction of the hon. Member for Bura to the further deferment.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, Mr. Speaker, Sir. I wish to lay this document on the Table for the hon. Member for Bura to peruse and ask questions on that.

Thank you, Mr. Speaker, Sir.

(Mr. Ojode laid the document on the Table)

Mr. Speaker: Dr. Nuh, with respect to further deferment?

Dr. Nuh: Thank you, Mr. Speaker, Sir. I have no option because I have to go through those documents for me to prosecute the Question. But I just want to bring it to your attention that I filed this Question to the Ministry nine months ago.

This is just for your record, Mr. Speaker, Sir.

Mr. Speaker: Fair enough. We will note that. Mr. Assistant Minister, your attention is drawn to the fact that this Question was raised nine months ago. That is a long time!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, indeed, Mr. Speaker, Sir. It is true that it is a long time, but my hands are tied if I cannot get the documents which are required by my colleague. I need to do good service for him. I want to promise that by the 20th, I will be able to get the proceedings. In the meantime, he can go through the one which I have just tabled for him to ask more questions.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well; I direct that this Question reappears on the Order Paper after the 28th of this Month.

Next Question, Amb. Affey.

(Question deferred)

Question No.1296

ISSUANCE OF ID CARDS TO YOUTH IN WAJIR SOUTH CONSTITUENCY

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

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

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

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

Mr. Speaker: Is the Minister not here? Hon. Orwa Ojode, hold brief for your colleague; what is happening to him?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Unfortunately, Mr. Speaker, Sir, I was also out of the country. I would request you to give me time to check where the Minister of State for Immigration and

Registration of Persons is. In the meantime, if I cannot get him now, I would request that the Question be deferred to Tuesday, next week. I undertake to prevail upon him.

Mr. Speaker: Fair enough. I will defer the Question to Tuesday, next week, and expect the Minister will be here to offer an account of where he was.

Next Question, hon. Rachel Shebesh!

Question No.1362

MECHANISMS TO COMPLY WITH GENDER
REQUIREMENT IN PUBLIC SERVICE

Mrs. Shebesh asked the Minister of State for Public Service what mechanisms he has put in place to ensure constant audits and reporting on compliance with the two-thirds gender requirement in Public Service.

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

In order to ensure compliance with the two-thirds gender requirement in appointments in the Public Service, my Ministry, through the Public Service Commission:-

(1) Issues policy guidelines to be followed in recruitments and promotions in the Public Service.

(2) Carries out human resource audits every year to ascertain conformity with the laid down regulations and procedures in the management of human resource functions, including the recruitment of personnel.

(3) Established a monitoring and reporting framework on all recruitments and promotions in the Public Service.

My Ministry has, in addition, directed all Ministries/departments to generate and submit reports on recruitments and promotions to ascertain compliance with the requirement that no one gender constitutes more than two-thirds of those to be promoted or appointed.

In addition, Mr. Speaker, Sir, the Ministry of Gender, Children and Social Development has in the last four years been monitoring the 30 per cent policy on the employment and promotion of women in the Public Service and the findings incorporated in the two bi-annual reports produced by the Ministry. The Ministry has also established gender liaison officers in every Ministry to handle gender issues and give reports to the Minister.

Mrs. Shebesh: Mr. Speaker, Sir, I appreciate the answer from the Assistant Minister, Ministry of State for Public Service. However, I would like him to clarify to us with the new Constitution which has brought about a Gender Commission, whether or not the Ministry of State for Public Service is working with them? The Gender Commission's mandate is well spelt out. Is he further aware the work of audit is no longer their work, but for the Gender Commission?

Mr. Sugow: Mr. Speaker, Sir, the Ministry is very much aware under the new dispensation the responsibilities of the Gender Commission. The Ministry is very much prepared to work with the Commission in achieving and fulfilling its mandate. My Ministry is co-operating with the Gender Commission in order for them to fulfill their mandate.

Mr. Affey: Mr. Speaker, Sir, it might not be the true picture of what the Assistant Minister seems to suggest. Is he satisfied that the Government has complied with this two-third rule? If so, could he table facts and figures to support this position?

Mr. Sugow: Mr. Speaker, Sir, I am very much satisfied. So far, since the promulgation of the new Constitution, the recruitments and promotions that were done are available here. I hereby table those details.

Mr. Speaker, Sir, if I may give a little bit of a glimpse before I table the document, at overall percentage of recruitment since 27th August, 2010, as far as recruitment to the Public Service was concerned, the male gender was 61 per cent and female 39 per cent. For promotions, the overall percentage for males was 65 per cent and for females, it was 35 per cent.

However, Mr. Speaker, Sir, in different cadres, especially as you go up the hierarchy to policy level cadres, we still have challenges, but we are working towards that; to achieve that overall gender balance. I hereby table the document.

(Mr. Sugow laid the document on the Table)

Mr. Speaker: Hon. Shakila?

Ms. Shakila Abdalla: Thank you, Mr. Speaker, Sir. The two-thirds gender balance requirement is part of the Millennium Development Goals (MDGs). Could the Assistant Minister tell us what mechanisms they have put in place to achieve the MDGs, because the deadline is 2015?

Mr. Sugow: Mr. Speaker, Sir, the constitutional provisions that currently exist after the promulgation of the Constitution actually are geared towards the achievement of those MDGs. The Ministry is committed to implementing the Constitution as far as gender balance in the public sector is concerned.

Ms. Karua: Mr. Speaker, Sir, it is all good for the Assistant Minister to give us the overall picture, that the Government has complied. But as per the Constitution, no department or Ministry should have more than two-thirds of either gender in promotions, or in recruitment. Could he give disaggregated data or statistics which can show us the gender representation in one Ministry, and also the higher echelons of Civil Service, especially Job Group “P” and above?

Mr. Sugow: Mr. Speaker, Sir, I brought a general status of recruitment and promotions since the promulgation of the Constitution. As I indicated earlier, since 2006 the 30 per cent rule for recruitment of female gender in the public sector was being implemented by the Public Service. However, this was again enhanced after the promulgation of the Constitution. But because of earlier challenges in terms of recruitment and imbalances in the public sector, we are still progressively achieving this as we go up. So, it is a progressive process and if the Chair will so rule, I can still bring, later on, the Ministry by Ministry and department by department details that are required. But, generally, what I brought was in conformity with the Question that I had been asked. It is a general view, since the promulgation of the Constitution, of how the Ministry has been working to achieve gender balance in the public sector.

Mr. Speaker: Order! Mr. Assistant Minister, for purposes of the Question, you have actually supplied adequate information, because you have been relevant in your answer to the Question. But, please, avail that information to the hon. Members, so that they get to know. If you make it available to Parliament, we will circulate it.

Last question, hon. Shebesh!

Mrs. Shebesh: Mr. Speaker, Sir, just like you have appreciated the Minister’s answer, I also appreciate it. I would just like – for the benefit of the House and even the Ministry – to table the Ministry of Gender, Children and Social Development bi-annual report which was for 2011/2012 on the status of the two-thirds gender rule, because I believe that it is important for

Kenyans to know that this is actually being audited also by the Ministry of Gender, Children and Social Development, through the Gender Commission, which is really their responsibility. The report clearly categorizes every Ministry, parastatal and sector and how they are fulfilling this mandate.

(Mrs. Shebesh laid the document on the Table)

Mr. Speaker: Fair enough. How come you did not share that information with the Member for Gichugu?

Mr. Assistant Minister!

Mr. Sugow: Mr. Speaker, Sir, I would like to appreciate the hon. Member for that information, but I hope that it will placate what I have indicated earlier; that the Ministry is seriously working to achieve the gender balance in the public sector.

Question No.1370

LACK OF FACILITIES AT NORTH HERR GIRLS SCHOOL

Mr. Chachu asked the Minister for Education:-

(a) whether he is aware that North Horr Girls Secondary School was constructed as a centre of excellence in 2010 under the *Economic Stimulus Package* and started operating in February 2011 with 30 pioneer students;

(b) whether he is also aware that the school still lacks a sewerage system, water supply system, kitchen, dining hall and administration block; and,

(c) when the Ministry will provide additional funds to provide the necessary facilities to the school, considering that the allocated Kshs30 million is not sufficient.

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

Yes, I am aware that North Horr Girls Secondary School was constructed as a centre of excellence in 2010, under the Economic Stimulus Package (ESP) and started operating in February, 2011 with 30 pioneer students.

(a) The Ministry allocated Kshs30 million per constituency in the financial year 2009/2010 towards the development of secondary schools' centres of excellence. The District Education Boards were mandated to select sites or existing schools to be developed. In the case of North Horr Constituency, the funds were earmarked for a new school called North Horr Girls Secondary School. Construction works of new classrooms and dormitories---

Mr. Speaker: Order, Assistant Minister! I just want you to stick with the Question because you will help us to save time. The Question is straightforward. It asks you about North Horr. Part "b" restricts itself to a particular school. Part "c" also stays with that one school.

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, I was just about to finish, actually.

However, the school still lacks a sewerage system, kitchen, dining hall and administration block.

(b) The Ministry has submit status reports to the Treasury on the construction of all centres of excellence and other ESP projects, so that the second phase of the programme and

remaining works can be completed. North Horr Girls Secondary School will be considered alongside other centres of excellence when the Treasury allocates more funds.

Mr. Chachu: Mr. Speaker, Sir, I am seeking your guidance. This school is one of centres of excellence built in all the 210 constituencies in Kenya. All those centres which were designed in the same way lack all these facilities. If you heard the Assistant Minister right, he comfortably said this will only be possible if under the second phase, the Ministry of Finance will avail resources to complete all those centres of excellence. If that is the case, I do not think that this Question will be done justice by this Ministry. With your permission, it should actually be directed to the Ministry of Finance, so that these great centres of excellence which are in all our constituencies in the Republic of Kenya can actually be completed. I plead with you for justice to be done to this Question and all the institutions established two years ago. Could you direct this Question to the Ministry of Finance, because it is their baby---

Mr. Speaker: Order, Member for North Horr! You want to broaden the Question after you have asked it.

Mr. Assistant Minister, if you stuck with the Question like I advised, there would be no issues. When is this school going to be completed? That is what the hon. Member is asking.

Mr. Mwatela: Mr. Speaker, Sir, it will be completed when we get money from the Treasury.

Ms. Karua: Mr. Speaker, Sir, could the Assistant Minister tell the House what the rationale was to give equal money to all constituencies, while appreciating that a place like North Horr, for the materials even to reach there, the cost will have doubled or tripled? How much more have you assessed is needed by North Horr and what is the rationale of giving equal money, knowing that it will not finish such a facility in a place like North Horr?

Mr. Mwatela: Mr. Speaker, Sir, I appreciate the hon. Member's Question. The only thing I can say categorically is that the decision to allocate an equal amount of money to each constituency was not that of the Ministry of Education; it was the Ministry of Finance. I can consult with the Ministry of Finance and then give you an answer.

Ms. Karua: On a point of order, Mr. Speaker, Sir. I had also asked how much they have assessed will be needed. This is because if he has not assessed, he cannot request for the money. He has not answered that part of the Question. Is it in order to leave out that part?

Mr. Speaker: Mr. Assistant Minister, that is a legitimate challenge.

Mr. Mwatela: Mr. Speaker, Sir, can I---

Mr. Speaker: Now you can see why I was giving you guidance.

Mr. Mwatela: Mr. Speaker, Sir, I agree. Maybe what I can do is to come with the specific requirement for North Horr Girls Secondary School, so that we know exactly how much money---

Mr. Speaker: Is that not what you should have done in first place? That is what the Question was calling for.

Member for Migori!

Mr. Pesa: Mr. Speaker, Sir, it is not only North Horr Girls Secondary School which has a problem regarding the ESP money. At the moment, we are about to close the Budget making process. Could the Assistant Minister tell this House how much the Ministry has requested from the Ministry of Finance with regard to this school and many other schools in the Republic?

Mr. Mwatela: Mr. Speaker, Sir, the Ministry has requested the Treasury to give Kshs2.2 billion to complete all the projects under the ESP.

Mr. Mwangi: Mr. Speaker, Sir, I do not know whether the Assistant Minister is aware of the commitment that was done by the former Permanent Secretary in the Ministry of Education. I particularly invited the Permanent Secretary and he accompanied me to those projects. One in particular, that is Kahuhia Girls High School, was under-funded. Could the Assistant Minister give us an account of how much each project is going to receive in the next financial year, in order to be complete? If he is not aware, could he consult his officers, because the former Permanent Secretary committed that the Ministry will complete these projects in the next financial year?

Mr. Mwatela: Mr. Speaker, Sir, yes, I will consult the former Permanent Secretary on how much the school will cost.

Mr. Chachu: Mr. Speaker, Sir, these centres of excellence which were built at secondary schools in all our constituencies were designed, conceived and implemented by the Ministry of Finance through the parent Ministries. It is their creation and they have a job and a duty to complete it. Millions of money have been spent; that is Kshs30 million per constituency in all the 210 constituencies. They have a duty not to run away from their own project which was done according to their own accord. I request for the Chair's indulgence so that I refer this Question to the Treasury so that they can take responsibility for what they have created.

Mr. Speaker: Fair enough. The Member for North Horr, the Assistant Minister himself has said that he will get further information which he will avail to the House. So, Mr. Assistant Minister, I will defer this Question to two weeks away so that you can provide information on when this particular school will be completed, how much money it will cost and the status reports of all the other projects that were undertaken under this programme of schools of excellence. It gives us no joy to keep deferring Questions. So, take this very seriously, Mr. Assistant Minister, otherwise, I intend to move to a different level in terms of sanctions!

(Applause)

Mr. Mwatela: Mr. Speaker, Sir, you are well aware that I am a very serious Assistant Minister. So, I will take your words very seriously.

Mr. Speaker: Please, do. We will come back to it three weeks from today.

(Question deferred)

Question No.1355

DESILTING OF HARAMBEE DAM
IN KIKUMINI LOCATION

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

(a) whether she is aware that residents of Kikumini Location in Makueni District are experiencing shortage of clean water due to complete silting of the Harambee Dam, which was constructed in 1971;

(b) how much the Ministry has set aside for desilting the dam in the 2011/2012 Financial Year; and,

(c) what immediate measures she is taking to ensure clean water is accessible to the residents of Kikumini Location.

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

(a) I am aware that the residents of Kikumini Location in Makueni District do experience shortage of clean water. The community has been depending on an earth water dam called “Harambee” which was constructed by my Ministry in the early 1970s but silted over the years.

(b) My Ministry allocated Ksh3.9 million for desilting the dam in the year 2011/2012. However, the dam has water and we cannot undertake the desilting work. The money is still with our Ministry waiting the desilting.

(c) My Ministry, through the National Water Conservation and Pipeline Corporation has drilled a borehole, one kilometre from Kikumini Market Centre which has a yield of six cubic metres per hour to supplement supply from the dam. Laying of distribution pipelines to supply water from the boreholes to the area is currently in progress and is expected to be completed in the first quarter of the coming financial year.

Further, my Ministry has been assisting the local institutions through water trucking especially during drought.

Mr. Kiilu: Mr. Speaker, Sir, I would like to appreciate the answer given by the Assistant Minister, particularly to parts “b” and “c” of the Question. I was worried about the written answer on part “b” where the Assistant Minister had said that they procured services of a contractor in December who is supposed to have completed the work in February. This is the period when rains were pounding all over the area. This dam had also percolated water. I am happy that the Assistant Minister has corrected the position that this dam has not been desilted and what he should tell us and confirm to this House is that money that had been voted to desilt this dam is still available for desilting the dam once it dries up.

Mr. Waititu: Mr. Speaker, Sir, it is true that we had allocated money for desilting but that has not been done because the dam has some water. What I want to confirm is that we still have the money waiting for the dam to dry up so that desilting can start.

Mr. Kiilu: Mr. Speaker, Sir, for the record of this House and for my record, could the Assistant Minister disclose the name of the contractor so that should he default, we can inform the Minister?

Mr. Speaker: Proceed, Mr. Assistant Minister. Who is the contractor?

Mr. Waititu : Mr. Speaker, Sir, I am sorry I do not have the name of the contractor.

Mr. Speaker: How can you not have the name of the contractor if you were asked about a particular dam? Honestly, that is the minimum that you should expect really! Mr. Assistant Minister, that makes me a very unhappy man. Will you, kindly, supply that information to the Member for Makueni? How long do you need to supply that information?

Mr. Waititu: Mr. Speaker, Sir, I will do that before we leave Parliament today. I will give him the name.

Mr. Speaker: Please, do so. This Question will appear again on the Order Paper two weeks from today for the Member for Makueni to confirm that you have supplied that information to him. This is just for that purpose.

Mr. Waititu: That is true Mr. Speaker, Sir.

Mr. Speaker: It is so directed!

(Question deferred)

Question No.1472

REHABILITATION OF ROADS IN COUNTIES

Ms. Karua asked the Minister for Roads:-

- (a) what plans he has to ensure that all counties have motorable roads;
- (b) whether he is considering upgrading the Kamugunda-Kianyaga-Kiamutugu-Githure Road (D458-D459) in Kirinyaga County, Makutano-Kapenguria-Alale Road in West Pokot County and Garsen-Witu-Mpeketoni-Mukunubi-Mukowe Road in Tana River/Lamu Counties to bitumen standards; and,
- (c) when the construction and repair of the Hola-Garsen Road in Tana River County will be completed.

The Assistant Minister for Roads (Mr. Kinyanjui): Thank you, Mr. Speaker Sir. I beg to reply.

(a) My Ministry has put in place the following measures to ensure that all county roads are kept to motorable standard:-

(i) We have established a dedicated Constituencies Roads Fund which draws its money from the Roads Maintenance Levy Fund and I think every constituency already has that.

(ii) We have also established three roads authorities to own and be responsible for the planning, construction and maintenance of all roads in the county on behalf of the Government and to implement the same in a businesslike manner.

(iii) We have also enhanced research and development on the use of appropriate materials to ensure the maintenance and building of roads. We have also established the constituencies' roads committees to plan and prioritize maintenance of rural roads in all counties.

(iv) We have also developed 15-year road sector development programmes that will guide the identification of priorities in road maintenance and development in both medium and long-term.

(b) My Ministry, through the Kenya Rural Roads Authority (KERRA), has already completed the design of Kamugunda-Kianyaga-Kiamutugu-Githure Road (D458 - D459) in Kirinyaga County, and is sourcing for funds for its construction.

Similarly, the design for a section of the Kapenguria to Konyao (D344) Road in West Pokot County has been completed and the same will be upgraded once funds are available. The Garsen-Witu-Mpeketoni-Mukunubi-Mukowe Road will be implemented under the LAPSET Programme, which is the Lamu Port South Sudan Ethiopia Transport Corridor. The Government is in the process of sourcing for funds to implement the project.

(c) The construction and repair of this road is being undertaken by the National Youth Service and the project is expected to be completed on 30th November, 2012.

Thank you.

Ms. Karua: Mr. Speaker, Sir, while I appreciate the answer, I noticed that the Assistant Minister is talking about the road between Kapenguria and Konyao whereas my Question was asking about Makutano-Kapenguria-Alale Road. I want the Assistant Minister to tell us when he intends to have a bridge over the River Swam just before you get to Kapenguria Town and when the Hola-Garsen Road will be completed.

Mr. Kinyanjui: Mr. Speaker, Sir, with regard to the Hola-Garsen Road, I have already indicated that it is being constructed by the NYS and the completion date is 30th November, 2012. As for the bridge, as requested by the hon. Member, we are in the process of getting Bills

of Quantities and we should be able to procure that as soon as possible because it is within our programme.

Thank you.

Mr. Shakeel: On a point of order, Mr. Speaker, Sir. I want to bring to your attention an unaccompanied bag here that is causing a bit of concern and we do not know whose it is. I know it has been screened but it is causing a bit of concern. It is a black one.

Mr. Speaker: Order, hon. Members! Indeed, that is a genuine concern. Serjeant-at-Arms, will you kindly withdraw that bag until the owner is identified? Do not tamper with it; just withdraw it.

Proceed Serjeant-at-Arms!

(The Serjeant-at-Arms withdrew the bag)

Mr. Speaker: Very well. Order, hon. Members! Please note that given the prevailing circumstances in the country, it would be unsafe to leave an unaccompanied bag or briefcases in any areas within the Chamber in particular.

Proceed, Dr. Nuh.

Dr. Nuh: Mr. Speaker, Sir, a while ago; I think one month ago, when the Minister for Roads visited Tana River County and specifically the Bura-Hola-Garsen Road, it was noted that the budgetary allocation towards that road was not found and though they were at 60 per cent completion they were talking of a burden of about Kshs300 million debt and this year's financial allocation only amounts to Kshs680 million. Could the Assistant Minister inform the House what the Ministry is doing to ensure that they avail enough budgetary allocation to ensure that this road is completed as per the time line that he is giving?

Mr. Kinyanjui: Mr. Speaker, Sir, I want to confirm that indeed it is true that the last time we visited this section of the road, those concerns were raised and we are already in consultations with Treasury to ensure that the progress on this road is not hampered by lack of funds. I am confident that he will not be disappointed. So, we are already in discussions with Treasury to ensure the continuity of this project.

Mr. Ethuro: Mr. Speaker, Sir, I want to thank hon. Martha Karua for highlighting the plight of the state of infrastructure in northern Kenya in particular. If you look at all these roads, Makutano-Kapenguria-Alale connecting to Lorengiti up to Lodwar, they are in pathetic state. The question the Assistant Minister needs to answer is not whether Garsen-Witu-Mpeketoni Road will be part of LAPSSET II, which does not provide a time frame in which this particular road can be started and the amount of money allocated, could he inform the House how much money he is allocating to each county for the roads that are being specified and by when, then we will know you have satisfied us?

Mr. Kinyanjui: Mr. Speaker, Sir, our allocation of funds is not on a proper county basis. We have specific projects like what we call the Northern Corridor which would basically mean from Mombasa all the way to Busia and that is seen as one project. The LAPSSET is one such project and the Government has identified and prioritized these projects. I want to assure the hon. Member that the entire section from Lamu to the end of the country connecting to South Sudan and Ethiopia will be looked into. If you look at sections of Marsabit, we have actually started the construction and that is top on our priority. So, we have started with the design because we cannot source for funds when we do not know exactly how much it will cost and that is why my answer also focused on the design part of the Question.

Ms. Karua: Mr. Speaker, Sir, could the Assistant Minister inform the House whether the Ministry prioritises roads that are in very steep places like the Makutano-Kapenguria Road and the Chesongoch to Kapsowar in Elgeyo Marakwet County where the roads are very narrow and the ground is sloped towards the end and any heavy vehicle will slightly overturn if not well guided?

Could he also inform the House when he says the Hola-Garsen Road is going to be completed by November this year whether he is aware that in the year that is ending 30th June, Kshs4.5 million was slashed in the budget of that road?

Mr. Kinyanjui: Mr. Speaker, Sir, those are two questions in one but nevertheless, I wish to answer and I want to start with the one on Hola-Garsen Road. I want to assure the hon. Member that indeed we will complete it in good time despite the slash and also to indicate that from the section that we call the Malindi to Kikoneni, that is the end of the tarmac section of B8, we have already awarded a contract of Kshs58 million and the contractor is already on site. As to the question of whether we prioritise roads that are in areas that are very steep, that has been our major concern because as you realize, in most sections of this country, whether you are talking of the Meru area which is very hilly and steep, some sections of Nyeri and parts of the northern part of Kenya, we have been trying to come up with a programme because we realize that when you have a drift and you have a vehicle that is most likely overloaded as you have relief food being taken there, then you have security concerns.

So, we will be able to take up some of those areas where nothing has been done but also to assure hon. Members that in areas where we have a drift what we have tended to do is to put a rail guard so that even in the event of the vehicle veering off, it would be protected from actually falling and causing the deaths that would otherwise be there. However, also let me raise the concern of the Ministry that even after we have installed these rail guards we have had a big challenge of the same metal being stolen and, therefore, not being able to do what they are supposed to do.

Mr. Speaker: That in effect brings us to the end of Questions appearing on the Order Paper and before we take any other business even if that business is under Order No.6, I wish to make the following communication.

COMMUNICATION FROM THE CHAIR

OFFICIAL OPENING OF REFURBISHED PARLIAMENTARY CHAMBER

Mr. Speaker: Hon. Members, as you are aware, the refurbishment of the new Chamber commenced on 6th April, 2010 and after all the works undertaken by respective sub-contractors, it is now complete.

(Applause)

All hon. Members are invited to attend the official opening of the refurbished parliamentary Chamber that will take place on Tuesday, 12th June, 2012 at 10.00 a.m. His Excellency the President of the Republic of Kenya and Commander in Chief of the Kenya Defence Forces has kindly agreed to grace the occasion. All hon. Members are requested to attend and be seated in the new Chamber by 10.00 a.m.

I thank you.

(Applause)

POINTS OF ORDER

MISLEADING STATEMENT ON QUESTION NO.1373

Ms. Karua: On a point of order, Mr. Speaker, Sir. You will recall that last week when answering Question No.1373, the hon. Acting Minister for Local Government, hon. Gumo, indicated that a cheque owed to a supplier by the Kitale Municipal Council and the supplier is Jaro Printers, was ready for collection and would be available the next day which was the 25th of May this year. Jaro Printers went to Kitale Municipal Council and only Kshs34,940 of the Kshs675,000 owed to him was availed and I wish to table a copy of the cheque.

(Ms. Karua laid the document on the Table)

Mr. Speaker, I am seeking your direction on the misleading statement made by the Minister because the question is whether he deliberately misled the House that the money was ready for collection. What has been paid is not even 10 per cent of the money owed and that was an undertaking given by a Minister in this House.

Mr. Speaker: Order, Member for Gichugu! Remind the House the Minister to whom the matter is directed so that we can recoup.

Ms. Karua: Mr. Speaker, Sir, it is the Acting Minister for Local Government, hon. Fred Gumo.

Mr. Speaker: The Assistant Minister for Local Government, hon. Nguyai was here. Minister for Finance, maybe, you want to hold brief for your colleague. On the face of it, this is a very grave matter. When can I hear the Minister on this matter before I give direction?

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, since this is basically a matter of establishing facts as to whether the money was paid or not, the Minister will respond on Thursday.

Mr. Speaker: Hon. Githae, let the Minister know that it will not be that simple because figures were given, the Minister made an undertaking on a given amount of money but what has been paid is a far cry from the figure that the House is aware of. So, let him know. Minister for Finance, we expect the Minister to come to the House on Tuesday afternoon to give that information.

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, I will give him the information.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.20, which defines the sittings of the House. I want to thank you for directing that we will sit at 10.00 a.m. on Tuesday but---

Mr. Speaker: Order! Order! Hon. Khalwale, if you heard my Communication, I did not say that we will sit; not at all. The Communication is in writing.

Dr. Khalwale: Mr. Speaker, Sir, may I conclude my point of order?

Mr. Speaker: Dr. Khalwale, I did not say the House will sit. I have not directed that the House shall sit. I said that the refurbished Chamber shall be opened. So, please, already, you are on the wrong footing. So, I will not allow the point of order.

(Dr. Nuh stood up in his place)

Mr. Speaker: What is it, Member for Bura?

SPEAKER'S DIRECTION ON MINISTERS'
COMPLIANCE WITH PROVISIONS OF S.O.124

Dr. Nuh: Mr. Speaker, Sir, there is a matter of grave concern that has troubled us, specifically as Members on the Back Bench. I want to seek your guidance and your ruling, so that we can have some harmony in terms of how we transact business in this House. I want to, first, read from the Constitution of Kenya, Article 124, which says:-

”124(1) Each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.”

Mr. Speaker, Sir, this shows how the Standing Orders are anchored in the Constitution, so that they shall be the procedures within which this House shall operate. Before I proceed to cite the Standing Order that I want you to guide us on, I want to table a document, which is a Question directed to the Ministry of Justice, National Cohesion and Constitutional Affairs. This Question was sent to the Ministry on 16th February, 2012, which is about three-and-a-half months ago.

(Dr. Nuh laid the document on the Table)

Mr. Speaker, Sir, Standing Order No.42(5) states as follows:-

“42(5) When the Speaker directs that a Question is in order, the Clerk shall as soon as possible forward the Question to the Minister to whom it is directed and the Minister shall, within five days of receipt of the Question, submit a written reply to the Clerk.”

Mr. Speaker, Sir, this Standing Order continues to say, under Paragraph 8:-

“42(8) Upon receiving a Question for oral reply, the Minister shall within the period specified in paragraph (5) submit to the Clerk, fifteen copies of the reply and shall be required to appear in the House to reply on the designated day.”

In Paragraph 9, the same Standing Order says as follows:-

“42(9) The Clerk shall avail copies of the reply under paragraph (8) and shall post such reply on the parliamentary website on the same day.”

Mr. Speaker, Sir, the reason as to why I am referring to the provisions of this Standing Order is that we have suffered, as Members of the Back Benche. In fact, by extension, the sitting time of this House has been strained because of Question Time and it is specifically because Ministers are unable to comply with the provisions of Standing Order No.42.

We file Questions because we want to seek some redress of some injustices that have happened or some action that we would want the Government to take. Although sometimes Questions may appear on the Order Paper after months, depending on how many Questions an hon. Member has filed or the number of Questions that hon. Members, in total, have filed, it has become a habit that Ministers have to wait until Questions are published on the Order Paper for them to rush to the House with answers.

Mr. Speaker, Sir, this strains our ability, as Members of Parliament, to even interrogate the matters that we have sought or follow up on issues and even counter-check facts. It is merely because Ministers want to ambush Members of Parliament with answers that even themselves, as

Ministers, are not satisfied with. Ministers receive answers to Parliamentary Questions from their secretaries and, sometimes, Permanent Secretaries (PSs) two hours before the commencement of the business of this House.

It has become a ritual that, because they are compelled to provide answers to the House, then be it. They do not care about the authenticity of the answers. They do not counter-check on statements of facts in the written reply. They only come here with answers because they want to satisfy the House that they have provided answers.

Mr. Speaker, Sir, we sought for guidance on this matter from the Chair while you were absent but that guidance has not been forthcoming. Unless you guide, as the Chair; that Ministers are supposed to comply with the Standing Orders---

Mr. Speaker: Order! Order! I cannot guide you as the Chair, unless we are in Committee of the whole House.

Dr. Nuh: Mr. Speaker, Sir, I thus request for your ruling on this matter to give guidance to the House as to how Ministers are supposed to proceed and what we should expect, as Members of the Back Bench, when we file Questions for redress.

Thank you, Mr. Speaker, Sir.

(Mr. Ethuro stood up in his place)

Mr. Speaker: Member for Turkana Central, you have risen on a point of order as well. Do you want to speak to the same matter?

Mr. Ethuro: Yes, Mr. Speaker, Sir.

Mr. Speaker: Proceed.

Mr. Ethuro: Mr. Speaker, Sir, I also rise on a point of order to support my good friend, hon. (Dr.) Nuh.

Mr. Speaker, Sir, we did not seek the votes of our people to come here and act in vain. We felt that we were competent enough to ask for those votes and our people made us proud by electing us to come to this House. Some of us were appointed Ministers in order to perform certain Executive positions. We congratulate them and wish them well. Some of us remained on the Back Bench for the purpose of providing oversight on the part of the Executive. Our experience so far is that the Executive is sleeping on the job but the impression that the Executive is creating out there is that it is Parliament which is sleeping on the job. Only yesterday morning, a Minister came here purportedly to answer a Question, only for that Minister to ask that the Question be referred to another Minister. Surely, is that a task that must be performed on the Floor of the House?

Mr. Speaker, Sir, immediately a Question is filed, if the Minister to whom it has been directed feels that he or she is not the appropriate Minister to answer the Question, that Minister should either re-direct the Question to the appropriate Minister; or better still, on the basis of collective responsibility, the Minister should take the trouble of answering the Question. We pay Ministers a responsibility allowance, which Members on the Back Bench are not paid. They should take the trouble, as part of collective responsibility, to look for the information sought.

Mr. Speaker, Sir, in the last month or so, we have asked the Leader of Government Business to respond to the issue of delayed responses to Ministerial Statements. The Leader of Government Business promised this House to come with a comprehensive statement on how to deal with the delayed ones and also to expedite the current ones. That Statement is yet to come and the Statements are still outstanding.

Mr. Speaker, Sir, you will find that a Minister comes before this House and says that he or she was not there. Or, a substantive Minister will say the Question was supposed to have been answered by the Assistant Minister, as if the one who signs the answer is the Assistant Minister. So, for a substantive Minister to come to the House as if they are operating at cross purposes with the Assistant Minister--- We want you to find that there is complete chaos in the Government.

Mr. Speaker, Sir, as I conclude---

Mr. Speaker: Order, the Member for Turkana Central! I will be very reluctant to find that there is complete disorder in the Government because I know that the Legislature which is part of the Government is functioning so smoothly and efficiently.

Mr. Ethuro: Mr. Speaker, Sir, I stand corrected. That is why you are on that Chair. I want to be specific. It is the Executive part of the Government that has total confusion. I want the Executive to appreciate how we work. There is something called "HANSARD". The reason why we have the Leader of Government Business chairing the House Business Committee, why Standing Order No.11 allows the Government to set a panel which they have not been able to complete with the departure of Dr. Sally Kosgei - it is a small task and they can appoint Dr. Bishop Margaret Wanjiru if they are looking for a lady to perform that task - is so that they can be able to ensure that the business that is before the House is carried within the Government, and that the Government at any one time is aware of what the Kenyans, through their representatives, are asking the Executive to do.

Mr. Speaker, Sir, I also want you to finally comment on what happens under Standing Order No.40. Yesterday I raised the issue with the Prime Minister who is modernizing things and I really appreciate. I like it, by the way. But our Standing Orders demand that those five copies of written answers are brought and the Clerk must make another 15 copies for the House. When this is electronic, how are we supposed to do it? It is either the Statement is e-mailed to all of us - and you can give us the iPads so that we can follow how this progress is being made.

I submit my case.

(Applause)

Mr. Imanyara: Mr. Speaker, Sir, in support of the two points of order that have been canvassed before you I wish to draw your attention to the provisions of the Constitution that provide for the Executive governance. Article 129(2) states as follows:-

“Executive authority shall be exercised in a manner compatible with the principle of service to the people ---.”

It is service to the people and that is why the Standing Orders make specific requirements on the Ministers when they are exercising their functions in the House, not only to be accountable to the people of Kenya but in order to comply with the provisions of the Constitution. This Article further says:-

“...and for their well-being and benefit.”

Mr. Speaker, Sir, that must be read together with Article 94(4) of the Constitution which states as follows:-

“Parliament shall protect this Constitution and promote the democratic governance of the Republic.”

An hon. Member: Correct!

Mr. Imanyara: Mr. Speaker, Sir, the whole principle underlined in our Standing Orders is to ensure that power is exercised by any arm of the Government in a democratic manner and for the benefit of the people. What we have seen every day during Question Time is Ministers coming totally unprepared or if they are not unprepared those responsible for their offices, the Permanent Secretaries and other officers who serve in their departments do not take their work seriously and they bring answers to the Ministers while they are sitting in the House. This is a complete breach of the Constitution and I think time has come for you to really issue a communication that will be binding on these people so that they do not treat Parliament with contempt as they have been doing so far.

(Applause)

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, I am shocked by the allegations made by Members of the Back Bench. I am shocked because this is the most hardworking Executive in the history---

Hon. Members: Shame! Shame!

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, this is the most hardworking Executive since the history of this Parliament.

Mr. Speaker, Sir, the Members of the Executive and Ministers are sacrificing a lot of their time to carry out Government business. They are Ministers 24 hours and they are performing their duties well and the relationship between Ministers and Assistant Ministers is good. If there is a problem, I think we should not generalize.

If you look at the answers, because the hon. Members have said that they are not satisfactory--- I would like somebody to check this in the HANSARD. If you look at the number of Questions that have been declared---

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I want to confirm that Mr. Githae is one of the very few Ministers who are doing a good job but he is not the entire Cabinet. He is just alone as an individual. Is he in order to---

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): On a point of order, Mr. Speaker, Sir.

Mr. Ethuro: I am on a point of order! This is how they fail even to appreciate points of order! Is the Minister in order to mislead this House that the relationship between Ministers and Assistant Ministers is good when only yesterday if you watched the news, between the Assistant Minister and the Minister for Youth Affairs and Sports, they had a public spat? This happened last night. Is he in order?

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, what I was saying is that if you look at the records---

(Ms. Ndeti stood up in her place)

Mr. Speaker: Order, Ms. Wavinya Ndeti! Let us hear the Member for Ndia. The point of order is actually addressed to him.

The Minister for Finance (Mr. Githae): Mr. Speaker, Sir, I am saying that if we go by records and look at the number of Questions that have either been deferred or even referred to a committee because they were unsatisfactory, they are very few. That in my view shows that Ministers are actually answering Questions satisfactorily.

I am saying that let us not generalize. If there are one or two Ministers probably who have come unprepared, sometimes they accept that they may have received the answer just a few hours before. However, I am saying the most important thing is the record. If you can order the Clerk's Department to look at the number of Questions that have been deferred or have been declared to be unsatisfactory, you will find that it is a minute number. That is the only way you can tell whether Ministers are working hard or not.

Lastly, I would like to assure this House that the Executive takes parliamentary business very seriously. The Executive respects the working relationship between themselves and the Backbenchers, and we shall strive to improve this relationship. If there is a small hitch we, as the Executive, are prepared to go out of our way to sort it out.

Thank you, Mr. Speaker, Sir.

Dr. Khalwale: Thank you, Mr. Speaker, Sir. I rise on the same point of order and I would like to draw your attention to Section 35 of the Constitution which gives all Kenyans the express right to information held by the State. I would also like to draw your attention to Standing Order No.41(2) which states as follows:-

“A Question shall be of a genuinely interrogative character and its purpose shall be limited to seeking information or pressing for action.”

On pressing for action, when a Question is delayed and the intention of the hon. Member was that he presses for action; if it then comes eight months later, the way he did in the case of Dr. Nuh or in some cases it does not come at all, then that need to press for action is breached.

Mr. Speaker, Sir, in this very House two weeks ago I pressed for action on the part of Mr. Ojode because his Ministry has appointed two chiefs in Kiminda Location in Nandi Central District. The issue I was raising is how we can have two chiefs in one location? Who of these two chiefs is the chief? That question was pursuant to Article 35 of the Constitution. I wanted Kenyans to have access to the secret information within the Office of the President as to who between these two is the chief.

Mr. Speaker, Sir, I was pressing under Standing Order No.41 (2) that we know who between Esther and Stephen Tum is the chief, so that, that chief can start earning a salary, serving the public and enjoying the authority that goes with that position---

Mr. Imanyara: On a point of information, Mr. Speaker, Sir.

Dr. Khalwale: Please, inform me.

Mr. Speaker: Order, Member for Ikolomani! You do not decide that way. Do you want information from the Member for Central Imenti?

Dr. Khalwale: Yes, Mr. Speaker, Sir.

Mr. Imanyara: Mr. Speaker, Sir, I wish to inform the hon. Member that he is absolutely right because just this afternoon as the Assistant Minister, Ministry of State for Public Service was answering Question No.1362 on the policy of the Government regarding compliance with two-thirds majority and giving policy issues, the Cabinet was sitting and had just approved a Constitutional (Amendment) Bill for gender representation in Parliament. That information should have been available to any Minister but here he was giving Parliament information that was not accurate and the Cabinet sat only today.

Mr. Speaker: Member for Ikolomani, conclude.

Dr. Khalwale: Mr. Speaker, Sir, if at all you find merit in what I have said about Article 35 of the Constitution and Standing Order No.41(2), I beg that you find that the Front Bench is completely out of order and you take action against the Leader of Government Business in this House, because it is him who is perpetuating this particular bad behavior.

Mr. Speaker: Order, Members! Let us take Ms. Wavinya Ndeti's point of order first.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say that an Assistant Minister had a spat with the Minister yesterday when everyone is entitled to their opinion? As far as I am concerned, I am an Assistant Minister in the Ministry of Youth Affairs and Sports and we do not have any problems. Therefore, do not bring us problems that we do not have.

Mr. Speaker: Order! That is a matter of argument; so, I really cannot direct on it.

PROF. OLWENY'S PRESENCE IN THE CHAMBER
AFTER BEING SANCTIONED BY THE CHAIR

Mr. Mbadi: Mr. Speaker, Sir, anytime the Speaker approves Questions and the Clerk writes very clearly, he gives copies to the Speaker of the National Assembly, the Minister concerned, the Leader of Government Business, the Prime Minister and the Member of Parliament concerned.

Regarding a Question which was asked on the 26th of August 2011, the Member has not received an answer to date. Many a times in this House we have seen Ministers stand to read their Statements or answers and then they say, "I am not satisfied with the answer". That clearly shows you that these Ministers are not even aware of the answers that they are given.

Mr. Speaker, Sir, yesterday the Chair sanctioned Prof. Ayiecho Olweny and I am not sure whether he is not a stranger in the House. Yesterday, he was sent out for two days. Unless that decision was rescinded, I think today Prof. Olweny should be a stranger in this House. That is a clear and classical example of cases where the Executive was found not to have prepared adequately to answer our Questions.

Mr. Speaker, Sir, remember there is a case which you referred to the joint committee of Parliament---

Dr. Nuh: On a point of order, Mr. Speaker, Sir. Since the Member for Gwassi has alleged that Prof. Olweny is a stranger in the House, is it procedural that we transact business when we have a stranger? Do we wait until we are satisfied as a House that he is not a stranger and he should continue staying in the House?

Mr. Speaker: It will not be procedural but I have to ascertain from the HANSARD what the directions of the Chair were. In the meantime, Member for Gwassi you may continue.

Mr. Mbadi: Mr. Speaker, Sir, yesterday he was sanctioned and I heard it was for two days.

Mr. Speaker: Order! Are you now reiterating the point of order by the Member for Bura or you want to make---

Mr. Mbadi: Mr. Speaker, Sir, I do not want---

Mr. Speaker: Order, Member for Gwassi! Do not be like a busy bee. You have something that you are addressing. The Member for Bura has raised a point of order. The Standing Orders say that we do not have to be repetitive; so, why do you want to grab that one as well? Are you any different from this Executive that you are talking about?

Proceed.

(Laughter)

Mr. Mbadi: Mr. Speaker, Sir, I just wanted to let the Speaker know that I am better than a busy bee.

Mr. Speaker: Proceed!

Mr. Mbadi: I am only a busy Member of Parliament.

Mr. Speaker: Order, Member for Gwass! As a matter of fact, I was very careful with my choice of words. Ask the Member for Gichugu; the word “busy” could have been followed by something worse. So, proceed.

Mr. Mbadi: Mr. Speaker, Sir, that was just an example of what happened yesterday. The Executive was found not to have addressed a Question sufficiently, hence the sanction.

I want to conclude my submission by saying, remember Mr. Speaker, Sir, that there was an issue that I raised last year in May. It was a Ministerial Statement. The Minister for Finance refused literally to give that Statement until this year in May. That has now become a subject of investigation by a Committee. I think the Executive needs to be reprimanded and told to take matters of this House seriously. Whenever we raise issues in this House, we are not busy bodies. We are not busy bees. We are actually busy Members of Parliament working very hard to hold the Executive to account.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I have listened carefully to my colleagues, who are bashing the Government side. An example was given here by my friend Dr. Khalwale on the chiefs. Dr. Khalwale knows very well that even if I had the answer ready with me, unless the Question is put on the Order Paper, there is nothing I can do. The Question was deferred for two weeks and it is yet to be put in the Order Paper in order for the Government to reply to it.

On the issue raised by my friend Mr. Ekwee Ethuro, you are aware that on several occasions, the HANSARD can confirm this, whenever I have come to this House with the Statement which was sought by Mr. Ethuro, he has been on the Chair; so it has not been possible for him to interrogate me. He knows that, that is the truth of the matter.

Mr. Speaker, Sir, some of us have been sitting here from morning to evening---

An hon. Member: Busy bee!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I have never been a busy bee or a busy body at any time.

Mr. Speaker, Sir, we are trying our level best as the Government to give good answers. I was just concerned about an example of my docket that was given. I want to assure hon. Members that on our side, because of security matters which are very sensitive, I normally sit here for purposes of answering my colleagues.

Hon. Members: The chief! The chief!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On the issue of the chief, once the Clerk has put the Question on the Order Paper, I will deal with it the way it should be dealt with. Thank you.

Mr. Speaker: Order, Members! Hon. Members, I have had the opportunity to acquaint myself with the HANSARD and the position is as follows with respect to the Member for Muhoroni, who is also an Assistant Minister for Education. This is what the Temporary Deputy Speaker said: “No, I have already ruled on that issue and I do not want to go back to it. Prof. Olweny will be out of the Chamber for the remainder of today and tomorrow. He will not be allowed to transact business in this Chamber until he apologizes”. So, Prof. Olweny, I am afraid, according to this record as it appears on the HANSARD, you are excluded from the House and transacting business yesterday and today contrary to the perception which you had conveyed to

me that you were excluded for two days. If you were excluded for two days, then the two days will have run yesterday, but you were excluded from the House yesterday and today. So, I am afraid you have to withdraw.

(Prof. Olweny withdrew from the Chamber)

(Applause)

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Speaker, Sir, I want to take this opportunity to interrogate the matter that has been raised by Dr. Nuh.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. Is it in order for Ministers to be appointing from amongst them the ones who are working well and the culprits are remaining seated? We want the culprits to respond. So far, we have seen three who are hand working and they are the ones who are standing to defend themselves, yet the culprits are sitting very nicely. Are they in order?

Mr. Speaker: Order! As a matter of fact, that point of order by hon. Odhiambo-Mabona is out of order. It is out of order for the following reason: That this is a matter that is of procedure. When a matter is raised such as has been raised by the Member for Bura, then all Members of the House are entitled to speak to that matter without classification as to which one serves well, which one is good and which one is not. All Members are entitled to put their views on record. So, the Member for Nakuru Town is in order. You may proceed.

The Assistant Minister for Roads (Mr. Kinyanjui): Thank you, Mr. Speaker, Sir, for that ruling. I want to appreciate the point of order raised by Dr. Nuh because indeed, a lot of times we go out there in the constituency and find a matter that has been burning in the village and they have tried to get a solution without success. Finally, that Question comes through one of the Members. Therefore, I appreciate that when Questions come here, they are indeed very important. But it is also important to remember that it is not once that we have come here to answer Questions and the Members were not here for very flimsy reasons. The Minister will have come, left all the other things he would otherwise be doing, to answer a Question that was never asked. Having said that---

Dr. Nuh: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Bura! We want to conclude this matter.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Speaker, Sir, having said that, I believe it is important that we do not generalize all the Ministries or all the Ministers. Indeed, the Executive consists of those who are probably performing and those who are not. The few cases of the Ministry of Education and the others should not be generalized. The Minister of State for Provincial Administration and Internal Security landed this morning and he was here to answer all the Questions. Therefore, if the Members have any question, it should be specific to a Ministry and not generalized to the whole Executive. Problems should be addressed in that context. The Executive is not one man and one shoe.

Mr. Kutuny: Hoja ya nidhamu, Bw. Spika. Ningependa pia kuchangia Hoja hii kupitia hoja la nidhamu. Sitaki kutumia lugha ya ulegevu kwa upande wa Serikali kwa sababu Maswali yanapoletwa Bungeni na waheshimiwa Wabunge yanachukua muda mrefu sana kujibiwa. Waswahili husema ngoja ngoja huumiza matumbo. Baada ya Swali kuulizwa na Serikali kujibu na kusema itatekeleza, inasikitisha wakati mwingine kwamba Serikali inatoa ahadi hapa Bungeni kwamba italitua jambo hilo, lakini inachukua mwaka mzima na hakuna hatua ambayo Serikali

imechukua. Kuna uhusiano kati ya kuuliza Swali na kutekelezwa na kuuliza Swali na kutojibiwa kwa wakati mwafaka. Tunataka kusema na kutenda.

Kuna Kamati Tekelezi ya Bunge. Ni hatua gani ambayo Kamati hii inachukua kuhakikisha kwamba ahadi zinatimizwa? Kama taarifa iliombwa, ikatolewa na ikasemekana kwamba baada ya miezi sita hatua fulani itakuwa imechukuliwa na kama Swali limejibiwa na ikasemekana kwamba kwa majuma mawili jambo hilo litakuwa limetatuliwa, Kamati Tekelezi ya Bunge inachukua hatua gani kuhakikisha kwamba maswala haya yote yanafuatiliwa ili Taarifa na Maswali hapa Bungeni yasije yakaitwa, nikinukuu kwa lugha ya Kiingereza, public relations exercise kwa Wakenya? Tutakuwa tunahadaa Wakenya.

Mr. Speaker: I want to really move to finish with the Leader of Government Business, but perhaps, the Member for Mwatate has been here all the way from 2.30 p.m. We will hear you and then we will move and finish with the Leader of Government Business.

The Assistant Minister for Education (Mr. Mwatela): Bw. Spika, wacha nizungumze kwa lugha ya Kiswahili, hata mimi ninakijua. Kwanza, ninamshukuru mhe. Nuh kwa kuleta jambo hili la muhimu. Hii ni swala nyeti kwa sababu ni kweli kabisa hatuko hapa ili kupendeza mtu ye yote, bali tuko hapa kuhudumu kwa nchi ya Kenya. Lakini si sawa wakati tunaposimama na kusema kuwa watu fulani katika Serikali ndio wanatekeleza kazi na wengine hawatekelezi bila pia kuangalia upande ule mwingine.

Mr. Kutuny: Hoja ya Nidhamu, Bw. Spika. Ni nidhamu kwa Waziri Msaidizi kujaribu kutetea Serikali na kukashifu upande huu? Imesemekana kuwa kuna kikundi kimoja ambacho kinafanya kazi katika Serikali na kuna kikundi kingine ambacho hakifanyi kazi. Ni wazi kwamba kuna Mawaziri ambao wanawajibika hapa Bungeni kama mhe. Ojode na mheshimiwa anayezungumza na kuna wale walegevu; mwendo wao ni wa kobe wanapotekeleza kazi zao hapa Bungeni.

The Assistant Minister for Education (Mr. Mwatela): Bw. Spika, hili ni Bunge la wananchi wa Kenya. Tunapokosoana, ni vizuri tukosoane kikamilifu pande zote mbili kwa maanae hata katika upande ule mwingine kuna waheshimiwa Wabunge ambao ni walegevu.

Mrs. Odhiambo-Mabona: Kama nani?

The Assistant Minister for Education (Mr. Mwatela): Bw. Spika, singependa kutaja majina kwa sababu katika sheria za Bunge, ni lazima ulete Hoja maalum ili kumzungumzia Mbunge mwenzako.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I have followed this discussion. I want to thank the Member for Bura for raising the matter and, first of all, assure him that, indeed, the Question, which is the subject matter of this debate, and which has suffered some delay, will be attended to before Thursday next week. Indeed, we will be looking through all the other issues where there has been pending matters like pending statements. We would like to clear that as soon as we can. I think, perhaps, we will move forward from that perspective and also to just recognize that--- I do not want to say who works harder than the other, or who does not work as hard. But the important thing is that if we commit ourselves as one of the arms of Government - as the legislative arm of Government - and we play our part, then it will become very clear who is performing and who is not performing in the eyes of Kenyans. In this connection, I am very encouraged with what I have heard today. That is because many a times, we have had to interrupt business here because of lack of quorum or participation. I do hope that with this new found passion for work, we will be able to move without lack of quorum, as we move forward from both ends. As the Legislature, we have 222 Members who comprise this

Parliament. We are only required to raise 30 to transact business for the people of Kenya. I will like to ask that we work together in the remaining period that we have and with the challenges that we have. We will be covering a bit of that when we make our Statement to ensure that Kenyans get value for their money from this Parliament.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. While the Deputy Leader of Government has started very well, he wants to end very badly. First, I thought he will respond to the issue that I raised about the completeness of the Government Panel, which should assist with the the work. We have a Leader of Government Business from PNU. We have the Deputy Leader of Government Business from PNU. Where is the other principal? That is one. Two, this House, through the Chair and members of the Constitutional Implementation and Oversight Committee (CIOC), came to this House and sought for time extension for two important crucial Bills.

Mr. Speaker, Sir, the Government has failed to mobilize the people that it pays, so that we can vote on those two Bills and have the reform process and implementation of the Constitution on course. That is undermining devolution. He needs to respond to those issues instead of coming to tell us about quorum. We want real issues. Where are your people?

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order! Some of these arguments really are not points of order. So, respond.

(Dr. Nuh stood up in his place)

Order, Member for Bura! I want this matter concluded.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, the issue of the Government Panel has been outstanding for a while. I know it has been raised severally. It is required that we have the Leader of Government Business and two deputies, preferably one of either gender. Indeed, the full panel is when we had my counterpart, Dr. Kosgey, as the other deputy. But since her resignation, we have not had a suitable replacement identified yet by our coalition partner. Until that happens, then, we have to continue as we are. Like I did undertake in the House, I am happy to carry on with the burden of the two.

For purposes of ensuring that the consultations that are taking place come to conclusion--
- But in the meantime, what we give assurance on is that Government business will not stall on account of lack of a second deputy. I believe nothing has stalled so far. In terms of the other issue of the Motion, I will be covering that in my Statement, which I will be issuing in a couple of minutes. That is in terms of the extension.

Mr. Speaker: Order! Order, hon. Members! I have heard the concerns raised, beginning with the point of order by the Member for Bura, and as been spoken to by the Member for Turkana Central, Member for Cherangany, Member for Nakuru Town, Member for Ndhiwa, Member for Gwasssi, Member for Imenti Central, Member for Ndia, Member for Ikolomani and, finally, the Member for Kipipiri coming shortly after the Member for Mwatate.

I will give my directions on this matter as necessary on Tuesday, 19th June. We will take the next Order.

MINISTERIAL STATEMENTS

Mr. Speaker: Deputy Leader of Government Business, you go first.

BUSINESS FOR THE WEEK COMMENCING FROM 12TH TO 14TH JUNE, 2012

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I wish to make the following Statement with regard to business for next week.

During the House business Committee meeting on Tuesday this week, Members unanimously agreed to give priority to constitutional implementation Bills that require to be enacted within two years of the promulgation of our Constitution. Regarding that critical task, it is important to note that, out of the nine legislative areas falling under the 27th of August deadline, we have managed to tackle four, leaving us with legislation covering the following areas:-

Under Chapter Six, which is spelt out by Article 80, the Leadership and Integrity Bill, 2012, is being finalized to be reviewed by the relevant agencies. I believe right now, it is with the CIC. The right to petition Parliament under Chapter 8, Article 119 again, the relevant policy is being developed by the Ministry of Justice, National Cohesion and Constitutional Affairs, in consultation with Parliamentary Service Commission.

On the Assumption of Office of the President under Chapter 9, Article 141, the Assumption of Office of President Bill is awaiting publication. Indeed, this received Cabinet approval this morning and was cleared for publication. The financial control under Chapter 12, Article 225, Public Financial Management Bill, is currently before this House. We will be talking about that later. Under the national security organs, under Chapter 14, Article 239, the National Security Council Bill of 2012, the National Intelligence Service Bill, 2012 and the Kenya Defence Forces Bill of 2012 are currently with the Constitutional Implementation Commission (CIC) undergoing internal review and stakeholder consultations.

Mr. Speaker, Sir, while the tasks ahead of us appear daunting, our past records speak for itself. I am confident that we will not only beat the deadline, but we will also deliver quality legislation. After all, last year, we managed to deliver on the Bills that required the one-year deadline.

Mr. Speaker, Sir, on Tuesday next week, we have scheduled for deliberation the Motion to unlock the two Bills namely, the Public Financial Management Bill of 2012 and the County Governments Bills of 2012. As you are aware, those Bills were due for enactment on or before 27th February, 2012. The deadline has since expired. The time for the consideration of the Bills require to be extended in terms of Article 261(2) of the Constitution. We have, therefore, scheduled the Motion to extend the period for consideration of those Bills on Tuesday. I believe that may have to be preceded by a *Kamkunji* with all the Members to just ensure that we are moving in the same direction.

[Mr. Speaker left the Chair]

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

Now, to meet the threshold that is stipulated in the Article, we need to ensure that a two-thirds majority attendance by Members is realized in the House. That, undoubtedly, calls for all

of us to demonstrate our utmost goodwill and patriotism by availing ourselves in the House to undertake that task.

Mr. Speaker, Sir, we shall also give priority to any of the remaining business from today's house proceedings and, finally, the House Business Committee will meet on Tuesday, 12th June, at the rise of the House to consider business for the rest of the week.

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the Minister for laying out the Business of the House for next week, especially prioritizing the constitutional Bills. I know that virtually every week, we have been raising the issue of the need to prioritize the constitutional Bills.

Mr. Temporary Deputy Speaker, Sir, we really do hope that even the Bills that are with other agencies, the Minister could hasten them and be fast tracked to the House. We do not want to rush the way we have rushed in the past and then we get problems with the Constitution. As we move closer towards December, we know that hon. Members will be extremely busy campaigning. Therefore, we will not be able to find hon. Members in the House, especially the two-thirds that the Minister talked about.

Mr. Temporary Deputy Speaker, Sir, I would also just want to put the Minister on notice that if the Executive does not live up to that expectation, the Constitutional Implementation Oversight Committee (CIOC), of which I am the Vice Chair will take over and bring those Bills because we owe it as a duty to Kenyans.

Finally, Mr. Temporary Deputy Speaker, Sir, I am just wondering whether the reason that they are also moving slowly is because when Ms. Karua was the Deputy Leader of Government Business, she was able to deal with it alone. I think it is maybe because she is the Iron Lady. But when we leave it to the men, then we need about four men to handle it. So, perhaps, we need a woman to take over.

(Applause)

(Mr. Mututho stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mututho, is it a request? I will come to requests towards the end.

Mr. Mututho: It is a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Okay. If it is on the same issue---

Mrs. Shebesh: On the same! On the same!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mrs. Shebesh, there is only one Chair!

What was it, Mr. Mututho?

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. I am rising on a point of order, but I will seek your indulgence to specify it because I was not able to pick it right away. A proviso is such that some of the Committee reports tabled here can be discussed outside the House where we can have public hearings and adopt them. By so doing, we will remove the backlog on the Order Paper of some of those Committee Reports. That particular proviso will make it possible for some of the backlog, especially on the Committee on Agriculture, Livestock and Co-operatives which has six reports completed find their way on the Order Paper. They can be discussed. The Chairs may convene, say, in Murang'a, for instance. The debate will go on and it will carry the same effect as if it is in the same House.

Mr. Temporary Deputy Speaker, Sir, that was my point of order.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, starting from the issue raised by Mrs. Odhiambo-Mabona, I do believe that the Executive is not holding onto any Bills that would be fast tracked any faster by the CIOC. We are in the same boat; that the process as was put down must go through the various stakeholder consultations. Until they have gone through that process, even us, as the Executive, we cannot bring them to the House. I think that is the process we are going through because with the public participation, the various agencies which have to comment and immediately it gets to Cabinet, we then fast track it, have it published and bring it to the House. We have the commitment to fast track and ensure that we can speed up this before the deadlines.

Mr. Namwamba: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am just concerned by the statement being made by the Deputy Leader of Government Business. I am wondering whether he is in order to deny that the Government is not sitting on some Bills, yet we have been expecting the Constitutional (Amendment) Bill, 2011, on the question of the election date and the gender question.

Mr. Temporary Deputy Speaker, Sir, even after the CIOC completed the public hearings across the country and prepared a report in anticipation that the Government will be fast tracking that particular Bill, the Report has even already been tabled in the House. Kenyans are still very anxious on the question of the election date and the gender threshold. However, we have not heard any word from the Government on the same. Is he in order?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, indeed, the particular Bill is before the House – the Constitution (Amendment) Bill, 2011. Just this morning, the Cabinet deliberated on the matter. It did agree on the Bill to come to the Order Paper, which will then be the subject of the meeting on Tuesday in the House Business Committee. As I said earlier, the House Business Committee will be meeting on Tuesday to arrange business for the rest of the week. Since the Committee has not met, I would not want to then commit the Committee before they have met and say that it will be coming. But that would be one of the issues to be discussed on Tuesday, next week. So, the Government is not actually sleeping on the job, or unnecessarily delaying any of the Bills.

Mr. Temporary Deputy Speaker, Sir, on the issue of gender, I want to recognize the role that was played by Ms. Karua then. We had a very clear demarcation at that point between the sides of the House; but we are now in a Grand Coalition Government. We are required, under the new Standing Orders, to have a panel. I could well have done the job alone, but we now require two hon. Members and I do not think the gender is the issue. But I think that was on a lighter note.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, on the issue raised by hon. Mututho about having the discussion on the Committee Papers in public fora and then bringing a summary to Parliament, however, innovative that idea may be, I believe it is not covered by our Standing Orders as of now. So, unfortunately, we still have to go by the Standing Orders as they are. We will try, as the House Business Committee, to clear the pipeline of all the papers that need to be laid and discussed in the House ahead of the break that we need to take. What we need to do is to have hon. Members in the House.

Perhaps, Mr. Temporary Deputy Speaker, Sir, again, it is something we have been taking about administratively. You will realize that, for example, from 2.30 p.m. to 5.00 p.m. – that is two-and-a-half hours – we have been on Question Time and Statements. If we could reduce the Question Time to one hour as before, then we shall have more time to expedite some of the work that the Committees have so laboriously put their energy into and get it into the policy issues and into the people. So, again, there are some issues that we need to work on together to get things moving. But we are committed and we will see what we can do, subject to us working together as one unit, which is the Parliament of the Republic of Kenya.

POINTS OF ORDER

ATTACK ON RESIDENTS OF LAIKIPIA BY LIONS

Ms. Karua: On a point of order on the same, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Not on Mr. Kimunya because we have already moved on to another Statement.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, it is a point of order related to---

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

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I seek your indulgence because I was expecting a Statement today from the Minister of Wildlife and Forestry, which I asked for last week. I notice the Minister and the Assistant Minister are not here. I was just requesting that you give directions because the Assistant Minister undertook before the House to have the Statement ready today.

The Temporary Deputy Speaker (Mr. Imanyara): Are you in the picture on that, Mr. Kimunya?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I am aware there was a Statement that was due today, but in the absence of the Minister and the Assistant Minister---

The Temporary Deputy Speaker (Mr. Imanyara): And also given that we had spent a lot of time on Questions, I think that can be---

The Minister for Transport (Mr. Kimunya): We can attempt to get it on Tuesday, next week.

The Temporary Deputy Speaker (Mr. Imanyara): Ms. Karua, is Tuesday, next week okay?

Ms. Karua: Yes.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, Tuesday next week; it is so ordered.

(Mr. Ruteere stood up in his place)

Hon. Ruteere, is it on pending Statements?

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

The Temporary Deputy Speaker (Mr. Imanyara): If the Ministers are not here---

(Mr. Kutuny stood up on his place)

Order, Mr. Kutuny! If the Ministers are not here and given the time we now find ourselves at, all those Ministerial Statements should come next Tuesday. If your Statement was due today and you do not see the Minister here, I am going to indulge them by postponing those Statements up to Tuesday next week, so that we can give the Minister for Finance time to read his Statement.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. I abide by your ruling. But I just wanted to be on record that hon. Ojode, while defending himself this morning, said that he is always carrying my Statement, but I am either on the Chair or somewhere else. I decided to stay here, so that now I am on the right side, but you can tell for yourself that he is not here.

The Temporary Deputy Speaker (Mr. Imanyara): The HANSARD will reflect that.

(Mr. Githae and Mr. Mwatela stood up in their places)

I recognize Mr. Githae first, unless you are seeking postponement of your Statement, because we need to get into the business of the House.

MINISTERIAL STATEMENTS

TABLING OF ESTIMATES OF REVENUE FOR 2012/2013 FISCAL YEAR

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, on 5th June, 2012, the Member for Gwasssi, hon. Mbadi, sought a Statement from the Minister for Finance on the Estimates of Revenue for the year 2012/2013. In particular, he wanted to know why the Minister did not table the Estimates of Revenue alongside the Estimates of Expenditure, that were tabled in the House on 26th April, 2012, in accordance with Article 221 of the Constitution. Hon. Mbadi also sought the Minister's response on what could be holding him back, yet you gave directions on the matter.

Mr. Temporary Deputy Speaker, Sir, I wish to respond by stating as follows. On 26th April, 2012, I did submit to this House the Estimates of Expenditure for the year 2012/2013, together with the Draft Financial Statement and Budget Framework for the same year. The Draft Financial Statement not only contained the Estimates of Revenue for year 2012/2013, but also other resources to finance the Estimates of Revenue. I, therefore, complied fully with Article 221 of the Constitution which requires the Cabinet Secretary responsible for finance to submit to the National Assembly Estimates of Revenue and Expenditure of the national Government for the next financial year; to be tabled in the National Assembly.

Mr. Temporary Deputy Speaker, Sir, let me now address the issue of why the Estimates of Revenue were marked as draft. As the hon. Members may be aware, firm and detailed Estimates of Revenue in the form which we are used to, which is the Printed Estimates of Revenue, will only be available after taking into account import duties and other taxation measures that are agreed upon jointly, under the East African Pre-budget consultations and also of the Sectoral Council on Finance and Economic Affairs Framework. I am pleased to report to this House that we held our East African Community (EAC) pre-budget consultations of the Ministers for Finance on 8th May, 2012 in Kampala, Uganda. During this meeting, we agreed that the five Ministers of East African partner states will read simultaneously their Budget statements or speeches in the afternoon of 14th June, 2012. We also agreed on a number of tax

measures under the East African Customs Management Act, some of which have direct tax implications on the Estimates of international trade related to tax revenues, such as Value Added Tax (VAT) on import and excise duties.

Mr. Temporary Deputy Speaker, Sir, it is only after consultations have been held with East African partner states on proposed taxation measures, that firm estimates of revenue can be availed. In this regard, I undertake to deliver Estimates of Revenue books on 14th June, 2012, when I will be reading to this House my Budget Statement for the year 2012/2013.

Mr. Temporary Deputy Speaker, Sir, lastly, let me once again assure the House that the Ministry of Finance remains wholly committed in ensuring prudent management of our financial resources in accordance with the Constitution of Kenya.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, the provisions of the Constitution are very clear. Article 221 is very specific that, at least, two months before the end of each financial year, the Cabinet Secretary responsible for finance shall submit to the National Assembly estimates of Revenue and Expenditure of the national Government for the next financial year, to be tabled in the National Assembly. What the Constitution requires the Minister to do without any exemption is to table Estimates of Revenue and Expenditure and not drafts. I would want to seek your ruling and find that the Minister has not complied at all with the requirement of this Constitution. This is because there is nowhere it is acceptable that this House would consider drafts of what the Minister calls “incorporating Estimates of Revenue.” The document that he tabled in this House---

The Temporary Deputy Speaker (Mr. Imanyara): I do not want to cut you short but, Mr. Minister, are you suggesting that the operations of the Kenyan constitutional provisions are subject to laws of the other countries?

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I am not suggesting that other laws are superior to the Constitution. In fact, it is the paper that was printed which was marked “draft.” The purpose was purely administrative. It is to avoid a case where we have two sets of Printed Estimates, like it happened last year. We can have one and then after consultations we have another one.

The Temporary Deputy Speaker (Mr. Imanyara): So that we can get this clarified once and for all, the provisions of the Constitution that were being read talk about specific timelines which appear to have passed. According to you, it is because you were awaiting certain considerations from member states of the EAC. The issue being raised by Mr. Mbadi is: Are you subjecting the mandatory provisions of our Constitution to other extraneous factors?

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I am not subjecting our Constitution to other laws. What I am saying is that if you actually remove the word “draft,” it actually complies with the Constitution. But this was purely for administrative reasons, so that after consultations, when we make changes – because changes will be there – then we do not have two sets, like what happened. One was pre-budget and the other one after the Budget. So, if you just remove the word “draft”, it actually complies with the Constitution.

The Temporary Deputy Speaker (Mr. Imanyara): You have not done so and these are your documents! So, what was tabled in the House are not Estimates, but draft Estimates. You are telling us to treat them as Estimates.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I would like the House to treat the Estimates of Revenue that I submitted as the first publication of Estimates of Revenue, but they could change.

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Our Constitution is very clear that the Minister is supposed to table Estimates of Revenue and Expenditure and not drafts or working documents. The Constitution goes ahead to outline how those estimates are supposed to be dealt with. There is nowhere in this Constitution it says that once you table the Estimates, there will be adjustments and readjustments. What is provided for in the Constitution is that once those Estimates are tabled in the House, a Committee of the House, which is the Budget Committee, would consider them and table a report on those estimates in the House, which shall be adopted or rejected by the House and then, we proceed to Appropriation Account. So, the Minister is creating a procedure that does not exist.

Mr. Temporary Deputy Speaker, Sir, I also want to highlight that the estimates which were tabled here do not qualify to be estimates of expenditure because they are also drafts. The word “draft” is clearly marked on these estimates of expenditure. So, in totality, it is not only the issue of revenue. The estimates of revenue and expenditure which were purportedly tabled in the House by the Minister on 26th April, 2012, do not qualify as envisaged by our Constitution.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, in fact, what hon. Mbadi has said confirms my position with regard to the estimates. For example, if you look at the estimates that I tabled in the House and the Report that was prepared by the Budget Committee, you will see that they have changed my expenditure estimates. This is the reason. I said that it was purely administrative. If this is not acceptable, then I propose that we remove the word “draft” from both the expenditure and revenue statements.

The Temporary Deputy Speaker (Mr. Imanyara): No! You know our procedures, Mr. Minister. This is a document which has been tabled. If you want to amend it, the rules are clear on how to do it. But more importantly, when the Speaker, himself addressed this issue, he raised a number of issues regarding what he expected you to come and address the House on. You have not touched on any of those issues. I advise you to look at the HANSARD and see the Speaker’s comments and what was expected of you, and then you come back on Tuesday because that has not complied with the request that was made by the Chair.

The Chair will also be looking at what has transpired this afternoon and then he can make a very substantive ruling on it either on Tuesday or Wednesday.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, in addition to what you have just ruled on, there are issues on the estimates of revenue. The Minister has clearly stated that he has done it the way it should. I urge the Minister to look at what he calls the estimates again and see that what he has done is not in line with how we expect the estimates or revenue to be done. This is because he has just lumped amounts of ordinary revenue under one line and there is not even a revenue head indicated. So, kindly—

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mbadi, that is precisely the issue that the Speaker raised yesterday. These are figures without any detail and I think the Minister will address that issue.

Mr. Mbadi: Thank you.

The Temporary Deputy Speaker (Mr. Imanyara): You are reading another Statement on behalf of the Minister for Education or is he here?

TIMELINE FOR DISBURSEMENT OF FREE
PRIMARY/SECONDARY FUNDS

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, two days ago, the very able hon. Ababu Namwamba who is the Member for Budalangi sought a Statement on the issue of free primary education and the free secondary education funds. I wish to quickly read through the Statement. It is a bit lengthy but I will try to be a bit fast.

The Temporary Deputy Speaker (Mr. Imanyara): If it is lengthy, you can summarise its content.

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, it is important to build some----

In the recent past, there has been some debate around the question of funding of Free Primary Education (FPE) and the Free Day Secondary Education (FDSE). I wish to reiterate that the Government is fully aware of the importance of human capital in the socio-economic and political development of this nation and as such, it cannot renege on its commitment to the development of education in this country.

Indeed, it is for this reason that the Government, in 2003, made a courageous policy decision and adopted the FPE Programme, which it later scaled up in 2008 to FDSE. The overreaching intention was to enable all Kenyans of school-going age to access universal basic education. This policy commitment is well articulated in our National Development Strategy Blueprint, the Kenya Vision 2030. To ensure that this commitment is translated into reality, and as a Government that cares for her people, we have continued to allocate, at least, 25 per cent of the main Ministerial Budget to the education sector. This funding level translates to an expenditure of Kshs1.020 per annum per child in public primary schools, and Kshs10, 265 per annum per student in public secondary schools.

The Government resolve to implement the two programmes is a true testimony of our commitment to ensuring that there is access to universal education which is one of the fundamental rights for the people of Kenya stated in our Constitution. It is also a demonstration of our commitment to the implementation of the Millenium Development Goal (MDG) on education that seeks to ensure universal basic education. It is instructive that since the launch of the two progammes, significant progress has been made in the enrolment of children in schools. For instance, gross enrolment in public primary schools shot up from 5.9 million pupils in 2003 to 8.7 million pupils in 2012. The enrolment in public secondary schools has also increased considerably, rising from 1.28 million in 2008 when the programme was started to 1.9 million students in June, 2012. The transition rate from primary to secondary has improved remarkably increasing from 42.6 per cent in 2008 to---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Assistant Minister! You know the two key issues that you need to address. Whereas I do not want to prevent you from addressing the House, if the Statement is very lengthy, address those two issues regarding the strike and the funds so that the two Members who raised the issues can interrogate them. You can then use the balance of the content to address those issues. So, just summarize it and allow hon. Namwamba and the Chair of the Committee to address the issue after you give them copies of the Statement.

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, I am corrected. I will, therefore, read the critical elements.

To ensure that learning continues uninterrupted, the Government has made arrangements to immediately release the balance of 21 per cent for the FPE which is Kshs1.85 billion and 28 per cent for the FDSE programme which is Kshs5.15 billion.

With this disbursement, the funding for the FPE will be 100 per cent while that of the FDSE will be 77 per cent. The remaining 23 per cent for the FDSE will be released in early July, 2012, which is about three weeks from now. In the interest of time, I can stop there and----

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Namwamba, since you requested for the Statement, I will give you the first opportunity.

Mr. Namwamba: Shukrani, Bw. Spika wa Muda. Kwanza ningependa kumpongeza Waziri Msaidizi ambaye ameonyesha---

The Temporary Deputy Speaker (Mr. Imanyara): Table your statement since it is longer than what you have given us.

(Mr. Mwatela laid the document on the Table)

Mr. Namwamba: Bw. Spika wa Muda, ningependa kumpongeza huyu Waziri Msaidizi kwa jinsi alivyoshugulikia swali hili na kutambua kwamba hili ni swala muhimu na ambalo limewakera Wakenya wengi katika sekta ya elimu. Ingawa tunashukuru kwamba suluhu imepatikana, na imepatikana kwa muda ufaao; kwa haraka sana, swala sugu ama swala nyeti ambalo linanikera mimi na ninaamini ni swala ambalo Wakenya wengi wangependa kusikia jibu kutoka kwa Waziri Msaidizi kwa niaba ya Serikali, ni kwamba, ni nini hasa kilitokea? Ni nini kilichosababisha fedha hizi kuchelewa kiwango kufikia kwamba imebidi kuwe na msukumo, vitisho na nia ya waalimu kugoma ndiposa Serikali ikachukua hatua hii ya kutafuta fedha hizi? Kwa nini Serikali imekuwa na mtindo kwamba kabla haijasukumwa, haiwezi kutenda jambo lolote na hasa kwa mambo yanayohusu elimu? Ni lazima kuwe na vitisho vya waalimu kugomo ndiposa Serikali ichukue hatua.

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, Free Primary Education (FPE) is the legacy of President Kibaki and at least the Minister for Finance is here. We want to go beyond the emergency solution as witnessed yesterday; that the money had been found at long last. Could the Assistant Minister confirm to us and tell the country why they had to wait for the teachers to strike? Did they have to wait for the publishers to demand for Kshs8 billion in arrears? Did they have to wait for the Kenyan parents and the poor children who went to school because of this FPE? Could the Assistant Minister confirm and put the blame where it belongs; whether it is the Ministry of Finance or the Ministry of Education? Secondly, could he inform the nation on the state of Kshs8 billion arrears the Kenya Publishers Association are demanding from the Government courtesy of FPE?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, let me start by thanking the Government for the quick action. On Tuesday afternoon, we had a sitting of my Committee and we made a statement to the effect that we expected the Minister to act within seven days and he acted within one day which was very good. However, the real very serious concern that we have here is that this money is being released one month and four days after the schools have opened. We are not sure whether schools have actually been running without money and as a committee, we had asked the Government, the Ministry of Education and the Ministry of Finance to be releasing this money at least one week before schools open. Could he give an undertaking that with effect from next term, we shall be seeing the Government releasing this money at least one week before schools open so that head teachers can prepare for the official opening of the schools? Two, this is President Kibaki's legacy and looking at the proposed estimates, already the Ministry is confirming that there is a shortfall of Kshs14 billion for the same programme.

Could he assure Kenyans that this programme will not come to an end with the end of the term of His Excellency the President?

The Assistant Minister for Education (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, first of all, I had given all these explanations in my statement but because we had to shorten the statement, that is why the explanations could not come out.

Mr. Temporary Deputy Speaker, Sir, there was a realignment of how money is supposed to be disbursed to schools. Initially, the amount that came at the beginning of the year was 30 per cent, then followed by 20 per cent and then followed last by 50 per cent. But on the understanding that the biggest requirement for funds was at the beginning of the year and with consultations with the committee, it was found necessary that this arrangement changes to 50 per cent at the beginning of the year and then followed by 30 per cent in second term and then 20 per cent in third term and that would make the running of schools much easier. Now, this realignment also interfered with the budgetary process in the Ministry of Finance and that partly explains why there was this confusion. I am terribly sorry actually that schools could be running without money because how do students get fed? How could schools run? So, I am apologetic on that issue.

(Applause)

Mr. Temporary Deputy Speaker, Sir, on the question of whether it is the Ministry of Education or the Ministry of Finance, I think it is the whole Government machinery and us in the Ministry of Education made the proposals but you know the Government gets its money from the Ministry of Finance before it is disbursed. So, I would not want to say categorically that it was the Ministry of Education that was to blame and at the same time, I would not want to say that it is the Ministry of Finance that was to blame. I think the whole process needed some correction. I hope this is the last time that we are talking about this issue. We really should be able to get money – all these tranches - to schools before schools open. That is, first term when school open, the 50 per cent should be in their account. In second term when schools are opening, 30 per cent should be in schools and in third term when schools are opening, 20 per cent should be in school accounts. I have been discussing with the Minister for Finance and he has already put in place that machinery. He has at least undertaken that that will be the case in future. So, the issue of future happenings of this kind, I hope will happen. Whether it will be one week before, I cannot guarantee but at least at the time the students report to schools, the money should be in the accounts of the schools.

On the question of the Kshs8 billion for publishers, this is a matter that we have heard from publishers. We really cannot ascertain that there is that money that has been borrowed but we hope that once we have disbursed these funds, schools will also make arrangements to ensure that they pay the publishers their money.

POINT OF ORDER

UPCOMING SETTLEMENTS ON MOMBASA-NAIROBI HIGHWAY

Mr. Mwachugu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal

Security with regard to the sudden upcoming settlements by unknown people along Mombasa-Nairobi Highway particularly between Voi and Maungu towns.

In the statement, the Minister should:

(a) inform this House where these settlers have migrated from and indicate how many they are;

(b) clarify whether this would not create insecurity along the highway; and,

(c) provide details on the steps being taken by the Ministry to avert this settlement by unknown people.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, we will have the Ministry of State for Provincial Administration and Internal Security look into the matter and we will respond a week from today.

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

BILL

Second Reading

THE LEGAL EDUCATION BILL

(The Minister for Justice, National Cohesion and Constitutional Affairs on 30.5.2012)

(Resumption of Debate interrupted on 30.5.2012)

The Temporary Deputy Speaker (Mr. Imanyara): Minister, you have 55 minutes remaining.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Thank you, Mr. Temporary Deputy Speaker, Sir. I had just started moving this Bill and I had indicated that this is a Bill that provides for establishment of the Council for Legal Education. The Bill also seeks to establish the Legal Education Appeals Tribunal and the regulation and licensing of legal education providers in the country. The intention of this Bill is really to separate the issue of training from the issue of licensing and regulating standards.

Mr. Temporary Deputy Speaker, Sir, I moved the Bill on the Kenya School of Law which is currently going through the Committee Stage and that was supposed to deal with training separately from the issue of licensing. For this Bill, we are setting new standards to make sure that we uphold standards in our professions. I was very pleased yesterday to have presided over a workshop by the Architects and Quantity Surveyors of Kenya where they are also looking at possibilities of separating the Bill that has brought together architects and quantity surveyors and they are seeking the repeal of the Architects and Quantity Surveyors Act and we will be pleased to have the two Bills coming before this House also to regulate the professions of quantity surveyors and architects and to uphold standards. This is also what we seek to do for the legal education.

Mr. Temporary Deputy Speaker, Sir, we know that unless we uphold standards, we will have the kind of issues that bedevil this country, particularly issues of quacks and corruption. I have in mind the case of architects and quantity surveyors, right from the 1990s, when Sunbeam, in Nairobi, came down because of poor construction, and all the way to Nyamakima, where

buildings came down and caused over 30 people to lose their lives. Recently, in Westlands, another building came down. This tells you that there is need to regulate the practice of professionals such as quantity surveyors and architects.

When it comes to the legal profession, we have had our share of problems. So, we are saying that as we undergo transformation in all sectors of professions, we must also ensure that we have standards in licensing trainers, particularly those giving legal education, to ensure that they uphold the required standards and ensure that not just any institution can purport to train lawyers in this country. They must be licensed. Before being licensed, they must be vetted to ensure that the courses that they provide are in line with those provided in the law.

Mr. Temporary Deputy Speaker, Sir, we have, in the First Schedule, included the core courses. We have certificate and diploma level training. Those institutions giving legal education must ensure that they encompass all the subjects that we have included in Part I of the First Schedule. We have also, in Part II, included all the courses that must be covered by any institution seeking to train people at the degree level. In Part III, we have provided a list of the subjects that must be covered in post-graduate diploma training. Unlike in the earlier days when we had only the Kenya School of Law (KSL) and the Faculty of Law at the University of Nairobi, we now have many universities that have started training lawyers.

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

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

Part I of the Bill deals with the preliminary matters. In Clauses 4-17, the Bill provides for the establishment of the Council of Legal Education, the headquarters of the Council and the functions of the Council. The later provision is very important for the establishment of the Council that we now wish to put in place separately from the KSL.

Mr. Temporary Deputy Speaker, Sir, in Part II, from Clauses 18-21, we have the regulatory part of legal education, which includes the licensing of legal education providers and the standards required. Where an institution does not meet the standards, the regulatory body we are putting in place will also, under Part II of the Bill, have the powers to revoke any licence that may have been issued.

In Part IV, we are looking at the legal education to be offered. The Bill provides for the courses, from certificate level to diploma and degree levels. These are the courses that I mentioned when I referred to the First Schedule. All institutions providing legal education will be required to provide those subjects. Before issuance of training licences, the Council must satisfy itself that the institutions actually meet the required standards in terms of training in the courses that students will undergo.

Mr. Temporary Speaker, Sir, Part V, which comprises of Clauses 24-29, has the financial provisions. In Part VI, we are establishing the Legal Education Appeals Tribunal, because there will be those who will perhaps be aggrieved, if their training licences are revoked or if they are not issued with licences. They will have recourse to a tribunal, where they will appeal. So, this is a very important part of this Bill.

The last part of the Bill provides for miscellaneous provisions and the transition.

Mr. Temporary Deputy Speaker, Sir, time has come when we must have these two institutions separated, so that one can focus purely on training and the other one, play a regulatory role to uphold standards. The later institution will also have the powers to check the institutions that could give rise to quacks or half-baked legal practitioners, who are as dangerous as the quacks in the construction industry, who have taken shortcuts and used wrong materials, causing buildings to come down, leading to loss of lives in this country. This is, really, the gist of the Bill before the House and we are asking for the support of all hon. Members.

I would like to take this opportunity to thank my predecessor, hon. Mutula Kilonzo, who had brought this Bill to Parliament before I joined the Ministry. I also want to thank my colleagues in the Departmental Committee on Justice and Legal Affairs, with whom we worked very well. I thank them for their support and role. We know that they have issues that they will be raising during the Committee Stage. We welcome them. We will consider their concerns and address them at the next stage.

Mr. Temporary Deputy Speaker, Sir, I want to request my learned friend, hon. Robinson Githae, who is currently holding the finance portfolio, who is a lawyer of long-standing and therefore, who has a lot to add to this debate; to second this Bill. I was privileged to be told by my first employer, as a lawyer, Nancy Baraza, that they were classmates.

It is my pleasure to invite hon. Robinson Githae to second this Bill.

The Minister for Finance (Mr. Githae): Mr. Temporary Deputy Speaker, I rise to second this very important Bill.

It has been very ably explained by the Minister for Justice, National Cohesion and Constitutional Affairs that what this Bill is basically doing is separating the KSL from the Council for Legal Education, so that the later can act as regulator and as a body that will impose certain standards.

Mr. Temporary Deputy Speaker, Sir, what is now happening is that every college is opening a Faculty of Law yet nobody has inspected their facilities or looked at their academic staff. So, we do not know what kinds of lawyers are being trained by those institutions. The enactment of this law will enable the Council to set standards. Before universities open Faculties of Law, they will need approval from the Council.

Having said so, it is also important to say that we require even more people to be trained as lawyers in this country, so that we can get the lawyer/population ratio that has been recommended by the United Nations. So, we still require more lawyers to be trained, but we require lawyers who are competent and can be able to represent their clients properly.

Mr. Temporary Deputy Speaker, Sir, let me also take this opportunity to ask the Judiciary to simplify some of their procedures particularly the Supreme Court. I think they have unnecessarily been made rigid and complicated. Let every lawyer even if it is a lawyer of two years standing, if he has the opportunity, represent his client in the Supreme Court. That way, we will be able to train even better lawyers.

Since this is a straightforward Bill, with those few words, I beg to second.

(Question proposed)

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for Justice, National Cohesion and Constitutional Affairs for moving the Bill. The Minister was, indeed, a Member of our Committee. It is not only him who was a student of Nancy Baraza because I think she employed me when I joined FIDA on the International

Women's Day. I was given a flower and one of my friends told me that I will get that job because I was interviewed on International Women's Day. I am a very passionate women's rights defender not just because of the flower but because I was trained by one of the best.

Mr. Temporary Deputy Speaker, Sir, I just want to indicate that, indeed, what the Minister has said is true that our Committee has certain reservations and we will be meeting the Minister. We have met the Director of the Kenya School of Law and our concerns are not really in relation to the specific provisions of the law but behind the ideology which is a big problem.

Whereas, we do not have a problem with standardizing legal education, we have a problem in terms of the way it is being configured. I think we have all agreed that there is a big problem in terms of legal education in this country that many schools are mushrooming without any proper regulation. I will bring a Question to this House that relates to law students in Kisii who passed through Kisii College and who qualified and were admitted by the Joint Admissions Board of the respective universities. Having gone there, they were told suddenly that there are certain standards that that college does not meet and the law students have been out of that school for more than a year. Therefore, it is, indeed, true that we need to standardize legal education.

However, the issue that is not being answered and which we would like the Minister to answer is why separate those roles. In our minds it appears that we are creating a lot of bureaucracy and where you create bureaucracy, you are creating a lot of expense and using money in places where you really do not need to. We are not too convinced whether it is just a case of a person who is trying to create a permanent job for themselves or whether there is really need. From the Minister's own words, I was a little worried because he has just given the same reasons that have made us to be a bit hesitant.

The Minister has indicated that when the architects and quantify surveyors heard that the legal profession is going this way, they have also said they want to go this way. What it basically means is that architects and surveyors will want a special professional institution for their training and another one for setting standards.

Mr. Temporary Deputy Speaker, Sir, the teachers will want KNUT and another one for setting standards and for training. By the time we are done with all the professions, counselors, lawyers and teachers--- I do not know whether this country will afford because we will be asking why the lawyers are getting special treatment.

I am a lawyer and I would not have any reason to deny lawyers a good thing. We do need standards but we are still open to being convinced if there are very good justifications for going this way. But so far, we have had preliminary discussions as a Committee and we are a bit hesitant. That is one of the reasons we had requested the Minister to hold on because they are twin Bills that are split over an existing Bill.

Therefore, all I would like to do is to urge the Minister to indicate to us why we cannot have the council as part of the Kenya School of law. What mischief are we trying to redress by splitting the two? If the Kenya School of Law has not been effective in setting standards or in training, is the answer in splitting or is the answer elsewhere? Is there a problem somewhere that can be solved by not splitting but by enhancing capacity? Perhaps, it is lower staffing.

I know the Bill is fairly straightforward and so I will not speak much to it. Yes, we need standards and it is not just in legal education. I was an employer and I was employing primarily lawyers even though I employed other professionals. However, I would like to say that the standards of education have gone down not just because of this but perhaps because even when we let our students go even out of the country, sometimes we let students who did not have a

very strong academic base. When they come back into the country, as an employer, I have seen very clearly that they have a problem even in the work environment. I would like to urge the Minister to convince us why it is necessary for us to go this way and whether there are no other easier means to achieve what they intend to achieve which is basically to enhance legal education and standards in the country.

With those few remarks, I wish to support with reservations.

The Minister for Information and Communication (Mr. Poghiso): Mr. Temporary Deputy Speaker, Sir, I just want to support the Legal Education Bill and that it goes to the Third Reading.

This can only get better for legal education. The Minister means well and I think that if there are any nitty gritty details, those will definitely be sorted out. In principle, I need to convince the House that this is important to support.

With those few remarks, I support.

The Temporary Deputy Speaker (Mr. Ethuro): In the absence of hon. Members willing to participate, I will call upon the Mover to reply.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Temporary Deputy Speaker, Sir, I want to thank all the hon. Members for contributing. I want to assure Mrs. Odhiambo-Mabona that at the Committee Stage, we shall be engaging on the issues that will address their concerns.

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

*(Question put and
agreed to)*

*(The Bill was read a Second Time and committed to
a Committee of the whole
House tomorrow)*

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

MOTION

ADOPTION OF REPORT ON ESTIMATES OF REVENUE AND EXPENDITURE

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I thank you and wish to move the Budget Committee Report on the Budget Estimates.

Mr. Temporary Deputy Speaker, Sir, on behalf of the Members of the Budget Committee, I wish to report that as is required under Article 221(5) of the Constitution and as per the ruling of the Speaker of 8th June, 2011 which gave clear direction on how the budget process would be conducted until the end of the life of this Parliament, I hereby present to the House the Committee's Report of the 2012/2013 Estimates of Revenue and Expenditure laid on the Table by the Minister for Finance on 26th April, 2012.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Chairman! You need to move the Motion as per the Order Paper first.

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I stand guided.

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

THAT, this House adopts the Budget Committee Report on the Estimates of Revenue and Expenditure for 2012/2013 laid on the Table of the House on Wednesday 6th June, 2012.

Mr. Temporary Deputy Speaker, Sir, the Minister for Finance laid his Estimates of Revenue and Expenditure on the Table on 26th April this year. The estimates laid on the Table were for the Parliamentary Service Commission (PSC). They were laid on the Table by the Vice-Chairman of the PSC. The estimates for the Judicial Service Commission (JSC) were also laid on the Table by the Vice-Chairman of the Committee on Justice and Legal Affairs.

Mr. Temporary Deputy Speaker, Sir, the Budget Committee as currently constituted comprises of the following Members:-

1. Hon. E. Mbau, MP - Chairperson.
2. Hon. A. Sambu, MP - Vice Chairperson.
3. Hon. M. Ogindo, MP
4. Hon. D. Mungatana, MP
5. Hon. M. Lessonet, MP.
6. Hon. O. Zonga, MP.
7. Hon. J. Mbadi, MP.
8. Hon. N. Warugongo, MP.
9. Hon. D. Yakub.
10. Hon. J. Mututho, MP.
11. Hon. N. Gaichuhie, MP.
12. Hon. E. Kathuri, MP.
13. Hon. A. Bahari, MP.
14. Hon. J. Muthama, MP.
15. Hon. J. Kiptanui, MP.

Mr. Temporary Deputy Speaker, Sir, in addition to the above Members, the following chairperson of all the departmental committees are *ex-officio* Members of the Budget Committee. I must note that those chairmen participate aggressively and faithfully in the deliberations of the Committee. These are:

1. Hon. Eng. J. Rege, MP.
2. Hon. D. Koech, MP.
3. Hon. M. Musyimi, MP.
4. Hon. J. Mututho, MP.
5. Hon. Dr. R. Monda, MP.
6. Hon. D. Were, MP.
7. Hon. A. Keynan, MP.
8. Hon. Fred Kapondi, MP.
9. Hon. C. Okemo, MP.
10. Hon. S. Abdi Noor, MP.
11. Hon. D. Ngugi, MP.
12. Hon. A. Namwamba, MP.
13. Hon. N. Baiya, MP.

14. Hon. Dr. J. Kones, MP.
15. Hon. M. Linturi, MP.
16. Hon. T. Mwadeghu, MP.
17. Hon. E. Ethuro, MP.
18. Hon. M. Abdikadir, MP.

Mr. Temporary Deputy Speaker, Sir, the mandate of the Committee is established under Standing Order No.190, and is to examine the Budget Policy Statement presented to the House and shall report to the House what, if any, economies should be made consistent with the proper carrying out into effect of the policies implied in or by such Statement and estimates.

Secondly is to evaluate tax estimates, economic and budgetary policies and programmes with direct Budget outlines.

Mr. Temporary Deputy Speaker, Sir, the Budget Committee is further given legal backing under the Fiscal Management Act of 2009 and by the Constitution, Article 221(4) and (5).

The Constitution has significantly ordered the public finance landscape of this country. In this regard, the role and powers of the Executive and the Legislature have been clearly delineated with Parliament having additional responsibilities over the management of public finances.

Parliament has, in particular, received enhanced responsibility with regard to resource mobilization, allocation, monitoring and control. Pursuant to Article 221(4) of the Constitution, the National Assembly will only consider the estimates of Revenue and Expenditure after a relevant committee; which in this case is the Budget Committee, discusses and reviews the estimates and makes recommendations to the National Assembly.

Mr. Temporary Deputy Speaker, Sir, in reviewing the 2012/2013 Budget Estimates and the Financial Statement laid on the Table by the Minister for Finance on 26th April 2012. The Committee held 12 sittings. The Committee has also held public hearings with the general public in line with Article 221 (5) of the Constitution. These public hearings were held in Nairobi, Nyeri, Machakos, Kisii, Malindi, Kisumu, Meru, Nakuru, Nyandarua, Wajir, Kakamega, Bungoma, Kitale, Isiolo, Voi, Lodwar and Kericho. These hearings were conducted under the theme "Creating Employment through the Efficient Utilization of Available Resources". The combined report of these hearings is annexed to this Report.

Further, the Committee received written submissions with recommendations from all the 12 departmental committee. Other written submissions were also received from organized groups, civil society organizations and members of the public.

Mr. Temporary Deputy Speaker, Sir, I wish to make the following acknowledgements. We must thank Kenyans who took time to attend to the consultations, and whose views we have taken into account in this Report. The Committee also received views from the African Women Study Centre (AWSC) based at the University of Nairobi, the National Youth Council (NYC) through Kituo cha Sheria, Kenya National Union of Teachers (KNUT), the Child Welfare Society of Kenya (CWSK), the Economics and Social Rights Centre, the Kenya Coconut Development Authority, the Kenya Women Parliamentary Association (KEWOPA) and the Former Parliamentarians Association of Kenya, amongst others.

The Committee is also grateful to the Ministers and heads of Government departments who appeared before the Committee, and also extends gratitude to the Provincial Administration personnel across the country who helped in the mobilization of the people during the public hearings.

Lastly, the Committee is particularly grateful to the Office of the Speaker and the office of the Clerk of the National Assembly for the support that it received as we discharged our mandate of reviewing the 2012/2013 Budget Estimates of Expenditure and Revenue. The Committee is further grateful to the Members of Parliament who participated in the process, especially in the public hearings in the aforementioned centres.

Mr. Temporary Deputy Speaker, Sir, it is, therefore, my pleasant duty and privilege to, on behalf of the Budget Committee Members, initiate debate on this Report and recommend to the Members to adopt this Report.

This Report was tabled yesterday. It has scrutinized and analyzed various documents, including the Budget Policy Statement (BPS), and has endeavoured to link the BPS, the Report adopted by this House to what the Minister for Finance eventually tabled in this House.

Mr. Temporary Deputy Speaker, Sir, without delving into the Report because Members are already seized of the same, I must say that we recognize the need to reverse the trend of maintaining high deficits, the Budget Committee in its Report on the BPS recommended to this House budget ceilings specific for the three arms of the Government. A careful review of the Budget Estimates indicates that only the PSC and the JSC adhered to this recommendation of keeping a ceiling of Kshs18.15 billion and Kshs16.4 billion respectively. The Committee recommends that the ceiling for the PSC and JSC be maintained as submitted save for the expenditure adjustments proposed in this Report.

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

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

Madam Temporary Deputy Speaker, as I have indicated, in view of the time that is available--- I know Members have had copies of this Report, and would like to just mention that we identified, as a Committee, through our engagement and consultations with the various Ministries and departments as well as with the public, key priority areas that require keen attention even as the Minister finalizes his report.

On food security, the Government of the Republic of Kenya is required to endeavor to keenly understand this area with a view to ensuring that Kenyans are food secure. Many countries in our neighbourhood have recently become food secure and we are unable to understand why Kenya, which comprises of very hard working people, cannot produce enough food for her consumption, especially given that we have sufficient arable land. Another key area that we noted is the need for creation of employment, especially for the bulging youthful population. A further area in which we have made specific recommendations that are contained in the report is the provision of basic social services such as health care, education, infrastructure, gender and the need to address ourselves as a country to the agenda as outlined in Vision 2030. After making a lot of analysis, we also noted the need for the Committee to make some key policy prescriptions that we hope that if they can be expedited within the financial year in addition to the specific recommendations, this Government would move a notch higher in terms of the achievement of its stated agenda.

I want to note that in this regard, the remaining part of this report should be considered as a Notice of Motion to adjust the 2012/2013 Estimates submitted to Parliament in order to have

an efficient and responsive Budget that addresses the needs and the requests of Kenyans and meets the aspirations of the citizenry. We have proposed adjustments in the area of non-priority expenditures such as hospitality and supplies, maintenance of equipment, operating expenses, domestic and foreign travels as well as printing. We have clearly identified adjustments downwards of expenditures which would not have significant impact in the way Government operations are conducted.

In doing so, we have adjusted, as a Committee, to create savings from non-priority Recurrent Expenditures amounting to Kshs19,600,094,997 which we propose to be allocated in the identified key priority areas which have been detailed in the report, which areas have either been neglected in the past or have always been underprovided for.

The rest of the Report contains annexes and tables that go to specifically identify the areas the Votes and programmes that have either been adjusted downwards or upwards; which have either created the savings that have been looted, as well as what has been received from those savings with a view to putting the country and the budget of this Republic on course.

With those few remarks, I wish to call upon my Vice-Chairman, hon. Alfred Sambu, to second.

I thank you.

Mr. Sambu: Madam Temporary Deputy Speaker, Sir, I rise to second the Motion.

Madam Temporary Deputy Speaker, Parliament has a unique responsibility of being the only organ vested with the authority to approve the Budget. Whereas for many years, Parliament merely played a rubber stamping role to the Executive Budget, which was, sometimes, difficult to comprehend--- It is no longer business as usual, as Members of Parliament, through the powers bestowed upon them by the new Constitution, are playing an increasingly active role in the budget process.

Madam Temporary Deputy Speaker, this is the second Budget whereby Parliament has been able to influence the expenditure estimates and make adjustments to the Executive Budget proposals as considered appropriate. Members of Parliament will recall that, in the previous Budget considerations, strides were made as Parliament was able to institute austerity measures to reduce wastage of public resources, as well as allocate funding for key priority areas such food purchase and sun cream for Kenyans living with albinism. This year, we hope even greater strides will be made as we seek to fully implement the recommendations outlined in this Report.

Madam Temporary Deputy Speaker, it is worth noting that the recommendations in this Report are an expression of the wishes of the people. Article 221(5) of the Constitution recognizes that, as the people's representatives, Parliament has a role in ensuring that the Budget has taken into account the people's needs. In this regard, through the public hearings, the public was given an opportunity to assess critically the budget proposals as provided by the Executive, and to give their own recommendations, which have been incorporated in this Report.

Madam Temporary Deputy Speaker, it is disheartening to note that the Executive Budget continues to sidelines key priority areas, even though the same issues have been raised time and time again in numerous forums. 49 years after Independence, the country is still plagued by food insecurity, unemployment, low quality health care, shortage of teachers, poor infrastructure and rising cases of insecurity. Those, among others, are the key priority areas that urgently require redress, if the country intends to move forward in achieving Vision 2030. Hard times call for hard measures. There can never be enough resources to cater for every single need in every single sector of the economy. The essence of budgeting, therefore, is to efficiently allocate

limited resources among the various competing needs, while ensuring that all key priority sectors receive adequate resource allocation.

In this regard, through the public hearings, the public was given an opportunity to assess critically the budget proposals as provided by the Executive and to give their own recommendations which have been incorporated in this Report.

Madam Temporary Deputy Speaker, it is disheartening to note that the Executive budget continues to sideline key priority areas even though the same issues have been raised time and again in numerous fora. The country is still plagued by food insecurity, unemployment, low quality health care, shortage of teachers, poor infrastructure and rising cases of insecurity 49 years after Independence. These, among others, are the key priority areas that actually require redress if the country intends to move forward in achieving Vision 2030.

Madam Temporary Deputy Speaker, hard times call for hard measures; there can never be enough resources to cater for every single need and every single sector of the economy. The essence of budgeting, therefore, is to efficiently allocate the limited resources among the various competing needs while ensuring that all key priority sectors receive adequate resource allocation. In this regard, therefore, the expenditure adjustments and resource re-allocations that have been made are not in bad faith, but simply in order to ensure that these key economic sectors which are most likely to steer socio-economic development receive adequate funding.

Madam Temporary Deputy Speaker, while the Committee has done its duty and prepared its Report on the Budget Estimates, I would like to take this opportunity to express my concern over the fact that the Budget Estimates were laid in Parliament just seven days after the Budget Policy Statement was brought to the House. I hope and pray that the Executive do not stretch our patience more than required. Indeed, in future, the Budget Policy Statement should be brought to the House at least two months before laying the Budget Estimates and in accordance with the Constitution.

Furthermore, Madam Temporary Deputy Speaker, I hope that since each Ministry's budget was scrutinized by the relevant Departmental Committees, the usual Committee of Supply will be reduced to no more than two days to ensure that the Budget is approved before the beginning of the next financial year.

Madam Temporary Deputy Speaker, I conclude by saying that the national budgeting process has grown in leaps and bounds, not only is Parliament playing an increasingly active role in the budget process, but the public is also becoming increasingly aware that the national Budget is, indeed, their document. As much as possible, therefore, let us endeavour to ensure that the Budget we will pass in this Parliament is a true reflection of the wishes of the people.

With these few remarks, Madam Temporary Deputy Speaker, I beg to second.

(Question proposed)

Mr. Ogindo: Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion.

First of all, let me congratulate the new Minister for Finance for his co-operative approach to his duties, particularly with the House. I want to wish him well.

Madam Temporary Deputy Speaker, I want to start by saying that we are witnessing an ever-growing budget. This is as expected because Kenya is developing. But I want to point out that it is important that this House is kept abreast with the fundamentals that underpin the Budget. Recently, we passed here an amendment to the Central Bank Act requiring the

Governor to be reporting the monetary policies and the underlying parameters to this House every three months. We expect the same to be done to this House on the fiscal parameters.

The second thing I want to say is that we have noticed the fast growing rate of the public debt. We were having an engagement with the Minister yesterday or the day before yesterday, where he indicated that the debt levels are still sustainable. Looking at the debt levels according to records from Treasury, our debt today stands at Kshs1.5 trillion against a Gross Domestic Product (GDP) of Kshs3.025 trillion. If you work this out in percentage terms, it means that our public debt today stands at 51 per cent of the GDP.

Madam Temporary Deputy Speaker, according to the International Monetary Fund (IMF), which is normally relied on, on setting the standards for our class of economy, we would have expected our debt levels to stand at around 42 per cent. This is a worrying trend because we all know that debt repayment takes precedence over any other expenditure and, thus, creates a lot of rigidity crowding out the public service delivery.

Madam Temporary Deputy Speaker, the other thing that I want to point out is that---

(Mr. Mututho consulted loudly)

Madam Temporary Deputy Speaker, protect me from hon. Mututho.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Mututho, allow the hon. Member to make his contribution. I do not know exactly what you are doing.

Mr. Mututho: Madam Temporary Deputy Speaker, we are trying to tell him that we had agreed on two minutes.

Mr. Ogindo: Madam Temporary Deputy Speaker, with those few remarks, I beg to support.

(Applause)

Mr. Koech: Thank you, Madam Temporary Deputy Speaker. One is to thank and wish the new Minister all the best. I believe that he is going to totally agree with the Committee's Report and recommendations, because this will take Kenyans a step higher.

Madam Temporary Deputy Speaker, I want to thank the Committee for having recognized very important areas that need serious attention. The recommendation by the Committee that Kshs1.2 billion be availed to complete Mtihani House is a very wonderful proposal, noting that this building has taken over 27 years. I think we shall go into history as the Tenth Parliament that ensured that this project was completed.

Madam Temporary Deputy Speaker, we have many Kenyans who cannot afford higher education fees. The proposal to give an additional Kshs1 billion to the Higher Education Loans Board (HELB) will go a long way in helping the very needy and poor to ensure that they continue with their education.

Madam Temporary Deputy Speaker, research is very important and key for this country. The proposal to add Kshs300 million to the National Council for Science and Technology is a wonderful proposal although, as a country, we must invest more in research, so that we can move this country forward. I look forward to a time when we shall give them, at least, Kshs3 billion. I was in Germany last week and found that they give Kshs1.1 trillion to research programmes in their country, and we are talking of less than Kshs1 billion in Kenya.

Madam Temporary Deputy Speaker, with those remarks, I beg to support.

Mr. Mututho: Madam Temporary Deputy Speaker, I rise to support this Report by the Committee.

Madam Temporary Deputy Speaker, I am going to make a very serious appeal to the Minister to look, again, into the issue of food security and security. The other aspect which I raised during the Committee stage, which was not captured---

(Mr. Kimunya consulted with Mr. Githae)

Madam Temporary Deputy Speaker, I wish hon. Kimunya could just allow the Minister to listen.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kimunya, stop engaging the Minister; we need his ears!

Mr. Mututho: Madam Temporary Deputy Speaker, it is the issue of prosecutions. We say that we have a very organized Judiciary and police force but, in between, there is something for prosecution. A mismatch between the two will create problems.

Madam Temporary Deputy Speaker, the other one is a very passionate appeal for the 400 families who have their patients detained at Kenyatta National Hospital (KNH). Mr. Minister, please, consider the plight of those people in this year's Budget. The amount of Kshs100 million is too much for those people.

Madam Temporary Deputy Speaker, I beg to support.

Mr. Nyambati: Madam Temporary Deputy Speaker, I also wish to join my colleagues in congratulating the Minister for Finance for his new position.

Madam Temporary Deputy Speaker, while I support this Report, I want to draw the attention of the House to paragraph 59 of this Report, where the Minister is requested to look for other monies to do some of the priority projects. A road in my constituency; that is Kimera-Manga-Amabuko is there. I think my constituency is one of the constituencies in this country which do not have a single tarmac road. I would request the Minister, as I support this Report, to kindly consider this.

Madam Temporary Deputy Speaker, I beg to support.

Mr. Mwadeghu: Asante, Bi. Naibu Spika wa Muda. Ninaomba kuunga Ripoti hii mkono kwa kila jambo ambalo limeandikwa humu ndani.

Asante Mheshimiwa Naibu Spika wa Muda.

The Temporary Deputy Speaker (Dr. Laboso): If there is no more interest, we will ask the Minister to respond.

An hon. Member: Very good!

The Minister for Finance (Mr. Githae): Thank you, Madam, Temporary Deputy Speaker. Let me take this opportunity to, first, thank the Chairman of the Budget Committee, the Vice-Chairman and all the Members for their hard work. It is surprising that after I tabled my estimates, they were able, in less than two weeks, to complete this momentous job. They even went round the country seeking views from Kenyans and receiving the views of all the Ministries that had not received an allocation from the Treasury. They met all the parastatals and all the departments. They have done a wonderful job, which means that they must have burnt the midnight oil. For that, we shall be forever grateful.

The other thing I would like to say is that contrary to what had been reported in the newspapers that the budget of all the security organs had been reduced, from the Report, this is not true. I do not know where the media got that information.

When I met the Committee Members, I told them that our priorities in order of importance were, one, external security because even if we build all the roads and schools, if Kenya as a sovereign state does not exist, then we would not have achieved much. That is why it was important that the Kenya Defence Forces are given adequate funds so that they can be able to protect this country. This country has never been attacked by any other country because they know that if they try, they will be defeated and for that, we are grateful. We are also grateful that our Defence Forces are in our neighbouring country – Somalia - basically to protect the sovereignty and the territorial sovereignty of this country. For that, we are grateful.

All the expenses so far that our Defence Forces have spent in Somalia have been met by the Kenyan Government. This is because it is only last week that a formal agreement was signed between the Kenya Defence Forces and the African Union Mission in Somalia (AMISON). In my view, this is money well spent because since the forces went there, piracy has gone down and in fact, it is high time that the shipping lines reduced the piracy surcharge which they had imposed.

Concerning our internal security, again, the budget of the police has not been reduced contrary to what was reported, and more so, the National Security Intelligence Service (NSIS). Since this is an election year, the NSIS needs to recruit people to be able to map spot areas. They also need people to know what is really happening on the ground. I am pleased with the NSIS because they are working in cooperation with the presidential candidates. They are advising presidential candidates that when they go to certain areas, these are the things they need to take care to observe their security. So, that cooperation is important. We now know that - in fact, I can report it here that--- Since this is a secretive agency, it does not go round saying what they have achieved, but I can tell this House that they have been able to prevented more than 43 incidents of attempted attacks to this country.

They have been able to do that because they have their people almost everywhere. So, for that reason, we agree and we need them to do even more. What is required now is to revive police intelligence because that is important for prevention of crime. Instead of waiting for a crime to be committed, the police should know who are planning and who the perpetrators are. That is why probably, if we get more money, we will add it to the budget of police intelligence so that they are able to detect crimes before they happen.

Madam Temporary Deputy Speaker, the other issue was on the implementation of the Constitution including the new Chamber of Parliament, the additional Members of Parliament plus the other constitutional commissions and we will continue. Devolution has been taken care of that because the failure or success of this country will depend on how devolution proceeds.

So, overall, I will say that I am really pleased with the work that the committee has done. We have co-operated and we will continue with this co-operation.

With those words, I support.

The Temporary Deputy Speaker (Dr. Laboso): I call upon the Mover to reply.

Mr. Mbau: Madam Temporary Deputy Speaker, thank you very much. I wish to take this opportunity to thank the many hon. Members who have spoken on this Motion and the Minister for also supporting this Motion entirely. I want to thank all the members of the Budget Committee and all those in the Speaker's office as well as the Clerk of the National Assembly for the support we have received.

Madam Temporary Deputy Speaker, may the Minister be guided by the new Geographical Positioning Revenue System (GPRS) which is an enhanced device that will guide in the collection of taxes so that by the end of this financial year, we do not have a situation of

revision of estimates downwards. We hope he will be able to use that device including the revised Value Added Tax (VAT) so that we are able to fund as a country the targeted expenditure to the full. If we achieve this, Mr. Minister, I want to assure you, you will have achieved a task that not many before you would have achieved.

With those few remarks, I thank you very much and once again I beg to move.

(Question put and agreed to)

The Temporary Deputy Speaker (Dr. Laboso): Next Order!

MOTION

ADOPTION OF REPORT ON ACCOUNTS OF
LOCAL AUTHORITIES/UDD/CDF

(By Mr. Mwadeghu on 6.6.2012)

*(Resumption of debate interrupted
on Wednesday, 6.6.2012)*

THAT, this House adopts the First Report of the Local Authorities and Funds Accounts Committee on the accounts of local authorities, countrywide projects done by the Urban Development Department (UDD) of the Ministry of Local Government and the accounts for the CDF for the 2006/2007 and 2007/2008 financial years laid on the Table of the House on Thursday 14th October, 2010.

Mr. Mwadeghu: Madam Temporary Deputy Speaker, the committee commenced its sittings on 24th June, 2009 and 63 sittings were held during the period ending October 2010. The sittings comprised of the following activities.

- (a) Production workshop
- (b) Evidence taking
- (c) Inspection tours
- (d) Stakeholders consultative forums.

Madam Temporary Deputy Speaker, the Committee was expected to examine the accounts of the entire 175 local authorities from 2003 to 2004 Financial Year - this is the period when the Public Audit Act took effect - together with the accounts of other devolved funds such as Constituencies Development Fund (CDF), Youth Enterprise Development Fund (YEDF) and Women Enterprise Development Fund (WEDF), among others. However, most of the accounts of the councils and the funds had not been laid before the House and, therefore, were not ready to be examined at the time. Currently, accounts up to the year 2010/2011 Financial Year have been tabled in the House for examination when the committee resumes.

Madam Temporary Deputy Speaker, the Committee took evidence from the following during this period:

- (a) Urban Development Department (UDD) of the Ministry of Local Government.

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! It is time to adjourn the business of the House. The hon. Member will have an additional 52 minutes to continue moving this Motion when it is next on the Order Paper. This House, therefore, stands adjourned until Tuesday, 12th of June, 2012 at 2.30 p.m.

The House rose at 6.30 p.m.