

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd December, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. M. Maitha: Mr. Speaker, Sir, although I have not received a written reply, may I ask Question No.934.

Question No.934

ASSISTANCE TO FREEDOM FIGHTERS

Mr. M. Maitha asked the Minister of State, Office of the President, what plans the Government has to assist freedom fighter hon. Paul Ngei financially, along with other known freedom fighters.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, may I kindly seek the indulgence of the House to answer this Question tomorrow afternoon. The answer I have is inappropriate for this Question. I will bring the answer tomorrow.

Mr. Speaker: Are you okay with tomorrow, Mr. M. Maitha?

Mr. M. Maitha: It is very okay.

Mr. Speaker: Very well! The Question is deferred until tomorrow in the afternoon.

(Question deferred)

Question No.876

RECRUITMENT OF SAMBURU STREET CHILDREN INTO NYS

Mr. Lesrima asked the

Minister of State, Office of the Vice-President and Ministry of Home Affairs:-

- (a) whether she could inform the House how many people from Samburu District have been recruited into the National Youth Service (NYS); and,
- (b) how many of them were street children.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): Mr. Speaker, Sir, Mr. Lesrima and I have looked at the answer I have and found it inadequate. I have agreed with him to answer this Question on Wednesday or Thursday next week, so that I can give a more comprehensive answer.

Mr. Speaker: What is your reaction, Mr. Lesrima?

Mr. Lesrima: Mr. Speaker, Sir, the arrangement is agreeable to me.

Mr. Speaker: So, what day would you prefer. Wednesday?

Mr. Lesrima: Wednesday would be okay.

Mr. Speaker: Is that okay, Dr. Machage?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): That would be okay, Mr. Speaker, Sir.

Mr. Speaker: Thank you. The Question is deferred until Wednesday next week.

(Question deferred)

Let us move on to the next Question by Archbishop Ondiek.

Question No.820

IMPLEMENTATION OF REP IN UGENYA

Archbishop Ondiek asked the Minister for Energy:-

(a) how many rural electrification programmes have been undertaken in Ugenya Constituency; and,

(b) how many programmes have been earmarked for implementation in the constituency.

The Minister for Energy (Mr. Ochilo-Ayacko): Mr. Speaker, Sir, I beg to reply.

(a) The projects that have, so far, been implemented in Ugenya Constituency under the Rural Electrification Programme (REP) are as follows:-

(i) Sirembe-Musanda-Siaya project which covered the Sigomere, Sidindi, Omondi-Tunya and Madenya markets.

(ii) Rang'ala-Busia Project which covered the Ugunja and Segga markets.

(iii) Ukwala Project which covered the Yenga Dam, Nyamile and Ambira schools, Rang'ala, Ukwala, Rwambwa, Sifuyo, Koyombo and Nzoia markets.

(iv) Ramunde Project which covered Urenga Health centre, Ramunde and Sihinya markets.

(b) The following schemes; namely, Bar Obar Water Pump and market, Mauna Dam and Denga schools are scheduled for implementation in the current financial year under the French Credit Programme. The construction work is expected to commence in the year, 2004.

Archbishop Ondiek: Mr. Speaker, Sir, I thank the Minister for giving me a good answer, but there are some points which he has left out, and I would like him to address them. Mr. Speaker, Sir, all those programmes were done ten years ago! That was even before the Minister was born!

(Laughter)

Mr. Speaker, Sir, I am asking the Minister: What plans does he have for Ugenya Constituency in the current financial year? That is what I wanted to know, although he has put Bar Obar and Mauna Dam projects. Those projects are highly appreciated, but there is one point---

Mr. Speaker: Archbishop Ondiek, this is Question Time!

Archbishop Ondiek: But, Mr. Speaker, Sir, I am coming back to the Question.

Mr. Speaker: Do it quickly!

Archbishop Ondiek: Mr. Speaker, Sir, I accept that the Minister will provide electricity to Bar Obar. But the Kenya Power and Lighting Company (KPLC) has a system where it leaves out very important places. What is the point of putting electricity in one market and leaving a secondary school? A secondary school is a very important place.

Could the Minister tell us whether he is going to consider Jera Secondary School in that programme?

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, I had even left out Simenya-Umala Project which covered Simenya School, Simenya and Sikalama schools. The Government has been fairly generous to the people of Ugenya and this financial year, we will look at the Bar Obar Water Pump and market, Mauna Dam and Denga schools.

Mr. Speaker, Sir, I must admit that the area Member of Parliament---

(Loud consultations)

Mr. Speaker: Order, hon. Members!

Please, hon. Members, let us transact business in a manner that will enable us to hear the Member speaking.

Proceed!

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, I must admit that the Member of Parliament for Ugenya has discussed with me the issue of Jera Secondary School. We are trying to put Jera Secondary School in the programme for implementation. That may be mid next year.

Mr. Khamisi: Mr. Speaker, Sir, could the Minister tell the House what criteria he uses in selecting areas that enjoy this facility?

Mr. Ochilo-Ayacko: The criteria we use currently at the Ministry of Energy is to prioritise areas like Mr. Khamisi's constituency which have never received electricity and very soon, Mr. Khamisi will see a bit of electricity. Mr. Speaker, Sir, the other criteria that we use is to look at areas that can consume electricity, for instance markets where there are a cluster of people and economic activities. We also look at what has been prioritised by the District Development Committees (DDCs) in conjunction with the area Member of Parliament.

Archbishop Ondiek: Mr. Speaker, Sir, Yenga Water Project was done ten years ago. Electricity was taken to the dam only leaving the most important places which are Yenga Market and Yenga Secondary School. Now that the Minister has said that he is considering doing something in Ugenya Constituency, could he include Yenga Secondary School and Yenga Market?

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, we would love to do everything for the Ugenya people but there is limitation of funds and we begin with the ones we have set out. If we get additional funding recommendation from the DDCs and encouragement from the area Member of Parliament, we will consider that too.

Question No.852

REVIEW OF COST-SHARING POLICY

Mr. Rotino asked the Minister for Health:-

- (a) Whether she was aware that the cost sharing programme in public health facilities was in conflict with the Government's policy of offering affordable medical care; and,
- (b) When she would review the policy.

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

(a) At the moment, there is no conflict between cost sharing and provision of affordable medical care to Kenyans. Cost sharing is subsidised medical care and is, therefore, in line with the provision of affordable medical care. Patients meet only one-tenth of their total cost of medicare. The costs would be unaffordable if patients were to meet the total costs. I am, however, aware that some patients are not able to raise the minimal fees charged. The Ministry, therefore, has a waiver system

where those completely unable to pay the minimum charges are exempted.

(b) In recognition of the problem of cost sharing as mentioned above, the Ministry is putting in place a National Social Health Insurance Scheme which will be mandatory to all residents in the country. Under the proposed scheme which is expected to commence in July 2004, all residents will be required to pay a monthly premium which will cover a given package of services in all health facilities that will be registered under the scheme. The Government will meet the cost of premiums for the very poor who cannot afford so that they can have access to health care services.

Mr. Rotino: Mr. Speaker, Sir, bearing in mind the fact that the cost sharing policy was arrived at as a result of pressure from the International Monetary Fund (IMF) and the World Bank, to share the cost of medical services and now that these institutions have resumed aid to this country, could the Assistant Minister consider scrapping cost sharing completely because the donor funds have already come?

Mr. Konchella: Mr. Speaker, Sir, the proposed funding by donors is yet to be realised. The Ministry has no money from any donor. So, we are using the money that has been voted by this House.

Mr. Owino: Mr. Speaker, Sir, the cost sharing programme by the Kenya Government has largely been abused, especially by the officers working in our Government hospitals. What is the Ministry's policy in reviewing this abused programme immediately so that Kenyans can enjoy free medical services?

Mr. Konchella: Mr. Speaker, Sir, for the knowledge of Members, currently, the Government has exempted the payment of medical fees for a number of diseases which afflict Kenyans. For instance, children under five years do not pay any medical fees. Kenyans also do not pay for treatment of tuberculosis, leprosy, AIDS, Sexually Transmitted Infections, malaria and all children deliveries do not have to pay anything in public hospitals, including referrals and all destitutes are exempted from any payments. The Ministry is introducing the National Health Insurance Scheme to be able to exempt all Kenyans from paying any other funds, except those destitutes who will be covered by the same payment from other Kenyans.

Mr. Rotino: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: It had better be a point of order. I think the Deputy Speaker yesterday warned Members against rising on Questions and then pretending it is a point of order. It had better be a point of order.

Mr. Rotino: It is a point of order, Mr. Speaker, Sir. You have heard the Assistant Minister say that children under five years are exempted from paying. He is misleading the House---

Mr. Speaker: That is an argument. Out, Mr. Rotino.

(Loud consultations)

Order, hon. Members! It is my duty to keep order in this House and it must return. It is actually becoming a lawless place, almost. Members must understand when to raise a point of order. I am sorry, you have raised a frivolous point of order and you will have to leave.

An hon. Member: Forgive him!

Mr. Speaker: Not now. Yes, Dr. Galgallo?

Dr. Galgallo: Mr. Speaker, Sir, the Assistant Minister---

The Assistant Minister for Agriculture (Mr. Khaniri): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I hope it is a point of order.

The Assistant Minister for Agriculture (Mr. Khaniri): On a point of order, Mr. Speaker, Sir. There is a stranger in the House and, therefore, we cannot transact business. You have just given the Floor to Dr. Galgallo while hon. Rotino is still within the Chamber. As far as I know, he is now a stranger.

Mr. Speaker: Order! Order! He is right. Until the stranger leaves, we cannot transact

business.

(Mr. Rotino withdrew from the Chamber)

Dr. Galgalo: Mr. Speaker, Sir, the Assistant Minister talked of a National Hospital Insurance Scheme. Two weeks ago, we had a seminar at Safari Park Hotel for Members of Parliament about that particular reform and it entailed the Government coughing up more than Kshs15 billion to start it off. Could the Assistant Minister promise the House that, that amount of money will be there in the Budget next financial year since he has said the programme will start in July?

Mr. Konchella: Mr. Speaker, Sir, the whole scheme is in preparation and Members of Parliament are being sensitised on the programme so that they are able to inform their people and eventually, when it starts, all Kenyans will be well informed to be able to take up the scheme.

Mr. Speaker: Could you answer the question?

Mr. Konchella: Mr. Speaker, Sir, I have not avoided the question. But on the issue of the Government coughing up Kshs15 billion, the Government will play its part to meet the shortfall. I have just told this House that the Government is going to meet the premiums for all the poor people. Whether it is Kshs 15 billion or more, it will depend on the number of poor Kenyans who will be identified as being unable to pay.

Mr. Mganga: Mr. Speaker, Sir, the Assistant Minister has said that children under five are not required to pay medical fees. But when you go to some hospitals now, including health centres like in my area, in Sagalla and Kasigau, the maternity wards are empty and that does not mean women are not getting pregnant; they are. But the issue is that they are not going to hospital to deliver because of the prohibitive costs of one, ante-natal clinic where they are required to pay Kshs30 for every visit, and the prohibitive cost of delivering in hospital.

Mr. Speaker, Sir, if the children being delivered are under five years and as a matter of human rights, could the Assistant Minister consider the delivery of children to be cost-free in all hospitals?

Mr. Konchella: Mr. Speaker, Sir, I have just said that all children under five years should not pay money in public hospitals. I have also said that expectant mothers who deliver in public hospitals should not be charged by anybody.

Hon. Members: But they are paying!

Mr. Konchella: Mr. Speaker, Sir, it is an offence if they are paying.

Question No.719

UTILIZATION OF COST-SHARING MONEY

Mr. Ethuro asked the Minister for Health:-

- (a) How much money has been received from cost-sharing in local district hospitals, health centres and dispensaries in Turkana District in the last ten years;
- (b) whether she could give a breakdown on how the money was spent; and,
- (c) how much money was paid as committee allowances.

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

(a) Lodwar District Hospital received Kshs10,450,389, while rural health facilities in Turkana District received Kshs245,875 in the cost-sharing programme in the last ten years.

The expenditure breakdown is as follows. This list is a bit long, and I request the Chair to allow me to read it out. The expenditure for Lodwar District Hospital is as follows:

Transport expenses - Kshs336,500;

Travel and accommodation expenses - Kshs75,000; drugs - Kshs143,800; official entertainment -

Kshs4,000; X-Ray supplies - 318,660; oxygen supply or procurement - Kshs144,000; dressing and non-pharmaceutical - Kshs56,000; food and ration - Kshs183,285; consumable stores - Kshs72,000; publishing and printing - Kshs49,000; laboratory reagents - Kshs126,000, miscellaneous and other expenses - Kshs140,500. The list contains about 24 items.

Mr. Speaker: Mr. Konchella, if the list is long---

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, the hon. Member has the expenditure breakdown of the total amount realised from cost-sharing. This is the list which I am reading out.

Mr. Speaker: Well, you can table it! I hope you have given Mr. Ethuro a copy of that list.

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I have given him a copy.

*(Mr. Konchella laid the list
on the Table)*

Mr. Speaker: That is okay.

Mr. Ethuro: Thank you, Mr. Speaker, Sir. The Assistant Minister has said that Lodwar District Hospital received Kshs10 million but the breakdown of the expenditure is about Kshs4 million. Where is the balance of Kshs6 million? He cannot even add up the figures!

(Laughter)

Mr. Konchella: Mr. Speaker, Sir, I have not added up the figures, but I have just read out what is in this list. I can add up the figures for the hon. Member.

Mr. Speaker: But, Mr. Assistant Minister, there is still a valid question. Mr. Ethuro has added up the figures and found Kshs4 million and not Kshs10 million. Where is the balance of Kshs6 million? The question still remains unanswered.

Mr. Konchella: Mr. Speaker, Sir, since I have not added up the figures, the balance could be in a bank account.

Mr. Bahari: Thank you, Mr. Speaker, Sir. This Question touches on accountability of public funds collected by this Ministry. In view of the fact that the Assistant Minister has not added up the figures, and the balance of Kshs6 million, out of the Kshs10 million, is quite a lot of money, could this Question be deferred so that he can account for that money properly?

Mr. Speaker: I think so! I agree with you. Mr. Assistant Minister, will you do the arithmetic by tomorrow or by Tuesday next week?

Mr. Konchella: Mr. Speaker, Sir, we can do it by tomorrow because all the figures are in this list.

Mr. Speaker: Well, Mr. Ethuro, would you prefer your Question to be deferred to Tuesday next week? Let us give the Assistant Minister up to Tuesday next week so that he can answer all the questions he will be asked.

Mr. Ethuro: Mr. Speaker, Sir, how long does it take to do this sum? I thought tomorrow would be fine.

Mr. Speaker: Order! Mr. Ethuro, I want you to understand. I think what you ultimately want is a correct answer which will help your people. I thought that if we gave the Assistant Minister until tomorrow, the figures may not add up as you have said, and he may probably want to seek further clarification which may force him to come here and request to be given more time to seek it. I want to give him up to Tuesday, next week so that he has all the time to seek all the clarifications, so

that he does not come up with further excuses. But if you want the Question to be answered tomorrow, I will order that it be put on the Order Paper.

Mr. Ethuro: Mr. Speaker, Sir, much obliged.

Mr. Speaker: Okay. I hope you are happy. The Question is deferred until Tuesday next week!

(Question deferred)

Question No.921

REHABILITATION OF DAMS IN URIRI

Mr. Omamba asked the Minister for Water Resources Management and Development:-

(a) whether she is aware that the water dams at Maraga, Dudu and Ogada, among others, in Uriri Constituency are silted;

(b) what plans she has made to rehabilitate them; and,

(c) how much money is allocated for water development in this constituency and how this amount will be utilized.

The Assistant Minister for Water Resources Management and Development (Mr. Munyes): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the water dams at Maraga, Dudu and Ogada, among others, in Uriri Constituency are at various levels of siltation ranging from 20 to 90 per cent.

(b) My Ministry has already carried out an assessment of siltation levels of all the various dams and pans in Uriri Constituency. This information is used to prepare cost estimates for the disilting and rehabilitation, for inclusion in the Ministry's budgetary provision for 2004/2005 Fiscal Year.

(c) My Ministry has allocated Kshs2,057,107.50 for water development in Uriri Constituency during the 2003/2004 Financial year. The funds will be used for disilting and rehabilitation of Mirinya Water Pan which was prioritised by Migori District Development Committee (DDC).

Mr. Omamba: The answer the Assistant Minister has given is fairly good, but I am wondering whether the Kshs2,057,107.50 will be used to disilt only Mirinya Dam or it will shared among other dams.

Mr. Munyes: Mr. Speaker, Sir, many of these dams are community managed. The Kshs2 million we have provided will be shared among the unskilled labour they will hire to disilt the various dams in Uriri Constituency. So, this amount of money will be shared out among all dams in that constituency.

Mr. Omamba: Mr. Speaker, Sir, the Assistant Minister has said that the assessment being carried out will be included in the budgetary provision for 2004/2005 Financial Year. This means that they have not gone to the ground so that they can know how much money is required. It is not only water dams we want disilted, but we also want boreholes to be drilled in my constituency. Does that include all the water activities in the country?

Mr. Munyes: Mr. Speaker, Sir, the Question was on water conservation structures. So, we have allocated Kshs2 million on that item alone. Boreholes and shallow wells are different items.

Question No.850

EVICION OF FARMERS FROM HOMBE FOREST

Mr. Speaker: Is Mr. Gachagua not here? His Question is dropped!

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

IMPLEMENTATION OF NACC ACTIVITIES

Mr. Ndolo: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

In view of the sacking of the former Director of National AIDS Control Council (NACC), could the Minister inform the House who has been carrying out the activities of the Council?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Speaker, Sir, I beg to reply.

After the suspension of the former Director of the NACC, Dr. Patrick A. Orege, who was the Deputy Director in charge of Programmes at the Council has been carrying out its activities in an acting capacity.

Mr. Ndolo: Mr. Speaker, Sir, I thank the Assistant Minister for that answer. Last week in my constituency, I was visited [Mr. Ndolo] by the First Lady from State House and, my question is: What has been her role with regard to the running of the activities of this body?

Mr. Speaker: What has that got to do with this Question?

An hon. Member: Are you saying that she is now acting as the director?

(Laughter)

Mr. Speaker: Order, hon. Members! Again I plead with the House; let us redeem our image and talk about relevant things. There is too much brickbat being thrown around.

An. hon. Member: What is brickbat?

Mr. Speaker: I will tell you what that means in a *kamukunji* but not here.

On a more serious note, I plead with the House to please bring back respect to this Chamber. You were asking about the directors. Please, keep to that question. Have you finished, Mr. Ndolo?

Mr. Ndolo: Mr. Speaker, Sir, we do not know the account of that body. Could the Assistant Minister tell us where the account is, in case I wanted to donate some money to that body?

Mr. Speaker: That is a valid question!

Mr. Tarus: Mr. Speaker, Sir, if the hon. Member wants to donate money to the National Aids Control Council (NACC), he knows where the offices are, and all he needs to do is to visit the office.

Mr. Speaker: Order, Mr. Tarus! We are addressing the Kenyan people. There may be thousands of Kenyans or even hon. Members here who would like to make donations. Why do you not tell them where it can be done publicly?

Mr. Tarus: Mr. Speaker, Sir, they can channel this through the Office of the President.

Dr. Galgalo: Mr. Speaker, Sir, the former director of the NACC was reportedly sacked for a fraudulent claim of salary exceeding Kshs2 million. What action has the Government taken against her for defrauding the Government of such big sums of money for years?

Mr. Tarus: Mr. Speaker, Sir, the matter is still under investigation.

Dr. Khalwale: Mr. Speaker, Sir, Dr. Gachara used to be paid Kshs2 million and her driver

Kshs170,000. Could the Assistant Minister tell us what Dr. Orege and his driver are now being paid in their acting capacities?

Mr. Tarus: Mr. Speaker, Sir, I do not know those figures as they are not related to this particular Question.

Mr. Omingo: Mr. Speaker, Sir, you can now see why some departments must be in relevant Ministries. However, when people are sacked from offices for malpractice, is the Assistant Minister telling us that we should condone corruption in the name of investigations, when we have evidence that the letters appointing her to office were falsified? What other information do we require to put that fellow in jail?

Mr. Tarus: Mr. Speaker, Sir, I think it is much better for hon. Members to know that, that problem was noted. It is true that there were false records presented by the former director. But we all know that whenever there is a problem of that kind, proper investigations have to be carried out and appropriate action taken. Appropriate disciplinary action will be taken.

Mr. Angwenyi: Mr. Speaker, Sir, could the Assistant Minister tell this House that they took disciplinary action against this lady to the extent of sacking her without establishing the offence she had committed?

Mr. Tarus: Mr. Speaker, Sir, just as I had said, there were facts established that during recruitment, details provided for the purpose of remuneration of the former director indicated that they may not have been authentic.

That is why we are talking about exhaustive investigation. She was, indeed, sacked. We also know that when one provides false information, it is a criminal offence. It is tantamount to the person not only being surcharged but also being arraigned in court.

Prof. Olweny: Mr. Speaker, Sir, may I request the Assistant Minister to bring and table in this House the remuneration of the director and other personnel in NACC?

An hon. Member: What is that?

Prof. Olweny: Mr. Speaker, Sir, it is the National AIDS Control Council.

Mr. Tarus: Mr. Speaker, Sir, we shall do that. Although before we do that, hon. Members should realize that we can only present the salary structures at the NACC, but salaries that are personal to those particular people are confidential to them.

Mr. Speaker: Mr. Tarus, in the last five years, the Chair has taken the whole House to workshops on how to help Kenyans avoid getting infected with HIV/AIDS. You also know how anxious hon. Members have been in assisting Kenyans and their constituents on this war on HIV/AIDS. That is the anxiety the hon. Members have, and I think they are justified.

I also think when hon. Members demand for those figures, they are doing so in the interest of all Kenyans, and they are entitled to it. So, when are you likely to do this?

Mr. Tarus: Mr. Speaker, Sir, may I bring the figures on Tuesday, afternoon?

Mr. Speaker: Very well! I have been over-generous on this Question but I will accede to the last one.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Archbishop, I hope you are aware that---

Archbishop Ondiek: Mr. Speaker, Sir, what is surprising me---

Mr. Speaker: Order! You are already half-way through. Please, sit down!

(Archbishop Ondiek resumed his seat)

Now, before you ever take the Floor, you must hear your name being mentioned. So far, I have not mentioned your name. So I have not given you the Floor.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. I thought you---

Mr. Speaker: Order! Who has even given you the permission to speak when I have not even forgiven you? Relax!

Mr. Ndambuki!

Mr. Ndambuki: Mr. Speaker, Sir, as you are aware, the constituency committees for HIV/AIDS were dealing with this issue were disbanded. During that time they were disbanded, some of the Non-Governmental Organisations (NGOs) and Community Based Organisations (CBOs) continued receiving funds from the NACC.

Mr. Speaker, Sir, when the Assistant Minister will be tabling what he has said he will, could he also bring the list of the NGOs and CBOs which received funds during that time when the Constituency Aids Control Councils (CACC) were disbanded? And what method do they use to determine whether the funds have been used to deal with HIV/AIDS awareness or not?

Mr. Tarus: Mr. Speaker, Sir, first of all, I will bring the details showing those beneficiaries, if any. Secondly, for those who received those funds, we shall carry out an audit to establish if the funds were spent for the purpose they were intended for.

Mr. Speaker: Very well! Next Question.

Archbishop Ondiek: On a point of order, Mr. Speaker, Sir. I want you to guide me on this issue. I understand that the officer was sacked and replaced. However, the Assistant Minister says they will investigate the case.

Mr. Speaker, Sir, why did they sack the officer before they had completed the investigation?

Mr. Speaker: That is a question! Since you have insisted, you will now withdraw from the Chamber! You had better go out now!

*(Archbishop Ondiek withdrew
from the Chamber)*

SACKING OF KNH OFFICERS

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

(a) Is the Minister aware that the following officers were sacked by Kenyatta National Hospital Board contrary to Treasury Circular No.11/2003 of May 27, 2003 on deployment of procurement officers, Messrs: Kepha Keengwe Maina, George Otung', A. Mathu, Indai, Joseph Marwanga and Samuel Mwangi?

(b) Could she disclose offences, if any, that were committed by the said officers which warranted termination of their services?

(c) Could the Minister further table copies of misconduct warning letters served to the officers and responses thereto, to prove that justice was done in determining their cases?

(d) Will the Minister re-deploy them to other stations as per the circular in "a" above?

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

(a) I am aware that the above mentioned officers were sent on compulsory leave in line with the directive conveyed through the Treasury Circular No.11/2003 of 27th May, 2003 and were subsequently retired after they failed to pass the required suitability interviews which were conducted by the hospital board.

(b) The officers committed various offences which could not warrant their continued stay in the service. Mr. Kepha Maina Keengwe (P.530543), was a habitual absentee. He also deliberately delayed processing invoices which caused embarrassment to the hospital. In addition, he used to solicit for cash from suppliers using the name of the director, thereby promoting corruption in the hospital.

Mr. George Otung' (P.531656), negligently caused the loss of an EWT microscope worth

Kshs50,000.

Mr. Mathu (P.530063), was a late comer and habitual drunkard. He also refused to respond to "show cause why" letters on his shortcomings which were issued to him.

Mr. Musa Indai (P.53123), was dishonest, unreliable and colluded with suppliers to exchange good quality samples with bad ones for personal gain. He was also divulging information to outsiders regarding the tenders.

Mr. Joseph Marwanga (P.531700) misled the hospital management by allegedly raising a receipt voucher confirming receipt of 1,000 cyclosporin capsules. The hospital paid the supplier Kshs297,040, but the drugs were not actually supplied.

Mr. Samuel Mwangi (P.507680), issued various items from the maintenance store using S11s which had no indication that the user signed for the same as evidence of receipt of the items. It was further discovered that his attitude towards work and general conduct was poor. He was not a dependable officer.

(c) I hereby table the copies of warning disciplinary letters of four of the officers, except for Mr. Musa Indai whose file miraculously disappeared. The disappearance of the file could be part of his misconduct which we are investigating.

(d) Since the officers failed the suitability tests which were conducted by the hospital board, they could not be retained and were, therefore, dismissed.

(Mr. Konchella laid the documents on the Table)

Mr. Osundwa: Mr. Speaker, Sir, from the answer given by the Assistant Minister, we can conclude that this Government is being run in a very amateurish way.

Mr. Speaker, Sir, in response to a Question in this House on 14th October, 2003 about redeployment of procurement officers who belonged to the Ministry of Finance, an Assistant Minister for Finance said:

"Mr. Speaker, Sir, the officers who were doing procurement were not removed from the Government service, but were deployed to other departments. That is a fact."

Mr. Speaker, Sir, the reply given by the Assistant Minister says they were dismissed by the hospital board. I have a copy of the code of regulations governing the discipline of Government officers which I want to share with the Assistant Minister. Could he tell me whether the procedure for sacking these officers was followed?

Mr. Konchella: Mr. Speaker, Sir, the hon. Member should know that this is a serious Government that knows what it is doing. First and foremost, these officers are under the Corporations Act, but not under the Code of Regulations Act. Therefore, the hospital has the authority under the Act given by this House to discipline and sack any officer because of misconduct.

Mr. Sasura: Mr. Speaker, Sir, while the Assistant Minister has spelt out the sins committed by these officers, he said that these officers are under the Corporations Act, but not under the Code of Regulations Act.

Mr. Speaker, Sir, could he tell us then, in that case, why he abided by the Treasury circular to discipline them? Why did he not apply the same circular when these officers committed all these sins?

Mr. Konchella: Mr. Speaker, Sir, the Treasury circular was sent to all Government institutions, parastatals included. Therefore, the boards of these parastatals had to act within the instructions of the Government, but under the ambit of the Act which they are governed by.

Mr. Shitanda: Mr. Speaker, Sir, most of the allegations against these officers are very serious and criminal in nature. Could the Assistant Minister tell us why these officers have not been prosecuted if they committed those offences?

Mr. Konchella: Mr. Speaker, Sir, the onus is on the board to decide whether to prosecute, or to dismiss. In their judgement, which I thought was wise, they decided to dismiss the officers.

Dr. Ali: Mr. Speaker, Sir, the Assistant Minister says one of the accused, Mr. Indai, who was sacked influenced his file to disappear. How could an officer who was already dismissed influence the disappearance of his file? What action has the Assistant Minister taken against the personnel officers who are supposed to take care of those files?

Mr. Konchella: Mr. Speaker, Sir, we all know the problems of the previous Government. This morning we had a problem in answering one of the Questions because of the disappearance of a file. These are things which are done by criminals; officers who steal and, therefore, hide what they are doing by making files to disappear.

Mr. Osundwa: Mr. Speaker, Sir, we know very well that the International Monetary Fund (IMF) has put this Government under pressure to sack some of its civil servants just to get a few shillings. Could we be told why the Minister for Health cannot reinstate those officers to face disciplinary action? We all know very well that the Public Officer Ethics Act covers these officers. They are not just employees of Kenyatta National Hospital.

Mr. Konchella: Mr. Speaker, Sir, if Mr. Osundwa wishes us to amend to Corporations Act, he is free to bring the necessary amendments to the Act to this House for debate.

Mr. Speaker: Next Question, Mr. Cheboi!

REMITTANCE OF FREE PRIMARY EDUCATION FUNDS TO KORABARIET SCHOOL

Mr. Cheboi: Mr. Speaker, Sir, I beg to ask the Minister for Education, Science and Technology, the following Question by Private Notice.

(a) Is the Minister aware that two classroom roofs at Korabariet Primary School, Kuresoi Division of Nakuru District, were blown off by wind and that the pupils are now accommodated in unhygienic grass thatched rooms while others study in the open?

(b) Is he further aware that both phase one and two of the Free Primary Education Fund of Kshs28,861 and Kshs60,000 respectively have not been remitted to the school?

(c) What immediate action is he taking to rectify the situation?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Speaker, Sir, I have already spoken to the hon. Member and we have agreed that I answer this Question on Tuesday. We are trying to get the people on the ground but communication between us and them seems to have broken down. I did inform your office on the same this morning.

Mr. Speaker: Mr. Cheboi, is that okay with you?

Mr. Cheboi: It is very okay, Sir.

Mr. Speaker: Very well. It is so ordered that the Question be deferred to Tuesday.

(Question deferred)

Next Question, Mr. Omingo!

Mr. Omingo: Mr. Speaker, Sir, one of the schools referred to in the Question should be "Omugwa" and not "Bomonyama". Please, I would like to correct that.

RECONSTRUCTION OF NYANDIWA/ OMUGWA SCHOOL ROOFS

Mr. Omingo: Mr. Speaker, Sir, I beg to ask the Minister for Education, Science and

Technology, the following Question by Private Notice.

(a) Is the Minister aware that the roof of Nyandiwa School in Nyamarambe Division, South Mugirango Constituency, has been blown off by wind?

(b) Is he further aware that the wall of a tuition block of Omugwa Primary School in the same division collapsed?

(c) What immediate steps is the Minister taking to reconstruct the two schools whose pupils are currently learning under trees?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the roof of Nyandiwa Primary School of Nyamarambe Division, South Mugirango Constituency, was blown off by wind and the walls of Standard Eight classroom collapsed on 21st September, 2003. Standard Eight Pupils were moved to Standard Six classroom, while Standard Six pupils were moved to an empty classroom in a semi-permanent building.

(b) I am not aware the wall of a tuition block of Omugwa Primary School collapsed.

(c) Currently, there are no pupils learning under trees as the schools are closed. Before the closure of the schools, we had taken steps to accommodate the pupils in the empty rooms available within the schools. So, there were no pupils who were learning under trees.

Mr. Omingo: Mr. Speaker, Sir, I appreciate the reply given by the Assistant Minister. However, she has been grossly misled. The building into which Standard Six pupils were moved is actually condemned. So, the children were exposed to further risk. I went to the ground and established the cost of repairing the roof, which I forwarded to the Minister on 20th November, 2003, appealing for financial support. So, could she stop being misled by her officers? I have some photographs to show that classroom roofs in the two schools were ripped off. Could the Assistant Minister assist the affected schools? I am ready to take her on a fact-finding mission, because she is being misled. Two classrooms have collapsed.

Mrs. Mugo: Mr. Speaker, Sir, I am not being misled. Officers from the Ministry of Roads, Public Works and Housing visited Nyandiwa Primary School, assessed the damage and gave the school committee some technical advice. Following that advice, the school committee met with the parents and agreed to contribute some money towards the reconstruction of the classrooms. We, at the Ministry, are also following up the matter to see how we can assist. We did not say that the matter has been closed. We had only taken immediate action to ensure that the children did not study under trees.

Mr. Karaba: Mr. Speaker, Sir, every week, we hear about roofs of classrooms that have been blown off. In the ASAL areas, this is a common scene in every school. Could the Ministry come up with a policy as to who should be responsible for the reconstruction of school roofs that are blown off? Is it the parents, the Government, or both?

(Applause)

Mrs. Mugo: Mr. Speaker, Sir, as a Ministry, we have continuously encouraged the policy of cost-sharing between the Government and other stakeholders. Our long term plan is for the Government to fully take over the management of schools, but we should understand that it takes time to plan and put the required funds together.

Mr. Speaker, Sir, I would like to inform the House that in phase one of the Free Primary School Programme, we have disbursed Kshs28,871 to every school and we varied this figure depending on the enrolment of pupils in each school. For example, this school had 196 pupils. On varied dates, we disbursed Kshs84,000, Kshs21,000 and Kshs9,000 to the school. Again, in September, 2003, every school received the second disbursement of a similar amount, or slightly less.

We encourage schools to use that money for emergencies such as repairs of blown off roofs. However, school committees have been encouraged to sit with management of the schools and support construction of classroom roofs when they are blown off. Meanwhile, the Ministry is supporting certain schools. The World Bank has come up with a special plan for schools, and schools in ASAL areas will be given the first priority.

Mr. Salat: Mr. Speaker, Sir, this is not the first case where roofs of classrooms have been blown off. Why does the Ministry of Education, Science and Technology, in conjunction with the Ministry of Roads, Public Works and Housing, not ask building inspectors to inspect schools with a view to addressing this problem?

Mrs. Mugo: Mr. Speaker, Sir, as I have said, even in this particular case, officers from the Ministry of Roads, Public Works and Housing have been to the school to evaluate the extent of the damage. There are some roofs of schools which may be blown off even before the Ministry officials get there, but the exercise is on-going and we will continue with it.

In the case of Omugwa Primary School, the school committee decided to remove iron sheets from a semi-permanent building and use them to roof a permanent building. It then moved the class that was being housed in the semi-permanent building to the permanent building. So, it was not a case of the building collapsing.

Mr. Mwanicha: Mr. Speaker, Sir, the Assistant Minister has said that schools whose roofs are blown off in ASAL areas will be given priority. Wind blows in non-ASAL areas just as it does with schools in the ASAL areas. The extent of wind-related damage could be more in ASAL areas. Why are they giving preference to schools in ASAL areas?

Mrs. Mugo: Mr. Speaker, Sir, all of us know that there are more hardship in ASAL areas and communities who live there need more help than those in other parts of the country. I even added that there is the poverty index programme. Some constituencies fall within that index and will also be given priority. So, there is nothing strange about that.

Mr. Omingo: Mr. Speaker, Sir, I am terribly disappointed. The Assistant Minister says that well-to-do areas should pay more taxes to support poor areas. They should contribute more to build their own schools. That is not correct. Nonetheless, the cost involved in those two schools is in excess of Kshs800,000. It is not the officials of the Ministry who went to the ground. It is me who requested the Public Works Officer to give me a technical report, so that I could beg for assistance from the Ministry.

Mr. Speaker, Sir, what specific assistance is she going to give my people, who are supposedly well-to-do, but are actually suffering in poverty? How much are you giving the South Mugirango people?

Mrs. Mugo: Mr. Speaker, Sir, I would like to remind the hon. Member that, as a leader, that is why he is in that constituency to work closely with education officers. Together, you can inform us where you need support. So, you are doing your work when you do that.

Mr. Speaker, Sir, the Ministry is committed to supporting all schools wherever they are, and we are doing that. As I explained, and I can give you this reply, there is money going to each and every primary school to support education and repairs. Wherever more money is required, we are trying to look for ways to support. That is why this answer says:-

"The Ministry is looking into the matter with a view of assisting the schools."

You as leaders should mobilise your communities, get on with the job and we are going to come and support you!

COMMUNICATION FROM THE CHAIR

DEFERMENT OF MOTION FOR

THE ADJOURNMENT

Mr. Speaker: Very well! Order, hon. Members! That is the end of Question Time. I wish to bring to the attention of hon. Members that in today's Order Paper, there is a notice indicating that I will call upon the hon. Member for Subukia to move a Motion under Standing Order No.18(2). I wish to inform the House that the Chair has removed that notice and deferred that calling of the Member to some other day.

(Applause)

**NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING
ORDER NO.18**PAYMENT OF SOMALI DELEGATES'
HOTEL BILLS

Mr. Speaker: Order! In the meantime, I have received a written notice from the Member for Eldoret East, Mr. Joseph Lagat Kipchumba, of his intention to raise a Motion of Adjournment under Standing Order No.18 (1) and (2), over a matter of unsatisfactory answer to Question by Private Notice No.4, raised on Tuesday, 2nd December, 2003, concerning non-payment of hotel bills in Eldoret by Inter-Governmental Authority on Development (IGAD).

I have considered the matter and acceded to his request and, therefore, I will call upon the Member to move the Motion on Tuesday, 9th December, 2003, at the rise of the House.

There were certain Members who wanted to ask for Ministerial Statements and had already alerted the Chair. It is your opportunity to do so now. Who are the Members who saw me today?

Mr. Khamisi!

POINTS OF ORDERCREATION OF JOBS BY
NARC GOVERNMENT

Mr. Khamisi: Mr. Speaker, Sir, I stand on a point of order to ask for a Ministerial Statement from the Minister for Labour and Human Resource Development. Recently, His Excellency the Vice-President and Minister for Home Affairs, and the Minister for Labour and Human Resource Development announced that the NARC Government had created 401,000 jobs during the last nine months.

Mr. Speaker, Sir, where are those jobs? I have gone throughout my constituency and I have not found a single job that was created by the Government during that period.

(Applause)

Instead, I found thousands of people who have been laid off in the hotel industry. Could the Minister provide a provincial distribution of those jobs to the House? He should tell us whether those jobs were created in the formal or the informal sector. He should also give us a breakdown of professional categories. How many pharmacists, doctors and artisans have been employed as a result of the Government's initiative?

Thank you.

(Applause)

Mr. Speaker: Thank you! Any Minister ready to respond?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): Mr. Speaker, Sir, I will make sure that the relevant Minister gets this request.

An hon. Member: Who is that?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr. Machage): The Minister for Labour and Human Resource Development.

INSPECTION OF NAKUMATT GOODS BY KEBS

Prof. Olweny: Thank you, Mr. Speaker, Sir. I beg to request for a Ministerial Statement from the Minister for Trade and Industry in connection with the report that appeared some time last month, regarding the Kenya Bureau of Standards (KEBS) not inspecting goods in Nakumatt Stores.

Mr. Speaker, Sir, if the KEBS is not inspecting those goods, who is protecting Kenyans against poor quality goods that may come through those stores, and particularly foodstuffs?

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Speaker, Sir, we shall deliver the Ministerial Statement on Tuesday next week.

Mr. Speaker: That is the end of points of order!
Next order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

THE CONSTITUENCIES DEVELOPMENT FUND BILL

Mr. Chairman: Order, hon. Members! We are in the Committee of the Whole House to consider the Constituencies Development Fund Bill.

(Loud consultations)

Order, hon. Members! Could I call the House to order? Please, so that we may proceed, I can hear some Members talking behind the Chair. I request that we give attention to this Bill. Let me ask the Clerk-at-the-Table to read the clauses as we proceed.

Eng. Muriuki: On a point of order, Mr. Chairman, Sir. I had given notice of amendment to Clause 1.

Mr. Chairman: For your information, we always start with Clause 2. Clause 1 is always the last. So, please, as the Speaker says, relax!

(Clauses 2 and 3 agreed to)

Clause 4

Mr. Chairman: Hon. Members, I have received a notice by Eng. Muriuki of his intention to propose an amendment to that Clause.

Proceed, Eng. Muriuki!

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 4 be amended by deleting the words in paragraph (a) of subclause (2) and in place thereof inserting the following new paragraph 4(2) (a) -

"(a) an amount of money equal to not less than 5% (five per centum) of all the Government ordinary revenue collected in every financial year; and",

THAT Clause 4 be amended further by inserting the following new subclause (5).

"(5) If the Act comes into operation mid-way in a financial year then the Minister shall within one month of the assent, table in the House the amount proposed to be put into the Fund and the allocation to each Constituency, and the amounts so proposed shall be allowed for through supplementary estimates".

(Applause)

(Question of the amendments proposed)

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I rise to oppose the amendments to Clause 4(a) for a very simple reason; namely, that the 2.5 per cent which is being granted this year and which will grant each constituency about Kshs25 million is taking away 16 per cent of the entire Development Budget.

Hon. Members: It is not!

Mr. Chairman: Order, hon. Members!

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, let me finish please.

(Mr. Kenyatta was applauded as he entered the Chamber)

Mr. Chairman: Order, hon. Members! I want to ask that hon. Members maintain order, in order that we may make progress. I will not allow any Member to speak when another one is speaking and action will be taken against such a Member who does so.

Proceed, Mr. Minister!

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, the second reason I want to give is that when I started making arrangements for the Constituency Development Fund way back in April, the figure which we were talking about then was 2.5 per cent. I got it approved by His Excellency the President.

In June, when I briefed the Cabinet on what I had done by including a small amount even though the law did not exist, I also cleared the two-and-a-half per cent. More recently, when His Excellency the Vice-President and Minister for Home Affairs took me and hon. Eng. Muriuki to State House, we were talking about 2.5 per cent.

Mr. Chairman, Sir, I believe that since this is a beginning, let the 2.5 per cent be sufficient because quite honestly, we need money to spend centrally for the major trunk roads which join the rest of the country and for some of the major water projects for our cities and towns. I would plead that we retain the 2.5 per cent. We can review it later as the economy improves and grows but for the time being, please, let us accept a realistic figure which I am sure I can get accepted.

Thank you.

Mr. Angwenyi: Mr. Chairman, Sir, I would like to support the Minister if he removes the ceiling of Kshs5 billion, so that we get not less than 2.5 per cent of all revenue. I am sure hon. Members will agree with this suggestion since the Minister has committed himself to the President.

Mr. Okemo: Mr. Chairman, Sir, I am a little surprised at the comment by the Minister for Finance when he says we are removing money away and yet this money is actually within the Republic of Kenya. All that we are doing is moving away the money from the centre and taking it down to the constituencies where development is required. So, the argument really does not hold water because, in fact, the Government benefits more when more money goes to the constituencies directly than when the money is being spent centrally. So, I do believe that the five per cent which translates to about Kshs50 million per constituency, relieves a lot of burden from the Government to worry about central planning, and it is in the same spirit as what we are trying to get in the new Constitution, to say that resources and power should be devolved. So, I think we are moving in the right direction.

Mr. Mwenje: Mr. Chairman, Sir, I do agree totally with the sentiments expressed by Mr. Okemo. That is the truth. However, our concern is that the money which goes to the constituencies should be a good figure that will be able to assist our people. Indeed, we had mentioned the figure that we would have wanted to go to the constituencies. For that reason, without much ado and argument with the Minister for Finance, I would agree with him on one condition; that, he agrees with what Mr. Angwenyi has said, that we must remove the ceiling so that the figure also goes up in the same manner. As long as it is in the same manner, we should be able to agree and in any case, this figure should not be static. We must insert a clause whereby every year when that figure goes up, we are also able to go up. So, we will be bringing another amendment which will also take care of the future.

Mr. Chairman: Hon. Members, going by the number of amendments we have, if we go on in this manner, we may take a very long time. I, will, therefore, want to seek another one or two comments and then I will put the matter to vote.

Mr. Shitanda: Mr. Chairman, Sir, much as I sympathise with the Minister's position, I would like to state that the Minister has not been very transparent on this particular matter. It is true that all along, we have been discussing about 2.5 per cent. Even at the Committee level when we met him, we were all talking about 2.5 per cent. However, why did the Minister have to go and place a ceiling on the 2.5 per cent? This, in my mind, is a sign of dishonesty on the part of the Minister and so, I support that we leave the figure at 5 per cent.

The Minister for Finance (Mr. Mwiraria): On a point of order, Mr. Chairman, Sir. I object! Is it in order for the hon. Member to call me dishonest?

Mr. Chairman: Certainly not! Mr. Shitanda, I want us to be more civil. I want you to be more civil. Saying that the Minister is dishonest is completely out of order and in bad taste. I require that you withdraw that remark.

Mr. Shitanda: Mr. Chairman, Sir, I withdraw and apologise.

Mr. Chairman: Very well! Hon. Members, before I say what I want to say, let me listen to one more comment. Mr. Wetangula.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Chairman, Sir. I rise to support the position taken by Mr. Angwenyi on the simple basis that throughout our discussions as Members of Parliament, we have been transfixed on the fact that we were going to get Kshs20 million per constituency for development. The Minister has indicated to us that the two-and-a-half per cent will, in fact, translate to Kshs25 million and not even the Kshs20 million we are talking about. I want to urge the House that in the process of moving funds to our constituencies, we should not strangle the centre. I want to urge the Minister equally, to drop the ceiling of Kshs5 billion as a compromise position so that we agree on the two-a-half per cent which will give us Kshs25 million for a start and as the economy improves, I am sure the figure will graduate upwards as well.

Thank you.

Mr. Chairman: Hon. Members, first of all, there is a point the Minister mentioned, that the Bill had to be withheld, awaiting His Excellency the President to give his consent. He also said that the figures that the President consented to are 2.5 per cent. So, going by 5 per cent may complicate this matter further. I want to ask the Minister whether he could go by the suggestion made to drop the ceiling of Kshs5 billion, and to make a compromise on it.

(Applause)

We should proceed with 2.5 per cent, with the removal of the ceiling of Kshs5 billion. Can I ask the Minister to comment, then we can make progress?

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I beg to move:-
THAT, Section 2(a) be amended by deleting the words coming immediately after 2.5 per centum" but not exceeding Kshs5 billion of all the Government ordinary revenue collected in every year".

The rest remains.

(Applause)

Mr. Kajwang: On a point of order, Mr. Chairman, Sir.

Mr. Chairman: Let me first of all dispose of-- Mr. Kajwang, is it a point of order that cannot wait?

Mr. Kajwang: On a point of order, Mr. Chairman, Sir. It is something small. I would rather that the Minister accepted the amendment proposed and just changed the figure. Otherwise, the figure was Kshs5 billion, but the amendment was not touching on all the ordinary Government revenue. So, this one is worded best: "not less than 2.5 per cent". So, why does he not further amend the amendment, so that it comes out clearly?

Mr. Chairman, Sir, I would rather that the Minister amends the amendment rather than propose a further amendment to the Bill, because the Bill was not very clear.

(Applause)

Mr. Chairman: Minister, did you get his point?

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I did not quite get the proposed amendment by hon. Kajwang.

Mr. Chairman: Mr. Kajwang, what are you saying? Can you make it clear?

Mr. Kajwang: Once again, Mr. Chairman, Sir, what I was suggesting is that we should adopt the amendment as has been proposed by Eng. Muriuki, which reads as follows:-

The amount of money equal to not less than 5% (five per centum of all the Government ordinary revenue collected in every financial year).

So, the Minister should agree with what we are proposing, because this is what we want; let him remove "5 per centum" and insert "2.5 per centum" and then we will agree with him.

Mr. Chairman: Is that the same, Mr. Minister?

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I see his wisdom, because we are already debating an amendment. So, I propose to further amend the amendment proposed by hon. Eng. Muriuki by deleting the words "5 per centum" and inserting, therefore, "2.5 per centum".

Eng. Muriuki: Mr. Chairman, Sir, I have only one word to say here. As the originator of this Bill whenever it was, there was a spirit surrounding this Bill; because we wanted to devolve the system under which the Government funds projects.

Mr. Chairman, Sir, I do not want to repeat everything that we said during the Second Reading.

It is a fact that I have been in this House for six years, and there has not been a single project funded from the Treasury in OI Kalou Constituency.

(Applause)

Mr. Chairman: But, Eng. Muriuki, we are in the Committee---

Eng. Muriuki: Having said that, I will add that if we are to go by that amendment, which I think is similar to the one which was moved by hon. Angwenyi---

Mr. Chairman: Mr. Angwenyi only made a suggestion; he did not move anything.

Eng. Muriuki: Sorry, since the Minister has moved it now, we had better bring it---

Mr. Chairman: Order, Eng. Muriuki!

Eng. Muriuki: Anyway, Mr. Chairman, Sir, by way of give-and-take, I have also filed another amendment further down, which must be taken as part of this negotiation process now, because it is a negotiation where---

Mr. Chairman: Order, Eng. Muriuki! There are procedures to be followed! First of all, I have to propose what has already been read out and is in front of me. If there is a further amendment, it would come later. I have another notice here!

Eng. Muriuki: But, Mr. Chairman, Sir, if it has a direct bearing, let me mention it so that hon. Members can know what we are heading for.

Hon. Members: Yes, let him mention it!

Eng. Muriuki: The issue was that we would review these percentages every year; so, the proposals would be brought back to the House for us to review them.

(Applause)

Mr. Kenyatta: Mr. Chairman, Sir, I think the amendments which have been proposed by the Minister are generally acceptable, and in the spirit of bipartisan compromise, I request hon. Members to support the amendments as made now by the Minister in order to enable us to move forward and to at least, accept the position that can begin helping the people in our constituencies. So, for the time being, I will appeal to all Members to support the amendments.

Mr. Chairman, Sir, as hon. Eng. Muriuki has said, there is always next year. As the economy improves, I am sure we can put the Minister in a position where this amount can either be increased, or as the pie gets bigger, I am sure the minimum amount of Kshs20 million that we are expecting, Godwilling, can also improve. My request, therefore, is let us accept the amendments as made by the Minister.

Thank you, Mr. Chairman, Sir.

*(Question of the further amendment
to the amendment proposed)*

Mr. Chairman: Now, the rest of the amendment remains as it is.

*(Question of the further amendment
to the amendment, that the words
to be left out, be left out put
and agreed to)
(Clause 4 as amended agreed to)*

Clause 5

Mr. Chairman: Hon. Members, I have an amendment proposed by Mr. Angwenyi to Clause 5. Proceed, Mr. Angwenyi!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Chairman, Sir. We do not seem to have the amendment being proposed by hon. Angwenyi.

Mr. Chairman: No, I want to draw the Members' attention to a Supplementary Order Paper that was circulated alongside the other. So, if hon. Members have not picked it from the Table, there are two sets of Order Papers; the normal one and a Supplementary Order Paper.

The amendment I am referring to is on page 611 of the Supplementary Order Paper.

Proceed, Mr. Angwenyi!

Mr. Angwenyi: Mr. Chairman, Sir, I beg to move:-

(a) THAT, Clause 5(2)(f) be amended by deleting the word "six" and substituting therefor the word "eight",

(b) Clause 5(3) be amended by deleting

(i) the word "twelve" and substituting therefor the word "sixteen",

(ii) deleting the word "six" erever it appears and substituting therefor the word "eight".

Mr. Chairman, Sir, I would like the number of people who are appointed from outside the Government to be increased from six to eight, so that the Government will have the input of people from the private sector in this country.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put
and agreed to)*

(Clause 5 as amended agreed to)

Clause 6

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 6 be amended by deleting paragraph 6(1)(f) and substituting thereof the following new paragraph 6(1)(f)-

"(f) to perform such other duties as the National Committee, in consultation with the Minister, may deem necessary from time to time for the proper management of the Fund".

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted, put
and agreed to)*

(Clause 6 as amended agreed to)

(Clauses 7, 8, 9 and 10 agreed to)

Clause 11

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 11 be deleted and replaced with the following new Clause,

"11(1) A portion of the Fund, equivalent to 5%

(five per centum) hereinafter referred to as the "Emergency Reserve" shall remain unallocated and shall be available for emergencies that may occur in any constituency or district".

(2) The National Committee, with the approval of the Minister, which approval shall not be unreasonably withheld, may allocate funds from the "Emergency Reserve" to help in case of disaster or calamity, which may occur in any constituency or district.

(3) The District Projects Committee shall have the mandate to recommend immediate response to a calamity that may occur and affect the whole or part of their district and may sanction, by a minuted resolution, expenditure of an amount not exceeding 2 per centum of the total annual allocation of the constituency or constituencies where that calamity has occurred.

(4) The report of such a calamity, the action taken pursuant to Clause 11(3.) and the funds utilised for that purpose shall be reported to the National Committee together with the next monthly returns from the constituency".

Mr. Chairman, Sir, hon. Members will recall that the Emergency Fund has been established, but the Bill has given power to the National Committee. All we are doing is to devolve that power to the district level, so that if there is a calamity at your local level, you can make decisions locally.

Mr. Chairman, Sir, that is the essence of that amendment.

(Question of the amendment proposed)

Dr. Godana: Mr. Chairman, Sir, I have heard hon. Members cheering when the hon. Member was moving the amendment. I think this is misplaced. We have to be a little careful.

I would have wished that we repealed the whole clause. The Central Government has a responsibility of dealing with emergencies. This is a small amount of money which we are already conceding for constituencies' development, and yet with one hand, we are giving the excuse again to take a portion of it back. Let us not really provide that the Constituency Development Fund is the one which will now assume greater responsibility in dealing with calamities all over the country. We have not even defined the national calamities to which this money will be spent. I would wish to oppose this.

Eng. Muriuki: On a point of order, Mr. Chairman, Sir. Here, we are talking about a calamity that occurs in the constituency and the district. A national calamity is one that occurs everywhere.

Mr. Sambu: Mr. Chairman, Sir, we have moved down from 5 per cent to 2.5 per cent. The Government is still left with the overall responsibility of managing the central Budget. It still has 97.5 per cent of the overall resources. Therefore, we should accept Eng. Muriuki's amendment which states:-

"A portion of the Fund equivalent to 5 per cent hereinafter referred to as the

"Emergency Fund" shall remain unallocated and shall be available for emergencies that may occur in any constituency or district".

So, the Fund is only for the constituency or the district and not the nation.

Mr. Wanjala: On a point of order, Mr. Chairman, Sir.

Mr. Chairman: Order, Mr. Wanjala! I see you. We have said that if you just stand up, I will see you just like I have seen Mr. Kipchumba now, although he is short.

Mr. Kipchumba: Mr. Chairman, Sir, I wish to support the proposal made by Dr. Godana. The clause states:-

"In any constituency".

Therefore, it can be interpreted to mean that the money could go to a constituency or district that is not your own. Therefore, there is an ambiguity in that.

Mr. Gachagua: Mr. Chairman, Sir, there is a bit of confusion here. I think Dr. Godana is not correct. This particular amendment seeks to simply make the procedure of addressing various emergencies in the constituency simpler by going to the District Committee instead of coming to the National Committee. That is all it means. It means that you leave 5 per cent of the Constituency Development Fund unallocated, so that if an emergency occurs, you can deal with it quickly.

Mr. Mbau: Mr. Chairman, Sir, I find no confusion in this clause. It is clear. We only need to replace the word "any" with the word "that", so that the message is:-

"---shall be available for emergencies that may occur in "that" constituency or district".

Dr. Godana: Mr. Chairman, Sir, I want Members to be careful about this. Assuming that the Fund is 5 per cent per constituency, a constituency would get Kshs20 million. For 220 constituencies, the fund would pay Kshs220 million. In effect, the clause is telling us that we will take out of this pool Kshs220 million to be applied to what is classified as "calamities" by this House, in any part of the country.

Hon. Members: No! No!

Dr. Godana: Yes, that is exactly what it says! Therefore, I would wish to propose an amendment to the amendment proposed, and the amendment I propose to the amendment proposed is that Clause 11 be deleted. Full stop!

Mr. Chairman: That means that we have a proposed amendment to the amendment. Therefore, I will dispose of one at a time. Therefore, I ought to propose that--- Dr. Godana, I am trying to read your handwriting. An amendment to this amendment by Eng. Muriuki has been proposed by Dr. Godana, that the whole of that clause be deleted.

(Applause)

I want to make it very clear. The proposal is that the amendment; which, in fact, is a whole clause, be deleted. That is a proposal.

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I stand to oppose the proposal by hon. Dr. Godana for a very simple reason. The purpose of having this Bill is to take development to *wananchi* in the rural areas. From past experiences, we know that it is not unusual for you to go and fix water, and when the rain comes, it washes away the intake. The reasons for having these funds here is to quicken the speed at which hon. Members can get their projects repaired without coming to Nairobi to wait for supplementary estimates. I am just being pragmatic. If I were in your position, and an hon. Member, I would agree that the 5 per cent be retained within the district. It is no longer going to be in the centre. That is the importance of the amendment. Once it is retained in the district and the constituencies, if a school loses a roof, then it can be repaired within a week. You do not have to wait until you come to Nairobi to ask Questions in this House.

Mr. Chairman: Hon. Members, I have had another look at the proposal by Dr. Godana. In

essence, Dr. Godana is saying that Clause 11 in the Bill be deleted. Now, that in my view is completely out of order because he is introducing an amendment without giving notice. He should have given us notice of the intention to move an amendment to delete Clause 11. Therefore, that is out of order!

Dr. Godana: On a point of order, Mr. Chairman, Sir, I want to plead with you. I am perfectly in order. This was a proposed amendment to the amendment. The amendment which had been proposed by Eng. Muriuki says that Clause 11 should be deleted, but instead, we have a new clause. I am proposing an amendment to the amendment proposed. It is not a new amendment.

Mr. Chairman, Sir, therefore, I am entitled, as of right, to propose an amendment to the amendment on the Floor of the House.

Mr. Chairman: I have already made a ruling. I will not accept this---

Dr. Godana: It is a bad ruling!

Mr. Chairman: Order! Dr. Godana, you are ordered out of the Chamber!

*(Dr. Godana withdrew
from the Chamber)*

(Dr. Ali stood up in his place)

Order, Dr. Ali! Could you sit down, Dr. Ali? I have not given you permission to speak. Would you like to follow Dr. Godana? You are welcome!

Order, Members! May you all sit. I pleaded with Members that we go on with the proceedings of this afternoon in a sober manner, and I still plead. The Chair does not take pleasure in asking any Member to leave. However, the Chair will not certainly tolerate any Member behaving in a manner like Dr. Godana did, and banging tables here. We will not allow that! You can stand and I will allow you to say whatever you want. Certainly, the Chair will not be insulted by anyone.

We are now dealing with the proposed amendment by Eng. Muriuki. He has already explained. After two contributions, I shall put the Question.

Mr. Abdirahman: Mr. Chairman, Sir, I just want to propose a further amendment. However, I would like to point out that we cannot make any meaningful development without putting into consideration emergency issues that affect the communities. I want to bring to the attention of my colleagues on both sides of the House, that whenever calamities occur in this country, there are delays from the Government, and even from the donor agencies. We do not want to have people suffering at the district level, when the international agencies cannot respond very fast. Maybe, the only thing we need to do as a team here, from both sides of the House, is "that a portion of the Fund equivalent to 5 per cent and hereto referred to as "emergency reserve fund", shall remain unallocated and shall be available for emergencies at district or constituency level."

Mr. Chairman: What Mr. Abdirahman said may makes sense, but it is not in writing. So, we cannot go by that.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Chairman, Sir, I want to plead with my colleagues to see Eng. Muriuki's point. Even this afternoon, we had a Question from Mr. Omingo about school roofs that were blown off by the wind and the Minister said communication has not even reached Nairobi. We are empowering our constituencies to be prepared---

Mr. Sasura: It is national!

Mr. Chairman: Order! Mr. Sasura, you have this habit of exchanging words with the Chair.

Mr. Sasura: I am sorry, Mr. Chairman, Sir.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Chairman, Sir, we are empowering our constituencies to be prepared to handle emergencies. The money will be allocated in

the constituencies and not at the national level.

The spirit of this Bill is very clear. The money is allocated to the constituencies---

Mr. Sasura: It says national!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): When it gets to the constituency, we retain 5 per cent for emergencies. That money will be there for you to use whenever you have an emergency, instead of coming to Nairobi.

I support Eng. Muriuki. I think my colleagues are just being intransigent for nothing.

Mr. Sasura: Mr. Chairman, Sir, let me respond to his arrogance.

Mr. Chairman: You know the more you talk, the more I do not give you a chance.

Mr. Wario: Thank you, Mr. Chairman, Sir, for this opportunity. I beg to move a further amendment to Eng. Muriuki's Motion. Clause 1 states that 5 per cent of that Fund should be reserved as emergency fund which will respond to an emergency in any constituency or district. I am moving a further amendment of deleting the word "any", so that the money will go to the constituencies or the districts.

Mr. Chairman: Order, hon. Members! The hon. Member has made a proposal. So, let me read it to you, so that you can respond to it. It is a further amendment to the proposed amendment. Mr. Wario, could you assist the Chair?

Mr. Wario: Mr. Chairman, Sir, I beg to move by deleting a further amendment to Clause 11(1), delete the word "any" in the last sentence.

Mr. Chairman: A further amendment to delete the word "any" so that it reads:-
"Shall be available for emergencies that may occur in that---"

Mr. Wario, it will make sense if we say: "within the constituency or district".

The Assistant Minister for Lands and Settlement (Mr. Ojode): On a point of order, Mr. Chairman, Sir. While I do agree with what the hon. Member is trying to say, he should have deleted the words "any" and "or district" so that it reads as follows:-

"THAT, a portion of the fund equivalent to 5 per cent hereinafter referred to as the "Emergency Reserve" shall remain unallocated and shall be available for emergencies that may occur within the constituency."

Mr. Chairman: Hon. Members, that is a further amendment to this amendment. The amendment will be that you delete "in any" and substitute with "within", full stop after constituency, and delete "or district". It will read as follows:-

"THAT, a portion of the Fund equivalent to 5 per centum hereinafter referred to as the "Emergency Reserve" shall remain unallocated and shall be available for emergencies that may occur within the constituency."

Mr. Wanjala: Mr. Chairman, Sir, the emergencies that we are talking about differ. The Government has got an office in charge of disasters. When we are doing our Budget here, we allocate money to the Disaster Management Fund. There is money in the Contingency Fund where, recently, they wanted to remove Kshs100 million. Budalangi has always had disasters every year. It costs the Government more than Kshs200 million every year. Here we are talking about Kshs2.5 million. Supposing the Government says: "Sorry, people of Budalangi. You have Kshs2.5 million"; what will Kshs2.5 million do? Today, in Budalangi, the cost of sanitary alone is estimated at Kshs70 million. You read this in the newspapers. So, let us deal with the development in the constituencies and leave the Office of the President to deal with disasters.

Today, in North Eastern Province, people are hungry. Billions of shillings are required in that area. What will Kshs2.5 million do?

Mr. Chairman: Mr. Wanjala, that is enough.

Mr. Wanjala: My proposal is this---

Mr. Chairman: Mr. Wanjala, I have no proposal from you. You just made a contribution.

Mr. Wanjala: Mr. Chairman, Sir, I am rejecting this amendment by Eng. Muriuki.

Mr. Chairman: Order, Mr. Wanjala.

Dr. Galgallo: Mr. Chairman, Sir, I want the hon. Members to look carefully at Parts 2, 3 and 4 of Clause 11. In view of the amendment moved by Mr. Ojode, I think these other clauses now contradict what Part 1 says because it talks of the National Committee, and at the end it talks of "which may occur in any constituency or district." That is the substance which we had removed from the first part.

So, I would suggest that Parts 2, 3 and 4 be all deleted so that it will be relevant in that case.

Mr. Chairman: In that case, Eng. Muriuki, what do you say? Could you withdraw those?

Eng. Muriuki: First of all, I agree with that amendment, but it appears that a few hon. Members seem to be seeing this issue differently. Taking the example which was given by Mr. Wetangula, this is a problem which is facing us daily. The essence of the whole thing is that when something like that happens, you have something to jump on to. I agree entirely with this amendment which removes the money from the national account to the constituency account. In fact, under those circumstances we can remove the other subclause so that the constituency---

Mr. Chairman: Could I have your formal withdrawal?

Eng. Muriuki: In that case, I withdraw in favour of that amendment.

*(Question of the further amendment
to the amendment proposed)*

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 11 as amended agreed to)

Mr. Chairman: Hon. Members, I have received a lot of sheets here. Unless a notice has been given, I am not allowing more amendments on that clause.

Mr. Sambu: Mr. Chairman, Sir, we have deleted the proposed amendments by Eng. Muriuki on Subclause 11 (2) (3) and (4). But have you also, for purposes of the HANSARD and procedure, put a Question that we delete Subclause 2 and 3 on the original Bill? Otherwise, it will remain as it is.

Mr. Chairman: No! If you look at the amendment by Eng. Muriuki, it is very clear! Clause 11 is amended by deleting. So, that is done. Could we proceed to the next clause?

Clause 12

Mr. Chairman: I have a notice by Eng. Muriuki, to proposing an amendment to that clause.

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 12 be amended by deleting subsections (2) and (3) and re-numbering subsection (4) as subsection (2).

By way of explanation, what my amendment is doing, in essence, is to remove all reference to an organisation called the District Development Committee (DDC), so that we can move on.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 12 as amended agreed to)

The Assistant Minister for Labour and Human Resources Development (Mr. Odoyo): On a point of order, Mr. Chairman, Sir. Before you go ahead, we have removed the DDCs. But what have we replaced them with? The hon. Member should specify what he has replaced the DDCs with!

Mr. Chairman: Mr. Odoyo, you are out of order! It is not the business of the Chair to substitute institutions.

(Clauses 14, 15, 16, 17 and 18 agreed to)

Clause 19

Mr. Chairman: Hon. Members, I have two proposed amendments; one by Mr. Wario, and another one by Mr. J. M. Mutiso. I will start with Mr. Wario.

Mr. Wario: Mr. Chairman, Sir---

Mr. Chairman: Hon. Members, your attention is drawn to page 607 of the Order Paper. Proceed, Mr. Wario.

Mr. Wario: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 19(1)(a) be amended by deleting the word "half" in the first line and substituting therefor, "three-quarters".

Mr. Chairman, Sir, the much we know is that some constituencies are highly populated. You all understand that the policy of the Government today is to focus on development in ASALs. This Bill is our hope, that we are going to get equality in terms of resources allocation.

I therefore beg hon. Members not to pin that in terms of population of a given area.

Mr. Chairman: Are you sure you are talking about the same thing?

Mr. Wario: Yes, Clause 19(1)(a).

(Question of the amendment proposed)

Mr. ole Ntimama: Mr. Chairman, Sir, I support the proposal--- I beg your pardon! Definitely, all constituencies have been delineated as equal, and all hon. Members are equal. There is no superior or inferior hon. Member. I want the whole thing to be equalised. I cannot see any reason. That is because it is robbing other people the resources that they should enjoy as taxpayers. The other most important thing here is---

(Loud consultations)

Mr. Chairman: Order!

Mr. ole Ntimama: Mr. Chairman, Sir, the question of population here---

Mr. Chairman: Mr. ole Ntimama, I think we are not together here. Mr. Wario's amendment is on Clause 19(1)(a). It talks about whether half of the money or three-quarters should go to the constituencies. What you are talking about is the next amendment, which we have not come to.

Mr. Muturi: Mr. Chairman, Sir, I stand to support the amendment by Mr. Wario. If the intention of the Bill is to allocate so much funds to the constituencies, then there is no reason why we want to hold half of the entire allocation somewhere, while the people continue suffering. It is important for us to understand that funds will be required at the constituency level.

The more we transfer as a first step, the better for the constituency. So, I support that three-quarters of the funds allocated be transferred to the constituencies.

Mr. Chairman: Do I have a contrary view.

Mr. Angwenyi: Mr. Chairman, Sir, I beg to oppose the proposed amendment. For a long time, there have been certain areas in this country that have been labelled as developed or potential.

Mr. Chairman: Order, Mr. Angwenyi! You are talking about a different area. We are on Clause 19(1)(a). Look at it!

Mr. Angwenyi: Mr. Chairman, Sir, I am opposing it and supporting what is in the Bill.

Mr. Chairman: We are talking about half or three-quarters!

Mr. Angwenyi: I am supporting the half.

Mr. Kenyatta: Mr. Chairman, Sir, I stand to support the amendment as proposed by Mr. Wario. The main purpose of this Bill was to bring about equity and to push development to our constituencies. In all fairness, as we stood before to ask for a bi-partisan spirit to support the Minister's amendment to reduce it from 5 per cent to 2.5 per cent, let us allow all constituencies within the country, as much as possible, to share that money equally. I do believe that there are resources still left within the Government coffers to actually supplement other areas. Let us, at least, as 210 elected Members in this House, agree, as much as possible, to share that money amongst our constituencies.

*(Question, that the word to be left out be
left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

Mr. J. Mutiso: Mr. Chairman, Sir, I beg to move:-

THAT Clause 19 be amended further by deleting subclause 1(b) and substituting thereof:-

"19(1)(b) an amount equal to quarter the amount specified in subclause 4(2)(a) divided by the national poverty index multiplied by the constituency poverty index.

Mr. Chairman, Sir, I am seeking to amend that clause because of the amendment that was made by hon. Wario. Inherently, now part (b) will be an amount equal to a quarter. So, I am seeking to amend that inherent amendment.

Mr. Chairman, inherently, the population is only one parameter of assessing the development of an area. We can judge the allocation of the quarter to other areas using the poverty index, which includes the population and other inherent factors.

(Applause)

This is because, if we only base our assessment on the population, first of all, the national census is not accurate. Secondly, we have nomadic communities who are never taken into account, if we use the population as the only parameter.

With those remarks, I beg to move.

(Question of the amendment proposed)

Mr. ole Ntimama: Thank you, Mr. Chairman, Sir, for giving me this opportunity because I did not complete my statement when I stood up. Actually, basing the allocation of resources on population is punishing certain groups of people and communities in this country. This is really locking out, segregating and discriminating the pastoralist communities. It is unfair because every constituency has an honourable Member and every Member is honourable. We have no superior or inferior honourable Members, neither do we have inferior or superior constituencies.

I support the amendment.

Mr. Sirma: Mr. Chairman, Sir, I rise to support the amendment by the hon. J. Mutiso. We are aware that any cluster of population is a sign of good development. Where we have sparsely populated areas is where there are no services. So, we want to bridge the gap between the poor and the rich in this country.

With those remarks, I support the amendment.

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 19 as amended agreed to)

Mr. Angwenyi: On a point of order, Mr. Chairman, Sir. When you seek opinion, please, do not receive only one opinion. Please, give a chance to the other opinions.

Hon. Members: Sit down!

Mr. Chairman: Order! Let Mr. Angwenyi speak.

Mr. Angwenyi: Mr. Chairman, Sir, my people are taxed this money. We may have to decide that we allocate this money according to the proportion of the taxes paid by the people of our country. You cannot force us---

Mr. Chairman: Order! Mr. Angwenyi, you can now sit down.

Hon. Members: On a point of order, Mr. Chairman, Sir.

Mr. Chairman: Order! The point of order was addressed to the Chair, so let me reply. Mr. Angwenyi, it is very unfair for you to say I do not give Members a chance. I think this afternoon alone, while sitting on this Chair, I have given you more than one chance, and it does not mean that your opinion is the only one which counts.

In any case, the matter was put to a vote and it was carried with a landslide. So, that comment you made was unfair to the Chair. Would you like to withdraw it?

Mr. Angwenyi: Mr. Chairman, I believe you want us to contribute to this important Bill. I am sure that you are a democratic person and you would not want to gag my expression in this House. Because you have ordered it, I want to withdraw and apologise.

Mr. Chairman: Very well. But, Mr. Angwenyi, be fair to the Chair, as I have always been fair to you.

(Clause 20 agreed to)

Clause 21

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT Clause 21 be amended by deleting subclause (3) and in place thereof insert the following new subclause.

"(3) All projects shall be development projects and may include costs relating to studies, planning and design or other technical input for the project, but shall not include recurrent costs of a facility."

Mr. Chairman, Sir, the essence of that amendment is just to add the fact that we are not constructing anything; we may just be having technical inputs, planning or design and so on. That is all it is doing.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 21 as amended agreed to)

Mr. Chairman: The Chair in another capacity had proposed an amendment to Clause 22, which I cannot do from here.

I therefore, request Mr. Mwenje to move the amendment on my behalf.

Clause 22

Mr. Mwenje: Mr. Chairman, Sir, we do appreciate the fact that apart from being the Chairman, you also represent a constituency in this House.

I beg to move:-

THAT, Clause 22(3) be amended by deleting the figure 20% (twenty per centum) and substitute thereof 50% (fifty per centum).

I have moved this amendment because you may find that you require many water projects than roads in your constituency. Now, instead of limiting you to 20 per cent, the figure should be raised to 50 per cent, so that you can decide which project should be given the first priority.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 22 as amended agreed to)

Ms. Mwau: Mr. Chairman, Sir, I beg to move a further amendment to an amendment that has been made by Ms. Ndung'u---

Hon. Members: We are not yet there!

(Loud consultations)

Mr. Chairman: Order, hon. Member! We are not yet on that clause, Madam! Just wait. We will come to it. I have received notices from two hon. Members who want to move amendments to Clause 23.

The first one is by Eng. Muriuki and the second one is by Ms. Ndung'u. We will start with Eng. Muriuki's amendment.

Clause 23

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 23 be amended by deleting subclauses (1), (2) and (5), and substituting in place thereof the following new subclauses (1), (2) and (5).

"23(1) There shall be a Constituency Development Committee for every constituency, which shall be convened by the elected Member of Parliament within the first thirty days of a new Parliament and shall have a maximum of fifteen members, comprising-

- (a) the elected Member of Parliament;
- (b) two councillors in the constituency;
- (c) District Officers in the constituency;
- (d) two persons representing religious organizations in the constituency;
- (e) two men representatives from the constituency;
- (f) two women representatives from the constituency;
- (g) one person representing the youth from the constituency;
- (h) one person nominated from among active NGOs in the area if any;"

"(2) The elected Member of Parliament for every constituency shall, within the first year of a new Parliament and at least once every two years thereafter, convene locational meetings in the constituency to deliberate on development matters for the location, the constituency and the district."

"(5) The elected Member of Parliament for every constituency shall be the chairperson of the Constituency Development Committee, unless he or she opts out, in which case the Committee shall elect one amongst themselves to be the chairperson".

(Question of the amendment proposed)

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Chairman, Sir, while I support Eng. Muriuki's amendment, I would like to point out that subclause (5) states:

"The elected Member of Parliament for every constituency shall be the chairperson of the Constituency Development Committee---"

We have a problem here. When we had the District Roads Committees (DRCs)---

Hon. Members: That is gone!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Chairman, Sir, let hon. Members listen to what I am saying. These funds are coming from public coffers, and Parliament will scrutinise their expenditure. We might find some of our colleagues in embarrassing situations when they appear before PAC to answer questions on the expenditure of the funds.

I would like to propose that we go back to the original subclause (5), where the chairman of the Fund is elected by the committee. I would like to urge hon. Members to avoid chairing committees because it is not possible to audit themselves.

Mr. Chairman: Order! Your point is taken.

Mr. Kombe: Thank you, Mr. Chairman, Sir. All is well under Clause 23(1). But there are some constituencies which have more than seven divisions. So, the membership of the Constituency Development Committee will exceed 15. I would like to propose that the committee should comprise of one DO in the area, and have co-opted members who will add up to 15.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Chairman, Sir, I wish to differ with my friend, Mr. Wetangula. This is not a question of hon. Members appearing before the PAC. In the Ministries, Ministers who are hon. Members, also appear before this Committee. We are saying that an hon. Member can be appointed a Cabinet Minister, which is a senior post, and if he wishes to be a chairman of the Constituency Development Committee, he cannot be?

Eng. Muriuki: On a point of information, Mr. Chairman, Sir.

Mr. Chairman: Whom do you want to inform?

Eng. Muriuki: Mr. Chairman, Sir, I want to inform the House.

Mr. Chairman: Go ahead!

Eng. Muriuki: Mr. Chairman, Sir, as a matter of information, for the time being, our Constitution does not bar hon. Members of Parliament from sitting or chairing any committee. In fact, if it did, it would be the one to be changed and not hon. Members to abdicate their responsibilities.

(Applause)

Mr. Angwenyi: Mr. Chairman, Sir, while I support the amendment moved by Eng. Muriuki, and the further amendment moved by Mr. Kombe, I would like to move a minor amendment to Clause 23(I). I would like to add the words "constituted and convened", so that it can read: "The hon. Member shall constitute and convene."

Mr. Chairman: Mr. Angwenyi, I do not have that proposal.

Mr. Angwenyi: Sorry, Mr. Chairman, Sir. I will write it.

Mr. Chairman: Hon. Members, I have a proposed amendment to Eng. Muriuki's amendment. It is as follows:-

(Loud consultations)

Order, hon. Members! Listen to the proposed further amendment to the amendment, by Mr. Sirma which is:-

THAT, the amendment be further amended at Clause 23(I)(c), by deleting part (c) and replacing it with the words "one district officer in the constituency" instead of district officers in the constituency.

The Assistant Minister for trade and Industry (Mr. Miriti): Mr. Chairman, Sir, while I support the amendment, my reference is to Clause 23(I)(b). In some constituencies, like mine, we have more than two councils; in fact, we have three councils. If we talk about a definite number of councillors, for example, two councillors, this will represent only two councils, and one would not be represented.

(Loud consultations)

Mr. Chairman: Order, hon. Members!

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Chairman, Sir, my proposal is to have one councillor per council. If you have one council, then you have one councillor. But if you have three councils, then you have three councillors.

Hon. Members: No way!

Mr. Chairman: Very well!

(Question of the further amendment to the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Ms. Mwau stood up in her place)

Mr. Chairman: Madam, *poa!* I will give you an opportunity to say what you want to say.

(Ms. Mwau resumed her seat)

Hon. Members, I want you to realise that I have so many chits here proposing further amendments. I need to know how we can go about it. I have one here by Mr. Angwenyi which reads:- THAT, Clause 23(I) be amended by inserting the word "constituted" between the words "be and convened".

(Question of the amendment proposed)

(Question, that the word to be inserted be inserted, put and agreed to)

Hon. Members, I want to draw your attention to the Order Paper. It shows that there is a proposed amendment by Ms. Ndung'u to Clause 24, but it has been corrected to read Clause 23. I noticed that some hon. Members are very sharp and have already noticed it. It is now an amendment to Clause 23 by Ms. Ndung'u. Where is she to move that amendment?

Hon. Members: She is not here!

Mr. Chairman: Order, hon. Members! I have to listen.

Ms. Mwau: Mr. Chairman, Sir, I am moving a further amendment to the amendment of Ms. Ndung'u.

(Loud consultations)

Mr. Chairman: Order! Just a minute, let me explain to the hon. lady the procedure. First of all, we have to have the proposed amendment moved, so that it belongs to the House.

Are you moving a further amendment or are you moving Ms. Ndung'u's amendment?

Ms. Mwau: Mr. Chairman, Sir, I am moving Ms. Ndung'u's amendment.

Mr. Chairman: Very well! Do you have permission from Ms. Ndung'u to move that amendment?

Ms. Mwau: Yes, Mr. Chairman, Sir.

Mr. Chairman: All right, proceed!

Ms. Mwau: Mr. Chairman, Sir, I beg to move:-

THAT a new subclause be inserted at the end of Clause 23 to read: "The nominated Member of Parliament, if any, be an *ex-officio* of the constituency".

Hon. Members: No way!

Mr. Chairman: Order, hon. Members! Would you like to elaborate?

(Loud consultations)

Order! Please, give the hon. lady a chance!

Ms. Mwau: Mr. Chairman, Sir, nominated hon. Members of Parliament are leaders in constituencies where they come from.

Hon. Members: No!

Ms. Mwau: Mr. Chairman, Sir, they are nominated in their own right as members of those constituencies. They are not picked from nowhere.

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

Mr. Chairman: Order, hon. Members! What are you standing for, when the hon. lady is still on the Floor?

(Several hon. Members remained standing)

Order! May every hon. Member sit down!

Ms. Mwau: Mr. Chairman, Sir, I am saying that, we, nominated hon. Members of Parliament, are leaders in our own constituencies, in our own right.

Hon. Members: No!

Ms. Mwau: Mr. Chairman, Sir, if--

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

Mr. Chairman: Order hon. Members! Ms. Mwau, have you finished?

Ms. Mwau: Mr. Chairman, Sir, we are leaders, naturally, in our own right. And we come from constituencies. So, why are we left out of the committee?

Mr. Chairman: May you now sit down so that we proceed!

Order, hon. Members! Really, you must allow the hon. Member to move, and then I propose the question. You will then stand up and I will give you a chance to air your views. That is the procedure!

(Question of the amendment proposed)

Now, I want your views and some order.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Chairman, Sir, nominated Members of Parliament have no constituency.

(Applause)

They are national hon. Members of Parliament. I do not see any reason why we should burden a constituency with a nominated hon. Member of Parliament to share that responsibility with an elected hon. Member of Parliament.

Mr. Sasura: Mr. Chairman, Sir, I sympathise with the Mover of this amendment, and I wish to say that, despite the fact that nominated hon. Members of Parliament come from specific constituencies, it is not enough to say that they own the constituency or belong to the constituency. Actually, nominated hon. Members of Parliament belong only to political parties. Since this is a Constituency Development Fund Bill, it would not be fair to have a Nominated Member of Parliament sitting with an elected Member of Parliament.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Chairman, Sir, I wish to support this amendment very strongly because, in our constituencies, we have people who are not Members of Parliament, but they are development-conscious. That is why I support that they should sit in these committees. I do not think they will pose any threat to the sitting Member of Parliament.

Mr. Chairman, Sir, most Nominated Members of Parliament are women--

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

Mr. Chairman: Order, Hon. Members!

*(Question, that the words to be inserted
be inserted, put and negatived)*

(Clause 23 as originally amended agreed to)

(Clause 24 agreed to)

Clause 25

Mr. Chairman: Hon. Members, I have received a notice of an intended amendment to Clause 25 by Eng. Muriuki. Proceed, Eng. Muriuki!

(Loud Consultations)

Order, hon. Members! The Front Bench of the Opposition is the Government-in-waiting. So, please, consult quietly.

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 25 be amended by re-numbering it as subclause 25(1) and inserting the following new Subclause 25(2):

"(2) Notwithstanding the provisions of Subclause (1) of this clause, an education bursary scheme shall be considered as a development project for purposes of the Act, provided that such a project shall not be allocated more than 10 per cent (ten per centum) of the total funds allocated for the constituency in any financial year."

The essence of that is that we have stated in the Bill that the funds are to be used for development purposes, but not for cash handouts. However, there are some constituencies where Members may wish to use a portion of the funds for bursary so that we allow for the education fund.

(Question of amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 25 as amended agreed to)

(Clause 26 agreed to)

Clause 27

Mr. Chairman: Hon. Members, I have received notice by Eng. Muriuki to make two amendments to Clause 27.

Proceed, Eng. Muriuki!

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 27 be amended by deleting the words "not more than fourteen" and substituting with the words "not more than ten" in Subsection (1).

Mr. Chairman, Sir, the intention of this amendment was only to bring this select committee to be like the other committees which have 11 members and not 14. It is just a simple amendment.

Mr. Chairman: Hon. Members, as Eng. Muriuki mentioned, the second notice of amendment I alluded to was received this morning. So, it was not possible to put it on the Order Paper. Therefore, I will ask him now to move the proposed amendment.

Eng. Muriuki: Thank you, Mr. Chairman, Sir. I beg to move:-

THAT, Clause 27 be further amended by deleting paragraph 27(4)(d) and in place thereof inserting the following new paragraph:

"To oversee the implementation of this Act and in this respect, shall after every two years, submit a report to the National Assembly; and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with Section 4 of the Act."

Mr. Chairman, Sir, this amendment is referring to that subsection in Clause 27 which deals with the Select Committee of the House. Hon. Members will recall that the amendment by the Minister keeps the figure at 2.5 per cent. However, let the House have the opportunity to review it, at least, after every two years so that we can then discuss again with the Minister whether it is necessary

to put it up or not.

(Question of the amendment proposed)

Mr. Muturi: Mr. Chairman, Sir, I support the amendment as proposed by Eng. Muriuki. This is one example in which Parliament is leading the way because most of the legislations that we pass do not have clauses that require Parliamentary review periodically.

Mr. Chairman, Sir, this, as a result, has ended up rendering many of the Acts that we have passed obsolete within a very short period.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 27 as amended agreed to)

(Clauses 28, 29 and 30 agreed to)

Clause 31

Eng. Muriuki: Mr. Chairman, I beg to move:-

THAT, Clause 31 be amended by re-numbering it as Clause 31(1) and inserting the following new Subclause (2)-

"(2) All tenders and quotations shall be tabled at a meeting of the District Projects Committee and the committee shall indicate that they have no objection to the award through a minuted resolution before the tender or quotation is awarded."

Mr. Chairman, hon. Members were supposed to be members of the District Roads Committees (DRCs), but they could not participate in the deliberations of the DRCs because there was no provision for them. You will find that tenders are adjudicated and awarded without their input. We only hear about them. In this case, we are saying that tenders and quotations must be tabled at a meeting where hon. Members will be present before any award is done.

(Question of the amendment proposed)

Mr. Sirma: Mr. Chairman, I thought that we had removed the word "district". We do not know why that word comes back. So, we would like the word "district" to be erased from our minds as well as from our books.

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 31 as amended agreed to)

Clause 39

Dr. Galgalo: Mr. Chairman, Clause 39, which talks about District Projects Committee, provides that there shall be a committee which will be constituted, but it is silent on its membership and how it will be constituted.

Mr. Chairman, Sir, could the Assistant Minister clarify about the membership of the committee being proposed under this clause and how it will be constituted?

The Assistant Minister for Finance (Mr. Katuku): Mr. Chairman, the membership of the committee is provided for under Clause 40(1).

*(Clauses 32, 33, 34, 35, 36,
37, 38 and 39 agreed to)*

Clause 40

Eng. Muriuki: Mr. Chairman, I beg to move:-

THAT, Clause 40 be amended by deleting Subclause (3) and inserting in place thereof the following new Subclause (3)-

"(3) Members of the District Projects Committee shall elect a chairperson from among the members of the committee who are elected Members of Parliament or elected councillors, for a term of two years or part thereof until the end of a term of Parliament".

The Bill, as it is, says that a Member of Parliament cannot be the chairman of the District Projects Committee. By bringing this amendment, I am seeking to provide that the person who should chair that committee should be an elected Member of Parliament or an elected councillor. Also, there is the phrase "two years".

Mr. Chairman, Sir, in the past, we have had a law in the Ministry of Local Government, which provided for a period of two years. Some mayors were elected before Parliament was dissolved and they insisted that they had to continue through the following year to make up for their two years.

Mr. Chairman, we have to put a clause here to provide that one's chairmanship will be up to the end of a term of Parliament.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 40 as amended agreed to)

(Clause 41 agreed to)

Mr. O.K. Mwangi: Mr. Chairman, I realise that I have proposed the wrong amendment. My intention was to amend Clause 39.

Mr. Chairman: Hon. Members, Mr. O.K. Mwangi's amendment is on the Supplementary Order Paper.

An hon. Member: He has withdrawn the amendment!

Mr. Chairman: Mr. O.K. Mwangi, may I hear you?

Mr. O.K. Mwangi: Mr. Chairman, Sir, I notice that I have proposed the wrong amendment. The essence of my amendment is that there are areas with sub-districts, which have procurement officers and sub-district treasuries.

Mr. Chairman: Mr. O.K. Mwangi, we are now on Clause 42. Does your amendment relate to this clause?

Mr. O.K. Mwangi: No, but it relates to the Bill, Mr. Chairman, Sir.

Mr. Chairman: I thought I heard you say that you are withdrawing the amendment.

Mr. O.K. Mwangi: Mr. Chairman, I have not said that I am withdrawing the amendment. When I was writing the proposal, I must have read the original Bill which has been amended.

Mr. Chairman: So, you are talking about Clause 39 and we are already in Clause 42.

Mr. O.K. Mwangi: Mr. Chairman, I will leave it at that and introduce the amendment later.

Mr. Chairman: Well, I would like to know how to handle this particular amendment as per our procedures. Could you formally withdraw it?

Mr. O.K. Mwangi: Mr. Chairman, I formally withdraw it now, but I will introduce it later as consideration of the Bill progresses.

*(Mr. O.K. Mwangi withdrew
his amendment)*

Mr. Chairman: Well, whatever you do later is not our business. The most important thing is that you have withdrawn the amendment. Thank you very much for doing so.

(Clause 42 agreed to)

Clause 43

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 43 be amended by deleting the word "approval" in subclause (2) and in place thereof Substitute the word "recommendation".

That is referring to lists or other materials going through the District Projects Committee; from the constituencies.

Mr. Chairman, Sir, all that we are saying is that the districts should not approve the materials. They should not have powers to approve. They are merely recommending. It is a simple amendment. We are saying "recommend" and not "approve".

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 43 as amended agreed to)

(Clauses 44 and 45 agreed to)

Clause 46

Mr. Chairman: Hon. Members, I have received a notice by Eng. Muriuki of a proposed amendment.

Proceed, Eng. Muriuki!

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 46 be amended by deleting Subclause (2) and in place thereof inserting the following new Subclause(2)-

"(2) The signatories to the account of the Fund maintained in accordance with Subsection (1), shall be the officer administering the Fund and two other persons appointed by the National Committee from among its members".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 46 as amended agreed to)

Clause 47

Mr. Chairman: Hon. Members, I have a proposed amendment by Eng. Muriuki.

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 47 be amended by substituting the expressions "25 per cent" and "15 per cent" in subsection (2) and Substitute in place thereof the expressions "50 per cent" and "10 per cent" respectively.

Mr. Chairman, Sir, the amendment is dealing with tranche of funds that are paid into the constituency account. The House, at the beginning of a financial year, passes half of the Vote proposed in the Printed Estimates.

We are merely saying that, equally, the constituencies should be credited with half the amount. The others will have some tranches as proposed.

(Question of the amendment proposed)

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, that is a very good proposal under normal circumstances. Unfortunately, we are not living under normal circumstances. We are living from hand to mouth. Although you approved that 50 per cent of the monies in June, we have to sit each Wednesday to find out how much money we have collected and share the little that we have collected.

Mr. Chairman, Sir, I do not want to give you a promise which we will not honour and then you will think the Ministry of Finance is breaking the law. I would have left it as it is. When things

improve, we can even pay the full amount. But, in the meantime, if we put it there, I am afraid we will not be able to honour it because we share what we have. We do not start the year with a big collection of funds in a box. We collect money as we move on.

Mr. Chairman: Hon. Members, what are your views? The Minister seems to be very persuasive.

Eng. Muriuki: Mr. Chairman, Sir, whereas I appreciate the sentiments expressed by the hon. Minister, we would not wish to have a situation where constituencies are allocated funds and we have told our people that we are doing this and that, and then it takes a very long time to get the funds. Perhaps, I would have suggested to the Minister to come up with a more workable amendment. Really, the spirit is to get the funds into the constituency account.

Mr. Chairman, Sir, if we leave it just open, I think that is also the extreme end of what Members would not wish to have.

Mr. Chairman: Hon. Members, let us listen to the opinions of others. We all know the liquidity problems of the Exchequer. Let us listen to one another and try to compromise on this issue.

Mr. Oloo-Aringo: Mr. Chairman, Sir, I support Eng. Muriuki. What we lack in this country is discipline. If the Government can restore discipline, money will be collected on time.

So, my own intimation is that experience has taught us not to leave a loophole. We must compel the Government to restore discipline, collect the money and make it available to the constituencies as a matter of priority. That is the only money that will ever reach our people.

Mr. Chairman: So that we do not take much time---

Mr. Obwocha: Hear, hear!

Mr. Chairman: Order! "Hear, hear?" Is that parliamentary? I do not think so! Eng. Muriuki made a proposal to the Minister. Let us hear his reaction.

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I think, in dealing with matters like this, we have got to be pragmatic. The provision in the clause is that, within the first quarter, 25 per cent will be made available. The rest will be released at 15 per cent for the rest of the year. Even to agree to that, we did it because I knew you cannot start a project unless you have got 15 per cent. But I am being very candid when I say that every Wednesday, we have a team which sits down and asks itself: "What have we collected? What do we have to pay throughout the Government?"

Mr. Chairman, Sir, if we make a law and we are not able to honour it, at least, let it be said: "The Minister told the House when the Bill was being discussed!"

But what I will plead with you is that you accept what is in the Bill. If things improve, we can even release the money all in one payment.

Mr. Obwocha: Mr. Chairman, Sir, we understand and appreciate what the Minister is saying. But we are talking about 25 per cent of Kshs20 million. That is only Kshs5 million. That is the money that is supposed to be released initially. Now, we can only be sympathetic to him if he makes a proposal. But for him to tell us to sympathise with him, it is very difficult.

Mr. Chairman, Sir, I am suggesting to the Minister to make a proposal. Give us something on the table. What are you saying? Are you saying 20 per cent?

Mr. Kagwe: Mr. Chairman, Sir, I think it is good for us to sympathise with the situation in the Budget. However, I think it would assist the Minister and help Members of Parliament if we could agree on a 25 per cent payment per every quarter. That is a good plan and the Minister can afford it.

Mr. Chairman, Sir, if he can afford 25 per cent in the first quarter, he can afford 25 per cent per every quarter.

Mr. Chairman: That is okay, but if you are proposing further amendments, I would like to have them in writing. Now, let me hear from Dr. Galgallo.

Dr. Galgallo: Mr. Chairman, Sir, we agree with the sentiments expressed by the Minister. I just want to point out to him that if he gives the first tranche of 25 per cent, that means that 25 per cent in one quarter, it means that you will be left with nine months in a year. He is saying that in nine months, he will give five equal tranches. That means he cannot slot in five since nine is not divisible by five.

Mr. Chairman, Sir, a better proposal is what hon. Kagwe has just proposed and I support him.

Mr. Chairman: Hon. Members, while waiting for Mr. Kagwe's further proposed amendments, could the Minister comment on this?

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, quite honestly, I do not think, given the present circumstances, we can do it. I do not think we can do it. I would really plead with my colleagues to accept the arrangement here. Mr. Chairman, Sir, there is one advantage we have given in this Bill, which is that once we set aside money for the Constituency Development Fund, we are not going to collect it back at the end of the financial year, which we normally do.

Mr. Chairman, Sir, so, at least, after the first year, if there is ongoing work, there will be money to continue this work. For that reason, I would plead that we leave the figures as they are because if we do not, and things go the way they are going, then hon. Members will have to accept the realities of life that we are living from hand to mouth and they will get whatever will be available.

Mr. Chairman: Let us hear from an old man this time. Mr. Ligale!

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Chairman, Sir, I would like us to sympathise with the Minister but on one proviso. Mr. Minister, we do not want to be in a situation where the Constituency Development Fund will be the last item that will be considered. It will be unfair if you will take care of all the other sectors and only come to the Constituency Development Fund as a last resort. If it is understood that whatever the risks are and whatever little we collect will be shared equally and that the Constituency Development Fund will receive its share on the basis that we are collecting, then I am prepared to go by what is in the Bill on that understanding.

Mr. Gachagua: Mr. Chairman, Sir, I think it is important that the Minister takes cognisance of the mood of this House. We have already come down from 5 per cent to 2.5 per cent on the basis that the Minister said that is what he can afford. There are two issues here. One, as hon. Ligale has said, I think let us not relegate this Fund to an issue where the Minister puts it at the bottom and, in fact, only makes it available when everything else is done. Secondly, the nature of some of the projects that we may have to do on the ground is such that 10 per cent, given six times, is too little and we must also introduce an amount of sanity in the way we are going to fund these projects. What I mean is that if a project starts and we know that there is going to be a disbursement in every quarter, then we are able to plan. Otherwise, if we leave it to the Minister's wishes that we get something whenever it is available, then I think this whole Fund will not work the way it is supposed to.

Mr. Chairman, I am appealing to the Minister to give this Fund preference and look for money everywhere to be able to meet the tranches as suggested by Mr. Kagwe.

Mr. Mwenje: Mr. Chairman, Sir, I think it is good to remind the Minister that, as concerns this money, whatever development projects we are carrying out in our constituencies are also going to reduce the development the Government would have done. So, it is not that this is any extra money. He must remember that the projects we are carrying out are also assisting the same Government in the services offered. Mr. Chairman, Sir, secondly, lately the Minister has been collecting money in the form of Valued Added Tax (VAT) immediately on any contract done in this country. He takes 15 per cent of the money almost immediately. So, some of this money is again going back to him almost immediately. So, the way Mr. Kagwe has proposed, I do not think is in any way---

Mr. Chairman: But we do not have any proposal yet and so---

Mr. Mwenje: Mr. Chairman, Sir, once we get that proposal, because obviously we are going to get it, I do not think it is harming the Minister. I think the Minister should understand now that we understand his position and that is why we gave in originally and again he should not think---

Mr. Chairman: Let us hear the last comment on this one from Mr. C. Kilonzo.

Mr. C. Kilonzo: Mr. Chairman, Sir, as regards this figure, if we give 25 per cent, it is only about Kshs4.5 million and we will not be able to do much and the people down there in the constituencies will not see the effects.

Mr. Chairman, Sir, I still think the earlier proposal of 50 per cent is still reasonable and then we part with the 10 per cent quarterly. In a single constituency with eight locations, 50 per cent of that will amount to a mere Kshs1.5 million. A water project in a single location, like a dam, will cost Kshs2.5 million. I support the proposal of 50 per cent and then 10 per cent quarterly.

Mr. Chairman: No, but we do not have that proposed amendment. Mr. Kagwe, if you do not bring the proposed amendment, I have to put the Question as it is. Mr. Minister, do you have anything to say about this?

Hon. Members: Let us finish with this issue!

Mr. Chairman: Order, hon. Members! You know we cannot leave the House in a vacuum. Who wants to speak?

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

Mr. Muchiri: Mr. Chairman, Sir, I think it is important also to realise that if we delay the disbursements, it will make the projects expensive because contractors are not going to wait and, therefore, we may have to agree with Mr. Kagwe's suggestion of 25 per cent every quarterly.

I think that will be a more reasonable proposal.

Eng. Muriuki: Mr. Chairman, Sir, as Mr. Kagwe is writing the proposed amendment, all we are saying is that the Minister should distribute it equally throughout the year, at 25 per cent, on a quarterly basis.

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I believe if it is 25 per cent every quarter, then we can live with that.

Mr. Chairman: Mr. Kagwe, bring the proposed amendment.

Mr. Mwenje: Mr. Chairman, Sir, you can even read if off-head since you know it.

Mr. Chairman: Mr. Kagwe, I can read your handwriting.

*(Mr. Kagwe laid the proposed
amendment on the Table)*

Hon. Members, I therefore, propose a further amendment to the proposed amendment by Mr. Kagwe to Clause 47:-

THAT, Clause 47 be amended by substituting the expressions "25 per cent and 15 per cent" in Subsection (2) and substitute in place thereof the expressions "25 per cent in the first quarter and 25 per cent of every quarter thereafter."

*(Question of the further
amendment proposed)*

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 47 as amended agreed to)

(Clause 48 agreed to)

Clause 49

Mr. Chairman (Mr. Musila): Hon. Members, I have one proposed amendment by hon. Eng. Muriuki.

Proceed, Eng. Muriuki!

Eng. Muriuki: Thank you, Mr. Chairman, Sir. I wish to move:-

THAT Clause 49 be amended by re-numbering it as Clause 49(1), and by inserting the following new Subclause 49(2):-

"(2) The Minister may amend any of the schedules through a notice in the Gazette, provided that amendments shall first be approved by Parliament before implementation".

(Question of the amendment proposed)

*(Question that the words to be left out,
be left out, proposed)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 49 as amended agreed to)

(Clauses 50 and 51 agreed to)

First Schedule

Mr. Chairman: Hon. Members, I have two proposed amendments to the First Schedule; the first by hon. O.K. Mwangi and the second by hon. Angwenyi. I want to start with the one by hon. O.K. Mwangi. You can find that on page 611 of the Supplementary Order Paper.

Mr. O.K. Mwangi: Thank you, Mr. Chairman, Sir. I beg to move:-

"THAT, the First Schedule be amended by adding to the list of organizations to nominate persons to the National Committee the words:- "The Institute of Surveyors of Kenya".

The background to this is that the Institute of Surveyors of Kenya is a widespread professional body involved in development---

Hon. Members: No!

Mr. O.K. Mwangi: Do not say "No" because it embraces very many areas and professions

including valuers, housing estate agents and architects. They are all members of the Institute of Surveyors of Kenya. This institution is involved in the day-to-day development of the country, particularly in matters of property and development of housing.

Therefore, I propose that they become part of the organizations to nominate persons to the National Committee.

(Question of the amendment proposed)

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Chairman, Sir, I stand to support the amendment as proposed. Many Members do not know the constitution of the Institute of Surveyors of Kenya. But the composition is relevant to the development that will be taking place in the constituencies. The Institute of Surveyors of Kenya is comprised of land valuers, estate valuers and land surveyors, among others. They are very important components. It was an omission in the first place to have left out that institution to be part of the Schedule.

Mr. Chairman: Anyone with a contrary view?

Eng. Muriuki: Mr. Chairman, Sir, whereas I do not specifically oppose the amendment, but for the sake of consistence, you could not add another organization in this Schedule without going back and amending Clause 5 which says:- "Each of these to nominate two members". So, if you add another organization without revisiting Clause 5, it would mean that now we have 14 nominees and we are talking about 12 nominees. So, I am seeking your guidance here, unless, perhaps, we combine this amendment together with hon. Angwenyi's amendment, so that we can see which organization to include in the Schedule as a House and then we shall proceed. Otherwise, if we add another organization without amending Clause 5, then we shall--

Mr. Chairman: That is a valid point because if we have already passed a limitation of the number of members and then we add one more organization, then what is your view, Mr. O.K. Mwangi? We have already finalized debate on Clause 5.

Mr. O.K. Mwangi: Mr. Chairman, Sir, I do not know what would happen to Clause 5, but my view is that by leaving out the Institute of Surveyors of Kenya, we are actually leaving out the institution which is more involved in development matters than any other.

Mr. Chairman: Yes, I get your point. But listen to Eng. Muriuki's point that we have already amended Clause 5. Did we not? We amended and deleted the word "12" and substituted it with "16". We deleted the word "6" and then substituted it with "8". Now, I just want to ask you to be very sure that by increasing another member here, we shall not be going beyond that amendment.

Mr. Muchiri: Mr. Chairman, Sir, I think that the point being made here is that this is an institution which has more than 1,000 professionals. I also wish the House to know that all the land surveyors, land officers, land valuers and maintenance officers are part of this institution.

I suggest that we combine the Architectural Association of Kenya with the Institute of Surveyors of Kenya, so that they will be one and you would not need to go back to the other one. That will be a fair compromise.

Mr. Angwenyi: Mr. Chairman, Sir, we amended Clause 5 in anticipation of my amendment. If the hon. Member wanted to include this institution, then he should have amended Clause 5 to provide for it. So, in my view, his proposed amendment has been overtaken by events.

Mr. Chairman: Yes, I also want to agree because we would have perhaps amended to increase the number of institutions at Clause 5. If we do that now, while it is desirable, we will now be contravening Clause 5, which we agreed to. In view of that, what do you have to say, Mr. O.K. Mwangi?

Mr. O.K. Mwangi: Mr. Chairman, Sir, I do not intend to withdraw my amendment. The

reason is that even the Architectural Association is a member of the Institute of Surveyors of Kenya.

Hon. Members: No!

Mr. O.K. Mwangi: Yes, it is! Therefore, when an amendment was made to Clause 5, it was not said that it was being amended to accommodate the First Schedule. Therefore---

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): On a point of order, Mr. Chairman, Sir. Is it in order for hon. Angwenyi to mislead the House by saying that his amendment was done in anticipation of having additions, when his amendment was actually deleting some of the organizations?

Mr. Chairman: I have to look at that.

Proceed, Eng. Muriuki!

Eng. Muriuki: Mr. Chairman, Sir, I was going to suggest the way forward; which is that if we accept that the amendment in the First Schedule was taken care of by the anticipated addition in Clause 5, we should, therefore, debate or agree on which organizations we are going to include here, making sure that they are eight.

Mr. Chairman, Sir, we now have all these suggestions, and we should look at each of them and eventually substitute the Architectural Association with the Institute of Surveyors of Kenya. Then we can go on, because the numbers are already accommodated.

(Applause)

Mr. Chairman: Very well, we have to make progress!

Mr. Chairman: Hon. Members, we have to make progress. I think that it is possible for us to look at the proposed amendment by Mr. Angwenyi, discuss them together, and see how we can solve the matter. Can we now leave the matter at that without putting the Question and go to the amendment by Mr. Angwenyi?

Eng. Muriuki: Can we go back?

Mr. Chairman: No!

Mr. Angwenyi: Mr. Chairman, Sir, I beg to move:-

THAT, the First Schedule be amended by

- (i) deleting "The Law Society of Kenya" and substituting therefor "Kenya Farmers Union",
- (ii) deleting "The Architectural Association of Kenya" and substituting therefor "Kenya National Chamber of Commerce",
- (iii) deleting "The Institute of Certified Public Accountants of Kenya" and substituting therefor "The Catholic Church",
- (iv) adding the following two organisations-
 - (a) The National Christian Council of Kenya (NCCCK),
 - (b) The Supreme Council of Kenya Muslims (SUPKEM).

Mr. Chairman, Sir, for a long time, we have been proposing these professional bodies to national bodies, but they do not operate in our constituencies. Therefore, they do not understand the interests of our constituents. Farmers and pastoralists contribute a lot to the economy of this country. That is why I am proposing that we substitute the Law Society of Kenya with the Kenya Farmers Union.

Mr. Chairman, the Architectural Association of Kenya should be substituted with the Kenya National Chamber of Commerce which has branches in every district headquarters in this country. We do not see the architects. They have allowed mushrooming of buildings on our road reserves. So, we should do away with them.

Mr. Chairman, Sir, we should substitute the Institute of Certified Public Accountants with our three main religious organisations in this country because they are everywhere in this country. These are the Catholic Church, the Protestant Churches and the Muslims. We should add two more organisations, namely, the NCCCK and the SUPKEM.

(Question of the amendment proposed)

Mr. Chairman: Hon. Members, your attention is drawn to part iv(a) of what Mr. Angwenyi has read. That should be the National Council of Churches of Kenya (NCCCK).

Mr. Angwenyi, in view of the proposal that we make progress by accommodating the Institute of Surveyors of Kenya, would you probably tell us which of these organisations we can substitute with the Institute of Surveyors of Kenya?

Mr. Angwenyi: Mr. Chairman, Sir, the proposed amendment by Mr. O.K. Mwangi is not proper because it does not say what it wants to substitute. In fact, it should not have been accepted in the first place.

Mr. Maore: Mr. Chairman, Sir, I want to briefly support the proposed amendment by Mr. Angwenyi. The Law Society of Kenya, the Architectural Association of Kenya, the Institute of Surveyors of Kenya and the Institute of Certified Public Accountants of Kenya are elite bodies that will be needed and their services can be procured by the National Committee, if it so desires.

If you look at the Catholic Church, the Muslims, the Protestants, the Kenya Farmers Union and the National Chamber of Commerce, you will find that they are the engine of the development committees, as they are grassroot-oriented and will be quite useful in their inputs when it comes to deliberations.

Hon. Members: Put the Question!

Mr. Chairman: Hon. Members, we cannot go on for ever. We will make progress as follows: I will put the question on each of the two proposed amendments. Therefore---

Mr. O.K. Mwangi: Mr. Chairman, Sir, while I appreciate hon. Angwenyi's proposal, we are actually talking about a national body. We are not talking about development at the constituency level. These institutions will be represented at the constituency level.

Mr. Chairman, Sir, I do not see what the Non-Governmental Organisations (NGOs) Council has to do with development. Instead of having the NGOs Council, I would like to propose that it be substituted with the Institute of Surveyors of Kenya.

Mr. Chairman: Mr. O.K. Mwangi, you are completely out of order! We cannot go that way.

Mr. Bahari: On a point of order, Mr. Chairman, Sir.

Mr. Chairman: No! Overruled! No more points of order on that one. You will agree with me that I have given enough time for consideration of this proposed amendment. Therefore, I want to put the Question for the first proposed amendment by Mr. O.K. Mwangi, that the First Schedule be amended by adding to the list of organisations to nominate persons to the National Committee the words "The Institute of Surveyors of Kenya".

*(Question, that the words to be inserted
be inserted put and negated)*

Mr. Poghio: Mr. Chairman, Sir, I want to draw your attention to Clause 5(2)(f).

Mr. Chairman: It was amended by Mr. Angwenyi!

Mr. Poghio: Mr. Chairman, Sir, if the last part is still there and was not amended, it will bring confusion. It should be sorted out before we move on to the next one. It states:-

"---six persons appointed by the Minister from the list and qualified in matters related to finance, accounting, engineering, economics, rural development or law."

If that is still there, then we must reconsider this proposed amendment by Mr. Angwenyi.

Mr. Chairman: Clause 5(2)(f) was not amended. Hon. Members, I appreciate the---

Eng. Muriuki: Mr. Chairman, Sir, Clause 5(2)(f) requires that those persons who are nominated from those institutions are qualified indeed in finance, accounting, engineering, economics, rural development or law. If they do not fit anywhere else, they will fit in rural development. So, I do not think that is a problem.

Mr. Gachagua: Mr. Chairman, Sir, I think Eng. Muriuki is brushing this matter aside. I think the purpose of Clause 5 was to provide for various skills in the National Committee. That is why these bodies are required. If I may clarify, the kind of projects that we expect on the ground relate to construction.

It is very strange that you would remove professionals in the construction industry to sit on a national committee where almost 70 per cent of the money will be in that industry, and substitute them with farmers. The nature of this committee is not political. It is a committee to oversee the expenditure of these funds. That is the spirit of Clause 5.

Mr. Chairman: Order, Members! I have looked at the Bill and we have changed to eight; eight persons appointed by the Minister from a list submitted in accordance with Subsection (iii) and qualified in matters relating to finance, accounting, engineering, economics, rural development, law and order. One must fit in one of those qualifications. Therefore, I shall put the question.

Mr. Poghisio: Mr. Chairman, Sir, my interpretation of it, as much as I would want it to change, my hands and yours are tied because the number given there of the professions corresponds to the six. I think it was intended that each of those professions and qualifications are met by individuals appointed. I am just proposing that we look at it very carefully.

Mr. M. Kariuki: Mr. Chairman, Sir, I think that there is a very important point being overlooked. Mr. Poghisio is right; in my understanding of this Section. If you look at Clause 5, the opening part is "shall", then it goes to (f). It is mandatory that we have these professionals. As much as we want to increase the number, we cannot afford to depart from the Schedule.

In any event, the issue of religious leaders is taken care of in the Constituency Committee. They are taken care of. You cannot bring them to the national line when the Bill does not provide that in Clause 5. There will be a serious contradiction between Clause 5 and the First Schedule, if we try and go by what Mr. Angwenyi is trying to suggest.

Mr. Angwenyi: Mr. Chairman, Sir, I am saying that each of these religious organisations will provide one person. I am an economist and a Christian as well, and there are many professionals like me who are either Christians or Muslims. We have lawyers who are Muslims and others who are Christians. Mr. Chairman, Sir, the fact that the professions mentioned here are only six does not necessarily mean that they are corresponding to the nominated organisations. If it is an expert in rural development or economics, we can get them among the population of Christians or Muslims.

*(Question, that the words to be left
out be left out, put and agreed)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(First Schedule as amended agreed to)

Second Schedule

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, the Second Schedule be deleted and in place thereof, substitute with a new Second Schedule.

Mr. Chairman, Sir, my amendment is very little at the bottom, where the Bill is bringing in a "chairman of the constituency committee" instead of a "Member of Parliament." Therefore, my amendment is generally removing that, recognising that there will be a Member of Parliament to sign, there will be a member of the Constituency Development Committee and a chairman of the Project Development Committee.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be
inserted in place thereof
be inserted, put and agreed to)*

(Second Schedule as amended agreed to)

Third Schedule

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, the Third Schedule be deleted and in place thereof insert the following new Third Schedule.

Mr. Chairman, Sir, the amendmen of the Third Schedule is to do with estimates or costs on the projects. I have worked in the projects world and it is necessary to say what the cost is related to.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Third Schedule as amended agreed to)

*(Title agreed to)
Clause 1*

Eng. Muriuki: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 1 be amended by replacing the fullstop at the end with a comma and then inserting the words-
"but not later than thirty days from the date of assent"

(Question of the amendment proposed)

*(Question, that the word to be left out,
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted,
put and agreed to)*

(Clause 1 as amended agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I beg to move that the Committee of the Whole House do report to the House its consideration of the Constituencies Development Fund Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE CONSTITUENCIES DEVELOPMENT FUND BILL

Mr. Musila: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Constituencies Development Fund Bill and approved the same with amendments.

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Regional Development (Mr. Mungatana) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, I beg to move that the Constituencies Development Fund Bill be now read the Third Time.

Mr. Maore seconded.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

Mr. Speaker: Next Order!
BILL

Second Reading

THE APPROPRIATION BILL

(The Minister for Finance on 27.11.2003)

*(Resumption of Debate interrupted
on 27.11.2003)*

Mr. Speaker: Was there anybody on the Floor? Mr. Minister, can you respond?

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, I want to thank hon. Members for debating the ten Bills and for passing others through the Guillotine.

Mr. Chairman, Sir, we need this Bill fairly urgently to meet the requirements of the Government.

With those few remarks, 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 today)*

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

THE APPROPRIATION BILL

(Clauses 2 and 3 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Appropriation Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

[The House resumed]

[Mr. Speaker in the Chair]

REPORT AND THIRD READING

THE APPROPRIATION BILL

Mr. Musila: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Appropriation Bill and approved the same without amendment.

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. J.M. Mutiso seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, I beg to move that the Appropriation Bill be now read a Third Time.

The Assistant Minister for Regional Development (Mr. Mungatana) seconded.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes our business for today. The House, therefore, stands adjourned until tomorrow, Thursday, 4th December, 2003, at 2.30 p.m.

The House rose at 6.30 p.m.