

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 7th December, 2006

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Report on the study tour taken by the Whips to the Parliaments of the United Kingdom and Ireland between 16th and 20th October, 2006.

(By Mr. Muturi)

Annual Report and Accounts of Kenyatta National Hospital for the year ended 30th June, 2001, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister of State for Public Service
on behalf of the Minister for Health)*

Annual Report and Accounts of the National Council for Science and Technology for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister of State for Public Service
on behalf of the Minister for
Science and Technology)*

Report of the Departmental Committee on the Administration of Justice and Legal Affairs on the way forward on the Constitution Review Process.

(By Mr. Marende)

The Report of the IPU Kenya delegation to the 116th Assembly of the Inter-Parliamentary Union held in Geneva, Switzerland, between 15th and 18th October, 2006.

(By Mr. Ligale)

NOTICES OF MOTIONS

SETTING OF THE SALARY OF
THE PRESIDENT OF KENYA

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Section 13(1) of the Constitution, this House resolves that with effect from 1st July, 2006 the monthly salary of a serving President of the Republic of Kenya shall be Kshs2 million.

ADOPTION OF REPORT ON
STUDY TOUR OF WHIPS TO
UK/IRELAND PARLIAMENTS

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

THAT, this House adopts the Report on the study tour by the whips to the Parliaments of the United Kingdom and Ireland between 16th and 20th October, 2006 laid on the Table of the House on 7th December, 2006.

ADOPTION OF DEPARTMENTAL
COMMITTEE REPORT ON
CONSTITUTION REVIEW PROCESS

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

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the way forward on the Constitution Review Process laid on the Table of the House on 7th December, 2006.

ADOPTION OF THE 116TH
IPU ASSEMBLY REPORT

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

THAT, this House adopts the Report of the 116th Inter-Parliamentary Union Assembly held in Geneva, Switzerland, from 16th to 18th October, 2006, laid on the Table of the House on 7th December, 2006.

QUESTIONS BY PRIVATE NOTICE

NON-IMPLEMENTATION OF SEXUAL OFFENCES ACT BY COURTS

Ms. Ndung'u: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Why have the courts failed to implement the provisions of the Sexual Offences Act, 2006?

(b) What urgent measures is the Attorney-General taking to ensure that all provisions of the Act are complied with by all actors?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, the Attorney-General is away in Arusha and is not here to give a reply. I think this information was passed on to office of the Clerk of the National Assembly.

Ms. Ndung'u: Mr. Speaker, Sir, the Attorney-General said that he would be away

yesterday and the day before. He did not talk about his absence today. This is a Question that touches on criminal law that affects all Kenyans. The Judiciary and the law enforcement agencies are not able to implement this Act, because the Minister in charge has not set up a policy framework. Mr. Speaker, Sir, this Question is urgent, and this is the third time I am asking it.

Mr. Speaker, Sir, can another Minister, or a Member of the Front Bench, not answer it?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, the Attorney-General prefers that he himself answers this Question.

Mr. Speaker: I am sorry; there is really nothing that I can do. Is there?

Mr. Mukiri: On a point of order, Mr. Speaker, Sir. The Attorney-General was here yesterday! If he was at all going to Arusha--

I think he was in Parliament yesterday.

Mr. Speaker: I beg your pardon. I cannot hear you.

Mr. Mukiri: Mr. Speaker, Sir, I think the Attorney-General came back from Arusha because he was in Parliament yesterday.

Mr. Speaker: But you know, Arusha is not very far.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, indeed, he was in Parliament yesterday and answered a Question. However, he was required back in Arusha today. He, therefore, left for Arusha. He is on a Kenya Government business.

Ms. Ndung'u: Mr. Speaker, Sir, I think the Leader of Government Business needs to consider what he should do when the Attorney-General is not in the House. There are many Questions that are directed to the Attorney-General, and he has no assistant. What is the Leader of Government Business going to propose? The Attorney-General is an important person. He has so much to act on. He is not here to answer our Questions. What is the Government going to do about that?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I am sorry, but you had already ruled. I did not expect this issue to generate debate.

Mr. Speaker: Ms. Ndung'u, I have no choice in the matter but to defer it. I hope the Leader of Government Business has taken into account the sentiments of the House. The Attorney-General needs to be assisted when he is away.

(Question deferred)

Next Question by the hon. Member for Runyenjes Constituency!

CONSTANT POWER FAILURE AT
RUNYENJES KCC COOLING PLANT

Mr. Wambora: Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development and Marketing the following Question by Private Notice.

(a) Is the Minister aware that following constant power failure at the New KCC Runyenjes cooling plant due to irregular power supply, dairy farmers from Embu and Meru South districts have incurred huge losses in respect of unsold milk?

(b) If the answer to (a) above is in the affirmative, what is the Government and/or the New KCC Ltd doing to ensure that a generator is fixed at the Runyenjes Cooling Plant?

The Assistant Minister for Co-operative Development and Marketing (Mr. Mwenje): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there have been power failures at New KCC Runyenjes Cooling Plant, thereby, affecting the operations of the Plant.

(b) The New KCC has embarked on procuring power-generators, but due to financial constraints, that will be done in phases. The first phase, which will target the main factories, is expected to be completed by 31st, December this year. However, acquisition and installation of more generators for the cooling plant will be done during the 2007/2008 Financial Year. The Runyenjes Plant has been identified as a critical facility necessitating urgent intervention during the second phase.

Mr. Speaker, Sir, in the meantime, the New KCC is in the process of allocating a milk tanker to be collecting milk daily from Runyenjes Cooling Plant.

Mr. Wambora: Mr. Speaker, Sir, I am happy with the answer from the Assistant Minister. However, I can see that the purchase of a generator will be considered during the next financial year and yet, we are losing a lot of milk. Farmers are incurring huge losses.

I am also grateful for the idea of bringing a milk tanker. That will be a short-term measure. I have just rung Runyenjes and it has not arrived. When will the tanker arrive?

Mr. Mwenje: Mr. Speaker, Sir, we are going to spend Kshs19 million to purchase these generators.

Mr. Speaker, Sir, however, as I said earlier, in the meantime, we are stationing the tanker almost immediately. No milk will be lost. All the milk will be collected using that tanker. If it is not there, I will find **[Mr. Mwenje]** out why. It should start collecting milk immediately.

Mr. Bett: Mr. Speaker, Sir, I wish to thank the Assistant Minister for that assurance to the people of Runyenjes. The situation in Runyenjes is the same as that in Sotik. Is the Assistant Minister also sending a tanker to collect milk in Sotik?

Mr. Mwenje: Mr. Speaker, Sir, we shall take that into consideration. Indeed, we have three tankers in different places like Dandora. That is a good suggestion. Whenever that problem is identified, the tanker will be provided.

Mr. Speaker: Last question, Mr. Wambora!

Mr. Wambora: Mr. Speaker, Sir, when exactly will the tanker arrive? I hope it will come next week because a lot of milk is being wasted. I do not know whether the Assistant Minister is aware that the cooling plant at Runyenjes serves the entire districts of Embu and Meru South. There is no other milk processing plant in Eastern Province and yet, farmers continue to produce more and more milk. Could the Assistant Minister consider constructing a new processing plant at Runyenjes to serve the people of Eastern Province?

Mr. Mwenje: Mr. Speaker, Sir, I am aware that it serves parts of Meru and Embu. That is correct. However, I want to assure the hon. Member that the tanker will be there this week to collect milk.

Mr. Speaker: Next Question by the hon. Member for Nakuru Town!

DRYING UP OF LAKES ELEMENTAITA/NAKURU

Mr. Mirugi: Mr. Speaker, Sir, I beg to ask the Minister for Environment and Natural Resources the following Question by Private Notice.

(a) Is the Minister aware that lakes Elementaita and Nakuru are about to dry up completely?

(b) What measures has the Minister taken to ensure that the status of those two lakes does not deteriorate any further?

(c) How much money has been set aside this financial year towards the conservation of the two lakes?

Mr. Speaker: Is the Minister for Environment and Natural Resources not here?

(Mrs. Kihara stood up in her place)

Have you forgotten that you are the Assistant Minister for Environment and Natural Resources?

(Laughter)

The Assistant Minister for Environment and Natural Resources (Mrs. Kihara): Mr. Speaker, Sir, I am sorry I was engaged in a conversation here.

Mr. Speaker, Sir, may I seek the indulgence of the House to answer this Question next week. The answer did not reach my Ministry until late this morning.

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

Mr. Mirugi: Mr. Speaker, Sir, this Question was asked last week. The Chair directed that it be taken to the Ministry of Environment and Natural Resources. Could the Assistant Minister clarify why it cannot be answered? They had, at least, a week to attend to it.

Mr. Speaker: Mrs. Kihara, any reaction?

The Assistant Minister for Environment and Natural Resources (Mrs. Kihara): Mr. Speaker, Sir, I just said that we did not receive the answer to this Question until late this morning. It does matter when it came or when it was asked. The answer did not reach us until this morning.

Mr. Speaker: Mr. Mirugi, I think we re-routed the Question. Maybe, the route [Mr. Speaker] was too long. Could I defer it?

Mr. Mirugi: Mr. Speaker, Sir, that would be okay.

Mr. Speaker: I take cognisance of the fact that those two lakes are within the constituency of the Assistant Minister. I am sure she will be addressing those issues.

The Question is, therefore, deferred!

(Question deferred)

Next Question by the hon. Member for Lagdera Constituency!

INSTALLATION OF NON-PERFORMING
DEUTZ MACHINES AT MANDERA
POWER STATION

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

(a) Why has the Kenya Power and Lighting Company installed non-functioning Deutz Machines intended for vehicles and not industrial or generation purposes at Mandera Power Station?

(b) Could the Minister confirm that the laid-down procurement procedures were followed when awarding the tender to Deutz Company?

(c) Could the Minister ensure that proper machines are installed at the station?

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

(a) The Kenya Power and Lighting Company (KPLC) contracted M/s. Electral Works Company to supply, instal and commission 2x500 KVA generator sets in Mandera Power Station on 18th October, 2004. The work was to be executed within four months.

The non-functioning of the Deutz Machines installed is technical, and not that the machines

were intended for motor vehicles. The main reason is that the generator's control panels and other associated electronic models could not match.

However, investigations are being undertaken to establish the cause of the problem and solutions thereto.

(b) All the laid-down procurement procedures were followed to the letter when awarding the tender to M/s Electral Works Company. It was the lowest evaluated compliant bidder.

(c) Arrangements are being made to replace the two generating sets. In the meantime, a civil suit is being filed by KPLC against the supplier of the two diesel engines.

Mr. Dahir: Mr. Speaker, Sir, is the Assistant Minister in order to mislead this House by saying that the machines are not intended for vehicles, whereas it is clearly stipulated in the manufacturer's-cum-user's manual, which are fixed on the right side of the engines?

Mr. Kiunjuri: Mr. Speaker, Sir, this is a technical issue. The Ministry has experts who can verify the machines and this has been done. The best thing to do is to solve this problem and we are doing this. We know that the work was not done perfectly. The contractor has failed to perform. We are terminating the contract. We have taken three steps so far.

First, we have withheld payment of the 10 per cent retention amount to be paid to the contractor. Secondly, we are recalling the performance bond. Thirdly, we have already instituted legal action against the contractor.

Mr. Speaker: Mr. Dahir, ask the final question!

Mr. Dahir: Mr. Speaker, Sir, could the Assistant Minister tell this House the arrangements that are being made to solve this problem?

Mr. Kiunjuri: Mr. Speaker, Sir, I believe that we will not continue with that contractor because the contract is almost terminated. The best thing we can do is to make sure that we purchase new generators and install them within the quickest time possible. Already, we are short of 200 megawatts. The supply for Manderu Town is 600 kilowatts. Therefore, this is an emergency which will be addressed.

ORAL ANSWERS TO QUESTIONS

Question No.627

ADMINISTRATION OF KADIBO DIVISION UNDER KISUMU DISTRICT

Prof. Olweny, on behalf of **Eng. Nyamunga**, asked the Minister of State for Administration and National Security:-

(a) whether he is aware that Kadibo Division, which is part of Nyando Constituency in Nyando District is administered under Kisumu District with the District Officer and chiefs reporting to the Kisumu District Commissioner while the councillors report to Nyando County Council;

(b) what the rationale for this arrangement is; and,

(c) what steps will be taken to correct the anomaly.

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

(a) I am aware that Kadibo Division which is part of Nyando Constituency in Nyando District is administered under Kisumu District with the District Officer and the chiefs reporting to the District Commissioner in Kisumu.

(b) This arrangement was requested for and agreed upon by the majority of the people of

Kadibo Division in 1998 when Nyando District was hived off from the then greater Kisumu District.

(c) The matter can be revisited for discussion if the people of Kadibo Division petition the local administration.

Prof. Olweny: Mr. Speaker, Sir, I thank the Assistant Minister for the answer he has given to this House. When Nyando District was hived off from the former Kisumu District, the then PC was very influential. He happened to have come from the area. Is the Assistant Minister aware that, that PC, who has now retired wanted to create a constituency for himself and, therefore, influenced this arrangement? This is because majority of the people in that area did not request to be administered from Kisumu District. That was influenced by the former PC. Is the Assistant Minister aware that, that was what happened?

Mr. Kingi: Mr. Speaker, Sir, I am not aware that the then PC influenced the decision. However, I am aware that a decision was made in that meeting to the effect that the people of Kadibo wanted to be administered from Kisumu District, which is closer to them than Awasi. If the feeling of the people of Kadibo today is that they want to be administered from Nyando District, we have no problem as a Government. Let them make that decision at the Sub-District Development Committee (DDC) and the DDC levels. Let us have the decision they have made and we will incorporate their wishes.

Prof. Olweny: Thank you, Mr. Speaker, Sir. I want to inform the Assistant Minister of very interesting arrangements with regard to Kadibo Division. There is a location called "Miwani" which is in my constituency but it is in Miwani Division. Miwani and Kadibo divisions do not have a common boundary. The nearest point for the two boundaries is five kilometres away. The chief for Miwani Location reports to Kadibo Division, and yet it is five kilometres away. Who influenced that, and yet the people in Miwani Location do not like the idea of their location, which adjoins Kadibo Division, being part of the division? Could the Assistant Minister carry out investigations to establish that?

Mr. Kingi: Mr. Speaker, Sir, normally, we receive minutes in our office which do not indicate who influenced the resolutions made. Mr. Speaker, Sir, however, I have said that if it is the feeling of the Miwani or Kadibo people that they should be administered from another district, let them sit at the locational level, divisional level up to the DDC level and pass to us information to that effect and we will definitely go by their wishes.

Question No.669

TERMINAL DUES FOR
FORMER KCC EMPLOYEES

Dr. Manduku asked the Minister for Co-operative Development and Marketing:-

(a) how many employees had their services terminated when KCC Ltd was put under receivership in August, 1996; and,

(b) how much were the employees owed in form of terminal benefits and when they will be paid.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Speaker, Sir, I beg to reply.

(a) Prior to 1996, KCC Ltd operated both as a company under the Companies Act, and a co-operative under the Co-operatives Societies Act. The KCC Ltd was placed under receivership by the Kenya Commercial Bank (KCB) in 1999. Thereafter, the receiver manager sold it to KCC

2000 and KCC Holdings Ltd. The information that I have is that the receiver manager was unable to raise enough funds from the sale of the business to be able to meet all its liabilities, including employees dues. It is for that reason that the employees were paid only a sum of Kshs40,000. Since the receiver manager was not appointed by my Ministry, I am unable to provide any more details.

Dr. Manduku: Mr. Speaker, Sir, how many were those employees when their services were terminated in 1996? If KCC Ltd was sold, was it not a priority to pay the workers from the proceeds realised? Some of those workers had worked for that company for many years and had many expenses to meet, including paying school fees for their children.

Mr. Ndwiga: Mr. Speaker, Sir, maybe, this Question was misdirected to my Ministry. I said earlier on that KCC Ltd was placed under receivership in 1999. Therefore, I have no access to any information prior to the creation of the New KCC.

Mr. Ndolo: Thank you, Mr. Speaker, Sir. The case of KCC has taken too long. Most of the workers who used to work in that company came from my constituency. The workers who were sacked in 1997 and the ones retrenched in 1999 used to contribute money to Maziwa SACCO. Could the Minister ensure that those workers are refunded their money? This is because most of those workers are now suffering and their children are not going to school.

Mr. Ndwiga: To my knowledge, Maziwa SACCO was liquidated when that company was wound up.

Dr. Manduku: Mr. Speaker, Sir, is it not the responsibility of the Government to protect all workers of this country no matter where they work? Are all those employers not recognised by the Government? Could the Government ensure that those employees who have suffered for many years are paid their dues?

Mr. Ndwiga: Mr. Speaker, Sir, this Government respects workers. I advise my friend to re-direct this Question to the Ministry of Labour and Human Resource Development because I am unable to answer it.

Mr. Speaker: Very well!

Next Question by Mr. Arungah!

Question No.640

ISSUANCE OF ID CARDS TO APPLICANTS

Mr. Speaker: Is Mr. Arungah not here? He is absent and his Question is dropped!

(Question dropped)

Next Question by Mr. Kajwang!

Question No.368

RE-CONSTRUCTION COST OF MBAGATHI WAY

Mr. Kajwang asked the Minister for Roads and Public Works:-

- (a) how long Mbagathi Way is and what is the total re-construction cost;
- (b) if that cost includes new survey and laboratory equipment which already exists at the Ministry of Public Works Headquarters; and,
- (c) whether the re-construction cost is justified.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Speaker, Sir, I beg to reply.

(a) The Mbagathi Way Road which is under re-construction and rehabilitation is a dual carriageway, measuring 5.8 kilometres long on both sides. The tender sum for the works is Kshs445,363,927.

(b) The above cost includes procurement of equipment which already exists at the Ministry's headquarters. However, all items procured are the ones the Ministry cannot spare from both its laboratories and on-going projects. These items will later on be distributed to the Ministry's laboratories all over the country for use.

(c) The re-construction cost is justified because a concrete pavement yields 40 to 50 years maintenance-free service, while an equivalent bituminous asphalt pavement with a 20-year design period has to be resurfaced every three to five years to give an appropriate service. After the 20-year design period, bituminous pavement would require total re-construction, while the concrete pavement would only require resurfacing after its 50-year design life. Cumulative costs for the concrete pavement during its service life are, therefore, much lower than for an equivalent bituminous pavement.

Mr. Kajwang: Mr. Speaker, Sir, the equipment that the Minister has referred to which was bought for this job is survey and laboratory equipment. Did they require the new survey and new laboratory equipment to do the 5.8 kilometre road in Nairobi? Did they have to buy new ones, yet they have some in the Ministry's Headquarters? Or was it somebody doing some business?

Eng. Toro: Mr. Speaker, Sir, the Materials Department is the one responsible for storing and issuing out test equipment. For the survey equipment which was used, the contractors usually have their own survey equipment. The survey equipment usually used by the Ministry is the one that is used during the design period, if the design is being done in-house. Otherwise, the contractors have their own survey equipment. The only expensive equipment that is being procured is the fractural concrete beam testing machine which is going to cost Kshs3.5 million. It has not been used but during the reconstruction of Mbagathi Way, we spent a lot of money sending materials to the Kenya Bureau of Standards (KEBS) who are the only people with the fractural testing beam machine. So, it was found necessary to buy this equipment so that in future, if we embark on any concrete pavement works, we will have our own testing machines.

Capt. Nakitare: Mr. Speaker, Sir, you can see that the Ministry of Roads and Public Works is a conduit for waste of money. They did five kilometres for over Kshs300 million. For what purpose? Is this road better than the Maai Mahiu-Narok Road which serves tourists?

Eng. Toro: Mr. Speaker, Sir, I do not agree that it is a waste of money. This is the first concrete road we are having in Kenya. The Ministry decided that it is better that we have a hands-on experience rather than be theoretical all the time thinking that the solution to Kenya is concrete roads. So, the decision to have the concrete road on Mbagathi Way was to enable the Ministry to come up with homegrown specifications for concrete roads designed and construction in the country so that in future when we talk about the construction of concrete roads, we exactly know what we are talking about and we know the cost implications before we embark on a very major exercise, maybe measuring about 50 kilometres. Now we know the cost implications and the specifications that we need to use.

Mr. Raila: Mr. Speaker, Sir, the Assistant Minister is, of course, not being very honest to the House by not disclosing fully that there is what they call Bill No.1 which has inflated the total cost of that project. It was not necessary to bring in new duty-free vehicles to supervise the work which is being done a few metres away from the Ministry's Headquarters. It is true it is an experiment with concreting. However, there is no reason why it should cost that much.

Mr. Speaker, Sir, the question I want to ask the Assistant Minister is this. The cement

manufacturing companies had agreed to offer cement *gratis* for this experiment which would have reduced the cost of that construction. Despite that, the work is more than one year behind schedule.

Mr. Speaker, Sir, could the Assistant Minister tell the House why, inspite of the cement manufacturers supplying cement *gratis*, the project is behind schedule and it is over-priced? Why is this so?

Eng. Toro: Mr. Speaker, Sir, Mr. Raila was with me as my Minister when this contract was awarded in April 2005. I can remind him that the seven manufacturers undertook to join the Ministry so that they can participate. However, after the commencement of the construction, the cement manufacturers went slow and there was no way we could force them to come and contribute because it is not their project. Also, the then Minister knows very well, because we discussed this when we were in the Ministry, about the implications of the cost.

The Bill No.1 he is talking about, is something that used to be there where a contract would be loaded to purchase various equipment that was not necessary. However, that was done away with. It is no longer applicable in the Ministry. We only put in Bill No.1 the only essential bits that are required.

Mr. Raila: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House. Several vehicles have been purchased for this particular project to supervise the 5.8 kilometres from the City Mortuary down to the round-about near Wilson Airport. It is a fact that vehicles have been purchased despite the fact that the Assistant Minister himself is protesting. He should disclose to the House the true details about this concrete project.

(Applause)

Eng. Toro: Mr. Speaker, Sir, I did not want to say this, but this was done with his approval.

(Laughter)

Mr. Kajwang: Mr. Speaker, Sir, could the Assistant Minister confirm or deny that these works were about Kshs75 million per kilometre? Is this a viable cost of any road even if it is concrete? Can Kenya afford Kshs75 million per kilometre for a road? Shall we ever build any other if we spend this kind of money?

Eng. Toro: Mr. Speaker, Sir, research is a very expensive exercise. This road was more or less embarked on as a research exercise. The former Minister knows very well that we agreed that even if it is going to cost more than repairing the road using bituminous materials, nevertheless, we needed to be able, as a Ministry, to know the implications of concrete roads. Kenyans would say: "Let us have concrete roads in Kenya!" However, the Ministry had no data indicating what it would cost or the implications of such construction. Mr. Speaker, Sir, now, we know the costs and in future, if we are to construct roads using cement, we know the implications. We can be able, as a Ministry, to advise anybody who wants to do such roads.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House that the experiment on Mbagathi Way is going to benefit the country and yet he has not taken into account natural catastrophes like earthquakes? How much will be wasted? Is he in order to mislead the House that this is a scientific experiment?

Mr. Speaker: That is a point of argument!

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. This is a very fundamental issue which is being left here without being disclosed. Mr. Raila asked the Assistant Minister to give the full details of that transaction. In answering that question, the Assistant Minister said that it was approved by this former Minister. However, he failed to tell us the full details. Could they tell us what really transpired around that time?

Eng. Toro: Mr. Speaker, Sir, I do not know what the hon. Member wants me to say! Does he want me to tell him the number of bags of cement that were bought or the number of lorries of ballast that were bought?

Question No.655

MURRAMING/TARMACKING OF
LUNGA LUNGA-KINANGO ROAD

Mr. Ngozi asked the Minister for Roads and Public Works what the Government's position is on either murraming or tarmacking of Lunga Lunga-Kinango Road C106.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Speaker, Sir, I beg to reply.

The Government has no immediate plans to tarmac the Lunga Lunga-Kinango Road. However, the Ministry plans to undertake feasibility studies on some main roads in the country, with a view to prioritising them for upgrading to bitumen standards. That will include the Lunga Lunga-Kinango Road. Meanwhile, our engineers are assessing the repairs required to restore Lunga Lunga-Kinango Road to good motorable conditions, together with other roads affected by the rains in the coastal region.

Mr. Ngozi: Mr. Speaker, Sir, this Question is here for the second time. When it appeared last year, the then Minister, Mr. Raila, gave us an answer that Kshs75 million was going to be spent on that road. Today, not even a single cent has been spent on that road. The answer that I have received today does not even mention the Kshs75 million that was allocated to that road.

My question is: If the Kshs75 million was allocated, was it spent? If it was, then where? That is because, as far as I am concerned, that money was not spent on that road.

Eng. Toro: Mr. Speaker, Sir, the Kshs75 million was not spent on the road. It was estimated that it would cost Kshs75 million, but the funds were not available to do that work. However, at the moment, we are looking at prioritization of Class A, B and C Roads. That is a Class C road. Due to the heavy rains in the Coast Province, the Ministry has surveyed the road. The most affected place is a 200 meters stretch at Puma, where vehicles cannot pass. The Provincial Roads Engineer is working on that section at the moment. The other area is the Mwachanda Bridge on Ramisi River, where the approaches to the bridge have been completely damaged by the floods. So, at the moment, we are doing something as we await for the prioritization of total rehabilitation of that road.

Mr. Karaba: Mr. Speaker, Sir, last year, the same Ministry gave an assurance in this House that a road in my area will be constructed and yet, in the last year's Budget, that road was not even mentioned. Is he in order to give such assurances and yet, nothing is happening on the ground? I am referring to the Kerugoya-Baricho Road.

Eng. Toro: Mr. Speaker, Sir, sometimes we have plans in the Ministry which rely on the availability of funds. Due to lack of funds, some work is never done. Plans are still there to rehabilitate the Kerugoya-Baricho Road. So, he should not give up.

Mr. Rai: Mr. Speaker, Sir, the Assistant Minister is misleading this House. Last year, there was a budgetary provision of Kshs75 million. That means the assessment had been done and Kshs75 million allocated to that particular road. Today, he is telling us that engineers are on site assessing the same road. Why did the Assistant Minister not factor in the Kshs75 million in the 2006/2007 financial year.

Eng. Toro: Mr. Speaker, Sir, that is not the only road where budgetary provisions were not fulfilled. There are so many other roads. Hon. Members have been asking questions about various roads in this House. So, that is one of the roads that we did not fulfil our budgetary promise for

repairs. The conditions that prevailed then are totally different from the conditions that prevail today due to the heavy rains.

Mr. Speaker: Last question, Mr. Ngozi.

Mr. Ngozi: Mr. Speaker, Sir, I brought this Question because last month, Kwale District was generally affected by floods. The Lunga Lunga-Kinango Road is the only road that is used by the people from Kwale to go to Mombasa. Since that road is not in a good condition - and the Government should learn from what happened in the last two months - could the Ministry consider building an alternative road in case of anything?

Eng. Toro: Mr. Speaker, Sir, let me assure the hon. Member that, once we get the funds that we have requested from the Treasury to take care of the damage caused by floods, we shall give priority to the Kinango-Kwale Road. Therefore, he should wait until we get the funds that we have requested from the Minister for Finance.

Mr. Ngozi: On a point of order, Mr. Speaker, Sir. Could the Assistant Minister give an undertaking on what he is telling us?

Eng. Toro: Could the hon. Member repeat what he has said? I did not get it.

Mr. Ngozi: Mr. Speaker, Sir, what I am trying to say is that what the Assistant Minister is saying might end up just like last year. Could he give an undertaking that, once he gets the funds from the Treasury, he will deal with the emergency cases in Kwale District?

Eng. Toro: Mr. Speaker, Sir, that is what I said. That is one of the major roads in the coastal region. We are going to give it the priority it deserves.

Question No.552

ISSUANCE OF TITLE DEEDS
TO MWITIKA/MUTITO RESIDENTS

Mr. K. Kilonzo asked the Minister for Lands:-

- (a) whether he is aware that the residents of Mwitika and Mutito Divisions of Kitui District have no title deeds; and,
- (b) when the title deeds will be issued to them.

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

(a) I am aware that residents of Mwitika and Mutito divisions of Kitui District have no title deeds.

(b) Title deeds will be issued to them when land adjudication work is completed in each of the adjudication sections.

Mr. K. Kilonzo: Mr. Speaker, Sir, land adjudication in those two divisions of Mutito Constituency began in 1992. It has now taken 14 years and yet, the residents are still suffering. Could the Minister tell this august House when the Ministry is going to complete the process of land adjudication?

Mr. Kamama: Mr. Speaker, Sir, I agree with the hon. Member that adjudication programmes began in 1992 and 1996 in Mwitika and Mutito divisions of Kitui District, respectively. The process is still going on and we have done a lot of work in the six adjudication sections of Puwa, Ngugi/Zembe, Kilaa, Musukuni, Kitoo and Kawala. I want to promise this House that we will try to fast-track the adjudication programmes. We shall even include Itiko Adjudication Sections, which will be declared as adjudication sections in January.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, the House needs to know what the Government policy is in issuing title deeds. Recently, I saw the Ministry subjecting the President to a painful act of issuing title deeds personally. In my constituency, the land adjudication exercise was carried out a long time ago. However, title deeds have not been issued. Could the Assistant Minister tell this House what the Government's policy is regarding the issuance of title deeds, and when the

President will come to my constituency to issue the title deeds?

Mr. Kamama: Mr. Speaker, Sir, I am not able to comment on the issue of the President visiting Kisumu Rural Constituency to issue title deeds. I want to say that I am not in a position to comment on the Presidential Diary. However, if the hon. Member is interested in having His Excellency the President visit his constituency, he should follow the correct channel. The Office of the President is always open and he can always write a letter to request for the visit and he will get an appropriate response. Secondly, the issue of title deeds, especially in Kisumu, is always welcome in our office. However, I remember visiting Nyando District early this year and gave out many title deeds to the people of Kibigori. I found out that quite a number of title deeds were lying in our Kisumu office; over 30,000 of them. People are not willing to collect title deeds. So, I think the hon. Members for Kisumu Rural and Kisumu East should advise their constituents who have title deeds lying in the Kisumu Ministry of Lands Office to collect them.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Speaker, Sir. What is the Government's policy on issuance of title deeds? Is the Assistant Minister in order to sit down when he has not answered my question?

Mr. Speaker: If you are asking for a written reply and not an oral answer, then that may take a lot of time.

Mr. Kamama: Mr. Speaker, Sir, I do not think we have any radical changes in terms of policy when it comes to issuing title deeds. The policy remains the same. However, sometimes we fast-track the issuance of title deeds when need arises. So, the policy is still as it used to be.

Mr. K. Kilonzo: Mr. Speaker, Sir, it has taken 14 years for the Government to carry out the land adjudication exercise in Kitui District. However, so far, the exercise may be carried out only in Itiko Sub-Location, in January 2007. The rest of the divisions; Mwitika and Mutito, it is said, may benefit from land adjudication when funds become available. We do not know when the funds will be available.

Could the Assistant Minister give an undertaking that in January next year, or at a certain time of the year, he will give title deeds to our people?

Mr. Kamama: Mr. Speaker, Sir, I promised the House that we will carry out adjudication programmes in the two divisions and issue title deeds once the exercise is complete. On the issue of the other adjudication sections; Matalani, Makongo, Mwitika, Kyaini, Kavutei and Manyeni sub-locations in Mutito and Mwitika divisions, we will carry out the exercise when funds become available. However, we will continue to fast-track the issue of land adjudication programmes and issue title deeds as soon as practicable.

Mr. Speaker: Order, hon. Members! That is the end of Question Time. I hope that hon. Members received the Communication I made in respect of Order No.7, the procedure on a Memorandum on a Bill by His Excellency the President.

I hope that hon. Members will deal with the matter in the manner prescribed in the Communication from the Chair, during the Committee of the whole House.

Next Order!

MOTION UNDER STANDING ORDER NO.17

EXTENSION OF SITTING HOURS

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, notwithstanding the provisions of Standing Order No.17(2), this House Orders that the sitting of this House today, be extended to 8.30 p.m, or until the Business appearing on the Order Paper is concluded, whichever comes earlier.

The Minister of State for Administration and National Security (Mr. Michuki)

seconded.

(Question proposed)

(Question put and agreed to)

Mr. Speaker: Order, hon. Members! You know the provisions of the Standing Orders as they relate to a Motion of Adjournment. We have a maximum of three hours from the time we begin. I may not be certain about the starting point of the Motion, because I do not know how long the Committee of the whole House will take on the two Bills. On the conclusion of the Committee of the whole House and Order No.9, I will call upon the Leader of Government Business to move a Motion of Adjournment which will continue for a maximum of three hours, or until a time when the House decides to curtail it.

**COMMITTEE OF THE
WHOLE HOUSE**

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Maore) took the Chair]*

*(Resumption of Consideration of the Memorandum by
His Excellency The President interrupted on 5.4.2005)*

THE BANKING (AMENDMENT) BILL

The Temporary Deputy Chairman (Mr. Maore): Hon. Members, we are now in the Committee of the whole House. We will start with the Banking (Amendment) Bill. On 5th April, 2005, debate on this Bill was interrupted at Clause 16. That is where we will begin.

Clause 16

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, when we last debated this clause, the then Minister for Finance requested that he goes to consult further. I wish to report to hon. Members that after consultations, I have instructions from His Excellency the President to withdraw Clauses 16(2) and (3) which were really not the bone of contention, so that Clause 16 will basically refer to Clause 16(1).

Mr. Temporary Deputy Chairman, Sir, I, therefore, beg to move:-

THAT, Clause 16(1) of the Banking Act be amended by deleting Section 44.

This is without the effect of what was done in the past. I request that we make progress so that we clear with Clause 17.

(Question of the amendment proposed)

Mr. J. Nyagah: Mr. Temporary Deputy Chairman, Sir, we have read the Memorandum

from His Excellency the President. The arguments that are used favour commercial banks, majority of which are not Kenyan-owned. A year-and-a-half ago this House discussed this matter at great length and made its decision.

Mr. Temporary Deputy Chairman, Sir, I beg to move a further amendment to the amendment:-

THAT, the entire Clause 16 be deleted.

This means that Clause 16, sections 1, 2, and 3 should be deleted because this will be in the interest of the common man. At one point, bank interest rates in this country went up to over 80 per cent. This resulted in many businesses collapsing because the owners were unable to pay loans.

In some cases businessmen went crazy, died or committed suicide. In order to help the average, ordinary business people, I propose that we delete the entire Clause 16.

The Temporary Deputy Chairman (Mr. Maore): Hon. Members, when we are deliberating on this clause, we should only focus on clause 16(1) because 16(2) and 16(3) are not part of that clause.

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, only recently this House and Kenyans have been complaining because of the high cost of fuel. The Minister has been lamenting that he needs power to control the prices of petroleum products. Why is he refusing to retain this power under Section 44, which he wants us to delete when it is a safety valve that will enable him even in the future to deal with run-away interest rates and exorbitant charges by the banks? It is not enough to delete sections 2 and 3. We need to delete the entire Clause 16 so that Section 44 remains part of our laws.

Mr. Kajwang: Mr. Temporary Deputy Chairman, Sir, the effects of deleting sections 2 and 3 and leaving Section 1 is that from tomorrow banks will be free to charge any interest rates that they want to. That is what they did in 1993 and 1994. This destroyed the entire middle class of this country. We want the Minister to have this power. If he does not want it, a Minister in another Government will want it. We want to retain it. He may or may not use it. However, we must protect our people against mercenary banks in this country.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Chairman, Sir, I think there is a misunderstanding of the whole issue. It is true Clause 16(1) takes away the control of the Central Bank of Kenya (CBK). However, this is taken care of by Clause 17 because the *In Duplum* rule provides that banks cannot charge interest that makes the loan more than twice what was borrowed. This House was totally in agreement on this issue. This is not a partisan issue, loans apply to everybody; to those in the Opposition and in Government.

Our concern was the exploitative attitude and operations of banking institutions. How do we curb it? That is now being regulated and curbed by the *In Duplum* rule. Therefore, when Section 44 is deleted, we will not leave a vacuum. The bone of contention, if we jog our memories a year ago when we were debating Section 16, and the HANSARD will bear me correct, we were united in saying that we did not want to have a retroactive effect on borrowers. The Memorandum is removing retroactive effects from the banks. We wanted equality, not retroactive effects on the borrowers. That is now removed by the withdrawal of sections 2 and 3. Section 1 remains and the interests of the borrowers are taken care of by the *In Duplum* rule and other sections that follow. I am urging that we support Clause 16(1) as it is.

The Temporary Deputy Chairman (Mr. Maore): Hon. Members, before I allow Mr. Angwenyi to air his views, what we are trying to delete in the Banking (Amendment) Bill reads as follows:-

"No institution shall increase its rate of banking or other charges except with the prior approval of the Minister."

If that is clear, Mr. Angwenyi, you may proceed!

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, the *In Duplum* rule applies to those

people who are unable to pay their loans. However, if I am able to pay and the bank or financial institution arbitrarily increases the interest rates or charges without the approval of the Minister, who will control them? A person accountable to the people of Kenya, a Minister in this case, should have power to control these outrageous increases in interest rates and bank charges. That is the mischief we want to address in this clause.

Mr. Raila: Mr. Temporary Deputy Chairman, Sir, in a liberalised market, the responsibility of the Government is to regulate. Without that, there is no need of having a Government at all. If the Government wants to be forced by the IMF and World Bank to do things in the interests of those institutions rather than for the interest of the people of this country, there is no need for a Government. This is the first time I am seeing a Minister refusing to have powers.

(Laughter)

We are giving the Minister power, which he is going to use judiciously to protect the interests of the people of this country. He does not have to use it if banks are not behaving as rogues. But if banks want to behave as mercenaries, we are giving the Minister the power to regulate and protect the interests of the people of Kenya.

(Applause)

The Temporary Deputy Chairman (Mr. Maore): Hon. Members, for clarity, the amendment to this amendment proposed by hon. J. Nyagah will not have much impact if you are going to vote, because whichever way, it is the same thing. If you negate, you go to Mr. J. Nyagah's amendment. If you succeed, then it goes.

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I associate myself with the sentiments of the House. But I just want to clarify one thing; that in bringing the amendment to the Banking Act, I know it was passed a long time ago; it was last year. If you look at the totality of the package that was contained in all these other things, the move was to give more powers to the Central Bank of Kenya to regulate the financial institutions. You will recall that even just two weeks ago when we passed the Microfinance Bill, we moved the power to regulate interest rates, and we gave it to an independent regulator, which is the Central Bank, so that it is not a political decision to be taken by the Minister, in terms of which bank to approve and which one not to approve. I think that is the spirit in which we brought this first amendment. We said, let the decision on whether a bank should increase its charges or not, not be a political decision by the Minister, but let it be a calculated decision by the regulator, which is the Central Bank of Kenya. We are then protecting the borrowers in terms of the magnitude of their loan, and we have already passed the first one in terms of how to protect the deposits.

So, I just wanted to make that clarification, that, in fact, what we are removing is not protection of charges, but the person doing it. Instead of it being the Minister, let that responsibility lie with an independent regulator, which is Central Bank. That is what we are asking and I would like us to look at it from that point of view, that it is not an issue of saying the banks will be let loose. The point is that, let the decision be by the Central Bank rather than by the Ministry.

The Temporary Deputy Chairman (Mr. Maore): Order! Hon. Members, I think we are dealing with a delicate matter, and it is fair that what we can negotiate, we negotiate and what we can legislate on, we do it. Now, we are on the final leg of the negotiations. The issue is, the Minister is pegging his argument on what he is providing in Clause 17.

Mr. Syongo: Mr. Temporary Deputy Chairman, Sir, in principle, the Minister is saying the obvious, that the Central Bank shall be responsible for monetary policy, whereas he, as the Minister for Finance, is responsible for fiscal policy. But, ultimately, although the Governor of the

Central Bank is responsible for the monetary policy, he is answerable to the Minister because the Minister is the one who will be ultimately accountable for monetary policy as well, and answerable to this House. We are simply ensuring that the parliamentary system works, and that the Minister shall be responsible.

(Applause)

Mr. Temporary Deputy Chairman, Sir, it will be very unfortunate if the Minister declines to accept his constitutional responsibility.

(Applause)

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, this is a very important point. The point that the hon. Members are making, and the steps that the Minister is proposing, should be understood very carefully. Section 44 says: "No institution shall increase its rate of banking or other charges except with the prior approval of the Minister".

Mr. Temporary Deputy Chairman, Sir, this is a protective clause. It is not giving the Minister the originating action to cause rates to be increased or reduced. It is a cautionary statement that tells banks that there is a power somewhere which is overseeing them and ensuring that they do not go overboard. This protective clause is extremely important to the Kenyan people, and the Government of Kenya must own it to ensure that banks do not become rogues.

(Applause)

The Temporary Deputy Chairman (Mr. Maore): Hon. Members, I am now going to put the question on the clause as amended. Clause 16(2) and (3) has been withdrawn. So, we are voting on Clause 16(1). That is the amendment by the President in the Memorandum we are dealing with.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Chairman, Sir. I think we should vote on the amendment by hon. J. Nyagah.

The Temporary Deputy Chairman (Mr. Maore): I am stating that whichever way we vote on the President's Memorandum, it will make relevant or irrelevant the amendment by Mr. J. Nyagah. It is the same thing.

(Loud consultations)

Let me make it clear. If we vote and it is agreed that, as the President proposes, this Section 44 is deleted, it will be the same as rejecting the amendment by hon. J. Nyagah. It is the same thing.

Mr. J. Nyagah: On a point of order, Mr. Temporary Deputy Chairman, Sir. Why do we not make it easy by voting on my amendment and we see how it goes?

Mr. Muite: On a point of order, Mr. Temporary Deputy Chairman, Sir. We are voting on a fairly important clause in a Memorandum by His Excellency the President. So, it is important for the Chair to guide hon. Members, so that we know exactly what it is that we are voting for.

To make it easy, either we vote for the amendment proposed by the Member for Gachoka, which is that this amendment proposed by His Excellency the President be deleted. Alternatively, you make it clear that those who want Section 44 of the Banking Act to remain, namely those who are rejecting the proposal by His Excellency the President, should vote in a particular manner, so that we are completely clear on the way we are voting. The easiest way is to vote on the amendment by hon. J. Nyagah.

The Temporary Deputy Chairman (Mr. Maore): Hon. Members, Mr. J. Nyagah's

amendment seeks to delete the whole of Clause 16.

Hon. Members: Yes!

The Temporary Deputy Chairman (Mr. Maore): In the President's Memorandum, he was saying that you retain Clause 16 (1) only.

Hon. Members: No!

The Temporary Deputy Chairman (Mr. Maore): Now, let us dispose of one amendment at a time.

Mr. Raila: On a point of order, Mr. Temporary Deputy Chairman, Sir. The procedure would be that because we have an amendment to the amendment that has been proposed by His Excellency the President, we deal with that particular amendment first. If that amendment is approved, then it has the effect of deleting the amendment proposed by the President. If we do it the other way round, it will cause confusion and, in fact, there will be nothing to amend.

Mr. Temporary Deputy Chairman, Sir, so, I propose that we first deal with the amendment to the amendment that has been proposed by the President in the Memorandum.

Mr. J. Nyagah: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, the Memorandum be amended by deleting Clause 16.

(Question of the amendment proposed)

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

Hon. Members: Division! Division!

The Temporary Deputy Chairman (Mr. Maore): You may now take your seats. You have the requisite numbers and I, therefore, order that the Division Bell be rung.

DIVISION

(Question put and the House divided)

*(Question carried by 77
to 44 votes)*

(Clause 16 deleted)

AYES: Mr. Ahenda, Dr. Ali, Ms. Abdalla, Messrs. Angwenyi, Prof. Anyang'-Nyong'o, Messrs. Arungah, Balala, Bett, Boit, Chepkitony, Choge, Haji, M.Y.; Ivuti, Kaindi, Kajembe, Kajwang, Kamotho, Kenyatta, Dr. Khalwale, Mr. Khaniri, Dr. Kibunguchy, Messrs. Kilonzo, J. K.; Kilonzo M.; Kimeto, Kingi, Koros, Kosgey, Lesrima, Ligale, Madoka, Ochilo-Ayacko, Omingo, Maitha, L; Dr. Manduku, Messrs. Manoti, Maore, Marende, Masanya, Mbau, Ms. Mbarire, Messrs. Mghanga, Mirugi, Moroto, Muite, Mukiri, Eng. Muriuki, Messrs. Musyoka, Muturi, Mwaboza, Dr. Mwiria, Capt. Nakitare, Messrs. Ndambuki, Ndolo, ole Ntimama, ole Ntutu, Nyagah, J.; Raila, Dr. Oburu, Messrs. Ogur, Ojaamong, Dr. Ojiambo, Mr. Ojode, Prof. Olweny, Messrs. Omamba, Omondi, Onyancha, Oparanya, Osundwa, Owino, Salat, Sambu, Dr. Shaban, Messrs. Sudi, Syongo, Too, Wamwere, Wanjala and Were.

Tellers of the Ayes: Messrs. Boit and Mbau.

NOES: Messrs. Abdirahman, Akaranga, Awori, Mrs. Chelaite, Messrs. Kamama, Karaba, Ms. Karua, Messrs. Karume, Katuku, Kenneth, Prof. Kibwana, Mrs. Kihara, Mr. Kimunya, Dr. Kituyi, Messrs. Kiunjuri, Koech, J.K.; Kombe, Dr. Kulundu, Mr. Kanyingi, Dr. Machage, Messrs.

Michuki, Miriti, Mohamed, A.M.; Mohamed, A.C.; Muchiri, Mrs. Mugo, Messrs. Muiruri, Mungatana, Munya, Muriungi, Murungi, Mwenje, Mwiraria, Ndile, Ndwiga, Mrs. Ngilu, Prof. Saitoti, Messrs. Serut, Sasura, Maj. Sugow, Mr. Tarus, Eng. Toro, Mrs. Tett and Mr. Yattani.

Tellers of the Noes: Messrs. Karaba and Koros.

ABSTENTIONS: Mr. Konchella and Ms. Ndung'u.

Clause 17

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Section 44(a) be amended-

(a) by deleting paragraph (c) of subsection (5) and substituting therefor the following new paragraph:-

(c) a loan becomes non-performing in such manner as may, from time to time, be stipulated in the guidelines prescribed by the Central Bank;

(b) by deleting subsection 6 and substituting therefor the following new subsection:-

(6) This Section shall apply with respect to loans made before this section comes into operation, including loans that have become non-performing before this section comes into operation;

Provided that where loans become non-performing before this section comes into operation, the maximum amount referred to in subsection (1) shall be the following:-

(a) the principal and interest owing on the day this section comes into operation;

(b) interest, in accordance with the contract between the debtor and the institution, accruing after the day this section comes into operation, not exceeding the principal and interest owing on the day this section comes into operation;

(c) expenses incurred in the recovery of any amounts owed by the debtor.

Let me start by thanking this Committee for expressing confidence in the Minister for Finance in safeguarding their interests and giving me my powers.

Clause 17 is introducing the so-called *In Duplum* Rule. The long and short of this is that when you borrow money and, for some reason, you are unable to repay, the total interest that will accrue and accumulate on that loan should never exceed the amount that you initially borrowed.

(Applause)

Mr. Temporary Deputy Chairman, Sir, I believe in this; that there has been mutual consensus. Basically, I do not even need to belabour the point. We have seen suffering in this country, where people borrow Kshs200,000, for example, and eventually they are mortgaged for millions. What the President is intending to do through this Memorandum is to introduce that provision, that for anyone borrowing a certain amount, that loan should never exceed the amount initially borrowed. I ask for the hon. Members' support on this.

*(Question of the amendment
proposed)*

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, I would like to support the amendment to that clause. I believe my colleagues will support it overwhelmingly.

Mr. Syongo: Mr. Temporary Deputy Chairman, Sir, I want to record appreciation to His Excellency the President because this particular amendment is long overdue.

I totally support it.

Mr. Kajwang: Mr. Temporary Deputy Chairman, Sir, we have seen situations where the Central Bank of Kenya (CBK), a Minister, Attorney-General or even the Chief Justice have been given power to stipulate certain guidelines, but they never implement them. So, we would never know when a non-performing loan becomes non-performing.

Mr. Temporary Deputy Chairman, Sir, the amendment partly says:-

"A loan becomes non-performing in such a manner as may, from time to time, be stipulated in the guidelines prescribed by the Central Bank."

Therefore, we expect that the CBK, immediately after this Act becomes operational, will give us those guidelines, so that we know which loans are performing and which ones are not.

*(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 17 as amended agreed to)

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Memorandum by His Excellency the President on the Banking (Amendment) Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT AND CONSIDERATION OF REPORT

Mr. Maore: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Memorandum by His Excellency the President on the Banking (Amendment) Bill and approved the same with amendments.

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

The Assistant Minister for Finance (Mr. Kenneth) seconded.

(Question proposed)

(Question put and agreed to)

Mr. Speaker: Mr. Minister, will you now move that the Bill be now read the Third Time?

The Minister for Finance (Mr. Kimunya): Mr. Speaker, Sir, it had been read the Third Time.

Mr. Speaker: Very well! That concludes that particular Order.
Next Order!

POINT OF ORDER

DEFERMENT OF COMMITTEE STAGE: THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Speaker, Sir. I am not prepared to move to the Committee Stage on this Bill. There are very many things that need to be sorted out on the amendments.

Having taken it over, I will need time to go through them and make corrections.

(Loud consultations)

Mr. Speaker: Order, hon. Members! The Minister is requesting that I defer Order No.8, which I hereby do!

Next Order!

Mr. Raila: On a point of order, Mr. Speaker, Sir. The Order Paper actually refers to the Attorney-General as the Mover of this Bill and not the Minister for Justice and Constitutional Affairs.

Mr. Speaker: She is the Deputy Leader of Government Business!

Mr. Raila: Mr. Speaker, Sir, is the Business of the House at her discretion?

(Loud consultations)

Mr. Speaker: Order, hon. Members! In fact, if I were to take your argument to its logical conclusion, it would amount to the same thing. This is because if we go to the Committee of the whole House stage and the Attorney-General is not here, who will move it?

So, I do not think it is relevant.

Mr. Muturi: Mr. Speaker, Sir, as you are aware, this matter was discussed in the House Business Committee. None other than the Deputy Leader of Government Business was actually urging that the Statute Law (Miscellaneous Amendments) Bill be dealt with yesterday and not today. Now, she says that there are new matters which have come up. We want honesty. What we say elsewhere, we should also say it here. I think this is not fair.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Hon. Members will recall that this Bill was on the Order Paper yesterday on your own motion, and because amendments had not been completed, it was deferred. I saw it on the Order Paper today and I have several questions on it.

Surely, the Government cannot be forced to move a Bill that has several things that need to be reconciled.

Mr. Speaker, Sir, I know hon. Members are anxious about several parts of it, but I have a responsibility. We, in the Government, have a responsibility, and until those issues are reconciled the position is that we are not ready.

Mr. Raila: On a point of order, Mr. Speaker, Sir. The Minister should be prepared before she comes to the House. That is why we get the Order Papers in advance. That happens to enable

us prepare for the business of the House.

Mr. Speaker, Sir, I think it is courteous for the Deputy Leader of Government Business to apologise to the House for telling us that she has a right to shift business on the Floor of the House as she pleases.

Mr. Muite: Mr. Speaker, Sir, when this Bill was presented here for First Reading, it was committed to the Departmental Committee on the Administration of Justice and Legal Affairs. We went through the Bill and prepared a report. We prepared proposed amendments and laid them on the Table of this House as far back as June this year.

There are some very important issues here such as increasing the number of judges to deal with case backlogs. We have also the issue of the Kenya Roads Board money, which all of us want. If the Government is not ready today, the next best thing to do is not to go on recess today.

(Applause)

Mr. Speaker: Order, Order, hon. Members! Order, Mr. Muite!

Mr. Muite, you are already anticipating debate on a matter that is coming. Wait for it to come. In the meantime, I have acceded to the request by the Deputy Leader of Government Business.

I hereby order that the Committee Stage of the Statute Law (Miscellaneous Amendments) Bill be now deferred, and it is so deferred.

(Committee Stage deferred)

MOTIONS

SETTING OF THE SALARY OF THE PRESIDENT OF KENYA

(Mr. Ojode consulted loudly)

Mr. Speaker: Order! Order, hon. Members! Mr. Ojode, there should be order in the House. So, keep the peace!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to the provisions of Section 13(1) of the Constitution, this House resolves that with effect from 1st July, 2006, the monthly salary of a serving President of the Republic of Kenya shall be Kshs2 million.,

In this day and age, when parastatal heads are earning Kshs1 million or Kshs2 million a month; when Members of Parliament earn close to Kshs1 million a month, it looks rather absurd that the President earns Kshs700,000.

The President has a lot of responsibilities. He is the Head of State and should be adequately remunerated. I do not need to belabour the point. I would like my colleagues to support this Motion, so that the monthly salary of the President be Kshs2 million per month.

With those few remarks, I beg to move.

The Minister for Finance (Mr. Kimunya): Mr. Speaker, Sir, I rise to second the Motion in recognition of the responsibilities of a serving President, and, by extension, a retired President and even Presidents in the future. We need to put them at a point where they are not competing with the chief executives in this country. The salary of the President is ridiculed by even Government

employees. As you know, currently, the salary of the President is Kshs700,000, plus some allowances.

Mr. Speaker, Sir, some of those allowances do not apply, because he is housed by the State. I think it is important that we fix the salary of the President at a figure that agrees or resonates with us, recognising that the President is the Chief Executive of this country. We should not be having any other person almost feeling that they earn more than the President. It should also be at par with what is happening in other countries where Presidents' salaries are put at the top. All the other salaries are worked out such that you never have a situation, whether in the corporate sector or in other sectors, where people earn more than their chief executive. I would like us to look at the institution of the Presidency rather than at the holder of the office. We are talking of now and the future. We are looking at a President who is residing in Kenya at any one time. Let us start with this proposed salary and add other allowances to it.

With those few remarks, I beg to second.

(Loud consultations)

Mr. Speaker: Order, Order. I plead with the House that we return to a good mood. So, let every hon. Member relax now and get into business.

(Question proposed)

Hon. Members: *Sawa sawa!*

Mr. Samoei: Mr. Speaker, Sir, salaries and remuneration in our Republic are very thorny issue, indeed. The issue of how much one is paid for the services they provide to the Republic of Kenya as public servants requires a lot of reflection. This is because I have had occasion to look at the salaries of other Presidents. Specifically, I have had the occasion to check how much the Prime Minister of Britain earns. He earns approximately Kshs2 million. He presides over a Budget that is 50 times our own.

There are many public servants like ourselves and the President who earn peanuts. The discrepancies in salaries of public servants in our Republic is something that should cause all of us to do a lot of soul-searching before we make any approvals of any additional monies to be paid to certain categories of public servants. I am of the considered opinion that we have so many public servants who earn salaries that they do not deserve. A case in point is the Director of the Kenya Anti-Corruption Commission who earns money that he cannot justify. There are millions of Kenyans who earn Kshs4,000 a month. It is shameful! This Parliament should lead the way in reconciling the salaries and wages for public servants.

Mr. Speaker, Sir, this House should lead the way in rationalising the salaries of all public servants, so that they can make meaning. There is absolutely no justification for us to continue approving millions of shillings to be paid to certain categories of individuals, while millions of Kenyans, who are public servants just like the President and us, earn peanuts. An amount of Kshs4,000 cannot sustain a homestead.

Mr. Speaker, Sir, it is my considered opinion that those kinds of approvals should be referred to an independent commission, which can rationalise salaries of all public servants. We should not continue to justify the inequitable distribution---

Mr. Speaker: Order, Mr. Samoei!

Mr. Samoei: Mr. Speaker, Sir, I am finishing!

Mr. Speaker: Just before you finish, have you looked at Section 13(1) of the Constitution? You had better look at it! The power is vested solely in this House.

Mr. Samoei: Mr. Speaker, Sir, be that as it may--- That is precisely why I am saying that this House should lead the way. It is this House that Section 13(1) vests the authority to approve the money. But before we exercise that authority, I am saying that we should do a lot of soul-searching, so that we can, as a Republic and a country, rationalise the salaries of all public servants.

Mr. Speaker, Sir, I am sorry to say that we are not justified to approve these salaries, unless we bring it as a package for all public servants.

With those few remarks, I beg to oppose.

Mr. M'Mukindia: Mr. Speaker, Sir, let me start by saying that I strongly support this Motion.

(Applause)

Through you, Mr. Speaker, Sir, I would like to point out to Mr. Samoei that on a scale of one to ten, the President of this country - whoever he is - is totally underpaid compared to Members of Parliament who are sitting in this House.

Mr. Speaker, Sir, it is not fair to play politics with somebody's salary. Let us accept that we are underpaying our Chief Executive. As you said, if it is in the interest of this House or the whole country to set up a commission of some kind, only this House has the legal authority to approve or disapprove whatever proposals the Minister has put forward. On that basis, therefore, if it is the considered opinion of this House to set up a commission to look at that issue, there is nothing wrong with that. In the meantime, I think we should not belabour the point! I would like to point out that we cannot---

(Mr. Kimeto stood up in his place)

Mr. Speaker: Will you sit down, Mr. Kimeto?

Mr. M'Mukindia: Mr. Speaker, Sir, we cannot have our cake and eat it. I think it is dishonest on the part of some of us to point out a particular office holder and say that he or she should not have a salary, when the public says that we are overpaid! That is on the basis of the work that we do. I, as an hon. Member of Parliament, cannot justify the salary that I earn, and then say that the President of this country should earn a quarter of that. That is dishonest. I think we should accept this.

Mr. Speaker, Sir, I do not wish to anticipate debate on anything, but I would have expected us to pass that item first, even before we bring amendments to the salaries of other people. That way, we can tie our own remuneration to the kind of work that we do, compared to the Chief Executive of this country.

I beg to support.

Mr. Raila: Mr. Speaker, Sir, this is a Motion over which there should be no division in this House. We are talking about the institution of the presidency of this country. That institution should unite all of us. Therefore, whatever I want to say, I want the other side to take it in good grace. It is actually meant to move us together.

Mr. Speaker, Sir, I do not want it to appear as if we are opposing an increase of salary to His Excellency the President. No! However, we are all public servants. We are actually accountable to the people of this country.

Mr. Speaker, Sir, we should look at the institution of the presidency in total. What does the institution of the presidency cost this country? That is how they do it in the United Kingdom (UK), for example. That is why you find people saying that the monarchy is too expensive for them. They quantify, in monetary terms, how much it costs the British taxpayers to maintain the monarchy, and

the benefit that they get from it. It is the same thing with the Executive.

The President, of course, serves a very important function. We should be the last people to ensure that he is underpaid. We maintain all the State Lodges. We have all that there. The President is not going to starve tomorrow, if we say that we want to have a comprehensive review of how we remunerate him.

Mr. Speaker, Sir, when you travel out of this country and address the people there, the first thing you will be told is: Members of Parliament in Kenya act like visionaries. They are overpaid. They quote figures comparing with salaries of hon. Members of Parliament in different countries. That is being taken out of context. Therefore, I have a very unpleasant duty to defend hon. Members of this House outside the country.

Mr. Speaker, Sir, it is not just the President. We also have other public servants, including hon. Members of Parliament. We need to have a comprehensive review of our remuneration. We will begin with the institution of the Presidency. Why, for example, should the head of the Kenya Anti-Corruption Commission (KACC) earn more than the President? Why should he? What function is he doing that is greater than that of the Chief Executive of this country?

(Applause)

Mr. Speaker, Sir, we want to move from there. Then, we will move to Ministers, Assistant Ministers, Members of the Parliamentary Service Commission (PSC) and so on. We should have a total review. I want to liaise with the other side. It is very easy for us to say 'yes' and pass things here. This House can actually benefit from advice. We can set up a commission to do a review of the salaries of the President, the Vice-President and Minister for Home Affairs, Ministers, Assistant Ministers, Members of Parliament, lecturers and judges.

(Applause)

Mr. Speaker, Sir, let us not just talk about Kshs2 million. What is Kshs2 million for His Excellency the President? What you are proposing is not what we are opposing. We are proposing an amendment that would have the effect of deferring this Motion, so that it can be comprehensively reviewed. We are facing elections and we want to leave a legacy that will be followed by other Parliaments that will come in future.

I beg to oppose.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, like other colleagues, I want to make fairly brief remarks on this Motion.

I stand to strongly support this Motion as presented before the House.

If we start from the premise that we want to create dignity and honour to the Office of the Head of State and to reduce the cost of retirement for presidents so that some do not overstay their welcome, we have the responsibility to give legitimate incomes that are sufficient for healthy living for a Head of State.

Mr. Speaker, Sir, two arguments have been used basically. One, that we need a comprehensive review of all salaries. This economy cannot afford an overhaul of all salaries and benefits for everybody at the same time. It has been appropriate, as has been done, at a time when my friend Mr. Raila was a Minister in this Government, that we stagger the use of limited public resources on improving livelihoods. That is why we started with the investment in turn around the primary production sector. It is yielding resources that are making it possible to increase benefits of hon. Members, the President and possibility of implementing the promise of completing the five-year promise to teachers. We cannot do everything at the same time. The argument does not take

into account the following. That, to give a decent salary to the President does not foreclose on improvement of benefits of other sectors. We commit ourselves to that improvement over time.

(Applause)

Mr. Speaker, Sir, the other argument that has been used is a very interesting one; that we should not increase the benefits of the President because Justice Ringera is paid too much. That is a very interesting argument in logic. Mr. Samoei, maybe it is right that Justice Ringera is being paid too much because he is not delivering on what he is supposed to do. Maybe if he did that, you would not be very happy.

(Applause)

Mr. Samoei: On a point of order, Mr. Speaker, Sir. Is it in order for Dr. Kituyi to impute improper motives on my personality by alleging that if Justice Ringera was doing his job well, I would not be happy? What does he mean? Could he substantiate?

(Several hon. Members stood up in their places)

Mr. Speaker: Order, all of you! That is personalising debate! The hon. Minister should not be personal. Address the issues and forget about personalities!

The Minister for Trade and Industry (Dr. Kituyi): Thank you very much, Mr. Speaker, Sir. In fact, I am happy that Mr. Samoei would be very happy if Justice Ringera does a good job. I hope he does a good job. I do not want to personalise this.

(Mr. Samoei stood up in his place)

Mr. Speaker: Order, Mr. Samoei!

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Since we are not adding anything new to the debate and we are now personalising issues, would I be in order to request that you put this matter to rest?

(Applause)

(Mr. Samoei went to the Dispatch Box)

Mr. Speaker: What is it, Mr. Samoei?

Mr. Samoei: On a point of order, Mr. Speaker, Sir, please. Dr. Kituyi has on several occasions made references to me and I want to set the record straight.

(Loud consultations)

Mr. Speaker: Order, hon. Members!

Mr. Samoei: Mr. Speaker, Sir, when I first came into this House in 1997, Dr. Kituyi could not afford a car.

(Several hon. Members stood up in their places)

Mr. Speaker: Order!

Mr. Samoei: Mr. Speaker, Sir, I had to lend him my car. He was a poor man!

Mr. Speaker: Order!

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order!

Mr. Samoei: Today, Dr. Kituyi---

Mr. Speaker: Order, Mr. Samoei!

Mr. Samoei: Mr. Speaker, Sir, I think it is good for me to say this! I had to lend him my car and today, he can afford to hire a plane.

Mr. Speaker: Mr. Samoei, you are disorderly! Please, get out of the Chamber!

(Mr. Samoei stood up in his place)

You must leave the Chamber, Mr. Samoei! I am sorry!

(Mr. Samoei withdrew from the Chamber)

Hon. Members: *Mwizi! Mwizi!*

Mr. Speaker: Order, hon. Members! Can you see what personalising debate brings to the House? I must warn the Minister because he is the cause of this!

(Loud consultations)

Order, hon. Members! I have dealt with that hon. Member straightaway. I hope that no hon. Member will ever in future refuse to leave the Floor when the Speaker has ordered him or her to leave the Floor. It is contempt of the House and the Chair! I hope no hon. Member will dare do that! Otherwise, I will name that hon. Member straightaway. I think you must make this decision now.

Mr. Balala: On a point of order, Mr. Speaker, Sir. As you have seen what has caused the problem, I think it is high time that we called upon the Mover to reply so that we can support this Motion.

Mr. Speaker: Indeed, I will go straightaway and put the Question.

(Question put and agreed to)

Order, hon. Members. I will now call upon the Leader of Government Business to move the Motion of Adjournment.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE *SINE DIE*

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to move:-

THAT, this House do now adjourn *sine die*.

We have had a very interesting Session. I think it is about time that hon. Members went back home and reflected the performance that we have had in this House since the beginning of this year. Recently, we introduced the performance contracts for public officers. As we call upon the public officers, heads of parastatals, Permanent Secretaries and many others to perform and to be assessed on their performance, it is important that hon. Members also are assessed on their performance. I believe that in spite of the fact that temperatures from time to time have continued to rise, I believe that a lot has been done to transact the business.

Mr. Speaker, Sir, because we are going towards Christmas, that is a time of goodwill. That is the time when people want to be with their families. For those who profess the religion of Christianity, that is the time when people want to love one another. That is a time when people want to forgive one another, if they feel they have offended others.

Mr. Speaker, Sir, I want to call upon hon. Members that as we proceed towards Christmas, let us try and have charity in our hearts. Let us try and be tolerant towards one another. Let us remember that we were brought to this House to transact the business of making laws. Let us remember that we are in this House to try and serve our people. Our people require education, water, energy, electricity and other services. This is a time when we have to go home and discuss with them what their priorities are.

Mr. Speaker, Sir, we have a great country; a country that has seen peace all the time. In spite of the fact that there are misunderstandings here and there, I do believe that Kenya is a great country. Let us be proud of it. Let us work together---

(Loud consultations)

Mr. Speaker: Order, hon. Members! We are not communicating. There is absolutely no communication! I want to address that corner over there! Give this House respect! If you have something that you want to go and discuss loudly, you may take your leave.

So, give the House the ability to communicate.

Proceed!

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, let us learn to give credit where it belongs. This Government has performed extremely well this year. The infrastructure was in tatters. But when you travel around the country today, there are machines and bulldozers working all over the place. Our health services were not worth writing about.

Mr. Speaker, Sir, but, today, when you go around in the rural areas, you will find that the dispensaries, health centres and other places have drugs, nurses and clinical officers. We have not reached where we want to reach. But, with determination, working together, respect for one another and tolerance, we will give our people the service that they require. We know that 65 per cent of this country's population is made up by the youth.

Today, we are preparing a mechanism where we can economically empower the youth with a Fund of Kshs1 billion. Rather than creating misunderstandings between one another, let us join hands, so that we can find how we can help our youth to utilise the money that is available.

With those few remarks, I beg to move.

Mr. Speaker: Anybody seconding?

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Speaker,

Sir, I beg to second the Motion of Adjournment. The current Session of Parliament has been quite busy and productive. We have passed the Banking (Amendment) Bill.

Mr. Speaker, Sir, in terms of issues that have been unfolding within the country - I have in mind the Constitution - the multisectoral forum has done some considerable work. There has been considerable consensus in terms of the proposed law that should lead the country into finalizing the constitutional reforms.

I am sure that, in due time next year, when Parliament resumes, that proposed legislation will be brought to Parliament. There should be bi-partisan support of such legislation, so that we can conclude the process of constitution making and, ultimately, the comprehensive review of the Constitution.

Mr. Speaker, Sir, we achieved some positive work in the Ministry of Environment and Natural Resources. We saw the country, very generously, hosting two major international meetings dealing with climate change and the Bazel Convention on Hazardous Waste.

Mr. Speaker, Sir, I would like to thank the House and the country because the visitors who came to those meetings were received very well. They enjoyed the country. We had very important discussions and conclusions from those particular meetings. We witnessed unusual rains and floods recently. Part of that phenomenon is as a result of climate change. It is in order to appreciate the Government and different Ministries because they assisted those who were affected by floods in various ways. I, especially, thank the Ministry of State for Special Programmes, Ministry of Roads and Public Works and so on. There was timely intervention, even by the armed forces, to help our people.

It is important to pinpoint that, as a country, we need to have a programme on how to deal with climate change. That is because some of those phenomena will be recurring.

I also want to say that I am very grateful for the support that we have received in terms of formulating the National Land Policy that we are trying to unveil. I thank the relevant Parliamentary Committee, Members of Parliament and the country at large.

I encourage further debate so that we could build the necessary consensus. There is no point of introducing a national land policy in Parliament if, as Parliamentarians, we have not developed the necessary consensus. There are very many important policy provisions that we need to agree upon as a country.

Mr. Speaker, Sir, I want to conclude by saying that, whether it is this House, or whether it is the elite of our country, it is important to come together in terms of national interests. We should not be polarised and think that the game now is competing in the next general elections in 2007.

Mr. Speaker, Sir, as a political elite and class, we must know that we have to work together. Even after the elections, we will have to work together.

With those few remarks, I beg to second.

(Question proposed)

Mr. Kenyatta: Mr. Speaker, Sir, I rise to oppose this Motion. I rise to oppose this Motion because using the President's own language, he called for this nation to be "a working nation". We are calling for this House to adjourn *Sine Die* and yet, there is pending work! Kenyans have constantly been claiming that the salaries that we earn do not equate the amount of work that we do.

Mr. Speaker, Sir, today, we have just postponed a critical Bill on the basis that the Government is not ready. That is a Bill that has amendments that have a great impact on the Kenya Roads Board (KRB) and the distribution of roads' money in this country. That has been put on hold until this House resumes, some time next year.

Mr. Speaker, Sir, I have a great deal of respect for the Vice-President and Minister for Home Affairs. He has mentioned that, in deed, this is a great country. It is a great country but, with each passing day, it is being made a small country by the actions of very few members of this Government.

Some of us look in amazement as the Government continues to interfere with the internal affairs of other political parties, yet it is unable to organise its own parties. It is quite clear to everybody that this Government came into power as a coalition. However, when it could not hold the coalition together, it resorted to destroying other political parties against it; the very essence of what democracy is supposed to be. This great country has been made very small by very few people.

Mr. Speaker, Sir, those people who are in Government talk about oppression and silencing of democratic forces, yet they use the Government and the Executive to carry out illegal activities against other political parties. Leaders are stopped with tear gas when they are walking to Government offices to seek redress on injustices done.

Mr. Speaker, Sir, we have had faith and waited for over three years for our courts to decide and determine the case regarding the so called Government of National Unity (GNU), which is illegal. Today, we can neither debate and deliberate on the issue of increasing judges nor swear in the ones we have appointed. This is a great country that has been made small by a few people who have no regard for the rule of law. Their only regard is for their arrogant selves. It is sad when a great country is made small.

*[Mr. Speaker left the Chair]
[The Temporary Deputy Speaker
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, I am embarrassed when I am amongst our East African brothers and sisters, purely and simply because the Government was unable to do what is right and just. It took hon. Members moving to the East African Legislative Court to seek justice. What we are witnessing is nothing to be proud of. Indeed, there was a time when some of us felt proud.

Mr. Temporary Deputy Speaker, Sir, indeed, there was a time when people thought that this Government had a direction. However, the greed for power and arrogance has settled into this Government and it is a shame. I beg to oppose this Motion! Mr. Temporary Deputy Speaker, Sir, there is a Motion that was brought before this House on Wednesday, which I would have liked us to deliberate on before we go on recess. It is not a Motion for us to win or lose, but to give this House an opportunity to deliberate on the issues that are going on in this country.

It is a very sad state of affairs when we talk about a growing economy.

With those few remarks, I beg to oppose.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to support the Motion of Adjournment. I am amazed by the double-speak and high-sounding attitudes coming from the opposite side. I have been amazed by totally irresponsible behaviour by people who claim to be a Government-in-waiting.

I am amazed by people who look for scapegoats when they cannot organise their households. I am amazed by "political cry babies" who cannot take responsibility. A party which cannot look after itself; that cries foul and claims that other parties are de-organising it, is not worth being called a political party. Each party must manage its own internal affairs. No party should look up to Government to move into its issues and sort out its mess. Internal matters of parties---

Mr. Sirma: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Minister, being aware of her responsibility and what she did, declare her interest in this issue?

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I did not understand what the hon. Member said. I will, therefore, continue with my presentation.

It is a pity that people stand here and engage in double-speak when they incited other people to lawlessness and disobeyed the law with flagrant abandon. If a party has internal dispute, its constitution could, perhaps, be of help. If the constitution is inadequate, there are courts of law. It is on record in this country, that almost all political parties are having internal problems. Those cannot be solved by anyone else.

No one should look up to the Government to solve internal disputes of political parties, including all Government political parties. That is an affair that concerns political parties themselves. Having said that, it is imperative on any leader with pretence to have the capability of managing this country, to show the way by obeying the law and following the legal procedures when people are aggrieved. Let people know that this Government believes in the rule of law and we do not interfere---

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Muturi! That is not the way to do things! Do not disturb or interfere with someone's opinion. However, if you have a genuine point of order, that is fine. However, do not take someone's time. We only have five minutes being allocated to every hon. Member.

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister for Justice and Constitutional Affairs to stand here and argue that the Government of the day, to which she belongs, does not have a responsibility to uphold the law when it is, on a daily basis, interfering with the running of the affairs of political parties, for instance, appointing Ministers without following the due course of the law?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Muturi! You know that is not a point of order! That **[The Temporary Deputy Speaker]** is a point of argument!

Continue, Madam Minister!

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, this is not a shouting match! I am not sure if the hon. Member was here with me in 1997, when this House amended the law to enable a serving President to appoint Ministers from any side of the House. That is how in the last Parliament, KANU was able to have a marriage with NDP. We too have had our several marriages.

(Applause)

Regarding the issue of the East African Legislative Assembly, I saw no hon. Member who was nominated after another one was forced out. We elected the Members pursuant to rules made by this House. We are not subject, as a Parliament, to the rulings of the court at the EALA. Even if the hon. Members we elected were rejected, we would return the same ones. This Parliament is not under the jurisdiction of the East African Court of Justice.

I am surprised that hon. Members of the House Business Committee who together with us sat and approved those names can stand here and shed crocodile tears. We need honesty and

integrity. Let people not go back on what they have agreed on.

On the "Motion of No Confidence," we welcome it. However, whoever moved it knew very well the time table of the House Business. Nothing had prevented the Mover from bringing it within time to enable discussion on it.

Mr. Temporary Deputy Speaker, Sir, as a Government, we welcome the opportunity to talk to each other and to the nation about ourselves and to point out that there is no credible Government in waiting. We also need to point out our position as a Government, the good work that we have done and that we need to train the Opposition because we virtually have nobody to oppose us.

Nobody should be deceived that we are afraid of a Motion of No Confidence in the Government. We lie in wait. Whether it comes now or next year, we are ready for it. We are equal to it. When people have arrogance and it is written on their faces, do not dare call others arrogant!

With those few remarks, I beg to support.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, like my colleagues on this side on the House, I stand to oppose this Motion. I will just remind the House of a famous saying by Wole Soyinka which says: "A tiger does not need to shout about its tigrity." I hope that will go down memory lane.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank hon. Members who came to the support of our family when we lost our father, Rev. Canon Hezbon Shimeyi Nyong'o. I would like to thank hon. Members who took their time off to join us at home on Friday, 24th November, 2006 when we had the last *arusi* for our father. May God bless you.

Mr. Temporary Deputy Speaker, Sir, having said that, I am equally amazed by the lack of social imagination on the part of the Government. If I were the Government and I was confident about ourselves, I would have prolonged the sittings of this House so as not to keep the nation in suspense as to the extent to which this House has confidence in the Government. I would have disposed of that issue expeditiously if, indeed, I was a tiger that does not need to shout about its tigrity.

Secondly, I would like to go on record by saying that Kenya is a country of very high potential, but a disappointing under-achiever. This is a responsibility that, if the Government was, indeed, conscious of, it would address the shortcomings and mistakes in a much more humble fashion.

Since bravado has become the order of the day, we are humble enough to sit here and listen to it, but it is a part of the disappointing under-achievement of this Government. As we go on recess, I would appeal to those who are responsible for the destiny of this nation, to reflect during the three months and come back to this House assuming a more responsible disposition than what we are seeing at the moment.

Mr. Temporary Deputy Speaker, Sir, something very serious is happening in this nation. This is the use of the Kenya Anti-Corruption Commission (KACC) and the Kenya Revenue Authority (KRA) as witch-hunt instruments for individual and institutions which are perceived to be against the Government. I have had a personal experience on this, which I really do not need to relate to the House. However, this is misuse of Government institutions and public resources. This Government has a huge responsibility to use those institutions responsibly for the purpose of economic growth and employment creation. This is a policy which I left in Government, but one which is currently being very badly pursued.

I hope that the misuse of Government institutions and individuals so as to undermine the integrity of this nation and individuals of this nation, is something that should be stopped expeditiously.

Insecurity in the country has reached a level that is not only intolerable, but shameful. It

begins from Nairobi up to my home in Kisumu Rural Constituency. Today, no man or woman can speak about the issue of peace. Government institutions and individuals are in collaboration with the underworld. The best example was the Artur Brothers Saga. That was just a tip of the iceberg. I have talked to people in the security system who have personally confessed that this problem of Government institutions being connected to the underworld to undermine the security of this nation has reached a terrible level. As we go on recess, I would like to appeal to the Government to realise that this country will not develop economically if the issue of security is not addressed. The citizens of this nation will not sing the national anthem with dignity and conviction if the issue of security is not addressed. This issue should be addressed honestly and not used as a political weapon to advance the cause of a bereft and bankrupt Government.

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

The Assistant Minister for Justice and Constitutional Affairs (Mr. Mungatana): Thank you, Mr. Temporary Deputy Speaker, Sir, giving me this opportunity to support this Motion. First, I would like to congratulate the House for the good work that has gone on during this Session. We have passed a lot of important Bills. Yesterday, we passed one of the most crucial Bills that affects the environment, especially in the coastal region.

The Energy Bill requires, for instance, that people who are trading in oil and those who are responsible for oil spillage across the Indian Ocean and the continental shelf take responsibility for cleaning it. This is amongst the many important laws that we have passed during this Session.

While we have redeemed our image as a Parliament which has been condemned outside, that we are not passing laws or doing enough while we are here, the perception by majority of the *wananchi* remains that hon. Members who sit in this House are corrupt. I do not want to believe that, that is the position. However, the beliefs of the people can only be changed if we take time off and spend more time with our people in the constituencies to show them the kind of productive work we have been engaged in.

Mr. Temporary Deputy Speaker, Sir, in particular, there are some great innovations that this House has approved as being part of Government policy. In particular are issues of the youth. Many people outside this Parliament still do not comprehend the way the Youth Enterprise Fund (YEF), as proposed by the Government and the rules that will apply, is applicable to our constituents. When we take this time off, we should spend a lot of time explaining to our constituents the way our youth will access this Fund, which is crucial for purposes of our operations. This will also be an opportunity for us, who have been very busy doing legislative work and other things, and not have had time to visit the Ministry of State for Youth Affairs, which is relocated to Kencom House, to visit those offices, get information and disseminate it to our people.

Mr. Temporary Deputy Speaker, Sir, I also would like to comment on the question of the image of this country abroad. It is the responsibility of the leadership in this nation, both the Opposition and the Government, that the kind of image we portray outside of this nation is one befitting the status that this country is in.

We have spent a lot of time both, inside and outside this country, speaking ill of our nation. It is my hope that those who have gone out there and made business out of portraying our country in negative light shall take time off, during this recess, to redeem themselves. I was personally very delighted to see a lot of Kenyans respond to Initial Public Offerings (IPOs) that were made to *wananchi*. When you talk about the stock exchange of any country, there is no greater measure of stability and confidence in it than the fact that it is operating properly. For people who are responsible citizens to go out there and claim that members of the public who queued to pay their Kshs1,000 to buy shares were actually using drug money, is unfortunate.

With those remarks, I beg to support and ask that we use the recess to make our country look great.

Mr. Bahari: Thank you, Mr. Temporary Deputy Speaker, Sir. At the outset, I beg to oppose this Motion for adjournment. This is because it is in the public domain that this House has not done enough as is required of it. I fully agree with that view. We need time to finish the unfinished business. This House has to give direction in so many pieces of legislation that remain uncompleted.

Mr. Temporary Deputy Speaker, Sir, the Government of the day is responsible, to a great extent, for putting in place measures to ensure that this House performs as is required through consultation across the board, so that a lot of issues are debated on, agreed on and consensus developed before matters are brought to the Floor of the House. We have not seen this happening.

Mr. Temporary Deputy Speaker, Sir, "democracy" is one word that has often been misused a lot. Even dictatorships claim that they are democratic. In this country, the multiparty system is the foundation of our democracy. The Government has admitted here that parties in this country have problems. Therefore, the very basis of the foundation of this State is being threatened. It is common knowledge that the Government has a hand in the destabilisation of parties. It started with NARC, where there were attempts at the beginning to take over the leadership of that party. When this failed, people resorted to destabilising other parties.

Mr. Temporary Deputy Speaker, Sir, if I may speak for the arid and semi-arid areas, as much as there have been public pronouncements of what will be done for those areas, they remain the poorest areas with no infrastructure as we speak today. In the last four years of this Government, nothing of significance has been put in place. This is very sad. Even the way the issue of relief food has been handled in those areas is very unfortunate. The amount of relief food given is inadequate, and the people there are really suffering as the poverty level is very high.

If I may speak about income disparity in relation to arid and semi-arid areas, at the regional level, this is of serious concern. I am happy the Minister for Finance is here. This must be the time to ensure that income disparity in this country is reduced. This is one of the countries where the income inequality is very high. This must be addressed, particularly in relation to the arid and semi-arid areas. I know there has been some token assistance passed to these areas. But it has been insufficient. We need a major move, not piecemeal measures.

As hon. Members from these areas, we made our intentions known, from the word go, to none other than His Excellency the President. We spelt out the major projects whose implementation we think will make a difference in these areas. You will be surprised by the amount of infrastructure in place in countries that are generally arid and semi-arid; an example is Namibia. In that country, very remote areas have attracted tourism because of the infrastructure that has been put in place by the Government of the day. I am certain that the people in arid and semi-arid areas of this country will not be deceived by tokens that have been passed on to them. I know that they understand their rights more than even before. For example, in the area of education, I know there have been attempts in the past by the Government to put in place some measures to change the situation. But year in, year out, when you look at the results of the national examinations, you see that those areas have lagged behind. This is one way to continually marginalise the arid and semi-arid areas. It is as if we have given up on these areas and completely shown a lot of indifference.

With those remarks, I beg to oppose.

The Minister for Trade and Industry (Dr. Kituyi): Thank you very much, Mr. Temporary Deputy Speaker, Sir. The Motion before us is basically procedural because we know that traditionally this is the time we should break off for the Christmas recess. So, we are not inventing anything, or running away from or towards something. We are just doing the normal thing we do. But we can sustain the rituals as if there is some reluctance in doing what we normally do.

I share the sense that we have a responsibility, as leaders, to tone down the hate rhetoric, to lower the temperatures that we are building up in our society and to focus on what is positive in order to identify, in a civilised way, where we are going wrong and do right. I have listened to the hon. Member who has just spoken. I have had very personal and long-running interest in what goes on in pastoralist areas. I know that for historical reasons, these have been largely forgotten and disadvantaged parts of this country, and they have a long way to go to catch up. But I also know it, as a reality, that during the lifespan of this Government, more investment has been put in opening up new water points, in addressing the long-term problems in the livestock sector, in committing resources to infrastructure, like the recent award of a tender for the construction of the Isiolo Road as part of the completion of the road to Moyale and the work on the airport in Isiolo. Work has been going on in affirmative allocation of resources for education.

Last year, we had the worst drought in a generation. But for the first time in the history of this country, you could see army bowsers by the roadside delivering drinking water to emanciated families. We saw Government vehicles delivering fodder for livestock. We saw the Government buying depleted livestock and later on providing breeding livestock. These are positive things we must appreciate, even as we criticise and say that we would have liked to have more, instead of creating conditions to appear as if Government is raiding the most vulnerable in this society.

Similarly, I wish to thank all Members of Parliament on both sides of the House, that in the annual cycle of flare-ups of friction between pastoralists and non-pastoralists during the extended drought, there has been much more civilised decorum in the conduct of Members in their public utterances that helped to speedily bring to control the skirmishes that were happening among our people. I want to urge hon. Members that we build on this and stigmatise politicians who want to incite ethnic hate as a way of purchasing cheap popular support.

Mr. Temporary Deputy Speaker, Sir, I share the sense that this country needs to grow much more than it has done. We have done very well by our modest standards. Doubling ordinary revenues in a period of three and half years is no mean feat. But we are not where we need to be. We must all share responsibility, that issues that need to be done for this country should not be owned as part of partisan competition.

Issues about the problem of insecurity in this country are important and solutions are not a monopoly of the Government. Let us collectively engage in determining what we can do to deal with this major threat to our national interests. We should not use it as an issue for scoring cheap political points.

Similarly, if there is insufficient utilisation of the potential of this country as a destination of direct private investment, we shall ask ourselves what has gone wrong. We have done pretty well to move from negative growth. In fact, we have been given a very substantial positive rating by various polls, which have recognised the fact that the management of the factors of our economy is sound. To move to such a massive financing of our own expenditure as a Government is something that we should be proud of. If we are being slowed, then it is because people are playing politics with investment in our country.

Mr. Temporary Deputy Speaker, Sir, just like hon. Mungatana said, you should go out there and interview the coffee farmer, who at long last is getting something out of his coffee or the milk producer who at long last is also getting something from his dairy production. They are now able to buy shares in KenGen and Kenya Airways. If you tell them that money in the Nairobi Stock Exchange (NSE) comes from the sale of drugs, do you not think that you are a mad man? It could well be said that you are insulting the integrity and hurting the dignity of our country. You, in fact, would be abusing the proceeds of their labour.

Mr. Temporary Deputy Speaker, Sir, if there is any money going into the NSE that comes out of drugs, then it is money that might have come out of drugs many years ago which was being

hidden away because of lack of knowledge that if you manage the economy well, it will definitely give you the best prospects. Thanks to our good management, they can now seize the opportunity to claim the money. You cannot hold it against the Government that it has created conditions which are favourable for money that may have been hoarded elsewhere to be traded in the NSE. What we need to do as a society is to say: "I know this drug peddler. Let us take him to court and clean up our act." We should not rise on a pedestal of lies and insult the decency of this country.

This country has an opportunity to rise to another level. We need to offer leadership in the region. As we help in the search for peace in the Great Lakes Region, it is our responsibility to be more proactive than to engage in the pettiness that has characterised some of the Opposition politics in this country.

Maj-Gen. Nkaisserry: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

Right from the outset, I stand to oppose the adjournment of this House. This is because if you draw up a score card on the performance of this House and highlight six issues: Security, democracy, education, health, infrastructure and corruption, the results will be that this House has done fairly very little.

Mr. Temporary Deputy Speaker, Sir, with regard to security, yesterday, the United Nations passed a resolution that IGAD countries should produce a peace support mission and send it to Somalia. It is the responsibility of this House to endorse such a move in order to enable our country to be secure, especially at our border with Somalia. If we go on recess and yet the UN has put this onerous task on this country, what will really happen? We must admit that we have performed very poorly on that matter.

With regard to terrorism, I am a delegate of the United Nations Conference on Terrorism. I am also a member of the UN body that is in charge of disarmament. Recently, I am happy to report to this House, I was elected the Vice-President of the International Parliamentarians of the Forum on Small Arms. The problem of proliferation of small arms in Africa and especially in the Great Lakes Region is enormous. Before we go on recess, this House--- I am glad that the Minister in charge of internal security is vocal with regard to this issue. The Government has continued to disarm our people while the other countries are not doing the same. Now, we cannot go on recess before we establish policies on this matter. We cannot have development unless there is security in our country.

With regard to democracy, one hon. Member in this House spoke very arrogantly about "political babies". There are no "political babies" in this country and we must stop those kinds of abuses. We are getting mad about those abuses by some hon. Members in the Cabinet. It really has to stop! There are no "political babies" and there shall never be any in this House.

When you talk about democracy, it is actually this Government which has killed democracy. This Government cannot stand on its own without the pillar of hon. Members of KANU who have joined it. If today, the Chair makes a ruling that hon. Members in the Opposition cannot join the Government, this Government would not be sitting where it is seated today. How can we then go on recess before we resolve the issue of democracy in this country? You saw hon. Members run for their lives during the recent fracas. Even my car was hit by a teargas canister just because the Government has lost the moral authority to address issues to do with democracy. The Government has gone out of its way to use some Ministers to do certain things against their colleagues in the same Government and yet they claim that the Government is not involved.

The Registrar of Societies is an officer of the Government. How could she be defiant against the law if, at all, she is not under the influence of an authority above her? These are the issues we need to be addressed with regard to democracy.

Mr. Temporary Deputy Speaker, Sir, we have been talking about the Vision 2030. How do

we expect to attain our vision if the Government does not employ teachers so that we have quality education in our schools? The Government does not even pay the professors in our universities well so that they can have the Vision 2030 properly articulated. Really, how are we expected to achieve the Vision 2030?

The Government's money was issued to constituencies that are friendly to the Government. All of us in the Opposition, for example, Kajiado Central Constituency was allocated money from the donor community. Is that not corruption?

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

Ms. Ndung'u: Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion of Adjournment.

(Applause)

I am doing so because of two critical issues that have been defied by the Front Bench. The first one relates to the implementation of the Sexual Offences Act. In July, this year, this House passed the Sexual Offences Bill and it was signed into law by the President. Since it is a criminal law, it means that judicial officers and law enforcement officers must be well versed with the law because it deleted sections of other criminal laws.

Mr. Temporary Deputy Speaker, Sir, last Saturday, I was attending a seminar of prosecutors and CID officers. That was the first time they were seeing a copy of the Sexual Offences Act. They are also so confused about the contents of that Act. Some cases were heard under the Penal Code and now they fall under the Sexual Offences Act. In some cases, some complainants are withdrawing cases. This was allowed in the former law, but not in the new law. There are no directives from the Chief Justice or the Attorney-General. There is no quality framework according to Section 48 of the law that we passed. How come then we are saying today that we want to go on recess and leave everything flat? Why do we want to let that confusion to continue in our police stations and hospitals where we had said that victims need to go for treatment?

Mr. Temporary Deputy Speaker, Sir, today, I asked my Question and it was deferred. I think that the Question and the issue of policies on the Sexual Offences Act need to be responded to before we go on recess so that *wananchi* out there are assured of their rights.

Mr. Temporary Deputy Speaker, Sir, the second Bill which was deferred today and which is of enormous impact to our security is the Statute Law (Miscellaneous Amendments) Bill. Let me talk about a particular amendment which was supposed to amend the Evidence Act. When we came to this Parliament in 2003, this Parliament changed the law with regard to confessions. Unfortunately, that law has made it virtually impossible for criminals to be prosecuted or to be convicted and this has been a cry from the Commissioner of Police, his police officers and magistrates. They ask: "Why can Parliament not rectify the law so that we are not releasing criminals every day?" Every day, murderers, robbers and rapists are being freed. Our people are not safe and all we have to do is to change that law. Now, tell me: Are people going to wait until we come back in March or whenever? How can we, in good conscience, go home and sleep in our safe houses and crisp beds when we cannot change this law to help *wananchi*?

Mr. Temporary Deputy Speaker, Sir, another thing was the increase of judges. Again, we know that our courts have a "traffic jam"; backlog of civil and criminal cases. Some people have hearing dates until the end of the next year. Again, do we go home or do we tell Kenyans, "we will fix it for you and we will ensure that you have access to justice?"

(Applause)

I do not know. These issues can be resolved if we wait until next week.

Mr. Temporary Deputy Speaker, Sir, I appeal to hon. Members to wait and adjourn next week. Let us then deal specifically with these issues that affect the rights of Kenyans. I think we owe Kenyans a few days. I am not tired. Why are you tired? Let us give these Kenyans a little more and let us stick to our motto. It is above there. We are here for the welfare of society. Let us give service to Kenyans.

With those few remarks, I repeat that I oppose this Motion.

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! We are debating up to 8.10 p.m. and so, there is enough time for all hon. Members to speak.

Proceed, Mr. Lesrima!

Mr. Lesrima: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. I wish to also oppose this Motion. Mr. Temporary Deputy Speaker, Sir, all of us agree that this Parliament, in the last few months, has done an excellent job in passing a number of Bills, Motions and Committee work but we could do more if we control our calendar. I would like to take this opportunity to request this Government to operationalise the laws that we passed as hon. Ndung'u mentioned earlier on, like the Sexual Offences Act. The Forest Bill was passed, I believe, last year but it has not been operationalised and that means our District Commissioners are still in charge of the forests. Our people have no opportunities to participate in benefiting from the products of the forests.

I would like to request the Minister for Tourism and Wildlife, hon. Dzoro, before he leaves the House, to abolish the Steering Committee he set up to review the Wildlife Act. I wish the hon. Minister could listen but I can see he is not interested! The Steering Committee that is going around the country seeking views from Kenyans on the new law is not seeking views but imposing biased views on what they think should be the new law.

The Committee itself is divided. There are those who feel that wildlife should not be touched; that wildlife should be treated like some kind of domestic animals. I would like the Minister to understand that this Committee is now divided. One party is against conservation of wildlife while another, which is representing NGOs, has a separate view and they go around the country influencing communities instead of seeking their views.

Mr. Temporary Deputy Speaker, Sir, I think that Committee is biased and should be abolished and the Minister should set up a Committee of experts who are not biased.

Mr. Temporary Deputy Speaker, Sir, on the question of security, I would like to draw the attention of the Minister of State for Administration and National Security to contain crime, particularly in Laikipia. In Laikipia, particularly the Rumuruti-Maralal Road is now a no-go zone because heavily armed bandits in groups of 20 have set up toll stations to rob passengers almost daily. In fact, last Saturday, they killed the wife of the Mayor of Maralal in cold blood and injured her husband. The insecurity situation in Laikipia is out of hand. These gangs are known and the Government should take action because it has the capacity but they lack the will to contain that situation.

On Kenya Meat Commission (KMC), it has been revealed that from January, it will accept only branded cattle. That is against justice.

With those few remarks, I beg to oppose.

Prof. Maathai: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this Motion. I want to say that this is a good time for Members of

Parliament to adjourn because due to the current rains, I hope they will go home and participate in the billion tree campaign that we recently launched to be part of our global campaign to protect the environment and especially to reduce the greenhouse gases that are interfering with our weather.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we also want to remember the fact that so many of our people are still suffering because of the floods and drought in many parts of our country, especially in north west and eastern Kenya and at the coast. As I have said before, I congratulate hon. Members who have taken up the tree planting campaign very seriously. It is something that is durable. It is something that we can work on very easily with our constituents. You can always call on us and we will be very happy to come, although at times we are overwhelmed with work. We will come to educate our people on how they can very easily plant trees, provide themselves with firewood and building materials but at the same time, and most importantly, protect the soil and harvest rainwater.

Mr. Temporary Deputy Speaker, Sir, it is true that we do not have adequate encouragement in the rural areas and I wish our Ministries of Environment and Natural Resources, Water, Agriculture, Roads and Public Works and Energy work together in order to ensure that we can harvest rain water. A lot of the water that floods this country and causes havoc downstream, especially at the coast comes from the highlands. So, the people in the highlands need to be encouraged by extension officers. These Ministries should have an Inter-Ministerial Committee working together comprised of extension officers who will ensure that rain water is harvested. When rainwater is harvested, it replenishes the underground rainwater so that we can have rivers flowing constantly. It also prevents the soil erosion that is causing a lot of havoc in our dams and making it very difficult for the Ministry of Energy to produce enough energy for us. These are issues we have raised in this House many times but I sometimes wonder why we are not able to implement them because without protecting our environment, I do not know what else we are protecting.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to the hon. Members and leaders in this country to preach dialogue and peace and also remember that we are elected here as servants of the people. They should be humbled by the fact that we are here for only a short while and then leave the House for others who will follow us. What is important is the country and the unity we leave behind. We want a united people in this country but people cannot be united by leaders who are constantly thumping chests at each other. We must learn to be humble as servants of the people.

We must learn to be humble, as servants of the people, and to preach peace in this country. If we put fingers into people's nostrils, one day, those people will react. When they react, that is when we will have conflict. We have no idea what dimension the conflicts arising from such situations may take. They may become unmanageable and then we will start to wonder why we do not have peace in our country. I want to encourage hon. Members that we should restrain ourselves from interfering with the internal affairs of others.

Mr. Temporary Deputy Speaker, Sir, let us truly, respect the rule of law as much as we can, especially those of us who are in the Government. Many of us who are in the Government today were in the Opposition yesterday. Surely, we should not do to others what was done to us. We should practise the respect and dignity that we aspired for when we were in the Opposition. It is in that spirit that I appeal to everybody that, as we proceed on recess, we preach peace to our people, so that we can have a truly peaceful and prosperous country.

With those remarks, I beg to support.

Mr. Kosgey: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me

this opportunity. At the outset, I must state categorically that I oppose this Motion.

Quite often, we have been accused of doing very little in making laws for this nation. While some of us are asking for more time, so that we can continue to make laws, the Government wants us to proceed on leave, so that the Bills that are pending can continue to pend.

Mr. Temporary Deputy Speaker, Sir, one of the very important Bills that need to be passed by this House is the Statute Law (Miscellaneous Amendments) Bill, which we deferred this afternoon. The Bill has been pending in this House for quite a long time. When we were in the House Business Committee, we were told that the Bill would be passed before we proceed on recess. I was very surprised this afternoon to hear the Minister for Justice and Constitutional Affairs say that the Government was not ready to initiate debate on the Bill.

Mr. Temporary Deputy Speaker, Sir, the Government knows that the Bill contains very important miscellaneous amendments we wanted to pass, one of them being providing for an increase in the number of judges. As we all know, justice in this country has been permanently delayed for many years. One of the reasons for this is shortage of judicial staff. This provision is intended to rectify that situation. So, for the Government to say that we should proceed on recess and come back in March and, therefore, stay for another four months without sorting out the problem that is being faced by our judicial system is, really, denying justice to Kenyans. There are many other Bills that we need to pass but, because of lack of time, we have been unable to do so.

Mr. Temporary Deputy Speaker, Sir, let me state categorically here that the Government has failed in its primary duty of protecting the lives of Kenyans and their property. The security situation in this country continues to deteriorate on a daily basis. I will give the example of a small town called Kapsabet, where I come from. This year alone, there have been 42 incidents of robbery with violence. A lot of people have lost their lives but the Government has done absolutely nothing.

Whenever we go there, we are told that no stone will be left unturned until the culprits are apprehended. Even when *wananchi* report that they suspect certain persons for committing certain crimes, nothing is done. So, we are left to believe that there is a conspiracy by Government security agents to condone acts of lawlessness.

Mr. Temporary Deputy Speaker, Sir, let me talk about agriculture. There is a myth or fallacy that the income of farmers has increased. Farmers are earning less than what they were earning a few years back because of increase in the cost of production, fuel and transport, increased prices of fertilizer and so forth. Although the Government is paying maize farmers Kshs1,300 per bag of maize; and that money is yet to be released, the net income for farmers is almost nil. Quite a number of us here are farmers, and we do not get any money from farming. The same situation applies for milk, tea and all agricultural produce in this country simply because the cost of farming has gone up.

Mr. Temporary Deputy Speaker, Sir, we heard about the Youth Enterprise Fund. We recommended that the criteria for the disbursement of the funds should be brought to the House for adoption, but we have been asked to go home and tell *wananchi* about the Fund. What are we going to tell them when the criteria has not been laid on the Table? Is that money available or not? The Government should stop playing politics. We heard about Vision 2030, but we are yet to see it laid on the Table.

The democratic space has been eroded and actually, we are now back to the year 1992, where we started. We are back to the days of single-party rule. We are multiparty in name only. What happened two days ago is a shame and it was a sad day for this country!

With these few remarks, I beg to oppose!

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Given that the Motion being discussed is being opposed by more or less everybody, would I be in order to request

you to call upon the Mover to reply?

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): No, I rule against that! We are still remaining with almost two hours to go. So, let us give other hon. Members a chance to debate.

Proceed, Mr. Karume!

The Minister of State for Defence (Mr. Karume): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Am I in order to inform the House that we extended our stay because we thought that we were going to debate the Statue Law (Miscellaneous Amendment) Bill? Therefore, would I be in order to support what was proposed by Mr. Midiwo?

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Angwenyi, you are totally out of order! I have already ruled against that request. Please, do not waste Mr. Karume's time!

Proceed, Mr. Karume!

The Minister of State for Defence (Mr. Karume): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii nitoe maoni yangu kuhusu Hoja hii. Nimesimama kuunga mkono Hoja hii.

Bw. Naibu Spika wa Muda, ningependa kuwakumbusha waheshimiwa Wabunge ambao hawataki tuende nyumbani leo kwamba tuko na kazi hapa Bungeni, na pia katika maeneo yetu ya uwakilisha Bungeni. Hii ndio sababu tumekuwa tukienda likizo mara kwa mara. Kwa miaka yote ambayo nimekuwa katika Bunge hili, tumeenda likizo, na naona kuwa wakati huu ndio unaofaa kwa sababu kuna kazi nyingi sana huko nje.

Wakati huu, mvua imenyeshwa sana na imeharibu shule nyingi na mito mingi imefurika. Huu ndio wakati mzuri wa kwenda likizo ili tuwe na watu wetu waliotuchagua kwa sababu wameathiriwa na mvua. Kwa hivyo, ni muhimu sana twende likizo sasa ili tukawasaidie watu wetu.

Bw. Naibu Spika wa Muda, Serikali hii imeleta maendeleo mengi sana nchini. Kwa mfano, Serikali imeanzisha hazina ya maendeleo katika sehemu za uwakilishi Bungeni, yaani, Constituencies Development Fund (CDF).

Kwa hivyo, wakati huu ambapo shule zimefungwa inafaa tuende likizoni ili tuweze kupanga miradi ya CDF. Najua wale wanaoipinga Hoja hii wanataka tuendelee kufanya kazi hapa Bungeni. Hata hivyo, kazi inayotungojea katika sehemu zetu za uwakilishi Bungeni ni nyingi sana.

Natoa pongezi kwa Serikali hii inayoongozwa na Rais Mwai Kibaki kwa kuimarisha mambo mengi kama vile uchumi. Hali ya barabara zetu ilikuwa mbaya sana kabla ya Serikali hii kuchukua uongozi. Lakini wakati huu wilaya nyingi zina barabara za lami. Kwa hivyo, tunafaa kuipongeza kazi inayofanywa na Serikali hii. Kwa hivyo, naunga mkono Hoja hii ili tuende likizoni.

Bw. Naibu Spika wa Muda, kuna vitu kadhaa ambavyo tunafaa kuvilinda, kwa mfano, Ikulu yetu. Wakati tunapongea, tunafaa kujua kwamba Ikulu ndio roho yetu katika nchi hii. Kuna watu wanaosema kwamba wataandamana hadi Ikulu ya Nairobi. Hatujawahi kuona mambo kama hayo. Wengi wetu tulikuwa katika Upinzani kwa zaidi ya miaka kumi, wakati Rais Mstaafu, Bw. Moi, alikuwa Rais wa Jamhuri ya Kenya. Hatukuwahi kuzungumza juu ya mambo kama hayo. Hata tukikasirika hatufai kufikiria mambo kama hayo. Tukienda likizoni, tunafaa tusahau tofauti

zetu hapa Bungeni. Tunafaa kuzungumza pamoja ili tutatue tofauti zetu.

Kwa hayo machache, naunga mkono Hoja hii.

Mr. Ahenda: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I was very disappointed this afternoon to hear the Minister for Justice and Constitutional Affairs say that there is no Opposition in this House, and yet, she knows very well that it is the Government that has killed it by poaching the Members of the Opposition into the Government side. These include hon. Karume who has just spoken. He was a very good Member of the Opposition. Similarly, hon. Nyachae is a very good articulator. But he is now sitting there like a toothless bulldog because he is now on the Government side.

(Applause)

Mr. Temporary Deputy Speaker, Sir, it is very unfortunate for the Minister to come and say that---

The Minister for Roads and Public Works (Mr. Nyachae): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to insult me by making allegations which are totally untrue? I am serving everybody in the country, and things that never used to happen are happening. I think the hon. Member is out of order because for the first time in the history of my public life, somebody is questioning my performance! Is he in order to do that?

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Ahenda, clearly, you are out of order! If you wish to discuss the performance of any hon. Member of the House, you need to bring a substantive Motion. You must do that. So, please, desist!

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, I never queried the performance of the Minister. In fact, Mr. Nyachae is a very respectable person whom I know very well, and I really respect him. I have never doubted his performance, unless they never understood what I meant.

I will repeat what I said for the benefit of those who did not understand me well. I was actually castigating the Minister for Justice and Constitutional Affairs who, a few minutes ago, said that the Opposition is dead. The Government is talking as if there is no Opposition. I was saying that it is the same Government that has poached hon. Members who could articulate the Opposition ideals. Mr. Nyachae is the best person to have done that.

(Applause)

(Mr. Angwenyi stood up in his place)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Angwenyi! Mr. Ahenda, please, apologise and withdraw! It is as simple as that.

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, if I was misunderstood, because I really respect--- I apologise to Mr. Nyachae and withdraw my remarks.

Mr. Temporary Deputy Speaker, Sir, for me to continue---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Ahenda! Apologise.

Mr. Ahenda: I have apologised, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Let us all hear you apologise and withdraw!

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, I apologise to Mr. Nyachae for anything that I have said and withdraw.

The Temporary Deputy Speaker (Mr. M'Mukindia): Okay, continue!

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, I stand here to strongly oppose the

adjournment of Parliament at this time. Parliament has a lot in its hand---

Mr. Bett: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is talking about---

The Temporary Deputy Speaker (Mr. M'Mukindia): Point of order overruled! Mr. Bett, please, give Mr. Ahenda a chance to finish his contribution. I will give you a chance to raise your point of order.

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, they have taken so much of my time. A few minutes ago, we were discussing the President's salary. As Mr. Raila said, we should look at this issue in totality. We should know that the Vice-President and Minister for Home Affairs is also earning peanuts. We should know what the President, the Vice-President and Minister for Home Affairs, Ministers, Assistant Ministers and all hon. Members of Parliament earn. Now, we are being sent home before I know what my brother earns. That is a very serious issue. This is not the time to adjourn Parliament *sine die*. There are a lot of issues on our hands.

Mr. Temporary Deputy Speaker, Sir, a few months ago, the same Government was castigating hon. Members for not passing more Bills in this House. I am told that during the Fifth Session of the Ninth Parliament we have passed more Bills than in any other Session in the past. This Parliament has done a commendable job. However, it is unfortunate that people want to work and others want to go home. We are a working nation. How is the nation going to work if we are going home?

On security, many hon. Members will come back with all sorts of stories about security in this country. I am glad Mr. Michuki is looking at me. Let security be paramount in your head, Mr. Michuki so that, by the time we go home, all parts of the country are secure!

With those few remarks, I beg to oppose going home at this time.

Mr. Arungah: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion. I am a supporter of this Government, but let me say from the outset that I vehemently oppose this Motion.

(Applause)

For the record, I want to say that I was extremely disappointed to hear the Minister for Justice and Constitutional Affairs say that the Government has certain concerns about the Bill. We know that Bills are made in this House and not elsewhere. If there is any concern, it should be brought here, debated and resolved.

(Applause)

Mr. Temporary Deputy Speaker, Sir, from the time we started this Parliament, we have passed a total of 52 Bills. That is what other Parliaments do in one year. I concede that we have performed a little better this year because we have done 20 Bills, and the other Bills were passed in the last three years. By us going home, 12 very prominent Bills are going to lapse. We have heard of the Sexual Offences Bill, but I am very concerned about the Statute Law (Miscellaneous Amendments) Bill.

(Applause)

We are going to our constituents and we are going to be asked for roads. We had made provision that this money that has been "eaten" left, right and centre will go to the constituencies. That provision has now been suspended. We do not know whether it will come back at all.

Mr. Temporary Deputy Speaker, Sir, we also know that this country needs a Constitution. There was a Bill that we were due to discuss. With us going home today, that Bill lapses. What happens?

There is the issue of The Supplies Practitioners and Management Bill. We know that tonnes of money is being lost through procurement. This Bill was supposed to bring some order so that the procurement officers have some code of conduct so that if somebody misappropriates money, they are taken to task. This is going to lapse.

We also know about the proceeds and crime or the anti-money laundering Bill which is going to lapse, if we go home today. Indeed, there are many others: The Constituencies Development Fund. This is the crux of the matter. Our people want more money because that is the only money they are sure that will end up in the constituency. We are being told to go home but I am not tired.

Mr. Temporary Deputy Speaker, Sir, I still have energy and I want to go on. I, therefore, do not see why we are being pushed to go home.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we are having problems in our political parties. There is a Bill that has been published which we hoped will bring some order on how we conduct our political affairs. With us going home, what it means, ladies and gentlemen, is that this Bill will lapse. We do not know whether it will ever come back to this House.

For those few reasons, I vehemently oppose our going home. I want us to go on and do some work.

I beg to oppose.

Mr. J. Nyagah: Mr. Temporary Deputy Speaker, Sir, I stand to oppose the Motion of Adjournment---

Mr. K. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is very clear from both sides of the House that we can capture the mood of the House. Would I be in order to call upon the Mover to reply?

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): Let me remind you again that this is a Motion of Adjournment. This is an opportunity for every hon. Member to express his views---

Hon. Members: No!

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Members, it is very important, as a matter of practice, that we do not fear debate. I think, as hon. Members, we should be open for debate and express our opinions. You do not have to agree with them but finally, let us hear everybody else.

Mr. J. Nyagah, please, do not repeat what other hon. Members have said.

Mr. J. Nyagah: Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion. We have a lot of unfinished work, as it was clearly stated by the previous speaker. We still have many Bills that need to be sorted out. The one that is very close to be concluded is the Supplies Practitioners Management Bill.

Mr. Temporary Deputy Speaker, Sir, a few days ago, we were persuaded to wait for it this week because it was going to the Committee Stage. So, if we can wait for a few more days, we can conclude it. We can earn a reputation as a House that finishes Bills.

Mr. Temporary Deputy Speaker, Sir, we have serious problems in Arusha. We are grinding

the East African Community (EAC) to a halt. I think we have issues to deal with, the appointment of Members of Parliament to East African Legislative Assembly (EALA). I think we need to be around to resolve that issue, so that we are not held responsible for "killing" the community. We were accused of the same in 1977. It will be wrong for us to earn that kind of reputation, for the second time.

I was going to bring the Money Laundering Bill. The Government brought one two weeks ago. After the First Reading, it is going to die. It is a very important Bill, especially as we go for elections.

Mr. Temporary Deputy Speaker, Sir, we should have a Money Laundering Bill in place. I suggest that we give it time, so that we could take it to Second Reading and help Mr. Kimunya to solve serious problems that face that particular sector.

There are many Bills that were about to be brought here. There is one that we were waiting for today, which was aimed at curbing the stealing of money by engineers in the districts. We are trying to control them. We are also trying to sort out the CDF, so that wananchi can benefit. As you all know, CDF is the property of this House. It was a Private Members' Bill. It is not the Government that introduced CDF. We were going to improve it so that the accusations that are being levelled against us could cease. We could assist wananchi with more money. We need more judges to pass judgements today. We could resolve many things within a few more days. May I request the other side to accept our proposals.

Mr. Temporary Deputy Speaker, Sir, title deeds have been issued at the Coast Province. I was hoping to put a case to the Government to come to my constituency and give title deeds to my people for free, like they did in Coast Province. My people are very poor. They cannot travel to Embu to get title deeds. Could the President and the Minister for Lands come to my constituency and give my people title deeds for free? Those are the things that we need to do in the next few days.

Mr. Temporary Deputy Speaker, Sir, I plead with my colleagues to allow us to stay for a few more days, so that we can sort out a few things that have remained.

With those few words, I hope I have persuaded everybody that we need to stay on. Therefore, I strongly oppose this Motion.

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. As you can hear from my voice, hon. Members are even tired of seeing me here. I will start my contribution by drawing the attention of the House that our work is not limited to the House. Members of Parliament have a lot of work to do out there. We have our CDF. From the reports that I am looking at, I know what is happening. There is a lot of work on co-ordination that is required out there. We have just released some monies; some for the first tranche and some for the second tranche. Some committees are not moving. It is high time that we, as Members of Parliament, realised that we have a responsibility to make sure that those funds are moving out there.

Mr. Temporary Deputy Speaker, Sir, we have the youth issues. We have gazetted the rules to set up the youth funds. We need to go there and start mobilizing the youth to form those groups, so that they can start benefiting from the Fund. It is important that we take the leadership as leaders and Members of Parliament. We should not leave it to the aspirants who are out there mobilizing and confusing the people, while we are here in Parliament. I am sure that is something that we need to think about.

Mr. Temporary Deputy Speaker, Sir, with regard to Bills, part of the problem is that Committees do not have adequate time to do research on the Bills and sit with us to internalise them all. For example, the Money Laundering Bill that has been talked about here--- I need time with the Committee, so that we can go through the Bill and avoid the situation that we are seeing.

You have been witnesses. A Bill comes here and it is met with, for example, 100 amendments.

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to tell this House that he will meet Committees when we know very well that Committees end their work in the first week of December? What Committees is he talking about?

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, we are very keen to engage with Committees this time round, to clear the issues regarding Bills so that when we come back here, we do not have a Bill presented and the following day, more than a 100 being brought before this House. That makes nonsense of lawmaking, which we could tackle out there through negotiation. That cannot be done when we are still carrying on with the business of the House.

This is December when schools close and people go on holiday. People need time to be with their families and engage themselves with their children who are always out in schools. Our Parliamentary staff need to have time with their families too. This is something that has been on the programme. Everyone knew that Parliament was to adjourn on 7th December, 2006. People have made their holiday arrangements and we need to be mindful of the Parliamentary staff. We should not just look at our own needs. Today we are here, but on Tuesday, if we were to stay, probably there would be no quorum in this House. Let us remember that we carry the responsibility of other people who work in this institution and they need time to be with their families. They need time to go and be with their children. We need to start thinking from that angle.

I need to look at some issues which have been talked about here. The Leader of Official Opposition said that this is a great country that is being made small. I agree with him, that this is a great country being made small. When my child asks me why leaders hang on Government institutions' gates; why they call upon foreigners to discuss issues concerning the country instead of calling upon their fellow Kenyans; and, who the drug dealers connected to the Nairobi Stock Exchange (NSE) are, what am I supposed to say? That is how we are making our country look small. I believe that we have a responsibility to take this time off. This is the season of goodwill; that we should embrace one another; think about where we went wrong; talk to each other, embrace the spirit of Christmas; and talk as leaders, as we think about where we will take this country in the next one year or in the next 20 years, for the benefit of our children. I believe that is what we need to do this time.

With regard to the outstanding Bills, I do not think the financial related Bills will be ready, even in the next three weeks because we had made other plans. So, let us not disillusion ourselves that extending the Sitting Time by another two or three days will make us bring the Bill here.

If I am not ready to move it now, the situation will still be the same, to even three weeks from now. Those are some of the issues we need to accept as a reality.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, thank you, for giving me this opportunity to give my views on this Motion of Adjournment. I stand to oppose the Motion because we have a lot of business in this House which the Government is trying to block Kenyans from accessing. I keenly listened to the Minister for Finance as he gave his contribution. From the look of things, he also seems to be in trouble because he does not know where his problems started so as to suggest that we should start talking to each other. We have too many problems to discuss about that.

I wish to say that we have a lot to do in this House. We have the Political Parties Bill to discuss, and issues concerning the Electoral Commission of Kenya (ECK) and other bodies which have been abused by the Government. Unless the Political Parties Bill is brought to this House for debate and enacted, this Government will continue to destroy political parties. Members of the Government are responsible for making phone calls to the Registrar of Societies and telling her what to do. She has been continuously getting calls from all quarters regarding which party should be registered and which one should not. We need to have a legislation governing that.

The Assistant Minister for Water and Irrigation (Mr. Wanjala): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that it is the Government which is splitting parties when he knows very well that when KANU was in power, the FORD was split into three political parties by the Government he was serving namely: FORD(P), FORD(K) and FORD(A)?

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I do not need to respond to that point of order. The current Government is getting---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Sirma! I really wish to appeal to hon. Members to allow other hon. Members to contribute to this Motion. That was a point of argument, you do not have to agree with it! Please, listen to him!

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): On a point of order, Mr. Temporary Deputy Speaker, Sir. While appreciating that the hon. Member requires his time, but is he in order to impute improper motives on a civil servant who cannot come here and defend herself? It is incumbent upon him to clarify or withdraw and apologise! If he does not do that, he should tell this House who he is calling the Registrar of Societies!

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Ndwiga, indeed, that is correct.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I never discussed the Registrar of Societies. I said she received instructions from Ministers in this House. The Ministers have themselves to blame. They should not give a contrary opinion of what I have said!

Mr. Temporary Deputy Speaker, Sir, on the issue of insecurity in this country, and I happy that the Minister of State for Administration and National Security is here---

The Minister for Water and Irrigation (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Registrar of Societies receives instructions from Ministers in this House? Could he substantiate his claim or name the Minister concerned so that we do not blame everyone for interfering with the system? The truth is, there is nobody who interferes with the work of the Registrar of Societies.

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Sirma, you are actually wasting your time. Why can you not drive away from that issue and concentrate on what you are supposed to be talking about?

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, let me not respond to the point of order by Mr. Katuku. Thank you for protecting me. The insecurity incidents we experienced in Kuresoi Constituency---

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

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, what is happening?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! I think the responsibility also lies with the hon. Member contributing. Mr. Sirma, try to keep away from contentious issues that you cannot substantiate. It is important that you keep to your argument. Do not discuss personalities or officers without moving a substantive Motion. It is as simple as that. Please, make it clear to the House that you have not, and if you have by mistake, apologise, withdraw and continue. Your time is almost over!

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, but these are facts! I do not even have a minute to do that. I want to address one critical issue of insecurity in this country.

The Minister of State for Administration and National Security (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member, whose time has just lapsed, in order to talk about Ministers interfering with the duties of the Registrar of Societies? Every Minister has a name and a docket. Would he be kind enough and precise if he wants to continue with this matter?

All the anger being displayed on the other side of the House is arising because somebody thinks the Registrar of Societies was given instructions. He must substantiate!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Michuki! Mr. Sirma, your time is up!

Let us hear from Dr. Machage!

The Assistant Minister for Health (Dr. Machage): Thank you, Mr. Temporary Deputy Speaker, Sir. As a medical doctor and an hon. Member of this House,---

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

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Kimeto, what is your point of order?

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I am sure you appreciate that Mr. Sirma's time was interfered with. Would I be in order to request you to allocate more time to Mr. Sirma to allow him to---

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Kimeto! Mr. Sirma's time is up!

Dr. Machage, proceed!

The Assistant Minister for Health (Dr. Machage): I have been assessing my colleagues in the House and making a visual diagnosis, and I note that nearly all of them are stressed. This is depicted by the level of irritability, aggressiveness and egocentrism. That is just part of the differential diagnosis of what I have noted. The treatment is rest. Just rest. Then, we will come back out of the disease and continue functioning normally.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to impute improper motive on the whole Membership of the House, including the Chair, that we are tired and sick? He is not my doctor for one, and I do not want him ever to be one.

(Laughter)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! Dr. Machage, did you actually use those words? If you did, could you withdraw and apologise to the House?

The Assistant Minister for Health (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I just enumerated the signs and symptoms of stress. But if I offended hon. Members, I withdraw and apologise. But, indeed, irritability is one of the symptoms of stress.

In the last one month, there has been lack of quorum in this House. More often than not, less than 30 hon. Members have been passing Motions and Bills. We cannot be naive not to accept the reality that, may be, we need rest. Indeed, during this Session---

Mr. Ochilo-Ayacko: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Member say that Motions and Bills have been passed in this House when there was no quorum? Is he not saying that this House has been conducting business unlawfully?

The Temporary Deputy Speaker (Mr. M'Mukindia): That is his opinion.

The Assistant Minister for Health (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I have not said that. I have not talked of quorum. I did not mention anything to that effect. I only picked on numbers. If that is what is defined as quorum, so be it. But it is the truth, and let us accept the truth.

Mr. Temporary Deputy Speaker, Sir, during this Session, many hon. Members, whose Questions were answered, demanded that Ministers take time to visit their constituencies and

establish certain facts that needed to be known. This is the opportunity now for the hon. Members to approach the Ministers in their different portfolios to go and visit them and assess development projects, for example CDF projects, dispensaries, hospitals, drugs distribution and so on. We have rains. May be it is time I also went out there and distributed more nets and talk to the people. We need this time. Indeed, we cannot assume that the Christmas festivities are not important to us. Most of us are family people, and we also need to be close to our families, because cohesiveness of our families will also enhance our performance.

With those remarks, I beg to support.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to oppose this Motion.

You know very well that among the days that are allotted for business in this House, three out of the four days in a week are allotted for Government Business. It is, therefore, very sad for the Government to come here to move a Motion indicating that they have no business. A Government that has no business should actually resign and allow another Government to come in its place!

(Applause)

Mr. Temporary Deputy Speaker, Sir, we on this side of the House are very eager and have alacrity in terms of pursuing business. We are just hoping that the Government will take the challenge that Kenyans have bestowed upon them and bring business here today for us to transact.

You are aware, Mr. Temporary Deputy Speaker, Sir, that parts of our country are faced with floods and there are no roads. Our money, set aside for the construction and repair of roads, is locked up somewhere in the Ministry of Finance because of redtape in the Ministry of Roads and Public Works. So, it is not proper to ask us to go out there and do nothing. I do not think that we shall be conducting the affairs of this nation properly. I want to ask our colleagues on that other side to actually take advantage of our willingness to conduct business. We will also show some magnanimity by passing a lot of the Bills that they want us to pass.

Thank you, for allowing me to oppose this Motion.

Mr. Kombe: On a point of order, Mr. Temporary Deputy Speaker, Sir. You said that this is the time for all hon. Members to be heard. It is unfortunate that I am the only one from my party, but I have not been given the opportunity to speak. I have been standing here unnoticed for so long.

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Mr. Kombe! You have to catch the Speaker's eye. It has got nothing to do with the party you belong to.

The Assistant Minister for Health (Mr. Moroto): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili nami niweze kuchangia Hoja hii. Ni wakati ambapo sisi Wabunge tunatarajia kwenda kukutana na watu wetu na kukagua miradi ambayo tumekuwa tukifanya kwa muda mrefu.

Ningependa kuishukuru hii Serikali kwa yale yote ambayo imefanya kwa miaka minne ambayo imekuwa uongozini. Tukiyalinganisha maendeleo yaliyoletwa na Serikali hii kwa miaka minne na kazi ya Serikali iliyopita ambayo ilikuwa uongozini kwa miaka 40, tutatambua kwamba Serikali hii imewafikishia maendeleo hata wale watu ambao walikuwa wamesahaulika kwa muda mrefu.

Bw. Naibu Spika wa Muda, wakilisho langu liko katika eneo linalojulikana sana katika historia ya Kenya. Mashujaa waliopigania Uhuru wetu walifungwa huko. Ajabu ni kwamba walipoachiliwa, walisahau sehemu hiyo na maendeleo huko yakabaki nyuma. Hata hivyo, ukizuru

wakilisho langu leo, utaona kwamba kuna mambo yanafanyika. Watu angalau wanapatiwa madawa na kuna stima. Kitambo, watu wengi huko kwetu hawakujua stima ni nini. Hata watoto shuleni wakiulizwa waeleze stima ni nini wao hujibu eti ni waya. Hii leo tunaweza kusema kuwa kuna maendeleo kule kwetu. Hili ni jambo linalotupa moyo kwa sababu miradi ya Serikali hii impenyeza kila sehemu ya nchi hii.

Serikali iliyopita ilikuwa inawachunguza Wabunge wenye siasa kali na kuwanyima maendeleo kwao. Wakati huu mambo ni tofauti kwa sababu hata Wabunge wa Upinzani wanaweza kushuhudia kwamba hawajabaguliwa na Serikali hii. Maendeleo yamesambazwa kila sehemu ya nchi. Hilo jambo limetupatia moyo kabisa.

Kuhusu usalama, wengine wetu hapa ndio tunajua maswala ya usalama yanapotajwa. Wakati wa Serikali iliyopita jambo kidogo la kutishia usalama lingetendeka, majeshi pamoja na ndege za kivita yalikuwa yakimwagwa mahali kwenda kutatiza maisha ya watu. Tendo hili halikusuluhisha matatizo ya watu. Kazi ya majeshi hayo ilikuwa ni kuwapiga watu tu na kuvuruga usalama. Baada ya kumaliza shughuli yao, wao walilipwa hela na kuondoka huku wakiwaachia wananchi mateso matupu.

Wakati huu, majeshi yanayotumwa kulinda amani hayasumbuwi watu. Ukweli ni kwamba majeshi hayo yanajishughulisha na miradi ya kuwafaidisha wananchi. Ningependa kumshukuru Waziri anyehusika na mambo ya usalama kwa tendo hilo. Aidha, ningependa kumshukuru Rais wa nchi hii kwa vile yeye ndiye Amiri Jeshi Mkuu wa majeshi yetu.

Maj-Gen. Nkaisserry: On a point of order, Mr. Temporary Deputy Speaker, Sir. The secondary role of the Armed Forces of the Republic of Kenya is to assist the civil authorities in maintenance of law and order. Is the hon. Member in order to insinuate that the armed forces are killing Kenyan citizens?

The Assistant Minister for Health (Mr. Moroto): Bw. Naibu Spika wa Muda, mhe. Maj-Gen. Nkaissery ndiye aliyekuja kuongoza kikosi ambacho kilikuja kuua watu. Wakati huu, kuna majeshi ambayo yanatengeneza barabara, yanajenga shule na sio kama yale ambayo aliongoza!

(Applause)

Maj-Gen. Nkaisserry: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Maj-Gen. Nkaisserry! Your time is up! In any case, you raised your point of order.

Proceed, M. Kilonzo!

Maj-Gen. Nkaisserry: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): There is no point of order!

Maj-Gen. Nkaisserry: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have to clear my name.

Hon. Members: Yes, he has to clear his name.

The Temporary Deputy Speaker (Mr. M'Mukindia): Okay, go ahead.

Maj-Gen. Nkaisserry: On a point of order, Mr. Temporary Deputy Speaker, Sir. The current President of the Republic of Kenya is the Chairman of the Kenya National Security Committee. They passed a decision of solving problems of insecurity. We had been given instructions by the Defence Headquarters and we never killed any Pokot, but we arrested the Pokots who had broken the law. We will never allow the citizens of this country to be misled or misrepresented by the likes of Mr. Moroto. These are the kind of Assistant Ministers we have in this country who defend criminals. We cannot allow criminals to be represented by the likes of Mr. Moroto!

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members!

The Assistant Minister for Health (Mr. Moroto): Bw. Naibu Spika wa Muda, Maj-Gen. Nkaisserry ndiye aliua chifu na kumaliza watu wangu. Yeye ni muuaji hatari!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! Hon. Maj-Gen. Nkaisserry and hon. Moroto, could you, please, leave the Chamber?

*(Maj-Gen. Nkaisserry and Mr. Moroto
withdrew from the Chamber)*

(Loud consultations)

Order, hon. Members! Mr. M. Kilonzo, it is your time.

The Assistant Minister for Lands (Mr. Kamama): On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is in relation to what hon. Maj-Gen. Nkaisserry alluded to in this House.

Hon. Members: Sit down! We have finished with that business!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! Mr. Kamama, you are totally out of order. Please, take your seat!

Hon. Members: *Kaa chini!*

The Assistant Minister for Lands (Mr. Kamama): Look at these hon. Members of Parliament! I am defending the Pokots. Is hon. Maj-Gen. Nkaisserry in order to---

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. Kamama, could you kindly leave the Chamber!

(Applause)

*(Mr. Kamama withdrew from
the Chamber)*

The Assistant Minister for Health (Dr. Machage): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Dr. Machage! Could you kindly give Mr. M. Kilonzo a chance to contribute to this debate?

(Loud consultations)

Order! Order, hon. Members! You have already had your time to speak. Please, allow other hon. Members to contribute.

Proceed, Mr. M. Kilonzo!

The Assistant Minister for Health (Dr. Machage): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. M'Mukindia): What is it?

The Assistant Minister for Health (Dr. Machage): Mr. Temporary Deputy Speaker, Sir,

you can evidently see signs of stress in this House. Would I be in order to request that you allow the Mover of the Motion to respond?

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): I shall consider that request after Mr. M. Kilonzo makes his contribution and any other hon. Members who wish to contribute to this debate.

Mr. M. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I am afraid that I will, at least, try to lower the temperature, because my contribution is not as impatient as that of my colleagues.

I would like to draw the attention of this House to the fact that Section 30 of the Constitution is very clear; that the legislative authority of this country is vested in this House. It should never occur as though the House itself is running away from that responsibility. I do not have to repeat the various comments made by many hon. Members that there is a lot of pending legislation that, as a country, we need to go through, particularly, bearing in mind that next year is an election year.

It is imperative that this House considers the unending statements by His Excellency the President, that Kenya is a working nation. I venture to suggest that the Government is now suggesting that the motto of a working nation only refers to the poor workers, the poor farmers and the poor members of the public scattered throughout the country, particularly those who are facing the enormous problems of the floods that have been killing our people. I hope that nobody will say that I am, in any way, inferring or suggesting improper motive on the part of the Government.

If I may remind the House, the Leader of the Official Opposition gave notice yesterday, saying that he wishes, in seven days' time, to move a Motion suggesting and seeking a finding of this House that we have lost confidence in the Government, indeed, as we have. I venture to say that the reason that the Government has come up with this very last minute suggestion that we go home is that they are scared of the debate on that Motion when it comes to the Floor of the House next week.

I heard the Minister for Justice and Constitutional Affairs castigating and, more or less, insulting judges of the East African Court of Justice. I would like to declare my interest because I am an advocate who is acting in that court. I would like to suggest that, in this country, time has come to respect judicial officials wherever they are based, throughout the world. The reason being--

*(Maj-Gen. Nkaisserry returned
to the Chamber)*

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Order, Mr. M. Kilonzo! Maj-Gen. Nkaisserry, you are supposed to stay out of this Chamber for the rest of the day. The same applies to Messrs. Kamama and Moroto.

Maj-Gen. Nkaisserry: Nimefanya makosa gani?

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Order! Out you go!

*(Maj-Gen. Nkaisserry withdrew
from the Chamber)*

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Shadow Attorney-General in order to claim that I

almost insulted the judges of the East African Court of Appeal when the truth of the matter is that I said - which is a fact - that they have no jurisdiction over the Kenyan Parliament? That is a fact.

Mr. M. Kilonzo: Mr. Temporary Deputy Speaker, Sir, fortunately, the Minister is a very distinguished advocate in this country, and she knows that the issue of jurisdiction was raised by the learned Attorney-General of this country. She also knows that the judges ruled that they have jurisdiction. That is as far as it goes. Any other comment to the contrary must be limited to fair criticism of the ruling or, better, still, the Minister to convince the Government to go to Arusha and seek the amendment of the Treaty. It is very unfair for the Minister for the East African Community and the Minister for Justice and Constitutional Affairs to criticise the judges merely because they have made a ruling that the two Ministers do not like; because, that is the beginning of lawlessness in Government.

The Minister for East African Community (Mr. Koech): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Shadow Attorney-General, Mr. M. Kilonzo, to bring a matter that is pending before the East African Court of Appeal to this House, instead of going to argue out his case in Arusha?

Hon. Members: Yes!

Mr. M. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I am a senior counsel of this country and I am pretty able to know when to argue in Arusha and when to argue on the Floor of this House.

(Applause)

I am responding to the Minister for Justice and Constitutional Affairs. She is the one who raised this issue on the Floor. I have an obligation, as the Shadow Attorney-General of this country---

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. M. Kilonzo, please, address the Chair.

Mr. M. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. I speak without fear of contradiction, and I believe that as the Shadow Attorney-General of this country, I have an obligation to comment on issues pertaining to judges, particularly those who were born in Kenya, appointed by Kenya and who are making decisions affecting Kenyans. It amazes me that the country seems to have forgotten, and both Ministers seem to have forgotten that no Ugandan or Tanzanian has gone to Arusha to sue Kenya. The people who are in the East African Court of Justice in Arusha are Kenyans and they are saying that their country has violated a Treaty. When did Kenyans lose the right to enforce those provisions?

(Applause)

Mr. Gachagua: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. M. Kilonzo has said that the Minister has a right to do fair criticism. What is this argument about? He is talking about the East African Court of Justice in Arusha. Could the speaker on the Floor confine himself to the debate at hand?

The Temporary Deputy Speaker (Mr. M'Mukindia): You are out of order! Please, allow the hon. Member to express his opinion freely. You do not have to like it.

Mr. M. Kilonzo: I will actually leave that issue and discuss the invasion of political parties. My time is not up and I believe that you will give me the indulgence to finish making my contribution.

(The red light went on)

The Temporary Deputy Speaker (Mr. M'Mukindia): Hon. M. Kilonzo, your time is up!

Mr. M. Kilonzo: With those few remarks, I beg to oppose.

The Assistant Minister for Energy (Mr. Kiunjuri): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. We have time for everything. We have time for planning and implementation---

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I beg your indulgence. You can read the mood of this House. You said that you will consider the option of going ahead and call upon the Mover to reply after hon. M. Kilonzo has finished making his contribution. So as to end this acrimony, and I think some of it does not belong here, would I be in order to request you to call upon the Mover to reply?

The Temporary Deputy Speaker (Mr. M'Mukindia): The Chair does not consider there to be any acrimony. There is a very healthy debate which is free and there are many hon. Members who still wish to contribute to it. Therefore, we should leave it to proceed. To do otherwise will be an abuse of the freedom of hon. Members.

Proceed, Mr. Kiunjuri!

The Assistant Minister for Energy (Mr. Kiunjuri): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion because we have time for everything. We have time for planning and time for implementation. We have been participating in legislation in this House very actively. During this Session, we have been passing two to three Bills every week. Therefore, we need time to look at those Bills and know how to implement them.

Secondly, Mr. Temporary Deputy Speaker, Sir, hon. Members should know that we have the General Elections next year. For that purpose, the only long recess that we have is from January to March, 2007. That is also the only time that the Opposition has to go and market themselves, put their house in order so as to be ready for the General Elections. The Government has a lot of achievements. There are programmes which are running all over the country. For example, we have the Constituencies Development Fund projects, roads are being constructed and the Kenya Meat Commission (KMC) is operational. With all these achievements, the Ministers and the Government require ample time to go and tell Kenyans what we are doing for them, launch those programmes, implement what is ongoing and perfect what is not perfect.

Mr. Temporary Deputy Speaker, Sir, I want to remind those hon. Members, who are fond of running all over the country soliciting for support in one way or the other, that they now have ample time to do this wherever they want to go. This is the only time hon. Members will have to consolidate their gains. They will have enough time to go and defend themselves from their rivals who are already trying to oust them. They will have enough time to gauge themselves. Therefore, we are giving them this opportunity.

We have heard leaders here shed crocodile tears, because they do not want to learn from history. The hon. Members seated on the Government side now, were on the Opposition side in the last Parliament. The mess that has been created in this country has been contributed to a larger extent by those hon. Members seated on the Opposition side. Today, they do not want to open a Pandora's box. They do not want to tell Kenyans what they failed to do, that this Government is doing. We want to go and tell Kenyans in January, February and March that those Members of Parliament sitting on the Opposition side failed to give them roads, and now we are doing so. We also want to tell them that those people who are now preaching water used to drink wine that created insecurity in this country. We want to have enough time, as a Government, to go and tell Kenyans that we have improved agriculture in this country. We also want to tell them that by the time we came to power, they could not sell their milk, maize or livestock and now we have opened the KMC. We cannot do that in this Chamber.

Some hon. Members have argued here that there is a lot of work which is pending. I want to assure this House that there will always be some pending work at any given time. We will go to rest and still leave the work here to be done by others. So, that is not enough argument. If we argue that way, we shall not have time to go to the constituencies and know whether the projects that we started are running properly.

On the issue of how we run political parties, we should know where we started. The problem started with those hon. Members seated on the Opposition side. They violated the rules. The former Government appointed Members of the Opposition into the Cabinet. That time, they tossed champagne and nobody raised a finger. Now that they are affected, they are crying foul. What we should do as leaders, is to try and form a committee of Parliament to look at where we went wrong. We have to repent first. We cannot tell Kenyans that we are preaching gospel to them when we have not repented. We must first of all repent in order to preach the "good news" to the people of this country.

With those few remarks, I beg to support.

Mr. Wambora: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since the speakers are repeating themselves, would I be in order to request that you close the debate?

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): We still have time. Let us remember one thing---

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. M'Mukindia): Order! Some hon. Members who want to curtail debate in this House seem to have forgotten that they are the ones actually talking about extending the working hours and days of this House. If we want to do that now, what are we telling the public? I think it is very important that we give hon. Members more time to contribute.

Mr. Kimeto: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion of Adjournment. First of all, I would like to say that I would have supported this Motion had the funds meant for road construction and repair been disbursed here, to enable me go to my constituency to monitor the repair works. Most roads in the country are in a pathetic state. The only places where roads are in a good state are places where the Ministers come from, and yet, some of us are saying that we should go home and do some work. Those of us who are not Ministers are in an unfortunate position. I have always cried.

I have not seen Ministers construct roads in my constituency. I have seen whoever has been in charge of roads but I want to ask Ministers and the House not to adjourn this House, until we pass the Statute Law (Miscellaneous Amendments) Bill. In that way, roads funds will go directly to constituencies.

The Minister for Roads and Public Works (Mr. Nyachae): On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the hon. Member talk about roads being done only where the Ministers come from. When I took over the Ministry of Roads and Public Works, I found that 60 per cent of the roads had never been done for the last 12 years. Who was in charge? Right now, as I am talking, we have brought down the percentage of bad roads to 30 per cent. What else do you expect? I would like hon. Kimeto to tell me whether there is no road programme in his constituency. I have told him what we are doing about roads in his constituency. Is he in order to make the allegation that roads are good only in Ministers' areas? I know in some Ministers' areas the roads are also bad.

Mr. Temporary Deputy Speaker, Sir, as a Minister, I come from an area where roads are bad. If you go to Kisii-Kilgoris Road, you will see that it is impassable. What are you talking

about? The hon. Member does not know standard geography and should withdraw his remarks that only roads in Ministers' areas are good.

The Temporary Deputy Speaker (M'Mukindia): You must be responsible for whatever you say. So, you must be able to substantiate whatever you say. So, I would urge hon. Members to steer clear of contentious issues, if you are not sure about them.

Proceed, Mr. Kimeto.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, what I wanted to say here is that I moved a Motion on 11th November, 2003. That Motion urged the Government to ensure that all the money from the District Roads Boards goes directly to constituencies in this Republic. That is exactly what we want. Let me say that this Motion is good for everybody. It is only bad for the Government, because it has powers to instruct engineers to do roads in their constituencies. What about those of us who are not in Government? We want a fair playing ground. We are going to 2007. If you are now telling me to go home and enjoy working while the roads are bad, how can I do work? Some hon. Members say that they will go home to meet wananchi.

Mr. Temporary Deputy Speaker, Sir, if you check in the register of mileage, you will see that some hon. Members claim to have gone to their constituencies every month. From the time I was elected I have never been in Nairobi on Fridays and other weekend days. I go to my constituency often. So, I want to go to my constituency, but give me money to do my roads. I do not want to go home to just beg district engineers to do my roads. I should be doing them myself.

I appeal to Ministers to give us this money. The Minister for Justice and Constitutional Affairs says that she cannot do anything now. Let me request her, if things are difficult, she should let those people who can read and finish up things do their work. This will enable you to act very quickly. We do not want money to stay in offices. We want things to be done.

Mr. Temporary Deputy Speaker, Sir, we want Ministers to support us and we pass the Statute Law (Miscellaneous Amendments) Bill to enable Kenyans to improve their living standards.

We have very few judges in this country. We should allow the amendments to the Act, so that we could have more judges!

I beg to oppose.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members! Before Mr. Mwenje takes the Floor, I wish to draw the attention of the House to Standing Order No.80(2). It requires the Chair to put the question. In this case, the Mover has no right of reply. Therefore, any suggestion to close debate is through putting the question.

But, again, if you are going to decide, as a House, to be away for the next three months, it is important that every hon. Member is given a chance to contribute. It is the Chair's opinion and decision to give every hon. Member a chance to contribute, unless nobody wishes to speak.

Mr. Mwenje, please, proceed!

*(Mr. Mwenje moved towards
the Dispatch Box)*

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. As you realise, no hon. Member is going to stand to contribute at this point. Could you, therefore, put the question?

(Applause)

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Angwenyi, you know what you

are saying is not true. You can see Mr. Mwenje is already at the microphone.

Mr. Mwenje, please, proceed!

The Assistant Minister for Co-operative Development and Marketing (Mr. Mwenje): Mr. Temporary Deputy Speaker, Sir, what surprises me is that the same hon. Members who want you to put the Question are the same ones who want to remain in this House! If you want to go, then go! Those who want to remain can remain and talk about the issues. You cannot have both. You must make a decision.

My decision is that the House should adjourn. We need to go and see what we have done for our constituents this year. As usual, the House always adjourns at this time of the year. We need to go to the constituencies because our duties, as hon. Members of Parliament, are not just in Parliament. We also need to be in our constituencies to do some work, assist our people and conduct Harambees.

The Press always asks why we are not in the House. It is important to put this right. Our job is not only to be in the House. We also do a lot of work in our constituencies.

I serve a population of about 1 million people. Being the man representing the constituency with the highest population in this country, those people need to see me, talk to me, hear me and advise me. I need to consult with them. Remaining here in the House is not the solution. I hope the Press will also understand that we need to be in our constituencies. I will not be elected because I was sitting in this House. I will be elected because of what I will have done for my people in Embakasi.

It is important to go and evaluate what we have done for our people. We also need to know what requires to be done. We still have another year before the next general elections. But the excitement I see here is because of what Mr. M. Kilonzo said. Next year is an election year. Everybody is getting excited about the elections. I have faced about five elections, which I have won. I am telling you: You are going to face the elections! It will come whichever way. We will face it.

Let us not be excited about next year. Let us not be excited about winning a Motion. Let us be sober! Let our people visit us and we serve them out there. Some of us represent constituencies in the city and we have a lot of work that also requires to be done because we serve all different kinds

of people. There are many hon. Members who only serve those people who speak the same language in their constituencies. We serve people who speak different languages and they want to hear us. We want to go and serve them.

Mr. Temporary Deputy Speaker, Sir, we have watched what is happening here with political parties. Today, there is total confusion about political parties here. We do not even know who belongs where. Some are in NARC and they are everywhere in this House. Some are in KANU yet they are everywhere in this House. Some are in FORD(K) and they are literally everywhere. This confusion that we have created for our people is exactly what is being reflected on the ground. So, I would like to appeal to hon. Members to be sober because at the end of the day, the test, which we are asking for, is coming. We will go and face our people, and that is what is going to happen.

Mr. Temporary Deputy Speaker, Sir, our people require services. We have given services to a good extent. We have been credited for a lot of services rendered. For example, the construction of roads is ongoing, and the CDF projects are working quite well in different places. I think it is important that we now get together and understand that the people who are watching and listening everywhere will require those services. I agree that we needed to increase the CDF. We could have done it. However, if we cannot do it this year, we still have next year. Even if notice was given today, we would not be able to complete those Bills today.

At any rate, as Mr. Kiunjuri said, there is no time that there will be no pending business in this House. Even when we are all gone, there will still be pending business in the House.

(Mr. Gachagua stood in front of Mr. Mwenje)

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Our procedure here is that nobody should stand between Mr. Speaker and the person speaking. You can see what the hon. Member for Mathira is doing.

The Temporary Deputy Speaker (Mr. M'Mukindia): You are absolutely correct. You are out of order, Mr. Gachagua!

Go on, Mr. Mwenje!

The Assistant Minister for Co-operative Development and Marketing (Mr. Mwenje): Mr. Temporary Deputy Speaker, Sir, I am appealing to my brothers and sisters in this House to be sober. You will win this Motion and lose another one. That is normal in the House. That is what we call democracy. However, I want to ask some hon. Members not to get so much excited because they won a Motion a few minutes ago. They will still lose another one when that time comes.

With those few remarks, I beg to support.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion of Adjournment.

As we discuss this Motion, it is not so much as to what the Government has done. I think the issue is: Is there business for us to do? Have we done enough or should we stay on and try and do a bit more to achieve certain goals which we set for ourselves?

I would not like to repeat myself. However, I would like to touch on two Bills which I consider very important. On the question of the Youth Enterprise Fund, the Government says they are concerned about the youth. They will not be able to disburse these funds until they bring some laws into this House. We are saying that if we do not pass something this year, it will mean us passing it, maybe in March or April, 2007. There will be a lot of time wasted. So, why do we not stay and make sure that we pass some of these Bills to enable the Government to implement some of the things they are talking about?

On the question of the CDF, I think Kenyans have complained about the way we operate it. There was a question of us amending the CDF Act to correct the various loopholes. Now, we should be able to do that, maybe, within the next two weeks. However, you are pushing us to go home. These two weeks, before the end of December, we will not be able to achieve very much in the constituencies.

Mr. Temporary Deputy Speaker, Sir, we have January and February to do work then in our constituency. However, for these two weeks, let us work and get some of these important Bills out of the way so that we can speed the various things which are wanted.

Mr. Temporary Deputy Speaker, Sir, let me say this: The Government must stop the chest-thumping about the CDF. It is not responsible for it. It originated from the Cockar Tribunal, which was formed during the past regime. It is only that they inherited what was there. So, let them stop the chest-thumping.

The Minister for Energy (Mr. Murungi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House and Kenyans about the origins of the CDF, while he clearly knows that it originated from us when we were in the Opposition? That is because their Government had ignored the Opposition areas in terms of development. The hon. Member knows that it is us who wrote the draft Bill and passed it when we came into the Government. Is he in order to mislead the House that the Government was not involved?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I stand by what I said. It will be proved that it originated from the Cockar Tribunal. I know it very well. If it was a matter from the Government, it was not an agenda in the NARC campaign manifesto. I am sure if it was, then it would be one of the items that you would have highlighted. But, be that as it may be, all I am saying is: Stop that chest-thumping! Kenyans must know that it was not your original idea. It was a matter for this House. I think we need more time to do business in this House. We require two more weeks before we go on recess. We will be able to achieve a lot more.

With those few remarks, I oppose the Motion of Adjournment.

The Minister for Water and Irrigation (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion of Adjournment. I want to thank hon. Members for using CDF money to revamp the water sector. As the Minister responsible, I thank all hon. Members. I have gone round and seen many water projects that have been funded through the CDF.

I encourage hon. Members to give priority to water. This country has faced a lot of problems because of previous planning and budgeting. The Ministry of Water and Irrigation was getting very minimal allocations. But since the NARC Government took over, the budget for the Ministry has gone up by more than five times. Hon. Members have also supplemented that by giving allocations from CDF.

Mr. Temporary Deputy Speaker, Sir, as we go on recess, I want to encourage hon. Members to talk to our people about the culture of water harvesting. It is lacking within our people. We need to build more dams. Some hon. Members have done that through the CDF. But even people who have the capacity to buy tanks and install them in their homes do not do so! Even people who have the capacity to build a small pan in their farms for their livestock do not do so. They just wait for the Government, the CDF and Non-Governmental Organizations (NGOs) to help them. Let us develop the culture of water harvesting, so that we can build the capacity of water in this country.

Mr. Temporary Deputy Speaker, Sir, some hon. Members are claiming that those who are supporting the Motion of Adjournment are scared of the Vote of No Confidence Motion. That is wrong. You are giving the wrong impression. The Government is not scared of that. We have been here before. We have seen such kinds of Motions. We know the numbers that they require. They do not have those numbers. How can you be scared of what you know is obvious? That is just politics. We are not scared of such a Motion, which will not go through anyway. At the end of the day, we are not scared, as a Government, of the Vote of No Confidence because it requires the support of 65 per cent of this House; a support which the Opposition does not have. The party which is sponsoring the Motion is also split into two. We do not even know which party is sponsoring the Motion. The person sponsoring it has no party. I would like to invite him to my party, NARC(K), rather than waste the time of this House.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. When a Motion has not been moved, then it is not right to anticipate debate. That is outright abuse of the Standing Orders.

The Temporary Deputy Speaker (Mr. M'Mukindia): That is not a point of order!

Mr. Sambu: It is! The hon. Member is anticipating debate and it is an abuse of the Standing Orders. If you do not know that, then you do not even know what you are saying.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to say that there are people who are partyless because we have a party? He said that there are people seated here, who do not have a party. We have a party and belong to a party.

The Minister for Water and Irrigation (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, if I offended Maj. Madoka, I withdraw and apologise for what I said. However, I intended to

say that recently, I saw some of my colleagues demonstrating in the streets, saying that they wanted to have ODM(K) registered. The party was then registered. Not long after that, I also saw them demonstrating, saying that they wanted another faction of KANU to be registered. How many parties do they want to register? Why can they not take a position and say which party they belong to?

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to draw your attention to Standing Order No.80. There has been a lot of repetition in the debate on this Motion. Could we go by the Standing Orders so that you now put the Question, considering the time?

The Temporary Deputy Speaker (Mr. M'Mukindia): Yes, indeed, I think I have been very fair. I have given almost everyone a chance to speak.

(Question put and agreed to)

Hon. Members: Division! Division!

The Temporary Deputy Speaker (Mr. M'Mukindia): There being sufficient reason to call for a division, I order that the Division Bell be rung.

DIVISION

*(Question put and
the House divided)*

(Question carried by 60 to 53)

AYES: Messrs. Abdirahman, Awori, Mrs. Cheilaite, Messrs. Dzoro, Gachagua, Kamanda, Kanyingi, Ms. Karua, Messrs. Katuku, Kembu-Gitura, Dr. Kibunguchy, Prof. Kibwana, Mrs. Kihara, Messrs. Kimunya, Kingi, Dr. Kituyi, Messrs. Kiunjuri, Koech, J.K.; Kombe, Kombo, Konchella, Dr. Kulundu, Dr. Kuti, Prof. Maathai, Dr. Machage, Ms. Mbarire, Messrs. Michuki, Miriti, Mohamed, H.M.; Mohamud, M.A; Muchiri, Mrs. Mugo, Messrs. Muiruri, Mungatana, Muriithi, Muriungi, Murungi, Mwaboza, Mwenje, Dr. Mwiria, Mr. Ndwiga, Mrs. Ngilu, Messrs. ole Ntutu, Nyachae, Onyancha, Serut, Sasura, Shaaban, Shitanda, Maj. Sugow, Messrs. Tarus, Mrs. Tett, Eng. Toro, Messrs. Tuju, Waithaka, Wambora, Wamwere, Wanjala, Dr. Wekesa and Mr. Yattani.

Tellers of the Ayes: Messrs. Koech, S.C.; and Wambora.

NOES: Messrs. Achuka, Ahenda, Angwenyi, Arungah, Bahari, Bett, Boit, Choge, Kamotho, Kenyatta, Khaniri, Mrs. Kilimo, Messrs. Kilonzo, J.K.; Kilonzo C., Kilonzo, M.; Kimeto, Koech, S.C.; Kones, Korir, Kosgey, Lesrima, Ligale, Maj. Madoka, Messrs. Maitha, M.M.; Manoti, Masanya, Mbau, Midiwo, Muturi, Mwanicha, Mwanzia, Capt. Nakitare, Mr. Ndolo, Ms. Ndung'u, Messrs. Nyagah, J.; Ogur, Ojaamong, Ojode, Prof. Olweny, Messrs. Omamba, Omingo, Omondi, Oparanya, Osundwa, Owino, Raila, Dr. Rutto, Messrs. Sambu, Sang, Dr. Shaban, Messrs. Sirma, and Syongo.

Tellers of the Noes: Messrs. Boit and Muriithi.

ABSTENTIONS: Nil

ADJOURNMENT

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, hon. Members. That concludes the business on the Order Paper. The House is now adjourned *sine die*.

The House rose at 8.20 p.m.