

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 14th July, 2004

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Public Accounts Committee (PAC) on its visit to the Provincial Parliament of Ontario, Canada, and the Parliament of the United States of America (USA) from 4th June, 2004, to 18th June, 2004.

*(By Mr. Kipchumba on behalf of
the Chairman, Public Accounts Committee)*

NOTICES OF MOTIONS

AMENDMENT OF THE KENYA ROADS BOARD ACT

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

THAT, this House do grant leave to introduce a Bill for an Act of Parliament to amend Section 17, Sub-section (7) and other sections of the Kenya Roads Board Act, 1999, to provide for appointment of bank signatories, none of whom would be hon. Members of Parliament nor councillors, for every District Roads Board Committee (DRBC), and further to provide for the manner of awarding tenders for road works

by the District Roads Committee (DRC), and monitoring of such works by the Committee.

ADOPTION OF PAC REPORT ON VISIT TO CANADA AND USA

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

THAT, this House adopts the report of the Public Accounts Committee on its visit to the Provincial Parliament of Ontario, Canada, and the Parliament of the United States of America (USA), from 4th June, 2004, to 18th June, 2004, laid on the Table of the House today.

EXTENSION OF HELB LOANS TO ORPHANED STUDENTS

Prof. Oniang'o: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
 THAT, in view of the high number of students who miss university education because of increased poverty levels and the impact of HIV/AIDS that has resulted in the escalation of the number of orphans, this House urges the Government to extend loan facilities to orphan students, and those from poor families who attain a minimum B- grade in KCSE, and that the Higher Education Loans Board (HELB) establish a unit to specifically assist needy students who, for lack of fees, are unable to enter the public universities under the parallel degree programmes.

COMMUNICATION FROM THE CHAIR

CLOSURE OF DEBATE ON A PRIVATE MEMBER'S MOTION

Mr. Speaker: Hon. Members, I would like to give at this time, a little clarification and direction to the House as to the confusion that may have arisen this morning in relation to calling for a closure of debate on a Private Member's Motion.

Hon. Members, I invite your attention to Standing Order, No.80(1). The side note there reads:- "Closure of debate." It says:-

"After the question on a Motion the Mover of which has a right of reply has been proposed, a Member rising in his place may claim to move "That the Mover be now called upon to reply", and, unless Mr. Speaker is of the opinion that such Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question, "That, the Mover be now called upon to reply", shall be put forthwith, and decided without amendment or debate. If that question is agreed to, the Mover shall, if he so wishes, immediately reply to the debate, and as soon as he has concluded, or if he does not wish to reply, immediately, Mr. Speaker shall put the question." So, it is clear that any hon. Member, after the question has been proposed, may move a closure. No other resolution of the House overrides this Standing Order. In fact, the resolution of the House in relation to Private Members' Motions puts a maximum not a minimum. So, I just wished to clarify this. I think the Chair was misled somehow in this regard.

I want to reiterate this, and every hon. Member should understand; once a question has been proposed from the Chair, any hon. Member is at liberty to move closure of debate.

(Applause)

Hon. Members, we will begin with Questions by Private Notice since they are only two.

QUESTIONS BY PRIVATE NOTICE

POLICE STATIONS/POSTS FOR BARINGO NORTH CONSTITUENCY

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

- (a) Is the Minister aware that there is an upsurge of insecurity in Baringo North?
- (b) Is he further aware that the above is attributed to lack of police stations or posts?

(c) When will the Minister put up police stations/posts to address the insecurity crisis in the area?

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

(a) I am not aware of any upsurge of insecurity in Baringo North, apart from an incident of boundary dispute between two communities of North and Central Baringo constituencies, which occurred on the nights of 2nd and 3rd June, 2004, during which a total of 18 huts were burnt. There have been no other significant incidences of insecurity reported in the area.

(b) Baringo North Constituency is adequately being policed by Marigat, Kabartonjo and the newly built Kinyach Police Station.

(c) There is, certainly, no security crisis in the area. The Government will, however, consider putting up additional police stations and posts when funds are available, and where the need arises.

Mr. Boit: Mr. Speaker, Sir, it is unfortunate that I do not have the written answer, but I wish to ask the following question.

The Assistant Minister is not aware of the distance between Marigat Police Station and the area it is covering. From Marigat to Kerio Valley is almost 60 or 70 kilometres. I do not know how Marigat, which is in Central Baringo, can manage the security of people in Kerio Valley. We do not have any police station at all. The upsurge of insecurity that he is talking about involved people using firearms.

Mr. Speaker: Could I help you, Mr. Boit? You know, it is Question Time--- Maybe, let him answer your very first question concerning the distance. Are you aware of the distance between Kerio Valley and Marigat, Mr. Assistant Minister?

Prof. Kibwana: Mr. Speaker, Sir, my Ministry has never denied that, in terms of police stations and posts, the country is not well covered. That is why there is a supplement of Administration Police. We are also trying to ensure that police stations are located in all the places, so that security could be guaranteed in a better way.

Mr. Rotino: Mr. Speaker, Sir, you did hear the Assistant Minister say that they are going to increase police stations when funds are available and yet, in the Estimates, this Government has provided Kshs100 million to Sagana State Lodge. Can they say there is no money?

Prof. Kibwana: Mr. Speaker, Sir, the hon. Member is anticipating that the budget of the Office of the President will be looked at favourably by this House, so that money could be allocated for building more police stations. Also, in the Supplementary Estimates, more money will be allocated for that purpose, because it is really a priority.

Mr. Rotino: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House? Could he just take Kshs20 million from that allocation and build a station in Marigat?

Prof. Kibwana: Mr. Speaker, Sir, let us, first of all, pass the budget, and then we can decide how the money will be applied according to budget lines.

Capt. Nakitare: Mr. Speaker, Sir, with due respect, you heard the reply by the Office of the President about the insecurity in Baringo. Baringo District enjoys the same climatic conditions as Trans Nzoia. Right now, I would like to know whether the Assistant Minister is aware that 25 people in Trans Nzoia have been slaughtered in the last two weeks by Pokot cattle rustlers! Yet, he has based his arguments on financial allocations. Is he in order to tell this House--- Is he serious about lives of people in Kenya?

Mr. Speaker: Capt. Nakitare, you are on a question. Mr. Assistant Minister, could you respond to Capt. Nakitare?

Prof. Kibwana: Mr. Speaker, Sir, I am aware of what the hon. Member is saying. My office has received that information and appropriate action is being taken. But hon. Members are indicating that more money is needed, if we are going to police our country in a proper way. Therefore, it is up to us to make such allocations possible, so that we could provide those police stations.

Mr. Kamama: Mr. Speaker, Sir, the Assistant Minister has just pointed out that there was a security problem between the Njemps and the Tugens who reside in Baringo North and Central. What has the Assistant Minister done to ensure that, that problem does not recur again? That is because it is a serious problem in Baringo.

Prof. Kibwana: Mr. Speaker, Sir, we are appealing to hon. Members from that place, and other places where there are conflicts, to tell the people not to fight. In the, meantime, my Ministry, through the ordinary channels, is addressing those incident in Baringo and Trans Nzoia.

Mr. Speaker: I will finish with you, Mr. Boit.

Mr. Boit: Mr. Speaker, Sir, you heard the Assistant Minister say that there is a police station at Kinyach. I am interested to know when it was opened and where it is! We do not know what he is talking about. Is he misleading the House or himself?

Prof. Kibwana: Mr. Speaker, Sir, I said that it is "newly built"! That means that it is newly built!

Mr. Speaker: He is asking whether it is operational.

Prof. Kibwana: Mr. Speaker, Sir, it is newly built and will be commissioned.

Mr. Speaker: Very well! Next Question, Mr. Kembu-Gitura!

IRREGULAR ALLOCATION OF KARURUMO COFFEE NURSERY LAND

Mr. Kembu-Gitura: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that land reference number LOC11/Gaitega/355 which was on 15th February, 1965, registered in the name of the County Council of Murang'a in Trust for Karurumo Coffee Nursery, has been allotted by the said county council to some individuals to the exclusion of its rightful beneficiaries, and is now causing a lot of tension amongst the people?

(b) What action will the Minister take to ensure that the said piece of land reverts to its rightful owners, that is, the people of Gaitega Village in Mbiri Location of Murang'a District?

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

(a) The Minister is aware that land reference number LOC11/Gaitega/355, which was on 15th February, 1965 registered in the name of the County Council of Murang'a in trust for Karurumo Coffee Nursery, was allocated by the said county council to cater for public utilities as follows:-

(i) Police Post - 0.5 acres.

(ii) Extension of Gaitega Market - 1 acre sub-divided into commercial plots and allocated to the residents of Gaitega to develop them.

(iii) Deliverance Church - 0.25 acres.

(iv) Preacher Church - 0.5 acres.

(v) Full Gospel Church of God - 0.1 acre.

(vi) Independent Church - 0.1 acre.

The remaining 2.15 acres is uncommitted and has been reserved for Karurumo Coffee

Nursery.

(b) Since the said allocations were legally done by the council, and are public utility plots in nature, the Minister is satisfied. Reference of the allocation minutes are attached for his perusal.

Mr. Kembi-Gitura: Mr. Speaker, Sir, let me start by saying that I do not have a written answer and, therefore, I will just go by what I have heard. All land that is alienated belongs to the Government under Cap.280. The Assistant Minister has said that he is aware that the land was reserved in trust by the council for Karurumo Coffee Nursery. During the demarcation of that land, it was brought together from individual holdings to cater for that specific purpose. As at 30th April, 2004 the title reads: "That it is held in trust for Karurumo Coffee Nursery!"

Mr. Speaker, Sir, is the Assistant Minister satisfied that the county council was right to allocate land that belonged to designated people and was set aside for a designated purpose to other people who had nothing to do with the purpose for which it was set aside in the first instance?

Mr. Tarus: Mr. Speaker, Sir, through a resolution of the council, the councillors approved that the said land be sub-divided and given to the same people. I think the council was in order.

Mr. Serut: Mr. Speaker, Sir, if I heard the Assistant Minister correctly, he has said that this land was allocated to the council in trust for Karurumo Coffee Nursery; this was for a specific use. Why did the council go ahead to sub-divide the land which they were holding in trust and allocate it for uses which were not intended for?

Mr. Tarus: Mr. Speaker, Sir, the councillors represent the same people. If they deliberated and agree that this particular utility is in their own interest, we have very little to do.

Mr. Midiwo: Mr. Speaker, Sir, the Assistant Minister would agree with me that there is no single council in this country where land has not been looted. Could he consider forming a committee to comprehensively look into the looted or grabbed pieces of land in all these councils, so that they can revert back to their original uses or return back to the people they should really be given?

Mr. Tarus: Mr. Speaker, Sir, the issue raised by the Member, indeed, deserves attention. But I want to say that already, the Government has instituted a Commission to look into such issues of illegally acquired land, and I think all those issues will be addressed by that Commission.

Mr. Kembi-Gitura: Mr. Speaker, Sir, unless I do not understand this issue, but I think I do, this answer is extremely contradictory. The Minister, in part one, starts by saying that he is aware that the land was, in 1965, set aside for that specific purpose, that is Karurumo Coffee Nursery. Then, he now goes on to tell us that it has been allocated to other people. The Deliverance Church, the Preacher Church, the Full Gospel Church of God and Independent Church, have absolutely nothing to do with public utilities. Maybe, I can understand if it was a police post or a market. But those three institutions have absolutely nothing to do with public utility.

Now, since the Assistant Minister has given an answer pursuant to what he has been told by the County Council of Murang'a, and since my search against the title deed shows that the land has not as yet been alienated on the register, could he look into the matter and revoke those allocations that are not to the benefit of the local people? The county council has a lot of unalienated land that it can give to churches and other such related groups.

Mr. Speaker: Well, I think the issue is, can trustees abuse trust? I think that is the issue. Can the trustees abuse trust?

Mr. Tarus: Mr. Speaker, Sir, trustees should not abuse trust. But I take the sentiments raised by the hon. Member and I will give them due consideration.

Mr. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. This is not an issue for the Assistant Minister to just say he has heard what I have said. It is an issue, as the Chair has raised, on a point of law; whether or not a trustee has a right to breach a trust bestowed upon it by the people

who gave up their pieces of land to make up for that project. That is the question. I know that the register has not been altered. Is he or is he not going to revoke that allocation and revert it to its rightful owners? That is the question.

Mr. Speaker: Could we revisit this matter on Thursday, next week?

Mr. Kembi-Gitura: Mr. Speaker, Sir, may I request that it be revisited on Tuesday?

Mr. Speaker: No, Thursday, next week.

Mr. Kembi-Gitura: I am much obliged, Mr. Speaker, Sir.

Mr Mwenje: On a point of order, Mr. Speaker, Sir. Whether we are going to re-visit it on Thursday or whichever day, is the Assistant Minister not misleading this House by simply saying that there is a resolution of the council? It is the Assistant Minister who is supposed to give the sanction for that resolution. Is he in order to tell us that it was done because of the resolution, when he has the power not to sanction that authority?

Mr. Speaker: Well, let us give him the opportunity, because now he knows a word called "breach of trust"; maybe he will have to go and consider that.

(Question deferred)

Very well, next Question, Dr. Ali!

ORAL ANSWERS TO QUESTIONS

Question No.495

GRANTS TO ASAL SECONDARY SCHOOLS

Dr. Ali asked the Minister for Education, Science and Technology:-

(a) whether he could inform the House the amount of money given to secondary schools in ASAL areas as grant during this financial year; and,

(b) how much money was given to each secondary school in North Eastern Province.

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

(a) The amount of money given to secondary schools in the ASAL areas as grants during the financial year 2003/2004 is Kshs40,800,000.

(b) The total amount given to secondary schools in North Eastern Province is Kshs1,551,247. The breakdown per school is as follows:

<i>District</i>	<i>School</i>	<i>Amount</i>
Wajir	Buta Sec. School	40,000

An hon. Member: We have jumped another question!

Mr. Speaker: Oh, I am sorry. Now that we have come to Dr. Ali's Question, I will come back to that one. I am sorry, but go ahead.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, I have the list of secondary schools here. I do not know if you would like me to read out all the 20 of them?

Mr. Speaker: You can table the list. Have you given the Member a copy?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Yes, I

have given him the list.

Mr. Speaker: Very well.

*(Dr. Mwiria laid the document
on the Table)*

Dr. Ali: Mr. Speaker, Sir, I wish to thank the Assistant Minister for that answer. But as you can see from the list, how does the Ministry allocate this money? Is it according to the number of students or does it consider the poverty and the location of the schools?

Dr. Mwiria: Mr. Speaker, Sir, the criteria that was used to allocate this amount of money was a division of the total amount available to the ASAL districts, divided by the total enrolment in all the districts, multiplied by the schools enrolment. So, really, school enrolment was taken into account, but I appreciate Dr. Ali's concern that, maybe, when we re-do this, we should also take account of the poverty index. What happens is that schools in North Eastern Province, because of their numbers, end up getting very little.

Mr. Karaba: Mr. Speaker, Sir, considering that currently we are reading and hearing a lot of stories about drought and related famine in these ASAL areas, does the Ministry have special provisions grants to give to schools in such areas, especially at this time when the students are not able to go to school because of hunger?

Dr. Mwiria: Mr. Speaker, Sir, we have a school-feeding programme and the specific districts that are targeted are indicated. That is as much as is happening now. But we are also reviewing what we should be doing in cases where we have these kinds of emergencies.

Mr. Speaker: Feeding programmes in secondary schools?

Dr. Mwiria: Sorry, for primary schools.

Mr. Speaker: Very well.

Mr. Abdirahman: Thank you, Mr. Speaker, Sir. I am sure the school-feeding programme does not extend to secondary schools. I am lucky because I have got the figures for the secondary schools in Wajir District from hon. Dr. Ali. Wajir High School, with a population of 500 students today, has been allocated Kshs114,000. That is a very small figure. Many times, we get a lot of money for ASAL programmes, but which do not reach the intended beneficiaries. Since the schools have a very huge burden, could the Assistant Minister consider allocating a sufficient amount of money to pay the employees and take care of those students for the whole term, because many times, head teachers do not even get the fees as expected?

Dr. Mwiria: Mr. Speaker, Sir, I was the first one to concede that it seems, by just going by the numbers alone, certain areas of this country will suffer and will not get the amounts that would help them. So, I have already indicated that we have to review the criteria that is used to include poverty index. But I also appreciate the point that, as much as we would like to provide so much money by way of grants to schools, there is a limit to how much the Ministry can provide. So, I think we should play around with the amount of money that is available to the ASAL regions to ensure that the areas that are in greatest need get a little bit much more than they are getting currently.

Dr. Ali: Mr. Speaker, Sir, obviously the Assistant Minister will appreciate that, that one is not going to do much if the school has an outstanding fees balance of Kshs2 million. Could he consider, as he said earlier, helping these schools get more funds, especially in times of need like drought?

Dr. Mwiria: Mr. Speaker, Sir, of course, we shall be happy to consider that as we review

the criteria to ensure that the situation is not as reflected by these figures which do not really indicate the actual problems.

Mr. Speaker: Very well, we will now have Mr. Wamwere!

Question No.036

RETIREMENT BENEFITS FOR RETRENCHED
GOVERNMENT WORKERS

Mr. Wamwere asked the Minister of State, Office of the President:-

- (a) why the Government reneged on its commitment to pay retrenched workers a total of Kshs225,252 each and other allowances as early retirement benefits; and,
- (b) when this money will be paid.

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

(a) The Minister of State, Office of the President, did not renege on the Government's commitment to pay retrenched workers their dues. Each retrenchee who completed and submitted the necessary retirement benefit forms was paid retirement benefits as per the terms and conditions of service. The amount paid was not limited to Kshs225,252, but depended entirely on the retrenchee's job group and years served. It also depended on terms of service; whether permanent and pensionable, temporary or contract.

The retirement package comprised both statutory and non-statutory payments and the various components were as follows: The first component was for non-pensionable employees. They were paid a severance payment of two-and-half months' salary.

*(Mr. Raila was applauded as he
entered the Chamber)*

They were also paid the current basic month's salary at the time of retrenchment for each year worked in the Civil Service. They were also given appointment of two months' salary in leu of notice and a further golden handshake of Kshs40,000. Finally, they were paid a compassionate gratuity for the staff in service who were employed prior to 1st April, 1966 for male officers and, 1st January, 1977 for female officers.

To qualify for compassionate gratuity, an officer should have served for not less than ten years and for not less than seven years if there was abolition or re-organisation of office. The other category was that of pensionable employees. A payment of gratuity and pension benefits under the Pensions Act, Cap. 189, was made to all officers who had been confirmed in their permanent and pensionable employment. They were further given a payment of additional pension under the Pensions Act, Cap. 189, and paid two months' salary in leu of notice. Finally, they were given a golden handshake of Kshs40,000. In addition, officers who qualified for the National Social Security Fund (NSSF) benefits were paid their dues in accordance with the NSSF Act.

(b) The only retrenchees whose benefits are still being held by the Government are those who have not completed and returned to their parent Ministries or Departments, the necessary forms. These forms contain necessary information that facilitates computation of the exact terminal benefits due to the retrenchees. The money will, however, be paid to them as soon as they complete and return the forms. To date, there are some 887 retrenchees who have not completed these forms to enable their former Ministries or Departments process and pay their retirement benefits. The

Government has appealed to them to return the forms, and as soon as this is done, they will be paid their dues immediately.

Mr. Wamwere: Mr. Speaker, Sir, I would like to thank the Assistant Minister for that comprehensive and very satisfactory answer. However, I would like him to explain whether the Kenya Railways Corporation (KR) workers are included in the list of the 887 retrenchees who have not yet been paid their dues. If so, he should tell us whether they will also be paid their dues.

Mr. Shitanda: Mr. Speaker, Sir, KR workers are not civil servants. They are parastatal employees and their retrenchment packages were processed separately from the Civil Service one. They are, therefore, not included in the 887.

Prof. Olweny: Thank you, Mr. Speaker, Sir. I think the Assistant Minister is misleading the House. This is because this Question is not restricted to civil servants but to workers. Workers who were retrenched in this country were in the Civil Service as well as in the parastatals.

A number of retrenchees in this country have sued their former employers and the Assistant Minister is telling us that most of them were paid.

Could he clarify to this House on what grounds these retrenchees have sued their former employers?

Mr. Shitanda: Mr. Speaker, Sir, as I said, the retrenchees we are talking about here are those who were working in the Civil Service. In fact, the Questioner has admitted that the answer given is adequate as it relates to the Question he had raised; that of those retrenchees in the Central Government who were not paid. The retrenchees in other areas, like parastatals, were being paid by their parastatals in conjunction with their parent Ministries. I do not think I am in a position to answer any question regarding a parastatal employee unless it is filed separately.

Mr. Kamama: Mr. Speaker, Sir, the House will agree with me that this thing called "golden handshake" is not even golden; it is a "wooden-handshake". This is because a golden-handshake of Kshs40,000 would not suffice. Could the Assistant Minister consider raising this amount to Kshs200,000? Most of those who got this handshake are dead and buried. Could he do something about this thing?

Mr. Shitanda: Mr. Speaker, Sir, I agree with the hon. Member that Kshs40,000 is very little money. However, there is nothing we can do as of now for those retrenchees who have already left service. Maybe, in future, when the Government is considering retrenchment, that aspect will have to be considered.

Mr. Speaker: Last question, Mr. Wamwere!

Mr. Wamwere: Mr. Speaker, Sir, I am surprised that the Assistant Minister does not think that parastatal workers are Government workers. I think they are! Since the KR will soon be handed over to a private investor, could the Government assist KR workers who were retrenched in 1998 so that by the time the parastatal is handed over to the private investors, they get their dues?

I do not see how they will be able to pursue those dues once the company has been given to a private investor.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. On the issue of retrenchment, there was a Sessional Paper tabled in this House before I came---

Mr. Speaker: Order! Order, Capt. Nakitare!

Capt. Nakitare: Mr. Speaker, Sir, a Motion was---

Mr. Speaker: Order! Order! Capt. Nakitare, please, do not rise on frivolous points of order. Just relax now; completely.

Can you respond, Mr. Assistant Minister?

Mr. Shitanda: Mr. Speaker, Sir, the issue of Kenya Railways workers falls under the Ministry of Transport and Communications. Maybe, the hon. Member can raise the matter with the

relevant Ministry.

Mr. Speaker: Next Question, Mr. Keter!

Question No.151

IRREGULAR RELEASE OF
CHANG'AA-FERRYING VEHICLE

Mr. Keter asked the Minister of State, Office of the President, under what circumstances Administration Police (AP) at Sosiot AP Camp released Motor Vehicle KAB 101K (Toyota Pick-up) carrying *chang'aa* on 1st October, 2002, at 9.00 p.m.

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

I am not aware that the said vehicle, alleged to have been carrying *chang'aa*, was arrested and released by AP.

Mr. Keter: Mr. Speaker, Sir, this is the fourth time this Question has come up. The Assistant Minister had requested for its deferment, so that he could gather more information. I also have an answer, which is not signed.

The said vehicle was chased by the APs, who shot at it and deflated two of its tyres. To the surprise of the community living around, the APs, who were using a District Officer's Land-Rover, assisted the crew of the said vehicle to repair the punctures. Could he confirm or deny that five bullets were fired at the said vehicle?

Prof. Kibwana: Mr. Speaker, Sir, I did sign a copy of an answer. So, probably, the hon. Member will get a signed copy of my reply to his Question.

It is true that the police chased a pick-up vehicle and fired five rounds of 7.6 millimetre calibre ammunition to force the driver to stop, but he never stopped. The officers returned to their camp when they failed to arrest the car. However, if the hon. Member can give me any details regarding the matter, I will work on them.

Mr. Speaker: Mr. Assistant Minister, the hon. Member has done his best. He has given you the registration number of the motor vehicle. What else do you want him to do? He is not as fast as a bullet; is he? Tell the House the details you want from the hon. Member.

Prof. Kibwana: Mr. Speaker, Sir, I called the relevant police station and directed that motor vehicle KAB 101K, Toyota Pick-up, be investigated in relation to an incident it was alleged to have been involved. I am grateful for this information. I will communicate with the hon. Member on that matter.

Mr. Sasura: Mr. Speaker, Sir, this Question came up last time. I am sure that we are talking to the same Assistant Minister. We do not have "Kibwana I" and "Kibwana II" in this House.

(Laughter)

Mr. Speaker: What are you saying, Mr. Sasura?

Mr. Sasura: Mr. Speaker, Sir, I am saying that this Question has come here for the second time, and the same Assistant Minister attempted to answer it. It is not like in the first time, it was answered by "Kibwana II" and now it is being answered by "Kibwana I". It is the same person answering the same Question.

Mr. Speaker, Sir, you heard him say that the police chased a vehicle, fired five rounds of 7.6

millimetre calibre ammunition, but they could not stop the vehicle. We know the way Kenyan roads are rough. If the vehicle was not KAB 101K, what was the registration number of the vehicle that they were chasing, which they could not arrest up to today?

Prof. Kibwana: Mr. Speaker, Sir, I want to confirm that there is no "Kibwana I" and "Kibwana II". There is only one Kibwana, who is me. According to the police, they were not able to arrest the vehicle. However, since the hon. Questioner provided me with a registration number of a vehicle, I communicated to the police on the ground, gave them the information I have and directed them to act on it.

Mr. Owino: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to say that this is the first time the registration number of this motor vehicle has come to his attention, when the Question was forwarded to the Ministry, indicating the registration number?

Prof. Kibwana: Mr. Speaker, Sir, I did not say that I am knowing of this registration number for the first time. I said that, having got more information on the incident, I have passed it over to the police. If the idea behind asking this Question is for us to get answers, I have taken a step to share the information with the police and request them to investigate the incident, so that we can help the hon. Member.

Mr. Keter: Mr. Speaker, Sir, when I forwarded this Question to the Office of the President, I indicated the registration number of the motor vehicle. I went ahead and did a search at the Registrar of Motor Vehicles. The record shows that Motor Vehicle KAB 101K is a Toyota Pick-up, which is based in my area.

I also have a letter which was written to the DO, which partly reads:- "APs from Sosiot DO's office last night shot a Toyota Pick-up, KAB 101K. Its tyres were deflated near Kabianga High School gate---"

Mr. Speaker, Sir, I do not know what to do because, the same police, who are giving the Assistant Minister information---

Mr. Speaker: Mr. Keter, frankly speaking, you have even gone beyond your line of duty.

Hon. Members: Yes!

Mr. Speaker: As an hon. Member of this House, that was not your business. It was actually the business of the Assistant Minister to check with the Registrar of Motor Vehicles and find out the owner of that vehicle. After all, the fellow made the officers lose five bullets as he escaped from lawful arrest. The Assistant Minister sits there, saying he is helpless!

Prof. Kibwana, what do we do about matters like this one?

Prof. Kibwana: Mr. Speaker, Sir, I am not helpless. Let the hon. Member give me any additional information he may be having, so that we can deal with this issue conclusively.

Mr. Speaker: Very well. We will leave it at that. Mr. Keter has done his best. The House has heard him. The country is hearing him. As the saying goes, the ball is now in the Assistant Minister's court.

So, Mr. Assistant Minister, do what you want.

Next Question!

Mr. Keter: On a point of order, Mr. Speaker, Sir. What is your ruling on this matter?

Mr. Speaker: My ruling is that you have done your best, but the Assistant Minister has not. So, he must go and do his best.

(Laughter)

Next Question, Mr. Oparanya!

*Question No.339*UTILIZATION OF LATF MONEY BY BUTERE/
MUMIAS COUNTY COUNCIL

Mr. Oparanya asked the Minister for Local Government:-

- (a) how much money has been remitted to Butere/Mumias County Council from LATF since the Fund's inception; and,
- (b) what projects have benefitted from LATF funds in Butere Constituency and how much was spent on each project.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Speaker, Sir, this is an old Question, but I want to seek the indulgence of the House to answer it next Tuesday due to the fact that I have to seek some clarifications on the answer that I have received.

Mr. Speaker: Is that okay with you, Mr. Oparanya?

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

Mr. Oparanya: Mr. Speaker, Sir, I have an answer which is already signed by the Minister. He is just an Assistant Minister. So, I am ready to proceed.

Mr. Speaker: Do you want to answer it yourself because it has been signed by the Minister?

Mr. Oparanya: No, Mr. Speaker, Sir, but I am satisfied.

Mr. Speaker: Are you satisfied?

Mr. Oparanya: No, Mr. Speaker, Sir. There are supplementary questions which I wanted to ask in addition to that.

Mr. Speaker: Then let him get ready. Are you satisfied that he answers it on Tuesday?

Mr. Oparanya: Okay, Mr. Speaker, Sir. Thank you.

Mr. Speaker: All right. The Question is deferred to Tuesday.

(Question deferred)

Mr. Speaker: Next Question by Mr. Mwandawiro!

*Question No.477*COMPLETION OF MTOWAMWAGOTI-
BURA ROAD

Mr. Mwandawiro alimuliza Waziri wa Barabara na Ujenzi:-

- (a) ni lini barabara ya kutoka Mtowamwagoti kupitia Mbale-Wundanyi-Werugha-Mgange hadi Bura ambayo inajengwa na kampuni ya Victory itakwisha; na,
- (b) Wizara inafanya nini kuhakikisha kuwa sehemu ya barabara hii ambayo imeharibika kabisa imekarabatiwa ili iendelee kupitika wakati ujenzi kamili unaendelea.

Waziri wa Barabara na Ujenzi (Mr. Raila): Bw. Spika, naomba kujibu:-

(a) Ujenzi wa Barabara (C538) inayotoka Mtowamwagoti kupita Mbale-Wundanyi-Werugha-Mgange hadi Bura, ambayo inatengenezwa na kampuni ya Victory Construction Company inatarajiwa kukamilika ifikapo tarehe 20 Desemba, 2004.

(b) Kulingana na maagizo ya kandarasi, mwenye kandarasi anatarajiwa kukarabati barabara

kwa hali inayoweza magari kupita kwa muda ule barabara itakuwa ikitengenezwa. Anahitajika pia kurekebisha pahali popote pale panaweza kuharibika kwa muda huo wote wa kandarasi.

Mr. Mwandawiro: Bw. Spika, namshukuru Waziri kwa jibu lake. Hata hivyo, naomba kusema kwamba ukarabati wa barabara hiyo unaenda pole pole sana, ili sasa ndipo imefika karibu katikati ya sehemu yangu. Hivi sasa, mwenye kandarasi mara analia halipwi pesa, mara wafanyikazi wanagoma, mara sehemu zingine zimejengwa hapo nyuma ambazo hazijamalizika. Naomba kumuliza Waziri: Je, Serikali inatimiza upande wake wa kandarasi kwa kumlipa mwenye kandarasi? Ikiwa ni hivyo, Waziri anafanya nini kuhakikisha kwamba atamaliza hiyo barabara kulingana na kandarasi kwa sababu nina wasiwasi kwamba haiwezi kumalizika kufikia Desemba?

Mr. Raila: Bw. Spika, ni kweli ya kwamba ujenzi wa barabara hii unaenda kwa njia ya pole. Lakini hizo ni kandarasi ambazo zilipeanwa kabla sisi kuchukua Serikali. Lakini tumeangalia na tukaona ya kwamba kama tungesimamisha kazi hii na kutoa kandarasi hii na kuleta ingine, ingeharimu Serikali pesa nyingi zaidi. Kwa hivyo, yale ambayo tumefanya ni kwamba tumeamrisha mwenye kandarasi kujaribu kuharakisha kazi yake na kuimaliza kufikia mwezi wa Desemba mwaka huu kama vile alikuwa ameweka mkataba.

Bw. Spika, kwa hivyo, sisi tunaendelea kulipa pesa kulingana na kipimo cha kazi ambayo imefanywa. Pia, tunasukuma mwenye kandarasi hii ili azidi kuharakisha kazi, ili kazi imalizike vile tulikubaliana.

Mr. Sungu: Asante sana, Bw. Spika. Nataka kumuuliza Waziri: Je, atahakikisha kwamba hii barabara itajengwa kikamilifu, yaani kulingana na vile iliandikwa kwa kandarasi? Tena, ameweka pesa ngapi, ili kuhakisha barabara hii itajengwa vizuri sana?

(Laughter)

Mr. Raila: Asante sana, Bw. Spika. Nashukuru Mhe. Sungu kwa kujaribu sana na Kiswahili chake cha kisamaki.

Bw. Spika, kandarasi hii inatajariwa kugharimu Kshs235 milioni na mpaka wakati huu, tumelipa Kshs68 milioni. Lakini sisi kama Wizara, tunataka kuona kwamba kazi inafanywa kulingana na kile kiwango ambacho kimewekwa na kiwango kinawekwa na Wizara yenyewe. Siku zilizopita, wenye kandarasi walikuwa wanafanya kazi hafifu kwa sababu kulikuwa na ulegevu kwa upande wa uchunguzi. Lakini sasa, wahandisi ambao wako katika Wizara yangu wanahakikisha kwamba kazi imefanywa kulingana na kile kipimo na kiwango ambacho kimewekwa na yule mwenye kandarasi ambaye hafanyi hivyo, anachukuliwa hatua ya kinidhamu.

Mr. Mwandawiro: Bw. Spika, kama tulivyomsikia Waziri akisema, barabara hiyo inagharimu Serikali Kshs35 milioni, nasi tunashukuru sana. Lakini, mwenye kandarasi hatengenezi barabara hiyo kulingana na kandarasi kwa sababu kuna sehemu zingine ambazo zinatajikana kukarabatiwa wakati barabara hii inatengenezwa lakini hazijakarabatiwa na hata matatu zinalazimika kupita njia zingine ndefu hadi sasa. Je, Waziri ako tayari kutembelea sehemu za barabara hiyo, ili aangalie jinsi kazi hiyo inavyofanyika mwenyewe?

Mr. Raila: Bw. Spika, nataka kurekebisha. Sio Kshs35 milioni, bali ni Kshs235 milioni. Lakini nimesikia ombi la Mheshimiwa, eti anataka nimtembelee huko, ili nione kama kazi inafanyika sawa. Nataka kumhakikishia Mheshimiwa kwamba niko tayari. Tutakubaliana na nitaenda kuzuru huko, bora yeye atakuwa tayari kunilisha wakati nitaenda kule.

(Laughter)

Mr. Speaker: Very well. Next Question by Archbishop Ondiek.

*Question No.457*UPGRADING OF UKWALA/
AMBIRA HEALTH CENTRES

Archbishop Ondiek asked the Minister for Health why Ukwala and Ambira health centres have not been upgraded to sub-district hospitals.

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

Ukwala and Ambira health centres have not been upgraded to sub-district hospitals due to shortage of health personnel in the country. The upgrading of the two facilities will be considered once funds become available. The community, is therefore, requested to allocate sufficient land to the two facilities for future planning and construction of the required facilities before upgrading.

The Ministry's emphasis at the moment is to improve and equip rural health centres in the country to provide full range of services expected at their respective levels of care. Ukwala and Ambira health centres fall under this category.

Meanwhile, the Ministry will provide an ambulance to Ambira Health Centre to provide means of transferring needy cases to Siaya District Hospital for further management this financial year.

Archbishop Ondiek: Mr. Speaker, Sir, is the Assistant Minister aware that Ukwala Health Centre was built during the colonial times and when we achieved our independence, Ukwala was a district headquarter before Siaya? Secondly, could he tell me why Siaya became a district hospital and Ukwala cannot have a sub-district hospital?

Mr. Konchella: Mr. Speaker Sir, that question is not part of what I have been asked to answer here but the facilities that need to be upgraded for whatever reasons depend on the catchment area. I understand that the people living there are many. However, there is a district hospital which is 15 kilometres away, where patients can be referred to. However, as I said, the Ministry has no funds at the moment, to upgrade these two facilities. I know they are old facilities with very few beds. In fact, Ukwala Health Centre has ten maternity ward beds and five extra beds for other patients. However, we will consider upgrading these hospitals by first of all, providing the equipment, so that they can serve the people in those areas. Thereafter, we will upgrade these health centres into sub-district hospitals when funds become available.

Mr. Marende: Mr. Speaker, Sir, could the Assistant Minister indicate if the Government, particularly the Ministry of Health, has any policy with clear criteria on upgrading of health centres to sub-district hospitals and eventually to district hospitals? Is it just done haphazardly? It would appear as if there is no policy or criteria at all. So, could he specify if there is any?

Mr. Konchella: Mr. Speaker, Sir, we do not operate haphazardly. At the moment, the policy of the Ministry is to take quality health care to the people; that is at the dispensary and health centre levels. This involves improving the existing facilities, providing equipment and staff because this is where we have a problem. However, once we provide these facilities, we will upgrade those health centres to district hospital level. If this House provides us with money in the proposed National Social Health Insurance Fund (NSHIF), probably, we will be able to move faster and provide these facilities.

Archbishop Ondiek: Mr. Speaker, Sir, the Assistant Minister has not answered the question asked by the hon. Member. The hon. Member asked which criteria the Ministry uses to upgrade health centres to sub-district hospitals and eventually to district hospitals. The Assistant Minister acknowledged that the population around Ukwala Health Centre is about 600,000. He told

this House that they will supply Ukwala Health Centre with an ambulance or repair the one which is grounded. To date, nothing has been done. Could he now tell this House what he is doing about this issue?

Mr. Konchella: Mr. Speaker, Sir, I wish to assure the hon. Member that Ukwala Health Centre is on our priority list of getting a new ambulance this financial year. It will receive one during this financial year so that it is able to take care of patients who would need further treatment in a referral hospital. The criteria for upgrading is based on the population and the need. I know there is need for this. Our only problem is funding. However, we are prioritising based on the need of every hospital in this country because we have to treat everybody equally. That is why we have started with dispensaries and health centres before we can go to major sub-district hospitals because they will require more.

Mr. Speaker: Question Time is up! Next Order!

Question No.425

ELECTRIFICATION OF MARKETS
IN MASINGA CONSTITUENCY

(Question deferred)

Question No.370

HARVESTING OF LOGS BY
PAN PAPER MILLS

(Question deferred)

Question No.502

EQUIPMENT/BUILDINGS FOR YOUTH
POLYTECHNICS IN SOUTH MUGIRANGO

(Question deferred)

COMMITTEE OF SUPPLY

*(Order for the Committee read
being Fourth Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 01 - Office of the President

(The Minister of State, Office of the

President Dr. Murungaru on 13.7.2004)

*(Resumption of Debate interrupted
on 13.7.2004)*

Mr. Speaker: Any interest? I will give Mr. Moare a chance.

Mr. Maore: Mr. Speaker, Sir, thank you for according me this opportunity to say a few words about this Vote. Year in, year out, the Office of the President, under which several departments fall, usually takes a big chunk of the annual Budget.

I do remember the many days when hon. Members on the Government side now, were on the Opposition side, they used to scream from the rooftops stating how they would improve the welfare of the police when they take over the leadership of this country. While we commend them for increasing salaries of police officers amidst the difficult economic times, I would want the Minister---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Those taking their leave, please, do so in a manner that will not lead to the interruption of Business.

Proceed, Mr. Maore!

Mr. Maore: Mr. Speaker, Sir, we expected to see a revamped environment in which our police live. It does not take millions of money to acquire paint and water to clean the buildings and compounds in police stations. Nairobi, for example, has very few police stations. Therefore, the Minister by now would have visited each of them, even three times if he were just to sneak in for half-an-hour before or after lunch. If you go to stations like Kileleshwa, Kilimani, Buru Buru, Pangani, Parklands or even Langata, you are better off with the environment near the City Mortuary. This is because you will see a lot of rot, rust, dirt, pieces of broken vehicles and wares all over, and those confiscated exhibits. There is not any decent storage for them. So, we would want the Ministry to set up minimum standards for a police station, so that when you enter one whether in Mandera, Loitokitok or Shauri Moyo, you should meet the same decent standards of a disciplined force premises and not a place that looks like a junkyard or a medieval grave that has been abandoned.

Mr. Speaker, Sir, early in the year, the Minister said that they had acquired 400 vehicles for various police stations. When he will be responding, we would want to hear him state the deadline on which they will finalise the distribution of all those vehicles acquired, so that they could serve the work which they were meant for.

I would like to commend the Government that, for the first time since Independence, incidents of cattle rustling have come down by nearly 99 per cent. I can see Mr. Lesrima nodding his head in agreement.

Mr. Speaker: Order! What has Mr. Lesrima got to do with cattle rustling?

Mr. Maore: Mr. Speaker, Sir, he lives in an environment where there are either victims or perpetrators of cattle rustling.

The Assistant Minister for Planning and National Development (Mr. Lesrima): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to insinuate that I am a cattle rustler?

Mr. Maore: Mr. Speaker, Sir, I do not know whether the hon. Member would want to carry that kind of a title. I said he comes from an area where there are either victims or perpetrators of

cattle rustling. I would not want to insinuate that any of the hon. Members is a cattle rustler. I was saying that since Independence, incidents of cattle rustling have come down by 99 per cent, and it is a big plus for this Government.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say that cattle rustling has subsided when, indeed, cattle have been finished in my area?

Mr. Maore: Mr. Speaker, Sir, if the cattle have been finished, then there is nothing to do cattle rustling on. That is why I am saying it has come down by 99 per cent.

(Laughter)

The other issue that we need to discuss is the role that is played by the Department of Defence during the time of peace and prosperity. We want the engineering department to use the equipment they have to compete for civil contracts in public procurement for either roads or buildings. That way, they will be able to retrieve back to the public coffers some of the money being taken by either Asians or any other foreign contractors.

The other department that is crucial, even though it may not be part of the Office of the President, is the National Security Intelligence Service. I request hon. Members of Parliament to hold a *Kamukunji* with the Minister of State, Office of the President in charge of Internal Security and the Director-General of the National Security Intelligence Service (NSIS), so that hon. Members can be enlightened on the role the NSIS plays in this day and age. This is because I have heard a lot of uninformed thinking from various Members of this House who have stood here before to say that the officers of the NSIS do nothing, and yet its officers are paid a lot of money. They say this because of lack of information.

Mr. Speaker, Sir, since Members of Parliament can be taken into confidence, they can be explained the various roles that this organisation is supposed to play and the equipment it needs. If we do that, we can justify the little money they are paid but is exaggerated. People feel that the officers are paid a lot of money for doing nothing. This is a new era and trailing and dispersing political rallies is no longer the work of the NSIS, which was then called the Special Branch.

I would like to talk about the Directorate of Personnel Management (DPM). Although it falls under the Office of the President, you will find various departments, and specifically the parastatals, have a tendency of hiring private companies to do the work that the DPM should do. We would like the DPM to be revamped so that it can dispense its mandate. It should be described as a form of corruption when Government Departments source for private organisations to recruit staff for them. Most of the recruitments which were done, maybe, in the last one year, half of them were done by Hawkins and Associates, PriceWaterHouse or others. This is corruption and it should be stopped. Let the DPM be empowered to have that mandate, so that we do not have a problem when it comes to balancing the various political and ethnic interests because this is a political Government.

Mr. Speaker, Sir, another aspect I would like to mention is on the role of the chiefs. The chiefs of this day and age ought to be men and women of integrity, who have been trained in rural development, agriculture and also in administration. The Government should not appoint idlers, administration police officers or prison officers with criminal records but are politically-well connected as chiefs. Before the elections of the year 2002, there was an attempt to scrap the office of the Assistant Chief, but it was then shelved when it became politically untenable.

The Government should fire a minimum of 40 per cent of the chiefs and recruit new ones so that we can have a forward-looking society.

The Department of Efficiency Monitoring Unit (EMU) is misplaced when it is under the

Office of the President. We believe that this department should be put under the Ministry of Planning, Treasury or the newly established Department of Governance and Ethics. I am saying this because it is a department which is supposed to monitor even the operations of District and Provincial Commissioners and a few departmental heads who fall under the Office of the President.

But it is difficult to write adverse reports against officers who are just next door or who are your immediate bosses.

If we look at the overall Vote of the Office of the President, we will find that this year, it does not have the Immigration Department and Kenya Wildlife Service (KWS). We will also find that it shares the finances of the National AIDS Control Council (NACC) with the Ministry of Health. We are also concerned with the Strategic Food Reserve being under the Office of the President. You may say that it is a national security issue, but it should exclusively be under the agricultural docket. This is because if you were to import foodstuffs, the personnel in the Office of the President will not know what to do with the importation of maize.

They would not know the right moisture content and how it is tested. This department is misplaced. You may have policies regarding poverty reduction and food security but not the actual monies or the docket which deals with famine relief.

Mr. Speaker, Sir, if you look through the Vote carefully, you will also find that hon. Members of Parliament, sometime in April, did cause an uproar when the new Police Commissioner fired some officers. Everybody would dread the days of the Special Branch before an outsider was recruited into it. I would like to stand before this House to applaud the appointment of Brig. Ali as the new Police Commissioner from outside the police force. He brings in no loyalties from the cartel of officers who had been there and had organised cartels to sell their stores, including bullets and hire out guns, organise drug traffickers and bank robberies. We needed the new injection at the top of the police force. The country looks forward to Brig. Ali being given the full support so that he can exercise his mandate, and if possible, he can also source from wherever he came from, the officers at the rank of Provincial Police Officers (PPOs).

Last month, I remember, when the PPO, Embu, went to inspect the *matatu* men between Maua, Lare and Mutuati, two days before he arrived, the local base officers alerted the *matatu* operators, and that day, the PPO found everything was orderly. The PPO went back very happy and wrote a very funny report. So, we want that cartel of corrupt police officers on the ground broken so that the police force can be run efficiently.

Mr. Speaker, Sir, with those remarks, I beg to support.

Mr. Speaker: I think we have got a very big disparity of ladies in this list. I will give this chance to a lady from this side of the House.

(Mrs. Tett, Prof. Maathai and Ms. Mwau stood up in their places)

Could I get one from the Back Bench? Yes, Ms. Mwau! I notice the other two standing ladies. In fact, they have a very high chance of contributing to this Motion because there are very few ladies in the House. So, the two of you who have stood can rest assured you will get a chance to contribute to this Motion.

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. I thought the Chair is supposed to see hon. Members of Parliament and not ladies. I thought all of us should have a fair chance---

Mr. Speaker: I can see both! Order, Mr. Mwenje! As you can see, I have put on my glasses. I can see both. Both male and female are hon. Members.

Mr. Mwenje: You should not favour the ladies!

Mr. Speaker: Order! Do not get agitated!

Proceed, Ms. Mwau!

Ms. Mwau: Thank you, Mr. Speaker, Sir. I rise to support this Vote of the Office of the President. First, I want to touch on security. Security has deteriorated in this country. We should support the police if insecurity in this country is to be dealt with effectively. The police should be supplied with vehicles which they can use to move from one point to another when a crime has been reported. As I speak here, there are police stations which have vehicles which were manufactured in the 1950s and they cannot move. Those vehicles break down every time. A case in point is Kilome Police Station which has a vehicle which was bought in 1957.

Mr. Speaker, Sir, if a crime is reported, the police take up to a week to reach the scene of crime and, sometimes, even before they get there, the vehicle breaks down. As we speak now, a criminal act in which six children were raped was reported in that police station. The children could not be taken to the station to obtain a P3 form. The community had to organise and take the children to Machakos District Hospital. As we speak now, the man who committed the crime has not been arrested because the vehicle broke down. The police officers have to contribute money from their own pockets to repair the vehicle. They beg from business people to run the vehicles. Vehicles are very crucial for police stations. Many police stations were built during the colonial days. They have never been given a face-lift. It is important to maintain police stations, so that police officers could feel comfortable. Training of police officers is very important. What happened in Kisumu recently should not have happened. We need to have police officers with human faces. We need to have a police force that can deal with a situation in a humane way.

Mr. Speaker, Sir, police stations and posts need to be closer to the people. Communities are ready to contribute and build police posts. The NARC Government only needs to provide police officers. That is because insecurity has spread even in the rural areas. We used to think that it was safe to live in the rural areas. But now, it is worse. Many people have built steel doors to protect themselves. So, it is important to build a police post in every location. That way, citizens will report insecurity cases quickly, and the police will respond immediately.

Mr. Speaker, Sir, there is an allocation of Kshs168 million in the Office of the President meant for the construction of Makueni District Commissioner's office. That district headquarter is already built! What is that money going to be used for?

(Applause)

That money should be used to rehabilitate police stations! It can be used to buy vehicles for police stations in Makueni, or go towards the provision of water to Makueni residents. Security is very important and the Office of the President needs to know that we need to feel secure as Kenyans.

I would like to talk about famine particularly in Arid and Semi-Arid Lands (ASALs). We have seen on television, people from the Coast Province eating wild fruits. We have also seen men and women dying of hunger in Turkana District. For how long are we going to beg for famine relief? For how long are we going to be asking Oxfam or World Food Programme (WFP) for famine relief? We need to have sustainable strategies that will deal with famine once and for all. Water is very important in ASALs, particularly in Makueni, Kitui and Mwingi districts. If we are going to deal with the issue of famine in those regions, we have to provide water. However, very little money has been allocated for provision of water in those districts. We need to have sustainable methods to end famine. We should ask donors to support us.

Mr. Speaker, Sir, planning is also very important. You will find bananas rotting in Kisii while the people of Turkana are dying of hunger. It is important for us to use resources from within

to support areas which are not productive. We need to have early warning systems. In the Office of the President, there is funding every time for ASALs. What do they do in terms of providing early warning systems? It is important to deal with famine once and for all. What does the Arid Lands Resource Management Project do? What have they put in place over the years to ensure that there is no famine? In the budget, we have training and transport. I would suggest that, that money should be allocated to the provision of water in ASALs. After we provide water in form of dams and wells, we can then start the Arid Land Resource Management Project. We fund that project year in, year out, but what do they do?

On the distribution of famine relief, we need to ask the question: Who is that food intended for? Will it reach the old, orphans, sick and disabled? We need to come up with a new mechanism to distribute relief food, so that everybody in the villages would benefit.

Mr. Speaker, Sir, I would like to talk about the registration of persons and the issuance of identity cards. There is need to decentralise the registration of persons, so that every location could have a registration centre. That would enable the young people access registration.

Mr. Speaker, Sir, I would like to talk about the Provincial Administration. I want to, specifically, talk about chiefs. The work of the chiefs is to organise people at the community level. I would like to emphasise the need for the Provincial Administration to get rid of illegal brews. Those brews are the cause of what is happening in our villages. For example, yesterday, on television, we saw a school in Makueni, another one in Molo and another one in Westlands, where drugs are being sold. The chiefs need to take action on illegal brews. That is because those brews are killing our youth and men. They are also the cause of poverty. That is because men, women and young people drink the whole day.

With those few remarks, I beg to support.

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

Mr. Speaker: Order, Members! Just one moment! You may take your seats for a while. Just to guide the House, today is the last day of the Vote of this Ministry. Any hon. Member who wishes to make any amendments must be in the House, latest 4.30 p.m so that the Minister could consider them in good time. As you know, one hour before, the Committee must sit to look at all those cases. You must also understand that it is out of our reach to remove an existing service of the Republic of the people of Kenya. You can show disgust, refuse to allow an item that has not been a service, but you cannot remove a service that has been existing in the Budget! That is the rule.

(Applause)

Mr. Biwott, please, proceed!

Mr. Biwott: Mr. Speaker, Sir, I rise to support this Motion, of course, subject to what will happen to it in the Committee stage.

The Office of the President is the heartbeat of the nation. It represents all facets including organisations that form our society. It is in that respect that I would like to say something about the new outlook of the Government as a result of the recent Cabinet reshuffle. The reshuffle actually meets the mentality of an African where the strict rules affecting parties do not exist. One of the effects of the reshuffle is that it cooled down tempers. Right from yesterday and up to now, the usual rhetoric about KANU and what it did in the past regime, has subsided. All those violent and reckless gunshots that used to come across from the Government side to this side have ceased. To

that extent, I think the Cabinet reshuffle brought in moderation amongst hon. Members and it ought to be supported.

Mr. Speaker, Sir, the Provincial Administration is the face of the Government at the grassroots level. It is at this level that the services provided by the Government should be seen in the right light. In other words, those who have responsibilities at the grassroots level should be responsive to the welfare of *mwananchi*. That way, the work of the Government and its programmes for development will actually include the people. Training of staff should enable them discharge service more effectively and in conformity to the needs of the people at the grassroots level. Such training should also enable staff to identify important projects to be carried out. It should not antagonise *wananchi* neither should it be political. The focus should be enhancement of development and not the castigation of people in terms of politics.

Mr. Speaker, Sir, Provincial Administration performed so well in discharging the *El Nino* programmes. However, something has happened. All the *El Nino* programmes have been forgotten. I was looking at the Budget and I did not see any supportive funds for the project. For example, in my own district at a place called Kacholbo, the *El Nino* rains caused a lot of havoc. *El Nino* funding was disbursed and the residents of the area benefitted. The same *El Nino* resurfaced in 2002 and it destroyed everything. Today there is no communication in the area. I do not see any funding for the *El Nino* programmes in this year's budgetary allocation for the Office of the President.

The recruitment of chiefs calls for immediate action so that there is no gap in the continuity of administration at the grassroots level. It is necessary that as a chief retires he is awarded all his dues including his pension. This should be effected fast enough so that a new person takes over and continuity is maintained. We have such cases in Keiyo District and I appeal to the Minister to address them.

Mr. Speaker, Sir, concerning the Arid and Semi-Arid Land areas, it is true that these areas will determine the progress of this country in as far development is concerned. Development of ASAL areas will only succeed if long-term strategic planning is done and massive investments are channelled to it. Today, the poverty in the country confines about 50 per cent of the population below the poverty line. Poverty will continue to increase unless action is taken to stop famine. This cannot, however, be stopped by importing food from other places.

In any case, the food we import is not as good as the food we grow ourselves. It is important that long-term strategic planning is carried out as quickly as possible. It should be taken seriously so that massive investments are directed there and people involved in the programmes.

Keiyo District falls under the ASAL areas. Kerio Valley straddles across Baringo, Keiyo, Marakwet, Turkana and Samburu Districts. They all fall under the ASAL area. I noticed that Keiyo District was removed from the list of ASAL areas. This is an anomaly that the Minister ought to address.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, the Police Force is very important for our country because it represents the entire security of the people who cannot be secure unless they are sure that policemen are at hand to answer any distress or emergency calls. Therefore, we need to focus, more and more on security. By doing so, we should not lose sight of the fact that those who are employed in the Forces are human beings. They are people with families and problems like any other person and they need to be taken care of so that they too can take care of the security of other Kenyans. First,

they have their own problems to handle and then they have to attend to other people. They should be trained and paid well. They should be furnished with enough equipment including protective devices such as bullet vests. An hon. Member who was contributing yesterday talked about the insurance of the lives of those people involved in security work. A security officer with young children, a low salary and no security at all could be shot dead. Such an officer will leave the family in distress. We really need to do something about that.

Mr. Deputy Speaker, Sir, the Merrile menace has been there since the colonial days. It is sad that our police stations are overrun by Merriles who come in large numbers and overcome our few policemen. We should increase the number of officers manning our borders, equip them properly and give them enough surveillance and intelligence service so that they can detect trouble in advance. That will help them a lot in protecting the lives of Kenyans and defending themselves against aggressors. They should be equipped fully and given enough support.

Development is a crucial subject and needs to be addressed. In my district, we were provided land, more than ten years ago, to build a police station at a place called Kamwosor. Up to today, we have seen no money for that particular purpose. It was budgeted for, but the money was taken away. This is something I would urge the Minister to look at. There is also a place called Kimwarer which suffers the same problem.

Mr. Deputy Speaker, Sir, employing people involves a life-time planning. So, it is important that those who are employed are encouraged, trained and guided. They should not be sacked in the middle of their careers. That will only make them lose whatever they have invested.

Therefore, it is absolutely necessary that when recruiting, there is a clearly defined criteria which is predictable and which people know that, that training will take this long and so on. We should also follow an established criteria when sacking so that people can know whether they are liable for sacking or whether they are being sacked fairly or not, so that justice can be done. There are some policemen who were sacked the other day, and are still complaining and crying. They do not know why they were sacked. It is important that the hiring and firing should take place. But it should take place in a manner that those who are affected will know for certain that justice was done in the process.

The Ministry of Foreign Affairs and the Office of the President should address the issues raised in Turkana, especially along our borders. I am not going to say on what aspects because I think those who are involved should take into account every discernible action that needs to be done so that the security of all the border areas, especially Turkana, is maintained. This is because there are a few things which need to be attended to. The Provincial Administration is well trained and organized. All we need to do is to give them encouragement so that there is uniformity throughout the country. They should be guided from time to time as they are. I believe that this is an area where Kenya is ahead of many other countries in terms of administration and everything else. That is what we need to do at the moment. With the new look in the Government, we should be able to work together as a unit and do all that. We have one faith, one destiny and one nation to protect and develop.

With these few remarks, I beg to support.

Mr. Khamasi: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. First of all, I would not like to be left behind on what my colleagues have said in this House regarding security. I believe that the Minister will sit down, listen to us, and let his officers take note so that whatever we say here can be taken seriously. The Minister must understand that the security of this country is at risk, and it is a matter of concern countrywide; therefore, the Office of the President must take serious action about it.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. Is it in order, when a Motion

like this is on the Floor for the Minister who is concerned to be talking to his staff at a corner?

Mr. Deputy Speaker: Order! Order, Capt. Nakitare! In case you do not know, it is customary for the Minister to consult his staff; that is why they are there!

Proceed, Mr. Khamasi!

Mr. Khamasi: Thank you, Mr. Deputy Speaker, Sir. But I think they also need to have four ears; two to listen to what we are saying and two to listen to what they are talking about.

Mr. Deputy Speaker: Continue, Mr. Khamasi!

Mr. Khamasi: I want to state here that in my constituency, Shinyalu, it is probably the only constituency in the Republic of Kenya where we do not have a police station. The crime rate is very high, and people are being murdered. I want the Office of the President to take note of this; Shinyalu Constituency has not got even one single police station. This must be taken into consideration. Let the people in Kakamega District know that we require that police station like we did yesterday, because the crime rate is very high.

Mr. Deputy Speaker, Sir, there are two or three things which I want to talk about. I have already mentioned the problem of insecurity. Our armed forces are ill-equipped and poorly paid. I have even said on the Floor of this House, probably in Africa or in the world, where police officers earn more than the armed forces. This is a matter that the Minister must consider very seriously. There is no way we can have the police force earning more than the armed forces. It is a matter of concern, and we want to know what this Government is doing about it. I am not sure about what happened to our police force. We increased their salaries and also increased the number of personnel and yet there is not reciprocation in terms of service delivery for the goodies that they have been given.

Mr. Deputy Speaker, Sir, I also want to reiterate what my colleagues have said about the impending calamity regarding hunger or the food shortage in this country. Let there be no red tape, let this Ministry move with speed and get ready for the impending calamity regarding the shortage of food.

In my own district, we have not heard of any place where food has been distributed. But the Government must be ready, because in the next few months, food will be required in almost every part of Western Province, where there is almost total crop failure. Mr. Deputy Speaker, Sir, the Office of the President is the number one office in the land, and it must set a good example in governance and spending. We need to see it practically, and not just lip service.

Mr. Deputy Speaker, Sir, there is plenty of money in the Office of the President and in the Ministry of Health for HIV/AIDS. That is why the Ministry of Health has not insisted that the services should be transferred from the Office of the President to the Ministry of Health. The idea of advocacy where people are spending too much money in seminars in hotels must come to an end. Our people require anti-retrovirals which are cheap and easily accessible to them. Instead of all these monies going to advocacy, we want to see it going to the supply of anti-retrovirals to the affected people.

Regarding corruption, I am not sure why we have gone slow. The Minister for Justice and Constitutional Affairs started very well, and he hit the nail on the head by tackling the Judiciary. That job in the Judiciary is incomplete, and he must complete it before going on to the Civil Service and the National Assembly. No one should be left untouched. This is a matter that requires special attention.

There is one thing I would like to mention before my time ends. My friend on the other side of the House should consider one very important thing. I am surprised to note that the Deputy Leader of the official Opposition, who is a brilliant lawyer, got six distinctions at O-level, three As at A-level and first class honours in his law degree does not understand this. Yet, I wonder what

they are thinking about this. In fact, even the Chief Whip of the Official Opposition is a very brilliant lawyer and a former magistrate. The Constitution of Kenya, Section 16(2) says:-

"The President shall, subject to the provisions of any written law, appoint Ministers from among the Members of the National Assembly".

It is subject to the written law.

(Applause)

The written law is somewhere else; it is in the National Assembly and Presidential election--- Section 17(5) of the Constitution of Kenya.

I want Mr. Biwott to listen to this. This section says:-

"No person who is elected or nominated as an hon. Member of the National Assembly, with the support or a supporter of a political party other than the party whose candidate has been elected President at the election, shall be appointed Minister of the Government of Kenya under Section 16 of the Constitution without the concurrence of the party which supported him for election or nomination".

There is an illegality here. I do not know what the Attorney-General and the Minister for Justice and Constitutional Affairs have done about this. An illegality has been committed by the President and I am sure he did it without knowing.

(Applause)

Mr. Deputy Speaker, Sir, I would like the Office of the President, under the guidance of the Attorney-General and the Minister for Justice and Constitutional Affairs, to look into this and see how they have flouted the Constitution.

As I speak, perhaps, there are people moving to court to file an injunction to stop this until KANU authorises these people to join the Cabinet. Until the party has done it, it cannot be legal. I want to leave it at that and ask the Attorney-General and the Minister for Justice and Constitutional Affairs to look into that issue.

With those few remarks, I beg to support.

Dr. Ali: Thank you, Mr. Deputy Speaker, Sir. I wish to contribute to the debate on the Vote of the Office of the President. I wish to thank Mr. Khamasi for enlightening the Leader of the Official Opposition to do his job, where we have failed.

It surprises me that a lot of money in the Office of the President is going to things which are not necessary when our police force, the Administration Police and the General Service (GSU) Unit officers do not have anywhere to stay. A lot of money has been allocated for the refurbishing of State House, State Lodges and Harambee House in this country. What is wrong with Nairobi, Mombasa and Nakuru State Houses? What is wrong with Sagana State Lodge? Millions of shillings have been allocated for the refurbishment of those State Lodges when police officers are living under tins and shanties, which even dogs cannot live in. This is a shame! It is not fair for the people who are supposed to provide us with security to live under such conditions.

Mr. Deputy Speaker, Sir, under Head 020, State House Nairobi, Kshs110 million has been allocated. What is wrong with State House, Nairobi? Last year, State House, Nairobi, was allocated Kshs130 million. This year, it has been allocated Kshs110 million; Kshs60 million for the next financial year and Kshs50 million for the other financial year. That amounts to Kshs350 million. What do we need to add to State House, Nairobi, that we have to allocate it Kshs350 million for the next three years? The Minister has to tell us what sort of buildings will be put up and what facilities

are required at State House, Nairobi, for him to allocate all that money.

Under the office of the Commissioner of Police, Kshs36 million has been allocated for the rehabilitation of police stations and lines. How can you compare Kshs36 million for rehabilitations of the police stations and lines to over Kshs1 billion for State Houses? These are abnormalities and they should not be allowed to happen. Ongata Rongai Police Station was allocated Kshs18.5 million last year. This year, it has been allocated Kshs72.7 million; Kshs20 million for the next financial year and Kshs10 million for the other year. What sort of a police station is that? Is it proposed to be the headquarters of the country? How many policemen and women will be stationed there? The normal police stations have been allocated Kshs19 million; for example Kibish. Whoever was budgeting for these did not do the right thing. We know that our police officers are underpaid, they do not have houses, vehicles and even uniforms. If we fail to provide proper housing to police officers, we should not expect them to support us in our endeavours.

Mr. Deputy Speaker, under Head 579, *El Nino* Emergency Fund, Kshs230 million has been allocated for the rehabilitation of the infrastructure. What infrastructure is this? The Minister should specifically state which roads are supposed to be rehabilitated using this money. Head 010 is AP Services and Administration Police Training College. Under this Head, Kshs14 million has been allocated for the construction of additional facilities. What will Kshs14 million do? That is the only allocation that has been made in the Development Vote. This is unfortunate and sad.

Mr. Deputy Speaker, Sir, Item 191 is on Good Governance and Decentralisation Support. Last year, Kshs75 million was allocated for this. This year, Kshs77 million has been allocated from the French Government. Could the Minister tell us what decentralisation support involves? Under Item 192, a lot of money has been allocated. What is the work of the Permanent Secretary for Governance and Ethics? Why should money be allocated for governance under the Office of the President? This money should be allocated to the Permanent Secretary concerned, so that he can do his work properly.

Mr. Deputy Speaker, Sir Kshs45 million has been allocated for the refurbishment of Harambee House. Harambee House is very beautiful and the offices are in very good condition. Is the Office of the President tired of the seats which were occupied before? I thought the seats were changed last year. Last year, Kshs30 million was allocated to Harambee House. The Office of the President must have changed all the seats in Harambee House. Why should it be allocated another Kshs45 million? We want to be told what sort of extra furniture is needed at Harambee House. In any case, the President does not operate from there.

Mr. Deputy Speaker, Sir, no funds have been allocated for items like the Early Warning Systems, Emergency Preparedness Planning and the Fund for Disaster Preparedness. We are wasting money on issues which are of no significance to Kenyans. Under Head 283, Item 293, there is Kshs30 million for Drought and Emergency Management. There is Kshs116 million for HIV/AIDS and Development Projects. I can understand the allocation made towards Drought and Emergency Management. Why has more money been allocated for HIV/AIDS and Development Projects when Kshs3.7 billion has been allocated for HIV/AIDS in another Vote? What is this development about HIV/AIDS? What do you need that money for?

I want to make a point on the issue of new generation identity cards. Last year, Kshs300 million was given for the new generation identity cards. Some of our constituents did not get the cards. Still the Government wants another Kshs100 million for the same purpose. The information we have is that the Kshs300 million was not used properly. Could we be told what the Kshs300 million was used for, and why the Government needs another Kshs100 million? As far as I am concerned, this amount is not necessary.

Mr. Deputy Speaker, Sir, under Head 275, Item 151, we have Kshs600 million, which has

been allocated for purchase of maize for drought and relief. We also have another Kshs400 million for disaster and famine relief. We only have Kshs1 billion for strategic reserves. The Kshs1 billion allocated for strategic reserves is understandable. However, what is this other Kshs1 billion for? Where does this money go to? Kenyans are dying. There is famine in Ukambani, Coast Province and in North Eastern Province. Rains have failed. People are going to die very soon in northern Kenya. Where is this money going to? Where is the Kshs1 billion going to? Where is the maize that is supposed to be for famine relief? I have to be told where these amounts go.

Under Head 931, Item 131, there is Kshs216 million for boards, committees and conferences. Somebody recently told me that this is a Government of seminars.

I beg to support.

Mr. Wanjala: Mr. Deputy Speaker, Sir, the Motion before us today is very important. The Office of the President is the custodian of our lives and security. When we talk about insecurity, most people think that it concerns our three cities of Nairobi, Mombasa and Kisumu. We need to have security so that our people can feel safe when doing their business. The Government will then get revenue from them. We have heard that the Government buys motor vehicles for security officers. However, the Government has not thought of buying motor boats to give to marine police officers, who operate in our lakes and the oceans.

Today, there is too much piracy in the lakes, especially Lake Victoria. Our fishermen---

(Loud consultations)

Mr. Deputy Speaker: Could we have some order? There are loud consultations from the Front Bench to my right. Order, hon. Members! Hon. Members sitting on the Front Bench to my right, please, consult in lower tones.

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir, for protecting me.

In the lakes today, there is too much pirating and theft by groups of people from Tanzania and also others from Kenya. They steal fishing gear from fishermen. We want this Government to be committed to helping fishermen this time round. Fishermen should be escorted to the lakes by police officers, who will protect their fishing gear.

We need surveillance cameras in all the streets of our cities like Nairobi. This would minimise thuggery. There is too much thuggery, and I think that if we got surveillance cameras, we would monitor everything that is going on in the City. Due to the traffic jams we are having today on our roads, policemen cannot trace thugs easily. We should have cameras in this City as well as in Mombasa and Kisumu. Kenyans will attend to their daily business freely when they are assured of security.

The Office of the President is supposed to protect the taxes that Kenyans give to the Government. It is the implementor of our laws. Everyone is talking about corruption today. Yesterday, the British High Commissioner to Kenya said that Kshs15 billion has been ripped off within 18 months. That is an average of Kshs1 billion per month since the NARC Government came to power. We have been in the Government for 18 months, and we have already embezzled Kshs15 billion. It took 24 years for Kenyans to reject the acts of the previous Government. However, this time round, it has taken 18 months for Kenyans to say no to the NARC Government.

The Government spokesman told us that embezzled funds have been returned to the Government, yet no one knows who has returned it. What kind of a Government is this? Somebody has sent it over Kshs400 million, yet it is telling Kenyans that it does not know who has returned the money. Someone wrote a cheque or even returned the money through wiring.

The Government is, however, saying that it does not know who has returned it. The High

Commissioner had to give names of those concerned. Up to now, nobody is doing anything about it.

I have a list of names that I want to table. It should be verified to see if it is the same as the one which was given to the Head of Public Service.

(Mr. Wanjala walked from his place to the Table)

Mr. Deputy Speaker: Order, Mr. Wanjala! What is that you are carrying?

Mr. Wanjala: Mr. Deputy Speaker, Sir, it is a list of names!

Mr. Deputy Speaker: It is a list of what? What do you want to lay on the Table? This is not a Table for laying on whatever you have!

(Mr. Wanjala handed over the list of names to Mr. Deputy Speaker)

Mr. Wanjala: Mr. Deputy Speaker, Sir, the list of names I have was being circulated here in the morning. It has names of people involved in the Anglo Leasing and Finance Company. I thought that we could compare them to the ones that have already been given to the Head of Public Service.

Mr. Deputy Speaker: Order, Mr. Wanjala! What I am holding here is an unsigned photocopy of a letter. This is not a document that is worth laying on the Table of this House!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I am really worried about this House. It has been turned into a market! I would like to know what instructions you are going to give to people who pass leaflets around this House. We should not turn this House into a marketplace by allowing supply of leaflets!

Mr. Deputy Speaker: Order, Mr. Angwenyi! I am only aware of one list that was distributed here. If you are aware of other leaflets being taken round, then, I am not. I have said that this particular piece of paper is an unacceptable document. It is a photocopy which is not signed and is not authentic. I do not know where it has come from. Mr. Wanjala, take this piece of paper back and keep it in your pocket!

Proceed!

Mr. Wanjala: Mr. Deputy Speaker, Sir, I want to talk about disaster management.

I want to commend the Minister for having managed the floods disaster. Because of his efforts, there was a much less serious disaster this year. A lot of money is spent on relief food. We should channel this money towards diverting some of the waters from River Nzoia to Turkwell River and from River Nyando to other rivers, so that it is used for irrigation in other areas. This will ensure that less money is spent on relief food.

Mr. Deputy Speaker, Sir, this Government told Kenyans that, when it took over power, it would legalise *chang'aa* drinking. Although we have increased the salaries of police officers, today they are going into people's homes searching for *chang'aa*. They are demanding a lot of money in bribes because they are now used to earning larger salaries. They are terrorising *wananchi* by going to their homes and turning over women's *sufurias* in kitchens and mattresses on the pretext that they are looking for *chang'aa*. This is happening despite the fact that we passed a law here stating that in order for a police officer to go and search somebody's home, he must have a search warrant from the courts.

Harassment of *wananchi* by police officers is rampant outside there. This Government did promise that when it took over power it would legalise the drinking of *chang'aa* so that people do

not overdrink. The drinking of *chang'aa* has only become harmful because people drink it in a hurry. It is just like Smirnoff. Those who drink Smirnoff do not drink it in a hurry. They take the amount they can manage. People who drink *chang'aa* are forced to drink it fast and in the process it harms them. We should bring an amendment to the law to allow free drinking of *chang'aa* and other local brews because every community has a certain type of brew which it normally drinks during traditional ceremonies. We are infringing on the rights of Kenyans by not legalising the drinking of these brews.

In Uganda, people drink *Waragi* and nobody is arrested for taking it. They drink it in a more organised manner than in Kenya, where those drinking traditional brews are harassed. In Tanzania also the drinking of local brews is legalised. The Minister of State, Office of the President, was with me during election campaigns and knows that we promised Kenyans that we would legalise the drinking of *chang'aa*.

Mr. Deputy Speaker, Sir, I beg to support.

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Mr. Deputy Speaker, Sir, I would like to support this Vote. I want to congratulate the Minister for putting together a very comprehensive budget for the Office of the President. All of us would gladly support the Office of the President because of the work that we know takes place in it. I want to draw attention to an area that we have mentioned many times, and has been referred to by many people in this House.

One of the most important roles of this Ministry is to protect our citizens. We must really do whatever it takes to support this Ministry, and give it the money that it needs in order to continue its training of our police officers, so that they can learn to respect themselves first and foremost and then respect the law. This will ensure that we have police officers who have a good image of themselves, and who love themselves. Our police officers cannot respect fellow citizens until they respect themselves. In order for police officers to respect themselves, it is very important that they are given proper training. I want to commend the Minister, whom I know has been engaged in a continuous effort of training police officers.

One very important aspect of giving police officers a good image of themselves is providing them with adequate housing, especially for their families. This is an issue that we have addressed on many occasions from many perspectives. I am just emphasising it, and asking the Minister to ensure that police officers are properly housed, so that they can come out of those shelters where they live, feeling proud of themselves and willing to say: "I am a Kenyan policeman", rather than people who have a very low self-esteem. This is partly the reason why they transfer their frustrations to fellow citizens and mistreat them.

One of the most important things in the police force is discipline. I know that we have addressed this issue often. Again, this will be achieved through training and self-awareness of the police officers. Those of us who travel to other countries have noted that their police officers have high self esteem and pride in their country, and are proud of serving their people. We feel ashamed when we come back and see our police officers mistreating their fellow Kenyans. I have personally raised this issue often, and want to repeat it.

I have never fully understood why police officers in this country are permitted to use live bullets on our people. There are very many ways in which we can control riots. We do not have to use live bullets. I am always shocked and amazed that we continue to use live bullets as an option for quelling riots. I look forward to the time when the police force will be so disciplined that it will never use a live bullet on a fellow Kenyan, especially those who attend rallies or are suspected criminals. This is the only country where police officers are allowed to kill people because they suspect that they have committed a crime, yet we have a law that says that you cannot kill until a

person has gone through the legal process.

I hope that the Office of the President will make sure that at no time will live bullets be used against our people, no matter what they are doing, unless the police officers are trying to save their own lives, because that is something we can understand. We want our police officers to be given transport because, without transport they cannot reach members of the public and help them.

The Minister has tried very hard, and I know that many police stations have been given vehicles. However, even as I speak, police stations in my constituency do not have any. I would urge the Minister to ensure that there are enough police stations in every constituency and that they are provided with vehicles and telephones, whether mobile phones or land lines. It is very important that our police officers are able to communicate.

Mr. Deputy Speaker, Sir, I would like to repeat the issue of alcohol consumption and misuse of drugs. Hon. Members have raised this issue many a time, but because the people who are supposed to protect us are the police officers, the Office of the President should really ensure that our police officers are trained and educated to understand the damage we are causing to our people by allowing irresponsible consumption of alcohol and misuse of drugs. There could be no worse place for this to happen, than in our schools.

Recently, there was a case in Westlands where a *kiosk* near a primary school was selling drugs to primary school children. I do not think there is any other responsibility that we, as leaders, can take of this country than protecting our children. I do not believe that there can be anybody who is selling drugs to our children and we do not have the capacity to find out who that person is. I also do not believe that there can be people who bring drugs into this country and we do not have the capacity to arrest them. I think we are failing if we cannot protect our children. I would like to invite and encourage our people to remember that in China, there was the so called "Opium Wars". China went to war trying to protect its people from opium use which was being brought into that country and concentrated by people who knew that in order to control people, they needed to intoxicate them.

Mr. Deputy Speaker, Sir, sometimes when I look at our country, it as if are under siege. Somebody, somewhere is trying to intoxicate through illicit alcohol and drugs. I would like to call upon this House, if necessary, to allocate more money to this Ministry to hire as many police officers as possible, so as to protect our children from the use of drugs. We observe the use of these drugs in primary and secondary schools and at the university level. What are we working towards if our children are going down the drain through the use of drugs? There are countries in this world when if you are caught trafficking drugs, you are hanged or jailed for life. Therefore, I am appalled that we can be managing a country where our children are being drugged.

I was in tears the other day when I saw primary school children explaining how they were being sold sweets and being encouraged to buy more so that they could be addicted to drugs. There is absolutely nothing worth that can happen to us if we become victims of drugs. I can see a situation where we can lose the citizens of our country. One day we shall be just observers where other people are managing our country because we are no longer able to manage it because we are under the influence of drugs.

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

Mr. Deputy Speaker: I have only six minutes before I ask the Minister to reply. Therefore, I will give this opportunity to Mr. Kimathi.

Mr. Kimathi: Mr. Deputy Speaker, Sir, thank you for giving me this chance to contribute and support this very important Motion.

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

Mr. Deputy Speaker: What is it, Mr. Mwenje?

Mr. Mwenje: Mr. Deputy Speaker, Sir, is it really in order that we will soon be closing this debate when the Chairman of the Departmental Committee on Administration, National Security and Local Authorities has not even contributed?

Mr. Deputy Speaker: Well, Mr. Mwenje, I take your point. I sympathise, but I have already given enough chances to both sides. Maybe, next time. Sorry about that, Mr. Mwenje.

Mr. Kimathi: Mr. Deputy Speaker, Sir, I wish to support this very important and noble Motion on the Vote of the Office of the President. Though I am in the Opposition, I must express my appreciation to the NARC Government that it is serving every constituency without discrimination. This is a good example that must be followed by the political parties that will form the Government in future.

I would like to throw a very comprehensive challenge to the NARC Government. I recently listened to some two Ministers speaking at a function in Machakos and I had also had an opportunity to listen to another Minister right now and, if we are not careful, one of these days, our civil servants and the police officers might down their tools and go on strike. I would like to be heard by the Front Bench that, if the police officers are harassed and they protect 31 million Kenyans, who will protect us when they go on strike? It is only in Kenya where police officers on duty are arrested without setting up an inquest to investigate their conduct. For example, the police officer who was arrested during the *Saba Saba* riots in Kisumu City. We should not have arrested those police officers, but the person who gave orders would have owned up and took the responsibility. It is quite disturbing when this kind of thing happens because these are our children; our sons and daughters who will in future be given instructions to go and harass politicians and query our meetings and then eventually they will be arrested. The Attorney-General is supposed to take responsibility.

Mr. Deputy Speaker, Sir, I would like to tell NARC that they inherited a Civil Service after the elections. So, they should not keep on harassing civil servants by reminding them, "*Hawa walikuwa watu wa KANU*". Civil servants are normally compliant. So, the NARC Government has to accept that--

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Is Mr. Kimathi in order to continue referring to the NARC Government when we now have a Government of national unity? There is nothing like the NARC Government any more!

Mr. Kimathi: Mr. Deputy Speaker, Sir, I agree with the hon. Member. Those in Government are in Government, whether they are from KANU or from any other party. After all, we have heard from Mr. Khamasi that if this House is to have a future, we must strictly respect the laws of this country. The police officers must be protected by the law.

Mr. Deputy Speaker, Sir, I would like the Minister to categorically confirm to the police officers that while they are on duty, they will not be arrested or harassed. I heard the Minister say that these officers should never use a bullet; either rubber or a live one. If the Minister has one bodyguard, he should be carrying a *rungu* because what he should have said is that a bullet should never be used on innocent Kenyans. He should not have said that a bullet should not be used. If a thug uses a bullet, you will equally use a bullet because *dawa ya moto ni moto*. I do not want to see civil servants and police officers being harassed.

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

Mr. Deputy Speaker: Very well. It is now time for the Minister to reply.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, I wish to start by thanking all hon. Members for their very useful and constructive contributions to this debate. I also wish to commend the hon. Members for their appreciation of the central role which is played by the Office of the President within the Government of the Republic of Kenya.

Mr. Deputy Speaker, Sir, before I comment on various pertinent issues raised by hon. Members, I would wish to clarify that for budget purposes, this Vote that we have been discussing; Vote R01 and D01, the Office of the President, does not include the services falling under the Department of Defence (DOD), State House, the National Security Intelligence Service (NSIS) and the Directorate of Personnel Management (DPM). Those services have separate Votes which are scheduled for discussion at a later date.

Mr. Deputy Speaker, Sir, now, allow me to comment on some of the issues that hon. Members raised, and that are pertinent to my Ministry. As far as funding is concerned, in their contributions to this debate, hon. Members noted that the Ministry is grossly under-funded. We would require more funding to ensure that security of this nation will continue to receive top priority attention. I totally agree with hon. Members, and wish to point out that, the amount allocated for the Recurrent Expenditure is below last year's funding, by a whopping Kshs1.8 billion. While I share the concerns of hon. Members on the reduced funding levels to the Ministry, I wish to assure them that the Ministry is committed to providing the best possible service within the available resources. In particular, I want to reaffirm to hon. Members that security remains the highest priority of not only the Ministry, but the Government itself. While I share the concerns of hon. Members on the reduced funding levels, I wish to inform them that, that is, indeed, a Government phenomenon. I want to invite hon. Members to assist the Government to come up with creative methods of utilising the available resources to attain maximum returns. It may interest hon. Members to know that my Ministry had submitted to the Treasury a proposal for a budget of Kshs46.7 billion, and only got Kshs22.5 billion, which is slightly less than 50 per cent.

Mr. Deputy Speaker, Sir, turning to the specific issues raised by hon. Members, many of those concerns were directed at the police, the Provincial Administration and so on. In regard to Head 001 - Presidential Visits, a question was raised as to why Kshs35 million was allocated for provincial visits, up from Kshs27 million. It is worthy to note that His Excellency the President visited five provinces last year. This year, there are plans to visit all the provinces many times. Those funds will be utilised on such duties by the Head of State.

Mr. Deputy Speaker, Sir, with regard to Item 188 - Medical Scheme Expenses - hon. Members are aware of the on-going intense debate on the National Social Health Insurance Scheme (NSHIS).

The allocation of Kshs586,839,486 is to cater for the anticipated NSHIS expenses. If the scheme does not take off, the funds will be re-allocated to cater for medical allowances and gratia payments, from where the funds were removed. It is important, at this juncture, to point out that the Government does not intend at all, to allow its public servants to suffer ill-health because of the unavailability of those funds. They will go towards the health of public servants one way or the other.

Item 191, on Security Operations, was also questioned. It is only an amount of Kshs16 million, which is intended to be used for mobilisation and deployment of security forces to any areas in the country where security threats occur as a matter of emergency. The funds are also used to fund activities in connection with mopping up of illegal firearms in urban and rural areas of the country.

Mr. Deputy Speaker, Sir, an issue was raised about the purchase of motor vehicles. That is Head 085, Item 20. That is an amount of Kshs390 million or thereabout. I would like to clarify that those funds have been provided to pay for supply of motor vehicles arising from a contract entered into in 1997, between the Government of Kenya and Hyundai Motors Corporation, for the supply of 520 units of vehicles, out of which only 366 have been received to date. The balance is expected to be received in the course of this financial year, and the funds set aside are intended for that purpose.

Mr. Deputy Speaker, Sir, questions were also raised about Head 005 and 006, Item 172, for the purchase of uniforms and clothing for provincial administrators. I would like to inform this House that uniforms for both provincial administrators and Administration Police used to be bought from Head 011 - Field Administration Police Service, which was allocated Kshs62.3 million last year. In improving the budgetary process, it has now been found prudent to have separate provisions for both administrators and the Administration Police. The funds under Head 005, that is Kshs9 million for the Provincial Administration, will cater for the uniforms for Provincial Commissioners (PCs), District Commissioners (DCs), and District Officers (DOs) only. The funds under Head 006, which amount to Kshs14.5 million, will cater for chiefs and assistant chiefs. That is a miniature amount of money, when you consider that we have got more than 640 DOs and more than 9,000 chiefs and assistant chiefs. So, that, really, is a meagre amount of money.

I would like to inform the hon. Member who raised the matter that we are not intending to send our chiefs to Savailo to get their uniforms from there.

Mr. Deputy Speaker, Sir, Head 109 Item 170 - Purchase of Consumable Stocks, was also in question. That is an amount of Kshs30 million. Those funds have been set aside for purchase of ammunition and materials for repair and maintenance of security equipment, including ammunition for the entire police force. The funds were removed from Item 220 of the same Head in last year's Budget.

Mr. Deputy Speaker, Sir, Head 094 and Head 110 refer to the travelling and accommodation expenses of the Head of State. Those funds, which amount to about Kshs105 million, include all the monies which are expended on the travelling of the Head state both within and without, and the living expenses for members of his security.

Mr. Deputy Speaker, Sir, good governance and decentralisation support is funded under Head 001, Item 191. Those funds have been provided by the Federal Republic of Germany for the development of institutions that deal with good governance initiatives within the Office of the President.

Officers at the district level will be trained to enhance their capacity of development initiatives at the rural levels. That is important because an empowered provincial and district administration will yield results in better outputs for funds invested for development by the Government. Only Kshs76.5 million will be used for this purpose.

Mr. Deputy Speaker, Sir, we have heard a lot about the refurbishment of Harambee House. The Kshs45 million set aside for the refurbishment of Harambee House is intended to be used for on-going works and installation of three new lifts. The current lifts, if Members of Parliament may recall, were installed in 1957 and they require replacement as they have been declared to be damaged beyond economic repair. I would not want Members of this august House to get stuck in the lift as they come for services in the Ministers' offices in Harambee House.

Mr. Deputy Speaker, Sir, gender sensitivity in police reforms was brought up and I would like to inform the House that the Government has taken into consideration, issues of gender and children in the police reforms. Already, the training curriculum for police officers has incorporated this as a full subject of instruction that is examinable in recruits training course and during promotion courses. A proposal recommending the re-design of a standard police station that includes women and children only facilities is also under-way and will be piloted as soon as on-going consultations are complete.

Mr. Deputy Speaker, Sir, during their contributions, many Members commented on the Arid and Semi-Arid Lands (ASAL) Programme. I would like to state very simply that the ASAL Programme is but a seed project; it is a nucleus project. It is intended to initiate and kick off development, which will be carried out, not by the Office of the President, but by the entire relevant

Government machinery. Funds that have been allocated to this project are merely intended to start the development initiatives in the various sectors. More funding has been provided by the Government in other line Ministries, such as Roads and Public Works for roads projects, Ministry of Water for water programmes, Ministry of Health for health related-projects and Ministry of Livestock and Fisheries Development for livestock. The perception that the funding that has been made available by the Government through the ASAL programme is inadequate is, therefore, not entirely correct. So, in terms of actual figures for funding, set aside for the ASAL programme, I would like to inform the House that an amount of Kshs6 billion has been provided by the World Bank over the next five years. The Government of Kenya component has been provided for under the other line Ministries that I have referred to.

Mr. Deputy Speaker, Sir, many of the questions raised were covered in the remarks that I made yesterday. However, I would like to respond to questions raised about security and the performance of our police force. Let me remind the House that the Police Department has embarked on a five-year reform programme which incorporates housing, welfare, salaries and emoluments, their equipping--- It is a comprehensive reform programme. It will cost Kshs51 billion.

Mr. Deputy Speaker, Sir, I am most gratified that this House has committed itself to provide this funding to my Ministry in order to carry out those necessary projects and programmes within the Police Department to ensure that our police force is a service that Kenyans can be proud of and that it will discharge its duties as *wananchi* expects.

Mr. Deputy Speaker, Sir, I would wish to request my colleagues who may have filed Motions of amendments to recall that the departments under this Ministry mean security and safety of this nation. I urge them to quickly move and give the facts as requested so that we can deal with hunger, insecurity and public administration.

With those remarks, I beg to move.

(Applause)

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

VOTE 01 - OFFICE OF THE PRESIDENT

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT a sum not exceeding Kshs14, 210,058,715 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2005 in respect of:-

Vote 01 - Office of the President.

(Question proposed)

VOTE R01 - RECURRENT EXPENDITURE

The Temporary Deputy Chairman (Mr. Khamasi): Hon. Members, there are several amendments and when we come to them, we will call whoever has given notice to move them.

SUB-VOTE 010 - GENERAL ADMINISTRATION AND PLANNING

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): There is nothing on the Floor to make you raise a point of order! What is it?

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, it is in terms of procedure.

The Temporary Deputy Chairman (Mr. Khamasi): What is it?

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, if we cite too many Heads, we will not be able to follow. Why can we not have two or so Heads at a time?

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Angwenyi! This is not the first time we are doing this. This is a tradition and you will be given time to rise on any matter you want. All you need to know is that we are raising these Heads under Vote 01 - Office of the President. If you have anything you want to raise on any line, then you will do so.

Head 001 - Office of the President Headquarters

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, if you look at Vote Head 001, Item 266---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Angwenyi! Hon. Members, let us be systematic so that we know where we are. If you rise on any matter, please let us know the page, Head and Item so that we are all together.

Proceed, Mr. Angwenyi!

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, it is page 4, Head 001, Item 266 - Maintenance of Lifts. I see an allocation of Kshs18 million for maintenance of lifts. At one time I worked in the Office of the President and there were only two lifts. How do we maintain two lifts at Kshs18 million which is an amount we can use to buy four more lifts?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I am not aware of a lift which would cost Kshs4 million in this country. However, the truth of the matter is that those lifts were installed in 1957 and have been breaking down, time and again. In fact, today, I nearly got delayed coming here because they had to be shut down for repair. This amount here is provided for repair because procurement procedures take a rather long time. Therefore, the Kshs45 million that we have asked for, could take another nine or more months before we can acquire the lifts. This amount is merely for maintaining the lifts which exist at this time, in the Office of the President.

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, I have several questions and I need your guidance.

The Temporary Deputy Chairman (Mr. Khamasi): One at a time!

Head 275 - Relief and Rehabilitation

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, on page 6 where we have Head 275,

Item 151 - Purchase of Maize for Drought and Relief---

The Temporary Deputy Chairman (Mr. Khamasi): Which Item number?

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, under Head 275, Items 151 and 152, we have Kshs600 million for disaster and another Kshs400 million for famine. If we go to Head 564, Item 251 - Maintenance of Strategic Grain Reserve there is an allocation of Kshs1 billion. I am wondering why we cannot use this money for disaster and famine relief. Why do we need to reserve funds for disaster, famine and maintenance of strategic grain reserve? Why are we not able to put it together instead of spreading it? This now comes to Kshs2 billion. Could the Minister explain why we have all these figures at different positions?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I would like to inform hon. Members that the grain reserve in the country that is in the Government possession is divided into two parts. There is the strategic grain reserve which can be given or sold by the Government in the event that there is an overall shortage of food in the country.

When there is no food in the country, there are some people, as is the case now, who cannot afford to buy food. Those are the people who get relief food. To be able to make that food reach them, we have to transport and handle it. There are also other attendant administrative costs. The Kshs1 billion for Strategic Grain Reserve is to purchase that strategic reserve which is provided for under an Act of Parliament. The Kshs600 million is to buy relief grain and the Kshs400 million is for distribution of the same.

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

The Temporary Deputy Chairman (Mr. Khamasi): Order, hon. Members! Each one of you will be given an opportunity. Mr. Mwenje, which is the next one?

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, I have a point of order which I would want the Minister to explain. Why do we need an extra Kshs1 billion when that money was actually recovered when that food was sold as strategic grain reserve?

The other one and I hope he will cover it, is on page 10; Head 602, Item 133 - Support to E-Government. I find another Kshs30 million to support E-Government. I do not understand what E-Government is going to need Kshs30 million for.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I will start with the last question. E-Government is basically Information and Communication Technology (ICT) within Government. Indeed, in my remarks, yesterday, I said that the budgetary shortfall that we are experiencing in order to make this Government ICT compliant is about Kshs500 million a year for the next three years. Therefore, that amount of Kshs30 million is intended to be used on the E-strategy of the Government. This is something which I announced a few months back.

As far as this money is concerned, the Kshs1 billion for strategic grain reserve, is a legal requirement. We must maintain 3 million bags equivalent of grain and 3 million bags equivalent in cash by law at all times in order to be self-sufficient in food. Therefore, this Kshs1 billion, in fact, does not even make us meet what is required. Right now, we have Kshs1.5 billion in cash and we are looking for another Kshs2 billion in order to meet only the grain requirements. We will still have to look for another Kshs3 billion in order to satisfy the law. That is that!

For relief, the Government itself can purchase grain from the strategic grain reserve to provide to citizens with relief. That is happening right now because the Government does not have

sufficient stocks for famine relief. We are, therefore, using the strategic reserve, as the Government, to feed those who cannot access food. In fact, I may want to inform the House that this very afternoon, His Excellency the President made an international appeal for support for this country because of the enormity of the problem we are facing.

Thank you.

Mr. Sungu: Thank you, Mr. Temporary Deputy Chairman, Sir. I really wanted a clarification with regard to the procedure because some of us have amendments and we hope that either you will call or see us. Having said that, with regard to Vote R01- Office of the President, Sub-Vote 010, Head 001, Item 000 -Personal Emoluments, I would like to move an amendment.

The Temporary Deputy Chairman (Mr. Khamasi): Say the page number!

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I beg to move that an amount of Kshs20 be reduced from the total sum of Kshs14,210,058,715 allocated to Vote R01, Office of the President, and that the said amount be reduced from Sub-Vote 010, Head 001, Item 000.

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order, Mr. Sungu! The Standing Orders are very clear on this one. You can only reduce, but you cannot reallocate. So, you can only go as far as reducing or deleting the whole line, if you can, so long as you are not denying a service to the Government. So, you can only reduce, but not to reallocate.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, maybe you did not hear me properly. I am asking the House to reduce the Vote by Kshs20 only on those items that I have stated. I can move it afresh.

The Temporary Deputy Chairman (Mr. Khamasi): Perhaps, Mr. Sungu, you can advance your reasons for moving this Motion. Hon. Members would like to know why you want to do that.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, this Sub-Vote refers to personal emoluments in excess of Kshs95 million. We know that this is where the Minister resides. So, I am suggesting a deduction of only Kshs20.

Mr. Temporary Deputy Chairman, Sir, I hope that hon. Members will agree with me that the security situation in the country as it is now, and particularly manhandling of protests and people who were protesting against things that concern them, like the constitutional review; and in view of the fact that they were not allowed to assemble freely and express their opinions, I urge the House to deduct only Kshs20 from those items to show that Parliament is not pleased with the way the Government, and particularly the Minister, is handling the security docket because of repression and oppression which is now rearing its ugly head in Kenya again.

Thank you, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Sungu, you have got several items. Is this the only one you want reduced? What about the rest of the items you have forwarded to the Clerk of the National Assembly?

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I could go to the next item, because they all fall under the same Vote Head.

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Sungu, let us dispose of this one first.

The Minister for Trade and Industry (Dr. Kituyi): Jambo la nidhamu, Bw. Naibu Mwenyekiti wa Muda. Ningependa kuchangia Hoja iliyowasilishwa na Bw. Sungu. Kama mhe. Sungu anataka kupunguza mshahara wa Waziri kwa sababu haridhishwi na kazi yake, basi, afanye hivyo kutoka kwa makadirio ya matumizi ya Bunge ambako mshahara wa Waziri umekadiriwa. Kwa nini anaingilia mshahara wa watu ambao si Mawaziri?

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, we know that the Minister is paid some monies from the Vote of the Office of the President and it falls under that item. It is not true that the

Minister is not responsible for the security of this country. He is in charge of security. Other than State House, the buck stops at his door. Therefore, I urge the House to reduce this Vote by only Kshs20.

While in the Opposition, Dr. Kituyi, who is a very good friend of mine, raised a similar Motion from this side of the House. In fact, I learnt this thing from him. Therefore, I appeal to him to support me in my appeal to Parliament to show its displeasure against the Government for mishandling the Kisumu riots.

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Temporary Deputy Chairman, Sir. Is it in order for the hon. Member to mislead the House that we should deduct Kshs20 from the Vote of the Office of the President as way of censuring the Minister when he cannot explain how his conduct reflects on the Ministry's provision for personal emoluments?

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order, Mr. Kiunjuri! The hon. Member is in order. According to our Standing Orders, he has not done anything wrong. So, the Motion stands.

The Minister for Tourism and Wildlife (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, let us be realistic. Members of Parliament and Ministers earn their salaries from the Vote of the National Assembly. Even hon. Members' constituency allowance is paid by Parliament.

Reducing any amount from this Vote will cause unnecessary suffering to the Ministry's employees. If the Minister's salary should be deducted, let us wait for the Vote of the National Assembly and reduce the amount from it.

(Question of the reduction proposed)

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Temporary Deputy Chairman, Sir, it is suicidal to reduce any amount from the provision for personal emoluments. This is not salary meant for Dr. Murungaru. It is meant for the public servants who are working in the Office of the President, including police officers. I want to assure this House that even Mr. Sungu has a bodyguard, who is paid through this Vote. If he wants us to reduce this Vote, we will have to withdraw his bodyguard, because we will not be able to pay him.

(Applause)

Mr. Bifwoli: Mr. Temporary Deputy Chairman, within the Office of the President, there is a group of workers called chiefs and assistant chiefs. They are the least paid human beings you can come across---

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order, Mr. Bifwoli! We are discussing Mr. Sungu's Motion of reducing this Vote by Kshs20.

Mr. Bifwoli: Mr. Temporary Deputy Chairman, Sir, we are supposed to add money to that Vote instead of reducing it!

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, I oppose the Motion, because the Mover did not say that the amount should be deducted from the Minister's salary. If he thinks that the Minister has failed in his duties, then he should have moved that the amount be deducted from the Minister's salary. As it is, the Motion is misplaced. Therefore, I oppose it.

Dr. Oburu: Mr. Temporary Deputy Chairman, Sir, those who are opposed to this Motion are misguided. We are not asking for a reduction of Dr. Murungaru's salary. We are censuring the Ministry for the way they have handled security issues. Therefore, the Kshs20---

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

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order, all of you! Could we give Dr. Oburu time to finish his argument?

Dr. Oburu: Mr. Temporary Deputy Chairman, Sir, I am sure that even Dr. Murungaru can donate the Kshs20. The issue is not the amount of money involved. We are censuring the Ministry. We are not sacking people. We want to reduce the Ministry's Vote by only Kshs20 to show that we are dissatisfied with its performance.

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

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order, all of you!

Capt Nakitare: On a point of order, Mr. Temporary Deputy Chairman, Sir!!

The Temporary Deputy Chairman (Mr. Khamasi): Order, Capt. Nakitare! I will put the Question.

*(Question of the reduction
put and negatived)*

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

Order, hon. Members! Let me inform you that if you are standing for a Division, then you do not have the requisite number. We will go back to the Heads which were read and if you want to raise issues from there, I will allow that. Notice has been given of another amendment from hon. Sungu.

Mr. Sungu: Thank you, Mr. Temporary Deputy Chairman, Sir. The next amendment relates to page 4 which is the very next page. I wish to move that an amount of Kshs20 only be reduced from the total sum of Kshs14,210,058,715 that is to go to Vote R01, Office of the President and that the same amount be reduced from Sub-Vote 010, Head 001, Item 191.

I move this amendment for the very same reasons that this Department has, in fact, mishandled the issues of security, freedom of assembly and freedom of expression which are enshrined in our Constitution. We want to show Parliament's displeasure at the way this Ministry has mishandled Kenyans and that we are sending a message. The Kshs20 is a very small sum indeed. We should not be stingy. We should just allow it to be deducted to show Parliament's displeasure at the way the Ministry is doing these things. I want to add that, in fact, corruption resides in the Office of the President. That is where all the scandals about forensic laboratories, which are non-existent are, and yet millions of shillings of money have been spent on them. Deducting only Kshs20 is nothing and, therefore, I want to appeal to both sides of the House, including the Ministers, to agree on this reduction and vote for it.

The Temporary Deputy Chairman (Mr. Khamasi): Okay. Hon. Munya! First of all, let me propose the Question first and then we can go ahead with it.

(Question of the reduction proposed)

Mr. Munya: Thank you, Mr. Temporary Deputy Chairman, Sir. We have specific provisions relating to censure. If a Member of this House is unhappy with the conduct of a Minister, he can bring a Substantive Motion to censure the Minister. However, to reduce the Vote by Kshs20 does not help. If there is a problem of money that hon. Sungu has, we can ask the Minister to give him either Kshs10 or Kshs100 and we can also do an *Harambee* for him in order to help him!

(Laughter)

The Temporary Deputy Chairman (Mr. Khamasi) Order! hon. Munya, we will not allow usage of language that is not pleasant to other hon. Members in this House. So, when you are actually contributing to the Motion, be a bit considerate to other hon. Members. Do not say things that will hurt others. So, I would like us to discuss this Motion without any malice or hard feelings so that we can come to a conclusion.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Chairman, Sir. A man must never be condemned without being heard, particularly in this august House. I realise that the hon. Peter Munya, who is my friend, is a new Member---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Sungu!

Mr. Sungu: Yes, but he is---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Sungu! I have already made a ruling on that issue and we cannot revisit it.

We are going to debate your Motion and so, people who want to contribute---

Mr. Sungu: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Sungu, please let us debate the Motion!

Hon. Members: Get him out of the Chamber!

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Angwenyi, I would like to hear you.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, I beg to oppose this Motion. Our security forces have been subjected to deplorable situations. I wish the Minister could assure us that Kisiis and Kikuyus who live in Kisumu will not be subjected to harassment by goons who are organised to harass the communities residing in that city.

(Applause)

It is unfortunate that Kenyans lost their lives on that day. I believe the calamity could have been bigger. So, I am opposing this reduction.

Mr. Kajwang: Thank you, Mr. Temporary Deputy Chairman, Sir. I support the amendment moved by hon. Sungu. We are saying that the Ministry, especially the department in charge of security, is working outside the law and we, as Parliament, do not wish to deny him money. However, because the country must run, we are saying that we are in contempt of the manner in which he runs this Government and I support hon. Sungu.

Thank you.

Capt. Nakitare: Mr. Temporary Deputy Chairman, Sir, we are dealing with taxpayer's money. We are not dealing with money from somebody's pocket. When we talk about distribution of funds to operate and run the Government, we are dealing with public funds. I oppose this reduction of money. Where will it go? How much money has been deducted from the taxpayer's money?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, I stand to oppose the Motion. We should be sympathetic to our armed forces. They are working in very deplorable conditions. If we deduct their money, then we will be showing that we do not care about them. Even today, the Government laboratories need more funds. Tests are taking more than a month before results are obtained. So, I oppose the Motion and if it were possible, they should even add the Kshs20.

Mr. Salat: Thank you, Mr. Temporary Deputy Chairman, Sir. I stand to support the Motion because, as you heard, Mr. Sungu, not so long ago, went through a lot of hardship in his area. I think even if we do not get the requisite numbers, The message will have been sent across.

Mr. Mwanicha: Thank you, Mr. Temporary Deputy Chairman. I was in the House from the time the Minister started responding to the Motion. For those who listened to him carefully, he said clearly that he had requested for Kshs45 billion and he got less than half of that. I want to appreciate the sentiments expressed by the hon. Sungu but, at the same time, we have to realise that this was half of the requirement of the Ministry. I, therefore, support those who say that if it was possible, we need to actually have the money. If we have to settle any scores, let us do so outside this House.

The Temporary Deputy Speaker (Mr. Khamasi): Let us dispose of the notices we have had. Hon. Wario has sent in a notice of an amendment to the Motion.

Proceed, Mr. Wario!

Mr. Wario: Thank you, Mr. Chairman, Sir. I beg to move:

THAT, pursuant to the provisions of Standing

Order No.142(3) an amount of Kshs586,838,486 be deducted from the total amount to be appropriated to Vote R01, Office of the President and that the amount be reduced from Sub-Vote 010, Head 001, Item No.188.

This money, on page 3, is for the proposed medical insurance scheme. As hon. Members of Parliament, we have a role to play. There is no legal framework in place to support this allocation. So, it is unfortunate that the Ministers will just sit and decide to deduct money from people without their consent. It would have been appropriate for the Minister to wait for this House to pass the National Social Health Insurance Scheme Bill before deducting this money from the workers. As it is today, due to the illegality of the creation of this insurance scheme, I decided to move this Motion.

With those few remarks, I beg to move.

(Question of the reduction proposed)

The Minister for Tourism and Wildlife (Mr. E.K. Maitha): Mr. Temporary Deputy Chairman, Sir, first of all this is not a Vote of the Ministry of Health. I, therefore, do not understand the hon. Member's request to you to reduce this amount of money. If he means that workers' money will be deducted because of a certain medical scheme, the medical scheme which would be introduced in Kenya might be a good one to Kenyans. We are allowing Kenyans democratically under the Vote of the Ministry of Health where the proposed scheme is--- Each Member of Parliament here is worth Kshs10 million if he or she is to die today because we have a medical scheme which we are paying to AAR.

If any money has got to be deducted, the hon. Member has got to clearly specify which medical scheme in the Office of President he is referring to.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, while replying, the Minister of State, Office of the President clearly indicated that this money is for the anticipated medical scheme, purportedly to be implemented under the proposed National Social Health Insurance Scheme. We

run the risk, as a House, of sanctioning illegalities here.

(Applause)

It happened last week when we dealt with the Vote of the Ministry of Health. The Minister has confirmed, and this is in the HANSARD, that it is for the proposed National Social Health Insurance Scheme. The Bill has not been brought before this House and passed. Indeed, we have heard so many objections. What is the hurry? Can the Government not wait until the law has been put in place and then come to this very House to seek for the money?

The Assistant Minister for Finance (Mr. Obwocha): Thank you, Mr. Temporary Deputy Chairman, Sir. If you go through the whole Vote of the Office of the President, you will find that, last year, we had medical allowance but this year, there is none.

An hon. Member: No!

The Assistant Minister for Finance (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, let me give you an example. Do not say "No" if you do not have this book!

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Obwocha! Address the Chair!

The Assistant Minister for Finance (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, for example, if you look at Vote---

Hon. Members: No! No!

The Temporary Deputy Chairman (Mr. Khamasi): Order! Hon. Members, let us have an orderly House so that we can go through this Vote. By interrupting him, we will not make progress. Let us respect the Chair.

The Assistant Minister for Finance (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I am putting my argument across. For example, on page three, Sub-Vote 010, Head 001, Item 065 which is Medical Allowance, last year, it was Kshs8,452,098 but this year, there is a dash. If you look at page five, you will find that the same Sub-Vote - 010, Head 256, Item 065 - Medical Allowance was Kshs1,641,311 last year, but there is a dash this year. If you go through this book, you will find that the medical allowances for staff have been amalgamated together. The staff were getting this money and are due for it, even without the scheme. If Parliament does not pass the Bill, Civil Servants will still get this money.

Mr. Salat: Mr. Temporary Deputy Chairman, Sir, for the second time now, we are about to sanction an illegality. We did it with the Ministry of Health and, today, we are going to do that. If you add up what the previous speaker has said, it comes to about Kshs11 million. But we are now questioning the Kshs586 million. Let Kenyans know that this is not legal. It should be known that whatever we are sanctioning today, law-makers are going to be law-breakers.

The Assistant Minister for Health (Mr. Konchella): Mr. Temporary Deputy Chairman, Sir, I urge this House to understand that this will happen in every Vote for every Ministry. We should handle this thing once and for all. It is simple.

We anticipated, as the Ministry of Health, to introduce free medical care for the people of Kenya who are poor and you all know this.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Chairman, Sir. You can see clearly that this money was meant for the proposed medical scheme which is not in place.

In that context, is the Minister in order to tell us that they have removed it from where it was and have now put it together? Could they either put it back where it was or have it removed and re-apply again? Otherwise, there is no medical scheme in place. So, they will be completely out of order to try and bring it back when the scheme is not in place.

The Temporary Deputy Chairman (Mr. Khamasi): Order! Mr. Mwenje, that is a point of argument!

What is it, Mr. Obwocha?

The Assistant Minister for Finance (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, is the hon. Member in order to mislead this House that we are talking about Kshs11 million, while, if you look at page 19 under Head 011, Item 065, the medical allowance was Kshs103 million?

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Obwocha! We are not yet there!

The Assistant Minister for Finance (Mr. Obwocha): Mr. Temporary Deputy Chairman, Sir, I know! But if you add the total of the medical allowance last year---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Obwocha! Do not argue with the Chair! I am saying that we are not yet there! You cannot introduce a Vote that we have not arrived at, and begin arguing here! That is what I am basically saying!

Mr. Sirma, please, proceed!

Mr. Sirma: Thank you, Mr. Temporary Deputy Chairman, Sir. I think this Government is going to set a very dangerous precedent in this country. That is because Mr. Obwocha does not understand the difference between a medical scheme and a medical allowance. We are talking about a medical allowance which was there. We could have it back. But, how do we put money into an illegal kitty which does exist? Yet, when we were requesting for the Constituency Development Fund last year, we were told there was no legislation for it. How can we turn round again today and say: "We are anticipating!" We shall make sure that the scheme collapses here and you want to put money into it!

The Temporary Deputy Chairman (Mr. Khamasi): Order! We have heard several arguments for and against the Vote. So, I am going to put the question!

*(Question of the reduction
put and negatived)*

Hon. Members: Division! Division!

The Temporary Deputy Chairman (Mr. Khamasi): Order, hon. Members! You have the requisite numbers for a Division. The rules of the Division will now apply. The Division Bell will be rung for five minutes.

DIVISION

(Question put and the House Divided)

(Question negatived by 81 votes to 32)

AYES: Dr. Ali, Messrs. Bahari, Cheboi, Chepkitony, Choge, Keter, Kipchumba, S.C. Koech, Kosgey, L. Maitha, Muturi, Mrs. Mwendwa, Mr. Ndolo, Maj-Gen. Nkaiserry, Mr. Nyamunga, Dr. Oburu, Mr. Ojaamong, Eng. Okundi, Prof. Olweny, Messrs. Omamba, Omondi, Prof. Oniang'o, Messrs. Osundwa, Owidi, Rotino, Salat, Sang, Serut, Sirma, Sungu, Wario and Weya.

Tellers of the Ayes: Mr. Kipchumba and Ms. Mbarire.

NOES: Messrs. Angwenyi, Arungah, Awori, Bifwoli, Dzoro, Gachagua, Githae, Gumo,

Kaindi, Kamanda, Karaba, Ms. Karua, Messrs. Karume, Katuku, Kembi-Gitura, Kenneth, Prof. Kibwana, Ms. Kilimo, Mrs. Kihara, Messrs. Kimunya, Kingi, Dr. Kituyi, Messrs. Kiunjuri, J.K. Koech, Kombo, Konchella, Kones, Dr. Kulundu, Messrs. Lesrima, Ligale, Prof. Maathai, Dr. Machage, Maj. Madoka, Messrs. E.K. Maitha, Maore, Masanya, Ms. Mbarire, Messrs. Mbau, Mganga, Miriti, A.M. Mohamed, Muchiri, Mrs. Mugo, Messrs. Muiruri, Muite, Mungatana, Munya, Muriithi, Muriuki, Muriungi, Dr. Murungaru, Messrs. Murungi, J.M. Mutiso, Ms. Mwau, Messrs. Mwenje, Mwiraria, Dr. Mwiria, Mr. Nderitu, Ms. Ndung'u, Mr. Ndwiga, Mrs. Ngilu, Messrs. Ntimama, N. Nyagah, Prof. Anyang'-Nyong'o, Messrs. Obwocha, Ojode, Mwancha, Archbishop Ondiek, Messrs. Onyancha, Rai, Soita, Sugow, Tarus, Mrs. Tett, Mr. Too, Eng. Toro, Messrs. Waithaka, Wambora, Wamwere, Wanjala and Were.

Teller of the Noes: Mrs. Kihara and Mr. Rotino.

The Temporary Deputy Chairman (Mr. Khamasi): I would like to dispose of those Heads.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I want to move an amendment to the Sub-Vote you have read out. I was studying the amendment and I have not submitted it. You must not deny me my constitutional right as a Member of Parliament!

Hon. Members: No! No!

The Temporary Deputy Chairman (Mr. Khamasi): Order, hon. Members! Mr. Sungu, you are right. You must be heard and you will be heard! Which one is that? I can see that you have moved all your two amendments. We have not reached Sub-Vote 011 yet. So, which amendment have you not moved to Sub-Vote 010?

Mr. Sungu: I beg your pardon, Mr. Temporary Deputy Chairman, Sir.

Mr. Bahari: Mr. Temporary Deputy Chairman, Sir, on page three, under Head 001, Item 068 - Training Expenses, the amount has been reduced by more than half. There has been a tendency to assume that training is not important, and yet the key theme of this Financial Year's Budget is to improve on efficiency. If he has reduced the training expenses that much, how will that efficiency be improved?

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Minister, we have already gone past our time. We must report progress to the House to make a decision on the way forward. So, after explaining what the hon. Member has raised, I will put the question and then we will report progress to the House.

The Minister of State, Office of the President (Dr. Murungaru): Thank you, Mr. Temporary Deputy Chairman, Sir. As I had indicated earlier on, my Ministry had proposed a Budget in excess of Kshs46 billion to the Treasury, but we got only Kshs22.5 billion. That is why you will find there have been severe reductions in budgetary allocations across the board. However, the Government recognises the importance of training.

Mr. Temporary Deputy Chairman, Sir, we hope that in the course of the financial year, we will get additional resources, either from well-wishers or from re-allocation. Because of the importance of training, that money will have to be sourced in order to continue with the training programmes. We know the importance of training.

Mr. Temporary Deputy Chairman, Sir, since you have pointed out that our time is over, and in accordance with the procedure, I beg to move that the Committee of Supply---

The Temporary Deputy Chairman (Mr. Khamasi): Order! You are jumping the gun. I want to dispose of these heads first. I will allow you to do that later on.

*(Heads 001, 038, 256, 275, 377, 556,
564, 566, 578, 602, 603, 649, 727, 728,*

741, 753 and 931 agreed to)

(Sub-Vote 010 agreed to)

PROGRESS REPORTED

Vote 01 - Office of the President

The Minister of State, Office of the President (Dr. Murungaru): Thank you, Mr. Temporary Deputy Chairman, Sir. A Committee of the whole House is considering Vote 01 - Office of the President, and has instructed me to report progress and seek leave to sit again today.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House is considering Vote 01 - Office of the President, and has asked me to report progress and beg leave to sit again today.

Mr. Munya seconded.

(Question proposed)

(Question put and agreed to)

Mr. Deputy Speaker: Hon. Members, the essence of that is that you continue with business until you finish tonight.

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

Vote 01 - Office of the President

*(Resumption of consideration
in Committee interrupted today)*

SUB-VOTE 011 - FIELD ADMINISTRATION SERVICES

Head 005 - Provincial Administration

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

THAT, an amount of Kshs20 only be reduced from the total sum of Kshs14,210,058,715 allocated to Vote R01, Office of the President, and that the said amount be reduced from Sub-Vote 011, Head 005, Item 000.

Mr. Temporary Deputy Chairman, Sir, this Sub-Vote relates to Field Administration Services and Head 005 refers to Provincial administration. Item 000 refers to personal emoluments. The Provincial Administration has been used extensively to deny Kenyans their rights. When we were in the Opposition in the other Parliament, we used to sing the same song over and over again. But, now that those who were in the Opposition are now in the Government, we expect to see a change. As a result of that, and because of the continued misuse of the Provincial Administration in preventing Members of Parliament and other members of the public from conducting their rightful duties under the Constitution of the Republic of Kenya, I move that we deduct a total of Kshs20 only, which is a very paltry sum, to show the displeasure of Parliament towards the Provincial Administration for not working under the Constitution of the Republic of Kenya as we know it.

(Question of the reduction proposed)

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Chairman, Sir, I stand to oppose.

I sympathise with hon. Sungu despite the reasons he has given out to this House. However, hon. Members have already expressed their displeasure over the request of the hon. Member. I would like to request him to give us more evidence. Also, I would like to caution other hon. Members that we should not repeat the same thing in the future. I would like to caution all hon. Members to be careful about the way we behave outside this Parliament. We should not incite members of the public at all---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Kiunjuri! Order, Members! We cannot introduce debate here. We are seeking clarification from the Minister of State, Office of the President, and we shall be very brief.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Temporary Deputy Chairman, Sir, mine was only to---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Kiunjuri! You are through with your chance. Mr. Angwenyi!

Mr. Angwenyi: Mr. Temporary Deputy Chairman, to an average Kenyan, the Chief and his assistant are the Government. That is where the Government reaches the grassroots level. We should really support these people because half of the incidents that occur are addressed at the grassroots level. Even if we want to express our displeasure, let us not do it against the provincial administration. We should express that displeasure elsewhere. We need to encourage the Chiefs and the Assistant Chiefs to exist harmoniously with the locals.

I beg to oppose.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I want to appeal to hon. Members to understand my position. I am entitled, under the Constitution of this Republic, to interrogate the Budget as much as I can. Also, let us not introduce extraneous matters. I am a very peaceful man, but I have a right under the law of this country to ask the Minister questions and bring Motions to this House for consideration. You may vote against these Motions or not, but you should not question my right to do that or bring in---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Sungu! That is exactly why the Chair has given you the opportunity to bring your Motion of amendment. It is already on the Floor of the House and it has been debated. You cannot question that fact.

Mr. Kimathi: Mr. Temporary Deputy Chairman, Sir, hon. Sungu's Motion was not seconded!

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Kimathi!

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, I agree entirely with the views of Mr. Sungu that he has every right to bring his Motion to this House and to interrogate the Budget. However, may I also appeal to the hon. Member that it is reasonable to read the mood of the House. He has made his point and I appeal to him not to continue subjecting this House to voting on this matter of reducing the allocation by Kshs20. Really, as a reasonable person, he should not subject us to that.

*(Question of the reduction
put and negatived)*

The Temporary Deputy Speaker (Mr. Khamasi): There is another Motion for amendment on the same Vote by Mr. Kipchumba.

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, my initial problem arose from the fact that the allocation for the purchase of uniforms was increased from Kshs630,000 to---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kipchumba! Are you moving your amendment or what are you doing?

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, I want to withdraw it. However, I also want to explain that the allocation for the purchase of uniforms increased from Kshs630,000 to Ksh9.6 million for eight provincial commissioners. That was my point of contention.

The Minister has, indeed, explained satisfactorily. If you go to page 19, Head 011, Item 172, you will see that the allocation for the purchase of uniforms, the Budget for the provincial administration personnel was reduced from Kshs62,372,932 to Kshs45,716,854 and that money was transferred to the same Head. So, I really have no---

The Temporary Deputy Chairman (Mr. Khamasi): So, you are satisfied with the Minister's explanation and you are dropping your amendment; is that right?

Mr. Kipchumba: That is right.

(Applause)

The Temporary Deputy Chairman (Mr. Khamasi): Are you also dropping the other one?

Mr. Kipchumba: Yes.

(Heads 005, 006 and 039 agreed to)

(Sub-Vote 011 agreed to)

SUB-VOTE 012 - ADMINISTRATION POLICE SERVICES

Mr. Sungu: Thank you, Mr. Temporary Deputy Chairman, Sir. Having listened to the sentiments expressed by the hon. Member for Kabete, who happens to be my friend for many reasons, I am now going to withdraw that amendment. But I would like to urge the Minister to take

note that this particular Item regards the administration police. They were at the forefront in shooting civilians in Kisumu. I am a very bitter man, and I have expressed my opinion. I do hope that the Minister will take action accordingly. I beg to withdraw my proposed amendment.

The Temporary Deputy Chairman (Mr. Khamasi): Very well!

*(Head 010, 011, 012, 279,
281 and 285 agreed to)*

(Sub-Vote 012 agreed to)

SUB-VOTE 013 - GOVERNMENT PRESS

(Head 014 agreed to)

(Sub-Vote 013 agreed to)

SUB-VOTE 017 - POLICE

The Temporary Deputy Chairman (Mr. Khamasi): Hon. Members, those Heads are displayed on different pages from page 22 to page 45 of your Estimates Books. This is Sub-vote 017.

Head 085 - Office of the Commissioner of Police

Mr. Kipchumba: Mr. Temporary Deputy Chairman, Sir, I want the Minister to explain to us what Head 085, Item 201 - Purchase of Motor Vehicles - AFRO - EXIM BANK (PB), is all about.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I would like to explain that particular Item. In 1997, the Government entered into a contractual arrangement with Hyundai Motors Ltd for the purchase of 520 Hyundai motor vehicles. The Government paid for these vehicles by way of promissory notes issued by the Treasury to the supplier. Up to now, the supplier has only supplied 366 vehicles. The balance is unsupplied. Hyundai Motors has given an undertaking to the Government that they will supply the remaining vehicles. As a matter of fact, they have indicated that they will supply these vehicles by 31st July, 2004. The amount therein is a provision against the delivery of those vehicles.

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, Under Head 085, Item 181 - Payment of Rents and Rates - Residential, you will realise that the allocation for this year has gone up to Kshs100 million from Kshs50 million last year. This is in respect of rental houses for police officers. We want to know whether the Police Department is now renting other houses, almost double what they had last year. Why is there an increase of Kshs50 million? What is the cause of this drastic action?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, in my statement yesterday, I indicated that owing to the inability of the Government to mobilise sufficient resources to put up houses for police officers and recognising the fact that, that is the most fundamental need for our police officers, the Government has decided to rent some houses as an interim immediate measure to alleviate the problem, particularly in urban areas, while funding to put up houses is being sought. That is why this allocation has been increased from

Kshs50 million to Kshs100 million.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Chairman, Sir. You realise that the Ministry was already constructing houses, for example, in Industrial Area and Wilson Airport. While I agree that they need to rent houses for police officers, why are we not able to complete those houses which were already under construction at Wilson Airport, Industrial Area and Kinyago Police Post in Dandora?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I also indicated yesterday in my remarks that there are provisions in the Budget to complete some of those projects. In addition, about Kshs1 billion has been made available to the

Ministry of Roads and Public Works to complete other projects, and not specifically by the Office of the President. It will take more than a year to complete these houses. While we complete those houses, our police officers should have decent accommodation. That is why that allocation has gone up.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, this is with regard to Head 085. The total amount of money allocated to the office of the Commissioner of Police has been reduced substantially from Kshs1 billion to about Kshs800 million.

Could the Minister explain why he has seen it fit to reduce this amount when, in fact, more resources should be allocated to the police to combat the escalating insecurity in the country?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, there is an allocation of an amount of more than Kshs600 million for purchase of motor vehicles. We purchased motor vehicles last year. This year, the Treasury did not find it necessary to allocate money for more vehicles. That has reduced the amount. Secondly, this reduction is in line with the overall reduction of the whole Budget. We just have to make do with what is available.

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, under Head 387, page 41, the amount allocated for the Tourism Police Unit has been reduced again substantially.

The Temporary Deputy Chairman (Mr. Khamasi): Order, the Minister would like to know the Vote you are referring to. It is Head 301. What Item are you talking about?

Head 301 - Tourist Protection Unit

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, I am talking about the total amount under this Item, which has been reduced from Kshs48 million to Kshs32 million. We want to expand our tourism activities in this country and secure our tourist attractions, yet the Minister is reducing the allocation to this essential service. Could the Minister explain why?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, this amount has been reduced because my office consulted with the Ministry of Tourism and Wildlife, which confirmed that it would make budgetary provisions to go towards supporting the Tourist Police Unit. That is why this amount has been reduced.

Mr. Sungu: Thank you, Mr. Temporary Deputy Chairman, Sir. In my previous contribution, I gave notice of amendment to Sub-Vote 017 Head 085, Item 240.

I beg to withdraw that amendment, but plead with the Minister not to politicise the police. He should not send the police officers to disrupt rallies which are validly convened. This Government used such rallies to come into power.

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Sungu! You are on Development Expenditure.

Mr. Sungu: I am enquiring about Head---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Sungu. We are talking about Head 085 about which you gave your notice of amendment. Is that the proposed amendment you are withdrawing?

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I have already withdrawn it. Could I finish making a contribution on one Item and then I can sit?

The Temporary Deputy Chairman (Mr. Khamasi): On the same Head?

Mr. Sungu: Yes, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman: What page are you referring to?

Head 086 - Kenya Police College Kiganjo

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I am referring to page 28, the Kenya Police Training College, Kiganjo. This is Sub-Vote 017. It particularly talks of the police college from Items 184 up to 262. I would like to appeal---

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Sungu. You are discussing Head 086, Kenya Police College, Kiganjo?

Mr. Sungu: Yes, yes.

The Temporary Deputy Chairman (Mr. Khamasi): What specific Item are you discussing?

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I am referring to Items 184 to 162. I would like to ask the Minister to tell us what kind of training the police get in view of what happened in Kisumu.

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Minister, hon. Sungu is entitled to ask that question.

The Minister for State, Office of the President (Mr. Murungaru): Mr. Temporary Deputy Chairman, Sir, hon. Sungu is entitled to ask that question. I am happy that I will respond to it. I would like to tell him that, indeed, there is a retraining programme on course for all our police and provincial administration officers. Amongst the topics covered in this retraining programme is the subject of human rights and customer care. Customer care for the police concerns handling the public. I am sorry that one or two of my officers who were in Kisumu on the day in question may not have been reached by the trainers. I can now assure you that they are going to be reached very soon. What happened in Kisumu will be a thing of the past.

Head 109 - Force Armourer

Eng. Muriuki: Mr. Temporary Deputy Chairman, Sir, looking at page 37, Head 109, Item 170, Purchase of Consumable Stores, perhaps the Minister could throw some light on it. We have Kshs50 million for purchase of consumable stores this year. It appears this Item has just appeared and it was not there before.

Mr. Temporary Deputy Chairman, Sir, What are these consumable stores which have been included in this year's Budget and yet they were not there in the previous years?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I had mentioned this particular Item. It has been transferred from another Head to cover the force armourer. These funds are in respect of purchase of security items, such as ammunition, gas canisters and so on.

It also---

An hon. Member: Tear gas!

The Minister of State, Office of the President (Dr. Murungaru): Yes, teargas canisters. It is also meant for purchase of consumable items for equipment and machinery, but it is more of a re-allocation than an addition.

Head 747 - Anti-Terrorism Police Unit

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I am on page 45, Head 747, Anti-Terrorism Police Unit. The whole of that Head shows a reduction in the allocations by sums in excess of Kshs38 million. More importantly, Item 197 shows confidential expenditure and it has remained constant. It also shows hire of bicycles and expenses.

Mr. Temporary Deputy Chairman, Sir, as far as we know, the Western countries, specifically the USA, are still issuing their travel advisories against visiting our country. Given that kind of behaviour by those Western countries, is this the time to reduce the expenditure on the Anti-Terrorism Police Unit? What is this Item on confidential expenditure and hiring bicycles when we are dealing with anti-terrorism?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, bicycles are the only mode of transport which the Ministry of Roads and Public Works has not been able to provide infrastructure for.

An hon. Member: *Kama wapi?*

The Minister of State, Office of the President (Dr. Murungaru): In many parts of this country, virtually every constituency has an impassable place. Bicycles are a very appropriate mode of transport in such places. In any case---

Mr. Rotino: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): Order! Let the Minister explain.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, the confidential expenditure is, obviously, used for confidential security operations. Hon. Members will recall that I publicly stated that we have plans to revitalise the Crime Intelligence Unit within the CID. It is a very important unit. Some of these funding will be used on it.

Mr. Temporary Deputy Chairman, Sir, thirdly, the overall provisions for that particular department has reduced because we have a new unit, the National Counter Terrorism Centre (NCTC) which has taken over some of the functions which should have been performed by the Anti-Terrorism Police Unit which is a part of that centre. That is why there has been that reduction.

Mr. Rotino: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): What is it?

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, would I be in order to request the Minister to give us examples of areas where police officers hire bicycles? In my constituency, police do not hire bicycles!

The Temporary Deputy Chairman (Mr. Khamasi): Dr. Murungaru, that is a valid point. Could you respond to that?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I feel a bit ambushed. If given time, I will be able to answer his accordingly.

Mr. Rotino: Consult your Ministry officials!

The Minister of State, Office of the President (Dr. Murungaru): You are not the Chair!

The Temporary Deputy Chairman (Dr. Murungaru): Order, Dr. Murungaru! Address the Chair!

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy

Chairman, Sir, if I have to give the names of these areas, could I consult with my officials?

The Temporary Deputy Chairman (Mr. Khamasi): Yes, you have to do that.

*(Dr. Murungaru consulted
his Ministry officials)*

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, these bicycles are hired in Lamu District, Western and Nyanza provinces. These are the famous *boda boda*.

Maj-Gen. Nkaissery: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): Maj-Gen. Nkaissery, I will give you the last opportunity.

Maj-Gen. Nkaissery: Mr. Temporary Deputy Chairman, Sir, I will not "fight" the Minister, but why does the Ministry have to hire bicycles? Since bicycles are now being sold duty free, why could the Ministry not buy bicycles for these areas?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I take the suggestion in good faith.

*(Heads 003, 007, 008, 009, 085, 086,
091, 092, 093, 094, 095, 097, 101, 104,
105, 106, 107, 108, 109, 110, 111, 112,
150, 301, 302, 388, 389, 390, 394, 396,
397, 398, 747, and 748 agreed to)*

(Sub-Vote 017 agreed to)

SUB-VOTE 019 - GENERAL SERVICE UNIT

*(Heads 088, 102, 103, 303
and 304 agreed to)*

(Sub-Vote 019 agreed to)

(Vote R01 agreed to)

VOTE D01 - DEVELOPMENT EXPENDITURE

The Temporary Deputy Chairman (Mr. Khamasi): Hon. Members, that marks the end of the Recurrent Expenditure. We are now on the Development Expenditure. We will start with page two.

SUB-VOTE 010 - GENERAL ADMINISTRATION AND PLANNING

The Temporary Deputy Chairman (Mr. Khamasi): Hon. Members, notice has been given of some amendments. Mr. Muturi, could you take us through your amendment?

Hon. Members: Withdraw!

Head 283 - State Corporations, Relief and Rehabilitation Department

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, some of the new hon. Members are saying "withdraw", they will learn some of these things.

Pursuant to the provisions of Standing Order, No.142(3), I wish to move a reduction that an amount of Kshs115,867-50-00 be deducted from the total amount to be appropriated to Vote D01, Office of the President and the same amount be reduced from Sub-Vote 010, Head 283, Item 298 appearing on page two, as the same is repeated under the same Sub-Vote, Head and Item on page nine of the Printed Estimates.

I had an occasion to discuss this issue with the Minister, and all we are doing is trying to ensure that there is clarity.

(Question of the reduction proposed)

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, this is not a double-allocation as such. If you look at page two where the hon. Member has drawn our attention to, Item 298 is described as HIV/AIDS and Development Project.

If you go to page nine, the same Item is correctly described as Disaster Preparedness Facility. It is an amount which is to be availed by the World Food Programme. That is the correct description. The description on page two is merely a misprinting.

The Temporary Deputy Chairman (Mr. Khamasi): We still have got some notices of amendments. Mr. Rotino, did you sent your notice here?

Mr. Rotino: No, Mr. Temporary Deputy Chairman, Sir. I want some clarification.

The Temporary Deputy Chairman (Mr. Khamasi): That is fine.

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, I want some clarification on Head 006, Item 403 about the construction of---

An hon. Member: What page?

The Temporary Deputy Chairman (Mr. Khamasi): Order! What Vote are you discussing?

Mr. Rotino: We are discussing Head 006---

(Loud consultations)

The Temporary Deputy Chairman (Mr. Khamasi): Order, all of you! Mr. Rotino, we have got amendments from Dr. Ali, Mr. Ngoyoni and Mr. Sang.

Maj-Gen. Nkaissery: Have we finished with it?

The Temporary Deputy Chairman (Mr. Khamasi): No! We are still on it. We have just started the Development Expenditure. We have not disposed it off yet. So, if you have got any issue to raise on those Heads which have been read out, please do so. We want to follow what Mr. Muturi raised with the Minister.

Maj-Gen. Nkaissery: Mr. Temporary Deputy Chairman, Sir, Item 298 - HIV/AIDS Development Project - is a double allocation. That is because in the same Vote, Head 603, we have already allocated Kshs3.7 billion in terms of HIV/AIDS. So, why do you need Kshs150 million?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I have just clearly explained that page two is a misprint. It has nothing to do with HIV/AIDS. What is correct is page 9 and I sought the indulgence of the House for that to go on record, that what is on page 9 is the correct description of that amount.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Mwenje and Mr. Kimunya! We must dispose of hon. Muturi's amendment.

*(Question of the reduction
put and negatived)*

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, what I wanted to clear in my mind is that the Minister has said this is a misprint. I thought hon. Muturi's Motion was meant to remove the double allocation.

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order, Mr. Mwenje! You are an experienced Member of this House. I have put the question and the amendment has been defeated and that is the end of that exercise. We cannot go back to it.

Mr. Salat: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Khamasi): I hope you are not revisiting what I have already ruled on, Mr. Salat. If it is a different matter, I will allow, but if it is a matter on which we have made a ruling, please do not re-visit it. Yes, Mr. Salat?

Mr. Salat: Mr. Temporary Deputy Chairman, Sir, I would like to seek your guidance. What happens to what the Minister has said was a misprint? Are we going to have it intact or deleted?

The Temporary Deputy Chairman (Mr. Khamasi): Order, hon. Members. We cannot vote and then go back to debate the same issue in this House. Hon. Members, please, let us obey our own rules here.

Mr. Rotino: On a point of order, Mr. Temporary Deputy Chairman, Sir. The Chair is supposed to guide us on what we are supposed to vote for.

The Temporary Deputy Chairman (Mr. Khamasi): Precisely, that is what the Chair is doing! Order! Hon. Members, we cannot argue. You cannot cure what you have done, unless you take another route. There was a Motion by hon. Muturi, it was debated, I put it to the vote and it was defeated.

I think you want to engage the Chair in an argument that is futile!

Hon. Members: No!

(Maj. Madoka stood up in his place)

The Temporary Deputy Chairman (Mr. Khamasi): What is it Maj. Madoka?

Maj. Madoka: Mr. Temporary Deputy Chairman, Sir, the issue is fairly simple; we are only seeking your guidance. The Minister has corrected the position and said that it was a misprint. All that hon. Members want to know is if it is going to be corrected. How it is going to be done is basically the issue.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, with your indulgence, I wish to repeat that this same amount is described as money going towards HIV/AIDS and development project. On page 9, it is described as disaster preparedness facility by the World Food Programme (WFP). I have said that what appears on page 9 is the correct position. Therefore, what I have requested the House to put on record is that this particular amount on Item 298, would go towards this expenditure described at page 9; Item 298 - Disaster Preparedness Facility. Nothing like HIV/AIDS and development project will exist.

Hon. Members: Do we delete the Item?

The Minister of State, Office of the President (Dr. Murungaru): No, Mr. Temporary Deputy Chairman, Sir! We should not delete the Item but amend the description.

(Loud consultations)
(Maj-Gen. Nkaisserry stood up
in his place)

The Temporary Deputy Chairman (Mr. Khamasi): Order! What is it Maj-Gen. Nkaisserry?

Maj-Gen. Nkaisserry: Mr. Temporary Deputy Chairman, Sir, the Minister should move an amendment to correct page 2 so that it does not appear like a double allocation.

(Mr. Katuku moved to
the Dispatch Box)

The Temporary Deputy Chairman (Mr. Khamasi): Order, Mr. Katuku! An amendment was put by Mr. Muturi, debated and it was not for me to give lectures. It was voted and it is not the duty of the Chair to stand up and begin lecturing hon. Members. I put the Question as it is and it is either "yes" or "no". The answer was no; the noes carried the day! Now you want me to begin making other amendments here which have not been put forward or even notice given.

(Mr. Kosgey and Dr. Godana stood
up in their places)

Order, Mr. Kosgey! Order, Dr. Godana! We are going to proceed!

(Loud consultations)

Mr. Kosgey: Why are you not giving me a chance, Mr. Temporary Deputy Chairman, Sir?

The Temporary Deputy Chairman (Mr. Khamasi): I will give you the chance, Mr. Kosgey.

Dr. Godana: Mr. Temporary Deputy Chairman, Sir, I sympathise with you. However, this is a situation where you have a greater duty to prevent a miscarriage here; and it is a grave one. The point is that the Minister has conceded that this was a misprint and we thank him for that. Now if the Vote passes as it is, his undertaking will not amend what we are passing and, therefore, it will be a double allocation as Maj-Gen. Nkaisserry has said. You owe it also to us as the Chair to prevent this. It is up to the Minister to come with an amendment, as the Vote has been carried, to correct what will definitely be a miscarriage here. It will be a grave miscarriage which Parliament cannot allow! As the Chair, you are also the Speaker and you are vested with powers under Standing Order No.1.

Mr. Temporary Deputy Chairman, Sir, in all cases where Standing Orders are not clear, you will decide according to good sense. Good sense says: "Allow the Minister to move an amendment" which he has consented to.

An. hon. Member: He has not consented to move an amendment!

The Temporary Deputy Chairman (Mr. Khamasi): Let us hear from Mr. Kosgey!

Mr. Kosgey: Mr. Temporary Deputy Chairman, Sir, now that the Minister has conceded that this was a misprint and he is insisting that this Item should remain by saying no to the Motion by Mr. Muturi, could he tell us what he is going to do with the money? This is because now he has an Item called HIV/AIDS and Development Project.

The Minister for Lands and Housing (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Chairman, Sir. There is confusion in this House and for the benefit of hon. Members, what appears on page two is expenditure. What appears on page nine is an explanation of where the money will come from. So, we are basically talking about the same thing.

Hon. Members: No, no, no!

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order!

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I am trying to help the situation, so that we can make progress. We are basically looking at what appears up to page seven. What appears on page eight shows the sources of those funds. So, in page two, Item 298 should have been described as "Disaster Preparedness Facility", and not "HIV/AIDS". Mr. Temporary Deputy Chairman, Sir, you will notice that Item 297, which was allocated funds last year, has nothing this year. Item 298 now has some money, which will be provided by the same donor. What appears on page nine is not a duplication of the same thing, but an explanation of where this money will come from. That is what we need to understand. If you look at the Printed Estimates, you will notice that all the other items re-appear from page eight onwards.

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

The Temporary Deputy Chairman (Mr. Khamasi): Order! Order! We will now proceed to the next notice of amendment by Dr. Ali.

Dr. Ali: Mr. Temporary Deputy Chairman, Sir, in the light of the discussions we have had, I would like to point out that national identification cards do not reach some parts of the areas we come from. I have spoken to the Minister and he has promised to provide funds for issuance of identification cards in my constituency. Therefore, I withdraw my amendment.

Hon. Members: You have had an MoU with the Minister!

The Temporary Deputy Chairman (Mr. Khamasi): Order! You should stop this MoU business!

(Laughter)

Hon. Members, Mr. Sang has given notice to move an amendment.

Mr. Sang: Mr. Temporary Deputy Chairman, Sir, since the Minister has explained how he intends to use the Kshs45 million, I formally withdraw the proposed amendment.

*(Heads 001, 038, 283, 298, 377,
579, 602, and 603 agreed to)*

(Sub-Vote 010 agreed to)

SUB-VOTE 11 - FIELD ADMINISTRATION SERVICES

Head 005 - Provincial Administration

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, under Head 005, I notice that Item 410, Construction of Buildings - Nyanza Provincial Headquarters, was allocated Kshs10 million last

year, but nothing has been allocated to it this financial year. What does the Minister intend to do with that magnificent 10-storey building, which is 95 per cent complete? Why not reduce our losses by completing it? It is now lying idle and it will deteriorate.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, the Nyanza Provincial Headquarters is covered under the Kshs1 billion which has been availed by the Treasury through the Ministry of Roads and Public Works for completion of incomplete projects countrywide. So, it will be taken care of alongside other projects. It will be prioritised and completed.

Head 006 - District Administration

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, on Head 006, Item No.403 on page 5, we find that last year Makueni District was given Kshs14 million. This year they have been given Kshs168 million. The other day, we were in Makueni and its district headquarters is complete and yet Kitale has been given Kshs19 million and yet, it is almost quarter-way finished. What justification is there for this?

The Temporary Deputy Chairman (Mr. Khamasi): Minister, could you respond? Did you get the question?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, please, I seek your indulgence. Could he just repeat his question?

Mr. Rotino: Mr. Temporary Deputy Chairman, Sir, he was busy consulting somewhere else. What justification is the Minister going to give us by allocating Kshs168 million---

The Minister of State, Office of the President (Dr. Murungaru): I have got it.

Mr. Rotino: What have you got?

The Minister of State, Office of the President (Dr. Murungaru): The question you have raised. Mr. Temporary Deputy Chairman, Sir, there is a pending bill in regard to the construction of Makueni District Headquarters. The amount pending as at the beginning of this financial year is over Kshs350 million. What has been allocated this year is only part payment of the pending bill.

Mr. Ojaamong: Mr. Temporary Deputy Chairman, Sir, I am still on Item 5, Head 006 on page 5, Item No.408, Construction of District Headquarters. I come from a district which does not have a district headquarters and it also happens to be the Vice-President and Minister for Home Affairs's district. I want a clarification from the Minister, whether he will give priority to the Vice-President and Minister for Home Affairs so that he moves out of my constituency and gets a district in his interior constituency because we visited there with the President and I entertained him in my district where the Government has located his temporary district. So, could you start constructing a district headquarters in Funyula where the Vice-President and Minister for Home Affairs comes from and it will serve honourable---

The Temporary Deputy Chairman (Mr. Khamasi): All Right. Okay, be brief. You have made your point. Mr. Minister, what do you have to say?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, let me first of all say that the allocation and the siting of a district headquarter should not really be premised on whether there is a Vice President from a particular constituency or not. Secondly, it is the intention of the Government to construct district headquarters as quickly as possible, for all districts when funds become available. What the hon. Member has asked, we have heard and we will give him due consideration when I get back to the office.

Mr. Mwenje: Mr. Temporary Deputy Chairman, Sir, every time a district headquarters is built, the money is actually indicated in the Budget. So, where did the original money which was

allocated for this district headquarters go to? I know the headquarters and it was started more than three or four years ago. Where did the money go to? If it was stolen by the KANU Government, the Minister should tell us so!

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, I believe that there are many projects like Makueni District Headquarters strewn all over the country. I also believe that budgetary allocations were made. However, they were either insufficient or there was escalation of costs. That is how most of these bills have piled up. Indeed, in the case of Makueni District Headquarters, there has had to be a bit of arbitration. So, these are not new cases. They are all over.

The Temporary Deputy Chairman (Mr. Khamasi): Now, Mr. Ngoyoni had sent his notice.

Proceed, Mr. Ngoyoni!

An hon. Member: He has left!

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Ngoyoni, is not here? Fine, then, I will give the last chance on the same Vote to Mr. Muturi.

Proceed!

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I just want to seek a clarification from the Minister on Head No.006, Item No.407, the construction of Trans Nzoia District Headquarters. There is an allocation for this for the next three financial years. However, below it, Item No.408 is on construction of district headquarters in some unnamed places. Could the Minister, perhaps, be kind enough to name Siakago Headquarters in Mbeere District as one of those unnamed places? Which are these places?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, on page 39, you will note under Item No.408 that there is an amount of Kshs31,031,593 for the construction of Nandi District Headquarters. On the same page, there is an amount of Kshs40 million for the construction of Vihiga District Headquarters. This is what amounts to Kshs71,031,593 million.

Maj-Gen. Nkaisserry: Mr. Temporary Deputy Chairman, Sir, under Head 006 Item 400, there is Construction of Buildings Division offices. Which divisions are these?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, that particular amount is for either completion or rehabilitation of divisional headquarters across the country. Out of that amount, already Kshs2 million has been committed to Kilifi District Headquarters.

(Heads 005 and 006 agreed to)

(Sub-Vote 011 agreed to)

SUB-VOTE 012 - ADMINISTRATION POLICE SERVICES

(Heads 010 and 011 agreed to)

(Sub-Vote 012 agreed to)

SUB-VOTE 013 - GOVERNMENT PRESS

(Head 014 agreed to)

(Sub-Vote 013 agreed to)

SUB-VOTE 017 - POLICE

Head 092 - Divisional and Field Services

The Temporary Deputy Chairman (Mr. Khamasi): Mr. Sungu, you intended to move an amendment on this Sub-Vote.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, in view of the prevailing circumstances, and my previous statement, I beg to withdraw my amendment. I do hope, as I have said before, that we will co-operate further.

Eng. Okundi: Thank you, Mr. Temporary Deputy Speaker, Sir. Under Head 092, Rangwe Police Station in Rangwe Constituency was in the approved programme for the 2003/2004 Financial Year. That police station is not reflected here. What will happen to it in this financial year? The police station was fenced and everything was ready but nothing proceeded thereafter. Could I get an explanation as to what happened?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, due to constraints in resources, the Government decided to, first of all, complete those projects which had already been started and not completed. As soon as that is over, we will undertake to construct more police facilities. Rangwe Police Station is definitely a priority. It will be among the very first police stations to be constructed when work begins.

Head 003 - CID Headquarters Administrative Services

Mr. Salat: Thank you, Mr. Temporary Deputy Chairman, Sir. Under Head 003, Item 401 - Acquisition of New CID Headquarters (Mazingira), was allocated Kshs74 million last year, and this year it has been allocated Kshs100 million. Next year, it will be allocated Kshs300 million and the following year, it will be allocated Kshs150 million. We are wondering whether these are the forensic laboratories which were to be undertaken by the Anglo Leasing and Finance Company.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Chairman, Sir, if my friend was a chemist like me, he would know what forensics is all about. He would also know the absolute benefit that it would have to our investigative capacity for our Criminal Investigations Department (CID). But, be that as it may, Mazingira House was not a custom-made house. It was originally the headquarters of the former Ministry of Environment. It was then taken over by CID and many changes were made to make it suitable as their headquarters.

Mr. Temporary Deputy Chairman, Sir, the amount that has been provided for is for the completion. It requires Kshs100 million. There is fencing, furnishing and equipping. The provisions in subsequent years are in respect of what will follow after the physical building has been completed.

*(Heads 003, 085, 086, 092,
094, 097 and 753 agreed to)*

(Sub-Vote 017 agreed to)

SUB-VOTE 019 - GENERAL SERVICE UNIT

(Heads 088, 102 and 103 agreed to)

(Sub-Vote 019 agreed to)

(Vote D01 agreed to)
(Question put and agreed to)

*(Resolution to be reported
without amendment)*

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT

Vote 01 - Office of the President

Mr. Khamasi: Mr. Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs14,210,058,715 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2005, in respect of Vote 01 - Office of the President, and has approved the same without amendment.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, I beg to move that House doth agree with the Committee in the same Resolution.

(Question proposed)

The Minister for Tourism and Wildlife (Mr. E. K. Maitha): Division!

Dr. Godana: Mr. Deputy Speaker, Sir, hon. Maitha should know that we cannot have a division at this stage. It is evident from the discussion at the Committee of Supply, that there have been misprints, if I may use the Minister own words, in the Vote we have just approved. There are indications of double allocation in certain cases.

[Mr. Deputy Speaker left the Chair]

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

The Minister needs to assure this House that money will not be spent where, indeed, it is not supposed to be spent. We would want to hold the Minister to that commitment, otherwise, it will be, really, a grave matter when Parliament approves allocations and the law does not say it was a misprint. It remains an approval and even if it is misprint, it will be applied whether the officials concerned will apply it or not.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Godana! For your information hon. Members, we are not going to entertain debate. All we need are brief comments.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, now that we have approved the Vote for the Office of the President, I want to remind the Minister of State, Office of the President that the Committee of Administration, National Security and Local Authorities to which I am the Chairman, will be very strict to ensure that the Office of the President does whatever it has told us that it will do now that we have approved the money. We hope that the security of this country will now improve.

We also hope that the Office of the President will now disburse money to the National Aids Control Council so that NGO's that deal with the problem of HIV/AIDS start work immediately. We also hope that money that has been allocated for payment of bills is genuinely used for that purpose.

I hope that the quarterly report that the Office of the President is supposed to prepare, will be released within that time-frame.

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

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, now that we have passed the Vote for the Office of the President, I would like to appeal to the Minister to use the funds available to enhance security and make sure that individuals are looked after. He should also ensure the provision of services for which we have approved the Vote.

I appeal to him that he ensures that there is observance of human rights and good governance as is indicated. I also want to appeal---

(Loud consultations)

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

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, at this juncture, considering that the political atmosphere was very tense when we started, I thank God that it went down quickly and well although some of my colleagues wanted to continue doing what the Americans call a filibuster.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister because I watched him very carefully as he ably answered questions without emotions. He was conversant with every Head and Item. I hope that all our colleagues, myself included, shall continue to do that in order to satisfy the Opposition.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I want to tell the Minister that although we have passed this Vote, West Pokot is not among the beneficiaries. He should consider that fact, because it is really a concern because I have noticed that they have only covered those areas around Nairobi. They covered Central Province and forgot peripheral areas. They should also be able to consider the Arid and Semi-Arid Lands (ASALs) areas.

West Pokot has not been considered in this Vote. It was also not included in the Vote for the Ministry of Health.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Rotino! That is enough. Let the Minister finish.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Temporary Deputy Speaker, Sir, I really wish to give my sincere thanks to all my colleagues in Parliament for all the suggestions and criticisms which have been directed to my Ministry. These have largely been constructive, and I will undertake to make use the best use of all those suggestions and criticisms.

Mr. Temporary Deputy Speaker, Sir, I also want to assure the House that, to the best of my abilities, the funds that have been allocated to my Ministry will be used strictly for the purposes for which they were intended.

Thank you.

(Applause)

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

Hon. Members: Time up!

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time to interrupt the business of this House. The House is, therefore, adjourned until tomorrow, Thursday, 15th July, 2004, at 2.30 p.m.

The House rose at 8.05 p.m.