

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 19th July, 2001

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

Annual Report of the Operations of the Parliamentary Service Commission for the Year, 1999/2000

*(By the Vice-Chairman of the Commission
(Mr. Oloo-Aringo) on behalf of the
Chairman of the Commission)*

ORAL ANSWERS TO QUESTIONS

Question No.274

CHIEF FOR NORTH SAKWA LOCATION

Dr. Oburu asked the Minister of State, Office of the President:-

- (a) whether he is aware that North Sakwa Location in Bondo Division has been without a chief for the last three years; and,
- (b) when he will appoint a chief to serve in the location.

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

- (a) Yes, I am aware that the chief for North Sakwa Location in Bondo Division has not been appointed for the last three years.
- (b) The post has been advertised and interviews are scheduled to take place on Wednesday, 25th July, this year.

Dr. Oburu: Mr. Speaker, Sir, I am surprised that the Assistant Minister is aware that North Sakwa Location has been without a chief for the last three years. He does not bother to tell us why a location can stay without a chief for three to four years. Could he tell us whether during all this time somebody has been acting and what has happened to the acting chief? Is it in order for somebody to act for four years without pay and then the post is advertised for competition?

Mr. Samoei: Mr. Speaker, Sir, the chief for this location, a Mr. Jared Juma Hongo, has had problems with his employment because of his non-performance of duties as required by the appointing authority. As a result, this chief has had warning letters and has been interdicted several times. For the last three years, a decision had not been reached on what exactly to do with him. However, on 16th February this year, I decided to retire the chief on grounds that he could not perform his duties as a chief. That is why it has taken me only three months to advertise the position. We will duly interview candidates and the best of them will be appointed chief, shortly.

As for the persons who have been acting in that capacity, the regulations do not allow me to appoint them straightaway as chiefs. They have to participate in interviews like any other candidates.

Mr. Sungu: Thank you, Mr. Speaker, Sir. It is shocking to note that this location has been without a chief for four years and that the people of that area have been experiencing insecurity because chiefs are supposed to be responsible for security. It is also serious that the person who has been acting has never been paid even an acting allowance. Is this not an anomaly within the Office of the President? Would the Assistant Minister explain as to how this is supposed to work where somebody has been working for four years without even an acting

allowance as a chief? Are these not people who are left unattended by the State?

Mr. Samoei: Mr. Speaker, Sir, the people of North Sakwa Location have had the services of the State notwithstanding the absence of a chief in that area. The issue of allowances is one that we can consider.

Dr. Oburu: Mr. Speaker, Sir, in view of the fact that this man was not paid any acting allowance for the four years he acted as chief, what is the Government's policy in terms of acting capacity? How long should one act; before he is confirmed to a position? Why are the labour laws not applying in this particular case? I think the labour laws have specific period over which somebody can act beyond which he is automatically confirmed. Is the Office of the President exempted from the general labour laws which apply to the whole country?

Mr. Samoei: Mr. Speaker, Sir, when there was an acting chief in this area, this position was not vacant. It became vacant on 16th February this year. All along there have been issues---

Dr. Oburu: On a point of order, Mr. Speaker, Sir. Must a position be vacant for somebody to act in it? Even when somebody is on leave, one acts.

Mr. Speaker: I think Dr. Oburu has a point. You are saying there was an acting person duly discharging the duties of the substantive post while the substantive holder was absent. Is this person not performing the duties of the substantive holder? Is he not entitled to some acting allowance? I thought he was.

Mr. Samoei: Mr. Speaker, Sir, I quite concur with you. You just did not give me an opportunity to say so. I said that this position became vacant on 16th February this year. There is no way I could confirm, as the hon. Member wants, the acting person in that position substantively because it was not vacant. I said on the issue of allowances, I am willing to consider.

Mr. Speaker: Very well!

Question No.100

ASSISTANCE TO BOMB BLAST SURVIVORS

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

- (a) how many Kenyans died and how many were injured during the bomb blast in August, 1998, and whether he could table the list;
- (b) what the value of the properties damaged was; and,
- (c) what measures the Government has taken to ensure that the welfare of the bomb blast survivors and the bereaved children is looked into.

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

- (a) During the August, 1998 bomb blast, 203 Kenyans perished and 5,486 people were injured.
- (b) The value of the property damaged was assessed as follows: buildings, including infrastructure, Kshs4,800,000,000 and vehicles, Kshs66,717,500, totalling to Kshs4,863,717,500.
- (c) The Government established the Bomb Blast Fund, which realised Kshs273,771,229. Out of this amount, Kshs139,600,000 was paid to the next of kin of the 203 dead people, while Kshs123,770,000 was paid to those who were injured. A programme dubbed "Operation Recovery" was launched to provide psychological and trauma counselling services to the victims of the bomb blast. Under the programme, 5,224 adults and 2,300 children were counselled. The Government is in the process of strengthening the National Disaster Operation Centre and developing a National Disaster Policy with a view to establishing a fully-fledged Disaster Management Authority from provincial to district level.

Mr. Muchiri: Mr. Speaker, Sir, you can see from the Question that I requested the Minister to table the list of the injured and the dead. The list provided by the Assistant Minister indicates that 203 people died. According to another list, 228 people died. Part (c) of the Question requires the Assistant Minister to say who will look after the welfare of the survivors. What I am trying to say is that the Assistant Minister has not answered my Question. In any case, could you order the Assistant Minister to table the list?

Mr. Speaker: Which list?

Mr. Muchiri: Mr. Speaker, Sir, the Assistant Minister has not supplied the list of injured people. Also, the list of the dead people he has supplied is confusing. Were the dead 228 or 203?

Mr. Haji: Mr. Speaker, Sir, according to the information I have, 203 people died in the blast. I would like to table the list of the deceased.

(Mr. Haji laid the list on the Table)

Mr. Kiunjuri: Mr. Speaker, Sir, according to the answer given by the Assistant Minister, more than

Kshs100 million was used to compensate the relatives of those who died in the bomb blast. Kshs100 million divided by 208 would show that Kshs5 million was the amount the dependants of each deceased person should have been paid. I happen to represent one of the persons who died on that day. He was not compensated by this amount of money. Could the Assistant Minister tell the House how much money was given to each dead person?

Mr. Speaker: Mr. Kiunjuri, the money must have been given to the relatives of the deceased; you cannot give anything to a dead person!

Mr. Haji: Mr. Speaker, Sir, I think the hon. Member's arithmetic is wrong. There is no way you can use Kshs133 million to pay Kshs5 million to the relatives of each of the 203 dead people. He should re-do his arithmetic. Secondly, the Question does not require me to state the amount of money given to the dependants of each deceased person. If he puts that question, we will answer it.

Mr. Kiunjuri: On a point of order, Mr. Speaker, Sir. You corrected me that one cannot give anything to a dead person. I now state clearly that I meant the amount paid to the relatives of the deceased. Could the Assistant Minister now answer the question?

Mr. Speaker: Proceed, Mr. Sungu!

Mr. Sungu: Mr. Speaker, Sir, this is a matter of grave national importance. It is common knowledge that one Osama Bin Laden is reputed to have been responsible for this atrocity on innocent Kenyans. What steps has Kenya taken to bring this man to book and get compensation from him since he is a billionaire? We also know where he resides!

An hon. Member: Go to him!

(Laughter)

Mr. Haji: Mr. Speaker, Sir, even the Americans are not able to trace Osama Bin Laden. If Mr. Sungu would like to go on a mission to look for him, we will support him.

Mr. Speaker, Sir, the Government of the United States of America (USA) donated Kshs2.9 billion for the rehabilitation programme for the 1998 bomb blast victims. Through the USA Humanitarian Assistance Programme, the National Blood Transfusion Centre has been built at Kenyatta National Hospital at a cost of Kshs32.7 million. The centre is now operational. The reconstruction of Co-operative House is set to be completed in November, 2001. For the last two years, prayers have been conducted at the blast site every August in remembrance of those who died, or were injured, in the blast. Also, a monument has been constructed at the site in memory of the victims. The USA Embassy in Nairobi initiated various programmes in aid of the blast survivors. Programmes for the dead, blind and the physically-disabled ended in April, 2001. However, people who need further therapy have been referred to existing Kenya social services organisations.

Mr. Speaker: The last question, Mr. Muchiri!

Mr. Muchiri: Mr. Speaker, Sir, this is a case which involved foreigners who came to Nairobi and killed Kenyans. Although it is obvious that Kenyan security agents were negligent, none of them has been sacked. However, currently, as we sit here, who are the subversive elements operating within the Republic of Kenya and threatening the Government of the Republic of Kenya?

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

Mr. Muchiri: Mr. Speaker, Sir, I have asked a question. Let the Assistant Minister answer.

Mr. Speaker: Mr. Muchiri, I want the Assistant Minister to understand your question. I, too, have not followed what you said. Could you repeat it?

Mr. Muchiri: Mr. Speaker, Sir, I said that the August, 1998 bomb blast is a case in which foreigners came to this country, killed and injured our people. Obviously, that was a case of negligence on the part of our security agents, none of whom has been sacked. However, currently, as we sit here, who are the subversive elements who are threatening the good Government of the Republic of Kenya?

Mr. Haji: Mr. Speaker, Sir, I am very delighted to hear the hon. Member admit that this is a very good Government. However, I am not aware of any group of people which is threatening the security of this country. If he has information to that effect, he is welcome to report it to the police.

Question No.372

DESTRUCTION OF CROPS BY HIPPOS

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

- (a) whether he is aware that rogue hippos are destroying crops along the Nyandiwa Beach, Nyamthoi, and other areas surrounding the Winam Gulf of Lake Victoria;
- (b) what urgent measures he is taking to prevent the hippos from destroying the farms and crops therein; and,
- (c) what arrangements he has made to ensure that the Kenya Wildlife Service pays compensation to the affected farmers.

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

(a) I am not aware that rogue hippos have damaged farm crops on Nyandiwa Beach, Nyamthoi or other areas surrounding Winam Gulf in Lake Victoria.

The KWS rangers have been patrolling the area as part of animal management activities in the area. There are no provisions for the payment of compensation for damaged crops, under the Kenya Wildlife Conservation and Management Act, (Cap.376) Laws of Kenya.

Mr. Sungu: Mr. Speaker, Sir, I am again in a state of shock because of the Assistant Minister's reply. I do not know where the Assistant Minister gets these answers from because this matter was discussed in the last Kisumu DDC. I personally raised this matter that these rogue hippos in the area of Nyamthoi and Nyandiwa Beach are trampling on people's crops and damaging them and, therefore, farmers are going hungry. What is the Ministry doing to stop these marauding hippos from damaging farmers' crops in the area?

Yesterday, I heard the Assistant Minister say that they have allocated some money for compensation and yet he is telling us that we cannot get compensation. Where will the compensation money go, if it is not going to be given to the people of Kisumu whose crops have been damaged? Even hyenas are killing people in Karateng and baboons are eating our crops in Godi-Nyabondo. Could the Assistant Minister, please, consider paying compensation because, in his contribution yesterday, he said that funds have been allocated for that purpose?

Mr. Samoei: Mr. Speaker, Sir, I admit that we have provisions or allocations for compensation. But, as I have said, the nature of compensation does not cover damage to crops. That is what the law says.

Mr. Achola: Mr. Speaker, Sir, in view of the answer given by the Assistant Minister, would it be in order to ask the residents of these areas to take age-old solution of spearing hippos to death so that we can eliminate them?

Mr. Samoei: Mr. Speaker, Sir, the hon. Member knows very well the consequences that would arise as a result of citizens taking the law into their hands.

Mr. Achola: On a point of order, Mr. Speaker, Sir. The Assistant Minister says that the residents will take the law into their hands. He is just saying that the Government is not prepared to compensate for the damage caused by the wildlife and, therefore, we should go back to the original way of dealing with these animals, by spearing them to death. So, is the Assistant Minister saying that we should spear these animals to death?

Mr. Speaker: Order! Order, hon. Members! I think what the hon. Member is asking you, Mr. Samoei is this: If the citizens cannot take the law into their hands, why must the animals take the law into their teeth?

Mr. Samoei: Mr. Speaker, Sir, the Kenya Wildlife Service has what it takes to control these rogue hippos, if there are any. The normal procedure is that, residents of this area should report incidents of damage of crops by these animals. The Kenya Wildlife Service has stations both in Impala Park and Ndele Island National Reserve. These two are linked by railway communication and, therefore, they have adequate personnel to make sure that, in case there are incidents of damage to crops, the KWS personnel know what to do to bring the situation under control.

Mr. Sungu: Mr. Speaker, Sir, we have a lot of wildlife in western Kenya. As I have stated before, they are actually causing damage to crops and human life. What steps has the KWS, which is under the Office of the President, taken to develop the West Kenya Tourist Circuit so that tourists can come to see these animals? We do not need wild animals which are damaging our crops yet they are not benefiting us the way they do in the other areas. We want the tourist circuit developed in this area so that, at least, we can get something from these animals rather have them destroy our crops.

Mr. Samoei: Mr. Speaker, Sir, I am sure the Ministry of Tourism and Information has a comprehensive programme to tap the tourism resources in that region. However, for record purposes, I would like to request the hon. Member to ask the residents of that area to stop encroaching upon the buffer zones. There is a buffer zone between the farms and the lake which the residents of these areas in question have encroached upon and, therefore, interfering with grazing space for the hippos.

Mr. Speaker: Order! Order, hon. Members! I think I will go to Questions by Private Notice. If I will have time left, then I will come back to the balance of the ordinary Questions.

QUESTIONS BY PRIVATE NOTICE

Mr. Keynan: Mr. Speaker, Sir, I have not received any written reply to this Question.

BANDIT ATTACKS IN WAJIR

Mr. Keynan: 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 on 1st May, this year, there was a banditry attack on the people of Arbajahan in Wajir District in which over 800 camels were stolen by marauding bandits from Marsabit District and that, out of the 800 camels stolen, less than 110 camels have so far been recovered?

(b) What action is the Minister taking against the perpetrators of this attack on defenceless people, and when will the stolen animals be returned to the affected families?

(c) What steps is the Minister taking to curb this menace and thereby give assurance to the area residents that this will not happen again?

The Assistant Minister, Office of the President (Mr. Samoei: Mr. Speaker, Sir, the written answer was sent to the hon. Member this morning.

(a) Yes, I am aware of this incident and the security personnel immediately pursued the bandits and recovered 110 camels and killed one bandit. The Marsabit and Wajir DCs and District Security Committees are working closely in a bid to track down the bandits and have them charged so that we can recover all the stolen animals.

Members of Wajir District Security Committee are holding meetings in the affected areas to assure the public of security. Moreover, eight more Kenyan Police Reservists have been recruited in Arbajahan area to reinforce the Administration Policemen stationed there.

Mr. Keynan: Mr. Speaker, Sir, I have been given an answer right now. It seems there is a government within our Government in the former NEP region. The Government has applied very stringent security measures in NEP, especially in Garissa, Ijara and Wajir and Mandera Districts, but it seems the same is not being applied in the neighbouring districts. Our people have suffered a lot.

Last night, and the Assistant Minister can confirm this, the same area was raided by bandits numbering close to 300. Where is the Government intelligence machinery because for the last four years, every year, we have had one attack and not less than 20,000 animals have disappeared? So, what happens when these incidents keep occurring? Do we just address symptoms or do we address the real problem? Where are the Government apparatus in the neighbouring districts of NEP? I am challenging the Assistant Minister to confirm this with the DC. Are there all sorts of---

Mr. Speaker: Order! Order! You see, I appreciate your problem, but you have to get an answer and then cool down!

Mr. Samoei: Mr. Speaker, Sir, while I admit that this has been a very persistent problem in that area, I do also want to set the record straight that, to a great extent, the hon. Member also admits that we have brought this problem to a very manageable level. The hon. Member has admitted that it has come down to one incident a year. There were days when it was so bad. I also want to assure the hon. Member that, as a matter of uniform activity, we shall use and apply the same policy across district boundaries.

Mr. Shidiye: Mr. Speaker, Sir, these incidents are not new. During the Bagalla Massacre, 300 people were killed and animals raided. The policemen, the Administration Police are ill-equipped and ill-prepared. Could the Assistant Minister tell us why it is so, and why does the Office of the President not provide the necessary machinery; vehicles and equipment to fight these bandits? Otherwise, we are going to increase poverty and many lives will be lost.

Mr. Samoei: Mr. Speaker, Sir, I do admit that incidences like these create conditions which make our people poorer. The hon. Member also knows that the Kenya Police Force and the Administration Police officers are ill-armed. That is a result of the budgetary constraints that affect our Budget. If this House granted three times what we have in the Vote today, I am sure that every police officer would do the job very well.

Mr. Keynan: Mr. Speaker, Sir, first of all, I want to seek your guidance because there are two things here. The Government has posted a very able Provincial Commissioner from that region to the North Eastern Province. The area that I am talking about is in Eastern Province. On 1st May, 2001, the residents of Arbajahan lost over 800 camels, and you know as a pastoralist how dear camels are to a pastoralist.

(Laughter)

Mr. Speaker, Sir, the security officers trailed those animals up to a place called Bubisa, and I want to confirm that the Member of Parliament, who is a senior Minister, went up to the area but he could not convince his own community to return the animals. I remember that in 1998, when a similar incident happened, I organised my own community and we returned every animal stolen from the same region. Why can the Government not pressurize the same people to reciprocate? Otherwise, this is going to act as a disincentive for our people and will force them to arm themselves. This is because that will be the obvious solution. It is not something I am encouraging. Could he assure this House that there will be no other attacks on the innocent people of Wajir West, and Wajir District at large? Two, could he assure us that the animals stolen would be recovered with immediate effect?

Mr. Kombo: On a point of order, Mr. Speaker, Sir. Are you in the Chair as Mr. Speaker or as a pastoralist?

(Laughter)

Mr. Speaker: Order, Mr. Kombo! Who is "you"? I do not think we should lose sight of this Question. I think it is a grievous matter and we should not trivialise it by laughing. To laugh is good, but you do not laugh when your brother is crying. Can we let the Assistant Minister respond to the hon. Member?

Mr. Samoei: Mr. Speaker, Sir, the hon. Member should know that some animals that were, indeed, in the hands of the brothers in his constituency were returned; 110 camels.

Mr. Speaker: Order, Mr. Samoei! He is asking where the 800 camels have gone to.

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

[Mr. Samoei]

answering that. Already, 110 camels have been returned. Whatever balance there is, we are making every effort. We also making every effort to make sure that there is no repeat of such attacks.

Mr. Ndicho: Mr. Speaker, Sir, the remark by the Assistant Minister, before he answered that Question, offended my feelings. Is he in order to say that if the police are given three times the money allocated to them, they will combat crime? It was only yesterday that we were complaining why the NYS is getting Kshs269 million instead of Kshs188 million?

Mr. Speaker: Order! Again, on a serious matter like this, where Kenyans have lost all their entire livelihood and their lives to boot, I do not think that it is a matter that I will allow unnecessary diversions. Let us address this matter quietly and this is what I am encouraging Mr. Samoei to do. These raiders who took away 800 camels and have killed Kenyans, live within Kenyan borders; where are they?

Mr. Samoei: Mr. Speaker, Sir, in my answer, I have said that every effort is being made towards the recovery and return of those animals.

Mr. Shidiye: Mr. Speaker, Sir, this Assistant Minister is not serious. You said it clearly that 800 animals cannot disappear into the thin air and this is a matter which occurred on May, 1st. Today, we are almost coming to the end of July and he is telling us that he is looking for those camels. Where are they? He is misleading this House. He should come with a better answer. This matter should be deferred.

Mr. Samoei: Mr. Speaker, Sir, I think I am giving this Question the seriousness it deserves. I am assuring this House that every effort is being made towards the recovery and return of whatever animals are outstanding.

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

Mr. Speaker: Order! Sorry! Time is not on our side!

Mr. Keynan: One last point!

Mr. Speaker: Very well. Proceed!

Mr. Keynan: Mr. Speaker, Sir, if I was in the position of the Assistant Minister, I would do three things. In North Eastern Province, there is a precedent which has been set and maybe, this is within the street of the Constitution, but it is not constitutional; that is, where communities have persistently stolen the animals of their neighbours, have had their animals confiscated and this has been used as a way of pressurizing them to return the stolen animals. Could he apply the same rules to the residents of Marsabit District? Could he also confirm or deny that these persistent attacks have been coming from remnants of OLF who are busy setting up buffer zones in parts of Northern Kenya, in order to fight the Ethiopian Government?

Mr. Samoei: Mr. Speaker, Sir, on top of the three things that the hon. Member is suggesting, I am doing four more things. Regarding the allegations that he has made about the OLF, I would like to say that they are

without the boundaries of this country.

CHOLERA OUTBREAK IN MASENO

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

(a) Is the Minister aware that there is a cholera outbreak in Maseno and Kombewa divisions of Kisumu District, and that four people have so far died of the disease at Holo Market and Kombewa Health Centre?

(b) Could he consider deploying additional staff, medicine and an ambulance to curb the spread of the disease?

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

(a) I am aware of cholera outbreak in Maseno and Kombewa divisions which has claimed four lives.

(b) The cholera outbreak in the two divisions has already been contained by the Ministry's staff. Additional medical supplies have been dispatched to the area and health educational programmes conducted, so as to forestall any new outbreaks.

Mr. Ayoki: Mr. Speaker, Sir, while thanking the Assistant Minister for the steps he has taken to contain the situation, it is common knowledge that, when you see the Ministry of Health rush such services to an area, it is almost a disaster area. Could he tell the House what specific plan he has put in place to contain or eradicate cholera outbreak or spread of cholera in Kombewa Division, since many people are dying as I speak now?

Mr. Mukangu: Mr. Speaker, Sir, we have put all the measures in place, including sending a surveillance team to monitor the situation. Secondly, we have been able to dispatch a field officer and we have put the following measures into action; we have done contact tracing and chlorinating suspect water sources, including River Awasi, dozens of close contacts or 500 close contacts have been treated with start doses of antibiotics, holding public barazas and also giving hygiene educational health facilities and supervising burial ceremonies for the diseased, to forestall the feasting?

Mr. Angwenyi: Mr. Speaker, Sir, diseases are on the increase in this country because of inefficient work of the Ministry of Health. We do not know whether we should continue having that Ministry. All the public health officers below the district level were retrenched. Could this be the reason why we are having all these diseases? Could the Minister consider returning all of them back to work?

Mr. Mukangu: As a Ministry, we are considering re-deploying those who were retrenched so that the situation can be handled as efficiently as before.

Dr. Kulundu: The Ministry of Health seems to be involved in "fire-fighting" whenever there is an outbreak of communicable diseases like diarrhoea. The measures that the Assistant Minister has outlined are fairly routine, and his public health officers should be carrying them out everyday. What punitive action is the Ministry contemplating against the public health officers in these two divisions who have left the situation to get out of control to the extent that we have lost many Kenyans to cholera?

Mr. Mukangu: Mr. Speaker, Sir, the measures that I have outlined so far are the best the Ministry can do. Regarding the efficiency of the staff on the ground, we have sent a team from the headquarters to monitor and ensure that the supervision is clearly done as per the outbreak.

Mr. Khamasi: On a point of order, Mr. Speaker, Sir. You can see that this Assistant Minister has deliberately avoided to answer the Question. The Question was: What punitive measures are you taking against the staff on the ground who have ignored their routine jobs?

Mr. Mukangu: Right now we are not considering any punitive measures because we have not yet received any complaints regarding the efficiency of the staff on the ground.

Mr. Ayoki: Mr. Speaker, Sir, since the Assistant Minister acknowledged the fact that negligence on the part of public health officers in the Ministry caused the deaths of four of my constituents, could he consider compensating the families of the dead loved ones?

Mr. Mukangu: I cannot really promise compensation to the bereaved, but I want to assure the hon. Member that right now there is no reported case of a cholera outbreak. We are about to eliminate all these kinds of cases.

KNH DEPOSIT WITH EURO BANK

Mr. Kombo: Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that on 1st May, 2001, Kenyatta National Hospital management deposited over Kshs423,862,692 with the Euro Bank, Nairobi, at a time when medical facilities in the hospital are in poor condition?

(b) Is he further aware that the renal dialysis, cancer and other life supporting units need urgent rehabilitation as the current situation is pathetic?

(c) Why did the hospital find it prudent to place this deposit with the bank, to mature on 30th June, 2003, instead of procuring the necessary medical supplies for these units?

(d) Who authorised this deposit with the Euro Bank and could the Minister direct the management to recall it as a matter of urgency?

The Minister for Medical Services (Mr. Mohammed): Mr. Speaker, Sir, I would like to request the hon. Member to give me more time to bring a comprehensive reply because the one I have is not very satisfactory.

Mr. Kombo: Mr. Speaker, Sir, as much as I appreciate the Minister's request, I just hope that he is not part of the pressure that is being exerted on me. I have been under a lot of pressure to withdraw this Question from the Order Paper by people who are not Members of this House. If that is part of the pressure, then it is wrong. If it is not, then I will accept to give him more time.

Mr. Speaker: Order! Mr. Kombo, as a Member of the Powers and Privileges Committee, you know that it is a criminal offence for any person, whether within this House or outside, to pressurise a Member of Parliament not to execute the duties of his office. You know that you ought to bring that to my attention so that I can take appropriate action. Are you prepared to do that? Give an undertaking!

Mr. Kombo: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well.

Mr. Ndilinge: On a point of order, Mr. Speaker, Sir. We are trying to fight corruption within and outside the House. This is a serious allegation. Could the hon. Member tell us where this pressure is coming from?

Mr. Speaker: I suppose you are right. We ought to know who they are.

Mr. Kiunjuri: On a point of order, Mr. Speaker, Sir. In support of what Mr. Ndilinge said, this matter was even reported in the Press. It is important that we know where the pressure is coming from.

Mr. Speaker: Who is pressuring you, Mr. Kombo?

Hon. Members: Tell us!

Mr. Speaker: Order! We require to be serious when matters are serious. When an hon. Member stands on the Floor of this House and states that persons outside this House, whether Members or non-Members, are coercing him to drop a Question which has serious repercussions, I think this House ought to know who they are.

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

Hon. Members: Kaa chini!

Mr. Speaker: Order! Mr. Wanjala, unless you are standing to inform me who they are, and Mr. Kombo would like to withdraw his remarks, then you should sit down! I think the House would like to know who these people are because we really have to be serious.

Mr. Kombo: On a point of order, Mr. Speaker, Sir. There is no point in withdrawing my remarks. You have made your ruling and as a Member of the Powers and Privileges Committee, I will give you the names and then we will deal with it from that point onwards.

Mr. Keynan: On a point of order, Mr. Speaker, Sir. Since the cat has been let out of the bag by Mr. Kombo, could he declare his interest and tell us the names of these people that are pressurising him because the same story has appeared in a section of the Press? He should either completely withdraw the whole Question or tell us who these people are, who are threatening him.

Mr. Speaker: First of all, Mr. Keynan, as far as the Chair is concerned, this Question will never be withdrawn for that very reason. Even if Mr. Kombo were to refuse to turn up here to come and ask the Question, I would use my inherent powers to go and fetch him from Webuye to come and ask it. But who are they?

Hon. Members: Tell us!

Mr. Kombo: Mr. Speaker, Sir, they are the owners of the bank.

Mr. Speaker: Very well.

Hon. Members: Who are these?

Mr. Speaker: He has already told us. Those who were not attentive, I am sorry for you. You must be attentive all the time.

Mr. Minister, will Tuesday be alright for you?

The Minister for Medical Services (Mr. Mohammed): Next Thursday, Mr. Speaker, Sir.

Mr. Kombo: On a point of order, Mr. Speaker, Sir. I will actually be out of the country next week. So,

could Dr. Kulundu ask the Question on my behalf?

Mr. Speaker: No, he cannot. You know the rules governing Questions by Private Notice. What date is convenient to you?

Mr. Kombo: Mr. Speaker, Sir, I am going to be away in the United States of America for three weeks from tomorrow! So, when I come back---

Mr. Speaker: Order, hon. Members! I am trying to be as accommodative as I can. As I have said, the only thing that I will not allow is the Question to disappear! I will not allow that. So, I will give it to the Member at a date convenient to him.

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

(Several hon. Members stood up in their places)

Mr. Speaker: Order, all of you! To all those Members who are standing when I have given the Floor to Mr. Wamalwa, are you under the wrong impression that Mr. Wamalwa is not a Member of this House?

Proceed, Mr. Wamalwa!

Mr. Wamalwa: Thank you, Mr. Speaker, Sir. I am standing on a point of order to prompt the Chair's memory that the House will be adjourning in the next couple of weeks. So, if Mr. Kombo is going to be away for three weeks, then the earliest this Question by Private Notice can be asked is when we come back in October! That does not make sense, since it is a Question by Private Notice.

Mr. Speaker: I will do the next easiest and fairest thing. I will downgrade this Question from a Question by Private Notice and make it an ordinary Question. Then, it will come next Thursday, as the Minister wants to answer it then!

(Applause)

So, the Question is downgraded from a Question by Private Notice to an ordinary Question, and deferred until Thursday, next week.

(Question deferred)

Mr. Ndwiga: On a point of order, Mr. Speaker, Sir. I stand to seek your guidance, but not about the ruling. Is it not the tradition of this House that once a Question has been asked, it becomes the property of this House? So, whether the Member is there or not, since the Question has been asked, it is the property of the House! We are happy with the ruling that you gave, but I am merely seeking guidance for future references.

Mr. Speaker: Mr. Ndwiga, I am the Speaker, and the Speaker has ruled! So, we live with it!

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. You are like a judge in this supreme court. Now that Mr. Kombo has told us who were pressurising them, what is your judgement on them? We would like to hear your judgement!

Mr. Speaker: Order, hon. Members! You see, I have asked Members to be serious all the time! Please, be serious! I will deal with it that way. So, I do not want you to take me back to what I have decided, Mr. Ndicho! I think Mr. Kombo is happy. I think the House is happy that the Question will come downgraded next week. We will deal [Mr. Speaker] with it as it comes.

Now, I am sorry, all the other ordinary Questions by Mr. Kiunjuri, Mr. Katuku, Mr. Ndicho, Mr. Maitha and Mr. Kamande will be deferred to next week. But I will give the hon. Members a favour. All those hon. Members whose Questions have been deferred for lack of time, will have the right to contact the Clerk to put the Questions at a convenient date next week. So, they are all deferred to various dates next week, convenient to the Members who have asked.

Question No. 171

ACCIDENTS ALONG THIKA-MAKUYU ROAD

(Question deferred)

Question No.272

COMPLETION OF BRIDGES IN MWALA

(Question deferred)

Question No.306

REPAIR OF THIKA MUNICIPALITY SEWERAGE LINES

(Question deferred)

Question No.128

SETTLEMENT OF COAST SQUATTERS

(Question deferred)

QUESTION BY PRIVATE NOTICE

REHABILITATION OF SABA SABA WATER SUPPLY

(Mr. Kamande) to ask the Minister for Water Development:-

- (a) Is the Minister aware that Kamahuha Girls Secondary School, Saba Saba Secondary School and Saba Saba Health Centre are on the verge of closure, as a result of acute water shortage?
- (b) What immediate plans are in place to rehabilitate Saba Saba Water Supply to provide water to those public institutions?
- (c) How much has been set aside for repairs?

(Question deferred)

COMMUNICATION FROM THE CHAIR

PARLIAMENTARY SERVICE COMMISSION WORKSHOP

Mr. Speaker: Hon. Members, it is now slightly over one calendar year, since the inception of the Parliamentary Service Commission within which, it has fully explored and affirmed its mandate. Members will recall that, last year, we had a seminar on the work of the new Commission. In order to keep the House informed of its activities, a one-day workshop for all Members will be held at Safari Park Hotel, Nairobi on Friday, 20th July, 2001. That is tomorrow, starting at 9.00 a.m. The business of the workshop will comprise:

- (i) Morning Session
 - (a) The Commission will launch its first Annual Report, which has just been presented before the House this afternoon. The Report is presented to the House, pursuant to the provisions of Section 25 of the Parliamentary Service Commission Act, No.10 of 2000.
 - (b) The Commission will also launch the Strategic Plan for the Parliament for the years 2000 to 2012. The plan contains strategies on how---

Hon. Members: That is extending Parliament!

Mr. Speaker: Order! For avoidance of doubt, this has nothing to do with the extension of Parliament!

(Laughter)

I will repeat that again for you to understand. The Commission will also launch the Strategic Plan for the Parliament for the years 2000 to 2012. The plan contains strategies on how the Commission intends to provide facilities and services for the Parliament in the next 12 years.

- (ii) Afternoon Session
 - (a) The Powers and Privileges Committee as, in the recent past, has been engaged in re-examining the

place and status of the privilege for the Parliament and individual Members, in as far as the existing legislation is concerned. The draft report of the Committee on Privileges will guide the deliberations.

I, therefore, wish to call upon all Members to study all documents which, I have ordered to be given to each one of you now. You will find them in your pigeon holes - relating to the workshop, as you prepare to attend and take an active part in the deliberations. I wish to add that this will be an in-house business. I think the only time it will be open is either at opening or at closing, to enable Members to concentrate fully on their own internal affairs. I thank all of you.

Next Order!

COMMITTEE OF SUPPLY

(Order for Committee read being Sixth 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 on 18.7.2001)*

(Resumption of Debate interrupted on 18.7.2001)

Mr. Speaker: Who was on the Floor? Ms. Karua, you were on the Floor yesterday, and you have six minutes to continue.

Ms. Karua: Thank you, Mr. Speaker, Sir. I was talking about the Provincial Administration and its misuse by members of the ruling party KANU. There is a Permanent Secretary (PS) in charge of the Provincial Administration in the Office of the President. It is expected that, it is that PS who would give directives to members of the Provincial Administration, to avoid engaging in partisan politics.

(Loud consultations)

Mr. Speaker: Order, hon. Members! The hon. Member for Gichugu is on the Floor with my full authority! So, she must be heard! So, shall we maintain some silence.

Proceed, Ms. Karua!

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Ms. Karua: Mr. Deputy Speaker, Sir, I was saying that the engagement of the Provincial Administration in partisan politics reflects on the inability to perform by the Permanent Secretary in charge of Provincial Administration in the Office of the President. With the numerous complaints by Members about the situation on the ground which proves that these complaints are not frivolous, this Permanent Secretary should resign. He cannot justify continuing drawing taxpayers' money when he is leading the Provincial Administration, by his own example, into being reduced to KANU youth wingers instead of serving this country. It cannot be that the Provincial Administration is engaging in partisan politics without his express authority, otherwise we would have seen cases of disciplinary action by him on the Provincial Administration.

Mr. Deputy Speaker, Sir, turning to the police, it is sad that while majority of the policemen are trying to give exemplary service, a few police officers have turned themselves into politicians. I have in mind the Provincial Police Officer (PPO), Eastern Province. When hon. Kamanda was arrested during the Kinoru GEMA meeting, the PPO, Eastern Province was on air threatening the rest of the Members of Parliament from the GEMA areas with arrests. We have not known the police to announce arrests before effecting them, especially when the suspects are people who can be reached easily. Since no other Member of Parliament was arrested, that statement was mere political propaganda. We have not seen any action taken against that particular PPO, Eastern Province.

Mr. Deputy Speaker, Sir, we have many other instances where the police officers are obstructing legitimate political activity by the Opposition. Two weeks ago, the Member for Laikipia West, hon. Mbitiru, was arrested in Nyahururu while legitimately expressing dissent together with his constituents over insecurity. While the police are not available to arrest the insecurity situation in Laikipia West, they were available not to only disrupt the people's procession, but also to arrest and detain this hon. Member of Parliament. We cannot justify paying such members of the Police Force who wantonly break the law. We want the Minister to tell us whether it is Government policy that some of these police officers turn themselves into politicians or political activists.

Mr. Deputy Speaker, Sir, I would like, however, to say that since we have such high expectations of the members of the Police Force, they should be adequately remunerated.

(Loud consultations)

Mr. Deputy Speaker, Sir, could you protect me from the loud consultations? I can hardly hear myself!

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

A hon. Member: Order, KANU!

(Laughter)

Ms. Karua: Mr. Deputy Speaker, Sir, I was saying that since we are expecting so much from the Police Force we should also adequately remunerate them. Could the Minister explain to this House during his contribution, why he has not made any proposals to the House for sufficient funds to properly remunerate members of the Police Force? We also want to know what plans the Ministry has of taking care for the housing of police officers. We expect there to be sufficient police lines to house police officers in all districts, divisions and provinces. We would want to see the Ministry of Roads and Public Works putting up houses in each district for the police officers, which is cheaper than providing house allowance. We want to know what the Ministry is doing about this, otherwise we may very well force our police officers to abandon their duties in trying to survive in a hostile environment.

Mr. Deputy Speaker, Sir, we would also want to know from this Minister why all the police stations are not having sufficient transport. In Gichugu, the Officer Commanding Station (OCS) drives around in an old and out-of-service Land-Rover with worn-out tyres. If he were not a policeman, he would be arrested for driving a vehicle with worn-out tyres. We want to know whether this Budget has sufficient provision to provide decent vehicles to our police stations so that they can be able to serve the wananchi. We also want to know why the district officers are not having Land-Rovers, especially when we were recently told before this House that 700 Land-Rovers were imported. These 700 Land-Rovers, judging from the 65 or so odd districts, each district should be having about ten new Land Rovers. Why are we not having workable vehicles in our stations? We want to know that the resources we vote here are equitably distributed to serve all Kenyans and are not turned to serve only a section of the population.

Mr. Deputy Speaker, Sir, under the Office of the President, we have the Relief and Disaster Management Committee or whatever name this famine relief docket is going by. We have only noticed---

Mr. Deputy Speaker: Order! Ms. Karua, your time is up!

Ms. Karua: I support with reservations.

The Assistant Minister, Office of the President (Mr. Samoei): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Vote. I want to congratulate my Minister, hon. Maj. Madoka, for ably presenting our budget to this House. Knowing that the Office of the President is the very core of the Government, I hope and believe that following the presentations that were made before this House, hon. Members are going to favourably consider the requests made before this House by the Office of the President.

Mr. Deputy Speaker, Sir, among the very critical issues that have been lined up for action is the anti-drug abuse effort that the Government is making realising the amount of damage that drugs have inflicted on our young people and the attendant problems that come with drug abuse. These are namely the escalation in incidences of insecurity and dropouts of school-going children. I hope that this House is going to consider favourably the presentations made before this House for the Kaguthi-led team that is going to sensitise this country on the dangers, effects and hazards that drugs have on our country.

Mr. Deputy Speaker, Sir, the registration of persons budget has been increased from Kshs30 to Kshs35 million. I hope this will go a long way in making it possible for the many Kenyans to be able to access registration. I want to commend the Department of Registration of Persons for the efforts they have made in

decentralising their responsibility to districts where Kenyans can easily access their birth registration certificates for their children and death certificates for the dead.

Mr. Deputy Speaker, Sir, last year, the Office of the President did provide funds for the purchase of maize under the Relief and Rehabilitation Programme.

Mr. Deputy Speaker, Sir, the people of Eldoret North Constituency, who are farmers, could not be happier with the efforts that were made by this Government to make sure that maize that was available was purchased by the National Cereals and Produce Board (NCPB). Close to Kshs3 billion was spent on the purchase of maize. This year, we expect a better crop because farmers were able to plough their farms because they were paid adequately and in time for the crop that was produced last year. This year, this House has been presented with a budget of Kshs1.5 billion to support that programme once again. I hope that, in the Supplementary Estimates, this House will consider increasing that amount. This year, we expect an even better harvest in the North Rift region.

I would like to recommend that the Act that operationalises the NCPB be changed, so that it can purchase maize from farmers as a matter of law. It is time we considered seriously our farmers in this country. Farmers go to great pains to produce food for this country. Some of the times, we do not avail enough resources in order for the NCPB to purchase this crop. I am recommending that the NCPB's Act be amended to provide for minimum prices for maize production so that farmers can plan well in advance, knowing what they can get from their crop.

Mr. Deputy Speaker, Sir, maintenance of law and order is a very critical component of our social and economic development as a country. Incidents of policemen performing their duties in excess of what the law provides have been recorded in this country. There are certain police officers who have abused the powers and privileges conferred upon them by the law, and participated in criminal activities. However, apart from these minor incidents, the job done by our men and women in the Police Force is very commendable. Sometimes, we forget that these men and women in the Police Force are children of other people. They are in the Police Force not because they are paid a salary, but they make a sacrifice for this country. The kind of salaries these people are paid are not commensurate, at whatever level, with the responsibility that they carry out to make sure that we are a secure country. We should commend these men and women who have children like the rest of us, and have responsibilities as family members like the rest of us, who go out day in, day out, including at night, to make sure that we have a secure environment in which to carry out our responsibilities as Kenyans.

Mr. Deputy Speaker, Sir, the budget for the Police Department this year has increased, though minimally. I would like to urge this House to seriously consider passing this Vote. We have heard issues raised and comments made to the effect that we should change or improve the pay package for our police officers. This is almost a unanimous suggestion. It is time we seriously considered remunerating these men and women commensurate with the responsibility they carry out in securing our country.

Transport is a very critical element for the members of our Police Force. I hope this House will consider favourably the budget presented by our Minister so that we can operationalise the activities of our police officers and the Criminal Investigations Department (CID). I want to commend the persons charged with the responsibility of running these Departments. They have done a wonderful job under the current circumstances.

I will make a request on behalf of the people of Eldoret North Constituency, whom I represent in this House, to the National Registration Bureau. We have new settlements in Soi and Kipsomba. There are people who have not registered. These people should be registered in order for them to exercise their rights as Kenyans to choose persons to represent them in this House.

With these few remarks, I want to support.

Mr. Keynan: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Vote of this very important Ministry.

The Office of the President plays a pivotal role in running the affairs of this country. You may have noted that there are so many vital Departments within the Office of the President. We have the Arid Lands and Resource Management, which is an amalgamation of so many Departments. This Department has been offering very useful service, especially in arid districts. We have the *El Nino* Emergency Fund Department, which unfortunately, has not performed to the expectation of Kenyans. We also have the Kenya Wildlife Service (KWS), the Department of Defence, the Kenya Police and the Immigration Departments.

I would like to echo what has been said by the past speakers about the Police Force. So many of us have been complaining about insecurity in Kenya. A hungry man will never perform. Some of us have visited the rural homes of some of our police officers. These are people who are supposed to be paid more than even the hon. Members of Parliament because without their service, we will not be in this House. For so many years, we have underrated the performance and the demands of our Police Force. Until and unless we remove some of the discrepancies in the remuneration between the Police Force and the members of the National Security Intelligence

Service (NSIS), insecurity will be a perpetual problem in this country.

It is the Police Force which is supposed to put into use the information gathered by members of the NSIS, yet, it does not have the capacity to perform its duties. I would like to commend the Nairobi Provincial Police Officer's office for the commendable job it has done in confiscating illegal arms in this country. Towards that end, I would like the Government to arrest all the Somali warlords who have plunged Somalia into civil war, and who are still operating from our soil.

What was said by His Excellency the President the other day at the Jomo Kenyatta International Airport, was nothing but the truth. These are people who have destroyed our nation and who have contributed to the insecurity in this country, yet, for so long, we have tolerated them. These people have tortured innocent women and children in Somalia to the extent that they have auctioned the independence of a once beautiful country called Somalia. Will we be patient until these people plunge us into the same civil war that they have plunged Somalia into? Some of these warlords stay in posh residential areas using the money they have looted from Somalia. We should confess that some of them are drug dealers while others engage in illegal arms trafficking. This is the case, and yet innocent people have been harassed for a long time. Can we not say that enough is enough, arrest these people and hand them over to the transitional Government in Somalia? It is in the interest of Kenya and all the neighbouring countries that we support the young and crawling transitional Government in Somalia. That is the only authority that has provided any semblance of a Government for ten years. If the Kenya Government, which has a lot of interest in Somalia because of being a neighbour, does not do that, we will not have a proper government in that country. It is my wish that what His Excellency the President said some days ago will be implemented.

Mr. Deputy Speaker, Sir, another area that the Government should deal with is insecurity in North Eastern Province. In this province, there is a tendency to confuse its boundary. I would like to say that North Eastern Province consists of four districts, namely; Ijara, Garissa, Wajir and Mandera. I would like to commend the ruthlessness actually applied by the newly posted PC. But I can foresee that there will be a problem because the same rules are not being applied in the neighbouring districts. This has happened to the extent that we have appealed to our people to surrender illegal arms to the Government. The interesting thing that has been happening is that our animals are being stolen everyday, and when they reach the border of Marsabit, it is as if they have crossed over to a foreign country. The same thing has happened in Isiolo District, where we have had many victims. Now that the Minister is here and all members of the Provincial Administration are here, could we have the same rules that have been applied in North Eastern Province--- If they want to eradicate banditry, they must apply the same rules. The residents of Wajir and Marsabit are almost identical. They share so much in common. We do not want one rule to be applied in Wajir District, but not in Marsabit. We have preached peace and asked our constituents to surrender illegal arms to the Government.

I would like the Minister to ask the members of the District Security Committees, especially in Marsabit and Moyale Districts to enforce the stringent rules that are applied in Wajir in the whole province. If that is not done, you will arm one section of the community and disarm another one thereby creating a conflict. I am sure that, that is not what we want to happen.

I would like to echo what has been said about the National AIDS Control Council, which is wrongly placed. The Minister who is in charge of this programme is not a medical doctor although I respect him. This Department should be re-located to the Ministry of Health, where it rightly belongs. There is no need of having so many departments, like now we have the Department of Water within Arid Lands, National AIDS Control Council, Kenya Wildlife Services, the Police, Personnel Management and Immigration Department in the Office of the President. I would like to say that the Minister has a lot in his hands, especially when it comes to the police and internal security. There is no point of allocating the Minister so many departments that he cannot handle.

There is a key area which has been neglected and I would like the Minister to take it upon himself to look into it. This is the issuance of national identity cards. For quite sometime, the residents of North Eastern Province have deliberately been denied national identity cards. These people have been denied access to the national identity cards because they still possess an apartheid like document which is called "screen card". Although the Minister has on so many occasions denied that, that document is not in use, the residents, especially school-leavers suffer because this document is being used. We would like the Minister to order the Registrar of Persons to hasten the issuance of national identity cards to the residents of North Eastern Province. This is because without that important document, we will inconvenience so many Kenyans. The excuse that is being fronted is that these districts border other countries. That excuse should not be used to deny the residents of North Eastern Province their right to be issued with a national identity card. If one cannot get this card, then it means that he or she has been denied the right to vote and to be a Kenyan citizen. This is because without that document one will not get a passport and he or she will not be registered as a voter. This person will also forgo other services. What

this department has been telling the Minister is not true. The entire population does not have national identity cards and we would like the Minister to do something.

Mr. Deputy Speaker, Sir, I would also like to touch on wildlife menace. This is a matter that has been reported to the Government. We are glad that this department is, first of all, in the right Ministry. With the help of the Administration Police officers, the regular police and the Kenya Wildlife Service warders this menace will be controlled, but still, so many people are killed by hyenas, lions and hippopotamuses, as it has just been reported. We would like the Minister to comply with what the Wildlife Act says so that the people who are killed or injured by wild animals are compensated as required by the law.

What has hampered the work of most administrators is lack of transport. I am glad that the Ministry bought so many Land-Rovers, and indeed, Wajir District is one of the recipient districts and we appreciate this. We would like the same gesture to be extended to all the divisions in the country.

Mr. Deputy Speaker, Sir, with these few remarks, I beg to support the Motion.

Mr. Ndilinge: On a point of order, Mr. Deputy Speaker, Sir. Before we proceed, I would like to seek guidance from the Chair. We have con men around Parliament who disguise themselves as Pressmen. About two minutes before I entered this House, I was harassed by some of them who wanted to ask me about the war in Makeni---

Mr. Deputy Speaker: Order! Mr. Ndilinge, you do not interrupt the business of the House to complain about a matter that should be appropriately dealt with by the Serjeant-at-Arms, who is not a Member of this House.

Mr. Sungu: Mr. Deputy Speaker, Sir, I thank you most profusely for giving me this chance to contribute to the Vote of the Office of the President.

We have said here before that the Office of the President has 15 major departments. The Office of the President is bloated, and there is need to streamline it. Hon. Members from both sides of the House have said this. We have proposed that the National AIDS Control Council should be relocated to the Ministry of Health. We have also proposed that matters related to the *El Nino* Programme should fall under the Ministry of Roads and Public Works because that is where the experts are. But may I also disagree with some of the hon. Members who spoke before me. Some of them have even been Chief Secretaries in the Republic of Kenya, and they were at the Office of the President when it was becoming bloated but they did not do anything to rectify the situation. Yesterday, I heard some of them speak very eloquently criticising the Government right and left. What did these people do when they were there? Let us call a spade a spade; let us be honest. The problem in Kenya is that we are not honest. We do not look at the facts as they are; we do not call spades, spades, but instead we want to call them spoons. When we are given responsibilities, we must answer to them and if we fail, we should not blame others.

There is need for security in this country. I will never disagree with the amount of money that has been allocated to this department. All of us agree that security is the cause of all the problems that we have today. This includes economic problems because people cannot invest in this country if we do not have enough security. When we allocate more equipment, I hear some people complain. The world has become modern; hi-tech and we need to put in place modern means and ways of fighting crime. We need helicopters to do this, and yet people keep on complaining. Who is better qualified to tell us how a new helicopter looks like and how a second-hand one looks like? Is it a production engineer or an economist?

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member of Parliament in order to mislead this House that if we see something wrong in the Government we cannot point it out? Is he in order to do that?

Mr. Deputy Speaker: Order! Order! It is you who is not in order because you stand on a point of order to ask a question.

Proceed, Mr. Sungu!

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir, for protecting me. As I was saying, we need better pay, equipment and housing for the Police Force. For that, we need to allocate them more funds. It is surprising in this country that even criminals get hold of police radio handsets so that they can monitor what the police are doing and where to go and hide and yet, Members here want to criticise them *en mass* without recognising the fact that the Police Force needs our support so that they can do a better job. They are human beings like us. If we cannot recognise that fact, then we are failing as a Parliament.

Mr. Deputy Speaker, Sir, I want to comment on the Provincial Administration. The Provincial Administration is important. I would like to disagree with those who want to say that it should be scrapped. I think it is necessary. It is very serious because, 34 years after Independence, we are still relying on colonial relics. PCs, DCs, DOs and chiefs are required to wear uniforms and salute as if we are in a military government. I disagree

most vehemently with this kind of practice. This is a civilian Government. We are a State ruled by a civilian Head through Parliament and we should not have administrators wearing uniforms and saluting as if we in a military regime. This thing should be looked at. The Provincial Administration must be given a chance to do its work properly.

In Nyanza, we have a provincial headquarters which has been under construction for the last ten years. What does this translate to? This translates to inefficiency in Government delivery and more costs incurred by the Government. When a PC or a DC wants to communicate with another department of Government, he has to lift a telephone and pay money to the post office. This is Government money which can be used for other purposes. If we just spent a little more money to build Nyanza Provincial Headquarters, we would put all the officers in one place and save all the money we use on paying rent and telephone bills. In this way, we will make the Provincial Administration more efficient. This is a necessary thing that we must look at.

Looking at the allocations, I noticed that some district headquarters have been allocated funds but the Nyanza Provincial Headquarters has been ignored. I would like to appeal to the Minister to look at this issue seriously. That is a major investment which has cost millions of shillings and it is being left to go to waste. We cannot afford that kind of waste at this time in our nation's history; when we are suffering from economic hardships.

Mr. Deputy Speaker, Sir, I would like to turn my attention to the Cabinet Office. In this House day in, day out, we have problems with Ministers answering Questions in Parliament. When a Minister is not present to answer a Question, he does not instruct his Assistant Ministers to do so. It is now necessary for the Cabinet Office to give Ministers and Assistant Ministers specific duties. Specifically, I would like to suggest that we create the position of Deputy Ministers who can sit in the Cabinet and deputise for Ministers in their absence. The House and this country cannot stop running just because one Minister is absent. The Vote of this Ministry was delayed and yet, it is number one in our Vote structure, because one Minister was absent. We have other Ministers and Assistant Ministers who cannot do their job. We should now have Deputy Ministers like it is the case in Uganda and other areas, who can sit in the Cabinet and deputise and be given responsibilities.

Mr. Deputy Speaker, Sir, only this afternoon, I had a Question regarding the Kenya Wildlife Service (KWS). I appeal to them to spread their services to every part of this country. Western Kenya is no lesser part of this country than the Coast or Maasai Mara. We need the services in those areas to come to western Kenya, so that we can develop a western tourist circuit. We need the infrastructure that the KWS is allocated funds to develop like roads and other things, in western Kenya so that we can have tourists going to see *Isukuti* dancers in Kakamega or the bull fights in Khayega or Kit Mikayi or Kajulu Dancers or Rusinga Island, Tankawiri and sports in Lake Victoria. We need these things now and not tomorrow. As we are allocating funds and as a Member of Parliament for that area, I am asking the KWS to look at that.

Mr. Deputy Speaker, Sir, the Minister, in his speech, talked about 80 per cent of Kenyans relying on agriculture for their livelihood. When we are talking about poverty eradication, this is where we must focus on. During the previous Vote of the Ministry of Agriculture, we talked extensively on this issue. May I go backwards and say that this Item should be under the Ministry of Agriculture. We are getting confused and disoriented because we are going to discuss what we have discussed under the Ministry of Agriculture. We need to focus on irrigation projects in various areas in Kenya so that we can produce enough food for our people so that they do not become beggars in their own country. Yesterday, we were told that the Government is creating what is to be known as Anti-Poverty Trust Fund. My only fear there is that when we create such funds, somebody somewhere with very good long hands is going to put them on these funds. May I appeal that this Fund which is meant to help our people be looked after carefully so that it is not misused, so that we guard against misuse and help this country go on. After 34 years of Independence, we should not even be debating these issues. We should be looking at others. Kenya was ahead of many countries like Singapore when it came to the GDP and per capita income. Right now, we are being classified among the poor countries. It is a shame.

Mr. Deputy Speaker, Sir, I would like to raise the issue of identity cards. Our people are being disfranchised. They are not able to get identity cards. If you are walking on the streets at night, the first thing police officers ask you is the identity card. If you do not have one, you are ordered to jump into their lorry. That is another way of making money. It can take so little to issue identity cards to wananchi free of charge, so that they can participate in the development of this country as wananchi, who feel part and parcel of this nation. Let us make our people proud of this country by making them feel part of it and by giving them identity cards free so that they can vote.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Order! Order! Yes, SAFINA! Sorry, Mr. Muite!

(Laughter)

Mr. Muite: Thank you, Mr. Deputy Speaker, Sir. Both titles are acceptable.

Mr. M.A. Galgalo: On a point of order, Mr. Deputy Speaker, Sir. We are so crowded in this Bench that people who get the opportunity to contribute are only Ministers and the National Development Party Members. Could you rectify that anomaly?

Mr. Deputy Speaker: Order! Well, I can see that the level of contribution from this side has improved. Proceed, Mr. Muite!

(Laughter)

Mr. Muite: Mr. Deputy Speaker, Sir, a very large chunk of the money we are voting to the Office of the President is going to the Police Force. There have been a lot of complaints from members of the public and even from Members of this House about the Police Force. I want to concede that the Police Force cannot be expected to be angels because they are part of the Kenyan society. In a situation where the economy has collapsed, it is very difficult for the police to discharge their duties without giving in to the temptation of taking bribes from members of the public. As long as we have the constitutional arrangement where the Commissioner of Police and the officers below him, to the rank of corporal, are appointed by, and hold their offices at the pleasure of the President, this country's Police Force will forever continue to be a political force. The Force will always put the political interests of their appointing authority before the law. In other words, instead of serving the public, the police will continue to serve the political interests of the country's Chief Executive. I hope that in the new constitutional order, this issue will be addressed so as to insulate the police from political manipulations, as it was previously.

Mr. Deputy Speaker, Sir, even as we wait for the new constitutional order, there are things the Police Force can do in the present environment to improve its image in the eyes of the public. Last evening, I watched the police spokesman on *Nation TV's Up Close and Candid* Programme. He does a good job in terms of public relations for the tattered image of the Police Force. However, I would advise him, and the Commissioner of Police, that the Police Force needs to be more sensitive to the constituency that should be the consumer of its services. The consumers of the services of the police in this country are the Kenya public. So, they need to be more consumer-sensitive.

You will remember the Presbyterian Church of East Africa (PCEA) Minister who was gunned down by the police in Ruiru not too long ago. The clergyman was carjacked and held hostage in his car. The police knew that the clergyman was being driven by the carjackers in his car. Despite the fact that the police knew that the clergyman was being held in his car, when they chased and caught up with it, their priority was to ensure extra-judicial execution of the carjackers. The police never tried to arrest carjackers; they had a clear mission. The attitude of the police is that since robbers are armed, they cannot risk arresting them. Instead, they carry out extra-judicial execution of robbers. The police spokesman admitted this position on television last night.

The point I am trying to make in this case is that, if the police realised that they could not arrest the carjackers without endangering the life of the priest, they should have adopted the common argument in the legal fraternity, that it is better for 100 guilty people to get away with their guilt than for one innocent person to be wrongly convicted. So, whenever the police realise that they cannot arrest carjackers without endangering the life of the innocent owner of the car, on that occasion, they should let the carjackers to get away with the crime. Quite often, carjackers eventually let their victim go away with his life.

Mr. Deputy Speaker, Sir, if you are carjacked, your life is actually safer in the hands of carjackers than in the hands of the Kenyan police. If the police catch up with the vehicle in which you are being held hostage, they will just spray the car with bullets. They will execute you together with the carjackers. Their attitude is: "If we can kill the carjackers, the single life of the innocent member of the public is expendable material; it is a sacrifice." That is what makes the police totally insensitive to members of the public.

The police should, in cases similar to the one I have given, allow the carjackers to get away with the crime. Probably, the following day the police will get an opportunity to arrest those carjackers. If the police cannot arrest carjackers without risking the lives of innocent members of the public, they should leave the members of the public who have become victims of carjacking to negotiate their safe release with the carjackers.

Kenyan police are too trigger-happy and effect extra-judicial executions. For example, a couple of years ago, the police got information that the late Wanugu had gone to Kiriaini, Murang'a District, to see one of his wives. Wanugu was actually holed in a house there. The Police Force sent hundreds of armed officers to Kiriaini. I do not hold a brief for Wanugu but if the police were sensitive to the consumers of their services, having surrounded the house in which the fugitive was holed, they would patiently have smoked him out.

Whether Wanugu was armed or not, all that the police should have done was keep vigil, even if it meant relieving each other for a while. Eventually, the fugitive would get out for food; he would have surrendered to the police. However, on that day, the mission of the police was to execute him. When are we going to get information from such fugitives? Therefore, the police have to reverse their attitude. The business of our police officers being trigger-happy, and extra-judicially executing people, has become weird. So, let us give the Police Department more money, but its officers have to change their attitude and become more sensitive to the consumers of their services.

Mr. Deputy Speaker, Sir, I have not found any Item in the Vote of the Office of the President under which Presidential visits outside the country are provided for. Previously, we used to have a specific Item covering presidential visits outside the country. I do not know the Item under which Presidential visits despite the high expenses involved. I am not saying that the President should not travel. But, at a time when people in the country are tightening their belts, can we urge the Government to also review its expenditure downwards by ensuring that Presidential visits outside the country are reduced to the minimum necessary? Can we urge the Government to find out whether the President can sometimes send the Minister for Foreign Affairs and International Co-operation, or somebody else, to represent him outside the country?

When the President travels, we incur much more expense than when he sends a Minister to represent him. When the times are hard, like now, these are issues that should be looked into. I do not know why African Presidents, whose countries's economies are going down the drain, travel out of their countries almost non-stop. The only other African Chief Executive who, perhaps, travels nearly as much as our Chief Executive, is President Robert Mugabe, and his country's economy is collapsing. When the President visited Zambia recently, part of his entourage was Kirinyaga District KANU Chairman, Mr. Njiru. What did Mr. Njiru use taxpayers' money to represent Kenya in Zambia for? What was he doing in that entourage? Let us reduce these expenses.

Mr. Deputy Speaker: Order, Mr. Muite! Your time is up.

Mr. Muite: Ooh! That is too soon! I have not even started my contribution yet!

Mr. Musila: Mr. Deputy Speaker, Sir, I rise to support this Motion. In my capacity as the Chairman of the House's Committee on Defence and Foreign Relations, I would like to commend our Armed Forces for the role they have continued to play within the country and internationally, particularly in peace-keeping missions in many countries, including Sierra Leone, East Timor and Eritrea. Two years ago, the House adopted my Committee's Report on the performance of our soldiers, particularly in Sierra Leone. In that regard, I would like to call upon hon. Members to support this Vote, particularly the money that is devoted to the welfare of our men, so that we can continue to be proud of them.

Mr. Deputy Speaker, Sir, I would like to point out that it has become apparent that most of our soldiers nowadays live outside the barracks, in Dandora and Mathare, among other estates.

Mr. Deputy Speaker, Sir, I think for the purpose of disciplining our forces and ensuring that our men live up to their good name and discipline, we ought to provide money as much as it takes, to ensure that we provide proper and adequate housing for our soldiers. I know that we are going through lean times, but it is incumbent upon us to ensure that our military offices are properly housed and that they can also enjoy the facilities that we have to offer them.

I would like also to talk about the Provincial Administration. The Provincial Administration has served this country very well. With regard to many development activities and projects that we see today, peace and stability that we enjoy in this country, the credit goes partly to the Provincial Administration. Provincial Administration has continued to play a role of linking the public with their Government. Those hon. Members who are calling for the abolition of the Provincial Administration have not come up here with suggestions on what systems we need in this country in order to replace the Provincial Administration.

It is a fact that some hon. Members, perhaps, pick a quarrel with a sub-chief or the DC *et cetera*, and then they come here to say that we should abolish the Provincial Administration. If there is any reason that someone has to complain about an administrative officer, it is better if it is dealt with individually because this is the system that has served this country very well and it should be allowed to continue.

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that hon. Members have not come up with suggestions on how to replace the Provincial Administration, when NDP and FORD(K)'s manifestos are very clear on this issue?

Mr. Musila: Mr. Deputy Speaker, Sir, I have not had time to look at the manifesto of FORD(K) and Mr. Wanjala knows very well that this is just wishful thinking; that; one day, they will be on this side of the House. So, they can keep their manifesto until their wishes come true.

I was interrupted when I was making a point on the role the Provincial Administration has played in the

development of this country. Indeed, I am not suggesting that at any one moment, that it is not necessary to effect some reform within the Provincial Administration. I have heard it from the Minister and even from the Permanent Secretary in charge of Provincial Administration and Internal Security, about their plan to ensure that the Provincial Administration is reformed in order that it may be allied to the present setting of our society. I think we should provide the resources that the Provincial Administration is requesting for and, particularly, to train these officers, who are joining the service. We must also accept that the Provincial Administration has expanded from about 40 districts because we are now talking about 70 districts. It is expected that the personnel have increased and, therefore, you will get people who require training in such a short time. So, I think it is necessary that we train our administrators. But the question of talking about abolition of the Provincial Administration should never arise.

Mr. Deputy Speaker, Sir, I would like to touch on one department in the Office of the President that no one has talked about and this is the Directorate of Personnel Management (DPM). The DPM is charged with the responsibility of managing the Public Service within the whole Government setup. It is the equivalent of human resource department in any private institution.

Lately, in this House, we have received many complaints about the welfare of public officers who were within the Service and who retired. I am alluding to the very common problem of payment of pension and gratuity dues. Although we have been blaming the Director of Pensions and the Ministries for the delays in payment of dues to public officers who retire, or those who die, I think this problem lies squarely on the DPM. They are the ones who prepare what people should earn when they retire and, therefore, it is incumbent upon the DPM to ensure that public officers get their dues on retirement. So, I am appealing to the DPM to ensure that, in future, the officers who retire and those who die in service get their dues.

It was only last week when the hon. Member for Kitutu Masaba, Mr. Anyona, asked a Question about an assistant chief who died 15 years ago and to date, his family has not been paid the dues. This is not the only case, it is all over the Public Service. I think the DPM owes this House an explanation as to why public officers should go home without their pension dues.

Mr. Deputy Speaker, Sir, last year, we were told and we know, nearly 25,000 Civil Servants were retrenched. Today, our offices are crowded with the people who retired last year, seeking to be paid their dues. We would like the DPM, which was, by the way, very enthusiastic in arranging the retrenchment of these people to ensure that the people, get their dues. I believe when the Minister will come to reply here, he will tell us and confirm whether or not all officers who were retrenched last year have received their dues.

I just wonder as to what happened to the so-called "Dream Team" led by Dr. Leakey and others. Those people left the Public Service. Is it that they were not paid their dues or they just left the Public Service? Why were they paid, if they were paid, because I believe they were paid? Were Dr. Leakey and Messrs. Naikuni and Otieno-Odour paid their terminal benefits when they left the Civil Service? Were others who were in that group paid? If they were paid because they were the ones who were arranging for the retrenchment of these personnel--- We want confirmation that these people were paid. We want confirmation that those 25,000 people who left the Public Service have all been paid. We also want confirmation that the proposed retrenchment of 11,000 public officers will not take place until and after all those people who were supposed to be retrenched receive their dues before they go home; not after. I am saying this because hon. Members will agree with me that we are spending too much time chasing pension and gratuity dues for people who retire from Government. Why should it be so when money is provided in the Vote? It is only that some people are not taking this issue seriously.

Mr. Deputy Speaker, Sir, since we are debating the Vote of Office of the President, and since the DPM falls within that Office, we need to be told whether civil servants have been retiring without getting their pension over the years? We also need confirmation that in the future this thing will not happen and that public officers will, from henceforth, receive their dues. For those who die, their families should receive their dues immediately without delay.

With those remarks, I beg to support.

Mr. Mboko: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to the Vote of the Office of the President. I do support the Vote, but when you look at the amount of money being requested for the Kenya Police Force, you will find that it is asking for so much on equipment and new technology. But we are forgetting one aspect. Even if you give a police officer sophisticated equipment to facilitate his or her work without giving proper remuneration, he or she would not perform. Even if you give them AK-47s, or Mercedes Benz vehicles to chase the robbers, without proper pay, that officer would still behave the way we have read in the Press. We have read a story in the newspapers, where police officers turn themselves into thieves in the night. They get time to do that because they want to provide more income for their families. You cannot give a police officer a gun and expect him or her to go hungry.

We want our police officers to be properly paid and housed. For us to get good security services, their welfare has to be looked into. It is no wonder that when you go any police station, you will find that married officers share a single room. These officers want some privacy because they have got their own families. If you go to the Industrial Area Police Station, you will find police officers living in a half-tank house. Time has come to change that habit and if we have to get adequate security services, then we must give them the best treatment ever. I do not know what will happen if we do not do that. In Kibwezi, we had to provide them with mud-walled houses, because the Government cannot provide good houses. Members of the public are offering security services which the Government is supposed to provide. We need to allocate more money to the Kenya Police Force for better results.

Regarding the Provincial Administration, they are usurping all the duties. When you go to the district headquarters, you will find that the DC is the one who gives licences to liquor traders. He is also the chairman of the district allocation committee and the DEB, and virtually everything. The DC cannot be an Angel. Let us decentralise these duties at the district level. At the same time, this Government abolished traditional liquor in this country, but what is happening now? Twenty years down the road, traditional brews are still being brewed and taken under the very noose of the Provincial Administration. Time has come when we should legalise traditional brews because they have made our chiefs very rich people. This is because they have formed kangaroo courts within every location, receiving bribes of Kshs100 from every household on daily basis. If this money went to the Government, at least, the Exchequer would have more money. Regarding the brews which have been killing our people, it is because they are not legalised and people take them in a hurry. If one takes a glass of Chang'aa, or Vodka in a hurry, definitely, he or she would die. But because beer is legalised and consumers take it slowly, it does not affect them. We should legalise these brews because in every village and location, there is traditional brewing going on. There are families whose upkeep is derived from traditional brewing. Although it was recommended that chiefs or assistant chiefs have no right or authority to arrest the brewers, other than the regular police officers, bribes are given to chiefs. Instead, let us legalise them. In fact, people are even taking *Kumi Kumi*.

The officers of the Kenya Wildlife Service (KWS) at Langata and in all game reserves are behaving like animals. They have discarded the human habits. Those who have visited the national parks or game reserves know what I am talking about. When a human being crosses the national parks, he or she becomes an endangered species to them. They would maim you and beat you to death, and then arrest you. They would fine you for no reason, other than being on their land. When their wildlife cross to our own land, we do not give the same treatment to them. We do not maim or kill them. Their animals destroy our crops and kill our animals. You have even read in the newspaper about a farmer in Narok who lost 120 goats to a leopard and this farmer would not be compensated. If the farmer took the law into his own hands, the KWS would go for him. What is important; human life or wildlife?

I had a case in Kibwezi where elephants crossed into our land, destroyed our crops, horticultural produce and everything else. When you report to the KWS officers, they would tell you that they have no transport and personnel. But if you kill one elephant, aeroplanes and everything else would be put in motion; everything else that you can imagine of would be put into action. We need to see some action being taken. If the KWS officers do not remove their wildlife from Kibwezi, we shall remove them. We shall have no have recourse, and we shall shoot to kill because they are not taking action. Their wildlife have destroyed everything. To plant an orange tree in Kibwezi requires a lot of efforts. When you are about to harvest your crops, elephants come from the bushes and clear everything overnight. No compensation is given.

Let those who are in charge get the message rightaway because we are not going to watch our children failing to go to school. Yet, we are approaching the end of the year when students are sitting for their examinations. Our children cannot go for the evening classes because of elephants. We have reported that incident since May this year, and no action has been taken by the KWS. Let them keep their animals where they are supposed to be kept. In fact, some of us do not get the benefit of these wildlife. By the way, these animals were given to us by God as food and not for preservation. But the Mzungu came to us because at his homeland, he cleared all the animals. The Mzungu told us to keep them here in order for them to be seeing them. But for us, we need them as a source of food. In dry areas, they can be considered as a source of food in times of famine. The Provincial Administration leaves a lot to be desired. There are a lot of problems involved in the employment of chiefs. The Provincial Administration has been deploying Administration Policemen to work as chiefs instead of employing people qualified to be chiefs. We need people with integrity to serve the people in the rural areas.

This afternoon a Question was asked on the employment of chiefs. People act as chiefs for a long time, but when it comes to employment they are not confirmed. What is the problem? We need some action.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Raila: Thank you, Mr. Deputy Speaker, Sir. I want to join those who have spoken before me and

have expressed concern about the state of security in our country. Those of us who represent urban constituencies are faced, almost on a daily basis, with cases of victims of insecurity. Just the other day I met three people who had been injured during an armed robbery in Thika. That is why we are very concerned about the work of our security forces. One can appreciate the frustrations expressed by hon. Keynan, when he said that 800 head of cattle disappeared in the thin air and they cannot be recovered, yet we have security forces that are paid to provide security to our citizens.

I do not intend to apologise for our Police Force. I know that the problem has to do with poverty and that we cannot de-link security with poverty. In order to find a solution to a problem one needs to diagnose it first. I am happy that at least members of our Police Force have admitted publicly that there is a problem. The Police Force and the judiciary are a few of the institutions that have admitted that they have an internal problem and they are trying to do something about it. Recently, the police said that they know that some of the people who are involved in these cases of armed robbery are the police officers themselves. However, none of those police officers who have been found to have committed crimes has been arraigned before a court of law. They should be made answerable for their actions. I hope that we will move towards that direction.

We need to increase the ratio of police officers to our population so as to bring it to a more manageable proportion because the police have admitted that they have inadequate staff. Coupled with this is the low pay which is forcing some of the police officers into crime. I know that most police officers would like to be transferred to the Traffic Department because that is where money is. The police road blocks are nothing but toll stations where money is extorted from innocent motorists and travellers. This is something that needs to be brought under control. I feel very frustrated when I see, for example, the police using their own law to disrupt the *Saba Saba* rallies and arrest Members of Parliament. This happens despite the fact that the MPs had given notification to the police, prior to the meeting and the Minister said that the meeting was authorised. I attended the original *Saba Saba* rally. I have my reasons for not going there, but those MPs who still think that the solution to the country's problems lies in Kamukunji are perfectly within their democratic rights to go there for a *Saba Saba* rally.

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika. Ningetaka kujua kama ni haki kwa Waziri wa Kawi kujiuzulu kutoka kwa kazi anayofanya pamoja na Serikali nzima kwa kulaumu mkono mmoja wa Ofisi ya Rais?

An hon. Member: Hajazoea!

Mr. Raila: Mr. Deputy Speaker, Sir, I would like to assure my hon. friend that the Government does not support this kind of action. Those Members of Parliament have a right to go there, even if they will end up addressing empty fields. On that particular day, when they went there, there was nobody to listen to them. I believe that the solutions to our problems do not lie in going to Kamukunji Grounds. The solution now lies on the negotiating table and that is where we should demonstrate our skills.

Yesterday when the Leader of the Official Opposition was speaking - and I have a lot of regard for Mr. Kibaki - he mentioned something and I hesitated to disrupt him. The fact is that Mr. Kibaki does not have the details about the helicopters he talked about. I am sure that when the Minister speaks, he will table evidence to show that those helicopters were manufactured in 1998. They are not archaic or unserviceable. There are Kenyans who have been trained in the factory to operate those helicopters. I can speak as an engineer on this subject.

Mr. Deputy Speaker, Sir, the Office of the President is the fulcrum around which the Government revolves. It is true that there is over-concentration of authority and power in the Office of the President and we need to decentralise it. This did not begin yesterday. When Jaramogi Oginga Odinga was the Vice-President and Minister for Home Affairs, he was in charge of the National Youth Service, the Immigration Department, the Police Force and the Prisons Department. It was then, in 1965, that the Police Force and the Immigration Department were removed from the Ministry of Home Affairs and taken to the Office of the President. These developments did not take place under President Moi's tenure. Mr. Kibaki was then in the Government and he never saw anything wrong when this was being done to Jaramogi at that time. This was being done just to deal with one individual.

We are dealing with mistakes of history. The solution lies in the unique opportunity which we now have to review our Constitution so that we can decentralise power and create different centres of authority. We shall move some of them to the regions. We can take some of them and create other institutions from them. We can also look critically at the whole institution of the presidency. Do we really need it? Should we probably not move to a parliamentary system of government where the executive function is headed by a prime minister who leads a party with the majority in Parliament? These are some of the issues which we will look at. Let us not continue to cast aspersions all the time. Let us provide leadership to this country. Let us not just say we are against tribalism; and look at the other side of the House. If a whole Secretary-General of a political party can say that the mayor of

Nairobi must come from a particular tribe---

Mr. Munyao: On a point of order, Mr. Deputy Speaker, Sir. Mr. Raila is a good friend of mine. Quite a few people were there. Is he in order to impute improper motives against me when, in fact, today, the *East African Standard* has called me to apologise? They know that it is below my type of politics to say those kind of things!

The Minister for Energy (Mr. Raila): Mr. Deputy Speaker, Sir, I will believe that when I see it. But I am saying that we should try to de-ethnicise our politics. That is the reason why we have a Mayor in Kisumu who is not even an African, but he is a Kenyan! We are saying that any Kenyan can become a mayor of any town in our country. We have, for the first time, rejected the Poverty Reduction Programme that was donor-imposed, and we decided to come up with what is home-grown. That is because poverty is an issue that we need to tackle as a country.

With those few remarks, I beg to support.

Mr. Obwocha: Thank you, Mr. Deputy Speaker, Sir. I want to make a few comments, and remind my brother Mr. Raila, who is now a Minister, that pinpointing mistakes is not a crime. You can be in the Government and not see those mistakes. But later, when you think it was a mistake, it is good to confess.

Mr. Deputy Speaker, Sir, I want to go straight to the issues that have been raised, and the request that has come from the Office of the President. I will also start where my brothers have stopped; that is with regard to the Police Force. In 1997, under the Inter-Parties Parliamentary Group (IPPG), we said that the police and the Provincial Administration should not involve themselves in partisan politics. They have gone ahead and involved themselves in partisan politics. We know that they need better living conditions. They need better pay. But what do we see here? If you look under the Office of the President, the Administration Police have been allocated Kshs1.6 billion. There is Kshs995 million for personal emoluments, Kshs243 million for house allowance and Kshs96 million for medical allowance. That money, if the Office of the President followed what we passed here, should be with the regular police, merged with the Administration Police. That Kshs1.6 billion would be there so that the regular police can do a better job.

Mr. Deputy Speaker, Sir, if you look at one of the expenses that the Police Force under the Office of the President have requested, it is the Anti-Drugs Abuse. I believe, that is a department that they have set under the Office of the President. They are asking for Kshs35 million. What do we see in this country? In Mt. Kenya forest, bhang is grown on a large scale. Are the policemen blind and cannot see? Who is encouraging the growing of bhang in Mt. Kenya forest?

Mr. Deputy Speaker, Sir, recently, we were told that Kshs2 billion came into this country to improve business. Even if you imagine yourself, what kind of business can you conduct in this country to repay a loan of Kshs2 billion, if that money was not brought into the country through drug trafficking? On the Provincial Administration, I personally brought a Motion here that was---

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

Mr. Obwocha: Please, I have only ten minutes!

Mr. Kariuki: Mr. Deputy Speaker, Sir, is it in order for the hon. Member to accuse a person, who is not in this House, of being involved in drug trafficking, without bringing a substantive proof of what he is talking about?

Mr. Deputy Speaker: Order! If you want to challenge him, then ask him to substantiate! You should not go on a long spree, in putting a point of order!

Proceed, Mr. Obwocha!

Mr. Obwocha: Mr. Deputy Speaker, Sir, we passed a Motion in this House, to de-link the Provincial Administration from politics. The day before yesterday, in Nyamira, the DC, before he was sworn-in, took part in the election of the Chairman of the Town Council.

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

Mr. Obwocha: Please, Mr. Kibicho, what is wrong?

Mr. Kibicho: Mr. Deputy Speaker, Sir, it is a serious matter! Could he substantiate that the Kshs2 billion was drug money?

Mr. Deputy Speaker: Order! Proceed!

Mr. Obwocha: Mr. Deputy Speaker, Sir, while taking part in that election, there were three lorry-loads of 70 policemen, surrounding the county council premises. That council has only ten councillors. What is the big deal? Are the police not being misused? They are being misused by a junior Minister who is in the Ministry of Local Government! He gives wrong directives to the police who follow them! I wish the Commissioner of Police was here! I want to say that the police should stop being misused. The Provincial Administration should

de-link itself from partisan politics. In fact, our party, FORD(K), in its manifesto, when we take over power, we are going to abolish the Provincial Administration! I would like to share with the rest of my colleagues that the Department of the Registrar of Persons--- The equipment was acquired using a lot of money. But what is happening is that the chiefs on the ground are selling the registration forms to young boys who want to get identity cards. Mr. Minister, could we have a better and refined process, that takes into account that the young men and women who finish colleges and schools can present their documents, so that they can get their identity cards?

Mr. Deputy Speaker, Sir, to wind up on the police, there was a Question about them. The Assistant Minister, Office of the President said that they have acquired 700 Land Rovers. A simple arithmetic shows that 700 Land Rovers divided by 70 districts, equals to ten Land Rovers per district. Where are those Land Rovers? Could you explain to the House where the Land Rovers are? Indeed, if you had ten Land Rovers for each district, I believe even the security operations would improve.

Mr. Deputy Speaker, Sir, I want to say that the Office of the President has too many functions. I agree with Mr. Raila that some of those departments should go to where they belong. If it is the issue of HIV/AIDS control, it should be handled by professionals in the Ministry of Health.

Mr. Deputy Speaker: Order! Order! Hon. Members, I now call upon the Mover to reply.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Deputy Speaker, Sir. Let me again thank the hon. Members for their contributions to this Motion. Most of the hon. Members did comment on the size of the Office of the President. As I listened to them, they mentioned the questions of poverty, *El Nino*, National AIDS Control Council, Kenya Wildlife Service (KWS) and Kenya Airports Authority (KAA). It is clear that the hon. Members were making these comments because they are not knowledgeable.

Mr. Deputy Speaker, Sir, on the question of poverty, in the present budgetary system, every Ministry has been allocated funds and they are supposed to have activities which are aimed at reducing poverty. Therefore, the fact that it is in the Office of the President, is mainly for co-ordination. That is, each Ministry has been charged with that responsibility of trying to eradicate poverty.

Mr. Deputy Speaker, Sir, on the question of *El Nino* funds, again hon. Members are only thinking of the roads. However, the *El Nino* funds were not just for roads. They were for the infrastructure which was destroyed by the *El Nino* rains. These included boreholes and the rehabilitation of health centres, schools and many other areas which were damaged by *El Nino* rains. So, it is not only roads but every Ministry was virtually touched by these *El Nino* rains and, therefore, the fund which was specifically for this emergency was used by all those Ministries. Again, it was brought under the Office of the President for co-ordination.

Mr. Deputy Speaker, Sir, the other question is that of the National AIDS Control Council. Again, Members do not understand what the role of the National AIDS Control Council is. We have said that HIV/AIDS is not a health issue; HIV/AIDS is a developmental issue and it touches on all Ministries. You do not need a doctor for advocacy on the problems of AIDS or to mobilise the funds or the people. We need the doctors for the management and the National AIDS Control Council has that multi-sectoral function. Here, the Ministry of Health plays its sectoral role on the management of AIDS. That is the important factor; that they manage AIDS. However, all the other things like awareness, advocacy and so on, are done by the National AIDS Control Council because this problem, as I said, is multi-sectoral.

Mr. Deputy Speaker, Sir, globally, and this has been agreed at international levels, National AIDS Control Councils have been set up in various countries and all these are under the Office of the President to show the political will in fighting this pandemic. You go to Uganda, Tanzania, Nigeria and South Africa and you will find that all these are under the Office of the President. So, what I am saying is that the Members did not fully understand what the National AIDS Control Council is doing. The Ministry of Health will continue to play its major role on the management of AIDS. I stand here a very disappointed Member of Parliament because, just the other day, the National AIDS Control Council called the Departmental Committee concerned with health to try and arrange a workshop for Members of Parliament to discuss on the progress we have made so far and what needs to be done. What did this Committee do? The Committee said they will not have this workshop continue until Members are paid Kshs3,000 each. How responsible are we? Where life and death are concerned, these Members say they cannot agree on the workshop until they are paid Kshs3,000. This is a statement of fact. So, we wonder whether we are responsible Members of this House or whether we have other interests. This is why the---

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika. Ningetaka kujua ni kwa sababu gani Waziri anatomia maneno mazuri, matamu na makali? Kutoka kwake, ni wakati gani Mbunge anapolipwa ridhaa mbalimbali, ni mbele ya kufanya kazi ama baada ya kazi? Hii ni kwa sababu anaweza kutukana kamati yetu hapa bure.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, the fact is that the minutes are there. They said this workshop will not continue unless we assured them that they are going to be paid Kshs3,000. If the hon. Member is a member of that Committee, then he knows what they said.

Mr. Deputy Speaker: Mr. Minister, could you substantiate your claims?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I am saying the hon. Members refused to have that workshop continue because they were not going to be paid!

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

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I wish to continue---

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to cast aspersions on the Members of Parliament who are serious with the matters of this nation by saying that they could not attend the workshop because they could not get Kshs3,000?

Mr. Deputy Speaker: Order! I cannot go into the Minister's heart to know whether he is serious or not. However, if you want to challenge him on that issue, then ask him to substantiate.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, therefore, could the Minister substantiate his claims?

Mr. Deputy Speaker: Order! You missed your chance!

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, as I have said, that is an issue which we can discuss at some other time. However, I am saying that the Ministry of Health is also not charged with the responsibility of looking after orphans and so on. So, we are saying that because the issue is whether this National AIDS Control Council should be under the Ministry of Health or Office of the President, I am trying to justify why it is indeed under the Office of the President.

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir. The Minister cannot be allowed to get away with this allegation at all! This is because hon. Kathangu has put forward a very valid point. There are various parliamentary committees and Members of Parliament are only paid after they have attended the meeting and not before. They do not even---

Mr. Deputy Speaker: Order! I have advised that you do not achieve the results you are seeking by arguing and asking me whether the Minister is serious or not because I am not in a position to know. There is a route out for you as per your Standing Orders. Follow it!

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I wish to move on. The other area which they talked about was the Kenya Wildlife Service.

Dr. Kulundu: On a point of order, Mr. Deputy Speaker, Sir. I have been in hon. N. Nyagah's office listening to the contribution by the hon. Minister. Could he table those minutes where members of my Committee insisted on being paid Kshs3,000 before organising a symposium for Members of Parliament? He is being hypocritical!

(Applause)

Mr. Deputy Speaker: Order! Order! Dr. Kulundu, no matter how angry or upset you are, you must be honourable and hon. Members do not shout!

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

Mr. Deputy Speaker: Order, hon. Angwenyi!

Proceed!

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I am prepared to table the minutes of that meeting at another time.

Mr. Deputy Speaker: Very well! I am sure you do not have the minutes here. However, as I have said before, if you know you are going to make such allegations, you better come armed with your documents.

Mr. Angwenyi: Let him then withdraw the remarks first!

Mr. Deputy Speaker: Hon. Angwenyi! You know--- Well, I will forgive you, but Mr. Minister, produce those minutes on Tuesday next week.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I will gladly do so.

Mr. Deputy Speaker Sir, the other question was on the Kenya Wildlife Service (KWS). The KWS is an armed unit and they work very closely with the police and army. Their role is basically security rather than conservation of our natural resources. So, it was logically felt that it falls properly under the Office of the President

for co-ordination. Also, the Kenya Airports Authority has a lot of security implications and it was placed under the Office of the President, which deals with security.

Mr. Deputy Speaker, Sir, the other issue which was raised was that issue of the Provincial Administration. The Government has no intention whatsoever of abolishing the Provincial Administration. If the proposed new constitutional order brings up an alternative system, then the issue will be handled at that time.

Mr. Kombo: On a point of order, Mr. Deputy Speaker, Sir. Instead of the Minister answering issues that were raised by hon. Members, he simply says that the Government has no intention of doing anything. Does he respect the hon. Members? Hon. Members have raised issues and he should be responding to them.

Mr. Deputy Speaker: But that is what he doing!

Mr. Kombo: Mr. Deputy Speaker, Sir, he has said that the Government has no intention of doing anything.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I said that the Government has no intention of abolishing the Provincial Administration, which is a fact. But I also said that if the on-going constitutional review proposes an alternative system, then it will be considered. I should be allowed to continue because there are a lot of points to be responded to.

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

Mr. Deputy Speaker: Order, hon. Members! This is getting ridiculous now. The Chair has already ruled that if you want to stand on a point or order, that point of order must relate to two issues. One, you should stand on a point of order if the conduct of the hon. Member on the Floor is such as to indicate that he is not following our Standing Orders, and secondly, as to his contribution; if he is not doing it according to our Standing Orders. Nothing else! But most of you are rising on points of order to ask questions, argue or issue a rebuttal. That is not what you do when you stand on a point of order.

Hon. Angwenyi, it had better be a point of order! Tell me what Standing Order he has breached.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. My point of order is in respect of the Minister's contribution. If the hon. Members on the other side do not like the contribution of the Minister, they can reduce his budget by Kshs20.

Mr. Deputy Speaker: Order! That is not a point of order. Proceed, Mr. Minister!

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Deputy Speaker, Sir.

Again, there was an allegation that most of the Provincial Administration officers are misusing and selling the famine relief food. Presently, the arrangement is that, basically, the role of the Provincial Administration is to monitor and oversee the distribution of the famine relief food. In fact, the distribution of the famine relief food is done by Non-Governmental Organisations (NGOs).

Again, there was the issue of the registration of persons. We have agreed that there has been a delay in terms of registration because we did not have the necessary documents, but I can now assure the hon. Members that we are all set and we will continue to register people. It will be an on-going exercise, and it is our hope that by the end of next year, we will have all the eligible voters properly registered. I would request hon. Members to plead with the people not to wait, once they have lost their identity cards, until elections are announced to start rushing to the registration offices. They should come forward now and we will assist them.

Mr. Deputy Speaker, Sir, the other issue which was raised was the issue of the payments to the retrenched personnel. This is under the Directorate of Personnel Management, which falls under Vote R03, which is a different Vote and will be presented to this House later.

Another issue which was raised was the issue of immigration. Hon. Members complained that people are being given work permits who are not entitled to them. If there is one or two cases, we certainly can deal with them. What we have as a policy to encourage investors into the country, is that they are allowed to bring in the managing director, the finance manager and a technical expert. Then we have the NGOs and other international bodies whose workers are also given work permits.

Another issue which was of great interest to hon. Members was the issue of the purchase of the police helicopters. Hon. Kibaki spoke very eloquently and tried to convince this House that these helicopters are second-hand. After the 1996 air crash, when we lost one of our helicopters, a board of inquiry was established and it recommended that we should buy helicopters which will suit our operations. The Police Department invited various technical specifications from various selected manufacturers for medium-size range helicopters. We received technical evaluations for the M17 Helicopter from Russia; Bel 212 Helicopter from the United States of America and Canada, and Superpuma 3320 from France. After the technical evaluation, the M17 Helicopter of Russia was technically the best evaluated because of its carrying capacity of 27 people and three members of the crew. It had a much longer range of flying without refuelling, and a bigger capacity of fuel. The operational

requirement for the police for the helicopter was search and rescue in all terrain and altitude, casualty evacuation, quick response to emergencies and movement of large numbers of General Service Unit troops with equipment on board. So, this helicopter was found to be the most suitable. The Police Department closely liaised with the Directorate of Civil Aviation (DCA) and it also ensured that the M17 Helicopter from Russia met all the requirements under the regulations of Cap.394 of the Laws of Kenya. The agreement to go into this contract was signed in 1998 when hon. Nyachae was the Minister for Finance. So, in fact, hon. Nyachae knows that it was properly done, and if he undertook some underhand dealings, then maybe, he would be the best person to speak about it.

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika. Huu mkataba ambao Waziri anatueleza juu yake ulibadilishwa. Ofisi ya Rais imekuwa ikitumia Kshs11 billioni kila mwaka, pesa ambazo hazikuwa katika Bajeti. Tungetaka kujua---

Mr. Deputy Speaker: Order, Mr. Kathangu! That is not a point of order. What you have just stated is not a point of order!

Mr. Kombo: On a point of order, Mr. Deputy Speaker, Sir. You have heard the Minister saying that the contract was signed when Mr. Nyachae was the Minister for Finance, and that hon. Nyachae may have undertaken underhand dealings; this was imputing an improper motive on Mr. Nyachae. Could the Minister withdraw or substantiate?

Mr. Deputy Speaker: Order! That was not imputing anything on Mr. Nyachae.

Mr. Kombo: He has!

Mr. Deputy Speaker: Order! Then your understanding is different from mine, and mine is what matters!

Proceed, Mr. Minister!

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Deputy Speaker, Sir. I am further explaining the issue of the helicopters because it was of great concern to the hon. Members.

Mr. Deputy Speaker, Sir, we had our own team which went and saw these helicopters actually being assembled in Russia. The helicopters were inspected and certified by the Kenyan team of experts from the DCA, Air Wing, on 15th and 18th June, 1998. This team of experts included Mr. Chege, pilot, and Air Wing Commandant, Mr. Ikumi; Principal Airworthiness Surveyor and Aircraft Engineer and an Assistant Commissioner of Police, Mr. Ochieng, who is an aircraft maintenance engineer. It is not true that we do not have qualified personnel. We have locally qualified personnel to fly these aircraft. Therefore, hon. Kibaki was ignorant of this fact. We want him to know that no matter what oratory skills he may apply, he cannot change facts to be lies.

Mr. Deputy Speaker, Sir, the Director of the DCA personally visited the manufacturers again on 6th August, 2000, to discuss certain issues and ensure there was a continuation of supply of spare parts for these helicopters, and this has been guaranteed. The Government policy is not to buy second-hand equipment and, therefore, we cannot buy second-hand equipment under any circumstances.

Mr. Deputy Speaker, Sir, the certificate of air worthiness which was given by the Directorate of Civil Aviation is a testimony of these requirements by the international aviation authorities. Again, there was a question of insurance for these helicopters. The figure which was quoted was money used to insure all the aircraft in the Police Force, and not just for these helicopters. This money was for 18 months. We would like to confirm that these helicopters are new and we followed the necessary procedures to ensure that we bought the right aircraft. Hon. Members should not just accept what they read from the media.

Mr. Deputy Speaker, Sir, the other aspect which was raised by hon. Members of the House was the aspect of whether the police respect the constitutional freedom of assembly and movement. We do respect the freedom of assembly and movement. I have said, even in my speech, that there are occasions---

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to, perhaps; maybe, unwittingly, mislead this House when he is explaining the issue of the helicopters? Why is he avoiding the issue of the amount of money they cost, and when did this House approve the budget for those helicopters? Is this not an aspect he should clear when he is clearing this issue about the helicopters?

Mr. Deputy Speaker: Order, Mr. Muite! The Minister is now replying to the points that were raised. You have no business telling him what to say.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Deputy Speaker, Sir.

I was saying that the police are expected to maintain law and order and ensure that they operate within the law. I said in my speech that there are a few policemen, and everybody has acknowledged that, who act out of the law and we have dealt with them. I would like to inform this House that we have taken some of them to court

and we have dismissed the ones we have found to be wanting.

Mr. Deputy Speaker, Sir, the other issue that was raised was the question of training. The police training period is now nine months. When they leave Kiganjo Police Training College, they undergo 11 months on-job training. During the period, they undergo various courses, and it is only after the 11 months have lapsed that they are confirmed. So, the training of police officers takes almost two years, and not six months or nine months as hon. Members would think.

Mr. Deputy Speaker, Sir, a question about the disruption of the *Saba Saba* rally was also raised. It is true that the Government intended to allow the rally to be held, but we know what happens in these rallies. They hold a peaceful rally, and soon after that, people rush into the streets, start to destroy property and cause injury to other people. So, the Government has the responsibility of protecting the lives and property of innocent Kenyans. So, what happened is that when we were all prepared for the rally, we had intelligence information over what members wanted to do. They were going to destroy and steal property of innocent Kenyans. I think the Government had every right to ensure that the property and lives---

Mr. Kathangu: Jambo la nidhamu, Bw. Naibu Spika. Ningependa kufahamishwa kama ni jambo la nidhamu kwa Waziri kuwaambia Wakenya umalaika wake, kuwa angefahamu wananchi walikuwa wanauia kufanya nini baada ya mkutano.

Mr. Deputy Speaker: That is not a point of order! You are asking him a question.

Mr. Kathangu: Bw. Naibu Spika, nidhamu yangu ni---

Mr. Deputy Speaker: Order! What procedure or conduct has he violated?

Mr. Kathangu: Bw. Naibu Spika, hii ni kwa sababu---

Mr. Deputy Speaker: Order! I will not allow you to argue over this matter. Raise the procedure or conduct he has breached, but if you are asking him whether he was clever enough to know whether wananchi were going to steal or rob, that is not a point of order.

Proceed, Maj. Madoka!

The Minister of State, Office of the President (Maj. Madoka: Thank you, Mr. Deputy Speaker, Sir. The hon. Member knows that we have an intelligence network, and that is how we get our information.

Mr. Kariuki: On a point of order, Mr. Deputy Speaker. Is it in order for the Minister to insinuate that the police were trying to protect property at Kamukunji grounds whereas we know that property is within the City Centre?

The Minister of State, Office of the President (Maj. Madoka: Mr. Deputy Speaker, Sir, again, the hon. Member knows what happens after the rally; they get out of Kamukunji grounds and come to the City Centre, where they cause a lot of destruction. That is what happens. So, we do agree that a decision was made, and when I got the explanation on my arrival, I was satisfied that a right decision had been taken. I would like to assure hon. Members that we will do our best to co-operate and work with every leader in this country. But we should appreciate that policemen are also human beings, and as I have said, when they make a mistake, we deal with them. We will continue to work towards improving their welfare in terms of housing, salaries *et cetera*. So, hon. Members should bear with us that, all that we are doing is aimed at improving the police force. Again, there was the aspect of the presidential visit which Mr. Muite raised. The external travelling falls under the Ministry of Foreign Affairs and International Co-operation. So, he may wish to look at that.

On the question of stalled projects, we have outlined what we are doing to try and ensure that we revive them when the funds are available.

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

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

Vote 01 - The Office of the President

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I

beg to move:-

THAT a sum not exceeding Kshs10,009,826,610 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2002, in respect of:-

Vote 01 - The Office of the President

(Question proposed)

VOTE R01 - RECURRENT EXPENDITURE

SUB-VOTE 010 - GENERAL ADMINISTRATION AND PLANNING

Head 001 - Headquarters

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, I would like to pose a question regarding the sum of Kshs48 million in respect of Expenses of Presidential Visits to Provinces. Kshs48 million translates to Kshs6 million per province, including Nairobi. Why does he want Kshs6 million, assuming the President is going to visit Nairobi? Could he justify this figure and give us the breakdown of why he wants approximately Kshs6 million per province for presidential visits?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, as you know, the President keeps close to the people. He does not visit provinces only once in a year. He makes very many visits to keep close to wananchi and explain Government policies. So, this Kshs48 million is justified.

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, I think the Minister has not explained the question. The fact of the President visiting the provinces is not being queried. It is the expenditure. Does he need, for instance, Kshs6 million to visit Central Province? We are doubting it. Is he visiting it as Head of State or is he visiting the provinces to campaign for KANU? That is what we notice. If so, is this expenditure justified? We also notice that there is an increase of Kshs8 million between last year and this year, and that next year, we expect a further increase, and it happens to be election time. Can we be assured that the President is not visiting those provinces as Chairman of KANU on taxpayers' money?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, first of all, let me correct the hon. Member. The increase is Kshs4 million and not Kshs8 million. But I think the hon. Member is confused because the President is a President at all times. There is no time that the Head of State ceases to be a Head of State until he is out of office. Therefore, the President is perfectly justified in visiting all these provinces. In any case, wananchi demand it.

Head 275 - Relief and Rehabilitation

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I would like to raise a query with respect to Head 275, Items 151 and 152 about the purchase of maize for drought and relief, Kshs1.3 billion, and then, Disaster and Famine Relief, Kshs200 million. I would like the Minister to explain the difference. I think there are duplications here. Also, how do you determine where this famine relief is going? In Kisumu, for example, there is discrimination in where this goes, particularly through the Provincial Administration.

The Minister of State, Office of the President (Maj. Madoka): I am sorry, I did not get the question.

The Temporary Deputy Chairman (Mr. Musila): Mr. Sungu, you went so fast. But he is asking about Head 275, Items 151 and 152 on page 7.

Mr. Sungu: I was referring to Head 275, Items 151 and 152, about the purchase of maize for drought and famine relief. I thought the question was clear.

The Temporary Deputy Chairman (Mr. Musila): Mr. Minister, have you heard the question? I can ask Mr. Sungu to repeat it, if you like.

Mr. Sungu: I will be glad to do so, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Musila): Mr. Sungu, the Minister does not wish you to repeat the question. He is already clear on the question.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir,

Item 151 deals with the purchase of famine relief food which is given to the people who have suffered because of drought. On Item 152, if I could be given a little time to verify this.

The Temporary Deputy Chairman (Mr. Musila): Can I ask Mr. Sungu because there is a question to that? Mr. Sungu, ask your question.

Mr. Sungu: Let me repeat the question, Mr. Temporary Deputy Chairman, Sir. My question is with regard to duplication of those two items, 151 and 152. Secondly, on this maize for drought relief, could the Minister confirm that there is discrimination in the distribution of this relief food? For example, in Nyanza and particularly Kisumu, it is not certain how and where they take this. They can go to one location and leave the other one, depending on where the administrator comes from.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, Item 151 has been mainly used for the actual administration of the distribution. Item 152 is the actual purchase of the relief food.

Mr. Temporary Deputy Chairman, Sir, on the distribution, all this is done at the district level. They know where the needs are and they are determined at that level.

The Temporary Deputy Chairman (Mr. Musila): Mr. Minister, I think to be fair to the Questioner, Item 151 is Kshs1.3 billion, and Item 152 is Kshs200 million. The way you put it is that the Kshs200 million is used for the purchase of the relief food, and Kshs1.3 billion is used in the distribution. Could you clarify?

The Minister of State, Office of the President (Maj. Madoka): I am sorry, Mr. Temporary Deputy Chairman, Sir. It is the other way round. I am confused on this one. The Kshs200 million is for the distribution, and Kshs1.3 billion for the purchase.

The Temporary Deputy Chairman (Mr. Musila): That is right!

Head 001 - Headquarters

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, I would like the Minister to explain, because it appears that he is also confused about the functions of the Head of State. Asking how many people belong to KANU in a province is not a presidential function. Unless the Minister can justify that this money is for use in the duties of Head of State as opposed to a Chairman of a political party, then this Vote deserves to be rejected. Could the Minister demonstrate that he understands the two separate functions?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I fully understand the role of the President. He is the Head of State at any time. Where he goes, if he is followed by members of his party, that is another issue. But the Head of State is a Head of State throughout and we are entitled to look after him.

Head 377 - National Registration of Persons Bureau

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, Head 377, Item 197 talks of Confidential Expenditure in the National Registration of Persons Bureau. We would like to be informed how confidential this information is, that this same House that is being asked to approve this expenditure cannot be told what it is. In addition, I would like a ruling from the Minister bearing in mind that the IPPG, which was passed a couple of years ago, did proscribe chiefs and DOs from going around raising money on Harambee basis from wananchi. This is happening in Pumwani for the creation of a National Registration of Persons Office. Is it with authority from the Office of the President? If not, can it be ordered stopped with immediate effect now?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, there are two questions there. First, with regard to confidential expenses, there are many irregularities in the issuance of identity cards. We do have security personnel who are charged with the responsibilities of trying to stamp out the various irregularities. This is the sort of money which is used for those particular investigations.

On the question of chiefs collecting funds, that is quite clear. They are not supposed to be collecting funds for Harambees.

The Temporary Deputy Chairman (Mr. Musila): Order! Order! Do you want to follow up?

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, I was very categorical in my question. Little do I need to declare that I am the Member of Parliament for Kamukunji. I am telling the Minister that the DO, Pumwani and the chiefs are collecting money from wananchi using force for the creation of an office of the National Registrations of Persons Bureau. Can he order that to stop now?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, if

the hon. Member knows that this is being done, let him come forward to us and we will stop it immediately. We appreciate he has reported it here and I will send my officers---

Mr. N. Nyagah: Could you use the Press?

The Minister of State, Office of the President (Maj. Madoka): I do not just go with the Press unless I have evidence. It is irregular. They are not supposed to collect funds. We will certainly deal with it.

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

Head 256 - Inspectorate of State Corporations

Mr. Achola: Mr. Temporary Deputy Chairman, Sir, I would like to refer the Minister to Head 256, Item 67. Could he explain what these fees, commissions and honoraria are all about?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, the honoraria is paid to staff of the Inspectorate of State Corporations. We are trying to harmonise this situation. When officers of the Office of the Auditor-General (Corporations) appear for Parliamentary Committee business, they are paid honoraria. It is felt proper that officers from the Office of the Inspector of State Corporations are also paid honoraria.

Mr. Achola: Mr. Temporary Deputy Chairman, Sir, how come there was no such provision in the previous year?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, that is exactly what I have explained. I said that, previously, Inspectorate of State Corporations officers who attended Parliamentary Committee business never used to be paid honoraria. We are now harmonising the situation by paying them honoraria, just like their colleagues in the Office of the Auditor-General (Corporations).

Mr. Muturi: Mr. Chairman, Sir, I would like to ask two questions. The first question is in respect of Head 531, Item 309, Kenya Wildlife Service Tourist Promotion (Marketing).

The Temporary Deputy Chairman (Mr. Musila): Mr. Muturi, we are not there yet.

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, under Item 605, Registration of Births and Deaths, the Minister is asking for Kshs5.7 million. The Department generates Appropriations-In-Aid (AIA) in the form of fees.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, AIA does not fall under this Head; it is shown under a different Item.

*(Heads 001, 018, 038, 249, 256, 275, 377,
531, 556, 564, 566, 577, 578, 602, 603,
931, 952 and 963 agreed to)*

(Sub-Vote 010 agreed to)

SUB-VOTE 011 - FIELD ADMINISTRATIVE SERVICES

Head 005 - Provincial Administration

Mr. Too: Mr. Temporary Deputy Chairman, Sir, whose coffins are provided for under Head 005, Item 240?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, we appreciate that Government officers die. This provision is for giving them respectable burials. So, we buy coffins for them.

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, could the Minister tell us what advertising and publicity is carried out by the Registration of Persons Bureau, which is provided for under Item 175? Why does the Department delay processing of identification cards for people who wish to change their names?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, many times we have had to place advertisements in newspapers, asking people to collect their identification cards from our offices. Before we proceed to certain areas for registration purposes, we advertise to let people know that we are going to those specific areas.

Mr. Achola: Mr. Temporary Deputy Chairman, Sir, on Head 039, could the Minister explain why the expenditure under Item 182, Payment of Rents and Rates, is being doubled?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, if the hon. Member is asking why the allocation to this Item has increased, it is because we have had an increase in housing subsistence.

Mr. Achola: No, no, no! That explanation cannot be true.

The Temporary Deputy Chairman (Mr. Musila): Why can it not be true, Mr. Achola?

Mr. Achola: Mr. Temporary Deputy Chairman, Sir, the provision is for non-residential housing. So, it cannot be affected by an increase in subsistence.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I am sorry. The provision is for the rents we pay for offices, and not for residential housing.

(Heads 005, 006 and 039 agreed to)

(Sub-Vote 011 agreed to)

SUB-VOTE 012 - ADMINISTRATION POLICE SERVICES

(Heads 010, 011 and 012 agreed to)

(Sub-Vote 012 agreed to)

SUB-VOTE 013 - GOVERNMENT PRESS

Head 014 - Office of the Government Printer

Mr. Too: Mr. Temporary Deputy Chairman, Sir, with regard to Head 014, Item 192 - we have Overtime Payments amounting to Kshs10 million. Why should we pay people overtime allowance when others are being retired and retrenched?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, the operations of the Government Press are such that many times they have to work overtime to meet various deadlines and that is why the overtime allowance is paid.

(Head 014 agreed to)

(Sub-Vote 013 agreed to)

SUB-VOTE 014 - NATIONAL YOUTH SERVICE

Head 016 - NYS Engineering Institute, Ruaraka

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, with regard to Head 016, Item 175, on page 22, once again we have an allocation for Advertising and Publicity at the National Youth Service Engineering Institute, Ruaraka. Could the Minister tell us what publicity and advertising is going on in this institute, where they spent Kshs280,000 and they now want to spend Kshs80,000 this year?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I thought the hon. Member would congratulate us for reducing that figure from Kshs280,000 to Kshs80,000. Many times we have to advertise when various courses are beginning *et cetera*. So, that is all and it is a minimal sum.

(Heads 013, 016, 017, 036, 081, 357, 358, 361 and 363 agreed to)

(Sub-Vote 014 agreed to)

SUB-VOTE 016 - IMMIGRATION

Head 371 - Immigration Headquarters

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, in compliance with the provisions of Standing Order 143, I have given notice, and I now do move this Motion:

THAT, the Vote of the Office of the President be reduced by a sum of Kshs20.00 and that such reduction be done against Sub-Vote 016, Head 371, Item 000 - Personal Emoluments.

Mr. Temporary Deputy Chairman, Sir, during contributions yesterday, one hon. Member did raise before this House an issue about the mushrooming numbers of immigrant workers from the Indian Sub-Continent, who have been entering into the Kenyan labour market. We have raised here before the question of Korean hawkers, operating in some towns upcountry. Yesterday, I did mention a specific matter of a Zimbabwean Training Financial Manager at Africa Online, who was arrested by the Immigration Department personnel on 24th May, 2001, but charged with an offence for working in Kenya without a permit. The case was set for hearing on the 4th of July, 2001, but on the 18th June, he acquired a work permit. In his response the Minister did not explain either, how this happened or what he is going to do to make sure that this does not happen again. As an expression of concern by the citizens of Kenya about the unfair competition on the domestic labour market, by persons who should not be here, I want to move that this House reduces the allocation on emoluments to the Department of Immigration by Kshs20.

(Question of the reduction proposed)

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, I stand to support the Motion. It is the duty of any nation to provide employment for its own citizens. We are in a situation where the party in power, KANU, has been shouting from the roof tops about poverty eradication and the creation of employment. The whole purpose of reducing this Vote by Kshs20 is to give an opportunity to this Government to demonstrate by action to the Kenyan people and, particularly the unemployed, the youth, that they do, indeed, care for them.

If they vote against the Motion, they will be telling the country loud and clear, that what they have been saying is empty rhetoric and they would rather allow foreigners to come and take the jobs that should be going to Kenyans.

I support the Motion.

The Minister for Trade and Industry (Mr. Biwott): Mr. Temporary Deputy Chairman, Sir, I do subscribe to the idea that Kenyans should be given jobs, but at the same time, I would like to assure hon. Members opposite that this good Government has already created a lot of jobs, some of which are created by the foreigners, for example, Koreans. What the hon. Member should be asking is for the Immigration Department to continue with strict scrutiny on work permits, in order to ensure that they only give work permits to those people with skills that are necessary in this country. In any case, I think this Government and the Kenyan entrepreneurs have created a lot of jobs and I doubt whether there are any jobs created across on the opposite side, especially by the hon. Members. I do see some hon. Members driving themselves. At least, they should employ drivers so that they participate in the job creation exercise.

Mr. Temporary Deputy Chairman, Sir, I think this Motion should fail and I oppose it.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Chairman, Sir. Is the hon. Minister, Mr. Biwott, in order to be so trivial and fail to address the issue being raised. I am talking about the hawkers and matatu drivers getting jobs in Kenya. Why can he not just respond and say that they are not getting or they will stop them getting jobs instead of engaging in these irrelevancies which have no direct bearing to what we are talking about?

The Temporary Deputy Chairman (Mr. Musila): Mr. Minister, would you like to say something before I put the question?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I stand to oppose the Motion by the hon. Member. In fact, with regard to the incident that the hon. Member raised, what actually happened is that this particular officer had applied for the renewal of his work permit and approval had been given. When it went to the office and those officers who are responsible for ensuring that the money was sent to the Immigration Department delayed this deliberately. These are investors, and as I said earlier on, the investors are allowed to be given work permits particularly at the levels of Managing Director, the Finance Officer and the Chief Operations Officer. This was the post of a financial controller. Indeed, when the matter was reported to the Immigration Department, they went and arrested this individual. It is true that he was charged. While he was being charged, it was discovered that this delay had deliberately been done by some people in his office. On the issue of the cheque which was issued yesterday, one speaker said that it was given to an officer in the Immigration Department. That is false. The cheque was sent directly to the Immigration Department. He is trying

to mislead this House.

So, I strongly oppose this Motion.

The Temporary Deputy Chairman (Mr. Musila): Order! Yes, Ms. Karua, and I will put the Question.

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, I would like to plead with hon. Members on the opposite side, that reducing the Vote by Kshs20 is just an expression of disapproval. The Vote will not affect the operations of the Department. Your constituents are jobless just like our constituents. I urge that we support this Motion. We have a responsibility to protect our constituents.

Hon. Members: No! No!

The Temporary Deputy Chairman (Mr. Musila): Very well. I will now put the Question.

(Question of the reduction put and negatived)

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

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Sungu! We have taken a lot of time on that.

(Heads 371, 373, 374, 375, 393 and 395 agreed to)

(Sub-Vote 016 agreed to)

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Chairman, Sir. I seek your guidance as at what point can one intervene when a Minister who is replying to hon. Members' contribution is using falsehood in the House. If you [**Dr. Kituyi**]

check the HANSARD of yesterday, I did not make any allegation before this House that some cheque was given to some officer at the Immigration Department. I said that on 18th of June, a telegraphic transfer of Kshs50,000 was made from a city bank account of Africa Online, which is a local investment, to the Immigration Department. I did not mention any officer getting money. Why do you have to cover yourself in falsehood?

The Temporary Deputy Chairman (Mr. Musila): Order, Dr. Kituyi! You have made your point. I do not think we need to go further into that matter.

SUB-VOTE 017 - POLICE

The Temporary Deputy Chairman (Mr. Musila): I will now put the Question.

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

The Temporary Deputy Chairman (Mr. Musila): Order! Go on! You have the Floor! I waited for hon. Members to contribute!

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, I would like to give some information. By our Standing Orders, the Chair proposes the Question of all the Heads in order to give us a chance to give our views. It is an ambush when you say "as read out."

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

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Angwenyi! I can do that, but for purposes of record, the question of ambushing does not arise. The Chair has no interest in ambushing the House. Therefore, the request is that I put the Heads---

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

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Angwenyi! Respect the Chair. I am talking!

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, the Chair should also respect me as a Member of Parliament!

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Angwenyi! You must respect the Chair, and on that score, you are ordered to leave the Chamber for the balance of the day.

Mr. Angwenyi: Our people are dying!

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Angwenyi! Those outbursts will not help.

(Mr. Angwenyi withdrew from the Chamber)

Order, hon. Members! Let us now discuss Sub-Vote 017.

Head 092 - Divisional and Field Services

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, on page 40, under Head 092, Item 197, there is a provision for "confidential expenditure" which keeps arising. Could we have an explanation from the Minister about these expenditures which are littered everywhere? On every other page, there is a "confidential expenditure." Regarding this particular one, they are asking for nearly Kshs2.6 million as "confidential expenditure." Can you tell us what they are?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, "confidential" is "confidential," but there are many criminal investigations cases being done in this particular respect. So, this money is given in order to get the necessary information from these criminal investigations.

Head 085 - Office of the Commissioner of Police

Ms. Karua: On page 37, Head 085, Item 050, "House Allowances," I notice that last year, the house allowances were Kshs14.6 million and this year, it is proposed as Kshs13.5 million. Has there been retrenchment in the Kenya Police Force or why is the provision for house allowances lower than last year, at a time when we are told that there is increase in house allowances?

The Temporary Deputy Chairman (Mr. Musila): That is a fair question.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, within the Kenya Police Force, we do have civilians and some retrenchment was done among them and that is why we have that expenditure.

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, I just want to follow up again on page 40, Head 092, Item 197, "confidential expenditure," which the Minister has just explained. Could he explain as to why he finds it prudent to hide it under the police as opposed to the CID, yet he has made it very clear that this is of investigative nature? Why does it become so necessary for it to be put here?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, we do have various arms within the CID and, even within the regular police, there is a smaller unit.

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, there is nothing confidential before Parliament. We demand that we be explained what is confidential. The only requirement is that if, in the opinion of the Chairman, it is "confidential information," the House can be cleared of all the strangers and Parliament be informed. Please, give guidance on that. We demand that we be informed.

The Temporary Deputy Chairman (Mr. Musila): Order, hon. Members! Let me leave that for the time being. Can we hear from another hon. Member, while I look for the necessary procedure?

Mr. Wamunyinyi: Mr. Temporary Deputy Chairman, Sir, I am looking at page 37.

(Loud consultations)

The Temporary Deputy Chairman (Mr. Musila): Order, hon. Members! Let us listen to Mr. Wamunyinyi!

Mr. Wamunyinyi: Mr. Temporary Deputy Chairman, Sir, I am referring to page 37, Head 085, items 050 and 181. There is money for house allowance under item 050 and there is Payment of Rents and Rates - Residential under Item 181. Could the Minister clarify in view of the amount involved for house allowances, which is Kshs14 million, and for rents for residential houses which is Kshs56 million?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, as we have repeatedly said, we do not have adequate accommodation for our police force and we do rent some of these houses to accommodate them.

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, Standing Order No. 37(11) says: "A question shall not seek information which is in its nature secret." That is the position. If the Minister has continued to explain that there are certain expenditures within the police force which cannot be divulged, I believe he is covered under this Standing Order.

Mr. Muite: On a point of order, Mr. Temporary Deputy Chairman, Sir. I stand to seek your guidance. The particular Standing Order that the Chair has cited refers to contents of Questions which we submit for oral and written replies. It has nothing to do with matters related to a debate on Votes on the Floor of the House.

The Temporary Deputy Chairman (Mr. Musila): Mr. Muite, you have a point. You say this Standing Order applies to Questions. Ms. Karua asked a question.

Hon. Member: She is making a contribution.

The Temporary Deputy Chairman (Mr. Musila): Very well. The Chair has made a ruling. If you wish to challenge it, you can do so at a later date.

Ms. Karua: I am making a further submission. What I asked is not a question which comes under Standing Order No.37. It is scrutiny of a Vote on Account and I am seeking to discover, on behalf of the people of Gichugu, whether indeed this expenditure is legitimate. We could be told that it is confidential, and yet it may be for irregular use. In the history of the Commonwealth, such matters are never confidential. In the opinion of the Chair, if they are matters not for public consumption, the House is normally cleared of all strangers. Parliament is ready to be told. Please, make a ruling.

The Temporary Deputy Chairman (Mr. Musila): I think I have already---

(Dr. Kituyi stood up in his place)

The Temporary Deputy Chairman (Mr. Musila): Order, Dr. Kituyi! I am too solid to be threatened. I want to assure you that there is nothing like that.

Ms. Karua, I will refer you to Standing Order No. 169, which I believe is the one under which you are raising this matter. For the convenience of hon. Members, it reads: "If at any sitting of the House or in a Committee of the Whole House any Member shall move that strangers be ordered to withdraw, Mr. Speaker or the Chairman shall forthwith put the question." You can stand up and move that the House be cleared of strangers.

Dr. Kituyi: No, You put the Question!

The Temporary Deputy Chairman (Mr. Musila): Dr. Kituyi, I have not invited you. I have invited those concerned to move.

(Dr. Kituyi walked up to the microphone)

The Temporary Deputy Chairman (Mr. Musila): Order, Dr. Kituyi! You do not just walk to the microphone. Ms. Karua, under Standing Order No.169, you are entitled to move that the House be cleared. Could you now proceed to do so?

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, that is not the Standing Order I was referring to. As we all know, where the Standing Orders do not provide, we go back to practice and---

The Temporary Deputy Chairman (Mr. Musila): Order! The Standing Orders provide for this.

Ms. Karua: This provides for a different situation. It is the Minister who, if he feels the answer is prejudicial---

The Temporary Deputy Chairman (Mr. Musila): Order, Ms. Karua! It is abundantly clear and I have read the Standing Order to the House. Therefore, if you do not wish to move then we will proceed.

Hon. Members: Put the Question!

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, let reason prevail. You only reach that Standing Order by putting that Question when the Chair has been convinced that the issue you are discussing is a matter which is secret in nature. You must convince yourself first that it is secret in nature, and then proceed to the second stage. You cannot just put the Question like that.

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Obwocha. The matter is concluded and there will be no more points of order.

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

*(Heads 003, 007, 008, 009, 085
086, 091, 092 and 093 agreed to)*

The Temporary Deputy Chairman (Mr. Musila): Mr. Maore, you can raise your point of order now.

Mr. Maore: This is a *post facto* point of order. The House was seeking clarification about the expenditure. It is the Minister who thought it is secret in nature. He is the one who should have moved the Question.

The Temporary Deputy Chairman (Mr. Musila): Mr. Maore, you are completely out of order. Please, read the Standing Order again.

Head 094 - Presidential Escort

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, having complied with all the conditions of Standing Order No.143, Sections 1 and 2, I do move that Vote R01, Office of the President be reduced by Kshs20 and that the said reduction be deducted from Head 094, Presidential Escort, Item 200, Replacement of Motor Vehicles.

Mr. Temporary Deputy Chairman, Sir, the Presidential Escort in this country has 74 limousines with 431 workers. We have seen all those vehicles. They move at a speed of 200 kilometres per hour and that is not the only criminal thing they do. Recently, the Presidential Motorcade came down Museum Road, turned on the right hand side of the road and crashed into an innocent matatu driver. The police officers then started beating up the victim of their irregular behaviour. We raised concern here that the Office of the President must lead by example. In a country where we have regulation of speed, the Minister has not told us what excites the Presidential Motorcade so much that they have to drive at 200 kilometres per hour and wreck new Mercedes limousines, S320 and E240. They wreck new vehicles and give them to themselves as write-offs, then they ask us to give them more money to buy more of those speed killing machines which---

The Minister for Heritage and Sports (Mr. Nyenze): You are cheating!

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, you might want to tell that voter who just comes here to vote that, that is not parliamentary language. I request that you oblige him to withdraw that remark. Mr. Nyenze purported that I was cheating. Can you protect me?

The Vice-President and Minister for Home Affairs (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Musila): Order! There is already a point of order, Mr. Vice-President.

Mr. Nyenze, you did actually imply that Dr. Kituyi is cheating.

The Minister for Heritage and Sports (Mr. Nyenze): Mr. Temporary Deputy Chairman, Sir, for the first time, I said that he was cheating. But I withdraw and apologise.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Nyenze! You cannot apologise and withdraw, and then reinstate the insult!

The Minister for Heritage and Sports (Mr. Nyenze): Mr. Temporary Deputy Chairman, Sir, he said untruths!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I brought to your attention that the Minister was using unparliamentary behaviour.

What I was saying was that, in his response today, the Minister did not give us any reason to believe that wisdom and age will mellow the speed of the Presidential Motorcade; that financial prudence will show them why they should reduce speed and recklessness to reduce the cost of replacing cars; and without any such signals, it is incumbent upon us to send a message to the Office of the President that, if they want to rally, they should join the Safari Rally or Formula One, and not at the taxpayers' expense.

With those few remarks, I beg to move.

(Question of the reduction proposed)

The Vice-President and Minister for Home Affairs (Prof. Saitoti): Mr. Temporary Deputy Chairman, Sir, I am worried about the fact that, we are really turning this Committee stage into a debate! But on the relevant Motion that has just been moved, let me remind the House that it is a constitutional requirement for the President of the Republic to be provided with adequate security. That one is not really debatable! Could I also say that because we are trying to trivialise fundamental things, that the President of the United States of America (USA) is properly protected. He has got fleets of planes, vehicles and even when he travels here, he uses them. Do we really want our President to be under-protected? I believe that, rather than turning this item into a debate, let us vote on this matter!

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Chair, the Vice-President does not need to come in here and threaten us! We are here in the same capacity! We are here to question the rationale of what we are voting for. We are not here to be intimidated. We want to ask questions! Our Budget is nowhere near the USA budget! It is in trillions! Ask the people who are sitting in the Front Bench, where they have taken all that money? What is the depreciation rate of the issue that we are raising here---

The Temporary Deputy Chairman (Mr. Musila): Order! Please, Mr. N. Nyagah, stop being

emotional and address yourself to that item.

Mr. N. Nyagah: Thank you, Mr. Temporary Deputy Chairman, Sir. Sometimes, you become emotional when you are threatened; when you want to be shown that power! What I was trying to explain to the Chair is that we are all equal as we sit in this House. He sits on the Front Bench; I sit on the Front Bench. That was all I was saying. I am looking at the depreciation rate of those vehicles. I do not have the privilege of riding in that convoy, but I see them from a distance. If you look at all those blue limousines, they all look like they are brand new. But if you look at the projection in the Vote, in every financial year, there is a provision of Kshs15 million! What is the rationale of that?

With those few remarks, I support the Motion.

Mr. Sungu: Thank you very much, Mr. Temporary Deputy Chairman, Sir. I would like to disabuse some Members of Parliament not to personalise this matter. The issue of the security of the President is of utmost importance in this country. It revolves around the security of this nation. On this item, there is only a figure of Kshs15 million, which is enough to buy only three Mercedes Benzes. So, what is the qualm about it? I think we should proceed and vote on this matter.

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

The Temporary Deputy Chairman (Mr. Musila): Order, Ms. Karua!

(Ms. Karua stood up in her place)

Order, Ms. Karua! Could you be seated?

Mr. Karua: I thought you had given me the Floor!

The Temporary Deputy Chairman (Mr. Musila): No, I have not! I was telling you to sit down!

(Question of the reduction put and negatived)

Ms. Karua: On a point of order, Mr. Temporary Deputy Chairman, Sir. When you call the vote, is one Member entitled to vote "aye" and "noe" at the same time? I saw the Vice-President and Mr. Biwott vote with the "ayes", and then, when they realised, they started saying "noe"!

The Temporary Deputy Chairman (Mr. Musila): Order! That was an oral vote and the Chair is not obliged---

The Minister for Trade and Industry (Mr. Biwott): On a point of order, Mr. Temporary Deputy Chairman, Sir. I have never--- In fact, if it is not because of unparliamentary language--- I will use the right language, to say that, that is an untruth! I never opened my mouth! How can a lady, who is supposed to be--- It was in your imagination!

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Biwott! In any case, that was an oral vote and the Chair does not look at the mouth of Members!

(Head 094 agreed to)

Head 095 - Police, Nairobi Area

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

THAT, Head 095, Item 000 - Personal Emoluments - be reduced by the traditional Kshs20.

I would like to appeal to my colleagues on the other side that on Saturday, during the Saba Saba commemoration, I was at the Freedom Corner. My car was damaged by the police and I have spent Kshs110,000 to repair it. The Minister in charge said that they cancelled the Kamukunji Rally. That was not even at the Kamukunji grounds. That is the Vote that is going to Police, Nairobi Area. In addition, what was particularly painful is that when I went to---

Mr. Temporary Deputy Chairman (Mr. Musila): Order, Mr. Muite! Could you, please, tell us why? You had already contributed to the debate!

Mr. Muite: The reduction is to express the feelings of this House; the disgust of this House; the unhappiness of this House, with the conduct of the Police, Nairobi Area, because of the manner in which they beat up people and damaged property in Uhuru Park and Kamukunji. In particular, they locked up a lady who had, in the previous week, come from maternity leave, at Central Police Station. They also locked up another lady who was eight months pregnant! They were thrown into the cells! That was brutal, primitive and unacceptable

behaviour, and in order to express the disgust, I would like to move that the allocation on the emoluments of the Police, Nairobi Area, be reduced by Kshs20.

With those few remarks, I beg to move.

(Question of the reduction proposed)

The Assistant Minister for Tourism and Information (Mr. Sankori): Mr. Temporary Deputy Chairman, Sir, I think it is just unfair that these people are talking about security and at the same time---

A hon. Member: Which people?

The Assistant Minister for Tourism and Information (Mr. Sankori): The hon. Members on the opposite side.

A hon. Member: We are not people!

The Temporary Deputy Chairman (Mr. Musila): Proceed, hon. Sankori!

The Assistant Minister for Tourism and Information (Mr. Sankori): Mr. Temporary Deputy Chairman, Sir, I think it is just unfair that these hon. Members are talking about security and, at the same time, they want to reduce the Vote. I thought they would increase it.

Mr. Muniyao: Mr. Temporary Deputy Chairman, Sir, I stand to support that we reduce that Vote by Kshs20 to express our dissatisfaction, particularly when you imagine that the gates of a police station could be closed. The law does not allow a public institution like a police station to even lock its gates, particularly on that day when they embarrassed an hon. Member of Parliament, hon. Mrs. Mugo, by locking her out. She has never been locked out in her life.

(Question of the reduction put and negatived)

(Resumption of Debate on Head 095)

Mr. Muite: On a point of order, Mr. Temporary Deputy Chairman, Sir. Is it really in order in our parliamentary practice for KANU Members, who are absent most of the time, to merely turn up to come and vote down Motions that are proposed on merit?

(Applause)

The Temporary Deputy Chairman (Mr. Musila): Order! Mr. Muite, you know that Members can come in whenever they want.

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

The Temporary Deputy Chairman (Mr. Musila): Order, Mr. Ngure, I am in the process of putting a Question. I will allow your point of order later.

(Head 095 agreed to)

The Temporary Deputy Chairman (Mr. Musila): Mr. Ngure, what is your point of order now?

Mr. Ngure: On a point of order, Mr. Temporary Deputy Chairman, Sir. Is it in order for Members of this House to keep on going out to their kiosks when they know very well that we should be debating and passing the Budget here?

The Temporary Deputy Chairman (Mr. Musila): That is a frivolous point of order! Order, Mr. Ngure! Sit down!

(Heads 097, 101, 104, 105 and 106 agreed to)

Head 107 - Police Airwing

The Temporary Deputy Chairman (Mr. Musila): I have a notice from Dr. Kituyi on that Head.

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, in compliance with our Standing Orders, I wish to move that Vote R01 be reduced by Kshs20 and the said sum comes from Head 107 - Police Airwing, Item 187 - Vehicle Insurance.

Mr. Temporary Deputy Chairman, Sir, in my substantive contribution yesterday, I raised two fundamental concerns which have not been responded to by the Minister in his reply. The first one was how, all of a sudden, the amount of insurance of vehicles drops from Kshs67.8 million last year, to Kshs15.1 million this year, and it is reflected at Kshs16 million to Kshs16.9 over the next three years. I requested a more fundamental matter, which is: Under what budgetary item did this Parliament approve the purchase of four military helicopters for the Police Airwing? Secondly, could the Minister convince us that, that cost which was incurred illegally, is not being disguised under this accounting procedure where you have abnormal figures from one year to another? He has not answered that in this House. He has not told us about where they tendered; what quotations they got before they purchased those four military helicopters, and why the police required military and not light police transport helicopters. Because of his inability to justify this irregularity in his Budget, I seek that this House expresses its outrage by voting down Kshs20 from the said item.

(Question of the reduction proposed)

(Mr. Obwocha stood up in his place)

The Temporary Deputy Chairman (Mr. Musila): Mr. Obwocha, you have been standing. You want to stand now so that I can see you?

Mr. Obwocha: Yes, Mr. Temporary Deputy Chairman!

The Temporary Deputy Chairman (Mr. Musila): Okay!

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, that tells you that we are very eager to find out what is happening. I want to support this but raise a fundamental question. If you look at the accounts of the Government, insurance is not normally there because Government vehicles are not insured. You only take the insurance when a vehicle is travelling. Now, could the Minister address the issue of these figures, whether they relate to the aircraft or vehicles, and the fundamental issues that hon. Dr. Kituyi has raised? What are these?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I agree there was a printing error. This should not be vehicle insurance but aircraft insurance. It is a pity that, maybe, hon. Dr. Kituyi was not here. I went into great details about the insurance. We paid Kshs50 million for the insurance of all the aircraft. Aircraft are not like vehicles and there is a requirement that there must be insurance.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Chairman, Sir. You may assist me since I am literate but I may not be very numerate. If every aircraft is insured for Kshs50 million and we have at least five aircraft, then how can he be asking for Kshs50 million to insure all of them?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman Sir, again the hon. Member did not listen. When I spoke earlier on, I said this insurance payment is for all the aircraft within the police wing. So, I have adequately explained that. I am looking at this particular figure. We paid Kshs50 million for 18 months, which runs into the next financial year. That is what explains that the following year, it will be less.

Mr. Muite: Mr. Temporary Deputy Chairman, on page 46---

The Temporary Deputy Chairman (Mr. Musila): Mr. Muite, let me dispose of the Motion first.

(Question of the reduction put and negatived)

(Head 107 agreed to)

Head 108 - Force Quartermaster

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, could I ask for an explanation regarding Head 108, Item 174 - Purchase of Stationery? Why has the figure gone up from Kshs26 million to Kshs76 million? What is it that the Minister wants to buy extra in terms of stationery? What is the extra-ordinary thing that is happening this financial year, which did not happen last year, to make the sum jump from Kshs26 million to Kshs76 million?

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, before the Minister responds to Mr. Muite's question, I have a question to raise on the same Item. The figure of purchase of stationery rose from Kshs26 million to Kshs76 million. Stationery in Government Ministries is supposed to be printed by the Government Printer. Why has this figure risen from Kshs26 million to Kshs76 million? The practice is that Government

stationery is supposed to be printed by the Government Printer?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, it is true that this used to be done by the Government Printer, but will now be printed by private firms and that is why we have this particular increment.

Hon. Members: Why?

The Temporary Deputy Chairman (Mr. Musila): Mr. Minister, does that justify the increase from Kshs26.2 million to Kshs76 million? That is the question originally asked.

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, why would the Minister move from the Government Printer, which was printing the Ministry's stationery at Kshs26.2 million, to private firms who are now charging the Ministry Kshs76 million? Which are these private firms?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, this is the new budgetary procedure. In fact, this money used to be with the Government Printer. So, really, in terms of cost, it has not changed.

Head 302 - CID Interpol

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, I want to remind the House that the Public Accounts Committee (PAC) is composed of majority KANU hon. Members and a minority of Opposition hon. Members. In 1991, PAC recommended that one Mr. Ketan Somaia be brought back to Kenya by the Interpol for having conned the Kenya Government through non-supply of police equipment. I notice that we have a figure of Kshs40 million for this financial year, and that it will rise to Kshs50 million. Could the Minister tell us whether this time round, the Government will honour what this Parliament ordered it to do? The Attorney-General has refused totally to comply with that order from the highest institution in the country.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I apologise. I was busy consulting; so, I did not quite follow the hon. Member's question.

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, in simple terms, will the Ministry this time round, bring Mr. Ketan Somaia, who conned the Government, into the country?

The Temporary Deputy Chairman (Mr. Musila): Under what Head is that?

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, I had mentioned it before, but for the benefit of the Minister, who was consulting with the Vice-President, this is under Head 302, Item 375 - CID Interpol. I do not mind waiting as the Minister is assisted by his Assistant Minister.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, this is basically relocation of the Head.

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, what about Mr. Ketan Somaia?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I do not know anything about Mr. Ketan Somaia.

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, I raised concerns about the arithmetics of the hon. Minister. He is seated next to a professor of mathematics. You will remember that he told us that 50 multiplied by five, gives us 15. But now he has told us that--- It is not yet voting time!

Mr. Temporary Deputy Chairman, Sir, I am raising the concern that the good Minister has told us that because of transferring from the Government Printer to private firms for the Ministry's stationery, he will pay Kshs76 million instead of Kshs26 million, and says that, those amounts are the same. Are you satisfied with this type of arithmetic?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, you have heard clearly, Dr. Kituyi referring to some hon. Members of this House as "voters". Is it in order for him to exaggerate his intelligence and demean other hon. Members of this House by calling them "voting machines"?

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, I did not talk about voting machines. When somebody was preparing to vote, I said that it was not yet voting time. I thought he understood the English Language.

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, let us not deviate from what we are discussing.

Head 108 - Force Quartermaster

Mr. Mboko: Mr. Temporary Chairman, Sir, I want some explanation on Head 108, Item 223 - Purchase of Coffins.

The Temporary Deputy Chairman (Mr. Musila): That question was asked by hon. Too, or is it about different coffins?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I have the same explanation only that Mr. Mboko's issue relates to the police and Mr. Too's issue related to the administration.

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, we have to make progress now.

*(Heads 108, 109, 110, 111, 112, 150,
301 and 302 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

SUB-VOTE 010 - GENERAL ADMINISTRATION AND PLANNING

Head 579 - El Nino Emergency Project

Mr. N. Nyagah: Mr. Temporary Deputy Chairman, Sir, I want to raise an issue relating to Head 579, Item 301 - *El Nino* Project. Recently, when the Head of State met the business community from Eastleigh at the Utalii Hotel, he promised that during this financial year, the Second Avenue, which houses a bank and most of the shops in that area, would be recarpetted. Will this Kshs275 million be used to recarpet the Second Avenue, as the President ordered?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, the President was serious, and this work will be done.

*(Heads 001, 018, 038, 185, 249, 283, 298,
377, 531, 579 and 603 agreed to)*

(Sub-Vote 010 agreed to)

SUB-VOTE 011 - FIELD ADMINISTRATION SERVICES

Head 006 - District Administration

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Chairman, Sir. Head 603 is so important to be lumped together with several Heads.

The Temporary Deputy Chairman (Mr. Musila): Order! Mr. Obwocha, do you know the rules? These Heads were read out, and if you had any point to raise, you should have raised it. There is no Head that is not important.

Mr. Obwocha: Mr. Deputy Speaker, Sir, we expect the Chair to be fair---

The Temporary Deputy Chairman (Mr. Musila): Order! Mr. Obwocha, the Chair is very fair. Head 603 has been concluded and we will not go back.

Mr. Sungu: Mr. Temporary Deputy Chairman, Sir, I would like to seek clarification from the Minister on Head 006, Items 400 to 408, which relate to the construction of district headquarters. Why has the Minister not included money for the completion of the Nyanza Provincial Headquarters building, which is long overdue? In fact, some of these districts were formed much later than the Nyanza Provincial Headquarters, which I believe is very important and necessary for efficient administration of Nyanza Province.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, the completion of Nyanza Provincial Headquarters building in Kisumu will cost us over Kshs640 million, which we cannot raise within this budget.

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

The Temporary Deputy Chairman (Mr. Musila): Order! Mr. Sungu, you made a contribution and you talked about that project. You sought clarification and I think the Minister has informed you that he cannot raise funds for the completion of Nyanza Provincial Headquarters building.

(Head 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 014 - NATIONAL YOUTH SERVICE

Head 357 - NYS Headquarters Administration Services

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, on page 6, Head 357, Items 500 and 505 which relate to Construction of Buildings - Residential Phase II and Construction of Buildings (Phase III NYS Complex), respectively, could the Minister confirm whether these are the same buildings which have been lying incomplete at Ruaraka for over a decade? If so, is this amount of money sufficient to complete them?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, in fact, that is the Nyayo Bus Corporation project and not the NYS project.

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, the two Items, 500 and 505, relate to construction of residential houses for the NYS. Should the Government construct new buildings, when those ones are lying at Ruaraka incomplete? Are those not the buildings, perhaps, which he should complete first?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, there is a dispute over the buildings which are incomplete and which fell under the Nyayo Bus Corporation, and so, we are not prepared to embark on them. We would rather finish this buildings for the NYS.

Ms. Karua: On a point of order, Mr. Temporary Deputy Chairman, Sir. The Nyayo Bus Corporation, having been a Government project under the Office of the President, is it so difficult for the NYS to take over these houses, where we have already utilised taxpayers' money, instead of embarking on a new project? Could the Minister consider having these houses taken over, either by the police who have no proper housing, or by the NYS?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I appreciate the sentiments of the hon. Member, but the money involved in that particular project is extremely large. As I said earlier on, there is still a dispute over those houses, and the cost of completing them will not be Kshs3 million.

(Heads 357 and 361 agreed to)

(Sub-Vote 014 agreed to)

SUB-VOTE 015 - KENYA AIRPORTS AUTHORITY

Head 772 - Jomo Kenyatta International Airport

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, I would like to seek clarification from the Minister in regard to Head 772, Item 221 - JKIA Crisis and Communication Centre. The Chair will notice that in the previous financial year, there was a budget allocation of Kshs10 million, which has now risen to Kshs30 million. Could we get a clarification from the Minister on what he will build? Will he put a new radar system or a hospital? What does he mean by the word "emergency"?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, we are trying to set up a crisis centre, and each time, we have been doing it in phases. This centre will cost a lot more money than this, and we will get support from some donors.

Mr. Kanyauchi: Mr. Temporary Deputy Chairman, Sir, on Item 361, I notice the expenditure with regard to expansion and improvement of airports, but the Minister seems to have omitted the expansion of Kisumu Airport. Perhaps he should explain why this is so, in view of the fact that this airport serves the lake basin region, where most of the fish that is exported to Europe comes from.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, which page is that?

Mr. Kanyauchi: Mr. Temporary Deputy Chairman, Sir, it is page 7, Item 361---

The Temporary Deputy Chairman (Mr. Musila): Where is it? That is the Head. What is the Item?

Mr. Kanyauchi: Mr. Temporary Deputy Chairman, Sir, it is page 33, Head 361, Item 221.

The Temporary Deputy Chairman (Mr. Musila): That is on JKIA Crisis and Communication Centre. What was your question, Mr. Kanyauchi?

Mr. Kanyauchi: Mr. Temporary Deputy Chairman, Sir, why was the Kisumu Airport not included in the expansion programme?

The Temporary Deputy Chairman (Mr. Musila): Mr. Minister, Mr. Kanyauchi is asking why JKIA has been listed for expansion, but, in addition, not Kisumu.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, the budget for airports specifically falls under the Kenya Airports Authority account. But I would like to inform the hon. Member that we have got funds to reconstruct Kisumu Airport.

Mr. Kanyauchi: How much?

(Head 772 agreed to)

(Sub-Vote 015 agreed to)

SUB-VOTE 016 - IMMIGRATION

(Head 373 agreed to)

(Sub-Vote 016 agreed to)

SUB-VOTE 017 - POLICE

Head 085 - Office of the Commissioner of Police

Mr. Maore: Mr. Temporary Deputy Chairman, Sir, under Head 085, Item 240, we have a figure of Kshs65 million, while under Head 102 - GSU Headquarters Administrative Services, Item 240 - Installation of Security Equipment we have Kshs16 million. If we do not want to appear as if we are looking for specific equipment, what kind of budget will shoot to Kshs300 million for the next two financial years?

The Minister for Transport and Communications (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Chairman, Sir. Pursuant to our Standing Orders and bearing in mind that this is yet another allotted day, and we have run short of time, I would like to move that we extend the sitting of the House until we complete this Vote.

The Temporary Deputy Chairman (Mr. Musila): Very well! That is in accordance with Standing Order No.17(2). I believe it is in the convenience of the House that we finish this business and, therefore, I concur.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, on the installation of security equipment, we have the Police Headquarters which is separate from the General Service Unit. Those funds are for those specific areas.

Mr. Muite: On a point of order, Mr. Temporary Deputy Chairman, Sir. The Deputy Leader of Government Business moved that the time be extended under Standing Order No.17(2). But if you read it, it does say that Mr. Speaker or the Chairman of the Committee shall interrupt the business then under consideration and if the House be in Committee, the Chairman shall leave the Chair and report progress and ask leave to sit again. Have we complied with that?

The Temporary Deputy Chairman (Mr. Musila): Order! Order! Hon. Members, I believe there is an error in the Standing Order that was quoted by the Deputy Leader of Government Business. Would you like to correct that?

The Minister for Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Chairman, Sir, it should be Standing Order No.142(2).

The Temporary Deputy Chairman (Mr. Musila): It is now under Standing Order No.142 and [**The Temporary Deputy Chairman**]

it is clear. As you know, every Vote must be done for two days and this is the second day for Vote 01, Office of the President. It is within the convenience of the House that we finish this matter this evening. Therefore, we will extend the time under Standing Order No.142.

Mr. Muite: Seek leave!

Head 086 - Kenya Police College, Kiganjo

Mr. Omingo: Mr. Temporary Deputy Chairman, Sir, under Head 086, Kenya Police College, Kiganjo, Item 400 on Construction of Buildings - Non-residential, last year there was a provision of Kshs5 million and the House was told that the facilities at the Kenya Police College, Kiganjo, were overstretched. This year, there is no provision at all. Are they saying that the facilities are adequate or do they expect to raise some funds from Appropriations-In-Aid?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, we would certainly like to do a lot more work at the College, but we have to operate within the available resources and we cannot accommodate it in this financial year.

Head 085 - Office of the Commissioner of Police

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, both Head 085, Office of the Commissioner of Police and Head 003, CID Headquarters, Item 240 are asking for installation of Security Equipment. This Ministry has been directed by the Public Accounts Committee to get Kshs400 million from Mr. Somaia for security equipment which was not delivered. What is this Ministry doing to get Mr. Somaia's assets which are here? Instead of leaving them to Mr. Pattni, why are they not putting in their claim so that Kenyans can get their money?

Mr. Muite: On a point of order, Mr. Temporary Deputy Chairman, Sir. I have carefully gone through Standing Order No.142 under which the Deputy Leader of Government Business is seeking extension of our sitting hours. I went through Sub-rules 1 to 9, but I did not find any provision that allows us to extend our business beyond the normal sitting hours. I seek your guidance on this matter. We are now sitting illegally and unconstitutionally. So, could the Deputy Leader of Government Business give the specific sub-rule of Standing Order No.142, under which he is asking us to extend our sitting beyond the normal sitting hours?

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, we did set a precedent last week when we scrutinised the Vote of the Ministry of Agriculture and Rural Development beyond our normal sitting hours. Even previously, we have extended our business beyond the normal sitting hours while dealing with similar business. So, I think we can also proceed and dispose of this Vote today.

An hon. Member: Under what Standing Order was that done?

The Temporary Deputy Chairman (Mr. Musila): Hon. Members, let us go by practice. So, for our convenience, could the Minister answer the last question which was asked by Mr. Obwocha? That will be the last question.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I do not know whether the matter raised by the hon. Member falls under the Development Vote. Really, we have

nothing to do with Mr. Somaia.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Chairman, Sir. This is not a matter to gloss over, Maj. Madoka; it is a serious matter. The issue of undelivered security equipment to the Office of the President has come up many times at Public Accounts Committee (PAC) proceedings. Mr. Somaia has not yet delivered some of that equipment, and the PAC has directed the Minister to get hold of him. His assets are being held here by one Pattni. Why is the Ministry not raising a claim on behalf of the Government of Kenya?

(Loud consultations)

The Temporary Deputy Chairman (Mr. Musila): Order! Order! Hon. Members, let us give the Minister a chance to reply to Mr. Obwocha's question without interruption.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Chairman, Sir, I believe that these are matters to be handled by the Attorney-General.

Mr. Munyao: On a point of order, Mr. Temporary Deputy Chairman, Sir. This House is very important. We must adhere to our own procedures as provided for in the Standing Orders. Can we put things right? If we proceed and continue voting these monies now, at the end we will have done it illegally. Let us get the procedure right.

The Temporary Deputy Chairman (Mr. Musila): Mr. Munyao, I have already made a ruling on this matter; I said that a practice has already been established. If you wish to challenge my ruling, you have other avenues through which to do so.

An hon. Member: Would you like us to go through the---

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

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

The Temporary Deputy Chairman (Mr. Musila): Mr. Muite, I have already made a ruling on this matter. I will now put the Question.

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

The Temporary Deputy Chairman (Mr. Musila): But I have given several chances, Ms. Karua.

Ms. Karua: I have said nothing on this matter, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Musila): Go ahead and say what you want to say.

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, it is true that the Speaker has discretion to extend the proceedings of the House beyond the normal sitting hours. However, the Chairman of the Committee of the Whole House has no discretion to do so. Normally, shortly before 7.00 p.m., the Leader of Government Business reports progress to the House, then the Speaker extends the sitting time of the House.

An hon. Member: Precisely!

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, why do we not admit it when we have gone wrong? We are not suggesting that we should go home now. We are just asking you to regularise the procedure, then we can continue.

The Temporary Deputy Chairman (Mr. Musila): I have already made a decision!

Ms. Karua: We need to discuss the Head further.

The Temporary Deputy Chairman (Mr. Musila): Order! Order, Ms. Karua!

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

(Sub-Vote 017 agreed to)

SUB-VOTE - 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]

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. Before the hon. Member reports progress, we have made an illegality in this House. We want the Chair to clarify whether the Standing Order 142 that was used by the Deputy Leader of Government Business was the right one to extend the sitting of this House.

May I have the privilege of quoting Standing Order 17(2), which is the one that should have been quoted for us to extend this sitting. Could the Chair make a ruling on that so that we do not appear to have sat illegally and allocated money to the Office of the President?

Mr. Deputy Speaker: Hon. Members, Standing Order 17(2) does, in fact, state what the procedure ought to be; namely that, if the House is in Committee and you reach the stipulated hour, being an Allotted Day today, that hour is 7.00 p.m., the Chairman should report progress to Mr. Speaker.

But that must be read in conjunction with the fact that there can only be two supply days. For the Vote of the Office of the President, this was absolutely the last day. So, whether really an error has been committed, I think we must wait again for the background of which is the greater advantage. I think I will take this opportunity to apologise to the House for that error. I believe the Chairman of Committee did not do it intentionally with an aim of violating the law.

Proceed!

REPORT

VOTE 01 - OFFICE OF THE PRESIDENT

Mr. Musila: Mr. Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs10,009,826,610 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2002, in respect of Vote 01 - Office of the President, and has approved the same without amendment.

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

The Vice-President and Minister for Home Affairs (Prof. Saitoti) seconded.

(Question proposed)

Ms Karua: Mr. Deputy Speaker, Sir, once again, I think even if we approve the Vote, we will be approving it beyond the normal sitting hours of the House. Up to this time, no regular extension of time has been sought. Much as we would like to support this Vote, it appears that we are still sitting beyond the normal sitting hours and without leave of Mr. Speaker.

Mr. Muite: Mr. Deputy Speaker, Sir, I would like to put it on record that, nobody was objecting to us completing the debate and passing the Vote today. All we did, and many of us tried from this side, was to point out that it is incumbent on this House to comply with the Constitution and its own Standing Orders. We tried to suggest that the correct procedure is Standing Order No.17 (ii) and the Chairman of the Committee should have reported, as you said, to the Speaker, and the time would have been extended. We would have gone on even up to 8.00 o'clock or 9.00 o'clock. So, we were anxious to comply with the law. I concur entirely that what we have done since 7.00 pm is without any legal basis. It is illegal and we had no jurisdiction because time had not been extended. The proper procedure is, in fact, for the Leader of Government business to move that Motion, so that the Deputy Speaker can extend the time, so that we rectify the illegality. We have no powers - without changing our laws and without complying with the Standing Orders - to approve what we are now approving.

Mr. Deputy Speaker: Yes, Mr. Munyao. Mr. N. Nyagah, you have already spoken.

(Prof. Saitoti stood up in his place)

Mr. Munyao: Thank you, Mr. Deputy Speaker, Sir. It is my time, Leader of Government of Business. We

have now voted Kshs36 billion illegally. It is not too late for the Chair, and we thank you because you have been very considerate, and even if it is not today, to go through these procedures and find a solution because we would like what we are doing today to be legal. It is going to be used by others elsewhere. We should not continue encouraging illegal things in this House.

The Vice-President and Minister for Home Affairs (Prof. Saitoti): Mr. Deputy Speaker, Sir, I thought you had made an apology to the House, and as provided in Standing Order No.1, where matters that are not so explicitly stated---

Hon. Members: It is explicitly stated!

The Vice-President and Minister for Home Affairs (Prof. Saitoti): Mr. Deputy Speaker, Sir, that is true, but the very apology from the Chair, I think in a way, should be seen as having basically been agreed upon. I would like to ask hon Members to accept what has happened inadvertently. I am basically seeking the indulgence of the House that, given the fact that you have already made an apology for an error inadvertently created, whether we should go back to that one or not. I have no hesitation, if that is the desire, to move the extension of the House. I do not know whether that can be done retrospectively.

Mr. Deputy Speaker: Order, hon. Members! Let me quote Macbeth. He said: "We are in blood so steeped, that to go all our steadiness is to go back." So, you might as well go on. Standing Order No.1 states that in all cases where matters are not expressly provided for by the Standing Orders or by other orders of the House, procedural Questions shall be decided by Mr. Speaker. I have decided that although an error was committed, I apologise on behalf of the Chairman of the Committee. We must now proceed as if no error has been committed.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Order, hon. Members! Today being a Thursday, there was no matter brought to my attention for the Zero Hour. We shall now adjourn our Business to Tuesday, the 24th of July, at 2.30 p.m.

The House rose at 7.22 p.m.