

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd October, 2013

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Muturi) in the Chair]

PRAYERS

PETITIONS

COMPENSATION TO VICTIMS OF 7TH AUGUST BOMB BLAST

Hon. (Ms.) Shebesh: Hon. Speaker, Sir, I would like to present a Petition on behalf of the victims of the 7th August, 1998 bomb blast in Nairobi, Kenya. I had prepared this Petition, just for the information of the House, way before the Westgate attack. It was to come during the week when we were dealing with the Westgate attack. I decided, in respect of that particular issue, to bring it now. I thank the Speaker for allowing the Petition to be moved forward in respect of that. The Petition that I would like to present reads as follows:

“We, the undersigned, the 7th August, 1998 Bomb Blast Victims Association, draw the attention of the House to the following:

That, on 7th August, 1998, the *Al Qaeda* staged a terrorist attack directed at the American Embassy that was within the Central Business District. It was the Kenyan citizens who mainly bore the brunt of this attack that led to the deaths of over 200 people and left more than 5,000 people injured. As a result of the bomb blast, Mr. Charles Njonjo was appointed to head a commission which received some donations of money from well wishers, which was subsequently distributed to the families of the victims to cover burial expenses and to survivors in accordance with their degree of injuries sustained---

(Loud consultations)

Hon. Speaker: Hon. Members, the consultations are rather too loud. Please, lower them so that we can hear what hon. Shebesh is reading.

Hon. (Ms.) Shebesh: Hon. Speaker, Sir, I will continue to read.

“The United States Agency for International Development (USAID) provided medical and educational support up to 2002 when they withdrew their support. The victims have never received any assistance from the Government of Kenya to date. On 7th August, 2008, the then Prime Minister attended the bomb blast commemoration and promised to form a committee in the Government which, together with the association, would meet with the United States of America Ambassador and his team to see the way forward, but this was never to be. On 28th November, 2011, Judge John Bates, a US District Judge, ordered compensation to be paid to the Americans and their employees, but kept mum on the Kenyan victims. We hereby confirm that efforts in terms of letters addressed to the relevant persons and Ministries and oral representations to the concerned parties have been made about the matter addressed, but no adequate response has been received.

We confirm that the issues in respect of which the Petition is made are not pending before any court of law, constitutional or legal body. Therefore, your humble petitioner prays that Parliament, through the Committee on Justice and Legal Affairs, looks into the welfare of the bomb blast victims and summons the Office of the Attorney-General and the US Embassy to devise a way forward concerning the issue of compensation, make any other order or direction that it will deem fit in the circumstances of the case. Your petitioners will forever pray.”

I present it as the Nairobi County Member of Parliament, hon. Rachel Shebesh.

I just want to give two or three clarifications on this matter. One is that after the bomb blast, which happened 15 years ago, there was an attempt by the Government then to look into the plight of the victims. About 243 Kenyans died. Twelve Americans died in the bomb blast; one was of Ethiopian origin and another one was of unknown origin. USAID, in collaboration with the US Embassy, started a programme of medical assistance as well as school fees assistance, but after 2002, this programme was abruptly, and without notice, stopped by the USAID. As I speak, many families who were affected by the bomb blast continue to seek medical services. The US Government gave US\$45 million to the Kenya Government but this money did not go in any way to compensate the victims or those who had been left by those who died. This money, all Kenyans know, went into repair of the Co-operative Building, Red Cross, AMREF, Operation Recovery as it was called at that time, Amani Counselling and to doctors who did a very good job at that time; no money went directly to help the victims, many of whom got injuries that led to disabilities, to continue with their lives.

Therefore, we are praying following a resolution by the US Congress, which was passed in 2007. The resolution which was brought to the Floor of Congress by Jesse Jackson Junior and was supported by other Congress Members, stated that the US Government was to pay compensation to the victims of the bomb blast in their country, but the East African bomb blast victims of 1998 have never been compensated. Through a resolution of the House, they agreed that as the September 11th bomb blast victims were being compensated, the bomb blast victims of the US Embassy blast, which happened at the US embassies in Kenya and Tanzania, also be compensated. This is the only avenue, this being the House that represents the people of Kenya and the bomb blast victims, that we can pursue the resolution made by the US Congress.

Some of the stories that I have listened to of those bomb blast victims are stories that if told here, would bring tears to our eyes. But we are obligated, as a legislative House, to do more than pity and listen. We can do more in our legislative power about this Petition.

Therefore, I humbly pray that this Petition be received by this House and by the Justice and Legal Affairs Committee and the relevant action be taken. I, therefore, humbly submit this Petition.

Hon. Speaker: Very well. Well spoken and the Petition is accordingly forwarded to the appropriate departmental committee to deal with it. Hon. Joseph Ngugi Nyumu.

EVICION OF MEMBERS OF EX-MUTHANGA FARM COMPANY

Hon. Nyumu: Thank you, hon. Speaker. I have a Petition on behalf of the members of Ex-Muthanga Farm Company Limited on their eviction from Muthanga Farm, which is their land. The undersigned are citizens of Kenya who are members of Ex-Muthanga Farm Company Limited, who are from my constituency – Gatundu South. They draw the attention of the House to the following:

THAT, aware that Ex-Muthanga Farm farmers purchased Muthanga Farm, that is Makuyu/Kambiti/Blocks 1, 51, 61 and 62, formerly LR No.9447/2, from the Department of Settlement of the Ministry of Lands;

THAT, the said properties are situated at Muthiga Township along Thika-Makutano-Nyeri Road, approximately 40 kilometres to the north east of Thika Town, within Kambiti Trading Centre in Makuyu Sub-district, Murang'a County;

THAT, the following are formal complaints:

(i) The Government formed a land commission in 1987 to establish the rightful owners of the land and Muthanga farmers were identified as the rightful owners.

(iii) That the land was sub-divided into smaller parcels which were all registered as freehold interests under the Registered Land Act, Cap.300, and the farmers were issued with title deeds through Murang'a Land Registry in 1988.

(iv) That the farmers have since been evicted from the land following judgment by the High Court on 19th November 2002.

Therefore, your humble petitioners pray that the Departmental Committee on Lands investigates this matter. Two, the National Assembly intervenes in this matter with a view to assisting the farmers gain access to the land which is rightfully theirs. Three, should the squatters remain on the parcel of land, the National Assembly explores ways of seeking compensation for the owners of the land.

And your petitioners will forever pray.

It is presented by hon. Joseph Ngugi Nyumu, Gatundu South. Thank you, hon. Speaker, Sir.

Hon. Speaker: Sorry. Which committee?

Hon. Nyumu: Departmental Committee on Lands.

Hon. Speaker: Any member from the Departmental Committee on Lands?

Hon. Members, as you can see, consulting the Chair at this time becomes extremely disruptive. Yes Chair, hon. Alex Mwiru.

Hon. Mwiru: Thank you, hon. Speaker, Sir. Well, this is quite a serious issue that needs to be handled quickly. Since it is a matter that has been in existence, we need to peruse a little bit some records for the sake of his people. I want to undertake that the Departmental Committee on Lands be given one month to deal with the matter. I hope the hon. Member will bear with the Committee. He is my friend and I know he will understand.

Hon. Speaker: Yes, hon. Nyumu.

Hon. Nyumu: One month is too long, hon. Speaker. Maybe two weeks.

Hon. Speaker: You see the danger of also demanding too much action within a very short time from your colleagues is also impacting on the quality of statements that are coming; I do not know of their capacity to investigate. It will require a sub-committee of the Committee. Hon. Muthengi.

Hon. Mwiru: Hon. Speaker, Sir, I really understand the gravity of the matter, but it is only necessary that facts are laid bare. We know we are to call quite a number of witnesses and this is not just about sitting in only one meeting, agreeing and dispensing with the matter. So, kindly hon. Member, bear with the Committee. We are going to do a thorough job and you and your people will be happy.

Hon. Speaker: Is that okay?

Hon. Nyumu: Yes

Hon. Speaker: Of course, I also want to encourage committees to bring other reports and not reports about statements. You see, we cannot say we are overseeing others who are supposed to regularly bring reports and we ourselves are not bringing reports. Other than the report by hon. Keynan, the rest of the committees are not doing so, yet they have the power to investigate and inquire into operations of ministries and departments. What have you been investigating and inquiring into in the various ministries that you do not want your colleagues here, who are not members of your respective committees, to know and debate? The various

meetings that the committees hold can only become useful if they are followed up by reports tabled before the House.

You are the ones overseeing those ministries and departments of Government. It is only the Public Investments Committee (PIC) and the Public Accounts Committee (PAC) who have to wait for reports from the Auditor-General before they bring in their reports. Departmental committees, unless you have not been overseeing or investigating what those ministries are doing, by now we should be seeing you churning out reports. Please, chairs of committees, take note. We will begin now demanding reports from committees as listed. Departmental Committee on Agriculture, Livestock and Cooperatives, it is not just about who chairs the committee being removed or replaced. We want factual reports on your mandates with regard to the inquiries you have made in ministries.

Some of the issues that are raised here could very well be addressed through those reports and you should make recommendations as to how they can be made to function better. I hope when we begin with Committee "A" maybe possibly next or the week after, they will be ready with some reports to present regularly. Other than the Finance, Budget and Appropriations Committee, departmental committees are not bringing in any reports. Maybe you think that you only bring reports on Bills. No. Look at your mandate in Standing Order No.216(5), which you very eloquently spoke to yesterday. So, please, let us get reports. Next Order.

NOTICE OF MOTION

REPLACEMENT OF NUCLEAR ENERGY WITH RENEWABLE ENERGY

Hon. (Dr.) Ottichilo: Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that Kenya Nuclear Electricity Board was created and tasked with spearheading the development of nuclear energy in the country; deeply concerned that the construction and maintenance of a nuclear plant is a highly technical, expensive and risky undertaking that potentially exposes a country to the threat of nuclear radiation and the challenge of disposal of radioactive nuclear waste; further aware that due to these inherent risks in nuclear energy production many of the developed countries like Germany, India, Japan and South Africa, amongst others, have increasingly embarked on the systematic shut down of their nuclear plants and instead are promoting development of clean renewable energy, especially wind and solar energy, this House resolves that the Government stops any further investment in the development of nuclear energy and instead invests in the development of renewable, or green energy, which is safe and abundant in the country.

Thank you, hon. Speaker.

REQUESTS FOR STATEMENTS

Hon. Speaker: The first request for a Statement is by hon. Francis Mwangangi. The request is to the Chairperson of the Departmental Committee on Finance, Planning and Trade on the Economic Stimulus Programme (ESP).

Is hon. Mwangangi present? He was just here. Hon. Mwangangi, you cannot be all over in the Chamber! Is it that you do not have a card? You will then raise your issue tomorrow. You may now just relax and listen to your colleagues debate. Hon. Halima Wari Duri.

KILLING OF PEOPLE BY KENYA WILDLIFE PERSONNEL

Hon. (Ms.) Duri: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c) I wish to request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding the killing of individuals by uniformed Kenya Wildlife Service (KWS) officers. This has happened many times. In the last two weeks in Tsavo West National Park, a KWS officer killed one herdsman by the name Musa Mahamud Haji Dame and four head of cattle, and ran away with the dead body of the herdsman, leaving the area residents anguished.

In the Statement the Chairperson should inquire into and report on the action to be taken against this and other such KWS officers who kill innocent people. This should stop in that area where people border the KWS, Tsavo West. When will the corpse of the herdsman be returned to his family for proper Islamic burial? Failure to return it, action should be taken against the officer or compensation to the family should be done immediately.

Hon. Speaker: Is the Chairperson of that Committee, hon. Amina Abdalla, present? She is absent not desiring to be present. Is the Vice-Chairperson present? What about a Member of the Committee? Is there nobody from that Committee?

Hon. (Ms.) Sunjeev: Hon. Speaker we shall report back on this issue within three weeks.

Hon. (Ms.) Duri: Hon. Speaker, it is an emergency.

Hon. Speaker: Hon. Halima, while you think it is an emergency, as you are saying, you ought to have consulted the Clerk's Department and my office for advice. If it is that urgent the Leader of Majority Party is the person you should have directed that kind of request to.

Hon. (Ms.) Duri: Hon. Speaker, this is a situation where even the dead body was not left behind by the KWS officer to be buried by family farmers. So, it is an emergency actually. The KWS and the residents are neighbours. Can we get a solution within one week, please?

Hon. Speaker: Solution to the killings?

Hon. (Ms.) Duri: Either they return the body or we get a report from the Committee.

Hon. Speaker: The Committee cannot return bodies. It may be in charge of natural resources, but not bodies. Natural resources do not include dead bodies.

Hon. (Ms.) Duri: Hon. Speaker, we are Africans and we need the head of the person-- - The body of the dead person is needed for proper burial. This is not a matter to wait for one week or two weeks.

Hon. Speaker: The body or the head? Hon. Birdi, your colleague wants the body and the head. I do not know for burial or something.

Hon. (Ms.) Sunjeev: Hon. Speaker, I do understand and appreciate the urgency of this matter, but I am also aware of the urgent matters that we are taking care of – I am not saying that this particular matter is not urgent enough. However, considering the urgency of this matter we shall get back to her in two weeks.

Hon. (Ms.) Duri: Hon. Speaker, I think the Committee is not serious and committed. If they are committed, let them give us a feedback tomorrow. And we want the body also.

Hon. Speaker: I will tell you from where I am that will not happen. When you are seeking a Statement from your colleague, surely you expect that they are going to sit and listen to evidence or presentations from other people--- They are not miracle workers! You are talking about bodies being returned. Now, how is that going to be done by the Committee?

Hon. (Ms.) Duri: Thank you, hon. Speaker; the Committee should not talk of two weeks here. This is a serious matter as far as the area is concerned. Let the Committee give us reasonable time, say two to four days, but not three weeks. We are desperate, hon. Speaker.

Hon. Speaker: Hon. Halima, just a minute. Please, can you go through your Statement request? I want to understand it. Just read it out again.

Hon. (Ms.) Duri: Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Committee on Environment and Natural Resources---

(Loud consultations)

Hon. Speaker: Order! Order, hon. Members! I want to hear hon. Halima. Continue, hon. Halima.

Hon. (Ms.) Duri: Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Committee on Environment and Natural Resources regarding the killing of individuals by uniformed Kenya Wildlife Service officers. This has happened many times. It happened recently in the last two weeks at Tsavo West National Park, where a KWS officer killed a herdsman and four cows, and then ran away with the body of the herdsman by the name of Musa Mahamud Haji Dame, leaving the area residents in anguish.

Hon. Speaker, the Chairperson should inquire into and report to the House on action to be taken against the KWS officers for killing innocent people.

Hon. Speaker: Is that what you want?

Hon. (Ms.) Duri: That is what I want, hon. Speaker.

Hon. Speaker: And you want it done tomorrow?

Hon. (Ms.) Duri: Yes, hon. Speaker.

Hon. Speaker: Hon. Halima, obviously, the Chairperson and, indeed, the Committee, will need to summon all those involved in wildlife management, and more particularly those at Tsavo West National Park. Perhaps, even the Cabinet Secretary responsible for wildlife management will be required to appear. That will not possibly happen tomorrow. Since it did not happen yesterday, allow them the opportunity to organise for a sitting. You should also be present in that meeting. You are looking into how those kinds of ghastly acts can be stopped. It seems like that is what you are looking for, plus the return of the body that you said was carried away. Can you allow them two weeks to look into the matter and report back to the House?

Hon. (Ms.) Duri:---(off-record)

Hon. Speaker: You have now decided to engage in non issues. Please, sit down. Yes, hon. Charles Nyamai.

STATUS OF MASINGA/KITUI WATER PROJECT

Hon. C.M. Nyamai: Hon. Speaker, pursuant to Standing Order 44(2)(c), I hereby request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources concerning the Masinga/Kitui Water Supply Project. The project was initiated by the Government. It is being funded by the Government of Kenya and the African Development Bank. It is meant to benefit the whole of Kitui and Machakos counties. However, the project has since been stopped by residents of Masinga Constituency. The contractor can no longer access the site to continue with the works.

Hon. Speaker, the Chairperson should inquire into and report on the following:-

(i) status of the project and the areas it was meant to supply, according to the initial design and the current design;

(ii) measures that the Government is taking to ensure that the construction work is completed on time;

(iii) steps that the Government is taking to ensure that the concerns of all the residents of the area the project is supposed to serve are addressed; and,

(iv) costs associated with the delay in completion of the project due to the dispute.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Wandayi, you are in the Committee. The request is directed to your Committee. I have seen you up and about. Did you hear the request?

Hon. Wandayi: Hon. Speaker, the request is on the Masinga/Kitui Water Supply Project.

Hon. Speaker: What is the request about?

Hon. Wandayi: Hon. Speaker, I might not articulate the specifics of the request properly.

Hon. Speaker: So, can we have another Member of the Committee who may have been following the request?

Yes, Committee Chairlady, hon. Amina Abdalla.

Hon. (Ms.) Abdalla: Thank you, hon. Speaker. The request from hon. C.M. Nyamai is the one that I have heard about. I wish to inform him that we will bring a report in three weeks' time.

Hon. Speaker: Hon. Amina, there is another Statement request in respect of which you may have to exhume a body or look for it wherever it may be.

Hon. (Ms.) Abdalla: Hon. Speaker, a Member of my Committee ably agreed to two weeks. On a more serious note, the issue of the body, especially because it requires burying in the shortest time possible, the victim being a Muslim, I do not believe that it is an activity for which the Committee should be held responsible. Instead, we should be able to facilitate the hon. Member to communicate with the KWS Director for purposes of retrieving the body and leave the Committee to deal with the issue of the extra-judicial manner in which the KWS might have dealt with the deceased person, with a view to establishing what the reasons were.

Hon. Speaker: Hon. Nyamai, what is your reaction?

Hon. C.M. Nyamai: Hon. Speaker, that is fine with me but I will appreciate if they can make it much earlier. I know hon. Amina Abdalla to be a very efficient person. The earlier they can make it, the better.

Hon. Speaker: Hon. Nyamai, you will, of course, also sit in the Committee to assist them.

Are there any responses? If there are none, let us proceed to the next Order.

What is your point of order, hon. David Gikaria?

Hon. Gikaria: Hon. Speaker, I need your guidance. Last week, on Thursday, I took a Statement request to the Office of the Clerk but to date it is not yet out for me to be able to present it.

Hon. Speaker: Have you tried to find out from them as to what might have happened?

Hon. Gikaria: Hon. Speaker, I was there yesterday. I was told that it would be out today. Today, again, I was told that it was not yet ready. So, I do not know what is happening. The request has been waiting for your signature since last week, Thursday. That is what they told me.

Hon. Speaker: Hon. Gikaria, I can assure you that there is no pending Statement request in my office.

Hon. Gikaria: So, I do not know what the problem is. Maybe, I need your guidance.

Hon. Speaker: Did you approach the Clerk to find out where your Statement request could be? Certainly, it is not in my office.

Hon. Gikaria: Hon. Speaker, I was made to believe that it was in your office, awaiting your approval. Anyway, I will approach the Clerk again.

Hon. Speaker: Very well. Let us go to the next Order!

Hon. John Olago Aluoch, do you have a point of order?

Hon. Aluoch: Hon. Speaker, before we go to the next Order, last Wednesday, hon. Oyoo raised an issue about the murder of one Naman Nabira at the border of Kisumu and Nandi

counties – a murder that has brought tension in the border area. The Chairman of the Departmental Committee on Administration and National Security had indicated that they would give the Statement within one week, which falls today. I was expecting that he or somebody else would issue the Statement.

Hon. Speaker: Hon. Aluoch, unfortunately, as you will appreciate, I have since given directions about responses to Statement requests. I have directed as to when responses to Statement requests would be made – on Wednesday morning for one hour and Thursday afternoon for one hour. So, it happens that today is not a Thursday. Although today is Wednesday, we are in the afternoon session. It could only have been made in the morning or tomorrow.

Hon. Aluoch: Hon. Speaker, Sir, do I understand you to say that the Statement should be delivered tomorrow?

Hon. Speaker: You will appreciate that I am not the Chair of that Committee.
(Hon. A.B. Duale looked at hon. Aluoch and smiled)

Hon. Aluoch: Hon. Speaker, Sir, the Leader of Majority Party knows about this matter. He is looking at me and smiling.

Hon. Speaker: In any event, hon. Aluoch, even if it were to be delivered now and the Member who requested it is absent, it would be dropped. I know hon. Aluoch you are a Senior Counsel, but here you do not represent hon. Oyoo.

(Laughter)

If he is on his rights, so be it.

Hon. Kihagi: Thank you, hon. Speaker, Sir. On Wednesday, last week, the Leader of Majority Party undertook through hon. Wanga, the Member for Homa Bay County, that the Departmental Committee on Labour and Social Welfare would address the issue of Karuturi Flower Farm workers in Naivasha. I raised this matter three weeks ago and I pointed out that it was urgent.

The Committee has not made any attempt, to my knowledge, to address the matter. The situation on the ground is becoming pathetic. I pray for your intervention and also the intervention of the Leader of Majority Party, so that this matter is handled by the Committee.

Hon. Speaker: Who chairs the Departmental Committee on Labour and Social Welfare? I do not even seem to remember the name of the Chairperson because the Committee is not very active in the House; it may be active elsewhere. Is it hon. Wanga?

Hon. Members: It is hon. David Were.

Hon. Speaker: Hon. Were, you are being accused of not participating in the House, yet you are a senior Member of this House.

Hon. Were: Hon. Speaker, Sir, we are already working on the Statement. We request to be given one more week, so that we can furnish the House with an answer.

Hon. A.B. Duale: On a point of order, hon. Speaker, Sir. I want hon. Gladys Wanga to listen to me because that day she held brief for the Committee and the Chair she said they should be given seven days to respond.

Hon. Speaker, Sir, if you look at the tracking system of Statements, you will see that we have a big backlog of Statements dating back to May. I think it is fair to Members that Chairs of Committees and Committee Members, as you earlier said, bring Statements and reports to this House. So, I request for your ruling on this matter because it is bigger than saying, “give me one week, add me another one week or two weeks”. These are serious issues that touch on constituents of Members of Parliament who seek the Statements. So, we need to come up with a solution because---

(Hon. Simba waved at hon. Members as he entered the Chamber)

Hon. Speaker: Hon. Simba Arati, you must learn the rules of the House. This House is different from the other areas where you may have been. Do not come here and start waving at everybody. You can do so without necessarily causing commotion all over.

Hon. A.B. Duale: Hon. Speaker, Sir, if a Chairman of a Committee does not even know what is supposed to be done--- I think you need to give a ruling and clear guidance that when we expect a Statement, a copy is tabled in the House so that Members can interrogate it. We need your direction.

Hon. Speaker: I hope that the Clerk has taken note of this. This will come very soon. Just as I have said with regard to reports, even on the requests by Members, when you promise to deliver Statements or responses on particular dates, Chairs are required to abide by those promises or undertakings. We must show a difference.

Hon. Kihagi, what do you want to say?

Hon. Kihagi: Hon. Speaker, Sir, I just want to re-emphasize the importance of the matter, given the fact that due to non-payment of their wages, the workers staged a go-slow and the proprietor has since taken them to court. However, even as the court process is going on, the farm is being auctioned and some of the assets of the company are being disposed of. The workers are at risk of losing all the years they have worked. This is in spite of them not being paid the salary for September. So, there is seemingly lack of concern and care---

Hon. Speaker: Have you appeared before the Committee?

Hon. Kihagi: Hon. Speaker, Sir, I have tried and even made calls.

Hon. Speaker: The Chairman is there now. This is not the time for debate about the plight of those workers. Can you go and sit with the Chair now and agree when you will appear before the Committee alongside anybody else so as to---

Hon. Kihagi: Most obliged, hon. Speaker, Sir.

(Loud consultations)

Hon. Speaker: Hon. Members, this is the Chamber of the National Assembly. It has never been and will never be an open air market where people just shout from wherever. It cannot be.

Yes, hon. Halima.

Hon. (Ms.) Duri: Thank you, hon. Speaker, Sir. I requested for a Statement from the Committee on Labour and Social Welfare in July and I am yet to get any response. I do not know what I should do next.

Hon. Speaker: Hon. David Were, very soon we may begin the system of naming and shaming---

Hon. Were: Hon. Speaker, Sir, I am not aware of that Statement.

Hon. Speaker: Hon. Halima, the Chair of the Committee says that he is not aware of that Statement. Could you furnish him with a copy of that request, if you have it?

Hon. (Ms.) Duri: Thank you, hon. Speaker, Sir. I am really shocked by the response from the Chair of the Departmental Committee on Labour and Social Welfare. I submitted a copy of that request and I am surprised that he did not receive it. I will go to Room 8 and get a copy of the request for that Statement.

Hon. Speaker: This is not just to hon. David Were, but to all Committee Chairpersons. All Committee Chairpersons, their Vice-Chairpersons and any other active Member of a Committee, you are advised to constantly check in Room No.8 for the statements tracker, and also to regularly visit the parliamentary website. Those of you who understand what that means, will do it from the comfort of wherever your offices may be located.

Kindly, check in Room No. 8 for hard copies of the Statement trackers so that you know when your Committee is required to give some statements. I was not in the Chamber when the request for the Statement was made, for very good reasons. But, please, constantly check in Room No.8 for the Statements tracker. It will help committees to know when it is that Statements or requests for Statements were made, and they can then make arrangements on how to address the issues raised in the Statements requests.

But for the time being, I think hon. (Ms.) Duri you can also have a session with the Chair of the Committee just to update him. If need be, give him a copy of the Statement, if you have any.

Hon. Ng'ongo: Thank you, hon. Speaker for giving me the opportunity. The new Constitution elevated the offices of Chairs of Committees and put them at the level of former Cabinet Ministers. Would it be in order for us to have a directive that the Clerk's Office be officially mandated to be communicating to committees through clerks of committees? This is because these Committee Chairs are hon. Members of Parliament; you will agree with me that they have a lot of issues to attend to. That way, we know that the clerks of various committees will be receiving correspondence from the Clerk's Office to forward to the committees.

Hon. Speaker: That is one way. There is nothing to be excited about. Let us not just discuss everything. It is a simple suggestion and it makes a lot of sense. So, do I need to be addressed again by three, four or five people? Let us move on to other business. It is so directed; it is as simple as that. That the Clerk's Office, in addition to having the statements tracker, is also directed to communicate these requests to the various other clerks who do the clerking of committees. But of course, that does not also mean that hon. Members who are Chairs of Committees may not also check the statements tracker. I think it is important. Do not always rely on what you are told by other people. If you can get it directly from Room No. 8, the better.

Next Order.

BILL

Second Reading

THE MATRIMONIAL PROPERTY BILL

(Hon. Chepkong'a on 17.10.2013)

(Debate concluded on 17.10.2013)

Hon. Speaker: Order No.8 on the Order Paper shows debate on it had been concluded, but the Question was not put for obvious reasons. There was no quorum at the time. I hope this one is not going to be permanent feature of the 11th Parliament work.

(Question put and agreed to)

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

MOTION

STATE/PUBLIC OFFICERS TO USE ECONOMY CLASS AIR TRAVEL

THAT, aware that the Government has limited financial resources, given the new governance structures that have occasioned devolution of funds; noting that public and State officers constitute a significant part of the Government; cognizant of the fact that the Government has to cater for their official duties, including transport and other facilitation within and outside the country; conscious of the need to reduce the burden on the taxpayer, this House resolves that all State and public officers, including officers of constitutional commissions, county governments, State corporations and departments, with the exception of the President, Deputy President, the two Speakers of National Parliament and the Chief Justice, using air transport during official trips within the country should travel in Economy Class, and travel no higher than business class on international flights, unless they meet their own cost for an upgrade, and that this decision takes effect immediately and all respective Accounting Officers take necessary action to implement this resolution without exception.

(Hon. Kamau on 22.10.2013)

(Resumption of Debate interrupted on 22.10.2013)

Hon. (Dr.) Nyikal: Thank you, hon. Speaker for giving me this opportunity. I rise to support this Motion. The gist of this Motion is the expenditure that we, as a country, incur through our Government officials.

Hon. Speaker, Kenya is probably one of the most highly taxed countries in the world and the majority of our people are poor. Over 41 per cent of our population lives below the poverty line. That is living on less than US\$10 Dollars a day. These are the people who pay taxes; these are people whose money we spend every time public officials travel. These are the people who need services that often are not as optimal as they should be. The health needs of our people are not yet met. Many times you go to our hospitals and people cannot get drugs and the surgeries they need in time.

Hon. Speaker, Sir, in the education sector, although the Government has given a lot of support to children in primary and secondary schools, still many kids do not go to school because their parents cannot afford fees. The infrastructural needs in our country are great; our roads need repair and we have a big problem of security in the country. Therefore, it behooves us to use efficiently resources that are raised by taxpayers.

Hon. Speaker, I dare say that currently, I do not think we are using these resources as efficiently as we should. We incur losses in several ways like extravagant use, for example in air travel. We incur losses in areas that we do not need to spend on. Huge leakages occur because of corruption. I can say that if we used the resources in this country as efficiently as we should, we would offer free and good health care. Therefore, it is extremely important for public officials to use resources efficiently. The use of Business Class, or even First Class, when travelling within the country is, in my view, extremely extravagant.

Hon. Speaker, I know this because I have been in the public service. I can tell you that in my time, I reached a point where I decided that I did not want to use Business Class while travelling within the country. For example, when travelling to Kisumu the difference between Business Class and Economy Class is over Kshs16,000. What do you get when you sit in that Business Class? They draw a small curtain behind you, give you a glass of juice and you pay Kshs16,000. That is immoral.

Hon. Speaker: Hon. Nyikal, is the immorality in the glass of juice or the curtains?

Hon. (Dr.) Nyikal: The immorality is paying Kshs16,000 for a glass of juice and a curtain behind you and sitting there because you are a senior officer. That is not acceptable.

Hon. Member: On a point of order, hon. Speaker, Sir.

Hon. Speaker: What is out of order? Do not interrupt hon. Nyikal.

Hon. (Dr.) Nyikal: Hon. Speaker, Sir, this is the same attitude that we have in this country that when one is put in a senior position, then people want to live extravagantly. People want to be seen to be well to do, they want to drive expensive cars and live in expensive houses. All this is really at the cost of the poor taxpayers.

It is time that we really looked into this. We should not look into the area of air fare alone, but we should think of all the other areas like even the per diems and the meal allowances that people claim. If we work seriously on these areas, we will save this country so much money. Many times, people think that these are small expenses, but you should think about this the way you think about the white ants. If you see a small white ant in a house, you do not believe that it can bring the house down, but if they are thousands of them like we have many civil servants and they are all pilfering small money, for example, Kshs.1,000 there and Kshs.2,000 there, in the end it will probably be a much bigger aspect of corruption than even probably what we see with people like Pattni. We must start this with ourselves.

We must go by the international standards although this Motion states within the country, which is often less than two hours. Internationally, it is only when people are travelling for more than five hours that they go in Business Class. I honestly do not see why people should even travel First Class. In my mind, the exemption should have been the President and the Deputy President. I support this Motion. The Mover should amend the Motion, so that a flight less than five hours, you actually travel Economy Class.

I beg to support.

Hon. (Ms.) Abdalla: Thank you very much, hon. Speaker, Sir. From the outset, I want to congratulate my colleague, hon. Jamleck Kamau, for bringing this Motion that intends to save the taxpayers' money.

I have for long stated that Parliament requires a stronger public relations department because when I came back to this House in March this year, for the first time, I was booked on an Economy Class ticket to Mombasa for a meeting that I attended with hon. Jamleck Kamau and some Commissioners, who were all in the Business Class section. Parliament has not taken advantage of that very bold cost saving measure that they have taken by publicising that we, as parliamentarians, have shifted to ensure that money that is allocated to our institution is well spent in travel that is not only essential, but cost effective.

Parliament needs to invest in informing the other organs of the Government that if we, the persons who debate and allocate the money that they use in their Ministries, can travel Economy Class, who are they not to travel Economy Class in the short-term sector? This is a rather embarrassing issue because in many situations, we are having our members of the Executive negotiating grants and loans with ambassadors who when they travel back to their countries, they travel Economy Class while us and our colleagues in the Executive not only travel Business Class, I hear there is a new trend where they are travelling First Class.

It reminds me of the Statement of the former British Ambassador who said that Kenyans have vomited on the donors' shoes. It is truly the case in that we are begging them to support some programmes in our country, yet the money that we generate in our country we spend it paying for Business Class tickets when the donors are using their money in travelling Economy Class. So, it is not only a money saving issue, but a value for money issue that we need to ensure the rest of the Government undertakes. There are international meetings that every Ministry knows that they will attend, but because it is lucrative and more expensive to buy a ticket from your preferred travel agent at the last minute, and this includes Parliament, there is a tendency of planning not to plan in order to give more money to your supplier.

There are many Ministries who know for sure that they will go to Geneva three times in a year, but they will not take the initiative to plan that travel early enough so that they can

get the best fares at the right time. As we begin this process of ensuring that Ministries adhere to this Motion, I want us to not only move from accepting the use of the Economy Class tickets, but also to ensure that we get value for money and look at the reasoning behind why some of the travel budgets in some Ministries overshoot. Most likely, it will be because of poor planning yet they know well beforehand that they will be travelling at a certain period.

I would like us to go further and say that the standards that we are going to use in determining whether an officer will travel Business or Economy Class should be those set by the UN and that is what Dr. Nyikal spoke about. He said that for a flight that is more than five hours, you can then consider to travel Business Class, but if it is less than five hours, which will include the bulk of Africa travels, then people can travel Economy Class.

With those few remarks, I support this Motion. I look forward for the Committee on Implementation and the Committee on Budget and Appropriations to ensure that this is implemented.

Hon. Muzee: Thank you, hon. Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. From the outset, I want to thank my Chair, the Committee on Energy, Communication and Information, for moving this Motion. It is a great move and he should keep it up.

Just a few months ago, we saw our dear President walk in this Chamber and he talked about the need for us to focus on economic transformation of this country. He laid out nine pillars that will help us take this country forward. That said, we need to be very careful how we spend our money. The issues that were laid out, for those who can remember, there was the issue of land, food security, water, education, economic opportunities, roads, security and the environment. All these require a lot of funds to be used in taking this country forward, but we have seen the wastage. We have seen a lot of money being used in areas which are not important. The other day, I went to one of the Ministries here and one of the officers told me: “*Mheshimiwa*, you always pass this Budget, but do you really care to look at how this money is spent in these Ministries? This is because there is a lot of wastage”. If you think about the issue that this country is going through right now, it is timely that we bring, not just this Motion, but at some point a Bill, to ensure that money is not wasted in the areas where we take it.

As a Member of the Committee on Energy, Communication and Information and ICT as well, we looked at the Budget just the other day and the Ministry of ICT needed Kshs11 billion. We could not get that. We only gave, I think, around Kshs5 billion. If you look at the Ministry of Energy as well, they needed more money and we could not raise what they were looking for. Recently, we heard the Cabinet Secretary in charge of roads saying he had got only Kshs17 billion and he had goods worth Kshs25 billion that he needed to pay for. So, essentially the Ministry does not have money and here we are wasting money. As we were told yesterday, Kshs10 billion that could have been used in the right way to help our country grow---

So, I support this Motion and I want to say in this House that I used to work for an international company called IBM and the turnover was Kshs8 trillion in one year. We were 500,000 staff members across the globe. We all travelled Economy Class; I think we should be emulating this kind of example. Let us save money, so that we can use it in so many other areas like security, where it is needed. We know that in this country today women trek long kilometres to look for water. We know today that our kids are sitting on the floor in some schools and some of them even sit under trees, which is very pathetic and it is all over the country.

I think it is important for us to take this very seriously. I also dare say that we need to expand this to other areas. We know money is sent to Ministries and we see reports coming out about people being paid for reports or services which are really not necessary. So, I think we need to extend this policy to other areas in the Government. Also, I am looking forward to the

passing of the Government Service Bill to take care of procurement. We need to look at that holistically, because it is going to save this country a lot of money.

In fact, I look forward again to seeing the procurement law that the Government says it will be bringing here, so that we can try, as much as possible, to streamline the way we spend money; this is definitely a good start. Let us focus on putting money where it should be so as to help this country grow. It is our home and we are duty-bound to ensure that we do the best with the money that we take from our taxpayers.

Thank you very much, hon. Speaker, I support.

Hon. Bunyasi: Thank you, hon. Speaker, Sir. I rise to support this Motion very strongly because it makes a lot of sense for a country and an economy like ours. Kenyans might love luxury but if they do so, let them pay for it and they can truly appreciate the luxury. I think to do so at the expense of the taxpayer is too heavy a burden to bear. Many people might know, but some may forget that of all the countries of the world, Kenya is among the most unequal societies; those at the top are probably truly well remunerated and those at the bottom are truly at the bottom. Any savings that are made on small measures like this might go a long way in narrowing the gap between those at the top and those at the bottom.

Hon. Speaker, Sir, I think the travel agencies in the public sector must get a little more sophisticated and begin to look for all ways in which they can make travel savings. I used to work for an organization, like my colleague who has just spoken, that had many people travelling internationally. It was much smaller than his. It had 10,000 people but the travel agencies also had frequent flyer miles through which they earned from airlines in addition to earning from individual travelers. Those frequent flyer miles subsidised our cost of transportation. There must be pressure on travel agencies to do that.

I would explicitly add to the specification that hon. Jamleck has mentioned, for example county governments, constitutional commissions and embassies should be included in the policy. They should not be allowed to sneak through because through them we also suffer enormous waste. There is a real dividend to be earned from this.

Yesterday's quick estimate was that we could save Kshs10 billion by going this route. If I recall, in our discussion of the Value Added Tax (VAT) Bill, we expected the VAT amendments to bring in an extra Kshs10 billion. You can see just how large this dividend would be. This dividend is extremely large. If it is given to this House, we can deal successfully with the jigger menace all over the country; in a country where jiggers are a menace, we should not be travelling First Class. So, clearly we can do a lot with a dividend like this. My people of Nambale would be very happy to take Kshs1 million out of that. That would be a success in this season, and I am sure it would be true of very many other constituencies.

Hon. Speaker, Sir, I think this is one of the most timely motions that have come here, and I would hope that if there is anything that needs to be done to ensure that the Government listens and implements this, we should go the extra step.

With those few remarks, hon. Speaker, Sir, I support this Motion.

Hon. Speaker: Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Speaker for giving me this opportunity. I wish to congratulate hon. Jamleck Kamau for bringing this Motion. While I support, I wish to bring an amendment to the Motion and my amendment would include the words "the two Deputy Speakers of the National Parliament" to be inserted after the words "National Parliament" appearing on the eighth line and to also include "the Deputy Chief Justice" after the words "Chief Justice".

Hon. Speaker, I do not know whether I could read the Motion as I am proposing to amend or I just give the essence of the Motion?

Hon. Speaker: You may read how the Motion would read if your amendment is carried through.

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, now I can read the Motion as it appears after the proposed amendment. It reads:

“THAT, aware that the Government has limited financial resources; given the new governance structures that have occasioned devolution of funds; noting that public and State officers constitute a significant part of the Government; cognizant of the fact that the Government has to cater for their official duties, including transport and other facilitation within and outside the country; conscious of the need to reduce the burden on the taxpayer, this House resolves that all State and public officers, including officers of constitutional commissions, county governments, State corporations and departments with the exception of the President, Deputy President, the two Speakers of the National Parliament, the two Deputy Speakers of the National Parliament, the Chief Justice and the Deputy Chief Justice using air transport during official trips within the country should travel Economy Class and travel no higher than Business Class on international flights unless they meet their own cost for an upgrade, and that this decision takes effect immediately and all Accounting Officers take necessary action to implement that exception.”

Hon. Speaker, my amendment is grounded on the doctrine of separation of powers. We have three arms of Government. We have the Judiciary, Legislature and the Executive. If you look at what the Motion is doing, it recognises the two heads of the Executive and only one head of the Legislature and one head of the Judiciary. If we want to put the Legislature at par with the Executive and Judiciary, then all measures towards the Executive should be *pari passu* with measures towards the Legislature. Therefore, if we recognize the President and the Deputy President, the equivalents in the Legislature are the Speaker and the Deputy Speaker. So, if we want to give cognizance to the doctrine of separation of powers, then I would suggest that we recognise not only our Speaker but also our Deputy Speaker and the same with the Office of the Chief Justice and his deputy.

Hon. Speaker, I think I would also want to encourage that because we also honour our officers. When they travel we want to bestow on them the authority that they have as servants. The rest of us are servants of the country, and we can use Economy Class. Nonetheless, I would want to encourage Kenyans to recognise that.

Just over the weekend I was travelling on Economy Class to Kisumu and I sat next to a member of the public. He asked me, “*Mheshimiwa*, why are you sitting with us here? Why do you not sit in Business Class?” I think Kenyans should also get out of this mind frame where they are not too sure about what they want us to do. For example, whether they want us to be servant-leaders or want us to lord over them. When we do not lord over them they complain and when we lord over them they complain too. So, let the public also decide. If they want us to be servants to the public then we will be. However, if they want us to lord then we will not be very happy participants to that arrangement.

With those remarks, I want to congratulate hon. Jamleck Kamau and humbly move my amendment and ask hon. Dr. Nyikal to second.

Hon. (Dr.) Nyikal: Hon. Speaker, I rise to second the amendment that the Deputy Speakers be included in the list of the people that can travel within the Business Class. I think this is important because I have noticed that within Government structures, although we have the three structures, Members of Parliament are treated as a lower cadre of State officers. Look at the issue of security; we are given security, but who pays for our security when we go out with them on a trip? How do our security personnel get home? We have to pay for their transport from their homes and back. When we are State officers, we must be State officers.

Hon. Speaker, we start by recognizing the House leadership and we are going to demand similar recognition for Members of Parliament.

I beg to second.

*(Question, that the words to be added
be added, proposed)*

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

(Question of the Motion as amended proposed)

Hon. Speaker: Hon. Gumbo. I can tell you the next one on the list just for transparency so that those who have put requests know. The next speakers are hon. John Mbadi, hon. Benson Makali Mulu, hon. Cyprian Kubai Iringo, hon. Ali Rasso Dido, hon. Emmanuel Wangwe, hon. Onesmus Muthomi Njuki, hon. Kipruto Barchilei, hon. Ms. Rose Nyamunga, hon. James Opiyo Wandayi, hon. Alfred Kimani Njuguna and others in that order. That is the way you have placed your requests.

Hon. Kopiyo, you have no business standing and claiming to be addressing the Chair. Please, be seated. I have just read the names as they are here and there are several others which are still inside. If you want me to run through I can do so. That is the way you have placed your requests. If you came and started walking around greeting people then you must bear the consequences of your inaction.

Hon. (Eng.) Gumbo: Thank you, hon. Speaker. I hope you will give me back my two minutes.

Hon. Speaker: Yes, you will have them.

Hon. (Eng.) Gumbo: Thank you so much for giving me the opportunity to contribute to this Motion. I want to thank hon. Jamleck Kamau for coming up with this Motion which is long overdue. It is unfortunate that a lot of us in public life live life of a lie. There is so much poverty in the country and we want to live with our heads buried in the sand as if we were ostriches and pretend that all is well. My own belief is that we must lend a lot of humility to the positions of privilege that we hold because in truth we hold these positions in trust and on behalf of the people of Kenya.

Some of the transformations that we see in our country are startling, I know of some friends – no offence meant – who used to be in the civil society who were really struggling and they even had difficulty in raising bus fare. However, when fortune beckoned and they found themselves in the constitutional commissions, these days, some of them their beards have become so shiny such that they look like they are being dusted every morning. Besides that, every time I go to Kisumu I see them perched in the Business Class while yours truly who has raised his own fare is sitting somewhere at the back. The question we must ask is this: If only last year you had no difficulty using public transport, what has happened to make it impossible for you or discomfoting for you that you can only travel in the Business Class?

Hon. Speaker, as we debate this Motion, as it has been suggested by my good neighbour, hon. (Dr.) Nyikal, I would urge the Mover to propose an amendment, so that we do not just concentrate on domestic travel but also start to look at even travel hours. For instance, when someone travels to Entebbe, really, what is the rationale in travelling Business Class? It is hardly a one-hour flight. I would urge hon. Jamleck Kamau that, as we debate this Motion, he considers bringing an amendment so that we can try to be at par with the best international practice in most countries. I am talking about countries which are more developed, and which are richer than our country but where their officials travel Economy Class for distances less than 5,000 kilometres.

Sometimes it is paradoxical. I have heard of cases where as our officials go to meet foreign dignitaries travelling to Kenya, when they get into the aircraft, they look into the Business Class cabin only to find a Minister from a developed country sitting somewhere in

the Economy Class cabin. It is time we learned to be humble and realised that the much wastage that is going on in the country can be used for doing other things. We need to be bold.

Hon. Speaker, to me, this is the beginning. We need to go a step further and look at how public officials in this country live. It pains me as a representative of poor people when I hear, for example, that a public official lives in a house which has been bought for Kshs300 million. With all due respect, these are people who do not even have little children as I do. They live in such houses alone. What is the rationale in someone living in a house on five acres of land? Will the sun stop rising from the East and setting in the West if you live in a flat somewhere?

Therefore, this must serve as the beginning. We should look at the entire spectrum of how public officials live. We have seen many cases. We would go for meetings in Mombasa with Cabinet Ministers, in those days. You would find two cars that would have travelled all the way from Nairobi, waiting at the airport for the Minister. Is it not cheaper for them to hire local transport? Are there no Government vehicles in Mombasa which could carry those people to destinations? Why take a driver, two bodyguards, a car or two cars, from Nairobi yet we were talking about posterity?

Hon. Speaker, it behooves all of us to look into these areas. I believe strongly that this country can do without donor support. If we can find ways of plugging the outlets for all this wastage, we can do without donor support. All the programmes that we have found difficult to implement in this country can be sorted out if only we could manage the way we go about our expenditure. My colleagues have spoken about the problems that we have in our country.

In some parts of this country, children do not even have roofs over their heads. I watched a documentary the other day. Women in a certain part of this country had to travel 40 kilometres to access medical services. How much does it cost to build a dispensary? It hardly costs Kshs2 million yet we keep on ploughing out this money to satisfy, in a way, people's egos. In most cases, these are people who hold those offices for only a limited period of time.

Hon. Speaker, therefore, I want to urge my colleagues that we look at this Motion as a start. There is a lot of pride in living within one's means. I have lived within my means since I was born and I proudly said so. I know that there is a lot of pride. It may not be luxurious but you do not have many encumbrances.

As my colleague said, sometimes we go on begging missions in First Class whereas the people from whom we beg come to those meetings in Economy Class. It is paradoxical and ironical. It is a culture that, as a country, we have to completely do away with, if we want to advance and become amongst the proud nations of this world. There is no pride in always holding out the begging bowl. We do all these wastages year in, year out. When we have a little famine here and there, we hold out our begging bowls, looking for food yet we use so much money to pamper the egos of individuals – money that can be put to better use.

Hon. Speaker, recognising the fact that the list of the hon. Members who want to speak on this Motion is long, I will urge my colleagues to support this Motion and also urge that, as a House, we steer ourselves towards this direction. Today I was very bemused when I saw somebody try to make a justification – I do not want to say where. Somebody had said that some Commissioners in some Commissions earn sitting allowances of Kshs80,000 per day. In trying to make it look manageable, some clever fellow removed the tax and said: “No, no, no, it is not Kshs80, 000 but Kshs56, 000.”

Hon. Speaker, these kinds of tricks are not helpful to our country. Let us be realistic with the situations that confront our country. Let us be realistic about the way we approach situations in order to manage within our means. I believe that the resources in this country are enough for all our needs, but not enough for all our greed.

With those remarks, I beg to support.

Hon. Speaker: Yes, hon. Mbadi.

Hon. Ng'ongo: Thank you, hon. Temporary Deputy Speaker. Let me take this opportunity to also thank my friend, hon. Jamleck Kamau, who has brought a very timely and important Motion that would help save some resources for this country.

I want to remind this House that during the Tenth Parliament, up to the youth year, we used to travel Business Class, as Members of the National Assembly to Mombasa or Kisumu or anywhere within the country. I want to say with pride that the reason as to why Members of Parliament stopped travelling Business Class was not the existence of any legal framework, it was actually as a result of a discussion in the aeroplane as we travelled to Mombasa one evening. We asked ourselves why we should pay Kshs16,000 more just to have a curtain separating us from the rest of Kenyans.

Hon. Speaker, I remember that the current Speaker of the Senate, hon. Ekwe Ethuro, took it upon himself to take the matter to the Liaison Committee and insist that Members of Parliament travelling any distance within two hours must travel Economy Class, and that is what we do today. There is no law barring Members of Parliament from travelling Business Class to even Kisumu or Mombasa. We did it so as to save money for our activities because we realised that saving part of this money would help us meet other expenses.

Therefore, there is nothing absolutely wrong in making this a policy of Government. I want to communicate this to the Treasury: That, they should not wait. The moment we pass this Motion, the Treasury should go ahead and issue a circular to all the Accounting Officers, so that it becomes an audit reference point. We would like the Auditor-General to be reporting to us in the same way they report to Parliament on salary advances. It is an audit reference point that they must report on in respect of any State corporation or any Government Department or Ministry. We want this to take place.

We are waiting for the Treasury to come up with financial regulations and have them brought to this House. We want some of these issues captured in the financial regulations so that, as a House, we can debate and pass other austerity measures. The very able Chairman of the Budget and Appropriations Committee, hon. Mutava Musyimi is here. I am sure that, as a Committee, we will be very strict on the issue of domestic travel, as a Budget line item, so that we can avoid wastage of public resources.

Hon. Speaker, some of the State officers who want to travel Business Class within the country, or even outside the country, are people who use Land Rovers and travel for six hours. I wonder why the situation becomes so unique when they get to the airport---

Hon. Kajwang': Hon. Speaker, Sir---

Hon. Ng'ongo: I know that my friend, hon. Kajwang', has a very good Land Rover which he is proud of. So, he is getting offended as I talk about Land Rovers. The truth is that travelling in Land Rover is not as comfortable as travelling Economy Class in an aeroplane. So, if you can travel for six hours in Land Rover, what would stop you from travelling Economy Class for 45 minutes? This kind of wastage must stop. Going forward, I would urge that we need to even look at other expenditures in the Government. Government Ministries and Departments are very wasteful. I will reiterate what hon. Gumbo said.

Hon. Speaker, what is the justification for a commissioner to spend Kshs56,000 on each commissioner per day as sitting allowance when Parliament spends Kshs5,000 on each Member, after tax, as sitting allowance? That is why some of us have been very uncomfortable with some of the commissions. They are very wasteful. The wastage is not restricted to sitting allowance, it goes beyond to unnecessary flights out of this country. We need to even start auditing some of the flights.

If you are travelling to the USA, you should say what you are going to do there. What have you gone to study? Some of us even go to other countries to study systems that do not exist in those countries. An example is when you travel to the United Kingdom (UK) to study

a presidential system of government. Really, all of us know that there is no presidential system of government in the UK. So, we need to be very prudent in the way we manage our finances.

Hon. Speaker, I am sure that this Motion will be passed this afternoon. Once this Motion is passed, we will hold the Cabinet Secretary for Finance responsible if he does not communicate to the Accounting Officers that this is something that must be implemented, and implemented by all without exception, be it in the Judiciary or the Legislature or the Executive arms of the Government, including the county governments.

There is unnecessary travel within the county governments. We have started seeing members of county assemblies, speakers of county assemblies, governors, deputy governors and members of the executive committees always roaming this country. They are moving around, travelling to Nairobi and Mombasa. I wonder when these people work.

Hon. Speaker, Sir, as much as it would hurt, the truth of the matter is that if we proceed like this in this country we will not manage our Recurrent Expenditure. It is completely impossible. I even sympathize with those who are ruling this country. This country will crash very soon if salaries are increasing from Kshs400 billion to Kshs600 billion. That is before you bring in other expenses. This is the case and yet our tax collection is Kshs780 billion. How will we finance this country? We will leave many debts to the future generations. This is hurting this economy and we must think about it.

Hon. Speaker, Sir, I support this Motion. Thank you.

Hon. Speaker: I have already read out the names of the Members who will contribute. Remember that I still retain the authority but it is being exercised with caution.

The Chair of the Budget and Appropriations Committee has made a special request to make his contribution on this Motion and then we revert to the list of the Members I have mentioned. So, it is not without merit. Hon. Makali and hon. Iringo, we will still follow the list. However, from time to time, the Chair does exercise that authority to mix up things.

Yes, hon. Mutava Musyimi.

Hon. Musyimi: Hon. Speaker, Sir, much obliged. I too rise to add my voice to those who have spoken and strongly support this wise, intelligent and patriotic Motion---

Hon. Speaker: Even as hon. Mutava Musyimi contributes, as the Chairman of the Parliamentary Service Commission (PSC), I hope that all Commissioners who are in the National Assembly are present to listen to these contributions. It is important because it is the Commission which will implement these decisions. So, anybody who knows a Commissioner that could be hiding somewhere, you could fish them out from wherever they may be. Let them come and listen to these very useful contributions. I can see hon. Keynan is quite attentive. It will be fair that all the Commissioners listen to these contributions.

Yes, hon. Mutava Musyimi.

Hon. Musyimi: Thank you, hon. Speaker, Sir. I think this honourable House is aware that my Committee is currently looking at the expenses of independent commissions which constitute a very major part of our national payroll and we will be reporting back to this House before too long.

One of the things that one has learnt as we have listened to the independent commissions--- Without much time, we listen to the budgets from the different sectors of our Government including the current discussion as to what should go to the national Government and what should go to the county governments. That whole exercise has brought home one very key lesson.

We have a culture, philosophy and an understanding that the Government is not a place you go to serve but it is a place where you go to make money. That is why the Government in its many ways has become a major employer and a major opportunity for creating wealth. That is a very dangerous culture. It is a self-defeating culture and it is suicidal culture. Where it will lead us, as a country, is a question we need to discuss very carefully. This is for the simple

reason that we now know the wage bill has gone up. Once the wage bill goes up and the Recurrent Expenditure goes up, the amount of money available for development is less and less. Unless we want to become a nation that just talks and does not act, we need to make some fairly serious policy decisions and be prepared to implement them. That is why I support this Motion.

Hon. Speaker, Sir, I have said it before and I will say it again; I remember last year or the year before when I was chairing the Departmental Committee on Lands and I met a senior person in one of our interventions. That was the gentleman then in charge of the Treasury. I remember asking him how much money goes to corruption and wastage and he kept quiet. Later on, he answered that we lose about a third of our total revenue to wastage, corruption and seepage.

Hon. Speaker, Sir, we cannot afford that kind of wastage and hemorrhage. We can also not afford to be that unwise with the little that we have. More recently, the thing that is of concern to me is that as we roll out the new Constitution with the many jobs that it has created, I am getting increasingly concerned from the perspective of the institutional development as to how the different organs of our State are interconnecting, how they are working together, the institutional integrity of the different agencies of Government--- Right now we have this saga going on in the Judicial Service Commission (JSC). You watched this drama and it is very painful and costly. You also watched what has also happened elsewhere in our counties. There is also the relationship between the other House and us but I am glad that it is cooling down. That is the way institutions of the Government are working or not working. It is a matter of grave concern. This is because in the process of malfunction of the institutions in there lies the problem of seepage, opportunity for corruption and opportunity for wastage.

I support this Motion and add my voice to those who are saying that this is good but this is not going anywhere near us as far as we should go. I honestly look forward to our leader, President Uhuru Kenyatta and the Executive and all of us who are involved in the Government, namely the PSC and the JSC. We need to find ways of adding value to every shilling that we get.

We have been criticized in the Budget and Appropriations Committee for not allocating this honourable House enough money. However, let me say this: We gave what we could and we will give what we should in due course. We cannot afford to be biased or just support the PSC just because it pays us. We must be neutral and fair and serve the institutions of the Government, the PSC included without fear or favour.

What I am really saying is that we will try when this ball is played in our court and soon it will be--- We shall be ruthless. We shall cut as we need any budget and whatever budget it is because we now know that this House is not just a budget-approving institution. It is a budget-making institution. We want to send out the message to one and all, that in the Financial Year 2014/2015, we will make sure nobody gets a shilling more than he should get. You can take my word for it. So long as the facts are on the table, I as the Chair of the Budget and Appropriations Committee will stand up and be counted on the promise I have given today. My Committee will be with me. We must cut wastage, seepage and we must reduce, if possible eliminate corruption.

Hon. Speaker, Sir, we have said that for the longest time we have subsidized consumption instead of subsidizing production, that is where we must put our money. Let us put our money in Development Expenditure and not Recurrent Expenditure. We should make sure that we do not become joy riders benefitting from the largesse of Government; taxes paid on the backs of poor people to live lives that this country cannot afford.

Therefore, I thank you for giving me this opportunity and I thank hon. Jamleck Kamau for this wonderful Motion, but we must do more. I hope this is the beginning, and I support my good friend the hon. Member when he said that Treasury should take as instructions from this

august House, that once we pass this Motion, we expect an overriding circular applying across the board to the Executive arm of Government. I am sure the county governments will also do what they need to do. I thank you for indulging me and I beg to support.

Hon. Mulu: Thank you, hon. Speaker for giving me this opportunity to contribute. I also rise to support this Motion and I want to join the other hon. Members in supporting the Motion as amended. Even as I support this Motion, I am very much aware of the following: That the officers who are going to be excluded through this Motion are very senior government officers. At the same time, I am very much aware that the same officers, any time they travel either within Kenya or outside, they travel to engage in serious national duties. But I want to remind all of us of the following: In terms of international categorization, Kenya is categorized as a least developed country. That is where we belong.

Hon. Speaker, since our vision is to join the middle level by 2030, then it means that we must behave knowing very well that we belong to the least developed countries. When we look at what this Motion proposes to do, it just reminds us of how detached we are from the reality. I am informed that the cost of First Class ticket can almost buy three or four Economy Class tickets.

Hon. Speaker, Sir, as hon. Members we interact with Kenyans on a day-to-day basis. This is my experience for the last six months that I have been in Parliament. Kenyans all over the country and more so in the rural setting, are actually starving. Very few Kenyans can afford two meals a day. At the same time, Kenyans are dying because of diseases as they cannot afford basic medical care. They cannot go to hospital and when they go there, they cannot afford drugs. So, what happens? They retreat to their homes and they die because they cannot afford the drugs.

Hon. Speaker, so many Kenyans cannot bury their dead people. We are all Kenyans and we know how we value our dead relatives. But there are so many Kenyans whose relatives, sons and daughters cannot be buried because they just lack Kshs5,000 to pay for the mortuary fee and buy a simple coffin to go and bury their dead relatives. With this kind of scenario and you find the kind of wastage senior government officers expose this country to, it is so sad. What is very surprising to me is the kind of expenditure we are talking about which is Recurrent Expenditure not development.

Hon. Speaker, I want to agree with the Chairman of the Budget and Appropriations Committee that time has come when we as Kenyans need to shift our expenditure patterns and focus more on Development Expenditure than Recurrent Expenditure. This Motion contributes in a big way towards moving our expenditure patterns from recurrent to development and that is why I support it. At the same time, the kind of senior officers we are talking about here are officers who can afford to upgrade their tickets.

Hon. Speaker, Sir, we are not denying any senior Kenyan the opportunity to travel First or Business Class, but what we are saying is that you can upgrade your ticket using your own resources. It is a known fact that, in terms of income inequalities, there are Kenyans who are very rich and they can travel First Class any time they travel. Therefore, we are not saying that they downgrade their tickets to Economy Class.

Hon. Speaker, Sir, I want to congratulate hon. Members of Parliament because they travel in Economy Class, although I have had a rider. I have been discussing with some of the senior Government officers and they say that hon. Members are duty bound to travel in Economy Class because that is where votes are more, compared to Business Class. So, when you travel in Economy Class you attract more votes to yourself. But I want to believe that this should not be the thinking. All of us should be economical because we want to save money for Kenyans so that when they ask for health care, we are able to provide them and when they ask for money to educate their children, we are able to provide it.

Hon. Speaker, Sir, what surprises most is the issue of insecurity in this country. I get very pained when I go to my rural areas and find that people have been attacked by thugs and police cannot respond because they do not have fuel. Others do not even have a vehicle. So, if we save this money, we can provide money to fuel police vehicles so that when their security is threatened, we can respond to their need.

Lastly, the other day when we passed the VAT Bill, Kenyans were up in arms. They said they cannot afford bread, sugar, milk and other basic commodities. These are basic needs. Remember when you are in First Class and Business Class cabin and you are enjoying yourself there stretching, there is a Kenyan who cannot afford milk. I think that is insensitivity of the highest order.

I want to congratulate hon. Jamleck Kamau for this Motion. I agree with those who were saying that, immediately this House passes this Motion, we want a circular from the Cabinet Secretary, National Treasury, to implement it immediately. So that the money which will be saved can be used to support our children and the youth; we can actually increase the Youth Fund. We can give more money to our women who want more money to do social activities. If we go that way, we will be helping this country and we will remain leaders who will be remembered even by future generations.

With those remarks, I support this Motion.

Thank you.

Hon. Iringo: Thank you hon. Speaker, for giving me this opportunity to support this Motion. I thank my colleague, hon. Jamleck Kamau for bringing this timely Motion.

I rise to support the same with a view of saving money for this country for purposes of development. Whatever little that we will save will be used to do other things which we have been unable to do. In essence, if it means that one has to pay three times to get to a destination whereas there is a much cheaper facility that will take you to the same destination, I find it really unwise and unfair to spend that money when there are so many sectors of this country which require this money.

Hon. Speaker, Sir, the comfort that one gets on First Class or Economy Class is not much different. You are usually in the same plane and nobody will reach the destination before the other. You will get there at the same time. It is only that some will be in front of the plane and others at the back. The plane will land at the same time unless I am advised otherwise. Why should one pay for three times the cost for such travel yet he is going for national duty?

Like the Mover of the Motion stated, in many sectors of this economy there is overspending and careless spending, which should be checked. If you go to the Government yards in our counties headquarters, you will find vehicles which stalled many years ago parked at the yards. Vehicles will stall because of batteries, tyres and small mechanical problems and nobody thinks about them, but applications are written to the Treasury for new vehicles. I went to our district headquarters on *Mashujaa* Day and I was told that a vehicle has stalled there for two weeks because it has no tube for one wheel. Then they are saying that they need a vehicle for the purpose of running after bandits and other activities. We need to put our priorities right. We need to know what is good for our country. That is why we should, at all costs and at all times try to save whenever we have opportunity to do so.

We have problems and issues with our medical facilities. Day in, day out, people are suffering from various ailments especially kidney disease which is becoming a big problem in this country. Many Members of this Parliament, including myself, are called upon to raise money for dialysis for our constituents and people are queuing at Kenyatta National Hospital because the equipment for the same are very limited. We could save this money and even install dialysis equipment in each county if not in every constituency. We do not have intensive care units in our counties and if anybody gets hurt in one way or the other, they are brought all the way from Mombasa, Kisumu and Lokichoggio to Nairobi for the ICU services. If we could

save this money for the same, it could be very beneficial to our people and we could save many lives.

I urge this House to pass these measures. They should be put into effect immediately. As hon. Musyimi has said, this should be actualized and the arms of the Government should start exercising the same. If need be, we should take the data of what savings we can make within, for example, a period of six months. This will be astronomical.

I strongly support this Motion. I thank hon. Jamleck Kamau for bringing it to this House.

Hon. Dido: Thank you, hon. Speaker, Sir, for giving me this opportunity. We live in a country of 40 million and 46 per cent of our population lives below the poverty line. Eighty per cent of this population comprises of rural peasants and the majority live on below a dollar a day. About 20 per cent of this population lives in the slums. We know how life in the slums is like.

Travelling First or Business Class for a Kenyan who is not using his money is pretending opulence in the midst of poverty. In 2013, we are experiencing what you may call large, heavy or big Government where about half or a third of the working people belong to the Government. This burden on the Government will eventually be seen in many forms. It will be a serious drain on the national kitty. In the forecast of the strategic plan, 30 per cent of the national Budget should go to development, but when we see issues like air travels, expenditure on county governments and national Government, then we are convinced that saving 30 per cent of the national Budget to grow the country for development is going to be a pipe dream.

Over the weekend, I was in my constituency for the *Mashujaa* Day and I realised that we have members of the national Government and the county governments. Within that, you have members of the province and the district. I thought that there is a serious duplication in how currently the Government is being run where three civil servants at different levels virtually do the same job. For example, you have a District Water Officer, a County Water Director and in the county government, you have the County Water Executive Officer. You ask yourself: What do all these three individuals do? Basically, they do the same job that could have been done by one person. More than just the air travel, the Motion by hon. Jamleck Kamau, should go further to provide cross-cutting strategies on how the Government can reduce the burden on the taxpayer.

Hon. Speaker, Sir, if Kenya is going to develop, then we must reduce this drain in the form of Recurrent Expenditure. There is a famous American saying that “if you want to live well, you must make your own money”. In this particular case, if public officers or State officers wish to travel First Class with comfort, then they should be topping up the cost to pay for that comfort. With a big Government, because of uncontrolled expenditure, this country can easily see a downturn in the economic growth unless austerity measures are introduced. We must borrow a leaf from those countries which are developed than ourselves such as India, UK and the USA where they clearly say that public officers must attract limited expenditure in the execution of their duties.

I wish to end by saying that this Government, in the name of making all citizens happy, is throwing a lot of money to the counties and commissions. Unless there is financial prudence and control on lavish expenditure, the dire need to address the key areas which are important to our people such as water, health, education and poverty eradication might not be achieved as quickly as the Jubilee Government has envisaged. I thank hon. Jamleck Kamau for this Motion although he is aiming at a very narrow target. This House should help in expanding the horizon and looking at several other measures, so that the burden on the taxpayer is reduced. At the end of every financial year, this House should be able to tell the Ministries how much money they have saved and not how much they have not spent. People would like to spend all

the money through lavish means but we should ask them how much money they have saved to go towards development.

Hon. Speaker, I beg to support.

[Hon. Speaker (Mr. Muturi) left the Chair]

*[The Temporary Deputy Speaker
(Hon. Kajwang') took the Chair]*

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you very much. Well, you know that our technical problem still persists and I will try as much as possible to go by the list that had been read out. Before I do that, I see a Member on number 86. Do you want us to ask the Serjeant-at-Arms to find out where the problem could be?

(Loud consultations)

I know you are reflecting and consulting with yourselves but I need order in the House. So, I will ask the Serjeant-at-Arms to consult with this Member so that I know what to do. We will go as we should. The last was hon. Ali Rasso Dido. Is that correct? Now, if this list is the way it was, I will go to hon. Emmanuel Wangwe. That is number 234.

Hon. Wangwe: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion by hon. Jamleck Kamau and before I proceed, I want to thank him for bringing this wonderful Motion to the House. What is before us is meant to let State officers and public officers understand who they are. Before they spend money let them know on whose mandate they are serving people.

Hon. Temporary Deputy Speaker, before a State officer spends money, he should understand that he is a custodian of the resources that are before him. The only way a State officer can understand that he is a custodian of the funds is to put policies in place that will protect him and at the same time limit him to the access of funds that he is entrusted with. Most times, these State officers have been spending money by travelling in First Class and others in Business Class. They need to understand that they are custodians of our funds and the best way to check this is through introduction of such a Motion.

Hon. Temporary Deputy Speaker, these State officers have failed to know that they are expected to be responsible and accountable when it comes to resources that are entrusted to them. It is important that all expenditure that is incurred by these officers is scrutinized by this House. Through the Budget and Appropriations Committee, we will be able to check and give them the limits to spend. Therefore, it will be easy for us to contain this wastage of our funds.

Hon. Temporary Deputy Speaker, State officers at the senior level fail to interact with junior officers and one way of doing this is to book themselves into First Class and Business Class when travelling. If we bring a policy that clearly states that both cadres of staff should travel together, we will help them bond. Supposing they are doing an eight hour flight and they are all in the same cabin, there will be ample time for them to interact. By the time they get to their destination, they will have familiarized with one another. Therefore, this issue of separating senior officers from their juniors will not help in bonding. They will be working for one purpose but serving two different interests.

Hon. Temporary Deputy Speaker, looking at the Recurrent Expenditure of the Kenya Government; when you look at the ratio of acquiring a Business Class ticket to that of an Economy Class ticket, it might be one to three. That should be checked through this Motion. I request that we all vote for this Motion because it will control wastage of funds. These funds can be saved for something else. For example, I come from an agricultural zone. We do not

have enough subsidies on farm inputs. Why can we not take the difference and buy fertiliser for our farmers? We should subsidize our farmers instead of giving our money to airlines.

Hon. Temporary Deputy Speaker, this issue of flying First Class or Business Class makes somebody to live beyond his means. When this person goes on retirement at the age of 60 years after serving the Government, what happens to him? This person has gotten used to flying a particular class and it will be very difficult to adjust to life outside.

Therefore, hon. Temporary Deputy Speaker let us make people get used to what is available on the land. What is it that somebody is going to work with? Let not somebody who is in a senior position try to implore that he is living within the means and yet he is living beyond his means.

The issue of State officers flying Business Class and others Economy Class leads to corruption. Air travel agents would want to fight for those who are interested in using the Business Class. As such, institutions such as the central Government will want to use travel agents to make returns for themselves. If we can stop the issue of classes between flights such that whoever is flying to a particular destination, as long as he is a civil servant, senior State officer or a public officer, is given equal treatment, it will curb the fight between the two competing agents.

I support the Motion as amended.

Hon. (Ms.) Nyamunga: Hon. Temporary Deputy Speaker, I also stand to support the Motion as amended although I would have loved it to be the opposite. The reason I am saying that is that you realize that in most countries where people have seen a lot of progress, it is because the changes which are being made are normally made from the front. If you look at Rwanda, there is a lot of cleanliness. For those who have gone to Rwanda, I believe that you will appreciate this. It is because the President of that country took it upon himself to do the cleaning every first weekend of every month. In my view, I would not have supported the amendment because I think that if the President and the Deputy President--- I am not saying that because I do not respect the presidency. I respect and appreciate the presidency very highly, but in my view I think it will be upon the President himself, the deputy and all the other arms of the Government to lead by example. In my view, they would have taken it upon themselves to go for the Economy Class. That way, it would have been very easy for everybody to see that they are leading from the front.

If you want changes, even in your family, if you want your children to follow what you are doing, you start as a parent and then it flows very easily downwards. Anyway, that has been overtaken and I would like to support the Motion and appreciate the hon. Member who brought it. Here in Kenya, there is a lot of wastage. Even if you look at this Parliament, I have been very perturbed ever since I joined this Parliament by the level of wastage. If you go to the ladies and look at the way tissue papers are being used, there is a lot of wastage. Inside this House you see the amount of water people take and most of it is left halfway in the bottle, or somebody just sips it and leaves it there. We should start with us Members of Parliament. We should be more economical in the way we use things. Even in the rural areas the way we use Constituencies Development Fund as Members of Parliament matters. It is from there that we will start seeing the prudent way of using our resources.

There is a lot of wastage in every aspect of this country. There is wastage in every department and every public office. If this money could be used wisely, the country could benefit more. The money could be diverted and used properly. This money can be put in microfinance institutions to offer finances to the young people and women who cannot make ends meet or afford a single meal. Most of the big people who still want to use the Business Class or First Class when travelling are the same ones enjoying and yet the ones who voted for them continue to suffer.

If we want to stand out and be counted in this country as members of the Government, we should be very prudent in the way we use our resources.

With those remarks, I would like to support the Motion and add my voice to the voices that have spoken on the way we can move forward in terms of developing and using our resources more wisely.

Hon. (Ms.) Ombaka: Hon. Temporary Deputy Speaker, I would like to support this Motion. However, I would like to highlight the fact that this country is poor. Our country is so poor that many children below the age of five years die. This is because they lack milk, medical care and so on. This is an indicator of a country that is so poor. When for every 1,000 children born 120 of them die before attaining the age of five years, that is a bad indicator for a nation like Kenya. Our country, therefore, falls under those countries that are impoverished, or countries that have never developed since Independence.

I want you to see a country that is divided into two – A tale of two cities kind of thing. In Kenya we have very rich people on one hand and on the other we have very poor people. Riches are measured by how we treat ourselves. A person who is a senior member of the Civil Service will travel First Class. There are so many senior officers and many of them travel Business Class. So much money is wasted. Our planes have very comfortable seats that one can easily travel Economy Class. The senior members should learn to travel using Economy Class because they are just as good as Business Class. I think Business Class should be left to tourists or persons travelling for their own personal business. As long as you are an employed member or you are a Member of Parliament or a State officer, I think Economy Class is comfortable and nobody should complain.

The other thing I see is that most senior members who travel in Business Class do so because of their positions. They are so used to being there. They travel all the time. That is why when retirement comes, these are the people who go home to die. They die because they are not used to that sort of life. For a long time in their career they have been treated so well---

The Temporary Deputy Speaker (Hon. Kajwang’): Are you saying that senior citizens go home to die?

Hon. (Ms.) Ombaka: Yes, they go home to die because when they retire after enjoying good life they have no means of transport.

The Temporary Deputy Speaker (Hon. Kajwang’): Would you rather rephrase that because I do not think senior citizens---

Hon. (Ms.) Ombaka: No, I want to insist on that because---

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Would you, please, rephrase that? I do not think senior citizens go home to die.

Hon. (Ms.) Ombaka: When they become senior citizens they go home and they will not have any means to travel as comfortable---

The Temporary Deputy Speaker (Hon. Kajwang’): You please recapture that and then continue. That way, you will save time.

Hon. (Ms.) Ombaka: How do you want me to do it? I am not so sure. Maybe what I wanted to highlight is not exactly what you understand. What I wanted to say is that suddenly their lifestyle changes. They get shocked with the new life after retirement and they die so quickly. Does that sound better?

The Temporary Deputy Speaker (Hon. Kajwang’): That is much better.

Hon. (Ms.) Ombaka: I wanted to highlight the fact that we need to save a lot of money for a country that is so poor. Part of doing it is by the way we handle transport and the way we treat our senior staff. It is high time we began to cut down on costs. If you look at other countries abroad, senior civil servants there are very humble. They live humbly and they want to be treated that way. For us here we tend to highlight the higher side. I know we all enjoy good life and we want to travel First Class or Business Class. It is good to enjoy but, again, we need to

learn to be humble and accept our status. We need to accept that our country is poor and that we need to save money so that we can use it in other areas.

I want to support the Motion because of the fact that there is need to cut down costs on all expenses. Whenever there is unnecessary luxury, we need to cut that down. For a country that is poor it is unpalatable to continue to look like we are so wealthy and so rich. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you.

Hon. Keynan, I recognise your seniority but hold your guns. I want you to come at the very end because, as a Commissioner, you are perhaps one of the implementers of this Motion. It is good that you speak after other hon. Members have ventilated on it. So, I am deliberately keeping you on queue.

Let us hear hon. Alice Muthoni Wahome.

Hon. (Ms.) Wahome: Thank you, hon. Temporary Deputy Speaker. I want to thank you for giving me this opportunity and thank the Mover, hon. Jamleck Kamau, for bringing this timely Motion to the House. It is very thoughtful of him to bring it. This is a timely strategy.

I recall that during the budget-making process, most of the Committees of this House were faced by Government Departments seeking for increased funding for their activities. I sit in the Committee on Administration and National Security and in the Constitutional Implementation Oversight Committee. When we were faced with requests for increase of budget allocations, we were not able to provide. Even after lobbying the Budget and Appropriations Committee, we could not manage to provide even a shilling.

Hon. Temporary Deputy Speaker, an hon. Member alluded to the fact that there are districts which do not have vehicles; where they have vehicles, they do not have spare parts and where they have spare parts, they do not have fuel. I recall the Inspector General of Police (IGP) pleading for more funding. Therefore, if we are cutting down on unnecessary expenditure to provide fuel to our security agencies and hospitals, and provide pharmaceuticals for children, then we should do so.

In fact, this should have been foreseen by the Cabinet Secretary, Treasury; because he is operating on a very limited budget. I am really thankful that some of the hon. Members who spoke before me suggested ways of ensuring that implementation of this Motion, once it is passed, is followed to the letter. We really need to put this into action and ensure that it happens.

Hon. Temporary Deputy Speaker, I previously served as the Director of the Retirement Benefits Authority. During my stay there, there were circulars. I believe that we are all aware that the Head of the Public Service normally issues circulars regulating some lifestyles like the one we are discussing and cutting down on expenditures. He would generally put capping on where to spend and what to spend on.

Today, we are being treated with information to the effect that the Judicial Service Commissioners are paying themselves Kshs80,000 as sitting allowance per day. Some of them are my colleagues in the profession. They have their practising firms still carrying on with business. Others are judges who are serving in the Judiciary. They also have a standing salary. Therefore, it defeats logic that one would earn a sitting allowance of Kshs80,000 per day.

The standard sitting allowance for ordinary directors of boards and authorities has been Kshs20,000. Commissioners’ rate is at that level. This rate is for those who are not full-time commissioners. Full-time commissioners earn salaries. So, it is not reasonable that they pay themselves a sitting allowance of Kshs80,000. There is a lot of wastage in this country.

Hon. Temporary Deputy Speaker, even when we travel, we stay in hotels. This is another area we must address with a view to ensuring that we have a standard regulation capping the amount of money payable to hotels per night, and in which hotels we should stay because some people are doing business with Government money. I know that some people pay themselves per diem at the rate of US\$400 or 400 Sterling Pounds per day for accommodation. If every travel on Business Class is rated that way, we will use between

US\$300 and US\$400 per night. So, you can see how much money we are using when we could easily accommodate a public officer with Kshs10,000 or US\$100 in a suitable and comfortable hotel.

There is a lot we need to do as a House in respect of our mandate of oversight. We must look further to see where this wastage is going. Hon. Members have not complained. We have been travelling Economy Class. I came back last night on Economy Class. I even managed to catch a few hours of sleep on that seat. I do not see why all State officers and other public officers should not use the same.

Hon. Temporary Deputy Speaker, there is a category of public offices who do not understand that this House is the third arm of the Government. If hon. Members have shown the way by opting to travel Economy Class, how have we been allowing other officers of the same category to travel Business Class? Sometimes you will see officers who do not have designations as senior as those of Members of Parliament travelling Business Class. You get embarrassed and wonder whether you are in the same Government with them. All of us are in the same Government. The Legislature is an arm of the Government.

I hosted the First Lady in my constituency today. She was a guest of a children's home which hosts children living with mental challenges. During the harvest season, we ask farmers to take a kilo of maize and beans to that home. That is how we feed those children. So, hon. Members can see that these are children who need this kind of money. There is no Government per diem or Government monthly allowance for them. There is no budgetary allocation for children's homes in most of our constituencies. I am sure that there are such homes across the country, and that hon. Members are always being asked for resources. How have we then continued to allow wastage?

Hon. Temporary Deputy Speaker, this House is waking up. Hon. Jamleck Kamau is just one of the hon. Members who have come in very timely. Therefore, we should support this Motion. We must be very serious in ensuring that it is implemented. We even need to ask the Judicial Service Commissioners for refund.

I do not know what the Commissioners of the Parliamentary Service Commission pay themselves but I hope that they will not find it difficult to implement this Motion because of the allowances.

(Laughter)

Hon. Temporary Deputy Speaker, Sir, I am not pricking anybody. What I am saying is that we have agreed as Members of Parliament to show the way. Therefore, we need to continue showing the way and demonstrate that we have been earning Kshs5,000 as sitting allowance. I believe that all sittings allowances of commissioners should be curbed at Kshs10,000 because Kshs20,000 is high. I am sure that hon. Keynan will respond to that.

Hon. Temporary Deputy Speaker, Sir, I support this Motion. Thank you very much.

Hon. H.K. Njuguna: Thank you, hon. Speaker, Sir. I rise to support this Motion. First, the Motion is talking about prudent management of public resources. We did not have a legal framework in this country until the year 2000 governing proper procurement and management of public resources. What existed before then were circulars from the Treasury. Therefore, you can see how reluctant the Government was when it came to prudent management of public resources.

When we talk about prudence, what comes to my mind is that we are talking about taxpayers' money. A good tax should have representation and the public should get value for their money. It is a right for the public to demand value for their money. This is because they are saying that for them to get social and economic justice, the Government in power should

be able to exercise prudence in the way it uses public resources. That is why I strongly support this Motion by hon. Jamleck Kamau.

The question is: What is our priority? We hope that by 2030 the per capita income for all Kenyans will be such that they will have a decent living in terms of infrastructure, health and education. For us to actualize Vision 2030, we are saying that the management of public resources should be prudent and promote public policies.

On travel and related allowances of Government officials, there is an admission in this House that there is a lot of extravagance. It is high time we addressed this issue of travel allowance because sometimes the travel might be unnecessary. If they are necessary, they are not properly audited in terms of cost.

Hon. Alice has just said that she travelled on Economy Class when she came last night. Before we came to this House, all of us travelled widely and we travelled on Economy Class. It is a shame if I travel on Business or First Class and my family has no water in my house, no health cover and other things that I should provide as a father.

Therefore, we are saying that as a servant of Kenyans because when you are a State officer you are a servant of Kenyans, you should lead by example. The best way of doing it is by humbling ourselves so that we can reduce our expenses on travel and related expenses. There should be harmony in this area because there is a lot of wastage.

Ms. Serem has been famous in this country because she has been addressing the wage bill and trying to contain public expenditure in terms of salaries. We are also saying that the travel allowance should be addressed so that there is harmony in order for Kenyans to get value for their money. To that extent, this is a Motion that requires a lot of support from all us. We could save more than what Ms. Serem is trying to save in terms of salaries and so on.

Hon. Temporary Deputy Speaker, Sir, I see the need to go beyond this Motion so that we harmonize all the other offices. If what I read in the newspapers is true about the Judicial Service Commission, then there is something wrong in this country. We should harmonize the other areas so that we contain the high wage bill.

On public procurement, I look forward because travel and related expenses in terms of allowances is also part of procuring services to State officers. When this review comes to the House, because we are expecting it, it should address the other related issue so that we can contain public expenditure. We should bring sobriety in this area.

Hon. Temporary Deputy Speaker, Sir, with those remarks, I support this Motion.

Hon. Oyoo: Thank you very much, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion with two reasons. Last week, I sought a Statement in this House and subsequent to the response that I was awaiting, a local vernacular radio station called me to their station to update them on how far we have gone to contain the spiraling insecurity which is rampant in my constituency. That is between the border of Muhoroni and Tinderet.

When I woke up yesterday, my first assignment was to go to the radio station and the first question the presenter asked me was whether I am happy with the high wage bill that the country currently pays. He also asked me whether I was sure that with that kind of expenditure and other related issues, this country will embark on serious development, more so on road construction, expansion of school infrastructure *et cetera*. This was off the cuff. I quickly reminded him that as far as I am concerned, the wage bill will be controlled and leaders must lead from the front.

The Government must start by downsizing the staff and bring sanity by reining in on errant officers who misuse Government resources. The Government should bring controls so that people are paid according to their output. I also reminded him that I believe that the Government has not made enough effort to collect taxes. I gave him an instance where I told my constituents that we have sugar millers. I have a factory that is run by a receiver manager. It was a *quasi* government factory before it went under. The current receivers are a bit---- The

factory can mill a maximum of two tonnes per day but if you look at its tax returns, it is higher than a neighbouring company which is run by businessmen which does three tonnes. When I left that place and went---

The Temporary Deputy Speaker (Hon. Kajwang’): I do not want to interrupt you but I am trying very hard to follow your debate as relates to the Motion. Could you please stay nearer to the Motion?

Hon. Oyoo: Hon. Temporary Deputy Speaker, Sir, I am building up a case.

The Temporary Deputy Speaker (Hon. Kajwang’): I know you are but I am trying to hurry you to get to the subject.

Hon. Oyoo: Thank you, hon. Temporary Deputy Speaker, Sir. I met my friend, Jamleck who fronted this idea to me and I found that it is an idea whose time has come and it is in the right direction.

When the Jubilee Government came to power, many people left their former employers who paid them salaries of Kshs4 million per month to come and earn Kshs640,000. I was wondering whether they were sane or whether this country was running amok. I later learnt later that the salary may be Kshs640,000 but these people have house servants, Government cars at their disposal and they travel on First Class to Nairobi. Now, they want to create their small meetings, go to Mombasa or Kisumu and sleep in luxurious hotels. These are the things that we must tame.

This Motion is not about punishing somebody nor is it about controlling opponents. The Motion only urges that if a Cabinet Secretary or Principal Secretary or head of a parastatal wants to travel on Business Class within the country, he has his money but the Government can only pay for Economy Class. Even Members of Parliament use Economy Class. I have occasionally travelled to Mombasa for retreats and I have joined other Members in Business Class. They were given Economy Class tickets but they used their resources to top up.

Hon. Temporary Deputy Speaker, Sir, we also want hon. Members, except those named in the amended Motion to pay for their opponents. Let them get their own money and top up. But the standard mode must be on Economy Class. But whoever is able and wants to enjoy luxurious travel in First or Business Class must top up using their money. Otherwise, I want to take this opportunity to thank my friend, hon. Jamleck Kamau and say this is an idea whose time is ripe and no hon. Members should be against it. The implementation must also be done and the same thing be effected in our Parliament, save for the Speaker and the Deputy Speaker. We hope that in future even hon. Members of the Parliamentary Service Commission will lead from the front. If they have been enjoying those perks, they must withdraw them. I believe, if this Motion is passed and implemented, we will be able to save Kshs10 billion and control our reckless expenditures in our Ministries or other *quasi* government organizations. The Government should be able to save enough money so that we do not cry of poor roads perpetually; we should be able to expand infrastructure in schools, health facilities and others.

Thank you, hon. Temporary Deputy Speaker, Sir. I support this Motion wholeheartedly.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, we have ventilated on this matter and the list is long. We probably just hit the points. If your colleague has covered the areas you intended to touch, go to the new area so that hon. Members can have some time to talk.

Hon. G.W. Omondi: Thank you, hon. Temporary Deputy Speaker. First of all, I must say that this must have been a soul searching Motion for hon. Kamau. I know he has been a former Minister, but those who have been there have never used their experience to save our country from such expenses. Therefore, I take this opportunity to thank him very much because he is using his experience to save our country from unnecessary expenses.

Hon. Temporary Deputy Speaker, Sir, what is being put over here, the First or Business Class, is just a tip of the iceberg. If you see the wastage that goes in the utilization of assets and

other facilities at the disposal of public and State officials, it is terrible and it is something that needs to be looked into. It is no wonder we have a few millionaires in this country. Many of them actually acquired their wealth from the Government. These people were earning very low salaries and they did not have any investment. So, something needs to be done and it is good that this Motion is passed as amended. It will be the starting point of trying to check government expenditure.

Hon. Temporary Deputy Speaker, it is a shame that when you meet a Government official outside this country, he behaves as if he is a multi-millionaire in Kenya yet patients sleep on the floor in our hospitals. Worse still, there are no drugs in some of these hospitals. So, we would save many lives if this Motion was passed. If you look at the behaviour of Government officials, time wastage, delays and so on; if you factor that and see how it goes into affecting our Gross Domestic Product (GDP), it is a lot. I can quote a study that a small country in South America did where all these issues were taken into consideration. All these factors reduce the GDP by close to 7.5 per cent. I think it is high time we looked at these things and put something in motion.

With those remarks, I support the Motion and say that it should be passed as amended.

Hon. Keynan: Hon. Temporary Deputy Speaker, Sir, from the outset, I want to take this opportunity to thank hon. Jamleck Kamau. Hon. Kamau, having been a Minister in the last regime and having been very senior and having been a Commissioner with the Parliamentary Service Commissioner, he understands the workings of the Government. I think he has a lot of institutional experience. I want to thank him because I would have been disappointed if the Motion was saying that this House urges the Government. We said that, that is not the function of Parliament in a presidential system.

The function of Parliament in a presidential system is to resolve and that becomes binding. Therefore, not only the idea, but also the way he has framed the Motion shows that he is one person who understands. Secondly, this country is in the process of domesticating a very generous constitutional dispensation. It is because of this that many entities, whether individuals or corporate are trying to create a niche, whether that is legal or not, for themselves, for either personal gains or for personal aggrandizement. It is because of this that the 11th Parliament or the Members of this august House must live by example. I want to say here without fear of any contradiction that the Parliamentary Service Commissioners are the lowest paid. I want you to hear this. I want to go public and say what the Commissioners get as allowances is Kshs10,000. It is taxed and they are the lowest paid members of any constitutional commission under Chapter 15 of our Constitution.

As a country, over the years, we have struggled to devolve functions of many national institutions so that every Kenyan can benefit from devolution. That is economic devolution because this is not a federal State or a confederation. What has been put in the Constitution is an economic devolution. It is because of this that for us to protect the institutions that we head properly, to vouch for accountability, efficiency and proper institutional management, we must lead by example. How do we lead by example? We must be prepared to show servant leadership and do away with ego-oriented and centred leadership. This is what has contributed immensely to our failure. If you remember, in 1968, Kenya was a donor nation. Our GDP was at par with some of the real industrialised countries like South Korea, Malaysia, Indonesia and Singapore. What has happened?

The way those countries have changed is because the leadership resolved and made hard decisions that did not please those who were out to waste public money. It is because of this that I want to urge that at our level, as Members of the National Assembly, we must lead by example. These austerity measures; I am happy that we are resolving and this is binding. Once this Motion is passed this evening, tomorrow this information must be communicated to all arms of the Government and it must be binding. The membership of PAC, PIC and all the

Departmental Committees will be out to make sure that this decision is going to be implemented.

The other day I had the privilege, as a Commissioner, of travelling with the Speaker and somewhere, we met two senior officers. I will not disclose their names. The Speaker, who is the third in the hierarchy from the President and the Deputy President, was in the Business Class. Even in the Business Class, there is First and Second classes. We were on the third rate Business Class and we were invited by two senior civil servants who were on First Class. When we came to the lodge, when we were heading to the Business Class, they were heading to the First Class. They invited us and we looked foolish in the eyes of two individuals that we just vetted and appointed. They invited the head of one of the three arms of the Government of the Republic of Kenya to a facility because we could not afford. It is not that we could not afford but we denied ourselves. I felt ashamed and I am glad that this House has realised that we have such unscrupulous individuals and we must bring this wastage to an end. I want to say this on behalf of the Parliamentary Service Commission, and I have the permission of the Chair to say this, that we will implement this to the letter.

The Temporary Deputy Speaker (Hon. Kajwang’): I think you should have been proud instead of being ashamed. It was a proud gesture that you and the Speaker made on that day.

Hon. Keynan: Hon. Temporary Deputy Speaker, Sir, what I was ashamed about is not because we were not travelling on First Class, but I was ashamed that somebody somewhere was not conscious who is junior to us in every aspect and was enjoying the privileges at the expense of the taxpayer and yet, the head of one of the three arms of the Government was in a lower class. How do we play oversight role on the same individuals? No wonder these days we have a problem in getting acceptance to summons from some of these individuals because in their own offices, they are too big. The era of big man or women, because these days they are there, is gone. That culture must come to an end.

We have 47 counties. The same time when I was with the Speaker, we went to one of the parliaments and five county assemblies had already written to be allowed to participate in all meetings of the Inter-Parliamentary Union, ACPU and the Commonwealth. This means that in the meetings of these organisations next year, we will have over 500 Kenyan delegates in each international meeting. Who will pay for this? This is the taxpayer. These issues must be regulated. As the National Assembly, I think we have failed to discharge our function. Under Articles 94, 95 and 96, this House is mandated to regulate the activities and the functions of all the key institutions. It is high time we called a spade a spade. This is the only way we can lead by example.

Finally, this is a sacrifice because the facilities are there. I want to remind the Members what hon. Mbadi has said. We need to look at the debt that we have incurred over the years in paying for some of these services. I want to appeal to His Excellency the President, to crack the whip on all institutions so that we are financially disciplined in all the sectors of the Government. Until we do this, we will be complaining and Kenyans will not get the services that they deserve. Please, all the Members of Parliament who are here, once this resolution is passed, let us ensure, through our oversight role, that it is implemented and it becomes binding to every Government department.

Hon. Otsiula: Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity to also contribute to this Motion. I want to thank my colleague, hon. Jamleck Kamau, for this well thought Motion, coming at a time when we are at the bottom of everything in terms of finances. Hon. Kamau should not only have thought of how these officers ought to be travelling, but also where they are going to stay. They stay in very expensive hotels paying over Kshs200,000 or Kshs300,000 in a day. As much as we want them to travel Business Class or Economy Class, the taxpayer still meets their hotel bills amounting to Kshs600,000 or

Kshs700,000 for two days. This does not meet our justification. In this country, people live by their status and somebody must have told some Kenyans somewhere that for you to be special, you must be extravagant. If you are extravagant, people will notice you the same way we have noticed the members of the Judicial Service Commission whereby in one year, somebody has already taken home almost Kshs18.7 million in sitting allowances. You can imagine what the Members of Parliament seated here have earned in seven months. You cannot even describe it. A few months ago when we were asking Madam Serem to reconsider our salary, the same fellows branded us all kinds of names like “M-pigs” and all sorts of insults.

As other Members have proposed, we should not only pass this Motion, but it should be taken out as a directive. Anybody who refuses to heed to the provisions of the Motion and to implement the directive from this House should meet the wrath of the Members of this National Assembly.

I support the Motion.

The Temporary Deputy Speaker (Hon. Kajwang’): All right, hon. Members. We have finished the time we had for this Motion and it is now 5.40 p.m. I want to call upon the Mover to reply. The Mover, of course under the Standing Orders, you have the opportunity to donate some of your time. You only have 10 minutes so you can see how to judiciously do that. Thank you.

Hon. Kombe: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): No, hon. Kombe. You are a very seasoned Member of the House and we want points of order to be serious points of order. We are not going to use points of order to interrupt business of this House. That is why I am reluctant to give you the Floor. Please, can you go on?

Hon. Kamau: Thank you, hon. Temporary Deputy Speaker. I would like to donate one minute each to the following six Members: Hon. Ottichilo; hon. Kombe; hon. Susan Chebet; hon. Ichung’wah; hon. Kang’ata and hon. Elmi in that order, if you allow.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. In that order, will I have the first one? Yes, hon. Ottichillo.

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker. First, I want to congratulate my good friend, Jamleck Kamau. This is indeed a good Motion and you are setting a stage for this House. Let us bring Motions in this House which are going to bring discipline to this country because there is a lot of financial indiscipline in this country and this is the start. I wish I was here earlier. I would have liked to indicate that this should apply to the East African region and not only in Kenya because you can fly anywhere in East Africa within 45 minutes. So, I think in future we need to bring more Motions of this nature.

Hon. Temporary Deputy Speaker, when you look at the county governments, I do not think with their current behaviour we are going to achieve any development because most of the money that is being given to the county governments is just for them to travel. There is just too much travel. So, we must curtail. If they have to travel, let them do it in their own counties and spend the money there but most of them are travelling to Mombasa. So, let us be prudent in spending our money.

The Temporary Deputy Speaker (Hon. Kajwang’): Who is the second one? Hon. Kombe.

Hon. Kombe: Asante Mheshimiwa Naibu Spika wa Muda. Naunga mkono Hoja hii iliyoko mbele yetu. Ni Hoja ambayo ni muhimu sana na hata tumechelewa. Inastahili kama tungeanza na huu mwezi wa Machi tulipokuja hapa ili kiwango kile kinachotumika kwa maafisa wa ngazi za juu kikaweze kushukishwa na hata ikiwezekana kikawekwa kiwango kimoja. Ni jambo la kusikitisha na la aibu kwamba Wabunge wanaokaa katika vikao katika kamati wanapata kiasi cha Kshs 5,000 ilhali makamishna waliohojiwa na Wabunge wanapata marupurupu ya kiwango cha juu.

Mheshimiwa Naibu Spika wa Muda, umesikia Kamishna Adan Keynan akisema kwamba wanakamati wa Parliamentary Service Commission wanapokea Kshs.10,000. Pesa hizo zikitolewa ushuru zinabaki Kshs.7,000 na ilhali kuna mtu anapata Kshs.20,000 kwa kikao kimoja.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Chebet.

Hon. Chebet: Thank you, hon. Jamleck Kamau for donating one minute to me. Thank you, hon. Temporary Deputy Speaker for this time. I want to support the Motion very strongly. Some people in Kenya can be very extravagant and they misuse national resources. I want to say that if this Motion is passed, we are going to be in control of the national resources and also personal resources.

We know what is happening in the Judiciary and I think that is the highest misuse of Government resources. I want to recommend that if they are found guilty, they should be made to pay all the money that they have misused. They should also face disciplinary action and also be charged in a court of law for misusing Government money. There are many people in this country who need money and they cannot afford the basic needs in their lives. Even in the Free Primary Education (FPE) that we talk about, those children lead---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Ichung’wah.

Hon. Ichung’wah: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion and, indeed, thank and congratulate hon. Jamleck Kamau for this very timely Motion. There is a lot of extravagance in the use of public resources and, therefore, what hon. Jamleck Kamau has done in this Motion is timely to arrest this problem.

Hon. Temporary Deputy Speaker, His Excellency the President is kind enough and conscious enough to use Business Class when he is flying on international trips but you find Cabinet Secretaries who are serving under the same President flying First Class. The same thing extends to the county governments. There is a lot of extravagance and without necessary checks in law, we are bound to continue losing a lot of money. As part of our role to provide oversight for this country and on behalf of the people of Kenya---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Kang’ata.

Hon. Kang’ata: Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion because of five reasons. Number one, the way it is drafted. It is drafted in a very good way. It has teeth. Most of the Motions that I have been seeing here tend not to really have a very good remedy but this one has a very clear remedy, meaning once we pass this Motion, there are high chances that it will be implemented because of the way it is drafted. It has teeth.

Number two, it is not of a selfish nature. Even us Members of Parliament we have not been exempted from the application of this Motion, which I agree is good. We want to help the country. It is not only the Senators, Members and other elected leaders who are going to be affected by this Motion. It is progressive.

Number three; it is something to do with saving Government high expenditure bill. We have a lot of wastages in this country. Travelling is travelling; whether you use First Class or Third Class, you are going to arrive at your destination. So, therefore once you---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Elmi.

Hon. Elmi: Hon. Temporary Deputy Speaker, I fully support this Motion and I congratulate my good friend, hon. Jamleck Kamau. This is the right direction. This is just the first step in putting things right in this country. The political elites in this country, we are living a lie. What is the price of a Kenyan’s life today? The other day you heard that somebody killed his wife for Kshs50 and yet somebody wants to travel for 40 minutes in Business Class. That is living a lie.

Hon. Temporary Deputy Speaker, 67 people died in Westgate and corruption has something to do with it. We talk of democracy and yet everything that we do is divided along tribal lines. We know that 70 per cent of drugs in this country are counterfeits. So, we are living

a lot of lies. It is high time we woke up and worked for the common poor people of this country. This Motion really touches the heart of it and we should bring more of this kind. I, again, congratulate my friend.

Thank you.

Hon. Kamau: Hon. Temporary Deputy Speaker, let me start by thanking all Members who have contributed to this Motion. I must clearly say today that I am a proud Member of this House. The support that this Motion has had in this House is enormous. I think it is because hon. Members have clearly seen that if we come together and put up strong measures then we will be able to raise this country to other levels that have never been seen before.

Indeed, I would like to welcome the amendments that have been brought by hon. Millie Odhiambo. They reflect the three arms of Government that is the Judiciary, Legislature and Executive with respect to their leadership and their deputies. I think that is quite in order. However, some other austerity measures need to be taken and I think that is what hon. Members have raised here. I will give one example. Some senior Government officers leave their offices in Government vehicles to the airport. Some other vehicles go all the way to either Kisumu or Mombasa to wait for them so that they can attend meetings there. They are supposed to come back in the afternoon to Nairobi. Some of these things do not make sense at all. These are issues that the House needs to look at and correct.

With respect to implementation of this particular resolution, it is without doubt that this is a resolution of the House and it has to be respected and implemented by the Executive. Any person who does not implement this will definitely come before this House for action to be taken against them. However, above that, I must tell the House that I have come up with a Bill which I intend to table here so that we make it law. The Bill even prescribes fines such that whoever goes against this particular law faces the consequences. In the Bill we are talking about a journey of four hours and not really travel within the country. That will save the country even more money.

Hon. Temporary Deputy Speaker, I thank you and all the Members for their support. I beg to reply.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, following consultations that I have had with the Mover of this Motion, I, therefore, direct that this Motion be placed on the Order Paper tomorrow when the Question will be put.

Hon. Members you remember the Speaker’s ruling that Order No.9 would come after Order No.10. So, next is Order No.9.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Deputy Speaker
(Hon. Kajwang’) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Hon. Kajwang’) took the Chair]*

THE TAX APPEALS TRIBUNAL BILL

The Temporary Deputy Chairman (Hon. Kajwang’): Hon. Members, we are in the Committee of the whole House and we are considering the Tax Appeals Tribunal Bill,

(National Assembly Bill No.7 of 2013.) You have seen the Order Paper and also the amendments proposed by the Chairperson of the Departmental Committee on Finance, Planning and Trade. That has been circulated and you have them in your notices. We want to conduct this in a very dignified manner.

(Clause 3 agreed to)

Clause 4

Hon. Langat: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 4 be amended-

- (a) in subclause (2) by deleting the words “At least” and substituting therefor the words “Not more than”;
- (b) in subclause (3)(b)(iii) by deleting the word “five” appearing immediately before the word “years” and substituting therefor the word “ten”.

Hon. Temporary Deputy Chair there are two things that will be affected there. Subclause 2 reads:

“At least five members of the Tribunal appointed under Clause 1 shall be advocates of the High Court of Kenya.”

When my Committee met, it was agreed that we change from “At least” to “Not more than five” so that we do not have not more than five members as advocates of the High Court. This is so as we get people from other professions. We agreed in the Committee that tax issues usually extend beyond the legal parts. We have tax experts practising as accountants like myself. We also have businesspeople who practise as taxation experts. We said that we need to limit the number of lawyers so that we get other professions included as well.

Secondly, we are also increasing the years of experience from five to 10 years so that we get a tribunal with more experience. Those are the two amendments I am proposing.

(Question of the amendment proposed)

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

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

(Clause 4 as amended agreed to)

(Clauses 5, 6, 7, 8, and 9 agreed to)

Clause 10

Hon. Langat: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 10 be amended in subclause (2)(b) by inserting the words “or a member of the institute of Certified Public Accountants of Kenya” immediately after the words “High Court”.

Hon. Temporary Deputy Chairman, Sir, sub-clause (2)(b) talks about the qualification of the Chairperson of the Tribunal. It says that he must be an advocate of the High Court. However, when we met in the Committee, it was agreed that tax is not necessarily a legal issue. So, we agreed that people with expertise in tax matters can also chair the committee. Therefore, we brought this amendment to say that the chairperson can be an advocate of the High Court or a member of the Institute of Certified Public Accountants of Kenya, who are professionals

in the field of taxation. So, that is the effect of the amendment. Therefore, in addition to an advocate, we can also have an accountant being the chair of the Tribunal, so that that expertise can also be tapped by the Tribunal.

Thank you.

(Question of the amendment proposed)

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

(Clause 10 as amended agreed to)

(Clauses 11 and 12 agreed to)

Clause 13

Hon. Langat: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 13 be amended-

(a) in sub-clause (2) by inserting the words “from the date of filing the notice of appeal” immediately after the word “days”;

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause-

“(3) The Tribunal may, upon application in writing, extend the time for submitting the documents referred to in sub-section (2)”;

(c) by inserting the following new sub-clause immediately after sub-clause (6)-

“(7) The Tribunal shall hear and determine an appeal within ninety days from the date the appeal is filed with the Tribunal”.

Hon. Temporary Deputy Chairman, the implication of this amendment is that in sub-clause (2), we are giving the person who will be appealing against the decision of the Commissioner of Revenue to do so within 14 days from the date of filing of the notice of appeal. In this case, the appellant needs to find the documents required, which include the memorandum of appeal, statement of facts and the tax decision. So, we are just trying to make it clear as to when the counting of the 14 days should start.

The Temporary Deputy Chairman (Hon. Kajwang’) Hon. Members, that is a technical amendment to just clean up the effect of the law. I hope that you understand the amendment.

Hon. Langat: Hon. Temporary Deputy Chairman, just one final comment on the same.

On part (b) of the amendment, we are giving the Tribunal power to ensure that they can extend the time period within which they can receive the documents, if they deem necessary.

(Question of the amendment proposed)

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

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

(Clause 13 as amended agreed to)

(Clauses 14, 15, 16, 17, 18, 19, 20 and 21 agreed to)

Clause 22

Hon. Langat: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 22 be amended by deleting the word “deferred” appearing in paragraph (c) and substituting therefor the word “referred”

Hon. Temporary Deputy Chairman, the amendment is basically replacing the word “deferred” with the word “referred”. It is typographical error. It was meant to read “referred” and not “deferred”. So, we are just cleaning up a misspelling.

The Temporary Deputy Chairman (Hon. Kajwang’): Hon. Members, the amendment is in a circulated text. You must be having it in your hands. It is really just meant to clear the language in the definition of “tax law”, to change the word “deferred” to read “referred”.

(Question of the amendment proposed)

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

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

(Clause 22 as amended agreed to)

(Clauses 23, 24, 25 and 26 agreed to)

Clause 27

Hon. Langat: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 27 be amended in sub-clause (5) by deleting the expression “subsection (2), (3) and (4)” and substituting therefor the expression “subsection (2) or (3), or upholds an appeal under subsection (4)”.

Hon. Temporary Deputy Chairman, this is basically a clean-up exercise.

The Temporary Deputy Chairman (Hon. Kajwang’): Hon. Members, this is, again, to clean up the law.

(Question of the amendment proposed)

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

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

(Clause 27 as amended agreed to)

(Clauses 28, 29, 30, 31, 32 and 33 agreed to)

Clause 34

Hon. Langat: Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 34 be amended in the marginal note by deleting the words “officer of companies” and substituting therefor the words “officers of corporate bodies”.

Hon. Temporary Deputy Chairman, the effect of this amendment is basically to change the words “officer of companies” to read “officers of corporate bodies”, so that the meaning can be more defined that it was before. So, we are making the meaning clearer than it was before.

The Temporary Deputy Chairman (Hon. Kajwang’): Hon. Members, this amendment is dealing with the marginal note, so that the understanding of the law can be more certain.

(Question of the amendment proposed)

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

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

(Clause 34 as amended agreed to)

(Clauses 35, 36, 37, 38, 39, 40, 41, 42 and 43 agreed to)

Hon. Langat: Hon. Temporary Deputy Chairman, Sir, I seek your guidance because Members are not responding when you put the Question. I am the only one who is responding.

The Temporary Deputy Chairman (Hon. Kajwang’): Order! Fortunately, I am the only one who has that discretion to hear Members.

Proceed.

Hon. Langat: Hon. Temporary Deputy Chairman, Sir, that is why I am requesting you to save me.

Clause 44

Hon. Langat: Hon. Temporary Deputy Chairman, Sir, I beg to move:-

“THAT, Clause 44 be amended in subclause (1) by deleting the words “six months” and substituting therefore the words “ninety days”.

Section 44 of the Bill says that despite the provisions of Sections 41, 42 and 43, any tribunal or appeal committee established by the tax law or regulations made there under before coming into effect of this Act shall continue to hear and conclude any appeals filed by the taxpayer for a period of six months after the commencement of this Act.

Hon. Temporary Deputy Chairman, Sir, that is a transitional clause in terms of the existing appeals under other tribunals established under the law. When we deliberated in my Committee, we agreed that six months is quite a long time. So, we reduced it from 6 months to 90 days which is three months so that we can move to the new Tribunal as soon as possible. That is the effect of that amendment.

Thank you, hon. Temporary Deputy Chairman, Sir.

(Question of the amendment proposed)

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

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

(Clause 44 as amended agreed to)

(Schedule agreed to)

Clause 2

Hon. Langat: Hon. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 2 be amended in the definition of “tax law” by inserting the following new paragraphs immediately after paragraph (c) –
“(d) East African Community Customs Management Act, 2004;
(e) any other tax legislation administered by the Commissioner”

If you look at Clause 2, you will find that it talks about definitions. One of the definitions in Clause 2 says that “tax law” means the Income Tax Act, the Customs and Excise Act, and the Value Added Tax Act. That amendment seeks to include East African Community Management Act of 2004 and any other tax legislation administered by the Commission. This is just to ensure that this definition is comprehensive and captures the tax law which this Tribunal will have power over.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Clause 1 agreed to)

(Title agreed to)

Hon. Langat: Hon. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Tax Appeals Tribunal Bill (National Assembly Bill No.7 of 2013) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. Kajwang’) in the Chair]*

PROGRESS REPORTED

THE TAX APPEALS TRIBUNAL BILL

The Temporary Deputy Speaker (Hon. Kajwang’): That is all right. Let has have the chairperson.

Hon. Keynan: Hon. Temporary Deputy Speaker, Sir, I beg to report that the Committee of whole House has considered the Tax Appeals Tribunal Bill, and approved the same with amendments and seeks leave to sit again.

Hon. Langat: Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report and seek leave to sit again.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, in consultation with the Chair of the Committee, the Speaker’s direction is that this matter be placed on the next Order Paper and then the Question is put.

MOTION

ADOPTION OF PIC SPECIAL REPORT ON SUPPLY OF MAIZE

THAT, this House adopts the Special Report of the Public Investments Committee on the contract between the National Cereals and Produce Board and M/s Erad Supplies and General Contracts Limited for the Supply of white maize, laid on the Table of the House on Tuesday, 22nd October 2013.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, again I am guided by the consultation we have had with the Chair of PIC together with the Speakers’ Panel; we order that that Motion appears on the next Order Paper to be discussed by the House in full.

Next Order.

BILL

Second Reading

THE INSURANCE (MOTOR VEHICLE THIRD PARTY RISKS (AMENDMENT) BILL

Hon. Langat: Hon. Temporary Deputy Speaker, Sir, I seek you indulgence that we defer debate on this Bill until the next available time so that I come while I am prepared in my mind to prosecute it. This is because I was seeing it to be a bit far.

Therefore, I beg that we defer it to the next available opportunity.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. On the application of the Chair of the Committee that the matter be deferred, on the submission that the Committee needs to put a few things in order so that the Bill becomes mature before the House, I direct that the debate be deferred and see whether we will avail opportunity for it in the next Order Paper.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Members, there being no business and time being 6.24 p.m., I hereby interrupt business of today’s sitting. Therefore, this House stands adjourned to tomorrow, Thursday, 24th October, 2013 at 2.30 p.m.

House rose at 6.25 p.m.

