

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 28th August, 2014

The House met at 2.30 p.m.

(The Speaker (Hon. Muturi) in the Chair)

PRAYERS

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table:-
The Annual Report of Teachers Service Commission for the Financial Year 2012/2013, prepared pursuant to Article 254 (1) of the Constitution.

The Report of the Auditor General on the Financial Statements of the New Kenya Co-operative Creameries for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the National Quality Control Laboratory for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of SACCO Societies Regulatory Authority for the year ended 30th June, 2013, and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of National Development Fund for Persons with Disabilities for the year ended 30th June, 2013, and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of Kenyatta University for the year ended 30th June, 2013, and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the South Nyanza Sugar Company limited for the year ended 30th June, 2013, and the Certificate of the Auditor-General therein.

STATEMENTS

Hon. Speaker: Very well. Next Order! Now for the time being hon. Members, business appearing as Order No.7, will be stood down until the House completes the Business appearing as Order Nos. 8, 9, 10 and 11 and further that, notwithstanding what appears on the third page on the Order Paper, which reads that not later than 3.30 p.m. I will extend by 30 minutes so that the Motion will now be moved by 4.00 p.m., so that the Leader of Majority Party will move that Motion at 4.00 p.m. and then the House will

debate that Motion up to 7.00 p.m. or as long as there will be enough hon. Members to debate that Motion since there is no Question being put.

We, therefore, move to the next Order.

MOTIONS

APPOINTMENT OF HON. MEMBERS TO RESPECTIVE COMMITTEES

Hon. Speaker: Leader of Majority Party. The Majority Whip, you are doing it on behalf of the Leader of Majority Party?

Hon. Kato: Thank you, Hon. Speaker. On behalf of the Committee on Selection, I beg to move the following Motion:-

THAT, notwithstanding the Resolution of the House on October 08, 2013 regarding the appointment of Members to respective Committees, this House further approves-

(i) the appointment of the Hon. Moses Kuria, MP to the Departmental Committee on Energy, Communication and Information and the Budget and Appropriations Committee, and;

(ii) the appointment of Hon. Steven Kariuki, MP to the Departmental Committee on Education Research and Technology and the Constitutional Implementation Oversight Committee.

First of all, let me take this earlier opportunity, though belatedly, to congratulate those two hon. Members for winning the elections in their respective constituencies and, therefore, they deserve to represent this House in those Committees. The former Members of Parliament for those constituencies - Gatundu South and Mathare – sat in those committees. Therefore, we saw it good that their predecessors who are now hon. Members of this House should really continue being in those Committees. But I want to bring to your attention something very important that the Committee on Selection observed. We made a request on behalf of the Committee on Selection to the Committee on Procedures and House rules that we changed our Standing Orders previously to ensure that Members are in the Committees for a period of five years with an exception of three Committees: The two oversight Committees of Public Accounts Committee (PAC), Public Investment Committee (PIC) and the Budget and Appropriations Committee whose term is three years.

But when hon. Members came to this House for the first time, their talents were not really identified. We did not know each other during that time. It has now been, in terms of skills, talents and professional background, the Committee on Selection yesterday noted that so many hon. Members now want to move from the Committees where they are in to other Committees. However, the Standing Orders now put a period of five years. So, we were of the view that, maybe, in future, when we come back and if the House approves that we go for Recess, there will be need to make the duration one can be in a Committee for three years. After three years, a re-arrangement can be done such that in one term, a Member can serve in two Departmental Committees. Maybe, for three years, you are in Finance Committee and the other two years you are in Justice and

Legal Affairs Committee. Those were the observations made by the Committee on Selection.

Therefore, I beg to move that this House approves the membership of those hon. Members to those Committees, and kindly request hon. Ng'ongo to second.

Hon. Ng'ongo: Thank you, hon. Speaker. I am not in the best of health today. My voice, as you can clearly hear, is not the normal voice but I hope Kenyans will bear with me.

I rise to second this Motion. Ordinarily, this is a Procedural Motion but allow me first to take this opportunity to officially congratulate my two colleagues--- Hon. Kuria who was actually with me in campus at one point, although he was two years ahead of me, but we happened to have gone to school at the same time before he decided to go and study hawking as I was studying financial matters. So, I congratulate him because he is now again my colleague but now he is my junior in the National Assembly for winning his seat. Although I know some people have been saying he was actually selected, but he won his seat the way he won. Even winning your seat strategically is good enough because a lot of effort goes into strategy.

I want to congratulate hon. Kariuki who also happens to be very young and intelligent as you can see him. When I campaigned for him, I realized that the people of Mathare were just about to make the right decision and they did not disappoint me. They made the right decision of electing such a sharp young mind.

Hon. Speaker, the Committees they have been appointed to - the only issue we have discussed with hon. Kariuki and the leadership of the House will look into probably later because hon. Kariuki was initially supposed to join the Departmental Committee of Energy, Communication and Information. I know someone will say that this belongs to Jubilee but even the CORD side had surrendered a position in the Departmental Committee in charge of energy to hon. Tong'i and that position used to be held by hon. Bichage. I hope that the Jubilee side of leadership will be magnanimous enough to realign those and have our representative from CORD to be in that Committee in charge of energy so that they can swap the position so that we do not have controversies even where they are not necessary.

Many times, we have agreed both in the Tenth Parliament and in the Eleventh Parliament. I can see the Leader of the Majority Party, who is my good friend except when it comes to issues of referendum--- That is where we disagree and we also many times disagree on who actually won the 2013 Presidential Elections. But many times, we agree on all other things except those two controversial issues.

Otherwise, with those few remarks, I second the Motion.

Hon. Speaker: Hon. Members, including hon. Florence Kajuju, I will propose the question.

(Question proposed)

Hon. A.B. Duale: Thank you Hon. Speaker. On the outset, I want to declare and tell hon. Ng'ongo that who won in 2013 was decided only by the Independent Electoral and Boundaries Commission (IEBC) and the Supreme Court and they have done their bit. It is not for the hon. Ng'ongo and hon. A.B. Duale to talk about who won. Even for you

as the Member for Suba, you know who declared you the winner. For me, I know who declared me the winner.

This is a small matter. It is a matter that was before the Committee on Selection which I chair but, of course, yesterday, it was chaired by the Majority Whip. It has a membership from both sides of the coalitions. An agreement was reached. Every Committee of this House is important; whether you are in Committee of Health, Education, Lands or Energy. There are no so-called very juicy Committees. There is no Committee that is juicy than the other. If there are there, then it is the Members of that Committee who will make it juicy. But the Standing Orders are very clear. There are Standing Committees and Select Committees. Each and every Member of this House has a role to play. His or her oversight role is in being a Member of a Committee and because we have our latest entrants - hon. Kuria to serve in the Energy Committee and hon. Karuiki to serve in the Education Committee. Of course, there are many other opportunities for our two hon. Members to serve in other Committees and other bodies that are affiliated to other Parliamentary bodies across the world. This is a small matter and we should not dwell much on it. I ask my colleagues that this is not an issue that should take us long. I am sure hon. Kariuki is capable of serving in that Committee: Likewise, the last baby of the Jubilee Coalition, the Member for Gatundu South.

Hon. Kamau: On a point of information!

Hon. A.B. Duale: Hon. Kamau wants to inform and I will accept it and then we conclude. I beg to support.

Hon. Speaker: Hon. Members, before you contribute further, let me recognize the presence in the House, both at the Speaker's Gallery and the Public Gallery, the following students and pupils from various institutions:

Nyabirongo Girls Primary School from Kuria West Constituency.

University of Eldoret Primary School, Moiben Constituency.

Kokwongot Academy, Marakwet West Constituency.

Christ the King Academy from Kanduyi Constituency.

Irigiro Primary School from Kigumo Constituency.

Hon. Members, even as we debate this issue of membership into Committees, it is fair that I draw your attention to the provisions of Standing Order No.216, particularly the provisions relating to the mandate of Departmental Committees. The mandates are similar for all Departmental Committees. So, whether a Committee has juice or has only meat or bones or whatever, it is not provided for in that Standing Order No.216 with regards to respective mandates of Departmental Committees. Therefore, I consider that all Committees have equal--- I am not aware about juice. They have equal mandates to oversee the respective Government Ministries and departments.

With regard to the point raised by hon. ole Metito about Members serving in more than one Departmental Committee within the term, I think if hon. Members desire that to happen, all you need to do is to carefully look at your Standing Order No.263 and appreciate that it is within your power and right to propose amendments to the Standing Orders to the Procedure and House Rules Committee. Just look at the requirements placed on individual Members under Standing Order No.263 to make proposals to amend Standing Orders. So, as long as the House desires to move in that direction, it is still

within the prerogative of you hon. Members to make those propositions. Please, consider that you have up to 4.00 p.m. to debate those issues.

Hon. Kamau: Hon. Speaker, as I inform my good friend, hon. Aden Duale, please, allow me to also take this opportunity recognise and welcome students and pupils from various primary and secondary schools that we have in the galleries and, more so, those from constituency – Irigiro Primary School.

Hon. Speaker, I would like to inform the Leader of the Majority Party and, indeed, the entire House that in the Committee of Energy, Information and Communication, which I am privileged to chair, we are unique in a way because we do not operate on party lines. The CORD hon. Members in this House will bear me witness that we approach issues as Members of Parliament and not on the basis of party lines. Therefore, there is absolutely no problem, even with the new hon. Members who are coming in, because we will continue doing what we have always done.

Thank you.

(Question put and agreed to)

ADOPTION OF REPORT ON AMENDMENTS
TO THE STANDING ORDERS

Hon. Cheboi: Hon. Speaker, I beg to move the following Motion:-

THAT, this House adopts the Fourth Report of the Committee on Procedure and House Rules on amendment to the Standing Orders laid on the Table on Wednesday, 27th August, 2014.

Hon. Speaker, I will be very brief because this is a matter which has been in the domain of hon. Members for quite some time. The Report was tabled yesterday. I am sure that hon. Members have gone through it.

The gist of this Motion is to actualise Article 153 of the Constitution. For those hon. Members who might not have been quite familiar with it, it is actually an attempt by the National Assembly to bring Cabinet Secretaries to the House, under the Constitution--

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(Loud consultations)

Hon. Speaker: Order! Order, hon. Members! Consult in lower tones!

Hon. Cheboi: Hon. Speaker, what I am saying is that this is just an attempt to operationalise Article 153(3) of the Constitution of Kenya, 2010. I know that hon. Members may not have had all the time to look through the Constitution. The particular Article states that a Cabinet Secretary shall attend before a Committee of the National Assembly or the Senate when required by the Committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible.

Hon. Speaker, we have had a trend, in the last few months we have been serving in this House. This is a new phenomenon where our colleagues, the Chairs of various Committees, have been forced to react to Statement requests, on behalf of Cabinet Secretaries. Sometimes, it creates quite an issue because a colleague Member of

Parliament would come here with a Statement that had been put before the Committee. Unfortunately, when hon. Members seek clarifications on the written Statement, it becomes extremely difficult for the House to get the correct answers from the Chairs of the Committee.

Therefore, what is being done here is to bring Cabinet Secretaries to hon. Members, so that hon. Members can be able to transact issues touching on their constituencies in a better manner. I am sure that the Committee Chairs will be very happy with this development. Hon. Members will no longer attempt, in any way, to pin them down on issues which are supposed to be tackled by the Executive. The proposition is the creation of a grand Committee of the House. If hon. Members eventually approve this Report, a Committee to be known as “Committee on General Oversight (GOS)” will be created by this House.

I would like hon. Members to look at the salient features of the proposed Committee. The first feature is that the Committee will be chaired by the Speaker of the National Assembly. In his absence, the Deputy Speaker will chair it. Secondly, the quorum of the Committee will be 16 Members. A membership of 16 is good enough to work on issues that will have been brought here. Of course, this will be a very exciting period of this Parliament. I am sure that there will always be more than sufficient number of hon. Members attending.

Hon. Speaker, the other salient feature of the CGO is that the Leader of the Majority Party will be consulting with the Speaker in creating the agenda of the Committee and scheduling of Questions. Another salient feature of the Committee is that it will be held every Tuesday, from 10 a.m. to 12.30 p.m. What will come out this arrangement is that we will be giving an opportunity to Cabinet Secretaries to come here at a time when it is fairly convenient for them and for hon. Members also to be able to participate because of the fact that it will not be starting business too early.

I am sure that hon. Members know that on Tuesday mornings, we do not have any sittings. So, we will actually be adding ourselves some work, so that Kenyans and our electorate will be able to see that we are working well for them. Sometimes, members of the public do not notice that hon. Members do not simply sit in this House. There are also Committees and other functions that hon. Members discharge in their capacity as Members of Parliament.

Hon. Speaker, another salient feature of the GOC is that hon. Members will have an opportunity to ask questions to the Cabinet Secretaries, who will then be able to respond. Hon. Members will also be given an opportunity to seek clarifications and ask further Questions on the Floor of the House. Members of the public will be able to see some work being done by Members of Parliament. For the Members who were in the Ninth and the Tenth Parliament, and other Parliaments before, will know that, at that particular time, they could be able to extract some very reasonable commitment from Ministers then – but not the Cabinet Secretaries now.

Another feature of the Committee is that there shall be a maximum of three Cabinet Secretaries to be invited at any one time. That is to say that hon. Members will have sufficient opportunity to deal with issues that will be brought by those Cabinet Secretaries, in terms of answering specific questions from hon. Members. Further, as I indicated earlier, there will be between 10 and 20 questions to be posed to a Cabinet

Secretary but on average, not more than five questions are to be directed to each Cabinet Secretary. That is to say that they will be able to prepare themselves sufficiently and bring reasonable answers to hon. Members and, I am sure, to the satisfaction of their constituents.

Hon. Speaker, as I have indicated, supplementary questions will be allowed, so long as they relate specifically to the original questions. Sometimes, there is a tendency by hon. Members to ask supplementary questions which are different from the original question. In this particular case, hon. Members will be encouraged to proceed and seek specific questions on which they would want answered. Further, in this particular one, the beauty of it is that we shall have verbatim recording of the proceedings and so, it will go to the HANSARD. So, if a Cabinet Secretary indicates that he is going to do something, he can be held to account on the issue and promises that he will have made in terms of answering questions.

The Cabinet Secretaries should have no major problem with this arrangement. First, it was this particular Parliament which dealt with their case of appointments, through the Appointments Committee. So, as far as we are concerned, hon. Members and Cabinet Secretaries, much as we are in the Legislature and they are in the Executive, are supposed to be as friendly as possible. There should be no fear from any quarter whatsoever. It has been said that probably Members of Parliament are trying to amend the Constitution through the backdoor, using the House rules. That would be furthest from the truth. It is either out of ignorance or out of an issue of people not having gone into detail of what Members of Parliament intended to achieve.

Hon. Speaker, the issue is effective representation of the people. As I have indicated, already, in the Constitution, Article 153 takes care of this arrangement. That is all Members of Parliament intends to do. Therefore, I encourage Members of Parliament to quickly adopt this Report, because it is in the interest of not themselves only, but also in the interest of the nation as well as in the interest of the Cabinet Secretaries and the Executive. When the Cabinet Secretaries come to our Committees – something which they do anyway – they will be able to interact with hon. Members and see things from the perspective of the common *mwananchi* at the grassroots.

After all, Members of Parliament are the ones who represent the people. Therefore, I would not really want to belabour this particular issue. I know hon. Members, and particularly Committee Chairpersons, who feel that their Statement requests are not responded to adequately. They will be able to deal with the Cabinet Secretaries themselves and extract the kind of answers that they would require. In this particular case, the system of governance will not have changed at all.

Hon. Speaker, some Members of the Rules Committee travelled to various other jurisdictions in the world, with similar governance structure like ours. I had an opportunity to be in France, under the leadership of the Speaker himself. Their system is almost a copy and paste of the Kenyan one. Legislators in France have an opportunity to interact with Ministers through a certain modified Question Time. It is very helpful. It is the most exciting bit of serving as a Member of Parliament. Therefore, what I just wanted to say by quoting those other instances – Senegal and several other jurisdictions, for example – is to say that the system of governance will be the same. We are still on a pure

presidential system, but we will be able get the best out of it. This is a case of just taking the best practices from other jurisdictions.

With those remarks, I beg to move and request my good friend, the Member for Saboti, who, in my opinion is the oldest hon. Member of this House, to second me. I am sure that hon. Members will ask me why. He operated more on the corridors before he came straight to the Chamber to second me.

Thank you.

Hon. Speaker: Yes, hon. Wafula David!

Hon. Wekesa: Thank you, hon. Speaker.

Hon. Speaker, I am a Member of this Committee. Since the Mover has elaborated the contents of the Report in detail, I beg to second.

(Question proposed)

Hon. Speaker: Yes, hon. John Mbadi!

Hon. Ng'ongo: Hon. Speaker, since this House came into being, we have actually grappled with the issue of holding the Executive to account. A lot of times, the Membership of this House have sought for Statement from fellow Members of Parliament in the name of Chairs of Committees. Ordinarily, it is very hard to interrogate your colleagues in the National Assembly, who are not members of the Executive. Therefore, we called upon the Committee to look for ways of having this House hold the Executive to account. Therefore, I want to just support this Committee. I am happy that the Committee went ahead to benchmark to see what was happening in other jurisdictions. I have confidence that, with this procedure in place, we will make good use of our time.

My only request to the Speaker is that when it comes to Statements going to the Executive, because we are very many and the time available is limited, I would rather we restrict it to Statements of national importance – serious issues that require interrogation. I would not really be so pleased to hear of question about a bridge in my local location being asked to the Cabinet Minister and yet, we have other matters of bigger magnitude. It is not that a bridge in my local location is not important, but that one can be transacted in the Committee. We should allow the provided time, which is very limited, to be used constructively by raising questions on escalating serious national issues.

With those remarks, I beg to support.

Hon. Speaker: Hon. Members, before I give chance to the Leader of the Majority to make his position known, it is important for you to look at the Report because it is introducing some fundamental changes. The Report proposes to create a Committee on General Oversight, which essentially is unto which every Member of this House is a Member. It is also introducing a morning sitting between 10.00 a.m. and 12.30 p.m. on Tuesdays. So, it is important for you to look at the Report and express yourselves as freely as possible, because those are the proposals from the Committee.

Proceed, Leader of Majority Party.

Hon. A.B. Duale: Hon. Speaker, I had the privilege of going with you on a trip to France and, for three days, study the French system. I am sure that it was on the basis of that benchmarking exercise that those recommendations were arrived at. This will be the

largest Committee of this House. In fact, it will be a Committee of every Member of Parliament and chaired by the Speaker. It will be the second, after the House Business Committee, that the Speaker is going to chair. The Committee will sit on Tuesday mornings.

Hon. Speaker, I want to disagree with hon. Mbadi by saying that this House was doing serious oversight of the Executive, through the Departmental Committees. This particular Committee will give hon. Members the opportunity to engage with the Cabinet Secretaries in a Committee session and ask both Ordinary and Private Members Questions, as they used to be called in the previous Parliaments. In the case of Private Members Question, if a Question is very urgent, the Cabinet Secretary will have an opportunity to answer every Tuesday. Then there are the Ordinary Questions. This will give hon. Members an opportunity to ask Cabinet Secretaries direct questions in a Committee of the whole House set-up.

So, this is a step ahead for the Eleventh Parliament. I am sure that this will stop those people who want to amend the Constitution to allow the Government to appoint Members of this House or other Houses in the future to be part of the Cabinet. But it is a good step. Hon. Members do not feel well when they raise Questions only for those Questions to be answered by their colleagues. When a Cabinet Minister answers a Question, not only does the Questioner feel good but the constituents he represent feel that the Question is being answered by a Cabinet Secretary. So, the timing is good because it will be on a Tuesday morning. People like me, who are not members of any Departmental Committee, today is a good day for me. I am a Member of the House Business Committee, like the Speaker. So, apart from the House Business Committee, I will now be a member of another Committee. So, my Committee allowances will, at least, go up. I will diligently do two things. First, I will make sure that every Tuesday I am here, so that I can get my allowance.

Two, I will diligently confirm to the House that I will be the link between the Executive and the House and make sure that Cabinet Secretaries (CSs) appear before this large Committee every Tuesday when they have the relevant and concrete answers. That is because we do not want Members to do what we used to do in the last Parliament.

Hon. Speaker, in the last Parliament, we had the privilege to tell Ministers (now called CSs): “You are very incompetent and you should not be holding that office.” Those are the very bad statements we used to make in the last Parliament and they used to make Ministers feel very bad particularly those who were very powerful. You can remember the then Minister for Internal Security, the late George Saitoti, the late John Michuki, the former Prime Minister, Anyang’-Nyong’o, Amos Kimunya with all the issues and arrogance he had. When you tell such Ministers that you are incompetent, then they feel bad.

Hon. Ng’ongo: On a point of order, hon. Speaker.

Hon. A.B. Duale: Hon. Speaker, he was an Assistant Minister in the last Government and he used to carry the briefcase of the former Prime Minister during the Prime Minister’s Time and he was very incompetent by then.

(Laughter)

Hon. Ng'ongo: Thank you, hon. Speaker. Hon. Duale is forgetting he was also at one point an Assistant Minister. At least, not only was I just an Assistant Minister, but an Assistant Prime Minister. So, I had more clout.

(Laughter)

Hon. Speaker, but my point of order is that you heard the Leader of the Majority Party call a Senator for Kisumu County arrogant. I think that is unparliamentary.

An hon. Member: He did not say that.

Hon. Ng'ongo: No. I got him very well and you are not him. Can you kindly listen? Neither are you the Speaker. I think the Leader of the Majority Party needs to show respect to the Senator of Kisumu County from the great city of Kisumu and withdraw that remark and apologise. He is not arrogant; he is only intelligent.

(Laughter)

Hon. A.B. Duale: Hon. Speaker, I only mentioned the Ministers who were very powerful either by association to the former Prime Minister. Anyang'-Nyong'o was a very powerful Minister. He was not only a very powerful Minister but also a very powerful Secretary-General of the great party that I was a member of at one time before I disagreed with them on ideological issues like the current referendum.

(Laughter)

Hon. Speaker, I want to confirm that I was an Assistant Minister for Livestock and I am sure the HANSARD will bail me out. I was a very competent Assistant Minister but hon. Mbadi at the tail end of the last regime became the briefcase carrier and an Assistant Minister to the former Prime Minister.

(Laughter)

Hon. Speaker, this man is very good in the Back-bench but during the time he was in the Executive, he performed very poorly because he cannot serve in a Government. I am sure when the Coalition for Reforms and Democracy (CORD) forms the Government in many years to come, they should not allow hon. Mbadi to be in that Government.

(Laughter)

So, hon. Speaker, this is a very good Committee and I am sure this is what the House could do in respecting the separation of powers between the Executive, the Legislature and the Judiciary. I urge my colleagues to support it and make sure that on Tuesdays, we appear here and grill the CSs in a committee and the media should know that when CSs appear here, they are not appearing in the plenary. Today, we are creating a committee of 349 Members chaired by the Speaker.

Kenyans should not be told that we are bringing back and violating the Constitution. The separation of powers is still there and CSs will come to the Committee of the Whole House. They will not appear before a Committee of 29. They will appear as a Committee of 349 Members chaired by the Speaker.

Hon. Speaker, I beg to support.

Hon. Speaker: Hon. Midiwo.

Hon. Midiwo: Thank you, hon. Speaker. I rise to support the Report. I want to say on the onset that this House has a responsibility to make the workings of the Executive smooth and by retaining the system which we had thus far, is really to make the work of the Executive a bit difficult if all the numerous committees call the CSs to answers questions from Members of Parliament.

Hon. Speaker, I want to thank you for leading the Rules Committee in trying to bridge or find a solution to this very difficult situation.

Hon. Speaker, having said that, I want to say that we will have to be careful on what we bring the CSs here for. I hope that questions will be collected over time and when CSs appear, they do so and answer many questions at the same time so that we also give them room to work.

Hon. Speaker, I said here last week that this is a solution which we thank you for fighting to find because we have been lost. Although my friend Duale seems to think that the chairmen have been helping in overlooking the Government, but let me tell you: Truth be told, we have not attained much. We were only trying to find a solution and I think this is probably the best solution we have found so far.

Hon. Speaker, there is no way a Member of Parliament who is supposed to check the Executive can read a statement on behalf of the Executive and I have told hon. Duale that. He purports to talk on behalf of the Government. He is not. He is the Member of Parliament for Garissa Town. All those purported powers are not his powers. They are not envisaged in the Constitution. He is the Leader of the Majority Party and he is supposed to negotiate with this side on how we do our work but we have seen the arrogance of power here.

Like you are saying, we saw it here in Chris Murangaru, and Kiraitu. We have seen that arrogance of power. It never takes the country forward and I want to tell you my colleagues that the ultimate solution to the predicament which faces us is to change the Constitution. Now you are lucky that the Speaker is trying to give a solution which is a way forward for the next two years or so. But we will have to find an ultimate solution of having Members of Parliament in the Cabinet, so that we can have our own colleagues that we know.

(Applause)

Hon. Speaker, right now as we talk about the wage bill, there is no reason to appoint somebody who is basically from the streets and who does not understand political systems to be responsible on behalf of the Government and pay them more money than Members of Parliament. They do not understand any politics and yet, they want to deal with the political systems. They cannot come here and pay those able-bodied people. Some of those people here are even more educated than those people who are CSs and

they fit the menu. They could do that job and just be paid an extra allowance like we used to do.

Hon. Speaker, we have said time and again that we imported a foreign Constitution in many aspects and it is our responsibility. It may not be the right time in some minds to amend the Constitution but I can tell you it behoves you. It is a must that we must correct the foreign things in our Constitution. There is no running away. It may be that the two sides of this Parliament are not talking in one tone or in unison but I can tell you time will run out and we will have to dialogue – the word “dialogue” that you so hate. However, I can tell you that time will run out.

Hon. Speaker, this is because the way this Constitution was made, it imported too many things that are simply not implementable. So, there is an argument out there that it is not five years but some of the things were supposed to be implemented from day one like this thing of checking Government was supposed to have been here on 4th of March 2013. It never occasioned because it is not implementable. There is nothing wrong and let me tell my friend Duale: “Today, he would either be the Prime Minister or the Leader of Government Business, and we would ask him questions.” Now, he wants to ask questions on behalf of the people of Garissa. If he was the Government, he would be doing things for the people of Garissa. That is because he would be one seated in that office. In fact, I would be going to his office to beg on behalf of the people of Gem. But, now I cannot. I do not even know the names of some Cabinet Secretaries, whom we vetted. In fact, I saw another one saying he only reports to the President. He does not know Parliament and he is just a nobody!

Really, he says he can only report to one authority and this is the authority of the country. This House is the bench of authority, where people are represented. So, let me end by saying that we are in this predicament and many other predicaments, and this House needs to sit down and say, even without a referendum, which sections of our Constitution are un-implementable and we can go through them in an omnibus, so that the country can move forward.

We must admit that we were told, 20 percent was bad, and we had that from the former President Kibaki and former Prime Minister Raila - 20 percent is bad, and the work would begin immediately. Where is that work? They never started it. It is our duty, we get paid for it, and we are not doing it for free. So, we want to ask Members of this Assembly: “Please, let us be sober when it comes to the issue of the Constitution.” Like I said last week, remember the Supreme Court ruling said that by August 27th, if we do not sort it out, the court will. Please, let us not wait until the last minute and be sorted out by a foreign body.

I thank you hon. Speaker and I support.

Hon. Speaker: Hon. Deputy Speaker.

Hon. (Dr.) Laboso: Thank you, hon. Speaker. I rise to support this Report. It is very frustrating sitting in the Chair where you are and hearing Members of Parliament in most cases criticizing or refusing to acknowledge the reports coming from Cabinet Secretaries. Many a times, it seems like a waste of time. A chairperson of a committee comes here, promises within two weeks, and nothing happens. It has become like a song; I will bring the response to your statement. They come after two weeks or a month and after all that and even waiting for two months, the response that is brought is always

declared unsatisfactory. Members feel they are not satisfied with what the Cabinet Secretaries are giving and in most cases, you will find that it becomes like a waste of time.

Hon. Speaker, I want to ask: Is this really the way to go? Let the Cabinet Secretaries themselves, speak on behalf of Government. Since those are Members of Parliament, let them speak for themselves, make promises, resolve what they are going to do and do it themselves, so that we can hold them accountable for whatever it is that they are promising those Members of the National Assembly.

The other thing that I find very important is that we are putting into effect Article 153 of the Constitution which says a Cabinet Secretary--- Please note a Cabinet Secretary and not the Principal Secretary (PS) or the Director. A Cabinet Secretary shall attend before a committee of the National Assembly or Senate. This to me is very important because, again, we have heard on several occasions where Cabinet Secretaries are sending junior staff to either committee meetings or sessions in Parliament. But the fact is that this is clearly indicated that it shall be the Cabinet Secretary who shall attend those sessions, I think this is going to be a very good thing.

The other thing, hon. Speaker, is that this is going to be a Committee of the Whole House. I think Members are going to be engaged and will feel more fulfilled from the answers that the Cabinet Secretaries will be bringing. There will be, I believe, a closer working relationship with the Cabinet Secretaries, as Members have already indicated. Those people seem so distant; so far away from the Members of this House that we hardly have any relationship with them. It is not like in the past when Members of Parliament were also Ministers. So, this is another way of bringing them closer to us maybe even in private sessions, once they have finished the formal sessions. Members can be able to interact even better with them.

The other thing, which of course will interest Members, is that this is a *bonafide* meeting or *bonafide* session of Parliament. I believe that Members can see the benefits of attending those sessions not only to interact with the Cabinet Secretaries, but also to interact with their constituents. Many a times when you are talking directly to Cabinet Secretaries, highlighting and bringing forth issues related to your constituents in one way or another, I believe it is also going to be a session that is going to enrich your relationship with the constituency. The fact that it is going to be live on television, that is also something else that is going to make that a very interesting session. I want to urge all Members to take part once those sessions begin. With those remarks, I want to support.

Thank you, hon. Speaker

Hon. Speaker: Hon. Diriye, or he is not aware that he had placed a request?

Hon. Mohamed: Thank you, hon. Speaker. I also rise to support this Motion because some of the Statements we normally ask here, we even do not get responses. On 1st April, 2014, I asked for a Statement in this House from the Committee on Administration and National Security, on the discrimination and challenges faced by Kenyan-Somalis in the acquisition of Identity Cards (IDs) and passports and, up to now, I have not received a response.

You can imagine that our colleagues, the Chairs of the committees, could be raising those issues with the Cabinet Secretaries but nobody gives them the response. So, you can imagine four months down the line some of the Statements, we have been

requesting have not been answered and that is why it is so important for us now to have the Cabinet Secretaries so that we ask them questions directly. I think it will do us a lot of favour and it will really help us execute our functions as the representatives of the people.

Therefore, hon. Speaker, this is a very welcomed Committee of the Whole House and we will be very happy. Actually, some of us will hopefully not miss it at any one time and we will always make sure to attend. That is because honestly right now, we do not even know whether some of the responses we normally get have facts. Many a times, we ask for a Statement and the response that come is not factual. They are just superficial and they do not help in anyway. So, sometimes we even wonder why we should seek Statements when the answers will not be satisfactory. Most of the times, some of the issues which we are raising are very important; issues to do with life and death.

For example the issue which I have just mentioned, which I have not received a response in four months, no reply came and you wonder what the Cabinet Secretary is doing. Why this Statement is not coming is probably because most of the Cabinet Secretaries are not very happy. I am sure right now they are resisting coming to the House. So, this is a very welcomed Motion and Cabinet Secretaries should not refuse. We are just the representatives of the people and we will not be very hostile to them. We will welcome them to just tell them the *wananchi's* concerns, so that we can interrogate them and receive good answers.

Therefore, hon. Speaker, I rise to support this Motion.

Hon. Speaker: Please Members I want to draw your attention to the fact that by 4.00 p.m., we will be going to the Motion of Adjournment but, before then, we have business listed as number 10 and number 11. Bear that in mind.

Hon. Muthomi: Thank you hon. Speaker, I rise to support this Report and I want to thank the Procedure and House Rules Committee for bringing this fourth. A few months ago, I met one Cabinet Secretary who told me that, nowadays, he only works at night in his office, to do the duties or the work that the Ministry gives him. The other days, he practically roams around Parliament answering to Committees to be able to satisfy the Statement that are actually asked by different Committees. By allowing those Cabinet Secretaries to come to Parliament and give the answers to the questions--- They do not have to be here all the time. Secondly, the seriousness with which the Cabinet Secretary normally takes the Statements that are asked here will actually improve. I remember one time I asked a question on hardship allowance of certain divisions in my Constituency and I got a call from a staff at the Teachers Service Commission who wanted to know exactly which part of the division I was referring to. I realized that the question was being answered by staff from Teachers Service Commission and yet, the question was directed to the Cabinet Secretary. It means that they do not feel responsible for an answer that they will put on paper as compared to an answer they will come to give personally in Parliament. I believe by asking them to come and give the answers from the horse's mouth, they will give it more seriousness and come with real answers.

The responses to Statements that have been happening in this House, most of the times--- Many Members leave this place very unsatisfied because they are actually unable to interrogate a letter. There is a famous saying in communities that says you cannot ask a letter a question. When you are given a Statement that has been written by a junior

staff from a Ministry to come and read here, sometimes, when you are asked to clarify some points, you can only just give an answer and hope that the Members will be satisfied. By doing this, it gives an opportunity for us to get first-hand information and real answers from the Cabinet Secretaries. However, the Committee that will be sitting on Tuesday morning, that is an extra sitting by Parliament. Of course, it is a sitting that will attract sitting allowance that the Parliamentary Service Commission will have to pay extra money as sitting allowances. However, in my opinion I do not think it should be made a compulsory sitting because most Members have other duties to do on Tuesday morning since traditionally, it has not been a normal sitting day. Therefore, the Members who have asked for questions can actually be allowed to come in and get the answers rather than compelling almost every Member of Parliament to come in here. I visited Germany one time and during question time, you will find there is a Cabinet Secretary who is giving answers and you have, maybe, three or four Members of Parliament. The others are attending to Committee duties and others duties of Parliament. I think it is not really a must that they must be compelled to come and attend the session.

Lastly, on the issue of saving the taxpayers' money, we will be doing a lot of justice to---

Hon. Speaker: What is your point of order?

Hon. Abongotum: Thank you hon. Speaker for giving me this chance. Hon. Speaker, you will recall that you gave an earlier instruction that we should complete this by exactly 4.00 p.m. We seem to be agreeing on this issue. This issue is not controversial and so that we can cover the two other orders, will I be in order to request you to finish this issue so that we can clear those other issues?

Hon. Speaker: Hon. Members, before I put the question, hon. Members, including the Chairperson of Defense and Foreign Relations Committee and the Majority Whip--- Before I put the question, I just want to make this point abundantly clear; that Article 153 of the Constitution Clause 3 for the avoidance of doubt, so that the doubting Thomas's appreciate that we are, indeed, implementing the Constitution and actualizing its various provisions reads as follows:-

Article 153(3) 'A Cabinet Secretary shall attend before a Committee of the National Assembly or the Senate when required by the Committee and answer any question concerning a matter for which the Cabinet Secretary is responsible'.

(Loud consultations)

For those who may be doubting what the National Assembly is doing, they can only blame themselves for lack of knowledge and interpretation of this provision, which is obvious, if they still have entertained doubts in their minds. Because what is likely to be the business before us and understanding that hon. Members, if you approve this, as soon as you resume - and you most likely resume on a Tuesday at 10.00 a.m. on that Tuesday and not 2.30 p.m., there will be some Cabinet Secretary to answer any question, strictly because this is the Constitution.

Before I put the question hon. Members, allow me to recognize the presence in the Speaker's Gallery, of Kasimotwo Preparatory School from Tinderet Constituency, Nandi County.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

Hon. Members, following the adoption of that Report and as you know, there are Members who had put in requests for Statements, the Clerk's Department is going to constitute itself in a Committee to try and address those Statements and Members may be called and append their signatures to those Statements which will have been turned into questions to onward transmission to the relevant Cabinet Secretaries to prepare responses

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Speaker left the Chair]

IN THE COMMITTEE

*(The Temporary Deputy Chairman
(Hon. Cheboi) took the Chair)*

THE FINANCE BILL

(Recommittal of New Clause 24A and 33A)

The Temporary Deputy Chairman (Hon. Cheboi): Order Members! It is important to note that what we are dealing with today is basically two items, the ones which were recommitted yesterday. That is Clause 24A proposed by hon. Chepkong'a and Clause 33A proposed by hon. Gladys Wanga. Order Members!

Order, Members! Hon. Members, you are also aware that yesterday you transacted and ventilated on those matters at length. What we will be doing today, once we open it up, will be very brief and then we will put it to vote.

(Loud consultations)

Order, hon. Members! You can do what you are doing elsewhere, but let us proceed.

New Clause 24A

Hon. Chepkong'a: Thank you, hon. Temporary Deputy Chairman. As you know yesterday, the Vice-Chair moved the amendment to Section 24A to amend Section 6 of the Kenya Revenue Authority Act by deleting Sub-section 5. When the Chair came back

after consultations, he never realized that, that had already been moved. So, he purported to have withdrawn.

On intervention, it was agreed that we recommit this Clause and I agreed to move this amendment. I am moving this amendment with the concurrence of the Chair.

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

THAT, the following new clause be inserted immediately before clause 25 under Part III—

*Amendment
of section 6 of
Cap. 469.*

24A. Section 6 of the Kenya Revenue Authority Act is amended by deleting Sub-section (5).

The reason is that if you read Section 6 of the KRA Act, you will find that it provides for the composition of the Board of Directors of KRA. It states in Sub-section 5 of Section 6 that members of the Board under paragraphs b, c, and d of Sub-section 2 shall be *Ex-Officio* members and shall have no right to vote at any meeting of the Board.

The members referred there-in are the Permanent Secretary, Ministry of Finance or his representative and the Attorney-General or his representative. I have never seen any corporation, including my former corporation, the Communication Commission of Kenya (CCK)--- All members were equal, including the Minister for Finance and the Permanent Secretary for Internal Security. They were all voting. They all had equal standing with those from the private sector.

It is only this Board that has six members who are appointed by the Minister and who are the only ones with voting rights, to the exclusion of Government representatives. This is the case and yet, we are talking about a Government institution. So, we are seeking to correct that anomaly that was left. It was moved in a Finance Bill like this one here and it was quickly passed. I think hon. Members may not have seen it.

I propose that this be deleted as proposed.

The Temporary Deputy Chairman (Hon. Cheboi): Order, hon. Members! If we go at this rate, we will transact issues that we have not had sufficient time to understand.

(Loud consultations)

Starting with the Chair, Departmental Committee on Defence and Foreign Relations, you can consult outside. We are not going to move in this direction. I am sure that there are Members who are interested in listening to what is going on. The ones who want to consult, they can go and consult outside. The hon. Chair, CDF, hon. Lessonet, you can make a choice whether you want to remain here or you go out. The same applies to your close neighbour there.

Hon. Chepkong'a, you may have to speak a little more on it because I am sure hon. Members did not get it.

Hon. Chepkong'a: Thank you, hon. Temporary Deputy Chair. As you know, this is a fairly straightforward amendment. It is just the deletion of Sub-section 5 of Section 6 just to ensure that the Principal Secretary, National Treasury or his representative and the

Attorney-General are *Ex-Officio* members but shall have rights to vote in that Board. That is all we are asking.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, this is a very straightforward matter. There are nine members of the KRA Board. Three members are from the State. They are the Commissioner-General, the Attorney-General and the Principal Secretary, National Treasury. This Act was made during the IMF structural programme. However, it is only the six members from outside who have the voting powers. So, by deletion, the Mover is giving the other members, the Principal Secretary and the Attorney-General the voting powers in the Board.

I beg to support the amendment.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

*(Question, that the new clause be added to the Bill,
put and agreed to)*

New Clause 33A

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Chairman, I beg to move:-
THAT, the Bill be amended by inserting the following new clause immediately after clause 33—

*Amendment of
section 11 of Act
No.45 of 2013*

33A.The National Social Security Act, 2013, is amended in section 11 by deleting Sub-section (2) and substituting with the following new Sub-section—

“The quorum for the conduct of meetings of the Board shall be two thirds of the Trustees of whom, one shall be a representative of employees and one representative of employers”

The import of this amendment is that since time immemorial - and even in the previous NSSF Act, the quorum was always two-thirds. But because of the pivotal role played by workers and employers in this Fund, it was always important that the workers and the employers are present in the meeting so that, as business is conducted over funds regarding workers and employers, they push this forward.

Even in the proposed Bill that was brought to the Floor of this House that culminated into the new NSSF Act, workers and employers were always part of what formed the quorum of the meetings. This is basically to create balance and ensure that the

NSSF moves forward in the manner that is anticipated to secure the money that workers and employers have put in.

What we did by creating the NSSF Act was basically to strengthen the systems with the Fund by ensuring even workers pay more money to it. Workers were asked to pay more money so that they could have a decent retirement. The Kshs200 that they were paying into a Provident Fund could not give workers a decent retirement. So, we said: "Increase the money but also tighten the controls so that this money is assured." This ensures that as a worker, when I am 60 plus years old, I can go back because I have a pension fund that services me. So, this is part of tightening the controls that we have.

Hon. Temporary Deputy Chairman, I beg to move and request hon. Mbadi to second the amendment.

An hon. Member: Kwani Mnabadiana?

Hon. (Ms.) Nyasuna: No! Let me request Maj-Gen. Nkaisserry to second.

The Temporary Deputy Chairman (Hon. Cheboi): We have a point of order from hon. Gichigi. What is your point of order?

Hon. Gichigi: On a point of order, hon. Temporary Deputy Chairman. I want to raise a point of order based on the Standing Order No.133(5). For the benefit of the House, it reads like this:-

"(5) No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill, or is not appropriate or is not in logical sequence to the subject matter of the Bill".

The Chairman of the Committee on Finance, Planning and Trade brought to this House the Finance Bill, which has the intention of dealing with measures to raise revenue in this country. What is being introduced by the present amendment is something that is completely different from issues of taxation. Composition of the NSSF Board and the quorum of that Board's meeting has nothing to do with the Finance Bill or raising of revenue in this country. In my opinion, the reason that we have this Standing Order is to make sure that new matters are not brought to the Committee of the whole House that are completely different from what the House anticipated. This is supposed to give the Committee and the stakeholders a chance to ventilate on those issues. This proposed amendment falls squarely within what is anticipated or unforeseen by this Standing Order and it should not be permitted. I seek your ruling on that one.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Gichigi, I agree that what is before us is fairly contentious, but you see, it has been approved. So, I thought the easier way was to proceed and prosecute it and if, need be, the Members will make a decision. That is what I am thinking, but I am willing to listen on that specific bit, to a few more Members. Let us give each other an opportunity.

Hon. (Dr.) Nyongesa: Hon. Temporary Deputy Chairman, I just want to correct the Member that in terms of financial management and planning, you simply have to do the collection and administration of resources. You cannot separate the administration of the resources from the collection. By us implementing or making any change to the administration of the resources, we are simply being prudent.

The Temporary Deputy Chairman (Hon. Cheboi): Well, I have heard you. I am trying to get differing opinions. Let me get hon. Gikaria.

Hon. Gikaria: Thank you, hon. Temporary Deputy Chairman. Just like hon. Gichigi has put it very clearly, we are talking about matters of taxation. About representation in Boards and other issues, is totally irrelevant. Yesterday, when the Chair of that Committee was moving this amendment, he actually withdrew the amendment. To our surprise, the sitting Chair said on his own volition that this is a re-committal. I do not want to disagree with what you have said because it has been approved and it has come today but, at the same time, if the Chair of the Committee had withdrawn that amendment on the basis that they had not consulted, just like any of the other clauses that had been re-committed---

The Temporary Deputy Chairman (Hon. Cheboi): Now, that is fine. Let us proceed.

Hon. Gikaria: Let me finish, hon. Temporary Deputy Chairman. The Chairman of the Committee on Finance, Planning and Trade had withdrawn several other clauses and it was accepted. So, we are saying that it is not fair to re-introduce or re-commit this one. It had already been voted for.

The Temporary Deputy Chairman (Hon. Cheboi): Unfortunately, it is already before us here and, therefore, we will have to transact it.

(Loud consultations)

Hon. Gikaria: Why then put a condition as regards the people who will---

The Temporary Deputy Chairman (Hon. Cheboi): You were on a point of order, hon. Gikaria, but you are making an argument. Order Members! This is how we are going to proceed. We have very little time. You heard the Speaker ruled that it is by 4.00 O'clock that we need to go the next Order. So, I will give another one Member from here and then we shall put the question and you will have the opportunity to make a decision. I believe in that particular bit, we are in agreement. So, let us proceed in that manner. I will give a chance to hon. Nkaissery and then probably that will be the last one. You will make your decision.

(Loud consultations)

Every Member will have his say eventually when you make the decision. Honestly, we do not want to put a lot of time into this. Hon. Nkaissery, proceed, briefly.

Hon. (Maj-Gen) Nkaissery: Thank you, hon. Temporary Deputy Chairman. Looking at the time, I second the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Second? That is a bit of confusion. You had said it is hon. Mbadi seconding, but proceed.

Hon. (Maj-Gen) Nkaissery: Hon. Temporary Deputy Chairman, I second this amendment which is very important. We want the workers to be represented when the matters of their money is being discussed by the Board. That is the import of this amendment. If we had six members of the Board and the employees are not represented, they may decide to misuse the workers' money.

With those remarks, I second.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Give hon. Kangongo and we proceed.

(Loud consultations)

Order, hon. Ochieng! If you want to speak, you press the button.

Hon. Bowen: Hon. Temporary Deputy Chairman, this is a very dangerous amendment.

(Loud consultations)

Protect me from hon. Wang. This is a very dangerous amendment because this House cannot be used to rubber stamp positions of individuals. This House makes laws for posterity and there are no special Members in this House. That is to say---

(Loud consultations)

The Temporary Deputy Chairman (Hon. Cheboi): Order, Members! Order Members! Members, we have agreed that each Member will have an opportunity when the question will be put. So, let us give him the last seconds and then we will put the question. That is fine.

Hon. Bowen: Hon. Temporary Deputy Chairman, this amendment is like saying that the quorum of Parliament is 50 and unless Kangongo and Arati are here, the business of this House cannot go on. This is to say that the two guys here in the NSSF cannot be held ransom by two individuals.

The Temporary Deputy Chairman (Hon. Cheboi): That is okay. You have been heard. Hon. Members, I am proceeding to put the question and as I put the question, because I can see the mood, this is a fairly contentious one, when I make the decision, you have a choice. If you want us to proceed to the next level, you know what to do.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

*(Question, that the new clause be added to the Bill,
put and agreed to)*

(Several hon. Members stood up in their places)

The Temporary deputy Chairperson (Hon. Cheboi): Are you voting for a Division?

(Several hon. Members stood up in their places and applauded)

Hon. Members, sometimes, it becomes a major problem when you stand and start celebrating, I am not able to know whether you are asking for a Division or you are basically celebrating. But I can see there is sufficient membership to go for a Division.

Order! Order, hon. Members, I can see there is a good number of hon. Members asking for a Division. Therefore, we will proceed to Division.

I order that the Division Bell to be rung and the Bar to be crossed. We have sufficient numbers.

(Division Bell was rung)

The Temporary deputy Chairperson (Hon. Cheboi): Order! Order, hon. Members! Ten minutes are over, the Door should be locked and the Bars drawn.

Order, Leader of the Minority Party! Order, hon. Members! Every hon. Member should now resume his/her specific seat. It is now time to vote.

Order, hon. Members! Order, hon. Maj-Gen. Nkaisserry! We are going to the next business which is voting. Therefore, every hon. Member should resume his/her particular seat.

I will put the Question again for hon. members to understand what they will be voting for or voting against. Secondly, for those hon. Members who do not have cards--- We are going to lose time and I really do not want us to waste more time. I want to put the Question again that the new clause 33A be read a Second Time. Those who are supporting will vote yes. Those who are opposing will vote no. please insert your cards for 45 seconds. Those who have no cards will vote. Those who do not have cards, I have said they should come here and vote. It is time to vote now.

(Loud consultations)

Are we okay, hon. Members?

Hon. Members: Yes!

The Temporary Deputy Chairman (Hon. Cheboi): Just a minute! You will vote now. There is no shouting; we are only voting.

Order, hon. Members! We had 141 hon. Members present. Those who voted Ayes are 73 and the Nays are 63.

(Question carried by 73 votes)

AYES: Messrs. Washiali, Oyoo, Mulu, Mwaura, A. Keter, Gimose, Mukwe and Mongare, Dr. Ombaka, Wanyama and Anyango, Ms. Mbalu, Messrs. Maanzo, Agoi, Serut, Waiganjo, Kobado, Wndayi, Ochieng, Sakaja and Mlolwe, Maj-Gen. Nkaissery, Messrs. Manje and Magwanga, Ms. Lay, Ms. Chae, Mr. Kajwang', Ms. Ng'ang'a,

Messrs. Midiwo, Obura, Okoth, Aden, Nyamweya and Muluvi, Ms. Keraa, Ms. Munene, Ms. Kedogo, Ng'ongo, Ms. Odhiambo-Mabona, Messrs. Lagat, Mwadime, Wangwe, Eng. Kiragu, Eng. Gumbo, Messrs. Barua and Shimbwa, Ms. Mutua, Messrs. Otuoma and Wangamati, Ms. Tobiko, Messrs. Simba, Otaalo, Makenga, Nyenze, Baiya, Ogalo, G. W. Omondi, Ndiritu, Chumel, Muchai, Osele, Anami, Ogari, Ochanda, Mule and Manoti, Ms. Wang, Ms. Musyoka, Mr. Bosire, Ms. Muhia, Messrs. J.O Omondi, Mwanyoha, and Ms. Gure.

NOES: Messrs. Hon. ole Metito, KK. Kinyanjui, ole Kenta, Gethenji, Abdinoor, Farah, Nooru, A.B. Duale and Dido, Ms. Wahome, Messrs. Letoimanga, Odera, Shill, Langat, Mutura, Gikaria, Bowen, Pkosing, Wekesa and Waweru, Dr. Laboso, Messrs. Busienei, Nderitu, Waititu and Rai, Ms. Kipchoim, Ms. Kiptui, Messrs. Dukicha, Kiptanui, Rop, Murgor and Kamau, Ms. Teiyaa, Messrs. Kipyegon, Kihagi, Njoroge, Nyaga, Melly, Abongotum and Kanini Kega, Ms. Korere, Messrs. Robi, Huka and Mohamed Haji, ole Sakuda, Cheboi, Njuki, Letimalo, Koech, Mwaita, Chepkong'a, Gichigi, Tiren and Karani, Ms. Sunjeev, Messrs. Kipkemoi, Cheptumo, Sang, Serem, Gitari, Ms. Gathecha, Ms. Wanyama, and Ms. Changorok

(Loud consultations)

The Temporary Deputy Chairman (Hon. Cheboi): Order, hon. Members. The problem is this celebration can easily cost---

(New clause 33A as amended agreed to)

Hon. Langat: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of The Finance Bill, National Assembly Bill No.26 of 2014 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Chairman
(Hon. Cheboi) left the Chair]*

[Hon. Speaker took the Chair]

REPORT AND THIRD READING

Hon. Cheboi: Hon. Speaker, I beg to report that a Committee of the Whole House has considered The Finance Bill, National Assembly Bill No.26 of 2014, and approved the same with amendments.

Hon. Langat: Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report.

Hon. Waweru: Hon. Speaker, I second.

(Question proposed)

Hon. (Eng.) Gumbo: Hon. Speaker, I want to thank all the hon. Members who have voted “Ayes” for the amendment that we have just passed. Probably what was lost to most hon. Members is that the membership of NSSF as it stands now is about 2.5 million, out of whom public sector workers are just about 700,000. So, the majority of them come from the private sector. So, what we have done is still in conformity with the quantum of the membership of NSSF and this House needs to be commended. Those of us who have voted “No” we have exercised our democratic right. They should not look at as if they have lost. They have given us a chance to prove that at the end of the day, what is good for Kenya will prevail over expediency.

Thank you.

(Question put and agreed to)

Hon. Speaker: Yes, Mover!

Hon. Langat: Hon. Speaker, I beg to move that the Finance Bill (National Assembly Bill No.26 of 2014) be now read a Third Time.

May I request again hon. Dennis of Dagoreti West Constituency to second me?

Hon. Waweru: Hon. Speaker, I beg to second.

Thank you.

(Question proposed)

(Question put and agreed to)

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

MOTION

ADOPTION OF REPORT ON SAFARICOM TENDER

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the matter of the Inquiry into the Tender for the proposed National Surveillance, Communication, Command and Control System for the National Police Service, laid on the Table of the House on Thursday, 24th July, 2014 subject to:-

(i) deleting the proposed recommendation 5.1 and substituting thereof the following-

“THAT, the Government proceeds with the contract for the provision of a National Surveillance, Communication, Command and control system for the National Police Service with Ms. Safaricom Ltd subject to adhering to the law relating to procurement of goods and services and other laws relevant to the contract”

(ii) Inserting the following new recommendations immediately after recommendation 5.2-

5.3. THAT, the Communications Authority of Kenya ensures that, following the applications, the frequency assignment to Safaricom Ltd is subjected to approval of the Board of the Communications Authority of Kenya;

5.4. THAT, to ensure promotion of technology transfer, job creation and in line with the government undertaking to create jobs and opportunities for Kenyans, Safaricom Ltd and/or their agents who shall be charged with the responsibility of rolling out the network ensures that at least 30 percent of the contract is given to local enterprises;

5.5. THAT, the Government urgently introduces a broadband infrastructure regulations to encourage open access, transparency and non-discrimination practices and actualize the National Broadband Strategy to provide high speed broadband access to all Kenyans ;

5.6. THAT, the Government develops a properly phase-out plan to roll out the surveillance to all forty seven counties”; and,

5.7 THAT, the Government ensures the implementation of the project leads to full automation of all related processes, including back office operations and the recording, retrieval and storage of information on occurrence book”.

(Hon. Abongotum on 26.8.2014)

*(Resumption of Debate interrupted
on 26.8. 2014)*

Hon. A.B. Duale: Hon. Speaker, I rise under Standing Order No.95, in anticipation of the Motion of Adjournment, whose time has already passed. Now that Order No.11 has been debated and amendments have been made, would I be in order, through you, to ask the Mover to be called to reply?

Hon. Speaker: Hon. Members, this is a Motion by the Chairperson of the Committee on Administration and National Security, whose debate began three days ago. Certain major amendments were introduced – some from the Leader of the Majority Party and some from hon. (Eng.) Gumbo. Debate has gone on for the adoption of that Report with those amendments. Therefore, I will proceed to put the Question.

(Question put and agreed to)

Resolved accordingly:

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the matter of the Inquiry into the Tender for the proposed National Surveillance, Communication, Command and Control System for the

National Police Service, laid on the Table of the House on Thursday, 24th July, 2014 subject to:-

(i) deleting the proposed recommendation 5.1 and substituting thereof the following-

“THAT, the Government proceeds with the contract for the provision of a National Surveillance, Communication, Command and control system for the National Police Service with Ms. Safaricom Ltd subject to adhering to the law relating to procurement of goods and services and other laws relevant to the contract”

(ii) Inserting the following new recommendations immediately after recommendation 5.2-

5.3. THAT, the Communications Authority of Kenya ensures that, following the applications, the frequency assignment to Safaricom Ltd is subjected to approval of the Board of the Communications Authority of Kenya;

5.4. THAT, to ensure promotion of technology transfer, job creation and in line with the government undertaking to create jobs and opportunities for Kenyans, Safaricom Ltd and/or their agents who shall be charged with the responsibility of rolling out the network ensures that at least 30 percent of the contract is given to local enterprises;

5.5. THAT, the Government urgently introduces a broadband infrastructure regulations to encourage open access, transparency and non-discrimination practices and actualize the National Broadband Strategy to provide high speed broadband access to all Kenyans ;

5.6. THAT, the Government develops a properly phase-out plan to roll out the surveillance to all forty seven counties”; and,

5.7 THAT, the Government ensures the implementation of the project leads to full automation of all related processes, including back office operations and the recording, retrieval and storage of information on occurrence book”.

(Hon. Arati stood up in his place)

Hon. Speaker: Hon. Members, those of you who understand the Standing Orders properly know that you do not rise alone. Hon. Simba Arati rose alone.

An hon. Member: He is a party leader!

Hon. Speaker: So, he rose in his capacity as a party leader? Nevertheless, given our current arrangement, he does not qualify in terms of the provisions of Article 108 of the Constitution. So, hon. Simba Arati, you will only be noticed as the Member for Dagoreti North, and not a purported party leader. So, we proceed.

Hon. Members, the Leader of the Majority Party is going to move debate on the Adjournment Motion.

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE HOUSE TO A DAY OTHER
THAN THE NEXT NORMAL SITTING DAY

Hon. A.B. Duale: Hon. Speaker, I beg to move:-

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THAT, pursuant to the provisions of Standing Order 28 and notwithstanding the earlier resolution of the House on the Calendar of the Assembly (Regular Sessions), this House adjourns until Tuesday, October 14, 2014.

Hon. Speaker, before I go to the gist of the Motion, I want remind hon. Members, without anticipating debate, that the House is scheduled to proceed for a long recess, commencing tomorrow, as per our calendar. In this regard, the House Business Committee has not scheduled any business for next week. It is very important for hon. Members to know that the House may be recalled for a special sitting to consider the appointment of the high commissioners, the ambassadors and that of the Director-General for the National Intelligence Service---

(Loud consultations)

Hon. Speaker, the Member for Mandera South is really---

Hon. Speaker: Hon. Noor, you are behaving like somebody who is in Mandera East! You are inside the Chamber of the National Assembly of the Republic of Kenya.

Hon. A.B. Duale: Hon. Speaker, obviously, the matter I am raising is important for hon. Members to hear. The House may be recalled for a special sitting to consider the appointment of high commissioners, ambassadors and that of the Director-General for the National Intelligence Service after the Departmental Committee on Defence and Foreign Relations is through with their vetting process. When the House resumes, priority will be given to debate on Committee Reports which have not been concluded, Bills with constitutional deadlines and other Bills sponsored by Committees and individual hon. Members.

Hon. Speaker, Members will agree with me that the recess is not only timely but is long overdue. The second part of the Session commenced on 3rd of June 2014 and we only took a short break during the first week of July. I want to report that we had about 14 weeks---

(Loud consultations)

Hon. Speaker: Hon. Members, those of you who are withdrawing and who have already assumed the recess has commenced, do so silently or quietly. You cannot behave like you are already in your constituencies. Allow those who want to listen to do so. Hon. Gichigi, please, you do not have to shout.

Hon. A.B. Duale: Hon. Speaker, we have had about 14 weeks of uninterrupted serious parliamentary work and staff are very clear that Members are not only fatigued, but also not had the time to mingle with their constituents and deal with other matters of national importance.

Hon. Speaker, allow me to take Members through the short memory lane of the legislative task that we have performed. 16 Bills have been passed. Key among those Bills is the Statute Law Miscellaneous (Amendment) Bill 2014, the Appropriations Bill 2014, the Division of Revenue Bill 2014, the Supplementary Appropriation Bill 2014 and today, the Finance Bill 2014 that we have just passed this afternoon.

Hon. Speaker, we have also passed and forwarded to the Senate the Fertilizer and Animal Feeds (Amendment) Bill and the Statute Law Miscellaneous (Amendment) Bill No.2 of 2013. It is our hope that by the time we come back from recess, the Senate will have concluded with those two Bills and we can deliberate on the Senate amendments.

Hon. Speaker, 16 Bills are waiting at the Committee Stage of the Whole House while 26 Bills will be considered for the Second Reading when we resume.

Hon. Speaker, we have debated and adopted several committee reports, key among those reports is the Report of the Departmental Committee on Justice and Legal Affairs regarding nomination of members to the National Cohesion and Integration Commission (NCIC). The Report of the same Committee regarding the Petition for removal of the Chairperson and members of the Independent Electoral and Boundaries Commission (IEBC) and the Report of the Departmental Committee on Health on Devolution of Health Services and the one that we have passed this afternoon on the National Security Surveillance Command and Control Centre from the Departmental Committee on Administration and National Security.

Hon. Speaker, I am aware the Chairperson of the Departmental Committee on Defence and Foreign Relations and its members have a huge task ahead of us regarding the vetting of the 25 High Commissioners and Ambassadors that have since been referred to them besides the vetting of the Director-General of the National Intelligence Service (NIS). It is our view that we will use the provisions of Standing Orders No.29 and 61 to call for a special sitting of the House, if need be, to discuss the reports of that Committee should they conclude them in time.

Hon. Speaker, the Constitution Implementation Oversight Committee (CIOC) chaired by hon. Baiya will take advantage of this recess to engage the Attorney-General, the Commission on the Implementation of the Constitution (CIC), the Law Reform Commission and other stakeholders to ensure that the remaining Bills that have constitutional deadlines are published before we resume. At this juncture, I want to thank the hon. Millie Odhiambo, my very good historical friend for saving the Executive and bringing, at least, one Bill that this House has passed and we want other Members to take that route of hon. Millie Odhiambo. She is not in the House. I think she has started her holiday that might take her to neighbouring countries.

(Laughter)

Hon. Speaker, three of those constitutional Bills have already gone through the First Reading and have been referred to the relevant Departmental Committees should be given priority so that we can commence the Second Reading after the recess.

Hon. Speaker, I want to thank my colleague, the Leader of the Minority Party, his Deputy, all the leadership of this House, all chairs of committees and, indeed, all Members of Parliament for approaching various matters in this House in a bipartisan manner.

Hon. Speaker, contrary to the misconception that is sometimes created in the media that we are enemies, I want to confirm that we are not. Members know that we are colleagues with a common interest of making Kenya a better nation. We only differ sometimes on the approach of solving issues of interest to our people and that is

democracy. For example, two weeks ago, we demonstrated our bipartisan nature when we marshaled the two-third majority numbers from different political divides to pass the Motion on the extension of time for the constitutional Bills and the amendment to the County Allocation Bill 2014.

Hon. Speaker, I want to thank and congratulate Members for their increased attention and keen interest in our process of law making. Never before in this House have we had keen scrutiny of Bills and amendments especially in the Committee of the Whole House that we had in the last 16 weeks.

Hon. Speaker, for a long time, the process in the Committee of the Whole House was left only to the Mover of the Bill, the Chair of the relevant committee and a handful of Members. The experience of the Statute Law Miscellaneous (Amendment) Bill that we passed last week, the Victims Protection Bill that we passed yesterday and, indeed, the fresh experience of the Finance Bill that we have passed this afternoon are only a few moments ago shows the attention or the keen interest that Members have for business appearing in the Order Paper.

Hon. Speaker, I have no doubt that moving forward, we will pass even better laws that have gone through careful scrutiny. I thank Members of both sides of the House for their un-relenting efforts to ensure that this happens.

Hon. Speaker, looking forward, I am aware that the office of the Clerk has organised a workshop targeting the leadership of this Parliament and, more so, the National Assembly, including the chairpersons of committees, scheduled for mid-September 2014. The retreat will present an opportunity for the leadership of the House under your leadership to put their heads together and reflect on past experiences and chart the way forward for many matters aimed at improving the welfare of our Members and the running of the National Assembly.

Hon. Speaker, lastly, it is my hope that the recess will also give us an opportunity to reflect particularly on problems that are ailing our good nation, for example, insecurity. We ought to reflect and rethink on the question of the proposed referendum especially on the roadmap and the missing legal gaps on how to amend the Constitution, irrespective of whether it is by a popular initiative or parliamentary initiative. I am one of those people who strongly feel that there is a need for a national legislation that will address this lacuna even before we start any referendum.

Hon. Speaker, with those many remarks, I ask my colleague the Leader of the Minority Party, hon. Francis Nyenze, a man who served under *Baba Moi* – the only original *Baba* – who under his leadership I had the benefit to drink the *Nyayo* milk. So, anybody who gave you milk that is the *Baba* and that is why the Member for Kapenguria, hon. Moroto, knew I would say this and today, he is dressed in the Kenya African National Union (KANU) colours – the tie, the coat and everything. He is only missing the *rungu*.

So, hon. Speaker, I beg to move and ask hon. hon. Nyenze to second.

Hon. Speaker: Hon. Nyenze.

Hon. Nyenze: Thank you hon. Speaker, for giving me this chance to second this Adjournment Motion. I support it and as Members go on recess, I would like to mourn the passing of three former parliamentarians. Those were hon. Magana Njoroge Mungai, the former Member of Parliament for Dagoretti, hon. Hezekiah John Ougo Ochieng,

former Member of Parliament for Bondo and hon. Henry Rong'ano Cheboiywo, former Member for Baringo North.

Hon. Speaker, those Kenyans served Kenyans faithfully and they gave their best to make this country what it is today, as was seen and evidenced during Dr. Njoroge Mungai's tributes that were paid by the current President, the former Prime Minister and other leaders.

Hon. Speaker, I would also want to say that this House should protect the retired Members of the National Assembly. About their welfare, we have seen many come to this National Assembly and very many of them are in a poor state. Since those Members are called honourable because of the work they did, I think we should legislate and enact laws that will protect their welfare, so that we can recognize the sacrifice they made for this country.

I also want to send my condolences to the people of Mandera and mostly Northern Kenya who have suffered for a long time and those who have lost their loved ones in Lamu, Mpeketoni and other places, due to insecurity, terrorism and thuggery. It should not happen in a democratic country like Kenya. As we go on recess, I just want to thank the Leader of the Majority Party, hon. Duale and his team of hon. Naomi Shaban, hon. Katoo ole Metito and hon. Washiali for working with us as the opposition and, sometimes, taking a bipartisan stand to make sure that this country moves.

An example is today, after we voted on one Bill, which the Opposition won and the Government side lost. When we came to the other one on the National Surveillance, Communication Command and Control System, we supported it. We said, so long as there are safeguards, we are not opposed to Safaricom doing it. We support it and also Huawei Chinese Company, which has expertise, has done very well and has modern technology. So, those bipartisan approaches are so that we do not seem to curtail the Government from achieving its objectives. This is the way to go. That is why I am thanking the Government side because, sometimes, on very crucial things like insecurity and other things that affect this country, we normally take a bipartisan stand so that the country moves forward. We do not want to appear to strangle it. We want it to move forward.

Hon. Speaker, I also want to say that the CORD Coalition has organized for a referendum, I want to appeal to all Members across the political divide - a referendum is not made to divide the country or cast aspersions and put the country in an electioneering mood. A referendum is there for the people of Kenya who have the sovereign power and authority to say what they do not want about the Constitution and where they want it changed so that their lives can be better. It should not be treated as a bad thing. This is a people's expression and it is good for both sides of the political divide to hear Kenyans and know which part of the shoe pinches them. So, I am appealing to our colleagues, let us embrace and support it and listen to Kenyans.

It is not about power contest, creating animosity, tribalism or trying to raise political temperatures as some people have put it. This is a straight forward thing. Before the elections both sides of those who were in the power at that time acknowledged that this Constitution is very good for this country. But there is 20 percent which was not good. So what do we do? Let us pass it and the 20 percent after we start operationalizing will be addressed and done. So, this is what Kenyans want and I am appealing to you as

good people of Kenya and as legislators and people elected by Kenyans - do not create an impression that people want to grab power through the back door. Just explain to Kenyans because it is a constitutional right so that they can understand and support it because it is better for this country.

I just want to say, as Members go to their constituencies, the biggest problem we have is about insecurity and poverty. About insecurity, this policy of *Nyumba kumi* that was introduced by the Government is a good thing and I want everybody to embrace it. In my village and constituency where I come from, we have formed Nyumba Kumi. We know everybody who is coming and crime has gone down. So, it is a good thing and I am appealing to my colleagues to embrace it in your constituencies. Get to know whoever comes to your place. Even here in Nairobi, wherever you live, make sure that you know your neighbour. That is the only way. That is because we do not have enough policemen and law enforcement officers. But when people take it upon themselves as their duty to protect each other and they offer information, it makes the work of the police easier.

I also want to repeat this as we go on recess: Let us think about the poverty that bedevils our people. Neither CDF nor the money disbursed to the counties is enough and even the National Government, unless this economy grows by double digits, maybe 10, 11 percent or upwards, we will not address the economic issues that affect this country. What we can do is this: Let us together grow the economy and I am sure if leaders can come together and device ways on how to grow the economy--- We should put more money in agriculture and infrastructure development. This economy will start accelerating faster and will create a bigger pie so that everybody gets something. Unless we address the issue of poverty, we may start now addressing the symptoms.

Let us treat the disease, which is poverty. There is poverty because the economy is not growing but contracting. It is growing very little. Now that we have been blessed with the new minerals--- We have oil, gas and coal, and we have all it takes. All we need is creating an enabling environment for investors to bring foreign direct investment here. They can set up their camp here and start extracting those minerals and the economy will grow. In fact, we have more oil than we thought and you have seen in Northern Kenya, Turkana basin, out of every two or three wells that are sunk, two have oil. In Coast, Lamu and Isiolo, everywhere there is gas and oil.

The coal we have in Kitui - Mui Basin - is more than that is found anywhere else in Africa. It is the best coal in the world to produce power. It is called lignite coal. It produces very little smoke but releases a lot of energy. Let us harness this for development.

I want, as I conclude, to thank the Speaker of the National Assembly, hon. Justin Muturi. He has led this House very well and we have to thank him. If someone does a good job, tell him "thank you" instead of waiting until he or she is being buried to start saying: "J.B was a good man!"

(Laughter)

Tell him now! He has led us well and we want to thank him on behalf of this House. I also want to thank the leadership of the Clerk and his staff. Today, there are

more facilities. It was a challenge when we were elected because we were such a big house but through good leadership now, nearly everybody has got an office and Members welfare is being looked into. I am sure anybody being presented with such a big number of legislators will face some challenges.

But they have managed within that time and I want to thank them on behalf of my colleagues.

Last but not least, I want to thank my constituents - the people of Kitui West who elected me after staying out for ten years. You know I was out for ten years?

(Laughter)

They remembered me and brought me back to the National Assembly. Before that, I had been used to a good life because I was a Cabinet Minister. But now, when you are such a senior person and you are not an assistant Minister or a Member of Parliament; you drop from glory to grass! It is not very easy, but I thank those people because they remembered me and sent me to this House.

I also thank the CORD Coalition for seeing me fit to serve as their leader under the able leadership of Jakoyo Midiwo, who is my Deputy. He has done a very good job to support me sometimes on areas which I was not--- We have a very good working relationship and I want to thank my other deputies, hon. Wamalwa and hon. Mwadheghu. Hon. Jakoyo Midiwo has been a very brilliant and active contributor in this House and you can see he has very intelligent ideas that have taken us forward.

With those few remarks, let us go on recess and remember the people who have brought us here and serve them---

Hon. Speaker: Hon. Members, let me draw your attention to this particular procedure; that even though I am proposing this question, there will be no question put at the end of the day.

(Question proposed)

Hon. Maj-Gen Nkaiisery: Thank you very much hon. Speaker. I stand to support this Motion. As I do so, I want to thank the House Leadership for the opportunity that they have given the Members to contribute to very important Bills. As we realize from the Statement of the Majority Leader, we managed as a House to pass more than 16 Bills and this is an achievement. So, I would like to thank my colleagues for doing a wonderful job for this country. Some of the Bills which we passed were fundamental and remarkable in the improvement of the lives of Kenyans. I also want to thank you for giving prudent leadership to this House. As my friend and brother hon. Nyenze has said, this has really been a good Session. I want just to mention very important things as we go for recess.

Number one is insecurity. We have just passed the issue of Safaricom which will enable our security organs to perform as required by the law. But I want to point out that, as we go that route, during the debate, we demanded that the whole country should be covered. So, I hope that the Ministry of Interior and Coordination of National Government will look at this aspect.

Two, on the issue of police recruitment, it was a sham according to the complaints that have been received from many Kenyans. We want to suggest to the Police Commission that they should not cancel the recruitment of innocent citizens. They should deal with the people, the police and District Commissioners who received bribes. That is the only time we can stop this issue of corruption during recruitment. It is very important that we, as legitimate elected Members, pass this message to the Government - that you cannot cancel an innocent Kenyan opportunity because there was a corrupt police or administration officer.

Thirdly, I am so glad that the Cabinet Secretaries will now come. It seems like hon. Members were the ones who were actually working and acting for the Government. If we resume next time, in the next session, it will now be upon the Government to actually answer the Members or Kenyans, through their elected leaders. That is also an achievement for this House.

The other very important point is increasing the county funds. That has been a clamour. I want my colleagues to listen to this: We have given governors in the last financial year, 15 percent of the money from the National Government. You can hardly see any tangible development arising from that and yet now, they are demanding to be given 30 percent. When you look at the Controller of Budget Report for June, you will be amazed that almost 60 percent of the money given for development has been used for foreign and local travels by the county governments. This was meant to go down to develop. If we were to devolve money, we should devolve money to constituencies and wards. That is because you can see tangible development arising from the Constituency Development Fund.

As I conclude - because I know quite a number of colleagues want to speak - I was a member of the Parliamentary Select Committee on the Constitution. I want to say two things on the Floor of this House. We are first to implement the Constitution fully before we amend it. So, if there are grey areas in the Constitution, we have to first implement almost to the end of this year. If we are to amend the Constitution, or if we are to go for a referendum, we should not amend the Constitution piecemeal. We have to look at it in totality. I personally as hon. Maj-Gen Nkaissey was against the issue of one-third because it is going to give this country a problem. You can see it has given us a big problem.

Take an example of the Senate. We have 20 Senators who cannot vote and it is the creature of the Constitution. We said that we want a parliamentary system; minority communities like the Maa community will never get leadership of this country because a majority of five communities can always combine themselves and win. If we are to amend this Constitution, let us first implement it, sit down and bring several questions as regard to the amendment of the Constitution.

With those very many remarks, I beg to support.

Hon. Gikaria: Thank you hon. Speaker for giving me this opportunity to give some comments. I want to thank your Office, first and foremost. At least, we have learnt a lot from Parliament. I was a Member of the Municipal Council of Nakuru as a councilor and a Mayor at some point. I remember the way we used to behave is quite different from what we have learnt here. We have learnt a lot from your able leadership - you and the Panel of the Speaker. I want to thank you because of giving constant

directions and directives so that we can be able to transact the businesses of this House in accordance to the rules and regulations that have been set up by this Parliament. Secondly I want to thank the Leadership of hon. Duale and hon. Jakoyo Midiwo. I have learnt a lot from Jakoyo Midiwo, just like hon. Nyenze has just put it. We have had a few sessions with hon. Jakoyo Midiwo and hon. Katoo ole Metito and they have really given us some directions. Without being a CORD Member, he at some times gives us direction that we try to sit and agree on some issues. Of course, sometimes as a member of CORD, he has to do his business but, most of the times, I want to say that you have really given us a direction. I have learnt quite a lot from him being a Member of the Minority Party and, of course, from hon. Katoo ole Metito and the other leaders, I think it is only unfortunate that CORD had deemed it fit to throw out hon. Mung'aro and not allow him due process. It is a little bit frustrating for a leader of Mung'aro's caliber to be removed. It is very unfortunate. We hope that CORD will give an opportunity to its leadership to accord them that natural justice to explain themselves against the accusations that have been advanced. I can see the Mung'aro that I know.

Hon. Speaker, I am the Vice-Chair of the Implementation Committee. Some of the resolutions which we have been passing here--- Of course, we have had a number of retreats which have given us a direction. Maybe, we will be making some recommendations to the Liaison Committee. To be able to articulate to the resolutions and their implementation status, some of those things that we normally resolve here when we find the Cabinet Secretary--- When we go out there, they cannot give us proper answers. They simply tell us that this is a devolved function and there is nothing much we can do. This is the case and yet, we deliberated it in this House.

So, it is important for us to try and think about what they call smart; that a resolution must be smart in all aspects. Your friend made it very clear that this House does not debate in vain. That every time we sit in this House, we are representing our constituents and we should not be debating in vain; that at the end of the day, whatever we have resolved cannot be implemented. It is very embarrassing and unfortunate. Of course, others have been sorted out by legislation.

As a Member is trying to bring a Motion, it is also good to think whether it is something that we can bring a Bill instead of bringing a Motion. As we have always said, this country has enough laws and we continue bringing in new laws instead of implementing what we have.

Hon. Speaker, as an Implementation Committee, we will be bringing some recommendations. We have already sorted out almost 70 per cent of the resolutions which have been brought here only to find that only 30 per cent is what can be implemented by the Government. Most of them say: "This is not possible! There is a court case that had ruled that we cannot pay the East African Community (EAC) workers. There were two cases on this matter and yet the Motion said that let us pay."

The other bit that is quite touchy is about the removal of various Chairs of Committees that I have seen happen in the recent past. This is something that the Committees need to rethink. Yesterday, as you had directed, some of the people who were agitating for the removal of a Chairman, I think it is important for hon. Members to sit down and ventilate instead of removing them because of small personal differences.

Of course, I can see the lights are on. We need the minority. We are pleading with you. Please give the President and his Deputy an opportunity to implement what they had promised Kenyans. Sometimes, they want to move forward but the minority is always dragging them behind. It is not very good that every time we see the President on the newspapers and on television, he is engaged in politics instead of development. We are also pleading with the former Prime Minister to articulate that issue instead of going to *harambees* and harassing the President and the Government. It is important for him to give them an opportunity.

Lastly, I want to touch on the Members of the County Assemblies (MCAs). It is important that the MCAs are also considered in some of the privileges that we get as Members. I was in Turi which is almost the size of my constituency. I was wondering: "How do these MCAs operate and yet, three or four of them have to sleep in one room when they come to Nakuru because they do not have money?" So, let them be given some privileges that we enjoy so that they can have homes in Nakuru. This will make my constituency grow by extension. At the same time, it is also good to consider our brothers and sisters who are doing some noble work.

I would also like to tell them that they should take their responsibility of overlooking the governors. They should not be given a few shillings and then they leave the governors to do whatever they are doing. The MCA must play their oversight role and represent the people as it is required.

You have given us direction about the Judiciary, which is now interfering with the other arm of the Government. You have made it very clear in the past - and you need to constantly remind them - that they have to give us an opportunity for us to perform our mandate as the Legislative arm of the Government.

Hon. Speaker, sometimes, when you see that today you have this and it is not there tomorrow and they say that they cannot be touched but they can interfere with the work of Parliament both at the county level and the national level, it is not acceptable.

On the referendum, the President has made it very clear that let us not go to the referendum. As hon. Nkaiserry has put--- We were challenged the other day by Governor Kabogo. He said that if you passed a constitutional issue by changing those constitutional timelines, why do you not do it in Parliament? All we need is your goodwill. I totally believe that hon. Kabogo had a point that if we can be able to change some constitutional issues in Parliament, then we need to give--- In fact, I do not want to give my work to somebody else. I do not want to give my work to the people who elected me. I want to do my work as hon. Gikaria and be able to change the aspects that they require in Parliament.

Hon. Speaker, with those few remarks and, as we go on recess, we do not have the CDF money. But we hope that we will get it so that we can give our people the services that they require.

Hon. Aden: Thank you, hon. Speaker for giving me the opportunity to also contribute to this Adjournment Motion. I also wish to join my colleagues, in utmost sincerity, to thank the leadership of the House and hon. Members for the very good work that we have done in this Session. We have managed to pass very crucial Bills during this Session. This includes the Appropriations Bill and the amendment Bill concerning the counties. This House passed this Bill with fairly fast speed. The House also managed to

gather the constitutional two-thirds requirement in order to ensure that money is available to our counties so that we can support devolution.

On the same note, I think our colleagues at the Senate should take the matter with the urgency that it deserves and make sure that that Bill passes even if it means convening a special sitting. That is because we do not want to hear what we are hearing now about governors saying that money is not available to pay salaries of Kenyans working in the county governments.

Hon. Speaker, as we go for recess, this is an opportunity for us to go and serve our people. It is also an opportunity to go and share a lot of time with our people and get to understand the real issues that affect them. We will also get to understand the developmental needs, issues of concern that require oversight and issues that require to be brought to the attention of the national Government. This recess gives the opportunity to go and share time with our people. I really look forward to go and spend plenty of time with the good people of Mbalambala Constituency.

There is looming drought in the northern parts of Kenya. Unfortunately, because the House will be on recess, in case emergencies occur, it might not be easy to bring them to the National Assembly. However, I want to take this opportunity to call on the Ministry of Planning and Devolution to take quick measures because there is drought right now in parts of Garissa and the entire northern Kenya. For that reason, I call upon the national Government to take immediate measures. We need to give emergency supplies to the people now. Drought is killing the animals and people are gathering in certain places to get some water and food. I think speed is of essence.

I have been following the Ministry of Devolution and Planning, Special Programmes, for more than three weeks now to try and bring them to the sense that there is need for emergency supplies to the people, particularly of my constituency. This has taken such a long time. It will not be worth anything to give food and other supplies when people have already died. We had better save lives.

As I end, I just want to share a bit of what hon. Gikaria said earlier; this is the issue of the referendum. Even as we try to sensitize Kenyans on how they have the ability to exercise their right to call for a referendum, we do so in a sober manner, a manner that does not divide the country, but educates our people that a referendum is their right. They have an opportunity now to fine tune the smaller issues that are outstanding in the Constitution. When we passed the Constitution, we said that it was 80 per cent perfect, we now have an opportunity to look at the 20 per cent. The United States of America did a referendum on an amendment to their Constitution, literally months of passing it.

So, it is not a surprise to go for a referendum. Let us not use the tricks of giving goodies to the County Assembly Members and telling them that they will get car grants, this and that, and that they should not support the referendum. The Members of County Assemblies (MCAs) are respectable people; they are ladies and gentlemen who have the interest of the country at heart. I want to tell them to put the interests of Kenyans first, and not goodies such as car grants. Indeed, one of the things that this referendum wants to achieve is to empower their office, and ensure that they are given adequate resources that they require for them to do their work that they are doing so well. If it is car grants or offices, they should get them.

Hon. Chumel: Thank you, hon. Speaker, for also giving me this opportunity to add my voice to this adjournment Motion. First and foremost, I want to thank my colleagues very much for the work they have done, especially the Bills and Motions that have been passed in this House.

This is my third term in Parliament. I was in the Eighth and Ninth Parliaments; if I compare what is happening now with what happened in those Parliaments, this is a House of honourable Members. It is not like what I used to see. People can now reason. Through that reason, they sound and feel as Kenyans. There was a time when people used to reason along tribal lines. I remember there was a time when war broke out here and somebody wanted us to pull out enmass, so that the Government could go down. Both sides have worked hard, although I always say that the Opposition side should wake up because they are too much asleep. They are the ones to make us move. When we fought here, that improved our debate to a certain level. It is now upon the Opposition in this House to wake up. They should not be following us most of the time.

I also want to thank the leadership of the House, starting with you. You have gone out to some of our constituencies and you are planning to go to more. I want to thank you because you have been to my place, a difficult area. It is only a helicopter which can go to that place and you made it. You put your hand there. The other day, students from the school you visited went all the way to Mombasa, because they were encouraged by what you are doing. I have always accompanied some of my colleagues to their constituencies.

Kenyans are facing a very hard time, especially in areas where some of us come from, namely the ASAL areas. West Pokot was a closed district for a long time, that was during the colonial time and immediately after Independence. It was not until President Kibaki's time when there was an eye opener and plans for a tarmac road were initiated in that place. There was a time when we used to engage in a lot of cattle rustling and people were blaming us. This was only because of the scarcity of resources. During dry seasons, we used to move to Trans Nzoia to get water. When Kibaki's Government came in, it gave us water through the military; they got water to the people. For the last seven years, we have not heard of an issue between the Pokots and the people of Trans Nzoia, including the other side. I want to thank him although he is now out of office. I hope these other young men are going to do the same, because they are students of that process.

I want to thank the people of Kapenguria. I also want to thank KANU. Without KANU, you could not be here. Most of you are here because of KANU. You took *Maziwa ya Nyayo* and some of us worked in the KANU Government.

Hon. Speaker: Hon. Members, I hope nobody is surprised. It is five minutes and this is in accordance with the resolution of the House during debate on the Motion for Adjournment. So, time your contribution to five minutes.

The next speaker is hon. Makali Mulu.

An hon. Member: Gender!

Hon. Speaker: Hon. Members, I am following how the requests were made, and not gender or youth.

Hon. Mulu: Hon. Speaker, let me also join my colleagues in supporting this Adjournment Motion. I want to start by thanking all the Members of Parliament. We have

given this session our best in terms of contributions and quite a number of Bills have gone through.

At the same time, it is important that I also appreciate what the leadership has done. During the last Session, new Members like me went through very hard times. In this Session, a number of things has improved. We must appreciate the leadership for considering the welfare of Members. A number of good things have happened during this Session. When the Leader of the Majority and the Leader of the Minority spoke, they highlighted what went on well.

My background is monitoring and evaluation. I am a specialist in that area and it is important to mention some of the areas that we could improve. These are areas which frustrated some Members like me, who are new in the House. I am now in my second year. One of the things which happened, and this has happened about three times and I really got frustrated, was where a committee of this House spent a lot of time and public resources to go outside Nairobi to deliberate on important issues in this nation. When we come here to debate those issues, the Chair of a committee decide to withdraw some resolutions which had been made by the committee. That is an area that we need to work on, as the Members of this House. It becomes very bad when you spend national resources, time, agree on resolutions and when you come here, as a chairman, you decide, at your own time, to withdraw some proposals. That was quite bad.

Hon. Speaker, the other thing we will need to look at, as House, when we come back is the way we relate with the Senate. There are two things which have happened; I thought if we had a better relationship things would not have worked that way. One of the issues is Division of Revenue Bill. You realize that we went all the way to mediation. As a result of that, we could not hit the timeframe. That also adversely affected the County Allocation Revenue Bill.

Therefore, this is an area which as we move forward--- When we come back we will see how we can really reduce the time we take to sort out some of these things, which could just be easily sorted out, if we improved our own interaction with the Senate.

Hon. Speaker, this recess will give us an opportunity to interact with our people. I am very excited to go and meet my people of Kitui Central. I am very happy that they gave me a chance to be in this House. During this time of recess, I will interact with them as I inspect development projects in the constituency. I will also share with them some of the experiences I have gone through, listen to some of their needs and see how we can move forward together. We have our clarion call there that: *Pamoja Tunaweza*. I want to make sure that we discuss issues together.

The other thing is about giving us an opportunity as hon. Members of this House to visit each other. I have had the opportunity to learn a lot from those hon. Members who are serving their second term, like hon. Jamleck Kamau. We would ask them a few questions about how they were doing their things, and we have learnt a lot; this is something we should encourage. We should visit each and also share experiences.

On the issue of the referendum, this is a right of Kenyans and they are entitled to it. What I would like to ask Kenyans, even as we engage in this serious exercise is, let us have national cohesion as a first priority. We have the referendum issue but at the same time bear in mind that we need to remain together as a country. Kenya must remain one and move forward.

Thank you, hon. Speaker for giving me this opportunity to contribute to this Motion.

Hon. Jamleck Kamau: Thank you very much, hon. Speaker, for giving me this opportunity. From the outset, let me say that I want to support this Adjournment Motion.

Let me first start by thanking the leadership of this House. All through the Session we have had good working relations in the House, specifically on the issue of committee staffing. We used to have a lot of problems in our committees with respect to staff. We can now comfortably say that we have adequate staff. Perhaps, the only thing remaining is capacity building, which I am sure is being done, and I think that will go a long way in assisting us do our Parliamentary duties.

As we go for recess, I would like to urge my colleagues to go and reflect on the issues that affect Kenyans. When we go back to our constituencies we face a myriad of problems; we should no doubt look at these problems and see how we can assist the people we represent. That is the reason why we were elected to Parliament. It is time for us to go back there, be with them and make sure that we take care, as much as possible, of issues affecting them.

Hon. Speaker, as we debate the Motion on the security project--- I was, indeed, very happy because of the support the Motion got and that is just the beginning. The harder work is ahead. We want to ask the implementers of this project to ensure that they move with speed. As a security project, it is time Kenyans started seeing results of this project. This should be specifically on the issue of backroom operations, and when you talk about Occurrence Book (OB).

If you go to a police station today, the OB there is manual. We want to see them working under the new project, so that when you go there you are served electronically. This will mean that if you are manning a police station in Kisumu, you can know exactly what is happening in Mombasa through their OB. After some time, we can have proper statistics in this country and be able to know that this or that county is famous for rape cases, for example, because there are too many rape, murder and other crimes in the country. I think it is time we moved with speed.

Hon. Speaker, there are quite a number of other issues that affect this country and I think it is important for us to look at them. First of all, I am sure hon. Members are aware that we have discovered some oil in this country. It is in a place called Tome as we move towards Kerio Basin. It is, indeed, time for us to see how best we can manage this resource. Instead of having so many divisions among ourselves because of politics, let us now concentrate our energy in building this beautiful country of ours, and making sure that we manage it for the benefit of our future generations.

Hon. Speaker, I am aware that everybody is aware of a disease called Ebola; it is really dangerous. As we speak right now, I am told also that to wipe out that disease in West Africa, about 20,000 cases of Ebola will be dealt with first. You can imagine what 20,000 cases mean. It is possible for it to come to this country any time. It is important for us to urge Kenyans to make sure that they observe the highest hygiene standards. That way we can minimize chances for this disease, and make sure that our borders are well secured to avoid having in the country people who may have this particular disease.

Hon. Speaker, let me quickly talk about the issue of power and specifically Power bills that we have. Kenyans are told tired of high electricity bills that they pay to Kenya Power. If you look at your electricity bill, every time you get yours it is extremely high.

Hon. Speaker, this morning we had a meeting with Electricity Regulatory Commission (ERC) and we were very categorical to them that they must start working towards making sure specifically power bills come down. We know for sure that the ERC controls the prices of oil or Petrol.

Hon. Anami: Thank you, hon. Speaker. I am really happy to contribute to this Motion, and especially to listen to what my colleagues have had to say, as a way of going forward after we partner with one another.

Let me take this opportunity to appreciate many of my colleagues at personal level for supporting me when I went through a petition. I know many of us have gone through the same. But the support we gave to one another sustained us. I want to thank all those who said prayers for, and those who accompanied me to the High Court, Court of Appeal or the Supreme Court; that was very helpful. We have seen colleagues go and come back. This back and forth was not very helpful.

I also just want to point at one thing which, as legislators, we need to look at. There are lacunas and overlaps in legislation that leaves us a half or one-and-half years looking for justice. I want to thank specifically my brother, hon. Otaalo who was present at all the appearances I made in court. Of course, hon. Ottichilo was always there for me and he told me, "You will be okay." Brother hon. (Eng.) Gumbo and specifically hon. Shaban and hon. Mwashetani gave me a lot of encouragement.

Having said that, we will be going on recess and this recess can translate into excess of other aspects in life. This is the opportunity for us to go back to our constituents, do fellowship with them, interact with them and share their experiences because we represent them here in this Parliament. This is an opportunity for us to go to oversee the implementation of a lot of legislation that we have passed here. I want, as a grandfather, to really take this opportunity to urge colleagues to focus specifically on vulnerable communities. We have vulnerable people in our communities, who need our attention; if we are able to share in their plight, we will be able to represent them effectively.

Hon. Speaker, we have the elderly people above the age of 65 years, who have never earned a salary throughout their lives, and have been excluded from the stipend that is being given to such old people. It is important that as the Constitution provides, we include everyone. When we are giving stipends to elderly people we should not leave out some. Let us embrace everyone in that age bracket and find a way of sharing whatever resources there are among these people.

Hon. Speaker, we have the youth, disabled and pensioners. I have a case of pensioners, namely people who were retrenched from the defunct East African Community (EAC); they worked in the post office, East African Airways (EAA) and they have never been paid since 1977. Some of them have never been paid since 1979. They have never been paid. How can we always be going back to these people when Tanzania and Uganda have paid theirs? The Kenyan ones have never been paid. How unfair can we be to elderly people? Most of them have died. We need to initiate rapid results and

affirmative action of issues like these ones. When we come back we should highlight some of these issues and fast-track them because many of these people have died.

Hon. Speaker: Well, it is technology; it is fair to also appreciate that the watchdog committees, notably the Public Accounts Committee (PAC) and the Public Investments Committee (PIC), utilise this period of recess to clear the many cases that are still pending before them.

Yes, hon. Johana Ng'eno.

Hon. Kipyegon: Thank you, hon. Speaker. I also wish to stand to support this Motion of Adjournment, and specifically the fact that this Session has been quite busy; although we also represent the constituents in this House, we must also be with them in the constituencies. I think I support this particular Motion, because it will give us time to be close to them and also to deal with issues that we have in the constituencies.

Hon. Speaker, this is the time also when we have new disbursement for this financial year; it is the time when we need to go and look at the projects that we have actually implemented, and see how far they have gone and also initiate other new projects.

Hon. Speaker, we also remember there is this question of *Uwezo*. We are also trying to ensure that the beneficiaries of this particular money access it. This recess will go a long way in helping us have those issues solved.

Hon. Speaker, I must also thank Members for the Session that has been very exciting; although some of us may not have made many contributions, we have also been around to give support and also vote on Bills and Motions, which have been seen through during this particular period.

I must thank the Members, especially on the Bills that deal with budgets, and which will actually enable either the functions of the counties or the constituencies to move on, although there are some other Bills that never went through. Some of these are Bills which affect my constituency; an example is the one on the Equalisation Fund, which you referred to public participation; I must congratulate you for that. This is because this is the time when we can actually consult our constituents and county residents on this particular Bill; they should be in agreement with us.

I believe that Members who come from marginalised areas will be in total support of this particular amendment. This is because for a long time our communities who are in marginalised areas have never had access to enough resources due to one reason or another. This one will go a long way in actually helping these particular communities and areas, which have been marginalised for a long time to try and equalise with other areas in this country.

Hon. Speaker, I believe during this recess period we will take time, as members of the Departmental Committee on Justice and Legal Affairs, to actually meet the people, listen to them and see how we can make this amendment a reality.

Hon. Speaker, I must also say that as we are now going to a recess there will be a lot of issues in public domain. An example is the question of whether the citizens of this country should go for a referendum or not. I believe it will also be a time when we will, as Members of this House, sit down with the people, consult with them and listen to their views.

Hon. Speaker, there are two views which I think are actually in public domain as we speak. There is the question of referendum by the Coalition for Reforms and Democracy (CORD) members. There is also the question of a referendum by the governors; and we will try to harmonise them, and look at their merits and demerits. According to some of us, we will want to look at it from a very balanced point of view, so that we do not engage the public and this Republic in unnecessary politicking. I believe that, as Members of this House, we will find it prudent to look at ways in which we can solve all these problems. We believe some of us would want to address them through a referendum.

Hon. Speaker, there is also the question that we will be trying to look at as the Members of this House. We will be going to our constituencies where our the constituents are also having problems. In the county that I come from, there is the question of a disease, which has affected maize farmers.

Hon. Speaker: Hon. Nicholas Gumbo.

Hon. (Eng.) Gumbo: Hon. Speaker, I thank you for giving me the opportunity to lend my voice to this Motion of Adjournment.

As I support it, I think on Tuesday a very important event happened in our country. It was that the President and our leader of CORD met at the burial of the former Minister, Dr. Njoroge Mungai, in Kikuyu. That the President extended an olive branch to our leader is, I think, something that we need to embrace. We on both sides of the House are obligated to do the same. It is a fact that Kenya moves forward every time all of us feel accommodated. I think we should take over from where the President left, start measures that will encourage societal conviviality among the desperate groups in Kenya.

Hon. Speaker, I think our push to amend the Constitution has been misunderstood. Everybody agrees that our Constitution, as we have it, today needs auditing and I think everyone of us agrees that we need to look at this document. Maybe what differs is our methodology, but in the end we all want to look at it.

Hon. Speaker, there are obvious conflicts in the Constitution. If you look at Article 94, for example, legislative authority is vested in this House; similarly Article 25 says that the general rules of international law shall become laws of Kenya. My understanding of that provision of Article 25 is that it is actually possible for a Cabinet Secretary (CS) signing on behalf of Kenya somewhere in New York to make laws that will bind this country. These are things that we need look at.

Hon. Speaker, I have also looked at some of the things that this Constitution has done. For instance, why do we seem to be criminalising aspirations for high office to the extent that if somebody aspires to be president then he cannot even sit in this House? I am of the view that if, for instance Raila Odinga, Martha Karua or Peter Kenneth, were sitting in this House today, the young Members of this Assembly would benefit greatly from their experience. These are areas that we need to look at.

Hon. Speaker, as I conclude, as an engineer I am of the view that some of the most difficult problems in our society can be solved through very simple means. I encourage all Members of this Assembly to particularly think about the first three lines of the preamble to our Constitution. It says:-

“We the people of Kenya acknowledging the supremacy of the Almighty God of all creation, honouring those who heroically struggled to bring freedom and justice to our

land and proud of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible sovereign nation---”

Hon. Speaker, the same words are repeated in the first stanza of our National Anthem, which says:-

“Oh God of all creation
Bless this our land and nation
Justice be our shield and defender
May we dwell in unity
Peace and liberty
Plenty be found within our borders.”

I want to believe that if we embrace the spirit of these three lines of our preamble and the first stanza of our National Anthem, Kenya will move forward, Kenya will be a paradise and every Kenyan will feel accommodated.

Hon. Speaker, with those remarks, I support the Motion FOR Adjournment.

Hon. Waiganjo: Thank you, hon. Speaker for giving me this opportunity to rise and support the Motion on Adjournment. I am particularly excited because the period over which we will be on recess will be sufficient. We shall have an opportunity to meet our electorate, interact with them and look at the development projects that are going on.

As we proceed for recess, I urge hon. Members to play an oversight role over the counties. This is because I noticed, unfortunately, that Members of the County Assemblies (MCAs) have completely sold their souls to governors. Of course, it is not all of them. Most of the MCAs are not playing their oversight role. All they do is to follow the governors and praise them. This is because the governors have also found a way of spending the money they have set aside for entertainment of their MCAs. So, hon. Speaker, I cannot wait but will go to Ol Jorok---

I must also say that during the period that I have been in this House, it has become warmer; I have known people, I have made friends and I have realized that Members of this House are very friendly regardless of on which side of the House they sit.

It is important for the public to also know this. This is because the public has a tendency of thinking that because a particular Member belongs to the Jubilee coalition, he is an enemy of the people who support CORD. Conversely, people who support the Jubilee think that the CORD coalition and people who support it are their enemies; and nothing can be more false than that.

It is our responsibility, as leaders, that when we go for this recess, let our citizenry know that when we are here they see us quarreling in this House but those are debates. As soon as we leave this door, we fraternize, we take tea, we laugh together and discuss issues. When we go to committee rooms, where members of the public cannot see us, we are at our best there. We are the best of friends and discuss serious issues.

Even the clamour for the constitutional reforms in this country right now, that is threatening the unity of the country, in this House is not matter of life and death. Indeed, the membership of this House has agreed in principle that constitutional reforms are necessary. Even the Constitution indicates that there are issues within it, and provides for its amendment.

However, we are saying that this House has already taken the lead. In fact, without even waiting for a plebiscite the House has already set aside about Kshs80 million to audit the Constitution, and identify constitutional gains and losses. Which areas do we need to amend and make better? That is why I am also telling the people who are pushing for constitutional reform that it is okay. It is okay to amend the Constitution. But again, shall we not even give time for the processes that we have put in place in this House or for the Kshs80 million to be used to audit that Constitution before we say that we need a plebiscite?

Hon. Speaker, it is only fair that we all agree that this country needs not only constitutional reforms, but also many reforms in many sectors. Even the judiciary needs reforms. The Executive is reforming itself every day, because we see appointments every day.

We know that our parastatals will be merged. There are reforms there in the offing. I want to say that when we go out there, let us tell Kenyans in one voice that should not fight on the social media. This is because the leaders they have elected to the National Assembly do not fight. When you see us exchanging words, we are only debating because this is a democratic country. This is very important.

We have a very difficult situation here because if we do not attend eight sittings in five years we are done. I urge the Committee on Powers and Privileges to spare the Members against whom a petition has been filed to recall them; that is being used, probably, by their detractors. Otherwise, Members of Parliament have a lot of work not only in this House. Our work involves representation; sometimes we are caught up in our constituencies and cannot make it---

Hon. Speaker: Hon. Members, I hope that hon. Waigonjo, whom I am told is a lawyer, is alive to the provisions of our Standing Orders that we do not refer to matters that are pending before committees of the House until a report has been presented by the committees. Others who may be like minded kindly take note of that. It is your own rules, so that you are not seen to be breaching them.

Yes, hon. Midiwo.

Hon. Midiwo: Thank you, hon. Speaker. I rise to support the Adjournment Motion before the House. I want to wish all of us, if the Motion passes, a nice recess.

It is unfortunate that we have not received the CDF money and I have not heard the voice of Members on this.

(An hon. Member murmured something)

I know that because I have been here longer than you, my brother. Use the Motion of Adjournment to make sure that that money is in your accounts before you go home or next week you will hear that it is the money used to bail out the governors. So, I am teaching you a trick.

Hon. Speaker, there are issues which we need to address, as a country, and they need not be addressed when we are on a recess. This Parliament has a duty to hold this country together. Countries destroy themselves by taking one step at a time. We need to be tolerant to each other and to one another. It is important, as hon. Waiganjo has said, that people know that we are not at war with one another.

It is also good to represent facts properly. I urge Members of this house who are with the Government that the referendum which is being talked about is not a parliamentary initiative. You can amend the Constitution in this House. Private citizens like Raila and Kalonzo can also initiate a referendum. That is what they are doing. So, for us to tell them what to do is like trying to deny private citizens a chance to do what their right in the Constitution allow them to do.

When you say that the MCAs can be given privileges enjoyed by Members of Parliament, you are not saying the truth. This is because there are no budgetary provisions for the MCAs. In fact, you are dividing our people. Tell them the truth. We need to confront issues. The number of MCAs is high and the number of Members of Parliament is too high. This country can simply not afford us. We need to confront those issues. The issue of timing may vary, but we need to tell our people the truth, if we want to move our country forward. I think this House has a duty to support the Government.

As hon. Gikaria was saying, we need to give the President and His Deputy a chance. However, they need not lie. When you tell us that there will be laptops in 100 days give us laptops. When you do not do that we will question you. When you go out there and play politics with issues of land, we question you. The Land Commission is an independent Commission, and it needs no Minister above it. The moment you put somebody like Ngilu above an independent Commission, you are putting them there to interfere. For what reason would the Minister close land registries? For what reason would the President visit the Cabinet for Lands, Housing and Urban Development? He is the first President ever, out of the four Presidents we have had, to go to the Ministry of Lands. Then a few days later, you hear an announcement that he has no property in his name.

Hon. Members: He is a working President!

Hon. Midiwo: Let him work, but let him stop doing illegal things. Lastly is the issue of inclusivity; you may not want to be known, but Kenya must figure out what makes Kenyans angry at Kenyans. We, as a people, must figure this thing out. When you have departments of Government filled with one or two ethnic communities, what do you want the rest of the Kenyans do to? We want to put in the Constitution quotas. We want Rendiles, Pokomos, Ormos and the Subas to have their quotas in the Constitution. We must do that. You cannot tell us that it is not time to revise the Constitution. The time is now. This has an on-going process. We promised Kenyans that we would keep on this process, and we will. We will do it whichever way. We will tell Kenyans that this country cannot belong to the Luos.

Hon. Angwenyi: Thank you, hon. Speaker, for giving me a chance to contribute to this Motion. After a great day's work, you need rest. We have done a great job for the last 14 weeks. So, we need a rest.

Two, we are representatives of the people. To represent our people properly here, we need to get back to them, join them, rub shoulders with them and let them tell us their issues, so that when we come back, we can articulate those issues. Three, recently, we launched outreach programmes. I believe, under your guidance, we will facilitate the Members of Parliament to visit the country. I would like to know how Mandera looks like. I know hon. Midiwo would like to know how Lunga Lunga looks like. Let us now organise programmes where we mingle. In Kitutu Chache, for example, we have five

Members from CORD and five Members from Jubilee. So, we mingle with our people. That is how to create unity in the country.

This also gives us a chance to reflect on what we have done and what we need to do. We now have a problem with regard to our Constitution. Our Constitution was drawn, not by a committee of experts, but by a committee of activists. They gave way to activists. Since the promulgation of this Constitution, Omtata is very busy because he has got a matter on which to go to court every day. With this Constitution, the Government cannot work. The Legislature cannot also work before they get approval from the Judiciary. What we do not understand is that this Constitution has conferred great powers on the Judiciary over and above the Executive and the Legislature. When we want to move a Motion, or summon somebody here, the Judiciary says “no”.

The Government wants to recruit police officers, they tell them, no, you will recruit them at our appointed time. They will decide when you can go ahead and recruit, yet we need those officers. That is where we are.

So, there is need to amend our Constitution, but before we begin, let us audit it. I am glad this Parliament set aside Kshs81 million for the auditing of the Constitution. Maybe the Committee that is auditing the Constitution should have hired experts, and not activists, to audit the Constitution and then tell us that this and that is wrong, or this and that cannot be implemented. Then we can decide what to do.

Among the issues, some can be handled by Parliament and others must go to the people. Then we go to the people. They are serious issues and our people are concerned. That is a fact.

Although Raila, his friends, and even Angwenyi, are advocating for amendment of the Constitution, let us first identify what needs to go to a referendum. I have heard some people saying that the American Constitution was amended through a referendum within 18 months. That is not true. It was amended in the Legislature. There was no referendum. Let us give this Government some time and space to do what they wanted to do for Kenya after they were elected.

My time seems to be running out, but give me one more minute because I am the seniormost, hon. Member here.

We have issues here, for example the issue of the high cost of living. It is this House which approves taxation measures that increase the cost of living in this country. We should be blamed. Hon. Mbadi is the one who moves taxation measures that raise the cost of living. This House can decide to reduce the cost of living, if we effect proper amendments. He was my student and, so he should not challenge me.

Hon. Gaichuhie: Thank you, hon. Speaker, for giving me this opportunity to contribute to this Adjournment Motion. I support it. I want to thank the House leadership for the support they have given us both in the Budget and Appropriations Committee and the Committee on Finance, Planning and Trade. I know we have had challenges in the Budget and Appropriations Committee because of meeting venues, but I want to thank the House leadership; currently, we have a nice venue where we can meet without noise from the kitchen. I want you, hon. Speaker, and the leadership of the House, because of that initiative---

I also want to thank the leadership because currently our Members in the Committee have working places. Initially, we would call meetings, but there was a

problem because most of the Members were housed outside Parliament Buildings. Now they are within Parliament Buildings.

The Parliamentary Service Commission and the leadership of Parliament are working well. We believe that you are taking care of the welfare of the staff of Parliament also. We are going on a working recess. Out there, people think that Members of Parliament have just gone for holiday, but I want to assure the public that this is the time when Members of Parliament go out there to work for them. It is the time when we are able to go, evaluate and monitor our CDF projects to make sure that all the money that we have been given is properly used.

I also want to thank my Chairman, hon. Benjamin Langat, for the wise leadership with which he has led the Committee. I want to assure Members of Parliament that we are able to pass our Bills without any acrimony, because we work collectively. We work as Members of Parliament, and not Members of any political divide. I wish all the Committees, especially the Committee on Labour and Social Welfare, could work that way. Yesterday, we saw something that was not very pleasing. I urge the Chairmen of Committees to make sure that all Members of their committees are well taken care of, and all their issues are well articulated.

I also want to thank my constituents for the trust they have shown in me. This is my second term. Whenever I am in the constituency, where I am headed this evening, we work harmoniously. Hon. Members should spend this time to bring their constituents together and continue developing their constituencies, since the mandate we were given by those people is to make sure that everything that we do is for the benefit of the constituents and not our own benefit.

With those few remarks, I want to thank everybody and wish everybody a happy recess. I look forward to seeing you when we come back.

Hon. (Dr.) Pukose: Thank you hon. Speaker, for giving me this opportunity to contribute to this Adjournment Motion. First and foremost, I want to thank you for the leadership you have given this National Assembly, both inside and outside the House; recently there were outreach services rendered by the Parliamentary Service Commission during the Parliament week.

Hon. Speaker, we really appreciate your role in guiding this House in various debates on Bills and on other areas, where we have faced difficulties. You have always given us your wise counsel.

As we go for recess, one of the biggest challenges is lack of food security in this country, more so in areas that are prone to hardship, especially the arid and semi-arid lands (ASALs). I want to thank God that this year, my county of Trans-Nzoia had a bumper harvest. Food production has been good and this is an area where both the county government and national Government have done well, especially through provision of good fertilizers. The Government provided adequate fertilizers in good time through both the county and the national Government.

We have had our challenges, especially in my county. I presented a petition about a county referral hospital that has been irregularly acquired, and where we think the people of Trans-Nzoia feel that the county government has failed. In the process, it made the county to suffer very huge economic or financial losses. I hope the relevant Departmental Committee on Finance, Planning and Trade will address and remedy the

situation, so that the people of Trans-Nzoia can have value for all the money that has been set aside.

As for the money from the national Government to county governments, every coin must be accounted for. With regard to this, I urge our leadership in the county to know that they must be held accountable; they must be responsible to our people. This is because the people of Trans-Nzoia deserve the best and they must have value for their money. They elected everybody to office, and are watching and listening very carefully.

Hon. Speaker, on the *Kamukunji* we had this week, in which many issues affecting hon. Members came up. My appeal to the Parliamentary Service Commission (PSC) is that, as we go to recess, you have been given a yellow card. Please, take your time to remedy all those issues hon. Members raised. Those are key and serious issues that need special attention by the PSC. You should up your game and address the issues that came up during our *Kamukunji*. Hon. Members should enjoy facilities and feel that they are secure wherever they are working. They want to feel that there is no nepotism in this country. We cannot claim that there is nepotism outside there, when we ourselves cannot lead by example.

Hon. Speaker, during the last referendum, many of us said that we beeded to correct a number in the Constitution and then pass. Others said, let us pass and then we shall correct mistakes in it. The question is: Are we able to look at all the issues that need to be corrected? For me, there are many issues in the Constitution; many people in my constituency have been working at the Agricultural Development Corporation (ADC) but they have not been paid. I ask myself: Do we set aside money to pay the ADC workers who have gone for months without pay, or do we set aside money for the referendum? My answer to that question is that we should set aside money, so that our people, who have been working, and have not been paid, can have money.

I told myself that this Jubilee Government is setting money aside to tarmack a road in my constituency, do I put that money in a referendum or into the tarmacking of road? Mine and my constituents' choice would be that we tarmack the road.

Hon. Shimbwa: Thank you, hon. Speaker. First of all, I would also join my other colleagues to say thank you so much for the way you have conducted the business of this House with decorum. The way you have protected us when need arose---

I also wish to say the following on the referendum issue, I would actually urge my colleagues to leave it to Kenyans to decide. Let us try to have trust in Kenyans. They are already mature, they are educated and they can actually make a decision. Therefore, let us not waste a lot of time in meetings to dissuade hon. Members from making decisions which are vital for their lives.

I would also want to express my disappointment with the Departmental Committee on Energy, Communication and Information. Some resources were actually used on this Committee, which travelled to the Mombasa refinery; they sat in hotels, and came up with a report, which they have never laid on the Table of this House to date. I have actually made several requests, and have complained to the Chair, but to date that report has never been laid on the Table of this House. It is a report that was written a long time ago. They have recommendations but it appears as if somebody is stopping them from coming up with the report. It is a big disappointment for me personally and the people of Changamwe Constituency as well.

The other thing is about health. I, as a Member of Parliament, sometimes am very helpless. You find people in dire need of health facilities and we are just watching as if nothing is actually happening. I think we must stop this thing. It has there when we had the central Government; right now it also there and we want to blame one another.

We have our neighbouring countries here, Uganda, Tanzania, Rwanda and the rest. We have never had any time that doctors have gone on strike in those countries. It is only in Kenya where such problems are rampant. I think this House must make an effort to make sure that this habit stops. The only way is to make sure the National Treasury improves its efficiency. Everything is from the National Treasury, which actually delays in giving money to the Governors and as Parliamentarians we also try sometimes to blame governors. We do not give them an opportunity to perform their responsibilities; we should give governors support. Let us try to help them and see how best devolution can work. We have never had devolution in this country and we are still competing with counties.

I am very happy to report that this House has also afforded us an opportunity to learn a few things about how to pass a Motion or come up with a petition. The last one is the one I did yesterday. It is actually a good learning environment and situation for me. I would actually urge the Chair to give us some training, so that we become effective legislators in this House. I would also urge the Chair to use its discretion to give some of us, who are new in this House, more time to speak on issues, so that we learn and perfect our debating skills. I would urge you, hon. Speaker, to give us that opportunity.

I would like to urge this House to try and ensure that fishing, which is an activity carried on at the Coast and in Nyanza region--- Let us spend more resources on fishing, so that we can make this country have an economy to whose gross domestic product (GDP) fishing also contributes. There is very little which has actually been done to help fishermen to be more effective, and to make fishing industry a sector that can contribute to the economy of this nation.

On the issue of our Deputy President going round the country doing *Harambees*, I think this is also something that we should discourage.

Hon. Speaker: Hon. Letimalo.

Hon. Letimalo: Thank you, hon. Speaker for giving me the opportunity to contribute to this Adjournment Motion, which I support. I want to start by thanking you for being accessible and for the fact that you have made your office open for consultation and provision of any services we may need. I also want to register my appreciation to the Clerk's Department and the entire staff of Parliament for being co-operative any time we require their services. I thank my colleagues for the leadership that they have shown.

Hon. Speaker, my colleagues, who have spoken earlier, particularly those who come from arid and semi-arid Lands (ASALs), have talked about drought and this is one of the major challenges that we are facing. We are experiencing a severe drought associated with scarcity of water and food; this is because of the nature of the environment. There is lack of rainfall and, just as others have said, we want to appeal to our Government to ensure that nobody dies as a result of lack of food. Given that the inhabitants of ASALs are livestock keepers, and when there is insufficient water and grass, certainly these people do not have any source of food; this affects their livelihoods.

We know the Government had come up with a programme through the Kenya Meat Commission (KMC) of buying livestock while they were still healthy. I appeal that, through the Ministry of Agriculture, Livestock and Fisheries, the KMC should be able to mobilise services so as to be able to buy livestock while they are still healthy. This is because this is going to help the communities that rely on livestock to be able to raise fees for their school-going children and medical bills. All the services that they require actually come from livestock products.

Hon. Speaker, just to highlight the problems that are associated with severe drought, just about a week ago we experienced a very bad fight between the people of Samburu County and those of Isiolo County. Both communities that live in the two counties are livestock keepers, and during this dry season they move about with their livestock in search of water and grass. All their livestock have moved to the border of Samburu and Isiolo; due to the scarcity of resources, particularly water and grass, these people get involved in conflicts.

I must say here that as leaders were trying to look for a way to reconcile people by organising meetings the fighting took place, but I could not actually apportion blame to any particular Member of Parliament. However, the problem comes from the leadership of Isiolo. As Members were trying to see how they were going to reconcile the communities that were looking for rare resources like grass and water, Members of Parliament from the two counties could not hold meetings to bring the people together.

So, I appeal to Members of Parliament from both Isiolo and Samburu, and the respective county governments, that we should be able to show leadership by coming together and talking to our people to ensure that no more fights, or conflicts, arise over these resources. This is because people are forced by conditions to look for these resources when there is scarcity of water and grass in their own areas.

Hon. Speaker, it is for the same reason that I want to appeal to your office to intervene, because, just as it has been said, these are marginalised communities. It is actually shameful that we are talking of over 50 years of Independence and people are still fighting over water and grass, The fact is that there is a provision in our Constitution on an Equalisation Fund. This Fund can help these marginalised communities to catch up with the rest. I want to appeal to you that, though I know that the Bill on the Equalisation Fund is going through the---

Hon. Speaker: Hon. Stephen Mule.

Hon. Mule: Thank you, hon. Speaker, for giving me this opportunity to contribute to this Adjournment Motion. First and foremost, we want to thank you, hon. Speaker, for showing leadership to some of us, who are very young in this House. I cannot imagine that since 2.00 o'clock, you have not even gone a short call .

(Laughter)

That shows encouragement; it is the way we need to work and move forward.

Personally, I always tell my colleagues that I am serving my second term in my first term after suffering an unusual precedent, probably due to corruption. As a House, we need to think on how to deal with some of the issues which are happening in the country once we come back.

The security of this country has been wanting. We have just passed a Motion this afternoon to allow the Government to proceed and look at the project on surveillance and communication. However, I want to bring to your attention something which is bothering me. This is about the social media and the media. They have posted something saying that Parliament has approved Safaricom contract. I can see that this is a gimmick to malign this House. I want to go on record – I know Kenyans are watching – as saying that this House has no business in approving tenders; we only give direction. Whoever is trying to malign us for things we have not done, had better stop it and concentrate on his duties. It is unfortunate. The House has just allowed the Government to proceed with this contract, but adhere to the laws relating to procurement and service contracts.

If the Government finds that there is something wrong with the procurement--- That somebody is trying to insinuate that this House has approved the tender to Safaricom is very unfortunate. We urge you to put the record straight to the public, that this House has no business to approve tenders. The only thing we are going to do is put all agencies and Cabinet Secretaries--- Whatever they do they should know that this House plays an oversight role. We will exercise our powers to streamline them and have them do the right thing.

Hon. Speaker, it is important for the people of Kenya to know that we are going on recess at a very difficult time because the CDF money has not been released. However, I thank God that quite a number of Members still have a chunk of work to do.

If there are people who imagine that Members of Parliament do not have work, I do not understand where they come from. This is for the simple reason that Members of Parliament have two offices. There is one in the constituency, where we serve the people when we go on recess. When we come back, we have duties in the committees. If somebody does not see you in the Chamber, he has the right to present a petition, but which cannot hold water, claiming we do not represent people. It is important to find ways to make sure that this House operates above board.

Hon. Speaker, because time is running out, I urge your office to look into this thorny issue in this country, namely devolution of health services. As a Member of the Departmental Committee on Health, we did a report to this House, which we want to be looked at and passed over to the Executive to avoid what we are seeing. There is loss of life because of doctors not receiving their salaries. As a House, we have passed all the necessary laws to make sure that the staff at *mashinani* have are paid, yet they have not received their salaries.

Last but not least, as country, we need to be very careful about how we manage our oil and coal wealth.

Hon. Speaker: Well, hon. Members, there is freedom of expression, freedom of association, and freedom of conscience; I hope that those who are passing the wrong messages have heard what you said, hon. Mule. Indeed, I had a caution when debate on that report began. That was why there was an amendment to remove the word “approves”. So, I do not understand where people get these kind of things from. Sometimes they call it yellow journalism. Of course, they are at liberty to write as pleases them.

Yes, hon. Kimani Ichung’wa, Member for Kikuyu.

Hon. Ichung'wah: Hon. Speaker, I rise to support this Motion of Adjournment. I am always overly excited when we adjourn the House when young children, like mine, are going back to school. This is because I will have the opportunity, as usual, to drop them at school and pick them up in the evening, and, probably, spend some time doing a little homework with them. Therefore, I am very excited that we are adjourning the House when schools are about to open.

Two, because, as many Members have said, we will have time in the constituencies to concentrate on our oversight role over the CDF committees. I count myself lucky because every now and then I can rush to my constituency, although I suffer the disadvantage of having to earn nothing in terms of mileage. I am able to oversee projects in my constituency. This gives Members who come from far-flung areas an opportunity to go and see what is happening back in their constituencies.

In relation to what hon. Mule has said, it is important to talk about the question of the devolved functions. About those who are speaking of a referendum at this time, I support what hon. Midiwo said, that we, as leaders in this National Assembly, have a responsibility and an obligation to keep this country together.

However, I want to challenge our brothers in the CORD Coalition. The way to keep this country together is not to take it back to an electioneering mood only one and a half years after the last general election that was very divisive. If we are responsible leaders, and I support what hon. Midiwo said, we cannot stop ordinary citizens like hon. Raila Odinga and hon. Kalonzo Musyoka from pushing for a referendum. But I also challenge those of us who are sitting in this House as Members that, indeed, it is time we rose to the occasion. Let us not support those ordinary citizens who are pushing for a referendum because they do not have the alternative; we, as Members of Parliament, can push any constitutional amendments that we want on the Floor of this House.

Therefore, I want to challenge our colleagues on the other side of the House. We all have issues in the Constitution that we would want to see amended. We can save the tax payers' a lot of money that would have to go into a referendum. We can also save Kenyans a lot of divisive and unnecessary politicking at this time by sponsoring Bills on the Floor of this House. I must thank hon. Lati, who has sponsored a constitutional amendment Bill on the Equalisation Fund. I am one of those Members who have been very supportive of that Bill, because it aims at improving the lives of many of our constituents.

There are two wards in my constituency, namely Karai and Nachi, that over the last 50 years have been largely marginalized. Probably, if this money is devolved to the constituency level, we will also have a chance to benefit. I can see hon. John Mbadi shaking his head for hearing that there is a place in Kikuyu of Kiambu County that is marginalized. Indeed, it is true that Ndeiya and Limuru in Kikuyu Constituency are largely marginalized. They are as semi arid and arid as Marsabit County. The level of development has been very lacklustre for the last 50 years. Therefore, we are looking for an opportunity to share in this Fund.

Hon. Speaker, the other question I wanted to contribute to is the bipartisan approach on issues in this House. I want to tell our colleagues that, indeed, it is possible to amend the Constitution on the Floor of this House. On the question of accountability, it is important that we tell our governors that there are no two ways about it, because they

are asking for a referendum to run away from accountability. Accountability will not and can never be a choice for them to make. They must be accountable to the people of Kenya. I am sure the hon. Ababu Namwamba and his committee will be tabling reports of the last few year's accounts. We will sit in that committee and agree to allocate more money to the counties, but they must, as a matter of necessity, be accountable to the people of Kenya.

Hon. Speaker, we want to devolve resources not to Governors' pockets, but for delivery of services to the people of Kenya. It is rather unfortunate that people are dying and others are suffering, more so in the Coast region and other areas. I want to agree with hon. Mule that it is high time we also brought back the---

Hon. Speaker: Hon. George Omondi, you have the Floor.

Hon. W.G. Omondi: Thank you, hon. Speaker. I also want to add my voice and support this Motion for Adjournment of the House. The Adjournment Motion could not have come at a better time. This is because what happened on the Floor of this House--- We saw Kenyans and elected leaders coming together and thinking about Kenya.

I want to encourage my colleagues that we move ahead when we are in recess to further approach things in the same way. We need to further our togetherness, put whatever it is that divides us aside and put in place whatever puts us together.

Hon. Speaker, both sides of the House, that is the Jubilee CORD coalitions should join hands and pass what was seemingly opposition side issue. But the Jubilee side, as a Government, joined the CORD Coalition and a Bill was passed. I want this behaviour to be carried into the referendum, so that we look at this issue as a country. I want to plead with the Jubilee side to allow the CORD hon. Members to go to their areas and explain to wananchi why they want a referendum.

I will also undertake to invite hon. Ichung'wah, who is throwing his hands up, to Alego Usonga to come and explain to the people of Alego Usonga why the referendum is not necessary. We need not shade blood, or throw stones when explaining our differences. We simply need to argue it out.

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

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

Hon. Temporary Deputy Speaker, I would want my colleagues to use the recess to educate wananchi. I hope you all know that the most talked about elected leaders in this country are the Members of Parliament. People see all sorts of faults with us; they think that we are just noise makers. This happens because we have not explained to them what we are doing in this House. We have not explained to them what they should expect from the county government.

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Member for Samburu North, you are on an intervention.

Hon. Lentoimaga: On a point of order, hon. Temporary Deputy Speaker. Will I be in order to request that the Chair uses its discretion under Standing Order 1 to extend the House by 15 minutes and give me an opportunity to contribute?

The Temporary Deputy Speaker (Hon. Kajwang): You must have not been in the Chamber, hon. Lentoimaga. We are here up to 7.30 p.m. or so. Therefore, we will all have time to debate this Motion for as long as hon. Members are here to do so.

I lost you, hon. W.G. Omondi. You can just press the intervention button and proceed.

Hon. G.W. Omondi: Thank you, hon. Temporary Deputy Speaker. I appeal to my colleagues that we use the recess to talk to our people, *wananchi* and tell them what is expected of the Central Government and the County government. This is because a lot of blame is being put on us; this is because many of our voters do not know what the county government is supposed to do.

Hon. Speaker, let us not get worried too much about frustration of devolution. To me, nobody can take away devolution from where it has reached. Devolution is like a bone which has been given to a dog; there is no way you can pull it back. It will be frustrated and pushed to one side or the other but it can never be taken back. What we need to do, as earlier speakers have said, is to correct what is bad. This can be done by explaining to *wananchi* what is really involved in the county government.

Hon. Temporary Deputy Speaker, I would appeal to my colleagues that at some stage maybe we should take devolution a little bit further, and have it go down to sub-counties. The problem we have is that leaving it at the county level is creating some small governments which think that they are very independent from the central Government.

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

The Temporary Deputy Speaker (Hon. Kajwang): Yes, hon. Deputy Speaker.

Hon. (Dr.) Laboso: Thank you, hon. Temporary Deputy Speaker for this opportunity. This really is to appreciate first of all the work that we have been able to do as Parliament during this Session. I want to appreciate the Members who have been very active. We have really active Members who never miss this House. You can see hon. Mbadi there. He is still very much alive and kicking, even after contributing. I am not saying that he is the only one who is active.

However, it is as good a time as any other for Members now to have a little rest. As hon. Ichung'wah said, a lot of Members are very young and, therefore, have young families; for those who have families, this is as good time as any for these Members to go, interact with their families, be able to play their parental roles and even for a while forget about their political responsibilities. So, I think it is a very good time for us to go away and reflect on what we have been able to do.

Hon. Temporary Deputy Speaker, secondly, I also want to thank, to some extent, the Parliamentary Service Commission (PSC), even as we remember the many areas that we think they could improve, for what they have been able to do under very difficult circumstances. I remember the kind of complaints that arose; in the last Session, we had too many people who did not have offices and staff. There were a lot of complaints about the clerking in committees and all manner of things; I must say that we are not yet there. We have not reached there. I am not a member of the PSC, but I am saying they have not given us all that we require; however, at least now committees are manned better and we have a bigger staff. I believe most Members now have offices. For what they have been able to do, of course we want to say "Thank you;" but we also know that this is a PSC

that also looks after the welfare of Members at all times; their focus should be on Members.

On the question of cohesion and bipartisan approach to issues, I want to say really that you sometimes wonder what happens to these great Members. This is because when we are here we are always talking about working better together and being more cohesive and bipartisan; unfortunately sometimes when we people get to a microphone, I do not know really what, sometimes, happens because they throw out all that. Sense goes out of the window. Reasoning goes out of the window and all manner of things then begin to happen; ordinarily, you would not think that an hon. Member is capable of doing or saying such things.

So, hon. Temporary Deputy Speaker, I want to tell hon. Members even as we go on this recess, the kind of pronouncements that you make on podiums--- The things that you say should help this country to move forward; this you can do by being less partisan, and, as much as possible, inclusive and even thinking more of this one beautiful country Kenya, rather than thinking of ourselves and our selfish interests.

Of course, devolution is new to us and we must appreciate that it is only one-and-a-half years since we started implementing it. We must appreciate that teething problems will be there. We should not imagine that it was going to happen overnight. We tried for it to happen overnight and we have seen the mistakes that have occurred. We have seen what is happening to the health sector, for example, and all the issues that we are now accusing the governors of. There are many things that we think are not going right.

However, I want to say that there has been good attempt. There are very many areas that will need tightening, particularly finances and how they are used at the county level.

I want urge hon. Members, even as we go to our counties, that we struggle to get the County Development Boards on board, even if some of us do not like them. They probably may---

The Temporary Deputy Speaker (Hon. Kajwang): At the discretion of the Speaker, you have a minute.

Hon. (Dr.) Laboso: Thank you, hon. Temporary Deputy Speaker. From my point of view, my Speaker and all the Members of the Speakers Panel, including yourself, are working as well as we can, and it is always easy. Some of you, hon. Members, may think that we are partisan and have a personal grudge against you because you think that you have never been given an opportunity to speak; but I want to assure you that we try as much as possible to be very professional and to be as inclusive of everybody, the different shades of opinion and the different people who are represented in this House. We will continue to do the that.

I wish you all a very fruitful recess. We want to see you back well and ready to move on in the next Sitting.

Thank you, hon. Temporary Deputy Speaker.

Hon. Lomwa: Thank you, hon. Temporary Deputy Speaker. I join my colleagues in supporting this Adjournment Motion because we need time to interact with our constituents. We also need time to exercise our oversight responsibility.

Hon. Temporary Deputy Speaker, as we proceed to the constituencies - I appreciate the different national responsibilities - I call upon my colleagues to engage

with our people in preaching peace, harmony and unity. We should also identify key development priorities that objectively improve livelihoods.

Our people are poor but more informed than in earlier years. After the promulgation of the new Constitution, they have known a lot of what they are expected to do.

We have a Government that has good intentions for its citizens. For example, the Leader of Minority highlighted a number of issues that are strong enough to keep us united, and work for the benefit and the interests of our people when we resume back. Despite the challenges, I know we have stuck together as a House.

Hon. Temporary Deputy Speaker, we have a responsibility to guide appropriately on the utilization of resources that we have been given by Kenyans. There are many funds that have been devolved like the Uwezo Fund, the CDF and county funds. We need to ensure that they are put into proper use and management to avoid wastage.

We need to embrace unity of our people; however there are diversity in opinion. I like the spirit the Members have shown in the House, the maturity and tolerance that has been embraced even outside the House. This is a good gesture.

As my fellow Member from Samburu East has said, there was a little conflict in Isiolo. However, I urge the leadership of Samburu and Isiolo to address issues soberly, so that we save lives. This will also enable their people to live harmoniously and enjoy, like other Kenyans, the fruits that are given by this nation.

We, the pastoralists, are known for conflict; this is an obligation that we need to utilize fully. We need to talk to our people, so that whatever happened last time does not happen again. We now have an opportunity to talk to them and show them the right direction, so that they can reap benefits from our responsibility.

Hon. Temporary Deputy Speaker, the Constitution has its own shortcomings. The Government has pushed this forward. There are a lot of gains that have been made, and we have to embrace that and utilize the opportunity that the Government has given to us to move this country to the level at which we have all desired it to be. I want to thank my constituents for giving me the opportunity to serve them and make them achieve their aspirations.

I support this Adjournment Motion.

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute and support this Motion. We have spent a lot of time discussing a number of Bills, Questions and Motions, and it is now time for us to go to the constituencies and work with our people.

I am very grateful to the leadership of this House, specifically to the Speaker of this House. During this Session, I have brought to this House a Bill on Climate Change, which has been supported by most Members of this House. I want to thank the Members for supporting this Bill. I believe that when we reconvene and go to the Third Reading, we shall pass the Bill to become law in the near future.

I also want to thank the leadership of this House for allowing me to retable a report that was prepared in the Tenth Parliament on San Marco Space Application Centre, which is a very strategic centre for this country. Due to the co-operation that I received from the leadership of this House, I re-tabled that report.

I also want to thank all the Members of this House for overwhelmingly supporting that report. The report has now been passed by this House. I believe that the Government will support and implement that report. That centre is one of the few strategic centres in this country, which, if used well, this country will receive a lot of resources from the international community, particularly as it relates to satellite technology. This is a country that is well placed in the arena of satellite technology, but because we have not used this resource very well, we are losing very heavily to companies which are seriously exploiting this country.

I also want to record my concern, particularly as regards the reports that are prepared by various departmental committees when they visit various overseas countries.

Unfortunately, when most of these reports are prepared, they are never brought to this House for discussion. This Parliament spends a colossal amount of money in taking us to all these trips, but when we come back with reports, they are never discussed. So, I wish to appeal to the leadership of the House that we create time, so that these reports are discussed and their recommendations implemented. Otherwise, we have no business going out, spending a lot of money, coming back with reports and then they never see the light of day, in this House.

I also want to thank this House, and particularly the Budget and Appropriations Committee, for budgeting money to undertake the audit of our Constitution. It is so important that we undertake the audit, so that we know what we can do to our Constitution. When we passed this Constitution, we all agreed that there were many issues that needed to be addressed; we agreed that we pass it and then later on look at it again. So, I believe, the committee, or the body that is doing the audit, will do an excellent job, and a report presented to this House, so that we can discuss it, finally be able to adopt and then move forward.

Finally, I want to wish everybody a good time in their constituencies, make sure you preach peace and unity and let us now serve our people.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Suba.

Hon. Ng'ongo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. First of all, I want to say that this is the time when we are going to take time off our legislative agenda and embark on representation and oversight. I want to give an assurance to this House that the Public Accounts Committee---

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Suba, does it mean that you have had so much opportunity to speak in the National Assembly that your voice has become hoarse?

Hon. Ng'ongo: Hon. Temporary Deputy Speaker, this is one of the reasons why I deserve the recess. It is also caused by unwanted virus, which probably, has affected me.

The Public Accounts Committee has been blamed widely for not approving accounts in good time. But that is not the truth. The truth is that Government accounts are so voluminous that we require a lot of time to do good work and do a report to this House. What the Public Accounts Committee has done is, we have finished with the 2010/2011 financial year accounts, and right now we are doing concurrently the 2011/2012 and 2012/2013 financial years. I want to assure the people of Kenya at large that by the time we resume, you will be surprised to find that all the accounts for all the financial years that have already been audited have been investigated and reports made

ready. That committee is working overtime and this is even a added opportunity for us to embark on these reports and do a report to the House.

I just want to touch on two issues. One, the Parliamentary Service Commission has been accused of not doing a good job. But, I want to remind my colleagues that the only institution that has had a good transition is Parliament, and this has been courtesy of Parliamentary Service Commission. It is not easy to transit from 210 Members to over 400 Members. Therefore I think we should not discourage Members of the Parliamentary Service Commission by over criticizing them. I think they are doing a good job; they can do much more, but let us give them support.

I also want to ask the Government, especially the Executive, to make sure that what they implement what they promise. Right now, we are faced with a possibility of teachers' strike. We cannot afford another teachers strike during examinations time. If teachers were promised money to be paid last year and it has not been paid, let us ensure that money is paid to the teachers, so that our children are not inconvenienced, and sent back home because of another strike. This country cannot afford another strike, especially in the education sector.

Hon. Speaker, two more little things---

I also want to tell the President that there is these demons hanging over his office. There is over Kshs15 billion that was lost last year in his office over a period of six months. The President owes it to the people of this country to tell them the truth about this money. It is not pocket change; it is a lot of money. You cannot fight corruption if there are accusations and allegations of corruption in your office. I would urge the President to tell the Kenyan public, what the correct position is. If this money is lost, we want to see heads rolling in this country.

Finally, with regard to a referendum, it is one of the provisions in the Constitution. There are no two ways about it. The people of Kenya made a decision in 2010. If the same people decide to make another decision any time--- I have heard this talk that we should not put this country in an election mood. I wonder when this country will ever be ripe for any election or any voting. Even if we delay it to 12th Parliament, we will be told not to put this country in an election mood all the time. People must wake up; even in your constituencies there are people who are already seeking your positions. So, you must be in an election mood continuously; but if you believe that the country is not in an election mood, you will lose your seat. I am always in an election mode myself in my constituency. I will urge my colleagues---

The Temporary Deputy Speaker (Hon. Kajwang): Yes, Member for Starehe

Hon. Kamanda: Thank you hon. Temporary Deputy Speaker for giving me a chance to support this Motion. Let me thank hon. Speaker and his panel for the way in which he has conducted the business of this House. Secondly, I want to take this opportunity to also thank my departmental committee . We have worked very closely with one another. I also want to thank the staff of Parliament under the Clerk for how they have supported my Committee, I want to say most of the Members who are contributing here are saying they are going on recess. As for my Committee, work starts from Tuesday. So, we are not on recess ourselves; the Committee will be touring the entire country to see how roads are being done.

I want to thank them for that sacrifice, because it is a sacrifice that even this time we have drawn a programme on how we will not go on recess; we will be working for this House. I want to say this, that we, as Members of Parliament, need to embrace the Jubilee Government on many issues and development matters that they have initiated in this country.

I want to say there is an annuity programme of 2000 kilometres that the Government is undertaking. This is a programme that is going to touch almost every county. It may not reach every constituency, but I do hope that every county will be given the annuity money.

I want also to tell hon. Members that since Independence, we have up to date 14000 kilometres of paved roads in this country. With this annuity programme before the end of term of this Government, this country will have another 10,000 kilometres of paved roads. That is something for which the House should be grateful to this Government, because it will be almost the same to what has been done in the last 50 years.

I also want to talk about our job in this House. Our job here is to make law, but the same law is curtailed by the courts. I do believe that we have the best brains in this House. First, there is no Motion that has come to the Floor of this House without going through your office; that is the Speaker and his team. We want this matter to be taken up seriously with the Courts. We want to know the role of this House. If we pass a law in this House and the following day the Court says that you cannot do this or that---

Hon. Temporary Deputy Speaker, on the issue of Separation of Powers, committee chairs are there to guide this House. I would urge that you take this matter very seriously, because it is what is going to roll back the achievements we made so far.

On the issue referendum, we represent 40 million Kenyans. When I hear that an hon. Member, or a Kenyan, saying that Parliament has got no power to do A,B, C, D--- We, as hon. Members, do not---

Hon. Iringo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this Adjournment Motion.

First, let me take this opportunity to thank the Speaker of the National Assembly and his entire team for the good work they have done, especially in conducting business in this House.

Secondly, I would like to thank my colleagues in this House. As a first time Member of Parliament, I have learnt a lot from my colleagues, who have been here before; we are still getting experience and I am happy to say that I am up to the task. Of late, I have been able to, at least, follow and engage in deliberations in this House.

Hon. Temporary Deputy Speaker, we have had a nice session and we have passed many Bills. I would like to thank my committee, the Departmental Committee on Finance, Planning and Trade and my Chair, hon. Langat, for the good job we have done, especially on the Finance Bill, which was passed today. I really appreciate the working relations we have as a team; the same goes for my other Committee on Defense and Foreign Relations. I believe we will continue in the same spirit in the next Sitting when we come back.

Hon. Temporary Deputy Speaker, I have observed several issues in this House. Let me mention that we are here as a team to work together for the development of this

country. We are an oversight and legislative House for the purpose of driving this country forward. Therefore, I would like to call upon my colleagues on both sides of the House to, at least, aim towards achieving unity of purpose. Sometimes, we have some of our colleagues who are just out to derail us when debating very important issues. They tend to derail us by raising acrimony, name calling and shouting, which are not very good to the public out there.

Hon. Temporary Speaker, there is the matter of Statements which we ask for in the House. I am happy we have changed the Standing Orders to bring into the House Cabinet Secretaries (CS). But sometimes the Statements we ask for here in the House tend to be just formalities. This is because you ask for a Statement and you wait for a month or two; whatever answer comes is shallow; nothing detailed is ever provided. Therefore, if a Statement is asked for, it should address, or correct, an anomaly. I believe the person who is supposed to answer Statement request is the CS or the PS. These are the people who should come with an alternative, and not just to regurgitate what the hon. Member knows.

Hon. Temporary Deputy Speaker, I have an issue in my constituency, which was created from two constituencies – parts of Igembe North and Igembe South were brought together to form Igembe Central. I have been agitating for the gazettement of this constituency, because and the people of Igembe Central are being denied their constitutional right to receive service, just because we do not have a District Commissioner (DC), an Officer Commanding Police Division (OCPD) and a police station; any time we have problems our issues are not addressed adequately because we do not have the structures which are supposed to support service delivery.

I am happy my brother, Alloys, is here and he is up to the task. He told me he is going to do it and I am reminding him of it; fortunately, he is seated here with us tonight. Please, my people of Igembe Central need gazettement of their area, so that they can also get their rightful share of the national cake, if I may put it that way.

Hon. Temporary Deputy Speaker, I have an issue with the National Authority for Campaign against Alcohol and Drug Abuse (NACADA). NACADA is coming up with policies and saying that they are going to regulate the hours for chewing *miraa*. I would like to tell NACADA that *miraa* is not like beer, food or *uji*, which you sit at a table and eat or drink. *Miraa* is chewed as you work, as you graze your cows in your *shamba* or when you are driving; when they talk of regulating chewing of *miraa* I do not understand what they are trying to say. Maybe, they can come and we teach them how and why we chew *miraa*, and how long it has been with us. Otherwise, they are interfering with the nerve centre of Merus, and we will not take it lying down. It is quite serious. They should also respect our culture and crop; they should know that they are talking about the livelihood of Merus.

Hon. Temporary Deputy Speaker, I wish you and my colleagues a nice recess.

Thank you very much.

The Temporary Deputy Speaker (Hon. Kajwang); Thank you. Yes, Member for Kabondo Kasipul.

Hon. Magwanga: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Motion for Adjournment. I must also appreciate the Speaker's Panel for guiding this House up to this moment. I must also take this

opportunity to thank the Clerk of the National Assembly and his entire staff for work well done.

Hon. Temporary Deputy Speaker, it is good that Members are going home at this particular moment to join their families and constituents, and also to supervise and evaluate the work or the impact of the Constituencies Development Fund (CDF) and other devolved funds.

Hon. Temporary Deputy Speaker, it is a very good opportunity for the Members, because we have really worked hard up to this moment. I want to say that whenever we enact laws, let us do so for prosperity and let all the laws that we are coming up with unite us. Let them create love in this nation. It is for us to develop and unite this country as leaders; if we fail to do so, we are likely to let this country go out of hand and it may burn. I want to urge all of us to unite for this purpose, and make this country a better place for all of us.

Hon. Temporary Deputy Speaker, I have three very critical issues as we go home. There is insecurity in this country that the Government must address and ensure the security of every one of us. It is very sad that in every news bulletin a senior police officer or a minor is announced to have been shot dead. It is really scaring and we will end up losing business people the way we have lost tourists, and then we will not earn foreign exchange for this country.

Hon. Temporary Speaker, it is also very sad that in the 21st Century we are still talking about scarcity of water in Kenya; we are also talking about Kenyans relying on relief food. It is very sad. It was envisaged in 1970s that by the year 2000 everybody in this country would have clean and safe drinking piped water. This was the case yet we have a number of people going without clean and safe drinking water. The Government must plan and ensure that everybody in this country has clean and safe drinking water.

Hon. Temporary Deputy Speaker, when we talk about corruption, accountability starts with leaders like us. If we fail to pay our taxes, where do we expect to get funds to develop our areas? We have devolved funds. Let us utilize them well and let others also learn from us.

Lastly, a referendum is good for this country. Those who opposed the referendum in 2010 indicated that there were some issues which were not good. It is now time for them to bring up all these issues in the soon-to-be referendum, so that they can be taken care of.

As hon. Members are going home---

The Temporary Deputy Speaker (Hon. Kajwang): Thank you. Yes, the Member for Kaloleni.

Hon. Chea: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. In supporting this Motion, I also take this opportunity to congratulate the Speaker of the National Assembly and his team. I equally appreciate you for the good job you keep on doing in this Assembly.

Basically, the principal role of us as leaders is to create an enabling environment, so that Kenyans can move on with their businesses. As leaders, now that we are going for a recess, the most important thing we should do is to preach peace and ensure that our people live in peace and harmony.

I must say this because in a region like the Coast, where I come from, peace is vital. We have seen very many cases of breach of peace. We have also seen very many cases of insecurity which have affected the tourism sector, which my people really rely on.

Hon. Temporary Deputy Speaker, as we speak, a good number of our hotels down at the Coast are closed. Our boys and girls are out in the streets, because they have lost employment. As we go about our activities, first and foremost, we must preach peace.

The Government must equally pull up its socks on the issue of security. It is quite sad that a whole DCIO can just be shot like that. If a DCIO cannot have security, what happens to the ordinary mwananchi? This is an issue that the Government must address; it must be addressed to finality.

Hon. Temporary Deputy Speaker, I wish to comment on the state of unemployment in this country. We appreciate the fact that the Jubilee Government campaigned on the platform of creating employment. It is sad that a good number of our youth are not employed. It is the responsibility of the Government, that is in control and in charge of our affairs to ensure that employment opportunities are created for our youth. It is the absence of employment that has resulted in so many things, including the high crime rate. This is an issue that the Government should take up and address substantively. In supporting this Motion, I urge my colleagues to support devolution.

Several years ago, and before the enactment of the new Constitution, we did not see money going down to the people. We are now happy because money has gone to the counties. What is left is accountability on the part of the governors and the people who administer these funds. Whether the governors are accountable or not, devolution is there to stay. We introduced it and we have to support it, so that our people can access services as is happening. Therefore, this recess will provide an opportunity for us to meet the governors and our fellow leaders in the county assemblies, so that we can assist the very people who elected us.

Considering that time is not on my side, I take this opportunity to inform this House, and the nation, now we have the International Agricultural Show in Mombasa. This is an important event and all of you are invited to see the potential the region has.

With those many remarks, I support.

Hon. J.K. Chege: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion. First, it has been a time for learning and gaining experience, particularly in this House. It is about time we took a break to, particularly, go back to our constituencies and address matters under the CDF, Uwezo Fund and all the other resources that the Government has provided.

We have challenges in this country of insecurity, unemployment, alcoholism and food insecurity. These are issues that are of high priority. As leaders of this nation, and as people who care about the future of this nation, it is time we addressed these issues.

My colleagues have aired their positions on the referendum. I believe that a referendum will come, but I do not think it is a priority today. When I look at my constituents, their biggest problem is to put food on the table, worrying about insecurity, road accidents and the bad infrastructural services that we receive. If we can deal with these very pressing issues, this country will, at some stage in future, undertake a referendum, or bring debate on it this House.

The Government has provided some opportunities, which this House has helped to put through. Examples are the Standard Gauge Railway, the pipeline projects that are likely to start soon, telecommunications and the energy sector projects. It is time for us to give the Kenyan people an opportunity to be involved in these projects. We cannot have a situation where foreigners come into this country, because they have heard that we are pressing for local content, register companies and call them local. I believe that the local content is about our people being involved in the development of this country and securing the future of the nation through capacity building.

Even as we go through the many tasks that we have in this House--- I have come across some amazing revelation related to some audit reports that come to this House. I believe all of us, as leaders, it is important that we read these audit reports, because they raise some of the issues that really hurt the progress of this nation. We have seen audit reports where projects cost twice or three actual cost. This is not acceptable because this country needs to use its resources properly and make sure that we spread out services to all corners of this nation. Therefore, inefficiencies, corruption and misuse of funds around this country are not acceptable.

Hon. Temporary Deputy Speaker, I take this opportunity to wish all my colleagues a good recess and hope to see them when we are back.

Thank you, hon Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Kabuchai.

Hon. Mukwe: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Adjournment Motion. I thank the Members who are around because they are the ones who have made the proceedings of this Parliament to take place.

If I may also echo what other Members have said, security is something paramount. If I may mention, yesterday someone was murdered in my constituency at the gate of his home. On 22nd August, 2014, a gang of people went round my constituency, especially in Chwele, Chepkakra and Misesi beating up people and robbing them of their property. We have an Administration Police (AP) camp and police officers in Chwele.

To my surprise, we have even the Officer Commanding Police Department (OCPD) in Chwele, but what took place in that area for two hours was something to sympathize with. As we talk of insecurity, take, for instance, the small girl who was killed by a policeman; a 14-year old was shot by a policeman. When we have gangsters going round, killing our people and a girl of 14 years is shot 6 times--- I am not a trained policeman, but a 14-year old girl cannot dare me with a panga and make me think of killing her. What of the police officer who is trained to handle such a situation.

These are people who have to protect the lives of the people, but they go ahead and kill the same people just the way they killed the small girl. If you watched the television yesterday in the evening it was really a pathetic situation to the parents.

I also want to comment on the departmental committee chairpersons. I sought a Statement from the Leader of the Majority Party on 17th June, 2014 but up to now, there is no response. Is he doing it selectively or he has to respond to all requests because we are entitled as Members of this Parliament to get responses from him and committee chairpersons. It is not in good faith.

Hon. Temporary Deputy Speaker, in Western Province, we grow coffee, sugarcane and by extension maize. To my disappointment, the coffee sector has been killed. This is because the officers who were employed by the Government like the District Co-operative Officers collaborated with the management of the coffee factories. The farmers never earned anything out of their crop. This is the cash crop that people have to grow to get some money to take their children to school.

Lastly, there is an issue of IDPs in this country. Recently, the Government resettled the people who were displaced during the 2007/2008 post-election violence. I have people in Kabuchai Constituency who were displaced because of the tribal clashes 1992/1997. Up to now, they have not been resettled. Some of them are living across the border in Uganda. The Government must resettle IDPs without discrimination. The ones who were resettled were the victims of the 2007/2008 post-election violence.

Hon. Lentoimaga: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support the Adjournment Motion, which is important. This is the right time to adjourn because we have done enough. For those of us who are new in the House, we have enjoyed working with our colleagues. When we came in, it was like a strange place, but after storming and forming now we are performing. We have interacted and bonded and we are doing the best thing that a Member of Parliament can do.

As we go on recess, I want to appeal to National CDF Board to release money, especially for bursaries. Schools are opening and Members will have a big problem addressing the issue of school fees for needy children in our communities. I am sure, when we go home, their parents will be at our door steps requesting money. So, the CDF Board needs to do what is right to ensure that we have that money in our accounts, so that we can sort out that problem.

Secondly, as other members have said, this country, once in a while, faces serious insecurity. Today, there is insecurity in Lamu, tomorrow in Turkana, the other day in Isiolo and then in Mombasa. The Government needs to pull up its socks. Currently, the very great county of Mandera, where I worked as a Civil Servant, is facing a very serious incursion. We need to appeal to the Government to do something to restore order in that county, because it is the beginning of Kenya. It is a very important place to our country.

Thirdly, we also have a problem between ourselves and Isiolo just because of drought and shortage of water. The Government also needs to address that issue and ensure that something is done to manage the situation. I also want to appeal to the leaders, as we go on recess, please, let us preach peace. Let us go out of our way to ensure that there is co-existence and peaceful interaction. Let us tone down and bring down tension between our communities. Communities seriously listen to their leaders. I saw this when we went to Isiolo, where the Members of Parliament, and even some MCAs, were the ones who were heightening tension and fighting when they texted messages. Even their body language made things worse. So, I appeal for that.

Fourthly, hunger is also with us in northern Kenya. I want to appeal to the Government to also assist to ensure that people do not die because of hunger.

On the issue of a referendum, I want to say that it is true that we can have a referendum, but there can also be other ways of sorting out issues even without going to a referendum. This House has enough capacity to do something as we did the other day; we voted here and got a two-thirds majority to extend the constitutional deadlines for some

of the legislations that were supposed to be passed. We extended the deadline by nine months.

Therefore, we can also sort out some of the issues instead of creating euphoria and hatred. Most of us who have gone through elections know that at times campaigns can make a country ungovernable.

With regard to recess – I can see the right is blinking – I want to invite hon. Members to come to Samburu and Maralal---- Take your time and come there. Saturday is a good day for you to come, so that we can be local tourists.

Hon. (Ms.) Munene: Thank you, hon. the Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion for Adjournment.

There are some issues which have been raised by hon. Members. When we go home, we are going to meet our people, and also ask the Board of Management of the Constituency Develop Fund (CDF) to release funds, so that hon. Members can get time to oversee implementation of projects under this Fund.

There are also a lot of problems regarding security in this country. We know that our Government is trying, but security must start with individuals who are me and you. We want to preach to our people that security cannot be provided by one person, because one person cannot be at every corner of our country. Our country is large.

I would like to thank the Speaker and the entire august House for the good work done. As a Member of the Departmental Committee on Agriculture, Livestock and Co-operatives – I can see my chairman here. We will see how we will do the job to make sure everybody has food security. We ask those who do tendering to do proper procurement. Those people who will get projects like the Galana project of a million acres for irrigation--- We can do a lot of work, so that our people can get food.

Hon. Temporary Deputy Speaker, the other issue is about pastoralists, who depend on animals to live. We know that they have problems and I remember there is a time when I said in this House that we needed to think about them. During dry seasons their animals die, and they have no alternative way of earning a living. What is the Government going to do to help them reduce their problems? I suggested that we should think of how to use rainwater to make hay and give it to them to give their animals, because all of us are Kenyans.

We also have got problems in the coffee sector, which have led to its price going down. We want to ask our Government to come in and help us find ways of helping the people in the coffee sector. They use their money to give loans to some individuals and we know that. The ordinary mwananchi is looking to this House for solutions to his problems.

I am thankful to you for whatever we have done. I know we are now going for recess; I wish every hon. Member a successful recess. We are going to meet our people and take a break from offices as well. I am asking hon. Members to go and preach peace in this country, because Kenya is ours, and we are not going to leave it.

With regard to a referendum, we know there are so many ways we can do it. We can amend the constitution in this House. If we go back there and tell our people to go and vote in referendum, it will make them suffer, because we were elected by them and it is just one and half years down the line. Why are we going back to an election mood,

when we know there is no food, not enough security, no water, no electricity and other things that we need for a better life? Let us look for another way of solving our problems.

Hon. Temporary Deputy Speaker, hon. Members are most welcome to my Othaya Constituency to take tea. We are tea farmers and we will show you what we do.

Thank you very much.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang): Members, this is one those Motions which will never come to a close. I see even now I have seven requests, but you have been invited to various constituencies and counties. You will do a good thing if you attend there like Camel Derby. I am sure there will be enough goats and meat over there.

There is also the Mombasa Agricultural Show. There will be enough fish, as there is also a lot of sand and sun. So, we will do well if we visit one another.

As you also go into committees that are extremely demanding, I think you will have an opportunity to closely examine the proceedings of this House. If I have not reached you, it is because we have to break at some point.

Hon. Members, this House, therefore, stands adjourned until Tuesday October 14th 2014

The House rose at 7.35 p.m.