



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 21st June 2023

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Members, kindly note that it is the practice that when the Quorum Bell rings, you should not leave the Chamber. You only allow those who need to come in to do so. Thank you.

(The Quorum Bell was rung)

Order Members! You may now stop the Quorum Bell.

PAPERS

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table of the House:

1. Annual Report on Financial Statements of Kenya Civil Aviation Authority for the year ended 30th June, 2021.
2. Annual Report of the National Intelligence Service for the year ended 31st December, 2022.
3. Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June, 2022 and the certificates therein: Tinderet, Central Imenti, Moiben, Ainabkoi, Runyenjes, Tharaka, Marakwet East, Marakwet West, Cherangany, Emgwen, Nandi Hills, Manyatta, Kesses, Igembe Central, Mosop, Chesumei, Tigania East, Chuka/Igambang'ombe, North Imenti and Keiyo South.

Thank you.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Leader of Minority Party?

Hon. Opiyo Wandayi (Ugunja, ODM): I am sorry, Hon. Deputy Speaker, I was at the Clerks Table. I wish I was here early. I rise to raise an issue that may perhaps require the intervention of the substantive Speaker. However, since you are on the Chair, I am sure you are equal to the task. Yesterday afternoon – perhaps this has come to the attention of some members – not so desirable occurrences happened within and outside the precincts of Parliament. I want to take you to Article 118 of the Constitution, Sub-Article (1) which says:

“Parliament shall –

(a) conduct its business in an open manner, and its sittings and those of its committees shall be in public; and,

(b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.”

Sub-Article (2) says:

“Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.”

The point here is that, yesterday between 1.30 p.m and 2.00 p.m, there was commotion at the gate of Parliament within the precincts of Parliament along Parliament Road and Harambee Avenue to an extent that the police fired tear gas canisters, whose effects permeated the precincts of Parliament, including my office, and it affected my staff. What I have been briefed is that, in anticipation of debate on the Finance Bill, some members of the public came to the precincts of Parliament at the gate to either show solidarity with Members of Parliament or to express their feelings about the Finance Bill. Essentially, they were picketing within the meaning of Article 37 of the Constitution.

The reason why I am raising this issue is so that we set the record straight. I do not think that as the Parliament of the Republic of Kenya, we should act differently from other civilised Parliaments of the world. Parliaments the world over are known as public institutions with public access at will. That happens at the Capitol Hill in the USA and at the Westminster Palace in the United Kingdom. I want you to make a ruling to guide the House, and more importantly the police. If we allow the precedent that was set yesterday to have its way, we will basically be telling Kenyans and the world that the Parliament of the Republic of Kenya wants to isolate itself from the very public that it is supposed to serve. What kind of threat was the unarmed public going to pose to the House or anybody else by coming close to Parliament to picket, cheer and jeer? We cannot afford to be seen to be complicit in gagging of the public when they are expressing their views on issues that they feel are pertinent to them. The public must be allowed not only to access Parliament, but also to picket around it at will.

(An hon. Member spoke off record)

I am raising a very serious issue and my friend does not understand. He has no capacity to understand what I am trying to do.

(Laughter)

We have come a long way as a country. Kenyans went to the trenches to attain the kind of freedoms that we currently have under the Constitution. We must jealously guard these freedoms enshrined in the Constitution...

Hon. Deputy Speaker: What is out of order? Have you completed?

Hon. Opiyo Wandayi (Ugunja, ODM): Let me conclude.

Hon. Deputy Speaker: Yes.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Members, let us be tolerant. We have been in this House with my friend, Kimani Ichung’wah and others. Today you are there shouting to please people in the Executive. Tomorrow you will be here crying. I am telling you because we have seen it all.

Hon. Deputy Speaker, let us not be people who curtail the freedoms and rights of Kenyans as enshrined in the very progressive Bill of Rights in our Constitution.

Thank you, Hon. Deputy Speaker. I submit.

Hon. Deputy Speaker: Thank you, Leader of the Minority Party. Next is the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I agree with the Leader of the Minority Party; that, it is good for us to conduct ourselves with decorum and allow each other to be heard. As he rightly said, today you may be here celebrating and next time you will be on the other side crying, like he is doing today. Nine months ago, he used to sit where Hon. John Mbadi is seated because he liked that corner. He would be cheering as Hon. John Mbadi celebrated very major atrocities against Kenyans.

I cannot stand here to celebrate atrocities against anybody or travesties on the justice of the people of Kenya. As Hon. Opiyo Wandayi has said, Parliament is an open place to the members of the public. However, we live in a civilised democracy and in parliaments all over the world, there are picketing corners. In the Parliament of the Kenya, members of the public are allowed in the Public Gallery and with the Speaker's permission to the Speaker's Gallery to watch and follow the proceedings of the House.

In an endeavour to have an open Parliament for the welfare of society and the just Government of the people, our debates are televised live by the Parliamentary Broadcasting Unit (PBU). This is to ensure that Kenyans, wherever they are, even from the comfort of their homes can follow debate. This does not mean that we live in an island. I think on Thursday or yesterday, the Speaker reminded us about our own safety within the precincts of Parliament and mostly in this Chamber. He reminded us about bombing of Parliaments around the world in Beirut, Lebanon and most recently, in Burkina Faso, where mobs took over Parliament and burnt it.

We have seen what those who associate with Opiyo Wandayi, the Leader of the Minority Party, believe to be peaceful protests and demonstrations. Therefore, if the police, in their wisdom, feel it is insecure to allow people who purport to be picketers or peaceful demonstrators around the precincts of Parliament to protect Hon. Opiyo Wandayi, Hon. Mwenje, Hon. Owen Baya and others it is within their right to exclude anybody who they feel is a threat to our national security and security of Members of Parliament, including Hon. Opiyo Wandayi, who must at all times be protected. That is why the Government of Kenya, through the Inspector-General of Police, has provided a minimum of 14 bodyguards for him as the Leader of the Minority Party. Hon. John Mbadi may be unaware that the Leader of the Minority Party is entitled to 14 bodyguards to even guard his residences in the village, Nairobi and elsewhere.

(Laughter)

The police want to ensure that the Leader of Minority Party, the Leader of Majority Party, each and every Member of Parliament and the staff working in this House are protected. Therefore, we should not think that anyone is excluding people from following the proceedings of the House when the police do their work. I want to speak to those being mobilised because I have engaged a number of intelligence officers who are in, outside and around this House. I can hear Members asking, "By who?" I do not know what is itching them. People have been mobilised to intimidate Members of Parliament to ensure that they did not carry out their constitutional mandate yesterday afternoon, and that they do not do so even today and tomorrow.

I want to ask the Inspector-General, if anybody wants to picket around Parliament, they should notify the police when and why. I am sure somewhere around Kenyatta International Convention Centre (KICC), there is some space designated as a picketing corner. Your right to picket and demonstrate ends where mine of carrying out my constitutional work as a Member of Parliament begins. Nobody should attempt to stop any Member of Parliament from coming

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here to do their work, however you feel about the Finance Bill or any other business. You may as well protest in the constituencies or anywhere else but do so peacefully and in line with the provisions of the Public Order Act.

I do not think there is any sinister move in excluding people who the Inspector-General of Police feels are a threat to the security of Members of Parliament. Above anything else, as the substantive Speaker said yesterday, our own safety here is paramount. That is why he was pleading with us to allow the Serjeant-at-Arms to conduct body searches on each one of us. I allowed the Serjeant-at-Arms to carry out a body search on me. I was hoping he would name the Member who threatened to strip because a Serjeant-at-Arms officer asked for permission to search her. As the Speaker said yesterday, we must be careful so that we do not lose anyone because of a bombing or somebody walking in with a gun. I remember in the last Parliament, there was an incident where a Member who was seated behind me was said to have carried a gun into the Chamber. The issues we are raising are not hot air.

(Laughter)

Hon. Speaker, you need to protect Hon. Babu Owino. He has never carried a gun into the Chamber but elsewhere. You need to ensure that him and Kimani Ichung'wah do not walk in with guns, grenades or anything else. I beg that we allow our security agencies to secure us. I want to tell Kenyans and the world that Parliament, and by extension the National Assembly of Kenya, is an open place for people. Kenyans are free to picket and air their views. Yesterday, I said that the Finance Bill is the only Bill that has had the most robust public participation in the last 15 years. This morning, I was listening to a vernacular radio station called Kameme FM. I heard a former Member of County Assembly (MCA), who was a cleaner in my county. He used to be a sweeper and was fortunately elected as MCA. He was pretending to be a finance expert in that talk show, saying all manner of fake things. Since we know the owners of Kameme FM are part of the propaganda machinery against the Finance Bill, we allow them.

I also want to assure the people of Kenya even as they picket and express their views; as I said during the Second Reading debate, a lot of misinformation, lies and propaganda, including that on Kameme FM, that what you are being told, is not true. Nobody will die or get hurt because this Finance Bill has passed. I want to ask Hon. Robert Mbui this afternoon to be ready to vote for those progressive clauses in the Bill that he thinks will be beneficial to the people of Kathiani. With regard to those that you think are not beneficial, I urge you to bring amendments and not to play to the gallery.

Hon. Deputy Speaker, let me end there because we have very important business ahead of us. I do not think this was a matter for debate. I just wanted to respond to my good friend, Hon. Opiyo Wandayi, and assure him that he is secure and safe. However, as much as you are safe, please do not organise anybody to stop me or other Members of Kenya Kwanza or Azimio from coming to the House to work. Members must not be intimidated by people who support this Bill from coming here to oppose it on the Floor of the House. Hon. Babu Owino should have the freedom to come and oppose this Bill on the Floor of the House. I know those who are not in the House, like my friend, Hon. John Mbadi, get very excited because he needs to be seen to be opposing this Bill. Those who never voted for the Second Reading in Azimio need to be seen and heard to be opposing this Bill. You have seen the kind of letters they are getting from the Orange Democratic Movement (ODM). The ODM, as a political party, must stop intimidating its members.

(Several Members spoke off record)

(Loud consultations)

Hon. Deputy Speaker: Order, Members! I will give a chance for response to Hon. Nabii Nabwera. You have the microphone.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Deputy Speaker. I want to raise two critical things. We have a duty to protect the Constitution and the integrity of this House. The most important thing that Hon. Opiyo Wandayi raised is the issue of throwing tear gas in the precincts of Parliament, where there was no threat at all.

Secondly, I was out there when police were blocking people. Those people were not armed. In fact, I left my car and walked peacefully to this place because the police had blocked the road. It is not fair for the Leader of the Majority Party to insinuate that Kenyans who are peaceful, are always rowdy. It is not fair for the public who have sent us here, who want to participate by picketing or observing the proceedings to be blocked by the police.

I want to confirm that all of us want to have a sober debate. It is unfair for the Leader of the Majority Party to turn the matter into an ODM/Kenya Kwanza issue. That is very unfair and we cannot allow it.

Hon. John Mbadi (Nominated, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. John Mbadi?

Hon. John Mbadi (Nominated, ODM): Hon. Deputy Speaker I want to appeal for sober debate in this matter. The question before us is about the right of Kenyans to picket and express themselves vis-a-vis what the Leader of the Majority Party has said about the security of Members of Parliament. Those are two issues we need to deal with as a House.

I agree that Parliament, as an institution, must be protected from any kind of harm, threat or insecurity witnessed elsewhere in the world. We do not want to have a situation like what happened at the Capitol Hill, USA, when supporters of former President Trump invaded the precincts of that institution. However, we must allow Kenyans the latitude and freedom to peacefully express themselves around the precincts of Parliament. There is no indication or evidence that the Kenyans who came to the precincts of Parliament yesterday threatened the peace or security of Members of Parliament. If there was such evidence, it should be tabled in this House. We need to be tolerant. As a House, it is time we created space for picketing around Parliament Buildings. You cannot ask those who want to picket about parliamentary proceedings to go to KCC. They must do so around Parliament Buildings. We have always been tolerant as a public institution. In fact, at the gates of Parliament, we have seen Kenyans come with pigs and call us "M-Pigs." We never beat up anybody. We allowed them to picket.

It is very unfair for the Leader of Majority Party, who is a good friend of mine even at a personal level, to come to the House and tell Kenyans that when I was the Hon. Leader of the Minority Party, I was cheering the tribulations of other Members. I am one person who power has never gone into my head. I do not allow power to get into my head. I do not need to prove anything for my coalition or party to know my level of loyalty or commitment towards the just cause of the people of Kenya. I have done it previously, I continue to do it and I will do it up to the time that God has planned that I will be sitting in this House.

My friend, Hon. Kimani Ichung'wah, I want to persuade you that when you get power, manage power. I see the Leader of the Majority Party, a gentleman who used to be very polished when he was the Chairman of the Budget and Appropriations Committee. He was my student in the Legislature. I have been tutoring him including coming to my house. I have been telling him how to conduct himself. He has become an Hon. Leader of the Majority Party, and is completely wasted. He has become arrogant. He even talks to seniors like me very rudely.

Hon. Deputy Speaker, save us from the Hon. Leader of the Majority Party.

(Several Members spoke off record)

Hon. Deputy Speaker: Hon. Member, you cannot impute improper motive on the character of others. Hon. Members, we have other business to transact. Hon. Jared Okello, you do not have the microphone. Hon. Members, the issue has been raised by Hon. Opiyo Wandayi and responded to by various Members, who have given their views. As we know, the happenings of yesterday...

(Loud consultations)

Hon. Deputy Speaker: Hon. Babu Owino, you do not have the microphone. You are out of order. You have risen without permission. For you to rise and shout from your chair is in fact disrespectful. This matter has been well ventilated on. Everyone who has spoken has given their views on it. Unfortunately, I am unable to make any decision on it now because I do not have the facts. I have not investigated what transpired yesterday. So, I will defer that matter for later communication from the Speaker.

We will now go back to business for efficiency of Parliament.

(Hon. (Dr) Robert Pukose spoke off record)

Yes, I know that. The matter is not properly before the House. Therefore, there is no need to debate it. You will have an opportunity to debate it later. Let us go back to Order No.5. Chairperson of the Budget and Appropriations Committee, proceed.

PAPERS

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

Report of the Budget and Appropriations Committee on its consideration of the following Bills:

1. The Equalisation Fund Appropriation Bill (Senate Bill No.3 of 2023); and,
2. The County Allocation of Revenue Bill (Senate Bill No.16 of 2023).

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next Order.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM STANDING ORDER 40(3)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, this House resolves to exempt the business appearing as Order Nos.9, 10, and 11 in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Parties or business sponsored by a committee.

Hon. Deputy Speaker, this is just a Procedural Motion to allow debate on the consideration of the Supplementary Estimates II for the Financial Year 2022/2023. We also have the County Allocation of Revenue Bill (Senate Bill No.16 of 2023) and the Equalisation Fund Appropriations Bill (Senate Bill No.3 of 2023). These Motions and Bills are sponsored by the Budget and Appropriations Committee and we need to avail time for their passage. These are very important financial Bills that have timelines. That is why we agreed as the House Business Committee yesterday that we would exempt that business from the provisions

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of Standing Order 40(3) to allow us to transact them this morning. Therefore, we will stand down Private Members' Motions and Bills until we finish with Order Nos.9, 10, and 11.

Hon. Deputy Speaker, should we finish them in time, since we have slightly less than three hours to transact them, there are also other Motions lined up for debate. However, looking at the clock, we may not have enough time.

Even as I call on the Secunder to second, if you indulge me, my good friend, Hon. Mbadi, alluded to the fact that I could be arrogant. I have been to his house, and he knows what I went to do there. He knows that I had no tinge of arrogance.

(Laughter)

He knows that I am a person who believes in the truth. At times people like John Mbadi will mistake being told the truth for arrogance. I have no tinge of arrogance, but I have a penchant for the truth and seeing it as it is.

Hon. Deputy Speaker: Please, proceed with the Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, even as I say it as it is, I will ask that he bears with me. It is obvious that at times a student becomes better than his or her teacher, which causes problems.

Hon. Deputy Speaker, allow me to ask my good Deputy Chief Whip of the Majority Party, Hon. Naomi Waqo, the Member for Marsabit County, to second.

(Laughter)

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Deputy Speaker, I beg to second. Thank you.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Makali? Let me propose the Question first.

(Hon. Makali Mulu spoke off record)

Hon. Makali, please state your point of order after I propose the Question. The Motion has been seconded. Hon. Member, I politely requested you to take your seat so that I propose the Question.

(Question proposed)

Hon. Members: Put the Question!

Hon. Deputy Speaker: Hon. Makali, what is your point of order?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): You know, Hon. Deputy Speaker, with all due respect to Hon. Members, you must realise that this is a House of rules and procedures. A point of order is allowed under the Standing Orders. You cannot deny a Member the right to raise a point of order.

Hon. Deputy Speaker: What is your point of order? Go ahead with your point of order.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Deputy Speaker, yesterday, when the Speaker of the National Assembly gave guidance before we went into the Committee of the whole House, he said that if we would not have completed the Finance Bill by midnight, we would move a Procedural Motion this morning to continue with it. The Leader of the Majority Party has not moved a Motion for this House to debate the Finance Bill, but has moved

a Procedural Motion for us to discuss other Bills, when the Speaker of this House directed that Members would debate the Finance Bill this morning if we would not have completed it by midnight last night. We are very much aware that we did not complete the Finance Bill. How I wish that you, as the Speaker in the Chair, would have guided the House to that effect before we consider any other business, because that was the directive from the Speaker.

That is my point of order.

Hon. Deputy Speaker: The Speaker did not make any such ruling. Is it the mood of the House that I put the Question?

Hon. Members: Yes!

Hon. Deputy Speaker: In any case, the Leaders of the Minority and Majority Parties sit in the House Business Committee and know what transpired there.

(Loud consultations)

So, I will put the Question.

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

MOTION

ADOPTION OF THE SECOND SUPPLEMENTARY ESTIMATES FOR THE FY 2022/2023

Hon. Deputy Speaker: Chairperson of the Budget and Appropriations Committee.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Deputy Speaker, I beg to move the following...

Hon. Deputy Speaker: Chairperson of the Budget and Appropriations Committee, just hold on for one second before you move the Motion.

Hon. Chairperson of the Budget and Appropriations Committee, you may now proceed.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Speaker. I will move this Motion in an amended form, especially in the Schedules, where we have an increase of Ksh189,000,000 under Vote 1052, the Ministry of Foreign and Diaspora Affairs; and a reduction of Ksh189, 000, 000 under Vote 1053, State Department for Foreign Affairs. This is basically a re-arrangement.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Second Supplementary Estimates for the Financial Year 2022/2023, laid on the Table of the House on Tuesday, 20th June 2023, and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (i) approves an increment of the total Recurrent Expenditure for Financial Year 2022/2023 by Ksh9,515,817,997 in respect of the Votes as contained in the Schedules;
- (ii) approves a decrease of a total capital expenditure for Financial Year 2022/2023 by Ksh34,977,926,251 in respect of the Votes as contained in the Schedule;

- (iii) approves an overall decrease in the total Budget for Financial Year 2022/2023 by Ksh25,462,108,254 in respect of the Votes as contained in the Schedule; and,
- (iv) resolves that the Schedule forms the basis for the introduction of the Supplementary Appropriation (No.2) Bill, 2023.

SCHEDULE**SUPPLEMENTARY ESTIMATES II FOR FY 2022/23**

VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1011	Executive Office of the President	27,228,618,110	7,815,425,348	35,044,043,458
	0702000 Cabinet Affairs	2,184,707,524	167,250,000	2,351,957,524
	0703000 Government Advisory Services	517,633,280	25,000,000	542,633,280
	0704000 State House Affairs	11,032,018,191	943,452,000	11,975,470,191
	0734000 Deputy President Services	2,568,040,309	16,207,902	2,584,248,211
	0745000 Nairobi Metropolitan Services	10,926,218,806	6,663,515,446	17,589,734,252
1012	Office of the Deputy President	1,016,850,072	-	1,016,850,072
	0734000 Deputy President Services	1,016,850,072	-	1,016,850,072
1013	Office of the Prime Cabinet Secretary	853,205,101	-	853,205,101
	0753000 General Administration Planning and Support Services	761,300,000	-	761,300,000
	0754000 Public Service Performance Management & Delivery Services	33,855,474	-	33,855,474

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VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0755000 Government Coordination and Supervision Services	58,049,627	-	58,049,627
1021	State Department for Interior and Citizen Services	106,467,477,852	3,897,284,799	110,364,762,651
	0601000 Policing Services	79,750,779,154	631,232,828	80,382,011,982
	0603000 Government Printing Services	535,816,242	11,138,370	546,954,612
	0605000 Migration & Citizen Services Management	2,088,561,899	1,006,712,832	3,095,274,731
	0625000 Road Safety	1,728,300,000	641,852,537	2,370,152,537
	0626000 Population Management Services	2,931,842,750	997,786,026	3,929,628,776
	0629000 General Administration and Support Services	18,648,420,745	608,562,206	19,256,982,951
	0630000 Policy Coordination Services	783,757,062	-	783,757,062
1023	State Department for Correctional Services	31,566,343,797	505,171,870	32,071,515,667
	0623000 General Administration, Planning and Support Services	355,506,003	-	355,506,003
	0627000 Prison Services	29,431,094,591	306,496,443	29,737,591,034
	0628000 Probation & After Care Services	1,779,743,203	198,675,427	1,978,418,630

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VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1024	State Department for Immigration and Citizen Services	1,907,169,649	106,663,915	2,013,833,564
	0605000 Migration & Citizen Services Management	1,021,603,813	36,114,550	1,057,718,363
	0626000 Population Management Services	885,565,836	70,549,365	956,115,201
1025	National Police Service	25,180,089,940	-	25,180,089,940
	0601000 Policing Services	25,180,089,940	-	25,180,089,940
1026	State Department for Internal Security & National Administration	8,845,935,362	-	8,845,935,362
	0603000 Government Printing Services	178,605,404	-	178,605,404
	0629000 General Administration and Support Services	8,419,259,145	-	8,419,259,145
	0630000 Policy Coordination Services	248,070,813	-	248,070,813
1032	Ministry of Devolution	1,580,216,345	227,377,778	1,807,594,123
	0712000 Devolution Services	1,580,216,345	227,377,778	1,807,594,123
1035	State Department for Development of the ASAL	6,376,985,470	14,428,093,700	20,805,079,170
	0733000 Accelerated ASAL Development	6,376,985,470	14,428,093,700	20,805,079,170

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VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1041	Ministry of Defence	135,615,483,200	3,365,350,874	138,980,834,074
	0801000 Defence	132,288,973,200	3,365,350,874	135,654,324,074
	0802000 Civil Aid	1,000,010,000	-	1,000,010,000
	0803000 General Administration, Planning and Support Services	2,106,500,000	-	2,106,500,000
	0805000 National Space Management	220,000,000	-	220,000,000
1052	Ministry of Foreign Affairs	14,286,718,363	1,096,120,000	15,382,838,363
	0714000 General Administration Planning and Support Services	2,561,247,814	13,620,000	2,574,867,814
	0715000 Foreign Relation and Diplomacy	11,581,775,666	1,072,500,000	12,654,275,666
	0741000 Economic and Commercial Diplomacy	38,867,428	-	38,867,428
	0742000 Foreign Policy Research, Capacity Development and Technical Cooperation	104,827,455	10,000,000	114,827,455
1053	State Department for Foreign Affairs	5,385,322,860	-	5,385,322,860
	0714000 General Administration Planning and Support Services	1,009,225,947	-	1,009,225,947
	0715000 Foreign Relation and Diplomacy	4,330,758,617	-	4,330,758,617

VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0741000 Economic and Commercial Diplomacy	10,775,811	-	10,775,811
	0742000 Foreign Policy Research, Capacity Dev and Technical Cooperation	34,562,485	-	34,562,485
1054	State Department for Diaspora Affairs	658,000,000	-	658,000,000
	0751000 General Administration, planning and support services	487,682,427	-	487,682,427
	0752000 Management of Diaspora and Consular Affairs	170,317,573	-	170,317,573
1064	State Department for Vocational and Technical Training	20,318,375,968	4,097,771,417	24,416,147,385
	0505000 Technical Vocational Education and Training	20,053,156,200	4,097,771,417	24,150,927,617
	0507000 Youth Training and Development	45,562,736	-	45,562,736
	0508000 General Administration, Planning and Support Services	219,657,032	-	219,657,032
1065	State Department for University Education	103,829,731,267	4,620,600,000	108,450,331,267
	0504000 University Education	102,485,455,663	4,565,600,000	107,051,055,663
	0506000 Research, Science, Technology and Innovation	1,012,397,362	55,000,000	1,067,397,362

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VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0508000 General Administration, Planning and Support Services	331,878,242	-	331,878,242
1066	State Department for Early Learning & Basic Education	110,600,206,354	24,221,770,957	134,821,977,311
	0501000 Primary Education	19,777,940,048	9,149,270,957	28,927,211,005
	0502000 Secondary Education	81,877,231,689	14,626,500,000	96,503,731,689
	0503000 Quality Assurance and Standards	3,569,179,186	446,000,000	4,015,179,186
	0508000 General Administration, Planning and Support Services	5,375,855,431	-	5,375,855,431
1068	State Department for Post Training and Skills Development	129,362,548	-	129,362,548
	0508000 General Administration, Planning and Support Services	84,393,096	-	84,393,096
	0512000 Work Place Readiness Services	37,192,059	-	37,192,059
	0513000 Post Training Information Management	7,777,393	-	7,777,393
1069	State Department for Implementation of Curriculum Reforms	204,865,398	-	204,865,398

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0514000 Coordination of the Curriculum Reform Implementation	204,865,398	-	204,865,398
1071	The National Treasury	61,604,909,499	85,958,285,748	147,563,195,247
	0203000 Rail Transport	-	38,458,000,000	38,458,000,000
	0204000 Marine Transport	-	100,000,000	100,000,000
	0717000 General Administration Planning and Support Services	52,910,433,174	13,308,723,117	66,219,156,291
	0718000 Public Financial Management	6,842,106,077	31,252,252,402	38,094,358,479
	0719000 Economic and Financial Policy Formulation and Management	1,137,355,269	2,799,310,229	3,936,665,498
	0720000 Market Competition	667,515,000	40,000,000	707,515,000
	0740000 Government Clearing services	47,499,979	-	47,499,979
1072	State Department for Planning	3,810,325,187	47,571,987,912	51,382,313,099
	0706000 Economic Policy and National Planning	2,027,338,546	47,405,640,033	49,432,978,579
	0707000 National Statistical Information Services	1,394,996,700	127,349,588	1,522,346,288
	0708000 Public Investment Management	112,828,078	38,998,291	151,826,369

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VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	Monitoring and Evaluation Services			
	0709000 General Administration Planning and Support Services	275,161,863	-	275,161,863
1081	Ministry of Health	69,198,659,739	41,986,549,723	111,185,209,462
	0401000 Preventive, Promotive & Reproductive Health	1,998,792,566	18,842,203,247	20,840,995,813
	0402000 National Referral & Specialized Services	42,151,124,295	8,671,039,798	50,822,164,093
	0403000 Health Research and Development	8,860,250,000	1,156,000,000	10,016,250,000
	0404000 General Administration, Planning & Support Services	8,503,539,758	1,582,000,000	10,085,539,758
	0405000 Health Policy, Standards and Regulations	7,684,953,120	11,735,306,678	19,420,259,798
1083	State Department for Public Health and Professional Standards	2,875,465,604	2,337,250,000	5,212,715,604
	0401000 Preventive, Promotive & Reproductive Health	374,143,312	2,148,250,000	2,522,393,312
	0403000 Health Research and Development	1,989,750,000	189,000,000	2,178,750,000
	0404000 General Administration,	480,006,683	-	480,006,683

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	Planning & Support Services			
	0405000 Health Policy, Standards and Regulations	31,565,609	-	31,565,609
1091	State Department of Infrastructure	69,017,116,247	101,777,868,402	170,794,984,649
	0202000 Road Transport	69,017,116,247	101,777,868,402	170,794,984,649
1092	State Department of Transport	9,830,832,359	2,661,602,165	12,492,434,524
	0201000 General Administration, Planning and Support Services	282,584,993	140,472,899	423,057,892
	0203000 Rail Transport	-	1,892,500,000	1,892,500,000
	0204000 Marine Transport	602,830,177	468,000,000	1,070,830,177
	0205000 Air Transport	8,282,744,172	60,629,266	8,343,373,438
	0216000 Road Safety	662,673,017	100,000,000	762,673,017
1093	State Department for Shipping and Maritime	2,180,715,224	689,900,000	2,870,615,224
	0220000 Shipping and Maritime Affairs	2,180,715,224	689,900,000	2,870,615,224
1094	State Department for Housing and Urban Development	1,242,810,347	10,526,000,000	11,768,810,347

VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0102000 Housing Development and Human Settlement	737,985,965	7,780,000,000	8,517,985,965
	0105000 Urban and Metropolitan Development	266,759,061	2,746,000,000	3,012,759,061
	0106000 General Administration Planning and Support Services	238,065,321	-	238,065,321
1095	State Department for Public Works	3,072,216,727	435,729,677	3,507,946,404
	0103000 Government Buildings	434,059,134	203,506,461	637,565,595
	0104000 Coastline Infrastructure and Pedestrian Access	143,137,606	159,734,132	302,871,738
	0106000 General Administration Planning and Support Services	349,013,711	9,724,384	358,738,095
	0218000 Regulation and Development of the Construction Industry	2,146,006,276	62,764,700	2,208,770,976
1104	State Department for Irrigation	192,567,802	2,388,937,500	2,581,505,302
	1004000 Water Resources Management	-	790,625,000	790,625,000
	1014000 Irrigation and Land Reclamation	191,589,425	814,812,500	1,006,401,925
	1015000 Water Storage and Flood Control	-	414,625,000	414,625,000
	1022000 Water Harvesting and Storage for Irrigation	978,377	368,875,000	369,853,377

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1108	Ministry of Environment and Forestry	9,338,110,212	4,367,300,000	13,705,410,212
	1002000 Environment Management and Protection	2,184,161,395	729,300,000	2,913,461,395
	1010000 General Administration, Planning and Support Services	701,212,716	-	701,212,716
	1012000 Meteorological Services	1,015,236,101	306,500,000	1,321,736,101
	1018000 Forests and Water Towers Conservation	5,437,500,000	3,331,500,000	8,769,000,000
1109	Ministry of Water, Sanitation and Irrigation	6,348,173,748	59,395,444,574	65,743,618,322
	1001000 General Administration, Planning and Support Services	645,158,594	491,000,000	1,136,158,594
	1004000 Water Resources Management	1,708,061,439	11,220,465,160	12,928,526,599
	1017000 Water and Sewerage Infrastructure Development	3,410,698,644	32,046,845,745	35,457,544,389
	1014000 Irrigation and Land Reclamation	553,686,652	6,845,633,669	7,399,320,321
	1015000 Water Storage and Flood Control	-	7,554,875,000	7,554,875,000
	1022000 Water Harvesting and Storage for Irrigation	30,568,419	1,236,625,000	1,267,193,419

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1112	Ministry of Lands and Physical Planning	3,021,576,138	1,271,868,900	4,293,445,038
	0101000 Land Policy and Planning	3,021,576,138	1,271,868,900	4,293,445,038
1122	State Department for Information Communication and Technology & Innovation	2,814,964,207	11,670,329,763	14,485,293,970
	0207000 General Administration Planning and Support Services	318,505,417	-	318,505,417
	0210000 ICT Infrastructure Development	580,839,946	11,396,165,677	11,977,005,623
	0217000 E-Government Services	1,915,618,844	274,164,086	2,189,782,930
1123	State Department for Broadcasting & Telecommunications	6,277,992,402	266,446,545	6,544,438,947
	0207000 General Administration Planning and Support Services	211,066,691	-	211,066,691
	0208000 Information and Communication Services	5,119,538,759	156,723,965	5,276,262,724
	0209000 Mass Media Skills Development	223,320,000	35,000,000	258,320,000
	0221000 Film Development Services Programme	724,066,952	74,722,580	798,789,532
1132	State Department for Sports	1,897,837,513	12,020,875,000	13,918,712,513

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0901000 Sports	1,428,520,015	12,015,000,000	13,443,520,015
	0903000 The Arts	239,961,492	5,875,000	245,836,492
	0904000 Library Services	229,356,006	-	229,356,006
1134	State Department for Culture and Heritage	2,970,562,164	327,500,000	3,298,062,164
	0902000 Culture / Heritage	2,141,859,038	327,500,000	2,469,359,038
	0903000 The Arts	97,702,553	-	97,702,553
	0904000 Library Services	572,353,305	-	572,353,305
	0905000 General Administration, Planning and Support Services	158,647,268	-	158,647,268
1152	Ministry of Energy	11,686,402,336	43,118,355,000	54,804,757,336
	0211000 General Administration Planning and Support Services	338,226,108	208,000,000	546,226,108
	0212000 Power Generation	2,870,816,865	8,729,000,000	11,599,816,865
	0213000 Power Transmission and Distribution	8,389,295,016	32,535,355,000	40,924,650,016
	0214000 Alternative Energy Technologies	88,064,347	1,646,000,000	1,734,064,347
1162	State Department for Livestock	4,407,278,414	4,370,195,607	8,777,474,021

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VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0112000 Livestock Resources Management and Development	4,407,278,414	4,370,195,607	8,777,474,021
1166	State Department for Fisheries, Aquaculture & the Blue Economy	2,314,416,402	4,914,881,212	7,229,297,614
	0111000 Fisheries Development and Management	2,071,515,283	3,527,386,000	5,598,901,283
	0117000 General Administration, Planning and Support Services	225,823,182	-	225,823,182
	0118000 Development and Coordination of the Blue Economy	17,077,937	1,387,495,212	1,404,573,149
1169	State Department for Crop Development & Agricultural Research	14,189,135,038	35,229,872,021	49,419,007,059
	0107000 General Administration Planning and Support Services	5,378,465,657	2,861,777,513	8,240,243,170
	0108000 Crop Development and Management	3,294,104,156	30,001,880,200	33,295,984,356
	0109000 Agribusiness and Information Management	121,882,573	2,015,714,308	2,137,596,881
	0120000 Agricultural Research & Development	5,394,682,652	350,500,000	5,745,182,652
1173	State Department for Cooperatives	2,137,894,787	20,822,500,000	22,960,394,787

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0304000 Cooperative Development and Management	2,137,894,787	20,822,500,000	22,960,394,787
1174	State Department for Trade	2,952,751,817	1,265,050,000	4,217,801,817
	0309000 Domestic Trade and Enterprise Development	1,083,623,309	1,265,050,000	2,348,673,309
	0310000 Fair Trade Practices And Compliance of Standards	505,669,945	-	505,669,945
	0311000 International Trade Development and Promotion	966,203,321	-	966,203,321
	0312000 General Administration, Planning and Support Services	397,255,242	-	397,255,242
1175	State Department for Industry	2,671,828,873	1,278,976,667	3,950,805,540
	0301000 General Administration Planning and Support Services	371,951,030	-	371,951,030
	0302000 Industrial Development and Investments	949,922,269	438,366,667	1,388,288,936
	0303000 Standards and Business Incubation	1,349,955,574	840,610,000	2,190,565,574
1176	State Department for Micro, Small and Medium Enterprises Development	587,620,281	46,000,000	633,620,281

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0316000 Promotion and Development of MSMEs	479,748,781	46,000,000	525,748,781
	0319000 General Administration, Planning and Support Services	107,871,500	-	107,871,500
1177	State Department for Investment Promotion	975,758,920	1,238,121,044	2,213,879,964
	0301000 General Administration Planning and Support Services	87,973,920	-	87,973,920
	0302000 Industrial Development and Investments	887,785,000	1,238,121,044	2,125,906,044
1184	Ministry of Labour	2,934,005,687	422,500,000	3,356,505,687
	0910000 General Administration Planning and Support Services	546,413,837	-	546,413,837
	0906000 Promotion of the Best Labour Practice	711,063,800	51,400,000	762,463,800
	0907000 Manpower Development, Employment and Productivity Management	1,676,528,050	371,100,000	2,047,628,050
1185	State Department for Social Protection, Senior Citizen Affairs & Special Programs	35,196,998,640	3,049,085,203	38,246,083,843
	0908000 Social Development and Children Services	4,542,460,844	394,250,000	4,936,710,844

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0909000 National Social Safety Net	30,359,559,935	2,654,835,203	33,014,395,138
	0914000 General Administration, Planning and Support Services	294,977,861	-	294,977,861
1192	State Department for Mining	237,720,792	131,084,058	368,804,850
	1007000 General Administration Planning and Support Services	186,754,653	-	186,754,653
	1009000 Mineral Resources Management	23,665,475	60,451,274	84,116,749
	1021000 Geological Survey and Geoinformation Management	27,300,664	70,632,784	97,933,448
1194	Ministry of Petroleum and Mining	63,991,098,940	2,500,584,500	66,491,683,440
	0215000 Exploration and Distribution of Oil and Gas	69,197,896	2,482,785,600	2,551,983,496
	1007000 General Administration Planning and Support Services	63,668,283,255	-	63,668,283,255
	1009000 Mineral Resources Management	211,556,201	-	211,556,201
	1021000 Geological Surveys and Geoinformation Management	42,061,588	17,798,900	59,860,488
1202	State Department for Tourism	10,054,970,600	59,010,000	10,113,980,600

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0313000 Tourism Promotion and Marketing	936,393,453	-	936,393,453
	0314000 Tourism Product Development and Diversification	8,848,039,151	25,000,000	8,873,039,151
	0315000 General Administration, Planning and Support Services	270,537,996	34,010,000	304,547,996
1203	State Department for Wildlife	9,363,877,543	368,560,000	9,732,437,543
	1019000 Wildlife Conservation and Management	9,363,877,543	368,560,000	9,732,437,543
1212	State Department for Gender	1,192,967,500	2,753,000,000	3,945,967,500
	0911000 Community Development	56,000,000	2,130,000,000	2,186,000,000
	0912000 Gender Empowerment	827,627,167	623,000,000	1,450,627,167
	0913000 General Administration, Planning and Support Services	309,340,333	-	309,340,333
1213	State Department for Public Service	22,640,344,403	302,712,150	22,943,056,553
	0710000 Public Service Transformation	9,242,766,647	267,810,750	9,510,577,397
	0709000 General Administration Planning and Support Services	484,425,083	6,376,400	490,801,483

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	0747000 National Youth Service	12,913,152,673	28,525,000	12,941,677,673
1214	State Department for Youth Affairs	1,374,306,194	1,163,370,119	2,537,676,313
	0711000 Youth Empowerment	475,148,289	310,359,865	785,508,154
	0748000 Youth Development Services	560,002,589	853,010,254	1,413,012,843
	0749000 General Administration, Planning and Support Services	339,155,316	-	339,155,316
1221	State Department for East African Community	775,860,000	-	775,860,000
	0305000 East African Affairs and Regional Integration	775,860,000	-	775,860,000
1222	State Department for Regional & Northern Corridor Development	3,336,352,389	3,838,125,392	7,174,477,781
	1013000 Integrated Regional Development	3,336,352,389	3,838,125,392	7,174,477,781
1252	State Law Office	5,718,337,064	96,550,000	5,814,887,064
	0606000 Legal Services	2,705,075,736	-	2,705,075,736
	0607000 Governance, Legal Training and Constitutional Affairs	1,877,515,875	85,300,000	1,962,815,875
	0609000 General Administration,	1,135,745,453	11,250,000	1,146,995,453

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	Planning and Support Services			
1271	Ethics and Anti-Corruption Commission	3,520,530,000	46,565,743	3,567,095,743
	0611000 Ethics and Anti-Corruption	3,520,530,000	46,565,743	3,567,095,743
1281	National Intelligence Service	37,627,700,000	-	37,627,700,000
	0804000 National Security Intelligence	37,627,700,000	-	37,627,700,000
1291	Office of the Director of Public Prosecutions	3,670,350,000	12,135,429	3,682,485,429
	0612000 Public Prosecution Services	3,670,350,000	12,135,429	3,682,485,429
1311	Office of the Registrar of Political Parties	1,530,268,247	-	1,530,268,247
	0614000 Registration, Regulation and Funding of Political Parties	1,530,268,247	-	1,530,268,247
1321	Witness Protection Agency	631,830,000	-	631,830,000
	0615000 Witness Protection	631,830,000	-	631,830,000
1332	State Department for Forestry	2,391,500,000	617,439,205	3,008,939,205
	1002000 Environment Management and Protection	-	4,000,000	4,000,000
	1018000 Forests and Water Towers Conservation	2,391,500,000	613,439,205	3,004,939,205

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		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
2011	Kenya National Commission on Human Rights	451,329,423	-	451,329,423
	0616000 Protection and Promotion of Human Rights	451,329,423	-	451,329,423
2021	National Land Commission	1,482,435,786	-	1,482,435,786
	0116000 Land Administration and Management	1,482,435,786	-	1,482,435,786
2031	Independent Electoral and Boundaries Commission	20,638,703,201	-	20,638,703,201
	0617000 Management of Electoral Processes	20,376,285,901	-	20,376,285,901
	0618000 Delimitation of Electoral Boundaries	262,417,300	-	262,417,300
2061	The Commission on Revenue Allocation	540,819,211	-	540,819,211
	0737000 Inter-Governmental Transfers and Financial Matters	540,819,211	-	540,819,211
2071	Public Service Commission	2,452,461,991	26,300,000	2,478,761,991
	0725000 General Administration, Planning and Support Services	912,817,613	26,300,000	939,117,613
	0726000 Human Resource Management and Development	1,356,526,585	-	1,356,526,585

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	0727000 Governance and National Values	139,817,768	-	139,817,768
	0744000 Performance and Productivity Management	43,300,025	-	43,300,025
2081	Salaries and Remuneration Commission	504,921,203	-	504,921,203
	0728000 Salaries and Remuneration Management	504,921,203	-	504,921,203
2091	Teachers Service Commission	299,119,393,998	1,076,000,000	300,195,393,998
	0509000 Teacher Resource Management	290,741,885,900	1,020,000,000	291,761,885,900
	0510000 Governance and Standards	1,155,024,162	-	1,155,024,162
	0511000 General Administration, Planning and Support Services	7,222,483,936	56,000,000	7,278,483,936
2101	National Police Service Commission	1,006,971,468	-	1,006,971,468
	0620000 National Police Service Human Resource Management	1,006,971,468	-	1,006,971,468
2111	Auditor General	6,504,050,000	28,710,000	6,532,760,000
	0729000 Audit Services	6,504,050,000	28,710,000	6,532,760,000
2121	Office of the Controller of Budget	620,361,117	-	620,361,117

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VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	0730000 Control and Management of Public finances	620,361,117	-	620,361,117
2131	The Commission on Administrative Justice	577,807,223	-	577,807,223
	0731000 Promotion of Administrative Justice	577,807,223	-	577,807,223
2141	National Gender and Equality Commission	398,246,176	10,131,000	408,377,176
	0621000 Promotion of Gender Equality and Freedom from Discrimination	398,246,176	10,131,000	408,377,176
2151	Independent Policing Oversight Authority	926,738,002	-	926,738,002
	0622000 Policing Oversight Services	926,738,002	-	926,738,002
-	Sub-Total: Budget Estimates for the Executive	1,441,082,136,441	578,821,320,917	2,019,903,457,358
1261	The Judiciary	19,232,400,000	1,900,000,000	21,132,400,000
	0610000 Dispensation of Justice	19,232,400,000	1,900,000,000	21,132,400,000
2051	Judicial Service Commission	887,000,000	-	887,000,000
	0619000 General Administration, Planning and Support Services	887,000,000	-	887,000,000
-	Sub-Total: Budget Estimates for the Judiciary	20,119,400,000	1,900,000,000	22,019,400,000

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VOTE CODE	VOTE/PROGRAMME	REVISED BUDGET ESTIMATES FOR FY 2022/23		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
2041	Parliamentary Service Commission	8,950,000,000	-	8,950,000,000
	0722000 Senate Affairs	8,950,000,000	-	8,950,000,000
2042	National Assembly	31,848,747,598	-	31,848,747,598
	0721000 National Legislation, Representation and Oversight	31,848,747,598	-	31,848,747,598
2043	Parliamentary Joint Services	6,235,000,000	2,465,000,000	8,700,000,000
	0723000 General Administration, Planning and Support Services	6,042,811,050	2,465,000,000	8,507,811,050
	0746000 Legislative Training Research & Knowledge Management	192,188,950	-	192,188,950
-	Sub-Total: Budget Estimates for Parliament	47,033,747,598	2,465,000,000	49,498,747,598
	Total	1,508,235,284,039	583,186,320,917	2,091,421,604,956

*[The Deputy Speaker (Hon. Gladys Boss)
left the Chair]*

*[The Speaker (Hon. Moses Wetang'ula)
took the Chair]*

Hon. Speaker, the essence of having these Supplementary Estimates is to tidy up the Budget. As we come to the close of the Financial Year on 30th June, it becomes more vivid and clearer on the amount of revenues we are likely to collect as a country. Therefore, it is important to align the revenues with the expenditure. As Members are aware, budgets are made based on

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projections. Budgets are usually proposals. They are never cast in stone. This is because all the things contained in a budget, especially on the revenue side, are variables and not absolutes. That is why it is always important to align our inspirations with the amount of revenue that we are likely to collect.

First of all, I thank all the Departmental Committee Chairs and their Members, who considered these Estimates in a record time. Some of them worked over the weekend. I also thank the Budget and Appropriations Committee Members who have been working over the weekend upto yesterday to be able to finalise the Report that we are now debating.

The amount of money that is involved in these second Supplementary Estimates is a net reduction of Ksh24 billion. There is a slight increment of Ksh9 billion with regard to Recurrent Expenditure. There is also a reduction of Ksh34 billion with regard to Development Expenditure. In the same Report, we are considering the funds that have been expended under Article 223 of the Constitution. This procedure applies to expenditures incurred on matters that are of emergency in nature, which could not wait for the next Budget cycle. I take this opportunity to laud the National Treasury and the current administration in this regard. I do not know if I am clear, I am hearing an echo.

Hon. Speaker, I laud the National Treasury and the current administration because we have seen a gross reduction with regard to consideration of expenditure already done under Article 223 of the Constitution. We have seen in the consideration of the expenditure under Article 223 of the Constitution that it is all justifiable. We have departed from where we were before whereby the Article would be misused to fund expenditures that could not meet the threshold to be provided for under Article 223.

First of all, I want to explain the reduction in Capital Expenditure and the increment in Recurrent Expenditure. Talking about Recurrent Expenditure, there is some Recurrent Expenditure that has a capital element in it. For example, part of the expenditure under Article 223 of the Constitution are monies we expended on hiring and training of Junior Secondary Schools (JSS) teachers. As much as this is a Recurrent Expenditure, it is capital investment in nature because it is capitalising our education sector in terms of hiring and training of human resource. It is an investment that has gone into polishing our labour, a factor of production. Therefore, when we see an increment in Recurrent Expenditure, we are not increasing a component that is known more for wasteful expenditure but a component that is going to render service to the people of Kenya.

When it comes to reduction in Capital Expenditure, I want to assure Members that we are not reducing monies from any project. What we are doing is to consider absorption, especially with regard to development partners-funded projects. As the majority of the Members know, there is usually a big challenge when it comes to absorption rates, especially when it comes to donor-funded projects because of the processes involved in accessing the funds. That is the reason for that reduction in Capital Expenditure.

Hon. Speaker, there are a few things I want to highlight - things we noted in the Budget and Appropriations Committee. As we were considering these Estimates we, first of all, segregated the sources of funds to enable us to zoom in properly. In terms of the affected Votes, we first of all zoomed into what is an increment in expenditure which has an element of Appropriations-in-Aid. We also segregated whatever is funded by the Government of Kenya, especially Government financing in the financial year that will be lapsing on 30th June, 2023. We also segregated those projects which were to be externally funded in order for us to make the right decisions on each and every Vote that was affected.

Some of the findings we saw will guide the policy of this House now and in the future. Some of the findings we have seen are that there is usually a gross under-estimation of the budgeting of Appropriations in Aid (A-in-A). A majority of the Government of Kenya (GoK) enterprises, Semi-Autonomous Government Agencies (SAGAs), and institutions under-

estimate – and probably it is deliberate. They under-estimate their A-in-A at the point of making a Budget, like the one we are considering for the 2023/2024 Financial Year. That is so that they may have a surplus and request authority to expend it as we come to the close of the year.

Let me talk about the Budget we are making, because that is what is rife in our minds. I do not want to reference the Supplementary Estimates we are making so that I can make the point to Members. Out of the Ksh3.679 trillion we anticipate to have as revenue, A-in-A is the third other source of revenue after deficit, when we have Ksh2.57 trillion as ordinary revenue. Out of that Ksh3.679 trillion, we have budgeted for an A-in-A of Ksh347 billion. The point I am trying to drive home is that this is a very far-reaching and important revenue stream for the Government. Just for members of the public who are struggling to understand A-in-A, it is the money we pay when we get some premium Government services. Especially those that are not pure public goods and are expended for free.

When taking a passport, for example, the amount of money you pay to the Department of Immigration Services constitutes A-in-A. When a student at a public university pays school fees, which is revenue for a public institution, that also constitutes A-in-A. As we do the main Budget, a majority of those public institutions under-estimate the amount of money they could be receiving; and as I said before, probably deliberately. As we progress within a financial year, all they have to do is ask the National Treasury for authority to spend that money. We wrote in our Report that we will be basing projections of A-in-A not on what is proposed by the MDAs, but on monies collected as A-in-A by the last Supplementary Estimates considered by this House. If we do that, we will move closer to the reality of the actual A-in-A we collect as a Government.

We also looked at the affected GoK-funded projects. I assure this House that we reversed most of that amount because it was very marginal. Out of the Ksh34 billion under consideration, GoK-funded development expenditure intended to be cut was just around Ksh2 billion, which we were able to reverse. Some of them were small water projects, while others are just the kind of community projects in which Members should have a lot of interest. We reversed most of those decisions because we think the National Treasury is more liquid than it was when they tabled those Supplementary Estimates.

One thing we have noted that we must be considering doing is that, as you look at those Supplementary Estimates and the reason they come, the first step to getting a solution is to understand the reality. The reason we usually have Supplementary Estimates II, not just this year but even in previous years, is to align the revenue and expenditure sides of the Government. Fortunately or unfortunately, this alignment portends to cut expenditure. That is because we are most of the time optimistic in projecting our revenues. That is why even the entire arithmetic of those Supplementary Estimates is a cut of Ksh24 billion. The Budget and Appropriations Committee, and I hope also this House, need to have very robust revenue raising measures as we buy into the idea. As we move forward in the main Budget of the 2023/2024 Financial Year, what we did to avoid this kind of cut in future was not only to enhance tax collection from the same people that pay, but also allocating monies that will expand our economy by netting people who are now not active participants in the economy to become participants in the growth of the economy and, consequently, become payers of tax. I said that is what we did as we moved the Report for the main Budget. It is important - and I repeat - because any other Supplementary Estimates will affect the 2023/2024 Financial Year.

We looked at the primary production of our economy. The Budget and Appropriations Committee segregated our economy into three parts. We looked at the Gross Domestic Product (GDP) as the number one primary production - agriculture, mining, fisheries, forestry and everything else that is primary in nature. There is a paradox. This primary production constitutes 18.2 per cent of our GDP. I will explain the paradox as I proceed. We zoomed in on the industry, which is secondary production. It currently constitutes around 16.8 per cent of

our GDP. We also zoomed in on tertiary production, which is services. It constitutes 65 per cent of our GDP. The paradox is this: The service industry, which constitutes 65 per cent of our GDP, does not employ as many people as primary production, which constitutes only 18.2 per cent. We see that the primary production that a majority of Kenyans are engaged in, especially farmers, constitutes very little because productivity in the primary production is very low. A salary, income or revenue for one person employed in the service industry would take like 20 farmers to make the same. That is why we have made policy and allocation decisions to spur production, especially primary and secondary production. It is because they are the biggest employers and they have the capacity to net in as many Kenyans as possible. That is why we allocated money to fertiliser in the upcoming Budget so that we do not have those kinds of shortfalls again and to enhance the productivity of farmers.

That is why we, as a Government, are lifting the moratorium on mining so that it starts to become a serious revenue stream for our country. We even allocated monies to ground truthing so that we could make our mining sector as significant as it should be. We are also lifting the moratorium on forestry because it is a huge source of wealth for this country. However, as you know, in regard to the economy and GDP, wealth does not count as much as revenue. Therefore, we have to find ways of transferring or transforming our wealth into revenue, because as we do the Budget, the revenue side has no slot for wealth. It only has slots for revenue. That is why it is important to transform our forestry resources to revenue streams for the Government. When you come to secondary production, we did that in terms of aggregation centres and industrial parks. That is so that this service industry has something to service. We are trying to bridge the gap and the deficit.

Hon. Speaker, the other alternative to not having a Supplementary Budget that can help cut expenditures is to expand the deficit. However, this is not a wise decision, especially given our current economic status. Moving forward, the same tax revenue measures that are enumerated will go a long way towards bridging the deficit gap. The deficit we are budgeting for in the next Financial Year is around Ksh718 billion. However, in the year of consideration of those Supplementary Estimates, we have a deficit of Ksh860 billion and another Ksh200 billion that had been spent under Article 223. Therefore, the deficit in the Financial Year 2022/2023 is Ksh1.1 trillion.

*[The Speaker (Hon. Moses Wetang'ula)
left the Chair]*

*[The Temporary Speaker (Hon. David Ochieng')
took the Chair]*

Hon. Temporary Speaker, I see a lot of misinformation in the news about our debt status, especially on money borrowed by the current National Treasury. Allow me to state the facts so that we have actual and factual news on this.

The Temporary Speaker (Hon. David Ochieng'): Hon. Chairperson, you are doing very well, but your time is almost up.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, this country was to borrow Ksh1.1 trillion in this Financial Year 2022/2023. Therefore, when the National Treasury borrows now, it is to implement the budget for this current financial year and not for this current regime. We are just fulfilling the revenue of the Budget that we got in place when we assumed the positions that we currently occupy. Generally speaking, we are just cleaning up areas that cannot absorb those monies by the 30th of June, and directing those small marginal monies to areas that can absorb them.

I thank every Member of this House for their contributions. As the Budget and Appropriations Committee, we always gain from those interactions. We come here to listen and learn from such debates. Having said that, I want to ask the Chairman of all transformers in Kenya in the Energy and petroleum sectors, Hon. Vincent Musyoka Kawayu, to second.

The Temporary Speaker (Hon. David Ochieng’): Hon. Kawayu.

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Chairperson. Those are quite some credentials you have accorded me. I appreciate.

Hon. Temporary Speaker, I rise to second this Supplementary Estimates II. First, allow me to thank the Budget and Appropriations Committee, which did a great job especially by accommodating most of the Chairpersons whose Budgets for their respective Ministries were affected by this Supplementary Budget. They sat up to late hours dealing with this. Often, we are never realistic with our budget projections. At the end of every financial year, we have to come to the drawing board and find a way to rationalise our budgets. On many occasions, the projections are over-estimated while the A-in-A that we project from our SAGAs is under-estimated. We need to confront this issue. For example, if you look at the current estimates and the financial statements presented to the National Treasury for our MDAs, you will find that barely two weeks down the line, they have already changed their estimates to ‘not applicable.’ In most cases, there is an intention to understate the A-in-A that is projected to be collected. In all Supplementary Budgets II, there is a spending spree by most of the MDAs. Most of them spend this money in buying funny things like furniture, vehicles and going for workshops, because this money is set aside specifically for spending at the end of the financial year.

Again, the energy sector is facing a new challenge where absorption is a problem. This is not necessarily absorption from the Exchequer, but on the process that leads to the absorption of foreign funding, which accounts for almost 80 per cent of their budgets. Those rigorous procedures and processes delay the absorption of resources.

Hon. Temporary Speaker, we cannot discuss the Supplementary Budget II in isolation. As a country, we also need to have an honest discussion around budget financing. Every Budget in this House has a source of resources. Our discussions in this House are interesting, especially those around the Finance Bill. You will rarely find any Hon. Member who is uninterested on discussions relating to projects going to their respective constituencies.

However, when it comes to the discussion on how to raise those funds, then we all want to play to the gallery without any due regard of how to raise resources to finance those budgets. It is only fair for us, as leaders, to tell the country that there are reasons for the actions that we are taking. We have failed in telling Kenyans the ‘why’ and only dwell on the ‘what,’ especially on revenue raising measures of the Finance Bill. We must tell Kenyans that the Kenya Kwanza Government inherited a shell of an economy because our predecessors decided to loot and carry money in sacks from our coffers. They borrowed everything they could, and now we are left with a huge burden that we cannot somehow run away from.

Hon. Temporary Speaker, facts are stubborn. Our revenues are barely Ksh2.1 trillion. Our debt repayment is at Ksh1.4 trillion. This means if we collect Kshs2.1 trillion and pay our debts at 1.4 trillion, we are only left with Kshs700 billion, out of which our Recurrent Expenditure stands at Ksh600 billion. That then leaves us with Ksh100 billion. The county governments demand Ksh376 billion from the remaining Ksh100 billion. Even if you were to give them the Ksh100 billion, you have to borrow another Ksh276 billion. Therefore, as we discuss on revenue raising measures, I ask Members, especially from the other side of the political divide, not to play to the gallery. The easier way for us is not to expand the tax base in the country. It would be to summon the Former President, Hon. Uhuru Kenyatta, and his brother who put us in this mess. They should tell us where those monies went. Then we can plug that deficit without targeting Kenyans to raise that money. As a country, we have a responsibility. There is no gain without pain. As we move towards the current estimates, I think

there is something to learn from the current Supplementary Budget. We should work closely towards having budgets that are manageable with realistic estimates. The current budget is more responsive without excluding important items. I think it takes a bit of wisdom and creativity to come up with a responsive budget. I support that statement.

In the energy sector, we had a budget of about Ksh90 billion compared to the current reduced budget of Ksh65 billion, which seems to be more responsive and giving Kenyans a better solution for the low cost of power than the budgets we have had in the past. There is an attempt in this Budget...

(Several Hon Members spoke off the record)

The Temporary Speaker (Hon David Ochieng’): Hon. Kawayi will be heard.

Hon. Vincent Musau (Mwala, UDA): Protect me, Hon. Temporary Speaker. I know the problem is the looting part, but please bear with me. The problems we are facing as a country originated from two brothers.

Something to also note about this Supplementary Budget is Article 223. In the past, this Article has been purely misused by most of our Government departments. Most of our ministries feel that it will not easily pass expenditure through this Parliament, which is an oversight authority. They spend this money through Article 223 and wait for Parliament to pass that expenditure through the Supplementary Budget. I would like to commend this Government for flagging an expenditure from one of our lines — the Loiyangalani-Suswa line — that is currently the subject of an audit. We have seen reduced appetite for expenditure through Article 223. You cannot get much benefit from this Article because it is rarely used in good faith.

As I conclude, we must resist the attempt by some National Treasury officials to make budget for this Parliament. We have seen occasions where supplementary recommendations by the Budget and Appropriations Committee are overturned by the National Treasury or attempt to overturn them. It is important for this House to stamp its authority. We have seen attempts to reduce allocations to projects affecting Members, terming the proposed expenditure for some of those resources as low priority. I urge Members especially...

The Temporary Speaker (Hon. David Ochieng’): He already seconded when he started, but you can give him the microphone for the sake of Hon. Mbadi. Give him the microphone briefly so that he seconds.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Speaker, with those few remarks, I second. Thank you.

The Temporary Speaker (Hon David Ochieng’): Thank you very much, Hon. Musyoka. Hon Members, before I do the needful, I wish to recognise in the Public Gallery, the presence of Ongata Royal Academy from Kajiado North Constituency in Kajiado; and Students from Ndururu High School from Dagoretti North in Nairobi County.

(Applause)

We welcome them to follow the proceedings of the National Assembly this morning and wish them the best in their tour of the City this afternoon.

Hon Members, it is now my time to propose the Question, but before I do so, I will remind you that the Motion was moved in an amended form under Standing Order 148. The amendment affects the Schedule and not the Motion as moved and, therefore, as you debate, you are accordingly advised.

(Question of the Motion as amended proposed)

(Hon. Ojiambo Oundo spoke off the record)

Of course. Hon Members, I will follow this. I am assuming that those who have put interventions... I have been in this House since it started. There are Members who put interventions this morning because they wanted to contribute to the matter of protests. That is why I said I will follow the list as it appears here, as I always do. If you want to contribute, you will inform us and thereafter proceed.

The first chance goes to Hon. G.G. Kagombe of Gatundu South, if he is in the House.

(Several Hon Members spoke off the record)

I will give that chance to Hon. Wilberforce Oundo of Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to the Supplementary Estimates II for the Financial Year 2022/2023. I must laud the Chair of the Budget and Appropriations Committee for taking us through a basic or elementary lecture on economics and macro-economics. As I have always stated, Supplementary Budget is an epitome of laziness in economic planning. Article 223 was never in any way meant to cover inefficiencies of the planning department and the Executive. It was generally meant to cover cases of emergencies and unforeseen circumstances, like what happened during COVID-19 Pandemic of 2020 and 2021. It baffles anyone who has attended any economic class that the Government cannot, at any given time, precisely project the revenue it is likely to get. This is because the population and people who generate income does not change as much. It behooves the technocrats who are in a better position to clearly — with some element of precision — determine the revenue that will come at hand. If you look at the figures that are being reduced on the capital expenditure side, it is a clear testimony that the system operates to frustrate the implementation of certain projects.

Hon. Temporary Speaker, if you listen to principal secretaries, MDAs and many executive technocrats who implement projects, they always tell you that there is this twin tendency where there is donor funding and counter-part funding. The National Treasury will deliberately delay the release of counter-part funding so that they can frustrate that project; and by the time we come to the end of the Financial Year, we have money that we cannot spend, and the National Treasury would obviously use those unorthodox means to recall or recover that money.

Secondly, it is also another way of corruption. Many MDAs and State Departments do not have coherent procurement plans and if they do, they are unable to implement because the National Treasury's releases and disbursements are deliberately delayed so that the only funds that go to those projects are earmarked for looting public funds. We have always argued...

I hope Hon. Ndindi Nyoro, being the new kid on the block, will really get out of this old mindset and start talking to the guys in the National Treasury to understand that Members of Parliament are getting fed up with those piecemeal changes to the budget every financial year. If you look at the Schedule attached - and I have not had the benefit of reading the Report in details - we are unable to pick out from which vote-head precisely or from which State Department the reduction has been made. Again, any Kenyan getting hold of this Order Paper would be unable to know where those particular changes have happened. We need to tighten up; and as we have always continuously said; and all in their Reports, be it for the Supplementary I or the Budget Policy Statement (BPS), the Budget and Appropriation Committee has always called upon for a review...

The Temporary Speaker (Hon. David Ochieng'): Hon. Oundo, I do not intend to interrupt you at all, but the Order Paper that you have has the schedules.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, it is true it has schedules. However, the schedules it has have got the vote programme and revised Budget Estimates for Financial Year 2022/2023, but they do not provide the comparative analysis after Supplementary Budget I. I am lucky I went to school, and I can read and understand. I know how to compare. God has been very kind to me and I am forever grateful for that. I went to Starehe Boys Centre and not to those other secondary schools where people go to.

(Loud consultations)

We are dealing with Supplementary Budget that is coming almost a week to the end of the Financial Year; 30th is Friday, next week. And this is coming less than a week to the end of the financial year. Does it mean that this Ksh34 billion or so has just been lying somewhere? What has happened to the Ksh9.53 billion that was meant for Recurrent Expenditure? That explanation is not coming out clearly and, for the many First Timer Members, they might not even understand what we are talking about here. That is why many of them would not be able to constructively engage in this debate. Members deserve a little more disclosure. That disclosure will help us make informed decisions. But as it is now, it becomes extremely difficult to tell exactly what is happening or what is specific. This is because the Budget is based on specific projects.

For example, we are putting money in project Y or X. For us who sit in the Public Accounts Committee (PAC), we are always confronted with huge pending bills that consequently attract penalties, court charges, court damages and those kinds of things which comes out of that kind of arrangement. As a country, Parliament, Executive and the Parliamentary Budget Office, we must be bold enough and tell the Budget and Appropriations Committee the truth. This is because they work at the behest of the Executive and not the people of Kenya. That is why we are entangled in too many issues. When an economy is in recession, you need to spend money. If the Ksh34 billion was spent on providing electricity, for example, to various villages in the country, people would be employed and would get resources from the infrastructure that enable Vision 2030 to get this economy to a certain level. Instead, we are reducing expenditure, no placid explanation has been given and somehow, you will find another scandal erupting from here. I can assure you, Hon. Temporary Speaker and members of the public, we will have pending bills, penalties and interests will accrue, and contractors and service providers will go to court.

As I conclude, the Chairman has mentioned the issue of the structure of the economy. He has said that the economy is driven by the service sector, at 60-something per cent. They have also said that the primary production only accounts for about 18 per cent. Who is to blame? In any case, what is the problem with the service sector? If it is of high productivity, why can we not invest and ensure that adequate enablers expand it to all so that we get to a certain point? There are countries in this world that essentially depend on visa processing or processing services as well as tourism, and are doing far much better than our country.

We have talked about value addition for donkey years and yet, if you look at the Budget that we have passed, the amount of money that have been allocated to manufacturing is less than 2 per cent of the over Ksh2 trillion or Ksh3 trillion that is in this Budget. Those stories they are playing to us are simple propaganda that has no value to the people of Kenya. But for now, because I have brought it under Article 223, let us approve it, but knowing very well that this is another scandal in the offing. We will get into the Public Accounts Committee in the next few years to come, and I will come and tell you that I told you on this day. I hope the *Hansard* will correctly capture what I have said.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (David Ochieng'): Hon. John Mbadi.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Temporary Speaker. First, let me start by thanking and praising the Budget and Appropriations Committee for a job well done. I want to praise the Chairman of this Committee. I think he is coming out as one of the best Chairpersons of the Budget and Appropriations Committee so far. He is detailed in his approach and in moving of the Motion. He is eloquent and I want to support that.

This tradition of Supplementary Budget II started around 2016. It never used to be there. It is because of the poor planning on the part of the Government, as Hon. Oundo has said. However, an increase of Ksh9 billion in recurrent budget under Supplementary Budget II is not something to consider lightly as a modest increase because we have just a few days to July. I know this money has already been spent under Article 223, and that is why I am proposing an amendment to the Public Finance Management (PFM) Act. It should come for the First Reading soon to bring out clear procedure of spending under Article 223. Parliament needs to be involved and be given days to consider requests from the Executive. The idea of giving a blank cheque to the Executive to spend at will and just seek for *post facto* approval must stop.

In the Ruaraka land issue – and I keep repeating it – the Committee rejected that expenditure under Article 223, and it remains that Parliament rejected it. But what happened? The money had been spent in billions. We must have *post-facto* information from the Executive to Parliament through the Budget and Appropriations Committee. They can say what they want to spend under Article 223 of the Constitution and allow 14 days for Parliament to consider it. Nothing will bring Kenya down in 14 days. If Parliament has not dealt with it in 14 days, then the Executive can go ahead and spend.

There is also a decrease of Ksh34 billion. I want the Chairperson to listen to this. A lot of this expenditure that is being reduced in capital expenditure, as you have rightly put it, is usually under development partner-funded projects. The problem is usually not with the development partners. I sit with Hon. Oundo in the PAC. The problem is the counter-part funding from the Government of Kenya. That is what halts and obstructs all donor-funded projects, some of which take the form of grants and loans with favourable terms for Kenyans. The Government of Kenya does not meet its part of the commitment which, in a number of cases, is not even 10 per cent of the project implementation cost. That needs to be addressed. You have rightly put it as A-in-A. When I was a member of the Budget and Appropriations Committee, we were moving towards insisting that the Government try to remove this idea of A-in-A and have most, if not all, revenues collected and taken to the Consolidated Fund so that they are expended properly. The moment you allow A-I-A, most MDAs will just under-declare their revenue because they need more money from the Exchequer.

Hon. Temporary Speaker, there is the issue of borrowing. I agree that the Budget we are implementing is the last Budget of President Uhuru's regime. That is a fact. Nothing stops this Government from restructuring it to suit their interests. If anything, they came into office at the end of August. That was just about one-and-a-half months after the beginning of the financial year. So, they had all the time to restructure this Budget to meet or be in line with the Manifesto of the Kenya Kwanza Government. The idea of borrowing because the other regime had planned to do it does not make sense. You do not have to borrow because someone had planned to do it, and you have now taken over from him. So, you must actualise it. I would like to challenge your figure on what was planned for borrowing. It was not Ksh1.1 trillion. I have the figures. It was Ksh824 billion. That was the budget deficit split into net domestic borrowing of Ksh395.8 billion and net external borrowing of Ksh428.3 billion. Those are not my figures. They are even with the Parliamentary Budget Office. Whatever it is, even if it is Ksh1 trillion, the bottom line is that you do not have to borrow. You are the ones in charge.

In fact, I want the Kenya Kwanza Government to move away from the rhetoric that the previous Government borrowed, where they found a tattered economy or one that had been run down and people were carrying money in sacks. You talk as if Kenya is a kiosk or supermarket.

How can you tell people that the money that can run the economy of Kenya was carried away in sacks? Those sacks can fill the City of Nairobi. Even if we want to lie to Kenyans, we need to be decent in our lies. We can say that some people have stolen from our coffers. That is a fact. There was theft under President Uhuru and President Kibaki regimes. It is the degree that differs. Under the Ruto regime, we have started seeing theft. I have not measured the Road from James Gichuru Road to Ole-Sereni, but it cannot be more than 15 kilometres. The work that should be done on this road is purely re-carpeting. You award a contract worth Ksh1.9 billion, and then you hear that those are firms that are well connected in the system. There is theft already. We have read, seen and heard about it before the *Nation Newspaper* brought it out.

There is the issue of edible oil. Members of Parliament here cannot mention the names. Some of them told me that there is a lot of theft. It has turned out to be true. Kenya National Trading Corporation (KNTC) is sinking this country into one of the major scandals. We are watching many other things. Under Article 223 of the Constitution, which you are saying the current Government is not using a lot, there is theft going on. Actually, we have ordered an audit of all expenditures under Article 223 of the Constitution. I do not want to go further, because I am waiting for the Report of the Auditor-General. I am the Chairperson of PAC. I am waiting for it.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): What is out of order? Hon. Mbadi, please take your seat. There is a point of order.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. The distinguished leader, Hon. John Mbadi, is the Chairperson of PAC. It behoves on him to bring a report to this House with what he is saying, instead of speculating. He is a good accountant who knows that before you say anything, you should have facts that have been investigated and proven beyond reasonable doubt. He is giving a tirade and yet, he is known for facts. I do not know why he wants to sink so low and go on a tirade about things he has no facts. But be who you are, Hon. Mbadi. You are a man who looks at facts. Stop speculating and sensationalising information like the current newspapers that we have. I want you to take advice from your junior that you need to concentrate on this Motion. If you feel that money has been stolen, please come to this distinguished house as the Chairperson of PAC, table reports and show us. As Members of the Kenya Kwanza Government, we will heed those reports and ensure that the theft does not take place. Take my advice.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Mbadi.

Hon. John Mbadi (Nominated, ODM): Thank you. Hon. Baya is my very good student. I know whatever he says is in good faith. I want to take it as such. Let me conclude by saying that, as the Chairperson of PAC, we are just concluding on Financial Year 2020/2021. The Report will be here at the end of July. We will start on Financial Year 2021/2022 and conclude it latest in October. We will not have any pending financial year. However, we cannot stop talking about emerging issues. PAC is a post-mortem audit committee.

Hon. Temporary Speaker, give me one more minute. Immediately after we finish with those older accounts, a special audit will be conducted on special accounts, and there will be a continuous audit.

Thank you, Hon. Temporary Speaker. I support the Motion.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much. I just need to advise you. We make very good recommendations in our contributions. I wish we could follow them with proper laws. All of us agree that we need to discipline Article 223 of the Constitution. Why not do it?

Members, because there is too much interest in this Motion, I propose that we contribute for five or six minutes. This will be so that more Members can contribute. I had given an

opportunity to two Members on this side. I will give an opportunity to two Members on the other side and then go back to this side again.

Let us have Hon. Rindikiri Mugambi.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. First, let me play from the point of ignorance. We were told that we come from some schools that are not well adorned with knowledge. The fact is they are the ones who are teaching us how to apply economics. President Mwai Kibaki put a lot of emphasis on economic planning. The Jubilee and Azimio Government did away with the State Department for Economic Planning. You will agree with us that it will be very difficult to prove the existence of looters. The Jubilee Government and their Azimio brothers concentrated more on aspects of downgrading proper planning. Our Kenya Kwanza Government is very keen on executing its plans and the first step is to align the available resources with the activities it wants to do.

I want to reply to my colleague and professor of the University of Nairobi that it is very difficult to project theft. The infamous sacks of carrying money were done away with on the day of the Supreme Court ruling. Hon. John Mbadi, we did not have time to take control of the National Treasury until the President was sworn in.

I want to applaud the Chairman of the Budget and Appropriations Committee for taking keen interest in realigning the expenditures in a short time. They should have given us the names of notorious departments well known of misusing public finances. For sure, the remnants of Azimio and Jubilee Party are still in Government and in control of the various ministries. So, this is their problem yet, they are spending a lot of energy shouting and playing to the gallery. They are not saying they are part of this. I can assure you that we will get rid of them. I have been in this House slightly longer and I am not a cheerleader. Nowadays, people do not recognise cheerleading.

The Budget and Appropriations Committee has taken time to realign revenue with activities the Government wants to do. I am happy because this Supplementary Budget is addressing a factor which is dear to us like putting money into the National Government Constituencies Development Fund (NG-CDF) account, funding stalled projects, realigning and addressing repayment of debts.

Since Independence, there has been no other Government which has come out clean to state the challenges and solutions. This is what the Budget and Appropriations Committee has done. It is very unfortunate to play to the gallery. The senior Members who were in leadership in the last Parliament are the same ones demonising the Kenya Kwanza Government. We heard what the Leader of the Minority Party and Member for Funyula said, and it is on *The Hansard*. We are on the other side and know what we are doing. We do not want you to criticise us but critique. We know what the Kenya Kwanza Government is doing.

Thank you, Hon. Temporary Speaker. This Budget is directing finances to due plan.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Next is Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you Hon. Temporary Speaker, for giving me an opportunity to contribute to the Supplementary Budget II. From the outset, I want to thank the Chairperson of the Budget and Appropriations Committee and join Hon. Mbadi in saying we have a very efficient and capable Chairperson whose leadership has contributed immensely to the budget process.

As the Chairperson of the Departmental Committee of Health, I want to thank the Budget and Appropriations Committee for always giving us an opportunity to present our budgets and ensuring whatever we request is implemented. Looking at the Supplementary Budget II, it is expenditure, and under Article 223 of the Constitution, we are regularising what has been spent. Hon. Oundo said it shows a bit of inefficiency by the Government in budget

making. This is true because it is not a Kenya Kwanza budget but it was done by the previous Government under the handshake which he was part of.

What the Kenya Kwanza Government did through Supplementary I was to put priorities correctly and realign the budget to their manifesto. In this one, they want to ensure commitments already undertaken are paid and whatever the various ministries or state departments undertook, money is released since procurement processes are complete. They want to regularise through these Estimates.

Looking at the previous budget you will see it might not absorb what is given. So, an efficient government should look for where to decrease, increase or not fund. To me, this is the way to go. Going forward, I would like the Supplementary Budget II to be given adequate time because it is very short. I wish we could look at the Supplementary Budget I again towards the second quarter of the financial year. Then, the Supplementary Budget II towards the end of the third or fourth quarter. This will give us time to make corrections.

Hon. Temporary Speaker, with those few remarks, I support.

Hon. Samwel Chepkonga (Ainabkoi, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): What is your point of order, Hon. Chepkonga?

(Hon. Pukose spoke off-record)

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I do not know why Hon. Pukose is protesting my point of order and he knows it is a good one. Ordinarily, I would accept his point of information so he should accept my point of order. Listening to him and many others who have spoken, it appears what we are discussing is purely post-mortem. There is very little we can change.

So, I rise pursuant to Standing Order No.95 seeking your... As you can see the next Order is very serious. Most of the time, we have been accused by the Senate for not prioritising their matters. As you know the County Allocation of Revenue Bill is extremely important. I do not know why Hon. Makali Muli is raising a point of order yet he knows I am on a point of order. I do not know why he is protesting.

The Temporary Speaker (Hon. David Ochieng’): You shall prosecute your point of order without being disturbed.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Very good. Thank you very much, Hon. Temporary Speaker. We need to save time so we can give money to counties fairly quickly. So, I am calling...

The Temporary Speaker (Hon. David Ochieng’): Hon. Chepkonga you are on a point of order but you are anticipating debate. Move your motion.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Fine. Hon. Temporary Speaker, I beg to move that pursuant to Standing Order 95, the Mover be now called upon to reply.

The Temporary Speaker (Hon. David Ochieng’): Is that the mood of the House that I call upon the Mover to reply?

(Loud consultations)

Members, I want to propose that the order coming next and the one after, is such that you can still contribute on what you want to say on this without missing your point.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker.

(Hon. (Dr) James Nyikal consulted loudly)

Daktari, the next Motions are very much related and we still have the Appropriations Bill to debate on. Therefore, Hon. Members, I thank you very much for your contributions. I thank Hon. (Dr) Oundo for the enriching contributions. I also thank Hon. Mbadi. Thank you very much for your contributions. We have learnt from them. Just to highlight some issues that we have mentioned...

(Hon. (Dr) Lilian Gogo consulted loudly)

The Temporary Speaker (Hon. David Ochieng’): Member for Rangwe, you are totally out of order!

(Hon. (Dr) Lilian Gogo rose in her place)

Hon. Ndindi, take your seat.

(Hon. (Dr) Lilian Gogo consulted loudly)

Member for Rangwe, you are out of order! Order, Member for Rangwe! I order that the Member for Rangwe be moved out of the House for the rest of the day. Proceed with your reply Hon. Chairman, Budget and Appropriations Committee.

Those orders shall be carried out forthwith!

Hon. Ndindi Nyoro (Kiharu, UDA): I want to request Hon. (Dr) Nyikal...

The Temporary Speaker (Hon. David Ochieng’): You will not go on until the Member for Rangwe leaves the House.

Serjeant-at-Arms, I have said that the Member for Rangwe leaves the House so that we can proceed with business.

(Hon. (Dr) Lilian Gogo withdrew from the Chamber)

(Applause)

Chairman, Departmental Committee on Budget and Appropriations, proceed.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much Hon. Temporary Speaker. I thank all the Members who have contributed. We have benefited from those insights. I want to highlight just two things. One, I agree with most of the sentiments that have been said especially under Appropriations-in-Aid and to enhance it. That has already been done through policy.

Two, I want to repeat: The deficit for this financial year was Ksh860 billion but upon assuming the positions in the Budget and Appropriations Committee, we realised that Ksh200 billion had already been spent under Article 223. Therefore, the real deficit is actually Ksh1.1 trillion. I hope that Hon. Mbadi will peruse the books to show that reality.

In terms of borrowing, we have already scaled down from those figures to currently the deficit of Ksh718 billion which is only 4.4 per cent of our GDP. We will be doing much better in the next financial year.

Having said all those remarks, I thank all the Members.

I beg to reply.

The Temporary Speaker (Hon. David Ochieng’): Do we have the numbers, Clerks-at-the-Table?

Hon. Members: Put the Question! We have the numbers!

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, having confirmed that we have the requisite numbers, I proceed to put the Question.

(Question put and agreed to)

Hon. Owen Baya (Kilifi North, UDA): On a point of order.

The Temporary Speaker (Hon. David Ochieng’): What is out of order, Hon. Baya?

Hon. David Gikaria (Nakuru Town East, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): What is out of order, Hon. Gikaria?

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. This is to kindly request the Chair who will be on the seat for the rest of the day to give us opportunity. Sometimes we come here very early, we have Committee issues that we also want to prosecute, but you find in the next Motion again the same Members who have spoken are the same ones who will be given an opportunity to speak. We have issues that we would also want to prosecute as Members. I agree we all were elected to represent people and we want to prosecute their issues. In future allow us to also be given a chance. If you have given Hon. Gikaria, next time give someone else. Not when we come here, it will again be Hon. Mbadi and other same people who have spoken in each and every Motion. We are also Members and we have been elected to come and represent our people. It is not right for us to continue this way. In the Government of Kenya Kwanza we have decided that we cannot...

The Temporary Speaker (Hon. David Ochieng’): Hon. Gikaria, take your seat. In this Session, I have not personally presided until today. Therefore, you are out of order completely. I can say without fear or favour that if you want to speak you know what to do. You will come to the House on time and queue. You know all that!

(Hon. David Gikaria spoke off the record)

Hon. Gikaria, you are out of order! I will not pass anybody because somebody came to talk to me. I will not do that even in the next order. We will have to follow the rules the way they are.

Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I would like to implore among us as Members... We have the Finance Bill that starts in the afternoon but we have two very important Bills that have timelines. The County Allocation Bill and the Appropriation Bill. We have to manage these between now and 1 O’clock. I suggest that we reduce the speaking time to five minutes so that everybody gets an opportunity to speak. This will ensure that we give more people an opportunity to speak on this, and at the same time, beat our timelines.

Hon. Temporary Speaker, I request that we do that, so that everybody who has come to debate gets an opportunity to do so. This is so that we do not have this kind of raucous interaction in the House.

Thank you, Hon. Temporary Speaker.

(Hon. Ndindi Nyoro stood up in his place)

The Temporary Speaker (Hon. David Ochieng’): Hon. Ndindi, take your seat. This is how it is done. We reduce the speaking time after we have moved the Motion. Just before we start debate, anyone who wants to propose that we reduce the speaking time can do so after we have moved the Motion. After that, we can reduce the speaking time.

BILLS

Second Readings

THE COUNTY ALLOCATION OF REVENUE BILL (Senate Bill No.16 of 2023)

The Temporary Speaker (David Ochieng’): Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, I beg to move that the County Allocation of Revenue Bill (Senate Bill No.16 of 2023) be now read a Second Time.

Hon. Temporary Speaker, I will take very little time because I also want other Members to get an opportunity to contribute.

This Bill horizontally allocates money to our counties. The amount of money that we are giving our counties in the next financial year is Ksh385 billion. This is an enhancement from the last financial year, where we allocated about Ksh370 billion to our counties. This is because the President and this administration are focused on supporting devolution. Over and above the Ksh385 billion, we have also allocated an additional Ksh72 billion in conditional grants to our counties. Therefore, we have allocated enough resources to keep our counties going and to participate very well in terms of infrastructure-building and development of our communities.

Some of the monies that we have allocated as conditional grants, which I will be tabling later, have been given to all 47 counties. This is because all of them, including Nairobi County, have an element of agriculture. We have allocated Ksh4.7 billion, or Ksh100 million for each county, as a matching fund, a shilling per shilling to build aggregation centres across all 47 counties.

The horizontal sharing of the Ksh385 billion is done through a formula that is generated by the Commission on Revenue Allocation (CRA), which is the institution that we have charged with coming up with a formula that allocates monies to our counties. Some of the areas that we have put a lot of weight on – and I hope counties will help our country in – include healthcare, which is a devolved function; Early Childhood Development (ECD); and community projects to rehabilitate unclassified roads.

We have noted something that we hope we can progressively find a lasting solution to. Our country has a penchant for allocating colossal and unproportionate amounts of money to Recurrent Expenditure which is gobbling up most of the monies that we give to our counties. We feel that this is not sustainable in a country that is forward-looking in terms of the growth of the economy. I hope that we will be able to adhere legislatively to the fact that Recurrent Expenditure should not take up almost the entire budget that we allocate to our counties.

As I conclude, the other area is that of own revenue. As the Budget and Appropriations Committee – and from the “air” in the House, I feel that the same sentiments are shared by other Members – we feel that our counties have the capacity to collect more revenue than they actually do. Even as we support our counties through equitable shares and conditional grants, they should optimise on revenue collection, especially by deploying technology and expanding their base in terms of collection of revenue, so that it can be a substantial revenue stream.

We will keep on supporting devolution because it is very important to us. When we devolve governance, we devolve decision-making. Therefore, that devolved decision-making

takes care of the farthest areas of our country. I hope that that is what devolution is doing through our governors and Members of the County Assemblies (MCAs).

I am sure that Members can also peruse the schedules. We have set ceilings for our county assemblies and county executives with regard to the share that we are allocating, so that we can have decorum in allocation of resources and adhere to a certain ceiling that we must always operate under. We do the same in the national Government and in Parliament. We have recommended the same to our county governments.

Lastly, I would just like to bring to the attention of Members that we can freely debate this Bill. We are not gagged from doing anything, including introducing changes. However, changes may have very dire ramifications because as you can see on the Order Paper, this is a Senate Bill. Therefore, most of what we are expected to do is to debate the Bill because it has been well-thought-out by the Senate. As a House of Parliament, we respect their decision-making. However, that does not mean that we cannot make our own decisions. It is good to bring to the attention of Members that these kinds of Bills are tabled for us to debate because they have been thoroughly considered by the Senate.

Hon. Temporary Speaker, I now request the Member who might be exiting the House to manage the same resources that we are allocating to counties to second the Bill. I am sure that the people of Taita Taveta have been requesting the said Member to be the executive of that county. I request Hon. Dan Mwashako to second this Bill.

The Temporary Speaker (David Ochieng’): Hon. Mwashako.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Temporary Speaker, for the opportunity. Thank you, Chairperson of the Budget and Appropriations Committee for giving me this opportunity to second this important County Allocation of Revenue Bill (Senate Bill No.16 of 2023).

I will be brief. The Bill gives us an opportunity as a country to allocate funds to counties in good time so that, as we start a new financial year, counties will get money to run their programmes.

In the Bill, the Senate recommends that Ksh385 billion be allocated to our counties this year. Therefore, as my Chairperson says, we may not amend this Bill, but in line with the Standing Orders, the Bill comes to this House so that we can debate and share what our Senators have done.

Hon. Temporary Speaker, there is horizontal sharing of resources in this country. There has been elaborate debate around the formula that is used to horizontally share this revenue. After we passed the Division of Revenue Bill in this House, the County Allocations Revenue Bill comes about when the Senate sits, and with the advisory of the CRA, they are able to share resources according to the formula. The third basis revenue allocation formula recommended that 50 per cent of the equitable share should be shared equally, and the other 50 per cent should be shared out according to the formula that takes into consideration weighted parameters that include population, land, poverty, status of roads and other things.

Even as we do this, Hon. Temporary Speaker, we need to take into account that there are five or six counties that receive extremely low allocation. If nothing is done in the near future, the residents of those counties may never benefit fully and may not get the fruits of devolution. I am talking about counties like Lamu and Laikipia which receive slightly above Ksh5 billion, Taita Taveta that receives Ksh5 billion, Tharaka Nithi and Elgeyo Marakwet. These counties receive an extremely low allocation under the equitable share. Therefore, it should not be lost to this House that even as we continue supporting devolution, we must find a way to support these counties to the level that they are not left behind and create another level of marginalisation.

We have national resources in these counties. Taita Taveta County has 63 per cent of its land under the Kenya Wildlife Service (KWS). Therefore, only about less than 37 per cent

can be put into economic use. We need to really have a debate and agree that the resources that are found in the counties that receive little allocation must be shared with the national Government. For instance, Tsavo East and Tsavo West give this country approximately Ksh2 or Ksh3 billion a year, yet Taita Taveta does not receive even a shilling of that revenue. We must do everything possible to make sure that every county is able to enjoy the resources that are within their areas.

Lastly, Hon. Temporary Speaker, we know about pending bills in counties. If nothing is done, then counties that have new leadership that have got into office will lose contractors and supplies. Our Small and Medium-Size Enterprise (SMEs) sector of this country is extremely important to generate employment but fall victim of pending bills. The Senate and Controller of Budget must find a solution. The county governments must be forced to, first of all, pay pending bills as a first charge to all the money that is appropriated to them.

County assemblies have been allocated around Ksh40 billion. They are extremely important in overseeing what the county government executive does. We must call to order the county executives that do not give county assemblies enough budget in time so that they cripple them to a level that they cannot oversee the executive.

With all these remarks, I second and indeed call upon my colleagues to support this Bill and pass it without amendments.

Thank you, Hon. Temporary Speaker.

(Question proposed)

The Temporary Speaker (Hon. David Ochieng’): Hon. Chepkonga.

Hon. Wakili Muriu (Gatanga, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Wakili Muriu.

Hon. Wakili Muriu (Gatanga, UDA): Hon. Temporary Speaker, I rise under Standing Order 97 which clearly states that the House may on a Motion made by any Member in accordance with this Standing Order, impose a limit in the respect of the debate of any particular Motion or Bill by allowing a limited period of time for such debate or by limited time during which Members may speak in such debate or by imposing such limitation.

Motion for limitation of debates under this Standing Order may be made without notice. There are quite a number of comments which have been made by the Members here. Most Members here left this Chamber close to 1 O’clock in the night. They slept for about an hour or two then came back at 9 O’clock. It is only fair that we give them an opportunity to talk and contribute especially to the County Allocation of Revenue Bill which is very pertinent. As we know, devolution in this country is very key and touches the core of this nation.

On matters of the Equalisation Fund, which has not taken effect for the last close to eight years, we need to make sure that it is grounded and benefits our people.

My request, Hon. Temporary Speaker is that the Mover of the Motion, moving forward should be granted a minimum of ten minutes; the seconder should be granted five minutes and other Members should be given three minutes so that everybody can contribute. We only have one hour to 1 O’clock.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Member, for clarity, how many minutes do you want each Member to be given?

Hon. Wakili Muriu (Gatanga, UDA): Three minutes.

The Temporary Speaker (Hon. David Ochieng’): Hon. Members this is not a decision for me to make. It is yours because you are the ones going to contribute to this debate.

(Question, that debating time be limited to four

minutes for each Member, put and agreed to)

The Temporary Speaker (Hon. David Ochieng): Four minutes it is.

The first Member that will have the first bite on this from my list is Hon. Julius Rutto.

Before he rises on his feet, I wish to recognise two schools that are in the Public Gallery: Kangira Umoja Secondary School, Maragwa, Murang'a County, and Kalisasi Secondary School, Mwingi Central, Kitui County. Their Member of Parliament is sitting here today.

We welcome them to witness and follow the proceedings of the House this Afternoon.

Hon. Rutto.

Hon. Julius Rutto (Kesses, UDA): Thank you very much, Hon. Temporary Speaker, for according me this opportunity to make my contribution to this very important Motion before us on the discussion and approval of the County Allocation of Revenue Bill.

It is good to recognise and appreciate the fact that if there is any good spirit and profit that the new Constitution brought to the Republic of Kenya, it is devolution. As we talk now, effective after the promulgation of the new Constitution, a lot of changes have been felt by the citizens across the country in an equitable way by virtue of county governments being put in place and executing their mandate. It has ensured that service delivery has been brought close to people. In every region in the whole of Kenya, people feel that the government is on the ground.

On these matters of the County Allocation of Revenue Bill, I appreciate that the National Treasury is helping the national Government in one its functions of supporting devolved governments by ensuring that cash disbursement is adhered to. As we approve this Bill, the schedule of cash disbursement should be made a tool to guide the same.

On the other side, I call upon the practitioners and the actors in devolved governments to ensure that as we are approving the Bill, their work plans are in place to ensure service delivery is given to *wananchi*. Most of the challenges we are going through even as of now are the pending bills. Most of these pending bills arise majorly because of lack of proper preparedness and not having procurement plans in place. It is at this time they begin to execute them by virtue of the slow disbursement of cash. They begin to initiate procurement at the end of a financial year. What does this mean? It means many activities and commitments are made at the closure of a financial year. What does this mean? It is at this time we realise that our revenue collection nationally and at local governments may have not been sufficient to finance the entire Budget. Therefore, it is also a call to governors or executives in county governments, and county assemblies, to ensure they also prioritise proper plans for prudent use of resources and timely service delivery to *wananchi*.

It will also ensure that their plans and budgets align with the goals and objectives of the national government. That is so that we move together as a country, unlike a scenario of a devolved government focusing on goals that are far away and different from those of the national government. At the end of the day, we do not have similar objectives bringing the nation to a clear direction.

Lastly, we need to focus on the core areas of investment like agriculture. Food security is a problem in the Republic of Kenya. As we speak, and for the first time, Kenya has been converted to a consumer country and net importer of food. This is a call to county governments and the national government to put our minds together. Let us give priority to desired areas. The main area is food security and healthcare. As we move the country together, let our productivity support our population by ensuring it affords food to our nation by supporting agriculture, livestock and healthcare services.

Thank you very much. I support.

The Temporary Speaker (Hon. David Ochieng'): Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I also rise to support this important Bill coming from the Senate.

From the outset, I want to say that it is good this is coming from the Senate. We would want to see our Senate legislating many more Bills relating to counties and spending most of their time working on issues relating to counties. We have seen situations where our Senators take too much time focusing on duties of the national government and forgetting counties. I will be very brief because of the time element. As I support this important Bill, I have the following observations.

The first is exchequer releases. Counties are going through hard times because of late exchequer releases. It does not make sense when we have money in the Budget and we do not support them in implementation.

Second is the autonomy of county assemblies. My plea to governors is that they facilitate county assemblies to do their work since county assemblies do not have financial autonomy. We have heard of situations where county assemblies are at the mercy of governors to get money to do their work. In that case, it affects their effectiveness. It is high time governors became facilitative so that assemblies do their work as expected in the law.

The third item is own revenue. It is important that county governments plan well so that they improve their revenue. In that case, they will supplement equitable share from the government and achieve much more for their people. You will note that the gross domestic products at local levels in some counties were even better than when governors took over. That means some counties are becoming worse with devolution, as compared to where they started. It is time governors took time and ensured they are improving the lives of their people.

As I conclude, it is good to ensure we address corruption. There is this common talk in the streets that we devolved development and corruption at the same time. Only governors and their County Executive Committee Members (CECMs) can change that perception. It is high time Governors and their CECMs did away with mainstreaming corruption in their operations. In that case, we will be getting many benefits from what we have been doing.

With these remarks, I thank you for the opportunity.

The Temporary Speaker (Hon. David Ochieng’): Thank you for saving time. Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you for giving me this opportunity.

First, the Speaker's Panel should really facilitate the participation of Members of this House. When reports come at night or on a day when nobody can read them and they are with us in the morning, all we are expecting Members to do is vote. That is bad to Members from both sides in this House. We cannot train new Members that their main role in this House is voting. I will leave that. There will be time for that later on.

I rise to support this Bill. It is important that counties get their money as early as possible. That is extremely important for devolution. I want to raise a very fundamental point. I am happy the Chairman of the Budget and Appropriations Committee is here. I wish he would listen to this. The County Allocation of Revenue Bill follows the Division of Revenue Bill that we discuss. It actually comes from the Budget Policy Statement. However, you know there has always been an issue of what the Senate has passed and what we have passed. That is until they came up with the formula. I see one basic thing to address in our devolution if we are going to help counties to get money. My issue on this has been that the Budget Policy Statement in this country is just for the national government, and it does not include county governments.

Why do I say that? By the time we go through the Budget Policy Statement, the national government's MDAs have given us all their requirements in extreme details so we know what they need. What do we have from the counties? Nothing. That is left on the not less than the 15 per cent share of revenue raised nationally and the CRA is supposed to be discussed at the

Intergovernmental Budget and Economic Council (IBEC). Even at that point, nobody comes with the needs of counties.

My proposal is that we get a process at either IBEC level or some other level to show that counties have also done their needs. When we will be dividing money into two, we would have known the needs of the national government in details as we do and also know the needs of county governments. Individual county needs can be brought together in sectors—the health sector, the water sector, and so on. That is so that even if it is not done in this House, we at least, know what counties need at the level of IBEC. Therefore, we will do the division of revenue with that in mind. As of now, it is skewed against county governments. I would explain if I had more time.

I think that is the only point I want to make. It will be important in improving division of revenue and eventually allocation of revenue to counties. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Gakuya, if he is in the House. Hon. Marianne Kitany.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Speaker.

I rise to support the County Allocation of Revenue Bill that is before the House. I support it on two issues. One is on the revenues given across the counties. County functions are supposed to be done. Even as we support, I encourage the CRA on one thing. It should ensure there is adequate funding and resources for monies budgeted for by counties and are given to the services counties are supposed to provide according to Schedule 4 of the Constitution. That is so that those functions benefit the common *mwananchi*. When the Constitution provided for two levels of government—the national government and county governments—it was so that county governments can reach people in *mashinani*. Therefore, some functions like healthcare and water need to be adequately funded because that is where the common *mwananchi* can access services. Therefore, we need counties to ensure the functions are financed properly.

The second issue is on revenue collection by counties. Currently, we find that the revenue collection from the counties has really gone down. The CRA needs to put in a mechanism like they had in the first and second phases where the counties that were able to collect more revenue were rewarded. I think that mechanism should come back so that that reward mechanism encourages counties to collect more revenue because the same revenue they collect, goes back to their counties to help them increase on their allocations and thereby give services to the people they represent. So, if that mechanism is brought back, then we know that counties will collect more revenue just like the way the national Government is busy looking for methods and ways of collecting more revenue like through the passage of Finance Bill that seeks to increase our revenue. In the same breath, the counties should also be encouraged to look for ways and means of increasing revenue and be rewarded for increase of their revenues like the way the national Government is doing.

The other issue is that monies counties receive should be used prudently because we find that most counties have a lot of pending bills. If those pending bills can be sorted out and the monies they receive are properly budgeted for and ensure that the services they budgeted are properly paid for, then we will be able to solve the issue of pending bills. We have many contractors, suppliers and businesspeople who have closed businesses because counties have not been able to pay for the services and goods they have consumed. When the Finance Bill is passed and counties receive money, they should sort out the pending bills and ensure that going forward they procure services as and when required and use the money they have prudently.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (David Ochieng’): Thank you, Hon. Member. Many Hon. Members who have put their cards here are not in the Chamber. Actually, I cannot see the first 10 on my list. So, I will go to the Member for Kilgoris.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Temporary Speaker, in supporting this Bill, I wish to make three points. The first one is, part of the reason there was an increase in the allocation of the counties was because an additional service was given to them, and that is the library services. This to me is a big milestone because the development of libraries around the country has not been as robust as it should have been. Many counties do not have libraries and now that the counties have been given money to start these libraries, we hope that they do not go and re-allocate these money for other purposes which are more familiar to them. It is very important that we establish a reading culture for our country and these libraries that should be started in the counties, should be digital libraries in addition to the traditional libraries. We hope that this will pave way for the country to also ensure that museums are eventually devolved so that each county can have a reserve of its pride and knowledge. It is a very encouraging thing and I hope that our great county of Narok will be able to, first of all, implement this issue of libraries and build a big library, hopefully in Kilgoris.

The second point is that when you devolve matters agriculture as it is the situation now, we hope that counties will pay attention not just to the traditional ways of agriculture. In places like Narok now, there is a huge potential for growing of pasture rather than waiting for it to grow on its own. But, once you grow grass for your cows like hay, boma rhodes or whatever other grass, the machinery to cut the grass once it is ready and also to bale the grass is very important. I hope that the budgetary process will allow the governors to do a lot of purchase of machinery for the development of pasture so that we who are in pastoralist communities can now grow grass and find it easier to process that grass into edible fodder.

Lastly, I hope that most of the county governments stop this idea of having single-line budgets because that does not help them a lot. You find that a county says it is allocating Ksh1.2 billion for roads but it does not specify the roads or it says it is one-point-something million for environment but it does not say exactly what it is going to do. At the end of it, the MCAs cannot oversee because they will be told on a general note money has been spent on that particular line. I think instead of having single-line items, budgets should be itemised so that we can see the true fruits of devolution.

I support.

The Temporary Speaker (David Ochieng’): Whip of the Minority Party.

Hon. Junet Mohammed (Suna East, ODM): I stand to support the County Allocation of Revenue Bill, Hon. Temporary Speaker. Devolution is what is going to change this country. When the new Constitution brought in devolution, changes have been seen in the villages and in small towns in the counties. There are only two funds that go directly to the people of Kenya — the monies that we send in form of devolved funds and NG-CDF. Those are the only monies that Kenyans are sure of doing their work. For all the other monies that we appropriate here, nobody can be sure that they will go to what they are intended for. They can just disappear in the air. This is the first time that devolved functions have received the lowest increment since devolution began in this country. This is the first time that they have received an increment of only Ksh10 billion. I know times are hard and difficult, but this is the lowest increment devolution has ever received in this country. I thought that this time devolution will get over Ksh50 billion or Ksh100 billion because I thought that the Kenya Kwanza Government would support devolution better than this. The Ksh10 billion is just a drop in the ocean. That is very little money and you know the amount of work that goes on in the counties. That is where majority of Kenyans live. The 80 per cent of Kenyans live in rural parts of this country and that is where the rubber meets the road, where we need health services, education and maternal

services. If we do not take more money to the counties, majority of our population in this country will suffer.

I know there are issues of accountability. People normally ask whether these devolved monies are used for their intended purposes. That is a different question. There are institutions and agencies that are supposed to be in charge and look after that money and how it is spent. That one we leave it to them, to go and investigate and see where the money is but we must devolve more money. I am saying this because I know that is what Kenyans want. Before devolution, there is no way a county like Migori where I come from could have ever seen Ksh5 or 6 billion. There is no way especially when things go the way they normally go during elections. The only guarantee they have that they are going to receive Ksh5 or 6 billion is through devolution. If devolution is not there, those people will be getting peanuts for the next 100 years.

I know there is the other Bill that is coming for what used to be called conditional grants, but it has now been turned into a Bill on extra money. But let us safeguard devolution. Let us fight for devolution. Devolution is what is going to save our country. Let us all make sure that devolution works in this country because that is where the *Mama Mboga* and all the other people we speak about live. That is where they stay — in devolved functions.

So, Hon. Temporary Speaker, with those few remarks, I support.

The Temporary Speaker (David Ochieng): The *Mheshimiwa* for Manyatta.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Temporary Speaker.

I rise to support this Motion. We are keen to see our counties up their game in terms of the usage of money.

A few weeks ago, I read in the newspapers that there is a lot of misuse of petty cash and unnecessary withdrawal of monies in some counties. That is blatant misuse of taxpayers money.

I agree with Hon. Junet Mohamed when he says that devolution is one of the best things that has ever happened in this country. The precedent set when we introduced devolution... To date, we have counties that have not got it right in terms of putting structures in place that will guide the use of money. Somebody insinuated that while we are devolving funds and resources, we have also devolved a lot of corruption, bureaucracy and misuse of public resources. We are now 11 years down the devolution line. It is up to our governors to set up good structures in the counties.

The pioneer governors had a lot of challenges in terms of setting up structures. Now that many counties are experiencing their second governors, it is the right time to ensure that we get it right. We need to see efficiency and good use of money and public resources.

There is a common saying that even the NG-CDF money that we are talking about is more visible than the money that is devolved to the counties. It is not too late for our counties to get it right. I would like to support this Motion but, at the same time, say that we want to see nice structures, efficiency and good use of public resources.

Hon. Samuel Chepkong'a (Ainabkoi, UDA): On a point of order, Hon. Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Chepkong'a, what is your point of order?

Hon. Samuel Chepkong'a (Ainabkoi, UDA): Hon. Temporary Speaker, I rise pursuant to Standing Order 95. I am not opposing anything that my very good friend has just spoken.

As you know, we have a very heavy workload this afternoon. We do not want to lose this County Allocation of Revenue Bill. We must ensure that we do that which is our part. As you know, under Article 96 of the Constitution, the Senate participates in the enactment of laws in this country. We are the ones who enact laws. Since we are the ones who are responsible for doing so, I think it will be important that we do not lose this opportunity to ensure that funds are quickly disbursed to the counties as many Members have already said.

Would I be in order to request you to call upon the Mover to reply in accordance with Standing Order 97?

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Speaker (Hon. David Ochieng’): He was on a point of order which we need to make a decision on.

Hon. Members, on this, I do not have a vote. This is a decision to be made by you, Hon. Members. Hon. Chepkong’ a has stood and claimed that the Mover be called upon to reply and that is what I am going request you to vote on.

Is it in the mood of the House that the Mover be called upon to reply? Could I put the Question to that matter?

Hon. Members: Yes.

(Loud consultations)

(Several Members walked in the walkway)

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Members. Order, Members on the walkway. Hon. Atandi, take your seat. Hon. Members, could you all take your seats?

(Question, that the Mover be now called upon to reply, put and negatived)

Hon. Gitonga, you have a balance of 20 seconds.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Temporary Speaker.

As I conclude, Hon. Temporary Speaker, we need our resources used right. Kenyans are feeling the pinch as a result of the increase in the cost of living. We expect counties to cooperate when it comes to the use of taxpayers' money. I call upon the Senate to be very keen on the usage of the resources that go to the counties.

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, I already said that I will follow this. Any suggestion that one side is... Since I sat here in the morning, I have given the Opposition side more chances to speak than the Government side because I am counting the minutes. I do not want a situation where someone thinks that the Government side is not getting too much time. Since I sat here in the morning, I have given two more chances to the Opposition more than to the Government side because of obvious reasons. I, therefore, want us to be fair to all of us in this debate. Member for Bondo Constituency.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. I rise to support given that it is a constitutional mandate for this House to support this Bill. Our sister House, the Senate, has done some good work on it. I want to bring in two new aspects that the House might not have considered at all.

In the 11th Parliament, there was a constitutional audit and I wish the Chairperson of the Budget and Appropriations Committee could listen to this. There was an audit of the Constitution. I believe that audit was not timely and it needed to be at the end of some Government. For example, we are on a third Government after the Constitution, and this time would be the best to audit particularly, devolution.

There are problems. Counties are suffering. There are those who are doing well and others that are doing badly, and it is bringing in a lot of inequalities in this country. Generally, there is a problem in terms of disbursement of funds, placement of functions, revenue collections, and the conditional grants that we get from time to time. All those need to be audited afresh so that we are sure on how to move forward.

As of today, the cumulative amount of monies that have gone to counties is beyond the Budget of this year. We are beyond the Ksh3 trillion! Those things need to be looked at even if you are doing an issue with social audit. When there are difficulties in certain counties and they cannot perform certain functions properly, the Constitution allows interventions. The Government needs to look out for this because most of the counties where interventions are required are not getting help. I want to strongly believe that there are counties that need to be supported so that we can move this country forward.

There are counties that are doing badly. In terms of the Budget, we are strictly following a budget process as Parliament. Look at what goes on in terms of the budget cycle in the counties. There is a problem! We are guided here and between February and May, there are processes. We have the Budget Policy Statement (BPS) that runs from February, and which guides in terms of what is supposed to be looked into by every department. What happens in the counties? Maybe, this is missing and that is where many counties are failing. Why do we say that local authorities were collecting more revenue than county governments? This needs to be checked so that we can know the exact reason why it is happening. Beyond this, we have targets the Government is setting. We keep talking about food, which I also talked about when I was contributing to the Finance Bill.

Looking at the issue of Sustainable Development Goals (SDGs), how are we supposed to achieve them? The 80 per cent of the goals are functions of counties and yet, they do not get equitable share of resources towards those functions. So, an audit is required and I think this is the best time to do it when we have a new Government in place. It will know where to place the resources which counties need.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. James Gakuya.

Hon. James Gakuya (Embakasi North, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute on the allocation of revenue to our counties. I rise to support. I want to emphasise on what we need from our counties because we transitioned from the former local authorities to the current devolved governments. The reason for this system is to purely ensure services are taken near the people.

Pending bills in our counties are too high. Most service providers in those counties are local people. It is very ironical to see our people suffering after getting contracts from counties. They supply goods and services but they do not get their dues in good time. You will realise that most service providers are being auctioned by banks that lend them money.

It will be prudent if the resources get to the counties. Devolution is meant to bring services closer to the people. We have realised that in most counties, money is used for Recurrent Expenditure. Issues to do with development are quite minimal. Even the liabilities incurred during the transition time were kept in safes and yet, those were services delivered by Kenyans.

It is high time we ensured counties are doing the right things at the right time. Once they get this money, they should make sure they pay pending bills. It is also their responsibility to take charge of solid waste management. The biggest dump site in the City is in my constituency. There are a lot of toxins there which affect people and the ecosystem.

Hon. Beatrice Elachi (Dagoretti North, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): What is your point of order?

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. My point of order is under Standing Order 95 so that we can go to the more crucial business on Equalisation Fund. Will I be in order to request you to call upon the Mover to reply?

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, as I said, I do not have a vote and the Standing Orders do not stop anybody from rising as many times as they want under Standing Order 95. So, is it the mood of the House that we call upon the Mover to reply?

Hon. Members: Yes.

The Temporary Speaker (Hon. David Ochieng’s): Hon. Beatrice Elachi has quoted Standing Order 95 about calling upon the Mover to reply.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover! Two minutes.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Temporary Speaker. I want to thank all Members who took part in debating this very crucial Bill - the County Allocation of Revenue Bill. Their contribution was very informative, especially guiding on how we can polish our counties and devolution.

Hon. Temporary Speaker, I beg to reply.

The Temporary Speaker (Hon. David Ochieng’): Are we voting on this? Hon. Members, I now put the Question.

(Question put and agreed to)

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

THE EQUALIZATION FUND APPROPRIATION BILL
(Senate Bill No.3 of 2023)

The Temporary Speaker (Hon. David Ochieng’): Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity.

I beg to move:

THAT, the Equalisation Fund Appropriation Bill, (Senate Bill No.3 of 2023), be now read a Second Time.

I want to thank all the Members of the Budget and Appropriations Committee and others who were involved in deliberating this matter. This Bill is appropriating money to be used in regard to the Equalisation Fund. Across the country, there are around 34 counties that benefit from this Fund. Some benefit much more because they need to be at par with the others. This is not a matter of county issues because the Fund goes to specific areas. That is why you find others that ordinarily would not be drawing money from this Fund having various areas to draw the money.

Hon. Temporary Speaker, the highest beneficiaries of this Fund are the counties of Turkana, Wajir and many others like Bomet. Also, in my own county of Murang’a, there is an area called ‘Ithanga’ that is represented by Hon. Wakili Muriu, which needs to be uplifted as we consider other areas to benefit from the Equalisation Fund.

I can read the mood of the House that Members want to contribute to this Bill. I had time to contribute to other matters and so, I do not want to take much time so that the available time can be spread across Members. Since we are a House that upholds and respects our women

leaders, I give the opportunity of seconding to the very able Member for Laikipia County, who is doing a very good job - Hon. Jane Kagiri.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you Hon. Temporary Speaker. I rise to second this very crucial Bill. First, allow me to thank the Chairman of the Budget and Appropriation Committee and the Member for Kiharu Constituency for giving me this opportunity. This is an indication of great leadership and mentorship at its best. In regard to the Equalisation Fund, I would like to appreciate the great minds that thought about it. It is a well-thought-out idea considering that we have areas in this county that are less equal than others. We have areas where people wake up to a running water tap and we also have areas where people have to walk 17 kilometres to fetch a jerrican of water.

This is a Bill that needs the support of this whole House because, considering that I am Women Member of Parliament and Laikipia County being a beneficiary amongst the 34 counties, it is a bitter sweet experience for me because, sometimes, I wake up to a ward in my county where people have tarmacked roads. I move to another area where we have to clear bushes for us to even make a way through.

Hon. Temporary Speaker, because this Fund was created to provide water, roads, electricity and even health facilities, I believe we all need to remember that when we are enjoying some facilities like electricity, there are people who may have never come across it. When we talk about health facilities, we have our women delivering on the roads or even at home because of lack of access to health facilities or they may be very far off from where those women live.

It is well to note that by 2019, Ksh29 billion had not been released from the Equalisation Fund and yet, the people in particular areas are in dire need. Currently, we are talking about Ksh13 billion, which I believe will go to help those areas. In Laikipia County in particular, we are expecting about Ksh160 million which will go to five out of 15 wards. With immediate execution of this money, our people will enjoy better facilities. Let us not forget the Equalisation Fund was implemented from the promulgation of the Constitution in the year 2010. That tells us that it has been running for 13 years now, and 65 per cent of the time is already gone. What do we have to show? Are our people accessing electricity, water, health facilities and roads? That is the big question we have to ask ourselves. Although this House, in its wisdom, is allowed to extend that time from a period of 20 years, allow us to judge ourselves first and ensure that we implement what our people have elected us to do.

With those few remarks, Hon. Temporary Speaker, I second the Bill.

(Question proposed)

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, in the spirit that we get more people to contribute to this Bill, and the fact that we are almost coming to the end of this Sitting, I propose that we do four minutes or three minutes per Member so that we have many more people contribute to this very important Bill.

I beg to move.

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, it is your House and Hon. Baya has moved that under Standing Order 97.

(Question, that debating time be limited to three minutes for each Hon. Member, put and agreed to)

The Temporary Speaker (Hon. David Ochieng'): Member for Tinderet.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker, for allowing me to speak to this Senate Bill.

I want to thank the framers of the Constitution for having thought it wise that it is important to have an equalisation fund that will bring some other parts of the country to the equal level with the others. We realise that since we attained Independence, there are certain regions in this country that lack basic social amenities such as hospitals, roads, electricity, schools and many others. It is, therefore, in the wisdom of the framers of our Constitution that we need to have a fund that will only be meant for areas that are least developed than others. As the Chairperson of the Budget and Appropriations Committee has just put it, the areas mentioned are mainly the Arid and Semi-Arid Areas. Pockets of poverty spread across all our counties. Areas such as North Eastern...

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, allow the Member who is contributing to contribute without interruption.

Hon. Julius Melly (Tinderet, UDA): If you go to regions such as Coast, North-Eastern, parts of Rift Valley, parts of Central Kenya, parts of Nyanza and many other parts of this country, you will realise that there are a number of areas that are completely inaccessible. They have very poor roads, no electricity, no schools and no hospitals. This Fund endeavours to ensure that such regions are brought to the same level as other developed areas of this country. Areas like Nairobi and those surrounding Nairobi are far much developed. Areas such as Mandera, Kisumu and even parts of Nandi County, say my Constituency of Tinderet, are least developed.

I support this Bill. A lot of funds need to be disbursed to counties so that they can have enough money to bring other regions with pockets of poverty to equal levels of development. I support, thank you Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Alego Usonga.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you Hon. Temporary Speaker for giving me this opportunity. Let me begin by saying that I support this Motion on Equalisation and Appropriations Bill 2023. In supporting this Bill, I would like to say that we have just seven years before the end of this Equalisation Policy and yet, we have not been able to allocate the required resources in full. As a House so far, we have only allocated about Ksh26 billion and appropriated Ksh12 billion only. So, out of Ksh54 billion which this House should have allocated by now, we have a huge deficit. This House must endeavour to allocate all those resources to this Fund.

Secondly, the marginalisation policy which is in place is not very comprehensive because there are many sections of this country that have not been factored in this policy. An example is my constituency. I have not benefitted completely from this policy and yet, I have pockets of areas that should be considered as marginalised. I would like to urge that the next policy, which is going to be in place, must be comprehensive to capture all the areas in this country that deserve those resources.

This Fund is very important. I was going through a Report of Kenya National Bureau of Statistics on poverty. It is very sad that large sections of this country are still very poor, for example, Turkana and Mandera. It is important that we endeavour to allocate sufficient resources so that those sections can catch up with other parts of the country. We need to have a country that is fair, that every part and every section contributes to the overall development of the country. If we continue to have a country that is really marginalised, where a large section of the country is not contributing to the overall development, we will never achieve the aspirations we have as a country of being developed.

Thank you very much Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. David Ochieng’): Hon. Member for Laikipia East.

Hon. Mwangi Kiunjuri (Laikipia East, TSP): Thank you Hon. Temporary Speaker for giving me this opportunity. I support this Bill.

It is important that it addresses areas that are less advantaged or marginalised in one way or the other. However, there are issues that must be brought out clearly of those targeted areas. We have heard and seen that this Fund is operating in 37 counties, but the way the formula came out is a bit worrying. We have to relook at the formula of allocating those funds and the method being used. If you even look at those counties that the funds are made available, like Laikipia... I agree with my colleague that out of 15 wards, only five benefits. Even in the neighbouring Kieni Constituency is as dry as Samburu, or as any other ASAL area in this country.

Areas like Buuri Constituency in Meru and other parts of Meru neighbour counties or constituencies that are well endowed with good climate conditions and are mistaken to also have the same conditions as such areas. It is the same as mistaking people who live in Kibera, that because they are neighbours of Muthaiga, they are as rich as those people living in Muthaiga. We need to look at isolated areas...

The Temporary Speaker (Hon. David Ochieng’): Hon. Kiunjuri, I do not think Kibra and Muthaiga are neighbours. Are they?

Hon. Mwangi Kiunjuri (Laikipia East, TSP): Sorry. One looks at people living in Mathare and mistake them for people living in Muthaiga, or those people living in Kibra, and mistakes them for people living in Lang’ata and Karen areas. Those cases must be isolated so that even Nairobi can have an opportunity to petition the Fund. We should look at all those areas which are disadvantaged constituency by constituency and on need basis. This way, every Kenyan will enjoy the resources because they qualify not by virtue of being thought to have been in areas that are conducive. This is very different from the actual assessment when it comes to poverty levels in those constituencies and those parts of the country.

I support.

The Temporary Speaker (Hon. David Ochieng’): Hon. Member for Marsabit County.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this very important Bill — the Equalization Fund Appropriation Bill (Senate Bill No.3 of 2023). I thank God for getting the opportunity to speak on this because I come from one of the marginalised areas, that is, Marsabit County. We have been left out for many years in terms of development. Our area has suffered because of lack of basic needs, which this Bill will take care of. We have had challenges with water and sanitation. One time we spoke to our President and we told him that if we can solve the water problem in Marsabit County, 80 per cent of our problems will have been solved. If this Equalisation Bill would have been passed and appropriated 10 years ago, I am sure that we would have transformed some of our counties that have been suffering.

Water is life. Water is everything. Even in the few schools that we have, most of the time the education system is interfered with because of lack of water and sanitation. This is because we have no service roads. It is true that the Great North Road was done during President Kibaki’s time, but still many service roads have not been done. This Fund would have taken care of that.

Hon. Temporary Speaker, I would not want to sit down before I speak about health because it concerns each one of us. In the few hospitals and dispensaries that we have, we do not have enough equipment and facilities to help patients. The distance between one hospital to the other is huge. Imagine a woman having labour pains and she has to travel 350 kilometres to get to the hospital.

Therefore, once those funds are released, I am sure that many people will benefit. It is my prayer that proper use and accountability will be put in place so that we can be good stewards of the funds and resources that God has given us.

Again, Marsabit County is one of the many other counties that have been left behind to suffer because of lack of electricity. In the 21st Century, many of our homes have no power. Even if in my county, we have the Lake Turkana Wind Power...

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Elachi. Remember, it is four minutes. I intend to give six more Members. Do not worry about what you see on the board.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support the Equalisation Fund, Bill No.3 of the Senate. I just want to say a few things and put them together with the Report that we have just debated. I want to appreciate the Budget and Appropriations Committee under the leadership of Hon. Ndindi Nyoro. It is important for us in this House to push the Senate to give us a Bill that is able to push the Kenya Revenue Authority to collect revenue for the counties. It is now ten to 15 years down the line since we devolved funds to the counties. It is important for us to come out from word “marginalised.” We have counties that still have challenges in discharging their functions. They have not been able to access basic amenities like water, electricity and roads. We should appreciate Kenyans who have been paying taxes. We need to see development given the monies that are allocated to the counties. We cannot allow counties to continue like this.

For the last ten years, Ksh1 trillion has been disbursed to different counties and yet, the citizens continue to cry as they did 60 years ago. It is not fair. It means we are mismanaging our resources.

It is important to appreciate the areas in Nairobi like Kibra, Mathare, Korogocho and Kawangware among others. For us to remove our young people from helplessness, we must ensure that we bring resources to them. We need to bring change and dignity to their lives and that of their children. We must change how we look at Kenya.

As I support, I want to tell the Senate that it is time we had one authority to collect revenue in this country. That is because the money will still go to their accounts. They will be told the amount that they have and how much the National Government can add them.

With those few remarks, I beg to support.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to the Equalisation Fund. Article 204 of the Constitution provides for Equalisation Fund. In Article 204(2), there is need to have this Fund to address the issues of water, electricity and roads in marginalised areas. It is ten years down the line and less than 10 per cent of this money has been utilised. As we debate this Fund, I suggest that monies be disbursed in full. Some of us have reservations on the criteria through which some counties were identified as “marginalised” since the promulgation of the Constitution.

I do not know how some counties were identified as marginalised because the Constitution provides for marginalised areas and not counties. About two or three Wards in Elgeyo Marakwet County have access to good roads and electricity. As for the other Wards, there is no good roads and water. Therefore, as we process this Bill, we request that all the areas in the country be scrutinised well so that we can identify which areas are, indeed, marginalised. Hon. Elachi has said that there are areas in Nairobi Country that have been marked as “marginalised.” They do not have water but they are not factored. We need to relook at the criteria of how those areas were identified.

With those many remarks, I support the Bill.

Hon. Major (Rtd.) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Temporary Speaker. The drafters of our Constitution were very wise to come up with the

Equalisation Fund. In the first Policy, it was supposed to take care of 14 counties. However, subsequent policies added a number of pockets which were also marginalised. It now covers 34 counties in specific areas. The most important part is that the Fund has a sunset clause of 20 years. We are already far behind by 13 years. We are left with seven years. The most unfortunate part is that this money has not been released to be used for what it was supposed to do. You can imagine that we are now discussing this Bill which is supposed to appropriate the Budget for Financial Year 2021/2022 that was passed. We have seven years to go and we have only utilised 25 per cent of the Equalisation Fund. If this is not utilised, what does it mean? It goes back to the National Treasury and it is allocated somewhere else.

We understand that there are issues concerning identification of projects and procurement issues which are administrative. The most important part is that we want the Equalisation Fund to work for the people we represent, even if it will be handled by counties as per the current regulations. We still have reservations on that. The most important thing is that this money must be released by the National Treasury immediately so that it can serve the people in those marginalised areas. It covers 34 counties right now. As it has been said, there are a number of pockets. I am sure the coming policy, as Hon. Bowen has said, will address other smaller pockets which have issues of marginalisation. Let those funds be appropriated and used properly. To the counties, please, ensure that the monies released to you are properly utilised, accounted for and serve the good people of those marginalised counties.

I support the Bill.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Temporary Speaker. I stand to support the Equalisation Fund Appropriation Bill. We have missed the intention that was meant for this Equalisation Fund. It looks like it is no longer an Equalisation fund. When the drafters of the Constitution were coming up with it, the idea behind it was to bring up the 14 counties that were marginalised at the time. This Fund is less than Ksh20 billion. Members of Parliament are talking as if this is the money that is supposed to address the shortcomings of the country or constituencies that they represent. This Fund was meant for 14 counties which were marginalised at that time to bring them at par with the rest of the country.

You are talking about pockets, Kibra and Karen. The national Government should have addressed the issues of Kibra for the last 60 years and brought them at par with the rest of the Nairobi City County. My understanding of the Equalisation Fund is that it was meant to address the issues of the 14 counties.

While I support what is on the table today, I think we should go back to the original intention, as the Speaker of the National Assembly said yesterday. The intention was for the 14 counties and not pockets. As a result of that, it has watered down the allocations that the original 14 counties will get. Everybody who comes here as a Member of Parliament says that his or her constituency is supposed to be addressed. The Fund will not address the original intention. My contribution is that while we support this Bill, we should go back to the 14 original counties to address the marginalised areas that were considered at the time.

The Temporary Speaker (Hon. David Ochieng): Let us have Hon. Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Asante Bw. Spika wa Muda. Hii pesa ya usawazishaji, kutoka kwa jina lenyewe, inaonyesha ni kusawazisha. Lakini vile mambo yashatokea, afadhali nusu shari kuliko shari kamili.

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng): Order, Members. I have just given four Members from this side an opportunity. Go ahead.

Hon. Ruweida Mohamed (Lamu East, JP): Ni muhimu hii pesa ije hata kama ni kidogo. Bora tui pate itumike vizuri. Hii pesa muda wake usije ukaisha kabla haijatumika. Sisi miradi yetu ikija kule iwe ni miradi itakumbukwa na hata vizazi vijavyo. Kuna sehemu nyingine kama vile Lamu Mashariki ambayo ilipata pesa hii ya usawazishaji. Pesa ilikuwa ya kujenga barabara lakini hiyo barabara tukiitafuta leo haiko. Zaidi ya Ksh1 milioni zilitumika. Tunaomba pesa hii itumike vizuri. Haki pia itendeke. Kila Wadi ipate haki yake. Isiwe wadi nyingine kama Basuba Ward inaambiwa kuna mambo ya usalama basi siku zote haifanyiwi miradi kwa sababu ya mambo ya usalama. Ikiwa hivyo, siku zote basi sehemu zisizo salama hazitawahi kupata maendeleo. Zitabakia vilevile. Basi kama ni hivyo waamue watugawanye watupeleke upande mwingine wa Somalia. Au kama ni Kenya, miradi ifike kule hata kama ni Boni Forest. Ahsante Bw. Spika wa Muda.

The Temporary Speaker (Hon. David Ochieng): Let us have Hon. Bidu.

Hon. Bidu Mohamed (Isiolo South, JP): Thank you, Hon. Temporary Speaker for giving me this opportunity. I come from Isiolo South. I agree with my friends here that this Equalisation Fund was meant for the 14 counties. There are counties which are fully marginalised and not just pockets or portions. When the drafters of the Constitution talked about this matter and inserted it in the Constitution, they thought about those 14 counties. Now every other day, year, or successive regime, we think of adding others. Our lives have not changed up to today. The 14 counties have been marginalised and are still being marginalised in Kenya up to today. There are no changes that we have got and what we would have thought of as a reprieve was this Equalisation Fund. It may be our problem, but it is the majority who win and that is why we are doing what we are doing.

Hon. Temporary Speaker, we have to go back again and ask if we are marginalised. Are we attending to the marginalised counties or are we talking of pockets of counties? My County, Isiolo, is totally marginalised. While supporting this one, we have to think twice again. *The Animal Farm* concept should not be applied in Kenya: that others are equal while others are more equal than others.

Thank you, Hon. Temporary Speaker.

Hon. Simon King'ara (Ruiru, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng): Hon. King'ara, what is out of order?

Hon. Simon King'ara (Ruiru, UDA): Hon. Temporary Speaker, it is with your wisdom that you have given chance to as many people as possible regardless of the time. I stand under Standing Order 95. I wish that the Mover be called upon to reply because of the mood of the House.

Hon. (Dr) Robert Pukose (Endebess, UDA): (*Inaudible*).

The Temporary Speaker (Hon. David Ochieng): A good question by the Hon. (Dr) Pukose. How did the Hon. King'ara get the mood of the House? However, it is not for me to decide that question. It is for you to decide that question. The Hon. King'ara has risen on his seat and moved that the Mover be called upon to reply. Is that the mood of the House?

Hon. Members: Yes!

The Temporary Speaker (Hon. David Ochieng): How do you ascertain that? By voting on it.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, I applaud all the Members, because as the country knows, we left the Chamber at 1.00 a.m. yesterday, which was actually today morning. We sometimes assume that the day starts at 7.00 a.m.

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Hon. Temporary Speaker, all those Members were here by 9.30 a.m. It is very laudable that we have parliamentarians who have given up their lives to serve our country, and to also serve the citizens of Kenya, who have employed us. I want all Kenyans to know that they elected the right people to the 13th Parliament, who are going out of their way to make sure that they serve the Republic of Kenya.

I have listened to many sentiments from all Members. They are all meant to enrich the debate around the Equalisation Fund. I also want to tell the Member for Isiolo South that it is good to wholesomely consider counties that should be capacitated through the Equalisation Fund. You can even quote Isiolo County. I have been there. Isiolo County has amazing people. Isiolo Town is not the same as Merti, Garba Tula or Kina towns. The formula looks at different pockets in a county because a county could be deemed as being marginalised and yet, it is only in certain areas. For example, in Marsabit County, Moyale Town may not be the same as Saku Constituency. Tinderet may not be the same as North Horr. That is the wisdom of zooming into areas that need support.

With those many remarks, I beg to reply.

(Question put and agreed to)

*(The Bill was read a Second Time and
Committed to the Committee of the Whole House)*

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, please be upstanding. The time being 1.13 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.13 p.m.

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