

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 4th May, 2006

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Treasury on the Budgetary performance for Ministries and Departments for the first half of the Financial Year, 2005/2006.

*(By the Assistant Minister for
Finance (Mr. Kenneth) on behalf
of the Minister for Finance)*

The Report of the Select Committee that investigated the circumstances leading to the death of the late Hon. Antony W. Ndilinge, MP.

(By Mr. J.M. Mutiso))

NOTICES OF MOTIONS

ADOPTION OF SELECT COMMITTEE REPORT ON THE DEATH OF HON. NDILINGE

Mr. J. M. Mutiso: Mr. Deputy Speaker, Sir, I beg to give notices of the following Motions:-

THAT, this House adopts the Report of the Select Committee that investigated the death of the late Hon. Antony Wambua Ndilinge, Member of Parliament for Kilome, laid on the Table of the House on Thursday, 4th May, 2006

INTRODUCTION OF COMMUNITY HOUSING REINVESTMENT BILL

THAT, in view of the acute shortage of housing and high mortgage rates in this country; cognisant of the fact that shelter is a basic human right; aware that not every Kenyan can afford to pay for decent housing, this House do grant leave for the introduction of a Bill for an Act of Parliament entitled "the Community Housing Reinvestment Bill" to provide for the establishment of a Fund from which low income earners can acquire loans to develop houses of their own, or purchase

existing ones at a low interest rate.

COMMUNICATION FROM THE CHAIR

ACP - EU
JOINT PARLIAMENTARY
ASSEMBLY DELEGATION IN
SPEAKER'S ROW

Mr. Deputy Speaker: Hon. Members, before we go to the next Order, I wish to introduce to the House a distinguished delegation of hon. Members of the African-Caribbean and the Pacific-European Union (ACP-EU) Joint Parliamentary Assembly, who are on a fact finding mission on the drought situation in Kenya. The delegation, now seated at the Speaker's Row, is as follows:

The Hon. Glenys Kinnock (UK)- Leader of the delegation - European Union side.

The Hon. Barry Faure (Seychelles) - Leader of the delegation - Africa side.

The other hon. Members of the delegation are:

The Hon. Roy K. Chulumanda - Zambia

The Hon. Jurgen Schroder - Germany.

As hon. Members are aware, some of our own hon. Members are also part of this delegation and they include: the Hon. J.J. Kamotho and the Hon. Samuel Poghio.

On your behalf, my own behalf and that of the whole House, I wish to welcome the hon. delegates and wish them a successful tour of this country as they examine the food shortage resulting from the recent drought. Feel welcome, and thank you.

QUESTIONS BY PRIVATE NOTICE

NUMBER OF SACKED CHIEFS
/ASSISTANT CHIEFS

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

(a) Could the Minister table a list of all chiefs and assistant chiefs, who have been sacked during the last six months, giving names of their constituencies and reasons for termination?

(b) Could he further explain how soon he intends to fill the vacant positions?

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Deputy Speaker, Sir, I want to take this opportunity to apologise for the mix-up that happened yesterday which made it impossible for me to give the answer as required.

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

(a) There are only 11 cases of dismissal of chiefs and assistant chiefs, which have taken place in the last six months. I beg to table the list of those chiefs and assistant chiefs as required.

*(Mr. Kingi laid the list
on the Table)*

(b) The process of recruitment is going on and two of them have already been replaced. Others will be replaced in due course.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I am disadvantaged because I do not have that

written answer. However, I do not want to believe the answer given by the Assistant Minister, because in my Bahari Constituency, 26 chiefs and assistant chiefs have been given letters of termination of service. Could the Assistant Minister confirm or deny that this is the case?

Mr. Kingi: Mr. Deputy Speaker, Sir, we have not issued any letters of termination to 26 chiefs and assistant chiefs in Bahari. However, we have sent out several letters to chiefs and assistant chiefs, asking them to show cause why disciplinary action should not be taken against them for failing to do one or two things. This is a purely administrative issue. It happens everyday and even in the next few months, we will also have to go out there and show cause why disciplinary action should not be taken against us, as hon. Members, for failing to do one or two things. That is, therefore, a very ordinary thing.

Mr. Waithaka: Mr. Deputy Speaker, Sir, I have listened to the Question asked by Mr. Khamisi and the answer given. Mr. Khamisi said that 26 chiefs and assistant chiefs have been given letters of termination. Is the Assistant Minister saying that 26 chiefs in one constituency have been given letters to show cause why they should be terminated? Why that big number in that particular constituency?

Mr. Deputy Speaker: I do not think the Assistant Minister said that they were 26. The figure came from the hon. Member, as far as I know. The hon. Member said that it was termination but the Assistant Minister said that they were letters to show cause. However, the Assistant Minister did not talk of a figure.

Mr. Assistant Minister, could you clarify that issue?

Mr. Kingi: Mr. Deputy Speaker, Sir, I said that we have sent out several letters to assistant chiefs and their chiefs to show cause why disciplinary action should not be taken against them for omitting to do this or that. We are aware that, that is going on in the country. However, I am not aware of 26 chiefs being terminated in Bahari Constituency.

Mr. Midiwo: Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that they have sent out several letters to various chiefs and assistant chiefs throughout the country. However, the complaint on the street everywhere in my constituency as well as Bahari Constituency is that the chiefs being interdicted or targeted are those ones who failed to support the Government in their loss to the Orange side during the Referendum. Could the Assistant Minister assure this House that in their administrative exercise, whatever that means, they are not going to victimise chiefs and they are going to be given a fair hearing if and when whatever they intend to do is done?

Mr. Kingi: Mr. Deputy Speaker, Sir, for every letter that we have sent out, we have shown specific areas where in our office we feel these chiefs have gone against. If there is any letter showing that we want to take action against any chief because he failed to support the Government during the Referendum, we will be more than pleased to see it. However, I am sure that we have not done anything like that.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, the Assistant Minister has said that they have sent out letters to the administrators to show cause why disciplinary action should not be taken against them. However, there are other cases which are happening, especially in Machakos, where the former District Commissioner has been relieving chiefs and assistant chiefs of their duties. For instance, the assistant chiefs of Kalama and Machakos Town have been sent home for the last one year without any letter to show cause why disciplinary action should not be taken against them. Could the Assistant Minister shed light on why this is happening?

Mr. Kingi: Mr. Deputy Speaker, Sir, I do not think I have anything to say to that because normally when we are dismissing or disciplining anybody, we write to them. How can somebody stay at home for a whole year yet he has not received any letter from his employer asking him to stay at home? That does not happen!

Mr. Khamisi: Mr. Deputy Speaker, Sir, from what I am reading from the Assistant

Minister, he is saying that there is no political witch-hunting yet he knows very well in his own area of Ganze, he sacked three chiefs immediately after "Agwambo" left there a few months ago. Could he confirm or deny that the three chiefs were not sacked?

Mr. Deputy Speaker: Mr. Khamisi, who is "Agwambo"?

Mr. Khamisi: Mr. Deputy Speaker, Sir, it is Mr. Odinga!

(Laughter)

Mr. Kingi: Mr. Deputy Speaker, Sir, I know the case the hon. Members is talking about. If he had looked at that letter, he would have noticed that we wrote it early in January. The hon. Member went to my constituency in early March. How can we be taking action against a chief in January for a trip that was made in March?

Mr. Deputy Speaker: Next Question, Mr. Ojode!

HIRING OUT OF POLICE OFFICERS
FOR PRIVATE FUNCTIONS

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

(a) Is the Minister aware that the Deputy OCPD, Homa Bay, was hired to provide security at a private function at Ndhiwa Township on 14th April, 2006?

(b) How many officers were assigned the duty to provide security at the function?

(c) Could the Minister indicate how much money was paid to the Government for the service and table the receipt issued by the police?

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

(a) No, I am not aware about the private function. However, I am aware that police provided security coverage to a public function at Ndhiwa Township on 14th April, 2006.

(b) Ten officers were deployed to cover the function.

(c) No money was paid to the Government since this was a public and not a private function that would otherwise have warranted private hire of police.

Mr. Ojode: Mr. Deputy Speaker, Sir, we have had several robberies within Ndhiwa Township and there was a lot of tension for two or three weeks. Some private fellows applied for a licence to hold a meeting in Ndhiwa. The Officer Commanding Station (OCS) at Ndhiwa refused to allow the meeting, citing the tension and the several robberies which had taken place. After the OCS had refused to license that meeting, these fellows went and paid money to the Deputy OCPD, Homa Bay, Mr. Mang'ira, and brought 17 police officers to provide security.

Mr. Deputy Speaker: Ask your question!

Mr. Ojode: Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House why ten police officers accompanied the Deputy OCPD, Homa Bay, to Ndhiwa? What was the rationale behind that move?

Mr. Kingi: Mr. Deputy Speaker, Sir, in fact, I want to point out that these days police officers do not require to license meetings. You only need to inform them that a meeting will take place in such and such a town. Our role is to provide security to ensure that the meeting takes place in a peaceful manner.

(Mr. Balala stood up in his place)

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

An hon. Member: The former Minister!

(Laughter)

Mr. Balala: And a Kaya elder!

Mr. Deputy Speaker: Order, Mr. Balala!

Mr. Balala: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that the police do not license public functions? What happened in the Likoni rally of the ODM where the police rejected a formal application for a license?

(Applause)

Mr. Deputy Speaker: That is a point of order and a question! Is it a point of order or a question?

Hon. Members: He is not in order!

Mr. Balala: Mr. Deputy Speaker, Sir, is he in order to mislead this House that police officers do not license public meetings?

Mr. Kingi: Mr. Deputy Speaker, Sir, I have said that what one needs to do these days is to inform the police that one intends to hold a public *baraza* or meeting at a certain point. If it happens that somebody had already asked that he be granted permission to hold a meeting at the same place, definitely one of those people would not be allowed to hold a meeting at the same place. That is what happens!

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

Mr. Deputy Speaker: Order, Mr. Ojode! The problem with hon. Members is that you do not wait until the Assistant Minister has finished answering. When he says something you do not like, you rise on a point of order. The best thing would be for you to wait until he finishes and then ask your questions.

(Applause)

Right now, this Assistant Minister has been interrupted twice and he has obviously lost track of the answer he was giving. You are, therefore, not doing justice to your question, Mr. Ojode, by interjecting before the Assistant Minister finishes answering. Please, wait until I come back to you.

Yes, Mr. Sungu!

Mr. Sungu: Mr. Deputy Speaker, Sir, in Kisumu Town, such cases have become very rampant. Police stations have been turned into toll stations, to collect money from people. Police officers arrest people during the day. Criminals are arrested and released the following day, yet innocent people are forced to pay money before they are released. What measures will the Assistant Minister take to ensure that double standards are not applied? I say that because laws should apply to everyone across the board and not through favouritism.

Mr. Kingi: Mr. Deputy Speaker, Sir, the hon. Member is now out of topic. If he has any specific questions and cases to refer to, he is at liberty to file a Question and we will provide information.

(Mr. Sungu stood up in his place)

Mr. Deputy Speaker: That was not a point of order. You have now moved from the original Question.

(Mr. Ojode stood up in his place)

Mr. Ojode is not being fair to you. Mr. Ojode, could you now ask your last question?

Mr. Ojode: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm or deny that the Deputy OCPD, Mr. Mang'ira, was paid money to officiate and provide security to the private people? When he talks of a public rally, who were the organisers? Could he tell this House?

Mr. Kingi: Mr. Deputy Speaker, Sir, I do not see what the problem is all about. The meeting was convened by the Chairlady of Homa Bay County Council. Several councillors attended the meeting, among other leaders. I do not see what is private about such a meeting which is organised by a chairlady or chairman of a county council in his or her area of jurisdiction.

Mr. Ojode: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading this House. I have asked him one simple question which I hope he understood. Why was it necessary for the Deputy OCPD from Homa Bay to bring the 10 officers from Homa Bay and not Ndhiwa? It was because the Ndhiwa OCS had refused to licence the meeting.

Mr. Kingi: Mr. Deputy Speaker, Sir, we sent the police officers to be at the meeting because we wanted to maintain peace. That is the reason we have.

INSECURITY IN YALA DIVISION

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

(a) Is the Minister aware that there is total security breakdown in Yala Division, particularly Marenyo and Gina sub-locations, where there have been several robberies and violent attacks in the last several weeks?

(b) Is he further aware that Sinaga Girls Secondary School and Eng. Radier of Sinaga Village were attacked on the night of 19th April, 2006, and that the police visited the scene of attack but never collected any evidence?

(c) What steps is he taking to restore security and recover the stolen property?

(d) Could the Minister consider transferring the OCS, Yala Division and all the officers at Sinaga Police Post and Sagam Patrol Base and also increasing the number of police officers at the police post?

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Deputy Speaker, Sir, hon. Midiwo's Question was brought to my office today morning. I forwarded it to our office in Nyanza. At about 10.00 a.m. I had a feeling that we would not get a response in good time. I, therefore, invited Mr. Midiwo to my office and together, we were able to consult the PPO and the DC in charge of his area. We agreed on a few things which should be done while we await the information on the ground.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I agree that we can defer the Question.

(Question deferred)

RECONSTRUCTION OF PRIMARY SCHOOL ROOFS IN MIGORI CONSTITUENCY

(Mr. Owino) to ask the Minister for Education:-

- (a) Is the Minister aware that three primary schools, namely, Masara, Nyango, and Alara in Migori Constituency had their roofs and walls completely damaged by strong winds that came with heavy rains now being experienced?
- (b) What steps has the ministry taken to assist in the reconstruction of the schools?

Mr. Deputy Speaker: Is Mr. Owino not here? That Question is dropped.

(Question dropped)

RECONSTRUCTION OF CLASSROOM
ROOFS AT MWANGEA PRIMARY
SCHOOL

Mr. Rai: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that the roofs of four classrooms at Mwangea Primary School in Samburu Location, Samburu Division of Kwale District were blown off by strong winds on 1st April, 2006?

(b) What steps is the Minister taking to reconstruct the destroyed roofs?

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

(a) I am aware that the roofs of the four classrooms of Mwangea Primary School in Samburu location, Samburu Division of Kwale District, were blown off by strong winds on 1st April, 2006. The school management committee has been advised to utilise funds that we allocated, through the Repairs Maintenance and Improvement Vote Head under the Free Primary School Education Programme to begin the process. There are also other funds through the DEB for Electricity and water conservancy. The Ministry of Education recognises and encourages community initiatives in supporting us, as partners, as a Ministry. Therefore, the school management committee has been requested to mobilise parents and the school community to raise funds towards supplementing funds under Government allocations for the reconstruction of the classrooms. The DEO and the school management committee have also requested some allocation from the CDF to assist in the process.

Mr. Rai: Mr. Deputy Speaker, Sir, while appreciating what has been given by the Assistant Minister as an answer, I want to say that the Government introduced the Free Primary Education Programme without any facilities. The Government did not also provide enough teachers to schools. It also appears as if it does not have any clear policies for emergency. Could the Assistant Minister tell this House when his staff members visited the school to assess the situation on the ground because four classrooms were damaged and we are talking about 200 iron sheets and he is talking about a Vote of about Kshs50,000 only. What policy does the Ministry have for such an emergency?

Dr. Mwiria: Mr. Deputy Speaker, Sir, first of all, it is not true that the Ministry introduced Free Primary Education Programme without any facilities. In this case, there were facilities except that the wind visited the roofs recently. Secondly, the total amount that is available for repairs and maintenance, of course, is not enough and we have said it many times. However, we request that communities should contribute. We have realised that waiting for funds from the Ministry when an emergency has occurred does not work out when you could use your local resources and the CDF to repair damages quickly. We want to encourage that because the Ministry cannot take care of all

emergencies when we have resources at hand which can assist.

Mr. Omamba: Mr. Deputy Speaker, Sir, that kind of thing happens every two months, every year. Could the Assistant Minister consider putting up an emergency fund to take care of such incidences?

Dr. Mwiria: Mr. Deputy Speaker, Sir, that proposal has been made before. However, we have a limitation in terms of the resources we get. Now, we are even expanding the resources that are available through the CDF. That means that the emergency amount will even be greater. I would like to emphasise that it is more efficient to ensure that we repair those facilities if we use those resources and use Ministry resources for other things. We have now a Kshs60 million budget for the famine relief. We cannot expand bursary facilities and spend money on secondary schools where we are not putting as much. It is really critical that we find a way of supporting the Ministry.

Mr. Rai: Mr. Deputy Speaker, Sir, the people of Kinango depend on relief food for survival. Here, the Assistant Minister is actually requesting the Committee to mobilise people for a Harambee. How are we supposed to sell the relief food that we have just received from the Government in order to get money for a harambee? The Vote that has been quoted by him is not adequate. The Constituencies Development Fund (CDF) has given out Kshs100,000, but the amount of money required is about Kshs450,000.

Mr. Deputy Speaker, Sir, could he come out clearly with regard to how much money the Ministry will give to this school?

Dr. Mwiria: Mr. Deputy Speaker, Sir, unfortunately we will not give out any more money than the Kshs30,000 that we have quoted. We are all affected by these emergency cases. Three weeks ago, I voted Kshs250,000 from my own CDF for a primary school in my constituency and yet we are expecting resources from the Ministry. It is really not too much money. I think that for the hon. Member's CDF Committee to vote only Kshs100,000, it is an indication that they have not prioritised

that school. We will insist that they allocate more money for the school and mobilise other resources. I believe that people are not so helpless that they cannot contribute something. The moment we accept that, then we shall have condemned the majority of our people to poverty forever.

MEASURES TO AVERT DESTRUCTION OF OUKO AND GITA BRIDGES

Mr. Sungu: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads and Public Works the following Question by Private Notice.

(a) Is the Minister aware that Ouko Bridge across Kibos/Nyamasaria River and the Gita Bridge across Awach River along the Gita-Obwolo-Mamboleo Road within Kisumu Town East Constituency are about to be washed away due to massive erosion?

(b) What measures is the Minister taking to prevent this imminent disaster?

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Ouko Bridge across Kibos/Nyamasaria River and the Gita Bridge across Awach River along the Gita-Obwolo-Mamboleo Road within Kisumu Town East Constituency were about to be washed away due to massive erosion.

(b) To prevent the imminent disaster, my Ministry has taken the following measures:

(i) During the month of April, 2006, the Ministry carried out protection works on the approaches to the Ouko Bridge across the Kibos/Nyamasaria River at a total cost of Kshs912,000. The works were completed and the bridge is now safe.

(ii) A total of Kshs6 million will be released to the District Works Officer, Kisumu for emergency works on the Gita Bridge across Awach River along the Gita-Obwolo-Mamboleo Road. The bridge is impassable at the moment. It is envisaged that the work will be completed before end of June this year.

Mr. Sungu: Mr. Deputy Speaker, Sir, allow me to thank the Assistant Minister for taking quick action and delivering a good answer here. This matter has been going on for some time and I am only concerned that as we approach the end of this financial year, if money is released too late to rectify this situation, then the works will not be completed and the money will be returned to the Treasury without having been used for its purpose. May I, therefore, ask the Assistant Minister, through you, to specify when he will release the money for the repair of the bridge.

Eng. Toro: Mr. Deputy Speaker, Sir, as you are aware, this Question came to us by Private Notice and we have given it the urgency that it deserves. Also, the issue of money being returned to Treasury does not arise because the Kshs6 million that we intend to release is under the Item titled "Emergency" under the Fuel Maintenance Levy. We will make sure that this work is done before the end of June, this year.

(Loud consultations)

Mr. Deputy Speaker: Order, Members! Standing Order No.85 bars Members from walking around or standing about in the Chamber. Could you, please, remain seated if you are not required to stand? Also, consult in low tones.

Mr. Mukiri: Mr. Deputy Speaker, Sir, what policy does the Ministry have on this highway: Along the Nairobi-Nakuru Road there is a bridge that is about to cave in. In my own constituency, near a place called Kamwaura, there is another bridge that is also about to cave in. I want to know from the Assistant Minister what policy they have with regard to such cases and how much money do they set aside to cater for such emergencies. I have already talked to the concerned roads engineers in Rift Valley Province and they said that there is no money from the headquarters.

Eng. Toro: Mr. Deputy Speaker, Sir, the rains have been very heavy this time round. Many bridges have been washed away and others are just about to collapse. We will have to deal with the issue of collapsed bridges, broken down culverts and impassable roads on emergency basis. We will have to look at a special allocation, because money set aside for emergencies is normally not enough to take care of the collapsed bridges. The issue is being addressed as an emergency and we are taking stock of all the bridges that have been washed away.

Mr. Khamisi: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just said that they are urgently addressing the issue of collapsed bridges. Is it in order if I asked him to address the question of bridges in Bamba area which have also been washed away?

Mr. Deputy Speaker: It will not be in order because that will definitely be another Question.

Mr. Sungu: Mr. Deputy Speaker, Sir, I am satisfied with the answer given by the Assistant Minister. If the Chair so wishes, he can give a chance to another hon. Member.

(Loud consultations)

Mr. Deputy Speaker: Order, Members! I keep on repeating that the Standing Orders, specifically Standing Order No. 85, bars you from standing up unnecessarily and walking about. May we, please, observe our own Standing Orders.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water and Irrigation the following Question by Private Notice.

- (a) Is the Minister aware that Yatta Canal has breached at Kilometre 51?
- (b) Is he further aware that the canal needs rehabilitation?
- (c) What action is he taking to ensure that the canal project does not collapse?

Mr. Deputy Speaker: Where is the Minister for Water and Irrigation? I keep on reminding Mr. Wanjala that he is now an Assistant Minister.

(Laughter)

The Assistant Minister for Water and Irrigation (Mr. Wanjala): Mr. Deputy Speaker, Sir, I got the answer to this Question, but it was not satisfactory. I, therefore, ordered that it be taken back to my officers, so that they can prepare an adequate answer because the issue raised by the hon. Member is very important. We know that if the canal has been breached, then it can cause floods.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I have no problem with that provided I am promised an answer on Tuesday next week.

Mr. Deputy Speaker: So, there is agreement that the Question be deferred. Is that okay with you, Mr. Wanjala?

The Assistant Minister for Water and Irrigation (Mr. Wanjala): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Question is deferred.

(Question deferred)

Next Question by Mr. Mbau! He is absent and, therefore, the Question is dropped.

Hon. Members: Mr. Mbau is here!

Mr. Deputy Speaker: Hon. Members, do you now see? I just dropped a Question by Mr. Mbau and yet he is here. So, I will reverse my decision provided that he apologises.

Mr. Mbau: Mr. Deputy Speaker, Sir, my very humble apologies.

Mr. Deputy Speaker: Very well. Continue and ask your Question.

FIRE-FIGHTING EQUIPMENT FOR MARAGUA TOWN COUNCIL

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

(a) Is the Minister aware that seven families were left homeless when fire gutted their houses on 23rd March, 2006 in Maragua Township?

(b) Is he further aware that the Maragua Town Council does not have any form of fire-fighting equipment despite being the main town in Maragua District?

(c) When will the Ministry provide Maragua with a fire engine to prevent such kind of tragedy in future in this fast growing township?

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

(a) I am aware that seven families were left homeless when fire gutted their houses on 23rd April, 2006 in Maragua Township.

(b) I am further aware that Maragua Town Council does not have any form of fire-fighting equipment despite being the main town in Maragua.

(c) Maragua Town Council will be considered among other councils once we have sufficient funds to acquire fire-fighting equipment.

Mr. Mbau: Mr. Deputy Speaker, first of all, I would like to inform the Assistant Minister that I do not have a written response to this Question.

(Mr. Mukiri stood up in his place)

Mr. Deputy Speaker: Order, Members! Mr. Mukiri why are you standing in contravention of your own Standing Orders? Do you have any reason?

Continue, Mr. Mbau!

Mr. Mbau: Mr. Deputy Speaker, Sir, the Assistant Minister is aware of the fact that despite Maragua Town Council being the biggest town in the district, it has no fire-fighting equipment. If this fire-fighting equipment had been available in Maragua, the seven families whose houses were gutted down would not have been left homeless. There were very spirited attempts to rescue their properties. Indeed, two persons sustained physical harm in the process of putting off that fire. When will he ensure that there is fire-fighting equipment in that town? It is now 40 years after Independence, and yet Maragua Town Council does not have this equipment.

Mr. Tarus: Mr. Deputy Speaker, Sir, we had made spirited efforts to acquire fire-fighting equipment, not only for Maragua Town Council, but also across the country. The logistical matters and cost involved were prohibitive. We are considering requesting councils around a region entering into a programme of acquisition of fire-fighting equipment to assist them for now.

Mr. Ndolo: Mr. Deputy Speaker, Sir, it is not only in Maragua Town Council where they have a problem of fire-fighting equipment. Right now, we have only one fire-fighting equipment in Nairobi City Council. When will the Government buy fire-fighting equipment for all councils in this country?

Mr. Tarus: Mr. Deputy Speaker, Sir, I appreciate hon. Members' concern that every council should have fire-fighting equipment. However, the costs involved are so high that we must follow the proper regulations for procurement. We are conscious of the fact that this equipment is needed very urgently. I would like to request hon. Members to bear with us and utilise the facilities available now until we are able to overcome the challenges emanating from procurement procedures.

Mr. Deputy Speaker: Mr. Tarus, the hon. Member alleges that there is only one fire-fighting equipment in the City of Nairobi. Does that not scare you? How long will we wait?

Mr. Tarus: Mr. Deputy Speaker, Sir, I said that we have considered the scenario which is prevalent in most of the councils, particularly large councils like Nairobi, Kisumu, Eldoret and Mombasa. The delay in the entire process is caused by the procedures for acquisition of these equipment, given the cost involved.

Mr. Gitau: Bw. Naibu Spika, Waziri Msaidizi amesema kuwa hakuna magari ya kuzima moto kwa sababu Serikali ni lazima ifuate taratibu za ununuzi. Tunajua kuwa kashfa ya Anglo Leasing ilifanyika hapa nchini. Kwa nini hawakufuata taratibu hizo wakati huo?

Mr. Tarus: Mr. Deputy Speaker, Sir, once again, I understand the concern of hon. Members. However, we cannot flout the rules for that purpose, although we recognise that this fire-fighting equipment is required urgently.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is being asked a specific question: What plans the Government has to procure more fire-fighting equipment, but he is talking about procedure. How much money does the Ministry have for

procuring fire-fighting equipment in Nairobi?

Mr. Deputy Speaker: That is really a question, Mr. Raila, and not a point of order. But, in the public interest, Mr. Tarus, could you answer it?

Mr. Tarus: Mr. Deputy Speaker, Sir, I do not have a figure of the amounts set aside for now. We will consider the urgency of allocating sufficient resources for that purpose.

Mr. Mbau: Mr. Deputy Speaker, Sir, the Assistant Minister says there is a need for surrounding local authorities to organise themselves within a certain region, so that they pool resources together and secure this fire-fighting equipment. The other day, we saw the Ministry of Local Government declining to receive fire-fighting equipment from a donor in the United Kingdom, yet they knew that small townships that are not able to acquire this equipment are still facing this problem. Between declining to receive donations of fire-fighting equipment and trying to organise surrounding local authorities, which is easier? When will the local authorities surrounding Maragua Town Council come up with enough money to secure this equipment?

Mr. Tarus: Mr. Deputy Speaker, Sir, I am not aware of the Ministry's refusal to receive donations on behalf of particular local authorities. Councils surrounding a particular region should come together. The cost of acquiring one fire engine amounts to Kshs100 million. Therefore, there is need for proper plans and allocation by the Government.

Mr. Deputy Speaker: Next Question.

Mr. Balala: Mr. Deputy Speaker, Sir, this is my first time to ask a Question since I turned to the Orange Camp.

Mr. Deputy Speaker: What did you say, Mr. Balala? What did you turn to? Yes, Mr. Tarus.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Deputy Speaker, Sir, did he really ask the Question?

Mr. Balala: I said I beg to ask Question No.9 by Private Notice.

(Laughter)

MEASURES TO AVERT COLLAPSE OF MWEMBE TAYARI RETAIL MARKET

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

- (a) Is the Minister aware that the Mwembe Tayari retail market is on the verge of collapse?
- (b) What urgent steps is he taking to avert an impending disaster by repairing and re-designing the market?
- (c) Could the Minister assure the House that once the market is rebuilt, the registered vendors will be guaranteed their stalls?

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

- (a) I am aware.
- (b) My Ministry has taken the following urgent steps to arrest the impending disaster.
 - (i) The affected building area has been cordoned off to stop people from entering.
 - (ii) Notices of intention to demolish have been sent out to vendors, stall owners and owners of adjacent premises.
 - (iii) Notices to vacate stalls in the market have been issued.
 - (iv) Tender documents for the demolition of the markets are being prepared and very soon, they will be floated.

(b) The Ministry will ensure that, once the reconstruction and rehabilitation works are complete, all registered stall owners will be given back their stalls.

Mr. Balala: Mr. Deputy Speaker, Sir, first of all, the Assistant Minister has not given me the written response. Secondly, I do not think that they can give notices of demolition of the market without designing the new market. What will replace the condemned market?

Mr. Deputy Speaker: By the way, Mr. Assistant Minister, the hon. Member has complained that he has not received a written answer. It is generally important that, that is done.

Mr. Tarus: Mr. Deputy Speaker, Sir, I am sorry about that. But we shall correct that anomaly. We have given out notices for purposes of fulfilling legal requirements. We are concerned with the safety. The defence will come, but what is important is the safety of the people.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, people who do businesses in small markets are very important to the economy. When will the Ministry reconstruct that market to enable those small people to earn their daily livelihood?

Mr. Tarus: Mr. Deputy Speaker, Sir, I cannot give a definite time. But given the fact that, we have prepared tender documents for demolition of that market--- There is another procedure after that; to invite tenders for the construction of another market.

Mr. Deputy Speaker: Last question, Mr. Marende!

Mr. Marende: Mr. Deputy Speaker, Sir, the Mwembe Tayari market has historic and symbolic value to the people of Coast region. It embodies the commercial life of that region for the last one Century. Could the Assistant Minister confirm that the fate that has befallen Mwembe Tayari market is as a result of unlawful allocation of the market to a private developer with the complicity of the Ministry?

Mr. Tarus: Mr. Deputy Speaker, Sir, first of all, Mwembe Tayari Market was not constructed a Century ago. It was built in 1970s.

Mr. Marende: On a point of order, Mr. Deputy Speaker, Sir. I did not ask about the physical building. My question was about Mwembe Tayari as a market! It was not about physical buildings.

Mr. Tarus: There is a physical building that was constructed in 1970.

Mr. Deputy Speaker: Anyway, address yourself to the question.

Mr. Tarus: Could he repeat the second part? I am lost.

Mr. Marende: Mr. Deputy Speaker, Sir, the Assistant Minister has agreed that he is lost! My question was very clear. I asked him to confirm whether or not it is true that the fate that has befallen Mwembe Tayari is as a result of unlawful allocation of the market to a private developer with the complicity of the Ministry!

Mr. Tarus: Mr. Deputy Speaker, Sir, I am sure that, that is his imagination. It is not true.

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Last question, Mr. Balala. No point of order. Ask your question.

Mr. Balala: Mr. Deputy Speaker, Sir, I want to repeat that it is very true the market has been given to a private developer. Could the Assistant Minister confirm that? If it is true, could he revoke that allocation immediately? The market collapsed because they wanted to build another storey on top of it?

Mr. Tarus: Mr. Deputy Speaker, Sir, records held in the Ministry show that a Mr. Zubed had been given consent to construct a car park on the first and second floors of the building in 1996. I hope that the hon. Member was not the Mayor then. The building did not catch fire as a result of being allocated to the private developer. Investigations show that it caught fire as a result of an electrical fault.

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

Mr. Deputy Speaker: Order, Mr. Balala. That is not the way to go about it. We do not want to engage in arguments over what happened and, in the process, lose time!
Next Question, Mr. Ojaamong!

ORAL ANSWERS TO QUESTIONS

Question No.165

ASSETS SUB-DIVISION BETWEEN BUSIA/TESO COUNTY COUNCILS

Mr. Ojaamong asked the Minister for Local Government:-

- (a) whether he could table a list of assets owned by Busia County Council prior to the creation of Teso County Council;
- (b) why the assets have not been sub-divided between the two county councils; and,
- (c) given that Teso County Council has not been getting any proceeds from those assets, what modalities have been instituted to compensate the Council.

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

(a) The following is a list of assets owned by Busia County Council prior to the creation of Teso County Council:-

(i) Staff houses - one three bedroomed house with a servant quarter, two three bedroomed houses, nine two bedroomed houses, (ii) Rental houses - five three bedroomed houses, five two bedroomed houses and four one bedroomed houses, 13 one bedroomed houses, two Bumala market sheds, Amukura markets sheds and social halls at Amukura, land and buildings at Bumula market and Bukheyi market shed, parcel of land within Teso County Council, market plots within Teso County Council and four buildings within Teso County Council.

(iii) Offices - Busia Township

(iv) Movable assets - Land Rover which is unserviceable, KUB 795, Peugeot Station Wagon and Toyota Saloon.

(a) The assets were sub-divided between the two county councils in the month of May, 1996.

(c) No proceeds were accrued from the assets given to Teso County Council since May, 1996. That is because the council was given its rightful share of the assets.

Mr. Deputy Speaker: Last question, Mr. Ojaamong.

Mr. Ojaamong: Mr. Deputy

Speaker, Sir, last year, the Assistant Minister said that he was constituting a committee to go round and look at those assets, and share them out. How come you are now saying that the assets were shared in 1996?

Mr. Tarus: Mr. Deputy Speaker, Sir, we had a programme between January, 2005 to the end of that same year. But it was not possible to conduct the same because of logistical problems.

Mr. Deputy Speaker, Sir, I did not say that Teso or Busia County Council were affected by that plan. The programme of the sub-division of assets had been done in those councils.

Mr. Deputy Speaker: Order, hon. Members! The Attorney-General has informed the Chair that he has consulted with Mr. Ochilo-Ayacko and agreed that his Question be deferred. Is that so, Mr. Ochilo-Ayacko?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, that is true! This is the second time the

Question is being deferred at the behest of the Attorney-General. Would I be in order to ask you to compel him to answer it next time and not look for excuses?

Mr. Deputy Speaker: Very well! Next time, the Attorney-General will have to answer it if it is on the Order Paper and he is around!

Question No.144

AMOUNT OF MONEY PAID TO GOVERNMENT
LAWYERS IN REFERENDUM SUIT

(Question deferred)

Hon. Members, that is the end of Question Time.

**COMMUNICATION FROM
THE CHAIR**

INVITATION OF MEMBERS TO
THE 114TH IPU CONFERENCE

Mr. Deputy Speaker: Hon. Members, as you are aware that the 114th Assembly of the Inter-Parliamentary Union will be held in Nairobi commencing Sunday, 7th May to Friday, 12th May, 2006 at the invitation of the IPU-Kenya National Group, the IPU Secretariat led by the Secretary-General, Mr. Anders Johnson and the Host Organising Committee led by hon. Andrew Ligale, MP, are currently putting on extra hours to ensure the success of the Conference. We expect to receive from tomorrow, Friday 5th May, over 700 Members of Parliament, Presiding Officers and Clerks of Parliament from 143 Parliaments. The Conference will be held at the KICC and our hon. Speaker, Mr. Francis ole Kaparo, will be the Chief Host on behalf of all of us.

I, therefore, appeal to all hon. Members to appreciate that the focus of this House, including the staff, will from tomorrow centre on welcoming our distinguished delegates and ensuring that all arrangements and logistics for the Conference are fully addressed.

All hon. Members have been invited to attend the Official Opening and to share company with colleagues from all over the world on this auspicious occasion. Invitation cards are now being sent out. So, even if you have not yet received your card, I now formally take this opportunity to invite you.

We, as hon. Members of this House, and indeed, as Kenyans, feel proud that the 114th Assembly of the IPU is being held here in Nairobi. Let us all join other Kenyans in extending a hearty welcome to our distinguished guests.

(Applause)

POINTS OF ORDER

DISARMING OF THE POKOT

Mr. Rotino: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Administration and National Security. As we speak in this House, the people of West Pokot are in trouble. The Government has sent a battalion of the army with all the artillery

that you can imagine of and they have scared our people. Schools are opening next week and parents are fearful for their children. The people cannot even plant their crops with the onset of rains because of fear. The army is doing a security operation which is uncalled for. Our people are being intimidated.

Mr. Deputy Speaker, Sir, in giving his statement, I would like the Minister to tell us why the disarmament is being done now when schools are opening and people are planting their crops. On one hand, the Government is giving out seeds to other Kenyans to plant, the Pokots are not planting anything. Secondly, could the Minister also tell the House why the disarmament is targeting only the Pokot people.

(Applause)

The Assistant Minister for Administration and National Security (Mr. Kingi): Mr. Deputy Speaker, Sir, I undertake to bring that Statement on Wednesday next week.

Mr. Deputy Speaker: Mr. Rotino, I am sure you do not expect the Assistant Minister to make a statement of such a magnitude now.

Mr. Mwandawiro: On a point of order, Mr. Deputy Speaker, Sir. If the House adjourns today, and I hope it does not, is it in order to request the Office of the President to reverse that situation since it is an emergency?

Mr. Deputy Speaker: Well, we are not debating the matter. The Member has asked for a Statement and it is not a matter for debate.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. If the House will adjourn today, could I ask the Assistant Minister to give me a written statement so that I can communicate it to the Pokot people?

Mr. Deputy Speaker: That should be fine. What do you have to say, Mr. Kingi?

The Assistant Minister for Administration and National Security (Mr. Kingi): Mr. Deputy Speaker, Sir, if the Member wants to withdraw his request for a Ministerial Statement and have the statement delivered to him, we will still have to prepare it and give it to him next week. We need to prepare because there is a lot of information that is required.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member's reason for seeking a Ministerial Statement was basically to trigger some action from the Government. Now that the House will adjourn, the Minister will not be in a position to issue a Ministerial Statement. Could he assure the House that he will act on the issues which are of concern to the hon. Member?

The Assistant Minister for Administration and National Security (Mr. Kingi): Mr. Deputy Speaker, Sir, I want to accept the suggestion put forward and promise that we will do the necessary.

DETERIORATION OF SECURITY IN HOMA BAY

Eng. Okundi: Mr. Deputy Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Minister of State for Administration and National Security concerning the security situation in Homa Bay Town.

Mr. Deputy Speaker, Sir, the security situation in Homa Bay Town, which is in my constituency, has seriously deteriorated, with incidents of brutal attacks on innocent citizens on a daily basis. On Tuesday night, unknown people attacked young girls, one of whom is a Form One student, beat them up and cut their stomachs open and left two of them dead. Up to now, no action has been taken.

The Assistant Minister for Foreign Affairs (Mr. Mungatana): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to read a speech to this House instead of just speaking?

Eng. Okundi: I am only referring to my notes!

Mr. Deputy Speaker: He is not debating and he is in order.

However, Eng. Okundi, we are not going to sit here endlessly while you read your document. Can you finish and demand for your statement?

Eng. Okundi: Mr. Deputy Speaker, Sir, I am demanding a Ministerial Statement from the Minister of State for Administration and National Security, to tell the House what the Government is doing about the security situation in Homa Bay. A number of people have been killed and up to now, the people have not seen any action taken by the Government.

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Deputy Speaker, Sir, this is an urgent matter, but the House is going to adjourn. So, I want to invite the Member to our office and give us the details so that we can see how to sort out that problem in Homa Bay as we go for our short recess.

Mr. Deputy Speaker: That is quite reasonable.

Next Order!

Mr. Khamisi: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, I stood here and sought a Ministerial Statement from the Minister of State for Special Programmes on the flooding situation at the Coast. He was supposed to issue the Ministerial Statement today because the situation is urgent and a serious emergency. Could he, please, stand and issue the Ministerial Statement?

Mr. Deputy Speaker: Indeed, that is an emergency. Do you have the Ministerial Statement, Minister?

The Minister of State for Special Programmes (Mr. Munyes): Mr. Deputy Speaker, Sir, I have no written statement but let me respond because the matter is very important.

Mr. Deputy Speaker: Very well!

MINISTERIAL STATEMENT

FLOODING AT THE COAST

The Minister of State for Special Programmes (Mr. Munyes): Mr. Deputy Speaker, Sir, the challenge caused by flooding is now eminent in this country. For the Coast region, I have mobilised relief food supplies to help the flood victims. So far, we have organised for the delivery of 5,000 bags of rice to the region. Out of the 5000 bags, 1,000 bags will go to Mombasa District, 2,000 bags will go to Kilifi District, and 2,000 bags to Malindi District. I have also appointed the Kenya Red Cross and Red Crescent as the lead agency for flood management. Further, we have requested the Kenya Red Cross and Red Crescent to provide non-food items like blankets and *sufurias* to the flood victims.

Mr. Deputy Speaker, Sir, I have also organised a multi-sectoral approach to address these problems. We need to fix the bridges that have broken down, and inform the Ministry of Health to provide medicine to those areas. So, I am co-ordinating all these activities. In the case of Mombasa, we know that the problem has been the blockage of the sewerage system. We are linking up with the Ministry of Local Government to have that problem fixed.

Thank you.

Mr. Khamisi: Mr. Deputy Speaker, Sir, I appreciate the explanation by the Minister. However, I would like to advise him that 2,000 bags of rice for Kilifi District is like a drop of fresh

water in the ocean. Could he consider adding several thousands of bags, so that our people can be fed and we solve this problem once and for all?

The Minister of State for Special Programmes (Mr. Munyes): Mr. Deputy Speaker, Sir, apart from mobilising the 5,000 bags of rice for distribution in the region, my officials are on the ground to monitor the situation, and I will give more next week.

Mr. Deputy Speaker: Next Order!

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD SUPPLEMENTARY APPROPRIATION BILL

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, this House orders that the publication period of the Supplementary Appropriation Bill be reduced from seven to two days.

Mr. Deputy Speaker, Sir, hon. Members will recall that they passed the Supplementary Estimates about a week ago for the reason that the money is needed urgently for very urgent matters, including the issue of famine relief. It is for this reason that we are seeking from this House leave to reduce the publication period of the Appropriation Bill, which was published only yesterday, to two days to enable this House to discuss and, hopefully, pass the Bill to enable the relevant Ministries to draw the money passed in the Supplementary Estimates for use in the manner that this House was informed of during the passage of that debate.

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

The Minister for Finance (Mr. Kimunya) seconded.

(Question proposed)

(Question put and agreed to)

Mr. Deputy Speaker: Next Order!

BILLS

First Reading

THE SUPPLEMENTARY APPROPRIATION BILL

*(Order for First Reading read -
Read the First Time - Ordered
to be read the Second Time today)*

Second Reading

THE SUPPLEMENTARY APPROPRIATION BILL

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read a Second Time.

Mr. Deputy Speaker, Sir, let me start by, first, recording our thanks to hon. Members for their support for the Motion on the 2005/2006 Revised Estimates. This Bill will facilitate the implementation of the approval granted by the House.

While moving the Motion on the Supplementary Estimates for 2005/2006, I mentioned briefly that our domestic ordinary revenues have not performed well as we had projected, resulting in a shortfall of Kshs5.2 billion. Whereas that overall shortfall is projected to be slightly higher than the above figure, the gap will be bridged by an increase in local Appropriations-in-Aid (A-in-A) of Kshs4.5 billion. As I mentioned then, due to the downward revision of our donor commitments, I have proportionately reduced the levels of donor funds absorbed in the Budget. The reductions, therefore, reflected in the Development Votes are mainly due to this adjustment. I have increased the absorption of donor funds where commitments have been enhanced.

Mr. Deputy Speaker, Sir, the other issue I mentioned is the situation of the prolonged drought. As I had indicated and highlighted, we have earmarked Kshs13.8 billion for drought intervention. What I did not mention then is that the drought has raised the prices of food drastically. The increase in the prices of food, in addition to the increase in oil prices and a higher cost of electric energy, has raised the inflation rate. The Government will, however, continue to pursue prudent fiscal and monetary management to ensure that macro economic stability is sustained. Financial discipline will also be continually enforced to ensure the best practices in financial management are institutionalised and practised at all times.

Mr. Deputy Speaker, Sir, the Revised Budget has taken into account the above issues. In order, therefore, to keep borrowing at low levels despite the urgent funding requirements, I have had to reallocate funds allocated for foreign interest payments from those projects for which payments will not be required in this financial year. After the adjustments and reallocations that I have proposed, the projected borrowing will, therefore, increase by Kshs5.4 billion on account of the drought, while the overall Supplementary Budget is an increase of Kshs12,664,494.

As regards the individual Votes, the Supplementary Appropriation Bill seeks additional funding for the following Votes:-

Vote R01, Office of the President; Vote R02, State House; Vote R04, Ministry of Foreign Affairs; Vote R05, Office of the Vice-President and Ministry of Home Affairs; Vote R06, Ministry of Planning and National Development; Vote R08, Department of Defence; Vote R10, Ministry of Agriculture; Vote R11, Ministry of Health; Vote R12, Ministry of Local Government; Vote R13, Ministry of Roads and Public Works; Vote R14, Ministry of Transport; Vote R15, Ministry of Labour and Human Resource Development; Vote R16, Ministry of Trade and Industry; Vote R17, Ministry of Justice and Constitutional Affairs; Vote R18, Ministry of Gender, Sports, Culture and Social Services; Vote R19, Ministry of Livestock and Fisheries Development; Vote R20, Ministry of Water and Irrigation; Vote R21, Ministry of Environment and Natural Resources; Vote R24, Ministry of East African Community Vote R25, State Law Office; and Vote R27, Public Service Commission. Vote R32, the Ministry of Information and Communications; Vote R33, the Electoral Commission; Vote R36, the Ministry of Lands and Housing.

Mr. Deputy Speaker, Sir, in terms of the Development Votes, increases are in Vote D09, Ministry of Regional Development Authorities; Vote D12, the Ministry of Local Government; Vote D15, the Ministry of Labour and Human Resource Development; Vote D18, the Ministry of Gender, Sports, Culture and Social Services; Vote D21, the Ministry of Environment and Natural Resources; Vote D25, the State Law Office; Vote D30, the Ministry of Energy; Vote D31, the Ministry of Education, Science and Technology and Vote D46, the Ministry of Tourism and Wildlife. The Bill also seeks a reduction in supply in all the other Votes that I have not mentioned above.

I would like to comment on the Votes of which I sought substantial additional supply as

follows: Under the Office of the President, as I mentioned earlier, funds allocated for drought intervention amount to Kshs13.8 billion. Out of this, Kshs6.9 billion has been factored under these Votes. The Estimates also include funds that were allocated for printing and distribution of the proposed Constitution, recently put under a referendum.

Under the Vote of the Ministry of Foreign Affairs, additional funds are requested for this Vote mainly to cater for expenses of the Presidential visits abroad. Funds are also required for the new missions and for rents and rates for the rented accommodation for our missions abroad. Under the Office of the Vice-President and Ministry of Home Affairs, the additional funds that we are seeking are to cater for the new expenditure heads for the Ministry of Youth and the Ministry of National Heritage. Funds are also required for the expenses of the penal institutions.

Under the Department of Defence, we have requested for additional funds to cater for the various on-going projects. Under the Ministry of Agriculture, we have sought additional funds to cater for the shortfalls in Appropriations-In-Aid under the Kenya Agricultural Research Institute (KARI), amounting to Kshs150 million.

Mr. Deputy Speaker, Sir, under the Ministry of Health, we are seeking for additional funds mainly to cater for the payments of salaries for staff in our health institutions. Regarding the Ministry of Local Government, the Government owes it funds in form of contributions in lieu of rates. The additional funds amounting to Kshs200 million are, therefore, requested to settle some of the outstanding contributions to the local authorities.

Mr. Deputy Speaker, Sir, under the Ministry of Gender, Sports, Culture and Social Services, we are seeking for additional funds to cater for expenditure related to payments of water bills for our stadia, salaries and allowances for adult education officers and expenditure related to the meeting of the Ministers for Gender, Sports, Culture and Social Services. Under the Ministry of Livestock and Fisheries Development, we are seeking for additional funds to cater for expenses related to the development of Kenya Preparedness Against the Avian Flu, the procurement of patrol boats for the Fisheries Department, adjustment for salaries as well as drought mitigation.

Within the Ministry of Water and Irrigation, there has been a huge shortfall in Appropriations-In-Aid under the District Water Services. In addition, due to the re-organisation of this Ministry, it has become necessary to allocate funds for the National Water Conservation and Pipeline Corporation. The additional funds requested for this Vote are, therefore, to enable the Corporation to carry on with its operations and to bridge the gap occasioned by the deficiency in the Appropriations-In-Aid.

Mr. Deputy Speaker, Sir, under the Ministry of Environment and Natural Resources, we are seeking for additional funds to cater for the expenses related to the Seventh Conference of Parties of the United Nations Conventions to Combat Desertification that was held here in Nairobi. Under the Ministry of East African Community, the additional funds required are to settle some of the pending bills related to the expenses of the Somalia Peace Process that Kenya has been very much involved in and for which we received world acclamation. Under the State Law Office, we are seeking for additional funds to cater for the settlement of expenses for contracted legal services.

Under Vote 32, the Ministry of Information and Communications, we are seeking for extra funds to settle pending bills that are owed to the Kenya Broadcasting Corporation to make it more operational. Under Vote 33, the Electoral Commission, the House will recall that a decision was made that the Government should provide for the payment of agents during the last referendum and the additional funds requested for in this Vote, therefore, were expended for that purpose. Part of these funds will be reimbursed through the United Nations Development Programme (UNDP) basket funding. Under Vote R36, the Ministry of Lands and Housing, we are seeking additional funds for expenditure related to the development of the housing and the national land policies.

Mr. Deputy Speaker, Sir, with regard to Development, under the Ministry of Regional

Development Authorities, we are seeking funds for accounting adjustments. Under the Ministry of Environment and Natural Resources, we are seeking funds to fund the on-going forest conservation programmes. Under the Ministry of Energy, we are seeking for additional funds for the provision of emergency power supply amounting to Kshs4 billion. Under the Ministry of Education, we are seeking for additional funds to cater for the Free Primary Education Programme and for the procurement of specialised teaching aids for schools.

Under the Ministry of Tourism and Wildlife, we are requesting for extra funds for the rehabilitation of the Kenyatta International Conference Centre as part of the preparations of the 114th Inter-Parliamentary Union (IPU) Conference that is going to be held next week.

Finally, hon. Members are aware that the House amended the Motions on the Supplementary Estimates, whereby the allocations made under the Vote of the National Assembly, R29, were transferred to the Vote of the Ministry of Finance, R07. I wish to confirm that these adjustments have been made in the Bill.

This is a crucial Bill and I would like to request the hon. Members to pass it today, to give statutory force to the Motion that hon. Members passed last week. Once it is enacted and assented to, it will enable the Government to continue to provide the vital services and continue with its programmes until the end of the financial year. Statutorily, it will provide authority for withdrawal of funds from the Consolidated Fund to finance all the additional requirements as contained in the Supplementary Estimates of Recurrent and Development expenditures for the financial year ending 30th June, 2006. I wish to thank the hon. Members for their continued support.

With these few remarks, I beg to move the Supplementary Appropriations Bill.

The Minister for Justice and Constitutional Affairs (Ms. Karua) seconded.

(Question proposed)

Mr. Billow: Mr. Deputy Speaker, Sir, last week when we were contributing to the debate on the Supplementary Estimates, I said that this House is being taken for a ride by this Ministry. Actually, I want to oppose, as a matter of fact, the Supplementary Appropriations Bill, because the Minister is not serious.

Mr. Deputy Speaker, Sir, when Treasury is making Supplementary Estimates, it must consult with the relevant Ministries. You do not just wake up and reduce money from Ministries without finding out whether indeed it will have an impact. What you have done is one of the reasons which makes me reject these Supplementary Estimates. If you look at the Ministry of Water and Irrigation, with all due respect, the money that has been allocated for construction of emergency boreholes and water pans in arid and semi-arid areas amounting to Kshs531 million has been removed. This is a matter that is known to the Ministry. This is a matter that has been raised by the Permanent Secretary in the Ministry of Water and Irrigation itself. I raised it with the Assistant Minister here last week and told him this cannot go through.

Mr. Deputy Speaker, Sir, last week, a Minister stood here and told this House that there is an additional Kshs3 billion in these Estimates for emergency water supply and you questioned him to produce evidence to show us and you also supported our arguments. Let him show us where the additional Kshs3 billion funding for the Ministry of Water and Irrigation is in this book since he said he was going to produce it.

Today, if you look at the Bill on the Ministry of Water and Irrigation, Development Expenditure, Vote D20, the amount required by this Ministry for rural and special water programmes and for the National Water Pipeline and Conservation (NWPC) Board which is responsible for emergency boreholes and water pans has been reduced by Kshs531 million. As we speak, I have been advised from my own district and also by the NWPC Board that all the

construction of boreholes has been stopped. Even the construction of water pans which have been dug already has also been stopped. The owners have not been paid. They are not able to pay until the next financial year. This is a joke!

Mr. Deputy Speaker, Sir, a Government that sits here and tells us that they care about arid and semi-arid areas and the emergency situation that we have just passed through; the same Government that sits here and tells Kenyans that they want to develop North Eastern Province and other regions, is speaking tongue-in-cheek when they stand here and say that they are allocating money. The Minister should bring amendments in this House to this Bill so that we can reduce that deduction in the Ministry of Water and Irrigation to nil. If he does not do that, all of us here from ASAL areas will bring an amendment Motion to make sure that the Ministry of Water and Irrigation's Kshs531 million is not reduced.

Mr. Deputy Speaker, Sir, if you look at other critical Ministries like the Ministry of Health, you will find that allocation to it for preventive medicine is being reduced in these Supplementary Estimates by Kshs1.1 billion at a time when measles is killing our children and Kenyans are unable to cope with most of the preventable diseases. So, what does this tell us? Where are our priorities? The same Treasury that is reducing the emergency water borehole by Kshs531 million is allocating Kshs100 million in these Supplementary Estimates for membership fees of Kenya Association of Manufacturers (KAM). Why is it so urgent to pay membership fees for KAM and it is not considered urgent to continue providing water to people who are dying because of lack of water? Where is the seriousness and commitment that this Government keeps telling Kenyans every time they speak?

Mr. Deputy Speaker, Sir, in this budget you will find money for roads in some of the poorest districts being removed, like Wajir District. Last week, the road between Wajir and Mandera was cut off for five days because it was made impassable by the rains. In these Estimates, this Minister is removing the only allocation that has been made to the Ministry of Roads and Public Works for that district by Kshs14 million. Where is the commitment for development of this region? Kisumu District has been deducted Kshs40 million. Narok District has been deducted Kshs375 million. If you go through this book district by district, you will be surprised at how much money is being removed for development from water, health, roads and all other critical infrastructure. The same money that is being given to departments that are not essential. For example, Dr. Mutua, the Government Spokesman is getting Kshs421 million in this book. What does he do in this country to deserve that amount? Why are we unable to stick to commitments when we are allocating money?

Mr. Deputy Speaker, Sir, last time when we were discussing about the security in north-eastern Kenya, hon. Members in this House were very clear in their minds. Many of them even suggested that: "We can even wait for a year. Can you take the money for this year's allocation to north eastern Kenya and develop that region?" Hon. Members raised it here. Can we have a substantial amount for this year allocated for the development of that region so that we can have the roads and the Minister in charge of security can tackle insecurity and so that we can have water and people do not have to starve? When we have the little allocation of Kshs10 million, people in Treasury can sit down and remove that money without any consultations with anybody. So, I find it very difficult for us to accept this Supplementary Appropriation Bill.

We are going for the Budget and we will see the commitment of this Government when they read the Budget in June as to how much money they are going to allocate for the development of infrastructure in that region. I said last time that every time there is a tragedy in northern Kenya, this Government declares national days of mourning and sheds crocodile tears but when it comes to giving resources for development, we do not find a penny. Resources are given out like prescribed medicine in doses which are so small

that you wonder whether that part of the country is also in this Republic.

Mr. Deputy Speaker, Sir, one of the other problems with the Treasury is the delay in disbursements by the Exchequer of money that has been approved and voted for by this House. This is the reason why you find money is going back to Treasury every year. We have raised that issue time and again in this House that Treasury needs to do something in terms of its capacity and ability so that once resources have been voted they are spent. The reason why districts are unable to spend money is because of delays by Treasury in releasing funds to them. That matter needs to be addressed once and for all because each year including now in this book the Development Vote for this year which we voted on Kshs7.6 billion is being taken back and re-allocated to Recurrent Expenditure. Why? Because there is a delay in getting the money in the districts. So, I think this Government needs to look at the long-term priorities for development of this country.

Mr. Deputy Speaker, Sir, we have in these Estimates an allocation of Kshs6.3 billion for famine relief for the remaining part of this financial year and we are told another Kshs6.7 billion has already been spent on famine relief. In fact, 70 per cent of the population of North Eastern Province, as we speak today, is relying on famine relief. Why should it be so? Why must an entire region of this country be dependent on hand-outs from the Government? Is it because they are not able to work? Is it because they are lazy and cannot fend for themselves? It is because we are being denied resources when we want them for development. Out of this Kshs6.3 billion for buying maize and beans, if we ask for Kshs1 billion for construction of the roads or for water supply we cannot get it for that region but if we tell them we need another Kshs20 billion for relief food, it is going to be provided and the reason is very clear. This is because when you are buying maize and beans there is going to be corruption. You get kickbacks and every Minister here will go home with his wallet bursting because of the amount of corruption that is there. We cannot allow this kind of thing to continue. What we want is resources allocated for development and not for famine relief. We have said it many times. The people of North Eastern Province do not require famine relief to survive. We need money for development of the region. It is a shame when you give us Kshs6.2 billion to buy maize and beans grown by you and yet, you do not want to spend Kshs500 million to provide water, roads and other development facilities in the region.

Mr. Deputy Speaker, Sir, lastly, in today's newspapers, you have seen a report by the Controller and Auditor-General about the misappropriation of funds in 2003/2004 Financial Year. We will discuss that. However, what is clearly coming up is that the same misappropriation of funds, the same extravagance, the same wastage and losses that we suffered in previous regimes is being repeated in this regime! As we vote for this Bill, we want to appeal to the Minister for Finance to change that. We need a paradigm shift in the way we manage finances in this country. We cannot continue losing billions of shillings in the same way we did in the last Century.

With those few remarks, until the Minister makes amendments, I oppose this Bill.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, like my colleague, Mr. Billow Kerrow, who is the Shadow Minister for Finance, I rise to oppose this Bill. I oppose this Bill for very good reasons. When we discussed the Supplementary Estimates a couple of days ago, we raised points that we thought the Minister for Finance will take into account. We expected him, in his submission today, to answer those pertinent questions that we raised. I do not think that the Supplementary Estimates and the Supplementary Appropriation Bill are brought to this House as a matter of procedure. I also do not think they are brought into this House simply to fulfil a tradition. I believe they are brought here because this House is responsible to the people of Kenya. It is responsible for accounting for every cent that is appropriated from their taxes and spent by the Government in a cost-effective manner. That is why this Bill is called "Appropriation Bill". The Government recognises the fact that, that money is being appropriated from the taxpayers, so that it can be spent in the interest of the people of Kenya.

Mr. Deputy Speaker, Sir, when we discussed the Supplementary Estimates--- If the Minister cared to read the HANSARD, he will realise that I made extensive submissions regarding the manner in which the Government has presented its expenditure sheets. The Minister for Finance is an accountant. I observed that when you are making a budget and you provide for contingency, that provision cannot logically be more than ten per cent of the total budget. Otherwise, it is not contingency. If it is more than that, it becomes a substantive expenditure that ought to be explained, so that no audit queries can be raised at the end of that expenditure.

Mr. Deputy Speaker, Sir, I pointed out to the Minister the rather incongruent increases in the Supplementary Estimates on an Item called "Other Expenditure". That is particularly in the Office of the President. I also submitted to the Minister that, without an explanation as to what that "Other Operating Expenses" are, item by item, I am entitled to conclude that Items are being hidden in "Other Operating Expenses" that could easily relate to extravagant expenditure of the Government. One of the extravagant expenditures by the Government was during the Referendum. Unless I am given proof otherwise, I am entitled to that conclusion.

Mr. Deputy Speaker, Sir, the Minister had the HANSARD for two weeks, while preparing the Appropriation Bill. In his submission today, he has not explained to us why so many Votes in the Office of the President are hidden under "Other Expenses". That is so to the extent that, where you have a total expenditure of Kshs265 million, contingency is about Kshs100 million. In other words, contingency is about 50 per cent of the total expenditure. I have evidence here in the Recurrent Expenditure Book!

If I could draw the attention of the Minister and refresh his memory, he should look at the Office of the President, Head 001 - Sub-Head 00, Item 2211300 on page two. You realise that under Other Expenses, you are asking us for Kshs93,870,000. The total expenditure for that particular Head is Kshs265,346,057. In other words, your contingency is about 50 per cent of the total amount of money that you want. I cannot, for a moment, accept that!

The Minister for Livestock and Fisheries Development (Mr. Munyao): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member on the Floor is a very good friend of mine. However, is he in order to repeat the same things he said last time? When we were discussing the same issue, he said almost the same things verbatim. Is he in order?

Mr. Deputy Speaker: Mr. Munyao, this is a different Motion!

Prof. Anyang'-Nyong'o, please, proceed!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I hope the hon. Minister for "animal husbandry" was listening to me---

(Laughter)

I said that I expected the Minister for Finance to respond to some of the issues that we raised when we were discussing this matter. It would be incongruent for the Minister to think that we can discuss this Bill without referring to what we debated. Otherwise, there is no need of bringing these two things to Parliament. Mr. Munyao had better take us seriously and not raise points of order that are relevant in Mbooni and not in this Parliament!

(Laughter)

The Minister for Environment and Natural Resources (Prof. Kibwana): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for an hon. Member of Prof. Anyang'-Nyong'o's stature to use derogatory language, targeting another hon. Member, when he knows that there is no Parliament in Mbooni?

Prof. Anyang'-Nyong'o: Precisely, Mr. Minister! There is no Parliament in Mbooni! That kind of point of order can only be raised there. In this Parliament, it is not relevant! So, I am quite in order.

Mr. Deputy Speaker, Sir, on Head 577, Sub-head 00, Item 2211300 on page five, I make the same point. On "Other Operating Expenses", a total of Kshs40 million has been allocated, when the charge in that Head is only Kshs38 million. These are facts that I am not cooking. These books were brought here so that we can be informed on what basis we are to pass this Bill. I am saying that, unless the Minister explains to us today, like Mr. Billow, I would find it very difficult to approve this! Some major questions that have been raised in this Book have not been answered.

Mr. Deputy Speaker, Sir, if the Minister is not satisfied with that illustration, I will go further and give him another one. In the Vote for the Office of the President, Head 011, Sub-head 00, Item 2211300 on page 11, Other Operating Expenses has an increase of Kshs55 million, when the total increase demanded from us is Kshs245 million. We would like an explanation! What are these "Other Expenses"? They become bigger and bigger as you go on. If we look at the Item called Other Operating Expenses in Head 0012 and Head 0014, the figures given are astronomical.

Mr. Deputy Speaker, Sir, I would like to refer the Minister to a final issue on Head 085, Sub-Head 000, Item 2211300 on page 17. It is also titled "Other Operating Expenses". We are required to raise it from Kshs65 million to Kshs228,600,000. This is an increase of Kshs163 million. The total increase for the Head is Kshs195 million. What are these Other Operating Expenses? They are all under one Accounting Officer in the Government. Why is the Office of the President requiring so many other expenses that they cannot itemise? These are the kind of things that lead to Anglo Leasing. When we hide expenditure and we do not explain it, we are anglo leasing the Republic. If this particular Bill can be anglo leased, I urge this House not to approve it. This is because the people of Kenya will tomorrow ask us: "Why did you approve the things you do not understand?" In this House, we have learned men and women who should be able to read and understand Estimates and Supplementary Appropriation Bill. So, unless the Minister can explain to this House and itemise these other expenses, I urge this House not to approve this Bill because tomorrow or the day after, we shall be able to do our research and tell this House what these "other expenses" are and this House will stand embarrassed.

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

The Minister for Livestock and Fisheries Development (Mr. Munyao): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. I would like to support the Supplementary Appropriation Bill.

I would like to start by congratulating the new Minister for Finance. I also would like to laud the previous Minister for Finance, Mr. Mwiraria, for the wonderful job he did. I hope this House bears me witness that our Ministers have done a good job. When the NARC Government took over power, and I am sure my colleague, Mr. Billow, will bear me witness, they inherited empty coffers. The "granary" was empty. There were absolutely no funds.

Mr. Billow: On a point of order, Mr. Deputy Speaker, Sir. The hon. Minister should be serious. Is he in order to say that this Government inherited empty coffers from the previous regime when, indeed, in 12 months after taking over, they signed away Kshs32 billion in Anglo Leasing contracts?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, allow me to continue with my contribution because I was building my case to prove to my good friend that we actually took over empty coffers.

I wanted to explain this based on a subject that every hon. Member in this House knows. This is the Constituencies Development Fund (CDF). When this Government took over, we could not afford to pay more than Kshs6 million per constituency. However, in 2004, we were able to

raise more revenue. This is why I congratulate Mr. Mwiraria for the work he did then because, within a very short time, Mr. Billow and every hon. Member were able to get Kshs25 million for development in their constituencies. Currently, the figure is in excess of Kshs30 million. What else can any genuine Government do? This is such a beautiful gesture to the people of Kenya.

This House must appreciate the efforts of the NARC Government. Hon. Members should thank God that the NARC Government came into power on time. If the other regime went on for a longer period we would not be boasting of a country now.

Mr. Deputy Speaker, Sir, you and I, come from famine prone areas. This country has been experiencing famine for many years. It is only recently that the Government gave famine relief in abundance. Some years ago, a family would, for example, get a kilogramme of maize to cater for 30 people. This was supposed to last for two weeks. We really do not know how we survived then. I am sure we survived by the will of God. We should thank God that the NARC Government came to help and check the situation.

Mr. Deputy Speaker, Sir, there is nothing better than what has happened in this country. I sincerely thank the Minister for Finance. I would like to request hon. Members to pass this Bill, so that we move on to the next step. We should support this Ministry, so that Kenyans are assisted through various development projects.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Mr. Mungatana, Prof. Kibwana stood up before you. I will come to you later if you still wish to contribute.

The Minister for Environment and Natural Resources (Prof. Kibwana): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Bill. This Bill should really be supported as a matter of cause because it is merely a translation of the Estimates that this House resoundingly approved. When some of our colleagues oppose this Bill, one must conclude that they are really opposing for the sake of doing so, because the Bill merely translates into legal form what all of us approved in terms of the Estimates. That approval was more or less, unanimous.

Mr. Deputy Speaker, Sir, the NARC Government---

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to misinform the House that the Supplementary Estimates were approved unanimously when some of us in this House said no?

The Minister Environment and Natural Resources (Prof. Kibwana): Mr. Deputy Speaker, Sir, I said that the approval was more or less, unanimous, if my colleague was listening to me. I must say that recently Prof. Anyang'-Nyong'o is not the person I knew because sometimes he raises matters that he should not.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order, hon. Members! I will not allow professors to have an exchange. The point is that you want to say this is not the professor you used to know. That is completely out of order! Could you, please, confine yourself to the matter we are discussing?

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Deputy Speaker, Sir, I will, therefore, recognise Prof. Anyang'-Nyong'o as "Maradona". He claimed that name.

We approved the Supplementary Estimates and, therefore, this Bill confirms them. These Estimates will complete three and a half budget years of the NARC Government. Anybody who looks at them carefully, realises that it is a final supplement of a very austere Budget. We are introducing measures that begin to say public money must be spent very carefully. At least, that is one thing that must come through, that we are not extravagant, we are trying to use money prudently and wisely. It is common knowledge that we are actually mobilising funds from our country without a lot of donor support, indeed, minimal donor support. That is why it is very urgent

to approve the Supplementary Appropriation Bill, so that we can complete the financial year. Even donors who promised us funds did not make those funds available. This is a very home grown attempt to make sure that we use our money to do the things that must be done for our country.

Mr. Deputy Speaker, Sir, I am aware that hon. Members have asked for some monies to come through to the CDF, in terms of the more than 2.5 per cent. That is the law currently. I am sure that is a matter that hon. Members will be able to negotiate with the Government. People should, therefore, not again target this Bill merely to put undue pressure for a consideration of the CDF increment. As a House we should move away from the culture of exerting undue pressure on the Government whenever we want something. In a democracy, that is not how business of the House is transacted.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to insinuate that these Supplementary Estimates were delayed by hon. Members to exert pressure on the Government to increase CDF funds? This is a clear indication that the Minister is trying to tell the House that the CDF issue was tied to the approval of the Supplementary Estimates!

Mr. Deputy Speaker: I agree with Capt. Nakitare. Certainly, I do not think that there is any hon. Member who has said that the Supplementary Estimates debate was centred on the increase of the CDF funds. Prof. Kibwana, you are out of order by insinuating that the hon. Members opposing the Motion are doing so because they want CDF funds to be increased. I do not think that is the point.

Will you, please, confine yourself to the matter at hand?

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Deputy Speaker, Sir, I wanted to be clear on that particular matter. We should confine ourselves to the Bill at hand and not twin it with other matters. I respect the views of the hon. Member and he is in order to make such a clarification. When you look at the Supplementary Appropriation Bill, you will see that there are very important matters that will require urgent attention. This law will provide a budget for two months.

The issue of drug abuse needs to be tackled through some money from the Office of the President. This is one area that needs urgent attention. Indeed, it is necessary to create an autonomous body to deal with the issue of drug abuse. The need for some money to fight drug abuse is something we should recognise.

In agriculture, money is required for monitoring and management of food security. There are areas in this country where this is a very urgent matter. We have asked the Ministry of Agriculture to initiate urgent measures to make sure that food security is addressed carefully. We should get adequate food for our people, so that we do not have to depend on relief food. Also, some of the money required by the Ministry of Agriculture is for pest control. In many areas now, there is a big problem of army worm invasion. The Ministry of Agriculture has told us that it is not able to help us before it gets some more money.

In the Ministry of Health, there is an urgent need for more nurses. Many hon. Members have complained about shortage of health personnel, especially nurses. Some of this money will be used to employ more nurses, so that we can get more health personnel in our health facilities. We are looking forward to having a primary health facility in every sub-location. Such health facilities should be well staffed and equipped with medicines, so that our people are catered for.

You will find that there are many roads which need to be repaired. In my constituency there are bridges, which were washed away by floods water. The bridge linking my constituency to that of hon. Kalembe, at Kiangini, has been washed away by floods. Some of this money is needed to rehabilitate roads and bridges. It will also solve the flood problem in Coast Province. It is unusual to have floods in the Coast Province. Ordinarily, we do not get floods in the Coast Province.

In my Ministry of Environment and Natural Resources, we expect that this money will come in handy to support and expand exploitation of minerals. Minerals can become one of the pillars of our economy. Indeed, yesterday the Russian Federation signed an agreement with us to help in mineral development. This is an important area for them and us. We are planning to visit Russia to see how they exploit mineral potential in their country. So, this money is coming at an opportune moment; to facilitate this joint venture between our sister countries.

In the education sector, we realise that all the hon. Members are waiting for money for bursaries for their students. It is clear that this money is needed urgently.

I also want to say that the Item "other expenses" is itemised under each Ministry. It is not just an expense item somebody dreams up. When you are preparing a Bill like this one, you cannot include all expenses by name because that is not how laws are drafted. So, to insinuate that this is money which is hidden somewhere is not correct.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to misinform the House that the Item "other expenses" is itemised elsewhere when all Items are shown here?. Where is he telling us it is itemised?

Mr. Deputy Speaker: Prof. Kibwana, could you respond to that?

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Deputy Speaker, Sir, every Ministry prepares a mini-budget and itemises all the things that are required. So, I am happy to support this Bill and ask all hon. Members to expeditiously pass it, so that we can develop our country.

Mr. Okemo: Mr. Deputy Speaker, Sir, I think the exercise that we are engaged in today is basically a logical consequence of what we did when we debated the Supplementary Estimates. Therefore, what the Minister ought to do is to take serious account of the comments raised by the hon. Members. This is in relation to future Supplementary Estimates and Budgets. This thing called "other expenses" should be more detailed, so that hon. Members will know what it is. I stand here to support this Supplementary Appropriation Bill.

I wish to say that there are two main reasons why we have Supplementary Estimates. I think they are relevant in this particular case. The first reason arises because of unforeseen circumstances. In our case, we are talking about the drought and the emergency food that is required by our people. Secondly, the Minister mentioned, in his comments, that the expected donor funding did not materialise. So, these two things happened, and we had to have Supplementary Estimates. To legalise the Supplementary Estimates that we approved, we should pass this Supplementary Appropriation Bill. That is obvious because the real meat is what we discussed during the debate on the Estimates.

However, Mr. Deputy Speaker, Sir, I think, in future, directionally, as a nation, we must make an effort to try and move away from this huge split of about 80 to 85 per cent Recurrent Expenditure and 15 to 20 per cent Development Expenditure. There is no other way our economy is going to grow if we continue in that fashion. I recognise the fact that the Government appears to do something about the reduction in the workforce. That is the biggest single item in the Recurrent Expenditure. It has its political consequences. The immediate political consequences may not be very good, but the long term, from the national point of view, I think it is in everybody's interest and benefit that we devote more money to development so that future generations and the economy can grow.

Mr. Deputy Speaker, Sir, sometime in the past, the Minister for Finance said that he had not factored money from our development partners and that our Budget was going to be funded 100 per cent by our internal resources. Obviously, that was untrue. Part of the reason why we are having these Supplementary Estimates is because donor funding had been factored into the Estimates and that donor funding has not materialised. We should be transparent and tell Kenyans the truth. It is

nice to say that we do not get money from the donors and it looks like we are being independent. However, on the other hand, quietly, we are sneaking in figures which later on, when they do not materialise, we have to know the truth on the Floor of the House. I, therefore, believe that if donor funding is factored in, let it be so said explicitly and let us know about it. If it is not, then let us say so also.

I support the Supplementary Appropriation Bill and I hope that the Minister for Finance is going to be more realistic in his coming Budget by taking into account the actual external funding that will be necessary to fulfil or fill up the financing gap because there will be one.

Mr. Deputy Speaker, Sir, I do not want to put a relationship between the Budget and the Constituencies Development Fund (CDF). However, I think it is important as a matter of clarity - and I say this with a very strong passion - that it does not matter whether 20 or 30 per cent of the total Budget goes to the CDF and 70 per cent goes to the Government provided there is harmonisation between the use of the CDF funds and the Government's budgetary implementation, so that we end up knowing what the left hand and the right hand are doing. At the moment, the reason why the Government is screaming is because it is very difficult to know whether you should emphasise on health in a particular area because you have put in your main Budget. Then you say there will not be enough money to take care of that. However, if there is some form of harmonisation, I believe that the two arms of expenditure; the CDF and the central budgeting, should be complementary. We must stop pulling in the wrong direction. Therefore, the question of whether it will be 5 per cent or 7.5 per cent is not really a reason the Government should give for saying one way "yes" or "no" on the other way.

Mr. Deputy Speaker: Order, Mr. Okemo! You are now debating something else because you are saying whether it will be 5 per cent or 7.5 per cent. I allowed you to mention it but I thought it was in passing. However, now you are going deeper. Could you, please, cut it off?

Mr. Okemo: Mr. Deputy Speaker, Sir, that is as deep I will go. I do not think I will go any deeper than that. I will end by saying that when we re-allocate resources - because when you look at this Bill, it is nothing but re-allocation of resources - the extra money that the Minister has asked for is only Kshs12 billion. Otherwise, the original Budget has just been re-allocated; some money has been shifted from the Development Vote into the Recurrent Vote. The money that has been taken to the Recurrent Vote is for emergency famine relief.

With those few remarks, I beg to support.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. As you can read the mood of the House, there is a balance. In this case, there is repetition of the same matters. Am I in order to move that we call upon the Mover to reply?

Mr. Deputy Speaker: I see no objection and I will, therefore, put the Question.

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

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, let me start by thanking hon. Members who have contributed, for their comments and contributions, which I will confirm we take very seriously. Even if we do not act on them between now and the time we leave this House, they will be taken into account in future.

May I also confirm to this House that the Treasury did not sit unilaterally and re-allocate the monies. All the Accounting Officers in the various Ministries participated in bringing in the figures they thought their Ministry would not be spending between now and June, 2006. Any reflections in reductions have the full concurrence of all the people concerned. I would also like to explain, and I went into that in depth both when moving the Motion and now, that the reduction

you see especially within the Development Expenditure, where donors are involved, is in the realisation that if those funds are not coming, there is no point in carrying that expenditure in our books because we are not eventually spending it. We have to reflect the reality.

Mr. Deputy Speaker, Sir, the only other thing I would like to mention is that there is a misconception in terms of delays in disbursement of funds. When Parliament votes money, it gives us the authority to spend. We need to go out there and ask people to pay their taxes. We need to raise that money and go through the whole rigmarole of all the procedures before the money can be spent. When hon. Members see that there is a disconnect between voting the money and the actual disbursement, it is because of that situation. I take the point in terms of the level of details that this House requires and we will be looking into that. However, I would like to urge hon. Members to also visit the Treasury's website where we have posted the details of all the various accounts heads and familiarise themselves in terms of what an account head constitutes, for example, "other operating and contingency expenses". We will try to be as simple as possible in future for the benefit of hon. Members.

Mr. Deputy Speaker, Sir, I also welcome hon. Members, views especially Mr. Okemo's suggestion. That is the direction the Government is going in terms of putting more emphasis on development and moving away from Recurrent Expenditure. That is the future direction and how we are going to save this country. We will, therefore, be seeking the support of hon. Members in that direction.

With those few remarks, I beg to move.

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

THE SUPPLEMENTARY APPROPRIATION BILL

(Clauses 2, 3, 4 and 5 agreed to)

(First Schedule agreed to)

Second Schedule

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, I would like to raise an issue regarding the Second Schedule. I will raise the issue because I am concerned about it. If you

look at the Second Schedule, you will see the reductions effected in the Ministry of Roads and Public Works. That is a very important issue. I know in the First Schedule, the Office of the President has almost half of the amount of the Expenditure of all other Ministries.

The Temporary Deputy Chairman (Mr. Khamasi): What Vote are you referring to? Could you tell us which Vote and page you are referring to?

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, if you look at page 600, Vote D13, the amount for reduction in the Ministry of Roads and Public Works is Kshs1.6 billion. We heard from the Minister for Roads and Public Works, when he was making his presentation, that roads are important and they require a lot of money. I know that in the First Schedule, the amount of money he was asking for was an extra Kshs56 million. However, the Office the President is asking for Kshs8 billion extra. Although the Ministry of Roads and Public Works has been given Kshs8 billion in the Recurrent Expenditure, we are reducing money for development by Kshs1.68 billion. Appropriations-In-Aid is expected to be Kshs1.2 million. That means that the Roads and Public Works Ministry will not have money to do anything. That is why I am raising the issue. We should rationalise reductions and additions among other things, rather than put Kshs8 billion in the President's Office for a few months, purely for Recurrent Expenditure. Why can we not make a sacrifice and put the money in roads, where we know that there are rains going on and roads have been destroyed? Why are we brave enough to come to this House and ask for reductions?

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman Sir, the reductions

within the Ministry of Roads and Public Works relate to some projects which have not begun. It is pointless to keep that money within the books because the contracts have not been given out and will not start before June. It also relates to amounts which are counter-part funding by the Kenyan Government to the Development Expenditure, which was supposed to be funded from outside, yet we have not received any commitment. Those projects are being rescheduled to start when we have firm commitments from our financiers. So, it is not that we are moving from one project to the other. I explained that we have rescheduling until we have firm commitments either in terms of funding or in terms of contracting. That is the position.

Mr. Ojode: Mr. Temporary Deputy Chairman, I do not know if the Minister is telling the truth. Last year, there were commitments which were given by some financiers. That is why some of the funds were allocated and given to various projects. I do not know if the Minister is now saying that the firm commitments will no longer be heeded to, or what is happening? The reason I am saying that is because, in my own constituency, there was an agreement with a financier who confirmed that they had allocated Kshs200 million to construct a road in my constituency. That was confirmed. Why is the Minister saying that there was no confirmed funding on the Vote?

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I am not aware of the commitment of Kshs200 million to Ndhiwa, which was rescheduled. I have said that the basis of the allocation is to avoid situations like we had last year, where Kshs7 billion was returned to the Treasury because either the counter-part funds from the donors were not available or the contracting was not done. We want a situation where all the money that has been voted is put to use.

Mr. Billow: Mr. Temporary Deputy Chairman, Sir, on the Second Schedule, Vote D20, there is an amount for reduction from the Ministry of Water and Irrigation of Kshs531 million. You have heard the Minister say that the reductions are done because of donor funding which has been withdrawn, withheld or not committed. It is important to clarify to this House the situation. We keep on reading about donors who say that they have suspended aid. The recent was a suspension of aid by the Dutch Government, of Kshs10 billion. Last year, the Budget was clear that there was

no donor funding included. This year, the Minister gave the same commitment. Most of the money used for Development Expenditure is from donor funding. However, Kenyans are not told that. So, I want a commitment from the Minister that the money for water, which is really for emergency and drilling of boreholes in the arid and semi-arid areas, despite the fact that donors have withdrawn--- I want an assurance that the Government will find money to fund the programme to continue immediately.

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, we have consistently said that we will not factor in any budgetary support until it has been confirmed, especially to avoid such embarrassing situations like this, where money is promised and not forthcoming. I want to assure this House that we are very conscious of the drought situation and the need for water in all those areas. Although we are moving this particular one, indeed, we were faced with some procurement problems on this contract. We have allocated funds through the Arid and Semi-Arid Lands Programme and the Special Programmes Project. We are also sourcing for extra funding to support the infrastructural development projects in those drought-prone areas so as to mitigate the effects of drought in the future.

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Kimunya): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT AND THIRD READING

THE SUPPLEMENTARY APPROPRIATION BILL

Mr. Khamasi: Mr. Deputy Speaker, Sir, I beg to report that a Committee of the Whole House has considered the Supplementary Appropriation Bill and approved the same without amendment.

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister for Water and Irrigation (Mr. Wanjala) seconded.

(Question proposed)

Mr. Angwenyi: Mr. Deputy Speaker, Sir, now that we have given the Minister for Finance approval to spend public resources, we hope that he will apply them appropriately. Also, as he prepares his main Budget, he should consider every region of this country more so Kisii with regard to roads and other infrastructure.

With those remarks, I beg to support.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I think what has come out very clearly in the discussion of this Supplementary Appropriation Bill is the need for a Parliamentary Budgetary Committee to be established, as quickly as possible, so that a Budget becomes a matter that is discussed between Members of Parliament. That way, the Minister will be able to come to this House more informed about the Budget and the Supplementary Estimates than we have seen.

I recognised that the Ministers who spoke did not actually understand the Supplementary Estimates and the Supplementary Appropriation Bill.

(Laughter)

It is necessary that we be prepared to be educated. This culture of being defensive is not going to help the Government or us in the Opposition.

Secondly, the point that hon. Okemo raised regarding the Recurrent Expenditure and the Development Expenditure is something that we have been debating since the Seventh Parliament. I believe it is something that should not be taken flippantly. I, therefore, hope that before the Budget is read to us in June, it will not be a sing-song on the part of the Minister still by reassuring the National Assembly that this should be taken into consideration. When the Budget comes, it will have been taken into consideration because it is of extreme concern to this House.

With those remarks, I beg to support.

(Question put and agreed to)

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read the Third Time.

The Assistant Minister for Lands and Housing (Mr. Kamama) seconded.

(Question proposed)

Mr. Billow: Mr. Deputy Speaker, Sir, one of the things I want to advise this Government is about transparency in the implementation of these Supplementary Estimates. When we went through them last week, I raised the issue of lack of transparency that certain expenditures are being deliberately hidden to block Parliament from identifying them. A good example is when, last week, on the Floor of this House, I requested the Minister for Finance to tell this House in his reply where exactly he included the increase of salaries of Ministers and Assistant Ministers. Under which Vote did he include that? We went through Supplementary Estimates and we could not locate the Vote. Subsequently, I found out from the Accounting Officer that the increment had actually been factored in under an Item titled, "Personal allowances as part of salaries."

However much today's Government tries to hide these things, tomorrow, the Controller and Auditor-General will find out and history will judge you harshly. So, my advice is that we need to be transparent in the preparation of budgetary estimates.

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

Mr. Kimathi: Mr. Deputy Speaker, Sir, now that we have assisted the Government in approving this Bill, I hope that the Minister--- Since the Supplementary Estimates have also

provided for security, which has deteriorated in our country, we now need our uniformed forces to work hard. The hardship allowance for our policemen was reduced some time back. I hope the Minister in charge of internal security will use some of the money that he has been allocated to remunerate well our police officers who work so hard. That way, they will have the morale to protect all of us. Security is a very important issue.

With those remarks, I beg to support.

Capt. Nakitare: Mr. Deputy Speaker, Sir, we applaud the Minister for bringing forth this Supplementary Appropriation Bill. It has been very hard, though, for Members of Parliament to understand the term "Miscellaneous and others" which has featured in the Bill. I would like to appeal to the Minister for Finance to, at least, adhere to the principle of language understanding. We Members of Parliament are reluctant to be used as rubber stamp when it comes to public finance spending.

Mr. Deputy Speaker, Sir, I would like to see this money being put to right use. We all know that appropriation is the opposite of misappropriation. We do not vote this money for misappropriation. There was an element of money that was misappropriated or not accounted for. There were trips that were not accounted for. We, as hon. Members, would not like to imagine that we are used here as a rubber stamp.

With those remarks, I beg to support this Supplementary Appropriation Bill.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, I want to appreciate the contributions that have been made on this Floor with regard to the Appropriation Bill. I would also like to recognise the valuable contribution that has been made even from the Opposite Benches. I am highly impressed by the contribution made by my friend here, Mr. Okemo. Having been a Minister for Finance, he understands very well, in very graphic form, what Supplementary Estimates are all about.

I do not think any Minister for Finance can improve on what he said. He said that it is an exercise to reallocate from one Vote to another the adjustments and also to clean up estimates by putting money elsewhere. It also means bringing additional requirements for matters that could never have been foreseen when the Budget was first designed.

I also want to congratulate the new Minister for Finance, Mr. Kimunya. We are still suffering from famine. There are areas which still require a lot of assistance. There was no other way other than getting money through these Supplementary Estimates because when the original Estimates were devised nobody could have foreseen the drought. I do not want to make a lot of remarks. I can see Mr. Gideon Moi smiling because of what I am saying. I am sure he is learning quite a lot from me.

With those few remarks, I beg to support.

Mr. Ojode: Mr. Deputy Speaker, Sir, I did participate in approving the Supplementary Estimates. It is a pity that in the whole of South Nyanza, roads are impassable.

(Loud consultations)

Mr. Deputy Speaker, Sir, could you, please, protect me from these hon. Members?

Mr. Deputy Speaker: You stand protected! Order, hon. Members! I now want to protect Mr. Ojode to say what he wants to say.

Mr. Ojode: Thank you, Mr. Deputy Speaker, Sir. Let me plead with my colleagues that, this time round, that money which has been allocated to the Ministry of Roads and Public Works should not be returned to the Treasury. We do not have tarmacked roads in South Nyanza. There is one road which I would plead with the Minister to consider. This is the Rodi-Kopany-Karungu Road. Last time, when I asked the Assistant Minister in charge of roads, Eng. Toro, about this road,

he said that the Treasury had not allocated any funds for that particular road. I am pleading with the Minister that, for me to participate in approving another Supplementary Estimates this time round, he should consider funding this road.

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

(Loud consultations)

Nani anaongea kama ninaongea?

Mr. Deputy Speaker: Order, Mr. Ojode! I want to finish this, but I do not want to ignore the Chairman of the Committee of the Whole House.

Mr. Khamasi: Thank you, Mr. Deputy Speaker, Sir, for allowing me to express my appreciation and congratulate the new Minister for Finance. I would like to give him a word of advice that, so far, he has done very well. He is learning very fast. He can learn faster given more time. These hon. Members here have done exactly what they were elected to do. They have done a major exercise.

My advice to the Minister is that he needs these hon. Members. There is no way he will go it alone. He cannot do it from State House or in his office. He can only do it here. Now that we have appropriated the money which he requires, I believe he will move with speed and make sure that we do not see any money going back to the Treasury.

I support this Bill.

(Mr. Okemo stood up in his place)

Mr. Deputy Speaker: Mr. Okemo, what is it?

Mr. Okemo: Mr. Deputy Speaker, Sir, do not sound so impatient! I think I have something useful to contribute. Alongside the Supplementary Estimates, there is a bridge between Approved Estimates and Supplementary Estimates. That bridge is called the Civil Contingency Fund (CCF). I would like to propose to this House that next time when we are dealing with Supplementary Estimates, it would be for the benefit of this House, to have a detailed account of how that account is operated. That is the fund from where all emergency drawings come from. Therefore, it would be useful for this House to know how the CCF is operated next time we come up with Supplementary Estimates.

(Question put and agreed to)

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

Second Reading

THE COTTON (AMENDMENT) BILL

(Dr. Ojiambo on 3.5.2006)

*(Resumption of Debate interrupted
on 3.5.2006)*

Mr. Deputy Speaker: Who was on the Floor? Mr. Sungu is not here. Could we have His

Excellency the Vice-President and Minister for Home Affairs?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Bill. Let me go back to history. When new crops were introduced in this country, they were divided between those that were grown by *wazungus* and those that were grown by natives. They introduced coffee, tea and pyrethrum. Those three crops were very carefully developed. There were research stations and researchers to make sure that those crops developed better. For instance, I know that, at one stage, coffee used to take nearly six years before it could produce berries. Today, it take a very short period. The berries are bigger and of better quality. Similarly, there has been research in tea and pyrethrum. They have set up good institutions for marketing. That helped mainly the white farmers. Cotton was left for the natives. Since it was grown by natives, not much research has been done on it. Today, nearly 70 years after it was introduced, it still takes the same period time to mature. One cannot see any improvement in the lint. It is still subject to the old pests that have ruined cotton for very many years.

But, in spite of all that, from the 1930s to mid-70s, cotton was like white gold in areas where it was grown. For those who came from cotton growing areas in those days, cotton farmers were considered to be fairly rich people. That was because of the cotton.

Mr. Deputy Speaker, Sir, I want to congratulate the Mover of this Bill for bringing it here. It is turning the Board into an Authority. But what we want to do now is not just changing from one institution to another. We want to make sure that cotton becomes a true white gold. Currently, in the rural areas, agriculture has never been looked at as real business. It has remained static. Those who grow crops in rural areas are peasants. They merely exist. Cotton can revolutionalise the lives of people if we start looking at it as a serious business. It can never be a serious business if we continue with the old system of land tenure. It can never be a serious business because we still use *jembes* where, people wake up at 5.00 a.m. and remain in the *shamba* for a long time. It does not matter how many hours they will stay in the *shamba*! They will not go very far.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, it is time we considered farming as serious business. To do that, we need to upgrade the system of land tenure. We must mechanise our farming and the growing of cotton. For a long time, because of culture, there has been a system of land inheritance. You find someone who had 100 acres of land some 50 years ago cannot make use of that land because of sub-dividing it into pieces for his sons. Today, most people own less than 10 to 15 acres. It is not possible for somebody to use modern methods of farming like tractors and tillers.

I want to urge the Authority to encourage block farming. A group of people with 500 acres can come together and use tractors to till the land and plant crops. In most areas, people have title deeds. They know exactly how much they own. There should be no difficulties. For example, 5,000 farmers can use 10,000 acres for block farming.

Mr. Temporary Deputy Speaker, Sir, the Authority should encourage cotton farmers to borrow a leaf from the Kenya Tea Development Agency. Tea farmers own their crop through the process until marketing. I want to suggest that cotton becomes the same. I am going to be a little controversial. Farmers should own the cotton right from the beginning to the time it is marketed. We must cut out middle-men. We can do it gradually. It is time all cotton ginneries were owned by

farmers. That is the way it was in the 1960s until people messed it up. We can correct mistakes that were made in the past. But the only way we can make sure that farmers get a fair price for their lint is to have a say in its marketing. That can only happen if all ginneries are owned by farmers. But because of mismanagement, many ginneries have been purchased by individuals. They did a good job by doing so. But now, we need financing to repossess those ginneries. When that is done, there will be no scramble for cotton. Cotton prices will stabilise. Farmers will take their cotton to their own ginneries. Every ginnery will have a guaranteed minimum price for the cotton. The ginneries will then gin the cotton and farmers will sell it to textile factories. When they do that, they will get a second payment. That will completely turn peasant farming into a business.

Currently, with AGOA, we, as a country, are not benefiting very much, other than for the few people who have been employed in EPZs. But because we do not have much cotton in this country, we are importing cotton from Tanzania and from as far away as China. So, all we are doing is getting a few people employed in EPZs.

Mr. Temporary Deputy Speaker, Sir, if the farmers owned their cotton, we would not stop at producing only lint. There would be an extension so that we could go into the textile industry ourselves and then, we could export. This will not only create employment but also reduce poverty and create wealth.

Mr. Temporary Deputy Speaker, Sir, we are tired of our people in the rural areas remaining poor and because they have remained poor, they have adopted the culture of handouts. We can save them from that and give them back their dignity. We would like our people to be self-reliant. When it becomes a business, it will also stem the migration of our people who are always heading for towns. We know what happens when they come into towns; jobs are few, social amenities are strained and, therefore, we create slums like Kibera, Kawangware, Mathare and many others. I firmly believe that if we can guide the production of cotton properly, we will then be creating industries in the rural areas. We should, therefore, meet the Millennium Development Goals (MDGs).

Mr. Temporary Deputy Speaker, Sir, it is about time we decentralised industry in this country so that we can have what the Tanzanians tried to do, but did not do it properly; *Ujamaa*. We want smaller towns in the rural areas where we could create service jobs.

Mr. Temporary Deputy Speaker, Sir, it is important that all the representatives from cotton growing areas must be people who understand something about cotton. One of the reasons why the Cotton Management Board failed was because, I remember at one stage, the Chairman of that Board was someone who had never seen a cotton crop in his life. Similarly, even the Managing Director, someone called Mr. Tiampati, I was the one who showed him the crop when he visited Funyula. Now, how can you have a person like that as Managing Director? We need to look into that so that we get qualified people.

Mr. Temporary Deputy Speaker, Sir, I know this is an interesting subject to Members, especially those from cotton growing areas. I want to thank Dr. Ojiambo for bringing Bill.

With those remarks, I beg to support.

Mr. Kimeto: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. First of all, I want to congratulate the new Minister on his appointment. Secondly, I want to thank the President for appointing this new Minister---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kimeto! Have you read anything in our Standing Orders concerning relevance? Can you be relevant to the subject before us?

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, I want to thank you for giving me a chance to contribute to this Cotton (Amendment) Bill. Cotton is a very important cash crop in this country. If we improved the growth of this crop, this country would not import clothes.

Mr. Temporary Deputy Speaker, Sir, if we improve the farming of cotton, many people will get employment and improve their living standards. So, I urge all Members to support this Bill so that we can again start exporting cotton and earn foreign exchange. If we do not develop cotton ginneries in this country, we shall remain a marketplace for other people. In this way, our country will remain very poor.

With those remarks, I beg to support.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity. From the outset, I would like to start by congratulating Dr. Ojiambo for bringing this very important Bill. I hope that this House will support it.

It is important to note that this country has suffered loss in certain agreements and protocols with the outside world. I have in mind the AGOA Act where this country is just about to suffer loss of benefits for lack of home-grown cotton.

As we pass this Bill, I would like the Government to support the Cotton Development Authority which is proposed in this Bill.

Mr. Temporary Deputy Speaker, Sir, I also the support the proposal by the Vice-President and Minister for Home Affairs that we should look at the development of the cotton industry as a business. That statement is not just true for cotton but also for all other cash crops. Farmers must stop thinking about growing cotton as a hobby. They should, indeed, regard it as a business. We need to borrow from others, particularly India, where cottage industries have been developed around the ginneries.

In this country, we have several co-operative societies which exist long after the demise of the cotton sector, like Malava-Malakisi Co-operative Society of Western Kenya. If all cotton farmers in Western Province supported that particular ginnery and the ginnery starts to do the basic work of ginning, around that ginnery, we can develop an Export Processing Zone (EPZ) and go beyond the ginning process to enable us produce finished products ready for export.

Mr. Temporary Deputy Speaker, Sir, all of us would recall the days of Kisumu Cotton Mills (KICOMI), and Rivatex Mills in Eldoret. Those of us who were grown-ups then will remember with nostalgia that this country produced some of the best textiles that you could find anywhere on the market, including London. If you went to London and bought a suit, by the time you landed home, that was when you would discover that it was actually made by Rivatex Mills in Eldoret. You would then wonder why you had to travel all the way to London to buy a suit that was made in Eldoret. That was good. Some of us feel really proud to wear textiles developed locally.

Since the demise of the cotton sector, Kenya has literally become a *mitumba* country. People do not wear *mitumba* clothes because they love garments, but it is for lack of affordable clothing. Indeed, as leaders, we need to focus in the direction of developing our cotton sector. Wherever cotton grows, especially in southern Nyanza, Western Province, Ukambani, Meru, *et cetera*, let us vigorously develop the crop. There is no pride in any nation where her citizens are fed and clothed by foreigners. You cannot be a country that calls itself a free nation when you are fed and clothed by outsiders. Our focus must now change. I wanted to emphasise that point. I hope that my colleagues will support the idea of developing EPZs in the neighbourhood of existing cotton ginneries. Our cotton farmers should be protected from exploitation by a few textile manufacturers. As a result, they live under abject poverty.

With those remarks, I beg to support.

Mr. Odoyo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I wish to add my voice to this Bill because there are many farmers who grow cotton in Nyakach.

Mr. Temporary Deputy Speaker, Sir, since 1981, when the late Jaramogi Oginga Odinga

was removed from the chairmanship of the Cotton Board of Kenya, cotton growing and the cotton industry in this country has continued to decline. Politicisation of that post by the previous Government ensured that cotton matters took a back seat. Time is ripe for us to correct the situation. I sincerely thank Dr. Ojiambo for taking the initiative to bring this very important Bill to the House.

As I speak today, Egypt is selling cotton under its own brand name in Europe and other parts of the world. It is using the same River Nile waters we use locally to grow cotton. The cotton industry in Egypt has surpassed many expectations. We have the same type of land with Egypt, and we are using the same source of water for growing the same crop, but we have been unable to put our house in order.

Mr. Temporary Deputy Speaker, Sir, cotton remains a key ingredient in the economy of any industry. As already mentioned by the Minister for Co-operative Development and Marketing, there was a time when we had textile mills like Nytil Jinja, KICOMI, Nitex, Rivatex and many other important textile mills, which were not only major employers but also contributed to the stability of our youth and this country.

There are certain provisions that have been omitted and I would like them included, so that the Bill can be even stronger. The first clause I would like improved is Clause 3(A)(b) on the membership of the Board. I believe that the Minister should be given power to also nominate certain specialists he may deem to be fairly knowledgeable in matters of cotton.

Mr. Temporary Deputy Speaker, Sir, Clause 7(B)(ii) deals with the activities of the Board. Marketing has not been included anywhere in the activities of the Board. A few words like "promote", "attend international bodies", *et cetera*, have been used. I believe that the word "marketing" should specifically have been used. Unless we are able to create and develop our own market, the focus on production without a market may be limiting at some point. We should be looking for a market not only in Kenya, but well beyond our borders. An example is the Pyrethrum Board of Kenya which undertakes a host of activities that include production and marketing. I believe that element should also be included in this Bill to strengthen the Board, so that it can be fairly active.

Mr. Temporary Deputy Speaker, Sir, cotton is the basis on which the South American economy came to be. The cotton growing states of the United States of America (USA) are well documented in history, especially, to do with slavery. Africa developed the USA economy through the Africans who were taken to that country to undertake slavery tasks. The main role they played was to develop the cotton industry of the USA. I believe that cotton and textile refer to many emerging and successful economies which grew through successful implementation of good cotton and textile industry. Time is ripe for us to say that the Authority must be vested with the powers and capability to undertake those functions effectively.

Mr. Temporary Deputy Speaker, Sir, this Authority should, as much as possible, have a private sector resemblance in its operations at some level. While the Government should have a major stakeholding, it should be given the powers, wherever possible, to operate under the private sector conditions. The time has come for the State Corporations Act to be amended. Even though we may pass this Bill, there are so many limitations in the State Corporations Act that will limit the operations of this Authority to undertake those tasks that are necessary for its success.

I would like to request the Minister of State, Office of the President, to bring to this House amendments to the State Corporations Act. Whereas we are appointing a Board and giving it powers, it is then being over-ridden by the State Corporations Act. Unless we harmonise those two elements which allow the Office of the President to intervene, interrupt, interfere, modify and adjust whatever has been passed by Boards, this Bill may not succeed.

With those few remarks, I support the Bill.

Mr. Karaba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance also to contribute to the debate on this very useful Bill.

Cotton is a very important fibre that Kenyans should not lose sight of. Cotton is the basis of the textile industry. It also gives cover to the soil. If we neglect the cotton crop, we will have neglected very many people who would have been engaged in its production. You will also note that cotton in Kenya is grown in selective areas where it suits best. I would like to urge the Government to pay more attention to the areas where cotton is grown to assist the people who can only grow cotton and nothing else. Cotton can only be grown in specific areas and hence the reason why the Government should support the cotton farmers.

Cotton is also grown in many countries in the world, for example, India, Egypt and America. In these countries, when there is a crop failure, due to the effects of bow weevils and other related diseases, the Government steps in and gives the necessary subsidies to the farmers. I would like to urge the Government to make sure that when there is a cotton failure in this country, subsidies are given to the farmers, so that they do not lose sight of this very important crop.

Cotton is also labour-intensive and many people are involved in its production. This creates employment. We should not neglect the agricultural-based industries because they affect our industrial development. Many countries which produce cotton have come up with cottage industries, for example, India. I do not see the reason why Kenya should not start cottage industries. It is also important to note that many cotton ginneries, for example, the one we have in Mwea, had been closed for 24 years. I am happy that some of them have been re-opened. The Government should ensure that the ginneries which had been closed due to, maybe, lack of direction in the cotton industry, are opened in order to revive the cotton industry.

Mr. Temporary Deputy Speaker, Sir, you will also note that this is a crop that requires a lot of research, particularly in areas where there is clay cotton soil and sudden abundant rain. The KARI centres should do thorough research. Recently, we visited the KARI centre in Mwea and we found out that they are doing a very good job. Research on cotton should be carried out in the whole country, so that people in areas which are suitable for cotton growing are encouraged to continue doing so.

We need to learn from South Africa about the genetically modified cotton. We should study about this type of cotton and maybe borrow a leaf from South Africa. If this happens to be the case, we will include cotton as one of our main cash crops, such as coffee, tea and sugar-cane, and we will earn more foreign exchange. The Government promised to create 500,000 jobs per year and if we improve on cotton production, this dream can be achieved.

Mr. Temporary Deputy Speaker, Sir, the proposed Cotton Authority should have its own mechanisms and programmes to revive the cotton industry. You will also note that Kenya imports a lot of clothes which are made from cotton, which is grown in areas which have the same climatic conditions like Kenya. We should make use of these conditions and revive the cotton growing in Kenya. This will enable us to achieve our dream of industrialising Kenya.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): I will give this chance to Prof. Maathai. You only have three minutes before we go to the Motion on Adjournment and perhaps from there, you can proceed when the debate resumes.

Prof. Maathai: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

Cotton is one of the many cash crops that our people grow. Unfortunately, many of the crops that were planted in the hope that they would make our people rich or improve the quality of their lives have not achieved what the farmers had hoped for. Unfortunately, cotton farmers, like coffee, tea and sugar-cane farmers, continue to suffer, mostly because we have not, as a country,

invested in adding value to these crops. We do not sell to the advanced markets our raw materials.

I would like to emphasise the fact that many farmers plant cash crops on most of their land and they are left with very little land on which to grow food crops. In many areas, farmers move to the river beds. I want to emphasise that we do a lot of damage to our river beds as farmers grow food crops along the rivers. We should pay attention to the fact that right now, as we speak, our people in the Coast are suffering from floods. We are having floods at a very high rate because we have destroyed out water sheds.

We have said many times in this House that when we destroy our water sheds, especially our forested mountains, and allow our farmers to cultivate along the river beds and along the steep slopes---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Prof. Maathai! It is now time for the Leader of Government Business to move a Motion for the Adjournment of the House. Prof. Maathai, you will continue when the debate on this Bill resumes.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, the House do now adjourn until Tuesday, 30th May, 2006, at 2.30 p.m.

Mr. Temporary Deputy Speaker, Sir, this is a procedural Motion which seeks that we have a few weeks back in our various constituencies before the Minister for Finance reads the Budget in this House. We have had very lively debates, where a lot of very important matters have been transacted, the last one being the Sexual Offences Bill. While it might have started on a wrong footing, at the end of it, hon. Members stood up against sexual offences in this country. I am sure that when we return from recess, we shall be able to have a Bill that will stand the test of time.

Mr. Temporary Deputy Speaker, Sir, we still have got a lot of very important Bills that we need to transact when we return and I would like to request my colleagues that during the recess they use that time to read those Bills carefully. There are Bills on HIV/AIDS, Maritime, NSSF, Wildlife and Banking, which we must conclude. I think it is right that we should use the opportunity when we are out there to read them.

It is also important that we should go on recess because from this evening or tomorrow, we are beginning to have visitors who are Members of Parliaments from about 140 countries. I understand that there will be more than 1,500 of them here. The leader of our delegation happens to be the Deputy Speaker, and the chairman of the conference is the Speaker himself, and all his staff are going to be away in fact from tomorrow. So, really, there would be no point in having sessions when we do not have the HANSARD staff.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to my colleagues, the Ministers, to utilise this opportunity to socialise with Back-benchers so that at least they can acquaint them with the Bills that are forthcoming, so that there is an understanding between them and then we can move things ahead. We are still very much behind with the Bills. In fact, there is a Bill that I had hoped to have finished and it could have been the first one. This is the Cotton (Amendment) Bill. This year we need to at least improve on our record so that we have at least 15 or 20 Bills passed.

With those few remarks, I beg to move.

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Temporary Deputy Speaker, Sir, I stand to second this Motion.

Over and above the contents of this Motion, I also support strongly the sentiments expressed by His Excellency the Vice-President and Leader of Government Business, more especially on his appeal that we have got quite a number of Bills before us which we need to pass. I also support these sentiments, taking into account what was said by His Excellency the President during the State Opening of this House, that we are far behind because last year we passed fewer Bills than we should have done. It is for that reason that I strongly support the sentiments raised by His Excellency the Vice-President and Leader of Government Business that we should read these Bills so that when they come, instead of being prolonged for no particular reason, at least we can dialogue and pass them quickly. If we do this, Kenyans will have more confidence in us.

Mr. Temporary Deputy Speaker, Sir, we are going on recess at a good time. In the past, we have been going on recess when it is fairly dry. With the improvement of our roads, we can reach any part of this country and I wish that we spend the recess properly. I can only tell my colleagues that we all stand to be counted and join our colleagues at the Inter-Parliamentary Union (IPU) Conference. I appeal to us to sell the image of our country well.

With those few remarks, I second.

(Question proposed)

The Temporary Deputy Speaker (Mr. Khamasi): Who is the Official Government Responder? Mr Billow, are you responding?

Mr. Billow: Thank you, Mr. Temporary Deputy Speaker, Sir. By default I will do it.

Mr. Temporary Deputy Speaker, Sir, I think we have a lot of respect for our colleagues from all over the world who are here for the IPU Conference, and we will all need to attend this conference and for that reason we will accept the Motion to adjourn in principle.

Mr. Temporary Deputy Speaker, Sir, however, I think adjourning up to 30th May is not acceptable because the IPU Conference will end on 12th May, and immediately thereafter we will need to pass several more Bills as the hon. Vice-President and Minister for Home Affairs and the Minister for Livestock and Fisheries Development have said. We have a lot of work before the House, the same House that the President has accused of passing only seven Bills out of 30 or so Bills that had been submitted before this House. So, the period for adjournment that is being sought by the Vice-President and Leader of Government Business is unduly long and unnecessary, and this House needs to resume much earlier than that.

(Applause)

I will bring an appropriate Motion to amend the period of adjournment from 30th, May, 2006, to 17th May, 2006.

(Applause)

Mr. Temporary Deputy Speaker, Sir, as hon. Members, we have a responsibility of not only engaging in legislative activities, but also finding out the progress of our people. For those reasons, we support the adjournment. One main reason why we need to come back immediately after the Inter-Parliamentary Union (IPU) Conference ends is the need to ensure that some of the most crucial Bills, particularly the CDF Bill, are passed before the Budget is drawn.

(Applause)

Hon. Members and Kenyans have expressed the need to review the rate of the Constituencies Development Fund (CDF). The Motion that was passed yesterday on the Report submitted by the Committee is a clear indication that, before the Budget is drawn, we need to pass that Bill. The Budget is due before the House around 16th, June. If we wait until 30th, May, 2006, there will not be enough time to legislate and allow the Treasury to prepare for that.

With those few remarks, I beg to oppose.

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, I agree with the position that has been presented by the official rejoinder from the Official Opposition. Hon. Members of this House have been lambasted for earning too much and doing too little. If we officially agree to appear to be doing too little and earning too much, that will not be good for Kenyans.

Mr. Temporary Deputy Speaker, Sir, I know that there are several important Bills. They include the Sexual Offences Bill that needs the keen attention of this House. This House requires time to debate very serious Motions and Bills in order to help Kenyans.

With those few remarks, I beg to oppose.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, first, I would like to support this Motion of Adjournment. I support this Motion because we are having guests who have come for the IPU Conference. But given the time that we are going to stay away from the House, and with the several important Bills that have been mentioned, it is imperative for me to move an amendment to read as follows:-

"THAT, the words, "Tuesday, 30th", appearing between the words "until" and "May" be deleted, and in their place, the words "Wednesday 17th" be inserted thereof!"

(Applause)

Mr. Temporary Deputy Speaker, Sir, one reason why I want to shorten the time of recess is because of the Cotton (Amendment) Bill. We were very late in reopening the House in March. Since we came in, not a single Bill has been passed! I would like to ask my colleagues: What is it that we are celebrating? Are we celebrating the under-performance of the Government? I urge my colleagues to agree to go on recess and resume on 17th, May. That way, we shall continue with the CDF Bill, the Cotton (Amendment) Bill, "Sexual Bill", Tobacco Bill and the rest! That is even what the Vice-President and Minister for Home Affairs has said.

Mr. Temporary Deputy Speaker, Sir, you are also aware---

The Minister for Trade and Industry (Dr. Kituyi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear something called the "Sexual Bill" or I heard it wrong?

(Laughter)

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I said the Sexual Offences Bill.

Mr. Temporary Deputy Speaker, Sir, the hon. Member knows---

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Ojode, everybody knows that you meant the Sexual Offences Bill!

Mr. Ojode: That is exactly what I said, Mr. Temporary Deputy Speaker, Sir.

We are going on recess because of the IPU Conference. A number of parliamentary staff will be assisting in the Conference.

With those few remarks, I beg to move the amendment.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Ojode, you are proposing an amendment to this Motion? Who is your Seconder?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, let the "governor" second! Mr. Sirma.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, I beg to second the amendment on the Motion. We should go for recess and come back to this House to conduct serious business.

Mr. Temporary Deputy Speaker, Sir, we have many pending Bills before this House. Secondly, the Government has not been able to organise itself - including the House Business Committee - to bring back hon. Members who were poached by various House Committees. This is a very lazy Government. We need to watch it all the time and push it hard! Unless Members of this Government are pushed, nothing will happen. Kenyans will continue suffering, yet the Government is there. We are ready to come back and pass many Bills, including the CDF Bill.

With those few remarks, I beg to second.

(Question of the First part of the amendment, that the words to be left out be left out, proposed)

The Minister for Trade and Industry (Dr. Kituyi): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa nami nichangie Hoja hii. Nashukuru kwamba Wabunge wote wanakubaliana kwamba ipo haja ya kuheshimu fursa tulionayo kama taifa, kuwa mwenyeji wa mkutano mkubwa wa kimataifa. Lakini kuna jambo linaloniletea wasiwasi. Kuuenzi uhuru wetu wa kubadilisha mjadala wowote hakuhitaji kuonyeshwa kwa kupinga kila kitu kwa sababu kimeletwa na Serikali. Nimemsikiliza rafiki wangu, Bw. Sirma---

An hon. Member: Mwizi wa miti!

The Minister for Trade and Industry (Dr. Kituyi): Hapana. Yeye ni mhe. Mbunge.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Who said that?

Hon. Members: Mr. Wanjala! Mr. Wanjala!

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! This is serious business. Who shouted "*mwizi wa miti*", from the Back Bench?

Hon. Members: Mr. Wanjala! Mr. Wanjala!

The Temporary Deputy Speaker (Mr. Khamasi): Could somebody own up?

(Mr. Wanjala stood up in his place)

Mr. Wanjala, that is unacceptable from an hon. House like this. Can you apologise?

The Assistant Minister for Water and Irrigation (Mr. Wanjala): Mr. Temporary Deputy Speaker, Sir, I apologise, but he also---

The Temporary Deputy Speaker (Mr. Khamasi): And what?

The Assistant Minister for Water and Irrigation (Mr. Wanjala): Mr. Temporary Deputy Speaker, Sir, I apologise and withdraw.

The Temporary Deputy Speaker (Mr. Khamasi): Thank you.

Dr. Kituyi, please, proceed!

The Minister for Trade and Industry (Dr. Kituyi): Nilikuwa nasema kwamba katika desturi za kidemokrasia, watu huwasiliana na kusema sababu za kubadilisha Hoja. Nimemsikiliza Bw. Sirma akileta mambo juu ya Mswada wa CDF. Moja ya sababu zilizowasilishwa na Kiongozi wa Shughuli za Serikali Bungeni ni kwamba tunahitaji kwenda likizo, ili wafanyikazi wa Bunge na sisi waheshimiwa Wabunge tujihusishe na mkutano wa IPU. Ingawa waheshimiwa Wabunge watahudhuria mkutano huu kwa muda wa wiki mbili tu, ukweli ni kwamba wafanyikazi wa Bunge ambao watakuwa wakisaidia katika mkutano huu watahitaji muda fulani wa kupumzika kabla ya

kurejea hapa Bungeni kwa shughuli za Bajeti. Hatufai kurudi mapema kwa sababu sisi huja hapa kuongea, kujadiliana na kutukanana. Tunafaa kuwafikiria wafanyikazi wa Bunge hili ambao wanahitaji kupumzika kwa muda fulani ili waweze kuendeleza kazi zao katika Bunge hili.

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

The Temporary Deputy Speaker (Mr. Khamasi): Yes, Mr. Billow!

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, the Minister has said that we usually come here *kutukanana*. He means that we normally insult each other in the House. Could the Minister withdraw those remarks?

The Minister for Trade and Industry (Dr. Kituyi): Bw. Naibu Spika wa Muda, sikusema tunakuja hapa Bungeni kutukanana. Nilisema tuna mazoea, tukija hapa kujadiliana, wakati mwingi tunatukanana. Nimesema mazoea yetu mabaya yatarejea tukirudi hapa Bungeni.

Bw. Naibu Spika wa Muda, kuna mambo kama ya CDF ambayo yametajwa hapa. Ni muhimu Wabunge wawe na muda baada ya kongomano la IPU kujadiliana pamoja faraghani ili wasuluhishe maswala nyeti ambayo sio vizuri tuyajadili hapa. Kila mhe. Mbunge anaelewa ninayoyasema. Kwa hivyo, hakuna maana kuharakisha kufunguliwa kwa Bunge kabla ya sisi kujadiliana faraghani ili tuweze kutekeleza kazi yetu ipasavyo.

Sioni sababu ya sisi kujaribu kugeuza Hoja hii mwafaka. Desturi ya Bunge hili ni kwamba huwa tunaenda likizo kwa muda wa wiki tatu au nne kabla ya Waziri wa Fedha kuwasilisha Bajeti hapa. Wakati huu tunataka tufunge mapema ili turudi mapema.

Bw. Naibu Spika wa Muda, kwa hayo mengi, naomba kupinga Hoja ya kurekebisha Hoja ya Kiongozi wa Shughuli za Serikali Bungeni.

Mr. Bifwoli: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I want to start by saying that I support the amendment. I support this amendment because after the referendum, we were on recess for several months. Now that we have come back to deliberate on national issues, we are being requested to go for recess for another month. We are being punched left and right; we are being told that we do not work. This is the time we must show Kenyans that we want to work. There is no fun in sitting at home. There are many pending Bills, such as the Cotton (Amendment) Bill. This is a very important Bill. Some areas in this country, where cotton farming is supposed to be done, have been neglected. The Government is not concerned about such areas. It is time we passed this Bill, so that the Minister for Finance factors issues to do with cotton in the Budget.

Mr. Temporary Deputy Speaker, Sir, the Minister must learn to work with hon. Members of Parliament. He should not think that because he was appointed by the President, he is above all of us. We might send signals to the President. To discipline him, we should have told the President, he is the wrong man for this job!

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

Mr. Kenyatta: Mr. Temporary Deputy Speaker, Sir, I also rise to support the amendment to the Motion.

After the referendum, we were out of this House for close to five months. We have just resumed. We have not even passed a single Bill, yet we are now saying that we want to go on recess until 30th May, 2005. What will Kenyans say about us? With all due respect to the Government side, this entire House is in support of us taking recess in order for us to attend the IPU, and so that the staff of Parliament are able to accommodate and host our visitors. After the IPU meeting is over, what else are we going to wait to do at home? During the opening session of this House, the President detailed a list of various Bills that this House needs to deal with. How can the same Government send us home until 30th May, 2005, and resume to basically discuss the Budget and nothing else? What are we here for? I plead with the Government and the Leader of

Government Business to accept the request of hon. Members and accommodate this amendment. We should attend the IPU and immediately resume the business of passing laws in this House.

Mr. Temporary Deputy Speaker, Sir, it is wrong to go for such a long recess. I am sure you have even heard comments from the Back Bench of the Government side, saying that we need to be back as soon as possible. As soon as possible is the 17th May, 2005 as per the amendment. Two days of rest is more than adequate for us to be able to return and do the business that is before us.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the amendment. I would like to plead with our colleagues on the Government Benches to support that amendment.

(Applause)

Mr. Ogunjabor: Mr. Temporary Deputy Speaker, Sir, I have never heard anybody asking to go to rest before he or she is tired. We recently resumed and we have not even worked to claim that we are tired. We have a lot of pending business. We should, therefore, resume on 17th May, 2005. We should take some short time off to host visitors of the IPU.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the amendment to the Motion, which is most appropriate.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I rise to oppose the amendment and to support the Motion of Adjournment. I hear the hon. Members saying they are interested in coming back to work. We have been here and even the newspapers have documented the level of interest shown on a daily basis. This is the quorum watch. The question that comes to one's mind is: Is the claim that we want to work borne out genuine interest, or are there other considerations? If, indeed, we want to come back to work, this is, indeed, a very noble idea. Let the hon. Members today decide whether we go on recess and when we should come back. However, what will stand the test of time is how we utilise our time in this House. It is not the pious statements that we want to work when, indeed, we are not even available for that work. Let members of the public keep watch whether those of us shouting loudest that we want to work will be available here to do the work. We are interested in passing Bills. We, as a Government, the number of Bills---

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, am I in order to ask the Minister to substantiate to this House whether this Parliament does not work when it is in session?

The Temporary Deputy Speaker (Mr. Khamasi): Prof. Olweny, that is not right! That is not a point of order!

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, to continue from where I left, we will be judged not by the number of pious words we utter, but by our actions. We, as a Parliament, have a lot of pending legislation and Motions. Let us take time - I would expect during the recess, when the committees can meet - to go through the Bills, so that when we come here, we are able to expedite matters. That way we will have proved ourselves that we are genuinely motivated by the desire to serve Kenyans.

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

The Temporary Deputy Speaker (Mr. Khamasi): What is your point of order, Mr. Kenyatta?

Mr. Kenyatta: Mr. Temporary Deputy Speaker, Sir, the point of order is, how are Committees expected to work when we have been told that the entire staff of Parliament will be serving at the IPU and then they will be proceeding on one week's vacation?

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I cannot answer on behalf of Parliament. However, after the IPU ends, the Government is proposing recess for a further two weeks to enable this to happen. When we come

to this House before the Committees have deliberated on the Bills, what happens is what has recently happened to Bills before Parliament. Hon. Members want time to sit down and thrush out the amendments.

Mr. Temporary Deputy Speaker, Sir, in respect of the CDF Motion passed, which had an amendment Bill attached it, hon. Members need time to go and discuss it. They need to look at what is available. I have said here before, and I want repeat it, that, as a nation, we have only one envelope. As managers of this nation and national leaders, we have to look at our envelope to see what to do in order to revamp our economy. We should see what else we can do and whether our proposals can stand the test of time. If we do not give ourselves time to do that, no amount of pious platitudes is going to help move this nation forward.

Let us be motivated by a genuine desire to do good for this country and not by the desire to settle scores. Whether or not one individual, or two of them, has disagreed with an hon. Member or section of hon. Members is not a good enough reason to oppose this Motion. Let us look at the effect of what we are doing. Let us not reduce this House to a forum where we settle scores. Let us rise above our petty differences and do our work.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand to be corrected if I am wrong. As a matter of procedure, I notice that we have now gone beyond the time our sitting time.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Sungu! The Chair is in control. We are waiting for the Minister to finish.

The Minister for Justice and Constitutional Affairs (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I am, therefore, appealing to the hon. Members that, if we are motivated by a genuine desire to expedite the work of this House, let us take an off for just two weeks after the Inter-Parliamentary Union (IPU) Conference. Let us go through the Bills and Motions in order to expedite the work of this House. But if we are motivated by ulterior motives, let us come back, delay Bills and pretend that we want to work. The choice is ours; let us be judged by our actions and not by presence.

With those few remarks, I support the original Motion and oppose the amendment.

The Temporary Deputy Speaker (Mr. Khamasi): Let us dispose of this amendment.

(Question of the first part of the amendment, that the words to be left out be left out, put and negatived)

Hon Members: Division! Division!

The Temporary Deputy Speaker (Mr. Khamasi): There are enough hon Members seeking a Division. Ring the Division Bell.

DIVISION

(Question put and the House divided)

(Question defeated by 47 votes to 53)

AYES: Messrs. Achuka, Ahenda, Prof. Anyang'-Nyong'o, Dr. Awiti, Messrs. Balala, Bett, Bifwoli, Billow, Gumo, Ivuti, Kamotho, Kenyatta, Khaniri, Dr. Kibunguchy, Messrs. Kilonzo C.; Ligale, Maj. Madoka, Messrs. Maitha, Prof. Mango, Messrs. Muite, Eng. Muriuki, Messrs. Musyoka, Muturi, Mwandawiro, Mwangi, O.K.; Mwanzia, Ndolo, Ntimama, Ochilo-Ayacko,

Odoyo, Ogur, Ojaamong, Dr. Ojiambo, Mr. Ojode, Eng. Okundi, Prof. Olweny, Messrs. Omamba, Omingo, Archbishop Ondiek, Messrs. Osundwa, Owino, Salat, Sang, Sirma, Sungu, Syongoh and Waithaka.

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

NOES: Ms. Abdalla, Messrs. Abdirahman, Akaranga, Awori, Dzoro, Gachagua, Gitau, Kagwe, Kamama, Kamanda, Karaba, Kariuki, G.G.; Ms. Karua, Messrs. Karume, Kembu-Gitura, Prof. Kibwana, Messrs. Kimathi, Kimunya, Kirwa, Dr. Kituyi, Messrs. Kiunjuri, Koech, Kombe, Kombo, Konchella, Dr. Kuti, Mr. Leshore, Pof. Maathai, Dr. Machage, Messrs. Michuki, Mohammed, A.M.; Moroto, Muchiri, Mrs. Mugo, Messrs. Mungatana, Munyao, Muriithi, Muriungi, Mwakwere, Ndile, Ndwiga, Nyagah, N.; Onyancha, Opore, Serut, Dr. Shaaban, Messrs. Shakombo, Shitanda, Maj. Sugow, Mrs. Tett, Eng. Toro, Messrs. Tuju and Wanjala.

Tellers for the Noes: Messrs. Gachagua and Sirma.

(Applause)

(Debate on the original Motion resumed)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! A number of hon. Members have brought to my attention that we are doing this after 6.30 p.m., which is the official time when the House should have adjourned. I want to state that at 6.30 p.m. is when we started the Division on the amendment of the Motion. So, that is not transacting business. We were just disposing of that element, and in order to finish off, we will go back to the original Motion and we will not debate it. I will just put the Question for a decision to be made.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. As a matter of record, and under Standing Order No.17, I raised the fact that nobody in the Government had arisen to seek for the extension of the sitting hours of the House after 6.30 p.m., and I raised the matter after 6.30 p.m.

The Temporary Deputy Speaker (Mr. Khamasi): I accept that you did that, hon. Sungu. It was just a few seconds after 6.30 p.m. and that is when we stopped for the Division.

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I believe the HANSARD will bear me out on this one. You have accepted that we transacted business after 6.30 p.m. without anyone asking for extension of time. Whether it is just one second after 6.30 p.m., the time and operational word is 6.30 p.m., and, therefore, your acceptance renders the business we have just concluded null and void. I beg your indulgence to use all your jurisprudence and capability to declare the just concluded business null and void.

The Temporary Deputy Speaker (Mr. Khamasi): Order! The Chair has got a discretion. If somebody is finishing a sentence, are you going to kill him because he is not finishing that sentence at exactly 6.30 p.m.? That is what happened. I will now put the Question to dispose of the Motion.

(Questions put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, it is now time for the interruption of our business. The House is, therefore, adjourned until Tuesday, 30th May, 2006, at 2.30 p.m.

The House rose at 7.10 p.m.