

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 20th April, 2006

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

MEASURES TO ALLEVIATE WATER SHORTAGE IN MARAFA DIVISION

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

(a) What is the Minister doing to alleviate the current acute shortage of water in Marafa Division following the breakdown of Marafa borehole pump and the Kadzandani booster pump?

(b) When will he make good his promise of drilling a borehole at Kamale under the borehole programme since Kamale is being deserted now due to prolonged drought?

The Assistant Minister for Water and Irrigation (Mr. Wanjala): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Marafa and Kadzandani boreholes are community managed projects. My Ministry has assisted the community to repair the broken down borehole pump at Marafa and a booster pump at Kadzandani which are now in good working condition. Further, a 50 cubic metre storage tank has been constructed at Marafa borehole to boost water storage and a similar one is to be constructed at Kadzandani by the end of this financial year. My Ministry, through the Coast Water Services Board has been and continues to supply diesel to the community-owned water projects to ensure continuous service delivery. Kadzandani borehole project has also been supplied with pipes to carry out rehabilitation of the distribution system.

(b) During the inauguration of Malindi Water and Sanitation Company in January this year, I was requested and promised to drill two boreholes in Magarini Constituency. My Ministry, through the National Water Conservation and Pipeline Corporation has drilled and equipped one borehole in Mulunguni and another one has been drilled at Baricho and it is in the process of being equipped. My Ministry will drill and equip one borehole at Kamale under the drilling programme for the next financial year.

Mr. Deputy Speaker: Mr. Kombe, that sounds a very comprehensive reply!

Mr. Kombe: Mr. Deputy Speaker, Sir, with due respect to the Assistant Minister, the answer he has given for part "a" of the Question is the same answer I was given by the Ministry of Water and Irrigation officials during the District Development Committee (DDC) meeting. I went straight to the ground after the meeting and found that nothing had been done. There was not even a single drop of water from the borehole at Marafa. Nothing had been done to repair the booster pump at Kadzandani. I found people fetching water with jerrycans directly from the borehole. Could the Assistant Minister tell us when the booster pump at Kadzandani will be repaired and

when a new pump will be installed at the borehole in Marafa so that the water problem will be alleviated?

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir. It is true that the booster pump at Kadzandani broke down but it was repaired. The Ministry, through the Coast Water Services Board, supplies the management committee with diesel to run the diesel engines. The Ministry has also set aside Kshs500,000 for the purchase of a new pump. However, the old pump is operational at the moment.

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

Mr. Deputy Speaker: No! No! Let someone else take up the Question from there! I will come back to you later on, Mr. Kombe!

Yes, Mr. Marende!

Mr. Marende: Thank you, Mr. Deputy Speaker, Sir. This Question is about shortage of water. This problem is not unique to Marafa Division alone. In fact, it is a serious problem facing the whole country. Ironically, some parts of this country, including Budalangi, where the Assistant Minister comes from are occasionally ravaged by floods. What steps has the Assistant Minister taken to ensure that flood water that ravages this country is harvested, so that we do not experience further shortage of water?

(Applause)

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir. Through the Ministry of Special Programmes in the Office of the President, the World Bank has provided close to Kshs8 billion to be spent within five years. The money will be used to construct some dams in Trans Nzoia to harvest flood water that ravages homes and farms in Budalangi Constituency. Dams will also be constructed in Nyando Constituency. At the moment, my Ministry, through the National Water Conservation and Pipeline Corporation, is repairing and constructing new dykes in Muhoroni, Nyando and Budalangi constituencies.

Mr. Kombe: Mr. Deputy Speaker, Sir, the Assistant Minister has agreed that he promised to drill two boreholes in Magarini Constituency. That is not true. He promised to drill one borehole in Kadzandani. The borehole he claims to have promised to drill was drilled under the direction of the then Minister for Water and Irrigation. The borehole was already operational when the Assistant Minister promised to drill it! Could the Assistant Minister tell us whether he has decided otherwise? We would still like the Ministry to drill a borehole at Kamale as the Assistant Minister promised. Let the Assistant Minister tell this House whether he has changed his mind.

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir. During the inauguration of Malindi Water and Sanitation Company on 28th January, 2006, the hon. Member for Magarini requested me to drill two boreholes in his constituency to which I obliged. I directed the National Water Conservation and Pipeline Corporation to drill one borehole at Mulunguni and another one at Baricho. The borehole at Mulunguni has been completed and is operational. The remaining borehole at Baricho has been drilled and is being equipped. That borehole will be operational soon. The area M.P. did not request for the drilling of a borehole at Kamale. This must have come as an afterthought. However, the National Water Conservation and Pipeline Corporation will drill and equip one borehole at Kamale in the 2006/2007 financial year.

WHEREABOUTS OF MASTER
COHEN KIPLAGAT

Mr. Sambu: 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 on 19th July, 2005, at Kabiyet Police Post, a police officer, Inspector Mohammed took away a little boy, Cohen Kiplagat, then aged one-and-half years?

(b) Is he further aware that none of the child's relatives has seen him since?

(c) Could the Minister inform the House where the child is and ensure that he is reunited with his parents and disciplinary action taken against the officer in question, for separating such a young child from his parents?

*(Mr. Ojode consulted with
Mr. Oloo-Aringo and Mr. Sungu)*

Mr. Deputy Speaker: Order, Mr. Ojode and Mr. Sungu! Could you please respect the rules of the House? It is against our Standing Orders to be standing when proceedings are going on.

Yes, Mr. Assistant Minister!

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

(a) I am not aware that the child was taken away. However, I am aware that the child was abandoned at Kabiyet Police Post by his mother.

(b) I am aware that none of the relatives have made any effort to visit or reclaim the child.

(c) The child has been in the care of Inspector Mohammed since the mother who escaped from custody abandoned the then one-and-half year old boy.

Mr. Sambu: Thank you, Mr. Deputy Speaker, Sir. I am disadvantaged because I do not have a copy of the written answer. I do not know whether it has been submitted to the House or not.

Mr. Deputy Speaker: I think I should intervene in this case. Mr. Assistant Minister, hon. Members have complained that they are not supplied with copies of the written answers for the Questions you have answered since the beginning of this week. Could you make sure that hon. Members are supplied with copies of the written answers? I think a similar complaint against your Ministry not providing copies of the written answers to hon. Members was made yesterday and on Tuesday.

Mr. Sambu: Mr. Deputy Speaker, Sir, I have an affidavit here signed by the mother of the child claiming that she is the real mother. A previous ruling on the matter stipulated that one had to have an affidavit from the Commissioner of Oaths. I do have one here.

*(Mr. Sambu laid the affidavit
on the Table)*

Mr. Deputy Speaker, Sir, the background of the matter is that two girls of about 18 years old had babies from one boy. Both of them went to the boy's house, demanding to be married by the boy. There was a small fracas and the assistant chief came and arrested them. He took them to Kabiyet Police Post and one of them was given bond. The other one who could not bribe the officers was not released. I have the history of that matter. From 9th July, 2005 up to 19th July, 2005, she was in the cell. She was getting only one meal per day and yet, she was breast-feeding. She was kept in the cell without being taken to Kapsabet Court. So, one day, when an opportunity became available, and because she was almost starving, she ran away. The question is: If the mother ran away, does the law permit a policeman to keep a young child? Is he or she not supposed to take the child to the girl's parents? They should have simply called the Assistant Chief or the girl's parents. Alternatively, they should have taken the child to the Childrens' Department! Why

was that not done?

Mr. Deputy Speaker: Mr. Sambu, you have asked the question! Let the Assistant Minister answer.

Mr. Kingi: Mr. Deputy Speaker, Sir, part of what the hon. Member has said is right. The mother was arrested and put in police cells. But before she could be charged, she escaped from the cells and abandoned the child. On humanitarian grounds, the officer in charge of the police post took charge of the child. In fact, the child was not feeling well at that time. So, he took him to the hospital where he was admitted for four days. When the child was released from hospital, the officer took charge of the child and sent out a signal for the mother to be traced, so that she could be given her child back. She was never traced. A lot has been done since then. Even the chief was summoned. He stayed with the child for a number of months. But when the mother did not turn up, he returned the child to the police post. So, the child is still there. He is okay at the police post. We are really looking for the parents to come forward, identify themselves and take the child.

Mr. Muturi: Mr. Deputy Speaker, Sir, I am amazed by the details that have been given by the Assistant Minister. That is one of the most glaring examples of human rights violations by the police. The Assistant Minister has admitted that the child, who is only one and a half years old, is still in the custody of the police. The law does not permit that to happen. What action will the Assistant Minister take against the police officer concerned?

Mr. Deputy Speaker: Yes! Mr. Sambu made a point. Is it better to keep an abandoned child in a police post or a childrens' home? That is the point, Mr. Assistant Minister!

Mr. Kingi: Mr. Deputy Speaker, Sir, we have been trying to contact the parents. I agree that the child should---

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House? Since last year, I have been going once a month to that police post because it is only three kilometres away from my home. I have been going there with the girl and her boyfriend to try and get the child. But we have never seen the child! Is he in order to mislead the House? That policeman took the child from Kabiye to Eldama Ravine!

Mr. Kingi: Mr. Deputy Speaker, Sir, the information that I have been given is that the police have been looking for the mother to come and take the child. If the hon. Member knows the family, we will hand over the child to them. Otherwise, we have no reason to keep that child apart from humanitarian grounds. We want the mother to come forward and claim the child.

Mr. Deputy Speaker: Hon. Members, I think this matter cannot go on like this. Mr. Assistant Minister, obviously, a police post is not a place to keep an abandoned child. Perhaps, you need to conduct more investigation into that matter. What the hon. Member from the area is saying is different from what you are saying. Maybe, it is because of the information that you have been given. Could you ask for more time, investigate this matter further and come up with a more convincing answer? You cannot convince the House that you keep an abandoned child at a police post!

Mr. Kingi: Mr. Deputy Speaker, Sir I have no problem with what you are suggesting. But what we are saying today is that the child is at the police post and it is being kept there on humanitarian grounds!

(Loud consultations)

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

Mr. Deputy Speaker: Order, Mr. Sambu! No matter how agitated you are, and, indeed, you have a reason to be, relax! Do not threaten another hon. Member. Mr. Assistant Minister, finish up what you were saying. Are you saying that you do not want to seek further

information?

Mr. Kingi: Mr. Deputy Speaker, Sir, we want the parents of that child to come forward and claim the child. We will give the child to the parents. There is nothing more to it!

Mr. Deputy Speaker: But, Mr. Assistant Minister, is it lawful to keep a one and a half year child at a police post? Could you answer my question? Is it lawful?

Mr. Kingi: Mr. Deputy Speaker, Sir, it is not lawful! I am saying that the child is kept there on humanitarian grounds.

Mr. Waithaka: Mr. Deputy Speaker, Sir, it is extremely amazing for this House to be told that a child, who is one and a half years old, is kept at a police post. It is important to know the details of the affidavit that was tabled by Mr. Sambu. Who swore it? Is it by the mother? We do not know whether the child sleeps in the cells or in a policeman's house. Where does that child stay at the police post? Can we get that very clearly? Who is breast-feeding that child? Is it the policemen or policewomen?

Mr. Kingi: Mr. Deputy Speaker, Sir, the child is not in a police cell. It is in the custody of the Officer Commanding Station (OCS) on humanitarian grounds. We want the parents to come forward, identify themselves and get their child.

Mr. Deputy Speaker: I am really amazed that the Assistant Minister is adamant, despite the advice from the Chair. He wants us to believe that the OCS can have custody of a child against the law. I think, Mr. Assistant Minister, you must realise that we are dealing with a very delicate matter here! You do not seem to be taking this matter seriously. We do not wish to take a lot of time on this, but the life of a child is involved! That is why I have allowed this Question a lot of time.

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

Mr. Deputy Speaker: Mr. Sirma, how can you stand on a point of order when I am speaking? Is it against what I am saying or what?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, could the Assistant Minister order for the arrest of the Officer Commanding Station (OCS) for holding the child illegally?

Mr. Deputy Speaker: Mr. Kingi, you are putting this House in a very difficult position. Could you shed some light?

Mr. Kingi: Mr. Deputy Speaker, Sir, the child can be taken back to the parents, but we want the parents to come forward and claim the child. But if you want us to take more time and come up with more information, we will do that.

Mr. Deputy Speaker: Order! Mr. Kingi, I am holding here an affidavit signed by a lady called Rael Cherobon Chepkwony swearing that she is the mother of the child and the inspector has taken custody of her child against her will. Could I ask the Leader of Government Business to intervene in this matter?

(Applause)

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, it so happens that the Children's Department falls under my docket. I will help the Assistant Minister to ensure that the welfare of the child is paramount. I take cognisance of the affidavit that has been sworn by the natural mother and the right thing will be done. So, we will report on the matter here on Tuesday, next week.

(Applause)

Mr. Deputy Speaker: Very well. I think, Mr. Sambu, you should be satisfied now.

Mr. Sambu: Mr. Deputy Speaker, Sir, I just want to clarify that since August, I have been going with the mother to Kabiyet Police Post and the child is not there. What the other officers told us is that Inspector Mohammed took the child on the same 19th of July to his house and that when he was transferred to Koibatek District, he went away with the child.

Mr. Deputy Speaker, Sir, let me further add that I am an honourable Member and I cannot come here and give false information. I have been going to the police station almost every month---

Mr. Deputy Speaker: Mr. Sambu, you have said enough and let us wait for the communication on Tuesday from the Vice-President and Minister for Home Affairs on the matter.

ORAL ANSWERS TO QUESTIONS

Question No.110

OWNERSHIP OF MT. ELGON HOSPITAL

Capt. Nakitare asked the Minister for Health:-

(a) whether she is aware that Mt. Elgon Hospital in Kitale changed ownership under mysterious circumstances;

(b) how the change from public trustee to private ownership was undertaken and how much was paid as compensation; and,

(c) whether she could undertake to ensure that the hospital reverts back to public ownership.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware.

(b) The Kenya Anti-Corruption Commission (KACC) has instituted civil proceedings vide Nairobi High Court, Civil Case No.169 of 2006 for recovery of the assets belonging to Mt. Elgon Hospital registered trustees. The matter is currently pending in court for determination.

(c) I undertake to ensure that the hospital reverts to public ownership.

Capt. Nakitare: Mr. Deputy Speaker, Sir, while I appreciate the answer given by the Minister, I have a document here which would have helped the court to expedite the conclusion of this matter. This is the certificate of incorporation, issued by the Registrar of Societies on the 27th March, 1996. This document was only received by a clerk at the Registrar's office, and it was not signed by the senior registrar to legalise the position of the order. I would like to lay it on the Table as evidence to show that the process has taken too long.

(Capt. Nakitare laid the document on the Table)

Mr. Deputy Speaker: But I thought the Minister responded positively on your third question, which is your major concern.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the Minister said that she would revert this hospital to the public. But the hospital was illegally acquired and there is no document to confirm the new owners. Why can she not just revert it to the public next week?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I have seen a copy of that certificate of incorporation, which is not signed. That means that the hospital never left the ownership of the public. Therefore, that certificate is null and void and the hospital belongs to the public.

(Applause)

Question No.092

HIV/AIDS RESEARCH BY WALTER
REED INTERNATIONAL

Mr. Bett asked the Minister for Health:-

(a) whether she is aware that Walter Reed International is conducting research on HIV/AIDS in Kericho District;

(b) whether the Government sanctioned the research on the tea estate workers; and,

(c) who the custodian of the findings is.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry of Health wishes to clarify that there is no organisation in this country going by the name Walter Reed International. But there is the Water Reed Project which has worked with the Kenya Medical Research Institute (KEMRI) for the last 25 years. The Ministry is aware that KEMRI and the Water Reed Project have been conducting research in Kericho and surrounding districts since 1998. The project operates under the umbrella and authority of KEMRI.

(b) All research done by KEMRI and all its collaborators is approved by the relevant authorities in KEMRI as an institution charged with the mandate of undertaking medical research in this country.

(c) The KEMRI is the custodian of the research that is done. I also want to clarify that during a meeting that was held in Kericho, hon. Bett was there, and these questions that he has asked were all answered and I was told that he was very happy with what we are doing.

Mr. Deputy Speaker: So, Mr. Bett, if, in fact, you had the information, what is it?

Mr. Bett: Mr. Deputy Speaker, Sir, whether it is Water Reed International or Walter Reed Project, the mistake is coming from the Ministry of Health, not National Assembly. It is them who have said so in the written answer.

However, I am happy with the answer the Minister has given. The research is being done on human beings and they are calling them adult volunteers. I believe these are "guinea pigs". What is the security that these people have in case the research activity goes haywire and affects the health of those particular individuals? Is there any sort of compensation?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as the hon. Member has rightly said, any research done, whether on human beings or anything else, the first consent must be on the subjects. Therefore, anyone who is involved in this is first asked for consent. Nobody is ever forced to do anything by anybody.

Mr. Sungu: Mr. Deputy Speaker, Sir, the Assistant Minister must be aware that most *wananchi* are not aware of the medical implications of being tested with new medicine. We have had a case in Kenya where an organisation was using Kenyan children as guinea pigs for testing HIV/AIDS medicine. Even in the United Kingdom, recently, some people died and others had to be taken to hospital because of being tested on medicine which had not been approved. What system has the Government put in place to ensure that our people are protected and that they are not used as guinea pigs?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I said, the Kenya Medical Research Institute (KEMRI) has been collaborating for the last 25 years with different organisations. Any research can be carried out for as long as people agree on what has to be done. Again, I say nobody will be forced to accept the tests. No drugs are used on people before they are tested on animals. So, I do

not think that any product that is developed will be used on anybody before it is tested on animals.

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

Mr. Bett: Mr. Deputy Speaker, Sir, in the answer I received, it was indicated that the custodian of the results of that research will be KEMRI and Walter Reed International. Could the Minister confirm that the research materials, which will be obtained out of that research, will be wholly in the hands of KEMRI and not an outside institution like Walter Reed International?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I said, KEMRI is working in collaboration with Walter Reed. However, KEMRI is going to be the custodian of the results of the research that is going to be carried out. But Walter Reed is part of it.

Mr. Deputy Speaker: Next Question by Mr. Ojaamong!

Question No.031

ELECTRIFICATION OF MARKET
CENTRES IN TESO DISTRICT

Mr. Ojaamong asked the Minister for Energy:-

(a) whether he is aware that the installation of electricity at Asinge, Lukolis, Amairo, Akites, Machakus, Katakwa, and Rwatama complex in Teso District has stalled;

(b) whether he is further aware that the installation of electricity at Lukolis Market Centre and its environs has partially been completed, and that Okodoi Secondary School has been left out of the plan despite the Ministry having paid a huge amount of money to carry out the works; and,

(c) what urgent measures he has put in place to ensure these market centres and other areas in Teso District have electricity supply.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) No, I am not aware that the installation of electricity to the listed road centres in Teso District have stalled. Rather, implementation of the scheme is in process as follows. In Lukolis, most of the construction work is complete. Installation of service cables to customer premises is in the process, and work will be completed by the end of this month. In Asinge, construction work is in the process also. It is expected to be completed in July, 2006. In Amairo, Akites and Machakus, tenders have been awarded to contractors who are expected to be commencing their work in May this year. The completion will be in September this year. In Katakwa and Rwatama, construction work is expected to commence in the course of April and by the end of September it should be complete.

(b) Yes, I am aware that installation of electricity at Lukolis Market Centre and its environs is in progress. The work is expected to be completed by the end of April, 2006. Okodoi Secondary School was not part of the approved projects scope, hence it is not included. However, it will be supplied with electricity if it is included in the priority list of the projects by the District Development Committee (DDC).

(c) The Ministry has already instructed the Kenya Power and Lighting Company (KPLC) to expedite procurement of materials, which has been a course of delay in projects implementation. In addition, the Ministry is assisting the KPLC in the training of design engineers who have been in short supply in the company, thus contributing to delays in implementation of projects. The first lot of 30 design engineers has completed a class design course and they are now at work. Another lot of 30 design engineers is expected to come out by 30th June, 2006.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I think I am satisfied with the answer given by the Assistant Minister, because the engineers have been on the ground working from last week.

Mr. Deputy Speaker: Very well!

Thank you, Mr. Assistant Minister.

Next Question by Mr. Rai! Is Mr. Rai not here?

An hon. Member: Yes!

Mr. Deputy Speaker: Since Mr. Rai is absent, the Question is dropped.

Question No.091

COMPENSATION FOR MR. RAI
NGAO'S DEPENDANTS

(Question dropped)

Next Question by the Member of Parliament for Makadara Constituency!

Question No.007

GOVERNMENT EXPENDITURE ON PRINTING
OF PROPOSED NEW CONSTITUTION

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

(a) how much money the Government spent to print the Proposed New Constitution of Kenya which was subjected to a national referendum in November, 2005; and,

(b) which companies were awarded the printing contract.

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

(a) The printing of the Draft Constitution cost the Government Kshs487 million.

(b) The printing contract was awarded to 11 companies as per the Kenya Gazette Supplement No.63, production list.

Mr. Ndolo: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. However, why did the Government print the Wako Draft, when it knew that we had our own Bomas Draft, hence, incurring an extra cost? The Government very well knew that the Kenyan people were going to reject that Draft Constitution!

Mr. Kingi: Mr. Deputy Speaker, Sir, I think it was approved by this House that we go ahead and print the Draft Constitution. Therefore, I do not think that his question should arise.

Mr. Keter: Mr. Deputy Speaker, Sir, why did the Government not use the Government Printer, yet we have a lot of machinery there?

Mr. Kingi: Mr. Deputy Speaker, Sir, the capacity of the Government Printer was not enough to meet the requirements of the time.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, during the last Session of the House, we were told that the Government spent colossal sums of money to import very high capacity and expensive printing machines. Could the Assistant Minister confirm to the House whether we have those machines which were imported to enhance the capacity of the Government Printer? Are they in use or not?

Mr. Kingi: Mr. Deputy Speaker, Sir, the machines are there and their installation is just

about to be completed. When it is completed we will definitely use them.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that today they are installing the high capacity machines which were bought in 1986?

Mr. Kingi: Mr. Deputy Speaker, Sir, they were there, but they had not been installed. We are installing them now. I do not see anything wrong with that.

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

Mr. Ndolo: Mr. Deputy Speaker, Sir, as you can realise, the Assistant Minister is not serious about this Question. Could he tell this House the procedure used to award the contract? Could he also tell this House the printing cost per copy of that Draft Constitution?

Mr. Kingi: Mr. Deputy Speaker, Sir, we used the normal Government procurement procedures. By simple arithmetic, if we printed four million copies at a cost of Kshs487 million, that comes to about Kshs121 shillings per copy.

Question No.100

MEASURES TO ELIMINATE CORRUPTION
IN SECURITY TENDERS

Mr. J. Nyagah asked the Minister of State, Office of the President, what action he has taken to ensure that security tenders will never again be used to encourage corruption.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Deputy Speaker, Sir, I beg to reply.

There is nothing special that the Minister has to do other than to ensure that the law and regulations governing procurement are followed. In those laws, the tendering system is open. However, the law also allows procurement that is exceptional in terms of national security. That would be dealt with, by the Treasury in terms of the procurement laws that govern this business.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am very disappointed given what we have all gone through in the last few weeks. The Minister has proposed that we stick to the current system, which has led to chaos in procurement for security equipment. Could he consider involving a Parliamentary Committee to oversee the procedures he has talked about, so that Kenyans can be assured that corruption that has been going on in procurement of security equipment over the last 42 years will not happen again?

Mr. Michuki: Mr. Deputy Speaker, Sir, the Public Procurement and Disposal Act, 2005, governs all those matters. Although it may not have come into effect, there were procurement regulations in place, and of course, Government policy to fight corruption, is also part of the process.

Mr. Billow: Mr. Deputy Speaker, Sir, clearly, the Minister is oblivious of the fact that with regard to security contracts, it is not just the provisions in law that are adequate. The procurement law that was passed by this House last year merely provide that we use restricted tendering or, in a case of emergency, we use single-sourcing, *et cetera*. However, what the Public Accounts Committee (PAC) recommended, which was adopted by this House three days ago - when we were discussing the Anglo Leasing Report - is that, the Government accepts establishment by this House of a Parliamentary Committee that will scrutinise Defence budget. Could the Minister confirm that he has no objection to the House setting up a Departmental Committee to scrutinise defence and other security-related budgets, as contained in the PAC Report that was adopted the other day?

Mr. Michuki: Mr. Deputy Speaker, Sir, as a Government, we do not intend to interfere with the working of Parliament.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, according to the way the Question is worded, it is assumed that we are all agreed that there was corruption in the security tenders. Given what we have gone through in the last few weeks, and given that we know most of the people involved, could the Minister confirm and agree to re-negotiate those very expensive tenders, so that the money can benefit the poor?

Mr. Michuki: Mr. Deputy Speaker, Sir, it is also the duty of this Government to ensure that the public gets value for money. To that extent, any method, be it through negotiation or otherwise, that would reduce the cost of securing goods and services from public funds, would be most welcome.

Question No.022

REMITTANCE OF FPE FUNDS
TO NDABIBI SCHOOL

Mrs. Kihara asked the Minister for Education:-

- (a) whether he is aware that Ndabibi Primary School's free primary education disbursement for December, 2004 was underpaid by 663 pupils and March 2005 disbursement by 787 pupils; and,
- (b) when he will remit the said funds.

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

(a) I am aware that Ndabibi Primary School in Nakuru District was underpaid on two occasions during the release of Kshs350 per pupil in December, 2004 and Kshs185 per pupil in March, 2005. However, this was a mistake that occurred because of the data that was received from the field as of that time. In brief, this mistake has been corrected and the correct amount was reflected in other disbursements.

(b) I would like to confirm to the hon. Member that the Ministry has already sent out the only remaining balance of Kshs354,705 to the school's account numbers one and two. The money was sent to the school on 10th April, 2006. I have evidence to that effect.

Mrs. Kihara: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer. I have since checked with the headmaster, who confirmed that this is the money he was expecting. The only thing I would urge the Assistant Minister is to ensure that this does not happen again. The data that was forwarded to the Ministry headquarters by the school was accurate. So, I do not know where he got the wrong data from. I am satisfied with the answer. I will follow up the matter with the school's administration to ensure that the money was, indeed, received.

(Dr. Rutto stood up in his place)

Mr. Deputy Speaker: Very well! Dr. Rutto, the Questioner is satisfied with the answer provided by the Assistant Minister. What else do you have to ask?

Dr. Rutto: Mr. Deputy Speaker, Sir, we have heard of similar problems before. I would like to ask the Assistant Minister to tell the House what administrative procedures he has put in place to ensure that similar mistakes affecting schools elsewhere are corrected.

Dr. Mwiria: Mr. Deputy Speaker, Sir, we have a number of similar queries for a variety of reasons. Sometimes, it is not the Ministry that is the problem. Sometimes, the problem relates to the actual data we get from the schools, in terms of returns. We sometimes experience problems relating to account numbers provided to us by schools. We try to ascertain the information

provided to us, to ensure that it is correct. You appreciate that we started this exercise only three years ago. We are gradually improving. With time, the number of cases have reduced. We commit ourselves to ensure that the fewest mistakes possible occur, and that they are corrected quickly.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, yesterday, the Assistant Minister promised that a school with a similar problem in my constituency would receive money on the same day. However, when I called that school to verify his promise, I was told that no money was received. I told the Assistant Minister that another school which was promised some money last year has not received that money to date. The complaints from the District Education Officers (DEOs) is that, whenever they forward their complaints to the Ministry headquarters, nothing seems to happen. What is the Assistant Minister doing with respect to those cases?

Dr. Mwiria: Mr. Deputy Speaker, Sir, that allegation is not true. Whenever we receive complaints from DEOs, we ensure that action is taken. So, the hon. Member is wrong. We had said that the money would be paid---

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

Mr. Deputy Speaker: Order, Mr. C. Kilonzo! Let him finish! He listened to you. So, you should also listen to him.

Dr. Mwiria: Mr. Deputy Speaker, Sir, the answer I had for Mrs. Kihara is that we had committed to pay the money by 17th April. The term "by" does not mean that the money has been received, Mr. C. Kilonzo. That is why Mrs. Kihara has said that she had been told that, that is the money that they expect. So, why do you not give me some time to sort out the matter?

Mr. Nderitu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to address hon. C. Kilonzo and hon. Mrs. Kihara directly rather than addressing them through the Chair? Information should pass through the Chair, otherwise, hon. Members will start throwing words at each other.

Mr. Deputy Speaker: He is completely out of order! He must address the Chair. Mr. Assistant Minister, now you must address the Chair!

Dr. Mwiria: Mr. Deputy Speaker, Sir, I was only looking at them, but, of course, I have to address you. I was answering questions from the two hon. Members and so, I could not avoid mentioning their names.

Mr. Deputy Speaker: That is very wrong!

Dr. Mwiria: Mr. Deputy Speaker, Sir, this is happening, but it cannot happen exactly on the stated date. You have to give it some time. If the money will not have been received in the next two weeks, please, come back and ask the same Question.

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

Mr. Deputy Speaker: I am sorry, Mr. C. Kilonzo! I have advised you to talk to the Assistant Minister about that matter.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, it appears that if schools have to receive this money, hon. Members must ask Questions to that effect. Does it mean that the Ministry does not have the addresses of the headmasters who have not received money? When headmasters complain, the Ministry does not take action immediately. Must the headmasters always wait for the hon. Members to ask Questions here, so that money is sent to those schools?

Dr. Mwiria: Mr. Deputy Speaker, Sir, of course, we do not wait for the hon. Members to ask Questions. That is why we have only two hon. Members asking questions about this matter. We have sent money to the other schools. This only happens in cases where the headmasters of the schools have not done enough to ensure that we have the right data.

Mr. Deputy Speaker: Hon. Members, since we have to go to the Supplementary Estimates at 3.30 p.m.---

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

Mr. Deputy Speaker: Hon. Bahari, I am speaking! Can you just hold your peace! I will give you time to speak. We have to defer the last two Questions to Tuesday, next week. We have two minutes before we move to the next Order!

Question No.058

COMPLETION OF KATITO-KENDU BAY ROAD

(Question deferred)

Question No.117

MONKEYS/BABOONS MENACE
IN LARE DIVISION

(Question deferred)

POINT OF ORDER

FLASH FLOODS IN ISIOLO
SOUTH CONSTITUENCY

Mr. Bahari: On a point of order, Mr. Deputy Speaker, Sir. On 6th April, I asked for a Ministerial Statement from the Minister of State for Special Programmes regarding the devastating flash floods in parts of my constituency.

Mr. Deputy Speaker: You raised that issue with me earlier. Where is the Minister of State for Special Programmes? He is not in! That Statement should be brought to the House on Tuesday, next week. I hope someone is taking brief for the Minister. Hon. Obwocha, could you do that, please? The Ministerial Statement which has been sought by Mr. Bahari should be brought to the House on Tuesday next week.

BILLS

First Readings

THE TOBACCO CONTROL BILL

THE STATISTICS BILL

COMMUNICATION FROM THE CHAIR

EXISTENCE OF TWO BILLS
BEARING THE SAME TITLE

Mr. Deputy Speaker: Hon. Members, something unusual has happened here. I am holding two Bills; the Tobacco Control Bill No.2, which was published on 24th March by hon. Sungu and another one which was published on 21st March by the Attorney-General. I suppose that we

proceed and I order that the Bill which has just been read for the First Time be submitted to the Committee as requested. I also want to draw the attention of the House to the fact that there is another Bill, which was published by the Attorney-General two days after hon. Sungu published his Bill. The Committee will have to look into the issue. The Chair is also going to study this and see how best we can resolve the matter.

*(Orders for First Readings read -
Read the First Time and ordered
to be referred to the relevant
Departmental Committees)*

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION

APPROVAL OF SUPPLEMENTARY
ESTIMATES (RECURRENT
AND DEVELOPMENT) 2005/2006

- The Minister for Finance** (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to move:-
- (i) THAT, a sum not exceeding Kshs12,536,446,290 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2006, in respect of Supplementary Estimates of 2005/2006 Financial Year (Recurrent) having regard to the proposed reduction of Kshs4,983,986,530 therein appearing.
 - (ii) THAT, a sum not exceeding Kshs8,245,146,348 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2006, in respect of Supplementary Estimates of 2005/2006 Financial Year (Development) having regard to the proposed reduction of Kshs15,784,941,614 therein appearing.

*(His Excellency the President has
given his consent to this Motion)*

Mr. Deputy Speaker, Sir, our national Budget was, as usual, prepared based on sound considerations and assumptions. There are, however, two developments, among other factors, which have adversely affected the performance and the implementation of the Budget. These factors are the prolonged drought and the under-performance of the domestic revenues.

Mr. Munya: On a point or order, Mr. Deputy Speaker, Sir. The Minister has not told us whether the President has consented to this Motion.

Mr. Deputy Speaker: When he was giving notice of the Motion, he said so.
Proceed, Mr. Minister!

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, for avoidance of doubt, the President has consented to this Motion.

We had forecast that the drought that had started during the financial year would continue for some time. The onslaught of the drought was not, however, expected to be lengthy and as severe as it has turned out to be. The prolonged drought has been severe and the Government has

been very focused in its response to ensure that there is no loss of lives and to alleviate the suffering of our people.

During the year 2005/2006, funds requested for drought and other activities by various Ministries amounted to Kshs37.4 billion. Due to financial constraints, and the need to ensure continued fiscal sustainability, this amount has had to be adjusted downwards by Kshs15.6 billion. However, the Government will continue to grant assistance to those living in the areas where the drought is severe.

Mr. Deputy Speaker, Sir, in this regard, the Government plans to spend Kshs13.8 billion towards drought intervention. The larger part of these funds has been and will continue to be for purchase of food while Kshs4 billion will be applied towards the provision of emergency power supply. The rest of the funds earmarked for drought intervention will be utilised under the Ministry of Water and Irrigation and the Ministry of Livestock and Fisheries Development.

As we remember those of us who are suffering from the drought, I would like to remind the hon. Members that it is time we united together to save the suffering Kenyans. It is time we put our differences together, our personal aspirations and interests together. We should remember those Kenyans out there who are without food and water; without fathers, mothers and without any means of livelihood. We will have---

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Did you hear the Minister say that we should put our differences together? Does he mean that we should put our differences together or aside?

(Laughter)

Mr. Deputy Speaker: Mr. Minister, are you serious about that?

The Minister for Finance (Mr. Kimunya): Mr. Deputy Speaker, Sir, I want to thank the senior counsel for that correction. I meant that we should put our differences aside.

Mr. Deputy Speaker, Sir, turning to the under-performance in revenue collection, this was mainly occasioned by a shortfall under the Import Duty due to the implementation of the new tax administration system by the Kenya Revenue Authority (KRA). However, as you will note, there is a close relationship between Import Duty and other domestic taxes. The under-performance will, therefore, also affect the collection of Value Added Tax (VAT) and Excise Duty. Accordingly, the ordinary shortfall on ordinary revenue is Kshs5.2 billion. This shortfall is mainly attributed to a shortfall in Import Duty of Kshs4 billion, Excise Duty of Kshs1.4 billion and VAT of Kshs822 million. Our investment income has also fallen by Kshs1.2 billion.

Mr. Deputy Speaker, Sir, these shortfalls are, however, mitigated against by the increase in other revenue sources by Kshs2.3 billion, an increase in Appropriations-in-Aid (A-i-A) by upwards of Kshs4.5 billion. The new tax management information systems will, however, be streamlined to ensure that the revenue targets for the rest of the financial year are achieved. Poor disbursement of donor funds has delayed the implementation of donor-funded programmes. The reductions which we are seeking, therefore, under the Development Vote will mainly be due to adjustments on the donor commitments. The net reductions amount to Kshs7.5 billion.

Mr. Deputy Speaker, Sir, as hon. Members will be aware, the Government has initiated personnel audits in the Ministries and departments. This audit, and the implementation of the Integrated Payroll Personnel Data (IPPD), has yielded savings on the wage bill and, as a result, our projected saving on the wage bill is Kshs2.4 billion. The Government will continue with the payroll cleansing programme to roll out and strengthen the IPPD in the remaining few Ministries and departments to ensure that maximum benefits are gained from this management strategy.

Mr. Deputy Speaker, Sir, I have prepared the Revised Estimates for 2005/2006 Financial

Year, taking into account the above factors which have influenced the implementation of this year's Budget. Some of the effects and influences of these factors on the Budget are as follows:-

The first one is that we require an urgent disbursement of Kshs6.9 billion for drought intervention. Secondly, there was a reduction of revenues and the revision downwards of the annual targets. Thirdly, and as a matter of necessity, we need to allocate Kshs4 billion for emergency power supply. The fourth factor which has affected us is the reduced donor funding under those projects and other donor-funded programmes. Fifth is the allocation of funds for health workers under the Ministry of Health and the settlement of pending utility bills in various Ministries. The sixth item, which might be of interest to hon. Members, is an increase in the allocation to the Constituencies Development Fund (CDF) by Kshs200 million.

Mr. Deputy Speaker, Sir, the Motion before this House is, therefore, to seek approval of the net Supplementary Appropriation of Kshs7.5 billion and also the approval of Kshs7,552,459,760 in the Recurrent Vote and a reduction of Kshs7,539,795,260 in the Development Vote. The overall net Supplementary Estimates for 2005/2006 Financial Year is, therefore, Kshs12,664,494. At this point, I would like to correct the impression that has been created out there by the media that the Government is broke and that we are seeking an extra Kshs20 billion. We are actually only seeking Kshs12 million after the offsets.

Mr. Deputy Speaker, Sir, the approval of the House is also sought for the proposed re-allocations and the application of the additional A-i-A under the various Ministries and departments. The approval of this Motion will enable the Government to carry on with its services to our beloved nation without interruptions until 30th June, 2006.

Mr. Deputy Speaker, Sir, hon. Members may have realized that the overall net supplementary appropriations being sought is far below the huge amount of funds required for drought intervention, other related activities and other financial requirements by the Ministries and departments. In order to reduce the burden on the Exchequer, I have re-allocated funds from the slow-moving expenditures to accommodate the required additional funds. As you are all aware, there are projected savings related to debts that may not be made this financial year due to various reasons, and these include commitments on the security-related projects for which we laid the Controller and Auditor-General's Report on the Table so that the House can guide us on whether we should be paying those debts and how much of those debts we should not pay. Accordingly, I have also re-allocated those funds in order to maintain low levels of domestic borrowing, which we need to maintain at not more than Kshs30 billion.

Mr. Deputy Speaker, Sir, due to the proposed reduction of expenditures, the overall borrowing from the domestic market may increase by up to Kshs5.9 billion, from Kshs25.4 billion - where we are operating now - to not more than Kshs31.3 billion. That represents about 6.2 per cent of our overall Budget.

Mr. Deputy Speaker, Sir, before I conclude, I wish to appeal to hon. Members, once again, that as we sit in this House, and as representatives of the people out there, we have the privilege of deciding their fate. We have up to 3.5 million Kenyans who are relying on the passage of this Motion which is before us today. They need to get relief food supplies in order to survive.

Mr. Deputy Speaker, Sir, let us remember those people. Let us remember the desperate children, mothers, and those who are watching their cows die everyday. Yesterday, we discussed the current conflict over pasture and so on. Let us have those images at the back of our minds as we decide. By passing these Supplementary Estimates, we will be throwing a lifeline to Kenyans out there. We need the money to mitigate against drought.

Finally, I wish to thank hon. Members for their support that they have always accorded the Treasury, in the management of the economy. I appeal for their continued support to pass this Motion.

With those few remarks, I beg to move and ask the Minister for Planning and National Development to second.

The Minister for Planning and National Development (Mr. Obwocha) Thank you, Mr. Deputy Speaker, Sir. I beg to second this very important Motion on Supplementary Estimates. With the initial Budget of Kshs508 billion that the Minister presented in June, these Supplementary Estimates are basically meant to realign Government expenditure. The Minister has given drought and domestic performance as being the factors behind the Supplementary Estimates.

Mr. Deputy Speaker, Sir, this House should give notice to Permanent Secretaries that the money allocated to their Ministries by Parliament this year must not be returned to the Treasury.

(Applause)

We would like the funds allocated to Ministries by Parliament to be used well for the benefit of our people. So, Permanent Secretaries should take note of that!

Mr. Deputy Speaker, Sir, I would like to commend the Ministry of Water and Irrigation for doing a commendable job---

Mr. Odoyo: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister, who is a well-trained accountant, to mislead this House that, it is the duty of the House to give notice to Accounting Officers who fall under the docket of the Minister for Finance? That mandate has already been given to the Minister for Finance and if---

Mr. Deputy Speaker: Order, Mr. Odoyo! Your point of order has been heard! You have not been given an opportunity to contribute!

Mr. Obwocha, please, proceed!

The Minister for Planning and National Development (Mr. Obwocha): Mr. Deputy Speaker, Sir, I have never heard of the hon. Member for Nyakach Constituency sleeping in the House! However, today, he has been caught sleeping. I said that it is this House that allocates money to Accounting Officers. We are sending them a message that we do not want to hear that money has been returned to the Treasury. That is all I said. We are sending a message as Parliamentarians.

Mr. Deputy Speaker, Sir, I want to commend the Ministry of Water and Irrigation for drilling a number of boreholes. It has done a good job. That is an example other Ministries should follow.

Mr. Deputy Speaker, Sir, Electronic Tax Registers (ETRs) are good for this country. If we follow that route, we are going to double our revenue collection. We will not depend on those people who keep on telling us: "You must do this! You must do that!" That is a project that everybody in this country should support. The people who are opposing that project are the ones who have been denying this country revenue. We need revenue to implement various projects. That is the reality. I am, therefore, requesting my colleagues in Parliament to support ETRs. They are going to increase Government revenue. If we succeed in doing that, the Minister for Finance should not factor any donor funds in our next Budget.

I also want to put all hon. Members on notice! In two months' time, we are going to audit the Constituencies Development Fund (CDF) expenditures. We want those funds audited. We want to make sure that they have benefited the people of this country. It is important, for us as hon. Members, to deliver. We must criticise ourselves and provide what Kenyans want squarely.

Mr. Deputy Speaker, Sir, we have requested money for emergency power supply because we do not want our industries to collapse. We want to use that money to supply our homes and various institutions with electricity.

Finally, Mr. Deputy Speaker, Sir---

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

The Minister for Planning and National Development (Mr. Obwocha): Mr. Deputy Speaker, Sir, could you protect me from my neighbour? He will have his chance to contribute!

Mr. Deputy Speaker: Let me hear what he has to say!

Mr. Odoyo, please, proceed!

Mr. Odoyo: Mr. Deputy Speaker, Sir, again, I would like to appeal to the Chair! The Minister should not continue to mislead this House. For example, he has said that he wants to protect industries. But the Minister for Finance has just pointed out that Government borrowing is expected to grow substantially. That will deny industries money for development. He is misleading us!

Mr. Deputy Speaker: Order! Mr. Odoyo, there are some hon. Members who think that when an hon. Member says something they do not like, he or she is out of order! Just wait and bring up your points when you get the time to contribute! But, certainly, that is not a point of order! Just because you did not agree with what the Minister has said does not mean he is out of order!

Mr. Minister, please, continue!

The Minister for Planning and National Development (Mr. Obwocha): Mr. Deputy Speaker, Sir, the son of the late Mayor of Kisumu should be patient. Parliament is about debate. You listen to what the other side is saying and then debate!

Mr. Deputy Speaker, Sir, I would like to say that, with all that is happening in this country, the economy is on track. We want to thank everybody who is contributing to it. The indicators are good for this country. We should support what the Minister for Finance has requested. That will enable us to move up to June, when we will have the next Budget.

With those few remarks, I beg to second.

(Questions proposed)

Mr. Billow: Thank you, Mr. Deputy Speaker, Sir. The Supplementary Estimates have become a necessary ritual for this House that we have to go through and approve. However, this House is always taken for granted that we have to go through two very voluminous books in one afternoon to approve a requested additional expenditure of Kshs20 billion.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, how satisfactorily can we do that work when we have only one afternoon to go through and understand all those changes, digest them and contribute in terms of scrutinising and approving that expenditure? That is indeed a very tall order for this House and this is the ritual that is being done every year. In my view, this whole concept of Supplementary Estimates, particularly to the tune of Kshs20 billion and so forth, is to undermine this House and difficult to undertake. In the public perception, Members of Parliament are responsible for supervising or overseeing public expenditure, yet we had such a short time for all these hon. Members to go through and contribute effectively and scrutinise. Hence you can understand why they have failed in that responsibility.

Mr. Temporary Deputy Speaker, Sir, you can understand why this House was unable to detect the billions of shillings that were siphoned through the Goldenberg scandal. You can understand why this House has not been able to detect the billions that have been looted through

other corrupt scams that have been unearthed in this country in recent years.

When this Government came into power, they said with a lot of fanfare that: "We have taken over empty coffers", and yet we have just seen that in the first 12 months of their leadership, they signed contracts worth close to Kshs30 billion in Anglo Leasing security-related contracts. From where did this money come if they claim that they took over empty coffers in 2002? This country has resources and unless we manage them well, we will not be able to develop.

Mr. Temporary Deputy Speaker, Sir, the same Government which has demonstrated monumental failure in detecting and stopping the Anglo Leasing scandal just a few months ago, is today asking us again to approve a further Kshs20 billion. I want to appeal to the Minister for Finance to take his responsibility seriously. We have seen in the report of the Public Accounts Committee (PAC) that, that Ministry was singularly responsible for the failure that occasioned the loss of the billions of shillings through the Anglo Leasing financing. They have indicated themselves that they abdicated their responsibility by failing to undertake due diligence and many measures that they needed to undertake.

In particular, when the Minister stands here and tells us that this House should send a message to the accounting officers that they should not return any money to Treasury, I think he is misleading

Kenyans. Treasury is the one that appoints accounting officers. They are the ones responsible for supervising accounting officers. If accounting officers failed to spend the money and discharge their responsibility, the Treasury has powers to withdraw their appointments.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! There are very loud consultations and you can only be standing when you are transiting. So, can we keep some order?

Proceed, Mr. Billow!

Mr. Billow: Thank you, Mr. Temporary Deputy Speaker, Sir. As I was saying, the Ministry of Finance has, in fact, an enormous responsibility to ensure that money voted for by this House is spent properly as voted for by the House. Kenyans are becoming increasingly concerned with the failure of our successive governments to utilise money in a manner that has been voted for by this House. I think that Ministry needs to take that responsibility much more seriously.

Mr. Temporary Deputy Speaker, Sir, in these Supplementary Estimates the Minister wants us to approve the re-allocation from the Development Vote of almost Kshs77.6 billion to the Recurrent Vote. We have to be very clear about our priorities. Our priorities in this country are development-oriented. Development Expenditure represents investments in the country. When you invest money in roads, water and energy, you are making investments in the country. So, it becomes very difficult for some of us---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Billow! Order, hon. Members! There is a group there consulting in loud tones. Please, if you want to have a *kamukunji* which has got nothing to do with what we are doing here, go out there. I will not allow that here. You can only be standing in this Chamber if you are transiting. Other than that, I do not allow!

Proceed, Mr. Billow!

Mr. Billow: Thank you, Mr. Temporary Deputy Speaker, Sir. Development is our priority and, therefore, it becomes very difficult when you find that every year, money which we vote for

Development Expenditure, when it reaches April, Supplementary Estimates are required to divert some of the money back into Recurrent Expenditure. So, in these Supplementary Estimates given to us, we are being asked to divert or transfer Kshs7.6 billion from the Development Expenditure into the Recurrent Expenditure.. That money is coming out of very important Ministries. It is coming out from the Ministry of Health, Ministry of Education and the Ministries of Roads and Public Works. These are all very critical Ministries in terms of infrastructural development in the country.

So, in Recurrent Expenditure, we are seeing a lot of wastage and extravagance. When this Government wakes up one morning and announces the creation of five to six new Ministries and 27 new districts, do they ever sit down to imagine where that money is going to come from? This is because we cannot live beyond our means. We cannot do things merely for political expediency, which is what is happening in this country today and particularly with this Government.

Mr. Temporary Deputy Speaker, Sir, it is very difficult for us to imagine that this Government spent billions of shillings to purchase vehicles alone in the last two years according to reports published by the Kenya National Human Rights Commission (KNHRC).

The other day I saw a letter, and I will table it here, which is written by the Public Communications Secretary, a Dr. Alfred Mutua, and copied to all the Ministries and all Permanent Secretaries in the Government, and telling them that as part of a new policy, to undertake the following: To create a Vote in each Ministry for the communications unit. In other words, Public Communications office to be duplicated in 34 Ministries in the country. He says that they need to do the following: Purchase at least four computers, videos and still cameras, televisions, video cassette recorders and radios, create office space for at least six officers, purchase a car and provide a driver. When I calculated how much that will cost within the Government, the purchase of equipment and facilities alone will cost Kshs200 million. To maintain the salaries of the six officers and the drivers and fuelling of those vehicles and other operational expenditures will cost this Government another Kshs100 million annually. Why? Because this Government wants to create a propaganda machine. This is being done so that the image of the Government is made attractive to Kenyans and the international community. If the Government wants to improve its image, it must invest in governance. Donors did not suspend aid because they did not like our faces or the way we talk. Donors suspended aid because we are misusing money; we are unable to account for our resources and we are stealing---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Billow! The word you have just used is unparliamentary!

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, I apologise for that. We are unable to account for our resources because money is being misappropriated in this country. It becomes very difficult for us, therefore, to understand whether this Government appreciates priorities, which are contained in the Economic Recovery Strategy Paper (ERSP).

When it comes to the issue of priorities, I would like to give another example. I accept the Kshs8.6 billion that is being voted in the Recurrent Expenditure for the Office of the President because Kshs6.3 billion is for purposes of purchase of relief food. However, if this Government is ready to spend Kshs6.3 billion in the next three months to provide relief food, how much is this Government ready to spend in that part of the world called northern Kenya, to develop infrastructure? How much is this Government ready to invest in the North Eastern Province to provide water and other facilities so that those people do not have to depend on relief food? Why must we receive Kshs20 billion annually for purposes of famine relief when we are not allowed to spend even Kshs1 billion to invest in irrigation in our areas, to provide abattoirs for our livestock and to construct our roads? This shows the problem of lack of priorities by this Government.

Mr. Temporary Deputy Speaker, Sir, the same Government is removing Kshs630 million,

which had been voted by this House for rural health services. This is for purchase of materials and supplies for rural health services. They are also removing Kshs122 million for building of health centres and dispensaries. We are eliminating over Kshs1 billion that had been set aside for training of public servants for capacity building in various Ministries. We are also removing Kshs503 million for supplies for control of communicable diseases at a time when there is an outbreak of all manner of diseases in this country. Is this Government serious? We are providing an additional Kshs418 million to the Minister for Information and Communications so that he can allow Dr. Alfred Mutua to create offices in Ministries for purposes of propaganda. Are the priorities of this Government right? It is becoming very difficult for us to understand what is going on.

We were told a short while ago by the Minister for Planning and National Development that the Ministry of Water and Irrigation has done a wonderful job. They have sunk boreholes in areas affected by drought. In the Supplementary Estimates, from the additional Kshs20 billion being sought, only Kshs283 million is being provided to the Ministry of Water and Irrigation. This is quite unfortunate because Kshs418 million is being set aside for the office of Dr. Alfred Mutua for propaganda purposes. Where are our priorities? Tomorrow, our animals and people will die for lack of food and water, and then we will rush requesting for famine relief. We need to invest. We can only invest in infrastructure, water, energy and roads. We should put our priorities right.

Mr. Temporary Deputy Speaker, Sir, the Minister has said the economy is performing very well and that we are on track. Unless the Minister is sleeping, it seems he does not know what he is talking about. The economy of this country is not currently doing very well. As a result of the drought, inflation grew from 7 per cent in December last year, to 20 per cent this month. They know what is happening in the tea and coffee sectors. How do they expect the economy to grow in the circumstances which we are in today? We should not live beyond our means. The only money we were getting for development, money that we were spending on roads, energy and water was largely coming from---

QUORUM

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, Mr. C. Kilonzo has raised a point of order. I would like to be advised by the Clerk-at-the-Table.

Hon. Members, we do not have a quorum. I order that the Division Bell be rung.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! We now have a quorum.

Mr. Billow, you can continue.

Mr. Billow: Mr. Temporary Deputy Speaker, I was talking about the fact that the Minister for Planning and National Development said that the Ministry of Water and Irrigation has done a good job; yet clearly, there is no money being allocated to that Ministry. We spent billions of shillings supplying water to people in the ASAL areas. That was money spent in a worthless effort to try and provide water through emergency. We need money to be allocated to this Ministry so that they can invest in boreholes. We want to see that in the Supplementary Estimates. There are many parts of this country that are not experiencing rainfall. A good example is Mandera District where I come from. We need more money because I have just been advised that the emergency provision for the Ministry of Water and Irrigation for the district has run out. So, they cannot drill

any more boreholes. We need more money allocated for that. I wanted to bring out the lack of priorities in the way the Government has provided for these Supplementary Estimates.

Mr. Temporary Deputy Speaker, Sir, the Supplementary Estimates contain increases in salaries and allowances for Ministers and Assistant Ministers. The Minister has provided for an additional Kshs240 million to pay for the additional salaries and allowances. We were told that the reason this has been done is largely to encourage these people to come to the House and answer Questions. However, in the last few weeks, we have seen the poor attendance of Ministers and Assistant Ministers in this House.

Mr. Temporary Deputy Speaker, Sir, Ministers are not exercising general direction and control over their Ministries, resulting in loss of billions of shillings through scandals like the Anglo Leasing affair. If Ministers were performing their responsibilities properly, then we would not have had loss of funds through phantom contracts. So, we need to know why the Minister for Finance found it necessary to provide for additional funding to cater for increase in salaries and allowances for Ministers and Assistant Ministers, when Kenyans are starving in many parts of the country. These increases in salaries and allowances have been made Under the Kenya National Assembly Vote. The most prudent thing to do should have been to provide for these increases through the various Ministerial Votes and not through the Kenya National Assembly.

Mr. Temporary Deputy Speaker, on the issue of donors, we are aware that donors have suspended large amounts of aid that would have been used for the free primary education and HIV/AIDS control. They have suspended this development assistance because of concerns regarding governance and corruption in this country. Consequently, Kenyans are going to die because of the HIV/AIDS scourge. We are not able to obtain drugs for patients who cannot buy them. This is simply because of lack of good governance. We must be concerned about accountability. This Government must put accountability on top on its agenda. The question of a Permanent Secretary (PS) blaming a Minister, or a Minister blaming his (PS) should not arise. We need to have accountability, so that we can have resources directed to right places.

We were told that over Kshs6 billion was spent to purchase food for drought victims in the last six months. This was a statement that was given to this House recently. Is it not strange that when it comes to purchase of relief food like maize, beans and others, it is done by the Office of the President? Why should the Office of the President, specifically the Minister of State for Administration and Internal Security, be in charge of buying relief food, when we have a Government agency that has been established to purchase food? The National Cereals and Produce Board is the one that has the mandate, in law, in this country to buy grains.

When His Excellency the President was visiting North Eastern Province at the height of a drought, maize and beans bought by the Office of the President, whose officers do not have expertise in purchasing grains, was found having weevils and other insects. It was of a bad quality. We must understand that there is a Ministry responsible for Special Programmes. There is a Minister and a Permanent Secretary responsible for this Ministry. If we want to enhance accountability we must have the Permanent Secretary in charge of this Ministry as the Accounting Officer in relation to purchase of relief food. In that way, matters related to droughts, famine and purchase of relief food should be handled by the Permanent Secretary and the Ministry which is responsible for that. That will make a lot of sense.

Mr. Temporary Deputy Speaker, Sir, lastly, I want to conclude my remarks by saying that this additional expenditure of Kshs20 billion, which is re-allocation of money from some Ministries to others, has been done without due regard to priorities for development in this country. We must put money in areas that will generate revenue and development in this country.

(Prof. Kibwana stood up in his place)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Prof. Kibwana!

Mr. Billow: We must allocate money to sectors that will improve the living standards of the poor. At this point in time, when there is famine and drought, we expect more money to go to the health and education sectors instead of being moved from such dockets. With those few remarks, I beg to support.

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, I must say that you are a very nice person. I must apologise for having stood up when I should not have done so.

I rise to support these Supplementary Estimates. One very compelling reason for doing that, as House, is that a lot of this money, particularly that in the Vote for the Office of the President, will go a long way towards alleviating the effects of the drought and famine we have been experiencing. It will help people by providing them with seed and other things. This Parliament has consistently engaged itself in the drought situation. It will, therefore, be sensible for us, in the spirit of previous work, to quickly approve these Supplementary Estimates, so that our people, who are suffering, are assisted. I believe that this is one area where we need a bipartisan approach. We should rise to the occasion and support these Supplementary Estimates, so that money to assist our people can be available.

Mr. Temporary Deputy Speaker, Sir, we are aware of some of the conflicts that have arisen in our country, and, very sadly, led to the loss of the lives of our colleagues. Among the reasons advanced, even by researchers, for this conflict is scarcity of resources. When resources are scarce there is a tendency for people to engage in conflict. So, if the Minister for Finance is asking for additional money, so that we can provide resources to some of the areas where they are scarce, we should approve his request. That is an important way of ensuring that there is no conflict.

We know that if for any unforeseen reason it takes time for these Supplementary Estimates to be approved by the House, it will mean that the Government will continue to run on the basis of the Budget that was approved in June last year. Government operations will not shut down but there will be a problem in terms of implementing many of the programmes that have already been lined up. This will lead to a very adverse situation countrywide.

This Motion, in the calendar of Parliament, is one of the most important measures that Parliamentarians are supposed to debate and approve unanimously. It is my expectation that as this debate continues, as many of us as possible will take a lot of interest in it, because this is a very important Motion.

Mr. Temporary Deputy Speaker, Sir, since I am responsible for two Ministries, I have also looked at the needs of the Ministry of Environment and Natural Resources and the Ministry of Lands. We are going to launch a national tree planting season. I am happy to note that there is some significant amount of money that has been made available. Obviously, if this money does not come forth quickly and the rain season is concluded, it means that we will have a problem in terms of planting trees. We all know that this is a very important concern.

All the time, when I am in the House and even when I am in the Office of the Ministry of Lands, hon. Members ask about monies for adjudication and ensuring that we make title deeds available. Fortunately, in the Estimates, we have a considerable amount of money for that purpose. Therefore, I ask that hon. Members favourably look at these Estimates because within the Ministry of Lands, we will get a window for ensuring that a lot of the adjudication work can be undertaken.

QUORUM

Mr. Osundwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no

quorum in the House.

The Temporary Deputy Speaker (Mr. Khamasi): Yes, there is no quorum in the House. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, hon. Members! There is still no quorum. From the Chair, I must say that this is a very sad day, that we cannot sit here and transact a very serious matter of the House, and that we must go away without doing what we are supposed to do.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 25th April, 2006, at 2.30 p.m.

The House rose at 4.35 p.m.