

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 20<sup>th</sup> May, 2009

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### ZAMBIAN DELEGATION IN SPEAKER'S ROW

**Mr. Speaker:** Order, hon. Members! I wish to introduce to you, and welcome this afternoon, a delegation from the Parliament of Zambia, who are seated at the Speaker's Row.

They are: -

Hon. Moses Muteteka, MP - Chairperson and Leader of Delegation

Hon. Clever Silavwe, MP

Hon. Mwansa Kapeya, MP

Hon. Godfrey Belal, MP

Hon. Davis Mwila, MP

Mr. Charles Chisimba - Committee Clerk

Mr. Alfred Chioza - Zambia's Deputy High Commissioner in Nairobi.

Hon. Members, they are members of the Committee on Information and Broadcasting and have been in the country since Sunday on a study visit on how the Government interacts and relates with the media industry. During their stay, they will interact with some of our Committees, meet with officials from the Ministry of Information and Communications and visit some of the radio stations in the country. The delegation leaves the country on Saturday, 23<sup>rd</sup> May, 2009. On behalf of the House, and on my own behalf, I wish the delegation a happy stay in Kenya.

Thank you.

### QUESTION BY PRIVATE NOTICE

#### COMMUNAL CLASHES ALONG MIGORI/ TRANS MARA BORDER

**Mr. Pesa:** Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Could the Minister inform the House the circumstances surrounding the recent bloody clashes in April, 2009, between the communities living along Migori/Trans Mara border, in which four lives were lost, houses burnt and several people injured?

(b) Could the Minister confirm reports that guns were used to scare away the locals during the burning of Mr. Harrison Ondiek's home at Remo area where Simeon Ayieta and his nephew, Joseph Omollo, were brutally murdered by raiders from Trans Mara, citing the source of the guns?

(c) Could he inform the House what immediate plans are in place to assist the injured families and those who lost their homes (and who are camping at Thidhina and Mirunga centres) as well as his long-term plans to end such clashes once and for all?

Mr. Speaker, Sir, I have not received the written answer to this Question. I do not know whether it was sent to the House.

**Mr. Speaker:** Fair enough! Mr. Assistant Minister, do you have the answer to this Question?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, I had already circulated the answer last week.

**Mr. Speaker:** Could you be so kind as to furnish the Member with a copy of the answer?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Could you do that before you start answering the Question or you have only one copy?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, I have only one copy. I can give it to him.

**Mr. Speaker:** Let me just ascertain whether the Clerks-at-the-Table have an extra copy. Do you? You do not have? Mr. Assistant Minister, the House may not have received your reply!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, I signed this answer last week. After signing, normally my officers circulate the answers to Parliament.

**Mr. Speaker:** "Normally"? Did you ascertain that it actually happened? Have you got evidence of delivery to Parliament?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, I did not go into that because, under normal circumstances, once I sign, the replies are circulated to Parliament.

**Mr. Speaker:** What is "normal" may not have transpired this time!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, I do not know, but I undertake to check.

**Mr. Speaker:** Mr. Pesa, are you comfortable with the answer being given without having a written reply?

**Mr. Pesa:** Mr. Speaker, Sir, because of the gravity of the matter, I would not mind him giving the answer.

**Mr. Speaker:** Proceed, Mr. Assistant Minister!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) The circumstances surrounding the recent bloody clashes between the two communities living along Migori/Trans Mara border, which have since left five people dead, were as a result of a confrontation following the murder of a Mr. Solomon Siokono ole Ntome, who was found murdered by unknown people and the body dumped along the road at Ogwithi Market on the border of the two districts.

(b) No guns were reported to have been used as most of the victims sustained panga cuts and arrow injuries.

(c) The injured were treated and discharged at Ogwithi Health Centre. Meanwhile, my Ministry is taking up the issue of those persons who moved from Trans Mara to Thidhina and Mirunga centres within Migori District with the Ministry of State for Special Programmes to ensure that they are safely back to their shambas.

Again, peace and reconciliation meetings between elders from the two communities are ongoing and the situation is set to stabilize soon. Other efforts that my Ministry has made include the following:-

Intensive police patrols along the Migori/Trans Mara border and a contingent of Anti-Stock Theft Unit (ASTU) officers have been deployed to beef up security along the two bordering districts.

Joint District Security Committee (DSC) meetings between Migori and Trans Mara were held at Masurula ASTU Camp on 23<sup>rd</sup> April, 2009, where modalities and resolutions geared towards bringing about lasting peace and tranquility were put in place.

An Administration Police (AP) camp has also been established at Ogwithi Market with a strength of an AP sergeant, a corporal and several constables with constant reinforced patrols from Migori Police Station.

The Provincial Administration has embarked on peace barazas in all the sub-locations in Trans Mara and Migori districts. Let us hope that those efforts will eventually restore peace and end the clashes once and for all. Due to those efforts, peace has been restored and both communities are now peacefully doing their businesses at Ogwithi Market.

**Mr. Pesa:** Mr. Speaker, Sir, we are talking about the security of Kenyans. You have heard the Assistant Minister say that people were brutally killed using pangas and arrows. The Officer Commanding Station (OCS), Migori, was given the bullets and spent cartridges that were used to murder the two people at Mirunga area. The bullets were collected from the scene of the murder.

With your indulgence, I wish to bring to this House some of the used bullets that were collected when Mr. Ondiek's home was burnt on Sunday, 27<sup>th</sup> April, 2009. If you allow me---

**Mr. Speaker:** Order, Mr. Pesa! It is Question Time and I want you to proceed and ask your supplementary question as fast as possible. If you have evidence of used bullets, then you will have to file it with the police and not to table it here!

**Mr. Pesa:** Mr. Speaker, Sir, is the Assistant Minister telling this House the truth that bullets were not used to scare the residents of Migori on the morning of 24<sup>th</sup> April, 2009, when the two people were murdered at the Remo Area?

**Mr. Ojode:** Mr. Speaker, Sir, there is evidence that guns were not used. There is evidence from those who have been arrested and interrogated that they used pangas, bows

and arrows. That happened when the man who died on the Migori side was being buried. According to the report from the ground, the mourners were incited. You will remember that two weeks ago, I said that some people incited the mourners. That is how that thing came up!

I want to warn those who are inciting the two communities that have been living harmoniously together. From today, the police will be arresting the inciters on the spot. I am saying this because lives of innocent Kenyans are being lost. I want to urge my colleagues to support us in order to maintain law and order within the border areas.

**Mr. Abdirahman:** Mr. Speaker, Sir, establishing a police post and holding barazas on an *ad hoc* basis cannot help Kenyans. The problem is not only along the Migori/Trans Mara border. Quite a number of areas in this country have conflict problems. What long-term plans does the Ministry have? The cause of the conflict is not ordinary crime, which police say has been reduced. There are much more problems!

What is the Ministry planning to do to address that problem? Are they planning some concerted efforts involving Kenyans in general? How does the Ministry of State for Provincial Administration and Internal Security intend to address those problems?

**Mr. Ojode:** Mr. Speaker, Sir, my Ministry has, first of all, beefed up security in those expansive areas. We are also encouraging community policing. That simply means that police officers can come together with the communities and flush out the criminals. I think that will end the rivalry and bring the criminal activities down. Now that we are going to ask Parliament to give us money to recruit more police officers, we will be able to beef up security in those conflict-prone areas.

**Mr. Konchella:** Mr. Speaker, Sir, these are communities who have lived in peace together for a long time until this problem arose. Therefore, pointing fingers in one direction will not help much. We want these people to continue with the process of healing and, indeed, live together in peace and harmony. I would like to know from the Assistant Minister what measures he is putting in place to ensure that police officers are facilitated to investigate this crime. We know that most of these guns come from our neighbouring country. Is it the people from across the border who are killing us? We have a lot of information on what they are actually doing. They are not only killing the Maasai or the Luos, but are causing the problems in that area.

**Mr. Ojode:** Mr. Speaker, Sir, I accept that there are many illegal guns there. My Ministry is organizing how to disarm those who have illegal arms. Once the disarmament is done, most of these problems will be curtailed.

**Mr. Pesa:** Mr. Speaker, Sir, you have heard the Assistant Minister say that they are planning to disarm people who are possessing guns. Could he assure this House, and Kenyans at large, that this disarmament will be done in a fair manner and that not only one section of the communities will have their guns confiscated by the Government?

**Mr. Ojode:** Mr. Speaker, Sir, an illegal gun means a gun which is not registered. If you own a gun and you do not have a certificate showing that you were legally given the gun, it is an illegal gun. I am requesting Kenyans to surrender all the illegal guns in their possession to the nearest police stations. Once we start disarmament, we will not spare anybody or any particular community. This will not only happen in Migori or Trans Mara districts, but the whole country.

## ORAL ANSWERS TO QUESTIONS

*Question No.032*SEVERE WATER SHORTAGE IN  
MACHAKOS TOWN

**Dr. Munyaka** asked the Minister for Water and Irrigation: -

- (a) why the normal water supply to Machakos Town is no longer available thereby causing the residents to experience severe water shortage; and,
- (b) when the construction of Maruba Dam will be completed and the stopgap steps the Ministry has taken to restore the water supplies to the residents as they await completion of the dam.

**Mr. Speaker:** Minister for Water and Irrigation. Anybody holding the Minister's brief?

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Speaker, Sir, I would like to apologize. She might be late, but I would assume that she is on her way. If not, could this Question be deferred to a later date?

**Mr. Speaker:** We will leave the Question and attempt to revisit it if we have time at the end of the others Questions.

Mr. David Njuguna!

*Question No.090*SEWERAGE SYSTEM FOR  
KIMENDE TOWN

**Mr. Njuguna** asked the Deputy Prime Minister and Minister for Local Government what steps he is taking to provide a sewerage system in Kimende Town, Lari Division.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Nguyai): Mr. Speaker, Sir, I beg to reply.

My Ministry, in appreciating the growing demand for a sewerage system for Kimende Township, has sought the services of the District Planning Officer who is to identify suitable land for the construction of a sewerage disposal system. The initial step has been undertaken by Kiambu County Council. We will liaise with the Ministry of Water and Irrigation to ensure that the facility is built. Once the suitable site is identified, then the process of procuring the parcel of land will commence.

**Mr. Njuguna:** Mr. Speaker, Sir, first if you agree, I would like to congratulate Mr. Nguyai on his new appointment. I wish him well and success in the new docket.

Secondly, while he has given a very positive reply to my Question, by indicating that he has fully mobilized Kiambu County Council and the Ministry of Public Works, I would request him to clarify what immediate measure he is taking to ensure that the business community and residents at Kimende Township really conduct and execute their business in a friendly environment.

**Mr. Nguyai:** Thank you, Mr. Speaker, Sir. I appreciate the congratulatory note by the hon. Member as well as the accolades from everybody in the House, including the Back Bench, which I have been familiarized with before.

The task of providing a sewerage system is an enormous one because of the resources that are required. However, in the case of Kimende, after the research has been done and we see the requirements, we will then put the machinery in place to ensure that land is purchased to ensure that the facility is constructed. We realize that in Kimende there is an environmental risk because there is a river nearby. So, we are treating this matter with the seriousness it deserves. We will expedite it as quickly as possible.

**Mr. Linturi:** Mr. Speaker, Sir, there are many towns in this country that do not have proper sewerage and drainage systems. I would want to know from the Assistant Minister whether his Ministry has put in place proper measures, including budgetary allocations, so that towns that require these services are considered in future.

**Mr. Nguyai:** Thank you, Mr. Linturi. First and foremost, I would want to inform you that this is hon. Lewis Nguyai. So, the person who, probably, the Member saw last week loitering within the precincts of Parliament was obviously somebody else. Probably, it was the illusion of *miraa* that had caused all this confusion. In that point---

**Mr. Linturi:** On a point of order, Mr. Speaker, Sir. I think the Assistant Minister has to apologize for the insinuation that *miraa* causes illusion. I come from a district where *miraa* is the sole cash crop. My people depend on this crop. It is really revered from where I come. So, could he apologize for insinuating that *miraa* causes illusion when this is the livelihood of many people from Igembe District?

**Mr. Speaker:** Assistant Minister, what is your response?

**Mr. Nguyai:** Mr. Speaker, Sir, I was just indicating that last week, as you are aware, I was on a tour in South Rift. But the hon. Member was claiming that I was in the precincts of Parliament. If he was not under any illusion, I do believe that, probably, he was seeing a double vision.

In that sense what I would want to state is that we have to become very creative in the way we manage our sewerage systems and how we get them working. One of the things that we have done is that we have started partnering with development partners. During the few days that I have been in the Office of the Deputy Prime Minister and Ministry of Local Government, I have come to realize that we need to be more creative. One of the important things, which I think we will be focusing on and it is also a policy being pushed by the Treasury, is to ensure that we have public/private partnerships. Those public/private partnerships can create a win-win situation where we can provide services in these urban centres, particularly because the country is becoming urbanized at a very high rate. We have urban centres mushrooming from one corner of the country to the other. The only way we can manage that is by making sure that we use those creative ways and means by partnering with the development partners.

**Mr. Speaker:** Last Question, Mr. Njuguna!

**Mr. Baiya:** On a point of order, Mr. Speaker, Sir. The Questioner sought to know whether there is a programme in place for sewerage systems for urban centres.

**Mr. Nguyai:** Mr. Speaker, Sir, I think I highlighted the measures we have put in place. The measures include having sufficient budgetary provisions and---

**Mr. Speaker:** Order! I think you did so! You might as well stop there!

Mr. Njuguna, last question!

**Mr. Njuguna:** Could the Assistant Minister indicate the site and the amount of money allocated for this project? This way, this House would note the seriousness being given to this issue.

**Mr. Nguyai:** Mr. Speaker, Sir, obviously this is an issue of serious concern. We realize that Kimende is a district headquarters and we will give it the seriousness it deserves. We have given it the weight that is required and we will follow this issue through. I also invite the Member of Parliament to come to our office and we see what steps we can take together.

**Mr. Speaker:** Mr. Assistant Minister, the first part of the Question asked you to indicate how much money has been allocated to this project.

Please, answer that!

**Mr. Nguyai:** Mr. Speaker, Sir, at the moment, the amount of money that needs to be allocated will be dependent on the evaluation report that we get from---

**Mr. Speaker:** Mr. Assistant Minister, the question is straightforward; how much money has been allocated to this project?

**Mr. Nguyai:** Mr. Speaker, Sir, I think that is a substantive Question which is not in line with the one that was asked. So, I would rather---

**Mr. Speaker:** Order! The primary Question asked what steps the Ministry is taking to provide a sewerage system in Kimende Town. If the Member then asks how much money has been allocated to this project, that is a genuine supplementary question! You must respect it!

**Mr. Nguyai:** Mr. Speaker, Sir, I understand. We are in the planning and feasibility stage. I will provide that answer in due course.

**Mr. Speaker:** It is good to be honest! You have now done well.  
Next Question by Mr. Mbau!

*Question No.166*

RENEWAL OF MANDATE OF LAND CONTROL  
BOARDS/DISPUTE TRIBUNALS

**Mr. Mbau** asked the Minister for Lands: -

(a) why he has not renewed the mandate of the membership of Land Control Boards and Land Disputes Tribunals across the country, considering that they have been serving for more than five years;

(b) what urgent measures he is taking to renew the mandate of these members, some of whom have become conduits of bribery and corruption at the grassroots level; and,

(c) when he will gazette names of new members from the districts which have already forwarded reconstituted names, such as Murang'a South District.

**The Assistant Minister for Lands (Mr. Rai):** Mr. Speaker, Sir, I beg to reply.

(a) The process of appointing members of Land Control Boards in the country is on course. I have received nominees from 284 Land Control Boards and 51 Land Disputes Tribunals. Fifty six Land Control Boards have so far been gazetted vide Kenya Gazette Notices of 16<sup>th</sup> January and 24<sup>th</sup> April 2005. The Land Control Boards, whose nominees have been gazetted have either not made the provisions and guidelines

contained in the Permanent Secretary's Circular of 7<sup>th</sup> July 2008 addressed to District Commissioners or have not submitted the list of nominees.

(b) I am in the process of de-gazetting all members of the Land Control Boards who have served for more than five years. I am also scrutinising the list of nominees that have been submitted to my office by the District Commissioners to ensure that they conform to the guidelines as per circular sent to them.

As for the case of Murang'a South, I have not gazetted the nominees because the list did not indicate who among them are councillors. Additionally, the nominees of Maragua Division did not conform to the gender requirement, that is, 30 per cent of either gender should be members.

(c) I will gazette nominees from various Land Control Boards as and when they are received and verified as correct.

**Mr. Mbau:** Mr. Speaker, Sir, I want to record my appreciation for the answer by the Assistant Minister. However, how long will this process of de-gazetting all Land Control Boards in the country take? The old Board members have served for more than five years. This is their seventh year and I believe Members of Parliament may not know who these members are. How long does that process take?

Mr. Speaker, Sir, the Assistant Minister also said that in the case of Maragua Division, the list did not indicate which councillors were ladies. What has he done to ensure that the people know and act on the same?

**Mr. Rai:** Mr. Speaker, Sir, I want to thank the Member who asked the Question. However, I would like to tell him that we have communicated with the District Commissioner and the list of nominees has been sent to our Ministry.

With regard to the de-gazettement, by 30<sup>th</sup> June, all members will have received gazette notices in this reference.

**Mr. Namwamba:** Mr. Speaker, Sir, this issue of Land Control Boards and Tribunals is a critical one. This is because some districts, including my own Bunyala District, have been operating without this important organ. This has been going on for close to one year.

Could the Assistant Minister clarify how long it takes for a communication from the Ministry to reach the district? In my case, we have been waiting for a communication from the Ministry for the last eight months and we have not received any. What is the process of the district getting to know what could be holding the process of approval?

**Mr. Rai:** Mr. Speaker, Sir, I had actually indicated that one circular was sent on 15<sup>th</sup> January and another one on 24<sup>th</sup> April this year. If we are told which District Commissioner has not received this circular, we will address that issue. However, we believe that all the District Commissioners in the country have received these circulars of 15<sup>th</sup> January and 24<sup>th</sup> April.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that all the District Commissioners received these circulars in January, when he knows that so many districts have been created since then? Has he bothered to inform the new districts?

**Mr. Rai:** Mr. Speaker, Sir, the issuance of these circulars is a process and if there is any district--- We sent circulars to the District Commissioners up to 15<sup>th</sup> April. So, if there is any district which has not received the circulars, I am yet to be updated so that we can communicate to them.



**Mr. Speaker:** Last question, Mr. Mbau!

**Mr. Mbau:** Mr. Speaker, Sir, could the Assistant Minister give a date for de-gazetting and correction of the situation? Are the circulars secret?

**Mr. Rai:** Mr. Speaker, Sir, the circulars are not secret. In fact, we request the District Commissioners to convene a meeting because Members of Parliament are members of these Boards.

**Mr. Speaker:** Hon. Members, you will recollect that Question No.032 was left pending because the Minister was not here in time to answer it. The Minister has subsequently arrived but, unfortunately, we have run out of time for Questions.

Hon. Members, the Minister has given an account as to why she was not here to answer the Question on time. The Assistant Minister had the answer. The substantive Minister was only going to lend moral support!

*(Laughter)*

*Question No.032*

SEVERE WATER SHORTAGE IN  
MACHAKOS TOWN

**Mr. Speaker:** This Question is deferred to tomorrow afternoon at 2.30 p.m.! Dr. Munyaka, is that fine with you?

**Dr. Munyaka:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Very well! Mr. Minister, this Question is deferred to tomorrow afternoon at 2.30 p.m.!

*(Question deferred)*

We now want to proceed to the Prime Minister's Time.

**PRIME MINISTER'S TIME**

*(Mr. Kenyatta moved to the Dispatch Box)*

*(Applause)*

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Speaker, Sir, on behalf of the Prime Minister, I beg to reply to the Question by Mr. Mungatana.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. I think this is the Prime Minister's Time. Could we be told whether a Deputy Prime Minister is also a Prime Minister, because he is telling us that he is here on behalf of the Prime Minister? An Assistant Minister is also a Minister! Is a Deputy Prime Minister also a Prime Minister?

**Mr. Speaker:** Order, Mr. Ruto! You just need to acquaint yourself with the Standing Orders. They expressly provide that in the absence of the Prime Minister, he can

delegate that responsibility to any of the two Deputy Prime Ministers and he has chosen to delegate to Mr. Kenyatta.

*(Applause)*

*(Messrs. Mungatana and Ruto stood up in their places)*

What is it Mr. Mungatana? Order, Mr. Ruto!

**Mr. Mungatana:** On a point of order, Mr. Speaker, Sir. The point of order that has been raised by Mr. Ruto needs to be put into perspective. Under Standing Order No.40, in the absence of the Prime Minister, a Deputy Prime Minister designated by the Prime Minister may issue an answer or give a Statement. By definition, "designation" must be in writing. We will need proof in writing that there is designation that he is going to handle this. The Prime Minister's Time is the Prime Minister's Time! We are borrowing this from tradition and it must be followed as such! People wanted jobs; they have been given those jobs and they must do the jobs they wanted!

*(Applause)*

*(Dr. Khalwale stood up in his place)*

**Mr. Speaker:** Order, Dr. Khalwale! Hon. Members, Standing Order No.40, which applies in this situation and in particular paragraph 3, provides as follows: -

"In the absence of the Prime Minister, a Deputy Prime Minister designated by the Prime Minister may make a Statement or answer Questions under this part"  
It does not say that the designation must be in writing.

*(Applause)*

I know that Mr. Mungatana is a lawyer, and a lot of the times lawyers are pedantic; they want to stick to technicality but that technicality cannot hold here! The designation by the Prime Minister was communicated to me by the Prime Minister before he left; he wrote asking for leave of absence. That suffices for purposes of Standing Order No.40(3).

Let us proceed!

*(Mr. Mungatana and Dr. Khalwale stood up in their places)*

That matter is settled! I have ruled!

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Speaker, Sir, I reply as follows.

(a) Under the current organization of the Government, the respective responsibilities of the two Ministries are as follows. The Ministry of Public Health and Sanitation has the following specific duties: Public health and sanitation policy, prevention and promotion of health services, community health service---

**Dr. Eseli:** On a point of order, Mr. Speaker, Sir. I would like some guidance on this, because I do not remember the Member for Garsen asking this Question. The Deputy Prime Minister just started answering!

**Mr. Speaker:** I thought he had! We will rectify that. Mr. Mungatana!

*Question No. QPM006*

CONFLICT BETWEEN MINISTRIES OF PUBLIC HEALTH  
AND SANITATION/MEDICAL SERVICES

**Mr. Mungatana:** Mr. Speaker, Sir, I beg to ask the Prime Minister: -

- (a) to confirm whether or not there has been duplication and/or conflict between the Ministry of Public Health and Sanitation and the Ministry of Medical Services in the execution of their mandate;
- (b) to detail the costs of duplication of parallel provincial bureaucracies of the two Ministries to the Kenyan taxpayer; and,
- (c) if the Government could urgently consider merging the two Ministries in order to enhance service delivery.

*(Laughter)*

**Mr. Speaker:** Order, Mr. Mungatana! I would have expected you to take that point of order first before you challenge whether or not the Deputy Prime Minister can give an answer. That notwithstanding, proceed, Mr. Deputy Prime Minister!

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Speaker, Sir, I hope he is now ready to listen to this answer!

Mr. Speaker Sir, I beg to reply.

(a) Under the current organization of the Government, the respective responsibilities of the two Ministries are as follows. The Ministry of Public Health and Sanitation: public health and sanitation policy, prevention and preventive health services, community health services, health education, reproductive health, food quality and hygiene, health inspection and other health services, quarantine administration, oversight of all sanitation services, preventive health programmes including vector control, national public health laboratories, Government Chemist, dispensaries and health centres, the Kenya Medical Research Institute (KEMRI), Radiation Protection Board (RPB), members of the Kenya Medical Supplies Agency (KEMSA) Board and members of the KMTC Board. Under the Ministry of Medical Services we have medical services policy, curative services, HIV/AIDS and other sexually transmitted infections, treatment and management, maternity services, rural medical services, clinics and hospitals, registration of doctors and paramedicals, nurses and midwives, the National Hospital Insurance Fund, clinical laboratory services, the KMTC, KEMSA, regulatory bodies for pharmacy and medicine, members of the KEMRI Board.

(b) In the execution of their mandate, the two Ministries consult and complement one another. However, the separation of the two Ministries has presented certain operational challenges, especially in the management of health services and/or health facilities and implementation of Government health sector programmes. The matter is under

consideration under the leadership of the Right Hon. Prime Minister and the Ministries concerned; health sector experts have been invited to participate in the on going consultations to find a comprehensive solution to the challenges. In the meantime, the division of responsibilities as contained in Presidential Circular No.1 of 2008 will continue to apply.

(c) The budgets of the two Ministries were considered and approved by this House and the details of these budgets are within the knowledge and records of this House. There is no cost of duplication to the Kenyan taxpayer as one Ministry is principally concerned with curative aspects while the other one deals with preventive aspects. The line between curative and preventive aspects of health services is not necessarily clear cut, especially in a situation where formally integrated systems have been separated.

Only the two Principals of the National Grand Coalition Government can decide whether or not to merge the two Ministries.

Thank you.

**Mr. Speaker:** Mr. Mungatana!

**Mr. K. Kilonzo:** On a point order, Mr. Speaker, Sir. In your previous ruling, I thought you said that when the Prime Minister finishes answering a Question, hon. Members will shoot up and you pick a few of them, so that they can start asking supplementary questions for the Prime Minister to answer. Now I have seen that you have pointed at Mr. Mungatana, yet there are other hon. Members! You have not told us the order of events!

**Mr. Speaker:** Order! Order! The directions that I gave a week ago were that after the Prime Minister answers the Questions that may appear on the Order Paper, the Questioner will have the first bite at the cherry, and that we will allow three further questions from other Members. That is what we are proceeding to do.

Yes, Mr. Mungatana!

**Mr. Mungatana:** Mr. Speaker, Sir, I thank the Deputy Prime Minister and Minister for Finance for his answer.

If you listened carefully to this answer, you will notice that the Kenya Medical Research Institute (KEMRI) Board has been mentioned twice in both Ministries. At the same time, you will notice that the Ministry of Medical Services has been given the portfolio of Rural Health Services. At the same time, the dispensaries, which we all know, are in the rural areas also fall under the Ministry of Public Health and Sanitation.

Mr. Speaker, Sir, the Deputy Prime Minister and Minister for Finance may not know but in every Provincial Headquarters, there is a Provincial Director of Medical Services and a Provincial Director for Public Health and Sanitation. We want to know whether it is necessary to duplicate these bureaucracies. We also want to know whether it is possible for the Deputy Prime Minister and Minister for Finance to consider merging these Ministries at some point, so that effective health services can be given to the people.

**Mr. K. Kilonzo:** Mr. Speaker, Sir, I thank the Deputy Prime Minister and Minister for Finance for that answer. However, I would like him to confirm that the National AIDS and STD Control Programme (NAS COP) has left the Ministry of Medical Services for the Ministry of Public Health and Sanitation. What was the rationale for that? Could he also assure this House that the Kenya Medical Training College (KMT C)

will not leave the Ministry of Medical Services for the Ministry of Public Health and Sanitation?

**Mr. Wamalwa:** Thank you, Mr. Speaker, Sir. It is said that when two bulls fight, it is the grass that suffers. In this case, if there is any conflict or fight between the two Ministers, it is Kenyans who suffer. In the case of my constituency, we have had health centres that were opened but have never been gazetted. These centres have never been supplied with medicine and personnel. If you go to the Ministry of Medical Services and the Ministry of Public Health and Sanitation, you will realise that they are playing ping pong with Kenyans as to who should be doing this and that or who is in charge of nurses and so forth. I am talking about Bikeke, Matunda and Kiminini health centers that have not been opened for over a year now. What is the Deputy Prime Minister and Minister for Finance doing to ensure that Kenyans do not suffer as a result of the conflict between the two Ministries?

**Dr. Laboso:** Mr. Speaker, Sir, is the Deputy Prime Minister and Minister for Finance aware that there is a lot of confusion because of the two Ministries? Currently, HIV patients have problems getting the Anti Retro Viral (ARV) drugs, because of this confusion. They do not know the Ministry that should supply them with the drugs. In addition, the distribution of medicine by the Kenya Medical Supplies Agency (KEMSA) is becoming a problem because of this confusion. Nobody seems to know whose docket this Agency falls under. There seems to be a lot of confusion and as a result, patients are suffering.

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Speaker, Sir, with regard to duplication, I do not think it exists.

Hon. Mungatana has referred to the fact that the KEMRI is mentioned twice, but it is quite clear that the Ministry of Medical Services is only represented as a member of the Board, which falls under the Ministry of Public Health and Sanitation.

With regard to the two Ministries merging, I cannot deal with this matter. I stated clearly in my answer that, that is an issue that the two Principals can discuss and agree on.

Mr. Speaker, Sir, thirdly, I have said that there have been problems in the implementation---

**Dr. Eseli:** On a point of order, Mr. Speaker, Sir. The Deputy Prime Minister and Minister for Finance has informed us that merging the two Ministries is an issue for the two Principals to decide on and yet this Question was sent to one of the Principals. Moreover, this is not the first time the issue of having two Ministers for Health has happened in this country. The complaint is that the duplication is causing problems. The Deputy Prime Minister and Minister for Finance who was delegated by the Prime Minister to answer this Question is refusing to answer it.

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Speaker, Sir, I do not think that I have refused to answer this Question. I am clearly stating that the formation of the two Ministries is a matter that falls within the realm of the two Principals and, hence, should be discussed and agreed upon by them.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. The Deputy Prime Minister and Minister for Finance is confirming that he has actually not been designated to answer this Question. If, indeed, he had been sent here to answer this Question, he would have been properly briefed after the two Principals had consulted. It means that either they did not

consult or he was not given full powers. If he is unable to answer the Question properly, maybe, we should defer it.

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Speaker, Sir, not that I will mind having the full powers to discuss the formation of the Government, but as of now, I am only mandated to answer the Question before me. I have said that, that is an issue for the two Principals and today, I am answering the Question on behalf of one of those Principals, who in this case is the Prime Minister.

Mr. Speaker, Sir, a question was raised by Mr. K. Kilonzo about the NASCOP. Again, in my response, I indicated that a meeting has been scheduled for 3<sup>rd</sup> June, this year where these issues will be discussed with the aim of resolving them.

Finally, Mr. Wamalwa has raised the issue of supply of medicines and staff to his health centres. That responsibility is within the preserve of the Ministry of Medical Services. I will take it up with the Ministry of Medical Services to find out why his health centres do not have the required medicine and staff.

Mr. Speaker, Sir, lastly, there was another issue as to whether Kenya Medical Training College (KMTC) is likely to be moved. There are no plans to move the KMTC from the Ministry of Medical Services.

**Mr. Mungatana:** Mr. Speaker, Sir, I congratulate the Deputy Prime Minister and Minister for Finance for trying to answer this Question. However, in his own admission, the last part of the Question on whether the Government could urgently consider merging the two Ministries in order to enhance service delivery, he has said that he is not able to do it. Moreover, he has said that there are meetings that will look at the possibilities of solving the issues that are there.

What we, as a Parliament, have in mind is that in the past, there have always been two Ministers. However, there has not been any need to split the bureaucracies. It would be, probably, prudent for this Parliament to request through you, the Prime Minister to hold the relevant meetings and then come and tell us whether he can resort to the past which was that there were two Ministers and no split in delivery of services. Therefore, people were not suffering. I beg, therefore, that the last part of this Question be deferred for the real principal to come and answer.

**Mr. Speaker:** What is your reaction, Mr. Deputy Prime Minister and Minister for Finance?

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Speaker, Sir, I do not think there is any need to defer any part of this Question. Indeed, as I have stated, we have addressed most of the matters raised. On top of it, I have stated that there is, indeed, intention to sit down and resolve these issues. It is in resolving the issues that decisions may be taken in line with what hon. Mungatana has said. That will be made clear to the public through Circular No.1 and indeed, through the media. I do not think there is any need to shelve any part of this Question. The best thing is to wait until the relevant Ministry experts have met. The results of that meeting will undoubtedly be made public.

**Mr. Speaker:** Hon. Members, the Deputy Prime Minister and Minister for Finance has the concurrence of the Chair that this Question has been adequately dealt with as much as the Minister has provided answers to “a”, “b” and even “c”. Part “c” of the Question, in the following manner; that the question as to whether or not the Government is prepared to consider merging the two Ministries will come up for

consideration and resolution by the two principals on 3<sup>rd</sup> June, this year. Therefore, the answer will be available then. If there is no answer available, then hon. Members have options under the Standing Orders. We can revisit the matter and pursue it further, if need be. But at the moment, the Deputy Prime Minister and Minister for Finance has dealt with this Question adequately.

We will now deal with Ministerial Statements.

**Mr. Nyamweya:** On a point of order, Mr, Speaker, Sir; we seek your guidance as a House. If the Prime Minister is absent and yet, he has 45 minutes before his time expires and the Deputy Prime Minister is designated to hold brief for him, what happens to the balance of time? Are we not entitled to interrogate whoever is designated to handle that period for him?

**Mr. Speaker:** You are not! The Prime Minister is not obligated to utilize all the 45 minutes. The 45 minutes is just the upper ceiling. He must live within the 45 minutes. For purposes of this afternoon, the Prime Minister indicated that he was only going to deal with the Questions on the Order Paper. He did not have any statements to make.

## MINISTERIAL STATEMENTS

### CATTLE RUSTLING IN NYAKATCH CONSTITUENCY

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, on 30<sup>th</sup> April, 2009, the Member for Nyakatch, hon. Mr. Ochieng' requested my Ministry to issue a Ministerial Statement on the state of cattle rustling in his Nyakach Constituency.

I wish to clarify some of the issues as follows. He wanted to know the number of cattle stolen so far, from January, 2008, including deaths and injuries, the number of cattle recovered and finally, the Government's initiative to mitigate the practice.

I wish to state as follows. So far, a total of 357 cattle have been stolen from Nyakatch Constituency since January, 2008 to date. During the same period, a total of 15 people have lost their lives in the hands of members of the public as suspects of cattle rustling. Allow me to read their names. We have Jackson Gumba Obune, aged 81 who was killed on 29<sup>th</sup> April, 2009; Philemon Kipkurui Too, a juvenile, aged 15 years; a suspect together with Daniel Kipng'etich aged 29, were lynched by a mob after being found with a stolen sheep on 11<sup>th</sup> May, 2008. An un identified body killed through mob justice on 28<sup>th</sup> January at Kadiang'a West; Peter Ochieng' was killed by a mob on 19<sup>th</sup> February within East Kadiang'a area; James Opiyo, killed through mob justice on 28<sup>th</sup> January at Kadiang'a; an unidentified body killed through mob justice on 29<sup>th</sup> January at Obot area; an unidentified body was also killed by a mob also at Obot area and Paul Obondo killed by a mob on 5<sup>th</sup> March within Nyabondo area. Other victims include, David Otieno Ong'oo killed by a mob on 5<sup>th</sup> March within Nyabondo area, Kennedy Odhiambo Muga killed by a mob on 5<sup>th</sup> March, within Nyabondo, Duncan Odhiambo Abok killed on 10<sup>th</sup> January and George Odhiambo Jayo killed on 10<sup>th</sup> January. There was an unidentified male killed in Oboch on 19<sup>th</sup> April, 2009. The last one was also an unidentified male killed at Oboch by a mob on 19<sup>th</sup> April, 2009.

To stem up security within the area, the District Security Intelligence Committee, Nyando, have in the recent past increased the number of police officers in Nyakatch Constituency, both Regular and Administration police at Ogoro Police Patrol Base and Tigoti Administration Police Camp, respectively.

Night patrols have also been stepped up and random ambushes are being laid to identify routes that are normally used by cattle rustlers. These patrols are carried out under the supervision of the OCS, Paponditi and the DO, Upper Nyakatch. This has resulted in reduction of cattle rustling incidences. Joint security operations are also being carried out by both Nyando and Sondu Police Officers which has led to the arrest of several suspects who have been taken to court vide Nyando Police Station, Case File No.604/37/09. Police officers drawn from Ahero, Mboya and Awaki police stations and Administration Police from the DC's office are deployed within the constituency every evening and detailed on ambush duties at designated places to reinforce officers from Paponditi and Aguru police Stations.

Mr. Speaker, Sir, on 14<sup>th</sup> May, 2009, a joint district security intelligence committee meeting between Kericho and Nyando districts was held at Kapsorok and further stringent security measures agreed upon which included mechanisms to sensitize community leaders of both sides on the need to co-exist and report known suspects through the community policing strategy. A joint public *baraza* by both Kericho and Nyando District Commissioners was held and *wananchi* given opportunity to name known criminals who are now being sought by police.

**Mr. Ochieng:** Mr. Speaker, Sir, first, I want the Assistant Minister to clarify whether he is satisfied that the police is doing a good job in terms of keeping security in that area. Secondly, I also want him to promise that he will be able to release the Anti-stock Theft Unit back to Kapsorok where they were before, to enable them continue taming this menace around the borders. Thirdly, whether he is considering giving us ten uniherds for a police post at Tol Police Post which is near Sondu Market.

**Mr. Speaker:** Mr. Assistant Minister, please take notes.

Eng. Gumbo!

**Eng. Gumbo:** Mr. Speaker, Sir, the security of this country is a matter of great concern to all of us. As leaders from Nyanza we are very concerned that this Government does not seem to be taking the security of that province seriously. Even as the Assistant Minister comes here to assure us that he is taking care of security in that part of the world, is he aware that as we speak now, there are reports that Uganda security forces yesterday invaded parts of Mbita Constituency, arrested Kenyan fishermen, took away their fish and charged them money illegally?

**Mr. Shakeel:** Mr. Speaker, Sir, could the Assistant Minister tell us about the stock theft in Kisumu Town East? I keep repeating it and the Assistant Minister sometimes makes a joke of it but it is something serious. He has promised several times that he is going to look into it. Could he now, seriously tell Kenyans in Kisumu Town East what he is going to do about the stock theft there?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, as much as the hon. Member would want the Ministry to be serious, I would also want him to be serious. In Kisumu Town East, we have never had cases of cattle rustling. I come from Kisumu. If he was to talk about "fish rustling", I would hear that.



*(Laughter)*

**Mr. Shakeel:** On a point of order, Mr. Speaker, Sir. This can no longer go on as a joke. It is okay one or two times but this is the third time and I think it is abuse of privilege. We have stock theft in Kajulu East, Kolwa, Kamorongo and Kindu. There is also an Officer Commanding Police Division (OCPD) who can give us the figures.

**An hon. Member:** They are chicken thieves!

**Mr. Shakeel:** They are not chicken thieves! I think we have to be serious. Why is it that when it comes to Kisumu, you talk about chicken and fish thieves? I take this very seriously. This is a very serious august House and please, do not take this as a joke.

**Mr. Speaker:** Mr. Shakeel, that was not a point of order. It was an argument. That is the finding of the Chair; you live with it.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, if, indeed, there was this cattle rustling menace within Kisumu Town East, the hon. Member should have filed a Question in order for me to reply. Even the by-laws of the City Council of Kisumu, do not allow cattle to be within the City.

The issue of unihats being supplied to the hon. Member, who indeed has a problem, yes, I will try and get him ten unihats in order for us to have security personnel within his constituency. Furthermore, I am going to have the ASTU line stationed at Kapsowar in order for this menace to be curtailed.

With regard to the issue of Ugandan soldiers crossing to Kenya, as you know, that is an international boundary and therefore, does not fall under my docket. It falls under the Department of Defence (DoD).

**The Assistant Minister for Water and Irrigation (Mr. Kiunjuri):** Mr. Speaker, Sir, we undertook to issue a Ministerial Statement today which was sought by hon. Yakub. We have agreed that I can issue it next week. However, since any Question before this House belongs to the Members of Parliament, I seek the indulgence of the House since we did not get a comprehensive reply. Our officers got confused because there was a question yesterday on Mzima Springs which is part of the Ministerial Statement that we were supposed to issue today. Due to that confusion, the answer they gave is not comprehensive. I beg to issue the Ministerial Statement on Tuesday next week.

**Mr. Mungatana:** Mr. Speaker, Sir, I want to thank Mr. Kiunjuri for that statement because almost three weeks ago, I demanded a Ministerial Statement on the protocol and Mr. Otieno undertook to issue it last week but it has since passed.

I also sought a Ministerial Statement on the state of the economy and Prof. Ongeru undertook to bring that Ministerial Statement two weeks ago and it has passed. It is disorderly for any hon. Member of this House to give false information. When you undertake that you will give a Ministerial Statement on a Tuesday and you do not issue it and no explanation comes, then that is out of order.

Mr. Speaker, Sir, I am standing on a point of order to request that you take appropriate action against those two Ministers who gave false undertakings before this House. They are taking this House for granted and should follow the standard that has

been set by Mr. Kiunjuri. They should come and give explanations to this House. We cannot continuously be taken for granted in this House.

**Mr. Speaker:** Yes, that may be so, Mr. Mungatana, but I believe that you share responsibility for failure on that part of the Minister to issue that Ministerial Statement on the due date if you fail to draw it to the attention of the Chair that the Ministerial Statement has not been delivered. I expect that you would, if you are the one requesting for a Ministerial Statement, on the due date if no Statement is forthcoming, stand on a point of order and ask for it. Did you do that on the due date?

**Mr. Mungatana:** Mr. Speaker, Sir, we work in this House to try and help it function. When a Minister comes privately and tells me that he or she will do it tomorrow, then I do not have to raise a point of order because he or she has already told me. But on the day he promised---

**Mr. Speaker:** Order! In that case, you were also responsible. You are part of the scheme to defeat the directions of the House. You ought to have risen on a point of order and made the House aware that the Minister has not brought the Ministerial Statement. If you choose to do it clandestinely, then you cannot complain. You are an accomplice. You are guilty of acquiescence!

**Mr. Mungatana:** Mr. Speaker, Sir, I refer to your ruling. But, Mr. Speaker, Sir, having taken my responsibility, what must those people do? I beg that you direct the Ministerial Statements to be issued immediately to the House.

**Mr. Speaker:** Yes, that I will do now dutifully, now that you have drawn my attention to that matter. Which Ministers are concerned?

**Mr. Mungatana:** The Deputy Prime Minister and Minister for Finance and the Minister of State---

**Mr. Speaker:** The Deputy Prime Minister and Minister for Finance is supposed to deal with which matter?

**Mr. Mungatana:** The Deputy Prime Minister and Minister for Finance was to deal with the question of the economic stimulus package that was supposed to help this country to move forward.

**Mr. Speaker:** That is fair enough. Let us deal with one at a time! The Deputy Prime Minister and Minister for Finance!

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Speaker, Sir, we had engaged with the hon. Member yesterday and agreed on how to resolve that particular issue. I am just surprised that he is now raising it again.

*(Applause)*

**Mr. Speaker:** When will the Statements come?

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** We had agreed next week.

**Mr. Speaker:** Okay. Next week on Wednesday. Is that fine? At least, that political agreement will be honored! Which is the next one, Mr. Mungatana?

**Mr. Mungatana:** Mr. Speaker, Sir, the Minister of State in charge of Public Service, hon. Dalmas Otieno.

**Mr. Speaker:** A matter of protocol. Minister of State in charge of Public Service?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, he is not in the House. But he did indicate to me that he will be able to issue the Statement by next week on Wednesday.

**Mr. Speaker:** Next week on Wednesday?

*(Laughter)*

Order! Order, hon. Members! Deputy Prime Minister and Minister for Finance, your Statement will be on Wednesday morning. The Statement by the Minister of State in charge of Public Service will be issued on Wednesday afternoon. Okay?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir. Hon. Mungatana has just raised the issue right now and hon. Ojode has told the House that he has given an indication that the Minister will give the Statement on Wednesday. When? Was it earlier or right now?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, the Minister of State in charge of Public Service called me when I was coming to the Chamber. He indicated to me that if hon. Mungatana asked for a Ministerial Statement, I should give the date as Wednesday next week.

*(Laughter)*

**Mr. Speaker:** Order, hon. Members! We take hon. Members by their word because they are honorable Members!

**Mr. Baiya:** On a point of order, Mr. Speaker, Sir. I had also asked for a Ministerial Statement from the Deputy Prime Minister and Minister for Finance. That was on 8<sup>th</sup> April and it has still not been issued. I had further raised a point on order on it on 14<sup>th</sup> April.

**Mr. Speaker:** What was it about?

**Mr. Baiya:** It was about the intended sale of properties owned by Mboi-i-Kamiti Farmers by the National Bank of Kenya (NBK).

I had also another request to the Minister for Justice, National Cohesion and Constitutional Affairs relating to the Somali pirates being tried in Kenyan courts.

**Mr. Speaker:** Yes. Those facts by hon. Baiya are correct. Those Statements were due on 14<sup>th</sup> May, 2009. So, the Deputy Prime Minister and Minister for Finance, I know that you have been under a lot of pressure, but when will you bring that statement on the sale of properties by NBK?

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Speaker, Sir, on Thursday next week.

**Mr. Speaker:** It is so ordered! The Minister for Justice, National Cohesion and Constitutional Affairs, when will you bring the Statement on Somali pirates being tried in Kenyan courts?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Speaker, Sir, I undertake to give the information to the Minister for Justice, National Cohesion and Constitutional Affairs, and I believe he should be able to give it latest by Thursday next week.

**Mr. Speaker:** It is so ordered! Requests for Ministerial Statements!

**The Assistant Minister for Public Health and Sanitation (Dr. Gesami):** On a point of order, Mr. Speaker, Sir. I want to make a Ministerial Statement.

**Mr. Speaker:** On what subject?

**The Assistant Minister for Public Health and Sanitation (Dr. Gesami):** The Cholera outbreak.

**Mr. Speaker:** Is that on your own motion or do you have a request?

**The Assistant Minister for Public Health and Sanitation (Dr. Gesami):** This was asked by hon. Letimalo, the hon. Member for Samburu East.

**Mr. Speaker:** Yes, you may deliver it. Could you do that in five minutes, please?

**The Assistant Minister for Public Health and Sanitation (Dr. Gesami):** I will try, Mr. Speaker, Sir. This is a Ministerial Statement on the alleged mysterious disease outbreak in Samburu East District by hon. Letimalo, MP. It is as follows:-

Mr. Speaker, Sir, the mysterious disease has been positively identified to be Cholera. The first case of death was a patient known to have peptic ulcer disease who had a history of vomiting blood. He had no diarrhoea. He died as arrangements were being made for referral. The second case of death was a patient who was presented to the facility with a short history of vomiting blood, with abdominal distention and constipation. The patient died of intestinal obstruction and not cholera. In this regard, I wish to confirm that no deaths have occurred due to the Cholera disease. The deaths that have occurred in the affected area are completely unrelated to the outbreak of Cholera.

Mr. Speaker, Sir, the hon. Member also wanted to know which areas have been affected in his Samburu East Constituency. As I got this answer yesterday, the affected areas are in Waso Division, and the rest of the district has not been affected. The affected areas are in Waso Division. They are: Lorubai, Larisoro, Lerata, Sere Olipi and Lantana. The other division, Wamba, is not affected. But the health personnel are on high alert and members of the public have been sensitized.

Mr. Speaker, Sir, the hon. Member also wanted to know why the Government has taken so long to mobilize medical personnel. My Ministry did not take long to respond to the outbreak. Samburu East District health authorities received a report of an increase in the number of diarrhoea cases from Archer's Post Health Centre on 5<sup>th</sup> May, 2009 and, subsequently, the district team went to the affected areas the following day; that was on 6<sup>th</sup> May, 2009. At that time, most of the cases were from Choka area of Isiolo District and everything seemed calm until 8<sup>th</sup> of May, 2009, when more cases were reported from Lulubai Village in Archer's Post.

Mr. Speaker, Sir, the District Health Management team led by the Medical Officer of Health (MOH) visited the area on 9<sup>th</sup> May, 2009, and initiated public health measures aimed at containing the situation.

Currently, Mr. Speaker, Sir, there are six regular health personnel stationed at Archer's Post who have succeeded in controlling the outbreak. They include one public health officer, one public health technician, three nurses and one laboratory technologist. The situation is currently under control with the latest case being reported on 15<sup>th</sup> May, 2009.

Mr. Speaker, Sir, the hon. Member also wanted to know the precautions the Ministry is taking. My Ministry has taken the following measures to contain the further spread of that outbreak:-

1. Providing medical care to those affected. A total of 65 cases have been successfully treated of diarrhoea and vomiting since 4<sup>th</sup> April, 2009, with 30 being hospitalized and discharged upon recovery.
2. Close contacts have been traced and treated.
3. Health education to members of the community on good hygiene practices has been provided.

(4) A ban on hawking of food has been imposed.

(5) Closure of eating premises that do not meet sanitary standards has been implemented.

(6) The treatment of water points and provision of chlorine for household treatment of drinking water has been initiated.

(7) All the health workers have been put on high alert to detect, manage and control cases where they may occur.

**Mr. Letimalo:** Mr. Speaker, Sir, while I do not want to argue with the Assistant Minister concerning the two people who died, I would like to inform him that the situation has not been contained. Today in the morning, two more people, whose names are known died. Secondly, there are only two public---

**Mr. Speaker:** Order, Mr. Letimalo! You are supposed to seek further clarification from the Ministerial Statement that the Assistant Minister has issued. So, your first clarification, if I may help you, ask the Assistant Minister to clarify whether he is aware that a further two people have died. That is the way to put it. Simple! Could you seek one more clarification? Let us see if you have learnt.

**Mr. Letimalo:** Mr. Speaker, Sir, I would like the Assistant Minister to tell the House how many public health technicians are in the area. The information I have is that there are only two technicians who are unable to cover the vast division due to its rough terrain.

**Mr. Speaker:** I will allow you only one more clarification!

**Mr. Letimalo:** Mr. Speaker, Sir, the only transport available in that area is a mechanically unsound motorbike which cannot access the villages. Is it possible for the Ministry to send a vehicle to the area immediately to enable public health officers move round and save the situation?

**The Assistant Minister for Public Health and Sanitation (Dr. Gesami):** Mr. Speaker, Sir, I said that the latest case was reported on 15<sup>th</sup> May, 2009. I do not know of any more case, but I will go back to the office and find out how many more people have been affected. However, we have put everything in motion by dispatching a team from Embu Provincial Headquarters to Samburu East to assist in combating this disease.

**Mr. Speaker:** Mr. C. Kilonzo, I think I will recognise Mr. Abdikadir first because he has a Statement he would like to issue.

## POINTS OF ORDER

POSITION TAKEN BY POLITICAL PARTIES ON  
CONSTITUTIONAL REVIEW PROCESS

**Mr. Abdikadir:** Thank you, Mr. Speaker, Sir, and my apologies go to Mr. C. Kilonzo. I wish to make a Statement on behalf of the Parliamentary Select Committee (PSC) on the Review of the Constitution.

Mr. Speaker, Sir, the attention of the PSC on the Review of the Constitution has been drawn to the debates and reports in public domain concerning statements attributed to political parties regarding contentious issues on the Constitutional Review Process. This honourable House is aware of the long and torturous history of the Constitutional Reform Process in this country. Hon. Members will undoubtedly, recall that the National Dialogue and Reconciliation Committee formed to spearhead the mediation talks after the post-election crisis in 2008 identified, under Agenda Item 4, the need to complete the comprehensive review of the Constitution in order to address the root causes of the political crisis triggered in the December 2007 General Election.

Mr. Speaker, Sir, the Government formulated and through this House, enacted the Constitution of Kenya Review Act, No.9 of 2008 whose main objective is to facilitate the completion of the review of the Constitution in this country. The Act provides for organs and the process on which the review of the Constitution is to be completed. A committee of experts that is spearheading the Review Process was sworn in on 2<sup>nd</sup> March, 2009 and while the Committee faced a few teething problems initially, it is now down to work and has already covered substantial ground. The Committee recently invited views from members of the public on what they consider contentious issues, and we believe that included political parties.

It is in this regard that the PSC notes with grave concern, statements associated with political parties publicly advancing strong positions on contentious issues in the Review Process. We do fear that this follows a familiar pattern in which the Review Process becomes fodder for destructive political competition in a zero-sum game as happened in 2001, 2004 and 2005. The PSC wishes to make the following observations:

1. The country will in the end, hopefully have one Constitution which will be the Constitution for the entire country and the people of Kenya and not for any political party.
2. We ought to learn from the mistakes of the past and ensure that the process is not taken captive by politics.
3. We must respect the Review Process, the structures and the entities set up thereunder.
4. Most key issues concerning the Review Process are exhaustively covered in more than half a dozen drafts and more than five volumes of reports by the Constitution of Kenya Review Commission (CKRC).
5. Various issues of contention exist which require consensus and compromise and on which this House and its Members are required to provide leadership.

Mr. Speaker, Sir, the review of the Constitution is not about political parties or the different blocks in the Coalition Government or, indeed, about politicians. It is about the aspirations of this country and its people.

*(Applause)*

As an organ of the Review Process, the PSC assures this House that it will play its part as provided in the Constitution of Kenya Review Act, particularly in dealing with the

political component of the process, building consensus and removing obstacles to the Review Process.

In this regard, the Committee will shortly outline a programme of engagement with political parties and will request them to take advantage of that if they wish to forward strong position papers on any of the contentious issues. Moreover, the Committee of Experts is more than happy to receive considered opinion on any of the issues from political parties without the process being hijacked through a political process.

Mr. Speaker, Sir, let me conclude by making an earnest appeal on behalf of the PSC to hon. Members and the leadership of this country to grasp the gravity of the Constitutional crisis facing the country. The country is at crossroads and time has come for this House to live up to its noble role of providing leadership to this process by ensuring that the decade-old promise of a new Constitution is realised this time round.

Thank you, Mr. Speaker, Sir.

*(Applause)*

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Speaker, Sir. I would like to seek one clarification. Does he require political parties to give their views or not?

**Mr. Abdikadir:** Mr. Speaker, Sir, we require political parties, individuals and groups that have issues over this process to give their views to the institutions and entities set up under the process. However, we fear that political contestation over contentious issues will lead to a break up of the process as happened twice before. That is where our problem lies.

STATUS OF DISPUTED PLOT AT  
GLOBE CINEMA ROUNDABOUT

**Mr. C. Kilonzo:** Mr. Speaker, Sir, I wish to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security, Prof. George Saitoti with regard to the fracas at Globe Cinema round-about, famously known as “Grogan”.

Mr. Speaker, Sir, democracy has been defined as a government of the people, for the people, by the people. What we are seeing at Globe Cinema shows that this is a Government of the rich, for the rich, by the rich. Indeed, this has happened before. What is happening today is history repeating itself. You will all remember that in the 1990s, curio vendors, who were operating at a plot along Nairobi’s Kigali Street - a very ideal and central location where tourists used to buy items, as is the current location for the mechanics – had to be removed. The plot, which was owned by the City Council, was finally allocated to somebody, who sold it to individuals. So, the curio traders were evicted.

I would, therefore, like the Minister to clarify the following: Is he aware that, in the first place, there is a court injunction, preventing the eviction of these poor mechanics? Why did the police and the Provincial Administration disregard the court order? Why have the Provincial Administration and the police become partisan, and

supported one side – the rich – against the other side of more than 3,000 mechanics? What urgent measures is the Minister taking to ensure that the court order is enforced, and that those mechanics continue enjoying peaceful possession of the said piece of land until the court case is determined?

**Mr. Speaker:** Could the Minister, or any Member of the Cabinet holding his brief, give an undertaking?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, due to the gravity of the matter, I will issue an elaborate Ministerial Statement on Tuesday, next week.

**Mr. Speaker:** It is so ordered!

*(Mr. Ruto stood up in his place)*

**Mr. Speaker:** What is it, Mr. Ruto?

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. I wish to remind the Ministry of Foreign Affairs that I am still waiting for the Ministerial Statement that I was promised last Wednesday. Indeed, two minutes ago, Mr. Onyonka was here. I believe he is somewhere within the building. He promised to issue the Ministerial Statement on Thursday, last week. However, to date, there is no indication that he is going to deliver it.

The Ministerial Statement was about the utterances that were made by His Excellency President Yoweri Museveni of Uganda on alleged characteristic of a section of the population of Kenya.

**Mr. Speaker:** You have made your point, Mr. Ruto. Is the Minister for Foreign Affairs here?

**The Minister for Nairobi Metropolitan Development (Mr. Githae):** Mr. Speaker, Sir, we will transmit the information, so that he can issue the Ministerial Statement on Tuesday, next week.

**Mr. Speaker:** If the Ministerial Statement was due on Tuesday, this week, why should it not be ready now, so that it can be delivered tomorrow?

**The Minister for Nairobi Metropolitan Development (Mr. Githae):** Mr. Speaker, Sir, indeed, he was here. I do not know what has happened.

**Mr. Speaker:** Let the Minister know that he is expected to deliver the Ministerial Statement tomorrow, and give an account as to why he did not do so yesterday.

**The Minister for Nairobi Metropolitan Development (Mr. Githae):** Mr. Speaker, Sir, we will transmit the information.

*(Dr. Monda stood up in his place)*

**Dr. Monda:** On a point of order, Mr. Speaker, Sir. I stand to seek the indulgence of the House to issue a Personal Statement.

**Mr. Speaker:** I have noticed that you want to do so.  
Please, proceed.



**PERSONAL STATEMENT****ADVERSE REFERENCE TO DR. MONDA BY HON. MUTUTHO  
DURING KTN MAHOJIANO PROGRAMME**

**Dr. Monda:** Mr. Speaker, Sir, my attention has been drawn to the adverse mention of my name by an hon. Member of this House, namely Hon. John Mututho during a programme of the Kenya Television Network (KTN), where I had no right of reply in discussing the accusations nor participated in the debate of a matter that was subject in the House. The hon. Member made the remarks about me during a KTN Leo news bulletin subsidiary programme, *Mahojiano*, of Friday, 15<sup>th</sup> May, 2009.

Mr. Speaker, Sir, as you can recall, the report on food security and maize shortage in the country was tabled, debated and concluded in the House. It followed the House rules and procedures, and was concluded as per the dictates of this House. The hon. Member, in an interview with the said television station, and in contravention of the Standing Orders, discussed “the conduct of another hon. Member, and by extension, the conduct of the institution of Parliament in the execution of its core business of debating issues that affect Kenyans.

The insinuations made by the hon. Member were regrettable as they seemed to be indicative of a House full of corrupt Members of Parliament who vote not on their conscience but through inducements, which he needs to substantiate.

Mr. Speaker, Sir, in the said programme, the hon. Member went ahead and accused me, because of my contribution in seconding the amendments to the Report on Food Security and Maize Shortage in the country. He named me as the Member of Parliament who was doing politics on the Report because I seconded the Motion seeking to amend the contents of the Report.

Further, he indicated that he had written to the Speaker, seeking that disciplinary action to be preferred against me by the Powers and Privileges Committee of this House. He went on to adversely mention my name, without allowing me a right of reply, and against Parliamentary procedures that require hon. Members not to discuss matters of the House in a prejudicial manner outside the House. In fact, the news anchor asked Mr. Mututho to desist from discussing another hon. Member, who was not present and to restrict himself to the issues under discussion.

His comments were intent on deliberate attempt to malign my name and image before Kenyans. The comments now jeopardize my work in the House as well as my Membership of the Departmental Committee. Press reports published on Friday, 15<sup>th</sup> May, 2009, said it was clear what my level of contribution to the debate was. Mine was to second the amendments as a Member of this honourable House.

Mr. Speaker, Sir, if I may quote, part of media reports of last Sunday go as follows: “Mr. Monda seconded the amendment” and went further to say: “By adversely mentioning the Prime Minister, his family and Personal Assistant, and failing to invite them to shed light on the matter, the Committee had not done its job well.” That is only part of what the media reported.

On Sunday, 17<sup>th</sup> May, 2009, Mr. Mututho, the Chairman of the Parliamentary Committee on Agriculture, Livestock and Co-operatives, was once again in the Press, where he was quoted saying: “The integrity of some hon. Members is doubtful. There should be thorough investigations in the conduct of some MPs. Their body language

constantly speaks volumes when they vote for or against certain sensitive issues. The Speaker should do something about it, he added, a day after MPs threw out a Report on the maize scandal by his Committee on the ground that it was politically engineered and absolutely clumsy”.

Mr. Speaker, Sir, the integrity of this House has been put to test. It has become a common occurrence that some hon. Members brand their colleagues as being corrupt, without any proof of the allegation. This situation needs to be addressed, so that the House can continue to enjoy the reputation it had before. The hon. Member’s comments were aimed at tainting my credibility and, by extension, that of the whole House, and portraying us as a gang of corrupt people who, therefore, do not execute their mandate and responsibilities in a sober manner.

Mr. Speaker, Sir, may I state here that I am a person of high integrity and unquestionable moral standing that cannot befit the description by the hon. Mututho.

Thank you.

*(Applause)*

**Mr. Speaker:** Order, hon. Members! That personal Statement under Standing Order No.76 should have lasted not more than five minutes. Indeed, the hon. Member intimated to the Speaker that he would do so in five minutes. But he has done it in eleven minutes. Hon. Members, please take note, personal statements are supposed to be brief, short and precise and not longer than five minutes.

## **BILL**

### *First Reading*

#### THE SUPPLEMENTARY APPROPRIATION BILL

*(Order for First Reading read- Read the First Time –  
Ordered to be read the Second Time today  
by leave of the House)*

### *Second Reading*

#### THE SUPPLEMENTARY APPROPRIATION BILL

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):**  
Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation Bill, 2009, be read a Second Time.

Mr. Speaker, Sir, His Excellency the President has signified his consent to this Bill. The Supplementary Appropriation Bill, 2009, seeks statutory approval from this Parliament of the expenditures contained in the Recurrent and Development Supplementary Estimates of the Financial Year 2008/2009, which I laid before this House yesterday.

**Mr. Ogindo:** On a point of order, Mr. Speaker, Sir. I rise under the Standing Order that compels a Member to ensure that he is factual on what he is presenting in this House. I want the Deputy Prime Minister and Minister for Finance to undertake that the Supplementary Appropriation Bill he is moving is factually correct and, indeed, is consistent with the revised Supplementary Estimates.

**Hon. Members:** Under what Standing Order!

**Mr. Speaker:** Order! Order! I do not see that the Minister has up to where he has reached breached any Standing Order. You cannot ask him to give you an undertaking that the future will be of a particular kind.

*(Applause)*

Proceed, Mr. Minister!

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Thank you, Mr. Speaker, Sir. As I continue, I wish to thank hon. Members for their contribution during the debate on the Supplementary Estimates Motion. I want to assure the hon. Members that their views have, indeed, been taken seriously. As much as possible, we will take those views into account as we prepare our next Budget.

*[Mr. Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Prof. Kaloki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, once again, I want to assure the hon. Members that in finalizing the Supplementary Estimates we have been guided by the need for our economy, efficiency and effectiveness in the utilization of available resources at our disposal. Consequently, we have been prudent enough to contain our expenditures within the available resources despite the challenges we are experiencing.

Mr. Temporary Deputy Speaker, Sir, the funds allocated to the Ministries and Departments shall be utilized efficiently to achieve the intended purposes and provide services for which this House has approved. Financial discipline and economy will be our guiding principle for sustained macroeconomics ability necessary for achieving our national objectives as envisioned under Vision 2030. Clause 2 of the Bill provides for the issuance from the Consolidate Fund of the sum of Kshs26,251,311,790 and to appropriate the funds for various services and purposes during the financial year ending 30<sup>th</sup> June 2009.

Mr. Temporary Deputy Speaker, Sir, Clause 5 of the Bill seeks for a reduction of the sum of Kshs27,329,210,300 of the supply granted for various services for the Financial Year ending 30<sup>th</sup> June, 2009.

Having briefly appraised the hon. Members of Parliament on the objects and reasons for the Bill, may I now request the House to pass it in order to authorize the issue of funds from the Consolidated Fund to meet expenditures as contained in the Recurrent and Development Supplementary Estimates of the Financial Year 2008/2009.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I do beg to move.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to thank the Deputy Prime Minister and Minister for Finance in the way he has dealt with the Ministry. He has been forthright. If there is a mistake, he has been forthright in admitting it. He has also been forthright in discussing issues with the relevant department committees of Parliament. In addition, he has been accessible to all Members of Parliament.

Mr. Temporary Deputy Speaker, Sir, this is an important Bill. Ministries have almost come to a standstill. Even Parliament has almost come to a standstill. The cheque for salaries of staff in our constituencies for this month has not been received. We are told there is no money. Arrears have not been paid. We are told there is no money.

To me, this Motion should have passed like yesterday. It is important that we give Government departments money, so that they can start running. We have a lot of problems of insecurity. The police need money to provide vehicles and other facilities so as to keep security. We have the menace of armed gangsters and crooks going by various names. So, I am saying that this Bill should receive the support of all Members of Parliament, so that the Government can start to operate.

With those words, I beg to second.

*(Question proposed)*

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to support the Motion and agree with my colleagues, the Mover and the Seconded of the Motion, that we urgently need to approve this Bill to ensure that Government departments are facilitated in their normal duties of serving Kenyans.

However, I have two or three highlights that I would like to make. First, the country is faced with a very serious drought. Some of the areas have not received rain. For example, Loitoktok has not received rain since November last year.

Some of the Ministries that I ask to enhance the processes of service delivery include the Ministry of State for Special Programmes. We have been having relief food distribution which has not been as smooth as expected. I think it is high time that this Ministry did a lot to facilitate that process.

Mr. Temporary Deputy Speaker, Sir, one of the things that are making food distribution difficult is the fact that monies required by the provincial administration on the ground for transportation of food are not available. Most of the time when you ask what happens; you are told that in most cases food rations are delivered to the centres but money to facilitate transportation takes a lot of time to be received. Money is required urgently. The Ministry of State for Special Programmes should also keep reviewing the targets for food distribution. There are places where people need a lot of assistance.

Mr. Temporary Deputy Speaker, Sir, in the Ministry of Agriculture, as we approve these Supplementary Estimates, it is good that this Ministry takes cognisance of the fact that this country has different rainfall patterns. I am talking with the South Rift region in mind. When it is harvesting season in some areas, in other areas it is planting season. Therefore, the Ministry of Agriculture, in their budget allocations---

*(Loud consultations)*

**Mr. Mungatana:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We can hardly hear the hon. Member contributing. The consultations are too loud. Could that be controlled?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. ole Metito, please, proceed!

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, it would have been good if you would have reminded those who are consulting loudly to lower their voices. Nevertheless, I thank the hon. Member for bringing that to the attention of the House.

Mr. Temporary Deputy Speaker, Sir, I was talking about the Ministry of Agriculture. The Ministry should allocate funds to different parts of the country based on the rainfall patterns. At the moment, as they supply fertilizer and seeds to some areas, they should consider what season it is in different areas. This is because sometimes as they distribute fertilizers and seeds in Western Province, in some areas like the South Rift, it could be harvesting season. Such parts of the country should receive their seeds and fertilizer when they need it.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the budgetary allocation to the Ministry of Livestock Development. The livestock industry is a very important industry in this country. It contributes about 12 per cent of our Gross Domestic Product (GDP). However, the attention accorded this industry is very minimal. I would like to bring to the attention of this House that during the campaigns for the 2007 General Elections, almost all the Presidential candidates talked a lot to do with the improvement of the livestock industry in this country. In fact, some said that if elected, they would consider introducing a livestock insurance against drought, like the one we are facing currently. Thank God that all these people are now in the Government. If we put all these proposals together, we could do a great deal for the people in that industry.

Mr. Temporary Deputy Speaker, Sir, the Government is trying what is called livestock off-take. Kshs500 million was released this Financial Year to the Kenya Meat Commission (KMC). This money was meant to buy livestock. However, this is very little money. If you go to my district, which is 80 per cent dependent on livestock, the allocation given could only buy 600 animals. Buying 600 animals from a district that has over 300,000 livestock, is a drop in the sea. To make matters worse, the procedures to be followed for one to buy only 600 heads of cattle from the whole Oloitokitok District are very difficult.

Mr. Temporary Deputy Speaker, Sir, as we approve the Supplementary Estimates, the Ministry of Livestock Development should consider making simpler the rules for livestock off-take. They should also ask the Treasury to double the allocation to the KMC so that we could do something substantial to that industry. Still on the issue of livestock in respect to the prevailing drought in this country, livestock co-exist with wildlife. In Oloitokitok, we border the Kyulu and the Tsavo National Parks. Since livestock and wildlife coexist, I would kindly ask the Minister for Forestry and Wildlife to consider giving livestock some grazing rights in the parks because of the prevailing drought. At the moment, we do not have tourism high season. Therefore, the interference of livestock with tourism is very minimal. In cases where they have to drive livestock from parks,

they should use humane ways to do so. Using a helicopter to herd away livestock that are already dying and weak, would kill even those who would have survived the drought.

Mr. Temporary Deputy Speaker, Sir, I would like to mention something about the *Kazi Kwa Vijana* programme. It would be good that we pass this Supplementary Estimates so that funds are released to the constituencies for the programme. At the moment some Ministries have been informed that, "You have this amount of money for *Kazi Kwa Vijana* programme. However, they have not received the actual money to do the work.

Mr. Temporary Deputy Speaker, Sir, the Government should also try to simplify the work the youths are going to do. I want to give examples of two projects meant to be undertaken under the *Kazi Kwa Vijana* programme. One is the construction of roads and, second, de-silting or construction of dams. What surprises me most is the fact that the youth are not going to be provided with tools to do the work. It is very difficult to tell the youth that, "You are employed to construct this road" yet you do not provide them with the tools to do it. You tell them: "You are employed to do this dam" and yet you do not provide them with the tools to do the dam. I do not know the tools they are going to use to achieve that exercise.

Finally, I cannot conclude my contribution without mentioning my Ministry. This is the Ministry of Regional Development Authority. This is a very important Ministry. It can correct the inequitable regional development in our country if given adequate resources. It is a Ministry that is supposed to harness resources such as rivers and build dams that can be used for irrigation and other purposes. This can assist in increasing food production and saving this country with respect to food security. However, very little resources have always been given to the Ministry. I would kindly ask the Treasury to consider increasing the allocation of funds to this Ministry. I am happy that just yesterday, this House passed the Financial Management Bill, which is going to give this House a say in allocation of resources with respect to Budget preparation. With that consideration, I am sure this House will be taking note of the importance of Ministries with respect to service delivery to *wananchi*.

I beg to support.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I stand to support the Minister on this Supplementary Budget, but as I do so, I am a little bit disappointed. I am disappointed that this Minister has not taken this opportunity to apologize to this country for the confusion that he has brought to the office in the short period he has been there. What has happened in that Ministry is unprecedented. This was a good opportunity for him to give an apology, and those of us who are committed to having the country move on would have no problem in supporting him

My second disappointment is that, upon listening to the Minister, he has not taken trouble to attempt and convince the House why in his Supplementary Estimates he has opted to either increase or decrease certain Items. He might have been in a hurry to conclude his contribution, but, in view of the prevailing circumstances, the Minister needed to spend a bit of time convincing us why on certain Items, he is removing or adding.

I would also like to point out that the Minister, having brought these revised Printed Supplementary Estimates only yesterday, and considering that the Departmental Committee did not have an opportunity to scrutinize the figures, it was also important for

the Minister to give a firm undertaking that in the event that when the Committee looks at them, it finds that there is any discrepancy, then he would be held responsible. This is in keeping with Standing Order No.82, under which an hon. Member is expected to be responsible for the truth of facts that he states here. This is very important because if, upon analysis subsequently, it is found that there are errors in what we are going to pass today, then the country will be forgiven for thinking that we, hon. Members, are not hardworking, and are simply voting machines.

Mr. Temporary Deputy Speaker, Sir, I want to use this opportunity to appeal to the Minister for Planning and Vision 2030, who works hand in hand with the Deputy Prime Minister and Minister for Finance on the misfortune of death. It is only last week that I buried my brother, the hon. Member for Shinyalu, Mr. Lugano and I have just realized---

**Mr. Waititu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Some hon. Members in this House have a habit of assuming that for hon. Members to appear to be speaking the right things in this House, they must be seen first. What Dr. Khalwale is doing right now is taking us backwards. The Deputy Prime Minister and Minister for Finance has presented the Supplementary Appropriation Bill, everybody is happy and he is not happy because he thinks that he should have been seen first. That is taking us backwards!

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): What is your point of order?

**Mr. Waititu:** Mr. Temporary Deputy Speaker, Sir, my point of order is that what he is telling us right now is not in order because we are so far happy with what the Minister has presented.

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): Dr. Khalwale, I think you are making a personal statement. I know you know this work has gone through the Committee Stage; it has come back and I know you had made some remarks. The debate has been going on; so, you can go ahead and conclude your remarks.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, the hon. Member for Embakasi, for whom I have a lot of respect, is now just about to have the first opportunity to contribute on a Budget Speech, because he came in just the other day. He would do well to learn from the rest of us how you build on a Budget Speech, because we all know that this---

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Khalwale! Please continue with your contribution! Just move on!

**Dr. Khalwale:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wanted to accord him the courtesy of responding, but thank you for correcting me.

The Minister for Planning, National Development and Vision 2030 works hand in hand with the Deputy Prime Minister and the Minister for Finance. Before I was interrupted, I was saying how unfortunate death is. I was thinking about my brother, the late Mr. Lugano, whom we buried over the weekend. The Ministry has now written to the Constituency and told them that they are not going to spend any funds which, indeed, should be the case. But I was just wondering if it is not possible, given that now the hon. Member is dead, and authority to incur expenditure had been released to the constituency, in so far as expenditure of emergency funds and bursaries--- We have children in the constituency who are going to be thrown out of school simply because their hon. Member is dead. I was just wondering if it is not possible for the Government to have a big heart,

and allow--- Since the Shinyalu CDF already has a manifest showing the names of the children who are beneficiaries, which schools they attend, how much money they had been allocated, and the Ministry knows how much it had given as bursary, if it cannot allow that bursary money to be given out to the schools, so that the children are not send away.

Secondly, is the issue of emergency. We have certain emergency situations in this rainy season. Some of the schools and health centres in Shinyalu have had their roofs ripped off. Therefore, it would be wise for us to allow this emergency fund to be spent on the understanding that there are one or two items, so that life in that constituency does not come to an end. I would be willing to go an extra mile and make sure that I give the necessary backup support, without breaking the law, as would be given by an hon. Member in an extraordinary situation like this one .

Mr. Temporary Deputy Speaker, Sir, as I support this Supplementary Budget, I would like to draw the attention of the Minister to the plight of farmers, especially those who practise tea farming. The cost of production of tea has now gone way beyond what the farmers get out of the produce. We have had instances in the country where farmers have unfortunately uprooted tea bushes. Since my constituency is one of those that grow tea, it is important that the Deputy Prime and Minister for Finance should now get to the bottom of why the cost of production is high. Indeed, there is something that can be done about it.

**Mr. Shakeel:** On a point of order, Mr. Temporary Deputy Speaker, Sir. As much as I am agreeing here, I just do not understand why we are now discussing something that was discussed when the first Appropriations Bill was before us. All that is happening right now is correction of the Supplementary Bill. We do not need to open up a discussion on the Budget. So, I am asking you to, please, put the Question.

*(Applause)*

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Members!  
Obviously, that is the mood of the House. Before that, could the Minister now reply?

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

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Thank you, Mr. Temporary Deputy Speaker, Sir. In replying, I would like to say that I have taken note of all the comments that the hon. Members have made. We need to move on and ensure that Government programmes and projects that have stopped are continued.

Mr. Temporary Deputy Speaker, Sir, 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 by leave of the House)*



## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*(The Temporary Deputy Speaker  
(Prof. Kaloki) left the Chair)*

IN THE COMMITTEE

*[The Temporary Deputy Chairperson  
(Prof. Kamar) took the Chair]*

## THE SUPPLEMENTARY APPROPRIATION BILL

*Clauses 2, 3, 4 and 5*

**Mr. Ogindo:** Thank you, Madam Temporary Deputy Chairperson for giving me this opportunity. You will remember that when the Supplementary Appropriation Bill was brought to the House the other time, objections were raised with regard to inconsistencies. I trust and believe that those inconsistencies are correct today.

Madam Temporary Deputy Chairperson, in view of the fact that these books were brought yesterday and this House has a mandate to scrutinise the Budget, but did not have time to do so--- In view of the fact that I am the Chair of the Budget Committee which does the scrutiny of the Budget on behalf of the House, I cannot guarantee the accuracy of the Votes as summarised in the Supplementary Appropriation Bill. I also cannot guarantee that they are consistent with the Revised Printed Supplementary Appropriation Bill. To that end---

**The Temporary Deputy Chairperson** (Prof. Kamar): Hon. Ogindo, we are in the Committee Stage. We have finished the debate. If you have any clarification you want to seek as to why any of the four Clauses that have been read out should not be part of the Bill, please do so.

**Mr. Ogindo:** Madam Temporary Deputy Chairperson, could I get a confirmation from the Deputy Prime Minister and Minister for Finance as to whether the figure on Vote 1, on the Supply Column which reads “Kshs1,530,196,800 is, indeed, consistent with the one in the Revised Supplementary Estimates?”

**The Temporary Deputy Chairperson** (Prof. Kamar): Mr. Ogindo, you are on the Schedule. Mr. Deputy Prime Minister and Minister for Finance, take note of that. You will answer that when we come to the Schedule.

Is there any Member who has a problem with these Clauses? There is none.

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

*First Schedule*

**The Temporary Deputy Chairperson** (Prof. Kamar): Mr. Deputy Prime Minister and Minister for Finance, you can now respond to the clarification sought on the First Schedule.

Hon. Ogindo, I hope you are taking note of that clarification.

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Madam Temporary Deputy Chairperson, I confirm that it is correct.

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Madam Temporary Deputy Chairperson, 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)*

*[The Temporary Deputy Speaker  
(Prof. Kaloki) in the Chair]*

## REPORT AND THIRD READING

### THE SUPPLEMENTARY APPROPRIATION BILL

**Prof. Kamar:** Mr. Temporary 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 Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode) seconded.

*(Question proposed)*

**Mr. Mungatana:** Mr. Speaker, Sir, we want to say that as we support the Minister, in his first Supplementary Estimates, there is something that if he paid attention

to, it would help this country a lot in his tenure. There is a big variation between what was presented as the main estimates in the Budget and what has been brought as Supplementary Estimates. The reason for this is lack of anticipation on the things that could come that occasioned this huge variation. We are asking that the Government, as we approve it today, to exercise financial discipline. When we approve the main Estimates, we will expect the Minister, when he reads his Budget, we urge him to make sure that we will not have a huge variation in the Supplementary Estimates because we will then know that there is no financial discipline in this Government. We are asking him to take note that this does not happen in his tenure and we will support him.

*(Question put and agreed to)*

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Speaker, Sir, I beg to move that The Supplementary Appropriation Bill be now read a Third Time.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae) seconded.

*(Question proposed)*

*(Question put and agreed to)*

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

### ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now 5.00 p.m. That concludes the business on the Order Paper. The House is, therefore, adjourned until tomorrow, Thursday, 21<sup>st</sup> May, 2009 at 2.30 p.m.

The House rose at 5.00 p.m.