

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 21<sup>st</sup> July, 2009

The House met at 2.30 p.m.

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

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of the Policy Holder Compensation Fund for the 2007/2008 Financial Year.

Special Audit Report of the Controller and Auditor-General on Safaricom Ltd. Initial Public Offer, July, 2009.

Special Audit Report of the Controller and Auditor-General on the sale of 51 per cent Government of Kenya shareholding in Telkom Kenya Limited, July, 2009.

Report of the Controller and Auditor-General on the Appropriations Account, other Public Accounts and the accounts of the Funds of the Republic of Kenya for the year 2007/2008.

*(By the Minister of State for Planning, National  
Development and Vision 2030, on behalf  
of the Deputy Prime Minister and  
Minister for Finance)*

### QUESTIONS BY PRIVATE NOTICE

FATAL SHOOTING OF MESSRS J.O. OCHOL  
AND C. GATHOGO

**(Mr. Olago)** to ask the Minister of State for Provincial Administration and Internal Security:-

(a) What are the circumstances surrounding the fatal shooting of Messrs Jeremiah Otieno Ochol and Christopher Gathogo on 13<sup>th</sup> June, 2009?

(b) Could the Minister confirm that the two were removed from a Mombasa-bound minibus and shot at point blank range by police officers at Konza in Machakos?

(c) What action has the Government taken to apprehend the suspects?

(d) When will the bodies of the victims be released to their next of kin for burial?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon, Olago is not here. All right. We will move on to the next Question.

PURCHASE OF LAND BY REGIONAL DEVELOPMENT  
AUTHORITIES MINISTRY FROM BROKERS

**Mr. Mwakulegwa:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Regional Development Authorities the following Question by Private Notice.

(a) What are the purposes for which the Ministry is currently buying land Ref.LR.NO.16559, CR 22939 – Grant No.LR.22939, survey plan 164333 from brokers and why is the Minister not buying the land from the indigenous occupants?

(b) What is the reserve price and how much has so far been paid as the 10 per cent deposit?

(c) Could the Minister also give the identity of the persons who are purchasing the land from the brokers and in turn reselling it to the Government?

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has not bought any land from anybody.

(b) In view of the answer above, no deposit has been paid.

(c) I am not aware of anybody who has purchased the land from the bank or anybody else.

**Mr. Mwakulegwa:** Mr. Temporary Deputy Speaker, Sir, the Minister is not telling this House the truth. I have documents that I am going to lay on the Table to show that his Ministry has actually written to the Ministry of Lands, requesting for a valuation report to ascertain the value of that land with the intention of buying it.

*(Hon. Mwakulegwa laid the documents on the Table)*

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, asking for a valuation report is not buying a piece of land. As far as I am concerned, the Ministry has not bought any piece of land from anybody and no deposit has been paid. No agreement has been entered into with anybody. You can ask for a valuation report for anything.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, if the Ministry asked for a valuation report, what was the intention?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, in fact, it was the Coast Development Authority which had an intention of doing some developments. As far as I am concerned, they had asked for permission to buy any land for their development. That is one of the parastatals under my Ministry. As far as I am concerned, the Ministry has not bought any land from anybody. We have not signed any agreement or paid any deposit. So, as far as my Ministry is concerned, there is nothing to tie us to that particular piece of land.

**Mr. Ruto:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Initially, the Minister said that he is not aware of any intention by his Ministry to purchase any piece of land. Now, he is saying that he is aware that a parastatal in his Ministry had some intentions of purchasing a piece of land. Is he in order to mislead the House? Could he not have told us from the word go? He is misusing our time.

Could he tell us how much he was aware of from the beginning?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, the Question is asking whether my Ministry is purchasing that particular piece of land and not a parastatal under the Ministry. The Ministry and the parastatal are two different entities.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I am very surprised that the Minister does not even remember the provisions of the Fiscal Management Act. I would like to quote Sections 12 and 16 of the Fiscal Management Act which requires the Minister to be aware of all public organizations under him and what they are doing. He is supposed to be aware of the accounts of those parastatals. Perhaps, the Minister is not aware of that. I would like to ask him to ask his Permanent Secretary to make him aware of that particular Act. Then, he can ask the Coast Development Authority to give him an answer. Thereafter, he can bring that answer to the House.

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, the Coast Development Authority has not entered into any agreement with anybody to purchase any land. There is not anything like that. Land is not a shirt that you can pay for and take it away. There must be some agreement before you buy any piece of land. That particular parastatal under my Ministry has not entered into any agreement with anybody to buy any piece of land in this country.

**The Temporary Deputy Speaker** (Prof. Kaloki): So, Mr. Minister, are you saying that neither your Ministry nor any parastatal under your Ministry has any intentions of buying that particular piece of land? Is that the answer?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, that is what I have said so many times.

**Mr. Mwakulegwa:** Mr. Temporary Deputy Speaker, Sir, I have laid on the Table two letters, which are signed by the Permanent Secretary, Ministry of Regional Development Authorities, asking the Ministry of Lands to ascertain the value of that piece of land. It is not the Coast Development Authority, but the Ministry of Regional Development Authorities. I have laid the letters on the Table.

Now that the Minister has denied, could he confirm that there are no intentions now and in the future, from his Ministry or the Coast Development Authority to buy that piece of land?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, with regard to future development, I cannot commit myself here. Things change every day. Today, we might not be interested in buying that piece of land but, tomorrow, we might decide to buy it. So, I cannot commit myself on that.

**Mr. Abdirahman:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have carefully listened to the Minister. Part "c" of the Question is asking whether the Coast Development Authority or the Ministry itself is buying that parcel of land, which the Minister has constantly denied. The hon. Member has referred him to LR.No.16559 CR 22939.

Is the Minister in order to give us a generalized answer when the land that is being referred to is the one that is indicated on the Order Paper?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, that is not a point of order. The hon. Member is asking another question. I have made it very clear that, as far as I am concerned, the Ministry is not buying any land and we have not bought any piece of land.

**Mr. Ruto:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have just read the letter from the Permanent Secretary, which has been laid on the Table of the House. It reads:-

“Pursuant to the Ministry’s mandate of initiating development projects---. The writing is not very clear. It further states:-

“The land which is in private hands will be acquired to facilitate---“

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Ruto, what is your point of order?

**Mr. Ruto:** Mr. Temporary Deputy Speaker, Sir, is the Minister in order to tell us that his Ministry has no intentions of purchasing that particular piece of land, when the letter from his own Permanent Secretary clearly indicates otherwise? Are they running two separate Ministries? Can we deny the existence of this letter?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, you do not have to respond to that one. The Minister has already explained that his Ministry and the department under his Ministry is not buying any piece of land. He has already given that answer.

Hon. Mwakulegwa, are you satisfied with the answer?

**Mr. Mwakulegwa:** Mr. Temporary Deputy Speaker, Sir, I am not satisfied. The Minister said that this letter is null and void, and I asked him: “Therefore, is there not going to be any transaction on this piece of land?” I have not asked about any other piece of land. I have asked about this particular piece of land.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you. Mr. Minister, could you answer that one?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, I said very clearly that , the Coast Development Authority (CDA) has the freedom to undertake any development projects but, at the moment, they have not bought this land. They do not even have money with which to buy it, but as we go on, things can change. So, I am not going to commit myself by saying that we are not going to buy this land. It is possible that we can buy it even tomorrow, but at the moment we are not buying the land.

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question by Mr. Mungatana!

#### WITHHOLDING OF TARDA EMPLOYEES’ SALARIES

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Regional Development Authorities the following Question by Private Notice.

(a) What amount is owed in salary arrears to workers of the Tana Delta Irrigation Project of TARDA?

(b) What is the number of workers affected by the non-payment of their salaries?

(c) Why has TARDA withheld payment of the salaries for so many years, and when will the payments be made?

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) As at now, TARDA has cleared all the outstanding wage bills amounting to Kshs2,849,893 at the Tana Delta Irrigation Project. In this regard, TARDA does not owe any salary arrears to the workers.

(b) The number of casual workers who were affected by the delayed payment of salaries, but who have now been paid up, was 238.

(c) The Authority was unable to clear the outstanding wages on time due to lack of sufficient operating revenue from the project, because the irrigation scheme had collapsed in 1997.

**Mr. Mungatana:** Mr. Speaker, Sir, I really want to thank the Minister, because it seems that when I filed the Question, he took the necessary action. I am very happy about that action. Having said, I would like to know what plans the Minister has to ensure that we do not have a lot of people suffering again from non-payment of salary arrears. It has been the habit of the Tana Delta Irrigation Project management to delay payment of wages to employees. These are very poor people. So, what plans does he have to ensure that those people do not suffer the same problem again?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, this particular irrigation scheme was initiated in 1997. It was a rice project. Immediately it was initiated – in the first year – there were the *El Nino* rains, which destroyed the whole scheme. People had already been employed. So, the project did not, really, operate. I am sure that the hon. Member knows very well that the project never operated. So, the people who had been employed at that particular time could not be laid off. They were kept in employment, although the project was not going on. That was why the problem arose, and is why we had arrears. We have an intention of reviving the project. I am sure that, immediately the project becomes operational, these people will be put on the payroll, and they will be paid promptly.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, I also wanted the Minister to tell us how many people, from the locality, have been employed on permanent and pensionable terms. There has been a complaint that the local people have always been discriminated against when it comes to employment. As you heard from the written answer to the Question, 238 workers were casuals, but when it comes to permanent and pensionable staff, you will find that the local people of Garsen are discriminated against whereas people from Nairobi and other parts of the country are employed. So, could he give an assurance that when this project is revived, as they intend to do, the people of Garsen themselves will be employed? As of now, what are the figures?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, in this particular irrigation scheme, about 98.8 per cent of the employees come from the locality. I have a list of the names here. From the list of names, it looks as if these people come from that particular area. There are a few people who came from other places. I would like to assure the hon. Member that, as the Minister responsible for this particular regional body, I will make sure that the majority of the people who will work in this particular scheme will come from the local area, so that we do not have to transport people from other areas to that place. In order for this scheme to succeed, we need to use the local people.

**The Temporary Deputy Speaker** (Prof. Kaloki): So, Mr. Minister, you are also agreeing to hire permanent employees from the local area? That is the question.

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, we are going to make them permanent. The problem is that the scheme is not operational right now. The moment it is revived, we will make them permanent.

**Mr. Murgor:** Mr. Temporary Deputy Speaker, Sir, could the Minister tell us how long it takes the Ministry to have people working as casuals? I am told that in Kishaunet – a project that is under the Kerio Valley Development Authority (KVDA) – people have been working there for ten years without being employed on permanent terms, and that people are transferred from elsewhere to go and work there on permanent and pensionable terms, but the locals are not employed on such terms.

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, that is a completely different Question, because it is referring to the KVDA. All the same, the problem with some of these Authorities is that they have over-employed. People are just sitting there. They are not working. In fact, they should be telling me to sack them. We are keeping them there on humanitarian grounds. Otherwise, the majority of them are doing nothing. They should be sacked. However, at the moment, it is better for them to be there on temporary basis rather than be removed.

**Mr. Abdirahman:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Murgor used that particular project as an example. It is one of the irrigation schemes. Hon. Mungatana had asked about casual workers. It is traditional in this country to have many workers on casual terms for so long. The Minister said that they are keeping them in employment on humanitarian grounds. Is he in order to say that they are keeping people in employment on humanitarian grounds when, in a sense, that is how they earn their livelihoods? That is the practice in quite a number of Ministries, including his own Ministry. Is he in order not to answer the question that Mr. Mungatana had asked? He keeps on referring to the supplementary questions we put to him, and the points of order we raise, as different Questions when, in a sense, they are relevant!

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, we are now looking for money to make sure that these projects run. For a long time, most of these projects have not been running. It was not even easy to pay these people. I am sure that if these people were removed from employment, the same Member of Parliament would have come here and asked why they were sacked. So, he should be grateful that I am able to keep people from his constituency in employment; they just sit and are paid for doing nothing.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to mislead this House that he can actually keep people in employment when they do nothing? Is paying people who are doing nothing proper use of Government money?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, it is because of bad politics. Even in the Government today, we have so many people who are being paid and are doing very little work. Most of these things were political. However, today we are trying to re-organise them so that we can pay them for what they are doing.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This Minister is one of the beneficiaries of the expanded and bloated Grand Coalition Cabinet. Is he confirming that he is doing nothing in his Ministry and that, in fact, he is merely there for political reasons?

**The Temporary Deputy Speaker (Prof. Kaloki):** Order, Dr. Khalwale. The Question has nothing to do with the Grand Coalition Government. That is a completely

different Question. Hon. Minister, you need not to respond to that. Just stick to your answer!

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, Dr. Khalwale is one of the MPs who are doing nothing and he is being paid.

*(Laughter)*

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I would like to sympathise with the Minister because from what he has said, he is confirming that he does not always come to Parliament. He is confirming that because of his age, he has since lost the capacity to follow current affairs. This is why I would like the Chair to insist that if he does not wish to withdraw, he confirms the above, so that Kenyans can know how these old men are shortchanging us.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Minister, do you have any further contribution to you Question?

**Mr. Gumo:** Mr. Temporary Deputy Speaker, Sir, that is enough! However, the hon. Member should know that old is gold.

We are now trying to re-organise most of these authorities to make sure they get enough money and that they are running at full capacity, so that people who have been sitting idle can be fully occupied. We would like to make sure that most of them are more productive than ever before, instead of getting rid of them.

## ORAL ANSWERS TO QUESTIONS

### *Question No.004*

#### DE-GAZZETMENT OF DODORI NATIONAL GAME RESERVE

**Ms. S. Abdalla** asked the Minister for Forestry and Wildlife whether the Government could consider de-gazetting Dodori National Game Reserve and allowing resettlement of persons who were forced to flee their ancestral land by bandits in 1964, considering that the reserve no longer serves the purpose for which it was created.

**The Temporary Deputy Speaker** (Prof. Kaloki): Is the Minister for Forestry and Wildlife not here? Is there any Minister who is prepared to give an answer or an undertaking?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, on behalf of the Government, I beg that we wait for the Minister whom we expect to come any time. If by the end of Question Time, he will not have arrived, I undertake to inform him that he is supposed to answer the Question either by tomorrow or Thursday. He should come with an explanation as to why he was not here when the Question was called.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well. We will wait a little bit for the Minister to get here.

Next Question!

*Question No.035*DISCHARGE OF RAW SEWAGE INTO INDIAN  
OCEAN BY COAST HOTELS

**Mr. Mututho** asked the Minister for Environment and Mineral Resources:-

- (a) if he could confirm that luxury tourist hotels at the Coast still discharge raw sewage into the Indian Ocean;
- (b) when he will ensure that NEMA carries out all the recommendations made regarding disposal of raw sewage into the Indian Ocean and all inland water; and,
- (c) how many people NEMA has taken to court over this offence to date.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): Mr. Temporary Deputy Speaker, Sir, I beg to request that we defer this Question for two weeks. Before we went for recess, this Question was answered by my colleague. I think there were points for clarifications. I do request that we are given another two weeks to answer it sufficiently.

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The ruling of the Chair before the House went on recess was that the Ministry was given three weeks, not to come and answer, but to table a report which was going to confirm the status of the sewer systems in the hotels in Coast Province. Is the Assistant Minister in order to ask for another two weeks?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, why do you need additional time to respond to this Question? What is the problem?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): Mr. Speaker, Sir, the Minister who answered this Question had committed to provide the list within three weeks, but apparently he is out of the country. That is why I am requesting for another two weeks.

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Gumo said that there are people in this country who are doing nothing. He said that they hold offices on humanitarian grounds and that they are idle and not fully occupied. Are Assistant Ministers under that classification?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, you had already been given three weeks to prepare for the answer and now the House is anxiously waiting for it. Could you give the House an assurance that by this coming Thursday you will be able to deliver an adequate answer?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): Mr. Temporary Deputy Speaker, Sir, Thursday, next week, is fine.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, could you do whatever it takes to assure this House that by this Thursday you will give an answer?

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): Mr. Temporary Deputy Speaker, Sir, yes, I will.



**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you very much.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am just wondering why the Chair would feel comfortable with this assurance of an additional two weeks when the Minister had assured the House that he would bring the information in three weeks time. We have just returned from recess which has lasted for over three weeks!

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Ethuro. I have already ruled that this coming Thursday there will be an adequate answer from the Ministry.

Next Question, Mr. Ruteere.

*Question No.079*

GAZZETTEMENT OF NEW LANDS BOARDS/TRIBUNALS  
IN NORTH IMENTI

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

- (a) if he could confirm that terms of Land Boards and land tribunals in North Imenti Constituency expired a year ago and that a selection panel appointed new Lands Boards and new Tribunals in July last year;
- (b) when the newly appointed members will be gazzeted and when the current civic councilors will replace in the boards those who lost elections; and,
- (c) when he will issue title deeds for the Kiirua Nkando adjudication unit in North Imenti.

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

- (a) The terms of Land Control Boards and Land Dispute Tribunals in North Imenti expired after they had served for five years from 2003. Names of the new nominees who were appointed by the selection panel were received by my Ministry in September, 2008.
- (b) Gazzettement of new members is in progress and will include names of two councilors to replace those who had lost in the elections. Gazzettement was delayed because the names submitted did not indicate who the councilors were.
- (c) Kiirua Nkando Adjudication section is at an advanced stage. All objections have been heard and determined and the maps have been forwarded to the director of survey for fair printing. Title deeds will be issued after publication of the maps and issuance of certificate of finality.

**Mr. Ruteere:** Mr. Temporary Deputy Speaker, Sir, from the Assistant Minister's answer, you realize that one year has passed before the gazettelement of those members who were nominated for appointment. How much longer shall we wait before the members of land tribunals and land boards are gazzeted?

Mr. Temporary Deputy Speaker, Sir, work was finished on the Nkerwa/Nkandwa adjudication unit about two years ago but to date, the maps have not been properly printed. The owners of those parcels of land are waiting anxiously for their title deeds. How much longer will they have to wait?

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, on the issue of Land Control Boards and Land Disputes Boards, I would like to assure the Member for North Imenti that gazettelement will be done before the end of this month. Before I came to the House today, I went to the Government Printer because I had been assured that the gazettelement was to be done on 17<sup>th</sup>. However, I want to assure the hon. Member that come 31<sup>st</sup> of this month, I believe his members will have been gazetted.

On the issue of adjudication, I want to assure the hon. Member that the survey has been completed and we expect the publication done in the first week of August and title deeds to be issued by the end of October.

**Mr. Were:** Mr. Temporary Deputy Speaker, Sir, it is not only enough to appoint these land tribunals and land boards. We realize that many members of these land tribunals and boards have not been paid. When are you planning to pay them?

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, the attention of the Minister has not been drawn to the issue of non-payment. If that is done, we will ensure that payment is made.

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell this House whether this issue of nominating members of the land boards will be done country wide? It is not only North Imenti where it has not been done, but the rest of the country has not heard anything from the Ministry. They have been telling us that they would do these things, but nothing is happening on the ground. Could the Assistant Minister assure this House that they will do the nomination of members of land boards for the whole country?

*(Loud consultations)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Members! There is some loud consultation at the back there! We would like to hear the Assistant Minister!

Mr. Assistant Minister, please, proceed!

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, my Ministry had issued a circular country wide and as and when we receive these nominees, we will keep gazetting them.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister clarify what the Ministry is doing concerning fake title deeds which have been cited as affecting our courts and banks?

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, that is a different question all together. If the hon. Member can just put a Question to me, I believe I will do something for him because he is a very close friend of mine.

**The Temporary Deputy Speaker** (Prof. Kaloki): Last question, Mr. Ruteere!

**Mr. Ruteere:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister assure this House that there will not be any further delays in the issuance of title deeds and gazettelement of members of the boards?

**Mr. Rai:** Mr. Temporary Deputy Speaker, Sir, it is my undertaking and I can assure the Member that what I have told him will be done on time.

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question, Dr. Munyaka!

NUMBER OF ELECTRICITY TRANSFORMERS  
VANDALIZED IN MACHAKOS TOWN CONSTITUENCY

**Dr. Munyaka** asked the Minister for Energy:-

- (a) how many electricity transformers have been vandalized in Machakos Town Constituency in the last one year;
- (b) the total cost of the loss through this act of vandalism; and,
- (c) what steps he is taking to curb this practice.

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

(a) About 100 transformers have been vandalized in Machakos Town and its environs between January 2008 and May 2009.

(b) The total cost is approximately Kshs36.5 million but the resultant loss to the economy, considering the cost of replacement and loss of business to customers, is estimated to be over three to four times this figure. This should be over Kshs100 million.

(c) To curb the practice of transformer vandalism, the KPLC has employed the following measures:-

(i) Welding the transformers drain corks to make it difficult for the vandals to drain the oil.

(ii) Relocating the transformers to more secure areas like next to people's compounds, public or Government facilities.

(iii) The "*Mulika Mwizi* Campaign" to sensitize the community so as to assist in deterring the vandals.

**Dr. Munyaka:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for being very frank and showing the level of vandalism of transformers in Machakos District. However, could the Assistant Minister tell this House how many suspects have been apprehended and charged in a court of law?

Considering that Machakos Town Constituency alone has lost transformers worth Kshs36 million, what is the approximate loss country-wide?

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, starting with the last question, I do not have the figures. However, the cost should be over Kshs1 billion. The leading areas are Nairobi with 40 per cent, Mt. Kenya with about 30 per cent, Western Kenya with about 23 per cent and the least is seven per cent at Coast Province. I do not have the details of the exact number of people who have been arrested. However, there are arrests which have been made.

The Energy Act (2006) puts the penalty at Kshs1 million or one year imprisonment if found guilty of vandalizing transformers.

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for the measures he has just outlined to prevent this theft. However, most of the theft of transformers going on is perpetrated by employees of the KPLC. The Assistant Minister has not told this House what they are doing to these employees who are the lead people in this theft.

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, a thief is a thief whether an employee of the KPLC or not. We consider them all as thieves and those caught doing that will have to face the law.

**Mr. Baiya:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has not indicated what actions have been taken against the culprits. How many have been charged and taken to court? We know unless such action is taken, the practice will continue.

What about those who encourage the culprits by buying the oil? What has the Assistant Minister done to contain that problem?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Keter, do you have any statistics of arrests or action taken by your Ministry?

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, I answered that question and said I do not have the statistics on how many people have been arrested. However, we are planning to amend the Energy Act (2006), so that we put in place stiffer penalties. The fine now is about Kshs1 million. I think we need to change this and make it stiffer than that.

**Dr. Eseli:** Mr. Temporary Deputy Speaker, Sir, now that most of the copper wire that is stolen is used to manufacture other electrical conductors, how many such manufacturers are in this country? How many of them may be involved in dealing with stolen copper wire?

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, I do not have the figure. I do not know.

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, considering the high cost of these transformers, could the Assistant Minister consider employing security guards as a short-term measure? The people in the rural areas are willing to guard those transformers since they are very important to them.

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, recently, there was a tender which is under evaluation. We will not only employ guards but also a software which has an alarm such that when someone touches the transformer, the alarm sends signals to maybe three to six people, maybe the police station, and the base where we will install the programme just like it is done in other countries.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for a very elaborate answer. The KPLC have a good campaign called *Mulika Mwizi*. However, they cannot *mulika* the transformers themselves. Could they consider *kumulika* the transformers at night so that from a distance, someone can see when the transformers are being vandalized?

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, we will consider that under the same system which I talked about.

**Dr. Munyaka:** Thank you, Mr. Temporary Deputy Speaker, Sir. Now that the Assistant Minister has confirmed the alarming state of the theft of transformers, could he also confirm that this could also be a cartel by the KPLC staff and people in the market who deal in commodities like oil and copper wire? Could he assure us that he will employ modern technology and put alarm systems so that we can stop this practice?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Assistant Minister, that is your final submission.

**Mr. Keter:** Thank you, Mr. Temporary Deputy Speaker, Sir. I think in the final part of my answer, I said that there is a system which is under evaluation on the sensors which are going to be placed where the transformers are. However, with regard to the

collusion between the KPLC staff and other people, I cannot confirm because we have not really ascertained that.

**Dr. Munyaka:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I just wanted to challenge the Assistant Minister. When he said that he cannot confirm that the staff of KPLC is involved, we have to realize that dealing with a transformer requires a professional to do that---

**The Temporary Deputy Speaker** (Prof. Kaloki): Dr. Munyaka, what is your point of order?

**Dr. Munyaka:** Is he in order to mislead this House that the theft of transformers is not carried out by professionals? It is only KPLC people who are professionals.

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, I just want to assure the hon. Member that there are so many professionals nowadays. There are so many engineers and so many people who have been trained on transformers who are out there. So, it is not true that it is only the staff of KPLC who are professionals in this area. There are other people out there who are also well trained. However, I am not ruling out the involvement of some of the KPLC staff members who are not honest.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you very much. Next Question, Mr. Gitau!

*Question No.188*

PROVISION OF CLEAN DRINKING WATER  
TO MWEA RESIDENTS

**Mr. Gitau** asked the Minister for Water and Irrigation; considering that Mwea GK Prison uses River Murubara for drainage, and the villagers use the same water for domestic purposes, what urgent measures she is taking to ensure the area residents have access to clean drinking water and the prison stopped from releasing sewerage into the river.

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

My Ministry is constructing Ndikiki Water Supply which will serve Ndindiruku, Kiumbi and Kianugu areas that are traversed by Murubara Stream on the downstream of the Mwea GK Prison. The project which is estimated to cost Kshs25 million is being funded by IFAD and is about 40 per cent complete. When completed, this project will ensure that the residents of these areas have access to safe drinking water so as not to draw water from Murubara Stream.

The Government, through the Ministry of Home Affairs, is rehabilitating the sewage disposal system of the Mwea GK Prison to prevent any discharges of waste water into the Murubara water course. The rehabilitation measures already undertaken include the construction of a new septic tank, construction of two ablution blocks and the rehabilitation of existing dilapidated septic tanks---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Hon. Members, I do not want to call anyone's name. Please, let us lower the level of consultation. That way, we will hear the Assistant Minister and everybody will listen to the proceedings and follow what is happening.

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

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I have realized that hon. Members did not realize that I was freezing. I am supposed to be freezing or seated. There is a lot of freezing because of the Hague issue. That is what the consultation is all about.

Further, construction of a sewer network and a soak pit is ongoing. Long term measures for a sewerage system to serve not only GK Prison but also Wanguru Urban Centre---

**Mr. Mututho:** On a point or order, Mr. Temporary Deputy Speaker, Sir. I seek your indulgence. I find it extremely difficult to continue listening to the Assistant Minister admitting before this House and the public that people are, indeed, being fed on sewage at this time. Is the Assistant Minister in order to confirm that such a hazardous thing is happening here in Kenya?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, that was your ruling although the hon. Member is completely out of order. There is no way he can raise a point of order when he has not even listened to the full answer.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed, Mr. Assistant Minister!

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, long-term measures for a sewerage system to serve not only Mwea GK Prison but also Wanguru Urban Centre, Kimbimbi, Muthithi and Kandongu areas are under planning and design. My Ministry will implement the project when the design is completed in the next financial year.

**Mr. Gitau:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the Assistant Minister for a very comprehensive answer. However, this has taken very long. The prison was put up 50 years ago. This is something that has been going on for 50 years; our people are using sewage for their domestic use. The Ndikiki Water Project does not incorporate all the residents of the lower part of the stream and the prison has put up a borehole. Could the Assistant Minister consider providing the residents who will not be beneficiaries of the Ndikiki Water Supply with water from the GK Prison?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, you will agree with me that part of this Question should be addressed to the Ministry of Home Affairs but on our part, we have taken our challenge. That is why we have allocated Kshs25 million for the project. I want to assure the hon. Member that the money is there and we will complete the project very soon, meaning in the next four months. However, I agree that those who will not be served by this water system should get water from the borehole. If there is a possibility of us digging more boreholes, we will do exactly that.

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to tell us whether the good people in hon. Gitau's area will continue to take

water from the river where there is sewage for the three months that the Government will take. What steps is he taking to ensure that these Kenyans are protected?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, we have to be honest. We are aware that there is seepage especially during the rainy season. The only emergency measure that we can take is to speed up this process.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Government of Kenya is under obligation to ensure that the residents of the Republic, wherever they may be, including Mwea, have access to clean water. This House cannot entertain this kind of answer. Obviously, it is beyond the scope of the Ministry of Water and Irrigation. It also involves the Ministry of Environment and Mineral Resources and that prison. Even if they complete building the water system within three months, the sewer will still be drained into the river and people will consume that water. Is the Assistant Minister in order to mislead this House by saying that by building a water system, water will not be contamination and yet the prison drains sewage into that river?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I definitely agree with the hon. Members that the situation is serious. However, we should realise that, that prison has been there for almost 50 years and yet no action had been taken earlier on. We have taken action---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Is your Ministry doing anything to address the problem?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I have read out the answer clearly. I have said that we are already undertaking a project worth Kshs25 million to correct the situation. However, from what the hon. Member has said, the Ministry of Public Health and Sanitation can close down the prison. Secondly, the Ministry of Environment and Mineral Resources can also take action. The answer will be forthcoming if this House questions why these Ministries have not taken action. However, I have given a categorical answer concerning my Ministry.

**Mrs. Shebesh:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister clearly indicate the Ministry we can hold responsible for causing deaths of children through diarrhoea because of drinking contaminated water? This is because we want to ensure that the people of Mwea do not continue dying because of neglect on the part of the Government.

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, we are called the lawmakers because this House passes Bills. The Ministry of Public Health and Sanitation and the Ministry of Environment and Mineral Resources should be held responsible for not taking action. The Ministry of Water and Irrigation should be the undertaker, because it should make sure that the systems that we put in place should provide Kenyans with clean water at the end of the day. Other Ministries are involved if there is further seepage.

**Mr. Wamalwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Since the Assistant Minister has indicated that this is a cross-cutting issue touching on several Ministries, could the matter be referred to the Office of the Prime Minister, so that it can be given the seriousness it deserves and the good people of Mwea are protected?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I have no objection as long as I will not be asked by the Prime Minister to give papers to be tabled in this House.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is fine! Mr. Gitau, I refer that Question to the Office of the Prime Minister.

Could any Minister give an undertaking on when the Prime Minister could come and give us an answer?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I believe that this directive should come from the Chair because this Questions now falls under the Clerk of the National Assembly. I believe the Chair should direct the Clerk of the National Assembly to take action.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well! I defer that Question. It should appear on the Order Paper when the Prime Minister is ready to answer it. The Clerks-at-the-Table should take note of that.

*(Question deferred)*

*Question No.191*

#### RECONSTRUCTION OF ILIKA-KATHEMBONI BRIDGE

**Mr. Nyamai** asked the Minister for Roads what urgent steps he is taking to rebuild the bridge connecting Ilika Kyainya, Muvyani sub-locations and Kathemboni to the rest of the district after the main drift connecting them was swept off in 1997 during the *El Nino* rains.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

My Ministry has not made plans to build a bridge because a drift would be adequate, given that the water flow is seasonal. Nevertheless, since the mentioned drift falls under a road that is being maintained using the funds from the Roads Maintenance Levy, the District Roads Committee should prioritise it for reconstruction during this financial year. Meanwhile, I have instructed the Roads Engineer to prepare the necessary cost estimates.

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for his answer. Nevertheless, the river we are talking about, though seasonal has a width of about 20 metres and a depth of 10 metres. The engineer has already done the estimates and the cost of building the drift is about Kshs17 million. This is the amount that the Ministry allocates the whole district for roads. Could the Assistant Minister consider allocating more funds specifically for this bridge which connects half of the lower part of Yatta District?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I will consider that aspect as soon as the District Roads Engineer delivers to my office the cost estimates for the drift and the other road projects he is undertaking.

**Mr. Ruteere:** Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that seasonal rivers are more dangerous to pedestrians and motorists because they come up unexpectedly and wash away people?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I am aware. Indeed, all rivers when flooded can do that.

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, I am satisfied with that answer. The Assistant Minister has been quite kind to the affected bridges in my area. Keep it up!



**The Temporary Deputy Speaker** (Prof. Kaloki): What is your final submission, Mr. Assistant Minister?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I am greatly honoured to hear a Member recognise the work of my Ministry. I thank him very much.

**The Temporary Deputy Speaker** (Prof. Kaloki): On Question No.195 by Mr. Wamalwa, the Deputy Prime Minister and Minister for Finance is out of the country. Therefore, I defer that Question to a later date!

*Question No.195*

CREATION OF KRA OFFICES IN NEW DISTRICTS

*(Question deferred)*

*Question No.273*

REHABILITATION OF KIPCHOGE KEINO STADIUM

**Mr. Lagat** asked the Minister for Youth Affairs and Sports:-

- (a) why Kipchoge Keino Stadium has not been rehabilitated to date considering that the Government undertook to provide Kshs100 million for that purpose in 2007; and,
- (b) whether any budgetary provisions have been made for the project in the 2009/2010 Financial Year and when the construction will commence.

**The Minister for Youth Affairs and Sports** (Prof. Sambili): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

- (a) I am aware that the Government pledged to provide Kshs100 million for the renovation of Kipchoge Keino Stadium. However, the renovation work is yet to start since there was no budgetary allocation in the 2007/2008 and 2008/2009 Financial Years due to financial constraints.

Mr. Temporary Deputy Speaker, Sir, I am happy to report that a budgetary allocation of Kshs100 million has been factored in my Ministry's budgetary estimates for the 2009/2010 Financial Year. My Ministry is already in discussion with the Ministry of Roads and Public Works to work out the concept, design and documentation works so that it is completed during this Financial Year. Therefore, we shall advertise for tenders as required.

**Mr. Lagat:** Mr. Temporary Deputy Speaker, Sir, the only thing is to know when the work is going to commence. I understand that there is already an allocation but when is the work going to commence?

**The Temporary Deputy Speaker** (Prof. Kaloki): Madam Minister, are you prepared to give the date when the project is likely to commence?

**Prof. Sambili:** Mr. Temporary Deputy Speaker, Sir, as soon as the money is in the Ministry and as soon as we pass the Budget Estimates here, we will begin the work immediately.

**The Temporary Deputy Speaker** (Prof. Kaloki): As soon as possible?

**Prof. Sambili:** Mr. Temporary Deputy Speaker, Sir, I cannot give the exact date because it has to go through the tendering process.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well!

Mr. Nyambati!

**Mr. Nyambati:** Mr. Temporary Deputy Speaker, Sir, my constituency is one of the constituencies in the country which have produced some of the best athletes, like Nathan Temu who was the first medalist in this country. Others are Charles Asati and Robert Ouko. I would like to know from the Minister when she is going to do the Manga Stadium which has produced some of the best athletes in this country.

**The Temporary Deputy Speaker** (Prof. Kaloki): Madam Minister, are you prepared to answer that one?

**Prof. Sambili:** Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member for asking the question. We are glad that some of the best athletes came from his constituency. I would like to say that as a Ministry we are committed to develop sports facilities all over the country but this is a different Question. I would like to say that we shall do our best to have sports facilities in all provinces and eventually in all districts and constituencies.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, the last financial year, the Government decided to promote soccer at the constituency level. In the constituency tournaments, we are using some of those funds to have some athletics take place. Could she confirm if she intends to also set aside a special fund for athletics so that we can promote that sport?

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well, Madam Minister that is a good question.

**Prof. Sambili:** Mr. Temporary Deputy Speaker, Sir, that is a totally different Question. When it is asked, I will answer appropriately.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I do appreciate that the hon. Minister has allocated money to Kipchoge Keino and Nyamira stadiums because they have produced some of the greatest athletes in the Republic. The reason some of our areas have not produced the greatest athletes is because there are no facilities. In particular, Lodwar does not have a modicum of a stadium. When is she going to build a stadium in Lodwar Municipal Council?

**The Temporary Deputy Speaker** (Prof. Kaloki): Madam Minister, can you comment on that?

**Prof. Sambili:** Mr. Temporary Deputy Speaker, Sir, I want to confirm that we want to support all areas. That is also a different Question and I want to request my brother, Mr. Ethuro, that we can work together and he can use the Constituencies Development Fund (CDF) to develop basic infrastructure.

**Mr. Namwamba:** Mr. Temporary Deputy Speaker, Sir, I would like the Minister to confirm whether there is any clear plan or strategy to develop facilities at the grassroots level across the country. Again, you get a sense that the Minister's response as to what she is doing to develop facilities in some of these areas appears to be a very staccato knee-jack response. I would want to know whether the Ministry has any specific strategic plan on how to upgrade sports facilities in all parts of the country. She could also tell us how far the Ministry has gone in preparing for the African Athletics

Championships next year which will also need to find our facilities in top notch condition.

**Prof. Sambili:** Mr. Temporary Deputy Speaker, Sir, we do have plans. That Question can be brought and we will give you the answer appropriately.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have noticed that out of all the supplementary questions that have been raised, the Minister has responded in the same manner; that hon. Members should prepare substantive Questions. As you know supplementary question---

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

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, is she in order to refuse to answer supplementary questions simply because she is not well prepared and well-versed with her own Ministry?

**The Temporary Deputy Speaker** (Prof. Kaloki): Well, she was not prepared to answer a completely different questions. She answered those that are here and she has done a good job on that. What is your point of order, Dr. Khalwale?

**Dr. Khalwale:** My point of order is that for every Question, there is usually an allowance for supplementary questions and hon. Members have asked those supplementary questions but she has refused to answer any of them demanding that we send different Questions. Is she in order?

**The Temporary Deputy Speaker** (Prof. Kaloki): Dr. Khalwale, the hon. Minister did answer Question No.273 parts "a" and "b".

Last question, Mr. Lagat!

**Mr. Lagat:** Mr. Temporary Deputy Speaker, Sir, the Minister has answered clearly so I do not have any other question.

**The Temporary Deputy Speaker** (Prof. Kaloki): Then hon. Minister you have done a good job. Thank you very much.

*Question No.004*

DE-GAZZETMENT OF DODORI NATIONAL  
GAME RESERVE

**Ms. S. Abdalla** asked the Minister for Forestry and Wildlife whether the Government could consider de-gazetting Dodori National Game Reserve and allowing resettlement of persons who were forced to flee their ancestral land by bandits in 1964, considering that the reserve no longer serves the purpose for which it was created.

**The Minister for Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I wish to apologize to the House that when this Question was called none of us was in the House. I do sincerely apologize.

I beg to reply.

Dodori National Reserve which covers an area of 877 square kilometres was gazetted as a national reserve in 1976 through Legal Gazette Notice No.75 of 14<sup>th</sup> May, 1976. The gazette notice is as per the provisions of the Wildlife Conservation and Management Act Cap.376 Section 18.

The Government cannot consider de-gazetting Dodori National Reserve because it serves as a critical wildlife conservation area and a biodiversity hot spot. That is the purpose for which it was created.

**Ms. S. Abdalla:** Mr. Temporary Deputy Speaker, Sir, I wonder if the Minister is aware that before Dodori was gazetted, it was fully inhabited by the Bajuni and Boni communities. Since it was gazetted, Lamu District has been depending on relief food which never used to be the case before the gazettement of Dodori. During the Presidential visit to Lamu in 1997, the then sitting Member of Parliament requested the President to degazette Dodori and he gave the directive for the same to be done but nothing was done. In the full council's meeting in 1998, the degazettement of Dodori National Game Reserve was proposed vide Minute No.42/98 for the benefit of indigenous people. The concern of the people of Lamu is that there is no development which has taken place in the Dodori National Game Reserve. It has neither benefited the community nor the Lamu County Council; the Kenya Wildlife Service (KWS) or the Government. They have been denied the use of the land to improve their livelihoods. There is the Kenya Marine National Reserve which was again gazetted with the Dodori National Game Reserve which has been grabbed and sold to private investors. People were evicted from there. The same is going to happen to Dodori National Game Reserve. What is the Minister doing? Could he tell us why he would ask the people to leave the national reserve and in return give the other grabbers a chance to grab the land? As it is now, there is an NGO called Kibodo which is doing conservation in Dodori. Under what mandate are they doing that?

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, I am not aware that many years ago the Government accepted to degazette Dodori National Game Reserve. I want to inform the House that there are provisions for degazettement if, indeed, the residents of the area can make representation along with the county council. I am willing to visit that area. If there is need to look at this law that created the reserve in 1976, I am prepared to go on the ground and review this declaration of 1976.

**Ms. S. Abdalla:** Mr. Temporary Deputy Speaker, Sir, again, could the Minister tell us what is the full requirement for a game reserve to be operational because nothing was done to that game reserve? I am glad that he is prepared to go to Lamu and have a look. I am more than willing to accompany him to go and finalize this issue once and for all so that this land can be degazetted and given to the rightful owners.

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, just like I have said, I think the hon. Member has an issue which I am prepared to look at. At an appropriate date, we can go to Dodori National Game Reserve to see and review the situation.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I would like the Minister to state Government policy in terms of reforestation of the country enriched by diversity in order to ensure that our water level can be sustained; and whether what he might propose may not be consistent with such policy.

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, although this is a different Question, I am prepared to answer it. As the hon. Member and the House knows, we passed the Forest Act, 2005. During this time, this House had authority to degazette any forest or to declare an area a forested area. So our policy is that we are prepared to listen to the communities that live around the forest. That law created community forest associations and we will listen to the community forest associations in the area. We are

prepared to work with the community. If the hon. Member has any problem, we are willing to discuss with him.

**Ms. S. Abdalla:** Mr. Temporary Deputy Speaker, Sir, I am just waiting for the date from the Minister so that I can accompany him to Lamu to finalize the issue.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, maybe a possible visit?

**Dr. Wekesa:** Mr. Temporary Deputy Speaker, Sir, I said that we will meet with Ms. S. Abdalla and make a real good date about this.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you very much!

Next Order!

**Mr. Olago:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry I came late. I was attending to another matter that was equally important but the first Question by Private Notice was to be asked to the Minister of State for Provincial Administration and Internal Security. He contacted me in the morning and said that he was attending the passing out parade at the Administration Police Training College (APTC), Embakasi, and requested that the matter be pushed to tomorrow. A few minutes ago, I saw Mr. Ojode walk into the House, but now, I do not see him.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Mr. Olago, the Minister talked to the Clerk and the Speaker about the possibility of deferring that particular Question. We have already said that if you have no objection, then we will defer the Question to tomorrow.

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

Next Order!

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is related to the point of order raised by my good friend, Mr. Olago, on Question No.195 on the Order Paper which has been deferred because the Deputy Prime Minister and Minister for Finance is out of the country. We know that there is one Assistant Minister in this Ministry who can avail himself to the House, unless the Chair is of the considered view that both of them are out of the country and there is no other Minister or Assistant Minister who can answer it. In particular, I wish you could also confirm whether, indeed, the Deputy Prime Minister and Minister for Finance is out of the country.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ethuro, that is a fair concern but there has been communication from the Deputy Prime Minister and Minister for Finance and Mr. Olago. They were able to address themselves to these issues. I have requested that these particular Questions should be deferred and so we are just agreeing to that. These Questions will be deferred. I do not think there is any issue pertaining to that. Mr. Olago has already agreed to that and so we will move to the next Order.

## POINTS OF ORDER

IRREGULARITIES IN RECRUITMENT OF ENUMERATORS/  
SUPERVISORS FOR CENSUS EXERCISE

**Mr. Wamalwa:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to request for a Ministerial Statement from the Ministry of State for Planning, National Development and Vision 2030 in respect of the recent recruitment of supervisors and enumerators for the upcoming Census.

Mr. Temporary Deputy Speaker, Sir, there have been numerous complaints about irregularities. The exercise was marked by bribery and corruption and biased against, particularly young and unemployed Kenyans, who were left out in that exercise. I would like the Minister, in his Statement, to confirm or deny that the process was flawed and, particularly, it was marked by bribery by members of the Provincial Administration.

Secondly, Mr. Temporary Deputy Speaker, Sir, I would like the Minister to confirm that, if that was the case, what remedial measures have been put in place and whether in some areas like Kiminini Division in my constituency of Trans Nzoia West and Saboti Division, the exercise can actually be nullified and repeated?

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. Is there any Minister to give an undertaking for that particular Statement?

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir. I promise to transmit the information to the Minister. It is not a difficult question because there was no corruption. I think it can be done on Thursday.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right then. We will take note of that.

#### TABLING OF REPORT OF KNHRC ON POST ELECTION VIOLENCE

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise under Standing Order No.40, which allows the Prime Minister to make a Statement to this House without being prompted by any hon. Member. In view of the fact that the matter which I am raising is difficult for us to prompt the Prime Minister because the Standing Order does not provide, I am requesting the Chair to use Standing Order No.1 to direct that the Prime Minister brings before this House a Statement in respect of the Report by the Kenya National Human Rights Commission (KNHRC) on Post-Election Violence and the deadlock in the Cabinet over the handling of post-election violence.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Khalwale! Are you standing there on a point of order? Is that a point of order?

**Dr. Khalwale:** Yes, Mr. Temporary Deputy Speaker, Sir. Mr. Temporary Deputy Speaker, Sir, if you could allow me to start again, you will realize how it is a point of order. I stood up under Standing Order No.40, which allows the Prime Minister to make a Statement to this House. Usually, when he makes such Statements, he is not prompted. He chooses, out of his own volition, a matter which he thinks---

Can I allow you to consult?

*(The Chair consulted the Clerk-at-the-Table)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, Dr. Khalwale. Are you through?

**Dr. Khalwale:** Not yet, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. Proceed!

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir. The Standing Order allows the Prime Minister to make a Statement to this House - any Statement - without being prompted by any hon. Member. So, because the House has had no opportunity to prompt the Prime Minister on matters of great national importance, I am requesting the Chair, with your indulgence, to rule, using Standing Order No.1, that the Prime Minister is directed to come before this House and give us a report in respect of the Report by the KNHRC on Post-Election Violence and the deadlock in the Cabinet over the handling of the post-election violence.

Mr. Temporary Deputy Speaker, Sir, when you direct him, he should tell us whether the Report by KNHRC was approved by the Cabinet before it was made public--

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Khalwale! Order! Order! I am now going to direct on this particular question. I thought it was going to be a short point of order. You can file that in form of a Question and it will come before the House in the next available time. The Prime Minister will come and undertake to answer that Question. So, what I will direct now is that you file that particular Question with the Clerk and it will appear on the Order Paper. That way, the Prime Minister will be prepared to fully answer your Question.

Thank you.

**Dr. Khalwale:** Thank you, Mr. Temporary Deputy Speaker, Sir. I am most obliged. But the Chair might consider---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Khalwale! Order!

**Dr. Khalwale:** I have agreed, Mr. Temporary Deputy Speaker, Sir, but I just want---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Khalwale! Order! I have just ruled on that!

**Dr. Khalwale:** I have agreed, Mr. Temporary Deputy Speaker, Sir, but on a matter of order---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Khalwale! Order! I have already ruled on that Question! File it and it will be answered in this House.

Is there any other Statement?

#### HIPPO MENACE AT RUIAI SEWERAGE PLANT

**Mr. Waititu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister for Forestry and Wildlife.

Mr. Temporary Deputy Speaker, Sir, I wish to ask the Minister whether he is aware that there are hippopotamus in the Ruai Sewage Plant. When answering, the Minister should specifically mention when he is taking action to fence off the sewage plants so that hippos will stop endangering human life in Ruai.

Mr. Temporary Deputy Speaker, Sir, the Minister should also tell us what he is planning to do because the hippos are too many. Could he reduce them around those sewage plants?

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. The Minister is here. Can you give us an undertaking as to when you will bring a substantive answer?

**The Minister Forestry and Wildlife** (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I need one week. Is that okay? I can bring it next Tuesday.

**The Temporary Deputy Speaker** (Prof. Kaloki): It is so ordered. Next Tuesday!

**Mr. Waititu**: It is okay, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. Is there any other statement?

Next Order!

## BILLS

### *First Readings*

THE FINANCE BILL

THE OFFICES OF MINISTER BILL

THE CHIEFS (AMENDMENT) BILL

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

## MOTIONS

### ADOPTION OF 2004/2005 PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 2004/2005, laid on the Table of the House on Wednesday, 10<sup>th</sup> June, 2009.

*(Dr. Khalwale on 23.6.2009)*

*(Resumption of Debate interrupted on 23.6.2009)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, hon. Ngugi did contribute to this Motion last. So, any other hon. Member wishing to contribute can now do so.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make my contribution to the Motion on the adoption of the Report of the PAC on the Government of Kenya accounts for the year 2004/2005.

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



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

Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to thank the Chairman of the PAC, his Committee Members and the staff of the National Assembly for a job well done. It was not easy for the Committee to have come up with this Report. It is huge and very important. The problem is that we are now discussing the accounts for the year 2004/2005 in the year 2009. These accounts are more than four years late. So, they become historical data. Instead of this Report being so important, it just becomes statistics or a history book.

Even if we are to agree to the recommendations that the Committee has made, such as the one that says some officers should not hold public offices, these people have already retired, resigned or died. Therefore, such a recommendation is irrelevant and immaterial. On the recommendation that says that a few parastatal heads should be investigated and possibly charged with offences of corruption and abuse of office, most of the officers have already retired. Some of them have already been sacked. Some have already gone to other places. Therefore, again, such a recommendation becomes a historical data.

Mr. Temporary Deputy Speaker, Sir, I am looking forward to a time when the accounts of a current report will be discussed in the same calendar year. It is only then that we will be able to look at the recommendations of the Committee, and this House to take necessary action. That way, PAC recommendations will be relevant. As of now, this is just history.

If you look at the PAC/PIC Reports, you will see that there has been misuse of Government funds by Ministries and parastatal chiefs. It is high time effective steps were taken, so that we can stop misuse and abuse of offices. In line with this, the Deputy Prime Minister and Minister for Finance, recently, gave instructions that all Government officers, including Ministers, should not drive vehicles with engine capacities exceeding 1,800 cubic centimetres.

We need to support the Deputy Prime Minister and Minister for Finance in his effort in this regard. I have, in fact, even challenged him to go a step further and resume the role that the Ministry of Finance used to play in this respect. The Ministry of Finance used to purchase vehicles for all Government Ministries and parastatals. If they were to do that, then they would be in a position to decide on the model, the engine capacity rating as well as on the colour of the vehicles.

Therefore, the discretion that has been given to Ministries should be revoked, so that the Minister for Finance can be the one to purchase vehicles for Government officers, including Ministers and parastatal chiefs. That way, it will be possible for the Government to have the vehicles of the same model, same colour and same engine capacity. This used to happen. There was a time when Government Ministers used to be driven in a Volvo 244DL car. There was no controversy then because the Minister for Finance used to purchase the vehicles. So, I am requesting my fellow Ministers that we support the Deputy Prime Minister and Minister for Finance in this regard.

In fact, I would request him to even go further and ban the use of Mercedes Benz vehicles by Government officers. This is because, although we know that there are some vehicles that are more expensive than Mercedes Benz vehicles, most Kenyans think that

Mercedes Benz vehicles are very expensive. Whenever they see a Government officer riding in such a vehicle, they form the opinion that it is total misuse of money. So, let us get another vehicle model that does not raise eyebrows.

Mr. Temporary Deputy Speaker, Sir, I will not mind being driven in a Nissan Sunny car. It was my first car. I like it very much. I will not mind at all. The most important thing is to have some means of transport to convey you from point "A" to point "B", and not to be driven in a particular make of a vehicle. The Deputy Prime Minister and Minister for Finance could actually go further and adopt some of the policies that are in use in a few other countries, where, except for officers in their Armed Forces, other Government officers have no vehicles attached to them. All vehicles are in a pool. If you want a vehicle, you request for one through a transport officer, who will then allocate you a car for a specific purpose and a particular journey. That is happening. Even at the district level, all vehicles should be in one pool. No particular officer should have a vehicle. Any Government officer who wishes to use a vehicle, should apply to the transport officer, so that he is given a vehicle for that particular purpose.

Mr. Temporary Deputy Speaker, Sir, we can even go a step further. The Government took away vehicles from officers in Job Groups "R" downwards. Those officers were given transport allowance. It is high time that we did the same for officers in Job Groups "R" and above. They can also be given transport allowance and, therefore, they will not need to have specific vehicles assigned to them. What I am saying is that we must support the Deputy Prime Minister and Minister for Finance in his effort to curb misuse of Government resources, so that this negative attitude towards *mali ya umma* can come to an end.

Mr. Temporary Deputy Speaker, Sir, what we are debating are the accounts for the year 2004/2005. We are now in the year 2009. As I said at the beginning, we are now reading history. We should computerise our Government accounts, so that come the end of the financial year, within a period of one month, you are able to extract accounts.

Banks today can produce accounts on a daily basis. Banks know their assets and liabilities at the closure of the day. If we were to computerise all aspects of Government accounts, this would be possible. Even the issue of over-expenditure would not arise. If the accounts are computerised and you try to incur some expenses that are not voted for, the system will not allow it. So, we need to go further and find out why we are reading historical data, instead of real accounts.

However, as I said, this is a big improvement compared to past cases. During the Ninth Parliament, we debated accounts that were more than ten years old. So, a reduction of the number of years from 10 to four is an improvement, but I think we can do much better.

Mr. Temporary Deputy Speaker, Sir, another area that I would like to speak about is that of local authorities. Some local authorities have never produced accounts for the last 30 to 40 years of their existence. It makes it difficult to even know what the liabilities and assets of those local authorities are. Therefore, a lot of misuse and abuse occurs in these local authorities.

Mr. Temporary Deputy Speaker, Sir, the Government should also assist local authorities to computerize, so that they are also in a position to produce accounts on yearly basis. They should not just produce merely extracts of accounts like the way they are doing currently. Overall, if you compare these accounts, the previous ones, and the

ones after that, definitely, there has been an improvement in the way Government funds are used. There has been a major improvement, but I think we, as a country, can do better.

If we are to move forward, we must start thinking outside the box. There are some small things that we can do that would improve Government finances. About six years ago, our total budget moved from Kshs170 billion to the current Kshs600 billion. It is a big improvement. We are thankful to the KRA for achieving that target.

There has been a leakage in taxes from Eldoret Airport and in Eastleigh. The Government is losing some revenue in these two areas. The Commissioner-General should institute some steps, so that he can fill these leakages. By so doing, the Government will get more funds and be able to spend much more towards providing services to Kenyans.

Mr. Temporary Deputy Speaker, Sir, whereas we may not have done our work at the political level, I think at the economic level, we are doing very well. Whenever I visit any part of the country, I find there is something happening. I usually find that there is a road, a school or dispensary being constructed in every corner of the country. Definitely there is something happening on the economic front. We need to put our act together on the political side. If we were to do so, this country would move forward.

Mr. Temporary Deputy Speaker, Sir, in his Budget, the Minister for Finance said he allocated more money to the CDF kitty. However, we have discovered that this money has been remitted through the line Ministries. If there is one good thing that we shall remember our President Kibaki for it is the CDF. If you go to any constituency, the development that has taken place in the last six years is more than the development that took place over the last 40 years since Independence. Sometimes I wonder if this CDF had been started in 1963, maybe we would not be where we are now.

In 1963, the per capita income of Kenya, South Korea and Malaysia was equal. I think this is where we went wrong. If we had come up with this CDF concept in 1963, we would be at par with those countries. This is where the roads diverged and we were left behind.

Mr. Temporary Deputy Speaker, Sir, whenever I hear people politicizing the CDF, I become a very sad man, especially when I look at what I have been able to do in my constituency with it. We have been able to put up a day secondary school in each primary school using the CDF funds. If the CDF money was not there, this would not have been possible. We have been able to put up an office for every Assistant Chief in the sub-location using CDF funds. We have been able to put up an administration police post in every sub-location using the CDF money. We have been able to start a water project in every sub-location, using CDF money. Therefore, whenever I hear people politicizing the CDF, I become a very sad man because I know that had this concept not been there, we would not be where we are now.

There have been reports of misuse of CDF funds, but this is in very few cases. These are minority cases. Therefore, the CDF should not be condemned because of a few isolated cases. Overall, CDF money has done very well. That is why Members of Parliament have been seeking for an increase in its amount. My advice to MPs is that we should use CDF well. I can assure you it will determine whether we come back to this House or not. If you use your CDF funds well, I can assure you that you will come back

to this House. If you misuse your CDF funds, you will not see the inside of this House again. It is as simple as that.

Therefore, we support the increase of CDF funds because this money goes to the grassroots level. Contractors are normally employed at the grassroots level. Materials are purchased at the grassroots level. The people who benefit are those in the constituency. This is one way of ensuring devolution and not *majimbo*.

In this respect, I must commend the Government for agreeing to put up 72 offices for the newly created districts. I must also commend the Government for creating the 20 sub-provinces. I must urge the Minister in charge of Internal Security to go ahead and create 20 provinces. The Minister for Local Government should also create local authorities based on the 20 regions. This will be viable and economical and we will bring services closer to the people. We should not politicize this issue. If people were to be asked we would even ask for more.

How do you expect one Provincial Commissioner to supervise, for example, 60 districts in Rift Valley? It is not possible. Rift Valley Province has got more than 60 districts. How can one Provincial Commissioner supervise them?

I am asking the Minister in charge of Internal Security not to fear. He should proceed and create more districts.

With those words, I support.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Thank you Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. I would like to thank the Chairman of the Public Accounts Committee (PAC) for bringing this Report to the House.

As you realize, this is a Report for the year 2004/2005. Indeed, this Report covers the time of Anglo Leasing Scandal. We, therefore, would have expected that in the recommendations, those problems should have been highlighted so that we know how this country lost resources.

Mr. Temporary Deputy Speaker, Sir, during the period covered by this Report, corruption and impunity was at its highest level. Misuse of Government resources during that time should---

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt the hon. Assistant Minister who is obviously supporting our Report, but I think I would be allowed to clarify that Anglo Leasing Scandal is covered in the 2007/2008 Report. Therefore, it will be coming before this House later.

**The Temporary Deputy Speaker** (Mr. Ethuro): Dr. Khalwale, is that a point of order or a point of information to the Assistant Minister?

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I stand corrected. That is a point of information and I believe the Assistant Minister has accepted it.

**The Assistant Minister of State for Defence** (Maj-Gen. Nkaisserry): Thank you Mr. Temporary Deputy Speaker, Sir. We are talking of a report of a financial year and that is why I was indicating to my colleague that Anglo Leasing Scandal should come out quite openly.

Mr. Temporary Deputy Speaker, Sir, during that period, there was misuse of resources. Some institutions suffered the consequences of this. Looking at the current situation where the Deputy Prime Minister and Minister for Finance tried to take back vehicles and limit Ministers to specific engine capacities is very important.

Mr. Temporary Deputy Speaker, Sir, all the Ministries are computerized. The PAC should be in a position to table financial reports immediately after the financial year ends. It is important that the PAC be on top of things. We cannot condemn the Government for delayed reports. It is the Committee that is to blame. Since all Government departments are computerized, we should table these reports on time so that citizens are made to know whether Government finances are utilized for the intended purposes.

Mr. Temporary Deputy Speaker, Sir, we are discussing the Report for 2004/2005. We still have reports for 2005/2006, 2006/2007, 2007/2008 and 2008/2009. You can see the PAC had a backlog. It is therefore, important that they move with the speed it deserves.

Mr. Temporary Deputy Speaker, Sir, I cannot stand here without mentioning two issues which are very important. We have famine and drought problems. Famine is biting this country. The Government needs to assist and alleviate these problems. In my constituency, Kajiado Central, 80 per cent of the people require relief food. Not even a single livestock is left. I would like to ask the Government to assist in solving this problem.

Mr. Temporary Deputy Speaker, Sir, I had the opportunity to accompany the Vice-President and Minister for Home Affairs to the World Food Programme (WFP) headquarters. They seem to be assisting us to solve this problem. We however, need the Government to come forward so that the international community can come to our aid. We have a major problem and we need it to be addressed. The President declared it an emergency. People are suffering but we have not seen the key Ministries coming out and visiting the people. These Ministries include the Ministry of Agriculture, the Ministry of Livestock Development, the Ministry of Water and Irrigation and the Ministry of State for Special Programmes. They should move out of Nairobi and go out to see how people are suffering.

Mr. Temporary Deputy Speaker, Sir, the other issue I want to mention is that for us to be able to contain the problem of deforestation, the Government should take a firm decision on the issue of Mau Forest. We have to---

**Prof. Kaloki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for a Member of the Government to stand in this House and complain about people dying of hunger and frustrations? He is a Member of the Government!

**The Temporary Deputy Speaker** (Mr. Ethuro): Prof. Kaloki, he is perfectly in order! He also happens to represent a constituency.

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaisserry): Mr. Temporary Deputy Speaker, Sir, I was speaking in my capacity as the Member of Parliament for Kajiado Central. It is the people of Kajiado Central who are suffering. It is not the people in the Government or the Members of Parliament but the people of Kajiado Central who are suffering!

The other very important issue is for this Government to take bold decisions with regard to the Mau Forest. It is not just the people living around the Mau Forest who are suffering. I had the opportunity to meet the Egyptian Minister for Foreign Affairs. He talked about the waters of the River Nile and conservation. We need to make a decision. Look for the money to resettle whoever is in Mau Forest. Kick them out and show them where to settle. Bold decisions are required and the time is now.

Mr. Temporary Deputy Speaker, Sir, another very important aspect that I need to mention as we discuss this Report is the issue of insecurity. The other day, we saw the cattle rustling menace in Isiolo. We need to contain this situation. Other crimes that we need to attend to are the hijackings on our roads and the taking of people hostage. We need to help the police manage this problem immediately.

Mr. Temporary Deputy Speaker, Sir, I would like to mention that as a result of famine and drought, the Ministry of Education should mitigate payment of school fees for the affected districts. We have lost our animals and crops are going to fail. Therefore, there is nothing parents are going to use to pay school fees. The Government needs to look into this issue and support the Ministry of Education so that children in the affected areas do not miss schooling.

Mr. Temporary Deputy Speaker, Sir, I think this Report should have come up with some very serious and bold recommendations in some areas. In areas where the Committee found that people committed economic crimes - and I know my friend has said that he put the issue of the Anglo Leasing in another report - however, we want to isolate the cases in each and every financial year, so that these people can be dealt with and the institutions which suffered due to corruption and impunity should get some form of compensation so that they can continue to provide services to citizens.

With those few remarks, I support.

**Mr. Chachu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion, the Public Accounts Committee Report on the Government of Kenya Financial Reports of the Year 2004/2005. As a Member of this Committee, I was involved in preparation of the Report. As Committee Members, we all, unanimously, agreed on the findings and the recommendations of this Report. We worked on the reports of two years concurrently, 2004/2005 as well as 2005/2006 under the able leadership of our Chairman, Dr. Khalwale.

However, I would like to make some few observations about the Report. A number of times, the Accounting Officers were not able to provide supporting documents to the Controller and Auditor-General in time. Most of the times, there were inordinate delays in submitting this necessary documentation for accounting which suggests that maybe, they were cooking these documents or they had some reasons for not being efficient in their work. As we took evidence from the Accounting Officers, it was very obvious to Members that there was lack of adequate preparation by them, sometimes forcing us to wait even for a couple of days before they appeared before the Committee, instead of coming on the day they were scheduled to appear. In most of the years we looked at, there were pending bills. They kept on appearing from year to year. This could be due to poor budgeting, delays in payment, which really raise the suggestion that there could be some collusion which could lead to corruption in some of these Ministries.

Mr. Temporary Deputy Speaker, Sir, I just want to look at two Ministries. The first one is the Ministry of Roads. It was very evident to us that there were inadequate feasibility studies and inadequate design preparations which could have contributed to unnecessary time extensions. The delays of the expensive projects necessitated price variations and unnecessary additional cost to the Kenyan taxpayer. For sure, we had fears of possible collusion between the officers responsible in the Ministries and the contractors, leading to misappropriation of public funds. We are talking about road

infrastructure, which is a very expensive investment; the public could have lost a lot of money in these transactions.

In addition to that, under the Ministry of Public Works, there was purchase and delivery of paints and other building materials to provinces and District Works Offices. Paints and building materials worth Kshs17 million went to total waste simply because there was limited storage and also due to poor quality of paints which had been ordered. The amount of paints which had been ordered was by far, beyond the amount which was required to paint these offices. This poor planning on the part of the Accounting Officers made the taxpayers lose Kshs17 million. Such poor planning and very poor implementation of projects should be avoided in the future if we are to save our taxpayers that money which can be used for other important projects.

Mr. Temporary Deputy Speaker, Sir, I want to mention just one issue under the Ministry of Transport. There is a situation whereby a very vital service, which was basically two ferries were approved by Parliament at the cost of Kshs353 million. The two ferries were to be bought to enhance service delivery at the Coast. For years, the two ferries were never bought, simply due to laxity, inefficiency and not to mention the complex procurement procedures that were found to cause delays of the purchase of the ferries. It is sad when millions of money is approved by Parliament for the provision of a very vital service delivery and yet, due to laxity and inefficiency, the Kenyan people are denied that important service. I hope that in future, such officers will face severe punishments for denying Kenyans such important service.

Mr. Temporary Deputy Speaker, Sir, also on the issue of implementation of this Committees' Report, there are certain delays. For instance, the Ministry of Finance failed for six years to submit the Treasury Memorandum to Parliament to facilitate the implementation of PAC Report. Six years' delay means a lot to Kenyan taxpayers. As the key watchdog Committee of this House, the recommendations of the PAC are very important for this House to play its crucial role of a people's watchdog. I call on the newly constituted committee of this House; the Committee on Implementation to ensure that PAC recommendations are implemented in a timely manner to ensure that we serve truly, as the watchdogs of the public.

We also commissioned two very special audits; the first one being the Special Audit on the Privatization of the Telkom Kenya. The second one was a Special Audit of the Sale of Government Shares in Safaricom Limited. In spite of the urgency the PAC committed to these special audits, it is only today that the Deputy Prime Minister and Minister for Finance has been able to lay the two special audits on the Floor of this House. The reasons as to why we request for these special audits is to make sure that we are relevant and make sure that the Government is kept on account with regard to issues which we feel are very important and useful to the public. When special audits are availed eight months later, they do not serve any purpose. Having said that, we will do all that is possible and use the information in those audit reports to make those responsible accountable to the Kenyan public.

It has been mentioned that the Reports of the PAC are not current. I want to assure this House that we will soon be current. This year, we are working on the 2006/2007 and 2007/2008 reports, concurrently. I think in the next one year, this House will be current with its PAC Reports.

With those few remarks, I beg to support.

**The Assistant Minister for Housing** (Bishop Wanjiru): Mr. Temporary Deputy Speaker, Sir, I rise to support the 2004/2005 Public Accounts Committee (PAC) Report. However, I wish that we were dealing with the report for 2006/2007 or 2008/2009 Financial Year today. If we are still dealing with the Report for 2004/2005, it means that we are still very far from putting our act together.

I am grateful to the hon. Member of the Committee who has just finished his contribution in support of the Report. The Kshs17 million and many other figures in-between display a lot of mismanagement of public funds. We have a management problem in our country. We can budget and plan, but we are poor at managing our resources. My prayer is that, that would change one day. Since hon. Members of the respective Committee are here, maybe, they can make recommendations on how that can change.

Mr. Temporary Deputy Speaker, Sir, as we implement our projects, I also see that we have a problem with the finishing. This is with regard to the quality of products or services we give to the common *mwananchi*. I also note from the Report that some officers were summoned to appear before the Committee but they did not come on time. What are we doing to discipline the officers who do not respect House Committees? We should do something about this.

That notwithstanding, the Report is very good. I hope that we will find a way to deal with the backlog and be up to date. We should change the way we do things because we are still dealing with the 2004/2005 Report.

Mr. Temporary Deputy Speaker, Sir, that said and done, I would also like to comment on our national wealth creation. Either we have forgotten the youth or we are not creating wealth for them at all, except the *Kazi Kwa Vijana* Programme that we are implementing. That programme is working out very well, but the youth are many. Right now, if you visit Ngara Street, you will find hawkers all over. Some even stand in front of shops. Those hawkers happen to be in Starehe Constituency. My disappointment is that even within our Government and especially, the Ministry of Local Government, we are not doing anything about the hawkers. We keep on calling them hawkers while they should fall under the small traders. We do not facilitate them get markets or seem to be concerned with their plight. I wish the Ministries concerned could give some attention to the hawkers. Instead of driving hawkers out of the streets, they should facilitate them to be allocated stalls or modern markets. It is unfortunate that we spent hundreds of millions on one market called "Muthurwa", that was unable even to accommodate a quarter of the hawkers in the City.

Mr. Temporary Deputy Speaker, Sir, I am very disappointed that up to date and as we sit in this House, we still have Internally Displaced Persons (IDPs) who live in tents. These people are suffering, and yet funds have been allocated to various Ministries to cater for them. Maybe, the PAC should also find out how that money was spent, whom it helped and why we cannot resettle the IDPs. We really need to put our act together, as a Government, by doing what is right.

Mr. Temporary Deputy Speaker, Sir, I also cannot forget the women of this country. We have been told that there is the Women Enterprise Development Fund money, which women are unable to access. It is time we, as the Government, simplified matters for our nation in order for the citizens to be allocated the funds that are available.



I wish that we can look for a way to up-lift people's livelihoods instead of having stories, long budgets and plans that are shoddy or poorly implemented at some point.

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

**Mr. Mwadeghu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the views received, could the Mover be now called upon to reply?

**The Temporary Deputy Speaker** (Mr. Ethuro): Could you confirm that you seconded the Motion?

**Mr. Mwadeghu:** Mr. Temporary Deputy Speaker, Sir, I seconded the Motion.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Mwadeghu, in view of the fact that you had spoken, the Chair cannot entertain that request as per our Standing Orders!

**Prof. Kaloki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that all the Members wishing to contribute to this Motion have done that, could the Mover be now called upon to reply?

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, since there seems to be an interest from the House to call upon the Mover to reply, I now wish to put the Question.

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

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I moved this Motion before we went for recess and it attracted a lot of interest. Hon. Members were fighting to contribute at that time. I am glad that we have learnt a lot from their contributions. I am sure that had today not been the first day of the sitting of Parliament since we came from recess, probably, more Members would have had an opportunity to respond.

However, as I had said earlier on when I was moving this Report, we were looking at two reports concurrently. So, we are in a position now to move to the next financial year, which is 2005/2006. I am sure that the hon. Members who would have wished to contribute and are not here, will contribute to the subsequent report.

Mr. Temporary Deputy Speaker, Sir, may I use this opportunity to thank all the hon. Members who have supported our Motion. I have noted that nobody has opposed it. I would like to confirm that the majority of the hon. Members of the previous Committee have been retained in the new Committee. I have also been re-elected as the Chairman of the Committee. I believe that we will clear many of the pending issues that were there and clear the backlog.

With those few remarks, I beg to move.

*(Question put and agreed to)*

*[The Temporary Deputy Speaker  
(Mr. Ethuro) left the Chair]*

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

## ADOPTION OF 2005/2006 PAC REPORT

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 2005/2006 laid on the Table of the House on Wednesday, 17<sup>th</sup> June, 2009.

Mr. Temporary Deputy Speaker, Sir, may I, on behalf of the Members of the Public Accounts Committee (PAC) and pursuant to the provisions of Standing Order No.181(3), take great pleasure and privilege to present to this House the Report and recommendations thereon of the Committee for the year 2005/2006.

Mr. Temporary Deputy Speaker, Sir, when we set out to write this Report, our Committee had a specific mandate. The mandate was that the Public Accounts Committee (PAC), then being a Sessional Committee was considered at the commencement of the Tenth Parliament, pursuant to the provisions of the then Standing Order No.147 which stated that:-

“There shall be a Select Committee to be designated the Public Accounts Committee for the examination of accounts showing the appropriation of the sum voted by the House to meet public expenditure and of such other accounts laid before the House as the Committee may think fit.”

Mr. Temporary Deputy Speaker, Sir, it is clear from this mandate that the Committee oversees on behalf of this House, the public expenditure so as to ensure that the value for the money this House voted is realized. Therefore, the Committee relies on reports of the Controller and Auditor-General. This Committee, which has now been reconstituted, was then made up of the following:-

Dr. Bonny Khalwale, MP – Chairman

Mr. Thomas Mwadeghu, MP

Mr. George Thuo, MP

Mr. Daniel Muoki, MP

Dr. Julius Kones, MP

Mr. Elias Mbau, MP

Mr. Charles Onyancha, MP

Mr. Alex Mwiru, MP

Mr. Boaz Kaino, MP

Mr. Francis Ganya, MP

Mr. David Ngugi, MP.

Mr. Temporary Deputy Speaker, Sir, the Committee commenced its sittings on the 7<sup>th</sup> May, 2008 and held a total of 84 sittings at which almost all the Accounting Officers appointed by Treasury appeared before the Committee to explain and respond to queries which had been raised by the Controller and Auditor-General.

All the witnesses were subjected to thorough examination and scrutiny of documents was done by the Committee, which critically analyzed both oral and written submissions. Although most of the witnesses provided required information, the Committee noted with grave concern that some Accounting Officers failed to avail required documents or information, despite the many reminders. The Committee came

across two items that remained outstanding for specific reasons. First, the Committee could not take evidence from the Electoral Commission of Kenya (ECK), following its disbandment by Parliament as there was no Accounting Officer in place to respond to issues raised. Therefore, the Committee recommended that the subsequent PAC should consider that outstanding evidence.

Secondly, during the session, the Committee noted that several issues of national concern required special audit. They included, Privatization of Telkom Kenya Limited, the sale of Government shares in Safaricom Limited, the sale of Grand Regency Hotel and the award of contracts to *De La Rue* for the printing of Kenyan currency. The Committee went ahead and made a request to the Controller and Auditor-General to undertake a special audit for the privatization of Telkom Kenya Limited and on the sale of the Government shares in Safaricom. I regret to note that it is only until today this afternoon that the report for this special audit was tabled in the House. We did not, at that time, order any report for special audit of *De La Rue*.

Mr. Temporary Deputy Speaker, Sir, my Committee's workload was quite heavy and it is worth noting that the Committee has, over the years, been bogged down by backlog of annual audit reports. In an effort to tackle the backlog and deal with the current annual audit report, the Committee has been considering two annual reports in every session. During the session under review, the Committee concurrently considered the Controller and Auditor-General's report on the year 2004/2005 and 2005/2006. It is hoped that this backlog will actually be cleared during the third session of Parliament. I am happy to report to this House that we have already commenced our sittings and we have already collected evidence from the Ministry of Finance and we are now dealing with the Office of the President, Ministry of State for Provincial Administration and Internal Security.

Mr. Temporary Deputy Speaker, Sir, we undertook tours and inspections of various projects during the last session and these are the same projects that I alluded to when I was moving the earlier Report. So as to save valuable time of this House, I will not go into details of the specifics. However, I would like to comment on general observations that we made when we were collecting reports for this financial year. A summary of the Committee's observations and recommendations on some of the salient and critical queries raised in the report of the Controller and Auditor-General are now as follows:

We noted that in almost all Ministries, there was lack of adequate preparation and to this end, we have recommended that the Committee would like a situation whereby in future, such trends should be brought to an end and starting from this particular Third Session, my Committee is not going to tolerate them. We are not going to take it lightly. We may proceed to prepare our report without evidence of those Accounting Officers who will be subsequently named with the consequences that are attended to that naming. The second general observation was lack of clear legal framework for disciplining Accounting Officers. The Committee heard that Treasury appoints Accounting Officers and receivers of revenue but the current laws do not provide a clear framework for disciplining errant officers. The Committee recommends that the Government should consider introducing a Bill in Parliament that will stipulate penalties and disciplinary action for errant accounting officers.

The third observation was the absence of documents and delay in availing them for audit verification. On this account, the Committee strongly recommends that accounting officers who fail to avail documents for audit verification at the time of audit without good cause should be barred from holding public office. The fourth issue which we observed was the notorious issue of pending bills. As has been the case in the past, bills which should have been paid during the year under review were carried forward to the subsequent financial year. The Committee noted with concern that Ministries failed to sufficiently budget for utilities and other recurrent expenditures. The Committee deplored the manner in which payments both for Development and Recurrent Expenditures are delayed raising fears of possible collusion between officers responsible and contractors and service providers.

Mr. Temporary Deputy Speaker, Sir, it was noted that where bills were disputed, they were referred to the Pending Bills Closing Committee. The Committee was concerned that the above committee which was established in 2005 has not finalized its work and come up with a report after such a long time. Therefore, it continues to draw from public funds. My Committee, therefore, recommends strongly as follows: First, Ministries should operate within voted provisions; secondly, where bills are disputed and questionable, the Director, Kenya Anti-Corruption Commission (KACC) should investigate the officers who authorized the claim documents and completion certificates of those contracts and take appropriate action; thirdly, my Committee recommends that the Pending Bills Closing Committee should appear before the PAC in order to account for its work.

I am glad to inform the House that I have directed the secretariat of the PAC to issue out summons to members of the Pending Bills Closing Committee to make sure that they appear before my Committee to account for their work over the last four years.

Mr. Temporary Deputy Speaker, Sir, the fifth general observation we found was the recurrent problem of under-expenditure and under-collection of Appropriations-in-Aid. To this end, A-i-A collected during the year under review amounted to Kshs42 billion against an estimated receipt of Kshs60.7 billion, resulting in a deficit of over Kshs18 billion that amounts to approximately 31 per cent of the estimated sum.

Mr. Temporary Deputy Speaker, Sir, our Committee was also concerned by the failure by Ministries to fulfill donor conditions. This could be as a result of negligence and inefficiency by officers responsible for overseeing the projects implementation. The Committee noted that the Government, through the Ministry of Finance and in conjunction with all development partners has prepared, finalized and submitted for Cabinet approval, the external policy document. The policy document is aimed at streamlining the whole process of management of Official Development Assistance, popularly known as ODA. Our Committee recommends that the Government should ensure that the shortcomings noted in the under-expenditure and under-collection of A-in-A is resolved once and for all. The Committee further recommends that the Permanent Secretary should liaise with both the donors and respective implementing Ministries to ensure that projects are implemented and completed as scheduled.

The sixth challenge which we observed was the issue of outstanding imprest. It was noted that queries on outstanding imprests continue to feature in almost all Ministries. The Committee further noted with concern that officers are transferred to new stations before clearing outstanding imprests held by them. The Committee further

abhorred the failure by Accounting Officers to recover funds from imprest holders, 48 hours after conclusion of business for which the imprest was taken in the first place. My Committee, as a result, recommends that the Permanent Secretary, Treasury, should ensure that Accounting Officers abide by financial regulations and also abide by part "b" of their letter of appointment which allows them to recover imprest within 48 hours after return to duty stations. In the event of a holder failing to account for or surrender the imprest, the amount should become a debt owed to the Government of Kenya by the officer and the debt to attract interest at the prescribed rates. The Accounting Officer should further recover the amount in full and interest thereof from the salary of the defaulting officer. My Committee recommended that officers who move to new stations should be cleared before surrendering all outstanding imprests owed to the Government.

The seventh challenge was the matters referred to the Kenya Anti-Corruption Commission (KACC). In the previous Committee Report various issues and recommendations had been referred to the KACC for action. The Committee recommends that the Director, KACC, should ensure that issues noted are speedily dealt with. I would like at this point to pause and remind this House that soon, the current Director of the KACC will be coming to this House to have his mandate renewed. I would like the House to be extremely clinical and careful to ensure that they renew his contract based purely on value for what he has been able to deliver so far.

There was also the challenge of delay in preparing Treasury Memorandum. My Committee noted with concern, the delay in implementation of the Committee recommendations. The Treasury Memorandum for the following Reports which were adopted by the House have not been submitted to Parliament by the Ministry of Finance to date. The Reports of 1998/99, 1999/2000, 2000/2001, 2001/2002, 2002/2003 and 2003/2004. This is a very big shame. I want to urge the new Departmental Committee on Implementation to now take up this issue critically so that our House can be taken seriously. Further, my Committee recommends that an updated Treasury Memorandum should be submitted to the House without further delay. Also, prior to giving evidence, each Accounting Officer will be briefing my Committee on the action taken to implement recommendations of the previous reports. I hope that members of the Secretariat will make sure that this will form part of the traditional item of our agenda so that before any Accounting Officer opens his mouth, he should explain on the issue of the memorandum.

Finally, we had the challenge of inadequate staffing in accounts departments of various Ministries. My Committee noted that in almost all Ministries and departments, the number of professional accountants was not adequate to perform efficiently and effectively. As a result, the situation contributed to poor bookkeeping and delayed accounts, amongst others. My Committee recommends that the Government should not only provide for adequate staffing of professional accountants but also build capacity within existing staff to enable them to cope with the workload. I am glad to announce to the House that because of the pressure we have perpetually been creating, the Treasury has confirmed this week, that they are hiring a total of 700 new accountants which will go a long way to ease the work of the four watchdog Committees. I would like to request my colleagues in the Public Investment Committee (PIC), the Budget Committee and the Local Authorities and Funds Accounts Committee to join us in urging the Ministry of Finance that these 700 accountants who will be employed should not be old people. They must make sure that these jobs are given to young graduates from the University of

Nairobi (UoN). There is now a deliberate effort in Ministries, thanks to the advent of parallel degree programmes – you are a professor – now a lot of elderly people are having post-menopausal graduations. In the process, they exchange jobs amongst themselves within Ministries and end up shortchanging the young graduates, some of them who are actually their children. So, we would like watchdog Committees to insist on this and the House in general.

Mr. Temporary Deputy Speaker, Sir, I would like to briefly mention something about specific issues that we identified in a few Ministries. In the Ministry of Finance, there was one glaring issue. This was the issue of Statement of Outstanding loans. Hon. Members, you can confirm this under paragraphs 39 to 48. The Consolidated Statement of Outstanding loans as at 30<sup>th</sup> June, 2006, reflected loans totaling to Kshs73.8 billion, out of which an amount of Kshs10.5 billion had been repaid, leaving a balance of around Kshs63.3 billion outstanding against loans lent to various organizations through 11 Ministries. My Committee was appalled by the poor state of records pertaining to the loans portfolio in the Ministry, despite the available information technology capable of tracking this information even on a daily basis. We are very concerned about this because some of the loans given to parastatals were not utilized for intended purposes and loss of relevant loan documents could have been a ploy to conceal deliberately, for mismanaged funds. The Committee also observed that currently, it is not possible for the Accounting Officer to know with absolute certainty the status of loans in his docket and their repayment schedules, leaving plenty of room for possible manipulation and distortion of figures. The Committee recommends that the Accounting Officer should set up a special monitoring team to enforce follow up and give regular updates on the national loan portfolio.

The Committee further recommends that since the Accounting Officer has made no serious effort to resolve this long outstanding issues, strict deadlines should be set for him and the chief executive officers of the concerned parastatals to streamline and clean up the issues bogging down their operations.

Mr. Temporary Deputy Speaker, Sir, at the Ministry of Planning, National Development and Vision 2030, we found serious cases of under-expenditure and under-collection of Appropriations-in-Aid (A-in-A). That is contained in Paragraph 349. The Development Appropriation Account for Vote D.06 for the year ended 30 June 2006 reflects gross under-expenditure of Kshs.508,395,235.10 or approximately 33.36% of the approved provision of Kshs.1,524,285,572.00 and deficiency in Appropriations-in-Aid (A-in-A) of Kshs.128 million. As earlier stated, the Ministry seems to have budgeted for funds it could not utilize, hence denying other Ministries the use of scarce national resources. The Committee, while noting the measures taken to forestall the perennial problem of under-expenditure, recommends that the accounting officer in liaison with the Permanent Secretary at the Treasury should put proper systems in place to address the issue of absorption capacity in the utilization of funds and, especially, utilization of donor funds. The Committee further recommends that the accounting officer must ensure that only projects whose formalities are sure to be completed are included in the Budget.

Mr. Temporary Deputy Speaker, Sir, with your permission, before I go to the third Ministry, allow me to request the people of Kimilili to allow the hon. Member for Kimilili to pour for me a glass of water.

*(Laughter)*

**Dr. Eseli:** There is no glass.

**Dr. Khalwale:** Yes, I will take it from the bottle.

*(Dr. Eseli opened a bottle of water and handed it to Dr. Khalwale)*

**Dr. Khalwale:** Thank you very much, Dr. Eseli.

Mr. Temporary Deputy Speaker, Sir, the third Ministry was the Ministry of State for Defence and the outstanding issue was about fees at the Defence Staff College and National Defence College, as contained in Paragraphs 365 and 368. No satisfactory explanation has been given for failure to recover the outstanding training fees totaling to Kshs92.9 million owed to the Government by both foreign and local Government-sponsored students.

Mr. Temporary Deputy Speaker, Sir, the Committee noted with grave concern that, unlike other colleges, the National Defence College and the Defense Staff College admitted both foreign and local students even before receiving part of the fees, leading to a possible loss of a huge amount of revenue. My Committee recommends that the accounting officer should move with speed and liaise with the Ministry concerned to recover all outstanding fees by 31<sup>st</sup> December, 2009. The Committee further recommends that the accounting officer should ensure that the current training policy and guidelines are strictly adhered to in order to safeguard public funds.

Mr. Temporary Deputy Speaker, Sir, the second issue under that Ministry concerned aircraft components held by foreign companies. This is under Paragraph 373. My Committee expressed concern that aircraft components were sent abroad almost five years ago, with the Ministry having absolutely no idea how much the repairs would cost *vis-à-vis* the cost of new ones. The Ministry was also completely dependent on foreign companies to unilaterally fix the cost of repairs. The Committee recommends that the accounting officers should personally pursue this matter with a view to ensuring that remaining components are repaired and shipped back to the country immediately. He should also finalize the issue of compensation by the freight companies for the lost documents.

Mr. Temporary Deputy Speaker, Sir, the Committee was further gravely concerned by the increase in the number of accidents involving aircrafts under that Ministry. In fact, the House will remember that one of the aircrafts led to the loss of lives of five hon. Members of this Parliament. May the Lord rest their souls in eternal peace and, as a result, this Committee recommends that the accounting officer should initiate an audit by the Kenya Civil Aviation Authority, on all the aircrafts used by the Department of Defence, with a view to ascertaining their performance and safety status.

Mr. Temporary Deputy Speaker, Sir, we continue to put our servicemen's lives at great risk because most of the aircrafts are very out-dated, old and based on old technology. We hope that as the Committee makes these recommendations, Parliament is going to take it up for the safety of our servicemen, who continue to lose their lives.

Under the Ministry of Health, Mr. Temporary Deputy Speaker, Sir, the outstanding issue was one – the issue of irregular payment of electricity bills amounting

to Kshs234 million, where Kenya Power and Lighting Company (KPLC) was paid on the basis of composite list of outstanding charges and not from the KPLC actual electricity bills. The Committee expressed concerns that such a huge amount of money was paid in respect of electricity bills just on the basis of a composite list and not on the actual bills, which have details of consumers' account numbers and names, consumption data and other billing details for authenticity. It is a very big shame that we have lost Kshs234 million when all that was required was to employ a computer literate youth. He would have taken the actual bills and tracked it on a computer. Within a very short time, he would have given us an actual account. But here, we rely on composite lists!

Mr. Temporary Deputy Speaker, Sir, my Committee recommends that the accounting officer should ensure that the supporting documents, including original electricity bills relating to the above case, are availed for audit verification and officers involved be disciplined for laxity and negligence. The accounting officer should enforce financial regulations and ascertain that the power bills paid for are those - and only those - that are incurred by the Ministry to forestall fraudulent acts, failure to which he will be held personally liable for any losses incurred by the Government.

In the Ministry of Roads, Mr. Temporary Deputy Speaker, Sir, we found the outstanding issue of the Nairobi Eastern Bypass. The implementation has been very slow and, out of a total of Kshs199 million allocated to date, only Kshs155 million has been spent, resulting in a gross under-expenditure of Kshs43.6 million. The Committee noted that since the first budgetary allocation for that project in the year 2003/2004 Financial Year, nothing much seems to have happened in terms of actual project commencement, although funds have been allocated annually for over three years.

Mr. Temporary Deputy Speaker, Sir, we physically went on site and found high-rise buildings, bungalows and maissonettes. Very expensive structures have come up on the bypass simply because the Ministry of Works has no will of moving in and demolishing those illegal structures.

Mr. Temporary Deputy Speaker, Sir, the Committee further noted that projects implementation has been faced with many challenges and, during the site visit by the Committee in 2008, the accounting officer had indicated that the commencement would be in September, 2008. The Committee recommends as follows:-

That the accounting officer should ensure that the actual implementation of that project commences immediately and that all the supporting documents on the funds so far utilized out of the voted provisions in respect to preliminary project preparation should be availed for immediate audit review. Those are but a few of the many cases in this Report, which I hope other hon. Members will highlight.

Mr. Temporary Deputy Speaker, Sir, I want to appreciate members of staff for services rendered to my Committee.

I would like to, finally, on behalf of the Committee, record our appreciation for the exemplary services rendered by officers from the Kenya National Audit Office, the Office of the Clerk of the National Assembly and the Treasury. Indeed, their commitment and devotion to duty has made my work, the work of my colleagues and my Committee in general, to be very easy, especially in producing this particular Report.

On behalf of the Committee, I now wish to move debate on this Report and urge the House to adopt it and the recommendations therein.



I call upon hon. Francis Ganya Chachu, Member of Parliament for North Horr, which is the largest constituency in Kenya, to second the Motion.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well, hon. Chachu!

**Mr. Chachu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second the Motion on the Adoption of the Report of the PAC on the Government accounts for the year 2005/2006. I was, and still I am, a Member of the PAC, and I can confirm to this House that the recommendations contained in this Report were agreed on unanimously by all the Members of the Committee.

Mr. Temporary Deputy Speaker, Sir, it is important to mention that in addition to working on Report for the accounts of the year 2006/2007, we are also working on three other Reports. We have just ordered a special audit on *De la Rue* on the contract of printing of Kenyan currency. In addition to that, we also have two special audit reports available to us, on which we will be working in the next few months, the first one being on privatisation of Telkom Kenya Limited, and the second one being on the sale of Government of Kenya shares in Safaricom Limited. I am mentioning these two special audit reports because I would like to highlight the fact that we are going beyond the call of duty to ensure that we truly serve as the people's watchdog in this Parliament.

Mr. Temporary Deputy Speaker, Sir, in the audit report for financial year 2005/2006, I will just look at two Ministries, the first one being the Ministry of Planning, National Development and Vision 2030. Particularly, I want to look at the Constituencies Development Fund (CDF). This is the only year when the CDF was actually audited, because in the previous years, the CDF was just in its teething stage. It was in its first year of existence. By the time of audit of the accounts for the year under review, the CDF had run for a whole year, and its accounts were also audited.

For the most part, the audit report was very favourable. It is, of course, important to mention that---

**Mr. K. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order, Mr. K. Kilonzo!

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, the point of order I want to raise is very important. It is on matters of procedure.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order, K. Kilonzo! I have heard you.

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, talking about the CDF, I want to mention, particularly, an issue that was raised in the CDF accounts Reports from Mbooni Constituency. In this particular case, funds from the CDF Fund Account amounting to about Ksh432,000 were paid to one individual – a doctor of philosophy (PhD) student at Maseno University. This money was not raised from the bursary fund, but rather from an emergency fund, and was paid to an individual who was doing PhD studies. It, really, makes you wonder whether, really---

**The Temporary Deputy Speaker** (Prof. Kaloki): What is it, Mr. K. Kilonzo?

## QUORUM

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I rise on a point of order to raise your attention to the fact that, this being the first of our resumption sitting from a recess, this House does not have a quorum. There is no single Member of Government in

the House, which means the Government is not taking the business of the House very seriously.

**The Temporary Deputy Speaker** (Prof. Kaloki): Indeed, there is no quorum. Sergeant-at-Arms, could you ring the Division Bell?

*(The Division Bell was rung)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, there being no quorum, I will interrupt the Business of the House. Therefore, the House stands adjourned until tomorrow, Wednesday, 22<sup>nd</sup> July, 2009 at 9.00 a.m.

The House rose at 5.40 p.m.