

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 30th July, 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Report of the Departmental Committee on Administration, National Security and Local Authorities on the number of persons killed by vigilante groups in the months of April and May, 2009, in Kirinyaga and Mathira.

Report of the Departmental Committee on Administration and National Security on the Offices of Ministers Bill, 2009.

Report of the Departmental Committee on Administration and National Security on the Chiefs (Amendment) Bill, 2009.

(By hon. Kapondi)

NOTICE OF MOTION

ADOPTION OF REPORT ON PERSONS KILLED BY
VIGILANTE GROUPS IN KIRINYAGA AND MATHIRA

Mr. Kapondi: Mr. Speaker, Sir, I wish to give notice of the following Motion:-

THAT, this House adopts the report of the Committee on Administration, National Security and Local Authorities on the number of persons killed by vigilante groups in the months of April and May, 2009.

ORAL ANSWERS TO QUESTIONS

Question No.156

PROVISION OF SERVICEABLE VEHICLES TO
GARBA TULLA/SERICHO POLICE STATIONS

Mr. Bahari asked the Minister of State for Provincial Administration and Internal Security:-

(a) what urgent steps he will take to repair or replace the unserviceable vehicles at Garba Tulla and Sericho Police Stations; and,

(b) when he will undertake repairs at the Garba Tulla Police lines and ensure officers are provided with habitable accommodation facilities.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Speaker, Sir. Are we first going through Ordinary Questions or Questions by Private Notice?

Mr. Speaker: Mr. Assistant Minister, there is really nothing in our rules which says that we must deal with the Questions by Private Notice first. So, proceed.

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

(a) A GK A907 Land Rover, 110, stationed at Garba Tulla Police Station was repaired and has been operating until last week when it broke down. It is now in the workshop. A GK A920G, Land Cruiser, stationed at Sericho Police Station was repaired and it is now operational.

(b) Garba Tulla Police line is a semi-permanent structure built with timber and due to age, the houses are no longer viable for repairs. We have plans to build 24 modern housing units for the police as per the department's work plan for 2009/2010, which is awaiting funding.

Mr. Bahari: Mr. Speaker, Sir, I wish to thank the Assistant Minister for that answer. However, he is not serious. GK A920G stationed at Sericho Police Station has not been operational for the last one year. Sericho Police Station is over 200 kilometres away from the Divisional Police Headquarters. As at Monday this week, that vehicle was not operational. I do not know when it started operating.

Mr. Speaker, Sir, GK A907, which is stationed at Garba Tulla Police Station, is 19 years old. Does the Assistant Minister expect the police officers to use that kind of a vehicle, which is 19 years old? What is the Ministry's policy on motor vehicles? This is a shame!

Mr. Speaker: Order, Mr. Bahari! Much as we have accommodated you, you should note that this is Question Time and you are allowed to ask one supplementary question at a time. You do not go on and begin to debate. Mr. Ojode, you may respond!

Mr. Ojode: Mr. Speaker, Sir, hon. Bahari knows very well that we have injected some funds to repair those two vehicles. I agree with him that those vehicles are old, but they are still serviceable. The police officers will have to use those vehicles until we get funds to buy new vehicles. Once Parliament passes our budget, we might consider the two police stations along with others whose vehicles need replacement. As I speak, we do not have funds to buy new vehicles and take them to hon. Bahari's constituency.

However, I want to assure this House that those vehicles are still serviceable and I will put in some little money for their repairs. I understand that one of the vehicles is not working now. But I will find out what is happening and the vehicles will be in use. As of now, hon. Bahari, should bear with us.

Mr. Gabbow: Mr. Speaker, Sir, with the state of insecurity in northern Kenya, the police need serviceable vehicles. In Wajir North Constituency, which is also a District, the police cars do not even have tyres, leave alone any other thing. How are the

police officers going to operate with such vehicles and yet, the Assistant Minister has told us that there are no funds for that?

Mr. Ojode: Mr. Speaker, Sir, all police serviceable vehicles have new tyres. I want to challenge the hon. Member. Which GK vehicle does not have new tyres? It is better for us to come up with something tangible. He is alleging that the police vehicles in his constituency do not have tyres. Could he tell me the registration number of the GK vehicle which does not have tyres so that I can have it fitted with new tyres next week?

Mr. Bahari: Mr. Speaker, Sir, in Part (b) of the answer, the Assistant Minister has said that there are plans to construct 24 modern housing units for the police in the area. Those houses were constructed in 1964 and nothing has been done on them to date. They have all fallen apart. Could the Assistant Minister tell us how much has been earmarked for the construction?

Mr. Ojode: Mr. Speaker, Sir, it is because of the duration of the houses that we have earmarked to construct 24 modern housing units. That will not only be done in Garba Tulla Police line, but in various stations also. At the moment, we have some money in lump sum and we will definitely allocate that money to areas which require some modern housing units.

Mr. Bahari: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to decline to answer my question? I asked him specifically about Garba Tulla. I know that there could be beautiful plans for the whole country, but Garba Tulla has been forgotten since 1964. How much has been set aside for Garba Tulla? I represent those people!

Mr. Ojode: Mr. Speaker, Sir, we are not just talking about Garba Tulla. We have a lump sum amount of money for the construction of police housing units. Once we get the bills of quantities for each and every station, we will apportion the money according to the bills of quantities. At the moment, we have not even received the bills of quantities for Garba Tulla. But for the lump sum which we have for purposes of constructing new housing units for the police, we will allocate as per the bills of quantities.

Mr. Speaker: Order, Assistant Minister! Will you confirm whether or not you are going to consider Garba Tulla when you allocate that money?

Mr. Ojode: Mr. Speaker, Sir, I want to undertake here that it is not only Garba Tulla that we will consider, but many other stations.

Mr. Bahari: On a point of order, Mr. Speaker, Sir. This Assistant Minister is refusing to answer this question. I beg you to compel him to answer the question. A work plan that he has referred to includes, among other things, bills of quantities. A work plan is not done in a vacuum.

Mr. Speaker: Mr. Assistant Minister, before you respond, you have said in your immediate answer that you are going to, among others, consider Garba Tulla. Will you, therefore, confirm unequivocally that you will consider Garba Tulla?

Mr. Ojode: Mr. Speaker, Sir, I thought I agreed that we are going to consider Garba Tulla, among others---

Mr. Speaker: Order, Assistant Minister! Your answer must be yes, so that it is unequivocal!

Mr. Ojode: Yes, Mr. Speaker, Sir.

NUMBER OF SENIOR POLICE OFFICERS PREMATURELY
RETIRED SINCE 2007

Mr. Speaker: Mr. Chepkitony! He is not here. Question dropped!

(Question dropped)

We will go to Question No.334 by hon. Yinda. That is because the Assistant Minister is set to travel.

Question No.334

ABOLITION OF QUOTA SYSTEM IN PUBLIC
SECONDARY SCHOOLS

Mr. Yinda asked the Minister for Education:-

(a) what he is doing to abolish quota system in student admission to public secondary schools, considering the system is out-dated and promotes tribalism; and,

(b) what further action he is taking to ensure that all Kenyan students irrespective of their districts of birth, can obtain admission in any public school in the country.

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry is in the process of reviewing the Form I secondary schools selection criteria to enhance efficiency, transparency and national cohesion. However, the current quota system will continue until the new system is operational. The current quota system does not promote tribalism since it is based on merit and candidates' choice of schools.

(b) The Ministry does not restrict admission of students into any category of secondary schools, thus any student is free to join any secondary school as long as there is a vacancy and the student's marks are within the range of the marks considered for admission into such a school.

Mr. Yinda: Mr. Speaker, Sir, I wish to thank the Assistant Minister for attempting to answer my Question. He is well aware that the quota system is basically not helping. The country is in a situation where we need the students to mix much more, so that they feel like they belong to this country, and not to an ethnic group. These days, students are born in a village and go to primary and secondary school in the same village. The universities are also opening up campuses in the villages.

Therefore, when such students complete education, for them, it appears like Kenya begins and ends in the village. So, my question is: What deliberate steps is the Ministry taking to make sure that our students grow up feeling as nationalist and not small sections of the little holes we come from?

Prof. Olweny: Mr. Speaker, Sir, the growing up of Kenyan children as nationalists is not the role of the Ministry of Education alone. It is the role of everybody

in the Government and the community; but for us, we take them to schools depending on their choices.

Mr. K. Kilonzo: Mr. Speaker, Sir, could the Assistant Minister tell the House the basis for the quota system and if, indeed, the revision they are doing is intended to do away with that system because it is restricting students to certain districts where they were born?

Prof. Olweny: Mr. Speaker, Sir, may I tell the hon. Member that this quota system was a product of a commission that was appointed by a previous Government and it was established according to recommendations. However, in the quota system, our schools are categorized as national, provincial and district schools. The formula for taking students into the national schools is the number of candidates in a particular district where that student did his examination, divided by the number of candidates nationally and then multiplied by the number of vacancies available in that particular school. So that will give a particular candidate a chance. For provincial schools, 60 per cent of the students are drawn from within the district where the school is located and 35 per cent are selected from the districts within the province in which the school is located, and the remaining 5 per cent is drawn from other provinces. Then for district schools, all the students are selected from within the district where that particular school is situated.

Mr. Njuguna: Mr. Speaker, Sir, could the Assistant Minister clarify why the Ministry is hesitant to respond to the plight of the people of this nation? I recall when we had a crisis in our schools and the students spoke against the quota system. All the stakeholders came forward and resisted the whole thing. Even the Departmental Committee on Education, Research and Technology recommended that a review must be made on this one. Why is the Ministry unwilling to hear the grievances of the Kenyan people? If the situation continues, we are likely to have a recurrence of the problem.

Prof. Olweny: Mr. Speaker, Sir, if the hon. Member heard me well, I said that the Ministry is in the process of reviewing the present system of Form I selection. As a matter of fact, a committee has already been proposed that is going to undertake this exercise. The hon. Member should also appreciate that the previous system that was replaced by the quota system was so many years old. It had been used for several years. We are not going to change a system just because a few people said it. We must put out a committee and go and collect actual information from Kenyans, then with good information and data, we shall develop a system that is likeable by Kenya. As of now, Kenyans must tell us which system will work better. If they threw away the former one and they now want to throw away this one, then all of us must come up with a way forward for the Ministry because after all, the Ministry is for everybody in this country. It is not for the people working in the Ministry headquarters.

Mr. Ochieng: Mr. Speaker, Sir, the Assistant Minister has said that they are reviewing the system and as far as we understand, the quota system has not favoured quite a number of students in this country. So, can he confirm when they will abolish the quota system?

Prof. Olweny: Mr. Speaker, Sir, it is just a matter of repeating what I have said. I have said that we have proposed a committee for reviewing the system and then come up with a way forward for the Ministry. It will be in place as soon as possible.

Mr. Langat: Mr. Speaker, Sir, the Departmental Committee on Education, Research and Technology went round the country and part of their proposal was the

removal of the quota system. Why is the Assistant Minister telling us they need another committee yet the Departmental Committee went round and met Kenyans; unless there are other Kenyans who the Committee did not meet?

Prof. Olweny: Mr. Speaker, Sir, his Committee does not belong to the Ministry of Education; it belongs to Parliament.

Mr. Yinda: Mr. Speaker, Sir, the Assistant Minister ought to tell this House exactly how much time he needs to ensure that they get rid of this failed quota system that is outdated and not helping this country at all. The fact that we are now trying to do away with ethnicity is strong enough to have the Ministry do away with the system. When does he think they will be able to give us a system that will promote national cohesion in this country?

Prof. Olweny: Mr. Speaker, Sir, immediately the report of that committee is submitted to us, we shall go according to the recommendations. But let me also tell the hon. Member that we, in the Ministry, appreciate the challenges and the problems posed by the quota system.

Question No.289

STATUS OF FAZA ICE PLANT

Ms. S. Abdalla asked the Minister for Fisheries Development:-

(a) Whether he could indicate what became of the cold house or ice plant in Faza (in Lamu) which was to commence operation in December 2008 and clarify the stage of the tendering process; and,

(b) What plans he has to provide alternative source of power for the cold house considering that the generator at the plant cannot provide sufficient power.

Mr. Speaker: The Minister for Fisheries Development? Is anybody holding brief for his colleague?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, I undertake to inform the Minister accordingly.

Mr. Speaker: Well, we will leave that Question in abeyance and revisit it if we have some time towards the end.

Next Question, Mr. Abdirahman!

Question No.332

MONTHLY RELIEF FOOD ALLOCATIONS TO
CONSTITUENCIES IN WAJIR DISTRICT

Mr. Abdirahman asked the Minister of State for Special Programmes:-

(a) Whether she could indicate the per constituency monthly relief food allocations to the greater Wajir District (West, East, South and North) during the months of March to July 2009;

(b) How the process of registration and distribution of relief food is done in the areas; and,

(c) What steps the Ministry will take to step up the allocations.

Mr. Speaker: The Minister of State for Special Programmes?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, as it stands now, it seems like I am in charge here. I will undertake to inform the Minister.

Mr. Speaker: We will leave it in abeyance and revisit it also at the end.

QUESTIONS BY PRIVATE NOTICE

APPOINTMENT OF TARDA MANAGING DIRECTOR

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

(a) What is the name, qualifications, as well as the procedure he used in the recruitment of the current Managing Director of Tana and Athi Rivers Development Authority (TARDA)?

(b) Was due diligence carried out in establishing his qualifications and, suitability for the job and was the appointment in conformity with Government regulations or guidelines regarding the appointment of such officers?

(c) Could the Minister confirm that the Managing Director is the subject of corruption related investigations arising from his conduct during his tenure in the diplomatic service?

Mr. Speaker: The Minister for regional Development Authorities?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I undertake to inform the Minister in order for him to answer this Question by Wednesday next week.

Mr. Speaker: Order! Hon. Members, let us leave that matter for the moment! We will come to it just now!

Next Question, Mr. Chanzu!

CRITERIA FOR APPOINTMENT OF PCs/SDPCS

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

(a) What informed the recent appointment of Provincial Commissioners and Senior Deputy Provincial Commissioners?

(b) Could the Minister provide brief resumes of each of the appointees?

(c) Whether merit, length of service and regional balance were taken into account in the respective appointments?

Mr. Speaker: Mr. Ojode!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I beg the indulgence of the Chair to defer this Question to next week because it had been replied to by my colleague but

unfortunately he never consulted with me. However, he has gone to another function. He asked me kindly to ask the Chair to defer the Question until next week.

Mr. Speaker: Which is this other function that takes precedence over Parliament?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, he was supposed to be here by 2.30 p.m. He told me that he had an urgent function to attend to and I never asked him the details of the function.

Hon. Members: Which function and where?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I do not want to lie or mislead the Chair. I would request that, if he does not come on time, you defer the Question until Wednesday next week.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. You will realize that Ministers are not available in the House to answer Questions that are scheduled on the Order Paper. On that particular instance, this Question was deferred from last week and the Minister knew. So, how could his colleague come and tell us that he told him he is going on an urgent mission, but he did not give him the answer? Is he in order to mislead the House?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, he had started answering this Question. But he did not divulge the information on what was required about the Question, the answers and everything else. That is why I am pleading with the Chair to defer this Question until Wednesday. That is if he does not come on time.

Mr. Speaker: Order, Mr. Assistant Minister! You may resume your seat. With respect to Question No.289, the reasons advanced by hon. Ojode on behalf of his colleague are not satisfactory in any manner whatsoever. So, please, hon. Ojode, go and notify your colleague that his conduct amounts to disorder and he will be liable to suffer the consequences which will include punishment as the Chair will find appropriate in terms of established practice both in Kenya and elsewhere.

(Applause)

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

Mr. Speaker: We want to go back to---

Mr. Chanzu: On a point of order, Mr. Speaker, Sir. The nature of this Question is such that it is very urgent. I plead that you make a ruling that it be answered on Tuesday, latest.

Mr. Speaker: The Question is deferred to Tuesday in addition to the sentiments that I have asked be conveyed to the Assistant Minister. Whether or not he answers the Question on Tuesday, he will be liable to take the consequences of disorderly conduct!

An hon. Member: No! It is not the Assistant Minister!

Mr. Speaker: Yes! I stand corrected that it will be the substantive Minister; hon. Prof. Saitoti, I believe.

An hon. Member: Yes!

Mr. Speaker: It is Question by Private Notice number two, as I understand it. The Assistant Minister has undertaken to convey those sentiments to the Minister.

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

(Question deferred)

Mr. Speaker: Proceed, Mr. Linturi!

APPOINTMENT OF TARDA MANAGING DIRECTOR

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

(a) What is the name, qualifications as well as the procedure he used in the recruitment of the current Managing Director of Tana and Athi River Development Authority (TARDA)?

(b) Was due diligence carried out in establishing his qualifications and suitability for the job and, was the appointment in conformity with Government regulations or guidelines regarding the appointment of such officers?

(c) Could the Minister confirm whether the Managing Director is a subject of corruption related investigations arising from his conduct during his tenure in the diplomatic service?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, as you are aware, there is a Cabinet meeting today. Maybe, that is why Ministers have not reported. But I beg the indulgence of the Chair, again, that this Question be answered at a later date, say by Tuesday. I undertake to inform the Minister.

Thank you, Mr. Speaker, Sir.

Mr. Linturi: On a point of order, Mr. Speaker, Sir. This Parliament does not function at the whims of the Executive!

(Applause)

Again, Mr. Speaker, Sir, this Question was deferred last week and the Minister knew that he was supposed to come and answer it today. Further to that, the Ministry has an Assistant Minister!

So, in my view, Mr. Speaker, Sir, I think Ministers are taking Parliament for a ride. Time has come when something has to be done so that, at least, this Parliament can move.

Thank you, Mr. Speaker, Sir.

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

Mr. Ruto: Mr. Speaker, Sir, further to what Mr. Linturi has said, maybe, the Government side is now lethargic because of the absence of the Leader of Government Business. Under Standing Order No.1, could you consider allowing us to elect one for them, since they are unable to do so?

(Applause)

Mr. Ethuro: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Ethuro? Please, be brief. We are running out of time.

Mr. Ethuro: Thank you, Mr. Speaker, Sir. Yesterday, you made a considered ruling from the Chair where the Minister, who is purporting to be the Leader of Government Business for now, made a commitment to deliver such a report to the House. We have established since then that the law could not even allow him to do so and yesterday, you were magnanimous to him. Do you wish to continue taking his promises that will make the House to act in vain again?

Mr. Speaker, Sir, I subscribe to what hon. Ruto has said; it might be time we got a proper Leader of Government Business. Look at the three of them; they cannot purport to be representing the Government! They do not even know!

(Laughter)

Mr. Speaker: What is it, Mr. Ojode?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, it is true that it is a sad case because we do not have Ministers and Assistant Ministers to answer this Question. That is why I was pleading with you that some of these Questions which cannot be answered today, be on the Order Paper for next week on Tuesday.

On behalf of the Government side, Mr. Speaker, Sir, I want to apologize for what has happened. I do not think something like this will ever happen again. I am submitting to you to accept my prayers that, next time, we will not have something like this happening.

Mr. Speaker: Proceed, Mr. K. Kilonzo! You can speak from where you are.

Mr. K. Kilonzo: Thank you, Mr. Speaker, Sir. I just want to add my voice because Ministers are not taking the business of this House very seriously, as clearly demonstrated by the kind of excuses they are giving us.

Yesterday, Mr. Speaker, Sir, a Minister of the Government stood here to give an excuse that he was held up because there were some very important persons who stopped him from coming here on time to do his work. I want to agree with my colleagues on this side that it is about time that we got a Leader of Government Business who can give directives on how Government business will be conducted.

I thank you, Mr. Speaker, Sir.

(Question deferred)

(Applause)

COMMUNICATION FROM THE CHAIR

MINISTER FOR REGIONAL DEVELOPMENT AUTHORITIES
BARRED FROM TRANSACTING BUSINESS IN PARLIAMENT

Mr. Speaker: Hon. Members, I have noted the concerns which have been expressed variously by a number of you. I wish to communicate to the Government side that they must understand the law and structure of Government as it stands today. In our Constitution, and all relevant laws, it is clearly laid out in black and white that Parliament is the supreme organ of governance. Indeed, in any other reasonable system of jurisprudence world over, that is the position. So, Members of the Cabinet will have to take Parliamentary business seriously. Parliamentary business will take precedence over all other Government business.

(Applause)

From now henceforth the Chair will not take any flimsy excuses kindly. I will start with the Minister for Regional Development Authorities. I want to urge Members of the Speaker's Panel to note this directive, which has to be enforced; that neither the Minister for Regional Development Authorities, nor his Assistant Minister, nor his representative or anybody purporting to be authorized by him shall be allowed to transact any business in this House, including moving of the Vote in respect of their Budget, until an acceptable and plausible explanation is offered by the Minister. That will be the position whether the Speaker or any other Member of the Speaker's Panel is on the Chair.

Mr. Chanzu: On a point of order, Mr. Speaker, Sir. Does that not also apply to the Minister of State for Provincial Administration and Internal Security?

Mr. Speaker: It does not, because I have already given directions on that matter. In the meantime, all those Questions that have been deferred will be on the Order Paper on Tuesday. We expect that the necessary explanation will be forthcoming then.

POINTS OF ORDER

PRESENCE OF GMO MAIZE IN THE COUNTRY

Dr. Eseli: On a point of order, Mr. Speaker, Sir. I rise on a point of order under Standing Order No.97 and Standing Order No.98 regarding an answer given by the Ministry of Agriculture in this House to a Question asked on 22nd July, 2009. On the Order Paper of that day, I asked a Question regarding whether there was imported GMO maize in the country or not. The Minister for Agriculture denied that any GMO maize had been imported into this country. He stated that no such maize had been imported, and so he could not answer that Question in any way possible. I would like table the HANSARD of that day as evidence of the Minister's answer.

(Dr. Eseli laid the document on the Table)

The Minister tabled a document to prove that no GMO maize had been imported into this country. I asked for more time to look at the document. I have since done so and I found out that maize was imported from South Africa and the USA. Of the 290,000 tonnes of maize that were imported, 260,000 tonnes were from South Africa and the rest, USA. This document only deals with the maize that was imported from South Africa. There is no evidence that the maize imported from USA was tested for GMO presence. In

this document, the proof that the maize was not GMO is by Intertek and Global Company of South Africa. There is no verification by a local laboratory such as KEPHIS. So, this document is actually deficient. It does not show clearly which maize was tested.

Mr. Speaker, Sir, on further perusal of previous documents from the Committee, I found that, indeed, GMO maize was imported into this country. This is shown by a letter written to the Permanent Secretary, Ministry of Agriculture by KEPHIS. The letter indicates that GMO maize was imported into this country. It shows the ship that actually had maize with traces of GMO at the time of importation. The maize was from South Africa. I wish to table the letter from KEPHIS to the Permanent Secretary, Ministry of Agriculture.

(Dr. Eseli laid the document on the Table)

In the minutes of the 27th meeting of the Departmental Committee on Agriculture, Livestock and Co-operatives, the Managing Director of KEPHIS actually admitted that of all the maize imported into Kenya, almost 80 per cent of it was GMO. I wish to table the minutes of that Committee meeting.

(Dr. Eseli laid the document on the Table)

Mr. Speaker, Sir, in view of the above, the Minister abused his Ministerial privilege. He refused to answer a legitimate Question and deliberately gave false information to this House. I ask that you find that he was in breach of Standing Order No.97 (e), (f) and (g). Further, this is disorderly conduct by Standing Order No.98. I, therefore, invite you to rule against the Minister as having been grossly disorderly and, probably, mete out punishment similar to the one you have meted out to the Minister for Regional Development Authorities.

(Mr. Ojode stood up in his place)

Mr. Speaker: What is it Mr. Ojode? Do you want to read a Ministerial Statement?

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

Mr. Speaker: We have not reached that Order yet.

Is the Minister for Agriculture present? Do you have an immediate reaction to the point of order raised by Dr. Eseli? Where is the Minister for Agriculture?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I undertake to inform the Minister for Agriculture to go through the HANSARD and come to this House to give his observations and report on what has been raised by Dr. Eseli.

Mr. Abdirahman: On a point of order, Mr. Speaker, Sir. We can understand the absence of the Ministers as has been explained by one of the Assistant Ministers. However, many at times, we have seen some of the Assistant Ministers respond to Ministerial Statements. Is this in order? I believe that if that be the case, then the business of the House will come to a standstill.

Mr. Speaker: Order, Mr. Abdirahman! You are actually belabouring the point, because we addressed this matter a little earlier on. It is quite obvious to the House that the Front Bench, or the Cabinet, is rather casual in its approach to Parliamentary business. The attitude is certainly callous. You are not awake to the job! This House, let alone Kenyans, cannot take this kindly!

(Applause)

Where are the Government Chief Whips?

Hon. Members: They are not here!

Mr. Speaker: What is this indicative of? Cabinet Ministers and Assistant Ministers are absent. Those who are present---

(Several Assistant Ministers stood up in their places)

Order, hon. Members! Those Assistant Ministers who are present are unable to discharge their duties as is expected of them.

(Applause)

It is not just physical presence that counts !

It is the output, or the delivery. If we apply the doctrine of collective responsibility, you have no business saying you are unable to do what you have been appointed by the Executive to do. So, much as you want to protest, I am afraid that the sentiments I have expressed, I have done so on behalf of the House.

(Applause)

(Several Assistant Ministers stood up in their places)

Order! I will not take those points of order, because this position speaks for itself!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry):
On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Maj-Gen. Nkaissery? It had better be a matter that is tenable!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry):
Mr. Speaker, Sir, I would just like to say that we, as Assistant Ministers, are not here merely for presence. We are here, representing our Ministries. If we had known that a situation like this one was going to arise, we would have responded appropriately. We were never informed.

Mr. Speaker, Sir, what is holding back the Minister is, maybe, an issue of national importance. We cannot allow the Back-Benchers to accuse the Cabinet. Maybe, the Cabinet is dealing with national security issues.

Hon. Members: Aah!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry):
Mr. Speaker, Sir, the Cabinet could be dealing with the Mau issue or a health issue. These

are very important issues that the Cabinet must be dealing with. So, we are here not because of mere presence. We are here to represent the Governemnt.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order, hon. Members!

Maj-Gen. Nkaisserry, I want you to clarify something here. Are you by any chance saying that the business of Parliament is not of national importance?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, that is not what I am saying. What I am saying is that the business of this House is very important to this nation, but we have issues that this House was unable to dispense with. One of them is the issue of Mau Forest, and which the Cabinet could be discussing today.

(Several hon. Members stood up in their places)

Mr. Speaker, Sir, I would like my colleagues to give me the opportunity to explain myself.

Mr. Speaker: Order! Order, hon. Members!

Hon. Members! Point of order! Point of order!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Mr. Speaker, Sir, it is unfortunate that they cannot listen.

Mr. Speaker: Order! Order, hon. Members! This matter must come to a rest!

Maj-Gen. Nkaisserry, what you have said has not improved the situation in any manner whatsoever.

(Applause)

Were it not for the humility with which you normally carry yourself around, I would have ordered you out of this House; you have not added any value whatsoever.

Assistant Ministers, applying the doctrine of collective responsibility, if you are not merely present here this afternoon, you ought to have been able to respond to these issues. If you say that you have not been informed – you did not receive information – certainly, it cannot be the fault of the hon. Members on the opposite side. That fault still lies with the Executive.

So, that explanation does not help. Let us leave it to rest there. Any further points of order, which are not going to add value, particularly from the Front Bench, will not be taken kindly.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): I am much obliged, Mr. Speaker, Sir.

(Mr. K. Kilonzo stood up in his place)

Mr. Speaker: That rests the matter, Mr. K. Kilonzo. This is an Allotted Day. We must be able to get to the Budget not later than 3.30 p.m.

Mr. K. Kilonzo: Mr. Speaker, Sir, it is an important point of order.

Mr. Speaker: Order, Mr. K. Kilonzo! Order! Order, Mr. Kilonzo! This matter must rest, and for good reasons.

Next Order!

MIGRATION OF ISIOLO HERDSMEN TO IGEMBE
SOUTH CONSTITUENCY

Mr. Speaker: Mr. Linturi!

Mr. Linturi: Thank you, Mr. Speaker, Sir. I rise to seek a Ministerial Statement from the Prime Minister regarding the invasion of Igembe South by herders from Isiolo. In the Ministerial Statement, I would like the Prime Minister to address the following issues:-

(1) possible spread of diseases such as Foot and Mouth Disease, which is threatening livestock in Igembe South Constituency;

(2) possible conflict due to rising tension between the Borana and Igembe communities because of the livestock migration since the Borana cows have completely destroyed the food crops in the lower Igembe South Constituency.

Mr. Speaker, Sir, before livestock is moved from one district to another, communities sit down and agree on the movement; the Veterinary Department has to provide permits. Apart from the fact that this livestock destroy crops in Igembe South Constituency, the herders are heavily armed. I would want him to explain how many of these adults are carrying legally registered firearms; I would also want him to tell us the immediate plans that the Government is putting in place to cater for the food needs of the communities, whose crops have been destroyed by the immigration, for the next three or four months;

(3) what measures the Government is taking to ensure that the herders are evicted from the farmlands and relocated back to their homes.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Mr. Assistant Minister, do you want to indicate when that Ministerial Statement will be available?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, again, I undertake to inform the Prime Minister in order for him to respond to this issue by Wednesday, next week.

Mr. Speaker: Fair enough! It is so ordered! Wednesday, next week!

FATE OF MT. ELGON HOSPITAL
LAND IN KITALE

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. On Tuesday, last week, I did request a Ministerial Statement from the Minister for Lands regarding Mount Elgon Hospital in Kitale District, which is public property that has been seized by individuals. The directive was that the Ministerial Statement would be issued today. This is a matter of urgency, because some individuals are in the process of disposing of this public property.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I undertake to remind the Minister for

Lands about this issue in order for him to respond to this very important Question by Tuesday, next week.

Mr. Speaker: Tuesday, next week! A further direction could be given then.

MINISTERIAL STATEMENT

ATTACKS ON CIVILIANS BY POLICEMEN IN TURKANA CENTRAL

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, on 23rd July, 2009, hon. Ekwe Ethuro, Member of Parliament for Turkana Central, rose on a point of order to seek a Ministerial Statement concerning frequent attacks of civilians by policemen. I wish to state as follows.

On 5th July, 2009, at about 3.30 am, within Lodwar Town, at Green Leaf Motel, Mr. Gabriel Lokalimoi Ekalale, the Headmaster of Nakuu Primary School in Kenam Kemer Location, was walking out of the disco hall when a quarrel ensued between him and two other revellers within the motel precincts over a woman. During the quarrel, Gabriel Lokalimoi was stabbed with a penknife on the left shoulder. The assailant allegedly escaped through the disco hall, while the victim was escorted by friends to Lodwar District Hospital for treatment.

Mr. Speaker, Sir, on the same day at 4.50 a.m. a., watchman at Greenleaf Motel reported the incident at Lodwar Police Station vide Occurrence Book No.5/5/7/09. The report referred to two unknown assailants. The incident was also confirmed to the OCS, Lodwar, by Deputy Mayor Councilor Isaiah Lokoan of Lodwar.

The victim, Gabriel Lokalimoi, was referred to Moi Teaching and Referral Hospital since the local hospital could not handle the nature of his injuries. The victim was airlifted to Eldoret the same day at around 9.00 a.m. At Moi Teaching and Referral Hospital, he was operated on and the knife was removed.

Mr. Speaker, Sir, investigations into the incident commenced immediately. On the same day, 5th July at around noon, two suspects namely; Innocent Babu PC No.92221 and APC Simon Mwangi No.220523, both of Lodwar Police Station and Lodwar District Commissioner's office, respectively were arrested and placed in custody vide Lodwar Police Station No. OB 19/5/7/9. A police case file No.CR822/168/2009 was opened.

On the same day, at around 2.00 p.m. members of the Turkana community within Lodwar Town went on the rampage within the town looting and destroying property belonging to members of other communities living within the town. That is the Merus, Kikuyus, Luos, Kambas, Luhyias and Somalis. Both regular and Administration Police officers were deployed to beef up security within the town.

The rowdy mobs that appeared to have been incited looted and destroyed 15 business premises before police could contain the situation. Property worth more than Kshs2.5 million was either looted or destroyed between 5th and 6th July, 2009 during the rowdy demonstration by members of the Turkana community.

Mr. Speaker, Sir, on 8th July, the OCS Lodwar instructed PC Osano Kiema to travel to Moi Teaching and Referral Hospital to check on the condition of the complainant and record his statement to enable the police to complete their investigations. When the complainant was requested to record his statement from the

hospital bed, he declined. He insisted that he must be allowed to contact his lawyer first. Since the suspects could not be taken to court without the statement of the complainant, the two suspects were released from custody on 13th July, 2009 pending further investigations.

The complainant, Gabriel Lokalimoi was discharged from hospital on 13th July, 2009 and he did not present himself to record a statement until on 23rd July, 2009. The OCS has ordered the re-arrest of the suspects for purposes of arraigning them in court.

Mr. Speaker, Sir, file No.CR822/168/2009 is under review. The Government is ready to compensate the businessmen and women in the event that the investigations reveal the culpability of the Government.

Mr. Ethuro: Mr. Speaker, Sir, this is the second incident involving police officers and civilians. The Assistant Minister has claimed that the watchman reported the incident at 4.30 a.m. about some suspects that were not known. He said that later, the two; one regular policeman and one Administration Policeman were arrested and later released. We can understand when a policeman goes to a hospital at 6.00 a.m. The other day we read about the incident in Makindu District Hospital where gunmen went and killed a person who had already been hospitalized. The victim could not make the statement. When the statement was made, he confirmed that the people released were re-arrested. This means that from the very beginning those were the same people who were responsible for this crime.

It is unfortunate that the community overreacted leading to massive losses. They did so, because the perception was that the police were protecting their colleagues. That is the basis of this statement.

What assurances can he give to this House that a crime committed by fellow policemen will be investigated quickly and the suspects arrested immediately, so that this kind of reaction by the community does not take place again? We have information that the OCS got the information at 3.00 a.m.---

Mr. Speaker: Order, Mr. Ethuro. You are supposed to ask for a clarification. Not to ask for a clarification and then begin to explain why you are asking for it.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, it is common knowledge that if there is no complaint lodged, it becomes very difficult for us to arrest a suspect. As I speak, the Administration Policeman and the regular police officer have been arrested. We said last week that they must be arrested because the complainant has already recorded the statement and the law covers all of us, irrespective of where you come from, your position and what you believe in. So, we have arrested those two police officers and they will be arraigned in court. That is why we have a case file number.

If those people have not been taken to court, I challenge the hon. Member to come back to me. Thank you.

PERSONAL STATEMENT

BENEFICIARIES OF MAU FOREST COMPLEX LAND ALLOCATION

Mr. Cheruiyot: Mr. Speaker, Sir, I rise under Standing Order No.76 to make a Personal Statement. Thank you for allowing me to give the correct position on the list of beneficiaries of Mau Complex by way of land allocation.

In the list, which was tabled by the Right hon. Prime Minister yesterday the allottee of parcel of land in Narok referred to as Osupuko, Olulunga, Nkaroni parcel No.9122 is one Z.P. Cheruiyot.

In the same list an attempt has been made to amend the name to read Zakayo Cheruiyot. I wish to categorically state that I am not the said Z.P. Cheruiyot, the allottee of the parcel No.9122. Further, I have no land in Nkaroni area. Following this misleading information, the issue has been given prominence in both the print and electronic media.

Mr. Speaker, Sir, I take great exception to an attempt to derail my consistent demand for the rights of settlers in Kiptororo, Tinet, Bararget and Mauche area and other Kenyans affected by a similar problem. Together with other leaders, I shall continue to champion for their rights and welfare without fear or favour in accordance with the Constitution and laws of Kenya. Should there be any land in the same area, I am willing to donate it freely to the Member for Langata to give to squatters in his constituency.

Thank you.

MINISTERIAL STATEMENT

CLOSURE OF KENYATTA UNIVERSITY

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Speaker, Sir, on the 23rd of July, 2009, Dr. Khalwale requested for a Ministerial Statement on the events surrounding the closure of Kenyatta University. I wish to give an appropriate response because this matter is extremely weighty. You all know that property worth Kshs112 million was burnt and the level of impunity displayed by students on that day is of much interest to our Ministry. I wanted to give an appropriate response to this matter.

Mr. Speaker: Fair enough, Mr. Kamama, except that we have run out of time! This matter will have to be deferred to Tuesday next week.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. I rise on a matter about a Paper Laid before the House---

Mr. Speaker: Order, Mr. Ruto! You cannot do that because it has been overtaken by events, given that the Personal Statement by Mr. Cheruiyot was under Standing Order No.76. The point of order that you are about to raise from the beginning relates or pertains to the same matter. So, I am afraid you will have to do this on another day. Under Standing Order No.76, when a Member gives a Personal Statement on a matter, it is not subject to debate or any further questions or interrogations. I am afraid, it falls in that category.

Mr. Ruto: Mr. Speaker, Sir, I want to seek your guidance on whether the list was admissible.

Mr. Speaker: Order, Mr. Ruto! My direction stands because of the Standing Orders as they are. So you will have to do that sometime next week.

Hon. Members, before we move to the next order, I have a communication to make. I will ask Members at the bar to come in.

(Members at the Bar proceeded to take their seats)

Mr. Ethuro: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is out of order, Mr. Ethuro?

Mr. Ethuro: Mr. Speaker, Sir, if you recall, last week I had sought a Statement on the polio outbreak. It was deferred to Tuesday, the Minister was not available. It was then moved to Thursday, which is today, and the Minister is not available again.

Mr. Speaker, Sir, the issue of polio outbreak is a very grave matter that requires immediate attention.

Mr. Speaker: Order! Your point is made but unfortunately the Minister is not here. I have given directions on the matter of the Cabinet exercising diligence and I expect that the sentiments expressed by the Chair will be conveyed to the Minister for Public Health and Sanitation.

COMMUNICATION FROM THE CHAIR

TABLING OF REPORT OF TASK FORCE ON PYRAMID SCHEMES

Mr. Speaker: Hon. Members, this communication concerns the matter of pyramid schemes which has arisen in this House on several occasions. Hon. Members, you will recall that on 4th June, 2009, the hon. Minister for Co-operative Development and Marketing made a Ministerial Statement on the matter. The Minister, in the course of his Statement, informed the House that he had appointed a task force to interrogate the matter of pyramid schemes. The Minister then undertook to Table the Report of the Task Force in the House once the Task Force had completed its work.

On Thursday 23rd July, 2009, the hon. Dr. Bonny Khalwale rose on a point of order seeking that the Minister honours his undertaking and Tables the Report of the Task Force. In response, the Minister stated that although the Report was complete, there had been some developments in the intervening period in the form of a court case. The Kenya Business Community Co-operative Savings and Credit Society Ltd. had filed suit against the Attorney-General, the Minister and members of the Task Force in Judicial Review Miscellaneous Application No.399 of 2009 lodged in the High Court.

The Minister Tabled before this House, documentation relating to the suit. The Notice of the Motion filed on behalf of the Society indicates that the Society seeks an order of *certiorari* that would in effect prevent the Minister from acting on the recommendations of the Task Force and an order of prohibition to bar the release or implementation of the decisions of the Task Force. The matter has yet to be concluded by the court.

In the interim, the High Court, on the 13th July, 2009, issued interim orders in the following terms:-

1. That requirements of prior services of notice on the registrar be dispensed with.

2. That leave be and is hereby granted to applicants to file judicial review proceedings for *certiorari* and prohibition.

3. That the Notice of Motion be filed and served within ten days hereof failure of which leave automatically lapses.

4. That stay of release and or further implementation of the decisions only with respect to the applicants' fee and is hereby granted up to the 31st July, 2009 unless varied or extended by this court.

The Minister in Tabling the court documents sought guidance from the Chair as to whether in the light of this interim court orders, he could proceed to table the Report of the Task Force before this House. This is the question that this Communication addresses.

Hon. Members, allow me to state at the outset that on perusing the court records Tabled in this House by the Minister, I have found the Interim Orders address themselves solely to the portions of the Report that concern the Kenya Business Community Co-operative Savings and Credit Society Ltd. The Order provides for, and, I quote:-
"Stay of release and or further implementation of the decisions only with respect to the applicants herein".

The court order, does not therefore, affect or bar the release or implementation of the other aspects of the Report that do not make reference to the Kenya Business Community Co-operative Savings and Credit Society Ltd.

That notwithstanding, hon. Members, our Standing Orders, in recognition of the interface between the Legislature and the Judiciary, make provision at Standing Order No.80, for the *sub judice* rule. Allow me, hon. Members to emphasize particular portions of this provision.

Hon. Members, I will allow Members at the Bar to come in.

(Members at the Bar proceeded to take their seats)

Hon. Members, we succeeded in getting 50 per cent of the Members in and 50 per cent out.

I will proceed!

Standing Order No.80(1) says:-

"Subject to paragraph (5) no Member shall refer to any particular matter which is *sub judice* or which, by the operation of any written law is secret."

Standing Order No.80(2) says:-

"A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination."

Paragraph 80(3) says:-

"A Member alleging that a matter is *sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable".

Standing Order No.80(5) says:-

"Not withstanding this Standing Order, the Speaker may allow reference to any matter before the House or a Committee."

In essence, the rule on *sub judice* is to the effect that matters in which proceedings are active in court should not be referred to in the House. The rationale being that such reference could prejudice the fair determination of the matters by the courts.

The question that arises, hon. Members, is whether the tabling of the Report of the Task Force on Pyramid Schemes in this House would amount to a breach of the rule on *sub judice*. The aspects of the rule require further consideration in making this determination.

The first aspect concerns Standing Order No.80(5). This provision is an exception to the general *sub judice* rule encompassed in the entire Standing Order No.80. The provision enables the Speaker to allow reference, in the House, to a matter that may otherwise be *sub judice*. English practice reveals that this discretion of the Speaker has been exercised on matters pending before civil courts which relate to Ministerial decisions in matters of national importance and where the matters, although touching on the rule, are unlikely to affect the judgment of the court.

This practice sheds light on the exercise of the Speaker's discretion under paragraph 5. Is this an instance in which the discretion under paragraph 5 should be exercised? Records before this House indicate that hon. Dr. Khalwale, on 9th December, 2008, presented a petition on behalf of a section of victims of pyramid schemes. The Minister has subsequently in this House confirmed that this petition was a tip of the iceberg and that many other petitions had been lodged by different groups of victims directly with his Ministry thus necessitating the establishment of the taskforce which was intended to holistically interrogate the matter.

Hon. Members, pyramid schemes have affected Kenyans of all walks of life. The pyramid scheme affair transcends administrative and constituency boundaries. Kenyans in every corner of our country are crying out over the harrowing effects of pyramid schemes. The Minister in addressing this House made reference to suicides, divorces and separations attributed to pyramid schemes. Kenyans anxiously await the report of the taskforce and the pronouncements of this House on the matter. If this House is to remain relevant, it must resonate with the concerns of the people.

(Applause)

In this instance, the public interest in tabling of the report of the taskforce is overwhelming. The *sub judice* rule was not crafted to fetter the ability of the House to pronounce itself on matters of national importance. To interpret the *sub judice* rule in this matter will reduce this House to a bystander, watching helplessly and unable to intervene as the rights of Kenyans are imperiled. I, therefore, find that this is an instance deserving of the exercise of the discretion provided for under Standing Order No.80 (5). The second aspect of the *sub judice* rule that is of particular relevance is to be found in paragraph 2. By this Standing Order, a matter is to be considered to be *sub judice* if it is likely to prejudice the fair determination of the matter by a court. In this instance, I find that the tabling of the report by the taskforce will neither fetter the rights of those referred to in the report nor prejudice the determination by the court. Persons mentioned in the report will continue to enjoy the right to seek the expunging of their names or even to seek for orders barring the implementation of the recommendations made by the

taskforce. I do not find that the fair determination of the case will be prejudiced by the tabling of this report.

I, therefore, rule that pursuant to Standing Order No.80 (5), The Report of the Taskforce on Pyramid Schemes be tabled in this House on Tuesday 4th August, 2009.

(Applause)

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. I would like to thank you for that ruling. With your indulgence, allow me to mention that the attention of the whole world has shifted from the US where such a scheme was and the proponent Bernard Madoff was jailed for 150 years. That attention has now shifted to Africa and to Kenya in particular. I want to thank you and hope that you will allow us to exercise Standing Order No.209 that allows us to seek for further clarification when the Minister lays the Report on the Table.

Thank you.

Mr. Speaker: That will very well be so. If we have added a chip to fairness and justice, so be it. Kenyans ought to commend us for it.

Mr. Linturi: On a point of order, Mr. Speaker, Sir. I also want to echo the words of Dr. Khalwale in commending you for such a ruling. At the same time, allow me to make one comment and lay on the Table one document that I have which is related to the ruling that you have made.

The issue of pyramid schemes is so complex that unless we look at the report of the taskforce, many Kenyans may not understand how complex this matter is. Today, the Kenya Business Co-operative Society through its registered treasurer by the name Elias Kathurima Ruteere has given me a copy of a document to lay on the Table of this House that explains how his name has been used in conning Kenyans by the person behind this society. This person has been mutating like the HIV/AIDS virus so that today, he is in the Kenya Business Co-operative Society and tomorrow he is in Savco, the other day he is in the Kenya Multi-Purpose and on the other day, he is in another company.

This is a document that I want to lay on the Table which explains that position. It is also trying to explain that he is not a member and has never been elected anywhere as the treasurer of this society. At the same time, I would like to lay on the Table a search from the Ministry of Co-operative Development indicating that clearly, in their records, Kathurima Ruteere is the *bona fide* treasurer and the matter that is before court that he is mentioned to be the treasurer, there is a letter of an affidavit that has been signed by him.

I lay the document on the Table.

(Mr. Linturi laid the document on the Table)

Mr. Speaker: Fair enough! I will look at the documents as it has been laid on the Table and decide on its admissibility as at Tuesday next week.
Next Order!

COMMITTEE OF SUPPLY

(Order for the Committee read being Third Allotted Day)

MOTION

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 30 – Ministry of Energy

Mr. Speaker: Order, hon. Members! Please, note that as at where we are starting, we will have to extend the sitting of the House by an extra 20 minutes. Therefore, we will continue with business until 9.50 p.m.

Proceed, Mr. Minister!

The Minister for Energy (Mr. Murungi): Thank you, Mr. Speaker, Sir. I beg to move that the Speaker do now leave the Chair.

Before presenting the Financial Budget of 2009/2010, I would like to make some brief comments on the challenges we are facing in the energy sector. The theme of this year's Budget was; "Overcoming Today's Challenges for a Better Kenya Tomorrow".

The entire world is facing a crisis as we are talking. In fact, they are calling it "the F3 crisis"; that is, food, fuel and finance crisis. In the energy sector, we are in the midst of a serious crisis largely caused by the crisis in the water sector. The electricity sub-sector has continued to experience frequent prolonged power blackouts in some parts of the country due to extremely limited generation capacity.

Kenyans are receiving inadequate and low quality power due to massive vandalism of transformers, weak transmission and distribution systems, high power losses and extreme voltage fluctuations. There has been chronic under-investment in power generation, transmission and distribution projects for quite a number of years now.

Mr. Speaker, Sir, our current installed capacity is 1291 megawatts of which 146 megawatts is very expensive emergency power. Seven hundred and nineteen megawatts is hydro power. Due to the current drought, our combined hydro-electricity supply has been reduced by 46 per cent from 719 megawatts to 330 megawatts. To avoid countrywide blackouts that this country experienced in the year 2000, we have decided to introduce 140 megawatts of additional emergency power by October, 2009. It goes without saying that this will result in higher electricity costs. As we have said in the Ministry, the final solution to recurrent energy sector crisis lies in intensive and massive investment in the exploitation of our enormous geo-thermal reserves in the Rift Valley, which we estimate to be around 7,000 megawatts.

Mr. Speaker, Sir, my Ministry has continued to allocate increasing amounts of financial resources annually for power systems expansion and also to accelerate the exploitation of geo-thermal energy. My Ministry intends to deliver additional 2,000 megawatts of new power generation by the year 2012 under the accelerated Green Energy Development Programme. Under this initiative, 61 per cent of the new capacity will consist of non-hydro and non-oil-based thermal capacity with wind and geothermal accounting for 600 megawatts, coal 619 megawatts. There will be about 3 per cent from hydro and small-hydro; oil-based thermal generation will account for 36 per cent.

In addition to these projects, we believe that we will be able to provide a robust entry into the second medium term plan of Vision 2030. A comprehensive development

agenda will be made for harnessing, at least, 5,000 megawatts of new geothermal, wind and coal generation capacity including hydro-power imports by the year 2020.

Mr. Speaker, Sir, on rural electrification, we are facing quite a number of challenges. But despite the challenges, we are still committed to connecting an additional one million Kenyans to electricity in five years from the year 2008 to 2012. I am very happy to report that since the establishment of the Rural Electrification Authority by the Government under the Energy Act 2006, the pace of rural electrification in this country has dramatically improved. We are in each year connecting more than 200,000 new customers through efforts of the Kenya Power and Lighting Company (KPLC) and the Rural Electrification Authority.

Mr. Speaker, Sir, the petroleum subsector is also facing numerous challenges which include limited imports handling and storage facilities for petroleum fuels, inadequate storage facilities for products in Mombasa and Nairobi, lack of imports handling facilities for Liquefied Petroleum Gas (LPG), inability of the Kenya Petroleum Refineries to process crude oil to match both product quality and demand requirements, which makes it impossible to compete with imported white products. This country also does not have strategic petroleum stocks to cushion the country against supply chain disruptions, particularly due to external factors such as delays caused by the pirates off the Somali Coast.

Mr. Speaker, Sir, to address these challenges, the following measures are being undertaken. We have been undertaking enhancements of pumping capacity of the Mombasa-Nairobi Oil Pipeline. We are also constructing a 14-inch new parallel line from Nairobi to Eldoret. We are also seeking a strategic partner who will be very soon brought on board to assist in the refinery upgrade project through which we intend to modernize our refinery. We are also seeking adequate capitalization of the National Oil Corporation of Kenya (NOCK) over the next four years to enable the company to expand its retail network with a view to making it a market leader in setting consumer prices within the petroleum industry.

Mr. Speaker, Sir, we are also constructing an LPG import handling and storage facility at Miritini in Mombasa and we expect this to be completed by December, 2010. The final solution to the world swings in petroleum product prices will be in discovering our own oil and gas. The current global financial crisis has affected oil exploration activities in Kenya as many companies that were granted licences through production sharing contracts have requested for time extensions to enable them to restructure their financing arrangements. Despite these challenges, the Ministry of Energy will continue to market our oil exploration blocks and with our search for oil and gas. By the end of this year, we expect to drill another well in Block No.9 in Isiolo to determine whether there are any hydro-carbon deposits in that area.

Mr. Speaker, Sir, as I have said, Kenya's geothermal potential is estimated at about 7,000 megawatts. This remains virtually untapped. Only 165 megawatts have been exploited for electricity generation in the Olkaria fields. Regarding geothermal energy, the development has been slow because geothermal has very high front head exploration costs. The principal challenge which we are experiencing in that area is lack of adequate funding. To spearhead geothermal development, my Ministry has established a geothermal development company which started in January, 2009. This company will be

funded through the Budget and the loans secured by the Government from development partners to stimulate private sector investments in geothermal development.

Mr. Speaker, Sir, over the last three years, my Ministry has continued its policy strategy on installation of solar electricity systems in primary boarding and secondary schools, dispensaries and health centres in Arid and Semi Arid Lands (ASALs) districts which are far removed from the grid. The programme will be stepped up in the coming years and expanded to include community water pumping. It will also be complemented with installation of wind turbines in order to provide electricity around the clock for such public facilities.

Mr. Speaker, Sir, my Ministry is also undertaking bio fuel project through renewable energy department (Electricity Regulatory Commission (ERC) and our energy centres which are spread throughout Kenya. We are just about to publish regulations for governing the bio fuel sub-sector.

Coming to our approved Development and Recurrent Expenditure for the year 2009/2010, my Ministry is seeking a sum of Kshs30,640,645,790 to be expended on development activities and a sum of Kshs372,116,257 for Recurrent support services.

Under Head No.428, my Ministry is seeking Kshs338,984,784 for headquarter administrative services. Under this Head, the multi donor funded energy sector recovery projects will undertake capacity building support for the Ministry and also support the Energy Regulatory Commission (ERC). We intend to purchase some motor vehicles, wind masks and data logas to assist the Ministry to assist to access our country's potential for wind power generation. We also intend to carry out feasibility study on Liquefied Natural Gas (LAG) plants and import facilities to be installed in Mombasa to supply fuel to thermo power generating plants and to industries, and also identify the sources of LAG? We will also be supporting the ERC in capacity building by developing a business plan and also supporting other advisory related services.

Mr. Speaker, Sir, under Head No.429, Headquarter Planning, my Ministry is proposing to spend Kshs15,018,650 to complete a study that we had started in the previous financial year to determine the demand for petroleum products in Kenya and also to determine the size and timing for construction of a second oil pipeline from Mombasa to Nairobi from the year around 2017. We are also carrying out studies to minimize adulteration of motor fuels with kerosene and damping of uncustomed fuel in the local market.

Under Head No.430, Wood Fuel Resources Development (WFRD), my Ministry is proposing to spend Kshs291,528,400. Some of this money would be spent on establishment of energy centres and purchase of land to expand the existing energy centres at Mtwapa, Bukura and Kisii at a cost of about Kshs114 million.

We are also going to promote the implementation of environmental conservation and restoration programmes under the Kenya Energy Sector Environment and Social Responsibility Programme (KESES RP) at a cost of Kshs100 million. We are all aware that we have stopped generating electricity at Masinga because the water levels at the dam have gone below the required quantities, largely because of environmental destruction in the upper catchment area of the River Tana. This year, the Ministry intends to spend about Kshs100 million in planting trees on the upper Tana catchment area to improve the flow of River Tana cascade areas.

Mr. Speaker: Minister, your time is up!

The Minister for Energy (Mr. Murungi): Mr. Speaker, Sir, allow me to conclude by requesting my colleagues in Parliament for approval of a gross Ministerial expenditure of Kshs31,012,762,047 comprising of Kshs30,640,645,790 for Development Vote and Kshs372,116,257 for the Recurrent Vote for this fiscal year.

With those few remarks, I beg to move. Our Assistant Minister, Eng. Mahamud will second this Motion.

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Speaker, Sir, I beg to second.

As hon. Members are aware, Kenya has a very limited access to electricity, less than 20 per cent because of our limited generation capacity. Over the years, we have been able to invest in plant power generation projects, transmission or distribution projects. We have also not been able to invest in geothermal resource which we have enough potential. In this Budget, we are proposing to invest in geothermal exploration and drilling some ten wells to generate about 140 megawatts by the year 2012.

Mr. Speaker, Sir, in terms of transmission, Members are aware that the Government recently formed the Kenya Electricity Transmission Company (KETC) which will basically deal with only transmission which was hitherto being done by the Kenya Power and lighting Company (KPLC), which was really overburdened. As I said about geothermal exploration, we have enough potential and I think we will be able to move fast with the help of this Parliament, so that we generate more capacities. I do not have to repeat the areas that have been mentioned by hon. Minister. We are determined to accelerate coverage of electricity in this country. Given the funds, we will be able to move very fast.

Mr. Speaker, Sir, in the petroleum subsector, Members are aware of the limitation on capacity of the pipeline from Mombasa to Nairobi and also the pipeline from Nairobi to Eldoret. There are plans by the Ministry to duplicate the pipeline from Nairobi to Eldoret and also enhance the capacity of the pipeline from Nairobi. Of course, the current problems we have at Kipevu and the limit in capacity will also need to be enhanced.

Mr. Speaker, Sir, on oil exploration, we expect the first exploration borehole to be drilled by third quarter of this year. This will actually tell us whether we have oil in this country. That will actually help us not to depend too much on oil imports from other parts of the world and have our own source of oil.

Mr. Speaker, Sir, regarding the alternative energy, that is, renewable energy we have intensified our activities in trying to explore the possibility of enhancing wind energy. There are programmes of getting wind energy. We have identified projects somewhere in Marsabit and therefore we shall be able to enhance the capacity of electricity generation from other sources.

Mr. Speaker, Sir, energy is actually a basic need for now. We cannot develop this country without accessing energy. Our capacity of 1,200 megawatts is nothing. It is time we invested in electricity generation. We should also invest in transmission and expand other sources of energy.

With those few remarks, I beg to second.

(Question proposed)

Eng. Rege: Mr. Speaker, Sir, thank you for giving me the opportunity to support the Motion. The Committee on Energy, Communication and Information constitutes the following Members:

Hon. Eng. James Rege – Chairman
Hon. J. M. Kamau – Vice Chairman
Hon. Danson Mwakulegwa , MP
Hon. M.H. Ali, MP
Hon. Eng. Gumbo, MP
Hon. Wilfred Ombui, MP
Hon. Edwin Yinda, MP
Hon. Emilio Kathuri, MP
Hon. Ekwee Ethuro, MP
Hon. Prof. Phillip Kaloki, MP and,
Hon. Cyprian Omollo, MP

Mr. Speaker, Sir, the Committee is mandated to consider the following:-
Development, production, maintenance and regulation of energy and communications, information and broadcasting. The Committee executes this mandate in accordance with the provisions of Standing Order Nos.198 (iii) and 152. Pursuant to Standing Order No.152, the Committee undertook the scrutiny of Printed Estimates of the Ministries of Energy and Information and Communications. The Committee held meetings with Ministries of Energy and Information and Communications. The Ministers were accompanied by their Assistant Ministers, Permanent Secretaries, senior officials from the Ministry and Chief Executive Officers (CEOs) of corporations under their respective Ministries. The Committee also met with the staff of the Budget Office of the National Assembly.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the Ministry of Energy is essential in achieving the development agenda of the country since several other sectors such as transport, manufacturing and tourism depend on energy. It is mandated to address the energy requirements of the country in line with Vision 2030 by ensuring access to affordable reliable and safe supply of energy to Kenyans. Kenya's current demand for electricity is just met by the supply although in the event of insufficient rainfall, more output is needed from fuel generation which, while it is crucial to abate energy insufficiency, results in pollution from the gases ensuing from combustion of fossil fuels. Thus a delicate balance is necessary between provision of affordable, and reliable energy on the one hand and protection of the environment on the other.

The Deputy Prime Minister and Minister for Finance in his 2009 Budget Speech emphasized the development of renewable energy, such as geothermal, wind, bio-fuel, biomass and use of solid waste. However, 33 per cent of Kenya's total installed capacity of electricity comes from thermal oil which depends on crude oil prices. That means that the cost of energy in the country is erratic and subject to global forces that are beyond the

country's control and, therefore, there is need for urgent and increased investments into affirmative energy sources such as geothermal, wind and solar, to satisfy our energy requirements. Furthermore, hydro-electric power generation has also proved to be unreliable in the recent past due to the persistent poor rains that resulted in dams not having sufficient capacity of water necessary to generate electricity at full capacity.

Mr. Temporary Deputy Speaker, Sir, another detrimental result of a reliable energy is the environmental degradation that results from a large segment of the population resorting to charcoal and firewood to satisfy their energy requirements. This is partly caused by the high poverty levels in the country. That means that a large segment of the population can neither access nor afford petrol products and electricity, to meet their daily energy needs. There is also a new shift by several industries especially the tea industry to use firewood as the force in industrial production in the past few years because of unreliable and high cost of electricity.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Energy has had a net reduction in overall expenditure and major reduction has been in the electrical power development. However, employee emoluments are set to increase in almost every department despite reduction in overall allocation for the Ministry. The overall allocation for the Ministry may not lead to the expected more productive output as a result of energy saving because most implements are designated to areas of recurrent consumption as opposed to intervening in making energy more accessible.

To put that into even clearer perspective, the allocation to Rural Electrification Programme is down by Kshs2 billion. Another example is geothermal exploration which has marginal reduction in overall allocation while operational expenses in the same are set to double. The reduction in allocation for this financial year is therefore surprising especially given the high import bill on fuel that the country has had in the last few years which has significantly eroded Kenya's foreign exchange reserves. I therefore, urge the Deputy Prime Minister and Minister for Finance to consider increasing allocations to this Ministry next year.

Mr. Temporary Deputy Speaker, Sir, under Sub-Vote 302, Head 435 – National Grid Systems, allocation for development of the national grid has an increment of almost Kshs3 billion which one would suppose should reduce energy costs by upgrading the grid system thereby reducing losses of energy in transmission. I am happy to note that the Government has established a new company called Kenya Electricity Transmission Company under the Ministry to undertake new transmission lines and therefore provide a major relief to consumers as electricity tariffs are not expected to rise.

The Committee also noted that the Kshs3.1 billion has been allocated to KenGen to subsidize the cost of emergency power generation capacity of 146 megawatts and acquisition of another 80 megawatts to address the current drought related imbalances between demand and supply. A further Kshs5.3 billion has been proposed to be spent by Kenya Power and Lighting Company (KPLC) to upgrade the power distribution system. The Committee and Kenyans want to see the expected results, that is, no blackout or increase in electricity tariffs.

Mr. Temporary Deputy Speaker, Sir, under Sub-Vote 302, Head 436 – Geothermal Resource Exploration, the Committee noted that Kshs5.464 billion has been allocated to drilling of more geothermal development wells for steam production. That will be done by the newly formed company; the Geothermal Development Company

(GDC) which has been established to undertake exploration, appraisal and development drilling in identified geothermal fields.

This is commendable as this method of generation of electricity, although having high capital costs is cheaper in the long run and is not only environmentally friendly but also promotes energy sufficiency thus cushioning electricity costs against fluctuating global oil prices.

Mr. Temporary Deputy Speaker, Sir, the Ministry raises substantial revenue as Appropriations-in-Aid (A-in-A). Under the Recurrent Expenditure, it is expected that Kshs174,937,217 will be raised against Kshs197,179,040 that the Ministry is requesting from the Treasury. In Development Expenditure, it is expected that Kshs9,821,534,090 will be raised in addition to Kshs20,819,111,700 that is being requested from Treasury. In total, almost Kshs10 billion will be raised by the Ministry. These funds raised under the A-in-A are part of the Consolidated Fund. If you look at Section 99 of the Constitution, you will realize that these are the funds that the Ministry should spend expeditiously. However, the Committee noted that the Ministry is allocating funds to profitable State corporations such as the Kenya Pipeline Corporation (KPC) and the National Oil Company of Kenya (NOCK). The Committee recommends that instead of such allocations, the Government should guarantee loans to such corporations in future to ensure that the management works hard to repay such loans and remain profitable.

For instance, Kshs5 billion is being allocated to the KPC for a feasibility study for the construction of LPG imports handling capacity in Mombasa, Kshs150 million is being allocated to the NOCK to facilitate acquisition of national primary data in the four sedimentary basins in Lamu, Anza, and Mandera. Another Kshs450 million will be allocated to NOCK for construction of its headquarters. The Committee was more concerned about the proposed construction of NOCK's headquarters. Further, the Committee noted that the Ministry had requested Kshs500 million from the Treasury towards the same but the request was declined. The construction is against the spirit of the Minister for Finance to limit spending in non-priority areas. It thus recommended that proposed building of NOCK headquarters be shelved and that the excess A-in-A of Kshs450 million meant for construction of headquarters be surrendered to the Treasury for reallocation to Rural Electrification Programme. I am also putting the Minister on notice that I have filed a Motion to be debated during the Committee of Supply to effect this reduction. The Committee's intention is to stop this project for now. However, due to provisions of Standing Order No.155, the reduction will be up to only 1 per cent of net expenditure.

Under Sub-Vote 300, Head 429, Kshs12 billion will be used to complete a study on the demand of petroleum products to determine the size and timing for the construction of the second oil pipeline from Mombasa to Nairobi. The Minister informed the Committee that KPC has no capacity to pump products up country to satisfy the demand and that petroleum tankers are used to supplement the supply of products. The Committee recommends that further allocations towards this expenditure be stopped as the construction of another pipeline from Mombasa is long overdue. From the Minister's comment, it is evident, therefore, that a second pipeline is needed and, therefore, no need for further studies to determine whether this is feasible.

Under Sub-Vote 302, Head 444, the Committee notes that allocations to this Head have been reduced by Kshs2.4 billion from last year's figures. The Committee was

concerned that despite the Minister for Finance, in his speech, allocating Kshs7 billion towards REP, only Kshs4.87 billion is actually allocated to the Rural Electrification Authority (REA) as compared to Kshs7.8 billion last year.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Eng. Rege! Your time is up; are you supporting the Motion?

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, may I conclude and support. Lastly, I would like to commend the Ministry for coming up with proposals to replace energy efficient light bulbs with those of low consumption but of the same power consumption. The exercise will save Kenyans more than 50 megawatts of power.

With those few remarks, I beg to support.

Mr. Yinda: Thank you, Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to support the Motion. I also wish to thank the Ministry and the Minister for trying very hard to include all their need for more money to run the Ministry, although I am aware that the Ministry did not receive all the amount of money that they asked for.

Before I proceed, I wish to sympathize with the Minister because this Ministry is very important. It is actually the engine of the economy and, therefore, a lot of strain in trying to operate it. I know that with the amount of money received during the Budget, the Minister and the Ministry is not able to fulfill all they would have wanted to fulfill. I would like to encourage the Ministry to explore the usage of solar energy because I think it is not used as much as it should be in this country. I would like to see a law put in place where all new buildings should have solar panels and that includes also the street lighting which at the moment is using expensive power whereas we have a lot of power from the sun and if harnessed properly, could lower cost in electricity bills.

I would also like see the cost of electricity go down. At the moment, the manufacturing firms and even household users find it almost impossible to afford electric power. It is too expensive and sometimes I wonder if the country is moving with speed to extend power to our rural areas but very soon, even the rural folks will not be able to afford the cost of power. I would like the Ministry to look at ways of coming up with affordable power because at the moment, having electricity is more or less a luxury because many people are finding it impossible to pay their bills at the end of the month.

The issue of emergency power providers is something that I would like the Ministry to look at again because the cost of diesel and running these emergency generators is too high. As it stands, all these costs are transferred back to the users. I think this is also one of the reasons why electricity is very high in this country. It is my hope that in the Budget, the amount of money of about Kshs3 billion, if I am not wrong, which was put there for KenGen to cushion or subsidize the emergency power will be extended to the users; to those who are using power so that their cost should go down. I would like to see that happen!

Mr. Temporary Deputy Speaker, Sir, on the Kenya Pipeline Company (KPC), I, again, sympathize with the Ministry. KPC is very useful to this economy, but the way it has been run leaves a lot to be desired. I would like to see a situation where companies like Triton and all the perpetrators of the losses incurred by KPC are dealt with and punished very severely because all that will go back to the Government and the taxpayers. We cannot afford to pay large sums of money so that a few individuals can swindle them and go and enjoy in the big cities outside the country.

Finally, Mr. Temporary Deputy Speaker, Sir, I would like to stop there. With those few remarks, I beg to support.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Energy (Mr. Keter): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion. On the outset, as an Assistant Minister in the Ministry, I want to thank the Minister, the Permanent Secretary and the staff of the Ministry for the leadership which they have shown in the Ministry. Indeed, the Ministry of Energy plays a very vital role in the development of this country. Without proper leadership, I do not think we can follow the right direction.

Likewise, Mr. Temporary Deputy Speaker, Sir, I would like to thank the Chair and the Departmental Committee on Energy, Communication and Information for their constant communication and advice. I want to thank honorable Members of Parliament for constantly raising issues and showing the way forward in the development of the energy sector. Kenya has been considered among the top in Africa, compared to Egypt, Nigeria and South Africa. Kenya is the best on this side of East and Central Africa. But wherever we go out, it is, indeed, a shame that we are talking about a generation capacity of about 1,200 megawatts. Countries like South Africa are talking about 50,000 megawatts. Therefore, as a country, we need to channel our resources in the right direction. I want to reiterate what the Chair of the Committee said; that by reducing funds to this Ministry, we will impact on our development programmes. We are embarking on so many projects. For example, we are starting coal plants, the development of 600 megawatts in Mombasa, the solar projects, wind, geothermal and hydro-electric power generation. Therefore, with the reduction of the money from the Exchequer, it will negatively impact on us. But, with the little resources that we have, we will utilize them.

Mr. Temporary Deputy Speaker, Sir, on the issue that Eng. Rege raised, concerning the Kshs450 million for the development of National Oil Corporation of Kenya (NOCK) Headquarters that it should be reduced and subsequently channeled to the Rural Electrification Authority, I want to say that, as a Ministry, we are paying rent. NOCK pays rent. The Geothermal Development Company (GDC) pays rent. Kentraco, the new company, pays rent. The Energy Regulatory Commission (ERC) pays rent and ourselves, as a Ministry, pay rent. Therefore, we thought, as a Ministry that, if we can set aside some resources so that we can build headquarters for the Ministry of Energy and all the companies that I have mentioned, we can save a lot. Therefore, the Kshs450 million was coming from the exploration company, Winside Energy in Lamu. An addition Kshs150 million was to be raised through the Petroleum Development Levy (PDL), adding up to about Kshs600 million. We had requested for about Kshs700 million from the Exchequer, but we got nil. Therefore, we thought that with the Kshs600 million, we can start off.

Therefore, Mr. Temporary Deputy Speaker, Sir, I want to urge my colleagues, especially the Chair, to reconsider the amendment that he said he is going to bring, and drop it in the sense that, as a Ministry, I want to assure him that the money will be used properly. We are negotiating - although we got less funds in terms of the Rural Electrification Authority - Kshs3.8 million. Each constituency will get a minimum of about Kshs15 million, which is, maybe, less by Kshs2 million compared to what the allocation was in the last financial year. But I want to say that there are other negotiations

with the Spanish Government. There may be some money that will come to the Rural Electrification Authority and it will raise the amount.

Mr. Temporary Deputy Speaker, Sir, I want to say that we are very open as a Ministry. All the projects that we are funding are through Members of Parliament. We did the same in the last financial year and this financial year, we are going to do exactly that. We are only going to raise the matching fund from Kshs1.5 million to Kshs5 million, which I want to ask hon. Members to take advantage of. If you use your Constituencies Development Fund (CDF) well--- If you give an area Kshs5 million, they will give you Kshs5 million. The total amount would come to Kshs10 million. That way, you can do the other facilities that may not be considered. But I want to assure hon. Members that, as a Ministry, if we continue getting the funds which we have been getting and, maybe, some additional funds in the next financial year, by the year 2012, most of the 9,000 or so public utilities will have been covered throughout the country. So, I want to request my friend to reconsider that position.

Mr. Temporary Deputy Speaker, Sir, I also want to request hon. Members---

The Temporary Deputy Speaker (Prof. Kaloki): All right. Hon. Keter, your time is up.

The Assistant Minister for Energy (Mr. Keter): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support.

Mrs. Shebesh: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support and I want to start by congratulating the Minister, his Assistant Ministers, the Permanent Secretary and the staff of the Ministry because that is one of the Ministries that have actually become visible in the coalition Government. Some are quite invisible, but this is a visible Ministry.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I want to pay special commendation to the officers who are in charge of rural electrification, and I want to mention Mr. Zachary Ayieko. Why we are interested to know who that man is and what those officers are all about is because it is very exciting to go to your rural area and see yourself in the dark. This is a new phenomenon for Kenya and it must not be taken lightly or for granted. That is why I am saying that, that is one of the Ministries that is visible.

Mr. Temporary Deputy Speaker, Sir, I want to support and give certain recommendations starting, of course, with Nairobi and other urban centres. If you look at the allocations and the remarks on the urban centres, it is assumed by the Ministry that urban centres are electrified. It is really an assumption because urban centres are not central business districts or upmarket areas. It is slums like Korogocho and Mathare. I can assure you that they are totally in the dark! I do know that we have problems because we connect electricity illegally. I speak as "we" because we are the Nairobians and we know how we do it. But we do it because we do not have access to the kind of funds that are needed to bring electricity towards the slums. I would beg this Ministry to consider a slum electrification project that covers the slum areas of Nairobi widely. I do know there is a concerted effort to look at this issue more responsibly as a Ministry. But I know that it continues to be bogged down by issues of illegal connections, which brings about the issue of insecurity because of fire. I know that if you can work with the leadership within

those urban centres, especially the youth leadership within Nairobi, we can work together to make sure that we get electricity in the slums. That is because for us, it is the issue of security. It is not just an issue of electricity, but also of security.

Mr. Temporary Deputy Speaker, Sir, I also want to speak about the new phenomenon that has set in due to issues and conversations around climate change. I know that the Ministry is bringing about energy saving light bulbs. That is very exciting. But my question is: Is that happening as a result of carbon trading? If that is the case, are we getting value for money? If we are, is that the best we can do? If that is going to be a national project, I believe that we can really benefit. I am speaking about that issue because I know about it. I know that the Ministry also knows about it. I know you know that it can turn around the way livelihoods are being affected, especially for the woman in the area where she has to use firewood for fuel. I am asking the Ministry not to allow carbon trading to become, in the long run, one of the big disasters in terms of fraud. As we start to engage in carbon trading, we do it openly and transparently for the sake of the people of this country, especially the women. They are the ones who need the fuel for energy and the running of their livelihoods.

With regard to the issue of oil marketers and their exploitation on Kenyans, I would like to ask the Ministry to stop siding with those oil companies. Please, side with Kenyans for once. We are tired of being exploited by the oil marketers who increase the cost of fuel at whims, simply to make quick profit. We are asking the Minister that because they have shown goodwill, to show more of it in the price of fuel, and not to side with the oil marketers. They need to reach a point where they can control the price of fuel. That way, we will have cheap transport and cheap facilities. We all know that the cost of energy affects wholly the economy of this country.

Mr. Temporary Deputy Speaker, Sir, I would like to commend this Ministry for being visible, but ask them to put in more effort in ensuring that the people at the grassroots, especially the women and children, feel their effectiveness. The Ministry needs to overhaul totally the way we engage in the energy sector.

With those few remarks, I beg to support.

Mr. Muthama: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I would like to support this very important Vote of the Ministry of Energy.

The Minister has given in details the most burning issues. Those are the issues that have been creating barriers in the operations of the Ministry. I want to support him; first of all, for the role he has been playing to improve the lives of Kenyans, especially the laying of infrastructure by the Ministry of Energy. I would like to support the establishment of the headquarters of the Ministry. It is extremely impossible for the Ministry to operate with scattered branches. For example, if you want to see the Ministry of Energy today, you will have to go to Nyayo House. You will find the Minister there with his two Assistant Ministers. If you want to see those who sits on the Rural Electrification Board, you will have to move to a different place. That is why Triton managed to steal the money that it stole. If the Ministry was based at one place and there were clear and easy communication channels in place, that could not have happened.

I would also like to congratulate the Minister and his staff for taking initiatives to install solar panels in remote areas of this country. They have done that in primary schools, secondary schools, dispensaries and health centres. The other day, I received a

letter from the Permanent Secretary, Ministry of Energy and I could tell the amount of work that the Ministry has done with regard to providing solar panels to people living in places where it is next to impossible to extend the main electricity lines. We need to give them credit for that initiative.

Mr. Temporary Deputy Speaker, Sir, as we speak now, there are no rains. Much of our electricity is generated through dams which get water from rains. The drought has made it extremely impossible for the Ministry to provide services to Kenyans. I want to urge the Minister to try and find a permanent solution by investing more money in the protection of our catchment areas. If they do that, when we do not get rains in six or seven months, we will not land into problems. The country has the knowledge and capacity to do that. The money that has been allocated to the Ministry is enough to provide such services.

The role of the Ministry of Energy is very important. Our children in the rural areas need to study and prepare for examinations. If there is lack of electricity, it is next to impossible for children to cope with their studies. I would like to urge the Minister to continue doing what he has been doing and ensure that rural areas--- I want to give an example of my constituency. We have received projects worth over Kshs40 million in the last 16 months that I have been in Parliament. If we are going to receive that kind of funding, I think by the end of my five years in Parliament, I will have provided good services to my people.

The Minister talked about the storage capacity. I do not see why we should not have enough storage capacity for fuel in our country. We have been seeing petroleum tanks here, but we do not know their capacity. The Minister needs to act fast and arrest the situation. He needs to acquire more land where the Kenya Pipeline Corporation Headquarters is situated now so that, in case they want to expand, more storage tanks are not constructed far away from the current ones. I want to ask the Minister to move fast and acquire land to construct more storage tanks.

Mr. Temporary Deputy Speaker, Sir, the refinery is another important issue. We have been told that there are companies that have shown interest to invest in the area of oil refinery. The Minister should move fast and licence those companies.

With those few remarks, I beg to support.

Mr. M'Mithiaru: Mr. Temporary Deputy Speaker, Sir, I also stand to support the Vote of the Ministry of Energy. Let me begin by congratulating the Minister, officers of the Ministry and parastatals aligned to the Ministry for a job well done.

Today, what we are seeing from the Ministry of Energy is a programme to light Kenya. We have seen it in schools, dispensaries, market centres and so on. Actually, a good job is being done. In particular, I would like to single out Rural Electrification Programme (REP). They have done a good job. Let them continue doing so. In fact, I wish that in the Development Vote they could get more money so that they can light Kenya more than they have done at the moment.

Still on REP, I would like to request for a small clarification. On the allocations for 2009/2010, they have put all the constituencies and the amount of money. However, the amount of money is varying. We do not know what criteria was used to do that allocation. We do not know whether it is the same criterion that was used for CDF, where some constituencies get more and others less. What I saw in my constituency is that I am getting a little bit less. On the CDF side, I am also getting less. I am told that the level of

poverty in my constituency is lower than others. If that is the case, I think I should get more money for electricity because the people have the potential to pay for it. I think they can check on that one.

Mr. Temporary Deputy Speaker, Sir, the other issue I want to talk about is the high prices of fuel that we have today. We know that this is really a challenge for the Ministry, but I would wish that the Ministry of Energy and the Treasury get together and find a way of how to lower taxation. I am sure that taxation is one of the components that make fuel expensive. In particular, I would want to single out kerosene, which is used in most of the poor households. When the price of kerosene is so high, of course, it affects the very poor people of this country. So, I hope that the Ministry of Energy and the Treasury will look into this issue with a view to lowering taxation to ensure that kerosene, in particular, is affordable.

I would also wish to thank the Ministry for the innovativeness that it has come up with by way of having alternative sources of energy. They now have wind power and solar energy, which are now being rolled out as programmes. I actually thank them for a job well done.

Mr. Temporary Deputy Speaker, Sir, other challenges are that as they provide electricity to schools and market centres, there are other market centres that were electrified earlier on. In the course of time, the adequacy of electricity has actually gone down in those market centres. In particular, in Igembe North District, where I have my headquarters at a place called Lare, they have only one transformer. Today, in the evening, the whole market centre is dim, because electricity is not adequate at all. So, as the Ministry rolls out new projects, it could also upgrade supply in the market centres that were electrified a little bit earlier.

I would also like the Ministry to empower the National Oil Corporation (NOCK). I know that we are in a liberalised market. Therefore, there is no Government control on prices of fuel. However, the Ministry could empower the NOCK for them to be able to play the role of a market regulator by intervening where necessary; they can have stocks of oil that they can release to the market. If the quantity of oil in the market increases, the prices of fuel will go down. So, I hope that the Ministry will be able to empower the NOC so that they can properly play this regulatory role.

Mr. Temporary Deputy Speaker, Sir, there is another thing that I would like the Ministry to consider. We have very remote areas. Already, they are saying that these areas can be provided with solar energy. However, solar energy itself--

The Temporary Deputy Speaker (Prof. Kaloki): Time up, Mr. M'Mithiaru!

Mr. M'Mithiaru: Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to support.

Mr. James Maina Kamau: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Vote. I also rise to join my colleagues in supporting this Motion.

I would want to start by thanking the Minister, who is actually one of the very few Ministers in whom this House has so much confidence. I would also want to thank the Assistant Minister, the Permanent Secretary (PS) and all their staff, including all the heads of their various parastatals. They have actually provided able leadership in this particular Ministry.

Mr. Temporary Deputy Speaker, Sir, one of the issues that have brought about a lot of good things in this country is that of rural electrification. I know that in my own constituency, prior to 2007, the coverage of it was very little. As I speak today, we are covered adequately, thanks to the Ministry. I know that if we continue doing that, by the year 2012, as they say, they will have covered all areas in every constituency.

I would like to touch on geothermal power production. I am happy that I heard the Minister say that they have started a geothermal development company, which will be funded through the Budget. That is a plus, because I know that geothermal potential in this country is completely under-utilised. I know that in the Rif Valley Province, the capacity that we have, as the Minister said, is about 7,000 megawatts but, currently, we are exploiting about only one per cent of that potential. I know that the business of geothermal power production is extremely expensive, but I believe that going through the issue of the development of this new company, we will be able to achieve our objective. Even if we take a long time, at the end of the day, we will do much better.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to the Ministry of Finance to look for more funds and grant them to this particular Ministry. I know that the confidence we have in the Minister for Energy, and his team, will go a long way in ensuring that we achieve what we need to achieve in this country. The only thing that I would like to say has to do with perception. We would not want a situation where every time something happens in a particular parastatal, everybody says that the Minister is corrupt. Kenyans must be able to differentiate between “graft” and “fraud”. When there is fraud, it should not necessarily be associated with the Minister. That is extremely important. We must be able to know the difference between the two.

I am the Chairman of the House Committee on Implementation, which will definitely be dealing with Ministries that are not able to fulfil the promises that they make to this House. I do not want Mr. Murungi’s Ministry to be one of them. I am sure that they will not come before me.

With those remarks, I beg to fully support the Motion.

The Assistant Minister for Livestock Development (Mr. Duale): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support the Vote of the Ministry of Energy. I also want to thank and commend the Minister for Energy, Mr. Murungi, his Assistant Minister, the PS and the heads of parastatals under that Ministry.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Energy is crucial to the economic growth of this nation. When we talk of only 20 per cent of electricity cover in this country, Vision 2030 cannot be achieved. I want to look at two major areas. I have a very good reason as to why I want to discuss these two areas. First and foremost, they have a bearing on the people of Dujis Constituency and the greater northern Kenya.

I want to thank the Minister, and his team, for making the Rural Electrification Programme (REP) more constituency and grassroot-based. That is where this country is heading. We want to see resources being equitably distributed, so that what we give to Othaya Constituency, where the President comes from, and what we give to Langata Constituency, where the Prime Minister comes from, will be equal what is given to North Horr, Garissa, Lamu, Emuhaya and many other places.

Mr. Temporary Deputy Speaker, Sir, for the last 45 years, the REP has not had any presence in northern Kenya. I want to confirm that fact. I want the Minister to look into that aspect. It was only last year when funds were allocated to the Rural

Electrification Programme (REP). Each constituency, including mine, got Kshs17.5 million. This year, the Minister for Finance decided to slash that amount by about Kshs500 million which has affected all constituencies in this country. Each constituency has been given Kshs15.4 million for the purpose of this programme. The Minister for Finance must tell the nation, including the people of Dujis who I represent, why we lost Kshs2 million under the REP allocation.

Mr. Temporary Deputy Speaker, Sir, allocating funds is one thing and implementing the project is another. I would like to tell the Minister that we are not happy. Personally, I am not happy with the way the Rural Electrification Authority (REA) is implementing projects in this country. As I speak here, the 2008/09 Financial Year projects for my constituency have not been implemented. We do not want to have a situation where projects for one financial year overlap to the next financial year. We will not accept that REA fails to implement projects effectively and timely. Dujis is a good example. An amount of Kshs17.5 million was given to Dujis last financial year. In the first three months of that financial year, I presented the priorities of the people of Dujis. As I speak today, those projects have not been implemented. If we talk about long term plans, we are talking about natural consumption being projected---

The Temporary Deputy Speaker (Prof. Kaloki): Are you supporting the Vote?

The Assistant Minister for Livestock Development (Mr. Duale): Initially, I said that I support the Vote.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Minister for Agriculture (Mr. Samoei): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make a contribution to this Vote of the Ministry of Energy.

I want start by congratulating the Minister for doing a splendid job at the Ministry of Energy. I have seen the strategic plan of the Ministry. I have unqualified support for the programmes they have set out to achieve. The REP is a key component of the strategic plan of the Ministry which informs my contribution this afternoon. I want to start by saying that while supporting the Ministry, I want to ask the Minister and his team to look beyond the obvious and think outside the box. We have a capacity of 1,200 megawatts. It is not the kind of level that you would expect a country like Kenya to have. I was in India the other day, one power plant in some remote place that was put up by a private sector investor was generating 4,500 megawatts for a town. It is important for the Ministry to understand that the cost of power is what is making this country very uncompetitive. We are in a world that is very competitive and the Ministry needs to think beyond the hydros and geothermals and the PPPs that are currently generating electricity. He should not limit himself. He should think as far as nuclear energy is concerned. I think it is something that we, as a country, must contemplate if we have to be competitive.

In our Vision 2030, we have set ourselves to achieve certain goals. Without energy, all that will be a dream. Our agro processing industry, value addition industry and transport industry require energy that is affordable. Currently, the cost of energy is four times more in Kenya than it is in Egypt, yet we are in Common Market for Easter and Southern Africa (COMESA) and we are supposed to compete in terms of trade. Our goods and services will continue to be expensive if we do not address ourselves critically to the challenge of energy in our country. While we appreciate the steps the Minister is

making, I want to encourage him to really think strategically and not to limit his approach to the normal sources of energy in our country.

Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister because he has set out to buy energy saving bulbs. He is also considering expanding the local capacity of the geothermal energy. All that is fine, but we still have very serious constraints in terms of supply because even as the Minister works hard to roll out the connectivity in the country, he has a big challenge in supplying the actual energy. I think it is time we, as a country, thought out of the box, invested in nuclear energy so that we not only make our goods and services competitive, but the Minister can then concentrate on reaching every corner of this country.

You will realize that we are devolving funds. We are reaching to the grassroots. All these funds that we are devolving to the grassroots so that we can develop them will be in vain if there will be no energy to drive industries and the kind of investments we are making in the rural areas. The constraint here will not only be the cost of energy, but the supply of it. Nuclear energy would be able to deal with those two effectively.

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

Mr. Nyambati: Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity to contribute. I stand to support this Vote. I must, first of all, begin by thanking the Minister for Energy, the Assistant Ministers and the officials in that Ministry for the wonderful job that they have done. I must singularly say that the work so far done by the REA and the KPLC has been amazing. We recently came from a tour of Nyanza where we witnessed the opening of Sondu Miriu power generation plant. I want to thank KenGen for that wonderful job that they have done.

I want to also say here and now, that there is no country which will develop until and unless it has the power in terms of electricity and other forms of energy. The leadership shown by the Ministry in this area is appreciated. I want to tell the Minister for Finance that we cannot just ask the Ministry to supply us with what we want if we cannot fund that Ministry appropriately. Our Vision 2030 cannot be achieved if we do not electrify our rural areas which form the backbone of this country.

Mr. Temporary Deputy Speaker, Sir, I come from an area which is quite disadvantaged in terms of electricity supply. This is my constituency, Kitutu Masaba. I come from a place with almost 300 schools but not even ten have electricity. It is amazing that other areas have these facilities but others do not. I would like to urge the Ministry to ensure that we all benefit almost equally in the entire country. There are a lot of disparities when it comes to the allocation of funds and such things.

As I said, it is the duty of this House to ensure that we fund the Ministry appropriately to be able to deliver what we are asking. We are thinking of increasing our capacity to generate electricity through geothermal power, wind power and solar power. This cannot be done until and unless there is enough funding for the Ministry.

I also want to ask the Kenya Power and Lighting Company Limited (KPLC) to assist our people access electricity in rural areas. Sometimes there is electricity in an area but the poor people cannot afford this. This could be because the installation of electricity meters is too expensive. I do not know whether it is Kshs35, 000 or what. However, I would want the KPLC to look into this issue and see whether there is a possibility of reducing the cost of installation of meters so that our people can afford to install electricity in their homes.

Mr. Temporary Deputy Speaker, Sir, it is extremely important that we learn from other countries. I do not know why power is very expensive in this country. I think it is important for the Ministry to look into the issue and see whether our people are being exploited or not. As the Minister for Agriculture said a few minutes ago, the cost of electricity in Egypt is a quarter of the cost here. We pay four times what they pay for electricity. I think it is important that we look into these issues and see how we can bring down the cost of energy in this country. Without affordable energy, we cannot progress as a nation.

I also want to ask the Ministry to be sympathetic to the people in rural areas, especially as concerns paraffin. Most people use paraffin in rural areas and we must subsidize this.

I beg to support.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to congratulate the Minister, Assistant Minister and the Permanent Secretary, Ministry of Energy.

First, I would like to talk on behalf of my constituency. We are very happy with what has been happening under the Rural Electrification Programme. However, there are a few points I would like the Ministry to look into.

When we look at provision of electricity for domestic use, we pay about Kshs32,000. This electricity is not for business purposes and therefore, it becomes a bit difficult for people to have power installed in their houses. If the Ministry can look into that and at least try to lower the installation cost, that would be very good.

Mr. Temporary Deputy Speaker, Sir, business premises are required to pay Kshs17,400 and a deposit of Kshs5,000. Businesses generate income but those who want to use electricity domestically cannot afford to pay Kshs32,000 for installation of electricity. We would really appreciate if the Ministry looked into that area. I do not have a problem with the cost of connecting electricity to businesses because they pay Kshs5,000 as a deposit, then Kshs17,400 and then Kshs1,000 every month. This makes the business people able to trade and continue paying the KPLC.

We appreciate what the Ministry is doing for schools with solar energy. I, however, would request the Ministry to invest more in generating electricity using solar.

Mr. Temporary Deputy Speaker, Sir, I would like to urge Members that we should also be looking at the good things that people do. Let us not just be looking at the bad sides. One mistake should not make the Ministry look as though the whole Ministry is corrupt. Let us support whatever good work Ministries do. Continue doing what you are doing. Kenyans from the rural areas appreciate the work you are doing.

Thank you very much.

An hon. Member: Do you support or oppose?

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Temporary Deputy Speaker, Sir, I support.

Mrs. Noor: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this important Vote. From the outset, I would like to support this Motion.

I wish to take this chance to thank the Ministry and its technocrats for creatively trying to address issues of energy in our country. When the Deputy Prime Minister and Minister for Finance read the Budget, he mentioned the theme as, "Overcoming Today's

Challenge for a better Kenya Tomorrow". We can only achieve that theme and dream by funding this Ministry properly. This is because it plays a crucial and very important role in trying to address issues of growth of our economy and development at all levels.

Mr. Temporary Deputy Speaker, Sir, many other sectors depend on this Ministry. These include the tourism sector which is the backbone of our economy. Our economy depends on this sector for its growth and sustainability. We rely on the Ministry of Energy to provide reliable, affordable and safe energy for Kenya.

For us to realize the goals of Vision 2030, we must look into ways of changing the ways we give services to our communities. The Report of the Departmental Committee on Energy, Communication and Information revealed that the Minister is facing unreliable energy supply as a result of environmental destruction. As a result of this challenge, he might not be able to achieve the desired objectives of the Ministry.

Mr. Temporary Deputy Speaker, Sir, for him to achieve and overcome the challenges that he is facing in the Ministry, I propose that we increase investment into renewable energy such as wind and solar as he proposed. All of us know that providing renewable energy comes with its own challenges and environmental problems. Although the Ministry has indicated the issues and how they would like to address environmental challenges, there are no critical action plans to address these issues when we start looking at alternative renewable energy. I would like the Minister to look into ways of addressing the environmental issues that will arise.

The corporations that fall under this Ministry are not known to be involved in carrying out critical social responsibilities. We are urging the Minister to look into this because any business organization has a moral obligation to reach out to the communities they are serving and be involved in social responsibilities. We would like to see social responsibilities being carried out by the Minister. I want to disagree with carbon trading. Carbon trading is not our making. African continent did not create this problem. This problem is a creation of the west and the west must take responsibility in carbon trading. When they take responsibility, we want them to transfer technological knowledge and critical mitigation programmes to us. For them to give us critical mitigation programmes, we would like all stakeholders, including this Ministry, to be very keen and very careful in addressing issues of carbon trading because every Government now is heading to Copenhagen where people will negotiate and see how they will be trading on carbon. We, as the African Continent, should be very careful and alert because we have not contributed to the messes that this world is facing today.

I would like to conclude by saying that we need to support this Ministry by giving them money so that they can positively address issues of renewable energy. I come from a region where there is plenty of wind. Please, come and harvest that wind so that you can give an alternative source of energy to this country.

I beg to support.

The Assistant Minister for Trade (Mr. Omingo): Mr. Temporary Deputy Speaker, Sir, I want to thank you more sincerely for giving me this chance to support this Motion. This is the only Ministry that I have seen that produces as opposed to consuming. If you look at its budget, Kshs30 billion is on Development Expenditure while Kshs335 million is for Recurrent Expenditure. What more can anybody ask for? I was agonizing at one time and said that when I grow up, I would like to be like the Ministry of Energy because this is one Ministry which is synergized, coordinated and you

can feel them wherever you are. Small or big, you can feel them wherever they are. Small or big Ministers, you can also feel them.

What they have done greatly and which I think inspires Members of Parliament is the fact that they have focused their development to be constituency-based. Nothing has touched the hearts of Members of Parliament as the Ministry of Energy. I have suffered in the other Parliaments. One of my people, an old man, when I took one of the directors of the Electricity Regulatory Authority to my constituency asked me; are you sure, *mheshimiwa*, I will not die before I see power? I told him no. With the kind of focus on constituencies, sooner or later, he would be connected. I can promise you that there is hope and I can feel it.

This Ministry is key to attaining Vision 2030. Unfortunately, they could be running all alone. Where are the rest including my own Ministry? I believe we can do together what we must do to achieve Vision 2030. With coordination, we can attain Vision 2030. This Ministry is key to computerization. I know that the Ministry of Information and Communications is upbeat about the fiber optic cable. This will not be functional without this able Ministry. I think if every Government Department or Ministry worked, we would not be a sleeping nation but a working nation. The only unfortunate thing is that they requested for Kshs60 billion but we gave them Kshs30 billion. As a Member of the Cabinet, small or big as they say, I want to plead with the Committee of Budgetary Provisions to examine and consult with the Deputy Prime Minister and Minister for Finance and focus on the fact that upon Supplementary Estimates, the Rural Electrification Programme is given the money they deserve because they have used our money properly.

I want to make a plea that the Ministry of Energy focuses on waiving this hefty payment on tea and coffee factories and other small-scale industries that require electricity. They can even begin a programme so that they can be connected and as they move on, they would recover their money. I think it is critical to mention that when farmers want to take-off, they find it difficult to pay those monumental sums of money so as to be connected with power.

The other thing I am looking at is to enable and give the Kenya National Oil Corporation (NOCK) some little capacity and reserve for them to stock some capacity that will last for some time. They should also be allowed to trade like other oil companies so that they can reduce their overheads and contribute to the Exchequer because I know they can make money. What can they not do that other oil companies are doing? Therefore, we want to give the NOCK some empowerment to do more than just distribution. They can also trade. The fairness we see in this Ministry sends positive vibes among the society we live in today. I am asking that we move as a nation, without necessarily those biases we used to see. When I was a Backbencher, I asked for a bridge for five consecutive Parliamentary Sessions and I was always told that I would have the bridge when funds would be available. The funds were never available until the CDF came for me to do that road. The Budget for this year is constituency-based. I want to suggest that, that is the way to go for Kenyans for equity in terms of development. There are people who are suffering painfully in this country as if they do not belong here and yet, they are taxpayers. We need to support the focus we are seeing in this Ministry and all others and give them more money.

With those few remarks, I support.

Mr. Ngugi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to join the others in supporting this Vote for the Ministry of Energy. As you know, energy is one of the development infrastructure items. Without energy, we cannot start industries. I have seen this in my own area. When we provided electricity to small markets, many small industries began to come up. It is for this reason that we would ask that the Minister for Finance, even in future Budgets, considers to increase the allocation for this Ministry.

We also know that the cost of electricity is cheaper than paraffin. When we provide electricity to rural areas, we are not only saving on the cost but also enabling children to read more and do well in their studies. For this reason, we support this Ministry. However, I want to draw the attention of this Ministry that although it is their policy to provide electricity to schools, health centres and market places, in some constituencies like mine, we are lagging far behind. If we go at the rate of Rural Electrification Programme, this might take the next five to ten years. Therefore, equity is really necessary here so that we can catch up with the other constituencies that have developed.

I want to commend the Kenya Power and Lighting Company for the innovation of teaming up with banks. This has enabled farmers and other citizens to borrow loans from the banks for connection of electricity and start repaying them as they sell their milk, potatoes and goats.

We have heard about exploration of oil in this country since I was in school. I do not know what is difficult in exploring oil. For years now, we are told that oil is being explored. Is it the technology that is a problem or the areas or is it that we do not put in enough money or what is it? We would like to know this because sooner or later, Uganda will be way ahead of us.

This Ministry has an authority which is known as the Electricity Regularity Authority. I am glad that the Ministry is encouraging energy saving bulbs to be used. The regulatory authority should come up with rules that machines should also be economical in the use of electricity. It is not just about being able to pay for energy, but it is also a question of denying others that commodity. It is time that we, as a country, came up with measures to use whatever resources we have very efficiently.

Mr. Temporary Deputy Speaker, Sir, I am also glad to see that this Ministry has considered other sources of energy than the traditional ones. The use of wind energy and mini-hydrós has put other countries to a level where they are able to generate more energy. In this country we have many small rivers with falls. If you go to a country like Pakistan, you will find that they generate a lot of their electricity from these mini-hydrós. I would encourage this Ministry to also encourage small investors to go this way; to have mini-hydrós, so that small towns, schools and health centres can be provided by localized sources of energy production.

Mr. Temporary Deputy Speaker, Sir, finally, I want to commend this Ministry for using a large chunk of its budget on development. This is a step in the right direction. We have seen other Ministries use most of the budget on Recurrent Expenditure and leave only very little for development. This is one Ministry that I think is very well focused. I want to commend the Minister and Assistant Ministers for what they are doing.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Mwathi, you will contribute for the next two minutes.

Mr. Mwathi: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Vote. In so doing, I want to thank the Ministry for the very good work that they are doing, particularly on the issue of Rural Electrification Programme (REP). I am one of the beneficiaries of that REP, but they took a bit of time to implement it. We have been asked to send proposals and we have done so, but there is no further communication. It becomes an exercise that keeps people hoping that they will get that connection. Since we are acting for and on behalf of our people, when they see us surveying around to find out what is happening, they ask us all sorts of questions. So, when it does not come, it really puts us in a lot of problems. However, that is a step in the right direction. You only need to mop up and make it work efficiently.

The other issue which I would like to mention is the support of cottage industries. How can the Ministry try and make the available energy cheap? We have a policy to promote and support the youth. We have *Kazi kwa Vijana* Programme coming through all Ministries. How will this Ministry support the youth, so that they can start their own small businesses? In my area they are asking: "How can we have lesser costs of energy, so that we can do some things at profitable margins?" I do have an area where the Ministry can harvest wind energy, but it is just going to waste. Maybe that will make it easier and cheaper for the Ministry to provide more energy. So, it is necessary for the Ministry to find out even from the leaders the areas where wind energy can be exploited.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): It is now 5.40 p.m. I will ask the Mover now to reply.

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

First of all, I would like to thank all hon. Members for their contribution and encouragement that they have given us, as a Ministry. I would like also to thank the Committee on Energy, Communication and Information, under the able chairmanship of Eng. Rege, for the wonderful work they have been doing and commitment they have shown in working with us in doing leadership to this sector. I also thank them for their support and constructive criticism at all times.

Mr. Temporary Deputy Speaker, Sir, we do realize that the allocation to the Rural Electrification Authority (REA) has actually gone down this year. Knowing REP is very important to Members and the country as a whole, we intend maybe to pursue again the Ministry of Finance in future, so that by the time we come to Supplementary Estimates, we ask for more allocation. However, I want to assure the hon. Members that we are committed to REP and the funds that are there are equitably distributed. In fact, we have projects in all the 210 constituencies. Despite the slow pace which has been mentioned by hon. Members here, we will endeavour to ensure that the speed that has been criticized will be improved this year. You will realize that REA is fairly new and maybe there are teething problems in the initial stages. We promise that our speed will be better this year than last time.

Mr. Temporary Deputy Speaker, Sir, on geothermal development, we thank the hon. Members for their support in the formation of the GDC and also encouraging us to

actually invest more in that source of energy instead of just depending on the conventional sources that have also proved to be very expensive.

Mention has been made about a law to force people who are building to incorporate solar buildings. This policy is being discussed. We expect to discuss it also with the Ministry of Local Government, because buildings are under it. We, as a Government, will actually try to move that agenda forward.

The cost of power has been talked about. That is why the Ministry is actually moving to affordable power because we know that it is expensive to use diesel generators. We have been forced to have the emergency power because of the dependence on hydro-power which depends on rain. That is why we are moving towards geothermal, wind and other sources of energy, so that we reduce our over dependence on this source of energy. We know that power will continue being expensive unless we invest properly in other sources of energy.

Mr. Temporary Deputy Speaker, Sir, mention has been made about the governance issue at the Kenya Pipeline Corporation (KPC). We accept that we had governance issue, but I assure hon. Members that we have dealt with those matters and are taking appropriate action to ensure that the same is not repeated and the integrity of our system is safeguarded.

Mr. Temporary Deputy Speaker, Sir, of course, hon. Ruto mentioned about us thinking outside the box. He talked about the issue of nuclear energy. Only two weeks ago, we had the outgoing Director-General of the International Nuclear Agency, Mr. Mohamed ElBaradei. The issue of nuclear is being pursued. They did advise that we need to look at the region. Not individually as a country, but as a region. We will look at that.

Mr. Temporary Deputy Speaker, Sir, I would like to thank all the Members of Parliament for their tremendous support. They have been very supportive to this Ministry. I will encourage them to continue doing so. I would also like to thank my Minister who is not here and my colleague, hon. Keter, the Permanent Secretary and all other chief officers of the Ministry for their wonderful work. I would also like to support the teamwork spirit that has made this Ministry what it is today. It is a joy to work with them.

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

(Question put and agreed to)

The Temporary Deputy Speaker (Prof. Kaloki): Next order!

Vote 32- Ministry of Information and Communications

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Speaker do now leave the Chair to enable me initiate debate on Vote 32 for the Ministry of Information and Communications.

Mr. Temporary Deputy Speaker, Sir, the vision of my Ministry is to make Kenya a world class centre of excellence in Information, Communication and Technology (ICT). Further, the Ministry's mission is to develop Kenya as a globally competitive and prosperous nation by creating an enabling environment that encourages and enhances

development, expansion and, use of ICT. The main objective of the sector is to contribute to making Kenya a middle income level economy through increased investments.

To fulfil these objectives, the Ministry has adopted the following policy priorities:-

(i) Reduce cost of access to ICT through infrastructure development, affordable hardware and software;

(ii) Enhance economic productivity by lowering transaction cost;

(iii) Encourage entrepreneurship innovation and create more jobs, and lastly,

(iv) Enable universal access to technology and information to build knowledge-based economy.

Mr. Temporary Deputy Speaker, Sir, the sector's strategies include:-

(i) Development and promotion of business processing, outsourcing and film industry to create jobs,

(ii) Improving universal access to ICT services to the public by developing the appropriate infrastructure, establishing digital villages and providing affordable ICT hardware and software;

(iii) Building capacity within the ICT sector through establishment of ICT training, skills transfer and entrepreneurship programmes;

(iv) Enabling public service provision through e-government and last but not least;

(v) Enhance partnership between public and private sector.

Mr. Temporary Deputy Speaker, Sir, the mandate and functions of the Ministry of Information and Communications as outlined in the Presidential Circular No.1 of 2008 include the following:-

(i) Information and Communication Technology, that is ICT policy;

(ii) Broadcasting policy;

(iii) Film development policy;

(iv) Dissemination of public information;

(v) Development of national communication capacity and infrastructure;

(vi) Development of the film industry;

(vii) Public Relation services;

(viii) Kenya Broadcasting Corporation (KBC);

(ix) Kenya Institute of Mass Communication (KIMC);

(x) Kenya Film Classification Board;

(xi) Kenya Film Commission

(xii) Communications Commission of Kenya (CCK);

(xiii) Postal Corporation of Kenya;

(xiv) National Communications Secretariat;

(xv) Communications Appeals Tribunal;

(xvi) Multimedia University;

(xvii) Brand Kenya Board;

(xviii) East African Marine Systems;

(xix) Fibre Optic National Networks;

(xx) Kenya ICT Board; and

(xxi) Kenya Year Book Editorial Board.

Mr. Temporary Deputy Speaker, Sir, the main functions of the Ministry include formulating and implementation of ICT policies, facilitating development of ICT infrastructure in Kenya, facilitating development of information and film content, formulation and implementation of film policy, dissemination of public information, promotion of the development of ICT and mass media in the country, enhancement of universal access to information and lastly promotion of and protection of the positive image of our beautiful country, Kenya.

Mr. Temporary Deputy Speaker, Sir, arising from our mandate and functions there are a number of emerging issues, which include access and availability of infrastructure, cost of access and lack of affordable solutions, limited local content, regulatory and legislative framework, competition, technology changes, that is switching from analogue to digital, human resource development, research innovation and protection of intellectual property and lastly, spectrum management.

Mr. Temporary Deputy Speaker, Sir, some of our Ministrys achievements can be enumerated as follows:- The laying of the East African Marine Cable System which is set to go live by 21st August this year, National Fibre Optic Network of which 4000 out of 5500 kilometres targeted has been laid, establishment of ICT park, Kenya Transparent Communication Infrastructure Programme to provide broadband to universities and technical colleges, promotion of business processes outsourcing, enacting of the first phase of the rural telecommunication development project using the Code Division Multiple Access (CDMA) technology, branding of the country through Brand Kenya Board and lastly, enactment of the Media Act to regulate the media industry, among other achievements.

Mr. Temporary Deputy Speaker, Sir, the Ministry has also a number of unfunded and underfunded projects. To name, but a few are; final payment for the nose bit propelled project, migration from analogue to digital by KBC, modernization of KBC equipment, expansion of the nose bit propelled project, National Data Centre, information field offices and, digitization of Government records.

Mr. Temporary Deputy Speaker, Sir, in conclusion, it is important to note that the sector's contribution to the GDP was 2.8 per cent in 2008 and it employed approximately 50,000 people. It has a potential to contribute even more than this particular achievement. I would like to recognise the contribution of our development partners to the various projects that are being implemented by the Ministry. I wish to request this House to approve a gross total sum of Kshs4,507,724,880 for Vote 32 of the Ministry of Information and Communications. Of the amount requested, Kshs1,239,206,880 will go towards supporting Recurrent Expenditure whereas Kshs3.2 billion will be for Development Expenditure. Out of the Kshs3.2 billion, Kshs1.3 billion will go towards the building of mobile computer laboratories for every constituency. This project has already begun.

Mr. Temporary Deputy Speaker, Sir, Kshs800 million will go towards the final payment of the Information and Communications Technology (ICT) park. If you may recall, in the last financial year, we were allocated Kshs900 million for the ICT park but some of the money was recalled back to Treasury. Therefore, we spend only Kshs400 million to pay for the deposit of this particular property. So, we have a balance of Kshs600 million to complete the transaction.

With those few remarks, I beg to move.

The Temporary Deputy Speaker (Prof. Kaloki): Who is seconding?

The Assistant Minister for Information and Communications (Mr. Khaniri):
Mr. Temporary Deputy Speaker, Sir, it will be Maj (Rtd) Godhana.

The Temporary Deputy Speaker (Prof. Kaloki): Then proceed!

The Assistant Minister for Information and Communications (Mr. Godhana):
Mr. Temporary Deputy Speaker, Sir, information and communication is one of the oldest arts and science that none of us can live without. From the outset, I want to remind hon. Members that none of them could have come to this House if they had not informed and communicated to any of their constituents to warrant them a right to this House.

Mr. Temporary Deputy Speaker, Sir, what we are talking about here today is about technology. It is about trying to modernize the way we reach out to the people of this nation. That is what informs technology. The world over, ICT has been identified as the main enabler to growing economies. Kenya, as a country, has identified ICT in Vision 2030 as the main tool to moving this economy forward. I wish to remind hon. Members in this House about how fast technology is moving. Some years back, two or three years ago, when Closed-circuit Television (CCTV) was introduced in Kenya, people were celebrating but to date, we have not moved any step in adopting it fully in this country. As we still scramble to embrace CCTV in Kenya - I want to mention here the efforts by the City Council of Nairobi to try and bring on board CCTV in improving security in Nairobi - other countries are moving very fast. In fact today, we are talking about IPTV but we are still thinking on how we can accommodate CCTV.

In terms of telecommunication technology, I want to remind hon. Members that we are still talking about the first generation. In fact, I can assure you that most hon. Members here do not own third generation mobile phones. Those who have them keep on bragging every day. Other countries have moved to fourth generation and are now moving to fifth generation.

Mr. Temporary Deputy Speaker, Sir, today, we are talking about migration from analogue TV technology to digital. Most of the countries all over the world have already embraced it and we are still negotiating and wondering how soon we can migrate from analogue to digital. Those are just some of the technologies that we can talk about in ICT sector. It is very critical that if we are serious about making this country a third class economy by the year 2030, given that 2030 is a few years to come, we have little time to catch up in terms of technology.

Mr. Temporary Deputy Speaker, Sir, if we want to remain relevant and catch up with others, be able to struggle, defeat them and move ahead of them, we cannot sit in this House without supporting this Motion. I want to urge hon. Members that they do not have to think twice about it. This budget is quite small. It is supposed to set the pace towards the implementation of ICT in this country. The Assistant Minister talked about us being able to be a country of excellence. I want us to look at the word "excellence". It is not about embracing ICT only but to be excellent. Therefore, I wish to urge them to support this Motion.

(Question proposed)

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, the Ministry of Information and Communications is mandated to provide equitable and affordable quality information and

communication services. This includes policy formulation and communications technology, broadcasting, film development, dissemination of public information as well as oversight of the semi-autonomous agencies that fall under the jurisdiction of the Ministry. Communication is vital to the attainment of the development agenda of this country because increased access to information through better communication directly impacts on economic growth.

The Vision 2030 identifies Business Process Outsourcing (BPO) which is heavily dependent on ICT as one of the sectors that will immeasurably drive the growth of the economy. Between 2007/2008, the telecommunications industry witnessed an increase in foreign direct investment as a result of the privatization of the sixth line operator; Telkom Kenya. About the same period, competition in the market also intensified due to increased roll-out of services by Orange Mobile and the launching of services by Econet Kenya Limited. Safaricom was also assigned a spectrum for 3G commercial services which was initially rolled out in Nairobi and Mombasa.

The Telecommunication sub-sector continued to experience tremendous growth fueled by heavy investment in the mobile telephone sub-sector indicating a preference in the country for electronic means of communication. However, among telecommunication services, internet is among the least accessible in the country. This is mainly due to the weak competition regular to the framework as well the lack of the under-sea or over-land fibre optic cable. That means that set up costs are relatively high. However with the gold life of the Seacom Cable soon to be at the Coast, it is expected that this trend will revert. For broadcasting, there was increased demand for spectrum allocation by the Communications Commission of Kenya (CCK). There was total of 30FM new frequencies, out of a total of 295 applications while the numbers of applicants awaiting allocation for television frequencies increased from 143 in 2007 to 192 in 2008.

Circulation of newspapers also experienced an increase for both English and Swahili in the print media. The Ministry should work on its strategies by improving universal access to ICT services to the public by developing appropriate infrastructure, establishing digital villages and providing affordable ICT hardware and software.

Mr. Temporary Deputy Speaker, Sir, public service provision through e-governance should be prioritized and, of course, rolled out all the way to the district level. Further, the Ministry should ensure that the Kenya Broadcasting Corporation (KBC) is revamped and made competitive. The Government needs to step in and bail the corporation out of its looming collapse. The KBC is of strategic importance to this country and should not be left to collapse. The Government should step in and ensure that the modernization projects are undertaken to ensure that the institution is modern, competitive and profitable in good time. Although the Treasury allocated Kshs200 million directly to the KBC, more needs to be done to change its outdated technology which consumes electricity bills of about Kshs30 million a month and clear its debt of about Kshs23 billion.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order on Standing Order No.72 which says that no hon. Member shall read a speech. Can you guide us?

The Temporary Deputy Speaker (Prof. Kaloki): Indeed! Eng. Rege, are you moving a Report of a Committee---

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I need your guidance here because I need to have the exact figures---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Eng. Rege! Are you moving a Committee Report to this House?

Eng. Rege: Yes, Mr. Temporary Deputy Speaker, Sir.

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

(Mr. Ethuro stood up in his place)

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, the hon. Member is a member of this Committee.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Ethuro! But Eng. Rege, you can just refer to some key areas and just move your report.

Mr. Ethuro: I wanted to know the provision! The law is very clear, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Ethuro! We have understood you!

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, the previous speaker should have been here in the first instance and he is a Member of the Committee.

I wanted to say that KBC is going down simply because the equipment that was supplied by the Japanese Government was quite unacceptable. It was an indication of dumping. Today, this country is left with a big debt of over Kshs23 billion. For this industry to be vibrant, the Government needs to pump in enough resources so that all these requirements are rolled out in the rural areas as indicated by the Minister for Finance.

Under Sub-Vote 200, Head 287, the Ministry provided modern computer laboratories in the 210 constituencies and allocated some Kshs600 million to buy 210 buses and equip them with furniture and computers to accommodate 24 to 30 pupils per class. A further Kshs1 million was allocated for the provision of services to the mobile buses which are going to be used for teaching pupils in classes in the constituencies. We have the opinion that this comes down to some Kshs2.9 million which was not indicated in the budget or which may not even be enough for all the 29 constituencies.

The Committee was concerned by the practicability of that project. The allocations translate to only Kshs2.9 million for each bus, plus the equipment. The cost seems to be unrealistic. The Committee is also concerned about the ownership and the control of the program.

Mr. Temporary Deputy Speaker, Sir, under Sub-vote 320, Head 287, the Ministry intends to acquire some 5,000 acres of land at Malili Ranch near Machakos for an Information, Communication Technology (ICT) park at a price of Kshs200,000 per acre. The total cost is Kshs1 billion. However, the Ministry has been allocated some Kshs800 million this year and Kshs400 million in the last financial year, 2008/2009, totaling to Kshs1.2 billion. The extra Kshs2 million is to be used to meet the cost of a transactions advisor and other consultancy services. Could the Ministry disclose the firms involved in the advisory consultancy services?

Mr. Temporary Deputy Speaker, Sir, it is further projected that the acquisition of land will cost the Ministry an additional Kshs3.5 billion in the next two years. It is not

clear whether that is related to the land at Malili Ranch or another land anywhere else. The Committee thus recommends that the Ministry should carry out a study to determine the size of the land that it actually needs. Meanwhile, future allocations to the Ministry for acquisition of land should be stopped.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I want to thank this Ministry for---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Eng. Rege! Order! Did you write to the Ministry to seek answers to some of the questions that you are raising here today?

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, we did write to the Ministry.

The Temporary Deputy Speaker (Prof. Kaloki): Did you get a response to those questions?

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, I am told that, that answer may be forthcoming after my speech.

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

Eng. Rege: Thank you, Mr. Temporary Deputy Speaker, Sir. Mr. Temporary Deputy Speaker, Sir, I just want to thank the Ministry for undertaking Vision 2030 right now, by providing what is needed in the roll out of the ICT requirements in the constituencies. They have just introduced the under-sea fiber optic cable at an appropriate time when Kenya really needs investments from the international community. I want to thank the Ministry for that good job.

Mr. Temporary Deputy Speaker, Sir, may I also request the Ministry to hurriedly roll out the digital villages.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to---

The Temporary Deputy Speaker (Prof. Kaloki): All right. And you are supporting?

Eng. Rege: I am seconding. Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Energy (Mr. Keter): You cannot second, Mr. Chairman!

Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion. The Ministry of Information and Communications should really play a very vital role for us, as a country, to achieve Vision 2030. We talk of Vision 2030 but, when I see the funds and what the Ministry is doing, I do not think we are going to achieve that Vision 2030! When we talk about universal access to ICT, what is it? What do we need to do? The Ministry must be very proactive. The Ministry has been taken over by the private sector in terms of mobile telephony, internet and other facilities. What is the Ministry doing? Are you only coming up with policies? What is your timeline? By the time you develop your policies, people will have moved away!

As much as we want to thank you for what you are doing at the moment, there is need for you to do a lot. I want to thank the Minister for the provision of one mobile computer laboratory for every constituency. However, I was wondering whether that is viable, for example, in Belgut Constituency which has 140 primary schools and almost 30 secondary schools. I want us to be realistic. Take the example of Mr. Ethuro's constituency which is almost the size of Rift Valley Province. Maybe, the number of primary schools there could be less. However, I would like us to think about that. As

much as we welcome this idea of one mobile computer laboratory per constituency, I would like to say that it is not enough.

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

(Mr. Deputy Speaker took the Chair)

In the Ministry of Energy, I had said earlier on, our target is to provide the 9,000 plus public utilities with electricity. Most of the facilities we have at the moment, that is, primary schools, secondary schools and so on have access to electricity. The Ministry of Information and Communications should be working towards providing these schools with computers so that the internet communication can be enhanced. I would like the Ministry to be at the forefront. Whenever we talk about e-governancet, we do not see the Ministry and yet other Ministries have set up computer departments. We want this Ministry to play a very vital role in networking all the Ministries of this Government and all the constituencies so that we can share information. We have to promote internet communication.

Mr. Deputy Speaker, Sir, people are hearing now that there is fibre optic. They have heard that there is a marine cable. So many people in the rural areas are asking what this cable is going to do. The Ministry must be focused and disseminate all this information so that we can get to know. Some of us who have some knowledge in IT believe that this is the right direction. With the fibre optic in place, the issue of frequencies will not be a problem like before, where some radio and television companies were being given a lot of frequencies, but most of which lay idle. I believe that with liberalization and universal access to ICT, this is an area we should look into, so that the frequencies that are available can be given to deserving Kenyans without delay.

Some of the policies governing the Communications Commission of Kenya (CCK) are old. We need to improve on them. We need to improve with the changing of technology. We really need to do a lot. In the private sector, there are so many people who are unemployed and yet they have a lot of knowledge which is now lying idle. Let us improve our policies. We should not be dealing with few policies. I thought that with the current Permanent Secretary who is more ICT orientated than the previous one who is now the Chairman of the Departmental Committee on Energy, Communication and Information, we would see a lot of these issues being implemented.

Mr. Deputy Speaker, Sir, we want to see more of the digital villages. We went to launch a project in Karatina which was funded by the Ministry of Energy and UNIDO; that is, "Digitizing a small village." What was lacking in those villages is ICT. The villages are generating about 1kilowatts or 2 kilowatts of power, but they lack the vision on the way forward. I want to urge the Ministry to spearhead this exercise.

With those few remarks, I beg to support.

Mr. Ethuro: Thank you, Mr. Deputy Speaker, Sir. I also wish to support this Vote. I want to pay glowing tribute to the Minister and the Assistant Minister, some two young hon. Members who are making a difference in this country. If there is a time some Ministries have been allocated to the most competent people, as we saw yesterday with regard to the Ministry of Education and the Ministry of Higher Education, Science and

Technology, then it is now. You will appreciate that they seem to operate properly. Likewise, to the Ministry of Energy whose Vote we have just discussed.

That is why in my proposed Bill to reduce this bloated Cabinet, I am also introducing the requirement that one should have a university degree to qualify for appointment to the Cabinet. There is no point in talking about ICT villages and access to information and still have a Cabinet with people who do not have the power to read and do all that appertains to their degrees. You can only get that power at the university, when you graduate.

Mr. Deputy Speaker, Sir, this Ministry has a responsibility of, first and foremost, ensuring access of their services by this country. In particular, on the digital bus they have been talking about, the infrastructure in my constituency cannot allow a digital bus. So, I wish they could talk of a digital lorry, so that I can access that service. More fundamentally, the networks cannot be accessed in some of those areas.

We have built secondary schools with Constituencies Development Fund (CDF) money – schools that will not benefit from this initiative. Fortunately, I am a Member of the relevant Committee. So, I will follow up to make sure that even before the digital bus, or the digital lorry arrives, each and every corner of this country has access to mobile telephone services. That way, we can make very good use of these proposals.

Mr. Deputy Speaker, Sir, I want to be specific about northern Kenya, and those other areas, that have been forgotten for so long. One of the reasons as to why we cannot even take advantage of this kind of global economy is that given the fact that ICT facilities are not accessible, our limitations of geography also translate into limitations of technology. So, I would like the Minister and his technocrats to ensure that they look at these areas in a special way. There is no point of developing a segment of this society and leaving out other people. At the end of the day, all of us remain poorer because of the burden that we must carry.

Of late, everybody seems to be talking about the need for mobile telephone subscribers to be registered. Last year, this House passed a Motion that was brought here by Mr. C. Kilonzo, which I seconded. We said that the Government must bring a legislation to ensure that all mobile telephone subscribers are registered. This Government can only wake up when people are murdered, particularly when senior Government officers get killed. How many senior officers do you want to get killed in order for you to wake up? This was a resolution of this House. It should not take the death of a PS for us to wake up, because he is one of our own. Every death of a Kenyan that is violently caused is important.

Mr. Deputy Speaker, Sir, we had a situation that involved the followers of the *Mungiki*. They were captured on television speaking on mobile telephones, and telling people: “We are coming for you at such-and-such time.” Surely, people were killed in broad daylight, at about 1.00 p.m., on the Nairobi-Naivasha Highway. If the particular mobile phones had been registered, we would have been able to get the culprits immediately. They committed that particular offence in broad daylight, through mobile phones and television.

Eng. Rege: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, Eng. Rege!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I am the one who needs information, and not the Chair.

Mr. Deputy Speaker: Order! Eng. Rege, did you say “point of order” or “point of information”?

Mr. Ethuro: Mr. Deputy Speaker, Sir, he said “point of information”.

Mr. Deputy Speaker: Order!

Eng. Rege: Mr. Deputy Speaker, Sir, hon. Ethuro is a Member of the Departmental Committee on Energy, Communication and Information and he should be aware that registration of mobile phones is already in an Act.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Ethuro: Mr. Deputy Speaker, Sir, that is true, except that I did not need that information. I was already aware of it. I was giving the history that this House, through a Private Member’s Motion, before we passed the media law, had already proposed registration of mobiles. I am only saying that one year down the road, the Government is behaving as if they have come up with some stroke of genius to demonstrate that this can be done. All that I am saying is that if they had listened to this House one year ago, we would have prevented the kind of scenario we are talking about.

As I conclude, I would like to say that I am quite happy with the performance of the Ministry and I wish them well.

I support this Vote.

Mr. Chachu: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Vote for the Ministry. This is a key Ministry. For us to realize Vision 2030, it has to play a very vital role. The budget for the Ministry does realize the need to invest in infrastructure, specifically ICT which is very important if we have to develop the ICT industry in our nation.

It is also important to mention that the activities envisioned by the Minister in this budget are very innovative. For example, ICT, digital villages, computer laboratories in each constituency in this Republic; these are all very vital and important innovations that the Ministry intends to deal with this financial year.

As a Member of Parliament from a very rural constituency in northern Kenya, I would like to urge this Ministry to invest more in the rural parts of Kenya. Where I come from in North Horr, the only thing that is known about this Ministry for the most part is KBC. Very little is known of this Ministry’s activities in that part of the country. It is very important for the Ministry to roll out its ICT digital villages in all schools as much as possible in rural areas.

Mr. Deputy Speaker, Sir, most parts of the rural areas, including my own constituency, are hardly covered by mobile telephone service delivery. I think it is very important for this Ministry to look for ways and mean, even if it means subsidizing these mobile telephone companies or giving some form of incentives to them to ensure that many poor people in rural areas and marginal areas are covered and provided by mobile service delivery.

Mr. Deputy Speaker, Sir, the delivery of mobile telephone services in urban areas is very well utilized. When it comes to rural areas and marginal areas, we have done very little. In my constituency, for example, only two villages are covered by mobile telephone services. This is true for very many rural constituencies in Kenya. I do pray and hope that this Ministry will do whatever it takes, whether it is giving subsidies or providing incentives, to ensure that these mobile telephone companies come to the rural areas and provide Kenyans with this very vital service.

Very few schools in our areas, if any, have access to internet or ICT. If our students are to compete with other students in urban areas, then these services are critical. Hence, I call on the Ministry to really consider investing in the rural areas. I have heard of the project that they intend to implement in the rural areas. I do not know much about it to comment, but I really do hope that enough will be done to see to it that the Ministry's presence is also felt in the rural parts of Kenya.

Mr. Deputy Speaker, Sir, I did mention that installing mobile computer laboratories in each constituency is a very innovative idea. As stated earlier by Mr. Ethuro, it is very critical for the Ministry to know that some of these rural constituencies do not have tarmac roads. In my constituency, none of my roads have tarmac. Instead of buses, we need lorries and heavy trucks to travel in that area. As much as we provide these facilities, it is important to think about maintenance. We need to think of how the people in these areas can have the technical know-how to maintain the facilities once provided. A good example is what the Ministry of Energy has done.

With those few remarks, I beg to support.

Mr. Midiwo: Welcome back Mr. Deputy Speaker, Sir.

I stand to support this Motion. I think this Ministry has the right idea, although it has a long way to go.

First of all, the provision of a mobile computer laboratory is a very bad idea. Let us follow the wishes of the Deputy Prime Minister and Minister for Finance of, for example, creating a centre of excellence in every constituency. Do it in one place and do it right. These mobile things--- A couple of years ago, a Member of Parliament from my end of the world bought a mobile health clinic. This project failed before it was operationalized. Do you know why he spent Kshs50 million on it?

You cannot tell me that you will be calling people to a market to work with computers. Let us pick a point in a constituency and do it right. If I am driving from here to Limuru, for example, I will know I am going to that centre. We can use the name of that centre to source for further funds. You can add the Constituencies Development Fund (CDF) to make it look good and it becomes a true centre of excellence.

Mr. Deputy Speaker, Sir, the Communications Commission of Kenya (CCK) must pull up its socks and come to reality with the modern world. The issue of issuing frequencies to people who want to invest cannot be left to individuals. We cannot have one person having 66 frequencies and the rest are on the line as beggars. We cannot have one person using gadgets, against the law, to stop Kenyans from communicating. Recently, all communication in the southern part of Nyanza was knocked off air because of this one man who is larger than life.

I was a supporter of the Communications Bill and I still support every provision in the Act. I knew that the CCK and this Ministry needed power. We said: "We are giving you those powers, please, use them". We wanted them to use the powers so that we could make this society a place where people are not angry at the Government. We must make sure that we do not have a few powerful individuals controlling the way we live. The CCK knows this.

Mr. Deputy Speaker, Sir, the other day, I was in a bank and I saw a naked person on television. What is the CCK doing? Is it its work just to issue frequencies to people who are powerful? Since the CCK is threatening to possess frequencies, the biggest trade in the streets now is a frequency for Kshs3.5 million.

This is public property. It is public wealth. Why is the Communications Commission of Kenya (CCK) allowing this trade to go on unabated? Why are some Kenyans above the law? I want to urge the Assistant Minister to pull up his socks. We are here and we want to support him. We know that with his efforts, Kenya will become a first world country, not by word, but by deed.

We know that there are undersea cables which have not been operationalized. We do not want him to give us paper work but to see action because it is very difficult to communicate. I have a laptop in my house which is seen all day being advertized on television. However, to get on the internet from my house is much harder than going to Heaven. It is also hard here in Parliament because they do not work. So, how do we sell him? Hon. Members, we cannot pamper our colleagues here because we are partners in development. We must do the right thing for our people.

With those many remarks, I beg to support.

Mr. Mwathi: Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion, however, with few remarks. The first one is, yes, we understand it is very important to communicate. The communication that comes between people and nations and between entities is that one that mostly shapes the thinking of the nation. It is the one that guides how a nation moves. I am saying this because I am aware of the fact that when we were going for the General Election in 2007, we heavily depended on what we were getting from the media. That went without saying. That is what came to shape the politics and finally the life of Kenyans by virtue of the people who were elected. Therefore, it is very critical that this Ministry is observed keenly and that the work they do and what goes to the public is vetted properly.

I want to associate myself with the comments of Mr. Midiwo when he said that he was standing at 1.00 p.m., in a bank and saw a naked body and somebody was laughing about it. Where are we headed? What is their role? Is it to issue those frequencies and licences? I think this issue needs to be tamed, whether his Ministry has powers or not. That issue should be brought here and then we debate it in this House.

I need to bring something to light. I have an architectural background. There is one role that the Nairobi City Council plays. They have by-laws which all developers are supposed to abide by. One of them is to ensure that for every building that comes up, there is a canopy to protect people from severe weather, either extreme sunlight or rain. I think it is time that we also got into that industry. Since we work and move around buildings, you should move in and make it a law and work with the planning authorities and make sure that in every building that is coming up, we have CCTV incorporated in that building. That will definitely improve our security. We will nab those people who are doing funny things on the streets all the time with impunity. So, it is critical. They should not just see themselves as a small Ministry. This Ministry can change the lifestyle of people, including thieves to stop stealing because they know that they are being watched.

So, if any occurrence is detected, then it is very easy to know which one it is; this is because within this area, there are so many buildings and cameras. So, if one is not working, at least, the other one is working and we should be able to get the information, which we require in order to follow those people.

Mr. Deputy Speaker, Sir, it would not be right if I sat down without talking about the Kenya Broadcasting Corporation (KBC). I think it reaches the most Kenyans in this country on both radio and television. But look at the support of the Government for this

parastatal. It is not doing, or getting, enough business, so that when you call me to a KBC studio, I sit on a broken chair and the microphone is not working, yet this is our national radio and television station! What is ailing this parastatal? Are you unable to work with it and assist it? Do you want to privatize it? It has the best network in the world, yet it gives the lowest level of services. Even in terms of news, you will find them reading news that has been aired three or four hours earlier by another station. So, you need to think about empowering this organisation and make it compete with the rest of media houses like the Citizen, the KTN and the NTV. Bring that which is ailing it here and we are going to support you.

With those few remarks, I beg to support.

Mr. James Maina Kamau: Thank you, Mr. Deputy Speaker, Sir. At least, I have caught your eye. I have been here for long and thought I would not have a chance to speak in the House today.

Mr. Deputy Speaker, Sir, I would like to thank the Ministry of Information and Communications for doing a good job. I am in the relevant Committee and I know that what we went through was actually commendable. The importance of Information and Communication Technology (ICT) should not be overemphasized. It is very important that we go this way because the whole world has gone ICT. Whatever they are coming up with are things for which they need to be commended. But I do not think that the issue of introducing mobile buses is going to be workable. My colleague has just mentioned that issue. Considering the kind of places we come from, our rural areas should be attended to first. We should have tarmac roads; otherwise, they cannot work at all. I do not know what miracle they are going to perform, so that they can work.

Mr. Deputy Speaker, Sir, again, as we were going through these records, we realized that they are going to allocate to every constituency at least Kshs2.2 million per bus. When you go to General Motors and look at what you can buy with Kshs2.2 million, really I do not understand whether you are just going to buy a shell, because it can only buy a very small vehicle that cannot accommodate 24 or 34 of the people you are talking about. So, that issue should be looked into.

Mr. Deputy Speaker, Sir, at the same time, they have also said that they are going to have at least Kshs1 million to run those buses. Really, if you do a bit of arithmetic and take about two technicians and a driver, the kind of money that you are talking about is very little. It cannot do much, unless you want to tell us that you are maybe, joining another Ministry like the Ministry of Education; Kshs1 million cannot get you anywhere.

Mr. Deputy Speaker, Sir, the other issue is introducing and making ICT compulsory in primary schools. I do not think that it would be a very difficult thing to do. With the kind of budget given to the Ministry, they can introduce compulsory ICT education and computers in schools. It is not really a big deal; it can be done. This is because everywhere you go to in the world, without computer knowledge, you are a nobody. Even if you have got a Masters Degree or Doctor of Philosophy Degree (PhD), without ICT knowledge, then you are a nobody.

Mr. Deputy Speaker, Sir, on the issue of airwaves, a colleague has just mentioned that there is a group of people dominating this field. Also, there is something that has not been mentioned here by the Ministry; that is the issue of having foreign broadcasters in this country. Look at a broadcasting house like the British Broadcasting Corporation (BBC). They have enjoyed space in this country, but when you try to do a similar thing in

Britain, they cannot even give you any hearing. Why do we allow foreign broadcasters to come and do broadcasting in this country, whereas they cannot reciprocate? Something must be wrong.

Mr. Deputy Speaker, Sir, again, there is the issue of registration of mobile phones. If you go to any foreign country, you cannot just walk to a mobile phone kiosk and buy a SIM card. If you are to buy one, they will require you to produce your identification. But in this country you just want to a kiosk by the roadside, buy a SIM card, make a phone call and abuse or threaten somebody somewhere and you get away with it.

That is a very important legislation. That is a job well done as far as this is concerned. We all know what we have gone through? Somebody has just mentioned about the threat in this country. This is caused by those mobile phones. There should be proper registration of mobile phones, so that if someone does something wrong, he should be immediately arrested. I know there is a modern technology that can detect where one is by using the SIM card.

Mr. Deputy Speaker, Sir, the other issue which is important is the fibre optic. This fibre optic will go a long way in easing communication in this country and beyond. In the past, sending an e-mail or accessing an internet was actually a big task, but it has now become very easy. We were not being able to communicate effectively in this country. Kenyans took so long before they could enjoy mobile telephone. However, when prices of mobile phones were reduced, many Kenyans took advantage and were able to communicate every day. When people communicate, they are able to do business.

Mr. Deputy Speaker, Sir, I would like to commend this Ministry for what it intends to do. However, there is an issue of land which the Ministry intends to buy, using Kshs3.5 billion. Are they going to buy land every other year, using Kshs3.5 billion? That issue is not clear and needs to be clarified.

With those few words, I beg to support.

Mr. Muthama: Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii ili nizungumze juu ya Hoja hii. Wizara hii husambaza habari kwa watu wetu.

Bw. Naibu Spika, Wizara hii imetoa leseni kwa vyombo vingi vya kutangaza habari katika lugha mbalimbali hapa nchini. Ningependa ihimishe vyombo hivo kuwa na vipindi maalum katika Lugha ya Kiswahili. Ni kupitia vyombo hivi ambapo tunaweza kuwa na umoja wa taifa na kuwaunganisha Wakenya wote. Wakati huu, vyombo hivi vinatangaza katika lugha za kiasili. Lugha hizo nyingi haziwezi kuwaunganisha watu wetu. Ni lazima vyombo hivi vitumie lugha ya taifa ambayo itawaunganisha wananchi wetu.

Ikiwa vitaendelea kutumia Lugha ya Kiingereza, ni wananchi wachache ambao watalewa ujumbe wa viongozi wao. Si vizuri kwa sisi kama viongozi kutumia Kiingereza katika mikutano yetu ya kisiasa au wakati wa mazishi. Tukifanya hivo, ni watu wachache ambao hufahamu ujumbe wetu. Lugha ya Kiswahili imewaunganisha Watanzania. Hii ndio lugha ya taifa la Tanzania. Watanzania wote ni ndugu kwa sababu ya lugha hii.

Vyombo vingi vya habari hapa nchini vinamilikiwa na watu watatu. Nikiwa na mpango wa kuanzisha chombo changu cha habari ni lazima nipate leseni kutoka kwao.

Bw. Naibu Spika wa Muda, ningependa kusema kwamba kazi ya vyombo vya habari sio kutangaza tu, bali pia ni njia ya kutafutia wananchi kazi. Kwa sababu katika masafa yote yaliyolaliwa kwa kuhujumu nafasi za kazi kwa wakenya zingelikuwa

zinatumika sasa tungekuwa na wananchi kadiri ya elfu mbili kazini. Lakini kwa sasa wamenyimwa hiyo kazi kwa sababu ya tamaa ya watu fulani. Ndiyo sababu ninataka hiyo itolewe na sheria iwekwe ya kuchukua hizo leseni. Nchi hii ni ya maajabu sana. Katika nchi hii, mtu anapewa shamba ambayo inafaidi watu lakini hawezi kunyang'anywa hata kama kuna sheria. Vile vile, huo wakati mtu anachukua na kuweka kwa kabati, halipi leseni, haitumiki na ni yake na hakuna sheria ambayo inaweza kuzitoa. Mimi ningependa kusema kwamba sheria za nchi zitumike la sivyo, tuambiwe sababu. Kama hazijatengenezwa, tuambiwe ili tuweze kutengeneza zingine.

Bw. Naibu Spika wa Muda, idhaa yetu ya Kenya Broadcasting Corporation (KBC) ndio inayopokelewa katika nchi yetu tukufu. Mimi ninatoa mwito kwamba idhaa hii iweke vipindi ambavyo vinahubiri utu na umoja wa Wakenya. Waletе watu ambao wanazungumza na wananchi kule mashinani na waambiwe kwamba wasidanganyike na vyongozi. Wasidanganywe na viongozi ambao wanawazungumzia kwa misingi ya kikabila na kusema kwamba wao wakiwa Rais ndiposa hao watu watafaidika. Ni vyema kuwe na watu wa kukanusha mambo hayo kwa haraka sana. Ikiwa kiongozi fulani ameongea na kuzungumzia mambo ya kikabila, hiyo idhaa ya Kiswahili iwe imara na kukanusha mambo hayo kwa haraka na kusema kwamba aliyezungumza ni mharibifu na anagawanyisha nchi yetu na hafai kuongea mambo kama hayo. Tukifanya hivyo, tutakuwa tunaunganisha nchi yetu. Kupasha habari katika nchi na ile habari ambayo inasikizwa na wananchi ni lazima iwe ni habari ya kujenga na wala sio kuharibu.

Bw. Naibu Spika wa Muda, vyombo vya habari ni njia nzuri ya kusambaza habari lakini ilichangia sana kugawanya Wakenya.

Kwa hayo machache, ninaunga mkono.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to this very important Motion. First, I wish to thank the Minister, the Assistant Ministers and the Permanent Secretary who have executed their mandate in the interest of our people in this country. Time and again, we have noted the Permanent Secretary articulating issues. The manner that he has presented his views has been appreciable and that spirit must be maintained.

Regarding the film industry, the Ministry should give more funds to that sector because it is a sector that could create many employment opportunities for our people. We have very active youth in this nation who are very idle. We can also produce very good actors, almost equal to those who are performing in Hollywood. But nothing has been done since Independence to pay more attention to this sector. I urge the Ministry to release more funds and make sure that the youth of this nation are engaged in that venture.

Mr. Temporary Deputy Speaker, Sir, concerning the performance of KBC, we are a bit apprehensive. For quite sometime, we have seen an exodus of presenters moving from KBC to other media houses. What is really happening? We need to rediscover that we are not giving funds and more attention to our presenters and the other staff at KBC. Our people must be retrained so that we can control that exodus. One way of controlling them and giving the necessary motivation is to review their salaries. Why can we not review their salaries like it has been done by the Kenya Revenue Authority (KRA)?

We should also thank the Ministry for being the first one to broadcast live the proceedings of Parliament. They have taken the right direction and we support them in that regard.

Mr. Deputy Speaker, Sir, with regard to the Kenya Film Corporation (KFC), this is a very important body but it is failing the entire nation. Why should this corporation allow immoral films to be aired to our school children? Homosexual and even conjugal rights debates that have been aired often in the night are going to kill the spiritual growth of our people and children. I cannot imagine what type of people we are going to have within the next ten to 20 years if we allow this trend to continue. I recall when we had problems in our schools, one of the major issues that were raised was about a school programme called "*Tahidi High*" which is aired on television. Most stakeholders feel that this programme should be phased out. We noted from the presentation by the Assistant Minister that jobs will be created. As we continue to do so in this Ministry – it is our wish that jobs which are created – the offering of these jobs should not be done on tribal or sectional patterns. The jobs must be offered to qualified Kenyans so that justice and equity will be maintained in our nation.

With regard to revenue by the Ministry, I would think that the way we handled our income at the KBC is not the best way possible. I think that department that handles the income regarding the broadcasting rights should be investigated because there could be some corruption or theft taking place. If we seal all these loopholes, the income of this Ministry will also improve. Modernizing our equipment in the Ministry is of great concern because there is no way the KBC or the Ministry will attract many viewers if the other media houses have better equipment. It is, therefore, important that the allocation that is sought by the Ministry is enhanced.

With those few remarks, I beg to support.

Dr. Otichilo: Thank you very much, Mr. Deputy Speaker, Sir. I want to contribute to this Vote by congratulating the Ministry and the Permanent Secretary for a good job well done. I think since the current PS and the previous one who is now the Chairman of the Departmental Committee got into this Minister; we have seen a lot of development. I want to encourage the Ministry to continue pushing ICT as the main source of information and jobs in this country, since we are in the information technology and knowledge is the main component of this technology.

I would like to say a few things which I think are very, very important, particularly as regards to policy. I am very happy that we have articulated an ICT policy and it is now in place. With ICT, technologies have moved very fast. Now, we have geospatial technologies or satellite technologies which have fused up with ICT. So we need to come up with new policies that would see to it that satellite technologies are embraced in this country. Many countries, for example, Nigeria, already have satellite for communication and collecting information. So, this is an area where I would like to see the Ministry thinking big. We must think big and not think small. The satellite technology is the way we should go so that we do not spend more time hiring all this from ITU. So, this is an area that I would like to ask the Ministry to ask move on and see how best we can do it.

The issue of the mobile computer bus, I think most hon. Members have talked about it and I think it is not going to work. We must go back to the drawing board! How is it going to work? I do not believe it can! It cannot work!

Mr. Deputy Speaker, Sir, on the issue of training, ICT training is very, very crucial, if this country is going to move forward. The Ministry of Education may have policies on e-learning and so on, but they do not have the capacity. The programs they

talk about actually cannot be implemented! I think the Ministry needs to co-ordinate with the Ministry of Education, so that you have a well co-ordinated training program, starting from the primary schools, secondary schools, tertiary institutions and universities. Currently, we have all sorts of curricula being offered by everybody in the streets. I think the Ministry must come forward, since it is a key stakeholder, and take that sector and steer it ahead. So, that is an area that you need to really take very seriously.

Mr. Deputy Speaker, Sir, on the issue of e-governance, we have talked about it. We even have a policy, but I do not think we know what we are talking about. We think that e-governance is about having computers in the offices and people using them. That is not e-governance! This Ministry needs to work with other Government departments and Ministries to teach them and show them how to establish E-governance. That mainly focuses on the content; how are we going to digitize information that is already in analogue form to digital form? That is where it is very crucial! The way we are going to do it is extremely crucial. If we do not do it right, then everything we do will just be garbage! So, that is a very important content; it is the most important aspect in that technology. So, I think the Ministry should lay more emphasis on content.

The last one, Mr. Deputy Speaker, Sir, is the issue of Business Process Outsourcing (BPO). That is where we have a lot of opportunity to create jobs for our youth. That is where I would like the Ministry to focus, so that we can create jobs for our youth in our country. I am very happy with the fiber optic cable being launched and, very soon, it will be available. I think that is an area where we need to focus.

Therefore, Mr. Deputy Speaker, Sir, I want to say that the Minister has done a good job, but he has a lot of challenges ahead of him and, therefore, he has a lot to do!

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

Thank you, Mr. Deputy Speaker, Sir.

Mr. Ngugi: Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to support the Vote for this Ministry. But it is rather disappointing to see that it is only Kshs4.5 billion compared to its importance in this country.

(Applause)

This is really the Ministry for the future! If we want to be at par with the rest of the world, then it is through this Ministry. Otherwise, we will always be trailing and we will never catch up with the rest of the world.

Mr. Deputy Speaker, Sir, we always say that we are a global village. We are supposed to be competing with America, Europe, Asia and everywhere else. How are we going to do that? How are our youth going to do that when they are not computer literate or when they cannot access the internet? To me, ICT or computer knowledge should be made compulsory in all our schools!

In fact, it should be a requirement that for one to be a Member of Parliament, he or she should be computer literate.

Mr. Deputy Speaker, Sir, because I do not want to repeat what my colleagues have said, allow me to say this: In this country we are experiencing e-waste. It is the responsibility of this Ministry to ensure that we do not become a dumping ground. A lot of computers are coming from America and Europe in the form of assistance to us, but

the truth is that we are being used as a dumping ground. What they do not need there is what they bring here. This Ministry has a responsibility to ensure that we are not a dumping ground.

In areas where there are community radios, the general populace is well versed with information about the activities in those areas. Today morning, I was in one part of my constituency. Yesterday, I was in another part. If we had community radio there, all my people would know that I am working for them. They would know that I was in this and that place. I have applied for a licence to start a community radio, but I have not been given. This is because there are no frequencies to be issued. I am looking forward to that day when the Ministry will be in a position to provide frequencies to anybody, including Members of Parliament, who want to start a community radio.

Mr. Deputy Speaker, Sir, it is through technology that we would avoid conflict in this country. If communication in this country was so advanced, what we experienced after the 2007 General Election would not have happened. As people voted in every polling station, the results would have been fed into a central place and everybody would see how things were moving. The issue of rigging or manipulating the results would not have arisen. That is why I would like this Ministry to work extra hard. It needs to be allocated more funds so that it can address some of these problems that bedevil this country.

With regard to our national radio and television, the situation is really pathetic. Up to recently, I think they were on analogue. It is now that they are going digital. If you go to their studios, you will realize that they are not comparable with other stations, for example, Nation Television Network (NTV) and Kenya Television (KTN) and yet, that is our national radio and television. If the responsibility of this Ministry is public communications, how else does it communicate? Should it not be through our national communication media instead of going to others to ask for space?

This Ministry has the responsibility, even as we advance, to guard against cyber crime and the issue of people buying SIM cards which they use to abuse others and then dump them. I am glad that they have taken action on this line.

Finally, mobile phone companies ought to share masts so that costs can come down. That way, they will be able to reach every part of the country.

With those few remarks, I beg to support.

Mr. Deputy Speaker: Under the circumstances, I will call upon the Mover to reply now.

The Assistant Minister for Information and Communications (Mr. Godhana): Thank you, Mr. Deputy Speaker, Sir. First, I want to appreciate the concerns by Members of Parliament which will go a long way in informing the areas that we feel are necessary so that they can be addressed. However, most of the issues that were raised here have already been covered in the Kenya Communications (Amendment) Act that was passed by this House.

Mr. Deputy Speaker, Sir, allow me to talk about some of the issues that were raised here. One, Mr. Keter requested that we disclose the issue of the consultancy firm. There is nothing to hide in this. We have consulted the International Finance Corporation (IFC). We have paid around Kshs200 million for the consultancy services.

Mr. Deputy Speaker, Sir, on the issue of acquisition of land, we have already acquired land in Athi River. We have so far paid a total of Kshs400 million. The area we have acquired the land in is Malili Ranch.

Much has been said about the issue of mobile buses. Those are concerns we will look into. The issue of idle frequencies has already been handled. It is very clear that we have already moved fast to try and acquire the idle frequencies for re-allocation.

Mr. Deputy Speaker, Sir, there was also concern about old policies in the Communications Commission of Kenya (CCK). This is among the issues that were addressed by the amended Act. It is true that there was that problem, but it resulted from the fact that the law required to be amended first before the regulator could put in place some of the policies hon. Members have talked about. I am happy that they did that, and, already, the regulator is in the process of trying to put in place the relevant policies to address some of those concerns.

Mr. Ethuro talked about the issue of emphasis on digital telephones. I want to say that this issue is tied together with the issue of spreading of telephone services to the rural areas. I come from one of those areas – Tana River District. So, this is also one of my concerns. I want to tell those who are concerned about this issue that they should be happy that I am in this Ministry.

Through the same Act, hon. Members approved the Universal Subscriber Fund (USF) that allows a discount of 50 per cent to investors in low income areas. I am sure that this provision will motivate investors to move to the rural areas and invest. So, this provision will address the issue of spreading of mobile telephony.

I do not want to talk about the issue of tarmac roads that was raised by an hon. Member, but I know that the Ministry of Roads has addressed it. Once we have tarmac roads all over the country, it will be easier for us to implement the mobile buses programme.

Mr. Deputy Speaker, Sir, hon. Midiwo talked about a biased allocation of resources. In fact, he used the words “allocation selectively”, where some areas get more resources, while others get less resources. He also talked about the issue of regulating content and jamming networks. I want to say that once we move from analogue technology to digital technology, the frequencies will be in plenty. Of course, the first measure will be to retrieve those frequencies that will be idle for re-allocation, but, eventually, the whole of this problem will be over.

On the issue of interference into FM radio stations, there may be some different causes of such a situation. It might be a question of poor marketing or actual jamming, or any other thing, including obsolete equipment. So, maybe, we can address this issue on a case by case basis. If any Member of Parliament feels that there is interference in any of the radio stations, he can come to the Ministry, present the case and we can look into it.

Mr. Deputy Speaker, Sir, the issue of the Kenya Broadcasting Corporation (KBC) is critical. Everybody is talking about it. I want to say that the Ministry of Finance is trying to negotiate with the Japanese Government to waive the debt of Kshs18 billion. Once that is done, the next move will be for the Ministry to move the KBC from Medium Wave to Frequency Modulation. The next move will be to move its television from analogue transmission to digital transmission. These things will be handled very well. We will have addressed all these issues.

Mr. Deputy Speaker, Sir, before I finish, I want to talk about the issue of e-waste which Mr. Ngugi talked about. This is an environmental concern and the Ministry is looking into it. I was with the United Nations Investment Development Organisation (UNIDO) and we discussed it. So, we are already in touch with this one.

I also wanted to talk about the issue of using Kiswahili in the FM stations as a main tool in bringing Kenyans together. That is an issue that we should take into consideration.

As I conclude, I want to take this opportunity to thank members of staff, the Permanent Secretary and all the players in the Ministry for being able to spend all their time and making this very possible. I would also like to thank the Members of Parliament for their appreciation. All of them do appreciate our efforts. They said that this Ministry is doing its best. Mr. Ngugi said that this is the Ministry of the future and really it is.

With those few remarks, I beg to move.

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

VOTE 30 – MINISTRY OF ENERGY

The Assistant Minister for Energy (Mr. M.M. Mahamud): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT a sum not exceeding Kshs10, 508,145,370 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2010, in respect of:-

Vote30 - Ministry of Energy.

(Question proposed)

VOTE R30 – RECURRENT EXPENDITURE

SUB-VOTE 300 – GENERAL ADMINISTRATION AND PLANNING

(Heads 428, 429 and 574 agreed to)

(Sub-Vote or 300 agreed to)

SUB-VOTE 301 – RENEWABLE ENERGY DEVELOPMENT

(Heads 430 and 433 agreed to)

(Sub-Vote 301 agreed to)

SUB-VOTE 302 – ELECTRIC POWER DEVELOPMENT

(Heads 435 and 436 agreed to)

(Sub-Vote 302 agreed to)

SUB-VOTE 303 – PETROLEUM EXPLORATION AND SUBSTITUTION

(Head 427 agreed to)

(Sub-Vote 303 agreed to)

VOTE D30 – DEVELOPMENT EXPENDITURE

SUB-VOTE 300 – GENERAL ADMINISTRATION AND PLANNING

(Heads 428 and 429 agreed to)

(Sub-Vote 300 agreed to)

SUB-VOTE 301 – RENEWABLE ENERGY DEVELOPMENT

(Heads 430 and 433 agreed to)

(Sub-Vote 301 agreed to)

SUB-VOTE 302 – ELECTRIC POWER DEVELOPMENT

(Heads 435, 436 and 444 agreed to)

(Sub-Vote 302 agreed to)

SUB-VOTE 303 – PETROLEUM EXPLORATION AND SUBSTITUTION

Head 427 – Petroleum and Coal Exploration

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I had indicated earlier on that I was going to move a Motion to stop this in the absence of documentation. However, our Committee has since received documentation and we are satisfied.

The Temporary Deputy Chairman (Mr. Ethuro): Eng. Rege, you had given the notice of your intention although you did not move it. So, it is as good as well done!

(Head 427 agreed to)

(Sub-Vote 303 agreed to)

(Vote D30 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

The Temporary Deputy Chairman (Mr. Ethuro): Order, hon. Members! Let us now move to the next Ministry; Vote 32 - Ministry of Information and Communications.

Vote 32 – Ministry of Information and Communication

The Assistant Minister for information and Communications (Mr. Khaniri): Mr. Temporary Deputy Chairman, Sir, I beg to move that a sum not exceeding Kshs2,200, 503, 440 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ended 30th June, 2010 in respect of:-

Vote 32 – Ministry of Information and Communications

(Question proposed)

VOTE R32 – RECURRENT EXPENDITURE

SUB-VOTE 320 – GENERAL ADMINISTRATION AND PLANNING

(Heads 287, 406, 464, 713 and 781 agreed to)

(Sub-Vote 320 agreed to)

SUB-VOTE 322 – INFORMATION AND NEWS SERVICES

(Heads 653, 654, 655, 656, 658 and 659 agreed to)

(Sub-Vote 322 agreed to)

SUB-VOTE 323 – TRAINING

(Head 665 agreed to)

(Sub-Vote 323 agreed to)

SUB-VOTE 325 – FILM PRODUCTION DEPARTMENT

(Heads 723 and 724 agreed to)

(Sub-Vote 325 agreed to)

VOTE D32 – DEVELOPMENT EXPENDITURE

SUB-VOTE 320 – GENERAL ADMINISTRATION AND PLANNING

(Heads 287 and 713 agreed to)

(Sub-Vote 320 agreed to)

SUB-VOTE 322 – INFORMATION AND NEWS SERVICES

(Heads 653 and 654 agreed to)

(Sub-Vote 322 agreed to)

SUB-VOTE 323 – TRAINING

(Head 655 agreed to)

(Sub-Vote 323 agreed to)

SUB-VOTE 325 – FILM PRODUCTION DEPARTMENT

(Head 723 agreed to)

(Sub-Vote 325 agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[The Temporary Deputy Speaker (Mr. Midiwo) in the Chair]

REPORTS

Vote 30 – Ministry of Energy

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs10,508,145,370 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2010, in respect of Vote 30 – Ministry of Energy, and has approved the same without amendment.

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Information and Communications (Mr. Godhana) seconded.

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

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

(Question proposed)

(Question put and agreed to)

Vote 32 – Ministry of Information and Communications

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs2,200,503,440 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2010, in respect of Vote 32 – Ministry of Information and Communications, and has approved the same without amendment.

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Energy (Eng. M.M. Mahamud) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 4th August, 2009, at 2.30 p.m.

The House rose at 7.35 p.m.