

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th August, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

RECRUITMENT OF KENYANS BY DUBIOUS AGENCIES FOR MIDDLE EAST JOBS

Mr. Kiuna: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware of the existence of some dubious job recruiting agencies who recruit Kenyans to go and work in Saudi Arabia and Lebanon under inhuman conditions?

(b) Is the Minister also aware that Ms. Alice Nyamanga Sasati and Ms. Loise Njoki Ng'ang'a, both from Lare Division of Njoro District, are currently stranded and are exposed to servitude in Lebanon and Saudi Arabia, respectively, after their travel documents were confiscated?

(c) What measures will the Minister take to ensure that the two women are brought back home and to avoid such incidents in future?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there are very many unscrupulous labour agencies operating in Nairobi, and which are unknown both to the Ministry of Labour as well as the Ministry of Foreign Affairs. Those agencies are responsible largely for the misfortunes of many Kenyans, especially the Kenyan youth, who are going to the Middle East to seek for jobs. Most of those briefcase companies exist. Some of them do not have permanent addresses and even registrations numbers. Most of those briefcase agencies use mobile phone numbers and they also frequently change those numbers to avoid any detection so far. They prey on innocent Kenyan families with the promise of good jobs in the Middle East which, most of the time, turn out not to be true. Those agencies have proven to be very clever and elusive and they operate very successful because, sometimes, they are assisted by Government officers. The nature, character and success of those agencies' operations point to some collusion with some Ministries and, particularly, the Ministry of Labour. There are organizations that have made it possible for those agencies and their operators not to be prosecuted successfully. Most of the individuals who are recruited by those companies leave Kenya without a word to the Government or, indeed, the Ministry of Foreign Affairs or any other Government agency. Even upon arrival at the destinations of

the promised jobs, they do not contact the nearest Kenyan Embassy. Most of the individuals, before they leave Kenya, sign a form of agreement which usually ties them down to some so-called “employers’ prior notification” which makes it impossible for us to trace the individuals when they go to those countries.

Upon arrival, the travel documents and mobile phones of many Kenyans are confiscated and their freedom is usually curtailed. Many of them have reported inhuman treatment, ranging from being subjected to working long hours, being denied sleep, being beaten up, sexual slavery and, indeed, slavery as a whole.

(b) Yes, I am also aware of Madam Alice Sasati who was stranded in Lebanon. As the Assistant Minister of Foreign Affairs, I personally took responsibility and talked to the Kenyan Honorary Consular, a gentleman known as Mr. Chaluhi, who then painfully looked for Madam Sasati and eventually found that she had gone to Lebanon to work as a house help on a monthly salary of US\$200. Once Madam Sasati arrived in Lebanon, there was confusion as to whether she had changed her mind from working for the individual who took her there, or whether she decided to go there and work in a hotel. Once that issue came up, the individual who had taken her to Lebanon then decided to take her. They then chained her to a house where she stayed until when the Honorary Consul, Mr. Chaluhi, arrived in that house with police officers to go and rescue her. Upon receiving information from Madam Sasati’s father who spoke to me personally, our Ministry did the best we could to make sure that we saved her. Ms. Sasati, as a result of our finding out where she was working, agreed to leave working for the individual who had taken her there. We asked her to come back to Kenya. But she said she wanted to stay and continue working there because she did not think her chances of getting a good job in Nairobi were going to be successful. The Honorary Consul, Mr. Chaluhi, talked to Madam Sasati’s father who had come to the Ministry of Foreign Affairs a number of times, and explained to him that the daughter had actually refused to come back to Kenya. The Honorary Consul, therefore, could not forcefully make that lady to come back. However, that lady, apparently, has a baby in Kenya and that is why her father wanted her to come back and take up her responsibility. The problem that has hindered Madam Sasati not to come back is because the family has also been unable to raise a ticket which would bring her from Lebanon to Nairobi. The ticket would cost US\$3,500. That amount, if it was to be raised, would be by the person who had taken her to Lebanon to work.

Mr. Speaker, Sir, consequently, Madam Sasati’s employer has refused to pay this money and the Ministry of Foreign Affairs is considering the option of actually raising the ticket money so that she can be brought back to Kenya.

With regard to Madam Ng’ang’a, her travel documents had been confiscated. It should be noted that Saudi labour laws allow an employer to take custody of an employee’s passport on arrival, and those documents can only be released by the employer on the day the employee is actually leaving to come back to Kenya. Also, for one to leave the Kingdom, he or she must have an exit visa, which is normally issued by the employer, or the relevant Saudi authorities.

Mr. Speaker, Sir, on the matter of Madam Ng’ang’a coming back, the Ministry of Foreign Affairs is right now, as earlier mentioned in this House, making arrangements to have bilateral agreements signed with the Kingdom of Saudi Arabia; the agreements

which can be signed, or which must be signed, by a Kenyan with the hiring agencies should ensure that the rights of Kenyans are protected.

Mr. Kiuna: Mr. Speaker, Sir, I would like to thank the Assistant Minister for giving an elaborate answer; since he has accepted that these two ladies from Molo Constituency have been detained in the respective countries, that is Saudi Arabia and Lebanon, could he inform the House what measures the Government is going to take to make sure that Loice Njoki Ng'ang'a and Alice Nyamaganga Sasati from Lare Division are rescued and brought back to the country?

Mr. Onyonka: Mr. Speaker, Sir, on the issue of Madam Ng'ang'a in Saudi Arabia, I would like to ask hon. Kiuna to make sure he furnishes me with the information, which we do not have, about where she is right now in Saudi Arabia. The reason for this is that we have already started making arrangements with the Saudi Arabian police, to make sure that we start tracing her. One of the problems we have is that she is not easily available; if the hon. Member has any information which he can give to us, then it will make it easier for the police there to locate her. We are aware that Madam Ng'ang'a could actually be in the residence of her former employer and we have already communicated that to the Kenyan ambassador in the Saudi Kingdom to make sure that he follows up on that. Any other information would go a long way in helping us.

Mr. Speaker, Sir, secondly, I would like to state very clearly that the honorary consul we have in Lebanon, Mr. Chaluhi, has tried to do the best he could; as I have said, with Madam Sasati's issue, this is a matter which the Ministry of Foreign Affairs is going to make a decision on not later than the end of this week in consultations with the Minister and the Permanent Secretary to make sure that funds can be raised to ensure that the ticket is available for her to be brought back home.

Mr. Yinda: Mr. Speaker, Sir, listening to the Assistant Minister answer the question, it sounds like a story from a best seller book. Now that we know that Kenyans who think that they have got greener pastures outside are suffering as much as the two individuals we are hearing about, could the Assistant Minister inform the House what the Government is doing to ensure that Kenyans are advised that conditions are not as rosy as they think in countries such as the ones we are talking about?

Mr. Onyonka: Mr. Speaker, Sir, in the last two months, the Ministry of Foreign Affairs has actually issued Press releases explaining to Kenyans that it is no longer a matter which can be taken lightly. If any Kenyan is travelling outside the country for an employment opportunity that has come up, they should immediately go and register with the embassy of the country where they are going. We have also been warning Kenyans that they have to be careful with the unscrupulous individuals who are recruiting and fleecing them of their resources as they try to look for opportunities outside the country. One of the issues that have come up in the Ministry of Labour and the Ministry of Foreign Affairs is that we are having inter-ministerial meetings to make sure that the Kenyan Government can actually come up with bilateral agreements with different countries, so that Kenyans in the Diaspora can have their labour rights protected. In this way, when a Kenyan is recruited, or goes to another country to look for a job, then they will find that their rights are protected. They will be going to a place where they know who is going to employ them. They will know how much they will be paid and what the laws of the respective country say about their rights. This has been a problem; it has

existed but the Government is trying to make sure that we provide the necessary protection as soon as possible.

Mr. Mwiru: Mr. Speaker, Sir, you heard from the Assistant Minister's answer that these dubious agencies collude with some Government officials in his Ministry and in the Ministry of Labour. Could he inform the House what action the Government has taken to make sure that they get rid of these officers, who are also involved in trying to traffic these people to those countries where they suffer inhuman treatment?

Mr. Onyonka: Mr. Speaker, Sir, this matter had been discussed at a high level of Government, especially at the Ministry of Foreign Affairs and the Ministry of Labour. The Kenya Anti-Corruption Commission (KACC) has already received a report; it was asked to try and follow up and clean the system. I believe this is a matter that now will be forwarded to the Criminal Investigations Department (CID) to make sure that proper investigations are conducted. The other point is that the Ministry of Foreign Affairs and the Ministry of Labour have come up with new modalities; we are going to ask the agents who recruit Kenyans to go and work abroad to register afresh, so that we can vet them and make sure that we know who they are, whether they have the credibility necessary to make sure that what they are doing is of acceptable standards.

Mr. Mututho: On a point of order, Mr. Speaker, Sir. I know for a fact that you have ruled many times that a committee does not require your express authority to investigate matters that are within their domain. Listening to the Assistant Minister, it is clear that there are so many gross anomalies in the way Kenyans have been handled in Saudi Arabia and in other parts of the world. Am I, therefore, in order to request that this matter be referred to the relevant departmental committee on labour, so that it can be looked into fully?

Mr. Speaker: Any other Member interested in this matter?

Mr. Mungatana: Mr. Speaker, Sir, the cases of Alice Ng'ang'a and Sasati that are before us are very similar to what was reported on 24th June---

Mr. Mututho: On a point of order, Mr. Speaker, Sir. I was on a point of order and I was inviting you to make a ruling. I know you have said a dozen times that a departmental committee does not have to rely on you to give specific direction, but listening to the allegations and matters canvassed here this---

Mr. Speaker: Order, hon. Mututho! Do you have to repeat all that? I have, of course, heard you; the directions that I will give have previously been given many times, over and over again. It is the duty of that committee to discharge its mandate as envisaged by the Standing Orders; it should proceed and carry out any investigation they deem to be in the interest of this country. Surely, I do not have to be repetitive. I am awake to the provisions of the Standing Orders.

Proceed, Mr. Mungatana!

Mr. Mungatana: Mr. Speaker, Sir, I was saying that on 24th June, 2011, the picture of Fatuma Mashoud, the mother of Hadija Omar, was prominently displayed in the newspapers stating that her daughter, Khadija Noor had been killed in Saudi Arabia where she was working as a house help. The six counties of the Coast are particularly affected by this. From the Employment Act, the responsibility and the power of vetting employment agencies resides in the Ministry of Labour. How many foreign job recruitment companies have been registered through the Ministry of Foreign Affairs, with the Ministry of Labour?

We want to know specifically the number because it is not enough for the Ministry to say that they are intervening and looking for bilateral intervention. How many of these foreign job recruiters have been registered with the Ministry of Foreign Affairs through the Ministry of Labour? We want Kenyans to know the foreign jobs recruiting companies which have been approved by the Ministry of Labour. Therefore, if they are recruited by those companies, they are safe. In fact, if there is a problem, Kenyans can be given return tickets back to Kenya. How many of these are registered? Could the Assistant Minister table the list before the House?

Mr. Onyonka: Mr. Speaker, Sir, as I earlier mentioned, this data does not exist with the Ministry of Foreign Affairs. Indeed, when we consulted the Ministry of Labour, they said that they were trying to compile the list to know how many of these companies are legitimately in this business of recruiting Kenyans to work abroad or anywhere. We have discussed this before in this House and I had previously said that unfortunately, this is a matter that we have handled casually. This is a matter, as the Speaker has said, which needs much more detail and interrogation, so that we can come up with, if need be, a policy paper which will guide the Ministry of Labour and the Ministry of Foreign Affairs, so that then we can know what happens to Kenyans when they go out there to work. We should also know how they go there and who is held accountable and responsible when they go out there.

Mr. Kiuna: Mr. Speaker, Sir, although the Assistant Minister has given a satisfactory answer, I am not fully convinced. On the issue of Alice Nyamanga Sasati, I talked to her father and he is ready and willing to have his daughter brought back to the country. There is no way that she can refuse to leave Beirut. I would request the Assistant Minister, if he is sincere about what he has said, to contact the father of Alice Nyamanga Sasati, so that he can know the truth of the matter. That girl is still in Beirut and she was sold for US\$3,000 to her employer. At the moment, she is a slave in Beirut.

Mr. Onyonka: Mr. Speaker, Sir, that is a good question. The honourable Consular, Mr. Chaluhi, who represents our country in Lebanon called this morning and informed us that he has made progress and he will go to pick Madam Sasati from the hotel where she was working on Tuesday, 30th, August, 2011, and take her to stay at his residence as he tries to pursue an exit visa for her to come back to Nairobi. The reason for the delay is that in Lebanon, the next two days will be a public holiday because they are Muslims. He hopes to secure the exit visa on Thursday, 1st September, 2011, so that he can secure her release for her to come back to Nairobi.

As I said earlier, the Ministry of Foreign Affairs is engaged and I have Mr. Sasati's personal number. We will contact him in order to agree on how we will raise the balance of the money which Mr. Chaluhi has said is required of US\$2,800 for the girl to come back to Nairobi. I believe before Saturday, she should be back home in Nairobi.

FOOD SHORTAGE IN IKUTHA/MUTOMO DISTRICTS

Mr. I. Muoki: Mr. Speaker, Sir, I beg to ask the Minister of State for Special Programmes the following Question by Private Notice.

(a) Is the Minister aware of the serious food shortage being experienced in Mutomo and Ikutha districts (Kitui South Constituency) and residents have not received

relief supplies for several months and that the relief food supplied to the areas in July, 2011 was condemned by Public Health Officers?

(b) Is the Minister also aware that part of the relief food meant for the area has not reached them and it is being sold locally?

(c) What urgent measures will the Minister take to ensure that there is adequate supply of relief food in the area?

Mr. Speaker: Member for Kitui South, I have a request to defer this Question to Thursday this week from the Minister of State for Special Programmes on the premises that the President is away in Kangundo Constituency and it was necessary for her to be present at the function that the President will preside over so that she takes instructions to perform certain actions.

Mr. I. Muoki: Mr. Speaker, Sir, I have no problem with that. This matter is urgent in the sense that the 10,000 bags of maize for the whole of Kitui County were rotten and have been destroyed and, therefore, the people have not received their food.

Mr. Speaker: Very well, Member for Kitui South, between today and Thursday afternoon, there is only 24 hours, bearing in mind that tomorrow is a holiday. So, it will not cause too much damage. I want to believe.

(Question deferred)

MURDER OF ISAAC GATIMU GITARI

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

(a) Is the Minister aware that Mr. Isaac Gatimu Gitari was murdered and his body dumped in a toilet in Karia village on 8th August, 2011?

(b) Is the Minister also aware that some key witnesses in the murder case have declined to testify for fear of their lives and, if so, what measures is the Minister taking to ensure the witnesses are protected?

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

(a) Yes, I am aware that Isaac Gatimu Gitari went missing on 4th August, 2011, at around 6.00 p.m. and his body was later discovered by his nephew, Patrick Mwamba, dumped in a toilet within his compound on 8th August, 2011, at about 4.30 p.m. A report was made at Kerugoya Police Station vide OB No.59 of 8th August, 2011 at 7.00 p.m. The scene was visited and investigations commenced immediately vide Kerugoya Police Station Criminal Case No.221/333/2011 with the offence of murder. The case is pending under investigations.

(b) I am also aware that some rumors have been circulating in the area that there are potential witnesses who are scared of volunteering information for fear of retribution from the suspects. The truth behind these rumors is being investigated by the police. However, the local Police Commanders have made an appeal through the local leaders including the local Member of Parliament, hon. Joseph Gitari, assuring such witnesses that their evidence shall be taken in strict confidence. If it is established that there is prudence to these rumors, appropriate measures will be taken in conjunction with the witness protection agency established under the Witnesses Protection Act, No.79 of 2008.

Mr. Gitari: Mr. Speaker, Sir, I have been here for about four months and this is the third Question I am asking on insecurity. What is the Ministry doing to curb insecurity in Kirinyaga Central, especially in terms of going out and telling members of the public that they will be protected if they give any evidence? The main problem is that people do not give evidence and the suspects are not arrested. What is the Ministry doing to inform the members of the public about witness protection?

Mr. Ojode: Mr. Speaker, Sir, we have posted detectives from Nairobi to Kirinyaga Central. We are trying to tell the witnesses that nothing will happen to them because we will protect them, should we get information from them. We have made good inroads and even the hon. Member for the area is aware that we have approached him and we are in the process of talking to his people with regard to the same. I want to assure this House that nothing will happen to the witnesses and they have accepted to divulge the information that we require.

Mr. Olago: Mr. Speaker, Sir, I am very concerned with the part of the answer by the Assistant Minister which says that a rumour is circulating in the area that there are potential witnesses who are scared of volunteering information, and that the rumour is being investigated. The Assistant Minister further says that, if necessary, he will take action under the Witness Protection Act. Does that not imply that there are persons in this country and in that constituency who are more powerful than the police and people are scared of them?

Mr. Ojode: Mr. Speaker, Sir, that is not true. You cannot go by rumours. This is a murder case and if it is true that they were involved in the murder, you know the consequences and we cannot take it lightly. That is why we have sent detectives from Nairobi to investigate that matter thoroughly in order for us to arrest those who are involved.

Mr. Njuguna: Mr. Speaker, Sir, while thanking the Assistant Minister for the brief answer, could he inform the House the measures the Government has taken to eradicate lynching of suspected murder criminals by *wananchi* as they continue to display lack of confidence in the police force?

Mr. Ojode: Mr. Speaker, Sir, we have said - and this is not the first time we are saying it - that you have to abide by the law. The rule of law requires that if somebody makes a mistake or acts contrary to the law, it is duty of the police to arrest him or her. We do not allow any Tom, Dick and Harry to lynch people. However, police officers are on the ground as we speak. Those officers are having very good leads and we will arrest the people who were involved in those acts.

Mr. Gitari: Mr. Speaker, Sir, on 26th June, 2011, I asked a Question pertaining to insecurity in Kirinyaga Central and in his answer, the Assistant Minister promised that he will dispatch a vehicle to Kirinyaga Central to try and curb insecurity in that area. I believe that the month is gone. When should we expect that vehicle in order to curb insecurity in our constituency?

Mr. Ojode: Mr. Speaker, Sir, when I answered that Question, I dispatched a vehicles for purposes of investigating that matter. However, the hon. Member wants a permanent vehicle to be stationed in Kirinyaga but I have said that we are in the process of buying vehicles and I cannot promise people vehicles which have not been purchased. I have said that once the procedures are done, we will buy the vehicles and deliver them to various areas which have not been allocated vehicles. In the meantime, the Officer

Commanding Police Division (OCPD) has a vehicle which they use for patrol. The Officer Commanding Station (OCS) also has a vehicle which they use to patrol. So, once we purchase the vehicles, all those stations which do not have vehicles will definitely get brand new vehicles.

Mr. Gitari: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to continue misleading this House because the HANSARD shows that when I asked the Question on 26th June, 2011 he promised that within the next one month; that is before the end of the last financial year, he would dispatch a vehicle to Kirinyaga Central?

Mr. Speaker: Order, the hon. Member for Kirinyaga Central! We do not need to spend more time on the matter. From what you have read, the Assistant Minister said that he would dispatch a vehicle to Kirinyaga Central within one month and he has said that he, indeed, did so. It is just that you had an expectation that it will be stationed there permanently. Otherwise, the Assistant Minister dispatched the vehicle!

CAUSE OF FIRE AT UASO BOYS SECONDARY SCHOOL

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

(a) What was the cause of the fire that burnt down the dining hall and kitchen at Uaso Boys Secondary School and what was the cost of damage?

(b) What measures will the Minister take to ensure the facility is reconstructed?

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

(a) An assessment by the County Works Officer, Samburu District into the cause of the fire that burnt down the dining hall and kitchen hall at Uaso Boys Secondary School on the night of 16th August, 2011 indicates that it was caused by an electric fault. The cost of the damage was estimated as Kshs3.6 million.

(b) The school Board of Governors (BOGs) is advised to forward a formal request to the Ministry for consideration for assistance. In addition, the BOG has also been requested to seek support from the local community leaders, parents and other stakeholders to help reconstruct the facility.

Mr. Letimalo: Mr. Speaker, Sir, I want to thank the Assistant Minister for the answer. However, I am concerned about part (b) of the answer. Now that the cost of damage is known and the entire House knows that Samburu East District is one of the districts that have been badly affected by the severe drought that we have gone through--- Instead of saying that the local community or the BOG raise the Kshs3.6 million, why can not the Government shoulder the whole responsibility and reconstruct this facility because this is a poor community?

Prof. Olweny: Mr. Speaker, Sir, I have said that let the school forward the formal request. The Ministry will consider what it can give but incase what the Ministry gives is not sufficient, then the hon. Member can look for other stakeholders to assist; but let us get the formal request from the school.

Mr. Speaker: Last question, Mr. Letimalo!

Mr. Letimalo: Mr. Speaker, Sir, now that schools are about to re-open and these students take their meals outside in a dusty environment, how soon will the Assistant Minister take up the matter when the BOG makes its request?

Prof. Olweny: Mr. Speaker, the hon. Member is a representative of the people in that constituency, including the school. Could he help us by going to the constituency today so that he can bring us the request by tomorrow and then we shall act?

Mr. Speaker: Let us move on to the next Question by the Member for Isiolo South.

ORAL ANSWERS TO QUESTIONS

Question No.763

LEVEL OF GIRL-CHILD ENROLMENT IN MARSABIT/ISIOLO COUNTIES

Mr. Bahari asked the Minister for Education:-

(a) what the level of the girl-child enrolment and transition rate is in Marsabit and Isiolo counties at all levels is; and,

(b) what Government schemes exist to encourage and promote girl-child education in the two counties.

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I once again beg the indulgence of the House to give me one more week because I have not received all the data required so that I can give a good answer to this Question.

Mr. Speaker: Fair enough! The Member for Isiolo South, do you agree to give the Assistant Minister one more week?

Mr. Bahari: I do agree, Mr. Speaker, Sir.

Mr. Speaker: I will then defer the Question to Tuesday, next week at 2.30 p.m.

(Question deferred)

Let us move on to Dr. Otichillo's Question!

Dr. Otichilo: Mr. Speaker, Sir, although I have not received a copy of the written answer I beg to ask Question No.851.

Question No.851

LEVEL OF SUCCESS OF TREE PLANTING EXERCISE IN EMUHAYA CONSTITUENCY

Dr. Otichilo asked the Minister for Education:-

(a) how successful the programme to establish tree nurseries in 20 primary schools in each constituency was, particularly in Emuhaya Constituency, considering that Kshs.60,000 was allocated to each school through the Economic Stimulus Programme (ESP) in 2009/2010;

(b) how successful the programme to purchase and plant seedlings in 50 schools in every constituency was, particularly in Emuhaya Constituency, considering that Kshs.30,000 was allocated for this purpose.

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I beg to reply but I think a copy of the written answer was brought to Parliament last week.

Mr. Speaker: Order, Mr. Assistant Minister! Do you have an extra copy of your answer?

The Assistant Minister for Education (Prof. Olweny): I only have one copy but we can make a photocopy it.

Mr. Speaker: The Member for Emuhaya, are you comfortable to proceed without a copy of the written answer?

Dr. Otichilo: Mr. Speaker, Sir, the answer I am expecting is very comprehensive and that is why this Question was deferred for two weeks. So, I need the answer to interrogate it before I can ask him the supplementary questions.

Mr. Speaker: Very well! Can I defer the Question to Thursday this week so that a copy of the answer is supplied to you?

Dr. Otichilo: Yes, Mr. Speaker, Sir. I am willing but I need to get a copy of the written answer.

Mr. Speaker: Yes, a copy of the written answer will be supplied to you by the House.

Mr. Assistant Minister, could you please table a copy of the written answer so that we can do a copy for the hon. Member?

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I am even ready to go and photocopy it, come back and answer the Question.

Mr. Speaker: It is exactly what I have said. Table your copy of the written answer.

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, then I will have nothing left!

Mr. Speaker: It will be given back to you, Mr. Assistant Minister!

(Laughter)

(Prof. Olweny laid the document on the Table)

The Question is deferred to Thursday at 2.30 p.m.!

(Question deferred)

Question No.912

GOVERNMENT EXPENDITURE
ON ADVERTISEMENTS

Mr. Mututho asked the Minister for Information and Communications:-

(a) whether he could provide a breakdown of Government expenditure on advertisements in each media house per year and cumulatively from 2005 to date;

(b) whether he could provide the list of top 20 Ministries in spending in each of the media entities in descending order; and,

(c) whether he could also table all the contracts that were used in procuring those advertisements and/or promotions.

The Assistant Minister for Information and Communications (Mr. Godhana):
Mr. Speaker, Sir, I beg to reply.

(a) I want to start by stating that my Ministry has no authority to control, regulate or monitor Government expenditure on advertisements in media houses. In my view, this Question should have been directed to the Office of the Prime Minister, which coordinates all Ministries. However, I have managed to gather expenditures on advertisements---

Mr. Mututho: On a point of order, Mr. Speaker, Sir. From the outset and, indeed, from the answer the Assistant Minister has given, he has said that he has no capacity to answer the Question. Is he in order to continue answering it instead of referring it to the Prime Minister's Office straightaway so that we can wait for the answer from the Prime Minister? That is the same reason which made us defer this Question last week.

Mr. Speaker: Fair enough! That is a genuine concern except that the Assistant Minister, so far, has said that the Question should have been directed to the Office of the Prime Minister. He then went on to say "however," and you promptly stood at that point. You do not know what the Assistant Minister will say. He has said that despite the Question not having been referred to the Prime Minister, he is able to give the following answer. So, allow him to answer it. Listen to him!

Proceed, Mr. Assistant Minister!

The Assistant Minister for Information and Communications (Mr. Godhana):
Thank you, Mr. Speaker, Sir.

However, I have managed to gather expenditures on advertisements from 23 out of 42 Ministries, which I believe broadly reflects Government expenditure on advertisements. Although we wrote to all Ministries to provide this information, as you may note, not all Ministries responded. The total advertisement expenditures for 23 Ministries since 2005, amount to Kshs974,224,134. I hereby table the breakdown as requested by the hon. Member.

(Mr. Godhana laid the document on the Table)

The trend of advertisement expenditure for the period 2005/2006 and 2010/2011 Financial Years by the 23 Ministries varies from one year to another depending on the number of activities to be implemented in a given financial year. The activities that require advertisements include tendering, recruitments, public awareness campaigns, launching of public programmes and call for public stakeholders fora among others. The expansion of the Government to 42 Ministries has also contributed to the increase in advertisement expenditure.

(b) I wish to table the list of top 20 Ministries in spending for the financial years under review based on the 23 responsive Ministries. The Office of the President leads in

Government expenditure with Kshs207.5 million, while the Ministry of State for Special Programme spending is least with Kshs1.87 million.

(c) As stated, the Ministry of Information and Communications has no control over advertisement expenditures in other Ministries, departments and agencies. The Ministry is, therefore, not able to table the contractual documents as requested, since the other Ministries are not mandated to report or request any clearance from my Ministry. However, all Ministries are expected to follow procurement guidelines in procuring advertisement services in the media houses.

Mr. Mututho: Mr. Speaker, Sir, part “c” of the Question specifically asked: “Could the Minister also table all the contracts that were used in procuring those advertisements and/or promotions?” The Assistant Minister’s response is that he is not in charge of all the Ministries and, indeed, is not in a position to table any of the contracts, including those of his own Ministry. That shows that he is not willing or he is avoiding to answer this Question. Will I be in order, therefore, to request that the matter be referred to the Prime Minister, so that he asks all Ministries, including this Ministry to table the contracts because the amount of money is colossal – Kshs1 billion – and there is not a single contract that has been tabled in this House?

Mr. Speaker: Mr. Assistant Minister, what is your reaction to that?

Mr. Godhana: Mr. Speaker, Sir, the Government has nothing to hide. So, it is okay if the Question is referred to the Office of the Prime Minister.

Mr. Speaker: Order, Mr. Assistant Minister! Do not be so dismissive. The point is that you have provided insufficient information because you have not dealt with several aspects of this Question. So, instead of appearing like you are so innocent, that you have discharged your duty, accept responsibility and let us refer the Question to the Prime Minister, if you agree that the Prime Minister will be able to secure the requisite information.

Mr. Godhana: I agree, Mr. Speaker, Sir.

Mr. Speaker: Very well! I order that the Question be referred to the Office of the Prime Minister!

(Question deferred)

That brings us to the end of Order No.6.

Let us move on to the next Order!

STATEMENTS

Mr. Speaker: Are there any Statements due for delivery today?

The Deputy Leader of Government Business there ought to be, but if there is none, say so.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I am aware that there is one Statement that was requested last week from the Office of the President. I discussed with the Leader of Government Business and he said that he would like to consult further. He will issue the Statement by Wednesday, next week. That is the Statement to do with the recent appointments in Cabinet. That is the only Statement that was due today.

Mr. Speaker: Fair enough!
Yes, Mrs. Shebesh!

POINTS OF ORDER

CIRCULAR ON SECONDMENT OF STAFF TO COUNTIES

Mrs. Shebesh: Mr. Speaker, Sir, due to the heavy workload we had last week, Statements were deferred to this week and the Minister of State for Public Service did indicate to me that he will issue the Ministerial Statement I requested today. I would like to know the status of that Statement.

Mr. Speaker: What was it about?

Mrs. Shebesh: Mr. Speaker, Sir, it was about a circular that had been issued on the seconding of staff to the counties. The Statement was to be issued by the Minister of State for Public Service.

Mr. Speaker: The Deputy Leader of Government Business, I can see your Minister of State for Public Service is not here.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, indeed, he is not in the House now. May I seek the indulgence of the House that these Statements are issued later on because people are clearing their in-trays after last week's marathon. Perhaps, these Statements can be issued on Tuesday, next week.

Mr. Speaker: Very well! It is so directed!
Yes, the Member for Bahari!

DELAYED STATEMENT ON RECENT CABINET APPOINTMENTS

Mr. Gunda: Mr. Speaker, Sir, mine is on the Statement to be issued by the Leader of Government Business. When that Statement was requested, they indicated that they would issue it on Thursday but after insisting, they agreed to issue it on Tuesday. I think it will take a lot of time now that they say that they want to consult until Wednesday, next week. Could they issue the Statement on Thursday, this week, after consultations?

Mr. Speaker: Yes, the Deputy Leader of Government Business!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, indeed, on the issue of appointments, it has been agreed that this will be covered by the Prime Minister during the Prime Minister's Time on Wednesday next week. Tomorrow is a public holiday. Therefore, the next Prime Minister's time will be next week. As the coordinator of Government business and the Ministries, the matter will be best handled by him. So, let us wait until Wednesday and he will respond to that issue and take clarifications from hon. Members.

Mr. Speaker: That Statement will come from the Prime Minister's Office. So, we will defer it to Wednesday because that is the time designated for the Prime Minister.

HARASSMENT OF PSV VEHICLE DRIVERS BY TRAFFIC POLICE IN KISUMU

Mr. Olago: Mr. Speaker, Sir, I request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the harassment of PSV vehicles with a capacity of five or less passengers, commonly known as *Oluenda*, by traffic police officers in Nyanza Province and, particularly, Kisumu Municipality. They operate between Kisumu and Rabuor. The Statement should address the following pertinent issues.

(a) Confirm whether instructions in respect of this matter came from the Traffic Commandant at Police Headquarters and why it is discriminatively applied only to Nyanza.

(b) Refer to the specific provisions of the Traffic Act alleged to have been violated by those operators.

(c) Lastly, state specific provisions of the Act that prohibit use of those vehicles when they have a yellow band and a PSV Insurance.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I will ask the Traffic Commandant to go to Kisumu and find out the problems that they are facing there. I will issue the Statement on Wednesday morning, next week.

Mr. Speaker: It is so directed.

REFUSAL BY DEPUTY PRIME MINISTER AND
MINISTER FOR FINANCE TO COMPLY WITH
COURT RULING

Mr. Olago: On a point of order, Mr. Speaker, Sir. On 27th October, 2010, in an answer to Question No.479 given by the Deputy Prime Minister and Minister for Finance in respect of unpaid pensions to Mr. Earnest Obwocha and Harrison Buyuka, the Deputy Prime Minister indicated to the House that he will comply with the ruling of the court. The matter was then put to rest. Since then, I have tried many times to have the payments effected as it was promised by the Deputy Prime Minister and Minister for Finance. To date, they have not done so. I referred the matter to the Implementation Committee which wrote to you indicating that the matter be brought back to your attention for further orders. I see the Deputy Prime Minister and Minister for Finance here and he is listening to me.

Mr. Speaker: Order, Member for Kisumu Town West. I will have to revisit that matter and, perhaps, give direction on Thursday at 2.30 p.m.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Maybe, we can save you the pain and pressure. We know you are under a lot of pressure from many other things. Since you can instruct the Deputy Prime Minister and Minister for Finance – and his officers are here – *ni mara moja tu* and we finish!

Mr. Speaker: Order! Member for Kisumu Town West that, obviously, is out of order! You should address the House in one language. If you start in one language, you have to continue with it until you finish! So, I did not hear you before you concluded! However, I have directed that I will give directions on Thursday at 2.30 p.m.

Deputy Prime Minister and Minister for Finance, please, get up on the matter so that if need be, you can make a Statement on Thursday.

STATUS OF THE JUSTICE AND LEGAL AFFAIRS COMMITTEE

Mr. Ruto: Mr. Speaker, Sir, I rise to request for a Ministerial Statement from the Leader of Government Business on the status of the Justice and Legal Affairs Committee. In his Statement, he should tell us why the said Committee has not been allowed to meet, in spite of an order to that effect by the Liaison Committee. He should further tell us whether it is true and that they made a resolution to dissolve the Committee. He should also state the specific powers upon which they decided to take such action.

Mr. Speaker: Deputy Leader of Government Business, would you like to make a response?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, we are supposed to discuss that matter tonight, as the House Business Committee. Hence, the outcome of those deliberations will be communicated on Thursday. It will be the outcome of the deliberations today and not necessarily the solution to the impasse. We will communicate that on Thursday.

Mr. Speaker: Order, Deputy Leader of Government Business. The Member for Chepalungu has asked for a Statement from the Leader of Government Business with respect to the status of the Justice and Legal Affairs Committee. You are obligated to bring that Statement to the House now that he has asked for the Statement in the Plenary. That is how we will proceed with the matter.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, we will do it on Thursday.

Mr. Speaker: Very well, it is so directed. That brings us to the end of Order No.7.

Next Order!

COMMITTEE OF SUPPLY

*(Order for Committee Read being the
Second and Last Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 11 - Ministry of Medical Services

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, I thank you and the House for giving me the opportunity to move the Vote for the Fiscal Year 2011/2012 for the Expenditures Estimates - Vote No.11 - for the Ministry of Medical Services.

The health sector forms a key component of our social pillar and Vision 2030. As hon. Members may know, health, education and food are the basic needs of all human beings today, notwithstanding security and freedoms which are also important. With the promulgation of the new Constitution last year, Kenyans have high expectations from the

Government of Kenya to ensure that Article 43 of the Constitution is fully implemented. Their right to health which, among other things, includes the right to the highest attainable standards of health includes the right to healthcare services, reproductive healthcare, accessible and adequate housing, reasonable standards of sanitation, access to clean and safe water in adequate quantities and social security and education.

According to the Constitution, no Kenyan, living and born in this century, should be denied access to emergency medical treatment. The State, therefore, must provide adequate resources, facilities, social security and social protection to Kenyans who cannot have access to good healthcare because of their economic status. Such persons are called indigents and in our health delivery system, we must, indeed, provide for such persons, given the demands of the new Constitution.

The health sector and, especially, the Ministry of Medical Services is, therefore, repositioning itself to fulfill those expectations. Now, and in the next couple of months, we will be bringing a Sessional Paper to this House and a Cabinet Memorandum to the Cabinet to ensure that we are in a sure footing to meet the expectations of Kenyans under the new Constitution.

Mr. Speaker, Sir, the functions of the Ministry of Medical Services as outlined in the Presidential Circular No.1 of 2008, include among other things:

1. Medical Services Policy;
2. Creative Services;
3. Treatment and Management of HIV/AIDS and other sexually transmitted diseases;
4. Maternity services;
5. Clinics and hospitals;
6. Registration of Doctors and Paramedics; and
7. Taking care of the parastatals such as Kenyatta National Hospital, Moi Teaching and Referral Hospital, Kenya Medical Training College, Kenya Medical Supplies Agency and the National Hospital Insurance Fund.

Mr. Speaker, Sir, we should not also forget the regulatory agencies under the Ministry like the Medical Practitioners and Dentists Board and others.

Over the last couple of years, the health sector has scored certain positive indicators in terms of the improvement of health. Such positive indicators mean that the meager resources that we have had in the Ministry have been effectively used to deliver health care services to the country. For example, the Ministry has developed comprehensive Human Resources for the Health Sector Strategic Plan which addresses issues of staff deployment, updating of skills of existing health workers, among others.

Mr. George Nyamweya: On a point of order, Mr. Speaker Sir. I want to seek your guidance. I can see that we are doing the Estimates of Recurrent and Development Expenditures for the year ending 30th June, 2012. However, when I look at the figures, they do not quite appear to match what we had expected. Is this a new procedure which I am not particularly familiar with or indeed is it half of the expenditure that we are about to approve?

Mr. Speaker: I think the Minister can respond to that. What are you moving with respect to the Ministry of Health?

The Minister for Medical Services (Prof. Anyang-Nyong'o): Mr. Speaker, Sir, the other half was down on the Vote on Accounts that came before this House. We are

now dealing with the other half to make it one whole and complete Vote. So, the Order Paper is in order. I think the hon. Members should not regret seeing those figures before them. Those figures will help complete the Vote, Vote 11 for the Ministry of Medical Services for the Financial Year 2011/2012.

Mr. Speaker: Mr. Nyamweya, I hope you are clear that we authorized expenditure for half of the Vote to the Ministry of Health. The Minister is now looking for authority for the second half. That is why the figure is as it appears.

Mr. George Nyamweya: That is okay, Mr. Speaker, Sir. Perhaps, it would have been helpful if we were talking about the second half. But nevertheless, I understand what is afoot.

Mr. Speaker: Very well. With that clarification, I think it is clear.

Proceed, Mr. Minister.

The Minister for Medical Services (Prof. Anyang-Nyong'o): Mr. Speaker. Sir, this has been the practice in the House all these years. I am happy for making that clarification to the hon. Member.

Mr. Speaker, Sir, I do not want to bore the House with the kind of gains the Ministry has made. However, I am trying to give the kind of background information; that is, building a case for the tremendous shortfalls in the Ministry which the Members of the House should appreciate and which the Government should look for ways and means of bridging.

Many of the gains that I have talked about are due to improved health service delivery among other interventions. If these gains can be sustained, Kenya could be on track to attaining the under five and infant mortality millennium development goal by 2015. There is need, therefore, to continue investing in human resource for health commodities and infrastructure to improve accessibility and quality of services while sustaining targeted interventions that have demonstrated positive impact in Kenya.

The situation as we have it today is that there is tremendous increase of the burden of disease in our nation. Apart from the burden that is caused by the HIV/AIDS pandemic which causes other maladies in its track, we need to look at other diseases that have afflicted many nations, including Kenya in this century.

The HIV/AIDS pandemic causes tuberculosis and, because of misuse of drugs or lack of drugs therein, drug resistant tuberculosis which consequently costs tremendous resources to deal with. The Ministry has revised guidelines to provide for initiation of Anti-Retro-Viral (ARV) treatment to eligible persons at CD 4 count of 350 or less to enhance survival rate compared to the earlier treatment regiment which was initiating ARV to eligible persons of CD4 count of less than 250.

This means that we are now putting more people on treatment early which will contribute significantly to reaction morbidity, disease progression and mortality associated with HIV/AIDS. My Ministry will continue to support campaigns that seek to mobilize more Kenyans to be tested for the HIV/AIDS scourge.

In spite of that, given resources of the Global Fund, only 400,000 out of 1.2 million Kenyans are on ARVs. The remaining 800,000 are still looking for solace by us providing adequate ARVs or any other form of help that could prolong and sustain their lives. Therefore, there is a huge shortfall in terms of treatment and care for HIV positive patients. That is just one.

Secondly, if we go into the area of non-communicable diseases which as you know has been in the media for now quite some time, is on the increase. The trouble with non-communicable diseases such as cancer is that we may not know that we have been visited by it until it is too late. What is important is to improve and increase diagnostic services and testing services so that Kenyans can know their state of health early enough for effective treatment intervention to help and preserve their lives.

The House, therefore, should take this very seriously because these are the kinds of ailments that often strike without care of social status. They can strike anybody of any social status. The youth have not been spared either. I wish to remind the House that the non-communicable diseases situation in the country requires our collective and sustained attention.

The Ministry's current efforts include, among other things, initiation of the National Diabetes Hypertension Control, the National Cancer Control Programme, the National Cancer Strategy that was launched a few weeks ago, a draft Bill on cancer that has been developed and which is coming to this House, an Alcohol and Drug Abuse programme, including rehabilitation of drug addicts, at the Coast Provincial Government Hospital.

However, it should be noted that non-communicable diseases are very expensive to treat while the medical equipment for treatment for the complications is extremely expensive. Further, there are very few specialists for non-communicable diseases in our country today. For example, for a population of 40 million Kenyans, we have in the public sector, only five oncologists. These are cancer specialists.

Along with that, we have a few cancer nurses. Not to mention the fact that even for dialysis and kidney programmes, we have very few nephrologists and renal nurses in this country.

The Kenyatta National Hospital has an initiative of training renal nurses. At the moment, we are capable of giving dialysis services at the Coast General Hospital, Nakuru Provincial Government Hospital, Nyeri Provincial Government Hospital, Kisumu New Nyanza General Hospital, Moi Teaching and Referral Hospitals and Kenyatta National Hospital. That is not enough. We need to have renal services in all our district hospitals to keep pace with the incidents of kidney problems in our country and at a cost that our people can afford.

Mr. Speaker, Sir, my Ministry is implementing flagship projects and reforms to meet the objectives of Vision 2030 as well as the Ministry's objectives in order to improve the effectiveness of the health system. These initiatives include among other things, improvement in infrastructure including rehabilitation of health centres, provision of equipment, laboratory development and equipping and developing reproductive health facilities among other things.

Some of the projects are completed and others still continue to be implemented. We hope that by the end of the next financial year, we should have, at least, 25 fully rehabilitated district hospitals. That will leave close to 250 district hospitals which will still need proper rehabilitation to meet modern standards. It means, therefore, that when I come to the shortfalls, the House will not be surprised that our Ministry needs close to Kshs75 billion to Kshs80 billion in the next five years to meet the requests and demands of Kenyans for proper healthcare in line with the Constitution.

Mr. Speaker, Sir, we also need to strengthen our hospital management systems. One of the reasons why there has been waste in our hospitals and ineffective services is because we are trying to put square pegs in round holes. Our professional doctors are very well trained in their profession and we need to give them time to practice their profession, rather than divert them to other professions for which they were never trained. That is why using our professional doctors - be they physicians or surgeons - to administer and manage hospitals has been a wrong strategy to get proper management in our hospitals. We have initiated a programme whereby we shall employ professional managers and administrators to run our hospitals. The first initiative is at the Kenyatta National Hospital (KNH) where we now have a professional manager and administrator, well proven by his record at the Kenya Wildlife Services (KWS), to run that hospital. The results are impressive and I appeal for this House to support the Ministry in this initiative because this is the only way that we shall provide proper services in our health facilities. That initiative will help us manage cost- sharing resources much better and, therefore, plough back into our hospitals the money that our people put into those facilities when they go for treatment. Therefore, to strengthen the management of the hospitals is very important and we have had discussions with the Aga Khan University and Strathmore University for the training of hospital managers of all cadres, so that the management system can respond to modern requirements for running health services.

We have also rolled out a Hospital Management Services Fund with effect from July 2010 to improve financial management, while training of hospital management boards is currently going on. We have undertaken periodic supervision of hospitals which has resulted in much better performance improvement in those facilities. We are also, at the same time, strengthening the Public/Private Partnerships (PPPs) in the health sector not only with regard to improving management, but also with regard to addressing key issues like improving and investing in infrastructure. As you will soon realize, the Ministry has already proposed and is coming up with services that we provide. That is not just by the Ministry, but by using private resources as well. One of them is the Eye Centre at the Kitale District Hospital.

Mr. Speaker, Sir, the Kenya Medical Supplies Agency (KEMSA) has also tremendously improved its supply chain management and delivery systems with the putting in place of an enterprise resource management system and, indeed, by December, we are going to be launching a commercial wing of KEMSA. With those kinds of improvements and with further investment in the health sector, we will need more money than is currently provided in the Budget. I will soon come to the specific shortfalls, sector by sector, that we should draw the attention of this House to. We have already drawn the attention of the Treasury to these matters, but I think this House too should be seized of these issues. Therefore, I now want to talk about healthcare financing.

My Ministry recognizes that it is the responsibility of the Government to ensure that all people have access to health care, more so, the poor, if we are to meet the Millennium Development Goals (MDGs). Further, the Constitution makes access to health care, as I have said, a right. Therefore, we have no excuse, whatsoever, but to provide proper financial resources for healthcare. High household out of pocket spending remains a major barrier to healthcare access in our country. It is estimated that in Kenya, households contribute over 30 per cent of total healthcare in expenditure. This is not sustainable; it makes more Kenyans slip into deep poverty. In order to address this

problem, my Ministry is recommending the strengthening of the National Hospital Insurance Fund (NHIF) and hence, its transformation into a National Health Insurance Fund. We have already proposed to the Cabinet that those changes take effect immediately, as soon as all legal requirements have been undertaken.

Mr. Speaker, Sir, user fees are a major source of funding to the public hospitals, as the allocations from the Treasury are inadequate. However, my Ministry recognizes and acknowledges that user fees are, no doubt, a burden to patients, especially the poor and, quite often, user fees are a barrier to access to healthcare. So, the sooner we can implement social health insurance rather than impose user fees to our people, the better. There are already examples, as hon. Members will know that, when patients go for healthcare, they may pay or register for health attention. But when they go into the hospital, they cannot pay for diagnostic services which are critical to being given healthcare services. So, the sooner we can dispense with or do away with user fees, the better. We can do that through the establishment of a social health insurance scheme.

My Ministry continues to respond positively so that payment of user fees does not undermine the poor in their access to healthcare. At the hospital level, waivers and exemptions provisions are available to those who are unable to pay the required fees. But as hon. Members will know – and I have talked to many and my friend David here knows – hospitals managements have begun to be very reluctant to waive fees because they must have resources to run those hospitals. That puts me and my fellow hon. Members in a very peculiar situation because where, for example, an hon. Member wants to release a dead body from KNH and the hospital refuses, the hospital is right. But, at the same time, the hon. Member is also right in demanding that the poor fellow should be put to rest as quickly as possible. But then the question of finances comes in. We must find a way of implementing social health insurance so that neither the hospitals, nor hon. Members, nor Kenyans at large are put in that precarious situation. It is, therefore, our proposal to transform the NHIF into a national health insurance fund whereby both the employers and the employees contribute to the fund at a rate of 1.5 per cent. That contribution by the employees will be matched by the employers in equal amount.

Let me now come to budgetary allocation for the financial Year 2011/2012. The gross Budget under Vote 11 for the year 2011/2012 has been adjusted marginally upwards from the approved budget of Kshs31.5 billion last year to Kshs31.6 billion this year; an improvement of only 0.4 per cent. Hon. Members should mark that! We only got Kshs120 million improvement in our budget last year. Our Budget last year was already too far from meeting the expectations of Kenyans and the expectations of this House.

Secondly, of the total budgetary allocation of Kshs27.5 billion which will cover our current expenditure, only Kshs4.1 billion will cover Development Expenditure. In other words, we have Kshs27.5 billion for Recurrent Expenditure and Kshs4.1 billion for Development Expenditure. Therefore, when hon. Members ask the Ministry to provide their hospitals with ambulances, know ye from these figures that we were not given any single coin for ambulances for a whole year. So, if there are any health care facilities which need ambulances, know that we do not have resources for that.

Mr. Speaker, Sir, secondly, due to the fact that we have only Kshs4 billion for development expenditure---

Mr. Speaker: Order! Mr. Minister, you have two minutes.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Mr. Speaker, Sir, given that we have only Kshs4 billion for this expenditure. since I have only two minutes let me say very quickly what our shortfalls; maybe during Question Time I will elaborate.

Mr. Speaker, Sir, we have a shortfall in our Ministry of Kshs23.3 billion; this is money that we need dearly. This money covers the claims from our staff, particularly from parastatals, for commuter allowance, which is very important, and which they have been demanding. It represents a shortfall for training, which doctors need so that they can go for postgraduate work and come and serve people better. It also represents a shortfall for the hiring of nurses, so that our people can be treated better. It also represents a shortfall of what we need for drugs and non-pharmaceuticals; we have a shortage in our hospitals. It also represents the shortfall we have for our facilities in terms of management and rehabilitation.

Mr. Speaker, Sir, these shortfalls are so huge that I request this House to look at this Vote very carefully, and help us in appealing to the Minister for Finance to look at the Ministry of Medical Services very carefully and not let out people die, because we cannot provide resources either for their treatment or for the prevention of diseases among our population. I hope that when the House looks at the Vote carefully, I will be able to answer more questions. Over the next five years, if, indeed, we want our services to be better, we need at least Kshs85 billion added to our budget for us to deliver effective health services in line with the Constitution.

I beg to move.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. I am rising on a point of order to seek your guidance and ruling on the Motion that is before us. The Minister has moved a Motion, but I remember that this House passed a Budget Committee report. It was adopted by this House, and it recommended that we give more funds to the Ministry's budget to buy cancer equipment and machines. That has not been included in the Vote of Medical Services. I need your guidance because this House needs to be sure that whatever we pass, or adopt, as a House, is incorporated into the Committee of Supply amounts, so that this House does not legislate in vain.

Mr. Speaker: Order, Mr. Mbadi! I do not see that, that intervention is opportune at the point at which you have raised it, because the Minister had already moved a Motion; the stage we are going to is the secondment of the Motion. The Minister is asking for a given quantum of money for his Ministry. In fact, he is asking for the second lot to make 100 per cent. So, if you had objections to the Motion, then I would have expected that you would have raised them before the Minister actually moved the Motion. Now what you can do is carry that in your contribution and urge the House to give the Minister more money. That is what you can do, quite honestly and frankly.

Mr. Mungatana: Mr. Speaker, Sir, while agreeing with you, I also wanted to draw the attention of the hon. Member, with whom I sit on the Budget Committee, to the fact that, in fact, under Vote D11, Ministry of Medical Services, there is a new item for purchase of cancer scanning machines that has been introduced and allocated Kshs300 million. Factually also, he is on a slippery ground.

Mr. Speaker: Very well. As a matter of fact, I would have expected that he would carry that in his contribution, and urge the Government to allocate, and this House to authorize, more money to the Ministry of Medical Services while on the point of order as you have taken it.

(Mr. Mbadi stood up in his place)

Mr. Speaker: Order, Mr. Mbadi! Some of these matters must rest when they become clear like this.

The Minister for Transport (Mr. Kimunya): Thank you Mr. Speaker, Sir; I rise to second this Vote of the Ministry of Medical Services, and also recognize that this is the final day for discussing the entire second half of the Budget.

Mr. Speaker, Sir, let me recognize the witty contribution that has just been made by way of clarification by hon. Mungatana. He confirmed that discussions have taken place between the Budget Committee and the Ministry of Finance; indeed, the issues that were raised by the committee and Members of Parliament have already been incorporated to the extent possible in these revised estimates.

Mr. Speaker, Sir, as we discuss this vote, and, indeed, the Budget for the entire Government, we are in a very unique position and situation as a House, and, indeed, as a country. This is the first time we are doing a Budget under the new Constitution; the fact that we are all very comfortable and discussing this matter---

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. First of all, I would like to appreciate the guidance that I got from the Chair. Looking at the Motion that is before us, which states that a sum not exceeding a specific amount be issued from the Consolidated Fund--- I have an issue with this as a matter of obeying the Constitution. If you look at Article 206 of the Constitution, specifically at Article 206(2), there are three ways through which Parliament can authorize withdrawal of funds from the Consolidated Fund; I want to read the relevant part which states that:

“Money may be withdrawn from the Consolidated Fund only (a) in accordance with an appropriation by an Act of Parliament; (b) in accordance with Article 222 or 223---

Article 222 is on a Vote on Account and Article 223 is on Supplementary Appropriation and then,

“(c) as a charge against the Fund as authorized by this Constitution or an Act of Parliament”.

Mr. Speaker, Sir, asking this House to approve withdrawal of funds from the Consolidated Fund via a Motion, is unconstitutional.

I want to also add that my other concern is if you look at Article 221 of the Constitution, it is very clear that this Parliament now has an added responsibility in the Budget making process. I say this because Parliament is required to listen to the people of Kenya and incorporate the representations from the people of Kenya in the Budget Committee report. Once that is done and this House adopts it, it is unconstitutional to have this House again approve figures that are contrary to what this House adopted as having come from the Budget Committee. So, even though the Motion has been moved, I think, as a matter of constitutionality, I am perfectly in order to raise this matter any time in the process of debate.

Mr. Speaker, Sir, I remember you have ruled severally that matters of constitutionality are so pertinent that they can be brought up any time in the course of debate. My concerns are two issues and the first issue is that there are three specified ways through which this House can allow withdrawal of funds from the Consolidated

Fund. It is certainly not through a Motion. So, what we are required to do this afternoon is unconstitutional.

The second issue is that since the Report of the Budget Committee was adopted by this House, then it must be incorporated in any other legislation concerning the Budget.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, if hon. Mbadi was a bit patient, I was going to explain that process when I said that we are in a unique situation. This is the first time we are doing the Budget under the new Constitution. The Constitution basically provides that once the Estimates have been laid before the House, they will go to the Budget Committee which will also listen to the views of the people and bring a report to Parliament with its recommendations. The Constitution then moves on to say that once the Budget Estimates have been approved by the House, an Appropriation Bill will be presented. So, the Budget Committee did its bit by presenting the recommendations and those recommendations did not just stay in the House. Indeed, they were then followed up through discussion with the Office of Deputy Prime Minister and Ministry of Finance and to the extent possible, between the Committee and the Office of Deputy Prime Minister and Ministry of Finance, the appropriate changes have been made.

Now, to move to the next stage of approval of the Estimates---

Dr. Khalwale: On a point of order, Mr. Speaker, Sir.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, if the Member could just allow me to explain to him, then he would not have to ask something that I am going to explain to him. Between the recommendations and the approval of the Estimates, the Estimates can only come to the House for approval through the Committee of Supply.

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

Mr. Speaker: Order, Members! The Minister is actually responding to a point of order.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, it is through the Committee of Supply that the House can approve the Estimates. Once this Motion is approved by the House, it triggers the drafting and publication of the Appropriation Bill which is then used to withdraw the money from the Consolidated Fund. We are in a step in between. It is not defined in the Constitution because the Constitution states that the Estimates will be reviewed by the Committee which will make its recommendations to the House.

The next thing that it starts with is that "once the Estimates have been approved". So, the only place where you can look at how the approval is done is through the tradition of Parliament. The tradition is then through the Committee of Supply which is then defined within our Standing Orders.

So, we are not breaking any law. There is nothing like flouting the Constitution. Everything is quite in order. If you look at the Chairman of the Budget Committee, you will see that he is nodding. Because hon. Mbadi is a Member of the Budget Committee, I will need to discuss this further with him. This is probably a matter of misunderstanding. We are moving between two systems, namely, the way we used to approve the Budget in the past and the current way. I believe that we are quite right. Since I have given that

clarification, it is important that we appreciate that we have changed our system. I recognize the role that the Committee has played in these things.

I would have wanted to contribute much more, but I beg to second.

Mr. Speaker: Order, hon. Members. Before I propose the question, I wish to say the following: I have heard the point of order raised and very ably canvassed by the Member for Gwassu, and I think which point of order the Member for Ikolomani appears set to want to supplement. Without being anticipatory, I have internalized the import of the point of order raised by the Member for Gwassu and I want to answer that very briefly.

In a nutshell, I am in agreement with the Member for Gwassu with respect to interpretation of Article 206 of the Constitution that money may not be withdrawn from the Consolidated Fund except as particularized under (2). I think we are in the process of getting there. What we are at now is Committee of Supply, which is still permitted by our law. After this is completed, then we will move on to do the Appropriation Bill and upon passage of the Appropriation Bill, the necessary authority to withdraw from the Consolidated Fund will have been granted by the House. That is how I understand it.

But hon. Members, further, because some of these matters had been drawn to our attention, we have considered those concerns and I thought we will have a peaceful afternoon, but now that this has been raised, I will want to put my thoughts to the House so that we can pilot through this process smoothly and perhaps in the interest of the bigger picture.

On Tuesday, 26th July, 2011, the Budget Committee laid its Report in the House on a Motion - and I think hon. Mbadi has referred to that and other Members would perhaps have wanted to refer to that - as follows:-

“That, this House adopts the Budget Committee Report on the Estimates of Revenue and Expenditure for Financial Year 2011/2012 laid on the Table of the House on Thursday, 21st July, 2011”.

This Motion was adopted with amendment on Wednesday, 27th July, 2011. The Motion on the Budget Committee Report is a Motion within the meaning of the Standing Orders and was, therefore, dealt with and disposed of like any other Motion. The rules applicable to debate on a Motion and the permissible amendments apply. So, what is key there - I want you to carry this with you even as I go through these directions - is that it was a Motion adopted by the House. If it is a Motion, then, just like any other Motion, rules applicable to debate on a Motion and permissible amendments will therefore, apply.

The Motion passed by the House on the Budget Committee Report is an expression of the views of the House on the Budget. In other words, the House is urging that its recommendations; its views be accepted. It is a powerful statement because it has benefited from wide public consultation and expertise. It is part of the Budget process envisaged under the Constitution. However, you are aware that the Estimates of Expenditure for the Fiscal Year 2011/2012 were tabled on 8th June, 2011, almost two months behind schedule. The House is alive to the discussion between the Budget Committee and the Deputy Prime Minister and Minister for Finance over this matter.

It is also crucial to note that this year's Estimates for the Financial Year, 2011/2012 are in respect of a period that is widely accepted and constitutionally so as the transitional period. I wish to restate that commencing the Fiscal Year 2012/2013, the Deputy Prime Minister and Minister for Finance will be expected to strictly adhere to

Article 221 of the Constitution and that the Estimates will have to be tabled two months before the end of the fiscal year, that is, not later than the 30th June, 2012. The Deputy Prime Minister and Minister for Finance has already published and introduced the Finance Bill, 2011 in the House. The link between the Budget Committee Report on the Budget Statement and the Finance Bill is that the Budget Committee Report should give direction on the policy issues that will form the basis of the reviews and adjustments to be proposed in the Finance Bill.

In particular, the resolutions reached on the taxation proposals should guide the review and eventual passage of the Finance Bill. The resolutions of the House on the Budget Committee Report should further guide the Committee of Supply which is required to commence as soon as the debate on the report is concluded. The Committee of Supply is the stage at which the House debates on the expenditure proposals, vote by vote as per the provisions of Standing Order No.153 going on to Standing Order No.155. Based on the Supply resolutions, the Deputy Prime Minister and Minister for Finance will be required to introduce an Appropriations Bill in the House to give legal effect to those resolutions.

You can see that up to that point they are just resolutions. However, the Deputy Prime Minister and Minister for Finance will give legal effect to those resolutions by bringing the Appropriation Bill. The Deputy Prime Minister and Minister for Finance is expected to take into account the recommendations of the Budget Committee and the Chair is aware of a series of meetings having taken place between the Budget Committee and the Minister over this matter.

The spirit of the Constitution bestows upon Parliament and the Executive the duty to partner in the Budget making process in order to ensure that the principles of public finance are adhered to. So, we must see ourselves now in the new constitutional dispensation as applies today as partners. It is a partnership between the Legislature and the Executive to bring about the Budget that, among other things, embraces the concerns of the public.

It, therefore, follows that some recommendations of the Budget Committee though meant for the good of the country may have to be deferred to a later date. In other words, they are noted and the Deputy Prime Minister and Minister for Finance does not ignore them because he carries them as valid and solid recommendations that the House makes in its tripartite capacity. It makes those recommendations in its capacity to represent, oversight and to legislate. So, the Minister cannot take them for granted. The Minister must take them seriously.

Hon. Members, having said this, I now wish to give the following directions; that the 2nd Allotted Day of the Committee of Supply commences as per the Order Paper and, indeed, it has commenced, it has been moved and seconded. The 1st Allotted Day was during the Vote on Account. If you look at your Standing Orders, they will tell you that the 1st Allotted Day was when we took the Vote on Account. In fact, if we had objections with this process, we should have raised them at that point. Otherwise, we have in effect acquiesced to this process. Dr. Khalwale, if you do not know that, ask Mr. Kajwang. He will tell you.

Secondly, in line with the Standing Orders, one hour before the time for interruption of business and not later than 5.30 p.m. the rest of the outstanding votes be disposed of as per Standing Order No. 158, paragraph 8.

Thirdly, once the Committee of Supply is done with, the Deputy Prime Minister and Minister for Finance should introduce an Appropriations Bill, 2011. Those are my directions for the reasons that I have given. I am persuaded that those directions accord with the provisions of the Constitution and, indeed, accord with the new constitutional dispensation.

(Several hon. Members stood up in their places)

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

(Question proposed)

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Speaker, Sir, I want to support this Motion and, indeed, congratulate my friend the Minister for Medical Services for the good work that the Ministry is performing in this country. Despite the many challenges that the Ministry faces, we know that they have done a commendable job and the congratulations of this House should go to the Minister and the staff of the Ministry.

Having said that, I want to point out certain concerns that the public has in respect to the services of this Ministry. First, the practice of public hospitals withholding bodies - and the Minister has just mentioned this - I think this is not only irresponsible but it is also inhuman. Many Kenyans are struggling in poverty and when they visit public hospitals they do that without any money. When they die, I think it is only fair that the bodies of these poor people be released. As I speak, Kenyatta National Hospital which is very notorious for this practice is holding no less than two bodies of my constituents for a long time now and has refused to release them. Therefore, I want to appeal to the Minister to intervene and ensure that these bodies are released forthwith. Not only bodies are withheld by public hospitals but we know that patients who have been treated have been made to stay in the hospital even when they have recovered because they cannot afford to pay fees. We have also seen mothers who have delivered being denied the chance to go home with their babies because they have not paid fees. Therefore, the Minister must give a clear directive to public hospitals to release bodies, mothers who have delivered and patients who have recovered but cannot afford hospital bills.

Mr. Speaker, Sir, the other issue of concern is the ambulance services. You will recall last year this Minister promised this House that there was a scheme that was coming up for pooling ambulances in order to provide this vital service to members of the public, but to date patients are dying unnecessarily in their homes because they cannot get transport to hospitals. Therefore, I urge the Minister to ensure that hospitals in remote areas are provided with ambulances so that patients can reach hospitals.

The other issue which the Minister has mentioned is the shortage of drugs. It is very clear that patients see doctors in public hospitals, they are diagnosed and medicines are prescribed but when they go to the pharmacies they are told to go and buy the drugs. This should not be allowed to happen in the present Kenya. Some of the pharmacies, we know, are owned by staff who work in those hospitals. Therefore, it is business that goes on. So, I urge the Minister again to look into the issue of drugs. The Kenya Medical

Supply Agency (KEMSA) does not supply drugs as per orders from hospitals. I think we are making a mockery of our health services if we cannot supply drugs to our hospitals.

Mr. Speaker, Sir, finally, because I want to give my colleagues time to also contribute, the sister Ministry, the Ministry of Public Health and Sanitation, should also look into the issue of opening up dispensaries. Members of Parliament have, through the Constituencies Development Fund (CDF), built many dispensaries in the rural areas, but most of them are lying unused because that Ministry has been unable to provide staff and drugs for those facilities. Therefore, I urge the Minister for Public Health and Sanitation to open these dispensaries so that we can provide the vital services to the rural areas.

Mr. Speaker, Sir, I beg to support.

Mr. Mbau: Thank you very much, Mr. Speaker, Sir. I rise to support this Motion. From the outset, I would like to say that I stand here also as the Chairman of the Budget Committee. I wish to take this chance to appreciate and thank the Deputy Prime Minister and Minister for Finance for the manner in which he has been able to bend over backwards, to ensure that he lives within the Constitutional requirements that required that the Budget making process this year is piloted in a different manner, because Parliament has become part and parcel of the budget making process instead of Budget Estimates coming here only for approval.

Mr. Speaker, Sir, I also want to remind the House that in line with the constitutional provisions, especially Article 221(5), which required this Committee on behalf of the House, to move across the country and seek public representations and views, and then make a report, this was done. The report was laid in this House on 21st July; as you have correctly alluded to, this Committee – as contained in the Report – was able to identify areas that the public prioritized and the Budget Committee ensured were prioritized for consideration and being taken aboard, as the Minister continued to finalize the Estimates.

Among the priority aspects that this Committee was able to get from the public was the need for inclusion of provision of amounts to provide for a small population in this country called the “Albino Community”, which required Kshs250 million. I want to thank the Minister for having provided an equivalent of Kshs300 million to ensure that there is both sunscreen and extra cancer screening machines to cater for this noble cause.

I must also note that one of the pressing priorities that came in every sitting across the country had to do with the need for additional resources to hire, on permanent and pensionable terms the 10,000 teachers who were already employed on temporary terms; and the additional recruitment of 18,000 teachers. To this end, the Budget Committee recommended additional resources equivalent of Kshs5 billion, some of which was to be used on engaging the contract teachers on permanent terms and the rest was to ensure that additional teachers are recruited.

Mr. Speaker, Sir, as I speak now, I know that this has not been factored in the Revised Estimates, the so-called Corrigenda and I would like to urge the Office of the Deputy Prime Minister and Ministry of Finance to treat this item as a matter of urgency, as we move forward in the formulation of the Supplementary Estimates, which we expect to come to this House sometime this year. This will ensure that the majority of children who are poor and happen to be found in our public schools also acquire quality education.

I do also note with gratification that Kshs2.4 billion, as was recommended by the Budget Committee, has been shifted from the Ministry of Education to where it squarely

belongs, that is, the Teachers' Service Commission (TSC). I want to commend the Ministry for doing that.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

Madam Temporary Deputy Speaker, the question of drought intervention was a major issue that we also addressed. As much as a lot of effort has been focused on subsidizing the current consumption, where a lot of money is being pumped to subsidized famine relief and other subsidies, we need to ensure that we look, as a Government and country, for sustainable long-lasting measures and strategies, so that we do not keep on saying that we have a hungry population within our borders. This is because a people, country and Government that is not able to feed its people will lose the benefit of respect as a nation.

Madam Temporary Deputy Speaker, I beg to support this Motion.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Madam Temporary Deputy Speaker, I rise to support this very important Vote. First, let me commend the Minister and the staff of the Ministry for working very hard to bring this Motion. It is very important and good to know that a healthy nation is a secure nation. The two Ministries which deal with the health of the nation require to be funded, in my view, more than the Ministry of Education. This is because a healthy nation is a secure nation.

Madam Temporary Deputy Speaker, if we build a medical centre of excellence it will produce qualified personnel who will transit to medical centres in our country. This will help to treat communicable diseases. That will require additional money. The Minister has talked about a shortfall of about Kshs23 billion which is peanuts in my view.

Madam Temporary Deputy Speaker, the remuneration of the medical staff is very low. The other day I was transiting through London and met a nurse. She told me that there are 4,000 nurses in the United Kingdom (UK) alone and more than that in the United States of America (USA). It is not because they want to go and work there, but because the salaries that we pay them are very low. Therefore, we need to bring back these people by putting in place better employment conditions for them.

This Ministry has set up medical centres of excellence in every constituency. We would like these centres to be fully manned with experts in specific diseases.

As you may have realized, HIV/AIDS is very prevalent in this country and tuberculosis is also coming up. If we cannot post staff to those medical centers, we will end up having "white elephants" in every constituency.

I appreciate what my brother, hon. David Musila, has said. It is inhuman to retain dead bodies in hospitals because of non-payment of money. Therefore, I would like the Ministry to come up with a policy to support those hospitals. The Government should chip in and pay NHIF some money so that bodies and young babies who are born are not retained. Even when you get fully treated in hospital and get well, you are still retained because you are unable to pay. People do not refuse to pay. They cannot pay because they

have nothing to pay. Therefore, how can we mitigate this? We need to give more money to this Ministry.

When you look at Millennium Development Goals, we cannot achieve those goals unless we fund this Ministry fully to meet the stated deadlines. I do not see why we do not have specialists taking care of specific diseases in every district hospital. I do not see the reason why. We are 48 years old as a nation and we have medical experts like my brother, hon. Bonny Khalwale. He should tell us why we cannot have specialists in every district hospitals at 50 years of age, as a nation.

When you look at the Budget, the Ministry was given Kshs27 billion. That is money for personal emoluments, salaries and developments, among other things. Where will we get research money from? We need, for example, cancer treatment facilities in all district hospitals.

With those few remarks, I support.

Mr. Mureithi: Thank you Madam Temporary Deputy Speaker, for giving me this opportunity to support this Motion on the Ministry of Medical Services. I would like to thank the Minister for Medical Services for being very eloquent about the medical facilities that we have in this nation. At the same time, I would like to raise several issues that require some attention. One of the problems we are facing, particularly from my side, is lack of Intensive Care Units (ICUs). For instance, in the whole of Nyandarua, we have Government hospitals like Ol Kalou and Nyahururu. However, those hospitals do not have ICUs. So, when we get critical situations and illnesses, people are taken to private hospitals. After that, we have to raise money in *Harambees* so that we can get people out of those private hospitals. We are requesting the Government – and we are very sorry for the Minister because instead of getting Kshs85 billion, he only got Kshs23 billion - to equip our hospitals with ICU facilities so that critical conditions are not taken to private hospitals.

I would like to say that most Government hospitals lack many facilities. For instance, one hospital in my area lacks laundry machines. So, all the linen in the hospital is washed by human beings. There is so much linen and the level of cleanliness is compromised. Therefore, I would like to ask the Minister to address himself to some of those problems and improve the quality of hospitals in general. We want them to be equal to private hospitals. All of them should have laundry equipment so that they do not rely on human labour to maintain cleanliness.

There are hospitals that are stationed along highways, for instance, Naivasha Hospital. That hospital receives many casualties as a result of accidents. I witnessed a case where I had to take a group of people who had an accident in a *matatu*. Unfortunately, there was no emergency ward. That way, we lose many people just because of lack of emergency facilities. So, all the hospitals that are built along highways--- As a result, private developers are coming up with private hospitals along the highways so that, when there is an accident, instead of the patients being taken to Government hospitals, they are taken to private hospitals. That puts a lot of burden to Members of Parliament who end up taking care of those patients. They are called upon to do *Harambees* so as to rescue the patients to get out of the hospitals.

We also have problems with kidney patients. Those of you who have patients with kidney problems--- When you go to private hospitals with dialysis machines - and they are very few - you have to buy your own consumables. If you have no money for the

consumables, you have to wait because you cannot be dialyzed. As a result, many of people die because they cannot afford some of those consumables.

It is necessary to learn from our neighbours. All the kidney patients who go to India from Tanzania are paid for by their Government. I have a case---t I have to declare an interest. I had a sister who went to India for a kidney transplant. Her neighbours who came to see her from Tanzanian said that their costs are met by their Government. We have many people who are dying here just because they cannot afford the cost of a kidney transplant.

I would also like to request the Minister to equip our hospitals with CT-Scans. If you visit major hospitals like Nyahururu or Ol Kalau Hospital, for you to be scanned, you are either sent to Nakuru or Nyeri. I think it is better to address that in all the counties. We need to have the CT-Scans to that our people do not get exploited by private hospitals.

Finally, I would like to say that some of the hospitals that have not been officially opened, like Ol Kalau, should be opened so that they can get the attention from the Government.

With those remakes, I support the Motion.

Mr. Mbadi: Thank you Madam Temporary Deputy Speaker. I rise to oppose the Motion. I am pleading with this House to stop the Executive from proceeding the way they are. The people of Kenya, on 4th August, 2010, voted for a new Constitution. They voted for a new Constitution because they felt that they wanted a change in the way things were being done. The people of Kenya also wanted a change in public finance management in this country. That is why the Constitution we have has given the budget making process to Parliament to drive it. That is because we are the people's representatives.

I read Article 222. It is very clear that before this House debates the Budget Estimates, it is expected, through the Parliamentary Committee, to visit all corners of this country, listen to representation from the public and, in the process---

Mr. Mbau: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to re-open a debate? You have already ruled on how we will proceed with this matter.

Mr. Mbadi: Madam Temporary Deputy Speaker, I do not know why the Chairman of the Budget Committee is becoming a bit agitated. He did make his contribution although I did not like a lot of what he said. He should allow me to make my contribution. Kenyans made representations to the Budget Committee which did a report to this House. That report was adopted by this House.

Madam Temporary Deputy Speaker, the Report should be implemented by the Executive through the Minister to the letter. If the Executive had issues, they would have raised them on the Floor.

So, I cannot sit here and approve expenditure yet we recommended that the TSC was supposed to be given Kshs5 billion to employ 18,000 teachers on contract to be made permanent and to employ additional 10,000.

Madam Temporary Deputy Speaker, whatever we have before us has left out that. There was Kshs4 billion for Rural Electrification Programme (REP). However, only Kshs500 million has been allocated to this programme. There was money for GDC. You all know---

The Assistant Minister, Ministry of State for Defence (Mr. Musila): On a point of order, Madam Temporary Deputy Speaker. I have a lot of respect for my good friend, Mr. Mbadi, but now he is debating matters which are not before the House. The Motion before the House does not have anything to do with the Ministry of Education and the Ministry of Energy, among others. We are debating the matter of the Ministry of Medical Services. Is he in order?

Mr. Mbadi: Madam Temporary Deputy Speaker, the Ministry of Medical Services, we gave them more money to buy cancer machines. However, that has been left out. There is no justification for giving Kshs6 billion more to the Department of Defence yet we cannot give money to employ teachers in this country.

We are proceeding as a country---

The Temporary Deputy Speaker (Dr. Laboso): Order, Mr. Mbadi! You have just been guided by Mr. Musila.

Mr. Mbadi: Madam Temporary Deputy Speaker, allow me to make my presentation because you remember all the other Votes will be guillotined. So, I think if something is wrong, I need to point it out. We, as a country, will be judged harshly because we are starting on a wrong note. We, as a country, either choose to live with the old Constitution which we discarded or we start living with the new Constitution. We cannot have an excuse.

Even if the Minister delayed to table the Budget Estimates in the House, the moment they were tabled in the House, we are supposed to follow the Constitution as it is. The Constitution is very clear that once the Budget Committee has made a recommendation, Parliament shall adopt it. From there, they prepare the Appropriation Bill straightaway.

So, even this debate on Committee of Supply, to me, is unconstitutional. It is just a waste of parliamentary time. Whatever we are doing, history will judge us harshly because we cannot trash whatever we have already adopted as a House.

Why did the Budget Committee have to do a Report to this House? I heard my chairman heaping a lot of praises on the Treasury as if it was doing us a favour. Remember the Minister makes dispensations. The Cabinet Secretary will not be in the House.

The Temporary Deputy Speaker (Dr. Laboso): Mr. Mbadi, your time is up.

Mr. Mbadi: Madam Temporary Deputy Speaker, I oppose.

Mr. Bahari: Thank you, Madam Temporary Deputy Speaker. First and foremost, I want to thank the people of Kenya for having voted in the new constitutional dispensation. I do recall, perhaps, in the previous Parliament the role of Parliament was basically to lament about what the Treasury has not done and it stopped there. Fortunately, this time round, Parliament has a significant role to play. Kenyans have such a significant role to play in terms of their contribution to the budget making process.

A healthy nation, as it has just been said, is a stable nation. It will also be a productive nation. It is, therefore, imperative that this Ministry must be given what it requires so that Kenyans can remain healthy.

Madam Temporary Deputy Speaker, you cannot do that and you cannot plan for it when you do not have the right medical statistics. I am afraid that this area has not been properly given attention. Every time we want the right statistics in terms of the illness and so many other issues that are related to health, we do not seem to have up-to-date and

correct statistics. So, it is important that the area of statistics in the medical field be given the attention that it requires.

I want to address myself to the issue of mental health. I am afraid also that mental health has not been given the requisite attention that is necessary. I want to give an example. In many parts of this country, including the Upper Eastern where I come from, there is not a single unit where we can retain those who are mentally challenged. So, what happens is that most of the relatives will keep these people in their houses. They lock them up under very inhuman conditions. The Minister and the Permanent Secretary are here. We want this area to be given the requisite attention from the aspects of medical as well as human rights.

Madam Temporary Deputy Speaker, I also want to address myself to the issue of cancer. It has become too much in this country. Every other time we have four, five or six or many of them. In fact, in my own constituency we have to raise funds to attend to cancer patients. It has become rampant and I think the Ministry needs to move in the right direction - the Minister is very much aware of this issue – so that we arrest the issue of cancer and its causes in this country.

Madam Temporary Deputy Speaker, I want to mention the issue of staff. In most of the arid areas for the last so many recruitments we were not able to produce paramedics from those areas to come and serve the people in that area. I think the Ministry needs to take urgent and affirmative action so that those areas are able to produce experts to serve them. I am sure this is a matter that is very clear. Mr. Minister, we need your attention in this area.

Indeed, it is true for the Ministry of Education also where we have been employing in those areas, even when the Ministry has prescribed that as a requirement you must come from those areas, people from those areas be given priority, we have not been able to produce any recruits because the medical training institutions are only able to bring to us Kenyans who are from other areas. It is important that the Minister does affirmative action in this area.

I want to address myself to the issue of medical supplies also. I have witnessed a situation where a truck full of cartons offloaded drugs in a medical facility. The following day when you go there, you find literally there are no drugs. Why? This is as a result of supplying the drugs that are not required in those areas. For example, in my own area, I witnessed the situation where we had a lot of drugs for scabies and that disease is not there in those areas. In fact, it is there in other areas. What happens? It looks like there are certain people who are bent on supplying drugs. They are forcing the Ministry, through whatever means, to supply those drugs. So, the drug supply must be need-based.

I do recall in the Ninth Parliament the health committee had recommended that drugs supplied must be need-based and I do not think that has been implemented to date.

Madam Temporary Deputy Speaker, I want to touch on an issue that the Minister appropriately addressed himself to; the issue of diagnostic services. Where are the laboratories in the dispensaries and health centres? They are not there.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, let us give our brothers and sisters who are fasting an opportunity, so that they can go and break their fast.

Mr. Chanzu: Thank you, Madam Temporary Deputy Speaker, I take this opportunity to congratulate the Minister for his presentation of the Ministry's Vote - Ministry of Medical Services. The Ministry of Medical Services, or Health, is one that provides the most important basic needs. Therefore, there is need for adequate funding of the services it renders.

Madam Temporary Deputy Speaker, the document that follows here--- There are areas where to put a lot of money. In fact, I expected when the Assistant Minister of State for Defence was contributing to also talk about this business of Kshs6.5 billion, which we are going to guillotine later on. It is being given to the National Security Intelligence Service (NSIS). I think part of this money should be given to this Ministry, so that it is able to render essential services to Kenyans.

Madam Temporary Deputy Speaker, there is the issue of the National Hospital Insurance Fund (NHIF). Because of poverty, many Kenyans are not registering to be its members. They are not contributing enough to the scheme so that they can benefit. I think the amount of money that is supposed to be paid by those who are not employed is about Kshs160 per month. I was hoping that the Minister would have said that this money should be reduced, so that we can have as many people as possible contributing, so that they are able to access medical care through this Fund. I think most of what goes to the Fund is provided by these Members of Parliament. When somebody gets into an emergency, he or she has to be admitted into a hospital. The fall back position is to Members of Parliament.

I think that is where I would think the Minister---. As he waits for the proposed National Health Insurance Scheme, he should reduce the amount of Kshs160. People imagine that it is too much. If you reduce it a bit you will have many people registering and we can help you to campaign to realize as many people as possible. From economies of scale, I think you will get more. You have seen what Safaricom did; it just reduced its prices; it came up with Bamba Kshs50. In this way, it covered everybody and that meant a lot of money. That is one area I have thought of.

Madam Temporary Deputy Speaker, the other thing is to do with the pharmacists themselves. We said here a number of times that sometimes there is a bit of collusion; you go to the hospital and you do not find the drugs but the chemist, which is just next door, has the drugs. I have experienced it myself. I talked about the issue of rabid dogs, which bit some people in my place. We got very expensive medicine; it cost about Kshs6,000 to Kshs8,000 and they were eight people. I had to persuade the pharmacy outside the hospital to be able to dispense medicine. So, I think if we can make these drugs available to hospitals, then the problem of people going to look for them outside there will disappear.

Of course, there is the issue of adequacy; I am imagining a situation of these generic drugs, which are supposed to be cheap. But when they are dispensed at the counters, they are cheap but people do not know the difference between them and the original drugs, which are the branded ones. I am suggesting that the generic drugs must be labeled distinctly the way the same Ministry labels cigarette packets, that smoking is harmful to your health. This should be so that when people are buying them they know about their harmfulness. This is because you find generic drugs that cost Kshs10 and others that cost Kshs500, but Kenyans are made to buy the expensive ones when they could have bought the generic ones more cheaply.

Madam Temporary Deputy Speaker, on the training of medical staff, I think it has been done well but a lot more needs to be done.

Finally, on the Kshs22 billion shortfall the Minister---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Chanzu, your time is up!

Mr. Chanzu: Madam Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Dr. Laboso): Now, hon. Members, the Minister is responding at 5.00 p.m. because we are starting the guillotine process at 5.30 pm. Therefore, we have to agree on how we are going to manage ourselves. Let us find a way of managing ourselves. Hon. Ogindo, start with a minute per each hon. Member.

Mr. Ogindo: Madam Temporary Deputy Speaker, I rise to support the Motion; I want to start by saying that we have had a very trying time with our Budget this time round. The Budget-making process has been guided by the Speaker's ruling, which was against a background that of a transitional period. We had to navigate between the Standing Orders and the Constitution.

I want to point out that the Motion, as it stands today--- We need to quickly move and change the way we are doing things. I want to concur with hon. Mbadi, who said that this Motion was a little faulty. At this stage, we are in the Committee of Supply; we should be debating the Motion to grant funds to various Votes and not to withdraw them from the Consolidated Fund.

Madam Temporary Deputy Speaker, having said that, I think it is important that we move forward very fast, so that we can harmonize, even if not by way of correcting our Standing Orders, but by way of agreeing on the practices, so that we move forward together into the next financial year.

I remember this House indicted the Executive, particularly the Minister for Finance. This House will face the same indictment in the public court; we want to agree that the name of the game from now hence should be negotiations, so that we move forward together, the Executive and the Legislature.

Madam Temporary Deputy Speaker, on this Vote of the Ministry of Medical Services, I want to say that there have been a lot of complaints. A lot of suppliers in my constituency have petitioned me that the Ministry is not paying them; I know this is a common problem across the country. Could the Minister consider availing money to the suppliers? I know there are other creditors to the Government whose debts have been secured even though they supplied air or did nothing. These are suppliers who have fed our sick. Could the Minister consider availing funds, so that these suppliers can be kept in business, and so that they can also attend to their families? In particular I am talking about Homa Bay District Hospital. We also made a recommendation to the Minister, through the Budget Committee. I look forward to seeing the Minister take up those recommendations, so that we can activate the various dispensaries that we have built in the constituencies.

Last but not least, I think from now henceforth, we must never have both the Budget report and the Committee of Supply. We must decide to move on with one.

With those few remarks, I support.

Mr. Njuguna: Thank you, Madam Temporary Deputy Speaker. I wish to join my colleagues by contributing very briefly on this very important Motion. First, I want to indicate that this Ministry is seriously underfunded and ways must be found to increase the Vote of this Ministry. I want to thank the Minister for Medical Services, the Assistant

Minister, hon. Kambi, the Permanent Secretary, Ms. Ngare and the staff for doing a credible job at the Ministry.

It is important that KEMSA, which is in charge of drugs supplies, is given more capacity and enhanced, so that drugs can reach all the corners of this nation. I also want to thank the Minister for making frequent visits to the countryside with a view to upgrading our district hospitals. The already upgraded district hospitals must be staffed, supplied with drugs and the necessary facilities. It is also important to note that recently this country has been affected by heart and kidney ailments. Therefore, this Ministry must be given more money to address those concerns. The very vulnerable and needy people in this society are affected by these diseases and at times, they are forced to go to South Africa and India for medication and they are not able to raise the necessary funds. If we can improve our facilities in this country, then these people would benefit.

It is also important that the Minister addresses the issue of quack doctors, be they dentists, physicians or herbalists. These are the people who jeopardize the lives of our people.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Member, your time is up! As you can see, it is 5.00 p.m. already!

Mr. Njuguna: Madam Temporary Deputy Speaker, with those few remarks, I support the Vote.

(Several Members stood up in their places)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Minister, are you going to donate just a little time - you can decide how much - just for each of these Members to make a comment?

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Madam Temporary Deputy Speaker, I will give the Members a minute each because I have to have time to respond to the very weighty issues the other Members have raised.

The Temporary Deputy Speaker (Dr. Laboso): There are four Members upstanding.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): So, if they can make their comments and finish by 5.10 p.m., I will be grateful.

Mr. Kigen: Thank you, Madam Temporary Deputy Speaker, for that short time that you have given me to say at least something. I want to start by supporting this Motion.

This is a very important Motion that ought to have been given sufficient funds to ensure that it is able to fund medical services countrywide. I have in mind the many health facilities in the countryside that we have developed partly through the Constituencies Development Fund (CDF) and some through the parent Ministry. Unless those facilities are staffed and given the other basic necessities, they may end up not being useful to our people. I want to suggest that the Ministry, at least, is given additional funding during the Supplementary Budget, so that it can provide ambulances. People get sick and mothers at the point of delivery need to be transported far away. Many of them have lost their lives because we are unable to take them to where the facilities are so that they can be assisted to deliver safely. This is one very important requirement that should be available in every district.

It is important that the Ministry is given sufficient funding. There should be sufficient staff in the facilities that have been developed. The Minister should ensure that electricity is connected to every health facility that has been developed. We have developed health facilities out there and they have not been able to offer sufficient services. The other issue is that hospitals hold those who die there until payments are made. This is something that needs to be looked at. The Minister needs to look into this and find a way of ensuring that the dead are not held in hospitals for non-payment of hospital bills.

The Temporary Deputy Speaker (Dr. Laboso): Your time is over, hon. Kigen.

Mr. Wambugu: Thank you, Madam Temporary Deputy Speaker. First, I stand to support the Motion. I just want to remind Kenyans that every person has a right to the highest attainable standard of health which includes the right to health care services and reproductive health care. I feel that the amount of money given to the Ministry of Medical Services is not enough. I would propose that if there will be any other sources of funding, they should be the first ones to be considered.

According to the Constitution, everybody has a right to medical care. This House passed a resolution to take care of the war veterans, the *Mau Mau* and other freedom fighters who fought for this country. They were supposed to receive free medical care and up to now, it is very sad that most of those people who fought for Independence are still dying because they do not have any medical care. Most of the kidney problems---

The Temporary Deputy Speaker (Dr. Laboso): Your time is up, Captain Wambugu!

Mr. Wambugu: Madam Temporary Deputy Speaker, with those few remarks, I beg to support.

Mr. Letimalo: Madam Temporary Deputy Speaker, I want to use this one minute wisely. I will start by thanking the Minister for the changes that he has made at the Kenyatta National Hospital. He has acknowledged that this being the main referral hospital in the country, the services and the management had been run down. I commend the new Chief Executive and hope that the Ministry is going to support him to ensure that the hospital gets the required facilities to offer the necessary services to Kenyans.

Secondly, I would like the Minister to hear us out here. Those of us who come from the Arid and Semi-Arid Lands have unique problems. Specifically, following the creation of new districts, the only medical facilities that you get are only health centres and in many cases, dispensaries. As you know, these facilities do not have all that is required to offer the necessary facilities. So, we appreciate the fact that the Ministry requires a lot of resources to upgrade these health facilities, but with the little that the Ministry has been given, please, give us priority because these are people who are using herbal drugs.

Therefore, in the absence of these services, they will just turn to quacks. Thirdly, and this is specifically to the sister Ministry of Public Health and Sanitation, it is a requirement that these facilities should have health management committees.

The Temporary Deputy Speaker (Dr. Laboso): Your time is out, hon. Letimalo!

Mr. Jamleck Irungu Kamau: Thank you, Madam Temporary Deputy Speaker, for, at least, spotting me even if I am the last one. I would like to support this Motion.

We need ambulances in the counties because the kind of ambulances that we have, either they are not there or they do not even work. We need modern or state-of-the-art ambulances in the counties because once there is an accident, the ambulances that take the sick to the hospital are not the kind of ambulances that we require.

We also need several referral hospitals in the counties. We also need more research facilities. You will realize that we do not have enough doctors because we need straight grade As for those who are going to study medicine. We need the grades to be lowered, so that we can train more doctors.

I would also like to talk about the rare diseases that are coming up. We have rare diseases like hydrocephalus. This is a rare disease that affects children at birth. They are born with water in their heads. This condition is treatable but unfortunately, it has not been catered for in this Budget. I do not know what we can do so that it can be included.

I also want to talk about supply of drugs. In remote areas in the countryside, those who supply drugs do not get there in good time. So, the poor people in the countryside do not receive the drugs and they end up dying.

With those remarks, I support the Motion.

Mr. Koech: Thank you, Madam Temporary Deputy Speaker, for giving me the opportunity. First, I want to appreciate the role of the Budget Committee and the Report that was tabled before this House. I want to thank the Members of this House for approving the Report. I want to appreciate that from that Report, Kshs100 million was set aside for sunscreen for the albinos. When the albinos appeared before us, we realized that there is something in this country that we did not know.

I have two quick issues for the Ministry and the first one is on vehicles. I wish to request the Minister to distribute the vehicles evenly. I know that they are not enough, but some parts of this country have excess while some parts do not have. I wish to request that, especially the very difficult areas get vehicles and serviceable vehicles for that matter.

Madam Temporary Deputy Speaker, the second issue is the shortage of drugs. This is a real problem and a big challenge to this nation. I recall that when we were young, hardly could you hear that we missed drugs in our hospitals. At that time, you could go to hospital and you know that this is a drug from the Government of Kenya because it was engraved. The day the engraving was removed is when a lot of shortage started being witnessed in this country. Could the Minister consider reintroducing the same so that we can know that the drugs we buy from the chemists are not from the Ministry?

Regarding the Kenya Medical Training College, many children of this country want to go there and they keep applying year in, year out and they pay Kshs1,000. Could the Minister consider waiving the Kshs1,000 so that many Kenyans can apply?

The Temporary Deputy Speaker (Dr. Laboso): Could you summarize!

Mr. Koech: Madam Temporary Deputy, Speaker, lastly, with due respect, I want to talk about the issue of shortage of teachers. This is a real issue that we must tackle as a country. As a Committee we requested the Deputy Prime Minister and Minister for Finance to bring the same in the Supplementary Budget which should come by October. I do table the memorandum from the Kenya National Union of Teachers (KNUT) and Kenya Union of Post Primary Education Teachers (KUPPET) still asking Kenyans and

this Parliament to consider the child of the poor. Let us employ teachers so that children in public schools can also compete favourably with children in private schools.

(Mr. Koech laid the document on the Table)

The Temporary Deputy Speaker (Dr. Laboso): I now call upon the Minister to respond.

The Minister for Medical Services (Prof. Anyang'-Nyong'o): Madam Temporary Deputy Speaker, in line with my dear friend, Mr. Njuguna, the Member for Lari, I would like to thank my staff, the Permanent Secretary, Mary Ngare and the Director for Medical Services, Dr. Kimani for having worked very hard during the year to help deliver health services to our people. I would also like to thank all our partners who have partnered with us in providing, particularly development financing to rehabilitate our hospitals, to train our staff and for the acquisition of the enterprise resource programme at the KEMSA which was done very ably by the USAID. I also want to thank the House for the contributions this afternoon which I think have been very useful and informative for the kind of thing that we need to do in response to the needs of Kenyans.

I particularly appreciate those who have spoken very passionately about the retention of bodies, mothers and children after giving birth in hospitals and the need to help the poor access health care. We all share the concerns of the House and I am glad that this issue has been brought up. I would not like in any way to cause inconvenience or pain to the people of Kenya when they go to health facilities, but all these issues boil down to one thing; adequate financing of our health facilities in a manner in which those facilities will run well and our people have access to health care. Members of Parliament are burdened everywhere by having to go to *Harambee* and acting to release bodies. This is inhuman to Members of Parliament. I do believe that if we can act together as a nation and come up with proper financing of health care, this will be a happier and more productive nation than it is today. A country like Taiwan which came into being only after 1949, and I have been to Taiwan, Taiwan was just a bare and barren island, but today it has one of the best health systems in the world. The secret came because Taiwan put in place the financing of the health system which has made it a world class deliverer of health care in the world. This country started very early in 1966. Our forefathers had the vision and hoped that within no time we would have a comprehensive social health system. But we, ourselves, have been reluctant to do this much to the detriment of a nation. I hope that within no time the proposal that we have in the Ministry will be embraced so that these questions do not keep on recurring and we shall realise that in Vision 2030.

Madam Temporary Deputy Speaker, let me assure the House that my Ministry has completed a baseline survey of all our facilities in terms of equipment and human resources available. We have done a survey of what we need to make these facilities be world class competitive. We have this document which we shall put into a Sessional Paper and bring it to this House for debate after passing through the Cabinet so that we can know what we have, what we are missing and what we need to get where we want to go. When I mentioned the figure of Kshs80 billion over the next five years, I was responding to this very scientific study of our health facilities that had been carried out over the last three years. Therefore, given all the issues that had been raised, we have a

response in terms of information and data in that Sessional Paper. We have facts and figures which will help the Office of the Deputy Prime Minister and Ministry of Finance with ourselves look for the resources. These resources need not come from the Government entirely. We can do it through the public-private partnership, through the social health insurance to which both the employers and employees will contribute and through contributing to health financing by levying what I call the “syntax”, which is taxing things like gambling, tobacco, alcohol and prostitution. All these things should be taxed so that from your sins we can pay for health care. This happens in many countries so that you will sin knowing very well that the harm you caused your body and to the society, will be paid for prior to sinning. That is pay as you sin. This has been done in other countries and I do not know why we cannot employ the same way of raising resources in our nation.

Madam Temporary Deputy Speaker, Sir, there is something that was mentioned which is very important. That is the issue of trauma accidents. Kenya is known today, by facts and figures, as being one of the most accident-prone countries. We have many more accident per capita than many nations in Africa. Indeed, when we saw the fire disasters a couple of years ago, we promised ourselves that we will start trauma and accident centre in the country. Fortunately, our Ministry has responded by establishing a proposal for national ambulatory and emergency services. This too is ready and is completely well studied. We have been discussing with the Red Cross because Red Cross is a very good ambulatory service and it will have a better response to the use of our ambulances than we have today. It will make it possible for both the private and public sector to accept one GPA system which will then mean that you do not have a stationary ambulance in front of your health centre. All those ambulances will be pooled together in the national ambulatory and emergency services and when you need an ambulance, you only need to dial a number and you will have access to an ambulance there. Then there will be a system of reimbursing the ambulance providers so that they will be able to do business with the Government. This is what is called smart partnership. I think we must go towards this partnership, first, we use our resources that we have both in private-public sector effectively and pay less for services.

Madam Temporary Deputy Speaker, KEMSA was also taken to task today with regard to how they provide drugs to our health facilities. Indeed, we too have accepted this shortcoming and rather than continue relying on the pull-push system whereby we have standard health kits going to facilities across the board nationally, we are going to have the pool system where facilities will demand drugs according to their needs and they will be supplied on time. This cannot work unless the enterprise resource programme at the KEMSA works properly because this must be managed in a computerized system rather than relying on a system based on human beings which is full of human error.

If, indeed, the enterprise resource programme that has been established and is proven to work is established properly, we shall go towards the pool system which is going to be much more cost-effective and efficient in supplying drugs to our facilities.

Madam Temporary Deputy Speaker, I am very happy that the House is conscious of these problems and that together with them and the Ministry of Finance we shall rise up to the occasion and not disappoint our people especially when the expectations have been taken sky high in the new Constitution.

Another issue was raised by my dear friend, Maj-Gen. Nkaiserry regarding medical centres of excellence. Let me make a proposal, you cannot have centres of excellence at the bottom if you do not have centres of excellence at the top. At the moment we have a proposal put in place a system whereby all our provincial government hospitals and heavy volume hospitals will become referral facilities. If you have gone to Kisii District Hospital and Mama Lucy Kibaki District Hospital here in Nairobi and to Kericho District Hospital, then you will know what a proper centre of excellence at that level is as a referral facility. Indeed, Mama Lucy Kibaki District Hospital here in Embakasi was built from the scratch and it cost the Government close to about Kshs700 million. This is quite a cost-effective way of putting up a hospital. My estimation was that it cost about Kshs1 billion, but we did it with about Kshs700 million lock, stock and barrel. These are the kind of calculations we are making. Where hospitals already exist, they must be rehabilitated to the standard of Kisii District Hospital, Mama Lucy Kibaki District Hospital and Kericho District Hospital. Migori District Hospital is also coming up in the same way. If we do this, many problems that our Members of Parliament are raising will be a thing of the past. However, as my dear friend, the Deputy Prime Minister and Minister for Finance knows, we require resources, and this House must vote these resources. As a Ministry, we must also work with partners to raise these resources to respond to the needs of our nation and issues of lack of Intensive Care Units (ICUs) and so on, will be a thing of the past.

Madam Temporary Deputy Speaker, we need centres of excellence right at the top. Last week we had a whole week of a national forum at the Great Rift Valley Lodge on non-communicable diseases, to which we had invited doctors and professors from overseas, particularly, the United States of America (USA), Germany and Spain. They made it very clear to us that our proposal of putting in place a centre of excellence in Nairobi; well equipped to deal with all cases of medical care, so that we do not need to refer ourselves to India and South Africa and export our pathologists--- If, indeed, we establish that centre here in Nairobi, they are ready to provide us with a board of international consultants free to help us build and develop that centre, so that, that centre too will train our people nationally to serve our centres of excellence at the district level. This could not be a better Christmas present. I hope that in the Ministry we shall follow that expeditiously and make it a reality.

Madam Temporary Deputy Speaker, with those few words, I would like to move.

(Question put and agreed to)

*[The Temporary Deputy Speaker
(Dr. Laboso) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairlady
(Dr. Laboso) took the Chair]*

GUILLOTINE

APPLICATION OF GUILLOTINE – SECOND AND LAST ALLOTTED DAY

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Members, we are now in the Committee of Supply to consider the application of Guillotine. We shall begin with the Ministry of Medical Services all the way to the end. It must all be done before 7.00 O'clock.

Vote 11 – Ministry of Medical Services

THAT a sum not exceeding Kshs13,259,889,272 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 11 – Ministry of Medical Services

Dr. Khalwale: On a point of order, Madam Temporary Deputy Chairlady.

The Temporary Deputy Chairperson (Dr. Laboso): This is Guillotine and I think we have already--- I started by saying that this is Guillotine. What is your point of order, Dr. Khalwale?

Dr. Khalwale: Madam Temporary Deputy Chairlady, whereas I agree with you, in view of the unique situation in which we find ourselves, that is the first time in the history of the Republic of Kenya where all Ministries are being guillotined you can, at least, allow us one minute when you propose the Question. Do not listen to the Leader of Government Business, because he is a junior Member of this House, when it comes to matters of debate.

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Members, we are following our Standing Orders which say that during Guillotine we do not debate.

(Question put and agreed to)

Mr. Mbadi: On a point of order, Madam Temporary Deputy Chairlady. Even as we proceed with Guillotine, the way the Motion is framed is unconstitutional. The Motion is urging us “That a sum not exceeding Kshs30,259,434,339 be issued from the Consolidated Fund to complete the sum necessary---” We cannot give approval to issue funds from the Consolidated Fund through a Motion. I have said this and I repeat that whatever we are doing is wrong. If it is a matter of Committee of Supply, we need to rephrase the Motion. This is because what this Motion is seeking to do is unconstitutional. You can only withdraw funds through legislation.

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): On a point of order, Madam Temporary Deputy Chairlady. Is the hon. Member in order to go back to an issue that the Speaker had ruled on earlier?

The Temporary Deputy Chairlady (Dr. Laboso): Mr. Mbadi, this matter was clearly dispensed of by the Speaker, when he gave his ruling on the fact that this is a Motion of Parliament which, again is in transition. I think that ruling was very clear and we agreed that we were moving on with the process. We are already in the Committee of

Supply and in the process of guillotining all the Ministries. Mr. Mbadi, allow us to continue.

Vote 01 – Ministry of State for Provincial Administration and Internal Security

THAT, a sum not exceeding Kshs30,259,434,339 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 01 – Ministry of State for Provincial Administration
and Internal Security

(Question put and agreed to)

Vote 02 – State House

THAT, a sum not exceeding Kshs849,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 02 – State House

(Question put and agreed to)

QUORUM

Mr. Mbadi: On a point of order, Madam Temporary Deputy Chairlady. We are discussing various votes and if you look around, there is no quorum.

The Temporary Deputy Chairlady (Dr. Laboso): It is true that we have no quorum. Could you ring the Division Bell?

(The Division Bell was rung)

The Temporary Deputy Chairlady (Dr. Laboso): Order! We now have a quorum.

Mr. Outa: On a point of order, Madam Temporary Deputy Chairlady. Would I be in order to ask these hon. Ministers to stay in the House if they want us to continue with this Budget?

The Temporary Deputy Chairlady (Dr. Laboso): They are now here. We now have a quorum. We do not want other dilatory Motions being brought. Could we get on to the business?

Vote 03 – Ministry of State for Public Service

THAT, a sum not exceeding Kshs2,854,010,593 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 03 – Ministry of State for Public Service

(Question put and agreed to)

Vote 04 – Ministry of Foreign Affairs

THAT, a sum not exceeding Kshs4,072,519,250 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 04 – Ministry of Foreign Affairs

(Question put and agreed to)

Vote 05 – Office of the Vice-President and Ministry of Home Affairs

THAT, a sum not exceeding Kshs7,767,571,088 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 05 – Office of the Vice-President and Ministry of Home Affairs

(Question put and agreed to)

Vote 06 – Ministry of State for Planning, National Development
and Vision 2030

THAT, a sum not exceeding Kshs13,605,399,957 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 06 – Ministry of State for Planning, National
Development and Vision 2030

(Question put and agreed to)

*[The Temporary Deputy Chairlady
(Dr. Laboso) left the Chair]*

[The Temporary Deputy Chairman

(Mr. Ethuro) took the Chair]

Vote 07 – Office of the Deputy Prime Minister and Ministry of Finance

THAT, a sum not exceeding Kshs21,733,063,994 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 07 – Office of the Deputy Prime Minister
and Ministry of Finance

(Question put and agreed to)

Vote 08 – Ministry of State for Defence

THAT, a sum not exceeding Kshs29,401,625,895 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 08 – Ministry of State for Defence

(Question put and agreed to)

Vote 09 – Ministry of Regional Development Authorities

THAT, a sum not exceeding Kshs2,915,378,890 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 09 – Ministry of Regional Development Authorities

(Question put and agreed to)

Vote 10 – Ministry of Agriculture

THAT, a sum not exceeding Kshs8,956,401,054 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 10 – Ministry of Agriculture

(Question put and agreed to)

Vote 12 – Office of the Deputy Prime Minister and Minister
of Local Government

THAT, a sum not exceeding Kshs3,258,717,209 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 12 – Office of the Deputy Prime Minister
and Ministry of Local Government

(Question put and agreed to)

Vote 13 – Ministry of Roads

THAT, a sum not exceeding Kshs21,936,696,143 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 13 – Ministry of Roads

(Question put and agreed to)

Vote 14 – Ministry of Transport

THAT, a sum not exceeding Kshs6,110,601,983 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 14 – Ministry of Transport

(Question put and agreed to)

Vote 15 – Ministry of Labour

THAT, a sum not exceeding Kshs1,061,588,574 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 15 – Ministry of Labour

(Question put and agreed to)

Vote 16 – Ministry of Trade

THAT, a sum not exceeding Kshs980,321,643 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 16 – Ministry of Trade

(Question put and agreed to)

Vote 17 – Ministry of Justice, National Cohesion and Constitutional Affairs

THAT, a sum not exceeding Kshs979,952,900 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 17 – Ministry of Justice, National Cohesion
and Constitutional Affairs

(Question put and agreed to)

Vote 18 – Ministry of Gender, Children and Social Development

THAT, a sum not exceeding Kshs3,248,048,424 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 18 – Ministry of Gender, Children and
Social Development

(Question put and agreed to)

Vote 19 – Ministry of Livestock Development

THAT, a sum not exceeding Kshs3,929,928,065 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 19 – Ministry of Livestock Development

(Question put and agreed to)

Vote 20 – Ministry of Water and Irrigation

THAT, a sum not exceeding Kshs12,879,411,029 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 20 – Ministry of Water and Irrigation

(Question put and agreed to)

Dr. Khalwale: On a point of Order, Mr. Temporary Deputy Chairman, Sir. I would like you to guide us further. I am rising on the Standing Order No.56, which provides that:-

“The question on any Motion shall not be proposed unless it shall have been seconded and any Motion that is not seconded shall be deemed to have been withdrawn, and shall not be moved again in the same session:

Provided that a Motion made in Committee shall not require to be seconded”.

It is the seconding that we are worried about. Allow us to ventilate. These are unique times; very unique times.

The Temporary Deputy Chairman (Mr. Ethuro): Order, Members! I am glad hon. Khalwale you have the solution to your own query. The Standing Order No.56 requires questions to be proposed after a Motion has been made. It has made a proviso that a Motion made in Committee shall not require to be seconded. Then why are you asking for secondment?

Two, the relevant Standing Order, and the Act that is very relevant here, is 158. The entire 155 is the Committee of Supply. So, we cannot entertain any dilatory Motions when we are at this Committee of Supply. So, be guided.

Vote 21 – Ministry of Environment and Mineral Resources

THAT, a sum not exceeding Kshs3,118,792,949 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 21 – Ministry of Environment and Mineral Resources

(Question put and agreed to)

Vote 22 – Ministry of Co-operative Development and Marketing

THAT, a sum not exceeding Kshs702,416,280 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 22 – Ministry of Co-operative Development
and Marketing

(Question put and agreed to)

Vote 23 – Cabinet Office

THAT, a sum not exceeding Kshs724,170,263 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 23 – Cabinet Office

(Question put and agreed to)

Vote 24 – Ministry of East African Community

THAT, a sum not exceeding Kshs490,615,294 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 24 – Ministry of East African Community

(Question put and agreed to)

Vote 25 – State Law Office

THAT, a sum not exceeding Kshs663,595,424 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 25 – State Law Office

(Question put and agreed to)

Vote 26 – The Judiciary

THAT, a sum not exceeding Kshs4,218,509,531 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 26 – The Judiciary

(Question put and agreed to)

Vote 27 – Public Service Commission

THAT, a sum not exceeding Kshs314,448,500 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 27 – Public Service Commission

(Question put and agreed to)

Vote 28 – Kenya National Audit Office

THAT, a sum not exceeding Kshs718,830,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 28 – Kenya National Audit Office

(Question put and agreed to)

Vote 29 – National Assembly

THAT, a sum not exceeding Kshs6,409,053,181 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 29 – National Assembly

(Question put and agreed to)

Vote 30 – Ministry of Energy

THAT, a sum not exceeding Kshs13,367,521,394 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 30 – Ministry of Energy

(Question put and agreed to)

Vote 31 – Ministry of Education

THAT a sum not exceeding Kshs17,766,130,841 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 31 – Ministry of Education

The Temporary Deputy Speaker (Mr. Ethuro): I was expecting the Minister for Education. That is the only one I would have allowed.

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, whereas the majority will always have their way, let the minority say as follows: This House made a decision on the Budget Statement that was tabled by Mr. Mbau and we clearly indicated that 18,000 teachers must be employed. However, the recommendation by this House has been ignored and because of this ignorance I want to use this opportunity to table this document, which is a memorandum from the Kenya National Union of Teachers (KNUT) who have been camping outside---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Dr. Khalwale! Mr. Koech, while contributing tabled the same document. How many times do you wish to table the same document?

Dr. Khalwale: Thank you, Sir. Allow me to comment.

The Temporary Deputy Speaker (Mr. Ethuro): You must conclude!

The Minister for Transport (Mr. Kimunya): Yes!

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, protect me from Mr. Kimunya.

The Temporary Deputy Speaker (Mr. Ethuro): You are completely protected!

Dr. Khalwale: I know the history Mr. Kimunya is coming from.

Mr. Temporary Deputy Chairman, Sir, that this House can remain oblivious of a shortage of 60,000 teachers in this country; that this House can remain oblivious of the undertaking by the Grand Coalition Government that they intend, before 2030 to build 560 new secondary schools and still allow the same Government not to start doing something about it now is to fail in our oversight responsibility. The Deputy Prime Minister and Minister for Finance is here and he is one of my bosom friends, I appeal to him, because he still has acres and acres of space in which he can consider this issue. I also know that he has children like all these hon. Members. We want our children to be exposed to quality education.

The Temporary Deputy Speaker (Mr. Ethuro): That is enough. We have ventilated on that. Hon. Members, if you still want to subscribe to the rules, you still have Standing Order No.155(4) which you should have used to express your disgust by reducing the vote on that Ministry.

(Question put and agreed to)

Vote 32 – Ministry of Information and Communications

THAT a sum not exceeding Kshs3,547,143,425 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 32 – Ministry of Information and Communications

(Question put and agreed to)

Vote 33 – Interim Independent Electoral Commission

THAT a sum not exceeding Kshs5,394,376,094 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 33 – Interim Independent Electoral Commission

(Question put and agreed to)

Vote 34 – Kenya Anti-Corruption Commission

THAT, a sum not exceeding Kshs904,515,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 34 – Kenya Anti-Corruption Commission

(Question put and agreed to)

Vote 35 – Ministry of State for Special Programmes

THAT, a sum not exceeding Kshs7,652,576,399 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 35 – Ministry of State for Special Programmes

(Question put and agreed to)

Vote 36 – Ministry of Lands

THAT, a sum not exceeding Kshs1,653,311,386 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 36 – Ministry of Lands

(Question put and agreed to)

Vote 38 – The Commission on Revenue Allocation

THAT, a sum not exceeding Kshs167,850,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 38 – The Commission on Revenue Allocation

(Question put and agreed to)

Vote 40 – Ministry of State for Immigration and Registration of Persons

THAT, a sum not exceeding Kshs3,090,637,834 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 40 – Ministry of State for Immigration
and Registration of Persons

(Question put and agreed to)

Vote 41 – Ministry of State for National Heritage and Culture

THAT, a sum not exceeding Kshs1,196,117,996 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 41 – Ministry of State for National
Heritage and Culture

(Question put and agreed to)

Vote 42 – Ministry of Youth Affairs and Sports

THAT, a sum not exceeding Kshs4,740,994,471 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 42 – Ministry of Youth Affairs and Sports

(Question put and agreed to)

Vote 43 – Ministry of Higher Education, Science and Technology

THAT, a sum not exceeding Kshs16,252,285,282 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 43 – Ministry of Higher Education,
Science and Technology

(Question put and agreed to)

Vote 44 – Ministry of Housing

THAT, a sum not exceeding Kshs1,744,423,903 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 44 – Ministry of Housing

Dr. Khalwale: Mr. Temporary Deputy Chairman, Sir, it seems as if the Government has no policy for housing in rural areas. Since Independence, successive Governments have been addressing the issue of houses for people living in urban areas. We want to urge the Government to make sure that people living in rural areas, including Turkana and Ikolomani, are given houses.

(Question put and agreed to)

Vote 45 – National Security Intelligence Service

THAT, a sum not exceeding Kshs6,573,056,650 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 45 – National Security Intelligence Service

(Question put and agreed to)

Vote 46 – Ministry of Tourism

THAT, a sum not exceeding Kshs1,350,401,370 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 46 – Ministry of Tourism

(Question put and agreed to)

Vote 47 – The Teachers Service Commission

THAT, a sum not exceeding Kshs54,128,638,165 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 47 – The Teachers Service Commission

Mr. Koech: Mr. Temporary Deputy Chairman, Sir, while I thank the Minister for transferring Kshs2.4 billion from the Ministry of Education to the Teachers Service Commission (TSC), I still want to insist on the concerns that TSC is supposed to supply teachers to public primary schools, especially in rural areas where we have a serious shortage.

The Temporary Deputy Chairman (Mr. Ethuro): Order, I will only entertain a submission with figures and not explanations. We are at the Guillotine stage.

Mr. Koech: Mr. Temporary Deputy Chairman, Sir, the truth of the matter today is that the children of the poor are not able to move to competitive schools. I know the

Turkanas would want to lead this country in future. They can only do that if they get teachers. I just wanted to raise that concern.

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, you must dissuade from trying to invoke the origin of the Chair in making your arguments. We speak for Kenya.

Vote 48 – Office of the Prime Minister

THAT, a sum not exceeding Kshs1,240,580,255 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 48 – Office of the Prime Minister

(Question put and agreed to)

Vote 49 – Ministry of Public Health and Sanitation

THAT, a sum not exceeding Kshs11,890,430,897 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 49 – Ministry of Public Health and Sanitation

(Question put and agreed to)

Vote 55 – Ministry of Forestry and Wildlife

THAT, a sum not exceeding Kshs3,523,067,316 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 55 – Ministry of Forestry and Wildlife

(Question put and agreed to)

Vote 56 – Ministry of Fisheries Development

THAT, a sum not exceeding Kshs2,059,747,032 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 56 – Ministry of Fisheries Development

(Question put and agreed to)

Vote 57 – Ministry of Nairobi Metropolitan Development

THAT, a sum not exceeding Kshs1,124,826,197 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 57 – Ministry of Nairobi Metropolitan Development

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, in spite of this Ministry being given all these billions, when you look at the estimates, there is no provision for garbage collection in Nairobi. Garbage collection in Nairobi has now been left to families. In estates where people are poor, you find garbage is lying idle. We would like him to go and re-think this issue and ensure that the responsibility of garbage collection is done by his Ministry in Nairobi.

(Question put and agreed to)

Vote 58 – Ministry of Development of Northern Kenya
and Other Arid Lands

THAT, a sum not exceeding Kshs1,210,088,709 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 58 – Ministry of Development of Northern Kenya
and Other Arid Lands

(Question put and agreed to)

Vote 59 – Ministry of Public Works

THAT, a sum not exceeding Kshs3,219,773,466 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 59 – Ministry of Public Works

(Question put and agreed to)

Vote 60 – Ministry of Industrialization

THAT, a sum not exceeding Kshs2,399,263,592 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 60 – Ministry of Industrialization

(Question put and agreed to)

Vote 63 – Directorate of Public Prosecutions

THAT, a sum not exceeding Kshs177,500,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 63 – Directorate of Public Prosecutions

(Question put and agreed to)

Vote 64 – Human Rights and Equality Commission

THAT, a sum not exceeding Kshs162,250,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 64 – Human Rights and Equality Commission

(Question put and agreed to)

Vote 65 – Commission for the Implementation of the Constitution

THAT, a sum not exceeding Kshs262,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 65 – Commission for the Implementation of the Constitution

(Question put and agreed to)

Vote 66 – The National Police Service Commission

THAT, a sum not exceeding Kshs125,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2012 in respect of:-

Vote 66 – The National Police Service Commission

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Chairman, Sir. If we were a sensitive country and given the fact that we have talked about police reforms, instead of giving the Department of Defence Kshs6 billion more, we would have given

the police. It is sad that this is a country that does not care about its security. We are thinking of---

The Temporary Deputy Chairman (Mr. Ethuro): Order, hon. Mbadi! You are responsible for the accuracy of your statement. That is what the Standing Orders require of all of us. This is the National Police Service Commission and not the National Police Service.

Mr. Mbadi: Mr. Temporary Deputy Chairman, Sir, I was just talking about the police reforms in general because this Commission is coming to help the police reform itself.

The Temporary Deputy Chairman (Mr. Ethuro): Then you are irrelevant!

Mr. Mbadi: So, that is why I am lamenting because I have been reduced to lamenting.

The Temporary Deputy Chairman (Mr. Ethuro): Order, hon. Mbadi! Resume your seat!

Mr. Ogindo: On a point of order, Mr. Temporary Deputy Chairman, Sir. I did not hear the Minister withdraw the word “*alleluia*”. It is still on the HANSARD. I am seeking your ruling that he withdraws the word “*alleluia*”?

The Temporary Deputy Chairman (Mr. Ethuro): You cannot punish the Minister twice. He repeated the formal one and he did not have the word “*alleluia*” there. The other one had been disallowed by the Chair.

An Hon. Member: Send them out!

The Temporary Deputy Chairman (Mr. Ethuro): A Member is entitled to rise on a point of order to ask anything that is disturbing him. The House has a responsibility to inform him collectively.

Vote 66 – The National Police Service Commission

(Question put and agreed to)

The Minister for Medical Services (Prof. Anyang’-Ny’ong’o): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee of Supply does report to the House its consideration of the various Votes as listed on the Order Paper and its approval of the same without amendment.

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Dr. Khalwale) in the Chair]*

REPORTS

REMAINING VOTES IN THE COMMITTEE
OF SUPPLY ON SECOND AND
LAST ALLOTTED DAY

The Temporary Deputy Speaker (Dr. Khalwale): Chairman of the Committee of Supply!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I beg to report that the Committee of Supply has considered various votes as listed on the Order Paper and approved the same without amendment.

VOTE	MINISTRY/DEPARTMENT	AMOUNT (KSHS)
11	Ministry of Medical Services	13,259,889,272
01	Ministry of State for Provincial Administration and Internal Security	30,259,434,339
02	State House	849,000,000
03	Ministry of State for Public Service	2,854,010,593
04	Ministry of Foreign Affairs	4,072,519,250
05	Office of the Vice-President and Ministry of Home Affairs	7,767,571,088
06	Ministry of State for Planning, National Development and Vision 2030	13,605,399,957
07	Office of the Deputy Prime Minister and Ministry of Finance	21,733,063,994
08	Ministry of State for Defence	29,401,625,895
09	Ministry of Regional Development Authorities	2,915,378,890
10	Ministry of Agriculture	8,956,401,054
12	Office of the Deputy Prime Minister and Ministry of Local Government	3,258,717,209
13	Ministry of Roads	21,936,696,143
14	Ministry of Transport	6,110,601,983
15	Ministry of Labour	1,061,588,574
16	Ministry of Trade	980,321,643
17	Ministry of Justice, National Cohesion and Constitutional Affairs	979,952,900
18	Ministry of Gender, Children and Social Development	3,248,048,424
19	Ministry of Livestock Development	3,929,928,065
20	Ministry of Water and Irrigation	12,879,411,029
21	Ministry of Environment and Mineral Resources	3,118,792,949
22	Ministry of Co-operative Development and Marketing	702,416,280
23	Cabinet Office	724,170,263
24	Ministry of East African Community	490,615,294
25	State Law Office	663,595,424
26	The Judiciary	4,218,509,531
27	Public Service Commission	314,448,500
28	Kenya National Audit Office	718,830,000
29	National Assembly	6,409,053,181
30	Ministry of Energy	13,367,521,394
31	Ministry of Education	17,766,130,841

32	Ministry of Information and Communications	3,547,143,425
33	Interim Independent Electoral Commission	5,394,376,094
34	Kenya Anti-Corruption Commission	904,515,000
35	Ministry of State for Special Programmes	7,652,576,399
36	Ministry of Lands	1,653,311,386
38	The Commission on Revenue Allocation	167,850,000
40	Ministry of Immigration and Registration of Persons	3,090,637,834
41	Ministry of State for National Heritage and Culture	1,196,117,996
42	Ministry of Youth Affairs and Sports	4,740,994,471
43	Ministry of Higher Education, Science and Technology	16,252,285,282
44	Ministry of Housing	1,744,423,903
45	National Security Intelligence Service	6,573,056,650
46	Ministry of Tourism	1,350,401,370
47	The Teachers Service Commission	54,128,638,165
48	Office of the Prime Minister	1,240,580,255
49	Ministry of Public Health and Sanitation	11,890,430,897
55	Ministry of Forestry and Wildlife	3,523,067,316
56	Ministry of Fisheries Development	2,059,747,032
57	Ministry of Nairobi Metropolitan Development	1,124,826,197
58	Ministry of Development of Northern Kenya and Other Arid Lands	1,210,088,709
59	Ministry of Public Works	3,219,773,466
60	Ministry of Industrialization	2,399,263,592
63	Directorate of Public Prosecutions	177,500,000
64	Human Rights and Equality Commission	162,250,000
65	Commission for the Implementation of the Constitution	262,000,000
66	The National Police Service Commission	125,000,000
	TOTAL VOTED EXPENDITURE (KSHS)	374,344,499,398

The Minister for Medical Services (Prof. Anyang'-Ny'ong'o): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolutions.

The Minister for Transport (Mr. Kimunya) seconded.

(Question proposed)

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, this is a very sad evening for this country. It is, indeed, sad because we have just trashed the powers which the people of Kenya gave this Parliament to scrutinize and oversee the Executive. It is, indeed, sad that what we have passed in this House this afternoon is completely at variance with what the Budget Committee had recommended to this House which was approved by the House and became part of the records of this House. If you look at the Constitution, you will find that it is very clear. It gives this Parliament the power to drive the Budget making process and the excuse that we are in transition does not hold water. We either choose to go by the provisions of this Constitution or live in the past. For me, I think we

have done this country a lot of harm. It pains me that we are giving Kshs6 billion more to the Department of Defence and we cannot even find a shilling to employ teachers. It pains me when I go to my constituency and I find a school, called Got Kombuto Primary School with four teachers against eight classrooms. It pains me when I see teachers demonstrating so that this Parliament can listen and we still ignore them. It is very sad. Whatever the reason is, we should have found money to employ more teachers. The issue of Kshs2.4 billion transferred from the Ministry of Education to Teachers Service Commission (TSC) is nothing new. It is just reallocation but those teachers will still continue to be temporary. What we wanted is those teachers to be taken on permanent terms so that we are sure that they will teach our children tomorrow. We wanted 10,000 more teachers, we found a formula, debated it and agreed as a House that we give that money to the TSC. What has happened all over a sudden? Why are we that insensitive?

With those remarks, I want to say that today is, indeed, a sad day for me to be a Member of the Tenth Parliament.

Mr. Mbau: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would not like all of us to be included in a blanket of Members who belong to a very sad day. Today is a historic day when Parliament, through its relevant structures and through the Budget Committee, has had a chance to make amendments, reallocations and reductions of over-expenditures where Members of Parliament thought they were not properly prioritized. The same has been incorporated by the Executive. This is for the first time in history. I want to commend this House and all the stakeholders in the journey towards ensuring that Parliament becomes not a Budget approving institution but a Budget-making institution. It is important for us all to be able to know that at some point it is important to give and take. Sometimes, you get and sometimes you do not get. We are in a unique situation and we all need to understand. I want to urge my colleague, who is a Member of the Budget Committee to agree that we made 15 recommendations and nine of them were taken on board. We made several proposals---

The Temporary Deputy Speaker (Dr. Khalwale): Order! Please, sit down!

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I also need to be heard.

The Temporary Deputy Speaker (Dr. Khalwale): Relax, Mr. Mbau!

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I want to say that---

The Temporary Deputy Speaker (Dr. Khalwale): Mr. Mbau, you are out of order!

I can understand what you are doing. You are definitely not on a point of order although you rose as much but because you are the Chairman of the Committee, we will allow you to wrap up. Can you now summarize in one minute?

Mr. Mbau: Mr. Temporary Deputy Speaker, Sir, I want to support that we do adopt without amendment the proposed revised Budget expenditures and estimates as has been tabled and as we have been led very chronologically and systematically by the Minister for Medical Services. I once, again, register my thanks to the Members of the Budget Committee and hon. Members for having approved it.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I also want to take this opportunity to thank the hon. Members, especially the Members of the Budget Committee, who have worked long, hard and diligently to ensure that we get to where we are.

Mr. Temporary Deputy Speaker, Sir, I also want to take this opportunity to thank your office for helping facilitate us to transit through this difficult moment, where as we debate today, we are still yet to come up with a law that will help guide future Budgets to go forward under our new Constitution. However, the goodwill of your office, this House and the Budget Committee has enabled us to get to where we are and have a Budget for the country.

Indeed, as the Chairman of the Budget Committee has said, there are a number of proposals that were made by the Budget Committee that were taken on board by the Executive through various Ministries. Indeed, it is the beginning. I want to take this opportunity to assure this House, especially after discussions that we have had with this House and the relevant Committees that we will ensure that going forward, we will begin the process of Budget making together with this House. That process begins within the next month and this House will be fully involved from the sectoral committees as we form them to the public hearings to ensure that this becomes part of the learning curve; going forward. I am sure that it is the Kenyan people who shall benefit from the fruits of what we have done over the last few months.

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

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, I want to support. In supporting, indeed, today is a great day. We have made progress, moving from the old constitutional dispensation to the new one. It is important that we take the gains that we have made, however small they are in this budget- making process. We need to come alive that the new Constitution has converted Parliament into a budget-making Parliament. The sooner we internalize this, the better.

Mr. Temporary Deputy Speaker, Sir, in the new dispensation, the name of the game is negotiation. Let us negotiate in good time, and that time is before the submission of the Budget recommendations as envisaged in the Constitution. I want to belatedly put the Minister on notice. I have heard him and he has taken heed that next time we start moving together so that we finish together.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I also want to support. But in supporting, we must deliver a few home truths to the Deputy Prime Minister and Minister for Finance.

This House will not be a wish list or make suggestion. This House will be engaged with the Executive in the way we implement the Budget. I am happy that, in a way, he has removed the sails from my ship, because if I spoke before him, I would be more lethal than this. I am happy that he says that we are starting to engage next month, but this is also an Executive that is used to giving promises. I just want to remind my good friend, Mr. Kenyatta – because God willing we will still be in this House – that come next year there will be no reason for not having the law in terms of the format that we should use. There is no reason why we should not have the Equalization Fund – he has talked about 0.5 per cent – to help those poor Kenyans, particularly from my county, where everytime we have to rely on your charity, when already we have made provisions in the budget process, that will give us permanent solutions. We will not allow that when we have passed the entire Budget resolutions. It is actually a resolution of the House. This House has a commitment to ensure that its resolutions are implemented. So, the 28,000 teachers that we have talked about are a necessity. Our education system is one of

the best in terms of free primary education, but that is being negated by the fact that there are no teachers to teach those kids.

Mr. Temporary Deputy Speaker, Sir, we are asking the Government to put money where we have considered a priority area. The Government should also be more available and listen to the Legislature where the Government is represented for now.

The Minister for Lands (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I would like to say that the decision in the Committee of Supply and the decision that this House is going to make is not a decision of the Government of Kenya as the Executive. It is a resolution of the House. We have gone through a very meticulous process where every vote has been put before the Committee of Supply and now in the plenary. Hon. Mbadi, you win in some and you lose in some. However, as we leave, this is now a resolution of the National Assembly and not the Executive. I think we have done very well.

I support.

Mr. Njuguna: Thank you Mr. Temporary Deputy Speaker, Sir. Mine are just two remarks. The first one is to request the Government to ensure that the crime rate in this country goes down. With the massive resources already allocated, there is no reason to justify that situation. Finally, the Deputy Prime Minister and Minister for Finance must make very bold steps to address the shortage of teachers in this country, if we are determined to provide quality education to our children.

With those few remarks, I fully support the Motion.

Mr. Onyancha: Thank you Mr. Temporary Deputy Speaker, Sir. I want to join my colleagues in supporting this Motion and to congratulate the Deputy Prime Minister and Minister for Finance and his staff for the effort they have put to produce this Budget. I would also like to thank the Committee of Budget in Parliament. There are complaints that we all have, but it can never be perfect. We all know that we have scarce resources and we have to prioritize. I agree with my friends that we should find ways to hire more teachers. However, we do not have to be confrontational about it.

With those few remarks, I support.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Khalwale): Hon. Members, as you can see, today, this was a historical transitional budget making day which has been in the Committee of Supply and Committee of the whole House. It has successfully come to an end.

We will now adjourn until Thursday, 1st September, 2011 at 2.30 p.m.

The House rose at 6.55 p.m.