

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 21<sup>st</sup> April, 2011

The House met at 2.30 p.m.

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

### PRAYERS

### QUESTIONS BY PRIVATE NOTICE

#### UPGRADING OF LAISAMIS-LOYANGALANI ROAD TO MOTORABLE STANDARDS

**Mr. Lekuton:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) What measures, immediate and long-term, does the Minister intend to put in place in order to make the Laisamis-Loyangalani Road motorable?

(b) When will the Minister improve the road to bitumen standards, considering its strategic importance to the economy of the region?

(c) When will the Government release funds to facilitate repair and carpeting of the road?

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

(a) The road in question is made up of two sections as follows:-

(i) The Laisamis-Lemuroi Road - D371, is 131 kilometres long. The road is under the purview of the Constituency Roads Committee (CRC). My Ministry, through the Regional Manager, Marsabit, will, therefore, advise the respective CRC to prioritize the road for maintenance.

(ii) The Lemuroi-Loyangalani Road - C77, is 80 kilometres long. My Ministry, through Kenya National Highways Authority (KeNHA), plans to carry out routine maintenance in the coming financial year to make the road motorable.

(b) I am not able to say when the road---

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am looking at my brother with a lot of humility because he was supposed, first of all, to apologize as per your ruling yesterday. I know him to be a gentleman. Why can he not start at that point? He should apologize for not being in the House yesterday and then carry on!

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, Mr. Mututho. That is a valid point of order.

Mr. Kinyanjui, you were not here yesterday and, I think, you know what to do.

**The Assistant Minister for Roads** (Mr. Kinyanjui): Mr. Temporary Deputy Speaker, Sir, I want to apologize, but say also that we had written to the Office of the Clerk to indicate

that we would not be available to answer the Questions yesterday. But nevertheless, I do pass my apologies.

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

**The Assistant Minister for Roads** (Mr. Kinyanjui): Thank you, Mr. Temporary Deputy Speaker, Sir.

(b) I am not able to say when the two road sections will be upgraded to bitumen standards. However, my Ministry has now finalized the Road Sector Investment Programme that is to be tabled in the House in May 2011. The programme will spell out the criteria for prioritization of maintenance and development of all roads in the country.

(c) For the D371 section; that is, Laisamis-Lemuroi, my Ministry has already issued Kshs22 million to every constituency for the maintenance of roads under the Constituency Roads Committee (CRC). It is, therefore, the responsibility of the CRC to include the road in their annual work plans.

Concerning the section between Lemuroi and Loyangalani, my Ministry through KeNHA has released Kshs12 million for the maintenance of the South Horr-Loyangalani Section of the road. The works are ongoing.

To make the road under the Kenya Rural Roads Authority motorable, we will require a total of Kshs170 million. For this reason, Kenya Rural Roads Authority (KeRRA) is considering prioritizing these roads under the coming Financial Year 2011/12.

**Mr. Lekuton:** Mr. Temporary Deputy Speaker, Sir, the road from Laisamis to Loyangalani is a key road. The investment in wind power that is taking place in Loyangalani is key to our nation that is expected to produce 25 per cent of Kenya's current power. To add to that, this road is so bad that it makes the road from Maralal to Rumuruti look like a joke.

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

**Mr. Lekuton:** Mr. Temporary Deputy Speaker, Sir, women continue to give birth on that road, cars normally get stuck and man hours are spent. When will this Ministry make sure that this road can be used by people?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, indeed, I want to agree with the hon. Member that the road is in a very pathetic condition. We also recognize that a few investors are actually putting up investments in wind power. It is for that reason that we are setting aside a total of Kshs170 million in the coming financial year. I want to assure the hon. Member that, indeed, it will be there. As soon as it is confirmed by this House, we will be able to start procurement for the same road.

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, I want to ask the Assistant Minister a question about the constituencies road funds, which are distributed equally to all the 210 constituencies in Kenya. Some constituencies, like Mvita, are as small as seven square kilometres. Some like North Horr are as big as 38,962 kilometres and yet, all the constituencies are given the same amount of money. The diameter of the constituency from North to South is 80 kilometres. There are some constituencies whose diameter is less than two kilometres. What kind of thinking and reasoning informed that decision? Is it fair to the people of North Horr?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, I also agree with the hon. Member. Indeed, it is not fair. But I want to remind him that the decision to give all the constituencies an equal amount of money was reached by this House. The Chairman of the Constituencies Development Fund (CDF) Committee, hon. Ekwe Ethuro, who also comes from a region like yours, spearheaded that particular Motion. As a Ministry, we are on record as having indicated that it is not fair for a constituency that is two times the size of Nairobi or Nyanza, for that

matter, to be given the same amount of money as Westlands, Mvita or other constituencies that are fully tarmacked. As it were on that particular day, it is the Members opinion that carried the day. Therefore, if there is any amendment to this particular Act, it will be in the interest of the nation and the Ministry. We will give amounts that are also commensurate with the works that are supposed to be done in the respective constituencies.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, while I acknowledge the response that has been given by the Assistant Minister and the bad state of that road, what interim measures is he going to take to address that deplorable condition of the road to ease transport problems?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, as I have already indicated, there are some little funds available through Kenya National Highways Authority (KeNHA). As I have already indicated, we have released Kshs12 million. There is also what comes through the Constituency Roads Committee (CRC), which is about Kshs22 million, However, I want to clearly indicate that we appreciate that the money is not sufficient and we may not be able to give anything between now and Budget time. However, in case there is need for any emergency allocation, my Ministry will consider that at the opportune moment.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, the Laisamis-Lemuroi Road, as indicated by the Assistant Minister, is 131 kilometres long. He is claiming that it is under the purview of CRC. He is advising the roads committee to prioritize the road. Assuming that it is the only road in Laisamis, how many kilometers of that road can be done by Kshs22 million?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Assistant Minister, do you have any additional funding for that particular road?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, I have indicated that the Ministry will consider that. I think these are the fallacies that we really wanted to be considered when this law was actually approved. It is very categorical that my Ministry under KENHA will deal with Class “A”, “B” and “C” roads. The Kenya Rural Roads Authority (KeRRA) will deal with “D”, “E” and others. As I have indicated, indeed, it is not fair for such a road to be under the CRC. But we will see what we will be able to approve by way of emergency support.

**The Temporary Deputy Speaker** (Prof. Kaloki): When? Is it in the next Budget? Is it in the current Budget?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, in the current Budget. We will see, but I cannot make any undertaking now. That is because it will depend on what funds are availed by the Treasury.

**Mr. Chepkitony:** Mr. Temporary Deputy Speaker, Sir, there has been a programme to upgrade some roads from Class “D” to “C” and rural access roads to either “D” or “C”. What has happened to that programme of upgrading some of the rural roads to a higher status?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, the current road classification was done in the 1960s, and we continue to use it to date. Many roads have changed their usage and, therefore, it was found necessary to re-classify them. My Ministry, through the Kenya Roads Board (KRB), actually got a consultant. The consultant’s report is on its final stage and we hope that within the next 30 days or so, we will be able to table that classification. The roads will be upgraded according to their usage and, therefore, get the proper funding to meet the necessary maintenance.

**Mr. Lekuton:** Mr. Temporary Deputy Speaker, Sir, if I heard the Assistant Minister right, he has said that in the 2011/2012 Budget, he has allocated Kshs167 million for Laisamis-Loyangalani Road. I really appreciate that. Could he then commit himself and tell us when the

project will start? That way, at least, we will alleviate the problem that the people of Laisamis are facing now.

**Mr. Kinynajui:** Mr. Temporary Deputy Speaker, Sir, as soon as the budget for the Ministry is confirmed, the procurement process should start as soon as possible.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. Next Question by Private Notice by Mr. Ogindo!

CANCELLATION OF CONTRACT BETWEEN  
M/S DE LA RUE INTERNATIONAL PLC/GOK

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by Private Notice.

(a) Under what circumstances did the Government cancel the 3-year contract with Ms De La Rue International PLC of UK signed in May 2006 to print 1.71 billion pieces of new generation bank notes at a cost of US \$ 51.2 million and what economies have been made out of the cancellation up to March 30, 2011?

(b) How many pieces of bank notes were printed between May, 2006 and 30th March, 2011 and how much money has the Government spent on the contracts during that period?

(c) When will the Government conform to Article 231(4) of the Constitution and what steps has the Government taken in order to conform?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The three year contract for the design, manufacture and supply of currency entered into on 4<sup>th</sup> May, 2006 by the Central Bank of Kenya and De La Rue International Limited for the printing of 1,710 million pieces of bank notes was cancelled by the Government to allow joint venture negotiations between the Government of Kenya and De La Rue. Since then, jobs have been retained (370) and safeguarded. In addition, production of currency for the region will be enabled thus resulting in economies being made.

(b) Between May 2006 and 30<sup>th</sup> March, 2011, the Central Bank of Kenya has received 1,424.05 million pieces of bank notes at a cost of Sterling Pounds 40.65 million.

(c) I wish to assure the House that the Government is fully cognizant of the requirements of Article 231(4) of the Constitution and has, therefore, already embarked on the design work for the new currency. The design of new coins and banknotes is, however, a highly sophisticated and technical exercise which would require a minimum of 21 months from design, printing, distribution and release into circulation of new coins and banknotes that are compliant with the new Constitution.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for his answer, which I think is shallow. This is a very serious issue. The money supply in this country is a macro issue.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ogindo, what is your question?

**Mr. Ogindo:** The handling of this contract has got a lot of bearing on the economy of this nation. The contract was cancelled. The first part of my Question was: "What economies is the Government going to make out of the cancellation of that contract?" You realize that the contract which was signed was to give this country a piece of note at Kshs2.00. The present contract is giving this country a piece of note at Kshs4.38. What saving is the Government making by cancelling that contract to go into a more expensive contract?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I want to deny categorically that the Government did not enter into a more expensive contract. The contract which was cancelled was for printing of 1,710 million notes and the amount of money which was to be paid in total was 51.2 billion pounds. After the cancellation, the Government continued with the old contract whose terms were not varied but it was an interim measure before conclusion of negotiations with De La Rue. This particular one was---

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that the Government did not engage in a more expensive contract after cancelling the less expensive one? The contract that was cancelled was for printing of 1.7 billion bank notes at a cost Kshs4.1 billion. The same will now be printed at a cost of Kshs6.8 billion, giving a loss of Kshs2.7 billion.

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I am reading my figures here. I do not know the source of his figures. His question was about how many notes have been printed from that time to date and I have given that figure as 1,434 million notes. Again, I have given this in my answer at 40.65 pounds. If you divide the 51 million by 1,710 million, the cost comes to 0.02994 of a pound. If you calculate the old one to get the unit cost of printing, it translates to 0.0285 of a unit. Therefore, the 0.0285 is cheaper than 0.02994. So, as far as we are concerned, the continuation which is an interim measure is cheaper. What we are doing now is to continue to negotiate with De La Rue, and we are just about to conclude and then we shall negotiate new terms. As far as we are concerned, the old contract was cheaper than what was there in the new generation notes. When we conclude, we are going to have a new contract in compliance with the new Constitution.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, the question of De La Rue and the contract for printing money has attracted a lot of scrutiny in the past. In fact, the question this Parliament has raised through its committees is a result of the first cancellation that was there. Has the Ministry considered going outside the west, in particular outside De La Rue? Has he considered the concept of south to south co-operation? I am informed that at half the price we are paying for De La Rue even in the interim, a country like Brazil and specifically a company like Casa De Omanie can produce notes at half the price that we are paying De La Rue. Why is the Assistant Minister insisting on continuing with negotiating fresh contractual agreements with the west when we should be going to other places with cheaper services and just as good?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, the printing of notes is a security matter. In many countries, the governments actually manufacture their own notes 100 per cent. We are not negotiating with De La Rue so that they can continue forever. We are partially in De La Rue but our view is to eventually take over the printing of our notes ourselves. When we do that, we are not going to confine ourselves to the expensive printing of the west. We are going to continue to compare the prices being offered by De La Rue with other governments or companies which produce notes in bulk.

I also want to say that when the tender for printing new generation notes was cancelled, it had been floated internationally. When it was floated internationally, De La Rue came out to say that they are the cheapest of all the countries who bid. Maybe the countries he is talking about never even bid when Kenya floated the international tender. So, we are not going to stick to expensive printing of notes. We want to do it as quickly as possible and compare with other countries printing notes.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, apart from the issue of cost implications of the contract with De La Rue, the question by Mr. Ogindo raises another very

important issue that should be addressed sufficiently because the question makes reference to Section 231(4) of the Constitution. I wish to read this verbatim:-

“There is established the Central Bank of Kenya (CBK). Notes and coins issued by the CBK may bear images that depict or symbolize Kenya or an aspect of Kenya but shall not bear the portrait of any individual.”

What is the Ministry doing to ensure that this clause which has got no saving aspect is being complied with?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I have said that already the Ministry is taking steps in the designing of the notes in compliance with Section 231(4) of the Constitution. I have also said that this is a very complicated process. It is something which you cannot do overnight. It will take about 21 months to complete the design for us to be able to produce coins and print notes. This is something which involves quite a number of people. It is not something that we can do as a Ministry alone.

**Mr. Olago:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Assistant Minister say that the Ministry will need about 21 months to comply with this provision, but still there is no saving clause on this aspect of the constitutional provision. Is the Ministry in order to impose timelines on their own without compliance with the law?

*(Dr. Oburu consulted with Maj-Gen. Nkaissery)*

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

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, when I was raising the point of order, Maj-Gen. Nkaissery was keeping the Assistant Minister very busy and he did not pay attention.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! What are you doing now? Dr. Oburu, are you able to answer that question?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I would like him to repeat the question.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, when I was raising the point of order, Maj-Gen. Nkaissery was keeping the Assistant Minister busy.

Mr. Temporary Deputy Speaker, Sir, you heard the Assistant Minister say that the Ministry will need at least 21 months to comply with this provision of the law. But since there is no saving clause on this provision of the Constitution, is the Ministry in order to apply timelines of their own without reference to the Constitution?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, this is something which we cannot do arbitrarily. I think the provision in the Constitution is a general provision. There will have to be enabling Act to enable implementation of this particular section. Even without that, we have already started complying with this provision of the Constitution. Within our capability, we will comply with this section by making sure that within the earliest time possible, we print new notes and coins as per the requirement in the Constitution.

**The Temporary Deputy Speaker** (Prof. Kaloki): Last question, Mr. Ogindo! Do you have any?

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, you understand that the Assistant Minister was giving his translation of the unit cost of the notes in Sterling Pounds. I must register my disappointment that the Chair has denied me, and fellow hon. Members, the opportunity to interrogate this Question---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Ogindo! We do not have a lot of time to dwell on one Question. Hon. Members have done their best. Just ask your final question, if you have any!

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, there is a lot of interest in this issue. My final question is, the unit cost of a single note from the figure that has been given by the Assistant Minister translates to Kshs3.99 per note. The contract that was cancelled---

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ogindo, I want to be fair to you. I want you to be specific in your question. What part of the answer by the Assistant Minister did you not get right, or you want a clarification?

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, this is what I am doing.

**The Temporary Deputy Speaker** (Prof. Kaloki): You are taking too much time. Could you be specific?

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, there is no shortcut to this question. I am explaining the two figures in order to question the difference.

**The Temporary Deputy Speaker** (Prof. Kaloki): What is it that you want to ask?

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, if you divide the 1.4 billion pieces by the amount that it costs, Sterling Pounds 40 billion and convert this into Kenya shillings, it translates to Kshs3.99. The contract that was cancelled was giving us Kshs2.01 per note. Could the Assistant Minister clarify how this current contract is cheaper than the other contract?

**The Temporary Deputy Speaker** (Prof. Kaloki): But I thought the Assistant Minister took a lot of time to explain to you that particular contract and the difference. Do you have a further question that you want to ask?

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, there are a lot of questions on this thing. Give me the final chance, because I cannot ask all of them at once.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ogindo, you had three specific questions and the Assistant Minister dealt with them.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, allow him to repeat the answer.

**The Temporary Deputy Speaker** (Prof. Kaloki): What do you want him to repeat?

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, how is Kshs3.99 cheaper than Kshs2.01?

**The Temporary Deputy Speaker** (Prof. Kaloki): But he clarified the factors contributing to that and what makes all that difference! Assistant Minister, could you shed more light on this and satisfy the hon. Member?

**Dr. Oburu:** Mr. Temporary Deputy Speaker, Sir, I said that if you divide 1.710 billion pieces by US\$51.2 million, it comes to Kshs0.02994. If you divide 1.434 billion by US\$40.65 million, it comes to Kshs0.285, which is cheaper than the one which was cancelled. That is the arithmetic. If it can be calculated and translated into Kenya shillings, there is no way Kshs0.02994 is going to be cheaper than Kshs0.0285.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you Assistant Minister. That was your final submission.

## ORAL ANSWERS TO QUESTIONS

*Question No.662*

NON-REGISTRATION OF TAX COLLECTORS UNION

**Mr. Yakub** asked the Deputy Prime Minister and Minister for Finance:-

(a) why the Tax Collectors Union (TCU) has not been registered since 1998; and,

(b) when the registration will be effected.

Mr. Temporary Deputy Speaker, Sir, I have not received the written reply up to now.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, I am sorry that this Question, according to the explanation I have from the Ministry, did not reach earlier. However, the records of the Clerk of the National Assembly show that it was sent to us early. I, therefore, apologize.

However, this Question belongs to the Attorney-General and we have transferred it to his office. This is because it concerns the registration of a union. Registration is squarely under the docket of the Attorney-General, and we have appropriately transferred it. I am requesting that this Question be deferred to Wednesday next week. We shall make sure that the Attorney-General comes here and answers it. I have already consulted the hon. Member and we are in agreement that the Attorney-General comes and answers it on Wednesday next week.

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, it is true that I have agreed with the Assistant Minister that on Wednesday afternoon we will get the proper answer from the Attorney-General's Office.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, can you confirm that again for the interest of the House?

**The Assistant Minister for Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, it will be done.

*(Question deferred)*

**Mr. Olago:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a matter that the Assistant Minister should have confirmed, and which I think escaped your attention. He said that, and I think he was right, this Question was transferred to the Attorney-General's Office, because it falls under the Societies Act. He promised to transfer it, but I did not hear the Chair talk about it.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, I think what you have been able to share with the House is an undertaking on this particular Question. Give it again.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance** (Dr. Oburu): Mr. Temporary Deputy Speaker, Sir, this is the undertaking we have given under the doctrine of collective responsibility. We shall ensure that the Attorney-General brings the answer here on Wednesday afternoon.

**Mr. Lessonet:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is on the same Question!

**The Temporary Deputy Speaker** (Prof. Kaloki): On the same Question?

**Mr. Lessonet:** Yes, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker** (Prof. Kaloki): No! I think we have ruled that the Attorney-General will answer this Question!

Next Question by Mr. William Kabogo!



*Question No.628*

DEMOTION OF CHIEF INSPECTOR SIMON G. MWANGI

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

(a) whether he is aware that Simon G. Mwangi, (P/No.87084988) was demoted from the rank of Chief Inspector of Police for questioning a person who was allegedly bribing voters at the Thika Municipal Stadium Polling Station during the last by-election in Juja Constituency;

(b) why the officer was also transferred from Thika West District to Gatundu South District following his demotion on 28th October, 2010; and,

(c) when the Ministry will reinstate the officer to his former rank.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I spoke to the Questioner and we have agreed that we defer the Question for two weeks. This is because there are some new developments taking place.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Kabogo, is that true?

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, it is true. He has said that he wants to defer the Question. However, this is the second time we are deferring this Question. I hope that--

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Kabogo! If you have agreed, just say you have agreed!

**Mr. Kabogo:** Mr. Temporary Deputy Speaker, Sir, I do, but let it be the last time!

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you. We take note of that and the Question is deferred to a later date in the next two weeks.

*(Question deferred)*

Next Question by Mr. K. Kilonzo!

*Question No.667*

COST OF UPGRADING POLYTECHNICS

**The Temporary Deputy Speaker** (Prof. Kaloki) The Chair has information that Mr. K. Kilonzo is engaged in another parliamentary duty. We will defer this Question to a later date.

*(Question deferred)*

**The Assistant Minister for Youth Affairs and Sports** (Ms. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Madam Assistant Minister! I have already ruled on that!

Next Question by Mr. Olago!

*Question No.687*

NUMBER OF PRIVATE REGISTERED SCHOOLS IN KISUMU  
TOWN WEST CONSTITUENCY

**Mr. Olago** asked the Minister for Education:-

- (a) whether he could provide a list of registered private schools operating in Kisumu Town West Constituency;
- (b) why the Ministry has continued to exclude private schools in various decision-making organs, especially the District Education Boards; and,
- (c) what action the Ministry will take to ensure that non-Government schools receive similar grants as Government schools.

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

(a) The list of registered private schools operating in Kisumu Town West Constituency is attached and the hon. Member has it. I just want to make a small correction to that list. I would like to draw the attention of the hon. Member that among the private primary schools, we also have Jans Academy.

(b) It is not the policy of the Ministry to exclude private schools and other stakeholders in its decision making organs. In fact, the Ministry has been including private schools in various decision making organs, including the District Education Boards (DEBs). They are represented by the primary and secondary teachers' heads as region chairmen in the DEBs. Further, in line with the new Constitution, I have formed a task force to review the structure, management and governance of education systems in Kenya, including the role of public/private partnership participation. The private schools and hon. Members will have an opportunity to present their proposals to the task force. I also wish to inform the hon. Member that private schools are represented in that task force.

(c) The Ministry provides grants to public schools and not to private schools. The grants cater for the majority of poor and needy children. Parents are free to take their children to schools of their choice depending on their financial abilities and other factors. The only non-government schools funded by the Ministry are non-formal schools and non-formal education centres, which are in urban and unplanned settlements as registered by the Ministry of Education or the Ministry of Children, Gender and Social Development. The non-formal schools receive grants of Kshs650 per child per year. Since 2004, 410 non-formal schools and non-formal centres with an enrollment of 89,569 children have benefitted from the grants to the tune of Kshs265.7 million. In the current financial year, the Ministry has allocated a total of Kshs72 million as grants to non-formal schools or non-formal education centres. Already, Kshs63 million has been disbursed to 393 non-formal schools in Nairobi, Mombasa, Kisumu, Thika, Kitale and Eldoret Municipality.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Pesa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister knows very well that a primary school-going child gets a grant of Kshs1,200 or thereabouts. He has stated that in the non-formal schools, the Ministry gives Kshs650 per child per year. Is he in order to avoid answering part "c" of the Question where the hon. Member

asked him to explain why they are not giving the same amount of grants to the non-formal schools and the ordinary primary schools?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, the non-formal schools are not Government schools. The money that is given; that Kshs1,065 per child that the hon. Member has talked about is given to children in Government schools. Non-formal schools are community-based schools that are not registered as Government schools. They are actually run by Community Based Organizations (CBOs).

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, the thrust of this Question was lost in the editing in the Clerk's Office. The thrust of the Question was, why are non-formal schools not mainstreamed by the Ministry of Education? These schools which are run by the CBOs and are meant to assist children who are either orphaned or vulnerable, but they get less than what other schools get and yet these schools are not for profit. Although the Assistant Minister is saying that it is not the policy of the Ministry to discriminate, but it is the practice. So, what active steps is the Ministry taking to ensure that non-formal schools that offer education to the underprivileged get the same treatment as public schools?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, my Ministry is currently in the process of mainstreaming these non-formal schools into the main education system so that they benefit just like the other schools. That is now in the process and we are fast tracking it. It will come along with what the task force will get for us. I have appealed to the hon. Members to give their views to the task force which will move across the country.

**The Temporary Deputy Speaker** (Prof. Kaloki): Yes, Mr. Njuguna!

**Mr. Njuguna:** Thank you, Mr. Temporary Deputy Speaker, Sir. While acknowledging the reply given by the Assistant Minister and aware that private schools play a vital role in enhancing quality learning in our schools, could he indicate to this House the professional and supervisory services that the Ministry renders to the private sector?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, private schools are registered by my Ministry and, therefore, they benefit from the supervision which is done by quality assurance and standards officers from my Ministry.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Oluoch, ask your final question!

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, the Ministry is putting a lot of faith in the task force, but what real steps has the Ministry taken to ensure that the structure management and governance of private schools and all other schools will be streamlined properly to reflect the new Constitution of Kenya?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, the hon. Member knows that we passed the new Constitution and he was part of it and all of us are part of it. Everything that will be part of the new dispensation involves giving information to the various task forces. I wish to repeat that we have a lot of faith in that task force because they have well defined terms which they will use to collect information from the public.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! Thank you, Mr. Assistant Minister!

Let us move on to the next Question by Mr. Nyamai!

*Question No.704*

FRESH PRODUCE MARKETS FOR KAVISUNI/KISASI/KAMUTEI

**Mr. Nyamai** asked the Deputy Prime Minister and Minister for Local Government:-

(a) why the Ministry has not constructed fresh produce markets at Kavisuni, Kisasi and Kamutei markets, which are among the oldest, largest and most active markets; and,

(b) what plans the Ministry has to establish fresh produce marketing facilities in these markets.

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

(a) It is true that the Ministry has not constructed fresh produce markets at Kavisuni, Kisasi and Kamutei markets because no such proposals have been received from the County Council of Kitui for consideration. It is also true that the stated markets are among the oldest and the largest in Kitui County.

(b) My Ministry has no specific plans to establish fresh produce marketing facilities in these markets. However, the Ministry has sent out Circular No.MLG/MDG/950Vol.4 dated 3<sup>rd</sup> February, 2011, for the development of markets in the next financial year in order of priority. Once the proposals are received, the markets in question will be evaluated in order to determine the possibility of funding.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Olago:** On a point of order Mr. Temporary Deputy Speaker, Sir. The presumption in this Question is that Kavisuni, Kisasi and Kamutei markets are in Kitui West. The understanding of this Parliament is that each constituency is entitled to one fresh produce market. Is it in order for him to answer this Question without clarifying whether some constituencies are entitled to more than one?

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Olago! You are asking whether the Assistant Minister is going to consider Kavisuni, Kisasi and Kamutei markets. He has all the freedom to do that.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, I did not understand the point of order by the Member for Kisumu Town West.

**The Temporary Deputy Speaker** (Prof. Kaloki): I think you are done. Hon. Nyamai!

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister clarify the criteria which is used to evaluate the markets which will be funded? That is because Kitui County Council has, in the past, presented proposals for those markets but they have never been considered.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Nyamai! The Assistant Minister has been very lenient with you. He has agreed to consider Kavisuni, Kisasi and Kamutei. That is for your benefit.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, the only thing I would like to add, and thank you for protecting me, is that the criterion is normally forwarded by the councils. It includes population size, among other requirements. The councils are very familiar with the criteria.

**Dr. Nuh:** Thank you Mr. Temporary Deputy Speaker, Sir. This Ministry, in terms of the Economic Stimulus Programme, was supposed to construct one fresh produce market in every constituency. When the Assistant Minister says that he has no immediate plans, he puts us in

limbo. What plan - like the one you had last year of having one fresh produce market per every constituency - do you have in the pipeline come the 2011/2012 Financial Year?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, the fresh produce markets under the Economic Stimulus Programme (ESP) were divided equally to every single constituency. However, there are other markets which include retail and wholesale markets which depend on size and viability of the markets. As such, those ones are constructed on a need basis. The proposals are forwarded by the councils themselves. As for the 2011/2012 Financial Year, I think there is consultation on whether the ESPs will be expanded or not. We are waiting for the direction from the Treasury.

**Dr. Laboso:** Mr. Temporary Deputy Speaker, Sir, I would like to ask the Assistant Minister whether he is aware that the component of fresh produce markets is one of the worst performing under ESP projects. Among all the ESP projects, that is the one that has the lowest performance rate. What are you doing so that we can see more activity in that line?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, we had some real challenges in implementing the fresh produce markets under the ESP. Initially, that project was rolled out by the Treasury. They advertized for the markets. When they realized that they did not have the capacity to evaluate those tenders, they came to our end. When they came to our end, they were a number of shortcomings which needed to be dealt with, particularly on the minimum requirements for contractors. That included things like performance bonds, among other things. I think the majority of the projects have now been streamlined and they are now either being broken down or rolling on.

**The Temporary Deputy Speaker (Prof. Kaloki):** Order, Mr. Assistant Minister. The issue is that there are problems. Could you be specific and address the problem? What will you do to make sure that those programmes will be implemented within this year?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, you will remember that during the last Session of Parliament, we had numerous questions on ESP. We held consultations. In fact, we invited hon. Members of Parliament who came in a huge group to our office to address their specific issues. Those specific issues were addressed. With regard to ESP projects that have not started, either the contracts have now been awarded or the ground breaking ceremony has taken place.

**Mrs. Shebesh:** Thank you, Mr. Temporary Deputy Speaker, Sir. I am sure the Assistant Minister is aware of the unique problem facing Nairobi due to lack of land. Most of it is owned by the City Council. The Council has declined to surrender the land to build those markets. What is the Ministry doing because the issue of allocation of land is very critical for those markets to be established in Nairobi?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, I do not have a specific answer on the status of Nairobi right now. I am sure that is a totally separate question. What I can pledge to do is to find out the status of Nairobi and promise to take up the appropriate action.

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to tell this House what he will do with those markets that have been started using ESP, but have not been completed. We do not want them to end up being white elephant projects. What is the Ministry planning to do? He has already admitted that he is experiencing problems with the Treasury.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker Sir, I think the majority of fresh produce markets range between Kshs9 million to Kshs12 million. The money was sufficient to construct

the third phase. I have not heard, as yet, that funds have been overly expended. The contracts have all been signed and I believe they should be completed within the budgets provided.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I do not know whether you took note of the answer to Part (a) where he placed the blame on the county councils and, therefore, washing the hands of the Ministry. All local authorities are under his Ministry and they are run by CEOs, who are clerks appointed by the Minister. So, I want the Assistant Minister to tell us clearly whether there are any definite plans to construct those markets. Is construction based on how one is politically-correct and not the answer he has given here of placing the blame on local authorities?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, the process is very clear. The community first requests for the markets from the councils. The councils then do a research and survey and present to us specific plans, which include the designs of the markets and NEMA requirements, among other things. Once they provide that, that is when we make provision for funding. In this particular instance, the county council had not done that. That is why we are in that situation.

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, thank you for making an observation that the Assistant Minister has undertaken to fund the three markets. I am happy about that. However, I would like him to confirm that, once the funding for those markets is provided, they will be completed. That is because I have one market in Kabati Town which was started by the Ministry three years ago and nothing has been done up to date.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, we will make sure that any projects that we initiate are adequately funded and completed. We will also ensure that we do not give our contracts to contractors who are unable to perform.

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question, hon. Koech.

*Question No.720*

OBSTRUCTION OF TRAFFIC BY WEIGHBRIDGE AT  
MAILI NNE IN ELDORET

**Mr. Koech** asked the Minister for Roads:-

(a) whether he is aware of the permanent weighbridge which has been mounted on the road at Maili Nne in Eldoret, thus obstructing traffic flow on the busy Eldoret-Malaba Road; and,

(b) what urgent measures the Ministry is putting in place to ensure smooth flow of traffic on the said road.

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

(a) I am aware that there is a permanent weighbridge at Maili Nne on the Eldoret-Webuye Road (A104). I am further aware that the location of the weighbridge has been causing massive traffic jams on the road.

(b) My Ministry is taking the following actions to ensure that the weighbridge along Eldoret-Webuye Road does not interfere with the smooth flow of traffic:

1. We closed the weighbridge at Maili Nne on 18<sup>th</sup> March, 2011 and the weighbridge at Webuye was re-opened after rehabilitation.

2. In the relocation, a new scale was installed with a computerised ticketing system to make operations on the weighbridge faster.

3. As a long-term measure, my Ministry will install a lay bay on either side of the road for weighbridge operations. The lay bay will ensure that the operations of the weighbridges do not interfere with traffic on the highway.

**Mr. Koeh:** Mr. Temporary Deputy Speaker, Sir, this weighbridge was actually fixed in the middle of the road. I want to thank the Assistant Minister for confirming that it had caused serious traffic jams. I also want to thank him for having acted after I brought this Question to Parliament, and even before the Question came to the Floor of the House.

After they removed that weighbridge, they installed a mobile weighbridge some kilometers before the junction to Kitale. Now that he understands that weighbridges cause traffic jams, could he consider removing that mobile weighbridge as well since it is causing similar traffic jams, until they set aside a place by the road side, where lorries can be weighed?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, I concur with the hon. Member that, indeed, some of the road weighbridges have been causing inconveniences to road users, partly because at the point where they are installed, there is no special lane, or lay bays, for them to do the weighing. However, it is also important to know that we have weighbridges because the trucks are overloaded. If we are to remove the weighbridge at Maili Nne and the mobile weighbridge, we will be putting our roads at the mercy of truck owners and truck drivers. So, we have no intention of removing the mobile weighbridge. It is used to ensure that people do not overload the trucks using our roads.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, similar traffic jams are being experienced along the Gilgil-Naivasha Road. Those traffic jams are caused by the Gilgil-Naivasha Weighbridge. Is the Ministry aware of this fact and what are they doing to address the situation? While we appreciate the fact that we need the weighbridges, they should also not cause unnecessary traffic jams for other road users.

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, I also want to agree that we have a similar problem in Gilgil. However, I want to assure the hon. Member that, as a Ministry, we are looking into a long-term solution, which is to create an extra lane; heavy trucks can divert about two kilometers before they get to the weighbridge. I would also like to indicate that every time you see a long queue, it means that our weighbridges are working.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister will agree with me that there are roads in this country on which we have no weighbridges. For instance, on the Mai Mahiu-Isebania Road, we do not have a weighbridge. If there is a problem with this particular mobile weighbridge, why can he not just remove it now that we have another weighbridge at Webuye?

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, where we do not have a weighbridge on all the major highways, we have been using our mobile weighbridges. In fact, quite often, you find our mobile weighbridge on the Mai Mahiu-Isebania Road section. We expect that, in the long run, truck drivers and truck owners will be able to regulate themselves instead of having every road in Kenya fitted with a weighbridge. That is punitive and very expensive for the country.

**The Temporary Deputy Speaker (Prof. Kaloki):** Due to time constraints, hon. Koeh, could you ask the last question?

**Mr. Koeh:** Mr. Temporary Deputy Speaker, Sir, I would have wished that you allowed the Assistant Minister to answer the question he was asked. There is only one weighbridge

between Nairobi and Nakuru. There is also a weighbridge in Webuye. Why does he not want to consider removing the mobile weighbridge next to Eldoret Town?

The Assistant Minister has indicated that, as a long-term measure, they are going to install lay bays on either side of the roads. When are you going to do this? Motorists and other people using the roads are suffering in this country. I hope that he is also going to consider removing the mobile weighbridge, because it causes the same problem on this road.

**The Temporary Deputy Speaker** (Prof. Kaloki): Assistant Minister, combine those two questions and sum up.

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, as I said, we have no intention of removing the mobile weighbridge. However, we are in the process of procuring the contract for the Timboroa-Eldoret Road, which covers this particular---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order, hon. Members! Please, let us minimise consultations.

Proceed, Assistant Minister!

**Mr. Kinyanjui:** Mr. Temporary Deputy Speaker, Sir, as I have indicated, we have no intention of removing the mobile weighbridge, because it has a specific purpose, and it has been able to achieve that particular purpose during the time it has been there.

Secondly, as hon. Members are aware, at Eldoret, we have the Kenya Pipeline Terminal, which offloads fuel for export. Therefore, this particular weighbridge is very important to ensure that we do not overload our trucks.

Thirdly, I have indicated that, as a Ministry, we are in the process of procuring the contract for Timboroa-Eldoret Road. This particular contract will rehabilitate the weighbridge. It includes lay bays; so, trucks will move to the side of the road. We will, possibly, also increase the number of scales, so that we can have more than one truck weighed at any given time.

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question, hon. Kioni.

*Question No.771*

#### ENHANCEMENT OF SAFETY ON KENYAN ROADS

**Mr. Kioni** asked the Minister for Transport:-

(a) what measures the Government is taking to increase investment in safety on the roads in order to reduce road carnage; and,

b) when the Government will set up CCTV cameras at strategic points on the highways to monitor speeding vehicles, and whether the he could also consider establishing Mobile Highway Patrol Units to improve on-the-spot fines on offenders.

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

(a) The Ministry of Transport, with the input of stakeholders, developed the Integrated National Transport Policy, which was approved by the Government. A Sessional Paper has been submitted to Parliament's Committee on Transport, Public Works and Housing for consideration. The policy has clear recommendations on road safety. Some of those recommendations



recognise the need to develop infrastructure that cater for an intermediate mode of transport such as motorcycles, bicycles and pedestrians.

The Ministry has also revived and revamped the National Road Safety Council, which is intervening, through the National Road Safety Action Plan. Other measures include migration to higher occupancy vehicles, use of group dynamics and self-regulation by having *matatu* vehicles operate through fleets as companies or Saccos, *et cetera*. The Ministry has also reviewed and updated the Traffic Act to scale up the fines, which would be deterrent enough to offenders. Due to recognised institutional framework, the Road Transport Oversight Mechanism is also at an advanced stage within Government Bills preparation process. We expect Parliament to support the Bills when they are introduced in the House.

(b) The Government intends to use current technology, including placing CCTV cameras at strategic points on highways by the year 2013, to monitor traffic movement, and identify those who violate traffic rules for appropriate action. A committee has been formed, comprising of officers from the Ministry of Transport, Ministry of Information and Communications, the Kenya Revenue Authority, e-Government, ICT Board and the Association of Kenya Insurers, to work on modalities of implementing the Transport Information Management Systems to enhance information sharing by stakeholders in the transport industry. Under the project, use of modern technology, including installation of CCTV cameras, has been identified as key for monitoring traffic flow and behaviour.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. However, the answer is not as thorough as the Ministry has done before. In Part “a” of the Question, it is important for him to let us know at what stage we are. He has said that the Bill is at an advanced stage. What is an advanced stage? Part “b” of the Question has asked: When? The answer that has been given is on what they are doing. He has not addressed the question: When? Part of the question was on the spot fines. If you look at the Question, it deals with imposing on the spot, fines on offenders. That has not been dealt with at all. When will this be done?

**Mr. Ogari:** Mr. Temporary Deputy Speaker, Sir, in answer to the question, I said that we are working on the Transport Integrated Management System, which is a process and we expect to be through by 2013. The issue of on the spot fines is also related. The Transport Integrated Management System is a very elaborate system that has very many components, including the development of on the spot fines to offenders. We expect to be through by 2013 and the implementation of the on the spot fines is part of the Transport Integrated Management System.

**Mr. Washiali:** Mr. Temporary Deputy Speaker, Sir, I do not know whether this Assistant Minister has visited Mumias before, but in our region, we have tractors that do not have lights at all. They use the moon light during the night to move from the farms to the factory. What is he doing to make sure that those tractors have the necessary lights to comply with the traffic rules?

**Mr. Ogari:** Mr. Temporary Deputy Speaker, Sir, first, I have been to Mumias many times and I have almost been a victim of the tractors. We shall make sure that all the offenders are arrested. We know that there is indiscipline in the transport industry which includes the use of roads by tractors and the other users. As we develop the other systems of road safety, we will make sure that all the offenders are reported. They have to comply with the law.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, one of the measures that the Ministry intends to take is the migration from the 14-seater vehicles to high occupancy vehicles. While that may be appreciated as a good gesture, has the Ministry considered the level of

unemployment in the country? What will the laying off of all the young people who are operating the 14-seater vehicles result to for preference of bigger buses?

**Mr. Ogari:** Mr. Temporary Deputy Speaker, Sir, I seek your indulgence and guidance on this because I have a similar Question to answer, namely; Question No.720 by hon. Linturi, which will come next week. With your guidance, I will answer that issue when the Question is before the House.

**Mr. Kioni:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a supplementary question and he should dispose of it now. Maybe, hon. Linturi could listen to the answer and may not need to ask his Question.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Kioni! The Assistant Minister has prepared for two Questions. He is not prepared for that supplementary question. So, just be fair to the Assistant Minister and let him answer when he is comfortable to do that and he has said he can do that on Tuesday next week.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, this is in his answer. There is nothing new that I am introducing. This is a question arising out of the answer he has given to me.

**The Temporary Deputy Speaker** (Prof. Kaloki): I think the Assistant Minister has done a good job in trying to answer the two Questions. Hon. Assistant Minister, do you feel comfortable to answer it today or you want to come back later?

**Mr. Ogari:** Mr. Temporary Deputy Speaker, Sir, I still wish to reiterate that this Question has been answered substantively. We shall bring a substantive answer when it comes before the House next week.

**Mr. Kioni:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is saying that he has answered this Question substantially, but this is a supplementary question arising from the answer he has given. I have just picked the words from his own answer, unless he had not even read the answer. I do not think that you need to protect him from this.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Kioni! I am not protecting the Assistant Minister. There is another substantive Question that is related to the supplementary question that you are asking, but your two questions have been dealt with.

#### *Question No.817*

#### DEPLOYMENT OF MEDICAL INTERNS

**Mr. C. Kilonzo** asked the Minister for Medical Services:-

(a) why the Government has not deployed the last lot of medical interns;

and,

(b) how the Ministry plans to meet the shortfall.

**The Assistant Minister for Medical Services** (Mr. Kambi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) A total of 352 medical, 25 dental and 90 pharmacist interns were posted to various stations on 10<sup>th</sup> March, 2011, to commence their internship. This followed a commitment by the Treasury that funds for paying the emoluments would be factored in the Revised Estimates for the 2010/2011 Financial Year.

(b) Following the postings, there is no shortfall on the services provided by the interns.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, it took a demonstration by the concerned parties for the Government to listen. Did the Government not know that there were interns who were to be recruited?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, it is true there were some demonstrations, but we did not have the money. I am happy to inform this House that it was factored in, in the last Supplementary Budget, which we recently passed in this House. As I speak, we have posted all the interns and I can table the list of all the postings that were done.

*(Mr. Kambi laid the document on the Table)*

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While I appreciate the answer by the Assistant Minister, is he in order to evade the question that was asked? He has confirmed that he posted the interns after there was commitment by the Treasury. Hon. C. Kilonzo has asked why the Ministry of Medical Services did not budget for those interns in the first place, knowing that the Government works on METF.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, we budgeted for the same, but it was never factored in the last Financial Year's Budget. However, the issue was revisited in the Supplementary Budget, which the House passed recently.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, what measures is the Assistant Minister taking, as a Government and not as a Ministry, to ensure that this does not occur in future?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, as long as we are given money by the Treasury, we will not have this kind of problems any more.

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is Parliament and Parliament is asking the Executive. He is giving a condition that if he is not given money by the Executive, he will not act. What measures is the Assistant Minister taking, as a Government, to ensure that these funds are always factored in the Budget? Is he in order to evade this question?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I have told the House that we do factor this in our budget, but if the Treasury has not factored it in the national Budget, there is no way we can send these interns to their stations without money.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, you can do a little bit better. Could you assure the House that this time round, you will be able to lobby the Treasury and bring up your case for consideration?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, we are consulting with the Treasury and they have assured us that they will factor this in the Budget.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. C. Kilonzo, I think you are happy with the answer.

Let us move on to the next Order!

## POINT OF ORDER

### DELAYED MINISTERIAL STATEMENT ON KARI LAND IN BALOZI AREA

**Ms. Karua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. On 23<sup>rd</sup> March this year, Mr. Mbuvi asked for a Ministerial Statement from the Minister for Lands, which enumerated six points – I have a copy here – about the Kenya Agricultural Research Institute (KARI) land in Balozi, Shaja Trading Company, Kenya Anti-Corruption Commission (KACC) investigations into a certain parcel of land and land situated in Muthaiga. That Statement was due on 30<sup>th</sup> March but it has not been made. Since it had already been requested, I believe that it is the property of the House and we have precedent in that. A Ministerial Statement asked by Mr. Kioni was made in his absence, when I rose on a point of order urging that it is the property of the House. Is it in order for the Minister for Lands to be asked when he will deliver this Statement, which has really wetted our appetite to know about these matters?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Orengo, I think that falls under your docket and you can do it.

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, indeed, this is a very important demand for a Ministerial Statement. Unfortunately, the particulars that were given by the hon. Member were not quite in sync with the records that we have. So, my office wrote to the Clerk to demand from the hon. Member, better particulars for us to identify those pieces of land.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Minister! The issue here is that the Ministerial Statement was supposed to be due on 30<sup>th</sup> March this year. Are you still working on that?

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, some of the details required were about non-existent pieces of land. So, I wanted to get the particulars which I have now received.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, when will you be ready with that Ministerial Statement?

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, for those whose appetites have been wetted, I will do it on Wednesday, next week in the afternoon.

**The Temporary Deputy Speaker** (Mr. Prof. Kaloki): All right! You will do that next week.

Yes, Mr. Ojode!

**Ms. Karua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Wednesdays are pro-Prime Minister's Question Time. Is it in order to request that the Minister adjusts the time of delivering the Statement, so that it does not---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Ms. Karua! Is there a problem on Wednesday?

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, she is quite right because this may elicit some interests. So, we can do it either on Tuesday or Thursday afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): The Chair directs that, that particular Statement be made on Tuesday, next week.

Proceed, Mr. Ojode!

## MINISTERIAL STATEMENT

### MEASURES TO ENSURE FAIRNESS\TRANSPARENCY IN POLICE RECRUITMENT

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, on Wednesday, 20<sup>th</sup> April Mr. Affey, a nominated Member of Parliament rose on a point of order requesting for a Ministerial Statement on the upcoming police recruitment. In the Statement, he sought clarification on the number of candidates to be recruited in each county or constituency, minimum academic requirements for each county or constituency or region and measures being taken to ensure fairness and accountability in the exercise. Further, Mrs. Odhiambo-Mabona, a nominated Member of Parliament sought clarification on what the Government was doing to cushion members of public from fraudsters purporting to be able to assist candidates to be recruited into the police force.

Mr. Temporary Deputy Speaker, Sir, I wish to state as follows. First, the total number of candidates to be recruited nationally is 7,000. The quota per district or county will be based on the population census of the year 2009. The matrix is being worked on. The academic qualification that has been advertized will be C (Plain), but in areas where there are not enough candidates meeting this basic qualification, variation will be made. There are marginalized areas where getting a C (Plain) is a big problem. In the absence of a C (Plain), I have authorized that the candidate with C- (Minus) be considered. In areas where there are no candidates with C- (Minus), I have also authorized that those with D+ (Plus) be recruited. In the event that there is no D+ (Plus) in those areas, I have also authorized that a D (Plain) be taken. I am saying that because we do not want the quota which had already been given to those areas to come without being filled. That is why I have decided to lower---

**Mr. James Maina Kamau:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When the Assistant Minister gives such a leeway, that they can pick somebody with a C- (Minus) in one place and another one with a D (Plain) or D+ (Plus), it will lead to corruption. Why can he not come up with a mean grade that will be acceptable across the board?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, what is the policy?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, we are going to recruit police constables and those with a minimum of C (Plain) must be taken. In the event that there are no candidates with C (Plain), for example, in North Horr, that quota must be filled. In the process, we will go for C- (Minus), which is the next grade. I am doing this because there are certain areas where you will not get the required mean grade of C (Plain). However, the recruits must possess the Kenya Certificate for Secondary Education (KCSE) certificate.

Mr. Temporary Deputy Speaker, Sir, on measures taken to ensure fairness and accountability, advertisements have been made both in print and electronic media on various dates, informing the public of the necessary qualifications, requirements and the recruitment centres countrywide. Further, members of the public have been informed that the recruitment exercise is free of charge and will be done in an open ground. I would also want to invite my colleagues, if they get time, to go to the recruitment centres to see for themselves that accountability is a prerequisite.

The applicants will be interviewed by a panel comprising of the District Recruitment Committee, under the chairmanship of the District Commissioner to ensure that they meet the minimum qualifications as advertized.

Finally, members of the public have been warned, through both print and electronic media advertisements, against fraudsters pretending to be able to assist in the recruitment. Any case reported to the police will be investigated, the suspects arrested and arraigned in a court of law.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I want to commend the Assistant Minister for that consideration. However, that is also an opportunity for his officers to be seeking rent. Last week, he promised this House that there would be no need of bringing a birth certificate during recruitment. What instruments has he used to effect the orders he is pronouncing in this House? Even the one he issued last week, there is no communication to that effect to the districts? I am just afraid that the same things he is telling us today are just statements to be made on the Floor of this House, but he does not mean them at all.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for his Statement, particularly the announcement he has just made that those candidates who did not score “C” in the exams, the district will consider the next grade until they reach a minimum of Form Four. However, this information is not known to the public. Could he undertake to instruct all the District Commissioners today, so they have this information and, secondly, that they will even allow candidates with temporary national identity cards to participate in the recruitment process? This is because most of these young people do not have identity cards as the Ministry has suspended their issuance. The youth are left out in the recruitment process. Could he give the undertaking that those ones who have got temporary identity cards will be allowed to participate in the recruitment process and that no deserving Kenyan will be left out from the exercise?

**Mr. Mbadi:** Mr. Temporary Deputy Speaker Sir, the Assistant Minister says in areas where there are not enough candidates who scored a Grade of “C” Plain, they will go down until they get the best minimum grade. However, the advert is very clear; the minimum requirement is grade “C” plain. How will they get the others with lower grades? How will they anticipate that there will not be an adequate number with “C” grade, so that other youth with lower grades will make themselves available at the recruitment centres?

**Dr. Nuh:** Mr. Temporary Deputy Speaker, Sir, I equally want to laud the Assistant Minister for this adjustment because the education status has not been uniform. Some of us have been marginalized to the education level. So, you might not expect to find many candidates with “C” Plus and “C” plain in those areas.

Could the Ministry make public the number of recruits that we expect in every county before the recruitment date?

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I really want to join my colleagues in commending the Assistant Minister for the directives that he has given with regard to the qualifications of those ones who are interested in recruitment into the police force.

Mr. Temporary Deputy Speaker, Sir, statistics show that out of 44,000 plus people who have joined the police force, five communities account for over 60 per cent of the force. I want to seek your indulgence. Kalenjins are 21 per cent; Kikuyus are 16 per cent; Kambas are 12 per cent; Luhyias are 9 per cent and Luos are 7 per cent. These amount to over 60 per cent for the five communities---

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

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, could you allow me to finish my question?

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

**Mr. Muthama:** Mr. Temporary Deputy Speaker, Sir, will I be in order to ask the hon. Member to desist from mentioning people's communities here? Will I be in order to urge the hon. Member to speak about Kenyans and not their communities?

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed, Mr. Letimalo.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, this information is in public domain. It was released by Mr. Kibunja of National Cohesion and Integration Commission. He is a man of integrity and a committed officer. This is the position.

**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not have any quarrel with the statistics that the hon. Member has given on the 60 per cent. However, is it in order for the hon. Member to imply that these communities have got more than their share, yet if you add the population of those communities, it constitutes 63 per cent which is more than their presence in the police force? These figures should give us the correct information about this country.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, this is a confirmation that there is a crisis of exclusion of some communities in the Civil Service.

Could the Assistant Minister consider giving affirmative action to these communities, particularly the marginalized communities that have not been considered in this public service?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, please address yourself to those clarifications before we allow more hon. Members to seek clarifications.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I agree with the concerns raised by the Members of Parliament. However, they have to bear in mind the fact that there are some marginalized communities who must also be accommodated in the recruitment in public service.

Mr. Temporary Deputy Speaker, Sir, regarding Mr. Letimalo's question where certain communities take a larger share, you will agree with me that those communities he is talking about also account for the larger percentage in terms of population. So, there is nothing wrong with some of them taking the larger share because what is remaining is also being shared among the other groups.

Mr. Temporary Deputy Speaker, Sir, Mr. Mbadi asked about the criteria to be used in the case where there are no adequate youth with "C" plain. This leeway is meant for equitable distribution. We need people to be taken all over the country, right from the biggest tribe to an El Molo. If I can get one El Molo to be recruited in the police force, then I will have taken the image of Kenya, which I think should be appreciated by the hon. Members.

The number of recruits will be known because the matrix is being worked on as we go on. That one will come in later---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister. Hon. Members, this is an important Statement. Let us lower the level of our consultations, so that we hear the Assistant Minister.

Proceed, Mr. Assistant Minister.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I was saying that I am inviting my colleagues to attend the recruitment centers, so that they can encourage their

constituents, to go for this exercise. Where there are no youth with a grade “C” plain, they can go to a lower grade which is “C” minus.

I have made it so easy for Kenyans to be recruited in the police force. I am saying it publicly here for those who will recruit to know that where there is no “C” plain grade, then they have to switch to the lowest grade which is the next one, which is C minus.

**Mr. James Maina Kamau:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Mbadi’s question has not been answered properly. The advertisement says that those who are required must have attained Grade C and above. How are they going to know? Those who do not have Grade C will still go to recruitment centers?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Temporary Deputy Speaker, Sir, that is why I am encouraging members of the public to be at the recruitment centers. If somebody has a B and wants to be recruited, we will start with B. Then we will go to B- and after that we go to C+. Then we will go to the minimum, which is a C. Now, I have even lowered it. In areas where we cannot get C, we can take somebody with less. That way, everybody will be included in the recruitment exercise. I have already instructed the district commissioners who are going to be the chairmen to consider that.

**Dr. Laboso:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is on the numbers. The Assistant Minister has still not told us what each constituency is entitled to. I think that information is very important. We need to know beforehand. That is where we might encounter some problems. We are not clear on what numbers we are expecting.

**The Temporary Deputy Speaker (Prof. Kaloki):** Hon. Assistant Minister, you talked about the Census of 2009. Did you get time to calculate the ratios per population to know the numbers? Are you working on that?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Temporary Deputy Speaker, Sir, I mentioned here that, as we speak, we are working on the numbers. Each and every county, district or constituency will know the numbers. The recruitment is not tomorrow. Recruitment will be done on 27<sup>th</sup>. So, after the 27<sup>th</sup>---

**The Temporary Deputy Speaker (Prof. Kaloki):** Order! When do you think you will be ready with those figures?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Temporary Deputy Speaker, Sir, I even have a timetable here, which we are following. It says the following:- “Advertisement in print and electronic media will take four days”. That is from 30<sup>th</sup> March to 4<sup>th</sup> April. Briefing of the District Recruitment Committees (DRCs) by the National Recruitment Committee will take seven days. That is for logistical preparations by the DRCs. Appointment and briefing of observers and DRC Secretariat. Then, the recruitment by the DRC will take one day. That is on 27<sup>th</sup>. Then we go to documentation and filing of returns---

**The Temporary Deputy Speaker (Prof. Kaloki):** So, that is clear.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** So, Mr. Temporary Deputy Speaker, Sir, I am going by the timetable. Once we get the numbers, I will be in a position to give them to each and every county.

**Dr. Kones:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister needs to come out very clearly on this one, particularly on numbers. That is because on



different times, he is talking about the counties, constituencies and districts. What administrative unit is he going to use? Is it the districts or counties? If he is going to use the counties, how is he going to share among the districts?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, the advert is very clear and I have mentioned it here again and again. I want to repeat that we are going to use the districts.

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My question has not been answered. Before the recruitment date, the Ministry will be in a position to know the numbers. What we are asking is whether the figures can be made public before the date of recruitment. Is he in order not to answer the question?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! That is not a point of order!

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we need to thank the Assistant Minister for this one. But I want to ask him--- A portion of my question was not answered. I had asked about the national identity card. Could he instruct the district commissioners to use the waiting cards of those young people who are qualified, but who have not received the national identity cards?

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Thank you for indulging us really because the Assistant Minister seems to be evading some of the questions we had posed earlier. The Assistant Minister has made a lot of considerations in this House and we applaud him. We have no quarrel with him. But we have asked for evidence of the pronouncements that he is making here; that one does not need to produce a birth certificate or not have Grade C. Could we have evidence of those instructions because when we go to the district, the district security committee teams have nothing, except from what they hear through the media? The Government does not operate that way?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, could you be clear on that? That is the issue here.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, there is a circular. Last time, I said that we are going to re-advertise to show that the certificate of good conduct is not mandatory. If you saw our latest advertisement, there is no need of producing a certificate of good conduct. So, I stick to whatever I say because I am an Assistant Minister in that Ministry. I want to share with my colleagues that the entry requirements, according to the circular which we are sending out with amendments, will be as follows:-

“All candidates will be expected to satisfy the following minimum requirements---“

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Let me just assist you. I think you have answered very well. But we need a circular to go to all the district headquarters containing the latest information that you are sharing with us. When are you going to release that document?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, let me tell you that all those fellows have been told about the minimum qualifications. Whatever I am saying here has already gone to the ground. My colleagues have not known because they are here with me. When they go to their constituencies, they are going to find a different scenario. So, that is it.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! I think the Assistant Minister has done well.

Next Order!

## POINT OF ORDER

### RESETTLEMENT OF IDPS

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister in charge of Special Programmes on what the Government is doing about the resettlement of Internally Displaced Persons (IDPs), in view of the repeated rejection of IDPs wherever they are taken for resettlement. In that statement, I would seek to know why the Government cannot obtain land near where the IDPs came from. Otherwise, the Government will be helping in the commission of an international crime which is transportation of people. People must be returned where they came from. The other issue which I would like to be addressed is this:-

Alternatively, why can the Government not give those IDPs money to buy land for themselves at a place of their choice? Could the Minister also provide a list of the parcels of land bought so far, from whom and how much per acre? This matter is very urgent in view of the plight of those IDPs. I hope it can be answered soon.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have an additional matter to add to that of Ms. Karua. Yesterday, there were several IDPs who went to Trans Nzoia and were rejected. Up to now, as we speak, they are in Kitale. They have no means of returning to where they were taken from. They have no food or shelter. So, again, they have been moved from one place to another. What is the Minister doing to urgently address the current situation? At the very least, just take them back to where they are used to being IDPs, instead of taking them to another place where they are treated as foreigners.

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, the issue of the Internally Displaced Persons (IDPs) is getting complex and I would like us to give maximum time to the Minister to be able to comprehensively answer it.

**Ms. Karua:** It is urgent!

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, much as I can see the urgency, unless we have a comprehensive answer, we will continue with the merry-go-round. So, I would like to ask for two weeks, to actually get a comprehensive Ministerial Statement.

**Ms. Karua:** Mr. Temporary Deputy Speaker, Sir, two weeks when we know that the IDPs who were rejected in Kitale are still in the cold is too long. Next week would also be long but we appreciate that this is the end of this week. Would it be in order to order the Minister to issue the Ministerial Statement at least, latest by Thursday next week?

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I will communicate for next Thursday.

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Thursday, that Ministerial Statement will be issued.

Mr. Kabando wa Kabando!

## MINISTERIAL STATEMENT

### DISCRIMINATORY PRIZE MONEY AWARDS AT THE UTRECHT MARATHON

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, I will be very brief. This is an unsolicited Ministerial Statement as I had already alerted the Chair.

Kenya is a country endowed with great athletes. This is in respect of the performance we exhibit in all the championships organized in different cities every year. Boston and London are a testimony to this. The dominance of our athletes is legendary. Since the realization of this potential which includes marathon, our athletes have never looked back and have given this country very highly rated performances. It is noted that Kenya's athletes are very strong and the single-most disciplined marathoners. For example, in 2008, out of the best world 100 top runners, 65 of them were Kenyans. This number must have gone very high in 2009, 2010 and the first quarter of 2011.

Mr. Temporary Deputy Speaker, Sir, organizers in different cities invite Kenyans to grace their events is because the participation of Kenyan talent gives the competitions high profile and also attract handsome sponsorship because of the calibre of Kenya participating. While marathon organizers are at liberty to invite whoever they want and award them according to their plans, as a Government, we view different treats to winners in the same event based on their origin as global discrimination and against the spirit of sportsmanship. Kenya continues to offer high altitude training venues to athletes from many countries including the Netherlands because of our cordial relationships with those nations. The Netherlands, therefore, the Dutch Government should reciprocate by treating our athletes fairly. An athlete marathoner covers 45 to 55 miles weekly and is expected to train for between 14 to 18 weeks prior to major championships. It is, therefore, very disheartening that the Utrecht Marathon set for Easter Monday, 25<sup>th</sup> April, 2011 has set aside discriminatory prize money. Outsiders participating in this event, and I am expecting that Kenya will, are to be given 100 Euros while the Dutch participating are given 10,000 Euros.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Kabando wa Kabando, due to time, I am urging you to summarize!

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, I am on the last page.

Therefore, we want once again to reiterate that this is unacceptable and request that the organizers review the prizes awarded, so that we do not set a global precedence where Kenyans will be discriminated because of their dominance in marathon. We would, on the other hand, appeal to our athletes not to participate in events which in their view and which in the view of the Government are exploitative, discriminatory and misuse of their talent. There are other better methods that the Dutch Government could use to encourage their athletes to improve on their performance and on their time without encroaching on the talents of Kenyans.

In conclusion, the sports department of the Netherlands has been in touch with our department and we have raised this matter of discrimination in award to the Dutch Equality Commission. Although it is the private sector that has organized this competition and not the Government of Netherlands, the question of equality still arises. The Government through the Ministry of Foreign Affairs will at least take the concerns of the Ministry of Youth Affairs and Sports. The Government, through the Ministry of Foreign Affairs, will be submitting a petition to the Dutch Government and through our High Commission so that this matter is addressed. We have made this Statement unsolicited because we want to send a message to all countries that Kenyan talent is not there for exploitation and our athletes are our best investment.

## STATUS OF THE TAX ACCOUNT AT TREASURY

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Deputy Prime Minister and Minister for Finance on the status of the tax account at Treasury. I want the Deputy Prime Minister to explain to this House whether our tax account and specifically revenue Heads are properly kept and to also explain the following---

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to just sit down without giving us a chance to seek clarifications on that very important Ministerial Statement?

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

**Mr. Mututho:** Could I seek the first one?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, the issue here is that we have to go to the business of the House and when you look at the time, it is almost 4.30 p.m. There is an important Bill here that we have to conclude.

Mr. Mututho, do you have a burning question that you want to seek clarification on?

**Mr. Mututho:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Please do so!

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister confirm whether there is any other place known in history or indeed in the recent history where people are discriminated on the basis of race in terms of the prize money for the winner, such that when you are short, black, Kenyan or African, you have a lower package whereas if you have a long nose, you are white or pink, then you get some more money?

**Mr. Linturi:** Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Assistant Minister for this good unsolicited Statement. At the same time, I want to share with the Minister that I had a chance to share and go out for dinner with the Kenyan champions that went to represent Kenya in Boston Marathon last week including Mr. Mutai who brought gold to this country under the invitation of the Governor of Massachusetts in Boston. The issue that I want to understand from the Assistant Minister is that as many countries want to honour and appreciate the good work the Kenyan athletes and the good name that they have created for this country, what is the Ministry and the Government doing to honour the Kenyan athletes? Right now, Boston is naming a street after Catherine Ndereba.

**Mr. Muthama:** Mr. Temporary Deputy Speaker, Sir, I would like to ask the Assistant Minister if he could be kind enough to consider awarding the sportsmen and sportswomen of this country, not only the present ones but even those who performed better in the past. There is only one club in this country that has ever won a football championship in Africa. It is not our national team but it is a club known as *Gor Mahia*. When this club won this cup, things went quiet and up to date, there is no other team that has managed to win a regional cup and more so, in Africa. Could he tell us whether he is considering those players who performed at that time? They are champions and this country is supposed to award them and remember them.

**The Assistant Minister for Youth Affairs and Sports** (Mr. Kabando wa Kabando): Mr. Temporary Deputy Speaker, Sir, we are not aware of any other place, at least not any protest or information, in my Ministry. Our departments or sports federations have not complained of discrimination. In fact, everywhere Kenyans have gone, whether New York, Boston or Berlin, they have been received. They have been awarded like any other competitor. Therefore, this is

unprecedented concern, and that is why we have brought here this unsolicited Ministerial Statement.

Secondly, yes we have plans to honour our athletes. Very soon, this House will debate the Sports Bill, which enumerates institutions and programmes that will be put in place, including talent harvest and promotion, and infrastructure for financing a proposed Sports Finance Trust Fund (SFTF), so that we can finance sports individuals in a competitive way, and make sports a business.

Lastly, recently Eng. Gumbo, the Member for Rarieda, brought here a Motion which was unanimously passed by this House. It was that we take steps, as a Government, through my Ministry to award our past heroes in terms of those who have performed for this country in the area of sports. Therefore, I look forward to participation and support when we table the proposed historic Sports Bill to revolutionize sports in this country.

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

Mr. Mbadi, please, proceed on a different issue now.

## POINT OF ORDER

### STATUS OF TAX ACCOUNT AT THE TREASURY

**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to quickly seek a Ministerial Statement from the Deputy Prime Minister and Minister for Finance on the status of the Tax Account at the Treasury. I want the Minister to explain to this House whether our Tax Account, and specifically Revenue Heads, are properly kept and explain the following:-

(i) the number of revenue statements that were certified by the Controller and Auditor-General for the financial years 2007/2008 and 2008/2009;

(ii) I would like the Minister to further give the actual receipts of revenue for the year 2007/2008 and 2008/2009 in respect to the following revenue heads:-

1. mining revenue,
2. profits and dividends,
3. fines, penalties and other charges,
4. taxes on income, profits and capital gains,
5. taxes on goods and services,
6. taxes on international trade and transaction,
7. other taxes (not elsewhere classified),
8. property income interest receivable,
9. property income, rent on lands,
10. sales of goods and services,
11. other records not classified elsewhere,
12. repayment from domestic lending and onlending,
13. tourism and wildlife,
14. trading licences.

Finally, could the Minister clarify whether the receipts of revenue for the Years 2007/2008 and 2008/2009 as declared to Parliament in the Estimates of Revenue reflect the actual receipts into the Exchequer Account for the respective revenue heads and for the same period?

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I expect that all this information is already in the public domain, having been summarized in the accounts which are already being looked at by the Public Accounts Committee (PAC). Nevertheless, I will ask the Minister to provide the same by Thursday next week.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well. Mr. Mbadi, I think next Thursday is---

**Mr. Mbadi:** I am satisfied, Mr. Temporary Deputy Speaker, Sir.

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

**Mr. C. Onyancha:** On a point of Order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order to request a Ministerial Statement from the Deputy Prime Minister and Minister for Finance on the Annual Springs Consultative meetings going on in Washington DC. Specifically, why has the Minister for Finance, being the officer responsible for the Treasury, not attended those meetings? Secondly, is it true that the World Bank has declined to deal directly with the Minister for Finance and if so, state the reasons why? Thirdly, what are the implications on Kenya's image on the international scene of a decline by the Bretton Wood Institutions to deal with the Minister for Finance?

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I would like to state that the Minister can answer that by even as early as Wednesday next week. However, I can also assure this House as follows.

(a)The Minister for Finance is not necessarily expected to attend the Spring Meetings. The Spring Meetings of the World Bank are meetings of the Committees of the World Bank. Unless the country is participating---

**Mr. C. Onyancha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister undertaking to answer the---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order! The Minister is giving an undertaking at the moment.

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, the reason I decided to do this is to ensure that the public is not given the wrong impression as we await the substantive Statement.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Kimunya, when?

**The Minister for Transport** (Mr. Kimunya): The Statement will come on Wednesday next week. However, I just wanted to clarify to the House---

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you. You can do that on Wednesday!

**Mr. C. Onyancha:** Mr. Temporary Deputy Speaker, Sir, I will not be around on Wednesday. I would request that the reply comes the week after next week or on Tuesday next week.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is even better! So, is it coming next Wednesday or two weeks later?

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, Wednesday of two weeks from today.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right, that is very clear.

Dr. Kones, please, proceed!

**Dr. Kones:** On a point of Order, Mr. Temporary Deputy Speaker, Sir. For the third time, I rise to ask for a Ministerial Statement from the Ministry of Agriculture. Apparently, you can see, again, that the Minister for Agriculture is not here. Yesterday, I told you it did not look---

**The Temporary Deputy Speaker** (Prof. Kaloki): Dr. Kones, you can ask for your Ministerial Statement; there are Ministers here. One of them can give the undertaking.

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, let Mr. Kimunya respond to my request.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Are you asking for a Ministerial Statement today?

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, I had asked for a Ministerial Statement and it was to be delivered today.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Kimunya, what is happening with the Minister for Agriculture?

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, there is a Statement due today, but the Minister has travelled on official business. She requested that any business waits until she returns. So, we could reschedule it for next week.

**The Temporary Deputy Speaker** (Prof. Kaloki): Next week which day?

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, on Thursday.

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, you remember clearly that yesterday, the Minister stood here and confirmed that for the last time, she was sure she was going to be around.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Dr. Kones! The Minister is traveling on official business.

**Dr. Kones:** But we have two Assistant Ministers in that Ministry.

**The Temporary Deputy Speaker** (Prof. Kaloki): Let us give it up to next week on Thursday; we can talk further about it after Thursday.

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, I will accept that, but there is lack of seriousness in that Ministry; I can tell you.

**The Temporary Deputy Speaker** (Prof. Kaloki): I think the Minister is serious and the Ministry is also serious. So, the Statement will come next Thursday.

Mr. Kimunya, please, proceed!

## MINISTERIAL STATEMENT

### BUSINESS FOR THE WEEK

**The Minister for Transport** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, pursuant to provisions of Standing Order No.36(4), I take this opportunity to make the following Statement with regard to the business for the week commencing Tuesday 26<sup>th</sup> April, 2011.

Next week, the House is expected to deliberate on the following two Bills; the Second Reading of the Independent Electoral and Boundaries Bill (Bill No.6 of 2011) and the Second Reading of the Salaries and Remuneration Commission Bill (Bill No.8 of 2011).

Finally, the House Business Committee (HBC) will convene on Tuesday the 26<sup>th</sup> to consider business for the rest of the week.

Thank you.

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

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

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

IN THE COMMITTEE

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

THE TOURISM BILL

*Clause 2*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 2 of the Bill be amended in the definition of “tourism agencies” —

(a) by deleting the word “Conference” and substituting therefor the word “Convention”; and

(b) by inserting the words “and other tourism and hospitality institutions ” immediately after the word “Centre”

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 2 as amended agreed to)*

*Clause 3*

**Mr. M’Mithiaru:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 3 be amended—

(a) in Subclause (1), by deleting the word “of” appearing immediately after the word “strategy”;

(b) in Subclause (2), by inserting the words “taking cognizance of the county governments” immediately after the word “tourism” appearing in paragraph (c).

*(Question of the amendment proposed)*



*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 3 as amended agreed to)*

*(Clauses 4,5 and 6 agreed to)*

*Clause 7*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 7 be amended in Subclause (1) by inserting the words “including cottages and private residences engaged in guest house services” immediately after the word “services” appearing in paragraph (c).

Madam Temporary Deputy Chairlady, the rationale for this is that most foreign tourists are using private guest houses instead of the mainstream hotels while on holiday in this country.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): There is a further amendment by the Minister.

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 7 of the Bill be further amended—

(a) in Subclause (1) —

(i) by inserting the words “develop and” at the beginning of paragraph (e);

(ii) by deleting the words “every two years” in paragraph (j) and substituting therefor the word “annually”;

(iii) by deleting the words “ a bi-annual” in paragraph (j) and substituting therefor the word “an annual”; and

(b) in Subclause (2), by deleting the words “two years” and substituting therefor the words “ in each financial year”.

*(Question of the further amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 7 as amended agreed to)*

Clause 8

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 8 of the Bill be amended—

(a) in Subclause (1), by inserting the words “nominated or selected through a competitive process taking into account regional balance and gender parity and” immediately after the words “public officers” in paragraph (g); and

(b) in Subclause (2), by deleting the word “Council” and substituting therefor the words “Board of the Authority”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): There is a further amendment by the Committee.

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 8 be further amended by inserting the following new Subclause immediately after sub-clause (2)—

“(3) The names of persons proposed for appointment under subsection (1)(a) and (g) shall, before they are appointed, be laid before the National Assembly for approval.”

Madam Temporary Deputy Chairlady, the parliamentary approval of appointees proposed under sub-section (g) is in line with the Constitution. This is to ensure transparency and competitiveness in the vetting process and that is why we are proposing this amendment.

*(Question of the further amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 8 as amended agreed to)*

*(Clause 9 agreed to)*

Clause 10

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 10 of the Bill be amended by inserting the following new Subclause immediately after Subclause (4)—

“(5) Where there is a vacancy—

(a) under subsection (2) or (3) or section 11(2);

(b) as a result of declaration under subsection (4); or

(c) by reason of the death of a member,

the Minister shall appoint another person in accordance with the provisions of section 8(1) to fill the vacancy”.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 10 as amended agreed to)*

*(Clauses 11, 12 and 13 agreed to)*

#### *Clause 14*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 14 be amended in Subclause (1) by inserting the words “through a competitive process and with the prior approval of the National Assembly” immediately after the words “Director-General of the Authority”.

Madam Temporary Deputy Chairlady, the rationale for this is that parliamentary approval for the appointment of the Director-General of the Authority, as a public officer, is in line with the Constitution for transparency and competitiveness in the vetting process.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 14 as amended agreed to)*

*(Clauses 15, 16, 17 and 18 agreed to)*

#### *Clause 19*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, Sir I beg to move:-

THAT, Clause 19 of the Bill be amended in paragraph (a) by deleting the words “research and training” and substituting therefor the words “training and capacity building”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 19 as amended agreed to)*

*Clause 20*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 20(2) of the Bill be amended-

(a) in paragraph (e), by deleting expression “84” and substituting therefor the expression “83”;

(b) in paragraph (g) —

(i), by inserting the words “nominated or selected through a competitive process taking into consideration regional balance and gender parity and” immediately before the word “appointed”;

(ii) by deleting the word “represent” appearing in subparagraph (i) and substituting therefor the words “be nominated by”.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): There is a further amendment to Clause 20. Proceed, Prof. Kaloki.

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move a further amendment:-

THAT, Clause 20 be amended-

(a) in subclause (2) by deleting the words “represent the national tourism sector umbrella association” appearing in paragraph (g)(i) and substituting therefor the words “be nominated by the registered national tourism associations”;

(b) by inserting the following new subclause immediately after subclause (3)

“(4) The names of persons proposed for appointment under subsection (2)(a) and (g) shall, before they are appointed, be laid before the National Assembly for approval.”

We are in support of the Minister's amendment because this gives the nomination power to the registered national tourism associations. They will be part of it. That is our amendment and that is why we want that further amendment to be inserted in Clause 20.

*(Question of the further amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 20 as amended agreed to)*

*(Clauses 21 and 22 agreed to)*

Clause 23

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 23 of the Bill be amended by deleting Subclause (2).

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Subclause 2 deleted)*

*(Clause 23 as amended agreed to)*

*(Clause 24 agreed to)*

Clause 25

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 25 be amended in Subclause (1) by inserting the words "through a competitive process and with the prior approval of the National Assembly" immediately after the word "College".

The rationale for this is that parliamentary approval for the appointment of the principal or the Chief Executive Officer of the college as a public officer is in line with the Constitution. There must be transparency and competitiveness in the vetting process.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be  
inserted, put and agreed to)*

*(Clause 25 as amended agreed to)*

*Clauses 26 and 27 agreed to)*

*Clause 28*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 28 be deleted and replaced with the following new clause:-  
Establishment of the 28. There is established a Tourism Protection Service which shall be Tourism Protection a specialised police service under the supervision of the Service. National Police Service and the command of the Inspector-General of the National Police Service.

This is where we had a little problem with the Ministry and we felt that we had to move this particular clause. The rationale for this is that creating a Tourism Protection Service as uniformed disciplined service and as an autonomous corporate body may not be in line with the provisions of Section 247 of the Constitution which provides that any such services should be under the supervision of the National Police Service.

The Tourism Protection Services should be formed as a specialized unit within the Kenya Police Service structure, with a view to harmonize security matters and avoid differences within the service.

Finally, currently, the Kenya Police Force is not a corporate body and creating a separate body would bring disharmony within the Force. As of now, the department falls under the Office of the President.

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, with regard to this Clause, we had a big issue with the Committee. We have the experience of Tourism Police Unit currently under the Police Commissioner. We have gauged the effectiveness of the police unit and found that it is not helping the tourism industry. The unit has gone down to mess up what is on the ground. So, we are proposing to establish a Tourism Protection Service in the model of Kenya Wildlife Service (KWS). KWS is a model of service to wildlife and its conservation. We created the Tourism Protection Service in terms of service.

**The Temporary Deputy Chairlady** (Dr. Laboso): Mr. Minister, are you supporting the amendment or what?

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I wanted to make a clarification because my colleague has brought it up. Now, we have an agreement and that is why this Clause is appearing here. It is instructing the Inspectorate-General to establish the Tourism Protection Service under his command, which I support.

**The Temporary Deputy Chairlady** (Dr. Laboso): Mr. Minister, so you support the amendment?

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, yes, I do.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place)*

*thereof be inserted, put and agreed to)*

*(Clause 28 as amended agreed to)*

*Clause 29*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 29 be deleted.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Dr. Laboso): Mr. Minister, I hope you have noted that these are deletions!

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I have noted!

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Clause 29 deleted)*

*Clause 30*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 30 be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Clause 30 deleted)*

*Clause 31*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 31 be deleted.

*Question of the amendment proposed)*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Chairlady, I just want to notify you that we are undertaking these deletions to remove the Wildlife Protection Service, in its entirety, from the Bill. Therefore, it is in order for us to delete all these clauses.

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Clause 31 deleted)*

*Clause 32*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 32 be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Clause 32 deleted)*

*Clause 33*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 33 be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Clause 33 deleted)*

*Clause 34*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 34 be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Clause 34 deleted)*

*Clause 35*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 35 be deleted.

*(Question of the amendment proposed)*



*(Question, that the words to be left out be left out, put and agreed to)*

*(Clause 35 deleted)*

*Clause 36*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:- THAT, Clause 36 be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Clause 36 deleted)*

*Clause 37*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:- THAT, Clause 37 be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Clause 37 deleted)*

*Clause 38*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:- THAT, Clause 38 be deleted.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Clause 38 deleted)*

*(Clauses 39 and 40 agreed to)*

*Clause 41*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 41 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph-

“(c) identify tourism market needs and trends and advise tourism stakeholders accordingly”.

*(Question of the amendment proposed)*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I have a further amendment. I want it to read as follows---

**The Temporary Deputy Chairlady** (Dr. Laboso): Mr. Minister, are you moving a new amendment?

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I am proposing a further amendment or some minor alterations because of the flow of the wording. Can I read the amendment? It is just a matter of flow of the wording of the paragraph. There should be a way of cleaning up or editing the Bill itself. So, I want the amendment to read as follows:-

“(c) identify tourism market needs and trends and advise tourism stakeholders accordingly; and”

So, what is missing from the original amendment are the semi-colon and the word “and”. This is only a matter of the flow of the language.

I would also like hon. Members to note that there are three other amendments which have been left that way, and they need to be cleaned up by the Secretariat.

**The Temporary Deputy Chairlady** (Dr. Laboso): Mr. Minister, that can be done through the Secretariat.

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, we support the Minister on those changes.

*Question, that the words to be left  
out be left out, put and agreed)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 41 as amended agreed to)*

*Clause 42*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 42 of the Bill be amended in Subclause (1) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) five other members nominated or selected through a competitive process taking into consideration regional balance and gender parity and appointed by the Minister, of whom—

(i) two shall be nominated by the registered national tourism associations;  
and

(ii) three shall be persons with knowledge or experience in matters relating to international tourism, finance, business administration, law, marketing or a related discipline”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

**Prof. Kaloki:** Madam Temporary Chairlady, I beg to move:-

THAT, Clause 42 be amended –

(a) by inserting the following new Subclause immediately after Subclause (2)—

“(3) The names of persons proposed for appointment under subsection (1) (a) and (f) shall, before they are appointed, be laid before the National Assembly for approval.”

(b) by renumbering Subclauses (3) and (4) as Subclauses (4) and (5), respectively.

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I support because there is also the issue of numbering. I hope that these approvals of the National Assembly will not delay the parastatal’s operations. I support.

*(Question of the further amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): We should note that Dr. Otichilo also had a further amendment, which has been overtaken by events. It is similar to the Minister’s amendment. It has been taken care of by the Minister.

*(Clause 42 as amended agreed to)*

*(Clauses 43, 44, 45 and 46 agreed to)*

*Clause 47*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 47 of the Bill be amended in Subclause (1) by inserting the words “through a competitive process” immediately after the expression “Subsection (2)”.

*(Question of the amendment proposed)*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, we just wanted to support the Minister for that amendment.

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 47 as amended agreed to)*

*(Clauses 48 and 49 agreed to)*

*Clause 50*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 50 of the Bill be amended—

(a) by deleting Subclause (1) and substituting therefor the following-

“(1) There is established a Convention Centre to be known as the Kenyatta International convention Centre.”

(b) in subclause (2) by deleting the word “Conference” and substituting the word “Convention”.

(c) in subclause (3) by deleting the word “Conference” and substituting the word “Convention”.

With regard to the issue of “convention” and “conference”, a conference is a small meeting room while convention is a mega event where people meet. In the modern world, we change the word from “conference centre” to “convention centre”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 50 as amended agreed to)*

*Clause 51*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 51 of the Bill be amended by deleting the word “Conference” and substituting therefor the word “Convention”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 51 as amended agreed to)*

*Clause 52*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 52 of the Bill be amended by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 52 as amended agreed to)*

*Clause 53*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 53 of the Bill be amended—

(a) in subclause (1) —

(i) by deleting the word “Conference” appearing in the introductory portion and substituting therefor the word “Convention”;

(ii) by deleting paragraph (e);

(iii) by deleting the word “Conference” in paragraph (f) and substituting therefor the word “Convention”;

(iv) by deleting paragraph (g) and substituting therefor the following new paragraph:

“(g) five other members, not being public officers, appointed by the Minister through a competitive process taking into account regional balance and gender parity, of whom—

(i) two shall be nominated by the registered national tourism associations;

and

(ii) three shall be persons with knowledge or experience in matters relating to business management or marketing.”

(b) in subclause (2), by deleting the words “Conference” and substituting therefor the words “Convention”;

(c) in subclause (3), by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”;

(d) in subclause (4), by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”;

(e) in subclause (5), by deleting the word “Conference” and substituting therefor the word “Convention”;

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 53 be amended—

(a) by inserting the following new Subclause immediately after Subclause (2)—

“(3) The names of persons proposed for appointment under subsection (1)(a) and (g) shall, before they are appointed, be laid before the National Assembly for approval.”

(b) by renumbering subclauses (3), (4) and (5) as subclauses (4), (5) and (6), respectively.

This is, indeed, in line with the new Constitution for transparency and competitiveness in the vetting process.

*(Question of the further amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): There was another amendment by Dr. Otichilo, which has again been overtaken by the Minister’s amendment.

**Dr. Otichilo:** Madam Temporary Deputy Chairlady, I really want to appreciate the Minister’s concern and amendments.

*(Clause 53 as amended agreed to)*

*Clause 54*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 54 of the Bill be amended by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 54 as amended agreed to)*

*Clause 55*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 55 of the Bill be amended by deleting the word “Conference” and substituting therefor the word “Convention”;

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 55 as amended agreed to)*

*Clause 56*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 56 of the Bill be amended by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 56 as amended agreed to)*

*Clause 57*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 57 of the Bill be amended by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”;

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 57 as amended agreed to)*

*Clause 58*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 58 of the Bill be amended—

(a) in Subclause (1), by deleting the word “Conference” and substituting therefor the word “Convention”;

(b) in Subclause (4), by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): We have a further amendment by the Committee.

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 58 be amended in Subclause (1) by inserting the words “through a competitive process and with prior approval of the National Assembly” immediately after the words “Chief Executive Officer of the Conference Centre”.



Madam Temporary Deputy Chairlady, the approval of the Chief Executive Officer of the KICC as a public officer is in line with the new Constitution. That increases transparency and competitiveness in the vetting process.

*(Question of the further amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 58 as amended agreed to)*

*Clause 59*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 59 of the Bill be amended by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”;

*(Question of the amendment proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 59 as amended agreed to)*

*Clause 60*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 60 of the Bill be amended by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”;

*(Question of the amendment proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 60 as amended agreed to)*

*(Clauses 61 and 62 agreed to)*

*Clause 63*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 63 be amended in paragraph (i) by deleting the words “at least every two years” and substituting therefor the word “annually”.

Madam Temporary Deputy Chairlady, two years as proposed in this Bill is too long for the Tourist Research Institute to publish its research findings given the sensitivity of the industry. Therefore, annual publication is more appropriate and I think the Minister is in agreement.

**The Temporary Deputy Chairlady** (Dr. Laboso): Mr. Minister, are you in agreement?

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, in the era of transparency and accountability and given that the Cabinet Secretaries will be working fulltime, I think it is high time for them to come and report to the House.

I beg to support.

*(Question of the amendment proposed)*

*Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place  
thereof be inserted, put and agreed to)*

*(Clause 63 as amended agreed to)*

*Clause 64*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 64 of the Bill be amended in Subclause (1)—

(a) by inserting the following new paragraph immediately after paragraph (d):

“(da) the Director of the Kenya Institute for Public Policy Research and Analysis (KIPPRA)”.

(b) by deleting paragraph (f) and substituting therefor the following—

“(f) six other members appointed by the Minister through a competitive process, taking into account regional balance and gender parity, of whom —

(i) two shall be nominated by the registered national tourism associations; and

(ii) two shall represent the institutions of higher learning; and

(iii) two shall be persons qualified and competent in multi-disciplinary research.”

*(Question of the amendment proposed)*

*Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): There is a further amendment by the Committee.

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, clause 64 be amended—

(a) by inserting the following new Subclause immediately after Subclause (2)—

“(3) The names of persons proposed for appointment under Subsection (1)(a) and (f) shall, before they are appointed, be laid before the National Assembly for approval.”

(b) by renumbering Subclauses (3), (4) and (5) as Subclauses (4), (5) and (6), respectively.

Madam Temporary Deputy Chairlady, the appointment of these officers under the section is in line with the Constitution. That increases transparency and competitiveness in the vetting process.

*(Question of the further amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): There is, again, a further amendment by Dr. Otichilo, part of it has been overtaken by events. He can, therefore, move part “a” of his amendment.

**Dr. Otichilo:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 64 be amended in Subclause (1) by –

(a) inserting the following new paragraph immediately after paragraph (d)—

“(da) the Director-General of the Kenya National Bureau of Statistics;”

Madam Temporary Deputy Chairlady, I have withdrawn part “b” and retained part “a”. The reason for this amendment is that the Kenya National Bureau of Statistics is involved in collecting socioeconomic information on a continuous basis, particularly on tourism. Every year, this organization gives economic survey and tourism is one of the key sectors in that document. I believe that the Kenya National Bureau of Statistics should be a member of this board, so that they can provide the necessary support and information to this board.

*(Question of the further amendment proposed)*

**The Temporary Deputy Chairlady** (Dr. Laboso): Mr. Minister, are you in concurrence?

**The Minister for Tourism** (Mr. Balala): Yes, Madam Temporary Deputy Chairlady. The proposal by Dr. Otichilo is to strengthen the research institute.

I support.

*(Question, that the words to be inserted)*

*be inserted, put and agreed to)*

*(Clause 64 as amended agreed to)*

*(Clauses 65, 66, 67 and 68 agreed to)*

*Clause 69*

**Dr. Otichilo:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 69 be amended in Subclause (1) by inserting the words “through a competitive process” immediately after the words “Director of the Institute”.

The reason is that the Director of this institution should be a person of high credibility with the requisite qualifications. Therefore, the best way to recruit this person is through a competitive process.

*(Question of the amendment proposed)*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, that is under the new Constitution. The principle of transparency, accountability and competitiveness is acceptable.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 69 as amended agreed to)*

*(Clauses 70, 71, 72, 73, 74, 75 and 76 agreed to)*

*Clause 77*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 77 of the Bill be amended—

(a) in subclause (2) (e), by inserting the word “for” after the word “necessary”;

(b) in subclause (4) —

(ii) by deleting paragraph (d) and substituting therefor the following paragraph:

“(d) six other members appointed by the Minister through a competitive process taking into account regional balance and gender parity, of whom—

(i) two shall be nominated by the registered national tourism associations ; and

(ii) four shall be persons qualified and competent in the field of tourism, financial accounting, management or marketing.”

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:

THAT, Clause 77 be further amended by inserting the following new subclause immediately after subclause (5)—

“(6) The names of persons proposed for appointment under subsection (4)(a) and (d) shall, before they are appointed, be laid before the National Assembly for approval.”

Madam Temporary Deputy Chairlady, Parliamentary approval of the appointment of the public officers under the section is in line with the Constitution and that increases transparency and competitiveness in the vetting process.

*(Question of the further amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 77 as amended agreed to)*

#### *Clause 78*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:

THAT, Clause 78 of the Bill be amended—

- (a) in paragraph (e), by inserting the words “established and managed by the Ministry” immediately after the word “Centre”; and
- (b) by deleting paragraph (f) and substituting therefor the following paragraph—  
“(f) finance training and capacity development activities of the College and of such other tourism hospitality training institutions as may be established under this Act”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof be  
inserted, put and agreed to)*

*(Clause 78 as amended agreed to)*

#### *Clause 79*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 79 of the Bill be amended in Subclause (1)—

- (a) by deleting paragraph (a) and substituting therefor the following paragraph—  
“ (a) collect the tourism levy imposed pursuant to section 115 of this Act or any other written law”;
- (b) by inserting the following new paragraph (b) immediately after paragraph (a)—  
“ (b) establish, equip and control such other tourism and hospitality training institutions as it may be necessary upon approval by the Minister”.
- (c) by inserting the words “tourism training” in paragraph (f) before the words “revolving fund”; and  
by deleting paragraph (j).

*(Question of the amendment proposed)*

*(Question, that words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 79 as amended agreed to)*

*(Clauses 80, 81 and 82 agreed to)*

*Clause 83*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 83 be amended in Subclause (1) by inserting the words “through a competitive process and with the prior approval of the National Assembly” immediately after the word “Fund”.

Madam Temporary Deputy Chairlady, parliamentary approval of the appointment of the chief executive as the public officer is in line with the Constitution for transparency and competitiveness in the vetting process.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 83 as amended agreed to)*

*(Clauses 84 and 85 agreed to)*

*Clause 86*

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 86 of the Bill be amended in paragraph (a) by inserting the words “including the small and medium and community-based tourism enterprises” immediately after the words “tourism sector”.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 86 as amended agreed to)*

Clause 87

**The Minister for Tourism** (Mr. Balala): Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 87 of the Bill be amended in subclause (1) by deleting paragraph (e) and substituting therefor the following paragraph:

- “(e) six other members appointed by the Minister through a competitive process, taking into account regional balance and gender parity, of whom—
- (i) two shall be nominated by the registered national tourism associations; and
  - (ii) four shall be persons qualified and competent in finance, banking, law, investment or a related discipline”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out, be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

**Prof. Kaloki:** Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Clause 87 be further amended—

- (a) by inserting the following new subclause immediately after Subclause (2)—

“(3) The names of persons proposed for appointment under Subsection (1)(a) and (e) shall, before they are appointed, be laid before the National Assembly for approval.”
- (b) by renumbering Subclauses (3) and (4) as Subclauses (4) and (5), respectively.

Madam Temporary Deputy Chairlady, the rationale for that is again that parliamentary approval of the appointment of public officers under sub-section (e) is in line with the Constitution for transparency and competitiveness in the vetting process.

*(Question of the further amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 87 as amended put and agreed to)*

*(Clauses 88, 89, 90 and 91 agreed to)*

**The Temporary Deputy Chairlady** (Dr. Laboso): Hon. Members, I shall now pass over the Chairmanship to hon. Ethuro to allow me some breathing space! Thank you!

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

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

*Clause 92*

**Prof. Kaloki:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 92 of the Bill be amended in Subclause (1) by inserting the words “through a competitive process and with prior approval of the National Assembly” immediately after the words “Chief Executive Officer of the Corporation”.

The rationale for that is that parliamentary approval of the appointment of the chief executive officer of the corporation as a public officer is in line with the Constitution. It will ensure transparency and competitiveness in the vetting process. That will also happen with the Director of the Public Procurement Oversight Authority (PPOA). That particular position has been filled using this particular process.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted put and agreed to)*

*(Clause 92 as amended agreed to)*

*(Clauses 93 agreed to)*

*Clause 94*

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 94 of the Bill be amended-

(a) by deleting Subclause (2) and substituting therefor the following Subclause-



“(2) The Board of the Corporation shall, from time to time, formulate credit policy on lending and recovery of monies, venture capital projects, equity funding and other funding as may be required, with the approval of the Minister responsible for finance”,

(b) by deleting Subclauses (3), (4) and (5).

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Subclauses 3, 4 and 5 deleted)*

*(Clause 94 as amended agreed to)*

*(Clauses 95 and 96 agreed to)*

#### *Clause 97*

**Prof. Kaloki:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 97 of the Bill be amended by inserting the following new Subclause immediately after Subclause (2)—

“(3) The nomination or appointment of members of the Tribunal under subsection (1)(a), (b) and (c) shall be through a competitive process taking into account regional balance and gender parity, and with the prior approval of the National Assembly.”

Again, here, parliamentary approval in the appointment of public officers is in line with the Constitution. We must ensure transparency and competitiveness in the vetting process and I think the Minister is in agreement.

*(Question of the amendment proposed)*

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, as I said earlier, we agree on transparency and accountability of the Cabinet Secretaries in future. I hope it will not delay the process of operations. But I support.

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Clause 97 as amended agreed to)*

*(Clause 98 agreed to)*

#### *Clause 99*

**Prof. Kaloki:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 99 of the Bill be amended in Subclause (1) by inserting the words “through a competitive process” immediately after the word “Commission”.

The rationale is that it is good practice to open up the recruitment process to any deserving Kenyan in order to increase the transparency and the Minister is in agreement to this.

*(Question of the amendment proposed)*

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, I am just wondering, from a principle point of view, if the Committee could guide us. Is this a new trend where every appointment, even including that of tribunals and board members, must be approved by Parliament? So, when we are preparing the new Bills, this is the way forward? You will know that, henceforth, the Cabinet Secretaries are really “impotent”. They cannot make any appointment without the approval of the National Assembly. Please, guide us whether this is the new trend so that we could follow suit.

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, I think it is important for us to note here, on the Floor of the House, that we had an argument with the Departmental Committee on this issue. We were worried about paralyzing the institutions if the approvals are going to take too long. I was in favour of the Chief Executives. That can happen. The Board of Directors was a major hurdle and we had to argue. That is what I have been informed by the Chair of the Committee that this is the new trend, especially when the proposed Bill is on the approval of public officers is on the Floor of this House. That is why I have reluctantly accepted this position.

**The Temporary Deputy Chairman** (Mr. Ethuro): Prof. Kaloki, maybe, you need to clarify whether what they are objecting to is what you are proposing to Clause 99.

**Prof. Kaloki:** Mr. Temporary Deputy Chairman, the issue here is to comply with the new Constitution. We also want to make sure that all Kenyans have an equal opportunity to apply for those positions. In the past, we have been having cases whereby friends of Ministers and other people occupying key positions have been able to influence nominations to those particular positions. We must move away from that particular practice because the new Constitution is there and we must comply with it. The Minister has done an excellent job to make sure that there is competitiveness in the Ministry of Tourism. He has no problem with that.

**The Temporary Deputy Chairman** (Mr. Ethuro): Order, Members! In fact, the amendment is that Clause 99 be amended in subclause 1 by inserting the words “through a competitive process” immediately after the word “Commission”. It has nothing to do with parliamentary approval. That is in subsequent clauses where neither the Minister nor the Committee has brought an amendment. So, I wish to put the question, Mr. Minister. That is because you are arguing on no matter. We are at the Committee Stage, Mr. Minister. The Bill is not in the Second Reading.

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 99 as amended agreed to)*

*(Clauses 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110  
111,112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122,  
123, 124, 125, 126, 127, 128, 129, 130 and 131 agreed to)*

*Clause 132*

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 132 of the Bill be amended in Subclause (1) by inserting the following new paragraph immediately after paragraph (b)-  
“(ba) the criteria for standardization and classification of tourism facilities and services”.

*(Question of the amendment proposed)*

*(Question, that the words to inserted  
be inserted, put and agreed to)*

*(Clause 132 as amended agreed to)*

*Clause 133*

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 133 of the Bill be amended—

(a) in Subclause (3), by deleting the word “existing” and substituting therefor the words “former agencies”;

(b) by inserting the following new Subclause (5) immediately after Subclause (4):

“(5) Any licence or permit issued or granted by the former agencies and in force immediately before the commencement of this Act shall, with the approval of the Minister, remain in force for the unexpired period and shall be deemed to have been granted or issued under the provisions of this Act”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to inserted in place  
thereof be inserted put and agreed to)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 133 as amended agreed to)*

*(Clause 134 agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*(Third Schedule agreed to)*

*(Fourth Schedule agreed to)*

#### *Fifth Schedule*

**Prof. Kaloki:** Mr. Temporary Deputy Chairman, Sir, I beg to move:-  
THAT, the Fifth Schedule be deleted.

Mr. Temporary Deputy Chairman, Sir, the rationale for this is that there has been an amendment on Clause 28, so this particular change would be in line with that amendment that has already been done on that clause.

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, it is consequential so it is accepted.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out put and agreed to)*

*(Fifth Schedule deleted)*

*(Sixth Schedule agreed to)*

#### *Seventh Schedule*

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Seventh Schedule of the Bill be amended by deleting the word “Conference” wherever it appears and substituting therefor the word “Convention”.

This is in line with the changes that we are doing from conference to convention. That is the only amendment that we are doing.

*(Question of the amendment proposed)*

**Mr. Njuguna:** Mr. Temporary Deputy Chairman, Sir, could the Minister give further information on that amendment because the motivation that has brought that decision is likely to interfere with our original heritage.

**The Temporary Deputy Chairman** (Mr. Ethuro): Order, hon. Member! There is no deletion, it is substitution from “conference” to “convention”.

**Mr. Njuguna:** Could the Minister clarify further?

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, I had mentioned here earlier that I do not know whether the hon. Member for Lari Constituency was here but the heritage of the Kenyatta International Conference Centre (KICC) would not change. The only wording we are changing is “conference” to “convention”. “Convention centre” is about mega events which KICC, in the actual sense is performing and “conference” is about small events. So, that is why we are changing to convention centre and that is today’s trend.

**Prof. Kaloki:** Mr. Temporary Deputy Chairman, Sir, the Committee deliberated on this issue and we are supporting the issues brought by the Minister.

*(Question, that the word to be left out  
be left out, put and agreed to)*

*(Question, that the word to inserted in place  
thereof be inserted put and agreed to)*

*(Seventh Schedule as amended agreed to)*

*(Eighth Schedule agreed to)*

*(Ninth Schedule agreed to)*

*(Tenth Schedule agreed to)*

#### *Eleventh Schedule*

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Eleventh Schedule of the Bill be amended in paragraph (e) by inserting the following new item immediately after item (vi)-  
“(vii) Beach operators”.

Mr. Temporary Deputy Chairman, Sir, in this aspect, we have included (vii) Beach operators. The reality in the beach destinations today is about beach operators who are working on the beach and we want to start regulating them. That is why in the Seventh Schedule, we thought that it is important to recognize that trade which needs to be streamlined and regulated properly. We have now included them in this Schedule. So, I propose that it be amended as proposed in the Order Paper.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Eleventh Schedule as amended agreed to)*

*(Twelfth Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Tourism Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## **REPORT, CONSIDERATION OF REPORT AND THIRD READING**

### **THE TOURISM BILL**

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Tourism Bill and approved the same with amendments.

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Minister for Transport** (Mr. Kimunya) seconded.

*(Question proposed)*

**The Minister for Medical Services** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I would like to congratulate my colleague, the Minister for Tourism for this Bill which is very timely, and very important for the development of this nation. While doing so, I would like to urge my colleague that given the fact that the world economic crisis may, indeed, from now on, affect our tourism, especially in respect of international arrivals, it is incumbent upon us as a nation to encourage domestic tourism. Domestic tourism will, indeed, earn our nation, Government and economy a lot of money. Kenyans should get used to visiting various parts of the country. This will also help Small and Medium Enterprises (SME) and the hotel industry to develop as part and parcel of this economy. It will also help the home market to grow. Therefore, if we pass this Bill my colleague will have a tremendous job to do, especially in the area of encouraging domestic tourism. We will support him handsomely.

Thank you.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, let us wait until I put the question; there is another stage at which you can contribute to the Bill.

*(Question put and agreed to)*

**The Minister for Tourism** (Mr. Balala): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Tourism Bill be now read a Third Time.

**The Minister for Transport** (Mr. Kimunya) seconded.

*(Question proposed)*

**The Minister of State for National Heritage and Culture** (Mr. ole Ntimama): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I support this Bill, provided that after implementation of the county governments and the whole devolution has been done properly through this House, I hope that this Bill will be consistent with the Constitution.

The Ministry of Tourism along with the Kenya Wildlife Service (KWS) is supposed to manage our principal resources like the Mara Game Reserve and many other wildlife sanctuaries. I will talk particularly about Mara Game Reserve. We have had many problems in Mara which is thoroughly mismanaged. We have many upcoming lodges and hotels inside and outside the Mara Game Reserve and I do not know the people who are supposed to manage it. The KWS has a hand; the Ministry of Tourism has a hand and the County Council is supposed to be the real managers. However, if there is anything that is really mismanaged today, then it is Mara Game Reserve. I do not know who really controls some of the structures that are coming up there.

Mr. Temporary Deputy Speaker, Sir, when it comes to devolution, we must really consider that we do not devolve corruption and mismanagement of finances, especially the revenue and embezzlement of funds because it will be very dangerous. I have no mercy with the council and I do not think the Ministry of Tourism has been perfect in getting some of these things. I urge them to do their best when it comes to devolution so that we do not devolve corruption!

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you, Mr. Minister!

Hon. Members, note that we are on the Third Reading. Just make short comments!

**The Assistant Minister for Tourism** (Ms. Mbarire): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to really thank the House for the support they have given this very important Bill. I also wish to thank all the stakeholders and officers in the Ministry of Tourism who have taken us through this very important consultative process that gave birth to this very important Bill.

I believe that with this consolidated Bill, we will make tourism even more profitable for Kenya and for the various people who are in this sector. We hope that even as we pass this Bill, we will see more interest by hon. Members of this House on matters concerning tourism so that we can be able to push it forward. I hope that come June, the hon. Members of this House – the same support they have shown us today – will really support us in getting more budgetary allocation to this important sector so that we can be able to realise Vision 2030.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Assistant Minister for Livestock Development** (Mr. Duale): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the able Minister for Tourism and his officers in the Ministry. However, in supporting this Bill, we beg the Minister that in as much as he is

concerned with the numbers of tourist arrivals, we must have safety gadgets for us to maintain the integrity of the cultural and religious values of our people as a country. We should not put the arrivals or the numbers at the forefront at the risk of losing our culture, religion and morals as a country.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Okemo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I wish to thank the Ministry of Tourism and the Departmental Committee on Finance, Planning and Trade because we worked very closely right from the beginning up to where we have reached. That is why we have achieved what we have achieved.

Mr. Temporary Deputy Speaker, Sir, we had an opportunity to visit a number of tourism fairs with the Minister for Tourism. What became glaringly clear is that this is one Ministry which is thoroughly underfunded as far as promotion of tourism is concerned. I was very surprised when we went to Berlin. A country such as Egypt, which had a lot of violence, change of guard and political upheavals--- Immediately after that, the number of tourists visiting Egypt because of promotions and marketing are by far three, four or five times more than visitors who are coming to Kenya which has a much more stable political environment. What is important is to give the message that we had. Let us put our money where our mouths are. Tourism is a very important contributor to our economic growth. It contributes a lot to employment, foreign exchange that supports our balance of payments and, therefore, in the next Budget, we must see and ensure that tourism is sufficiently well funded for purposes of promotion.

Thank you very much.

**The Minister for Nairobi Metropolitan Development** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to congratulate the Minister for passing this Bill. But I would like to give him a word of advice. Now that we have given him sufficient powers, he should reign in our hotels. They are pricing themselves out of the market. They are awarding themselves dubious stars. Some are branded as three stars, four stars and some as five stars. Rein them in because I know you have sufficient powers.

Lastly, create certain tourist attractions. We must create them. For example, in October, there is the Oktoberfest Beer Festival in Berlin. More than 6 million people attend the festival. Those are six e times more than the number of tourists that we get annually here in Kenya. If you go to Spain and visit the Tomb of Franco--- That is something that was just created and attracts more than 3 million visitors. So, please, create tourist attractions and tourists will come.

*(Question put and agreed to)*

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

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

## **MOTION**

### **ADOPTION OF REPORT ON BUDGET POLICY STATEMENT**

**Mr. Sambu:** Mr. Temporary Deputy Speaker, Sir, I am going to move this Motion, as amended, under Standing Order No.48, and as approved by the hon. Speaker.



Mr. Temporary Speaker, Sir, I beg to move:-

THAT, this House adopts the Report of the Budget Committee on the Budget Policy Statement for the year 2011/2012 laid on the Table of the House on Wednesday 13th April, 2011, subject to:

Deletion of the words “In this regard, the ceiling for the PSC for Development should be Kshs2 billion, which is 0.62 per cent of the National Development Budget” and substituting therefor the words “In this regard, the ceiling for the PSC for Development should be Kshs2.4 billion, which is 0.65 per cent of the National Development Budget; and that, pursuant to Article 241 of the Constitution, the Budget for the Ministry of State for Defence be separated to reflect allocation to each of the three Arms of the Defence Forces and General Administration.

Mr. Temporary Deputy Speaker, Sir, on behalf of the Members of the Budget Committee, and as required under Standing Order No.143(4), I would like to take this opportunity to present to the House the Committee’s Report on the 2011/2012 Budget Policy Statement, laid on the Table of the House on Wednesday, 23<sup>rd</sup> March, 2011.

Pursuant to Standing Order No.143, once laid before the House, the Budget Policy Statement stands committed to the Budget Committee for examination, in consultation with Departmental Committees, and upon which a Report is to be tabled in the House by the 15<sup>th</sup> of April.

Mr. Temporary Deputy Speaker, Sir, the control and oversight of the National Budget is one of Parliament’s fundamental mandates. With the enactment of the Fiscal Management Act, 2009, and the coming into force of the Standing Orders in December, 2008, Parliament’s role in the Budget process has been strengthened, and for the second consecutive year, a Budget Policy Statement has been laid on the Table of this House for scrutiny and approval by Parliament.

The Budget approval, a role we play as legislators, only fulfils a minimum constitutional requirement. Indeed, effective execution of Parliament’s mandate requires that it ensures that the Budget is fiscally sound; the allocation of public resources matches the needs and priorities of the citizenry, and that the Budget is implemented properly and efficiently.

Parliament’s involvement in the Budget making process offers Parliamentarians an opportunity to evaluate whether the Government’s objectives are in line with the principles of affordability, equity, comprehensiveness and transparency, as provided for in the Constitution.

Mr. Temporary Deputy Speaker, Sir, the Budget Committee, as currently constituted, comprises of the following:

1. Hon. Elias Mbau, MP – Chairman;
2. Hon. Alfred Sambu, MP – Vice-Chairman;
3. Hon. Martin Otieno Ogindo, MP;
4. Hon. Danson Mungatana, MP;
5. Hon. Sheikh Dor Yakub, MP;
6. Hon. Moses Lessonet, MP;
7. Hon. Omari Zonga, MP;
8. Hon. John Mbadi, MP;
9. Hon. Moses Warugongo, MP;
10. Hon. John Mututho, MP;
11. Hon. Nelson Gaichuhie, MP;
12. Hon. Emilio Kathuri, MP;
13. Hon. Abdul Bahari, MP;
14. Hon. Johnstone Muthama, MP; and,

15. Hon. Jackson Kiptanui, MP.

Mr. Speaker, Sir, in addition to the above Members, the Chairpersons of all Departmental Committees are *ex-officio* Members of the Budget Committee, and their participation has been laudable. The large Membership broadly depicts the importance Parliament attaches to the Budget matters.

The Temporary Deputy Speaker, Sir, the Budget Committee is established under the Standing Order No.190. The Committee is mandated as follows:-

(i) To examine the Budget Policy Statement (BPS) presented to the House and shall report to the House what, if any, economies should be made consistent with the proper carrying into effect of the policies implied in or by such Statement and Estimate.

(ii) To evaluate tax estimates, economic and budgetary policies and programmes with direct Budget outlays.

The Budget Committee is further given legal backing under the Fiscal Management Act, 2009.

During the review of the BPS, the Budget Committee held eight sittings and one workshop, which we called the Pre-Budget Workshop. Further, the Committee received submissions from Departmental Committees which it considered and are included in this report. The Committee is grateful to the offices of the Speaker and the Clerk of the National Assembly for the support they gave to this Committee during its consideration of the BPS. It is also grateful to the Parliamentary Service Commission (PSC), the Assistant Minister in the Office of the Deputy Prime Minister and Ministry of Finance and his staff, the Judicial Service Commission (JSC), the Registrar of the High Court and her staff, the Interim Independent Electoral Commission and the Chief Electoral Officer and his staff who appeared before it. Lastly, the Committee appreciates efforts by Ministries and stakeholders who made presentations during the Pre-Budget Workshop. On behalf of the Budget Committee, I now have the honour and pleasure to present this report and recommendations relating to the BPS for the Year 2011/2012 and the Medium Term Expenditure Framework (MTEF) to this House for debate and adoption.

I would like to start with the concerns of the Committee before I come to the recommendations. With regard to compliance to the Fiscal Management Act and the Standing Orders, to a great extent, the BPS followed the format prescribed in the Fiscal Management Act, 2009, and the Standing Orders. However, in terms of details, it fell short of expectations such as information breaking down the ceilings to Ministries. Much as this shortcoming was highlighted in the 2010/2011 BPS, a lot is yet to be done. If the BPS is to achieve its intended purposes of establishing the total aggregate of national resources including their distribution, it is imperative that the Minister provides such value adding information. Nevertheless, during the review of the BPS, the Committee sourced for additional information from the Treasury Circular issued on 17<sup>th</sup> March, 2011. An explanation is, therefore, required as to why this trend persists. The Budget Policy Statement (BPS) has failed to address the issues pertaining to debt servicing charges for the financial year to which the Budget relates and the next two financial years. There is also lack of clarity on the criteria used to allocate the available resources among the various programmes.

Mr. Temporary Deputy Speaker, Sir, although the BPS mentions the underlying risks to the 2011/2012 Budget, it does not detail the statement of specific fiscal risks and contingent liabilities, including guaranteed loans, pending bills and uninsured risks, promissory notes and other internationally accepted instruments and the rules that determine what constitutes current and future fiscal risks.

Mr. Temporary Deputy Speaker, sir, Secondly, there is the issue of linking the Budget to the national priorities. Our concern is that to meet the Government objectives, the budgeting system must provide a strong link between Government policies and the allocation of resources. Indeed, a major objective of the Medium Term Expenditure Framework (MTEF), which is the current approach to budgeting, is to provide a linkage between policies, planning and budgeting. There is no doubt that a credible budget system is one where there exists a link between policy, planning and budgeting. During a recent consultative meeting, it was clear that the Vision 2030 targets are yet to be achieved, while sectoral priorities have remained largely untenable because they are not adequately linked to the Budget. The Government is on record as being in the process of fully operationalizing programme budgeting. However, the Committee is concerned that the programmes, as indicated in the BPS, lack coherence and in some cases, the key performance indicators are not easily measurable. Moreover, some Ministries have been consolidated into one programme, whereas their mandates suggest otherwise. This is a pointer that there is inadequate capacity in this area. The Committee, therefore, urges the Minister to seriously look into the entire programme budgeting framework and address the aforementioned issues as a matter of urgency.

Mr. Temporary Deputy Speaker, Sir, thirdly, there is the issue of macro-economic performance and recent development and future projects.

On the economic growth, the BPS asserts that overall economic growth for 2011/2012 will be 6.1 per cent, assuming normal weather pattern during the year and expanding to 6.7 per cent in 2012/2013 and 6.8 per cent in 2013/2014, with agriculture, electricity, water, finance, tourism and construction being the growth drivers.

Mr. Temporary Deputy Speaker, Sir, the Committee observed that the projected growth seems overly optimistic, given that:-

1. Kenya's leading growth driver – agriculture – is too weather dependent.
2. The “wait and see” attitude likely to be developed by investors around the election period is expected to contribute to stunted economic growth if previous trends are anything to go by.
3. The Committee observed that the economic problems bedeviling a number of the international communities, such as Europe, North America and Japan, will negatively affect Kenya's growth prospects.

(i) On inflation, the Committee is concerned that there has been a tendency by Treasury to make assumption and rules, thereby creating confusion in the management of macro-economic variables. For example, the 5 per cent inflation target seems more of a rule than an assumption. The Committee observed that the inflation rate has been on a steady increase since November, 2010, approaching 4 per cent in January, 6.5 per cent in February and 9.2 per cent in March, 2011.

Mr. Temporary Deputy Speaker, Sir, on short-term interest rates, the BPS acknowledges that the average lending rate for commercial banks failed to drop in tandem with short-term rates. However, the Committee is concerned that despite this, the BPS has not proposed prescriptions to deal with perpetual interest rates which have contributed to the disproportionately super-normal profits enjoyed by most commercial banks at the expense of depositors.

(ii) On the shilling exchange rate, the BPS asserts that despite the stable exchange rate exhibited by the shilling in 2010, its weakening against---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Sambu! Our time is up! You will have another 45 minutes next time when we resume Debate.

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, we have come to the end of today's sitting. Therefore, the House stands adjourned until Tuesday, 26<sup>th</sup> April, 2011, at 2.30 p.m.

The House rose at 6.30 p.m.