

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 20th June, 2013

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

STATEMENTS

BUSINESS FOR THE WEEK COMMENCING 25TH TO 27TH JUNE, 2013

Hon. A.B. Duale: Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44 (1), on behalf of the House Business Committee (HBC), I rise to give a Statement regarding the business before the House next week. On Tuesday 25th June, 2013 the House will consider the Departmental Committees reports on the vetting of the 26 nominees to the positions of Principal Secretaries.

Hon. Speaker, the HBC, during its sittings on Tuesday, 19th June, 2013 proposed a special House sitting on that day, Tuesday 25th 2013 to deliberate the reports. Two Motions are expected to be scheduled for debate by the House next week.

One, a Motion by the Hon. Lentoimaga urging the Government to urgently review the terms and conditions of recruitment, remuneration and deployment of Kenya Police Reservists (KPR) in ASAL areas with a view to providing them with uniforms, proper identification documents, automatic firearms, regular allowances and general improvement of their working conditions, so as to restructure this crucial sector and help the KPR fight cattle rustling more efficiently.

Two, the Motion by the Hon. Koyi urging the Government to urgently intervene with a view to reviewing farm gate milk prices in order to guarantee small holder farmers better returns and shield them from endless losses. Then there is a Motion by Hon. Koyi urging the Government to reintroduce the daily passenger train services between Malaba and Nairobi to serve as an alternative means of transport for passengers to that region.

Hon. Speaker, Sir, finally, the HBC will meet on Tuesday 25th June, 2013 at the rise of the House to consider business for the rest of the week. I now wish to lay the Statement on the Table of the House. Thank you.

(Hon. A.B. Duale laid the document on the Table)

Hon. Speaker: Hon. Jamleck Kamau.

STATEMENT

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DELAYED COMPLETION OF ELECTRIFICATION PROJECT IN KACHELIBA

Hon. Kamau: Thank you, hon. Speaker, Sir. On 6th June, 2013 the hon. Member for Kacheliba Constituency, Hon. Mark Lomunokol, requested a Statement from the Departmental Committee on Energy, Communications and Information regarding the delay in completion of an electrification project by the Rural Electrification Authority (REA) in Kacheliba Constituency. We undertook as a Committee that we would give a report within two weeks, and that report is here with me today. The Committee summoned the Managing Director (MD) of Kenya Rural Electrification Authority on 18th June, 2013 to appear before it and answer to the Member's requests.

Hon. Speaker, Sir, I wish to report to the House as follows: The Committee established that electrification of Alale District Headquarters is being implemented by Kenya Power and Lighting Company (KPLC) on behalf of the Ministry of Energy and REA, therefore, supplying power to the headquarters is the mandate of Kenya Rural Electrification Authority as was implied in the request for a Statement by the hon. Member. The MD of REA was accompanied by an officer from KPLC, who appeared before us on behalf of the Chief Executive Officer (CEO) of the KPLC. He gave responses to our queries.

Hon. Speaker, from the outset we want to inform this House that the Committee accepted the apologies of the KPLC for having not completed the project two-and-a-half years since the contract was awarded. The scope of the project involved the construction of 66 kilometres of 33KV overhead lines, establishing six distribution transformers, a total of 2.2 kilometres single phase and 3.5 kilometre three phase low voltage lines, and installation of 130 service cables. The value of the project was Kshs73 million. Construction of the project commenced on 15th December, 2011.

Hon. Speaker, the logistics of the materials delivery for the first six months resulted in slow progress because there were some bridges that were washed away by the rains, and sand accumulation on the roads hindered progress. Concerns about security in the run up to the elections on the part of the contractor, Frontier General Agencies, resulted in more delay. Implementation of the project will be reviewed to hasten completion.

This will allow for the completion of the project by December 2013.

The Committee also tasked both the Kenya Power and Lighting Company (KPLC) and Rural Electrification Authority (REA) to do a systems analysis of all the projects and assess the requirements. This will enable the Committee to know which of the power projects are being implemented by which agencies.

Thank hon. Speaker, Sir and I beg to lay this Report on the Table of the House.

(Hon. Kamau laid the Report on the Table)

Hon. Speaker: Very well. I would like to announce to the House that these are the last of these kinds of reports. As you know, we have since directed that we want reports. Indeed, I thank the hon. Member and his Committee because they met as a Committee. So, there will be no opportunity for questions, interrogations and so on. We

want reports but this having been the last batch of statements sought, the hon. Member, who sought it may be given a chance to seek some clarification. I am assuming that if you appeared before the Committee, then a lot of these things are within your knowledge, information and, perhaps, some belief.

Is the hon. Member who sought the Statement present? The Member for Sigor.
We move on.

Next Order.

Hon. Speaker: Leader of Majority Party, before you move your Motion, there is a request for an intervention or point of order by the hon. Chepkong'a.

Hon. Chepkong'a: Thank you, hon. Speaker, Sir. Arising from the guidelines that you have given, we had undertaken to give three Statements today in response to requests by Hon. Koyi, Hon. Sane and Hon. Wandayi. We met the Attorney-General on Monday. He is expected to give us a written confirmation of what he stated today. You had directed that these Statements be brought to the House today; unfortunately, we are not able to get them. Could we provide these Statements to the respective hon. Members of Parliament on Tuesday?

Hon. Speaker: Very well. What I will do is that I will encourage hon. Members seeking Statements from their colleagues, who are Chairs of Committees to, kindly, avail themselves at the sessions of the committees where they try to seek interventions from the various technical people from the Executive who may appear before the committees, so that when you come to the House there will be very little by way of seeking clarifications. The House will be receiving reports from the committee.

Indeed, the Report that has just been tabled by the Hon. Jamleck Kamau is one in which the Committee on Implementation can now make a follow up, because certain commitments have been made by the various bodies, like the KPLC and others. Those are the kind of things we want to encourage, not questions. But if the hon. Member does not appear before your committee, Hon. Chepkong'a, you can still go ahead and bring your report to the House.

Very well, Leader of Majority Party.

PROCEDURAL MOTION

RESOLUTION TO HOLD SPECIAL SITTING

Hon. A.B. Duale: Hon. Speaker, Sir, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Sitting in the morning of Tuesday, 25th June 2013 commencing at 9.00 a.m.

Hon. Speaker, Sir, this special sitting on Tuesday 25th June, 2013 is as a result of the workload that we will face after the vetting of the 26 Principal Secretaries nominees by about 11 different Departmental Committees, which we expect to come to conclusion today, 20th June, 2013. We expect the reports to be ready and by virtue of the deadline for our approval which is on Tuesday 25th June, 2013, we realize that the normal sitting of the House is on Tuesday as from 2.30p.m., so, it is important to have this sitting. Even

if we extend the sitting of the House on Tuesday afternoon, we will not have ample time. So, I want to urge my colleagues that on Tuesday, 25th June 2013 we have a morning session and see how many nominees we will discuss. If by the end of the afternoon session we see that we are not through we will still have an extended sitting. This is the reason for the proposed morning session.

This, again, shows those institutions or individuals who wanted to run the calendar of Parliament - I hope today they are watching me - that nobody can run the calendar of Parliament. The calendar of Parliament will be run by the House Business Committee, which you Chair and there are those who are saying that Parliament can only sit four times a week. This is a matter of national importance; you will see more times the House having extended time or special sittings. Again, this is to safeguard the independence of Parliament.

Hon. Speaker, Sir, without much ado I will ask the Leader of the Minority Party to second. I want to tell my colleagues that all this is in the interest of the nation and constitutional provisions on the deadline. I urge all of you hon. Members to support this Procedural Motion and if passed, we meet on Tuesday 9.00 a.m., God willing.

Hon. Speaker: Leader of Minority Party.

Hon. Nyenze: Thank you, hon. Speaker, Sir. I stand to support the Motion.

Hon. Speaker: To second or to support?

Hon. Nyenze: Thank you, hon. Speaker, Sir. I stand to second the Motion.

(Question proposed)

Hon. (Maj-Gen.) Nkaisery: Thank you, hon. Speaker, Sir. I stand to support the Motion. We have heard that there are very many reports which are going to be submitted on that particular day. These reports concern the way the Government will be run and so it is very important for us to approve this Motion, and so that we can conduct the affairs of this nation in the most appropriate way. I support the Motion, hon. Speaker, Sir. Thank you.

Hon. Speaker: Hon. Members are making requests and they are not here.

Hon. Ichungw'ah: Thank you, hon. Speaker, Sir. It is one hon. Member from Kiambu who has distracted me. I rise to support this Motion basically on the basis that the nominations that Members of various Departmental Committees have been vetting, are key to the functioning of the Jubilee Government. There are those outside this House who for a long time have been assuming that this House has no business to transact other than talking about salaries. I think it is high time we showed the world that we actually do go out of our way to even sit on days and at times when this House is not bound to be sitting to transact important business on behalf of the Kenyan People. I support the Motion, hon. Speaker, Sir.

Hon. Wakhungu: Thank you, hon. Speaker, Sir. I rise to support this Motion; indeed, it is not only for the importance of the Jubilee Government, but is for the good of the entire country. We have a lot of issues to handle in a crash programme. More importantly, the Constituencies Development Fund (CDF) money has not yet been released. We have a lot of delays. We have a lot of problems with school fees payments.

Children are at home. We want school fees. Hon. Musyimi has done the necessary so that we can speed up this process for the development of this country.

With those remarks, I beg to support.

(Question put and agreed to)

Hon. Speaker: Next Order!

Order! Order, Hon. Bare Shill! You are consulting extremely loudly, if at all you are consulting!

Hon. Members, the Motion is the one at Order No.9, on the Supplementary Order Paper, The Supplementary Estimates II. As you will recall, Hon. Mutava Musyimi was on his feet when a number of you stood up in your places claiming to rise on points of orders. An hon. Member, finally, moved a Motion for adjournment of debate under Standing Order. No.96. By a resolution of this House, the debate was subsequently adjourned before Hon. Mutava Musyimi concluded. I am informed that he still has 12 more minutes. Therefore, he will take to the Floor again, hoping that he has provided the sweeteners that will make him have a smooth ride.

MOTIONS

APPROVAL OF SUPPLEMENTARY ESTIMATES

THAT, in accordance with the provisions of Section 223 of the Constitution of Kenya, the reduction in withdrawal from the Consolidated Fund a sum of Kshs. 19,605,399,382 representing the total net estimates of Recurrent and Development Expenditure made up of the following-

(i) a sum not exceeding Kshs.13,267,488,318 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2013 in respect of Supplementary Estimates II of 2012/2013 Financial Year (Recurrent), having regard to the proposed reduction of Kshs.3,752,372,182 therein appearing; and,

(ii) a sum not exceeding Kshs.4,711,241,884 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2013, in respect of Supplementary Estimates II of 2012/13 Financial Year (Development), having regard to the proposed reduction of Kshs.33,831,757,402 therein appearing.

(Hon. Musyimi on 12.6.2013)

*(Resumption of Debate interrupted
on 19.6.2013)*

Hon. Musyimi: Thank you, hon. Speaker, Sir.

Hon. Speaker, Sir, I beg to move the following amendment:

THAT, the Motion be amended-

(i) by deleting the figure “Kshs19,605,399,382 on the third line and inserting the figure “Kshs.14,905,399,382” in place thereof;

(ii) by deleting the figure “Kshs.4,711,241,884” on the second paragraph, first line, and inserting the figure “Kshs.4,053,626,361” in place thereof; and,

(iii) by deleting the figure “Kshs.33,831,757,402” in the second paragraph, last line, and inserting the figure “Kshs28,474,141,879” in place thereof.

Hon. Speaker, Sir, the Motion, as amended, will read as follows:

THAT, in accordance with the provisions of Section 223 of the Constitution of Kenya, the reduction in withdrawal from the Consolidated Fund a sum of Kshs14,905,399,382, representing the total net estimates of Recurrent and Development Expenditure made up of the following-

(i) a sum not exceeding Kshs13,267,488,318 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2013 in respect of Supplementary Estimates II of 2012/2013 Financial Year (Recurrent), having regard to the proposed reduction of Kshs3,752,372,182 therein appearing; and,

(ii) a sum not exceeding Kshs4,053,626,361 be granted from the Consolidated Fund to meet the expenditure during the year ending 30th June, 2013, in respect of Supplementary Estimates II of 2012/2013 Financial Year (Development), having regard to the proposed reduction of Kshs28,474,141,879 therein appearing.

Hon. Speaker, Sir, as I move these amendments, I would like to table the corrigenda to these estimates, which the National Treasury has consented to, and which I lay on the Table as evidence.

(Hon. Musyimi laid the documents on the Table)

Hon. Speaker: Hon. Jakoyo Midiwo, you appear to be just running around.

Hon Midiwo: Hon. Speaker, Sir, he wants to hug me.

(Laughter)

Hon. Speaker: Hon. Midiwo, please, just let the hon. Member move his amended Motion.

Hon. Musyimi: Hon. Speaker, Sir, as you reprimand Hon. Jakoyo Midiwo, allow me to thank the hon. Member who represents the great people of Gem for moving the Motion of amendment yesterday. I would also like to thank all the wonderful hon. Members of this House who agreed with Hon. Jakoyo Midiwo in raising serious questions very passionately. I took note of the issues they raised and I am happy to say that, as I listened to their arguments, what I sensed was that the burden of my Committee and me was, indeed, the same burden that Hon. Jakoyo Midiwo and other Members carried. The difference was, really, that of emphasis.

My Committee and I were concerned about liquidity, disbursement, administration of the funds, money availability and absorption capacity. Those were our concerns and emphasis. The concerns of Hon. Midiwo and many other hon. Members were tidy book-keeping, proper accounting procedures and legality. They argued that the money may be given, but in which year? How should the books of accounts read? So, I stand here to thank this House for putting across the point yesterday. As hon. Members can see, the matter has, indeed, been taken care of. I was able to speak to the Cabinet Secretary for National Treasury. We were able to complete that process. The corrigenda are here to prove it. If hon. Members are good in arithmetic, they will appreciate that 33.8 minus 28.4 is equal to 5.4. So, hon. Members, you have your money.

With those remarks, I beg to move and request the Member for Mosop, Hon. Kirwa, to second the amendment.

Hon. Speaker: Yes, Hon. Kirwa.

Hon. Bitok: Thank you, hon. Speaker, Sir. I have the pleasure to second the Motion as amended.

Hon. Speaker: Hon. Kirwa, what you are seconding is actually the amendment.

*(Question of the first part of the amendment,
that the words to be left out be left out, proposed)*

Yes, hon. Washington.

Hon. Midiwo: Hon. Speaker, Sir, I am Jakoyo Midiwo. The other one is a foreign name.

Hon. Speaker: The only thing is that I am obligated to pronounce everybody's names as they appear on the system. It reads "Washington Jakoyo Midiwo".

(Laughter)

Hon. Midiwo: Hon. Speaker, Sir, you are requested to drop the obligation only on this one.

I support this Motion as amended by the Chairman of the Budget and Appropriations Committee. What has just transpired is a good thing for the nation.

I am a believer that over the last 10 years, the positive economic indicators that we keep seeing year after year are because of the Constituencies Development Fund (CDF) money. This is because it goes direct and even if it is stolen, it is stolen by our local people and it does not find its way to foreign banks.

(Laughter)

However, overall, the CDF is 95 per cent successful.

Yesterday, the Chairman of the CDF Committee said that some constituencies have not accessed their CDF money. I would like to say that there is no excuse for such a Member. We can say "shame on them" because they are not helping their people. On the whole, we must have the CDF for the same reason as we have devolved funds. This is because money is in short supply in the rural areas.

We have to do the right thing to make sure that there is enough circulation of money in this country. Lack of money is the cause of our poverty. I want to thank the man of God for seeing the sense; he was not going to go very far. I want him to go further, now that we are going to discuss the main Budget, and also do the right thing.

Hon. Speaker, Sir, on the issue of teachers and doctors, the Budget and Appropriations Committee, this House and the Government can engage these Kenyans so that at the end we do not have perpetual strikes. These are things with answers.

I have looked at the chart of what the teachers have been asking for since 1997. It is an increment of about Kshs500. It may sound colossal but a Government that keeps its promises is the only Government that can be good. There are no two governments. This is not a new government; this is a 50-year old government. If you signed a document in 1997, own up.

What teachers are asking for is fundamental. I want to ask the Budget and Appropriations Committee to come up with an answer because we will be facing it. Kenyans and parents are tired of having empty classrooms and strike threats for problems this House can resolve. Let us get our priorities right.

Hon. Speaker, Sir, this House, using the powers conferred upon it by the new Constitution, can now take over and help the Executive. The mandarins at the Treasury do not look at this country as Members of Parliament do. You are elected by people and teachers. Most of us are here largely because of teachers. We are also here because of workers. Let us engage our fellow Kenyans and bring order in our country.

The Hon. Chairman of the Budget and Appropriations Committee has a duty. That duty is not that of answering to the Executive. You must engage the Executive. It is our duty to make sure that the Executive functions and that is why we are supporting the Budget. However, it will not be our duty to support the Executive as cheer leaders. It is our primary role to protect the interests of Kenyans, particularly the Kenyan worker.

Before I end, I request the Executive to bring before this House a law that will guide picketing. This is because we are having too many strikes in the country. We need to guide that process, so that a doctor does not go on strike and leave my sick constituent at Kenyatta National Hospital (KNH) without an alternative. The Constitution says that it is a basic right, but it must not violate the rights of others. What is happening is gross violation when teachers are on the streets and kids are at home. Somebody's right is being violated. So, we as a House together with the Executive must bring a law that will guide picketing, union strikes and all that because we cannot live in chaos, as a country.

Hon. Speaker, Sir, I support the Motion.

Hon. (Dr.) Pukose: Thank you, hon. Speaker, Sir. I rise to support this Motion. I want to congratulate the Chair of the Budget and Appropriations Committee together with his team for work well done. If the Budget and Appropriations Committee had also listened to the presentations which were made by the Committees, especially the Departmental Committee on Health and the Departmental Committee on Education, Research and Technology, we would not be seeing teachers going on strike today. This is because I remember we went to the Bomas and stayed there up to very late at night presenting the issues which are at KNH, Moi Teaching and Referral Hospital and the Kenya Medical Training College (KMTC). These are issues that we thought we could

present but at that time the Budget and Appropriations Committee was not listening, and here we are today.

I was seated next to the Education team which also presented an issue about the teachers' salaries, which is a very big issue today. If we had listened at that time our teachers would not be going to the streets today. So, we must learn to listen to each other and not talk to each other. This is because the Chairman was talking to us at that time when we were making the presentation.

The CDF has been factored into the Supplementary Estimates; it has done a lot in this country. We have seen what it has done in the rural areas. It has given bursaries to needy Kenyans and helped build schools and hospitals. We have done a lot. These are things that are dear to the common *mwananchi*. We talk about devolution and devolving funds; it will be unfortunate if funds are devolved to the counties and governors spend most of them to build their offices or residents, and the funds are not devolved to the constituencies.

(Applause)

I know that one of the other areas that we need to look at is to strengthen the Ethics and Anti-Corruption Commission. I know we will face challenges when a lot of money will have been devolved to the counties. People will be tempted to do shoddy procurement, and there will be many cases that will be investigated, maybe, in the coming financial year.

We want to warn those at the counties that these are monies that are supposed to be devolved to *wananchi*, or this is money for the taxpayers. They should be careful with it. Let us spend that money for the purpose for which the taxpayer has paid it.

Hon. Speaker, Sir, I support the Motion. Thank you.

Hon. Kinyua: Hon. Speaker, Sir, I rise to support this Motion as amended. From the outset I want to say that we hold dearly the CDF which has been targeted for reduction. These are funds for projects that have been started in the constituencies. These projects are ongoing. Our mandate as new Members of Parliament is to finalize those projects. The allocation for the coming financial year, 2013/2014, will be directed to projects that we will identify with our constituents as opposed to funding as was proposed yesterday.

We must also appreciate that this House must rise to the challenge arising from the mandate that we have been given by Kenyans. We must preach and drink the same thing. We must preach water and drink water. We cannot go out there urging Kenyans to dialogue whereas in this House we cannot do the same. We must learn to respect each other.

It is in bad taste for us to push our agenda through disrespect and say that we do not understand some language. We belong to political parties, but we are independent minded and we are here because of the interests of our constituents, and Kenyans at large. So, I urge all of us to dialogue. Let us put negotiations on the table and agree as opposed to being forced, or rather the chairpersons of various committees pushing things down our throats.

I want to thank the Chairman of the Budget and Appropriations Committee for being kind enough to consider the amendments as were proposed by the House.

I beg to support.

Hon. (Eng.) Gumbo: Thank you, hon. Speaker, Sir, for giving me this opportunity to contribute to the Motion as amended. As I contribute I want to thank the Chairman of the Budget and Appropriations Committee for listening to the concerns of Members and doing as per our expectations. This is really a duty to the nation. It is not just to the hon. Members. This is because, as has been said by my colleagues---

Hon. Speaker: Hon. Gumbo, it looks as if hon. Members are not hearing you well.

Hon. (Eng.) Gumbo: Hon. Speaker, Sir, I will raise my voice.

What the Chairman of the Budget and Appropriations Committee is doing is not just a duty to hon. Members, but to Kenyans. I happen to have been in the CDF Committee during the 10th Parliament and now the 11th Parliament. I have evidence that the CDF has, indeed, made a difference in the whole country. There is a saying that when you get rid of what you know to be working in pursuit of what you do not know, then you know what you are losing but you do not know what you are looking for. There has been a lot of argument that with money being transferred to the counties, perhaps, there is no need for CDF. I beg to differ.

Most of our counties are still in their infancy. From what I hear from my colleagues a lot of the budgets that have been done at the county level actually do not target development as such. Over the weekend, I was with some colleagues who happened to come from counties other than mine. They told me something about the budget processing in some of the counties. To say the least, it is atrocious. We know that the CDF has done a lot. It has created industries at the constituency level. It has tackled unemployment and so on. We have had problems, but this is the challenge that we have as hon. Members, and we should see how we can confront these problems. Even the worst critics of CDF give it a score card of over 85 per cent, which is very high, indeed. I want to thank the Chairman of the Budget and Appropriations Committee. I think it was something close to spiritual inspiration that he was able to listen to the voice of hon. Members.

Hon. Speaker, Sir, I sit on this Committee. It is good also to sometimes look at areas where we could be failing. There are some constituencies I know of that have not utilized their 2010/2011 budget. It is incumbent upon us to try and encourage each other. When you do not utilize what is allocated to your constituency, it is actually the constituents who suffer.

With those few remarks I beg to support the amendment.

Hon. Speaker: Hon. Members, it looks like most of you are not just speaking to the amendment, but also to the substantive Motion. So, for me to allow you to speak to the substantive Motion I will put the Question.

*Question of the first part of the amendment,
that the words to be left out be left out,
put and agreed to)*

*(Question of the second part of the amendment,
that the words to be inserted in place
thereof be inserted, proposed)*

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

Hon. Speaker: Hon. Members so that you can now contribute to the Motion as amended it reads as follows:

THAT, in accordance with the provisions of Article 223 of the Constitution of Kenya, the reduction in withdrawal from the Consolidated Fund a sum of Kshs.14,905,399,382 representing the total net estimates of Recurrent and Development Expenditure made up of the following-

(i) a sum not exceeding Kshs.13,267,488,318 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2013, in respect of Supplementary Estimates II of 2012/13 Financial Year (Recurrent), having regard to the proposed reduction of Kshs.3,752,372,182 therein appearing; and,

(ii) a sum not exceeding Kshs.4,053,626,361 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2013 in respect of Supplementary Estimates II of 2012/13 Financial Year (Development), having regard to the proposed reduction of Kshs.28,474,141,879 therein appearing.

(Question of the Motion as amended proposed)

Hon. Kinoti: Hon. Speaker, Sir, I beg to support the Motion as amended and I wish to appreciate the amendment. The Kenyan people now have appreciated that we are a nation that does not operate in a vacuum. I wish to draw the attention of the House to the Constitution of Kenya, Article 229(4). It is about the Auditor-General: "(4) Within six months after the end of each financial year, the Auditor-General shall audit and report, in respect of that financial year---" I wish to point out that we do not operate in a vacuum; we operate with regard to international accounting standards. One of the major principles is about accounting period. So it is worth noting that if funds were given in the 2012/2013 Financial Year, it would have been inappropriate, in accordance with international accounting standards, to take the Kshs4 billion to the 2013/2014 Financial Year. Since we appreciate international accounting standards, it is also worth appreciating the laws of this dear nation. One of the laws is that the constitutional mandate of this House has been given. I am happy that yesterday we emphasised that the CDF is by law of this country provided for; this is the CDF Act. Now we have appreciated that those funds must be allocated as stated in the Act.

One of the other roles that the Constitution has given this House is in Article 95; to determine the allocation of national revenue between the levels of government and to oversee expenditure of that revenue.

The CDF, as we know it, has changed this country over the last 10 years it has been in existence; it is one of the best levels of devolution that we have in this country. The new Constitution has introduced another level of devolution in the form of the county government. I wish to tell this House that we must oversee the 15 per cent that will devolve to the county government to ensure that it will be spent in the best way possible.

So, I support this Motion as amended and seek to urge this House to see that the revenues of this dear country are spent in the best way possible.

Hon. Wakhungu: Hon. Speaker, Sir, I rise to support this Motion. First, I want to thank my Chairman for seeing the light, just as the Bible says Saul on his way to Damascus became Paul. I am happy that my Chairman has become Paul. Indeed, Supplementary Estimates, all of us know, are something urgent; they are something to help to factor in urgent projects or services provided. In this country, we are aware of the teachers' strike, which is frightening. We all know very well that a hungry teacher is an angry person. For our pupils to learn in a conducive environment it is important that we factor in teachers' money. I am very impressed that the amount of money that was meant for the Cabinet Office was moved to help teachers by paying their salaries.

The CDF has done so much. We know very well that the CDF model was borrowed from Brazil. When you go to Brazil, the development projects that have been done up to the grassroots are very satisfying. Having been one of the consultants for the World Bank projects, on evaluating the CDF, I can authoritatively report that much as the CDF has had its own problems, in terms of success rate, it scores 90 per cent. It is my humble request that in future, instead of the 2.5 per cent of the GDP, we will get meaningful development if later on we increase the CDF amount to 5 per cent. At the moment, schools are going on and we are having problems particularly when it comes to constituencies. Members of Parliament, who are here today, have not been paid for four months. At the grassroots we have problems in the sense that students have been sent home; they are waiting for the bursaries from the CDF. We also have emergency cases and the CDF in its allocation has some specific percentages that take care of emergencies.

We have had cases of insecurity. The CDF as a kitty contributes heavily when it comes to security. This Fund has brought meaningful development at the grassroots level. In fact, when you listen carefully to the old people in the village, they claim that the CDF is closer to them than the funds going to the governor.

When it comes to devolution, I want it to be very clear that CDF contributes a lot. Devolution is not just the amount of money that goes to the governor. In fact, CDF is better devolution because it goes up to the village. In terms of protecting the money that goes to the Exchequer, I call upon the Government to strengthen the Kenya National Audit Office (KENAO), the Auditor-General. At the moment we have had change of leadership in the constituencies. We have had speakers and new Members of Parliament. There are others here who decided to go to the lower House to become Senators and you realize that we are taking over those constituencies without proper audit. The Kenya National Audit Office, where we have the Auditor-General does not have the capacity to go up to the constituency level to do a proper audit before new leadership comes in. Some of us have many problems because we are taking over some liabilities and I call upon the Government to strengthen the Auditor-General's Office; it does not have the

capacity. Many handovers are taking place at the constituency level but it is very difficult. How do you take over something without knowing what it is? It is like you are marrying a woman or a man and you have not done HIV test. You go, get the person but you do not know the liability that you are getting. That is the dilemma we have. We must look forward in terms of strengthening the Office of the Auditor-General.

When we come to this House we are doing the oversight and it is not an issue of CORD or Jubilee. I am happy with hon. Members for the way in which we decided this issue. When we were debating it, others were sending messages urging Jubilee hon. Members to come to the House and oppose the amendment that Hon. Midiwo had brought. I thank God that we have seen the light. There are some issues that we have to debate objectively. It does not matter what part of the House you come from. All of us are here to oversee what the Government is doing for national good.

With those few remarks, I beg to support.

Hon. Gichigi: Thank you hon. Speaker, Sir. I rise to support this Motion. I will confess that I am a member of the Budget and Appropriations Committee that was first convened by the Cabinet Secretary on this issue. We raised these issues with him, particularly over the provision of this amount in the coming Budget. Although some explanation was given, I think it is now clear to me and others where the power really is.

Secondly, the power to pass this particular Motion stems from Article 223 of the Constitution, where there is an indication that the Government can actually utilize funds and then retrospectively come to seek approval of Parliament. I think it is important that the Government realizes that it is possible for this particular House to reject what they have already done and they will be forced to go back to the drawing board to find where the money they have utilized will come from. So, the Government should be aware that any expenditure that they incur without approval and then subsequently seek retroactive approval can be refused. That is possible and they saw it yesterday.

Thirdly, this power of involvement in the Budget process as is exercised by Parliament arises from the people. When that voter gave me a vote and other hon. Members of Parliament to come to this House he was expecting that that Member of Parliament was going to consider his interests in the Budget circle. What happened yesterday, and what is happening here today is that we pass laws and permit the Government to utilize money on what is good for our people. What is good for the people of Kipipiri is what guides me whenever I pass a Motion here.

Hon. Speaker, Sir, in the Budget and Appropriations Committee, it came to our notice that all Ministries are complaining of one thing, that the National Treasury is not disbursing funds at the time when they are required. At the end of the financial year, they complain that there is money that has been returned to National Treasury by the Ministries. The truth of the matter is they do not give the money to the Ministries when the same is required; they try to give it towards the end of the financial year as they are doing now. That is when it is too late for the money to be disbursed. That is an area that I will be urging the Government to look into.

As I sit down, let this Government know that its work is not for purposes of merely aiding itself, but is to take care of the citizens of this important and very great country.

Thank you, hon. Speaker, Sir.

Hon. Kipyegon: Thank you, hon. Speaker. First I rise to support the Motion as amended by the great Chairman of the Budget and Appropriations Committee. I must thank him for realizing there was some serious discrepancy which needed to be addressed.

Hon. Speaker, Sir, I am a Member of Parliament for Emurua Dikirr Constituency, and I believe that the reason why the people elected me to this House is to provide majority representation, although I am also supposed to legislate and oversee. But uppermost to the people who elected me is to provide representation and it will be wrong for me not to represent them, especially on issues that touch on their problems, major among them is the CDF. I must say that we must all agree that problems that are facing our people in the grassroots are the problems of accessing resources.

Hon. Speaker, Sir, we cannot concentrate resources in the central Government. We cannot concentrate resources in the county governments. We need to devolve money to the grassroots. I must support one hon. Member who proposed that we need to increase the 2.5 per cent to even 5 per cent, so that it can address problems that people are facing at the grassroots.

I also want to say that, when we are looking at this Budget, I think the Chairman should also look deeply into solving problems without necessarily allowing people to solve problems through demonstration, bickering and doing all other things. I will also want to challenge commissions, especially the Salaries and Remuneration Commissions (SRC), which has been so obsessed with solving the problem of the Members of National Assembly and Senate alone and overlooking solving of the problem of teachers. This is because I believe the major problem is not even with us. The serious problem that we are facing right now in this country is with teachers. They need their pay rise and no one seems to be addressing it. We are leaving it to some devices, which cannot even handle recommendations or even the needs of the teachers. I think it is time our commissions prioritized functions so that they actually deliver according to the needs of Kenyans.

Hon. Speaker, Sir, I also want to state that our Government, especially the Executive, should stop engaging in unnecessary expenditure so that we look at where the problems and the needs of the people are. We want to urge our Government to stop engaging in unnecessary expenditure. Just the other day, instead of debating matters of national importance, we saw the Government engaging on how to make governors have diplomatic passports, and how to be called “Your Excellency”. These are unnecessary things! I think it is time we worked for the people of this country. Why do we need all these titles? The people of this country know who a governor or a Senator is. They know who a Member of the National Assembly is and who the President is; they do not want these titles to exist. It is time we looked at all these matters and prioritized where the needs are.

Hon. Speaker, Sir, just the other day we were wondering why the Government should engage in travels which we do not even understand; we do not know whether we need them or not. An example is the deportation of Mr. Chinedu. How much money did this country spend in deporting Mr. Chinedu? We are still spending so much money on Kenyans who have been detained in that country. How much money is this Government spending on those Kenyans? I think sometimes we need to look at these things seriously and avoid unnecessary expenditure. Why do we not prioritize where to put our money?

Hon. A.B. Duale: On a point of order, hon. Speaker, Sir. Hon. Kipyegon has made a serious allegation in defence of one Mr. Chinedu. The report we have, as a country, is that the Jubilee Government is fighting drug dealers and is deporting them and Chinedu is one of them. Unless the hon. Member tells that he is a business partner and he wants him back--- Can he tell us if that is so?

Hon. Kipyegon: Hon. Speaker, those are serious allegations and the hon. Member should withdraw and apologize. I am not defending Mr. Chinedu. What I am talking about is why the Government should spend a lot of money on such useless excursions? Let Chinedu be put where he belongs, but do not use tax-payers' money on excursions which are unnecessary. Mr. Chinedu belongs to the courts! He belongs to the cells! Why do you not arrest him, if you think he has committed---

Hon. Speaker: What is wrong now? This is the problem. Just a minute! A Member---

Hon. Kipyegon: I am not in any relationship with Mr. Chinedu---

Hon. Speaker: Resume your seat!

Hon. Ng'eno, what is wrong now? Hon. Oyoo, resume your seat. You pressed your button claiming to want to rise on an intervention. Now, when I give you the right to do so, you switch it off. Then when I look at you, you are laughing and looking behind.

(Laughter)

Or are you merely excited?

Hon. Oyoo: I pressed the button by mistake.

Hon. Speaker: Hon. Shebesh, you also pressed your button for an intervention.

Hon. (Ms.) Shebesh: Yes, hon. Speaker, Sir. I am on a point of order. Is it really in order for the hon Member who is contributing to the Motion that is in front of us to debate something else? You know according to our Standing Orders we must stay relevant. Is he in order to change the debate and attack the Government on something that all Kenyans have applauded? It is getting rid of drug dealers in this country. Is he in order?

Hon. Speaker: Hon. Ng'eno, I am sure you have looked at your Standing Orders and seen something about relevance to a Motion. This Motion is on Supplementary Estimates. So, just stick to the issues here, especially the one that touches on the matter of the Constituencies Development Fund (CDF). I think that is very relevant.

Hon. Kipyegon: Thank you, hon. Speaker, Sir. You know, I was only touching on expenditure, and this is part of the Estimates. Now that we have a reformed Judiciary, why can we not use our judicial system to judge or to put these people where they belong, and that is jail? I also do not believe that this country needs to have such people in the streets. Drug dealers and all those other criminals belong to jail. I do not believe in having them around; I only felt that we need to put these people in jail. Lock them in, throw away the key and move on. Why these other expenditures? We are using a lot of money.

Hon. Speaker, Sir, I want to conclude by saying that our country needs to look at its priorities. Just the other day also we had to spend a lot of time removing unnecessary money which was meant for the construction of the retired President's office. You can

imagine how somebody can wake up in the morning and write that we need to put this money here while we have children in the villages who walk barefoot to primary schools. They do not have any food. Their clothes are in a poor state and nobody is even caring about them.

Hon. Speaker, I was just commenting on the fact that we need to look at the priorities that benefit our people. We have several problems in this country which need serious attention and not these excursions.

I must conclude by thanking hon. Chairman for actually looking into the matter which affected us, and that is the CDF. I support this Motion as amended. Thank you

Hon. Speaker: Which amendments or as amended?

Hon. Kipyegon: Yes, as amended, hon. Speaker.

Hon. Speaker: Very well, Hon. Kipyegon.

Yes, Hon. George Oner Ogalo.

Hon. Ogalo: Thank you, hon. Speaker, Sir. I rise to support the amended Motion and I note with gratitude the inclusion of our CDF allocation. As you are aware, we came into Parliament towards the end of March and since May students have been going back to school and they are looking for bursaries. In the month of May, schools were destroyed following the rains and classrooms require repair. In constituencies like ours, the only form of development we have seen is that initiated under the CDF. So, it is the only money I have. It is the budget we look at. So, when classrooms are brought down by storms we look at CDF to repair them, and as new Members of Parliament without CDF we would be crippled. I hope now the Chairman of the CDF Committee in this House will work very fast to ensure the money is disbursed to our constituencies' accounts to get these projects underway and to get students bursaries.

I also note that there is nearly Kshs700 million reduction in the supplementary development grant, which I hope when the Chairman of the Budget and Appropriations Committee will rise to respond, he will clarify whether this is the money they had intended to use in building the former President's office. We also know that in the previous Government another house was built somewhere in Central Province. So, let the Chairman of the Budget and Appropriations Committee kindly clarify whether the reduction of about Kshs700 million is the one they had intended to sneak in and get through.

Hon. Speaker, Sir, the full import of this Motion is that there is a development expenditure of nearly Kshs28 billion. If you look at the Estimates, about Kshs11 billion is supposed to be for development expenditure in the National Treasury. What this means is that the Kshs11 billion that was supposed to have been allocated elsewhere to do some other development was given to the National Treasury for development and they did not use it. This Motion also means that we are reallocating development expenditure of nearly Kshs10 billion to recurrent expenditure. That is what this Motion means.

Hon. Speaker, our country needs more Development Expenditure than Recurrent Expenditure. If at the end of a financial year we can afford to approve nearly Kshs10 billion that has already been spent on Recurrent Expenditure from the Consolidated Fund, this should not be acceptable. We look forward to more prudent budgeting, and we want assurance from the Budget and Appropriations Committee that in this Budget we will pay more attention to our development needs and avoid allocating money where it is not

needed. We need school infrastructure. We need motivation of teachers. We need construction of hospitals. We need development of roads. In fact, there was a Motion passed in this House recently requiring constituencies to have at least 20 kilometres of bitumen standard roads every year. We would not like to see any development money being returned to the National Treasury, or reallocated at the end of a financial year.

Hon. Speaker, I support this Motion. Thank you.

Hon. Speaker: I only remind you that the Motion was merely urging. It was not requiring. It was merely urging the Government. I do not know whether the Government has been urged or feels urged.

(Laughter)

It is good you have reminded the House that, that Motion received overwhelming support and was actually passed.

Yes, Hon. Jude Kang'ethe Njomo.

Hon. Njomo: Thank you, hon. Speaker, Sir. I stand to support this Motion as amended. Before I do that, I would like to thank Hon. Ng'ongo for his wisdom and keenness for details; he was able to point out to us that there was an error or problem in the Motion as it was presented initially. Further to that, I would like to say that the CDF, as it has been said before, has done a lot of work and has proved that the people on the ground know what their priorities are. They also know at what time they would like their projects and priorities to be executed. It would have been such a great mistake had this amount been lost when projects have been identified. People have been sensitized about those projects, and it would have been portrayed as if it was the Members of this National Assembly who had failed to implement those projects. That is why I welcome the amendments; they are timely, and are the right thing to have.

Hon. Speaker, Sir, I am a pedigree child of two teachers. What is happening in the teaching fraternity right now, and what has happened before, is wrong. Teachers were promised that they were going to be paid their money and it has taken so many years for this to happen. I would like to urge the Chairman of the Budget and Appropriations Committee to ensure that by the time we are through with this debate, the affairs of teachers have been taken into consideration, so that we solve their problem once and for all, and we do not have strikes every now and then. Teachers are constantly complaining, yet they work as they are required to.

With those few remarks, I beg to support.

Hon. Mule: Thank you, hon. Speaker, Sir. I rise to support the Motion as amended and congratulate the Chairman of the Budget and Appropriations Committee for his great wisdom. I believe that he is not a handball player and that is why we were able to have a very cordial understanding with him, thus leading to the amendment of the Motion. It is important for us, as Members of Parliament, to be in line with the spirit of Kenyans. What Kenyans are looking for right now is development. As Members of Parliament who come from the constituencies, we know that projects had been initiated and contractors are already on site working. These contractors want their money paid. Once we pass this Motion, we will be able to go back and assure the contractors that their money will be paid. They will start listening to us. There will be a new dawn in this

country. As some of my colleagues have said, as we work for this country, we need not care which side of the House one comes from. The most important thing is for us to pull together, so that we can have a great harmonious and united Kenya, where people respect one another.

Hon. Speaker, Sir, I want this House to be above board on the issue of teachers. We must resolve this issue once and for all. We cannot afford a situation where, year in, year out, teachers have to go to the streets to agitate for what they were promised by the Government long time ago. I know that the Chairman of the Budget and Appropriations Committee is a wise man. I would like him to come back to this House within a week and give us a solution to that problem, so that teachers can continue working. We are now in the second term of the education calendar. Teachers need to prepare our children for their final examinations, which are due next term. The election fever is over. It is now time for us to settle down and move forward. I believe that this House cannot tolerate unnecessary expenditure within the Government. Therefore, the Executive should be aware of the fact that this House is united. Irrespective of whether one is in Jubilee or CORD, we will not tolerate unnecessary expenditure. Let us give Kenyans value for their money.

With those remarks, I beg to support.

Hon. Speaker: Yes, Hon. Korir.

Hon. Korir: Thank you, hon. Speaker, Sir. I rise to support the Motion as amended but, first, I would like to congratulate the Chairman of the Budget and Appropriations Committee for the good work he has done so far.

I will start with the issue of delayed disbursement of funds. In order for us to move forward, as a country, we must make sure that monies provided in each year's Budget go where they are supposed to go. An issue like the one we had yesterday, of Kshs5.4 billion CDF allocation for 2012/2013 Financial Year being pushed to the next financial year should never arise again. As a country, we need to get rid of that kind of thing. We have a problem with teachers who secured a salary increment in a collective bargaining agreement several years ago, but the Government has kept on postponing the implementation date of the same over and over again, leading to problems in this country. If you keep on moving a problem forward, you will never solve it. You need to solve it at that particular time.

Hon. Speaker, Sir, we have a problem of allocating money to projects, without following it up with disbursement. Farmers wait for fertilizer for a long time. If you go to the Ministry of Agriculture to find out what the problem is, they tell you that they do not get funds on time and yet, the money is provided for in the Budget. So, once the Budget is read, any money meant for a project should be released immediately for that project to be implemented immediately. That way, we will be able to solve our problems, as a country, instead of moving them forward all the time.

Another point I would like to make is that of putting CDF under the management of the county governments. It is wrong. As the hon. Member has asked, is putting CDF under the county governments' management devolution or county centralisation? It is, indeed, county centralisation. We should be talking about moving CDF from the constituency-level to the ward and village levels. That is what devolution entails.

With those remarks, I beg to support the Motion, hoping that the money will be disbursed quickly, so that we can solve our problems.

Hon. Speaker: Yes, Hon. Gladys Atieno Nyasuna.

Hon. (Ms.) Nyasuna: Thank you, hon. Speaker, Sir.

Hon. Speaker: Are you also Mrs. Wanga?

Hon. (Ms.) Nyasuna: Yes, hon. Speaker, Sir.

Hon. Speaker: Hon. Members, it is good that I am able to learn all your names from my screen. I am able to know everybody by their full names.

Hon. (Ms.) Nyasuna: Hon. Speaker, Sir, I thank you for giving me the opportunity. I rise to support the Motion, as amended, and thank the Chairman of the Budget and Appropriations Committee, the man of God, Hon. Mutava Musyimi for bringing the necessary amendments to this House to ensure that the CDF money goes to the people, as required.

Hon. Speaker, Sir, in the history of this country there has been no devolved fund that has been as accepted, absorbed, celebrated and as successful as CDF. There is no other devolved fund which has had as much impact on the life of the ordinary *mwananchi* at the village-level as CDF. That is why this House should not accept any interference with CDF. I am very happy that the balance of Kshs5.4 billion CDF allocation for the current Financial Year has been restored. It is now very difficult to come across the mud walls that were the familiar scene of our schools. Our schools are improving. We now have brick walls all over the country. In every part of this country you go, you will find a signboard saying “Project Supported by CDF”, be it in the City of Nairobi or Homa Bay, where I come from.

I am also glad that the Budget and Appropriations Committee found it prudent to re-allocate some of the funds that were meant for construction of an office for the immediate former President to the teachers’ salary kitty. The issue of teachers is really serious. I hope that we will address it conclusively through the Appropriation Bill. Teachers are the eyes of our society. In our communities, teachers are only second to Members of Parliament when it comes to being approached with issues. When looking for a master of ceremony for a funeral, a burial committee would go for a teacher. When somebody is sick in the middle of the night, if the Member of Parliament is not there to attend to the matter, probably a teacher will do so. So, I am of the view that we need to address this matter urgently.

Hon. Speaker, Sir, another issue that has been raised by the Budget and Appropriations Committee – and which I agree with - relates to the Public Finance and Management Act, particularly the issue of lack of absorption capacity of our development project resources. Laws are made to enhance processes and not to impede them. If the existing law is making it impossible for us to spend even 30 or 40 per cent of our development budget, it should be reviewed so that, as we ensure that there is no pilferage of public funds, we also ensure that we hit up to 90 per cent spending of our development budget. An hon. Member has said, and rightly so; that it is imprudent to return to the National Treasury money meant for development and suggested that such money should, instead, be re-allocated to recurrent expenditure.

Finally, I must thank the Budget and Appropriations Committee because over the last couple of weeks, they have worked tirelessly to ensure that we had the Budget Report that was presented to us by the Cabinet Secretary for National Treasury. We also have the Supplementary Estimates II for 2012/2013 before us. So, this House has worked tirelessly.

I must bring to the attention of Kenyans the fact that we have not been moving round the country collecting any signatures. We have been working to ensure that money is appropriated as necessary, so that they can receive it for development. We must get our priorities right. I think the National Assembly has gotten them right, particularly on where our energy needs to be focussed.

With those remarks, I beg to support.

Hon. Speaker: Yes, Hon. Kimani Ichung'wah.

Hon. Ichung'wah: Thank you, hon. Speaker, Sir. I rise to support the Motion as amended. Indeed, as has been stated by many other Members who have spoken before me in this House, the question of the Constituencies Development Fund (CDF) is one that is not only touching to Members of this House, but also to the public that we represent in this House.

I would like to take this opportunity to thank the Chairman of the Budget and Appropriations Committee, the Rev. Mutava Musyimi, for his wisdom in getting that money back in the Supplementary Estimates. That is because we have been having a hard time back in our constituencies trying to explain to the people that we represent why they cannot access bursary funds and yet, kids are back to school. That is the case and yet, we do not have money in our CDF bank accounts. Therefore, I am glad that we will be able to do this. It is rather unfortunate that anybody in the Treasury would have imagined that you can move money that was appropriated for the year 2012/2013 to the next financial year. I think Hon. Gatobu, who is a student of accounting, has clearly put it to the Treasury that under the international accounting standards, honestly, you cannot do that. It is unacceptable even in the accounting field. Therefore, the gentlemen and good ladies at the Treasury ought to respect the international accounting standards in the way they appropriate monies, be it Government funds or otherwise.

Hon. Speaker, Sir, there has also been talk, and many Members have expressed those sentiments in this House, about people in this country imagining that devolution was basically to come and take away all the money that belongs to the National Government to the county level.

(Hon. (Ms) Mbarire stood on the path way)

I know---

Hon. Speaker: Hon. Mbarire, unlike Hon. Manson Nyamweya who is doing his second term, you are here for the third term. You know you cannot stand between the Member contributing and the view of the Chair.

Continue!

Hon. Ichung'wah: Thank you, hon. Speaker, Sir, for that protection. I was saying that I am aware that yesterday, His Excellency the President in his meeting with the Government indicated that many other functions that have been given to the county governments on the Fourth Schedule of our Constitution be now given the governors and the county governments. However, a matter that should be of concern to this nation is that many of those county governments do not have the capacity and ability to absorb all the resources that are being devolved to them, let alone taking up the functions.

(Applause)

Many of those governors are very keen on just having resources allocated to the county governments not for anything else, but just for the show of power.

Hon. Speaker, Sir, we have been taken through an episode which the media, unfortunately, has made it look like a tussle between this House and the Senate. As much as governors will be looking for resources, a few of them, and I must emphasize that, are focused and know what they really want to deliver to Kenyans. Many of them are rogue and I am sorry to say this. That is because they are looking for resources to be devolved to the counties so that they can get money to do whatever they want.

As the hon. Member for Kiminini, Hon. Chris Wamalwa has said, the Kenya National Audit Office, which will now audit county governments, including primary and secondary schools of the Jubilee Government, water companies and all the other parastatals in this country simply does not have the capacity to audit all those county governments, with the kind of manpower in that office. Therefore, it is imperative that the Government devolves more functions and more resources to the county governments because it is in the interest of the Kenyan people and our interest - because we represent Kenyans - to make sure that money and resources that are devolved to the county governments are utilized to improve the lives of our people. For example, the CDF funds have been utilized very well by Members of this House to improve the lives of our people.

To our dear brothers in the Senate, I must say that there is no Member of this House who is against devolution. However, they have, in cahoots with the media and by misguiding governors, made it look like Members of this House are out to do away with the Senate. It is unfortunate that an hon. Member has moved a Motion that touches on the Senate. We would like to say that they must also desist from perpetuating their struggle for more power by misguiding the nation and everybody else that their struggle for power is a struggle for resources. That is because the Government and this House is keen on devolving as much resources as possible to the county governments. But we are also asking for accountability and transparency in how those monies will be utilized to improve the lives of our people.

Hon. Speaker, Sir, I wish to support this Motion as amended and call upon everybody in this House, Kenyans at large and even members of the Fourth Estate to be our eyes on the ground, especially on the monies that will go to the county governments. Hon. Ng'eno has said that many of those governors, instead of dwelling on things that will improve the lives of our people, are dwelling on petty issues like number plates for their cars, *askaris* and their titles. They also want to know whether they will be referred to as “Your Excellency” or not.

(Laughter)

As far as I am concerned, there is one person I can refer to as “Your Excellency”. That is His Excellency the President of the Republic of Kenya, Hon. Uhuru Muigai Kenyatta.

Hon. Members: And the Deputy President!

Hon. Ichung'wah: And, of course, the next President of the Republic of Kenya, His Excellency William Ruto. Those are the only Excellencies that I know are in this country, and who every other Kenyan should refer to by the title "Your Excellency". The others are very honourable. If they desire, we can refer to them as the "Right Honourable" or whatever other title they want.

(Laughter)

However, let them reserve this title to the people who have earned it.

Hon. Speaker, Sir, some of these governors, unfortunately, have taken part in this show of power and might.

Hon. Member: They want carpets!

Hon. Ichung'wah: Hon. Speaker, Sir, there is an hon. Member behind me who is talking about carpets. I am not aware if they are asking for carpets. However, I know that there are those who have moved county government offices from the areas that those offices are gazetted. I am not afraid to mention one particular case in Kiambu, which is my county. The offices were moved from the gazetted area in Kiambu Town which is central to everybody in Kiambu County to an area that is only close to them, to the disadvantage of very poor Kenyans in Karai Ward in Kikuyu Constituency. That ward is not different from Marsabit or Wajir in terms of being ASAL. It has a very high poverty index. However, you expect a person from Karai in Kiambu, a man or a woman who cannot afford Kshs100 to travel to Kikuyu Town to spend, at least, Kshs2,000 to go and look for a governor in Thika Town. It is, therefore, imperative---

Hon. Lagat: On a point of order, hon. Speaker, Sir. While I respect my friend, I thought he should be relevant to the subject in the Motion. We are discussing the Supplementary Estimates and the hon. Member is talking about relocation of offices from Kiambu Town to Thika Town.

Hon. Ichung'wah: Hon. Speaker, Sir, I think this is very relevant to this debate hon. Chairman of the Departmental Committee on Finance, Planning and Trade. We are talking about utilization of Government funds or taxpayers' money. We should not talk about spending money to move offices of governors.

Hon. Wangamati: Thank you, hon. Speaker, Sir, for giving me this opportunity. I rise to support this Motion as amended. I want to thank the Budget and Appropriations Committee for what it has done. I also want to thank you for having read the mood of the House and guided us very well, hon. Speaker. I congratulate both you and the Leader of the Majority Party for what you did yesterday. We are now here to deal with this amendment.

Hon. Speaker, Sir, with regard to CDF, we know that it has really helped the poor. We now have health centres which have been put up through CDF money, but they are not being utilized. This House should increase the CDF allocation from 2.5 per cent to 5 per cent or 10 per cent for that matter. Why am I saying this? It is because after putting up such health centres, we need to employ two or three people to run them before the Government brings in staff.

I want to disagree a little with the county government officials who are campaigning for more money to be allocated to the counties. Those people have not even

started--- We do not know how they are going to run those counties. We want to ask them to start, but they should not be talking about CDF because CDF has been there. It is the history of CDF that encouraged this country to look for a devolved Government. The Parliamentary Committees should know their work. We want the various committees of this House to work the way this Budget and Appropriations Committee has worked. We want to be firm so that this House can stop the wastage of resources in this country. We want the committees to be firm so that we can reduce corruption in this country.

This country has money. People have paid taxes which KRA has been collecting. However, the way we spend the money is what is questionable.

Hon. Speaker, Sir, with those few remarks I support.

Hon. (Dr.) Pukose: Thank you, hon. Speaker, Sir. I want to support this Motion as amended. Many parts of this country have been marginalized in terms of development. As we deal with this Supplementary Budget, we realize that it is going to address issues to enable the elected Jubilee Government to meet its obligations. Those obligations are the people's expectations.

I come from Endebess Constituency, which was hived from Kwanza. My constituency has been marginalized by the past regimes and that is why we fought to have our own constituency. We were marginalized in terms of development and, in fact, even in terms of composition of the CDF Committee. When we recently elected our CDF Committee, we tried to balance. The areas that we realized were marginalized are now utilizing CDF money to ensure that we equalize the marginalized areas. That way, they will catch up with the rest of the county.

Endebess has many Agricultural Development Corporation (ADC) farms. The employees there are suffering from what Hon. Wesley Korir has said, that is, money being deferred for use in the next financial years. There are employees who have not been paid their salaries for six months. Those people have needs. When we defer paying them, how do they get their children to school? For me, getting the CDF money is key to unlocking poverty in my constituency. I will be petitioning the Departmental Committee in charge of agriculture to look at the issues affecting ADC workers. Those people work under squalid conditions. They work for long hours and yet, they are not paid. How do they feed their families when they have not been paid for six months? How do they meet their basic needs? We talk of having a country where all of us are equal, but I think others are more equal than others.

Hon. Speaker, Sir, we need to look at how we can operationalize the funds that we are devolving. At the end of the day, that money is meant to reach the common *mwananchi*. If the money only ends at the county level without being devolved to the community level, then we will not be achieving what Kenyans have been looking for. Kenyans have realized a lot of good things through CDF because it has built for them schools, it has given them bursaries, it has built hospitals for them and so on. That is why Kenyans supported devolution. If, therefore, devolution does not meet people's expectations by money being devolved to the lowest level, then it will just be a mirage. We will not have achieved the dreams of Kenyans. We shall have let them down.

Hon. Speaker, Sir, the issue of devolution is not just an issue for the Senate or the governors. It is an issue for Kenyans. People should not misconstrue the action of reducing the allocation in the Division of Revenue to the counties and not agreeing with

the Senate. Where was the Senate going to get money from? It was going to get money from the Constituencies Development Fund (CDF) and that was killing CDF. The money that was going to the counties was to be used to build houses and offices for governors. That is not devolution. That is not what we meant by devolution. Devolution meant money being sent to the lowest level of *mwananchi*; services being given to *mwananchi*.

With those few remarks, I beg to support the Motion as amended.

Hon. Aluoch: Hon. Speaker, Sir, as I rise to support the Motion as amended, I want to congratulate my very good friend, the Chairman of the Budget and Appropriations Committee, Hon. Musyimi, whom we worked with very closely in the 10th Parliament, for putting up a spirited fight. As I watched Hon. Musyimi yesterday, I felt sympathy for him. I saw an honorable man who was under pressure to defend a dishonourable decision by the Executive. I saw a man who was labouring very hard to defend an action by persons or mandarins at the Treasury, who do not feel the pulse of the common Kenyan; people who sit up there in the ivory tower and do not know how the people on the ground feel like. But this amended Motion, in my view, sends out two very powerful messages from the House collectively. One, it sends a message to the Executive that if they decide issues which are disadvantageous to ordinary Kenyans, even Members of the Jubilee Coalition will not agree with them.

(Applause)

The second powerful message is that the Leader of the Majority Party must also feel the pulse of the House so that he knows that he cannot take that issue of tyranny of numbers for granted. The issue of CDF---

Hon. Chepkong'a: On a point of order, hon. Speaker, Sir. I am sorry to interrupt my senior. He was making a very able point but, in view of the fact that there is a general consensus particularly with the inclusion of what we had lost, would I be in order to request you to call upon the Mover to respond in accordance with Standing Order No.95?

Hon. Speaker: Point of order noted, Hon. Chepkong'a but let us allow Hon. Aluoch to complete his contribution.

Hon. Aluoch: Hon. Speaker, Sir, thank you for noticing that my junior learned friend, Hon. Chepkong'a, walked in just a few minutes earlier. I was saying that the issue of CDF should not be taken very lightly by the Treasury because, as it has been said by hon. Members before me, a lot of development efforts that we have seen at the grassroots in Kenya is as a result of CDF funds. In my constituency, Kisumu West, recently, the heavy rains caused floods and many roads in my constituency have been washed away. The people of Kisumu West are wondering why three months after I was sworn in, we cannot access funds from CDF to put right some of those issues. It takes a lot of explanation to them that the Treasury and CDF Board are still sitting on the funds and that, as long as they do that, we cannot do anything else. Out there, many people ask: Churches and mosques play a very big role in the lives of the people by making them responsible to positive ideas. Why can CDF funds not be used for building churches and mosques? That is a thing, as a House, we need to look into so that, if we need to bring amendments to the Act, we can do so and use some of those funds to build churches and mosques.

Lastly, teachers are now relying on this House to ensure that what they have lost through three successive Governments will now be paid to them. I think the House is up to it. Last year, I was travelling to Delhi. Next to me on the flight was a deportee from Kenya who was being escorted by one police officer attached to the Immigration Department. Why then do we use funds from the public to charter a jet for somebody who should be put on trial, and then send with him a team of 12 Kenyans to escort him? Is that not an abuse of power? Somebody should explain to this House exactly what happened. Why did we have to charter a 120 passenger jet to escort one criminal?

With those few remarks, I beg to support.

Hon. Speaker: To accommodate the other gender, let us hear Hon. (Ms.) Kajuju.

Hon. (Ms.) Kajuju: Hon. Speaker, Sir, I rise to support this Motion as amended and state that yesterday was about to become the darkest day of my life as a County Member of the National Assembly (CWR). That is because before I came to this House, I saw what Members of Parliament from Meru did to the people of Meru. There was no other way the *mwananchi* could feel or touch the Government other than through CDF. The CDF is the heart and soul of the common *mwananchi*. Therefore, when the Chairman of the Budget and Appropriations Committee agreed that the Motion be adjourned to today, I was elated. I am happy that my representative role as a CWR is going to be appreciated more because my brother, Hon. Linturi, is going to involve me in his development programmes in his constituency, Igembe South. If that was not to be, maybe, I will not see my dream of 2017. I, therefore, thank that Committee for doing that.

I am a very happy woman today when I listened to one Mr. Wilson Sossion, the KNUT Chairman. I think other than the 349 Members of this House who understand their roles, the only other person who understands the roles and responsibilities of a Member of the National Assembly is Mr. Wilson Sossion.

Hon. Angwenyi: And Mr. Atwoli!

Hon. (Ms.) Kajuju: And Mr. Atwoli as Hon. Angwenyi reminds me.

(Laughter)

Mr. Sossion was able to tell members of the Republic of Kenya what it involves to be a Member of Parliament. He expounded on the representative capacities of a Member of Parliament. I appreciate the cry and clamour for funds that are being asked by the governors. But I think somebody somewhere is not reading the Constitution right. That is because the Constitution, under the transitional provisions, Article 15, clearly says that devolution is a phased process. It does not happen in a night or day. So, even as this House allocated Kshs210 billion to devolution and they sought to have Kshs258 billion--- First of all, they did not understand where the Kshs48 billion will come from. But because this is a devolution era, we want to tell them: Let us move at a pace that we can manage. When a baby is born, it does not start running or walking. It has to have baby steps and that is what we are doing. This is a transitional House and period through which each and every person must grow at the rate that is provided for.

Hon. Speaker, Sir, I therefore support this Motion as amended and say that this House has come to show for sure that it is mature, unlike what other people might feel -

that it comprises of inexperienced politicians. I want to stress that hon. Members who are in this House are experienced in their various fields and we are ready to ensure that we move this country to the next level.

Thank you, hon. Speaker.

Hon. Speaker: In as much as I am aware that Hon. Chepkong'a raised the issue of the Mover, I want to grant this chance to the Member for Kamukunji, Hon. Yusuf Hassan Abdi.

The Member for Kamukunji Constituency (Hon. Abdi): Thank you, hon. Speaker. I am delighted that you can see us here at the back, the marginalized section. I am privileged to have this opportunity to speak for the first time with your permission. So, I would like to support the Motion. But I want to raise one or two things relating to the fact that, so far, we are behind in the payment of Constituencies Development Fund (CDF) money. It appears that we will be missing our targets for this year because we are already reaching the end of June and July is next month. Therefore, my call would be to request for the speedy redistribution of the CDF money so that we can actually get back to work with *mwananchi* at the constituency level, as everybody else here has said.

Hon. Speaker, Sir, I come from a partly under-developed constituency which requires a lot of assistance. Bursaries have not been paid and there are many needy orphaned children who are not able to go to school because of that. Therefore, I urge that the disbursement of that money be done as quickly as possible.

Having said so, I would like to take this opportunity to thank the people of Kamukunji Constituency for re-electing me as their Member of Parliament. I have not had that chance. I also want to thank the Kenyan people for the many calls, prayers and support I have received, which is quite overwhelming. It is a great country with great people and I want to express my gratitude that through their prayers, I must say, I have been able to recover. I am now partly recovered and I hope with the grace of God, I will be able to completely recover in the near future.

(Applause)

Finally, I would like to say that there are very serious problems with the insurance policy. I want to raise this in the House because many Members of Parliament might think that they are well covered. You are not well covered. My parliamentary insurance could not cover even a third of the cost I have incurred in my medical expenses throughout this period. Therefore, when people say that we have outstanding privileges and benefits, they really do not understand how little it is to be covered, when you have a serious accident or serious injuries of the kind that I have. Therefore, I would like to say that we should look into that and many of the other welfare entitlements of hon. Members, particularly when they run into difficulties like medical problems and so on.

Hon. Speaker, thank you so much for the opportunity. I have contributed to this issue sitting down. Hopefully, one of these days I will be doing it while standing up.

Thank you so much.

Hon. Speaker: Hon. Members, there are 21 requests and I am alive to the proposal by Hon. Chepkong'a. But I can see some hon. Members who are looking at me with very sympathetic and begging eyes. I will allow two more. There is one from this

side who looks extremely sympathetic and needy and he is serving for the second term. The Hon. Manson Nyamweya will always announce that.

Hon. Nyamweya: Thank you hon. Speaker, Sir, for giving me a chance to contribute to the amendment to this Motion.

First and foremost, I want to thank the Chairman. I do not blame the Chairman for that fiasco.

Hon. Midiwo: On a point of order, hon. Speaker, Sir. Hon. Nyamweya always lectures us that he is on his second term. It is nice to put the record straight that the man came to Parliament through a by-election. He is doing his one-and-a-half term.

(Laughter)

Hon. Speaker: You know, even if you serve for two months in a term, it will still be a term. So, Hon. Nyamweya is perfectly within his rights to boast in the manner that he does.

Hon. Nyamweya: Thank you, hon. Speaker, Sir. You know, it is not the time; it is the period. I have served for two terms and this is my second term.

Hon. Members, I am happy that, that money has been put in the Budget. From my personal experience, I got my second term because of CDF. I got the chance to come here because of how I used my CDF for two-and-a-half years as a Member of Parliament.

Secondly, we are not against what happened, but we want the law to be followed. We are aware that money for roads has been reduced, especially on roads managed by KeRRA. There is no money, but we did not oppose that in this House. We know that it can be added in the next Budget.

I am happy when His Excellency the President said that cargo from Mombasa to Malaba should take five days. That shows how serious he is. We, Members of Parliament, need to be serious and debate serious issues on how we can help this country.

Hon. Speaker, Sir, teachers are not asking for new money. They are not asking for a new agreement. They are asking for the implementation of what they signed with the last two regimes. During the Moi regime, they signed an agreement. We had the Kibaki regime and we now have the Uhuru Kenyatta regime.

I want to plead with hon. Members that during the campaigns, the President may have promised laptops. That was a campaign matter. Now, the reality is here. Time has come for us to work. The whole budget on laptops is in the Ministry of Education. We are not moving it to another Ministry. It should all be allocated to pay the teachers of this country, so that they can feel comfortable and happy to work. That is because we need development and education is key there. The concern of all hon. Members is the performance in our schools.

Our schools will do well if our teachers are motivated. This country cannot grow economically if our teachers do not concentrate on studies - from kindergarten, primary, secondary and at the university. This is an issue which should come to an end so that we can concentrate on education.

As we move on, of course, we are talking about revenue and expenditure. We also know that the Government knows how to raise revenue. Let the Government ask Parliament to help in raising the required funds. Let the Government come up with

suggestions to achieve what it needs. The Treasury and the Cabinet Secretary should come up with the necessary legislation to net tax. Let them come up with a new system. Tanzania is already using a system where, if you are a shopkeeper, the moment you sell an item, that item appears at the Tanzania Revenue Authority (KRA). That way, we will reduce the people who do not declare the sold goods. So, the Government needs to help KRA. The Government needs to come up with a system to assist Kenyans to pay taxes. We do not want to reach a stage where we are spending and the national debt is growing. We will not be able to pay. We will be pushing the burden to another generation. So, it is very important to balance the two. But as we balance the two, Kenyans are willing to work. Kenyans are hard-working. If you go out there in the morning, you will find Kenyans who have woken up at 4.00 a.m. going to work. Some of them wake up as early as 3.00 a.m. Some actually go to work on foot. The people who go to Kibera are devoted Kenyans. They love this country.

Hon. Speaker, Sir, let us play our role as an oversight body. But the Government should also be serious. If you are serious, give it a priority. Let us not spend money haphazardly. Hon. Members, there are two types of funds that go to the constituency level. One is the Constituencies Development Fund (CDF) money that caters for primary schools, dispensaries and pays school fees for the poor. Secondly is the Kenya Rural Roads Authority. It goes up to the constituency level. We saw this issue in the Budget. An amount of Kshs7 billion was removed. It is not there. The Budget and Appropriations Committee is there. It will answer you. So, let us take the money that goes to the ground and touches every corner of the constituencies.

I am asking the Budget and Appropriations Committee and the Finance Committee that please--- I am happy that as we stand today, roads managed by KeRRA and KURA are under the Ministry of Transport and Infrastructure and they are going to work directly with the constituencies. I am happy about that because if it was going to be given to the governors, it would be bad. You know, let us face the reality. It is not time to give power to the governors. They have not put up anything in terms of infrastructure. I am not against them. For example, if you give them funds for health, they do not even have a fridge to put in the medicine. The main point here is that facilities have not been put in place for health care to be decentralized. We know, of course, the headquarters has its own problems here. We know, of course, the headquarters has its scandals here but it will be worse at this time without infrastructure, to give it to governors. They do not have cabinets. They are not able to sit down and form a cabinet. So, it is really a challenge at this time.

Hon. Linturi: On a point of order, hon. Speaker, Sir. I rise on a point of order to correct the impression that Hon. Nyamweya, with all due respect, is trying to create---

Hon. Speaker: Hon. Linturi, you cannot rise on a point of order to correct a wrong impression. You must say what you think is out of order.

Hon. Linturi: Thank you, hon. Speaker. Is Hon. Manson Nyamweya from Kisii in order to mislead this House and the country that the function of health should not be a function of the governors and yet, in the Constitution itself, which he had supported ignorantly without knowing, health is a devolved function to the counties?

Hon. Nyamweya: On a point of information, hon. Speaker, Sir.

Hon. Speaker: Please, do not inform. What Hon. Linturi is saying is this: Look at the Fourth Schedule of the Constitution.

Hon. Nyamweya: Hon. Speaker, Sir, what I am saying here is that, yes, health care services should be devolved. But they should be devolved when you have structures for them to be devolved. There must be structures. Infrastructure is required and the manpower is required. The bills are required before you do so. You cannot just devolve because you are supposed to devolve. It will also be unconstitutional to do so.

Hon. Speaker, Sir, when you look at what is happening in the Ministry of Education on the employment of teachers by Teachers Service Commission (TSC), some areas have more teachers than others. We need that to be looked into so that every area is covered fairly. We need to look into the salaries of teachers. I am supporting this amendment and I am a happy man because the people who voted for me know I still support CDF and they can be assured of that. All hon. Members who are here support CDF.

With those few remarks, I support the amendment.

Hon. Speaker: Hon. Members, there are several requests. I think it is you to make a decision whether you want to go on and on and on. However, before I put the Question as to whether the Mover should be called upon to reply, I think it is important that as we debate we also bear these things in mind; that in the Fourth Schedule, function Number 28 is about the health policy. It is a function of the national Government. Function Number 2 is about the county governments and it is very important to know this so that, even those ones who are clamouring to do certain things know what it is they are supposed to do. It states:

- “County health services, including, in particular-
- (a) county health facilities and pharmacies;
 - (b) ambulance services;
 - (c) promotion of primary health care;
 - (d) licensing and control of undertakings that sell food to the public;
 - (e) veterinary services (excluding the regulation of the profession);
 - (f) cemeteries, funeral parlours, crematoria; and
 - (g) refuse removal, refuse dumps and solid waste disposal.”

Those are the other functions of the county governments. It is about crematoria and things like those.

(Laughter)

Hon. Members, I now put the Question which is that the Mover be called upon to reply.

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

Hon. A.B. Duale: Thank you, hon. Speaker, Sir. Most hon. Members have contributed to the Supplementary Estimates as amended. I want to first thank the Chair of the Budget and Appropriations Committee. Yesterday and today are two different days

for him but I am sure he has seen that what is dear to Members of Parliament is not something you can play around with on the Floor of this House. At least, the Kshs5.4 billion is safe and the Government is also safe with its Supplementary Estimates. I hope if the House approves the Motion as amended, we will have the Supplementary Appropriation Bill next week and also the Appropriation Bill, 2013/2014.

Hon. Speaker, Sir, I also want to say that a number of Bills have been submitted by the Executive. They have already been printed and ready for this House. They include: The Finance Bill, Value Added Tax Bill, Capital Markets Amendment Bill, 2013, Insurance Amendment Bill 2013, Microfinance Amendment Bill, 2013, Tax Appeals Tribunal Bill, 2013, Kenya Deposit Insurance Amendment Bill 2013 and finally, the Insurance and Motor Vehicle Third Party Risk Amendment Bill 2013. Those Bills have been printed and are with you here in Parliament.

Hon. Speaker, Sir, there was a huge debate about governors. I was watching television when the nominee for the position of Cabinet Secretary for Foreign Affairs was being vetted. I was shocked to hear the nominee say that there was a governor, out of the 47 governors in this country, who had already appointed envoys and ambassadors to represent his county. In my opinion, that is treasonable because Kenya is a unitary state. I hope that the governor does not come from Garissa County. I expected the Committee to push the nominee to name the governor, so that the country could know that apart from the flags, special vehicle number plates and the titles that they have been given, which is not a big deal; no governor can have envoys to represent his county even in a failed state like Somalia. I want to tell the governors in northern Kenya that they cannot have an envoy in Ethiopia. For instance, Turkana County borders Ethiopia and South Sudan. That county cannot have envoys in those two countries. Therefore, I do not want this House to extend the war it has had with the Senate to the governors. Doing so would be opening too many battlefronts to triumph.

With those remarks, I beg to reply.

Hon. Speaker: Hon. Members, I have established that we have the requisite quorum. Remember that the Constitution has fixed the quorum of the House at 50 Members. I confirm that we have a quorum and, therefore, we can take a decision on this matter. So, I will now put the Question.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, in accordance with the provisions of Section 223 of the Constitution of Kenya, the reduction in withdrawal from the Consolidated Fund a sum of Kshs.14,905,399,382 representing the total net estimates of Recurrent and Development Expenditure made up of the following-

(i) a sum not exceeding Kshs.13,267,488,318 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2013 in respect of Supplementary Estimates II of 2012/2013 Financial

Year (Recurrent), having regard to the proposed reduction of Kshs.3,752,372,182 therein appearing; and,

(ii) a sum not exceeding Kshs4,053,626,361 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2013, in respect of Supplementary Estimates II of 2012/13 Financial Year (Development), having regard to the proposed reduction of Kshs.28,474,141,879 therein appearing.

COMMUNICATION FROM THE CHAIR

MEETING BETWEEN COMMITTEE CHAIRPERSONS AND MCK

Hon. Speaker: Hon. Members, before we go to the next Order, I would like to make a brief Communication.

Hon. Members, the Media Council of Kenya (MCK) will hold a meeting tomorrow, Friday, 21st June, 2013 with Members of the Departmental Committee on Energy, Communication and Information, and the Chairpersons of all Committees of the National Assembly. The purpose of the meeting is to enhance co-operation between the National Assembly and MCK, as well as exploring ways of implementing the mandate of MCK. The meeting will take place at the Inter-Continental Hotel, Nairobi, from 7.00 a.m. All Members of the Committee on Energy, Communication and Information, and Chairpersons of other Departmental Committees are invited to attend. Thank you.

Next Order!

MOTIONS

ESTABLISHMENT OF ATHLETES REGISTER

THAT, noting the tragic events that occurred at the Boston Marathon where two bombs went off, killing and injuring a number of people; aware that there were Kenyan athletes also present at the event who had no established network of reporting in to confirm their status; deeply concerned that there was no mechanism available to account for the safety and well-being of each member of the Kenyan athletic delegation, this House urges the Government to establish a register or other mode of tracking and accounting for all athletes who leave the country to attend various international athletic events, to ensure their safety at all times.

Hon. Speaker: Hon. Members, I am informed that the Mover of the Motion, Hon. Wesley Korir, the Member for Chereng'ani was replying.

Hon. Korir: Hon. Speaker, Sir, I think I still have 10 more minutes. I would like to contribute part of it to the following hon. Members---

Hon. Speaker: Hon. Korir, do you want to contribute or donate your time?

Hon. Korir: Hon. Speaker, Sir, I want to donate.

Hon. Speaker: As an hon. Member of Parliament who also represents this country very well in the marathon, you can donate your time. I am sure that you donate many other things.

Hon. Korir: Hon. Speaker, Sir, indeed, I donate a lot of other things. I want to donate two minutes to Hon. Chepkong'a.

Hon. Speaker: Hon. Korir, have you finalised with the persons to whom you are donating your time? Once Hon. Chepkong'a finishes his two minutes, if you have not donated any other time to somebody else, you may not continue doing so. You may not know the names of the persons to whom you want to donate part of your time, but I can see that you are in the spirit of donating some more time.

Hon. Korir: That is true, hon. Speaker, Sir. I am donating two minutes each to Hon. Chepkong'a, Hon. Ngeny, Hon. Kosgey and Hon. Justice. That makes it eight minutes. I will keep two minutes for myself.

Hon. Speaker: Very well. Hon. Chepkong'a, you have the Floor.

Hon. Chepkong'a: Thank you, hon. Speaker, Sir. I would like to thank Hon. Korir, recognising the fact that my constituency has the largest number of athletes. There are a number of training bases for athletes in my constituency.

I would like to thank him sincerely for bringing this Motion to the House. It would have been done much better in terms of adding meat to what the athletes would want, having petitioned me a number of times. Nevertheless, I support it. If accorded a chance, sportsmen and sportswomen will improve their lives and boost our economy. It is clear that this Government has recognised political and economic diplomats. However, it has missed out in terms of recognising sports diplomats. We are asking the Jubilee Government---

(Loud consultations)

Hon. Speaker: That is totally out of order, Hon. Gumbo and Hon. Mule!

Hon. Chepkong'a: Thank you, hon. Speaker, Sir. Hon. Gumbo is my good friend. I hope you will add me some more time for the interruption from Hon. Gumbo, which was not diplomatic. I was talking about the issuance of diplomatic passports to sportsmen and sportswomen. I urge the Government that, instead of issuing diplomatic passports to the governors – who do not contribute much to this economy – they give sports passports, which are diplomatic in nature to sportsmen and sportswomen, so that they can be accountable. We know that once we give them diplomatic passports stamped “Sportsperson”, they will be accounted for as soon as they leave the airport.

[The Speaker (Hon. Muturi) left the Chair]

*[The Temporary Deputy Speaker
(Hon. (Ms.) Shebesh) took the Chair]*

Hon. Temporary Deputy Speaker, globally, sportsmen and sportswomen have contributed immensely to the economies of their countries and the wellbeing of their families. If we all support this Motion, which I do---

Hon. Mirenga: On a point of order, hon. Temporary Deputy Speaker. Is the Member for Ainabkoi in order to say that our county governors do not contribute a lot to the economy of this country and that, instead of giving them diplomatic passports, we should give the athletes who in his view---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, I know you know that you are trying to use this opportunity to argue your point and you will not play that through me. You are out of order!

Continue, Hon. Chepkong'a.

Hon. Chepkong'a: Thank you, hon. Temporary Deputy Speaker, Sir, for saving me from the Member from Kisumu Central. I was merely suggesting that governors do not contribute as much resources as the athletes who, in terms of foreign exchange, contribute immensely to this country.

I support this Motion and as the Jubilee Government has clearly stated in its Manifesto (*Technical hitch*)

Hon. (Ms.) Ngeny: Thank you, hon. Temporary Deputy Speaker. I want to support the Motion that athletes be given diplomatic passports. That is because they go abroad to represent this country.

I come from Uasin Gishu County where there are very many athletes and they have contributed a lot to the economy of this country. All Kenyans stand united when the Kenya National Anthem is sung after athletes win gold medals in the Olympic Games. The athletes have marketed Kenya by putting it in the map of the world.

One American called Oscar Evans once said that America believed in education. The average professor earns more money in a year than a professional athlete in a whole week. Kindly, hon. Members, let us support our athletes. Let us know the number of our athletes and support them by providing facilities like fields and tracks where they can train.

Thank you, hon. Temporary Deputy Speaker.

Hon. (Dr.) Pukose: Thank you, hon. Temporary Deputy Speaker. I want to thank Hon. Wesley Korir for giving me this opportunity to contribute to this Motion. I support this Motion. We need to track down our athletes who carry the Kenyan flag internationally. We should account for their safety wherever they are because they are important people. They are our citizens and it is our responsibility, as a country, to take care of them wherever they are away from our country.

Hon. Temporary Deputy Speaker, Endebess Constituency, which I represent, also has many athletes. But we face challenges in terms of poverty. Most of those athletes come from low socio-economic status and we hope that we will try and see how much we can allocate them from the Constituencies Development Fund (CDF). This will enable them nurture their talents and set up camps within their constituencies where they can train in order to perform well both locally and internationally.

We are also aware that some of our athletes are being sneaked to other countries, maybe, in Europe, Asia and other parts of the world. I would like our Government to ensure that it tracks down all our athletes so that they are not sneaked out of the country. There is an athlete from my constituency who has been sneaked into South Korea without the knowledge of the parents or relatives. That has caused anguish to both relatives and friends.

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

Hon. Kemei: Thank you, hon. Temporary Deputy Speaker. I would also like to thank Hon. Wesley Korir for donating this time to me. Sigowet/Soin Constituency which I represent produces the bulk of the athletes who participate in world championships. In fact, the trainer comes from my constituency. I support the fact that the security of our athletes is paramount and the Government must do all it can, including monitoring where our athletes are at any given time, to guarantee them security.

Secondly, sports is big business at the moment and it is not a matter of recreation. With the high unemployment rate in our country, we must nurture the talents of our youth and encourage them to participate in sports as a means of earning income.

I also want to ask the Kenya Revenue Authority (KRA) not to harass our athletes because some of them took part in championships almost 10 years ago and earned their money.

Hon. Temporary Deputy Speaker, finally, I want to ask our country to carry out reciprocal measures, like the Government of Canada so that our athletes can get concessions whenever they go and participate in those countries.

Thank you, hon. Temporary Deputy Speaker. I beg to support this Motion.

Hon. Korir: Thank you, hon. Temporary Deputy Speaker. First of all, let me thank this House and all Members who have been able to support me through this Motion. The need for us to empower, protect and support our athletes is beyond explanation. Those athletes have done so much for this country. Those athletes need more than we give them. Those athletes are the best ambassadors that we have in this country. If you go to America - where I lived for a long time - and ask someone who the President of Kenya is, he or she will not tell you. However, if you ask them who the world record holder in marathon is, they will tell you that it is Patrick Makau. If you ask them who Paul Tergat is, they will tell you who he is. If you ask them who Rudisha is, they will tell you who he is. The Government needs to spend on people like those. Those are people who are out there selling not only themselves, but this country. We should even go ahead and start paying them to represent us in selling this country. We pay some people out there a lot of money to sell our country as a tourist destination. Let us use our athletes. Pay them money, let them go out there and advertise our country because they do the best. We need to protect our athletes not only because of the rising insecurity out there as a result of terrorism, but we also need to protect them against greedy and selfish agents who come to this country and practise what I now call modern day slavery.

Long time ago during those days of slavery, people used to come and put Africans in groups. They would then select and say: "You are the strongest. You, Midiwo, you look like you have eaten a lot of fish. Let me take you so that you can work in our country."

(Applause)

Nowadays, they come to camps, put those athletes in camps and then choose and say: "You appear the strongest. Come and run for me." That is called modern day slavery. We need to protect our athletes from such people who take and leave them out there.

We need to protect our athletes against harassment from the Kenya Revenue Authority. Right now, athletes who participated in international events 10 years ago are being sent letters asking them to pay taxes. Where was KRA 10 years ago? We need to protect our athletes against double taxation. I have run in America and 30 per cent tax is taken by the Government while 15 per cent is taken by the agent. When I come here, the country tells me that I have to pay another 30 per cent. Where will those athletes get money? We are demoralizing them instead of helping them to become who they are.

Thank you very much. Let us pass this Motion and we come up with a Bill and make sure that the Government recognizes the athletes and protects them.

I beg to reply.

QUORUM

Hon. (Ms.) Tobiko: On a point of order, hon. Temporary Deputy Speaker. I rise under Standing Order No.53(3) which reads:

“Despite paragraph (2), the Speaker may, on the request of a member, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.”

Hon. Temporary Deputy Speaker, is there a quorum in the House?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): No, we do not have a quorum. Ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Members, we now have quorum.

(Question put and agreed to)

ESTABLISHMENT OF PUBLIC DATABANK FOR BRIGHT NEEDY STUDENTS

Hon. Kinoti: Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, aware that bright students from poor family backgrounds who score seventy per cent or more of the total marks in the Kenya Certificate of Primary Education (KCPE) fail to join form one every year for lack of school fees; noting that if such trend is not checked, bright students from poor families will be left out of the learning process hence ruining their future; aware that Article 53(I)(b) of the Constitution guarantees every child the right to free and compulsory basic education; recognizing the need to identify bright students from poor backgrounds and support them in pursuing and completing their studies in public secondary schools, this House urges the government to establish a public databank of all bright and poor students to be in the custody of the County Director of Education, and such information be disseminated and made

available to the public including the respective Constituency Development Fund Committees (CDFCs) and such other institutions that may be willing to support such students.

I move this Motion in the light of what free education has done to this country and acknowledging what more it can help us do for this country. We are now 50 years old and when we gained Independence; our key agenda was to eliminate poverty, disease, ignorance and the general suffering of the Kenyan people. Fifty years down the line, it is a shame that so many people of this country, especially from poor backgrounds cannot complete their basic education. We must appreciate what education means to this nation. We are here because somehow the education system and the social structures of this dear nation helped us to get where we are. Personally, I am a grandson of a peasant and I schooled in the largest slum in this country, the Machaka Slums in Buuri. There are many like me who cannot rise from such humble backgrounds simply because the social and the academic structure of this nation cannot support them. That is what I seek to have these children address.

Over the many years of civilization, the humankind society has progressed simply because they have had a civilization that supports the needy to go up the social ladder. If in Kenya we cannot implement the same, then we are doomed to fail. We are doomed to condemn the hardworking, gifted but poor children of this country to remain where they are. I acknowledge that we have some funds for the bursary from the Ministry of Education. We have some funds for bursaries under the CDF but that is not enough and whatever hon. Members are trying to do in their own capacities and affirmative action to move this nation forward, is still not enough. There must be a law. I exercise this based on what I have witnessed in my own constituency. In so many schools in Buuri – the largest constituency in Meru County and yet one of the most needy – very many children performed very well. They were admitted in some of the leading schools of this nation but five months down the line, they have not been able to report to their new schools yet they applied for bursaries and some of them have not been granted. For others, the Government does not care where they are. A few weeks ago we began the Buuri Education Welfare (BEW) and we have given scholarships to a few of them and they are doing very well wherever they are.

Hon. Temporary Deputy Speaker, I am speaking knowing that it is not only in Buuri but it applies all over the country; very needy children but very bright. The few that we have supported have done very well. From the slums of Machaka last year, we educated a boy who went to Maranda High School and right now he is the second best in a class of 265. Many others that we have supported using the BEW have gone far. Many of them have joined Ontulili High School, the second best high school in Meru County and No.17 in Kenya. However, such initiatives are still not enough. We still have in villages in Buuri students who scored 350, 370 and 380 marks out of the possible 500 marks still languishing in poverty. They cannot afford a single pair of shoes. They cannot afford fare to school. They cannot afford many things. I wish to acknowledge that if they are given just a little support to complete their secondary education--- I wish to appreciate the support this country offers to children who are seeking higher education because there is the Higher Education Loans Board (HELB) and other scholarships from noble

corporate in this country. But in the secondary level, a lot needs to be done and if this does not happen, then we have a long way to go before we develop Kenya.

As I have said, my case was made possible by education. I am happy to serve this House as the youngest Member of the 11th Parliament and I sit here as an independent candidate. I came here solely because for the last eight years, we have been doing academic work in Buuri seeking to lift children from their suffering.

Hon. Temporary Deputy Speaker, the same case applies to the former leaders of this country; people who rose from very humble backgrounds. We have had directors of some of the companies of this country - I do not need to mention names - who say that in the 1950s and 1960s they were just beggars in Army Camps.

We have heard stories whereby some of the Presidents of this country rose from very humble backgrounds. The former President, His Excellency Daniel Moi, was just a village teacher. The immediate former President, Hon. Mwai Kibaki, was just a son of a peasant and education helped uplift him to the far that he had reached. This only happens in Kenya simply because of education. Nowhere else on the third planet does this happen; it only happens here. We need to keep that record moving simply by uplifting our children who are not able to come from families that can support their education, especially basic, primary and secondary education.

Hon. Temporary Deputy Speaker based on these facts, there is need to support our children access education. There is need to write the stories of “from rags to riches” a thousand and more times every year in this country.

I beg to move this Motion that we must have county education boards and district education boards that keep track of the talents we have in this country. Every year we account for every single shilling raised by the Government. Right now we are in the Budget process, but above money and above every other resource we have in this country, are very gifted young Kenyans. There is a lot to do.

In today's *The Standard* Newspaper, there was a story about how the youths are being educated, but because they cannot access opportunities, they become wasted. They become gangsters. There is a lot to do. I sit in the Committee on Labour and Social Welfare of this august House and as a Committee we will do a lot more for the youth and women. But we must start with the basics. We must ensure down at the grassroots that every young Kenyan who is seeking to access basic education is supported to do that. We must give an account of revenue and expenditure. As we give an account of revenue and expenditure of the Government, we must also give an account of every child and this Motion seeks to do that.

In the future, God willing I will move a Bill on the same; that every child who scores 70 per cent of the total mark in the Kenya Certificate of Primary Education (KCPE) must be catered for by the district and the county education boards on an annual basis until he or she completes his or her education.

Hon. Temporary Deputy Speaker, I beg my colleague, Hon. Stephen Ndambuki, to second this Motion.

Thank you, hon. Temporary Deputy Speaker.

Hon. Mule: Thank you, hon. Temporary Deputy Speaker, I just want to make a correction. I am Hon. Stephen Mule.

Thank you very much, hon. Kinoti for thinking wisely the way forward for this country. It is important for hon. Members to realize that quite a number of students, once they finish Standard Eight, they become rejects. They do not become rejects because they want, but because of poverty. It is high time hon. Members of this august House, with the devolved governments in place, put governors to task so that there is no single child in this country who performs well in school misses secondary education because of lack of school fees.

Hon. Temporary Deputy Speaker, it is important for us as law makers to make laws which will move this country from point “A” to “B”. It is important to look at this issue very keenly because if as a country we take education of all bright children in this country very seriously, we will start exporting very bright labour, which will form a source of income for this country. I know if most young people are given a chance to attend secondary school, they will change this nation.

So, Hon. Kinoti, we are together. We will move forward and we are urging this House to support us to make sure that every young Kenyan, a girl or boy, is entitled to secondary school. It is the mandate of county governments to start creating structures which will last and move this country forward. I believe they are, sometimes looking for things which are unnecessary. We want to urge governors; county assembly representatives and executives to give education priority in whatever they do.

As we move this Motion, we are sure that we will come up with a Bill which will compel them. It will be compulsory for every county government to be accountable for the knowledge they have within their own counties. It is not a matter of the titles or the cars that they are looking for; it is a matter of national importance to make sure that all the poor students who are bright are given a chance to get education. You will never know what will happen.

Hon. Kinoti has said it very clearly, you can rise to the ranks of being the President of this country from whichever background you begin from, so long as you have been given that chance to go ahead with your education.

So, I beg to second and support this Motion.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I am going to take hon. Members who have asked for opportunity to speak. I can see these names have not changed from what they were earlier. I will assume that you still want to speak to this Motion. I want to start by giving this opportunity to the county Member of Parliament for Kuria, Hon. Dennitah Ghati.

Hon. (Ms.) Ghati: Thank you, hon. Temporary Deputy Speaker, for this opportunity. I am the County Member of Parliament for Migori County; Kuria is a constituency in Migori County.

I wish to thank you very much and I also want to thank Hon. Kinoti for bringing this Motion on a subject that I am very passionate about. I know that most of us and especially myself, I am who I am now because other people somewhere sacrificed for my education.

When we talk about education and especially education for our poor children, it is the only tool that lifts people out of poverty. Education remains a mirage and a great challenge too, to children from poor households, especially girls. I know as well as the Chair knows that the future of our country – this country Kenya- and the future of our counties where we come from really lies with the children that we educate. It is therefore, imperative that as we think about the issue of setting up a databank, we should also set up a county education fund to supplement what we are talking about. We will have the databank yes, but we should also have the secondary education bursary fund.

Hon. Temporary Deputy Speaker, with the Constituencies Development Fund (CDF), if we also put up a fund to look at these bright needy students, I know we will help our girls. Many children drop out of school and there are so many bright brains out there languishing in our streets.

Hon. Temporary Deputy Speaker, it would be important that these brains are harnessed. These are the future generation of this country that we are making. I, therefore, want to support this Motion.

You are very much aware of the recent cases that have been reported in our media about the number of girls who are dropping out of school because they are pregnant. These are girls who are compromised due to their poverty levels. If we had a way of helping these girls continue with their education or supplementing the Constituencies Development Fund or the Secondary Education Bursary Fund that they receive, I am very sure that we would address many problems. So, therefore, this is a great Motion and I really want to support my brother, Hon. Gatobu.

I support the fact of us having a database or bank in the counties where we are able to keep track of all the bright students, like where they come from so that we are able to help them. I come from a community that most people might say is marginalised. It is a marginalised community. This is the Kuria community where you find education is not given priority, especially for girls. Therefore, issues of Female Genital Mutilation (FGM), early marriages, teen pregnancies and all those things that are associated with curtailing education for our children are still very rampant. If we put together mechanisms that can strengthen our girls and children to continue with their education, this is a Motion that I fully support and support and support.

Thank you, hon. Temporary Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I apologise again Hon. Ghati for calling you the County Member of Parliament for Kuria. You are the County Member of Parliament for Migori but a daughter of the Kuria community. That is what I was remembering. Hon. John Serut.

Hon. Serut: Thank you, hon. Temporary Deputy Speaker. Allow me to start by thanking my colleague, Hon. Gatobu, whom I admire because he came in as an independent candidate just as *Mheshimiwa* Serut. It is not easy to come to this House as an independent candidate. This is a Motion about the poor children, children from poor families and who cannot afford school fees. These children are bright but because of lack of fees they cannot access education.

Hon. Temporary Deputy Speaker, the establishment of a databank is for purposes of identification and I want to thank Hon. Gatobu because you cannot look for funds without knowing the numbers. I support this particular Motion and I want to urge the

Government that it assists the constituencies where we have bright children to establish databanks at the county levels for purposes of sourcing for funds.

The hon. Member who has just spoken before me has touched on the issues of poverty and pregnancies. The pregnancies she has spoken of touch on the children from my constituency, that is Mount Elgon at a place called Chepkurkur. These are children whose parents were displaced during the 2006/2007 clashes in Mount Elgon. When they went back to Mount Elgon for resettlement, they did not have shelter. So, they had to seek for shelter from neighbours and that is how they ended up being impregnated by people who purported to be assisting them. It is unfair and I want to say from the Floor of this House that on Monday we had a meeting and we have now decided that the law should take its course especially for those who were under the age of 18.

Hon. Temporary Deputy Speaker, the issue of poverty is the biggest sin that has been committed on mankind. When you are poor nobody recognises you. Any time you get rich people are all around you. The poor are neglected in the society. Time has come when resources have to be set aside for the poor children so that they can help their parents in future to be respected also in their communities. I want to say here and now that it is important even with the CDF money that we identify the poor children in our communities and ensure that the CDF bursary is channeled to them. This will enable them in future, when they succeed, to buy a blanket for their parents.

Hon. Temporary Deputy Speaker, allow me to add that education is not only about getting white collar jobs. It is about socialisation and interaction. Anybody who has education has the key to life. Allow me to say that the CDF money that has been put back to the Supplementary Estimates should be released as soon as possible so that we can take back to school those poor and vulnerable children who have been kicked out of school because of lack of school fees.

Thank you very much, hon. Temporary Deputy Speaker for giving me that chance.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. F.K. Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, let me also contribute to this Motion because I think I am lucky to be where I am. My community where I was born managed to contribute to my school fees both for primary and secondary school. This continued up to university where I did my degree course and when I further did my MA. This was because of my community. As a Member of Parliament, I went home for two weeks and you can imagine I saw very desperate cases. There were three children whom I thought I could sell my piece of land to be able to help. Where they attend school, they are actually top of their classes. I looked at one child's annual report and saw that he was the best in class but because he did not have school fees, he was not reporting to school.

Given that the Motion is asking us to establish a databank, it will be much easier for Members of Parliament to be able to get who is where. From what I am told by those who have been there before, sometimes corruption and favouritism comes to play when issuing bursaries. You will find a family which can afford school fees getting these bursaries. But now with this information readily available it will be much easier for one to be able to get the right people to go to school. I am saying this out of experience. It will be very good for both Members of Parliament and the counties.

Therefore, I support the Motion, firstly, because establishing a database is not a big deal and, secondly, because I come from a background where students run up and down. In fact, most of the students who score 70 per cent in those areas are genius because, you may find that one does not have a book but he goes to class. He might go to school for only a half of the term but he comes top of the class at the end of the term. So, the hon. Member has done the right thing. I support the Motion wholeheartedly, because I know that it will help out people. Thirdly, let there be a beginning. We are getting to an era where we have to keep our records correctly. This is a bright idea.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, Hon. Peris Tobiko.

Hon. (Ms.) Tobiko: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion and congratulate my brother, Hon. Gatobu, for really thinking about those who have been left behind, who are from very similar backgrounds with some of us. I believe that about three quarters of the Members of this House are from a similar background. They may be people who have come from really far – people who may have been assisted at one time or the other in order for them to make it to where they are today.

It is very important when we have a databank of needy bright students, so that one can be identified for immediate assistance from either the CDF or other funds. I say so because we know that in our constituencies there are boys and girls who have scored very highly in the Kenya Certificate of Primary Education (KCPE), but who have not been able to continue with their education due to lack of finances. I personally got indentified in secondary school, through my headmistress. I was educated throughout my secondary school by philanthropic bodies, namely, World Vision International and Jomo Kenyatta Foundation. Maybe, without the support of those two good organisations, I would not be here today. I believe that the story is the same with most Kenyans.

Hon. Temporary Deputy Speaker, we have come to realise that anybody in this country can rise to the highest level as long as we provide opportunities to all Kenyans without looking at people's backgrounds. We no longer have glass ceilings. I believe that if we establish a databank of students in need of immediate assistance, it will not be just Government bodies which will be interested in such databank. There will be many other people who will be interested, who will just have to walk to an office to identify such students.

Secondly, leaders have been accused severally of misusing CDF and other public funds, helping their friends and other people who may not be so needy. I believe that if we have a database that has been established by the Government through the use of head teachers to identify needy students, one can get a genuine list of needy students, who can be helped. I believe that in the future, such people will be able to change this country. We should provide an opportunity to needy bright students in society.

With those remarks, I support the Motion and thank our brother for bringing it to the House.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, Hon. Mwadime.

Hon. Mwadime: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion, which has come at the right time. I applaud Hon. Gatobu for bringing it to the House.

As a teacher who has served in the rural areas, I have come across bright students who passed their KCPE very well but who, because they did not have people to support them, ended up not joining secondary School. Some of them were even made to repeat primary school. This Motion is actually seeking to kill many birds with one stone. Parents who are unable to send their bright children to secondary school are also affected. They end up suffering from modern diseases like high blood pressure, diabetes, *et cetera*. I support the Motion because, throughout the country, children from poor backgrounds are the ones who perform very well in school yet their welfare is not taken care of.

Citing my own constituency of Mwatate as an example, about 16 pupils who scored more than 300 marks out of 500 marks in last year's KCPE did not report to secondary schools until I intervened. The parents of those who reported to school had paid only a small percentage of the fees. So, even before the first term ended, some of them were sent away from school. Therefore, this initiative augers very well for our country as it will facilitate the assistance of such needy students.

With those remarks, I beg to support the Motion and applaud Hon. Gatobu for bringing it to the House.

The Temporary Deputy Speaker (Hon. (Ms). Shebesh): Hon. Jakoyo Midiwo, being the senior-most Member of the House at this point in time, you have the Floor.

Hon. Midiwo: Thank you, hon. Temporary Deputy Speaker. I rise to support the Motion. I am happy that Hon. Gatobu is thinking of education.

Hon. Temporary Deputy Speaker, let me thank you because the other day I saw you go to the aid of the basically disenfranchised in society. I was very touched when I saw a lady cry on your shoulders. Those people have nowhere to go. They cannot pay fees for their children. The country basically owes a duty to those people.

I am of the opinion that this country can afford to help such people. The only problem is that our priorities, as a country, are misplaced. What makes me happy is when I see a young Member of Parliament like Hon. Gatobu try to create a national debate. I feel good because we cannot just sit back and watch. I believe that we are talking about this Motion 50 years after Independence because of 50 years of bad governance. Our people cannot afford to pay school fees for their children because they are poor. If you give this Motion to 4 or 5 per cent of Kenyans in Nairobi to read, they will think that you are out of your mind. These people own the largest share of Kenya's wealth. Something ought to happen. I want to encourage this House that the answer to this, even after we establish the database and we are talking about the Constituencies Development Fund, we must find a solution.

Hon. Temporary Deputy Speaker, yesterday, I saw a teacher saying that they cannot accept devolution of educational activities and I thought he was ignorant. This is because the country in its wisdom thought that we needed teachers to pass the referendum. The Governor of Moyale can best deal with schooling or education issues of the people of Moyale than somebody who sits in Jogoo House.

Not too long ago, there was a scandal that made many officers lose their jobs at Jogoo House. The Permanent Secretary almost lost his job. Even a Minister almost lost his job. They sent money to Moyale, they had a team that followed that money in school and took it back because they did not care about education.

On priority, this country will have to figure out which way to go. We cannot do things haphazardly. Even though the laptop story seems to be plain, it is being overplayed because it has opened a national debate over issues of priority. Is it the teacher, child, classroom, an electronic gadget or toy for a kid without cloth or on an empty stomach or a teacher who cannot afford rent or healthcare?

Today, we attended the National Prayer Breakfast and we prayed for help from God even though some of the things our leaders were asking God to do can be done by this House. If God is watching on Kenyans, He needs to help us have a forum like what we had at Safari Park this morning. In the forum, we will find which way to go with the welfare of our youth. We can do it as a country.

The Government does things arbitrarily. The only thing that this House has ever come up with that has touched the life of the common *mwananchi* is the CDF. The CDF did not come from the Executive but it came from this House. So, it is these Members who have the mandate of the people and have ideas of the problems that afflict our people.

It is exciting now that we have a young Executive talking to some of the Cabinet Secretaries and the new Permanent Secretaries. If they get proper leadership from this House and if corruption of the past does not get its root in the new administration, then we can do a lot as a country. I want to congratulate Hon. Gatobu for saying that the Government keeps track of our athletes because we do not know where they are. The database will help but we need to go further to find out on a permanent basis how to fund the people from that database. I saw a lady on television the other day somewhere in Turkana debate the issue of laptops in some *mabati* partitioned House. She said that when it rains, the kids cannot get there because the place is flooded. She also said that it is too hot in the day and kids cannot study and cannot even sit under a tree. We have issues.

We have money in this country to do it. I want to plead with the Executive to allow the Budget process to be done in a way that the Constitution envisaged. We can do this as a country, ladies and gentlemen. We can do it in such a manner so that at the end of the day we do not engage ourselves in trivial issues. Who engages us in trivial issues? It is the conservative few who control the intelligence network. We come to this House, they engage us with issues that the Senate is saying that it is superior or the National Assembly says that it is superior. That is a waste of our time because it does not matter who is superior.

Let me tell hon. Members of this House that they do not know where they will be in the next term of Parliament. You may be unelected, you may be a Senator and you may not even care to run for the election. However, the people you represent now expect you to perform in public service. Therefore, wherever we want to take money to our people, the intelligence system of the Executive has a way of creating friction so that we chase the wrong rabbit or we keep chasing the wrong rabbit. This House fights with the Senate.

Let me tell you, ladies and gentlemen, the war between us and the Senators is an intelligence created war and we should not talk about this. If you come from Siaya County, Kshs48 billion divide by 47 means that I will get one billion more and I will solve the problems Gatobu is bringing out in this Motion. It is not who is superior. Those are irrelevancies. Let us all just follow the law. We cannot live in a country where

everybody from elected leaders to people on the streets are not interested in following any law in any way. When we say we have money, let us---

Hon. Otsiula: Thank you, hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Motion. I want to thank my brother, Hon. Gatobu, for this well thought Motion. Only the devil can explain what poverty has done to some of our very bright students. In this era of the 21st Century, it is quite appalling to learn that most of our bright friends, sisters and brothers are not able to pursue their studies because they do not have money to enable them to carry on with their studies.

Just a few months ago, if you can remember very well, we saw His Excellency our President adopt one, a Mr. Otonglo, but how many Otonglos are unknown and unrecognized in the streets? They are very many. It only needs a well thought out course like carrying out a census on these people so that we can know who to assist and where to find them.

Last week we saw on *Citizen Television* small children selling groundnuts on the streets at night. This is a sign of poverty. If such children get to Standard Seven or Form One what will happen? They will not be able to complete their studies for lack of school fees.

Most of us come from difficult backgrounds. We must give education priority just as is guaranteed in the Constitution. I want to urge all hon. Members to support this. While allocating money through our respective CDF kitties we should give enough money to the needy students so that they are in a position to shape their future. Most of the bright students have been affected by *chang'aa*. They are out there selling mushrooms, termites and firewood so that they can buy books.

Hon. Temporary Deputy Speaker, I beg to support.

Hon. (Ms.) Ngeny: Thank you, hon. Temporary Deputy Speaker. I want to congratulate the Mover of this Motion because we have so many poor kids in our localities. Most of these kids live in the slums. We all know that education is universally recognized as one of the most fundamental building blocks for human development and the attainment of Millennium Development Goals (MDGs).

I would like to support this Motion by stating that education gives the right skills for jobs and therefore assists in poverty eradication in our country. If we all support these poor students, our country will go far in terms of education. We will be able to compete with other nations. We have left it to well wishers and donors to support students from poor families. Education is a strong instrument for building peace, improving health and gender equity. It will bring stability in our country.

Thank you, hon. Temporary Deputy Speaker.

Hon. Mohamed Abass: Hon. Temporary Deputy Speaker, I rise to support this Motion. As you are aware, it is now mandatory for parents to take their children to school. However, it is unfortunate that most children are unable to complete their primary education because of poverty.

Where I come from 70 per cent of the people live below the poverty line. They cannot afford a meal a day let alone taking kids to school. The other day when I was in my constituency I met some students who attend day school. The Government gave out some money for bursaries, but these children were unable to access it because the Government, I am told, is already subsidizing tuition for day schools. The day school

students are therefore not privileged to get the bursaries. If a student cannot afford a meal a day, I do not think they can afford boarding schools.

It is not enough to have a database. The best thing is to have a special fund. We need to increase the bursary funds for poor students. I must applaud the Mover of this Motion though. Most of the children in this country are leading a hopeless life. They are now turning to drugs and early prostitution. Therefore, it is not fair to tell parents that they must take their kids to school and yet they cannot afford to educate them. I wish to urge the Mover to make some amendments.

While I appreciate that everybody in this country must be able to operate the computers and that we introduce them at an early stage, we must also get our priorities right. There are schools that do not have desks or even floors. I appreciate the President's directive that we provide laptops to children in Standard One, but it is high time we got our priorities right. We could introduce these things in the coming years. We need to put our infrastructure in place. When a child is hungry, he cannot perform. Hungry children cannot go to class to study. So giving them a laptop might not be a priority for now.

These children are living a hopeless life. They have no houses. Nobody cares about them. A teacher stays in the classroom from 6.00 a.m. to 6.00 p.m. They have no other business to do. Imagine handling pupils of different characters from different backgrounds. By the end of the day the teacher is tired. The same teacher is crying for his or her salary and promotion. The same teacher is crying for a place to live. Things are wrong in this country. We need to determine where we are headed to.

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Kajuju!

Hon. (Ms.) Kajuju: Hon. Temporary Deputy Speaker, I wish to support this Motion and appreciate what Hon. Kinoti has done in ensuring that the services of education are brought closer to the people.

When we speak about devolution, we do not speak about the basic services without establishing how these services will be implemented. This Motion is a practical example of devolution because you find that the County Director of Education who has been seconded to a certain county does not even know the terms of reference that he is supposed to deal with. I think this is a very innovative way of ensuring that devolution is felt not just by any Kenyan but even the ordinary *mwananchi* and poor family that is at the county level. We appreciate what our former President, Hon. Kibaki, did by introducing the free primary education, but we find that much as the free primary education opened gates and doors for every child in Kenya, it did not ensure what happens to the child after the primary education. This is what the Jubilee Government is doing by ensuring that there is not only free primary education but also free secondary education. But then you will find that it is not just the poor children who are suffering. We also find that there are orphans; children who cannot be accessed by anyone because their parents are not there. They are suffering yet they are very intelligent children and need education.

We appreciate banks like Equity Bank that have a provision that gives children who are intelligent but needy the wings to fly. What Hon. Kinoti is doing with his wisdom is to give the children who are poor wings to fly. I dream of a day that I will be invited by Hon. Ababu to his constituency to see him establish Ababu Namwamba

Foundation, if he does not have it already and when I will also invite him to my county to come and establish the F.K. Foundation. This is what we are meant to do as leaders. I urge this House that this is the Motion that we need to ensure that not only do we receive education at a certain level but our children go to the highest level possible because this Government can and will because they have the spirit to ensure that our children are taken to school and the poor ones can access education.

I support with all the humility that I have.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. (Ms.) Kajuju, I want to assure you that I was present during the launch of the Ababu Namwamba Foundation.

Hon. Serem: Hon. Temporary Deputy Speaker, I want to thank the Mover of the Motion and make the following remarks: One, education is the only equalizer that can make anyone in this world feel that they can dine with kings. I am here today because of the education which somebody in the village gave me. I still believe that this House can give so many people opportunities to study and achieve what they want in life. Most times we have been complaining about the issue of laptops. That was an individual's idea; nobody has stopped anyone from coming up with an idea that we can raise funds to assist the children. So much money goes to waste through corruption and I expect those who are opposing the idea of laptops to come up with legislation in this House to curb corruption that is in this country and channel that money to assist in education. Instead of complaining about what somebody else has come up with, if you go to Mombasa and other towns, so much money goes to waste. Let us stop the wastage instead of complaining about laptops. This is not a new idea. If you go to Rwanda, it is there. If you go to the USA and other countries, laptops are there. Let us see what we can do, as a country.

Hon. Midiwo: On a point of order, hon. Temporary Deputy Speaker.

Hon. Serem: You will have your chance, Hon. Midiwo!

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): It is my discretion whether to allow or not a point of order.

Hon. Midiwo: On a point of order, hon. Temporary Deputy Speaker. Is hon. Serem, who is my neighbour and good friend, in order to say that because laptops are in Rwanda and America, they are of priority in this country while our children are hungry and are going to school where there are no classrooms, roads and teachers are not paid? Is he not out of order not to want teachers to get this money?

Hon. Serem: I can be out of order but let me tell you one thing for free---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Serem, it is my work to answer Hon. Midiwo. Hon. Midiwo, of course, you know that yours is an argument. So, Hon. Serem is in order and you are out of order.

I see Hon. Mirenga on a point of order. Is it relevant?

Hon. Mirenga: On a point of order, hon. Temporary Deputy Speaker. Definitely, my point of order is relevant. My issue as well is whether the hon. Member is in order to cite other---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): What is the Standing Order that he has violated?

Hon. Mirenga: Hon. Temporary Deputy Speaker, I am building my case.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): A point of order is very direct and we want to finish this debate on the right footing.

Proceed, Hon. Serem.

Hon. Serem: Hon. Temporary Deputy Speaker, I wish that next time, Hon. Mirenga, who is my good neighbour will give me a chance to explain to him that in this country, 30 per cent of our national Budget goes to corruption and most times we ignore it. If we are going to spend over Kshs400 billion on corruption, we should not make a lot of noise when we spend less than 1 per cent on our children.

As I support this Motion, I believe the best thing to do is to agree that our Constituencies Development Fund (CDF) which gets only 2.5 per cent can be increased to 3 per cent or even 5 per cent and make 50 per cent of the CDF to go to bursaries. That will be a quick way of assisting many kids in the villages. My good friend, Hon. Mirenga, I would tell him for free that I understand the challenges that we have in Kisumu as a good neighbour and observer. He deserves quite an amount to go for bursaries. Next time I will bring a Motion to increase the CDF to 3 per cent or 4 per cent and make 50 per cent of it go for bursaries to assist many in the villages who require assistance. This is a quicker way to see that the funds get to so many in the villages.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I want to inform the Mover of this Motion that he has an extra one hour and 55 minutes and I am aware that there is an amendment. That will be the first opportunity given to Hon. (Ms.) Wanga to move her amendment.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, it is now time to interrupt the business of the House. The House, therefore, stands adjourned until Tuesday, 25th June, 2013, at 9.00 a.m. I want to emphasize that it is Tuesday at 9.00 a.m.

The House rose at 6.30 p.m.