

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 3rd April, 2014

The House met at 2.30 p.m.

[The Deputy Speaker (Dr. Laboso) in the Chair]

PRAYERS

PAPERS LAID

Hon. A.B. Duale: Thank you, hon. Deputy Speaker. I beg to lay the following Papers on the Table of the House today, Thursday, 3rd April, 2014:-

The Commission on Administration of Justice Annual Report, 2013 prepared pursuant to Article 254(1) of the Constitution and Section 53(1) of the Commission on Administration of Justice Act, 2011.

The First Progress Report of Office of the Director of Public Prosecutions (DPP) for the period 1st July, 2011 to 30th June, 2013 prepared pursuant to Article 10, Article 35, Article 232 and Article 254 of the Constitution of Kenya and Section 7 of the Office of the Director of Public Prosecutions Act, 2013.

The Transitional Authority Quarterly Report for the period April to June, 2013 and July to September, 2013.

The National Payment System Regulations, 2014 from the National Treasury.

The Government Financial Management (Hospital Management Services) Regulations, 2009 from the Ministry of Health.

The Report of the Auditor-General on the Judicial Statement of the Revenue Financial Statements for the year ended 30th June, 2013.

The Report of the Auditor-General on Kenya Vision 2030 Delivery Secretariat Financial Statement for the year ended 30th June, 2013.

Thank you, hon. Deputy Speaker.

STATEMENTS

Hon. Deputy Speaker: I would like to start with the Statement that was requested by hon. Cecily Mbarire from the Departmental Committee on Education, Research and Technology. Do we have the Chair or the Vice-Chair of that Departmental Committee here? They are not here. The hon. Chairperson of the Departmental Committee on Education, Research and Technology has walked in. Are you ready to respond to hon. Mbarire's question? If you do not mind, you can go ahead. I will give you a minute to get your response.

ONLINE LOAN APPLICATION SYSTEMS FAILURE AT HELB

Hon. (Ms.) S.W. Chege: Thank you, hon. Deputy Speaker. We have just concluded a meeting which had started at 10.00 a.m. My apologies for walking in a bit late.

Pursuant to Standing Order No.44(2)(c) of the National Assembly, the Member for Runyenjes Constituency, hon. Cecily Mbarire, requested for a Statement from our Committee on Education, Research and Technology regarding the online loan application systems failure at Higher Education Loans Board (HELB). I wish to respond to the issues as follows:-

HELB introduced the online loan application platform five years ago to replace the manual application process in a bid to enhance service delivery and bring convenience to our clients. It is worth noting that the number of applications received annually for the last five years has always ranged between 40,000 and 90,000 for both first time and subsequent applicants, thus underscoring the success of the new initiative.

However, in the 2013/2014 Financial Year, the Board saw unprecedented upshot in the number of applicants from the previous average total of 100,000 to over 170,000. The sharp increase in the numbers and a rush to apply at a relatively short period between the time the Joint Admissions Board (JAB) sent the letters and the time the students were expected to report to the universities meant that all the applicants were attempting to access the online application simultaneously, hence the congestion of the application channel.

Secondly, the Board was under “denial service” attack more than once by the same tech savvy students, which kept on paralyzing the operations in August and September, 2013. Despite the challenges and limited resources, the Board moved with speed to contain the situation through the following actions:-

(i) Migration of hosting services to an alternative service provider and upgrade of resources to improve the perimeter vulnerability.

(ii) The extension of loan application deadline by two months from 31st October to December, 2013 to accommodate the affected applicants.

(iii) Fast tracking the development and commissioning of a new application platform to accommodate the growing number of applicants in 2014 and 2015.

Through the above interventions, the Board restored the service fully thus enabling the majority of the applicants who needed to apply to access the services, a fact supported by the successful applications realm to 170,000 that were received and processed against a possible maximum of 172,000. The Board has also enhanced interaction level with the students fraternity through the social media outlets like Face book and Twitter, where the students’ complaints and all concerns are responded to instantly, thus creating a positive impact with the student community. The Board also ensures that they will continue according students’ issues top priority and will always welcome any comments raised about its products and services to reach more Kenyans. The Board also will continue to modernize its services through digital outreach that is more effective in reaching students and also face to face interactions through student forums. The Board has also commissioned elaborate linkages with students’ deans in various universities as its first contact in solving students’ issues.

Finally, the Board wishes to further point out that, while the enrolment at the university has been growing at an exponential rate, the same cannot be said of the financial resources whose supply cannot match the growth in the demand. The allocation by the Government has been constantly on a declining trend in financing higher education due to other competing demands, especially from the national Treasury.

For example, in the 2012/2013 Academic Year, the Board received Kshs2.3 billion. In 2013/2014, it received the same amount despite the increase in Government admissions by over 13,300 students. That is despite a funding requirement of Kshs7.4 billion and Kshs14 million under differentiated unit cross model for the years 2012/2013 and 2013/2014, respectively. Without additional funding, it will be difficult for the Board to adequately meet the ever growing demand by the students.

Hon. Deputy Speaker: I will give hon. Cecily Mbarire the first priority to ask any supplementary questions.

Hon. (Ms.) Mbarire: Hon. Deputy Speaker, I want to thank you very much for giving me this opportunity. Let me first thank the Chair of the Education, Research and Technology Committee for a very comprehensive answer to my concern. Although it has come a bit late because I had asked for the Statement last year, I am glad that some efforts have been made to restore the process of loan application online. However, I would like the Chair to clarify one issue. The Ministry recognizes that there is a real underfunding of this particular important docket and many students continue to leave college because they cannot afford to pay school fees and the bursary schemes available at the constituency level are not able to fund them as much as they would want. What is the Ministry doing to make sure the funding is increased to meet the double-intakes that we have witnessed in the last two years?

Hon. Deputy Speaker: Does anybody else have a supplementary question on this or we proceed? If you have, press the intervention button so that it is easier.

Hon. Wetangula: Hon. Deputy Speaker, I thank the Chair for that comprehensive response. However, in my constituency, even the students who applied two years ago have not accessed the facilities. I do not know whether that is going to be improved because there is a backlog. From the Chair's answer, I have not seen the way of solving the backlog. I have a number of students in my constituency who have been complaining to me that they have not accessed the facility for the last two years.

Hon. Iringo: Hon. Deputy Speaker, I wish to thank the Chair of the Committee for the information that she has given to this House. I would like to get a clarification on the time taken for the processing of those loans. In my constituency, many students are coming to my office to ask what happened to their HELB loans. Once the money is given, how do they inform those who have benefitted and those who have not benefitted? They are all kept in abeyance and they do not know whether they got the money or not, until they are expelled from the schools. So, there should be a system where they can, at least, inform those who have benefitted and those who have not benefitted early enough, so that they can know how to go about it.

Hon. Gikaria: Hon. Deputy Speaker, I want to thank the Chair and her Committee for the good work. However, I just want to ask what the Board has done as regards the very high interest on HELB loans especially if the beneficiaries are not employed. It is only from the employment that one is supposed to repay the loan. It is

becoming a Government condition almost in every other place before any engagement that one is told to go and clear with HELB and yet, a high percentage is being charged without those young boys and girls being employed. Lastly, despite the application of HELB being online, there are still so many applicants who have never received the loans. Just like my colleague has said, I do not know what is happening. They have no forum of getting to understand the reasons for them being denied that chance.

Hon. Wambugu: Hon. Deputy Speaker, I also take this chance to thank the Chair of the Committee for the report. In my constituency, there has been a continuous complaint that even when they do those applications, our students, especially in Mathioya, do not get loans from HELB. What are the conditions or the criteria being used after application for the students to receive those loans?

Hon. Deputy Speaker: Please, just take notes and let us try not to repeat what others have asked by giving the situation in our specific constituencies.

Hon. Kemei: Hon. Deputy Speaker, in Sigowet/Soin, almost all the first year students never get the loans. It is only those who are in second year who get the loans. I want to get a clarification as to whether those who are in first year are entitled to get the loans, at least, before the semester ends.

Hon. Kaluma: Hon. Deputy Speaker, during the years you used to lecture at the university, we used to be students. Students who applied for loans knew before they returned to college after the recess that they were going to get specific amounts of money. Indeed, whenever there was to be a delay, HELB communicated with the universities. Currently, we have a situation where, one, there is no communication going to the students. Is there a problem? Two, what can we do as Parliament to ensure that students get those loans on time? This is the main issue. Over 95 per cent of our students singularly depend on that facility. It is something that affects the entire nation. We need to have a proper answer on it.

Hon. Deputy Speaker: Members, we will not go on for too long on these clarifications. They are really becoming quite repetitive. Hon. Joseph Limo.

Hon. Limo: Thank you, hon. Deputy Speaker. I want to know what action the Board will take because most of the students who have unfortunately joined university and have not attained the age of 18 years have actually been denied loans throughout. That is a very serious issue. We tend to think that there should be an alternative way of entering into a contract through guardians. Secondly, as soon as the students finish university, other than the interest which the Member has mentioned, there is a high penalty which is being charged per month. It is actually becoming punitive and in most cases, it is even going beyond the balance which the student has not paid.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. John Kihagi.

Hon. Kihagi: Hon. Deputy Speaker, despite previous assurances, you still find a requirement that for an applicant, they are supposed to attach their KCSE certificate for them to benefit from HELB loans. We know some of those very disserving students also had fees balances and the headteachers and principals of secondary schools still hold their certificates. Many of them have complained that they are turned away at HELB because of lack of those certificates. Let us get a clarification as to whether that is an absolute requirement from HELB.

Hon. Deputy Speaker: Hon. Kathuri.

Hon. Murungi: Thank you, hon. Deputy Speaker. I have observed in my constituency that poor students continue to miss out from that education fund. I do not know the criteria HELB uses to identify the poor students---

Hon. Deputy Speaker: That question of criteria has been asked by several Members.

Hon. Murungi: There is the issue of poor and deserving students missing out. We still have students from rich backgrounds getting that facility.

Hon. Deputy Speaker: Hon. Benard Bett, Member for Bomet East.

Hon. B.K. Bett: Thank you, hon. Deputy Speaker. My issue is mainly on the beneficiaries of those loans who are not yet employed and the Board continues to charge them penalties. That is my concern. Going forward, we have to look into that issue seriously because those who are not employed do not have sources of income and imposing penalties on them does not make sense.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Ben Bett, that has been brought up - the penalties after finishing university. Hon. Chidzuga, Member from Kwale.

Hon. (Ms.) Chidzuga: Ahsante Mhe. Naibu Speaker. Langu ni pendekezo kwa Bodi ambayo inahusika na mikopo kwa wanafunzi. Hii ni kwa sababu tunaona, kwa mfano, katika sehemu ya Kwale, tunaweza kumaliza mihula kama miwili au mitatu na hakuna mtoto hata mmoja ambaye amepata mkopo huo. Hii ni keki ya Wakenya wote na inafaa igawanywe sawasawa ndiyo kila mahali watu wapate. Tungependa tujue ni mikakati ngani ambayo wameiweka ili kila sehemu ya nchi iweze kupata pesa hizo, ili watoto wetu waweze kusonga mbele na elimu. Hii ni kwa sababu vyuo vikuu vipo hata sehemu za nyanjani.

Hon. Deputy Speaker: Okay, lastly, hon. James Kimaru, Member for Kesses.

Hon. J. K. Bett: Thank you, hon. Deputy Speaker. I also wanted to know from the Committee whether HELB can be asked to decentralize its services so that not all applicants come to Nairobi. We can have decentralization according to counties, so that the applicants can easily access the same services in their respective counties.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Please respond to the supplementary clarifications.

Hon. (Ms.) S.W. Chege: Thank you, hon. Deputy Speaker. I will ask my Committee to also assist me on this. The first question is on the funding. Hon. Members have asked this House to increase the funding for HELB. We, as a Committee, are also looking for ways that we can have all the bursaries that are being given from Constituencies Development Fund (CDF) and other sources such as Ministries and HELB, to be at the constituency level so that, at least, we can control the allocation.

HELB has also worked on the loan recovery, which affected some of us before we became Members of Parliament. We had to first clear with HELB, which is a requirement also in other areas. Loan recovery is also a way of getting money to loan students. I would like to tell this House that the allocation done by HELB is only done as per the funds available. The information on how to apply for the loan is found in the internet. To qualify for the loan, it all depends on how a student fills the questionnaire provided. That is what is used to determine whether a student gets a loan or not.

Some Members are saying that it takes a lot of time to get the loans, but as I have said, it is online. It is good for the students to visit their banks because they give their bank accounts. They can even visit the HELB offices to confirm whether they have received the loans. On the high interest on the loans given to people who are not employed, the last time we met with HELB, they said that they are open to dialogue. They recommend that the students who have completed university and do not have a job to go and just do a written submission until the time they will get a job, so that they can start repaying the loans. So, they can personally go and report to the HELB Offices.

Hon. Wambugu asked why students from Mathioya are not getting the loans. As I have said, it is normally computer generated and it depends on how students apply online and fill in their questionnaires. With regard to first year students not getting loans, that is due to lack of information. Some of them are not yet informed about HELB and by the time they get the information, some of them are locked out. Hon. Kaluma talked about our time and how it was easy to get loans. The number of students has increased now. I am very sure by the time you were going to the university, you personally went to the Post Bank to find out whether the loan was there.

(Loud consultations)

Hon. Deputy Speaker: Members, the levels of consultations are too high. We cannot hear the response. Continue Chair.

Hon. (Ms.) S.W. Chege: So, the number of students has made it not possible for many students to get loans. There is also lack of aggressiveness from the students to check their accounts. HELB also gives a personal identification number (PIN) which they can use to check online whether they have received the funding or not. On the age of 18 years, the Board is addressing this issue. That is because the identity card (ID) was used as a PIN for registration. The Board is working to see whether the students who have not attained the age of 18 years can have other ways to register. Charges of the interests on the loans are done by the time the students clear the universities.

On attachment of KCSE certificate, I would like to tell this House that no one should withhold a student's certificate because of failure to pay school fees. Already, a circular has been issued to the principals of schools. The rest I have answered. About the poor student not benefiting, it depends on how they fill in the form online. If you do not show that you are needy enough, then you will not get the loan.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: I believe the Chair has already handled what she can and, as I keep on saying, remember she is the Chair of a Committee and a Member like you. Any further clarifications that she cannot handle will be returned to the Cabinet Secretary before she can actually give the response. So, hon. Members, I want us to move to the next Statement.

What is your point of clarification, hon. Chris Wamalwa?

Hon. Wakhungu: Thank you, hon. Deputy Speaker. I want to make a request to the Chair of the Committee on Education, Research and Technology. We have many cases, especially from the region where I come from, of Form Four school leavers who were admitted to the university but have no ID cards. They have waiting cards. In fact,

the waiting has gone to as late as six months and HELB has been adamant to allow them apply for loans until they have the IDs. They cannot accept the waiting cards.

Hon. Deputy Speaker: That question is similar to the one that was asked by hon. Limo. What further clarification do you need? It is not your region; it is applicable across the country.

Hon. Wakhungu: I thought it was only my region.

Hon. Deputy Speaker: No! It is across the country.

Hon. Wakhungu: The clarification I wanted to know is whether that issue is national-wide. Two, what is HELB doing in terms of the waiting cards because it is a Government document and it must be respected? They could even write letters to the universities so that they can allow those students to continue studying instead of being interfered with and yet, the failure is on the Government agencies.

Hon. (Ms.) S.W. Chege: Thank you, hon. Deputy Speaker. This is a national issue. The issue has come before the Committee and we have also raised it with the Higher Education Loans Board (HELB), which is already working on it. As soon as we get a report from them on the way forward, then we will act. This affects students who are not yet 18 years old and the ones who are waiting for their IDs. So, immediately we get the report, we will bring it to this House.

Hon. Bosire: On a point of order, hon. Deputy Speaker. I was wondering whether those university students could not be considered on the basis of admission numbers. That is because it is unique to each individual. It is clear that, as they join the university, they will attain the correct age and then be able to get the IDs. With your permission, hon. Deputy Speaker, I wish to acknowledge the presence of a number of students from my constituency, specifically from a good secondary school which is performing very well, Nyambaria High School. I am happy that they are present. They have found us discussing a subject that touches on their future. I wish that they will feel encouraged that their future is properly catered for and that, as they work very hard, their future is guaranteed. I am happy that they are visiting us at this point in time.

Hon. Deputy Speaker: Hon. Bosire, they are welcome in the House. Hon. (Ms.) Sabina Chege, you could respond to that on the basis of the admission numbers that they have been given. I think it is still the question of IDs.

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, it is a very good recommendation. There is work in progress. Now that we are all “digital” and HELB is on Twitter and Face book, it is good that we give those recommendations online so that they also incorporate them in their final report.

Hon. Deputy Speaker: The next Statement is by the Departmental Committee on Finance, Planning and Trade regarding importation of Macadamia nuts into the country. This was requested by hon. Mpuru Aburi.

IMPORTATION OF MACADAMIA NUTS IN KENYA

Hon. Gaichuhie: Hon. Deputy Speaker, on 6th November, 2013, the Member for Tigania East Constituency, hon. Mpuru Aburi, requested for a Statement from the Chairperson of the Departmental Committee on Finance, Planning and Trade regarding

the importation and exportation of Macadamia nuts in Kenya. This request could not be responded to because the last Session lapsed, but it was reinstated.

In his request, the Member indicated that only one company, that is, M/s Kenya Nut Company, is licensed to trade in the international and local business of processing, supplying, distributing, importation and exportation of Macadamia nuts. The Member further stated that, that irregular monopoly has supposedly made the company to fix prices at which then they buy the Macadamia nuts from farmers and yet---

(Loud consultations)

Hon. Deputy Speaker: Order, Members! We cannot hear that response. The person who sought the Statement cannot hear the response.

Is hon. Aburi in the House? He is in. You know we agreed that we do not give Statements when those who requested for them are not present.

Hon. Gaichuhie: Hon. Deputy Speaker, the Member stated that the monopoly has discouraged other companies from investing in the business and yet, there is no law in Kenya that monopolizes the trade in nuts.

Hon. Aburi requested the Chairperson of the Committee to specifically inquire into and report on:-

(i) why Kenya Nut Company is being allowed to monopolize the trade in Macadamia nuts contrary to the law; and

(ii) what the Government was doing to rectify the situation and make the market competitive to allow other companies to trade.

After getting a response from the National Treasury, the Committee wishes to respond as follows:-

M/s Kenya Nut Company is not the only company licensed to trade in international and local business of processing, supply, distribution, importation and exportation of Macadamia nuts. Currently in Kenya, we have 12 companies with a domestic capacity for Macadamia and Cashew nuts of over 90,000 metric tonnes per year. This is contrary to the Member's assertion that it is only Kenya Nut Company. A list of the 12 companies is here and I will read the names. As reflected in the annex, there is no single company with dominance going by their respective market shares.

In order to create better outcome in the market, the Government, through the Ministry of Agriculture, imposed a ban on exports of raw nuts as per Gazette Notice Order No.109 of 16th June, 2009 due to the continued declining performance of the nut industry in the preceding 20 years. The ban imposition was informed by holding two stakeholders consultative meetings of the nut industry and a report on the nuts taskforce recommending a ban on exportation of raw nuts in order to boost performance. This was further emphasized in Kenya's long-term development plan, Vision 2030 and the subsequent papers, Medium-Term Plan 2008 to 2012, the Agriculture Sector Development Strategy, 2010 to 2020 and the Ministry of Agriculture Strategic Plan, 2008 to 2012 which also recommended value adding to agricultural produce, including Macadamia, before export in order to avail raw materials for domestic industries, creating employment locally, earning high foreign incomes, promoting local industrialization,

product differentiation and commodity branding while improving local capacity and technology development.

During the years 1990 to 2008 when the export of raw nuts was allowed, the nut industry had a progressive declining trend in the area. Production income and employment---

Hon. Deputy Speaker: Hon. Member, if it is a very long Statement, we have been asking Members to see how they can summarize. That is because, sometimes, hon. Members begin to lose the trail of what you are stating. You could summarize it so that you help us move.

Hon. Gaichuhie: Hon. Deputy Speaker, I am going to summarize it. So, the Government's intervention to revitalize the sector for the last three years has yielded positive results by banning exportation of unprocessed Macadamia. In a bid to ensure that there is no monopoly on the prices, the Processors and Growers Association in a stakeholders meeting held in Embu in 2010 agreed to meet every beginning of the harvest season so that they can have a fixed price from the farmers where they buy the Macadamia. In 2014, the price of Kshs50 per kilogramme was publicised through both the print and the electronic media but by 2013, it had increased up to Kshs80 per kilogramme. So, the price dialogue is done between the Growers and Processors Association under the chairmanship of the Director, Crops Management. Therefore, there is no single company that sets the prices.

Nevertheless, in order to improve the prices offered to farmers while maintaining competition amongst macadamia sector players, the Competition Authority has prioritised surveillance in this sector with the aim of ensuring that there is no competition, that the infractions exist and that the regulations and mechanism governing the sector are always supportive of the competition process. Therefore, the prices are never monopolised. There is the Competition Authority, which always takes care of such developments.

Advocacy is also deepening the motivation to establish more processing facilities and registration of new investors in the nut industry in line with our policy of exporting value added nuts products.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Mpuri, can you take the first chance to seek clarifications?

Hon. Aburi: Thank you, hon. Deputy Speaker. I am very happy with the Statement. It has already responded to my concerns. The only thing I can say is the following: The Chair of the Committee has said that there are 12 companies that buy Macadamia nuts in Kenya, but only one company is allowed to export the nuts. What about the other companies? I am not satisfied on that bit.

Hon. Deputy Speaker: So, are you saying that you want a further clarification?

Hon. Aburi: Yes, because it is only the macadamia people who are allowed to export the nut. In Kenya, for example in Meru---

Hon. Deputy Speaker: Please, seek a clarification. I do not want you to debate the matter.

Yes, Cyprian Iringo!

Hon. Iringo: Hon. Deputy Speaker, I would like to get a clarification on this matter because he has read out 12 companies, all of which buy the macadamia nuts and sell to one company. It is only that company that exports the nuts. Why are the other companies not allowed to export the nuts? There was a ban on exportation of raw Macadamia nuts. Why is this one company being allowed to export alone?

Hon. Deputy Speaker: Yes, hon. Florence Kajuju. I can see that the rest of Kenyans do not know anything about Macadamia nuts.

Hon. (Ms.) Kajuju: Hon. Deputy Speaker, the reason as to why we are passionate about the Macadamia nuts is this: Over and above the *miraa* growing in Meru, the next biggest market that we have is Macadamia. I am informed by my colleague, hon. Kathuri Murungi, that the best Macadamia nuts in Kenya come from Meru County. When you talk about stakeholders in the Macadamia marketing, who are those stakeholders? We know that in Meru County, there are a number of Macadamia growers who have never been consulted and yet, the Constitution talks about public participation. As they fix a price other than the market price, do they consult with the actual growers of the Macadamia nuts? Whom do they consult? Is it a Nairobi affair or a national affair?

Hon. Deputy Speaker: Can we get Peter Mwangi? Maybe, we will have a different perspective.

Hon. Mwangi: Hon. Deputy Speaker, before the coming in of Chinese companies before 2010 to buy the Macadamia nuts, the prices of the nuts were below Kshs20 per kilogramme. When the Chinese companies came, the price rose to about Kshs100 per kilogramme. That is when a cartel of traders joined hands and started interfering with the pricing. They started fighting the foreign investors. Could the Chairman tell us how many companies are buying Macadamia nuts and who those companies are? Tell us the foreign ones and the local ones.

Hon. Deputy Speaker: Yes, hon. Kathuri Murungi!

Hon. Murungi: Thank you, hon. Deputy Speaker. The low price of the Macadamia nut is as a result of the ban that was imposed on that important crop. My concern is whether the Ministry is considering lifting the ban so that farmers can fetch better prices and eradicate the cartels that are in the industry.

Hon. Deputy Speaker: Yes, hon. Joseph M'eruaki. I have told you that this seems to be a Meru affair, hon. Members.

Hon. M'uthari: Hon. Deputy Speaker, the Macadamia tree grows where the *miraa* plant grows.

Hon. Deputy Speaker: Is there a relationship between *miraa* and Macadamia nuts?

(Laughter)

Hon. M'uthari: Hon. Deputy Speaker, you know, our concern is the pricing and why the question of monopoly has not come out clearly and, specifically, why there are several companies that buy the nut locally but all of them have to sell their collection to one company to export. We are asking why. The explanation is not clear.

Hon. Deputy Speaker: Yes, hon. Jude Njomo.

Hon. Njomo: Hon. Deputy Speaker, I would like to inform the people from Meru that before Macadamia growing went to Meru, it started in Kiambu. The business died because it did not have any support. What I would like the Chairman to clarify is whether there is anything that the Government is doing to encourage Macadamia farming. I know that many hon. Members have problems. Only one Member from Meru, who grows Macadamia, may explain to this House what Macadamia is. I know that if we encourage the trade, it can be very good for our country.

Hon. Deputy Speaker: Yes, hon. Amina Abdalla.

Hon. (Ms.) Abdalla: Hon. Deputy Speaker, I thought it is important to highlight that the issue of the Macadamia nuts is actually not a Meru affair because it is a business affair. The problem that the Committee should be addressing is the fact that we would earn a lot of foreign exchange if we allowed the export of raw Macadamia. I want a clarification from the Committee on what information they gathered on the possibility of lifting the ban of exporting raw Macadamia, so that farmers can get the best price. For now, we are stuck with the local companies.

Hon. Deputy Speaker: Finally, hon. Dawood, you can ground that affair.

Hon. Dawood: Hon. Deputy Speaker, I want to declare my interest. I am in the Committee of Finance, Planning and Trade, but I am the biggest producer of Macadamia nuts in Meru County. My constituency of North Imenti produces a maximum amount of macadamia nuts. Even though I am in the Finance, Planning and Trade Committee, I believe that it should be opened to everybody who is interested in exporting Macadamia nuts. There are few unscrupulous traders who are trying to shut off good farmers. We can have a lot of money going to Meru not just for *miraa*, but even for Macadamia nuts because we are the best producers of the nut. The Members of this House should go and taste the Macadamia nuts of Meru and they will not go anywhere else.

Hon. Deputy Speaker: Leader of Majority Party, do you want to join the Macadamia nuts debate?

Hon. A.B. Duale: Hon. Deputy Speaker, first, I want to know whether it is “Macadamia” or “Macademia”. My suggestion is that, given the interest that the matter is generating, we should take the route of the *miraa* issue. A select committee of this House should be formed to deal with the Macadamia issue, so that we can get a report.

Hon. Deputy Speaker: Thank you. On the question of pronunciation, we shall leave it because none of us here is an Englishman or an Englishwoman. We shall pronounce it in the way that we can be understood.

Hon. Gaichuhie: Thank you, hon. Deputy Speaker. I want to confirm that there is no one company that has the monopoly of Macadamia nuts. We have Kenya Nuts Company which has only a 31.25 per cent share. We have Equatorial Nuts which has 23.4 per cent share. We have Wonder Nuts and Jungle Nuts. Both of them have 11 per cent shares. Then the other small ones have 33.21 per cent. Africana has a 6.2 per cent share. So, in total, all the 12 companies share the 100 per cent of the Macadamia nuts.

Secondly, the growers have an association called the Kenya Macadamia Nuts Growers Association. When it comes to the prices, at every harvest season, they meet with the processors and agree on a price which they are going to purchase the Macadamia nuts at the gate. So, it is not a monopoly of the processors. The last time they met in

Embu near Meru where we have the Macadamia nuts. So, the growers meet with the processors. We do not have one company dealing with Macadamia.

On why the Government banned the exportation of raw nuts, it is because we noticed that our Kenyan industries were actually going to close shop and I think it is a Kenyan policy, most Members here will bear me witness, that we are trying to encourage value addition. So, when we say that we export unprocessed Macadamia, we are trying to kill what we are always advocating for, and that is value addition.

So, there is no company that has been told to process Macadamia. So, what we are saying is this: We can encourage the people from Meru to start the processing of Macadamia so that they can be purchasing the commodity at a good price and export them when they are already processed. Otherwise, if we encourage people to export raw Macadamia, then we will kill our processing industries and that will mean that we will have a high rate of unemployment. So, I would encourage the people of Meru to open a factory where they can process Macadamia and employ the people of Meru and others from all over the Republic so that we can export actually processed and not raw Macadamia.

The Government is not thinking of revoking the ban. It is trying to encourage other people to come in, invest and process Macadamia.

Thank you.

Hon. Deputy Speaker: We must move now to the next Statement by the Departmental Committee on Agriculture, Livestock and Cooperatives on importation of sugar. Hon. Aburi, I think your questions have been answered.

Hon. Aburi: Hon. Deputy Speaker, I am on a point of order.

Hon. Deputy Speaker: What is your point of order?

Hon. Aburi: Hon. Deputy Speaker, Macadamia is not a product of Meru people only. So, when he is saying Meru people should start a factory, it is not their issue. Today, the Government is complaining about the huge wage bill. If Macadamia is taken up by the Government as a product that can fetch market overseas, we shall not reduce the salaries of any person working in this Government. Therefore, is he in order to say that Meru people should open a factory? This is an issue of national importance. The Government should open a factory for the whole Republic.

Thank you.

Hon. Deputy Speaker: Chairman, before you speak, let the owner of the Statement have a last bite on it.

Hon. Aburi: Thank you, hon. Deputy Speaker. What I can tell my friend is that we have 12 companies, but 11 of them are the ones which go round buying Macadamia. Could he tell us how many companies are exporting Macadamia? That is because I know it is only one company that exports Macadamia in Kenya.

Hon. Deputy Speaker: Okay. Please, that is your last information on this Statement. Chair!

Hon. Gaichuhie: Hon. Deputy Speaker, I want to confirm that even in Subukia Constituency, we have Macadamia. So, I know it is an affair of the whole country but when I was saying that Meru people should do that, I think I was trying to promote Meru County. So, if Meru or any other county can do that, it will be good.

Secondly, I want to say that it is not only one company that is allowed to export Macadamia. Maybe, it is only one company that has the capacity to export. Otherwise, any company that can process Macadamia does not even have to seek any permission. They are allowed to export processed Macadamia, but not raw Macadamia.

So, all the 12 companies have the right to export Macadamia. Any other company that joins the Macadamia business is allowed to export. But the only thing that they are allowed to export is processed Macadamia. So, it is not one company and I can tell my friend that Kenya Nuts Company is a parastatal. So, it is a Government-owned company. Fifty one per cent of the shares in Kenya Nuts Company are Government owned. So, the Government has already opened a Macadamia company.

Thank you.

Hon. Deputy Speaker: Okay, Members. I think we have exhausted that one. So, it is not about the rights. They have the rights but the capacity is where the problem may be. Let us move to the next one by the Departmental Committee on Agriculture, Livestock and Cooperatives on illegal importation of sugar. The hon. Chair of the Committee or the Vice-Chair? Jared Opiyo are you here? Who asked for the Statement? Jared is here, but is the Committee here? No. The Departmental Committee on Agriculture, Livestock and Cooperatives is not here. Nobody is ready with the Statement. Order, hon. Midiwo. Today is not for asking questions, it is for receiving responses. Hon. Jared Opiyo is the one who asked the question.

ILLEGAL IMPORTATION OF SUGAR

Hon. Opiyo: Thank you, hon. Deputy Speaker. I think this thing has been coming up very many times. Yesterday, if you can remember, I brought up this matter and the Chairman of the Committee was present and he gave a commitment. He said that the answer is ready, but it had not been scheduled on the Order Paper. When it was finally put, now all of them are not here! You know this is a matter concerning a serious crisis in this country. Really, I do not think it is fair to continue like this with this matter honestly. I think you need to make a ruling on this matter.

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

Hon. Deputy Speaker: What is your point of order, hon. Jakoyo?

Hon. Midiwo: Thank you, hon. Deputy Speaker. This is something you really need to help us on. You have an entire section of this country being oppressed and depressed by the importation of sugar. There is so much corruption involved in this thing that if the Committee Chairs cannot tell us, then what are we supposed to tell our people? The industries are collapsing. If you cannot order them to come, maybe, we need the intervention of the Leader of Majority Party here so that something can happen. The industry has collapsed.

Hon. Deputy Speaker: Okay. Hon. Mbadi.

Hon. Ng'ongo: Hon. Deputy Speaker, I am aware that the Chairs of Committees get some extra allowance, and not just sitting allowance. They are paid to discharge their duties. If a Chair of a Committee on a matter as important as this one fails to appear before the House to answer or to bring a Statement, he is failing in his obligation.

Therefore, what are we supposed to do? I think we need to crack the whip. The Chairs of Committees should be reprimanded.

Hon. Deputy Speaker, I ask that you make a ruling that any Chair who fails to deliver a Statement to the House should one, not be allowed to transact any business in this House until when he or she brings that Statement. Two, they should forego the extra allowances that they are earning for doing nothing because they should work for us. The sugar industry is dying and many Kenyans depend on it.

Hon. Deputy Speaker: Okay. Hon. Oyoo.

Hon. Oyoo: Hon. Deputy Speaker, I am appalled. It is consternating that none of the Chairs are available when this question is asked as a matter of urgency, in view of the collapsing sugar industry. They were told that this was very important and they were asked to fast-track the answer. But, today, when the House is ready, it is not there. I have personally been invited to go and express myself on behalf of my constituents who are the majority sugar-cane farmers and sugar-cane millers and each time, I see those people very seriously following the Kenya Sugar Board (KSB) officials. My information is that immediately the KSB officials leave here, some of them follow them to Loresho to go and broker deals on how they can import sugar. That is why they are conspicuously absent.

(Laughter)

Hon. Deputy Speaker: Order, hon. Oyoo! Members, let us really not do this to our Members. Please, be guided by Standing Order No.87 (3) concerning what we do with our Members. If you want to discuss somebody, bring a substantive Motion and discuss that person. Let us not cast aspersions that cannot be verified.

(Hon. Simba stood up in his place)

Hon. Arati, you are standing when the Speaker is standing? Order, hon. Members!

Hon. Members, this is, indeed, unbecoming of the Chairs, particularly, because you had indicated yesterday that there was an understanding that it was not on the Order Paper only because we are trying to manage our Order Paper. You said it was not on the Order Paper and that is why it was not discussed. Today, it is on the Order Paper but the Chairs are not here. So, we will be talking and you will be informed officially on what actions we are going to take on Chairs who are not performing their duties. As the Chair of the Liaison Committee, I will be meeting with the Chairs today and part of what we will discuss will be around their responsibilities to the Members of this House. So, let that matter rest now. The Communication will be given to you once we have handled it.

(Several hon. Members stood up in their places)

Order, hon. Members! You wait until you are given an opportunity. I think I have mentioned it. We have already indicated that action will be taken. Please, wait.

Let us go to the next Statement, which is by the Departmental Committee on Energy, Communication and Information regarding the power outages and rationing of

electricity that was sought by hon. (Ms.) Gure. Is Hon. (Ms.) Gure here? Is the Member who asked for the Statement in the House?

An hon. Member: She is in a meeting!

Hon. Deputy Speaker: Hon. (Ms.) Gure has to be here and not in a meeting and, therefore, we cannot have that Statement.

Hon. Sakaja: On a point of order, hon. Deputy Speaker. I was very uncomfortable when there was that issue that was being raised about Chairs and now, you have seen that even in one situation, the hon. Members are not there. So even as you give a directive on Chairs who are not there, also give a directive on hon. Members who seek for Statements but are not there. Additionally, it is very dangerous to impute in a generalized way that Chairs are not performing. Many Chairs of Committee are performing and they are available. Kindly, single out when there is an issue of a particular Chair, who it is and what the issue is. But if we give the general perception to the country that Chairpersons are not performing, it is dangerous for this House.

Hon. Deputy Speaker: Hon. Sakaja, that is why I said I am not giving a ruling now. We want to go and assess the situation before we make a proper informed ruling.

(Loud consultations)

Order, hon. Members!

BUSINESS FOR THE WEEK COMMENCING 15TH TO 17TH APRIL, 2014

Hon. A.B. Duale: Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(a), on behalf of the House Business Committee (HBC), I rise to give a Statement regarding the business appearing before the House the week beginning Tuesday, 15th April, 2014, without appearing to anticipate debate on the Motion for Adjournment. This Statement is for the week after and not next week as it is envisaged that the House will proceed on a recess as per the approved Parliamentary Calendar. However, in the unlikely event that the House fails to proceed on the scheduled recess, the HBC will meet on Tuesday, 8th April, 2014 at the rise of the House to consider business for the rest of the week.

The HBC met this past Tuesday at the rise of the House to schedule business for this week. The House has been debating the Address of the President pursuant to Standing Order No.24(6) and with such debate expected to conclude today, the House will give priority to the Division of Revenue Bill, 2014 which is to be read the First Time this afternoon. It is hoped that the Budget and Appropriations Committee will have concluded with the Bill by that time to allow for the Second Reading and the Third Reading to commence when we are back.

The House will also consider the following:-

The National Flag, Emblems and Names (Amendment) Bill, 2013, Senate Bill No.2 of 2013.

The Protection Against Domestic Violence Bill, 2013.

The Statutes Law (Miscellaneous Amendments) Bill, 2013.

The Mediation Committees' version of the County Governments (Amendment) Bill, 2013 among other Bills.

The Public Procurement and Disposal (Amendment) Bill, 2013 will be given priority for the Committee of the whole House.

The HBC will also schedule specific Committee---

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! The consultations are too high.

Hon. A.B. Duale: Hon. Deputy Speaker, it is the Member for Balambala and Member for Suba---

The HBC will schedule specific Committee reports for debate and adoption by the House. That includes the Report of the Departmental Committee on Transport, Public Works and Housing on the five bilateral agreements between Kenya and Kuwait, Kenya and Angola, Kenya and Canada, and Kenya and Mozambique. Another is the Report of the Departmental Committee on Regional Integration on three Bills forwarded by the East African Legislative Assembly (EALA) and in which this Assembly has 21 days to consider and adopt as set out under Standing Order Nos.212 and 215(1). In addition, the HBC will fast track debate on the Report of the Departmental Committee on Health regarding the devolution of the health services to the counties given the challenges being observed in the health sector. There will be the consideration of the Report of the Select Committee on *miraa*.

I wish to remind hon. Members that the Budget cycle is in full swing with the Budget Estimates for the Financial Year expected to be submitted by the Executive before 30th April, 2014. This and other budget-related Bills need to be considered and passed within the stipulated constitutional timelines.

I now wish to lay the Statement on the Table of the House.

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

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

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

THAT, pursuant to the provisions of Standing Order No.30(3)(a), this House resolves to extend its sitting time today until conclusion of business appearing as Order No.12 in the Order Paper.

The reasons for this - and I want to urge my colleagues to support me - is that pursuant to the Calendar of the House, 2014, which was approved on 26th February, 2014, the House is scheduled to proceed on an 11-day recess commencing tomorrow, Friday 4th April, 2014, and resume sitting on Tuesday, 15th April, 2014. Also pursuant to Standing Order No.127(4)(5), regarding committal of Bills to Committees after the First Reading, we feel that the Division of Revenue Bill, National Assembly Bill No.13 of 2014 is a very important Bill and we want it to be read today for the First Time, so that

the Budget and Appropriations Committee can look at it. The Senate can re-look at it as we come back and debate it both for the Second and Third Readings.

This is the Bill that gives both the county governments and the national Government their share of revenue without anticipating debate on this Bill. The Bill is prepared in fulfillment of the requirement of Article 218(1) of the Constitution and Section 191 of PFM Act, 2014, which requires that the Bill be submitted to Parliament every year, together with the memorandum and the objects. I want to urge my colleagues that the principal object of this Bill is to provide an equitable division of resources and revenue raised nationally between the national Government and county governments. It is on this basis that Parliament will pass this Bill under Article 218 so that, by the time we come back, the Budget and Appropriations Committee will help us with a report and then, we will move to the Second and Third Reading of the Bill. That will be the basis for the Senate to develop the County Allocation Bill. Even at the county level, the county assemblies and the executive will prepare their budget and programmes.

I beg to move and ask my colleague, the Deputy Minority Leader, to support.

Hon. Midiwo: Thank you, hon. Deputy Speaker. I rise to support and in so doing, I wish to point out that this is to comply with the constitutional requirement. Without saying much and analyzing from what the Majority Leader has said, and also by sending this Bill to the Committee, we will allow public participation in time for the Budget. I, however, do not agree that our recess should be eleven days so that we can be back here. It is an issue we will deal with at the end of the session today. We must come back after Easter.

Hon. Deputy Speaker: Can you second?

Hon. Midiwo: I second.

(Question proposed)

(Question put and agreed to)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD

Hon. Deputy Speaker: Leader of Majority Party

Hon. A.B. Duale: Thank you hon. Deputy Speaker. I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of Division of Revenue Bill (National Assembly Bill No.13 of 2014) from 14 to 8 days.

I do not need to go back because the reasons are very clear. We want it so that once we do this Procedural Motion, then we will do the First Reading and that starts the journey for the Bill to go to the Committee on Budget and Appropriations. The principal object of the Bill is what I said – division of revenue. I want to agree today with the Deputy Minority Leader, that it is not important. I do not want to anticipate debate about when we will come back. That is because we will stay for three days and go back for

Easter holidays. But that will come when we reach the Motion for Adjournment. But I want to ask my colleagues that we reduce the publication period, we do the First Reading and then hon. Musyimi and his team can look at it. It will become a document for public debate. Once we do the First Reading, both the national Government, county governments and other Kenyans will have a chance to critically analyze the Division of Revenue Bill 2014.

I beg to move and ask the Chair of the Committee on Budget and Appropriations, hon. Mutava Musyimi, to second.

Hon. Musyimi: Thank you very much, hon. Deputy Speaker. I beg to second. We are finally observing the timelines expected of us by the Constitution, the PFM Act and our own Standing Orders in terms of the budget-making process. We want to follow those timelines giving each other enough space to engage as is required. The role of my Committee in this process is known to all of us. It will help enormously if we can reduce the time as proposed by this Motion.

I beg to second.

(Question proposed)

(Question put and agreed to)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(Address of the President delivered on 27.3.2014)

*(Resumption of Debate interrupted
on 3.4.2014 (Morning Sitting))*

Hon. Deputy Speaker: Hon. Members, be reminded that you do not speak twice on a Motion. It is only Members who have not spoken on the Presidential Address that can speak on this matter. Remember we have said until the close of business. So, you will help us if we can be able to move faster. Of course, I cannot make the decision to conclude it. It is only that we cannot have a dilatory Motion on the Presidential Address and, therefore, it must end with Members themselves. I would urge you to see how you can help us to move faster. Hon. Members, hon. (Dr) Pukose you are number one on the list so---

Hon. (Dr) Pukose: I have spoken.

Hon. Deputy Speaker: You have spoken and so, you do not---

Hon. (Dr) Pukose: I just wanted to ask: How do we end?

Hon. Deputy Speaker: By having no Members to speak. There is no other way except having no Members requesting to speak. That is the only way it can end. Hon. Sane.

Hon. Sane: Thank you, hon. Deputy Speaker. In contributing to the Presidential Address---

Hon. Deputy Speaker: Order, Members! What is your point of order hon. Junet? Hon. Sane, can you hear what hon. Nuh Junet---

(Loud consultations)

Hon. Nuh: Hon. Deputy Speaker, I was asking if the matter has been spoken by many---

Hon. Deputy Speaker: Order, Members! We cannot hear the hon. Member speaking.

Hon. Nuh: I was asking if the Mover can be requested to reply. We have spoken enough.

Hon. Deputy Speaker: There is no Mover being requested to reply on the Presidential Address. The only way to end this debate is me not having any other Member requesting. But if Members continue to request, it will go up to 6 O'clock. That will be the last time at the end of the fourth day. But it can end earlier if we do not see any other Member wishing to contribute. I hope I have guided you on that one. So, proceed, hon. Nuh.

Hon. Sane: Thank you, hon. Deputy Speaker. I have gone through the Presidential Address and I could not pick anything seriously important to Kenyans except for the fact that he met the constitutional requirement to address the National Assembly once a year.

I have two issues to respond to, namely insecurity and food security. On national security, terrorism is a national concern that is threatening the stability of our country. I went through the State of the Nation security report, and I realized that the 2012/2013 security analysis did not even indicate terrorism as a source of insecurity.

[Hon. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Hon. Kajwang') took the Chair]*

I was trying to reflect on why Kenya is very different from---

(Loud consultations)

Hon. Temporary Deputy Speaker, I seek protection because there are loud consultations.

The Temporary Deputy Speaker (Hon. Kajwang'): Can we consult in low tones? Could I have hon. Members resume their seats and discuss in low tones?

Hon. Member, could we hear you?

Hon. Sane: Hon. Temporary Deputy Speaker, I was contemplating why Kenya is different from other neighbouring countries that are involved in security operations in Kisumu.

Hon. Mirenga: On a point of order, hon. Temporary Deputy Speaker. I do not know whether I will be in order to suggest this: The House has already discussed this

matter exhaustively. We should now use the remaining time to debate other matters of national importance, so that we can dispense with the Presidential Address Motion. That is probably reading the mood of the House, particularly this side and other part of the other side. You may have to give a ruling on this.

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Hon. Members, first of all, it does not appear very well if you rise when a Member is speaking, and then you say that Members have debated enough. You may want to wait for that Member to finish and then you raise the point order. This is because the Member will ask whether his presentation is not important. In terms of the Standing Orders, the Motion before us has no proposer who may be called upon to reply; it is a Presidential Address Motion. We will debate it for as long as it takes, or until we do not have any request from Members. If we continue to see requests, then the Motion will continue up to 6.00 p.m. So, it is upon you, as Members, not to put in your requests. As soon as we see them, we will take it that you want to ventilate on the Motion.

Hon. Sane, I think you have three minutes.

Hon. Sane: Hon. Temporary Deputy Speaker, if I may continue with my contribution, I was talking about the *Al Shabaab* menace in the country. I was reflecting on why Kenya is different compared to other countries that have their security forces in Somalia. I have realized that there are countries apart from Kenya like Ethiopia and Djibouti which have their security forces in Somalia with the AMISOM. Djibouti is 100 per cent a Somali country while Ethiopia has five regions inhabited by the Somali ethnic community, and so is Kenya as far as north eastern is concerned. Why is it that the *Al Shabaab* nuisance is something specific to Kenya when the three countries have forces in Somalia under AMISOM? There is the Somali ethnic community in the three states. That tells me that something is not right with our security apparatus and Kenyans are not patriotic.

Corruption is so systemic that our security forces may not protect us. This is something that we should ponder on.

On the *Nyumba Kumi* initiative, I feel that, that is a soft approach to our challenges. Terrorism is real and the *Nyumba Kumi* approach will never be sufficient to respond to terrorism. We better have more proactive and radical approaches for handling security issues. On radicalization of Muslim youth, I feel that there are other underlying issues that contribute to radicalization and not necessarily the preaching of clerics. I feel that poverty and increasing cost of living are key issues that the State must address, if we are to contain our youth who are affected by hopelessness, and are trying to be recruited into groupings that are dangerous to our security.

One thing we must appreciate is that Kenya has a very vast porous border with Somalia that is unmanned. Until we take our security forces close to this border and we improve a 24/7 surveillance of our security border we will always be having threats in Nairobi, which is our Capital City. If we have to fight terrorism in Nairobi, we should be clear in our minds that we are losing the battle to terrorism. We must handle these enemies wherever they are. We should engage them at their places of refuge instead of fighting them in our Capital City.

The other issue is that in as much as I do not support terrorism, the rights of Kenyan Somalis are being interfered with on a daily basis. Currently, there are security

swoops in Eastleigh, Mombasa and other parts of the country countering terrorism, but we have realized that the rights of the Kenyan Somalis, who have all the rights like other Kenyans, are being violated daily. I request the security forces to handle these swoops with some humanity. They should make sure that Kenyan Somalis do not suffer from harassment, so that they can also be useful in contributing to the security of this State.

Hon. Temporary Deputy Speaker, lapses in our security are partly contributed to by the outgoing Provincial Administration.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Kajwang’): Order, hon. Members! I can barely hear the contribution from this Member. Can these caucuses come to an end?

Hon. Sane: Hon. Temporary Deputy Speaker, finally, I can see the mood of the House is that this debate should come to conclusion.

On food insecurity, the Metrological Department has given information in advance to the effect that the rains will be below normal this year. It is unfortunate that the President did not address the plight of Kenyans who will be affected by drought, more so those in the ASAL areas. I appreciate that the country will support the resettlement of the Internally Displaced Persons (IDPs). However, we should bear in mind we will be having environmental IDPs very soon once drought strikes our ASAL areas.

There is a cosmetic statement in the Presidential Address with regard to having all primary schools connected to national grid by the end of the next financial year. I feel that we do not have the capacity and that is cosmetic. It may not be realized---

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you.

Yes, the Member for Ndia.

Hon. Ngare: Thank you very much, hon. Temporary Deputy Speaker for giving me this chance to contribute to this debate. Let me take this opportunity to thank His Excellency the President for giving an excellent Speech; it fulfils his mandate as enshrined in the Constitution.

First and foremost, we have counties which are in operation and they have budgets whose total exceeds double the amounts that are stipulated in the Constitution. However, some counties are not really operating as is envisaged in the Constitution. They are not using funds properly and when they are called upon to do so, they are reluctant to account for their misdeeds. This should not happen. They should use funds well, so that we can develop this country.

Our forces are in Somalia to keep peace. We have also sent forces to South Sudan to bring peace. We are also trying to keep peace in this country but we have got challenges. The most important aspect is the flow of information. If we buy modern equipment, so that we are able to deter insecurity incidents before they happen, this country will benefit a lot and we will be able to move ahead.

Hon. Temporary Deputy Speaker, the capacity to generate internal funds is critical. At the moment, as we are embarking on development, you will realize that we are depending a lot on donor-funding. This is the case, yet donors want to fund only some areas.

We passed a Motion here that we should tarmack a few kilometers of road, and unless we have money generated internally, we cannot do this. The Bills which were passed on VAT could help us to generate this funding. I hope we are going to discuss it even today.

Another aspect is the power. We are going to increase power by 5,000 megawatts and 80 per cent of our households will be connected to power within three years. However, the cost of energy is still a big problem. If we do not try to bring it down, we will not get investors to come and invest in this country. Let us try to bring it down, so that we can be compared with other African countries like South Africa or Egypt.

On infrastructure development, we are doing quite a lot to join our neighbours, but we cannot do a lot internally. At the moment, the Ministry of Transport and Infrastructure is looking for money to tarmack more roads, but it cannot do that because we have not funded it adequately. The development of this country depends very much on infrastructural development. So, let us try to generate some funds internally.

The wage bill is a very big issue, but before we do anything, we really need to curb on the wastage that we have. We need to curb corruption in the country. Then we can generate more funds for the Jubilee Government to do a lot of development.

With those few remarks, I support the Speech.

Hon. Ng'ongo: Hon. Temporary Deputy Speaker, I was looking at the provisions of Standing Order No.24; it requires that the debate on the thanks of the House for the President's Speech should be for a maximum of four sitting days, but that does not mean that we cannot do it for fewer days than that. I would have taken advantage of the Standing Order No.97, but I was late, because it requires that we could ask for limitation of debate, and this should have happened before we resumed debate on this particular Motion, I urge that you use the Standing Order No.1 and have the debate concluded. The way I see this House it is like we are unanimous. Given that we still have two other reports that will enable us to debate the President's Speech, namely the report on security and the report on international obligations, I urge that for better use of the time of this House, those of us who probably have not contributed wait to contribute to these reports. Anyway, we are discussing things that we would have discussed when discussing the substantive reports that are given to the House by the President. So, based on that, I am requesting that you use the Standing Order No.1 and limit the debate on this Motion. That can be done. There is nothing that requires that we have to have four full sitting days.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. Hon. Mbadi, let us have decorum, so that we also know what our roles are. Hon. Mbadi, when you suggest that the House is unanimous, you are taking over a mandate which belongs to the Chair, namely knowing when the House is unanimous on a subject.

Just make your presentation, but allow the Chair to know when the House is unanimous on any subject. Two, hon. Mbadi, on Standing Order No.24(6) that you are talking about, the debate shall not exceed four sitting days. This afternoon is the fourth allotted day. It means that according to the Standing Orders, the Members have the privilege to debate this Motion up and including 6.00 p.m. Every Member here has the right to debate and no Member would decide on the other person's right or curtail the other person's right to speak.

With that reasoning, the Chair will hold that - it is consistent with the tradition - the only way we will stop the debate is if no Member wants to debate during the Fourth Allotted Day, which runs up to 6.00 p.m. So, if you choose not to present your request, we will take it that no other Member is willing to speak; therefore, we will go to the next Order. But to suggest that we want to stop this debate because you have spoken is really not fair to the other Members.

Lastly, hon. Mbadi, I am informed that you spoke on this debate. So, you must be the last person to ask other Members to stop debate because you spoke on it.

Yes, Member for Kikuyu.

Hon. Ichung'wah: Thank you, hon. Temporary Deputy Speaker. Thank you very much also for that guidance because there are those of us who really want to speak to this Motion.

I wish to begin by congratulating His Excellency President Uhuru Kenyatta, for the report that he tabled before this House and the Speech. Indeed, I heard hon. Mbadi, who contributed to this Motion this morning and stated that despite the President having spoken about the issue of resettling IDPs, he has not addressed the issue of equality within the State. He went on to cast aspersions on the integrity of the resettlement process. Indeed, he insinuated that the resettlement process of the IDPs was skewed towards certain communities. I want it to be known to the nation that, indeed, it is not only in those areas that were mentioned, but even in Central Kenya, in my constituency, in Kiambu County and many other areas across the country; there are very many integrated IDPs.

Therefore, it was in bad light for hon. Mbadi to insinuate that integrated IDPs are only concentrated in certain areas of this country. We know that, indeed, they are there and the Government is working to resettle them; it will provide for all IDPs. Therefore, the President addressed the question of equality and the resettling of the IDPs. Indeed, it is a step in the right direction. It is something that the former Government, that hon. Mbadi served in, did not address for five years after the post-election violence of 2007/2008. It has taken this Government less than a year. In the first six to seven months of the Jubilee administration, we were able to resettle those IDPs and that process is ongoing.

Hon. Kaluma: On a point of order, hon. Temporary Deputy Speaker. The Member is saying some very serious things here when an issue was raised on a matter that should concern our national cohesion and equality. We had people from the Luo community evicted from across the country, including Central. Which single Luo has got any resettlement money in the country? Even Kisiis, who were evicted--- We do not want to trivialize issues. Let us use this report to guide the President and help him rule the country well. These things have been skewed.

The Temporary Deputy Speaker (Hon. Kajwang'): Well, you may have spoken your mind, but I am still waiting to hear what is out of order.

Hon. Kaluma: Hon. Temporary Deputy Speaker, it is out of order for the Member to mislead the House and, indeed, the people of Kenya, to whom he is speaking on television, that the resettlement of IDPs in the country has been equal.

The Temporary Deputy Speaker (Hon. Kajwang'): That is the way you should go and not the way you went before. Hon. Ichung'wah, would you please respond

whether it is in order to say that the process of integration is complete, when there are all these facts before the House.

Hon. Ichung'wah: Thank you, hon. Temporary Deputy Speaker, either the hon. Member was not listening to what I was saying, or he is probably skewed even in his listening to what I was saying.

I was only correcting what hon. John Mbadi had insinuated this morning. He said that resettlement process was skewed towards certain communities and that there are integrated IDPs from certain communities who have been ignored from. If only hon. Mbadi can allow me to make this point, that the resettlement programme for integrated IDPs is still ongoing. It is true that there are Luos who were evicted from Central Kenya and other areas, the same way there are Kikuyus who were evicted from Kisumu. There are Merus whose big restaurants were burnt down in Kisumu; those people went back and re-integrated with the communities in other areas where they had come from across the country.

I am only saying the President addressed himself to the question of the resettlement of IDPs. Indeed, the President has said on more than one occasion, and so has the Cabinet Secretary in charge of Devolution and Planning, that this is an ongoing process. I am also aware of this because I have got petitions from my own constituency. IDPs who hailed from Kikuyu Constituency and other parts of Kiambu have integrated with their communities in our own constituency; they were evicted from the Rift-Valley and Luo-Nyanza. They are now integrated in our communities and Government is working to help them. Therefore it is really sad that we want to belittle this process of resettlement of IDPs. It is a process that within a period of less than a year the Government has acted on. We want to belittle it and make it look like the resettlement process was done only in certain areas. The point is, the resettlement will continue and will be done across the board.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Kibra, what is out of order?

Hon. Okoth: On a point of order, hon. Temporary Deputy Speaker. It is completely out of order for hon. Ichung'wah to claim that the resettlement process has achieved a lot and we should be satisfied. I know for sure that the violence of 2007/2008 in my constituency of Kibra, not even one person has been resettled, integrated, or has received any support from the Government; this is the fourth---

The Temporary Deputy Speaker (Hon. Kajwang'): Did I hear the Member saying that the process was ongoing?

Hon. Okoth: Ongoing where? It is not ongoing in Mathare or Kibra. Kibra is in Kenya. So, as a matter of fact, if he is purporting to defend the Government, let him give us facts and produce documents to show that there are people in Kibra who have been resettled. Giving of the Kshs400,000 to IDPs which the President spoke of in his Speech, as an accomplishment of his Government--- The Jubilee Government has not given anybody even one shilling. Why the discrimination? You are not uniting the country.

The Temporary Deputy Speaker (Hon. Kajwang'): I hear you, the only point I am trying to get out of you is what is out of order. This seems to be that he is misleading the House to the extent that he said the process was finalized. He has restated himself and said that the process is ongoing; that is his expression. You have an opportunity to come

and debate and say that the process is not ongoing. That is how I understand that misleading fact to be. So, to the extent that you think he is misleading, I rule that he is not out of order. No, I do not want to subject this to debate.

Hon. Ichung'wah, you do not have any more minutes. You have lost your minutes because of the type of debate you brought to the Floor.

Hon. Ichung'wah: (*Off record*).

The Temporary Deputy Speaker (Hon. Kajwang'): The Chair will give you only thirty seconds.

Hon. Ichung'wah: Thank you, hon. Temporary Deputy Speaker. It is unfortunate; it was because of those interruptions.

The only other thing I wanted to mention was the question of equality within Government. It is a clear fact from the first year's appointments that were done by His Excellency the President. Again a number of Members have insinuated that the President has not been fair. It is quite clear that the Government is very representative of all the communities in this country. Both at the Cabinet level and the parastatals level, there is a good representation and we need to commend the President.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Dagoretti North.

Hon. Simba: Thank you, hon. Temporary Deputy Speaker. It is unfortunate that the President has sycophants, the likes of my colleague, who has just left the Floor, in terms of ---

(Loud consultations)

The Temporary Deputy Speaker (Hon. Kajwang'): Order! Order! Order hon. Arati! Even before I make a decision on that, can you withdraw that unequivocally and apologize.

Hon. Simba: Thank you, hon. Temporary Deputy Speaker. As I am withdrawing, the facts remain that from the top---

The Temporary Deputy Speaker (Hon. Kajwang'): Can you withdraw unequivocally and apologize.

Hon. Simba: I withdraw and apologize for those remarks. It is unfortunate that when the President came here, his Speech was colourless and lacked favour. If you saw what the President was reading here, it is unfortunate that he has the people he calls advisors. Indeed, the settlement of IDPs, who happen to be from across the country--- I cannot start arguing with hon. Ichung'wah. But I want to say that if the President was talking about the railway, we know hon. Keter has the answer for the railway.

(Applause)

The Temporary Deputy Speaker (Hon. Kajwang'): Order! Hon. Arati, are you talking about a gentleman outside the House?

Hon. Simba: Hon. Keter from Nandi Hills.

The Temporary Deputy Speaker (Hon. Kajwang'): You are talking about the Member for Nandi Hill?

Hon. Simba: Yes, he has the answer for the railway and we have seen it.

The Temporary Deputy Speaker (Hon. Kajwang’): I see.

Hon. Simba: Therefore, this business of the President coming here and telling us that he is going to do a standard gauge railway from Mombasa--- We know that hon. Keter has an answer to that.

On the laptops project, a committee has an answer for Kaimenyi; we know very well that this is a corrupt process. Even with the insecurity that we are experiencing in this country, the President did not address it. He only went round and round and, indeed, addressed the country in terms of what they are doing, just the cosmetic part of it.

My colleague who spoke before me has just said that neighbouring countries--- We share with them our army in Somalia. Why is it that we are affected by *Al Shabaab*? Let the President tell us the truth; what is happening with security in this country? He should not come here just as if we are dining and dancing in terms of the security of this country. It is unfortunate that the President cannot address the issues which are affecting the common *mwanachi*.

He spoke about VAT, and said flour prices have gone down, but we know very well that milk, which comes from his own farm, goes for around Kshs.50.

(Laughter)

Let us be realistic and this is the only way we can help this country; the President has to be realistic too. He swore to discharge his duties in terms of serving this country, which he is not doing.

I want to point out two other things. It is a planned and calculated move for the President not to respect the law and the Constitution. Indeed, he has retained Provincial Commissioners (PCs,) District Commissioners (DCs) and chiefs for purposes of 2017. The only way we can address the wage bill problem is for the President to accept to integrate DCs and chiefs into the county government and they serve there. That is the only time we will know that the President is serious with addressing the issues in this country. It was unfortunate for him to waste a whole evening addressing the country on empty promises.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member for Turkana Central, are you on a point of order? Can we hear you?

Hon. Nakara: Hon. Temporary Deputy Speaker, I do not think it is good for us to speak about family businesses in the Presidential Speech.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Can you show me which Standing Order you are rising on and which one prohibits Members from discussing those issues?

(Loud consultations)

The Temporary Deputy Speaker (Hon. Kajwang’): Order, Members! You know when the Speaker is of the view that a Member is raising frivolous points of order, that becomes a matter of gross misconduct. So, let us raise points of order which are substantive and which help us move things ahead.

Hon. Ganya: Thank you, hon. Temporary Deputy Speaker. I want to add my voice to the debate on the Presidential Address. For sure he has fulfilled his constitutional obligation.

I would like to talk specifically about economic empowerment. The Jubilee administration has always committed itself to the Uwezo Fund in order to empower youth and women all over the country. This so far has been a dream. A few things have been done. We have asked questions in this House and Uwezo Fund is yet to be rolled out. The Jubilee Government is one year down the road, yet our youth and women are yet to benefit from this major support that will enable Kenyans to move out of poverty.

As they roll out this programme all over the nation, they should really increase efforts in capacity building of our men and youth, so that they know how to save, borrow and create wealth. This will enable our country grow economically.

Hon. Temporary Deputy Speaker, the President addressed the issue of poaching of elephants and rhinos in passing. In my view, he could have done more. This country today is leading on earth in terms of trafficking of ivory and rhino horns. We are losing our heritage. Our wildlife is an important sector, and a major revenue earner for this nation. The Government is not doing enough. The President should lead from the front and save our heritage.

While he mentioned the need for us to face the poaching crisis, he fell short of declaring it a national disaster. He failed to tell us exactly what he was going to do in terms of how to deal with the international cartel, which is full of terrorists who are busy killing and maiming our national heritage. It is high time this Government implemented fully the law that we passed in this House; the Wildlife Conservation and Management Act. It is high time this Government appointed a substantive Director-General for the KWS. We need an overhaul of that State corporation in terms of appointing new directors as envisaged in the new law as well as resourcing KWS, so that it is able to fight this international cartel, which is killing our elephants and rhinos. These cartels are known. We are talking about five or eight people and this Government can do a lot, and has the capacity to arrest these people.

On devolution, the President should know that he is not doing us a favour; this is our constitutional right and he has a constitutional obligation to ensure that devolution is in place. While the President argued that he has increased the revenues to the counties from 15 per cent to 32 per cent, that is debatable. He could raise it even to 40 per cent in the next financial year. The Government should devolve as many functions as possible to the counties and even delegate some. For example, I do not think the Government should be in the business of providing primary education.

On food security, he did not mention the need to put large pieces of land under irrigation.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Mathira.

Hon. Kinyua: Thank you, hon. Temporary Deputy Speaker. I want to congratulate the President because we have full confidence in him. We know that he has

the answers for this country. He has this country at heart. A Member said here that there are answers that lie elsewhere. We only know His Excellency Uhuru Kenyatta. We have full confidence in him about where he wants to take Kenya.

We saw in his Speech commitment to the Constitution and most importantly to devolution. However, we know, as Kenyans, that the spirit of devolution was not to create mini kingdoms or some kings. It was to take services nearer to the people. I think that is what needs to be upheld by all, including those who work at the county level. We need to see more in terms of getting services closer to our people.

The President also mentioned the commitment of this country to international obligations. We know that the President and his Deputy President are co-operating with an international court. At present, they are represented at The Hague. This is a show of commitment towards international obligations. Our wish, however, is to ensure that our President engages in treaties and international obligations that add value to this country. What we are seeing in the ICC cannot pass even for a lower court trial here in Kenya. We urge Ms. Bensouda to just drop the charges and allow our President work for us.

The Temporary Deputy Speaker (Hon. Kajwang’): Can you come back to the Presidential Speech and not what is happening at ICC?

Hon. Kinyua: It is about the international obligations.

The Temporary Deputy Speaker (Hon. Kajwang’): Can you connect it to the Presidential Speech?

Hon. Kinyua: Yes, it is about international obligations. This was in the second paragraph of the Speech.

When we talk of the safety of our people and the defence of the sovereignty of our country, that is why we are saying that the President realizes the need for our people to be safe. He also realizes that security cannot just be left to Government agencies. All Kenyans must join hands and ensure that we assist the Government in fighting insecurity in this country, especially by embracing the *Nyumba Kumi* initiative.

There was a time I had requested the use of CCTV cameras. In his Speech, the President promised the use of technology in order that we fight insecurity in this country. This Government needs more funds. We have the VAT Act. We have also other ways of raising revenue for this country. We appreciate the slogan: *Kulipa ushuru ni kujitegemea*. We are urging the KRA to ensure that we net---

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Lamu East!

Hon. S.A. Ali: Ahsante, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii ili niweze kuichangia Hotuba ya Rais.

Ningependa kuchukua fursa hii kumpongeza Rais kwa kutekeleza majukumu yake ya kuja na kutuelezea maendeleo ambayo Serikali yake imefanya katika muda wa mwaka mmoja uliopita. Ni muhimu tufahamu kwamba katika nchi hii tuna matatizo. Ni matatizo ambayo Rais ameyakubali. Ni matatizo ambayo tunakumbana nayo kila siku.

Nilifurahi Rais aliposema kwamba barabara ya kutoka Lamu kwenda Turkana, kwa sababu ya bandari ya Lamu, iko kwenye mipango ya Serikali. Masikitiko makubwa ni kwamba Serikali inazingatia kujenga barabara hiyo huku matatizo yanayowakumba wakazi wa Lamu kuhusiana na bandari hiyo yakipuuzwa. Serikali haijaweza kuyatatua matatizo ambayo yako Lamu. Kuna watu ambao wamefurushwa kutoka ardhi yao lakini

mpaka sasa hakuna hata mtu mmoja ambaye amepewa fidia. Watu hao hivi sasa hawajielewi. Hawajui wafanye nini, ama waende wapi.

Bw. Naibu Spika wa Muda, kuhusu masuala ya IDPs, ningependa kusema kwamba wakazi wa Lamu ndio walikuwa IDPs wa kwanza katika nchi hii. Kuna watu ambao walikuwa wakiishi katika maeneo ya Rubu na Mwombore. Hivi sasa watu hao wameondoka kutoka maeneo hayo. Wamekuwa IDPs. Mpaka sasa Serikali inazungumzia IDPs wa hivi majuzi bila ya kuwazungumzia IDPs wa kitambo. Kutokana na haya, ni lazima Serikali iwajibike na kujua kwamba tuna matatizo, na itafute njia mwafaka ya kuyatatua kabla ya kufanya mambo mengine.

Tukizungumzia masuala ya usalama, ni wengi waliochangia masuala hayo. Sote tutakubaliana kwamba usalama ni kama mlango wa nchi hii. Bila ya nchi hii kuwa na mlango, sidhani kwamba kutakuwa na mwelekeo wowote. Hivi sasa tunaona watu wakiuawa barabarani bila ya sababu zozote. Kuuu na kuuuwa limekuwa jambo la kawaida ambalo limeingia kwenye nyoyo za watu. Limekuwa jambo la kawaida.

Ni masikitiko makubwa kuona kwamba viongozi, ama watu mashuhuri, katika nchi hii wanaweza kuuuwa barabarani huku Serikali ikisema kwamba inafanya uchunguzi bila ya uchunguzi huo kujulikana ulipofikia na bila ya suluhisho lolote kupatikana. Tunaelekea mahali pabaya. Inafaa Serikali ilianguzie suala hili, na kuchukua hatua kuhakikisha kwamba mambo haya yamewekwa katika uthibiti maalumu ili kuweza kuikomboa na kuitetea nchi hii katika siku za usoni.

Mhe Rais na naibu wake wanazungumzia masuala ya uchumi wa nchi hii. Wanasema kwamba wameweza kupiga hatua na kuinua uchumi wa nchi hii. Masikitiko makubwa ni kwamba Wakenya, ambao wanaishi katika nchi hii, wanaamuka asubuhi wasijue wale nini ama waende wapi. Kwa kweli, katika nchi hii bado kuna watu ambao wana matatizo ya kiuchumi, na ambao hawajui wafanye nini.

Tukizungumzia suala la mataniti, mhe. Rais amesema kwamba dada zetu na akina mama wajifungue bure katika hospitali za umma. Sijui kama ameweza kutembelea mataniti kwenye hospitali za umma na kuona jinsi zilivyo. Katika sehemu za mashinani kuna matatizo makubwa. Kwa hivyo, haifai kusema tu kwamba umefanya nini. Ni lazima Serikali iwajibike na kufuatilia masuala hayo.

The Temporary Deputy Speaker (Hon. Kajwang’): Next is the Member for Kipkelion West.

Hon. Rop: Hon. Temporary Deputy Speaker, I also want to join my colleagues in congratulating the President for the wonderful Speech that he delivered to this House. I want to agree that this is a democratic nation, as displayed by His Excellency the President. He gave us his brief and detailed the issues that have been addressed in the past one year. He did not stop at that. He has also mandated his Cabinet Secretaries to give detailed reports of what is happening in their respective Ministries. We have all listened to the Cabinet Secretaries explaining what they have done in their respective Ministries. That is a sign of democracy and participatory kind of leadership. For that, I applaud His Excellency the President.

Hon. Temporary Deputy Speaker, I also want to thank the President for supporting devolution. We have always been talking about the two levels of government. It is not easy to run levels of government. Most people have been saying that the revenue that was shared was not more than the statutory limit of 15 per cent. In his Speech, the

President indicated very clearly that we shared out to the counties up to 32 per cent of the revenue generated in this nation. That is the right thing. The Government is supportive of devolution. His Excellency the President has begun well.

I also want to thank the President for recognising the fact that security has been a problem in this nation. He accepted the fact that it is historical, and pointed out the fact that he inherited it. He promised not to sit down and watch, but make sure that we have security in this nation. He has initiated the *Nyumba Kumi* programme, through which Kenyans are encouraged to know their neighbours. Apparently, those of us living in Nairobi, especially those living in non-gated communities, it is a bit difficult to know our neighbours. One might ask what business you have in inquiring into who and what he is. However, members of gated-communities can easily know one another and have their own internal security arrangement.

Hon. Temporary Deputy Speaker, I also want to applaud the President for the housing scheme that he is going to offer officers. I come from a constituency that has no houses for officers out there. You find police officers living in very old huts, and we expect them to deliver services. I want to tell the nation that we should provide quality housing to our police officers. I also want to thank the President for the insurance scheme that he is giving the officers. The officers are our people. They are our children. They are human beings. As they go out there to fight with thugs, they have to be insured. I am happy that His Excellency the President has recognised the fact that they require insurance. It will boost the welfare and the morale of the officers.

On food security, I am happy that the President has encouraged sampling, mapping and testing of our soils, so that we can know the kind of fertilizers that we are required to use on our farms, so as to boost production. The President has initiated, as a pilot project, irrigation of 10,000 acres. We must be alive to the fact that irrigating a million acres of land is not easy. It requires massive resources. Starting with 10,000 acres is a move in the right direction. A journey of 1,000 miles begins with the first step. So, His Excellency the President has started with 10,000 acres of land to be irrigated. This will help in boosting food security in this country.

Hon. Temporary Deputy Speaker, I also want to applaud him on the maternity issue. We have our mothers enjoying free maternity services. The fear that I have is that the programme might not be sustainable because the health function has been devolved. Although there is a Presidential directive, the function falls under the county governments.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Luanda.

Hon. Omulele: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to speak to the President’s Address to Parliament. I would like to say that I want to congratulate the President first of all for merely addressing himself to the letter of the Constitution, which requires him to present a report to this House every year; that he did.

Having said that, I would like to point out that his Address and report more or less disclose more failures than really successes and this is the unfortunate bit.

Hon. Temporary Deputy Speaker, on my part I think I want to earnestly beseech the President and his advisers to relook at this issue of the laptops. I believe that children of this country who are in our primary schools would be better served if we built a

computer lab in every one of our primary schools. This is so that everyone of classes One to Eight may have access to computers; Everyone can have one or two computer lessons every week. I think this way we shall be enabling our youth to acquire computer skills in a more organised way rather than insist that every child in Class One gets a laptop of their own; in this way every year we shall be spending sums in excess of Kshs24 billion on the laptops project.

So, I would like the advisers of the President, and even the President himself, to relook at this and also remember that we know that this was his campaign pledge, but nothing is cast in stone. We have an opportunity to relook, reweigh and re-evaluate and see what is best for the country. In doing this he must remember that he is the President of this nation. He is just not the President for purposes of his campaign pledges on the Jubilee platform. I think the country would be better served if we provided computers for all our children.

Hon. Temporary Deputy Speaker, secondly on devolution, I would wish to point out that as much as the President takes pride in stating that he has devolved all services to the counties, I wish to point out that the manner in which he chose to do that was unconstitutional. This is because the laws in this country provide that devolution will be done in an organised way and through the Transition Authority (TA), which can assess each of these counties as to their viability in respect of each service that is proposed to be devolved. However, we know that the President devolved most of these services in a “big and bang” way That is why we are having problems with provision of some services by counties; more particularly I point out the health services, which were devolved when some of the counties could not provide them.

So, I think we need to relook at that and re-energise the TA, so that it can do its work and give us reports, and be able to put counties to task when they fail. On devolution, I think we are looking at a crisis if we insist that we go the way the President proposes.

Hon. Temporary Deputy Speaker, on employment I think the President has failed the nation. I think the numbers that have been employed in Government speak for themselves. The communities from which they come speak for themselves. Speaking for Luanda, I want to state that nobody from Luanda has been employed in this Government.

On the Uwezo Fund, which we were promised would go to the youth, I think all the Members have said that they have not seen it. Having said this I also want to speak to the issue of the one million acres of land that the President has proposed to irrigate in this country. I think 10,000 acres out of one million represents only one per cent. I think scoring one per cent really is much lower than even an “E” in an examination.

Thank you, hon. Temporary Deputy Speaker for giving me a chance.

The Temporary Deputy Speaker (Hon. Kajwang’); Thank you. Alice Wahome.

Hon. (Ms.) Wahome: Thank you, hon. Temporary Deputy Speaker. I want to support the Presidential Address to the nation on the state of national security and also on the country’s obligation to international governance and treaties. I want to go on record saying that I commend His Excellency for the broad statements that he provided. I think if they were put on a score card, I would possibly give His Excellency 60 per cent to 70 per cent .I think being his first year of his Government, he has shown that the

Government is committed to the Constitution, particularly that this Address is provided for in the Constitution.

As a member of the Departmental Committee on Administration and National Security and like all Kenyans, I have a concern because of the deteriorating state of our security. I think that we need to support and urge the Muslim leadership, community and all Kenyans, particularly those who are associated with areas that are prone to the attacks, to help us. I think it is time that we looked at the national security as an issue. I have seen concerns that need to be taken up seriously, particularly by members of the Muslim community and leadership, because radicalisation is going on and we are losing lives of innocent Kenyans.

Hon. (Ms.) Chidzuga: Jambo la Nidhamu, Bw Naibu Spika wa Muda. Ningependa kuelewa kwa nini mwenzetu anawataja Waislamu. Inaonekana kwamba Waislamu ndio ambao wameleta haya maafaa. Hili jambo si la Waislamu kwa sababu katika dini ya Kiislamu hakuna mahali ambapo kuna mambo ya kuuana.

The Temporary Deputy Speaker (Hon. Kajwang’): Order, Member for Kwale! Are you sure that, that is what the Member said?

Hon. (Ms.) Chidzuga: Ndivyo alivyosema. Amezungumzia Waislamu ama Muslims.

The Temporary Deputy Speaker (Hon. Kajwang’): I am afraid I think you may have misunderstood her; I did not hear that to have come from her.

Hon. (Ms.) Chidzuga: Amezungumzia Waislamu, Bw. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. Kajwang’): Well, I will get it from the HANSARD, but even if I do that it will be different from what you are saying.

Can you continue Alice?

Hon. (Ms.) Wahome: I was urging the members of the Muslim community, Kenyans at large and all of us to be vigilant, particularly because we have also seen radicalisation amongst some communities or youth; radicalisation is not necessarily by Muslims only. I think we need to be careful as communities as to our children’s activities.

I am also thinking that our security organs need to up their game, especially in gathering intelligence and verifying its accuracy. The security agencies should also put into good use the intelligence that they gather. I have looked at the intelligence that was gathered. I have looked at the crime analysis report that was captured in the State of the Nation Address, and have seen that although the crime rate is decreasing in some areas we have seen that the very serious offences like terrorism, corruption, robbery, homicide, dangerous drugs and other offences like those involving or committed by our security agencies are on the rise. Small offences are the ones that are on the decrease but I am happy to see that the report brings out details and data in terms of numbers.

Hon. Temporary Deputy Speaker, I think you will have to take into account that I was interrupted; I see the yellow button but I would like to say that I have looked at the ICT revolution that the President talked about and I think this will revolutionise our education system; it is a very welcome programme.

Hon. Temporary Deputy Speaker, I am very happy with the 30 per cent procurement that is targeted to go to the youth and women, and we must support it; we

must be able to ask for the data at the end of every year, so that we know whether the Government is actually acting.

Hon. Temporary Deputy Speaker, I am looking at the issue of the soil mapping that the President talked about; this is the first time we are doing our soil mapping. We need this information to be released to the farmers, so that they are able to utilise the information to enhance their farming skills and the production of produce.

Hon. Temporary Deputy Speaker, finally I want to say that I am happy with this Address because we---

The Temporary Deputy Speaker (Hon. Kajwang’): The Member for South Imenti.

Hon. Murungi: Asante sana, Bw. Naibu Spika wa Muda. Kwanza kabisa nampongeza Rais wetu kwa hiyo Hotuba yake ambayo alileta hapa Bungeni; nampongeza kwa kutilia maanani maadili ya Katiba yetu mpya.

Pia nampongeza kiongozi wa CORD, Raila Odinga akiwa Marekani. Akihojiwa na waandishi wa habari aliweza kuipongeza Serikali na kuipa alama tano ambayo ni *pass* na akasema kweli Serikali ya Jubilee imefanya kazi nzuri katika mwaka mmoja. Kwa hivyo, kwa wale ambao labda hawakusikia hio ripoti ya kiongozi mashuhuri Raila Odinga, labda hawasomi---

Hon. (Ms.) Odhiambo-Mabona: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Mbita, what is out of order?

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Temporary Deputy Speaker. I am sure you have heard the hon. Member relying on newspaper reports for debate in this House. Procedurally, it is not allowed. Is he in order to rely on newspaper reports to come and give information to this House when that is not allowed procedurally?

The Temporary Deputy Speaker (Hon. Kajwang’): The question is this hon. Murungi: Did you rely, quote or base your facts on a newspaper report?

Hon. Murungi: Hapana, Bw. Naibu Spika wa Muda. Mimi sijasema nilisoma kwa magazeti. Nimesema alisema akiwa Marekani. Kwa hivyo, mwenzangu, Mhe Millie, hajui kama hata mimi nina uwezo wa kuongea na Bw. Raila Odinga. Sijui kwa nini anashuku taarifa yangu hapa Bungeni.

(Laughter)

Kwa hivyo, nikiendelea nilikuwa nasema kwamba labda wale wenzangu wa CORD wananishuku. Ninazungumza kwa Kiswahili ndio kila mtu hata mama mboga asikie vile ninasema saa hii. Nasema labda kuna wale wanashuku Serikali haijafanya kazi yoyote. Kama kiongozi anasema hivyo, mbona tunashuku? Nitaendelea kusema kwamba miundo mbinu msingi ndio itasaidia nchi yetu; tumeona Rais amesema kwamba reli kutoka Mombasa mpaka Nairobi baadaye itaenda Malaba.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Suba, what is out of order?

Hon. Ng’ongo: Hon. Temporary Deputy Speaker, I suspect that what the hon. Member might have heard was an April Fool’s Day prank from the President.

(Laughter)

However, what I know which is true is that he only gave 5 per cent for knowing that there is a problem and not that the Government has performed.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Ngong’o, whereas we are grateful to have that information, it is something that when the time comes---

Hon. Ngong’o: I have the privilege of talking to the former Prime Minister, which he does not have. I have to get daily briefings!

(Laughter)

The Temporary Deputy Speaker (Hon. Kajwang’): You have heard that hon. Ngong’o had had the privilege of talking to his party leader. So, let us leave it at that. You have 30 seconds.

Hon. Murungi: Niongezee dakika mbili!

The Temporary Deputy Speaker (Hon. Kajwang’): No, 30 seconds!

Hon. Murungi: Bw. Naibu Spika wa Muda, nasema labda Mhe. Ngong’o hana laini nzuri ya kufikia mkubwa wake; kwa hivyo nitaendelea kusema kwamba kile kitu Rais aligusia, na naona kitasaidia Kenya, ni wajibu wa kuhakikisha kwamba wawindaji haramu wamekamatwa na kufungwa. Leo tukizungumza kila mtu anaelewa kwamba wawindaji haramu wameuwa ndovu wetu na vifaru. Kwa hivyo, kulingana na zile sera Serikali imeweka sina wasiwasi kabisa kwamba tutaweza kukamata wale wakora na wale watu ambao wanaharibu nchi yetu.

La mwisho ni kwamba ile asilimia 30 ambayo imepewa vijana, akina mama na walemavu, kuna sheria nyingi zimewekwa na Wizara ya Uगतुzi na Mipango. Kwa hivyo, ninaomba hiyo Wizara iangalie na iache kuitisha vyeti vya kuonyesha kama umelipa kodi ama ushuru. Kwa hivyo, haya mambo yote yakiangaliwa, nchi yetu itaendelea kuimarika.

Hon. (Ms.) Khamisi: Asante sana, Bw. Naibu Spika wa Muda. Nasimama kuzungumzia Hotuba ya Rais wetu.

(Hon. Shimbwa stood up in his place)

The Temporary Deputy Speaker (Hon. Kajwang’): There is only one Member from Mombasa. You are from Changamwe!

Hon. (Ms.) Khamisi: Bw. Naibu Spika wa Muda, nachukua nafasi hii hata mimi kuzungumzia Hotuba iliyotolewa na Rais. Ningependa kuzungumzia vipengele kadhaa ambavyo alivizungumzia katika Hotuba yake. Kwanza kabisa nataka kupongeza habari za kawi ambazo amezungumzia, kwamba tutaweza kuwa na megawatts 5,000 ambazo zitatuwezesha kupata umeme kwa asimilia 80 ya jamii. Swala la umeme limetupa shida sana kama Wakenya. Tumekuwa tukipimiwa umeme na kuukosa katika nyakati nyingi. Hivyo basi, Wizara husika inahitajika kueneza huu mradi vilivyo.

Jambo la pili ningezungumzia swala la usalama ambao kwa sasa katika nchi yetu umedorora sana. Ni swala ambalo Serikali, na zile Wizara husika, inatajikana iangalie kwa upeo mwingine wa ndani sana. Kwanza haswa, chanzo cha kukosa usalama katika

nchi ya Kenya ni nini? Sababu ya Kenya kila wakati kuwa na uvamizi na visa vya kigaidi--- Tunaona wachungaji wa makanisa wakiuawa. Tunawaona pia masheikh wa Kiislamu wakiuawa. Ni sababu gani husika haswa ambayo inafanya usalama kudorora katika nchi yetu? Pia tuisahau kuangalia kuelewa kwamba kumekuwa na biashara ya silaha ndogo ndogo katika mipaka yetu. Je, vitengo vyetu vya kiusalama vimeangalia swala hili? Ni vipi Wakenya wengi wanaweza kupata silaha na kuweza kuathiri maisha ya Wakenya?

Tunasikitika pia kuona kwamba vyombo vya usalama wakati kumetokea matukio kama ya Likoni--- Kuna wakati ambapo Makamu wa Rais alisema vijana wawili kati wale walioingia katika kanisa lile na kufanya visa vile, walikuwa wameuawa. Lakini je, kama Wakenya, tumeambiwa ni kina nani na wametoka sehemu gani? Tunapopata habari kama hii ndio tutaweza kujua kabisa watu hao walitoka upande gani. Kwa hivyo, tunaomba Serikali ituambie ni kina nani na walitoka wapi na ni watu wa aina gani.

Jambo lingine ambalo nataka kuzungumzia ni kwamba Rais alizungumzia kwamba mahakama zimekuwa zikisaidia kuhakikisha kwamba taasisi zetu zimekuwa na usawa wa kijinsia. Hivyo basi napenda kuwaambia Wabunge wenzangu, haswa wale ambao wanataka kuleta Mswada wa kuondoa zile nafasi za akina mama 47, wakati watafanya hivyo watakuwa hawafuati ile falsafa ya vyama vyao na pia Katiba. Kama tunafuata Katiba, lazima tuangalie kwa undani mambo ya usawa wa jinsia.

Jambo la tatu napenda kuzungumzia ni mradi wa reli na upanuzi wa bandari ya Mombasa, ambayo Rais amezungumzia. Iwapo jambo hili litatekelezwa kwa haraka na zile Wizara husika, basi tutaweza kupata ajira nyingi kwa vijana wetu na kuboresha utendaji kazi katika bandari ya Mombasa; hivyo basi uchumi wetu utaweza kukua zaidi.

Jambo lingine ambalo Rais hakulizungumzia na ni swala nyeti sana ni kuhusu ajira. Nilitarajia Rais azungumzie vipi tutaweza kufufua viwanda ambavyo vimedorora na vingine hata kufungwa. Viwanda kama vya Bixa, korosho, makonge na pamba vinahitaji kuboreshwa ili tuweze kupata ajira kwa vijana wetu. Pia, inafaa tuboresha sekta ya jua kali ili tuweze kuwa na ajira zaidi.

Jambo la mwisho ambalo ningependa sana kuzungumzia kuhusiana na Hotua ya Rais ni bei za vyakula. Bei imepanda sana na Wakenya wengi wameshindwa hata kujimudu kimaisha katika upande wa chakula na mambo mengine. Ningependa kusema Serikali hii na sisi tukiwa ndani kama Wabunge tuweze kuangalia mambo ya kulipa ushuru wa VAT---

The Temporary Deputy Speaker (Hon. Kajwang³): Your time is up!

Member for Moyale.

Hon. Duba: Thank you, hon. Temporary Deputy Speaker for this opportunity. First and foremost, I want to thank the President for meeting precisely the threshold provided in the Constitution to submit his report to this honourable House and by extension to the Kenyan people. I have no doubt in my mind that his speech covered substantially all the issues that he needed to cover. But whether within one year of his administration he has met all the requirements that he needed to meet, is another matter. My thanks to him is for having met the requirement of the Constitution; submitting the necessary report which is really the subject of this interrogation by the House and perhaps by the Kenyan people. We must accept that which we are able to do, and we must also admit what we are not able to do. I have a problem with the way the Jubilee Government

in which I am a Member is conducting business in some cases. You must admit what you are able to do, and what you are not able to do. For example, it was a campaign promise to do laptop project for primary schools. You are through with the campaign. Nobody is going to hold you to account right now. You need to accept what you are not able to do. If funds are not sufficiently available to meet it, it is better to admit that for now the laptop project needs to wait for another day. Those are the kind of admissions we need for the purpose of clarity and people having faith in the Government. What is not possible must be admitted. This will be my position.

On corruption, you can only reduce corruption, you cannot eliminate it and it is part of society. It must be accepted that you do your bit to the extent that you are able to reduce it so that it does not affect the affairs of the Government and the people. The other point that I want to mention is the issue of ethnic conflict. Ethnic conflict in Kenya is at its worst, although it may be considered that some of these areas are periphery, perhaps in the consideration of the mainstream Government. They are not periphery, these are Kenyans. They have serious problems for example, in Moyale recently, which is part of Marsabit County and part of the County in North Horr Constituency, there has been serious conflict and I do not think the Government has addressed it to the extent that they have been addressing the issue of urban terrorism. It is terrorism where communities are turning on each other. It is a form of violence that needs to be controlled. It is a security problem.

The other point I want to mention that requires the address of the President and the Jubilee Government is the threat of devolution; the threat of devolution to transparency and accountability. We have had very serious defiance from the county governments. They are completely repulsive to being controlled, checked, asked questions, or being audited. It is a big problem. As much as you may applaud that there has been some successes, in terms of having devolved services and finance to the people, are these units sufficiently enough so that devolution can be considered to have been worth it? That is a myriad of problems but that challenge is not necessarily to the Government, it lies in this House also. We have to look at the Acts we have created in the last Parliament. We have the issue of the workers. People are being threatened with loss of jobs. There is invalidation of collective bargaining agreements, which have for ages and decades controlled industrial relations between parties. We need to address these matters. Devolution must be checked to the extent that it is not creating unemployment. It is going to make many workers of this country suffer. On the overall, the President needs to be applauded for having made the requirement but there is a lot of work to be done. This must be admitted. The control of issues also lies upon the shoulders of this House. We must not run away from responsibility. It is not just about the President. We need to craft these laws so that they are in consonance with the needs of our people.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Elgeyo Marakwet.

Hon. (Ms.) Chebet: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to make comments on the Presidential Address. I want to say from the outset that I am happy with the progress that the President has made so far within one

year. Starting with the free maternity, we all know that our women especially in the rural areas and the slum areas have always had problems in paying for maternity fees, but the President has kindly given us free maternity so that our women can give birth safely in hospitals. However, the problem we have is on transport. Women in the rural areas have to travel far when they want to give birth. In some cases they give birth on the way. Transport to take them to hospital is very expensive. Some of those women in the rural areas still prefer to give birth at home and they face problems, others even lose their lives. We have a case in my county where a woman was buried yesterday for having died during child birth because she could not get to hospital on time.

Another thing that I want to congratulate the President for is the cash transfer for the vulnerable groups; the elderly, orphans and the poor. I think that is on course now and it is an achievement that we have registered in all our counties. The other thing is the Uwezo Fund which we are about to roll out. You are all aware that we have formed committees in our constituencies so that they can run and manage the Uwezo Fund for the empowerment of Women and youth. That is something which the President and his Deputy had promised us during their campaigns. The other thing is the ICT intergrated programme or laptops, which is in the process of implementation. We cannot judge yet. We are waiting to see how the implementation will go. We are waiting maybe next year to get a report and we will be able to judge whether it succeeded or not.

We also have the insecurity problem. This problem of insecurity is a major concern to all of us. I know the Government is doing its best to address the issue and that is why we have the *Nyumba Kumi* initiative. Insecurity is the concern of each and every one of us. We should be able to provide information if we know there are cases of insecurity that are likely to affect our stay.

Lastly, I want to talk about 30 per cent Government contracts to women, youth and persons with disabilities. That is a big plus for the Government, if it is implemented successfully. I know we are going to create jobs and make livelihoods manageable in our homes.

With those few remarks and comments, I want to congratulate the President for achieving that much within the shortest time possible. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Member for Rangwe, take the Floor.

Hon. Ogalo: Thank you, hon. Temporary Deputy Speaker. I would like to thank the President for coming to the National Assembly to address the Joint Session of Parliament as is required under the Constitution.

The President was supposed to address us---

Hon. Wambugu: On a point of order, hon. Temporary Deputy Speaker. This debate is supposed to end by 6.00 O’clock and there is a lot of interest from Members to contribute. I request that we shorten the debating time to about two-and-a-half minutes each so that all of us can have a chance because some of us are still on the queue. Just shorten the debating time so that everybody can participate.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): You have heard it for yourself. Do you want me to put the Question?

Hon. Members: No!

Hon. Wambugu: Hon. Temporary Deputy Speaker, most of the people who are saying “No” have already contributed. We are still on the queue and yet the Motion will end at 6.00 O’clock.

The Temporary Deputy Speaker (Hon. Kajwang’): With the mood that you have sensed, do you still want me to put the Question?

Hon. Wambugu: Yes, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. It is his right and he has said it. His proposal is that we reduce the debating time from five minutes to three minutes.

*(Question for the reduction of
debating time put and agreed to)*

Three minutes you have except for the Member for Rangwe who will have his five minutes. The clock is running. You have three minutes remaining.

Hon. Ogalo: Thank you, hon. Temporary Deputy Speaker. The President was supposed to address us on three things. The first one is national security and national unity. The President ought to have accepted on the Floor of this House that he has failed to maintain the security of Kenyans. He ought to have agreed that at this moment he cannot guarantee any Kenyan going to worship that he or she will worship peacefully, get out of his or her church and go back to his or her home. He cannot also guarantee that people can go and shop from the malls and go back to their homes safely. With that, the President ought to have agreed and conceded in this House that he has failed to secure Kenyans, which is his cardinal responsibility.

Hon. Temporary Deputy Speaker, on national unity, the President ought to have exposed how he has worked to integrate all communities of Kenya. Over the one year period that the President has been in power, we have seen certain communities being targeted and their people removed from the public service. This is not in tandem with the requirements under Article 10 of the Constitution.

As we speak now, there are Kenyans on Migingo Island who are being harassed by forces from Uganda. This cannot happen and yet the President comes here and says that the state of our national security is steady.

The other thing the President ought to have addressed us on is in the international obligations. What is the state of our treaties; what is the state of our loans that we are repaying and any agreements? He also ought to have told us how we are complying with the International Criminal Court (ICC).

Apart from the international obligations, the President ought to have told us the state of implementation of our national budget for the 2013/2014 Financial Year. He only came with promises. He promised 10,000 kilometres of new bitumen standard roads and 5,000 megawatts of electricity. The President has continued to launch and re-launch projects. The Uwezo Fund was launched in Murang’a and Garissa but there is no implementation. Up to now, we have not seen the state of implementation of the Budget. We do not know how the funds we voted for the Executive have been utilized. I think the President ought to be communicated to properly that the next State of the Nation Address must address our concerns as Kenyans.

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Thank you, hon. Temporary Deputy Speaker.

Hon. Kaluma: Hon. Temporary Deputy Speaker, time is short and I will be very brief. Looking at the President I see a well-meaning leader who is seeking guidance from everybody to lead the nation best. That is what I want to go to straightaway.

There is a very big problem on national security. I want to request the President because time is limited, first, to get a way of getting the National Assembly in particular to bring down that thing they call “vetting of the police officers”. We are in danger of weeding out people we have trained to use guns using public resources. We will release them to the public without employment. My fear is that if we are not careful, we are releasing trained thugs without jobs.

I will be bringing a Motion if not amendments to the relevant laws so that the police vetting can stop.

On national unity, the President ought to have looked at the National Security Council (NSC). This is a Council with nine members. Four are Kikuyus, two are Kalenjins and three are shared by other Kenyans. You cannot talk about national unity if you look at that arrangement. This goes down to all the other sectors of the Government. People have complained about the arrangement in the State Law Office. Of course, these things go to the issue of national unity and cohesion in a very serious way.

When you have a State Law Department which doubles as the Ministry of Justice and Constitutional Affairs where the Attorney-General, the Solicitor-General and all registrars are from one ethnic community really---

(Applause)

This is repeating itself in the finance, transport and energy sectors. I want to beg the President using this Floor as I conclude that we know that he means well. However, he is being failed.

Hon. Temporary Deputy Speaker, you remember all the appointments we have made on this Floor. The last ones were appointments to the Commission on Gender and the Kenya National Human Rights Commission where you have people from one region. Even where the President is availed with a long list, he searches for people from this region. I do not know who picks them for him. People who belong to other tribes and are at the top are left.

I want to tell the President that he is the President of the country. He should now forget about where he comes from and lead the nation so that we can foster national cohesion.

Hon. Temporary Deputy Speaker, it is unfortunate time is short. I had much to say but I will not.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, the Member for Kajiado South. I understand that you are not from Kajiado South.

Hon. (Ms.) Tobiko: Yes, I am not from Kajiado South.

The Temporary Deputy Speaker (Hon. Kajwang’): So, why do I have this misdescription of the great people of Kajiado East? So, raise it up with the Clerks-at-the Table at the end of the proceedings and correct that.

Hon. (Ms.) Tobiko: Thank you, hon. Temporary Deputy Speaker for giving me this chance. I wish the Member for Mathioya would donate to me his three minutes because he always gets time to speak on the Floor. Contributing to the Presidential Address is very important to all of us.

Because I know that time is short, I will just try to contribute on a few issues. I would like to congratulate the President for the good Speech he made and for giving this country direction and the way forward. The first thing that the President said which was very important is that he swore to uphold the Constitution. I think this is important to us because we need a President who respects the Constitution.

The President also said that he supports devolution. We have seen that by the allocation that was made to the county governments of 32 per cent instead of 15 per cent. Whereas we applaud what the President did by showing a lot of goodwill for devolution, we must urge our county governments to show value for such huge resources that they have been allocated.

The President said that insecurity is a challenge in this country. We all know what happened to baby Osinya and others. The President has tried. The people who have failed are in the security docket. These people must up their game because we all feel very insecure in this country right now.

The President also mentioned about increasing the police numbers, which is good. He also talked about the vehicles that have been bought. However, the terms of our security forces must be improved. When these people are paid peanuts, you do not expect them to give us the best security. The President also mentioned about irrigating the one million acres.

Hon. Barua: Thank you very much, hon. Temporary Deputy Speaker. I would also want to add my voice and comment on the Presidential Speech. I would like to congratulate the President for the presentation that he made to this House. In particular, he mentioned and put to the fore very key issues that affect this nation, some of them being security, support to devolution, increase in energy and access by the local population especially schools. He also mentioned about the wage bill, infrastructural development and many others. Due to the shortage of time, I would like to concentrate on a few issues, one of them being security. It is very clear that right now, Kenya is like a battle zone. In my opinion, there are more explosions in Nairobi than in Mogadishu.

I would like to congratulate the President and the Kenyan Government for having made the initiative to go to Somalia to stabilize and liberate that nation. Having done that, in my opinion, a time comes for us to rethink the strategy. As a Government, we have done what we were supposed to have done. We have secured that country from the *Al Shabaab*, but this time, we are talking about stabilization. The Kenyan Forces should be used as much as possible to secure the borders. Time has come for us to renegotiate with the international community in terms of the composition of AMISOM. We can get more international personnel in Somalia, so that we can get our troupes back to Kenya to secure us. Right now, in Mombasa, everybody is on panic mode because of what happened this week and last week. In Nairobi, if you go to Eastleigh, explosions are all over.

In my opinion, Kenya requires more international support in the fight against terrorism than Somalia itself. I would like the President to rethink that strategy and see

how much we can use our Forces to protect Kenyans. In terms of devolution, I support it. I do not support devolution the way it is. Devolution is good as structured, but we lack leadership of goodwill in the counties. In my county, for example, I do not think devolution is working. There is no coordination mechanism of implementing devolution.

Hon. Okoth: Hon. Temporary Deputy Speaker, I rise to comment on the President's Speech. The first part of it that I will touch on is international relations. In terms of our foreign policy, the Government of President Uhuru Kenyatta has not done enough. We are letting our partnerships and diplomatic relations with countries such as the European Union (EU) to falter and that is not going to help us very much. We know that organizations and partners such as the EU have been funding road construction in many parts of the country outside Nairobi and if we do not make good friendly relationships and maintain them at the level they should be, it is Kenya that will suffer. We will lose funding and if we do not use the tyranny of numbers from the Jubilee side to make sure that our Budget obligations and spending patterns work in a way that we can get the money that we need from them, then we will be failing the Kenyans.

I also want to make it clear that on the international affairs, when Kenya is being unfriendly to our diplomatic partners and castigating them the whole time, it is Tanzania and Ethiopia that will benefit from our blunders. There is nothing too special about Nairobi that cannot be moved to Arusha or Dar-es-Salaam. We can already see that a lot is being moved to Addis Ababa. So, we need to be very careful. I criticize as a patriot and I say that our international relations are in flux.

Hon. (Ms.) Sunjeev: On a point of order, hon. Temporary Deputy Speaker. I just need your guidance and clarification. We are discussing the President's Speech and not the reports. It is not the same thing. We were told that we are going to be discussing the reports later on.

The Temporary Deputy Speaker (Hon. Kajwang'): Take me directly to what is out of order!

Hon. (Ms.) Sunjeev: Hon. Temporary Deputy Speaker, if we are discussing the President's Speech, then the Member for Kibra should be discussing the President's Speech.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. I hear you. Member for Kibra, the discussion is that are you relevant to the topic that we are discussing?

Hon. (Ms.) Sunjeev: Not the particular reports.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Kibra, relate to the subject that we are discussing.

Hon. Okoth: I was completely on topic and I think she is out of order. If she goes to page nine of the President's Speech, she will know what I am talking about. I think some Jubilee Members were so bored by the Speech, they did not hear it and they did not read it afterwards. No wonder they stop me from talking about it. I read it and I have it.

Let us come back to domestic issues. The Jubilee Government and the Uhuru Government has shown itself as not being committed. I might say as hating our women, children and our young people. When you look at the policy that was put aside to improve education for our children, right now we are being promised that in two more years, it is when the Jubilee Government will make the effort and complete the promise

of bringing electricity to all our children. We are short-changing our children. We were promised that women would get a fair share by this Government. When we look at the appointment of parastatal heads, women are not featuring in their fair share. Just give them 30 per cent if you really like women. But if you hate women, proceed the way you do and in 2017, they will be voting with CORD. It shows that this Government is not committed to our young people. It looks like it hates our young people. This Government has failed to move Kshs6 billion into accounts at the constituency level. It is a fact. How hard can that be for a Government to move to the Uwezo Fund accounts, so that we can start giving people money at the local level in all constituencies as we promised them?

I will wrap up with talking about security. We were told that 1,200 new vehicles have been hired, but the truth we were not told is that 900 police vehicles lie unrepaired, unmaintained and out of service. Why buy 1,200 new vehicles when 900 are sitting there and lack minor repairs? We are cheating ourselves. If we maintained the 900 vehicles and added 1,200 vehicles, we would have 2,100 vehicles and then we would be serious about security. Can we get, out of those 1,200 vehicles, at least, three to Kibra Constituency?

The Temporary Deputy Speaker (Hon. Kajwang’): Well, I am sure he was going to say that he has very distinguished residents in Kibra Constituency, which we all agree to. Member for Mukurweini, do you also have distinguished residents in your area?

Hon. Kabando wa Kabando: Hon. Temporary Deputy Speaker, thank you for the permission to contribute. In essence, listening to the Speech, it was a basis for us, as Parliamentarians, to interrogate issues of national policy and engage the Government positively, whether we are in the Opposition or on the Government’s side in order to improve. Our constitutional mandate is, as the leadership, to take those issues that are core for the national agenda and improve.

It is agreeable that there are many areas where we need to cover ground and whether you are in the Jubilee or in the CORD Coalition, we remain with a lot of space to occupy. To think that, that responsibility lies in the presidency is to deny this arm of the Government; Parliament, its constitutional mandate. We are the ones who are allocating budgets. We are the ones who are approving top executives where need be. We are the ones who are approving the regulations for the Uwezo Fund. Therefore, the question that should be captivating this country is whether the Judiciary, Parliament and the Executive are working in unity of purpose in order to scale up Kenya’s prosperity. It should concern us when a ruling is happening in the Judiciary to say that thousands of young men and women who have been trained for nearly a year are going to be told to go off with their paramilitary training, knowing how to handle guns and to do basic intelligence. It should concern us when the National Land Commission is being attacked from left, right, front and back. Whether we are in Jubilee or CORD, we should tell the Cabinet Secretary for Lands that in order to fulfill the Presidential focus on land reforms, this Commission was created to succeed.

We have said it before. It should concern us when the Commission on Administrative Justice in this country appears to be toothless and does nothing. Therefore, when we are making calls for thinking to restructure the Constitution to reduce the number of commissioners and also to streamline commissions, redress issues of elective positions including in the county assemblies and the National Assembly, it is not idle talk.

Therefore, I want to congratulate the President for giving the broad statement that he gave. Now, the onus is on Departmental Committees, the watchdog committees and the House to ensure that we keep the Government on its toes so that it achieves its mandate. I want to thank the Opposition for remaining focused and firm. When you are firm you are doing your work which is to criticize and to correct, but also to ensure that---

The Temporary Deputy Speaker (Hon. Kajwang’): Alright. That was very captivating from the Member for Mukurweini. Member for Mathioya!

Hon. Wambugu: Thank you, hon. Temporary Deputy Speaker for giving me a chance also to thank the President for the wonderful Speech he gave. It is good to commend the Government and the President for the few items that we have already achieved such as launching of the standard gauge railway, the greenfield airport project, free maternity, cash transfer fund, Uwezo Fund, security programme especially provision of motor vehicles to be used by policemen and the proposal to get more District Officers to serve in our districts.

I know we have been doing a lot of politics actually to the point of forgetting some of the important things that we need to do. As you are aware, we have the Vision 2030 which is supposed to be driving us. The economic, political and social pillars should be our guiding pillars for development.

The GDP is expected to grow by six per cent. As a House, we should be getting policies that will give us the proper environment to be in a position to achieve that. One of the issues that have made this country not develop at all is corruption. From the latest data, we are spending close to 54 per cent of our revenue on the wage bill. About six per cent goes to pensions; another six per cent to operations; 25 per cent to corruption and nine per cent to development. The biggest hindrance is corruption. I think that is what we need to discuss in this House in order to move forward. If we do not do that there is nowhere we will go.

One of the main backbones of our economy is the aviation industry. While we are looking for money to run our economy we need to look at those areas that support the economy. The aviation industry has been affected seriously by the VAT. Most operators are now being forced to go out of the country. When the VAT Bill comes in, I will be explaining to Members that unless we support the changes that we are looking at so that we support that industry---

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Laikipia.

Hon. (Ms.) Machira: Ahsante Bw. Naibu Spika wa Muda kwa kunipa ruhusa ili nami niongee kidogo kuhusu Hotuba ya Rais.

Rais Uhuru ametueleza kuhusu mpangilio wake wa kazi ili kutujulisha mambo anayofikiria kuhusu nchi yetu. Rais Uhuru ameshateua watu ambao tunaweza kusema ni watu ambao kazi yao ni ya mkono katika nchi nzima, nao ni Mawaziri. Tunaposema kwamba Rais hafanyi kazi labda kuna watu ambao wamesinzia katika nyadhifa zao. Tusitupe mawe kwa Rais tukisema kuwa hajafanya kazi yoyote.

Rais alitujulisha mpangilio wake katika usalama. Aliteua nyumba kumi. Hii itatusaidia katika kuimarisha usalama. Huenda katika miji nyumba kumi isifaulu sana lakini mashinani najua zinaweza. Tukisema kwamba Rais hajafanya chochote tukumbuke zile nyadhifa ambazo inambidi kuteua watu ni chache mno. Sisi Wakenya tuna makabila 42 na tusingeweza kupata sote nafasi hizo.

Tuangalie mambo ili tuone ile kazi Rais amefanya. Tunampatia hongera Rais. Naunga mkono Hotuba ya Rais.

Hon. Mule: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to raise a few issues.

First and foremost, the President fell short of telling Kenyans about his Government's policies, especially on education. The education sector is being run by Sessional Paper of 2005. This has brought a lot of issues in the education sector. It is important that we talk about issues that affect our people. I would like the President to look at the Ministry of Education where we have wrangles within the TSC. He also needs to look at the issue of the sessional paper. If somebody went to court today, the Ministry could be found to be operating illegally.

He also did not tell us something about the Ministry of Lands. We have the Commissioner of Lands wrangling with the Minister for 24 hours, seven days a week. We know that this country has been put under those circumstances because of the land issue.

The President needed to tell us about wealth creation in this country. He never mentioned anything in his Speech about the oil in Turkana. This is massive wealth for this country. He never talked about the power wind in Turkana and yet this is a major source of revenue for his Government. He did not even mention anything about exploration of gas and oil products in Lamu. He even forgot about the coal industry in Kitui and yet it is a major source of revenue within that region. He did not tell us the actual policies they are putting in place regarding the projects which were started during the Kibaki area, for example, the LAPSET project. As a result of this project, people have not been compensated up to today. We are creating more IDPs in the name of big projects in this country.

The President has told the women and youth of this country that he has set aside about 30 per cent to cater for their procurement issues. However, there is no clear guideline for procurement officers in this country; how they will provide that 30 per cent to these people. He is setting us up as leaders against the youth and women of this country.

About devolution, the issue of devolution for health has been done in a hurry and so the country is suffering. Doctors have started resigning. This matter needs to be handled in a proper way to ensure that devolution takes place in a proper manner.

The Temporary Deputy Speaker (Hon. Kajwang'): Yes, Member for Machakos Town.

Hon. (Dr.) Munyaka: Thank you, hon. Temporary Deputy. I would like to congratulate the Head of State for talking to Kenyans and giving them the state of the nation, and for allowing Principal Secretaries and Cabinet Secretaries to be continuously briefing Kenyans on the progress of governance. I want to thank the President and the Deputy President for removing the shame of IDPs in Kenya – something which the former Grand Coalition Government could not do for five years. The Jubilee Government has actually managed to remove IDP tents. Congratulations for the bold action.

I now want to talk about the ballooning public wage bill. The suggestion that public servants and State officers take pay cuts is not reasonable. It is cosmetic. I want Kenyans and leaders to address the Constitution. During the national referendum on the current Constitution, there were two sides---

(Loud consultations)

The Temporary Deputy Speaker (Hon. Kajwang’): Order! Order! Member for Muhoroni, I am going to throw you out of this Chamber!

Hon. (Dr.) Munyaka: Hon. Temporary Deputy Speaker, you will remember that during the referendum on the current Constitution, there were those who were for “Yes” campaign and those who were for the “No” campaign. Both sides basically agreed that the Constitution needed to be rectified. So, the common denominator was rectifying the bad parts of the Constitution. Part of that bad part of the Constitution is what has caused us to have costly governance structures. Therefore, it is high time that we amended the Constitution and removed the areas that have turned out to be costly to our economy.

On devolution, it is good to note that instead of giving 15 per cent of national revenue to the counties, the Government gave the counties 32 per cent. The counties are young. They need to be nurtured. You cannot give a child a full plate of *githeri*---

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Mumias West.

Hon. Naicca: Hon. Temporary Deputy Speaker, I thank you for giving me the opportunity to also contribute to the Motion on the Presidential Speech. I would like to thank him for coming here to give the Speech. However, I feel that there are lots of shortcomings in his Speech, especially regarding the *Nyumba Kumi* initiative. He did not elaborate what *Nyumba Kumi* actually entails. In my village *nyumba kumi* is a homestead of one person. So, it is important that the Jubilee Government understands what *Nyumba Kumi* is. I am a grandfather of paramount Chief Mumia. So, when you talk of *Nyumba Kumi* you are actually saying that we should spy amongst ourselves.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Naicca, did you say that you are a grandfather of some senior paramount chief?

Hon. Naicca: Yes, hon. Temporary Deputy Speaker. So, that is an area we need a lot of clarification on.

On the issue of reducing the ballooning public wage bill, I am not convinced that this should just be based on reducing the salaries of public servants. I am happy to have information that some senior Government officials have been interdicted this afternoon because of corruption. That is where the wage bill issue has been having a problem.

The question of wage bill is related to the question of quality of service. It is not just a question of hiring 1,200 vehicles for police officers. How do those police officers live? You must have seen in yesterday’s newspapers how our police officers live. There is need to improve their living conditions. They live in shoddy paper houses. Unless that situation is improved, we should forget about doing away with corruption.

The President said that we are going to have about 5,000 megawatts of electricity. Even today, some places like Mumias Town, people stay for five days without electricity. How can an economy be 24/7 with that kind of situation? So, the President should forget about achieving that objective, unless he does something on electricity.

I thank the President for initiating Uwezo Fund but the mathematics of that Fund does not add up. It does not make sense to give Mumias very little money just because they have a sugar factory. We have seen what has happened with Mumias Sugar---

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Juja!

Hon. Waititu: Thank you, hon. Temporary Deputy Speaker, for allowing me to contribute to the Motion.

I echo the words of hon. Kabando wa Kabando. This is the Eleventh Parliament. As such, we should all be talking in one voice and thinking in same way about our country. The Presidential Speech cut across the country. It is about insecurity, education, agriculture, land, water and many other things. The President brought the two Houses of Parliament together and gave a very lively Speech. We have Departmental Committees, each of which has over 29 Members. The Committees are supposed to be watchdogs to the Cabinet Secretaries.

Hon. Uhuru Kenyatta is the first President to preside over this country under the new governance structure. It is not easy to run a country when you have a new structure like that of devolved government. We support devolution. The devolved units also have “Cabinet Secretaries” and “Principal Secretaries”. It is the duty of this House not to only criticise the Speech that the President made in this House but rather to take our duties very seriously, as elected leaders, and help the President.

On Security, we have the Cabinet Secretary and the Inspector-General of Police. If we find that the country’s security is not being in order, through the Departmental Committee responsible for security, we should try to find out whether these people are working in the way they are supposed to work. If they are not, since we are the ones who vetted and cleared them for those positions, we can also send them home. I want us to work together as a House, and not as Jubilee or CORD. We should work together as the Eleventh Parliament that Kenyans are watching. Kenyans are not even watching the county governments. Kenyans are watching the national Parliament, which they are depending on---

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Narok North.

Hon. ole Kenta: Hon. Temporary Deputy Speaker, I thank you for giving me this opportunity.

I would like to thank the President for his Speech. He actually said what he intends to do but I believe that there were some lacunas in the Speech or in his deeds. One of them is the issue of poaching, which has become a national problem. What is bothering all of us is that whereas we know that there is this big problem, how come that we retain the same people as managers in this organisation?

When you come to Parliament and tell us that there is a problem but you retain the same officers you found in office to continue taking care of wildlife, how can you ensure that they actually take care of the wildlife? Therefore, I would suggest to the President to get rid of those people.

On the issue of security, the same principle applies. If things can happen the way they are happening and the same people are still in office, then what are you telling us? You are just doing things in vain. All that I am saying is that if there is a problem, you should solve it. You cannot keep on helping managers who are the causes of all these problems.

There is the issue of the youth and unemployment. If there are no jobs, how would you expect the youth to survive? They feel that they belong to some parts of the

country that are not favoured and I think that is the problem. So, we must ensure that there is equity such that if there is distribution of jobs in the army or in the police force, they must be given to all the counties. This is because as I said there should be equity.

In Narok, I hear people saying that, that is a zone for a particular party. One wonders whether we are a community that spoils for war with other communities. When you say that Narok is a United Republic Party (URP) zone and you say Kajiado belongs to The National Alliance (TNA) Party have we as a community agreed on that? We have not and let everybody know that we are a community that is entitled to its own political destiny. We have to determine our political path without anybody else's interference and that is costing us jobs. You go there and you are told: "You are not in URP and so you cannot get a job."

So, we are saying there can only be unity if there is fairness in the distribution of resources and jobs. There is only one other element that is causing problems and this is the issue of the water towers. We expected the President to talk about that because the pastoralists are suffering. The wildlife and domestic animals are suffering. So, we would like the President to do what he has done in Embobut or wherever else in Maasai Mau. We are saying that he should actually treat us all equally and let us benefit from his Government.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you. Member for Nyeri.

Hon. (Ms.) Kanyua: Thank you, hon. Temporary Deputy Speaker. I am also happy to join in thanking the President for the Speech that he made to this House together with the Senate. I think in terms of the things that he raised which were extremely important, security in relation to national values is paramount. I want to congratulate the President for trying to unpack the national values in Article 10 which are really quite extensive on matters of equality. However, if you look at the way he handled security I think that the President still needs to get for himself a special adviser on matters of security. That will be the only way that he will be able to deal with these matters in a deeper way. We still have many problems of security in our country.

Hon. Temporary Deputy Speaker, I want to thank the President for making it clear that his Government supports women and I want to urge our colleagues here that just like the Garden of Eden where Adam was created and God was not satisfied and thus provided Eve, in our leadership we are going to need Adam and we are going to need Eve. In this House, we need Adam and Eve.

Hon. Temporary Deputy Speaker, the women in this Assembly are playing their role in leadership as God indeed intended and as the President has made it clear that his Government will not be bringing any constitutional amendments.

I want to support the Speech and the Jubilee Government on the economic agenda. He said that we are growing at six per cent. Part of the reason we are complaining about this country is because the cake is very small. What we all need to do is bake a larger cake. I wish this House would abandon the discussion on constitutional review because we were to finish the political kingdom and look after the economic kingdom. What we need to do is to look at our laws and bake a bigger cake that we can all share in bigger portions.

Hon. Temporary Deputy Speaker, so, I really support the Speech of the President. I urge this House to take its role in deepening economic reforms; the laws that look at commercial matters, laws that make more people pay taxes and look at new areas of taxation and more importantly in addressing corruption.

In the few days our seats have been under attack, we have looked at matters of corruption. I have been surprised in one of the reports of the Auditor-General to read that we have 100 people whose salaries go to one bank account. Even if that is the family of Akuku Danger, I think that is a problem. How can we have 100 people sharing one account?

We need to look at issues of wastage and corruption. I urge this House to spend time one of these days debating matters of wastage in our country because that is the only way in which we can get the economic reforms moving.

Hon. Temporary Deputy Speaker, I support the President and the Jubilee Government. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): The Member for Bomet East.

Hon. B.K. Bett: Thank you, hon. Temporary Deputy Speaker for this opportunity to contribute to the State of the Nation Address by His Excellency the President. I want to say that the cash payment programme for the pending cases of the Internally Displaced Persons (IDPs) that had not been resettled previously is the right step towards peace building amongst communities. It is also a commitment to constitutional values; that is national unity, human dignity, equity and social justice. We also have to note that there are still some households which were left out in the exercise and which are also supposed to be looked into.

I was also very much happy on the focus by the Jubilee Government on fixing the economy to the attainment of the two digit figures. This was pledged through diversification of the economy. The ambitious energy programme is welcomed. It was encouraging to hear that very soon we are going to have affordable rates for electricity and that we are going to have all the primary schools connected to the national grid in the next financial year.

Hon. Temporary Deputy Speaker, on security I want to say that it is the cardinal responsibility of the Government and the President gave assurance to the nation that security will be put in place. We all know that occasionally we sometimes experience security challenges but we appreciate the fact that the President is always standing with the nation every other time we face such challenges. The *Nyumba Kumi* initiative was the right step taken by the Jubilee Government. We also have a technology driven approach and an increase in police numbers which will assist also in ensuring that security problems are addressed.

On the wage bill, I want to say that it is our responsibility as Kenyans but we have to note that we have to do a lot in terms of addressing corruption which is taking away much of the Government’s income. We heard from the Auditor-General’s office that hundreds of billions are lost through corruption. So, that is an area which we all have to look into as a nation.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Nyandarua.

Hon. (Ms.) Muhia: Thank you very much, hon. Temporary Deputy Speaker. I want to say that I acknowledge the Jubilee Government as being a baby which has been in existence for less than one year. We only say it is one year old because it was voted in, in March but bearing in mind that there were issues of the Constitution which required the Cabinet Secretaries to go through vetting, then it has barely been in office for about eight months.

Hon. Temporary Deputy Speaker, having said that, I want to say it is human character to always identify the negative side but if we consider the President's Speech, it had more than ten very good items. There were issues of food security, ICT and supply of electricity in all our primary schools, which was exciting. We know that when our primary schools have electricity, all their neighbourhoods will have power. This will help in the growth of our rural areas to almost that of the urban areas.

Hon. Temporary Deputy Speaker, I want to mention the issue of security. Considering the situation, I want to urge this House that it is also our duty to help the President on security. I am a member of the Departmental Committee on Administration and National Security and there are always issues of underfunding. We can ask investors and donors to assist us but the issue of security is fundamental. Even if we had food and all basic items, we would not survive without security. So, it is time this House, during the Budget making process, considers equipping the Ministry of Interior and Coordination of National Government with relevant budget so that we can rate the performance of the security agents.

*[The Temporary Deputy Speaker
(Hon. Kajwang') left the Chair]*

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

Hon. Deputy Speaker, with the kind of underfunding we have, we may not be able to justify if the security agents are equal to the task. If they were funded to the fullest then we can understand that they are not equal to the task.

I was very happy when the President commented on women leadership. This was confirming to this House and my immediate neighbour here, hon. Langat, that Article 100 mandates this House to promote the leadership of women, youth, persons with disabilities and minority groups.

(Applause)

Hon. Deputy Speaker: Hon. Members, this brings us to the end of the Presidential Address debate as that is the end of our fourth day. It is 6.00 p.m. now and before we move to the next item, can I ask the hon. Members who are standing to sit.

(Several hon. Members sat in their places)

Before we move to the next Order on the Order Paper, I have a Communication relating to the same.

COMMUNICATION FROM THE CHAIR

CONSIDERATION OF PROPOSED AMENDMENTS TO VAT (AMENDMENT) BILL

Hon. Deputy Speaker: Hon. Members, this is a Communication, a guide on the consideration of proposed amendments to the Value Added Tax (Amendment) Bill, 2013 with regard to provisions of Article 114 of the Constitution. This Communication relates to the manner of considering Order No.11 in today's Order Paper which is the Committee of the whole House on the VAT (Amendment) Bill, 2013. The Bill falls within the items identified as money Bills under paragraph 3 of Article 114 of the Constitution. It, therefore, follows that any amendments to the Bill are also subject to that Article. For the avoidance of doubt, paragraph 2 of the said Article provides that if in the opinion of the Speaker of the National Assembly, a Motion makes provisions for a matter listed in the definition of a money Bill, the Assembly may proceed only in accordance with the recommendations of the relevant Committee of the Assembly after taking into consideration the views of the Cabinet Secretary responsible for finance.

Hon. Members, in this regard, my office having received several amendments to the VAT (Amendment) Bill, 2013, referred them to the Budget and Appropriations Committee for recommendations. Subsequently, this afternoon I received a letter from the Chairperson of the Budget and Appropriations Committee submitting the recommendations of the Committee on the amendments proposed by several hon. Members to the VAT (Amendment) Bill, 2013. From the foregoing and the Committee recommendations, I wish to guide the House as follows:-

- (i) The amendments by hon. (Dr.) Eseli and hon. (Prof.) Nyikal can be considered in the Committee of the whole House. However, since the Departmental Committee on Finance, Planning and Trade has similar amendments, priority will be accorded to the Committee's amendments. If these are carried, the amendments proposed by these two hon. Members will stand dropped.

The amendments by hon. Wambugu, hon. Mwaura, hon. Murungi, hon. Kajwang' and hon. Gatobu should not be considered in the Committee of the whole House as the Budget and Appropriations Committee has recommended so.

On the proposed amendments by the Member for Balambala, hon. Aden, the Budget and Appropriations Committee has made a proposal on this amendment, the proposal by the Committee amounts to proposing a different amendment whose notice has not been given in accordance with Standing Order No.133. In this regard, the only person who can move the amendments in the text proposed by the Budget and Appropriations Committee is hon. Ngong'o who is the sponsor of the Bill. In this regard, the amendment as proposed by hon. Aden should not be considered in the Committee of the whole House. The hon. Member is free to approach the sponsor of the Bill to move the amendment in the context proposed by the Budget and Appropriations Committee. That is the only Floor amendment that may be allowed. However, be guided that no hon.

Member, not even the Mover can move any amendments on the Floor of the House on this Bill as this will also be subject to Article 114 of the Constitution.

Finally, let me bring to the attention of the House the request of the Budget and Appropriations Committee that amendments be submitted in good time to allow coordinated approach in their discharge of the requirements of Article 114. Please be guided.

Thank you!

Hon. Kajwang’: On a point of order, hon. Deputy Speaker. I want to thank you for a very well considered ruling and Communication that guides us in how we are proceeding with the business before us and also restating the law as I think it is. But I just want to beg for a small clarification because I am obliged to follow your decision so that in future we are well guided and also in future the Committees that are responsible know what to do. As I read Article 114, it says many things but at the end of it, it rests with the following words “the Assembly may proceed only in accordance with the recommendation of relevant Committee after taking into account the views of the Cabinet Secretary responsible for finance.” This presupposes, therefore, that the Assembly will be seized of the recommendations of the Committee and those recommendations can only be good recommendations if they are accompanied by justification.

Secondly, it is important that Members who are either proposing amendments or the National Assembly at large, therefore, know the proceedings in this Committee so that we are able to appear before that Committee and make presentation as to why the amendments we are proposing should or should not be taken into consideration. This is so that when they make either an adverse or positive recommendation, it is with a participation of the Members and you note, therefore, that this Article does not say that there will be concurrence by the Cabinet Secretary. It only says that there will be views by the Cabinet Secretary. Although this decision has been made, we need to uphold the preserve of this House which is to make law and take control of budgetary issues. If we are going to have a situation which either the Committee we have delegated powers to or the Cabinet Secretaries makes decisions for us, then the Assembly will be releasing the very important power that we only have.

So, I was just asking for a clarification that could the Chair of the relevant Committee supply us with justification of those recommendations so that we understand why, in the view of either the Committee or the Cabinet Secretary, those amendments that we have made have not been taken on board. We have spent time discussing this Bill and you remember that we passed it overwhelmingly during the Second Reading. This really touches the heart of Kenyans. My amendment concerns vegetable seeds. No farmer will have anything to plant if we go the direction we are going. This is in Mwea, Rift Valley and Machakos. There is no way you will get seeds in this country if you do not import them. Why is this the case? This is because we are in the tropic and tropics only have 12 hours. Those seeds can only grow in places where there are more than 12 hours and this is Europe.

So, every vegetable seed that you see or all the foliage that we have which farmers rely on must be imported and we are putting tax on them. This is the opportunity we could use to relate with the common man and show them the justification why we cannot have the amendment.

Hon. Deputy Speaker, I beg that could there be a justification for the recommendations that has been given? Remember the text of those recommendations has also not been circulated to us to be able to interrogate it.

Thank you, hon. Deputy Speaker.

Hon. Murungi: On a point of order, hon. Deputy Speaker. I thank you for your communication.

Hon. Deputy Speaker: What is not in order? Explain.

Hon. Murungi: No, it is a clarification on this. According to Clause 5 of this amendment by the Chairman, the Cabinet Secretary was consulted. I am justifying my amendment. There is no VAT on unprocessed green tea which the farmers sell to the factories. Number 40 is unprocessed green tea. I think there is a typo error because there is no VAT. My amendment was to remove VAT on processed tea which is consumed locally so that we can increase our market here.

Hon. Deputy Speaker, 95 per cent of our tea is exported and only 5 per cent is consumed locally. Farmers all over the country did not get the mini-bonus because the international market is shrinking. Our farmers stand to benefit big time if we increase local consumption. That is why the Chairman should clarify whether it is a typo error because we have no VAT on unprocessed green tea. He even comes from a tea-growing zone and he must be aware of this. I request that my amendment should stand.

Hon. Deputy Speaker: Your point has been made. My communication still stands.

Hon. Naicca: On a point of order, hon. Deputy Speaker. I want to seek a clarification on your guidance that we cannot move a further amendment. I am worried because Clause 5 on Section 48 has a very serious omission. We are talking about exemption of VAT. We want to amend the section where it says that the transportation of sugarcane from out-grower farmer to sugar processing factories--- Somebody has written "factories" instead of "miller". When you talk about a factory, you are talking about a shop behind a street.

Actually, we will deny the Government more money that we even anticipated. This is a very serious omission and we cannot just continue because we cannot move a further amendment. I need that consideration.

Hon. A.B. Duale: Hon. Deputy Speaker, many of the issues being raised should be discussed when we are in the Committee of the whole House because your guidance was very clear.

The Standing Orders are very clear. I have even read your ruling which says that no Member or Mover can move any amendments on the Floor of the House on this Bill. People had a lot of time and a lot of consensus was built on this Bill by both the Budget and Appropriations Committee and the Finance Committee.

We will agree on situations which we can discuss in the Committee of the whole House. You know we are now discussing the actual Bill.

Hon. Deputy Speaker: Hon. Mbadi, I will give you an opportunity. This was your Bill.

Hon. Ng'ongo: Hon. Deputy Speaker, I just want to get two clarifications from your ruling. The first one is with regard to the amendment by hon. Abdikadir. That was considered by the Committee and I get it that an amendment which was materially

different from that of hon. Abdikadir, was arrived at. Then you have said that, that can be moved by the Mover. I had already been approached to do that. I want clarification whether I would still go ahead and move that. Two and finally, the Standing Order No.132(3) says that:-

“Despite paragraph (2), where an amendment has been moved to any part of a Bill in accordance with this paragraph, any Member may move an amendment to that amendment---”

This is an amendment where you need to give notice of 24 hours. So, further amendment to an amendment which does not require a notice, would we be allowed, based on your ruling, to have such on the Floor at the Committee Stage? I just wanted to get clarification on those two.

Hon. Midiwo: Hon. Deputy Speaker, I am rather worried as to the trend which we are trying to establish. What this House is trying to do, in my view, will open a Pandora's box. I would rather suggest that if we are not clear about this procedure, we do not go on with this process today. Like the issue which has been raised by the Member from Meru, this is not a joke. Our job is to save Kenyans from suffering and the rules are very clear. The ruling which you have just read closes the window on any amendment and it makes the Executive, that is the gist of this matter, to be doing legislation through the back door. The work of legislation belongs to this National Assembly.

I want to plead with you, so that we approach this all together, that it may not only be this Bill, but there are many Bills that we are going to approach in the future. If we close that window for this House, you will know what will happen with many other Bills. In fact, the impression it gives is that once the Treasury says, we may not even be able to change anything on the Budget, not even on the Policy Paper. So, I want to plead. I have heard so many insinuations, but the law is clear. Section 114 of the Constitution read together with our Standing Orders does not take away the power to legislate from this National Assembly. If we give that power away, the repercussions, and you know, will be dire. This will come and go, but the future will be so bleak to our country. I rest my case.

Hon. Wambugu: On a point of order, hon. Deputy Speaker. I rise on a point of order, especially on the ruling that you have just given. Like the other Members have said, Clause 114 is almost going to an extent of stopping this House from doing its business. You very well know that we need to have the three Arms of the Government completely independent of one another. These are the Judiciary, the Executive and the Legislature. If we allow this to happen, it looks like the Executive is going to take over the business of this House.

For example, we have a very serious issue of the aviation industry, which is almost collapsing, but because the Government thinks that it wants to raise money, we are going to create a situation so dangerous in this country. We are going to create unemployment, insecurity and all manner of things. The amendments that I was about to move were given four days ago, beyond the 24 hours notice that is required. When I hear that they have been put down, I do not know what we are going to do as a country.

I request that you relook at that ruling, so that we can consider these Bills and continue. Even the one on agriculture, if we do not support our people--- Somebody in the Treasury is thinking that raising funds should be through animal feeds or even the

green tea that we are talking about, as a country, we are going the wrong direction. I propose and request that you relook at your ruling so that we proceed.

Hon. Deputy Speaker: Hon. Members, I think we have ventilated. We have given you a window to express yourselves. However, we will stick for now at the prosecution of our VAT Bill which has very many good recommendations for this country. Hon. Members, it is not only the Executive that is just talking or making orders to us. We have our representative, that is, the Budget and Appropriations Committee. These recommendations are coming from that Committee after it has consulted the Cabinet Secretary who gives them his word on what is possible and what is not possible. Let us, therefore, be guided. I know we have confidence in our Budget and Appropriations Committee which is our representative in matters of budget.

Let us proceed as guided. There are so many windows for us as we interrogate the budget. We will be in a position to give our input. I persuade you that we now move to the next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Deputy Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Hon. Cheboi) took the Chair]*

THE VALUE ADDED TAX (AMENDMENT) BILL

(Loud consultations)

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Gladys Wanga? I have given you the Floor.

(Loud consultations)

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy Chairman, I am unable to prosecute.

The Temporary Deputy Chairman (Hon. Cheboi): I have given the Floor to hon. Gladys Wanga.

(Loud consultations)

Then I am giving the chance to hon. Kabando wa Kabando.

(Loud consultations)

Hon. Kabando wa Kabando: Hon. Temporary Deputy Chairman, this one cannot be ignored. I rise on a point of order because it appears that there is a very serious problem of leadership from the Executive and Parliament. It will be very dangerous to just assume that this will be a simple matter. I have been listening to the opinions cutting across. I agree that the law is clear. We are not contesting the ruling but you can see clearly that Members are sincerely aggrieved by the very fact that there appears to be some mischievous actions that have been perpetrated by the National Treasury. As much as we want to support, the danger that lies in this matter has far-reaching implications. What will happen is that we are now legitimising a process of consultation. Someone brought amendments but Members were never notified of such a serious matter, only for a ruling to be made by the Deputy Speaker at the eleventh hour. That is very serious.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Cheboi): Order! Order! Hon. Members, there has to be some order. Those hon. Members who want to withdraw from the Chamber can do so.

Hon. Kabando wa Kabando: Hon. Temporary Deputy Chairman, there is a very serious constitutional issue that will have far-reaching implications on matters of consultations.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Cheboi): Order! Order, hon. Members! What is your point of order, Member for Mumias West?

Hon. Naicca: Hon. Temporary Deputy Chairman, previously, I moved an amendment on the VAT Bill, and it was done on the Floor of the House.

(Loud consultations)

The Temporary Deputy Chairman (Hon. Cheboi): Order! Order! Hon. Members, we cannot even hear points of order from your own colleagues? You have a choice. I am giving you the opportunity to ventilate the matter but you do not want to listen to each other. We cannot operate this way. I gave hon. Wanga some time to raise a point of order, but she could not be heard. I gave chance to hon. Kabando, but he could not be heard. I want to give chance to hon. Kajwang. If you want us to ventilate the matter, let us do so in an orderly manner. Those hon. Members who want to walk out of the House, it is perfectly within their rights to do so. We cannot operate this way.

Secondly, I want it to be very clear to Members that I am not going to re-open debate on what has been resolved but I will give an opportunity to raise your points of order based on this business.

So, let us have hon. T.J. Kajwang'. Let us listen to each other. We have time. For those who want to walk out, it is perfectly within their powers to do so.

Hon. Kajwang’: Thank you, hon. Temporary Deputy Chairman. The National Assembly has no appetite to fight the Executive. The National Assembly is here because we have a mandate from our people to do the best in their interest. I want the Leader of Majority Party to listen.

The Temporary Deputy Chairman (Hon. Cheboi): Those hon. Members who are on the corridor and those who are standing, kindly, resume your seats. We are ready to listen to each other. By the way, even as the Chair, I am a Member of this House. So, we are ready to listen to each other. Being unruly does not help.

Hon. Kajwang’: Hon. Members, we are trying to listen to each other, so that we can do what we came to this House to do – which is to make good laws. Hon. Temporary Deputy Chairman, protect me from the Leader of Majority Party. Of course, everybody is entitled to make a presentation in the National Assembly.

I rise under Standing Order No.134. What we are talking about here has a constitutional consequence. I know that by precedent and the traditions of this House, the Speaker can review, in good circumstances, a decision that has been taken unless it is, of course, the Leader of Majority Party who helped to draft this regulation. I want to say---

Hon. A.B. Duale: On a point of order!

Hon. Kajwang’: Hon. Temporary Deputy Chairman, I cannot be discussing this when he is on his feet. I have a right to discuss. You cannot call me. Sit down! Sit down! I have the Floor. Can you sit down?

Hon. Temporary Deputy Chairman, I am sorry, we want to be able to talk to each other. We accept that the relevant Committee has jurisdiction over this matter. We accept that the Cabinet Secretary will make recommendations but we must be told when that Committee will be sitting, so that we can go and prosecute our issues there. I was presiding over the National Assembly. I had no opportunity to go before this Committee to show them why vegetable seeds should be exempted from taxation. So, how can we have a recommendation when Members have not ventilated? How can we have a recommendation that has not been circulated to Members? What is the justification of these recommendations? These are some of the issues that we are asking and we know that a ruling has been made but this is the National Assembly and where there is no law, we create the law.

I ask the Leader of Minority Party to second me.

The Temporary Deputy Chairman (Hon. Cheboi): No, it is okay. Hon. Kajwang, I have heard you and you can see we are making very good progress.

Hon. Members: On a point of order.

The Temporary Deputy Chairman (Hon. Cheboi); Let us not shout here points of order. I have the benefit of seeing what is happening here. I want to listen to hon. Nyokabi.

Hon. (Ms.) Kanyua: Thank you, hon. Temporary Deputy Chairman. I think the frustration we are feeling today is the frustration of independence of Parliament that this country has fought for for many years. We thought that we had attained independence of this Assembly. We thought that this Assembly can look at matters of money in our country and matters affecting the citizenry. When we hear a ruling that tells us we sit here and just rubber stamp what the Cabinet Secretary (CS) has said then there is a problem.

Hon. Temporary Deputy Chairman, I think the request we are making today is that this agenda be stood down. If you look at Standing Order No. 43, on a day like today we are not even supposed to be addressing Private Members' Bills. We are even procedurally wrong. Private Members' Bills are supposed to come on Wednesday morning as far as the procedures of this House are concerned. As far as the House business is concerned, that is the decision that was made last week on Tuesday.

Hon. Temporary Deputy Chairman, it is very wrong that we sit here and give away our powers of looking at matters of money in our country without any challenge. We challenge that ruling. I think that it is important that the supremacy and independence of this House and our capacity to make decisions is not interfered with.

Thank you, hon. Temporary Deputy Chairman.

(Applause)

Hon. Members: On a point of order.

The Temporary Deputy Chairman (Hon. Cheboi): Order, hon. Members. You will have your time. The only thing I want to agree on is that let us be respectful to each other. Let us listen to all the views. So, let us agree as far as that is concerned. We will give an opportunity to all sides. Even that side which you do not seem to agree with, let us give them an opportunity. Let us listen to them. I am sure we have agreed on that. So, as we make good progress which we are making we will have an opportunity to contribute. Gladys Wanga, you have had your time. So, I will give an opportunity to all sides. There should be no shouting at each other because if that happens then it is unnecessary.

Let us have hon. Linturi.

Hon. Linturi: Thank you, hon. Temporary Deputy Chairman. I really want to ask for the indulgence of this House. Madam Wanga please kindly hear me. I have just come in and I want to ask the House to indulge me because I have not really had the opportunity to benefit from the debate that preceded my chance of speaking but from what has been said I want to believe that this House is a House of rules. I want to believe that from time immemorial precedent and practice have been used to look at matters that have been determined before this House.

I know Members represent constituencies in this country. Members represent people that feel hurt by imposition of this particular tax especially on very essential commodities.

I want to beg the House to respect that even when we disagree, and as long as our procedures do not give us the opportunity to have it our way, in such an instance, the best thing is to step aside or stand down this kind of a Motion and agree on how to attack the matter the next day. So, if we have a problem---

(Loud consultations)

We cannot be breaking the rules that have been made. It is the feeling of every Member in this House that this is a matter that we must reconsider. If we did a mistake and passed this thing, then it will be very difficult for us to come with amendments. I

want to suggest that we stand down this particular Motion, and then reconsider it tomorrow or any other day. We must all understand that if the Constitution provides that any Bill that is monetary in nature must be done with the consent of the Cabinet Secretary, the drafters of this particular Bill---

(Loud consultations)

Let me explain myself. The reasoning behind this particular provision in the Constitution was because when, for example, a Government is levying taxes or is collecting money for purposes of running its programmes, then this money must have been factored in its cash flow. So, if you deny them that particular money now, then it means some of the programmes will be interrupted. But we cannot allow them to overtax our people at the expense of running certain programmes. I conclude because we need this money and at the same time we must feel our people. We should stand this Bill down. Let us consult further and see how to move forward.

The Temporary Deputy Chairman (Hon. Cheboi): Now you can see we are making very good progress. I am going to give two Members, probably three. By the way, we have agreed that we will respect one another despite the fact that we share different opinions. I am giving the Leader of Majority Party and I am going to give---

Hon. Members: No! No!

The Temporary Deputy Chairman (Hon. Cheboi): If you say no, then you will be controlling the Chair. I will come to this direction and there is hon. Mbadi there and someone else.

(Loud consultations)

Hon. Millie Odhiambo, the Member for Mbita, kindly let us keep peace. We are making very good progress. I can see you. I am sure you see that and you feel it. Let us do it the best way.

Hon. A.B. Duale: Thank you, hon. Temporary Deputy Chairman. After the consultations, my good friend, hon. Mbadi, will ask the House to report progress.

Hon. Member: He has already done that!

Hon. A.B. Duale: No, no! You are one of the panels and you must behave like a member of the Chairs panel.

The Temporary Deputy Chairman (Hon. Cheboi): Please, go to the point.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, after consultations, we have agreed that the Mover of the Bill will report progress. However, let me make it very clear. There is a lot of confusion here. If Members of Parliament, due to one reason or the other, did not get an opportunity to appear before the Budget and Appropriations Committee or before the Finance, Planning and Trade Committee, that is the crux of the matter. How do we deal with that? If you did not get an opportunity, maybe you were in your constituency and you were busy, how do we deal with that?

(Loud consultations)

What should have happened is that Committees, the Budget and Appropriations Committee - if hon. Wamunyinyi will allow me - and the Committee on Finance, Planning and Trade, I am sure also sat on Monday and Tuesday. Now, that is the crux of the matter. The next crux of the matter is what hon. Jakoyo and hon. Kajwang' raised. As of now, the 20 per cent that we have been talking about on this Constitution and it is famous, maybe this Article 114 is one of it in relation to the legislative mandate given to a Member of Parliament. I want the Members to go back to the HANSARD. It has been the practice and it has been okay. So, do we agree? We should not just say for the sake of it. Article 114 and the issue of money Bill, I am sure hon. Mbadi and hon. Jakoyo will agree with me, it has been there.

The question that we need to deal with is that when an hon. Member of Parliament or a situation arises concerning a very critical amendment to a Bill and it is a money Bill, and the hon. Member did not get a chance to appear before the Committee on Finance, Planning and Trade and the Budget and Appropriations Committee, as a House, how do we deal with it? We can look at our Standing Orders; we can even go further, that is one of the issues within the Constitution. I want to make it very clear that the Communication that was read; I am sure you will find similar communication read by the substantive hon. Speaker in a number of other times when we are dealing with Money Bills--- It is a question I want to ask both hon. Chairs - hon. Mutava is not around. What usually happens in Parliamentary democracies is that you walk to the Chair and the Chair can agree with you, but you do not make noise. We even do not know the value of that amendment. It can be part of what hon. Jakoyo has been talking about on the television. So, we have to be very careful.

Hon. Members: No! No!

The Temporary Deputy Chairman (Hon. Cheboi): No! Do not bring that. Let us keep order. I think we have done very well. We have listened to a different opinion. Let me give hon. Jakoyo an opportunity because I know there have been consultations back here. Hon. Mbadi, you will be the last one to speak, but otherwise I am still going to give time to a few more. You see, I cannot give everybody time at the same time. Let us listen to each other, you will have time. Hon. Members, after all we have extended the sitting of the House. We have time. I will give time to hon. Members to ventilate; it is a very important issue.

Hon. Midiwo: Hon. Temporary Deputy Chairman, I think we are making very good progress. I beg the Majority Leader to hear us also. There are three issues I want to address; the first one is the provisions of the Constitution and the one for Standing Orders. Before I do that, I want to inform hon. Members that we have retreated to the back and consulted. We have said, we must find a way forward. We are going on recess, let us just calm down and leave here greeting each other without unnecessary acrimony. So, let us just reason.

The Temporary Deputy Speaker (Hon. Cheboi): That is a very good one hon. Jakayo.

Hon. Midiwo: What my thoughts are on this Constitution, this particular Standing Order No. 114 does not take away the powers of this House to legislate; further the Committee on Budget is a creation of this House and can never be supreme to this House. If there has been such a ruling, I want to say that it is a very wrong ruling. We

want a way forward, we will be going to the HANSARD of Committee of Experts (CoE) to see what it contains. In the HANSARD of (CoE), there is every reasoning of every Article in the Constitution, so this article is one which we will bring. To move us forward, I want to say that we can report progress and come back. I want hon. Members to know that if that window of reporting progress is open, it means the Bill is already in Third Reading, so we will not have done much. I think the best recommendation is hon. Linturi's recommendation.

The Temporary Deputy Chairman (Hon. Cheboi): Now, hon. Midiwo, as we agreed, we are really trying to find a solution. I want you to also refer yourself to Standing Order No. 40, because as to the issue of whether we are going to report progress or otherwise, I think our hands are fairly tied. I want you to look at that hon. Jakoyo as you---

Hon. Midiwo: Yes, Temporary Deputy Chairman. You said Standing Order No. 140? You had said Standing Order No. 40 but it is okay. I agree with you it might be easy---

The Temporary Deputy Chairman (Hon. Cheboi): When this particular Bill comes back again, if it ever comes back, the amendments will still be in the Order Paper, do you not think so? They will be there.

Hon. Midiwo: What I am addressing myself to is a scenario where the ruling which has been done in this House closes the window for the House to make amendment on recommendation by the Committee, so we want to keep the window of the Committee open. If the Bill is still intact, we will treat it as a Bill that has not gone into the Third Reading. Standing Order No.134 is the only way for us to get out of Committee at this stage. So, I agree with you but it must be understood that we never went into the Third Reading.

The Temporary Deputy Chairman (Hon. Cheboi): As you speak, the ruling of the Speaker was based on the recommendation from the Committee. We agree on that. For example, when there is time, the Committee can still change its mind. Is that right?

Hon. Midiwo: That is what I am driving at, hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): That is perfect.

Hon. Midiwo: This will enable the Committee to have a window to listen to Members who feel strongly that other amendments should have accompanied this other amendment.

Lastly, because we are a House of rules, I attended the House Business Committee (HBC) on Tuesday and I tried to get this Bill to be read the Second Time and the Third Time at the same time and I was told that it was not possible. In fact, we had an argument in the HBC. Something is a foot that this Bill found its way on the Order Paper today. We do not want to quarrel. We are just trying to point out an anomaly. When we left the HBC, we agreed that the Mbadi Bill should come here for the Third Reading when we come from recess.

The Temporary Deputy Chairman (Hon. Cheboi): That is okay. We have heard you. I am trying to get as many Members to speak to this so that we can be able--- Before we report progress, I would like to give this chance to the Chair, Finance Committee, the Majority Whip and come to this side again. This is because I want to listen to as many Members as possible. So, we will have many Members speaking.

Hon. Langat: Thank you very much, hon. Temporary Deputy Chairman. I want to thank the Members for the comments they have made. Hon. Members, if we are truthful to ourselves, you cannot introduce Floor amendments to a Money Bill. The leadership of the House should make rules on how to transact Money Bills. This includes the timelines. If it is a Money Bill, Members should know when to table their amendments in good time to allow for consultations to take place. I know that there are those of us who have been saying that the Leader of Majority has 20 per cent of those other issues. However, let us agree that we need to have some procedures for transacting Money Bills.

Having said that---

The Temporary Deputy Chairman (Hon. Cheboi): You have made your point, hon. Langat. We want to have many Members speaking to this matter. I think I had given the Floor to the Majority Whip. Then I will come to this direction and give a few Members a chance so that we make a very reasonable decision.

Hon. Katoo: Thank you, hon. Temporary Deputy Chairman. First of all, let me apologise that I have just walked in. So, I may not have followed a lot. Could I have your attention?

My proposal is that we need to marry what hon. Linturi and Midiwo have said and find the way forward.

Secondly, what is annoying the Members - this is very important and it is to the Clerks - is that whenever it is known that an amendment does not satisfy the criteria for it to be on the Floor of the House--- Let it not find itself on the Order Paper. If you say that Article 114 must be satisfied, then the Members, when filing amendments, may not be aware that they need to satisfy Article 114. So, as they file their amendments with the Clerk's office, let them be advised in advance, so that they can take their amendments to the relevant committee. There they will meet the Cabinet Secretary to argue the amendment and satisfy Article 114 of the Constitution. If we knew these amendments were not to see the light of the day because of technicalities, there was no need of putting them on the Order Paper. When you have four pages---

The Temporary Deputy Chairman (Hon. Cheboi): You have made your point, hon. Metito. Let us have the Member for Balambala.

Hon. Aden: Hon. Temporary Deputy Chairman, the whole intention of getting this very good Bill by hon. Mbadi was to help cancel out the mistakes which were made in our previous VAT Bill. However, what we are doing today negates the spirit of helping the common people.

I am a Member of the Budget and Appropriations Committee and I want to tell you that all these Bills which are listed here were brought before the Committee and we sat down and looked at them. Some of them were here with us since Monday. Why was the Cabinet Secretary not called to be consulted? What are our chairmen doing? They were opposing these Bills as individuals. Even the Statements which have been read here as guidance by the Budget and Appropriations Committee, are not real. They serve the interests of the Executive and we cannot allow this. The amendment that I have brought, which is on reducing the cost of living for the ordinary Kenyans by eliminating VAT on LPG gas was elaborately discussed. The Parliamentary Budget office has had this amendment for the last three days. All this time, was there no time to consult the

Executive? The chairmen have other interests to serve. As I conclude, I agree with hon. Nyokabi that the independence of this House is at risk.

The Temporary Deputy Chairman (Hon. Cheboi): That is now fair enough.

(Loud consultations)

What are we talking about? Is there any particular agenda that I am not capturing well?

Proceed, hon. Mbadi, we will see.

Hon. Ng'ongo: Hon. Temporary Deputy Chairman, being the Mover of this Bill, I do not want to polarize views on it further. Mine will just be to do what I think is right.

PROGRESS REPORTED

THE VALUE ADDED TAX (AMENDMENT) BILL

Hon. Temporary Deputy Chairman, I beg to move that the Committee of the whole House doth report to the House its consideration of the Value Added Tax (Amendment) Bill (National Assembly Bill No.37 of 2013), and seek leave to sit again.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Hon. Deputy Speaker in the Chair]

Hon. Cheboi: Thank you, very much, hon. Deputy Speaker. I beg to report that the Committee of the whole House is considering the Value Added Tax (Amendment) Bill (National Assembly Bill No.37 of 2013) and seek leave to sit again.

Hon. Deputy Speaker: Yes, Mover.

Hon. Ng'ongo: Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

Hon. A.B. Duale seconded

(Question proposed)

(Question put and agreed to)

Hon. Deputy Speaker: Next Order!

BILL

First Reading

THE DIVISION OF REVENUE BILL

(Order for First Reading read- Read the First Time and ordered to be referred to the relevant Departmental Committee)

Hon. Deputy Speaker: Hon. Members, this Bill will be allocated time by the House Business Committee, when they next met. A further communication on the VAT Bill will be given, bearing in mind the interest and sensitivity of it. We know it touches on the lives of Kenyans and that Members are their representatives. You will get further guidance on how it is going to be processed.

Hon. Members, I would also like to give further guidance. The Presidential Address Motion was moved, seconded and proposed. That Motion goes through our normal process of having the Question put.

Hon. Members, I would like, with your indulgence, to go back to Order No.10, before we move to the next Order, and put the Question, which does not require a quorum, although we have quorum, anyway.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to the provisions of the Standing Order 24(6), the thanks of the House be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday, March 27th, 2014.

(Address of the President delivered on 27.3.2014)

(Resumption of Debate interrupted on 3.4.2014)

(Question put and agreed to)

Hon. Deputy Speaker: Hon. Members, I now call upon the Leader of Majority Party to move the Adjournment Motion.

MOTION FOR ADJOURNMENTADJOURNMENT TO A DAY OTHER THAN
THE NEXT NORMAL SITTING DAY

Hon. A.B. Duale: Hon. Deputy Speaker, I beg to move:-

THAT, pursuant to the provisions of Standing Order No.28, this House adjourns until Tuesday, 15th April, 2014 in accordance with the Calendar of the Assembly (Regular Sessions).

(Loud consultations)

This is an 11-day break; of course the Easter Holiday--- Could you please allow me, hon. Gladys Wanga and the Chair---

Hon. Deputy Speaker: Order, Members! Allow the Leader of Majority Party to continue.

Hon. A.B. Duale: We have 11-day break; of course we have the Easter break coming, but we cannot alter anything unless a Member moves an amendment. I am moving that the House Business Committee has scheduled a Motion for Adjournment to a day other than the next normal sitting. The House is expected to proceed on an 11-day recess, beginning today and resume on Tuesday, 15th April, 2014. This will allow committees to focus fully on their work. They will undertake a comprehensive consideration of the Public Finance Management (Amendment) Bill, 2014, the Division of Revenue (Amendment) Bill and even the Value Added Tax (Amendment) Bill of hon. Mbadi. You have to ensure that during these 11 days you have a date with hon. Benjamin Lang'at and hon. Mutava Musyimi. There is a task force that is working on the amendment to the Standing Orders. It is supposed to conclude and present its report to the Procedures and House Rules Committee.

For hon. Members, especially those with young families like me, we need to spend time with our families as schools are closing. I have a baby who is four years old by the name of Abubakar Aden Duale.

On the basis of that I want to send my condolences to the family and friends of his namesake, Abubakar Makaburi and to the families and friends of those who were killed in Likoni, those who lost their lives in Eastleigh and many others whose beloved ones died in road accidents.

(Loud consultations)

Hon. Deputy Speaker: Order, Members!

Hon. A.B. Duale: Hon. Deputy Speaker, our country is going through a serious security issue. Coming from the Muslim community and having many friends in the Christian community, and as Leader of the Majority Party and Member of Parliament for Garissa Town, I want to say that terrorists will never have a chance to divide the Kenyan society. Kenyans will never be divided between Christians and Muslims. The Government must bring to book the killers of part of the congregation at the Likoni Church, the heinous killers of Sheikh Makaburi and the six people in Eastleigh. I wish the ones who are in hospital quick recovery.

Hon. Deputy Speaker, the days when shoot-to-kill orders were given went with the Grand Coalition Government and the old Constitution. It cannot happen in this new Kenya, which is under the Jubilee administration. I want Members from both divides of this House, be they from ODM, TNA or *Kalauis* to know that I wish them well.

There are a number of by-elections coming. Let us do them within the law. Let us do them within the Elections Act. Let us go home when all of us are happy with one another. If in one way or the other, for example, hon. Jakoyo and I--- If you felt that we offended

you by our appearance in the *Cheche* Programme of Citizen Television Station, please, forgive us.

(Loud consultations)

Hon. Nyenze: Hon. Deputy Speaker, I stand to second. As I do so, I would like to say that it is good to move together as the National Assembly.

Hon. Deputy Speaker, as I second the Motion, I want to say that the cost of living is very high for the ordinary Kenyans. When you hear hon. Members complain about playing their role, which is legislating, it is only because they are hard pressed by the people they represent here. Hon. Mbadi had a very good idea of bringing the cost of living down for the ordinary Kenyans. I am sure that once we consult with the Budget and Appropriations Committee, and Finance Planning and Trade Committee, we will get a solution.

Hon. Deputy Speaker, the state of insecurity is dire. We have had three Members of the National Assembly attacked. If a Member of the National Assembly can be attacked, who is safe in this country? Nobody is safe in this country. Tackling insecurity in this country is not the responsibility of the Jubilee Government alone. Even those of us in the Opposition have to try and support the Government in all aspects to tackle the problem of insecurity. I listened to the Member for Mvita saying that he is a man of the people and, therefore, he does not need to move around with security personnel. I urge my younger brother, hon. Nassir, to always move around with his bodyguards.

There was a Prime Minister of Sweden who was very popular. One night he went to a cinema theatre to watch a movie. He was gunned down. So, if you are entitled to security personnel, make sure that you use them. For the ordinary Kenyans who cannot afford private security, let us adopt the *Nyumba Kumi* initiative. It will help us. Let us know our neighbours. If it does not work, we will devise another system. Let us not try to shoot it down. Let us try it and see whether it will work or not. I am sure that it will go a long way in reducing insecurity.

Hon. Deputy Speaker, I have heard people say that ole Lenku and Kimaiyo should resign. Even if the two resign and new persons are appointed to their positions, so long as the other issues are not addressed, they will perform in the same way. Even if we bring an angel on board such a chaotic situation, he will not perform better than the two officers. I am sure that they are trying their best.

I now want to talk about devolution. The Jubilee Government has been accused of not supporting devolution. Devolution is the biggest gain that this country got through the new Constitution and, therefore, it should be supported. However, governors have complained that the Jubilee Government wants to kill devolution. We do not want devolution to be killed. We devolved power and resources. We want those to remain in the counties. There are counties that never got anything during the previous regimes. Those counties are now getting something. There are also some counties in Jubilee strongholds which never used to get anything before, but they are nowadays getting something because of devolution.

Hon. Deputy Speaker, the President has talked about irrigating a million acres of land. That is a good initiative because it is evident that rain-fed agriculture will not get us

anywhere. However, if the one million acres are expected to be irrigated from the waters of River Sabaki, which is a seasonal river, we will not have that much land irrigated. The project should be moved to Tana River and eastern. The seasonal rivers should be dammed. There is very big land in Ukambani.

Hon. Deputy Speaker: Suleiman Murunga. He is not here?

Hon. (Ms.) Nyasuna: Thank you, hon. Deputy Speaker. I rise to move an amendment that---

Hon. Deputy Speaker: Hon. Gladys Wanga, I do not know who gave you the Floor. I had hon. Suleiman Murunga as the first one on my list.

Okay, hon. Wanga, let me give you the Floor now that you have been very enthusiastic.

Hon. (Ms.) Nyasuna: Thank you, hon. Deputy Speaker for looking at my request with favour. I rise to move an amendment to the Adjournment Motion and this amendment is as follows:

Hon. Deputy Speaker, I beg to move:-

THAT, the Motion for Adjournment be amended by deleting the words "April 15, 2014" appearing immediately after the words "adjourns until Tuesday" and inserting the following words "April 22" in place thereof.

Hon. Deputy Speaker, you do realise that if we adjourn to come back on April 15th we will be adjourning for ten days, and then we will come back immediately before the Easter holidays; these Easter holidays are a time for those of us who are Christians to reflect, and to really connect with God, our families and our constituents.

(Laughter)

Hon. Deputy Speaker, therefore, it will only make sense to be away until the 22nd and then come back to work on the Division of Revenue Bill and other important business pending before this House.

Hon. Deputy Speaker, as I do not want to belabour this amendment, I just want to say that what is also important for the members of the public to know is when they will see us. Members of this House are mothers, fathers and grandparents. We have families and we have this time to also relate to them. The few who are bachelors will marry under the new Marriage Bill.

(Laughter)

With those many remarks, I beg to move and request hon. Kajuju to second.

Hon. Deputy Speaker: Yes, hon. Kajuju.

Hon. (Ms.) Kajuju: Thank you, hon. Deputy Speaker. I support the amendment that has been moved by hon. Wanga, and state that it is important to play our critical role of representation by way of connecting with our people. It is clear that if we go for the recess as stipulated in our calendar, then we will not have sufficient time to connect with our people. Most importantly as a practising Catholic, I say that this is a time that is very important to me in the sense that this is when Jesus Christ died on the cross and resurrected, and I need to attend church and rethink my position there.

Hon. Deputy Speaker, we have received a lot of bashing after the House passed the Marriage Bill when I was away. I wish I was here. I need to go and talk to my bishops and explain to them the actual position in as far as this Marriage Bill is concerned. As a mother who has young children in the house, this is when they are going to be on vacation, away from their schools. I need to be with them. Every Member, as has been said by the Mover of the Motion, needs to have time for their families. I read in the *Corridors of Power* the other day that someone is complaining that the husband is going to Mombasa every other day and over the weekends. We want these husbands to be at home. We want mothers to be at home.

So, hon. Deputy Speaker, I beg this House to agree with us that we take some time to go home and be with our people, families and friends.

I beg to second this Motion.

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

Hon. Deputy Speaker: Hon. Members, let us give hon. Nyikal a chance; just one chance. Let him say one word. It does not matter even if he is opposing and he is alone. It will not make a difference.

(Loud consultations)

You do not want to gag Members! Allow him to say a word.

Hon. (Prof.) Nyikal: Thank you, hon. Deputy Speaker. I stand to oppose this Motion. Even if I am alone, that is okay. First of all, we moved and approved a calendar. Two, when we come back, those of you who have the calendar for the whole year know that from 3rd June to 28th August, we will have another session. So, in my mind---

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

Hon. Deputy Speaker: Order, hon. Midiwo! You want to correct his data or give information? What is out of order?

Hon. Midiwo: Hon. Deputy Speaker, it is good to guide the Member on the Floor that this House has the power to amend the calendar today or in future; it is wrong to talk about the future because that is not what is before the House. We are debating what is before the House. It is good to guide him, so that he becomes a good legislator. As you realize, this is not about medicine and my friend is a doctor.

Hon. Deputy Speaker: He can also read the calendar, if need be.

Hon. (Prof.) Nyikal: Yes, I can read the calendar. I know it is not about medicine; I know it is about the money that the Kenyan taxpayers are paying us. So, we are going to have another date and after we come back, a month later we will have another recess. I oppose the amendment on those grounds.

Hon. Deputy Speaker: Order, Members! I will now put the Question of the amendment.

(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)

(Question of the Motion as amended proposed)

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

Resolved accordingly:

THAT, pursuant to the provisions of Standing Order No.28, this House adjourns until Tuesday, April, 22nd, 2014, in accordance with the Calendar of the Assembly (Regular Session)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, it is now time to adjourn the House. This House, therefore, stands adjourned until Tuesday, 22nd April, 2014, at 2.30 p.m.

The House rose at 7.20 p.m.