

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 9th June, 2016

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

DEMISE OF THE HON. ELIUD NGALA MWENDWA

Hon. Speaker: Hon. Members, it is with profound sorrow that I convey to the House the demise of Hon. Eliud Ngala Mwendwa, MP. The late Hon. Ngala, who was the first Member of Parliament for Kitui Central Constituency passed on, on Wednesday, 8th June, 2016 at the age of 97 while undergoing treatment.

Hon. Members, the late Hon. Ngala, a son of the former Senior Chief Mwendwa Kitavi, was born in 1923 at Kalia in Matinyani, Kitui County. He joined the Africa Inland Church Matinyani Primary School in 1935 before transferring to Kitui School in 1938. Thereafter, he joined Alliance Boys High School in 1943 for his O-Level education, after which he enrolled at Kagumo Teachers Training College where he graduated as a teacher. The late Hon. Ngala had an illustrious teaching career at Kitui School and Matinyani DEB School before becoming a tutor at Mutune Teachers Training College, now St. Angela's Girls Secondary School.

Hon. Members, the late Hon. Ngala joined politics in 1961 and was elected to the Legislative Council (LEGCO) as the representative of Kitui Central. When Kenya attained Independence in 1963, the late Hon. Ngala was among the distinguished men who were appointed by the founding President, Mzee Jomo Kenyatta, to the fifteen-member first Independence Cabinet, in which he served as the Minister for Labour. He also served as a Minister in various ministries including the Ministry of Commerce, Industry and Co-operatives.

While serving as a Minister, the Late Hon. Ngala was credited as the architect of various landmark achievements by the government of the day. In particular, he shall be remembered for the inception of the celebrated National Social Security Fund (NSSF) and the National Youth Service (NYS) while serving as the Minister for Labour.

Hon. Members, on behalf of all Members of the National Assembly, that of the Parliamentary Service Commission and, indeed, on my own behalf, I wish to convey our condolences to his family and the people of Kitui Central Constituency and Kitui County as a whole for the great loss. As the National Assembly, we assure the family of our support during this period of grief. In honour of the exemplary service that the late Hon. Eliud Ngala Mwendwa rendered to the nation, I now request that we all stand to observe a minute of silence.

(Hon. Members observed a moment of silence)

May his soul rest in eternal peace.

Thank you.

Hon. Speaker: Let us have the Member for Kitui Central, Dr. Makali Mulu

Hon. Mulu: Hon. Speaker, it is, indeed, a great honour to the family of Hon. Ngala Mwendwa, the people of Kitui County and Kitui Central for this House to read the history of Hon. Ngala Mwendwa and allow a one-minute silence in his honour.

As you have rightly put it, Hon. Ngala is a very respected *Mzee* in Kitui County and in Kenya in general because of the immense contribution he has made to this country. On my own behalf and on behalf of the good people of Kitui Central, I want to take this opportunity to join other Kenyans and the family to mourn the passing on of Hon. Ngala Mwendwa. This old man has left a very stable family. God has been very gracious to him in that he has given him over 90 years to be in this world.

I would like to request Hon. Members to emulate the kind of service Hon. Ngala Mwendwa has given to this country. This country would go far if, as Members of Parliament and as leaders of this nation, we tried our best to give this kind of service. Hon. Eliud Mwendwa Ngala sat in the first Cabinet after Kenya became independent. I think they were only two remaining but now it is only one. It is a great honour for these Kenyans who started this country from scratch to have seen this country grow over time to where it is today. All of us now enjoy the fruits of their contribution and hard work.

With those remarks, we are mourning as a region and we can only ask the rest of Kenyans to support and join us in mourning this hero.

May his soul rest in eternal peace. Thank you.

Hon. Mati: Hon. Speaker, allow me to join my brother, Dr. Makali Mulu, in mourning a great son of Kitui County. Hon. Ngala Mwendwa has been known to me personally all my life as a nationalist who fought for the independence of this country. I remember in 1962 at the height of KANU when everybody was pushing for independence, one school called "Matinyani Primary School" - intermediate school that time - had the privilege of getting all those who were running for elections in the whole of Kitui County. Ngala Mwendwa was there, the late Senator Nzilu Munyasya was there and my late father Geoffrey Munuve, who was running for Kitui South was there.

This is a person who has a long history of struggle. The Mwendwa family is well known in our county. It should not be lost on us that we have Hon. Nyiva Mwendwa in this House who is a sister-in-law to Ngala Mwendwa. We have had his brother Kyale Mwendwa who was the first Permanent Secretary of Education and later Minister for Water. So, this is a big family which is well established in our county of Kitui.

As we mourn him, it should not be lost on us that this country is going through a small crisis. This is a crisis that we can avoid just like Ngala Mwendwa and his colleagues steered Kenya out of conflict in 1962 and during the *Mau Mau* period.

I join Hon. Mulu in asking this House and, indeed, the Republic of Kenya, which he served as one of the few ministers in those days, to support the family of Hon. Ngala Mwendwa and for all of us who are involved in a lot of politicking right now to look at ways of solving our problems amicably. He was a man of peace.

With those few remarks, I thank you for indulging me.

Hon. Wangamati: Thank you, Hon. Speaker, for giving me this opportunity to join you and the rest of the Members of this honourable House in conveying our condolences. Hon. Ngala

was an upright man. I saw him as a Member of Parliament and I saw him as a good Minister during those days. It is our belief as leaders that we grow and die like others but this time we want to thank the people of Kitui for looking after this *Mzee* to the age of 97. Many of our leaders and our people do not look after the elderly people. When someone gets to the age of 80, people start leaving him alone. They do not call on him and they do not even contribute to him. I want to tell Members of Parliament today that we all learn from the people of Kitui for looking after this old man.

That is why I have said that most people from Ukambani are very wise. They stay with the wisdom like that of Hon. Ngala. I request the people of Ukambani that when we go there, they give us opportunity so that we thank them for the work they have done to keep this family the way they have done.

Thank you.

Hon. Francis Waititu: Thank you, Hon. Speaker, for giving me this chance to say something about the late Hon. Ngala Mwendwa. I have known him for a long time. Back in Githurai where he had land, he was a big farmer. Today, the people he settled at Githurai, Mwiki and Mwanamukia are in hundreds. I remember when he was in Central Province, he was talking much about farming. I remember when I was a young man, we used to go to Githurai and see his ranch. He was even visiting schools and many schools used to visit that farm.

I saw his leadership during my school days. On behalf of my family - he used to work with my father on that land - and the people of Githurai, where he was a partner with my father, I send my condolences to the people of Kitui Central and say that we have lost a man who also helped Central Province. I know hundreds of people in Githurai are watching me. We have also lost Hon. Ngala Mwendwa in Central Province.

May his soul rest in eternal peace.

Hon. Onyonka: Mhe. Spika, pia mimi ningependa kuchangia kuhusu hili jambo la kufariki kwa Mzee Ngala. Mimi kama mtoto wa mwanasiasa ambaye alikuwa anafanya kazi na mzee Ngala kwa hili Bunge, ningependa kutoa rambirambi zangu kama Mbunge wa eneo la Kitutu Chache Kusini. Tena, ningependa kutoa rambirambi zangu kutoka kwa familia yangu ya mzee Dr. Zachary Onyonka, aliyeaga. Mhe. Ngala ni mzee ambaye aliheshimika. Alifanya kazi kama mzalendo na wale Wakenya ambao wako nchi hii wanakumbuka. Vigogo wa zamani walipenda nchi hii, waliamini na walitaka iendelee mbele. Anaheshimika kwa sababu alifanya kazi kama mzalendo. Wakenya wanakumbuka wale vigogo wa zamani kama wazee walioipenda na kuithamini nchi hii. Walitaka nchi hii iendelee mbele. Ningependa kuwaombea wananchi wa Kitui Mungu awabariki kwa kutupa kiongozi ambaye alikuwa anaheshimika. Ni kiongozi ambaye atakumbukwa nchini milele.

Ahsante, Mhe. Spika.

Hon. Speaker: Let us have Hon. Kisoi, the Member for Mbooni.

Hon. Kisoi: Thank you, Hon. Speaker. I want to join the rest of my colleagues in condoling the family of the late Mwendwa. The late Mwendwa was a prominent Kenyan who served this country with dedication. He exhibited a lot of self discipline when it came to dealing with national matters. We need to emulate the likes of Ngala Mwendwa in this country. May his soul rest in peace, and may his family be guided.

Hon. Speaker: Hon. Members, before we proceed, allow me to recognize the presence of people, students and teachers from various institutions. In the Public Gallery, we have students from Karura SDA Primary School from Nairobi County; Kajiunduthi Primary School from Tharaka Nithi County; St. Mary's Girls Primary School from Machakos County; Taita

Towet Boys from Kericho County, and Lukore Secondary School from Kwale County. In the Speaker's Gallery, we have students from Moi Educational Centre from Nairobi County.

You are all welcome to observe the proceedings of the National Assembly.

MESSAGES

SENATE APPROVAL OF THE ANTI-DOPING (AMENDMENT) BILL 2016 AND THE COUNTY ALLOCATION OF REVENUE BILL 2016

Hon. Speaker: Hon. Members, this is Message No.10 from the Senate, which is on the approval by the Senate of the Anti-Doping (Amendment) Bill (National Assembly Bill No.17 of 2016) and the County Allocation of Revenue Bill (Senate Bill No.3 of 2016).

Hon. Members, pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I have received two Messages from the Senate regarding the approval by the Senate, of the following Bills:-

- (i) The Anti-Doping (Amendment) Bill (National Assembly Bill No.17 of 2016); and,
- (ii) The County Allocation of Revenue Bill (Senate Bill No.3 of 2016)

The first Message partly reads as follows:-

“That the Anti-Doping (Amendment) Bill (National Assembly Bill No. 17 of 2016) was passed by the Senate on Tuesday, 7th June, 2016 without amendments and in the form attached hereto.”

Hon. Members, you may recall that the National Assembly had passed the said Bill with amendments on Thursday, 26th May, 2016. In this regard, I will now proceed to present the Bill to His Excellency the President for assent in accordance with the provisions of Articles 110(5) and 113(3) of the Constitution.

The second Message relates to the passage by the Senate of the County Allocation of Revenue Bill (Senate Bill No.3 of 2016). It states as follows:-

“That the County Allocation of Revenue Bill (Senate Bill No. 3 of 2016) was passed by the Senate on Tuesday, 7th June, 2016, with amendments and in the form attached hereto.”

Therefore, the said Bill stands committed to the Budget and Appropriations Committee for consideration. Standing Order 234 requires this House to consider the County Allocation of Revenue Bill within 10 days. In this regard, the Committee is directed to table its Report on the said Bill not later than Wednesday, 15th June, 2016 to allow the House ample time to consider the Bill.

Next Order!

PETITIONS

UPGRADING OF BOMAS-ONGATA RONGAI-KISERIAN ROAD TO DUAL CARRIAGEWAY

Hon. Manje: Hon. Speaker, this is a public petition by the residents of Kajiado North on decongestion of the Bomas-Ongata Rongai-Kiserian Road by making it a dual carriageway.

I, the undersigned, on behalf of the residents of Kajiado North Constituency, Kajiado County, draw the attention of the House to the following:-

(i) THAT, aware that the Bomas-Ongata Rongai- Kiserian Road is a critical link between the three centres of Kajiado region as a whole;

(ii) THAT, the road is a single lane inhibiting free movement of people, goods and services from a densely populated area;

(iii) THAT, the continued heavy traffic jam on peak hours has contributed to immense loss of man-hours;

(iv) THAT, potential residents and investors of Ongata Rongai and Kiserian areas due to the heavy traffic jam have relocated to other areas denying the two areas development;

(v) THAT, the single lane road has seen the cost of transport increase to unpredictable rates during peak hours while the time taken to cover the short distance has increased from less than thirty minutes to more than two hours which is not even assured;

(vi) THAT, this added cost has increased expenses on the already burdened Ongata Rongai and Kiserian residents working or travelling to Nairobi; and,

(vii) THAT, the matter in respect of which this Petition is made is not pending before any court of law or tribunal.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing—

(i) Intervenes to have the Bomas-Ongata Rongai-Kiserian Road made into a dual carriage Road to decongest it and be a relief to the people of Ongata Rongai and Kiserian areas in Kajiado North Constituency in Kajiado County;

(ii) Make any other recommendations that may be deemed fit in addressing the plight of the said residents.

And your petitioners will forever pray.

Hon. Speaker: Hon. Members, you have a practice where you use the rule of the early bird catching the worm. I do not know whether the names which are here were meant for the purposes of commenting, observing or seeking clarification on the Petition. The interventions were sought before we finished saying the prayers. Nevertheless Members are allowed to seek clarifications and make observations on the Petition. I do not know if Hon. Onyonka, whose name appears first, knew about the Petition in advance. Did you intend to make comments, observations or seek a clarification?

Hon. Members: He has made his contribution!

Hon. Speaker: The problem we have is that there are Members who come here slightly before 2.30 p.m. and log in. Even before we say the prayers, you would find that they want to contribute to something. You would not know whether they want to say prayers or not. That is why I am trying to seek this clarification.

Hon. John. Mbadi, did you want to make an observation on this Petition or did you not know about it? This should go to the people who have put their cards on intervention. Hon. Mbadi, is your intervention about this Petition?

Hon. Ng'ongo: Yes, Hon. Speaker.

Hon. Speaker: Do you know what the Petition was about?

Hon. Ng'ongo:--- (*Inaudible*)

Hon. Speaker: At least you have an idea.

Hon. Ng'ongo: Thank you, Hon. Speaker. I must apologise because I moved from my seat after putting my card in the intervention slot of my request gadget.

I wanted to contribute to the Petition by Hon. Manje on the expansion of Ongata Rongai-Kiserian Road. This matter needs to be looked into. As the City of Nairobi expands, and as the

population grows, peripheral towns like Ongata Rongai and Kiserian get higher population moving there. Therefore, the Government needs to be proactive. As they expand Langata Road, where does it feed into? When we have a big dual carriageway with very many vehicles feeding into smaller roads, we put more pressure on those roads. This is a matter that needs to be looked into. This should not just be restricted to the Ongata Rongai-Kiserian Road. Other roads leading to other peripheral towns from the City of Nairobi also need to be looked into. The roads leading to those towns need to be expanded so that we can have more people moving out of Nairobi to ease the pressure that we have in Nairobi.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mohamed Shidiye.

Hon. Shidiye: Thank you, Hon. Speaker, for giving me this opportunity. I would like to support this Petition. Very soon, Nairobi will be grid-locked. We will not be entering into a traffic jam but a parking. This town was designed by the colonialists. We have roundabouts which have been causing mayhem and delays in this City. If you travel to Kiserian and Ngong, you will notice a number of vehicles on that road. People wake up as early as 4.00 a.m. to come to this town. Very soon, we will be forced to have a new capital city like Lagos and Dar es-salam. Fortunately, we now have the bypasses that we have created. We need more of them and move away from roundabouts. The roundabouts are the cause of traffic jams in this City. We should remove the Nyayo Stadium roundabout, the one near Parliament and the one near Bomas of Kenya. All the roundabouts contribute to traffic jam.

Hon. Speaker, this Petition has come at the right time. It needs to be supported. We need to have a dual carriageway and do away with roundabouts.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Boniface Otsiula, you have the Floor.

Hon. Otsiula: Thank you, Hon. Speaker. I would like to support this Petition by my colleague, Hon. Manje. I am a resident of Ongata Rongai. I can assure this House that living in Ongata Rongai is a nightmare. In fact, it is a punishment. What used to happen on Thika Road before the construction of the superhighway is what is now happening in Ongata Rongai. Unless something is done swiftly, the number of man-hours that we waste on that road will increase. You take three hours to drive from here to Ongata Rongai. There is nothing you can do. Even if you wake up at 3.00 a.m., you will still find traffic on the road. This is terrible. I want to thank my colleague who has had a lot of pressure from the residents. Some residents were even threatening to throw him out of this House because of that road. This House should come to the aid of the residents of Rongai so that in one way or the other, we can save the skin of my colleague, Hon. Manje.

Hon. Speaker: Yes, Hon. Lemein.

Hon. ole Lemein: Thank you, Hon. Speaker. I equally rise to support this Petition. As my colleagues have said, the residents of Ongata Rongai, Kiserian and Ngong are suffering. Should that road be upgraded to a dual carriageway, it will be of importance to the economy of that region and this country.

I support.

Hon. Speaker: Hon. Stephen Manoti.

Hon. Manoti: Thank you, Hon. Speaker for the opportunity. I have experienced what happened on the Bomas-Ongata Rongai Road. Those who have invested in housing in Ongata Rongai have a big problem having tenants. The importance of a good road is to assist the people to easily reach where they want to go. That road is a big problem to this nation. It is also very

expensive for the economy of this country. Therefore, it is very important to upgrade it into a dual carriageway. If possible, this should be done on the road that goes through Karen all the way to Ongata Rongai to make it easier for people who live in Ongata Rongai.

With those remarks, I support the Petition.

Hon. Speaker: Hon. Members, that should conclude it. The Petition is referred to the Departmental Committee on Transport, Public Works and Housing.

Hon. Members, allow me to recognize the presence of students and teachers from Sweet Waters Secondary School from Laikipia County, who are seated in the Public Gallery.

Next Order!

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Public Finance Management (Senate Monitoring and Evaluation Regulations 2015) and the explanatory memoranda thereon (to be referred to the Committee on Delegated Legislation).

The Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the Certificate therein—

- (a) Ministry of Defence;
- (b) Ministry of Foreign Affairs and International Trade;
- (c) Mechanical and Transport Fund;
- (d) The Presidency;
- (e) Commission on Administrative Justice;
- (f) LAPSSET Corridor Development Authority;
- (g) Kenya Airports Authority;
- (h) Export Promotion Council; and,
- (i) Western Kenya Rice Mill Limited.

Thank you, Hon. Speaker.

NOTICE OF MOTION

ESTABLISHMENT OF TRAINING INSTITUTIONS AND FISH PROCESSING PLANTS

Hon. (Ms.) Nyamunga: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, aware that Kenya's high seas and inland fresh water bodies are a key resource for diversification of the country's economy through fishing; noting that most fishermen and women use traditional methods of fish harvesting, preservation and processing; conscious that there are few training institutions that offer studies in fisheries, oceanography and maritime technology in Kenya; further noting that huge losses are incurred due to lack of proper post-harvest management and inadequate fish processing plants in the country; concerned that this lacuna has contributed to relegation of the otherwise lucrative fishing industry to a *Jua Kali* sector; deeply worried that lack of training and inadequate fish processing facilities have resulted in meagre earnings for many Kenyans,

including women who depend on fishing, this House urges the Government to establish both inland and coastal training institutions and processing plants with a view of building capacity for fishing communities to maximize their returns from the lucrative fishing sector.

Thank you, Hon. Speaker.

Hon. Speaker: Order, Members! Lower the decibels of your consultations. We need to hear the Member as he gives notice of that very important Motion. Let us have Hon. Geoffrey Odanga. The Member forfeits his opportunity to give notice of his Motion. This was a very important Motion by Hon. Odanga. I had seen him. The Motion reads “the deployment of chaplains in all secondary schools”. We needed to hear what he proposes to do about chaplains or the institution of chaplaincy. The Member can give notice next week.

Let us move on to the next Order.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING TUESDAY 14TH TO 16TH JUNE, 2016

Hon. A.B. Duale: Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a), on behalf of the House Business Committee (HBC), I rise to give the following Statement regarding the business appearing before the House for the week beginning Tuesday, 14th June, 2016.

The HBC met on Tuesday, this week at the rise of the House, to give priority to the business of this week and Tuesday, next week. In this regard, on Tuesday, next week, the House is expected to consider the Second Readings of the following Bills should we not conclude them today. They are the Election Laws (Amendment) Bill (No.3) of 2015; the Kenya Roads Bill, 2015; the Warehouse Receipts System Bill, 2015; the Public Finance Management (Amendment) Bill, 2015 and the Kenya Regiment (Territorial Force) (Repeal) Bill, 2015.

The HBC has also consciously decided to accord priority to Senate Bills. In this regard, on Thursday, the following Senate Bills will be considered for Second Reading:-

- (1) The Public Appointments (County Assemblies Approval) Bill, 2014;
- (2) The Public Fundraising Appeals Bill, 2014; and
- (3) The Potato Produce and Marketing Bill, 2014.

Also prioritized in the Committee of the whole House is the Statute Law (Miscellaneous Amendments) Senate Bill No.6 of 2014. It is hoped that the House will adopt the Report of the Budget and Appropriations Committee on the Estimates for the 2016/2017 Financial Year today, to facilitate preparation of the Appropriations Bill, 2016. We have agreed with the Office of the Clerk that the questions for Cabinet Secretaries will begin on Tuesday, the other week.

Finally, the HBC will reconvene on Tuesday, 14th June, 2016, at the rise of the House, to consider Business for the coming week.

Hon. Speaker: There is a point of order from Hon. Chepkong’ a, then Hon. Nicholas Gumbo.

Hon. Chepkong’a: Thank you, Hon. Speaker. I do not know why Hon. Gumbo is purporting to compete with me on a point of order when he knows I have already pressed the intervention button.

I rise pursuant to Standing Order No.40 to seek your direction. As you know, there are many initiatives that we are undertaking as the Departmental Committee on Justice and Legal

Affairs together with the Constitutional Implementation Oversight Committee (CIOC). As you know, there are two Bills which were read for the first time yesterday. We met this morning and proposed to undertake a countrywide public participation. I would like to request, in accordance with Standing Order No.42, that for the convenience of the House and our Committee, Order No.11 on the Election Laws (Amendment) Bill (No.3) of 2015 be deferred to another suitable time when we will be able to continue with that business. We hope that the various initiatives that are taking place will feed into the various amendments that we would like to carry in the Election Laws (Amendment) Bill.

Hon. Speaker: Hon. Midiwo, do you have a point of order on this?

Hon. Midiwo: Hon. Speaker, now that you have given Hon. Chepkong'a a chance to make the request, I agree with him and plead with you to do as he requests. Hon. Chepkong'a needs to give us an explanation. Yesterday, his Committee sent us letters, and he verbally spoke to me on there being a meeting of the House leadership and his Committee. I went to the meeting. He did not call to tell us that he cancelled the meeting. I can see the Leader of the Majority Party is nodding. It is only courteous that we deal with each other with decorum. It did not look very good.

Hon. Speaker: Looking at the Standing Order he has referred to, as much as I may allow you to make your comments, you have no role. It is as the Speaker may direct. I am giving you an opportunity on a *gratis* basis. However, there is no harm in hearing what one or two of you have to say. Hon. Chepkong'a explained that because of some of the things the Committee may be doing, he would like business to be reorganised in a particular way. It was specifically relating to business appearing as Order No.11. Unfortunately, the business is also in his name. He is the Mover. Do you want to explain further, Hon. Chepkong'a?

Hon. Chepkong'a: Hon. Speaker, part of the reason why I am seeking for the deferral of this Bill is that we invited the leadership of the House to appear before the two Committees and I must thank the Deputy Leader of the Minority Party and the---

Hon. Speaker: Members cannot hear you.

Hon. Chepkong'a: There is a problem with my microphone.

Hon. Speaker: You cannot be heard at all.

Hon. Chepkong'a: Hon. Speaker, I always address meetings without microphones in my constituency. I acknowledge that pursuant to an invitation that the Departmental Committee on Justice and Legal Affairs and the CIOC made to the leadership of the House, they turned up. This included Hon. Jakoyo Midiwo, the Leader of the Majority Party, Hon. Duale, Hon. Chris Wamalwa and the rest of the team. They came. Unfortunately, Jubilee had a parliamentary group meeting outside Parliament. Most of the Members delayed up to around 11.30 a.m. We had asked them to be present at 10.00 O'clock, and so the others waited. I would like to apologise on behalf of the two Committees for holding them up for a long time. They waited for over 30 minutes. You can see that they regarded this matter as very important and I must thank them.

Regardless of what is being said about CORD, at least, four Members of this team are very good people. I can acknowledge that. We must continue in the same spirit. Hon. Kaluma claims that he has been de-whipped but he knows that it is not true. He sought an excuse to get out of the Committee but while we discussed, I requested him to come back. He has acknowledged the same. He has agreed unequivocally that he will make attempts to come back. I must thank him for agreeing to come back. He is a very good Member of the Committee. When we were passing the Bills which the Departmental Committee on Justice and Legal Affairs sponsored, he contributed quite effectively. I can tell that his constituency made the right choice.

With those remarks, I urge you to invoke your discretion to defer this Motion.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, for the reasons given by Hon. Chepkong'a, who is the Chairman of the Departmental Committee on Justice and Legal Affairs, for the convenience of the House, given that this area has been covered by the Election Laws (Amendment) (No.3) Bill and although a total of 14 Members have contributed, there is no harm in allowing the Committee time to receive more views from other Kenyans who may not be Members of Parliament. Other segments of the Kenyan society should be allowed to contribute to this law with a view to enriching what finally comes out. The intention of the Bill is to enrich the Elections Act, 2010. For the convenience of the House and the reasons stated, we will stand down business appearing as Order No.11 to such other date as the House Business Committee (HBC) shall determine.

*(The Election Laws (Amendment) (No.3) Bill (National Assembly Bill
No. 63 of 2015 deferred)*

Hon. Gumbo, I hope it is not on the same lines.

POINT OF ORDER

MISREPRESENTATION OF FACTS BY MEDIA

Hon. (Eng.) Gumbo: Hon. Speaker, I rise under Standing Order No.1 to seek your direction on a matter which touches on the image of this House and some Members of the House, including me. More particularly, it touches on my capacity as the Chairman of the Public Accounts Committee (PAC).

This morning, I woke up to a barrage of calls and criticisms in social media on a matter which is apparently in the public domain. This was to the effect that several Members of this House and staffers of Parliament have not been surrendering their imprests. I raise this matter because as PAC, we are about to table our Report for the 2013/2014 Financial Year accounts. One of the issues coming up almost through all ministries, departments and agencies is that of not surrendering imprests. It would be very contradictory of me, as the Chairman of PAC, to be one of those people who are not surrendering their imprests.

When this matter came to my attention, I called the Secretary of the Parliamentary Service Commission (PSC), Mr. Nyegenye. It appeared that the matter in question had to do with an imprest I took between 22nd June, 2015 and 1st July, 2015. This particular issue was picked up on 30th June, 2015, when I was out of the country. I do not understand how this issue could have come up because auditing of public institutions is not an event but a process. It starts with a letter of the Auditor-General. An initial meeting is called with the public institution. After that and after several months of engagements, there is the exit meeting, which determines the issues. This report, which I am told appeared in one of the newspapers in the country today, is unnecessarily sensational, false and alarmist. I do not think that can ever be the intention of an audit process. I have my imprest account with me here. It shows that my balance is zero. I will table it.

When somebody alleges that the Chairman of PAC has outstanding imprest of Kshs176,193, which is the imprest I took for the Tanzanian trip as I read in one of the articles, it is not good. The intention of audit cannot be to disparage people in this manner. We are public

officers. When some people see this kind of thing, our reputation comes on the line. I cannot understand how PSC which is the one that provided this information could have allowed very false information to go out there disparaging Members of Parliament, the institution of Parliament and the PAC which I chair when the information is entirely false.

The purpose of this point of order is to request you to provide direction. The image of Parliament and Members of Parliament who are leaders of this country is on the line here. We all know that one cannot take an imprest unless they surrender the previous ones. How then can it be possible that an imprest which was apparently taken over a year ago can be considered not surrendered when the statements available within the Accounts Office clearly show everything about the Member in question? Why did the PSC Members not take it upon themselves to clarify that, that was information that was picked at a particular time when some of these Members were out of the country on duty and this matter has been clarified and has since been regularised? Why do we have to walk around looking like irresponsible people who speak about things they do not do when information available suggests to the contrary?

I seek your direction. At the very least, the PSC should give a statement to clarify that this information is erroneous, false, and malicious, dents the image of Parliament, unnecessarily dents the image of Members and is unwarranted and uncalled for.

Thank you, Hon. Speaker.

Hon. A.B. Duale: Hon. Speaker---

Hon. Speaker: The Hon. Leader of the Majority Party, you may not be able to respond to this one.

Hon. Gumbo, fortunately or unfortunately, I have a Commission meeting at 4.00 p.m. which I will chair. Because the report you are talking about also referred to "Speaker"--- It is a matter that is going to be addressed in less than an hour's time. The PSC must issue an equivocal apology to the Members.

(Applause)

They even referred to the Speaker. Unfortunately, the headline reads "Speaker.", but it is when you read inside that you find it is not me. Even if it was, even the person they are referring to inside there is in a similar situation to the one you have described. It means that there are some staff of the Commission who may also be out to play games with Members' reputations. It is a matter that the Commission is going to address. I am actually surprised that none of this House's Commission Members is present.

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker--- *(inaudible)*

Hon. Speaker: You have never been. Nevertheless, the matter is going to receive attention in the next 30 minutes or so. It is a matter that goes much deeper. They have made reference to you, the Chairman of PAC, the Hon. Speaker and even Hon. John Mbadi, whom I know chairs something out there. They have even made reference to the Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker---

Hon. Speaker: Even if you explain, you may not be able to resolve it now. Since I have already taken it up, we should be coming out with unequivocal correction of that wrong impression which has been created by that report.

Next Order!

BILL*Second Reading*

THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT) BILL

(Hon. Wakhungu on 8.6.2016)

(Resumption of Debate interrupted on 8.6.2016 – Morning Sitting)

(Hon. Nuh stood in his place)

Hon. Speaker: Hon. Members, the Member for Suna is a bit new in the House and he has been quite active out there. Nevertheless, you are welcome, Hon. Junet. We just want to do a quick thing and then we can allow you to withdrawal.

Hon. Speaker: The Kenya National Examination Council (Amendment) Bill (National Assembly Bill No.1 of 2016) was moved by Hon. Chris Wamalwa. Debate on it was concluded and what remains is for the Question to be put which I hereby do.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

MOTIONS

APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES

Hon. Speaker: Let us have the Chairperson of the Selection Committee, the Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker, with your indulgence I want to withdraw this Motion on the basis that there are some errors which I will highlight. Part (ii) reads:-

“Hon. Anyanga Andrew Toboso, M.P. to move from the Departmental Committee on Agriculture, Livestock and Cooperatives.”

I have confirmed that he is not a Member of that Committee, and so I do not know where he is moving from.

Part (vi) says that Hon. Hezron Awiti, M.P. is to move from the Departmental Committee on Finance, Planning and Trade to the Departmental Committee on Agriculture, Livestock and Cooperatives where he is already a Member. So, he is going back to that Committee twice. We have decided to withdrawal the Motion, consult with the Whips and then bring it back on Tuesday, next week.

Hon. Speaker: Sorry, you are withdrawing?

Hon. A.B. Duale: Hon. Speaker, I said very many good things but Hon. Soipan--- I am sure the HANSARD has captured me. We have seen some inconsistency in how people are being moved from committees. So, we have agreed to do more consultation and then bring the Motion back on Tuesday, with your permission.

Hon. Speaker: Hon. Mwachugu, is that correct?

Hon. Mwachugu: Thank you, Hon. Speaker. Yes, we consulted and saw one or two anomalies. Therefore, we agreed to bring the Motion back next week on Tuesday.

Hon. Speaker: Very well, then that business is moved to Tuesday, next week with the necessary amendments.

THAT, pursuant to the provisions of Standing Orders 175, and further to the resolutions of the House of October 08, 2013 and April 28, 2016 on appointment of Members to respective Committees, this House further approves the appointment of the following Members to the Committees specified hereunder:-

- (i) The Hon. John Mbadi, M.P. to move from the Departmental Committee on Finance, Planning and Trade to the Budget and Appropriations Committee;
- (ii) The Hon. Anyanga Andrew Toboso, M.P. to move from the Departmental on Agriculture, Livestock and Co-operatives to the Departmental Committee on Finance, Planning and Trade;
- (iii) The Hon. Joash Olum, M.P. to move from the Committee on Delegated Legislation to the Departmental Committee on Finance, Planning and Trade;
- (iv) The Hon. Junet Sheikh Nuh, M.P. to move from the Departmental Committee on Energy, Communication and Information to the Committee on Delegated Legislation;
- (v) The Hon. (Dr.) David Eseli, M.P. to move from the Budget and Appropriations Committee to the Departmental Committee on Health;
- (vi) The Hon. Hezron Awiti, M.P. to move from the Departmental Committee on Finance, Planning and Trade to the Departmental Committee on Agriculture, Livestock and Co-operatives;
- (vii) The Hon. Josesh Magwanga Oyugi, M.P. to move from the Departmental Committee on Health to the Departmental Committee on Energy, Communication and Information;
- (viii) The Hon. Abdikadir Ore Ahmed, M.P. to move from the Budget and Appropriations Committee to the Departmental Committee on Finance, Planning and Trade;
- (ix) The Hon. (Dr.) Makali Mulu, M.P. to move from the Departmental Committee on Finance, Planning and Trade to the Budget and Appropriations Committee; and,
- (x) The Hon. Daniel Maanzo, M.P. be appointed a Member of the Committee on Delegated legislation.

(Motion deferred)

ADOPTION OF REPORT ON THE BUDGET ESTIMATES
FOR THE 2016/2017 FINANCIAL YEAR

Hon. Speaker: Let us have Hon. Mutava Musyimi.

Hon. Musyimi: Hon. Speaker, I beg to move the following Motion:-

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, the Judiciary and Parliament for the Financial Year 2016/2017, laid on the Table of the House on Tuesday, 7th June, 2016 and pursuant to the provisions of Section 39 of the Public Finance Management Act, 2012 and Standing Orders 235 and 239, approves the issuance of a sum of Kshs1,674,321,238,405 from the Consolidated Fund to meet the expenditure during the year ending 30th June, 2017 in respect of the Votes, as indicated in the First Schedule, and the issuance of the sum of Kshs12,400,000,000 from the Equalization Fund to meet the expenditures as indicated in the Second Schedule.

Hon. Speaker, before I make my comments on this Report, let me begin by thanking the House for reconstituting the Budget and Appropriations Committee, and for asking us to serve them with the mandate given to us. Let me also take this opportunity to thank the Liaison Committee for the work that they did prior to this Report with respect to the Division of Revenue Bill and the Estimates. We are grateful for the enormous work that the committees did especially the Committee Chairs. We thank them for their trust and we are seeking to be faithful to what they gave us. It is on that basis that I wish to give this Report.

On behalf of my Members, as required by the Constitution and the Public Finance Management (PFM) Act, I present to this Hon. House the Report of my Committee on the 2016/2017 Estimates of Revenue and Expenditure for the National Government, Parliament and Judiciary, as well as the Equalisation Fund submitted to the National Assembly.

Hon. Speaker, the process of submission and approval of the Budget Estimates by the National Assembly is anchored in Article 221 of the Constitution, Section 38 of the PFM Act, its regulations, as well as Standing Orders as indicated. In reviewing the Budget, my Committee identified that in some cases there was limited adherence to the law.

Members of this honourable House will be aware that the resolution of the House on the Budget Policy Statement (BPS), 2016 approved a total expenditure of approximately Kshs1,498,400,000,000. This included the sum of Kshs1,451,000,000,000 for the national Government and Kshs29.4 billion for Parliament and Kshs17.8 billion for the Judiciary. However, all the three arms of Government did not abide by these ceilings when preparing their Printed Estimates. There is, therefore, a total net Budget increase of Kshs180.1 billion that is moving from Kshs1.674 trillion.

The Committee appreciates the National Treasury for availing to the National Assembly a list of development projects as requested earlier on. However, it is difficult to differentiate between the projects that are new and those that are ongoing. My Committee also notes that the current project allocations are not matched with approved Estimates for the previous financial year to determine if the current proposed allocations are justified.

This poses a concern as to whether the allocations of the 2016/2017 Financial Year actually reconcile with ongoing projects or whether the proposed allocations have taken into account past allocations. Moving forward, the list of projects provided should be comprehensive enough to facilitate oversight, transparency and accountability in the Budget process.

With regard to stakeholder consultation, the Budget Estimates as presented by all the three arms of Government did not include a report containing the views of the public. It is, therefore, not clear whether the public was consulted when the Estimates were being prepared as required by law.

Hon. Speaker, let me briefly make some highlights with respect to the national Budget. I know our friend, the Cabinet Secretary (CS), will give a fairly comprehensive statement in this House tomorrow. So, I shall be fairly brief.

The proposed Expenditure Estimates for 2016/2017 amounts to Kshs.2.27 trillion up from Kshs2.09 trillion in the last financial year. This is equal to 30.8 percent of the country's Gross Domestic Product (GDP). Other highlights in this Budget include targeted revenue collection for 2016/2017 of Kshs1.5 trillion up from Kshs1.2 trillion last year; Kshs310 billion for Consolidated Fund Services; Recurrent Expenditure amounting to Kshs858.1 billion; Development Expenditure amounting to Kshs817.9 billion; county allocations amounting to Kshs284.8 billion; the Contingency Fund amounting to Kshs5 billion and Equalization Fund amounting to Kshs6 billion.

Hon. Speaker, arising from the increased expenditure and the revenues highlighted above, the resulting budget deficit amounts to Kshs775.7 billion. This is funded through the external grants of Kshs72.6 billion and Kshs459.4 billion foreign financing as well as Kshs43.7 billion domestic financing. Compared to the fiscal framework of the BPS, the increments in expenditure will largely be financed from increase in borrowings and grants.

The country's continued fiscal expansion remains the greatest challenge to debt sustainability as we are forced to borrow to meet increasing expenditure demands. We have raised this matter as the Budget and Appropriations Committee regularly with the National Treasury and they are assuring us that this matter is fairly under control. The Cabinet Secretary made that comment here yesterday. My Committee urges caution with regard to additional debt accumulation adding that borrowing should be consistent with our ability to pay using our tax revenue and export earnings.

With respect to the Equalisation Fund, I would like to say that the proposed allocation for the 2016/2017 Financial Year as I have already said is Kshs6 billion, which together with an amount of Kshs6.4 billion reflected as balance brought forward brings the total Equalisation Fund amount available for programmed projects across the 14 counties to Kshs12.4 billion. Out of the total proposed allocation of Kshs12.4 billion, the Board's recurrent grant towards administrative services and operational activities is estimated at Kshs598.82 million while the remaining Kshs11.801 billion is for development projects.

Given that the allocations of the Fund have not been firmed up, my Committee resolved that it will engage the National Treasury with a view to financing the projects to be funded under the Equalisation Fund.

As required by the Constitution, the Budget and Appropriations Committee conducted public hearings. A couple of weeks ago, we met in Meru Town with the residents of Marsabit, Laikipia, Meru and Tharaka Nithi counties. We also met in Kapenguria town with the residents of West Pokot and Trans Nzoia counties. We also met in Mtito Andei Town with the residents of Machakos, Makueni and Taita Taveta counties. We also met in Kisii Town with the residents of Kisii and Nyamira counties. Finally, we met in Malindi Town for the residents of Kilifi, Lamu and Tana River counties.

Members of the public in the five centres proposed a number of projects to be financed in this financial year over the medium-term. Further, projects identified in the public hearings for the last financial year had been left out in the budget Estimates of 2015/2016 and were of great benefit to the regions where the public hearings were conducted. Schedule Three of the Report shows a list of the projects identified during the 2015/2016 Financial Year and during the public hearings.

With respect to departmental committee recommendations, I would like to say the following: Standing Order 235(3) provides that upon being laid before this House, the Budget Estimates stand committed to each Departmental Committee for each to deliberate according to their respective mandates. Having considered the observations and recommendations from the Departmental Committees on the budget proposals of the various Ministries, Departments and Agencies under their purview, the Committee recommends that Kshs1.62 trillion be allocated to the Executive, Kshs28.4 billion to Parliament and Kshs19.02 billion to the Judiciary as expenditure to the 2016/2017 Financial Year. Let me also add that we did not buy the recommendations from these committees except in one instance which we will be talking about later with respect to the Parliamentary Service Commission (PSC).

On policy recommendations, given the reorganisation of the national Government that has just been conducted, the National Treasury should ensure that this reorganisation is reflected in the budget and that key performance indicators correspond with their respective programmes. In order to link policy, planning and budgeting, the budget estimates should mirror the resolutions in the BPS as approved by this honourable House. Any adjustments from the ceilings approved by Parliament should be based on a concrete decision by the National Treasury and the said decision be communicated to the National Assembly when presenting the Budget Estimates.

The National Treasury should also ensure that the monthly Exchequer releases are on programme basis to facilitate proper monitoring and devaluation of projects as contained in the Budget. The Controller of Budget should compile an annual report on the status of programmes aligned with outputs and key performance as approved by Parliament.

There is need to harmonise programmes across various ministries, departments and agencies to address the duplication of roles, reduce resource wastage and establish clear policy direction. The National Treasury should also ensure that targets specified under the various MDAs are specific, measurable, achievable, realistic and time bound. Measures should be put in place to subject the expenditure of the Ministry of Defence and the National Intelligence Service (NIS) to proper scrutiny in order to ensure accountability in the use of public resources. A way needs to be found so that confidentiality is respected while at the same time upholding the oversight role of this honourable House. There is also need to ensure that key projects such as the Konza Technology City receive adequate funding to ensure that this target is achieved in line with Vision 2030. We are also hopeful that the visit by the President of South Korea last week, where this matter featured prominently, will bear fruit in this respect.

With respect to the proposed increment, I wish to say that it is proposed to increase recurrent allocation for governance, legal training and constitutional affairs programmes under the State Law Office and the Department of Justice by Kshs300 million. The increment is for the following:-

1. Kenya School of Law by Kshs120 million for subsidisation of tuition fees charged.
2. Council of Legal Education by Kshs80 million for subsidisation of examination fees charged.
3. Kenya Law Reform Commission by Kshs100 million.
4. Increase recurrent allocation for public prosecution services programme under the Office of the Director of Public Prosecutions by Kshs100 million. The increment will be used as seed money for car loan and mortgage scheme.
5. Increase recurrent allocation under general administration, planning and support services programme in Public Service Commission by Kshs25 million to facilitate payment for gratuity for the secretariat staff and pension scheme.

6. Increase recurrent allocation for Independent Policing Oversight Authority by Kshs80 million to facilitate decentralisation of its services by establishing five regional offices.
7. Increase recurrent allocation for the National Police Service Commission by Kshs20 million to effectively provide oversight and monitor the process of recruitment of police constables as stipulated in Article 246 of the Constitution and also strengthen its secretariat.
8. Increase Kshs320 million in the Ministry of Health under preventive programmes of which Kshs200 million will operationalise the national Cancer Centre Programme and Kshs120 million for family planning, maternal child health unit under reproductive, maternal, neonatal, child and adolescent health as a programme.
9. Increase another Kshs100 million in the Ministry of Health, Research and Development Programme towards expansion of the Kenya Medical Training Colleges (KMTCs).
10. Increase Kshs30 million to the emergency interventions/relief projects under the general administration sub-programme.
11. Allocate Kshs260 million to the State Department of University Education under University Education Programme for establishment of the Turkana University College which, we believe, will be a constituent college of Masinde Muliro University of Science and Technology, which we all know is a chartered university. Add Kshs19.8 million to the State Department for the University Education under Research Science and Technology and Innovation Programme for Biosafety Appeals Board (BAB).

Hon. Speaker, my Committee recommends an increment of Kshs350 million to State Department of Livestock under Livestock Resources Management and Development programmes for Embryo Transfer Programme under the Agricultural Development Corporation (ADC), Lanet Farm. It also recommends increase of Ksh120 million to the Industrial Development and Investment Programme in the State Department for Investment and Industry for the following:-

- (i) Numerical Machining Complex by Kshs50 million for modernisation and expansion of foundry plant and fabrication workshop;
- (ii) Industrial development and investment by Kshs50 million for revival of Kisumu Cotton Millers (KICOMI) textile factory in Kisumu; and,
- (iii) Kenya Accreditation Services (KAS) by Kshs20 million for accreditation of Motor Vehicles Inspection Centre.

The Committee recommends increase of Kshs960 million to Standards and Business Incubation programmes in the State Department for Investment and Industry for the following:-

- (i) Kenya Industrial Research and Development Institute (KIRDI) by Kshs60 million towards enhancement of research and development.
- (ii) Kenya Anti-Counterfeit Agency (KACA) by Kshs50 million to be used for acquisition of regional exhibits warehouse for seized goods.
- (iii) Kenya Industrial Estates (KIE) by Kshs650 million forward lending to the SMC's in the manufacturing sector.
- (iv) Kenya Industrial Property Institute (KIPI) by Kshs50 million towards digitization of Intellectual Property Rights Administration Structure.

- (v) Constituency Industrial Development Centres by Kshs50 million for equipping Constituency Industrial Development Centres.

The Committee recommends a further increase of Kshs70 million to the General Administration Planning and Support Services Programme in the State Department of Investment and Industry for purchase of project vehicles of the ministry headquarters.

Hon. Speaker, there is another increase of Ksh30 million to the State Department of Cooperatives under Cooperative Development and Management Programme for SACCO Societies Regulatory Authority (SASRA) towards development and implementation of Risk Based Supervision Programme.

The Committee recommends another increase of Kshs1,592 billion to the State Department for Planning and Statistics for the Lake Basin Development Authority (LBDA) towards payment for pending bills for the construction of a mall in Kisumu. There is another increase of Kshs800 million for Tourism Development and Promotion Programme under the Ministry of Tourism for the following:-

- (i) Tourism Finance Corporation (TFC) - Kshs600 million for onward lending in line with the corporation's mandate.
- (ii) Ronald Ngala Utalii College - Kshs200 million for construction and civil works.

There is a further increase of Kshs300 million to Trade Development and Promotion under the Ministry of Tourism towards the construction of access roads to Meru National Park.

The Committee recommends an increase of allocation to the Ministry of Land, Housing and Urban Planning by Kshs200 million of which Ksh90 million is for the settling of people in Lekiji Farm in Laikipia; that is the Land Settlement Programme; and Ksh110 million for the construction of land registries in Kajiado West and Nyandarua West districts both under Land Policy and Planning programmes.

There is another increase for State Department for Sports Development by Kshs50 million under the sports programme for the development of athletics training camp.

Finally, there is an increase to be allocated to the State Department of Arts and Culture of Kshs130 million under culture programme for refurbishment of monuments including the Tom Mboya Memorial Centre in Rusinga Island.

Hon. Speaker, the proposed reductions are as follows: There is a proposal to reduce recurrent allocation for Management of Electoral Process Programme under the Independent Electoral and Boundaries Commission (IEBC) by Kshs400 million. The reductions will be from the following:-

- (i) Provision for legal fees under the cost of compliance and litigation by Kshs200 million.
- (ii) Printing, advertising and information supplies and services under the Voter Education Programme by Kshs200 million.

There is also a proposal to reduce allocation under State House Affairs Programmes in the Presidency by Ksh25 million; reduce recurrent allocation under Planning Policy Coordination and Support Programme in the State Department in the Interior by Ksh100 million; reduce Kshs200million in the Ministry of Health under General Administration Planning and Support Services Programme meant for the upgrade of health centers in the slums; reduce Ksh250million in the Ministry of Health under Health Policy Standards under regulation programme allocated to the social health insurance and reduce Kshs15.79 million in the State Department for Basic Education under the following programmes. They are:-

- (i) General Administration Planning and Support Services by Kshs11,936,798;

- (ii) Primary Education by Kshs2,646,360;
- (iii) Secondary Education by Kshs1,127,970; and,
- (iv) Quality Assurance and Standards by Kshs 86,985.

There is a proposal to reduce Kshs491,000 in the State Department for Vocational and Technical Training under the programme Technical Vocational Education Training; reduce Ksh1.94 million in the State Department for University Education under the following programmes:-

- (i) General Administration Support and Planning by Kshs1,369,570;
- (ii) Research, Science, Technology and Innovation by Kshs316, 050; and,
- (iii) University Education by Kshs261,065.

Further, there is reduction of Ksh1.54 million from the Teachers Service Commission (TSC) under General Administration Support and Planning Programme; reduce Kshs260 million in the State Department for University Education under the University Education Programme for the following universities:-

- (i) Egerton University by Ksh50 million;
- (ii) Moi University by Kshs50 million;
- (iii) Maseno University by Kshs50 million;
- (iv) Kisii University by Ksh50 million;
- (v) Technical University of Kenya (TUK) by Ksh30 million;
- (vi) Technical University of Mombasa (TUM) by Kshs30 million.

There is a proposal to reduce Ksh350 million from the State Department for Agriculture under Crop Development and Management Programme meant for fertiliser subsidy; reduce capital allocation for Ksh1.335 billion under Industrial Development and Investment Programme under the State Department for Investment and Industry from the following:-

- (i) Free Port and Industrial Parks by Ksh300 million;
- (ii) Kenanie Leather Industrial Park by Ksh235 million;
- (iii) Ease of Doing Business by Kshs250 million;
- (iv) Athi River Textile by Ksh500million; and,
- (v) Modernisation of RIVATEX by Kshs50 million.

There is a proposal to reduce capital allocation in the Ministry of Tourism by Kshs50 million under Tourism Development and Promotion Programme from the rehabilitation of Tsavo Ballroom; reduce capital allocation in the State Department for Trade by Kshs30 million under the Trade Development and Promotion Programme from the Maragua Warehouse; reduce Ksh192 million of the proposed capital expenditure from the State Department for Special Initiatives Programme under Model Street Family Rehabilitation Centre in the Ministry of Devolution and Planning; reduce Kshs389 million of the proposed capital expenditure in the State Department of Planning and Statistics from the National Statistical Information Programme under Kenya Statistical Programme for Results in the Ministry of Devolution and Planning; reduce Kshs76.2 million from the proposed Recurrent Expenditure from the State Department for Devolution under General Administration, Planning and Support Services Programme for Headquarters Administration Services in the Ministry of Devolution; and, reduce capital allocation of Kshs436.9 million under General Administration Planning and Support Services Programme under the National Treasury from the following:-

- (i) Rehabilitation and expansion of Herufi Data Centre by Kshs220.7 million.
- (ii) Upgrading integration of pension management by Kshs31 million.
- (iii) Equity and subscriptions in international financial institutions by Kshs47.7

million.

- (iv) Establishment of secure and coordinated border control by Kshs17 million.
- (v) Treasury Bima Herufi Security System-car scanners, fire systems, Closed Circuit Television (CCTV) by Kshs10.5 million.
- (vi) State and public officers Car Loan Scheme Fund by Kshs100 million; and,
- (vii) Public Sector Accounting Standards Board by Kshs10 million.

Reduce capital allocation by Kshs1,213.4 million under Public Financial Management (PFM) Programme in the National Treasury from the following:-

- (i) Renewal of oracle licenses annual support for Integrated Financial Management Information System (IFMIS), applications and hardware by Kshs100 million.
- (ii) Development and implementation of IFMIS Academy and Oracle SOA Suite by Kshs100 million.
- (iii) Installation and operationalisation of data recovery by Kshs456.4 million; and,
- (iv) Provision of Procure to Pay System integration for parastatals by Kshs400 million in the national sub-county Treasury services by Kshs157 million amounting to Kshs1,213.4.

Reduce capital allocation by Kshs150 million under Economic Financial Policy Formulation and Management Programme from professional capacity development for policy analysts in the National Treasury.

Reduce the allocation to National Land Commission (NLC) by Kshs200 million from the National Land information Management System to the Ministry of Land, Housing and Urban Development(Land Policy and Planning Programme) for Lekiji Farm Settlement and construction of land registries in Kajiado West and Nyandarua West districts.

Reduce capital allocation for State Department for Energy under the power transmission and distribution programme (grants to Kenya Power) by Kshs180 million.

The Budget and Appropriations Committee is proposing the following proposed reallocations:-

Reallocate Kshs50 million under Policing Services Programme to Government printing services in the State Department of Interior to facilitate modernisation of equipment.

Reallocate Kshs100 million under Policing Services Programme to planning policy coordination and support services programme in the State Department of Interior. This will be for the National Cohesion and Integration Commission to facilitate cohesion and integration activities ahead of the 2017 General Elections. Anything that can help stabilise the environment before the elections in this country will be more than welcome and Kshs100 million injection to Speaker Kaparo's Committee will be a welcome move.

Reallocate Kshs251.7 million under Social Development and Children Services in Vote 1185 of the following programmes:- Items 221-0802 and 221-0310 in social development field services headquarters by Kshs131.7 million. This includes Kshs50 million to facilitate social assistance programmes for the creation of a comprehensive legal framework for community development and Kshs81.7 million to undertake an impact assessment survey on social assistance and prepare a report through public participation to bring efficiency in social assistance programmes.

For the Child Welfare Society of Kenya, Item No.263-0101, reallocate the money for children emergency response and rescue services, a sum of Kshs120 million. We recommend an

allocation of Kshs100 million from the National Land Information Management System to the Land Dispute and Conflict Resolution Programme in the NLC.

We recommend a reallocation of Kshs300 million from the Ministry of Land, Urban Development from Land Policy and Planning Programme (development planning and land reform sub-programme) to Land Policy and Planning Programme (land settlement sub-programme and physical planning) and to resettle people in Lekiji Farm in Laikipia.

We recommend the reallocation of Kshs1.4 billion from the State Department for Water Services, National Water Conservation and Pipeline Corporation (Water Resource Management Programme) to Water Services Board under Water Resources Management Programme for water harvesting and ground water exploitation. The water services include:- Coastal Water Services Board, Kshs200 million; Rift Valley Water Services Board, Kshs200 million; Northern Water Services Board, Kshs200 million; Lake Victoria North Water Services Board, Kshs200 million; Lake Victoria South Water Services Board, Kshs200 million; Tana Athi Water Services Board, Kshs200 million and Tana Water Services Board, Kshs200 million.

Reallocate another Kshs80 million in the Ministry of Mining from nationwide airborne geo-physical survey in Mineral Resource Development Programme to carrying out granite assessment in Vihiga, Western Kenya. My Committee further recommends that this House resolves to:-

Approve the Report of the Budget and Appropriations Committee on the Budget Estimates to the national Government, the Judiciary and Parliament for the 2016/2017 Financial Year.

Approve a total Budget of Kshs1,674,321,238,405 to meet the expenditure during the year ending 30th June 2017 in respect of the Vote as attached in Schedule One. This Schedule forms the basis for enactment of the Appropriations Act.

Further, approve a total of Kshs6 billion for Equalisation Fund and that Schedule Two forms the basis for the enactment of the Equalisation Fund Appropriation Bill.

Further, approve that the National Treasury allocates Kshs1 billion for projects identified during the public hearings in the various counties and this be distributed in line with Schedule Three.

I already mentioned with gratitude the work done by the Liaison Committee, my fellow Chairpersons and all the Committees of the House. I was particularly impressed by the insight that went into the proposed reductions, increments and the reallocations. One could feel the weight of the oversight work of Parliament in the proposals that were made by the various Committees. I could not thank them more.

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

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

I would like to express my gratitude to members of the public who took time out of their busy schedules to participate in the Budget consultations. We are grateful to the Speaker's Office, the Office of the Clerk of the National Assembly, the Cabinet Secretary (CS) of National Treasury and the entire Exchequer for the work they continue to do to help us fulfill our mandate. We wish to express our appreciation to officers of the Parliamentary Budget Office, some of whom are here, for the unwavering support received as they discharged their mandate to

make our work easier. It is my pleasant duty and honour on behalf of the Budget and Appropriations Committee to table this Report and recommend that the House adopts the same.

I beg to move. With your kind permission, I want to request Hon. Onyonka, I wish I could call him Doctor like his father, to second.

Thank you, Hon. Speaker.

(Hon. Musyimi laid the Document on the Table)

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Onyonka. I cannot see your card.

Hon. Onyonka: Hon. Temporary Deputy Speaker, my card is on.

I want to thank the Chair of the Budget and Appropriations Committee, Hon. Mutava Musyimi. I would like to state that the Budget and Appropriations Committee held productive deliberations with Chairpersons of all the Departmental Committees. They received written submissions with recommendations which have been taken into account in this Report. Some of the issues raised, which were cross-cutting the different Departmental Committees, were the need to link policy, planning and budgeting. There is a need to ensure that the Budget Estimates mirror the resolutions of the Budget Policy Statement as approved by this House.

I would like to emphasise on the need to harmonise the programmes across the various Ministries, departments and agencies to address the issue of duplication of roles, reduction of resource wastage and establishing clear policy directions. On behalf of the Budget and Appropriations Committee, it is an honour to second this Report and recommend it to the House for adoption.

With those very many remarks, I beg to second.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Order, Members!

(Question proposed)

Hon. Members, I will start with the Member for Butula.

Hon. Onyura: Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the Motion on the adoption of the Report on the Budget Estimates for the Financial Year 2016/2017.

Let me start by thanking the Committee for a very good job that was done. The Chair of the Committee has given us a very detailed Report and explanation. Obviously, that Committee did a wonderful job of going through these pages of figures and tried to assist us to make sense of them. This is one of the most important responsibilities of Parliament. We appropriate money to allow our country to move on. A whopping Kshs2.3 trillion was estimated. This is a lot of money. From what the Chair of the Committee was saying, I picked up certain concerns, particularly with regard to discipline in the use of these funds. There are concerns about the application of the money, particularly to various development projects. I heard the Chair talking about certain proposals or development projects that were not clear. It is not easy to differentiate what is going on, what has been there and what is coming. What this seems to indicate is that there is still need for improvement in the systems, controls and expenditure.

There were also quite a bit of concerns about the debt position and management of this country. It looks like we shall continue borrowing, both domestically and externally. It would be a good thing for us to keep gradually reducing the borrowings. Otherwise, we might find ourselves completely overwhelmed by these debts. What is provided for Recurrent Expenditure and Development is almost the same. We will be looking forward to a situation where we allocate more to Development and less to Recurrent Expenditure.

I have noted that what has been provided for infrastructure is reasonable and substantial. I want to make a request with regard to what is provided for the energy sector. This regards the provision of power in the country. I hope the Report that the Cabinet Secretary for National Treasury gave us here, which states that money which has been allocated will be used to ensure that the 70 per cent that is targeted for lighting and power in the country by 2017 is achieved. I have noted what has been allocated to the security forces and particularly to the police. We were told that police reforms and modernisation of equipment will continue. We are noting increased incidences of insecurity in various places. My constituency has had quite a number of increased insecurity incidents like burglaries, muggings and robberies which is making it extremely difficult for business people to carry out their businesses.

I hope the money which will be provided for in the Budget Estimates will be utilised properly by our security forces to ensure that they maintain security through proper patrols and intelligence gathering.

With those comments, I support the Motion.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, I would like us to dispose of some amendments which were proposed by Members. We have about three amendments. The last one is by Hon. Moses Lessonet. We will start with the ones that are in the Order Paper. Before we go to that, I want to recognise the following school principals, who are present in the House:-

Mr. Mutai from Tumoi Secondary School, Chepalungu Constituency, Mr. Bartai from Kipsuter Boys Secondary School, Mr. Sang and Mrs. Jennifer from Kaboson Girls Secondary School and Mr. Bii from Moi Siongiroi Girls Secondary School. I can see that their able Member is in the House. We will proceed to transact the amendments. We will start with the one by Hon. Mutava Musyimi. We will be pretty fast in disposing these amendments and go back to the main body of the Motion. Proceed, Hon. Mutava.

Hon. Musyimi: Hon. Temporary Deputy Speaker I beg to move:-

THAT, the Motion be amended by inserting the following words immediately after the words “as indicated in the Second Schedule”-

“subject to:-

(i) inserting the following new sub-paragraphs immediately after the sub-paragraph (d) under further recommendations on page 39-

(e) Allocate Kshs4,896,765,057 for the Recurrent Expenditures for the ‘Senate Affairs’ Programme under the vote Parliamentary Service Commission.

(This is the total Budget for the Senate, the other Chamber)

(f) Allocate Kshs4,985,234,943 for the Recurrent Expenditures for the ‘General Administration, Planning and Support Services’ Programme under the Vote Parliamentary Service Commission. (This money goes to the Joint Services. It pays the employees who are not within the Senate or the Kenya National Assembly payroll. It is also the money that pays the

medical bill for the Members of Parliament, the money that sorts out cleaning and photocopying although Hon. Members have been quite vocal about the need for upscaling the services in that regard.)

(g) Allocate Kshs3,200,000,000 for the Development Expenditures for the 'General Administration, Planning and Support Services' Programme under the vote Parliamentary Service Commission. (This is the money that goes into the construction that has been taking place within Parliament, properties that belong to the Parliamentary Service Commission and also it is this money that is used for the purchasing of properties and for continuing work on the on-going construction programmes.)

(h) Allocate Kshs15,348,000,000 for the Recurrent Expenditures for the 'National Legislation, Representation and Oversight' Programme under the National Assembly. (This is the salaries, allowances and mileage claims of all the Hon. Members of this House, specifically this Chamber, the Kenya National Assembly.)

(ii) Effecting the consequential amendments to the First Schedule accordingly."

The Temporary Deputy Speaker (Hon. Cheboi): Let us have a Secunder on that one.

Hon. Nooru seconded.

Hon. (Eng.) Gumbo: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order, Hon. Nicholas Gumbo?

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I wish the Chair could be clearer and explain the provisions under (e) of Kshs4,896,765,057 and under (h) Kshs15,348,000,000. From what he has said, the allocation under (h) of Kshs15,348,000,000 is to cover Members' salaries, mileage claims and sitting allowances. We were made to believe that when the Budget was prepared these important allocations were not included.

(Loud consultations)

The consultations are too loud.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Members! The consultations are actually too high. What you are asking, and you are almost contributing yet you rose on a point of order, is that you wanted to get better clarifications.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, if it is the way he has explained, how then are we to be told that the Budget was prepared without allocations being for Parliament for its duties?

The Temporary Deputy Speaker (Hon. Cheboi): I really wish you could walk across to the Chair and see if you can get more information from him, but if it is for the benefit of the House, you can repeat your question.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, the Chair is not even concentrating and I am asking very important questions.

The Temporary Deputy Speaker (Hon. Cheboi): Ask again what you want to have clarified. After I propose the Question, I will allow him at one point to see what he can tell us.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, he has proposed an amendment by inserting under (e), an allocation of Kshs4,896,765,057. I wish he could explain in detail what that is all about. But most importantly, he has explained that the allocation of

Kshs15,348,000,000 is to enable Parliament to conduct its core functions of oversight, legislation and these are to do with issues of salaries, mileage and allowances. If this is being allocated now, are we to be told that the Budget was prepared without Parliament being enabled to do its work?

The Temporary Deputy Speaker (Hon. Cheboi): What you are asking, if I get you clear, is that you want the Chair to be clearer on (e) the issue of Kshs4,896,765,057 and (h) Kshs15,348,000,000 for Recurrent Expenditure for national legislation. Those are the two things.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, especially in view of the explanation he gave for (h).

The Temporary Deputy Speaker (Hon. Cheboi): So that we can transact this easily and for purposes of good order, the Chair should explain at this point before I even propose the Question, so that when the Hon. Members are contributing, they do so from a point of knowledge. So, Chair clarify (e) and (h).

Hon. Musyimi: Hon. Temporary Deputy Speaker, let me begin by saying that the total amount allocated to the Parliamentary Service Commission is Kshs28.4 billion. That is the starting point. What you have here is now a further amendment that should have appeared in the Report, but did not. The Kshs4,896,765,057 that Hon. Member of Rarieda is referring to is the total money that is allocated to the Senate. This is for the other Chamber.

The Temporary Deputy Speaker (Hon. Cheboi): Let us go to (h), so that I can propose the Question. Do it briefly.

Hon. Musyimi: Hon. Temporary Deputy Speaker, (h) refers to salaries of Members of the National Assembly, their allowances and mileage claims. They are included in the Kshs28.4 billion. The details are not in the Report. They should have been captured in the Report that I tabled two days ago. The ceilings have not changed.

The Temporary Deputy Speaker (Hon. Cheboi): I will proceed to propose the Question and then Members can canvass whichever positions they want.

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

I will start with Hon. Makali Mulu. Do you want to contribute to this one? You are shaking your head signalling that you probably do not want. Can I get an indication of which Members want to speak on this one by placing your cards in the intervention slot? Hon. Members, I do not see any interest. I can see Hon. Wamunyinyi. Let us hear Hon. Wamunyinyi and then I will put the Question.

Hon. Wamunyinyi: Thank you, Hon. Temporary Deputy Speaker for the opportunity to contribute to this. Before I make my contribution, it is important that the issue raised by Hon. Nicholas Gumbo be addressed. The Chairperson is seeking for the inclusion of these insertions into the Budget. Can he make it clear whether this was omitted? There was no provision for these activities being introduced by the Chairperson. Looking at those provisions, they are the real and substantive issues for which Parliament is here for. This seems to have been an afterthought. It is very important that the Chairperson clarifies this.

We now have funds being allocated to Parliament for services and our welfare. It is important that the Parliamentary Service Commission (PSC) ensures that Members of Parliament, both in the Senate and the National Assembly, are given the services as provided for. The Budget has been read and money has been provided. However, you will find that services

are not forthcoming in many areas of Parliament. You go to the health club, there are no services. You claim for mileage, but there are no funds. These days we travel without allowances. If funds are being provided, where is the problem? The functioning of Parliament is not proper. These are the issues which must be addressed and sorted out in the Budget-making process. This is very important. When the Chair seeks to introduce this amendment as an afterthought, then that is very serious. It means that we are not giving this important institution of the country the priority it deserves. It means that we only remember to include this after the Budget has been read.

We are expected to undertake our functions and implement our mandate with minimal disruptions. PSC has to ensure that Members' issues are addressed. When there is no money, as we have been told in the past, there is a problem. Even supplies of important utilities have not been done on time. I wanted to bring this out and remind the Chair that he needs to respond to the clarification sought by Hon. Nicholas Gumbo.

The Temporary Deputy Speaker (Hon. Cheboi): I will give an opportunity to Hon. Jamleck and ask the Chairperson of the Committee to briefly clarify, so that we make a decision. We are not going to spend too much time on this.

Hon. Kamau: Thank you, Hon. Temporary Deputy Speaker. I want to clarify what Hon. Gumbo asked. In the First Schedule, there is a gross figure under the sub-total for Parliament which is Kshs28.4 billion. This amendment seeks to breakdown the Kshs28.4 billion into Kshs4.896 billion for the Senate Affairs Programme, Kshs4.985 billion to the General Administration and Kshs15.348 billion to the National Assembly. This breakdown comes to Kshs28.4 billion. That is the essence of this amendment.

The Temporary Deputy Speaker (Hon. Cheboi): I can see Hon. Gumbo is consulting. I would have given him an opportunity to contribute. You will get a brief chance to contribute then we can dispose of this. I would have given an opportunity to only two Members, but I realise there is a lot of interest in this.

Hon. A.B. Duale: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order, Hon. Leader of the Majority Party before I give Hon. Gumbo the Floor? Let us hear his point of order.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I need your direction. I have talked to a number of Members and we do not get the gist of the amendment particularly the one on the PSC. We would like the Chairperson to explain and give us clarity with your permission.

The Temporary Deputy Speaker (Hon. Cheboi): I had already made that promise. Let Hon. Gumbo contribute briefly then I will give the last shot to the Chairperson. That will be the last time I give the Chairperson an opportunity to contribute on this amendment. Members will then make their decision.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, the Chairperson should give a detailed explanation because this is a bit worrying. As Hon. Wamunyinyi said, the things outlined here are the core functions of Parliament. I am a bit concerned. This is the law-making body of this country. Yesterday, I was very saddened to meet people who have worked in Parliament for 10 years as casuals. We are wasting people's lives. When you go to the Registry, the HANSARD Department or the restaurant, there are people who have worked here for 10 years as casuals. That is even against the law. We are the law-making body of this country. In the gym, I was surprised to find some of the attendants there are being paid Kshs6,000. We do not even pay people who work in our houses that kind of money. Nobody can live on that kind of salary. We cannot be fighting for the rights of our people while rights for people within our midst are violated. People are suffering quietly.

It even gets worse when you are told that some of these people are graduates. They have been suffering and working as casuals for 10 years yet there are people who have been employed who are less qualified than they are and have been put in grades much higher than them. Is this the image we want to give of Parliament? It is worrying. The Chairperson of the Budget and Appropriations Committee must tell us what they are doing to absorb these people who have worked in Parliament for years. Out there, they give the impression that they are working in a prestigious institution yet they are suffering quietly and nobody seems to be speaking for them.

We really need to open up this Budget in greater detail for the PSC, so that we know exactly what it is going to do. I am not convinced. Even if you go by the explanation given by my good friend, Hon. Jamleck Kamau, I do not see how if you break down this amount, you will still end up with Kshs28.4 billion. If these are the core functions of Parliament, why was it not done in the first place? The Chairperson really owes us a more detailed explanation.

The Temporary Deputy Speaker (Hon. Cheboi): Let us hear what the Chair has to say and then we will put it to vote.

Hon. Musyimi: Hon. Temporary Deputy Speaker, we are creating a storm in a tea cup. I have made it very clear that all we have done is that we required the PSC to break down the total allocation between the Senate, the Joint Services and the National Assembly. That is what we sought to do in this.

With respect to the poor services we are getting, what the Hon. Member raised, we spent about an hour with the PSC. We complained at no small length that the services the Members are getting are way below par. We have summoned the PSC to come and meet the Budget and Appropriations Committee on your behalf. I am not sure whether that will be enough. We might need a *Kamukunji* because there are issues that we really need to sort out. I went further and called the Chairman of the PSC himself. I asked him to take note of the fact that Members are complaining that the services they are getting are way below par. I have nothing to say other than that presentation.

The Temporary Deputy Speaker (Hon. Cheboi): Okay.

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

We will work on the next amendment. It is the proposal by Hon. Jacob Macharia, who will have to be a little brief. We have to move fast as it looks like a fairly straightforward amendment.

Hon. Macharia: Hon. Temporary Deputy Speaker, I beg to move:-

THAT, the Motion be amended by inserting the following words immediately after the words “as indicated in the Second Schedule”-

“subject to:-

(i) inserting a new sub-paragraph (xxii) under Paragraph 98 (Recommendations) as follows:

(xxii) Increase the capital allocation to the Vote 1065 State Department for University Education under the programme University Education for Turkana University by Kshs600 Million;

(ii) inserting a new sub-paragraph (xxiii) under Paragraph 99 (Recommendations) as follows-

(xxiii) Reduce the capital allocation to the State Department for Energy under the programme Power Transmission and Distribution programme by Kshs600 Million from the following: Kshs300 million from Turkwel-Lokichar line and Kshs300 million from off-grid diesel power stations; and,

(iii) effecting consequential amendments to First Schedule accordingly to reflect the adjustments in paragraphs (a) and (b) above.”

This amendment seeks to move a total of Kshs600 million from the State Department for University Education for the establishment of a public university in Turkana County. This will be the first ever public university in Turkana County. This will go a long way in promoting development of human resource in that county. It will also help the Government to address the challenge of marginalisation.

Currently, people in Turkana County travel 300 kilometres to access university education. The nearest accredited university institution is in Kitale. These funds will be sourced from two projects, namely, a sum of Kshs300 million from Turkwel-Lokichar line and Kshs300 million from off-grid diesel power stations.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Jacob Macharia, I know you have already taken off. As you proceed, you should know that it is not just an amendment, but a further amendment. You are proposing to further amend the Motion.

Hon. Macharia: The Turkwel-Lokichar project has been allocated Kshs1.4 billion in the Budget. By reducing this with Kshs300 million, there will be no damage. We are aware that money allocated to this project, which is also of benefit to the people of Turkana County, may not be absorbed in the first financial year. The project of establishing a university in the same region will be of mutual benefit to the people of Turkana.

The second project, which is the off-grid diesel power stations, is allocated Kshs1.13 billion in the Budget. The reduction sought in this further amendment will also not hurt the project. Because it is the same region, it will again go a step further in promoting the establishment of the institution. These two projects, which fall under the State Department of Energy, in case they will have absorbed the funding that they have, we are aware and sure that they will attract further funding when time for the Supplementary Budget comes.

I request Hon. Julius Melly to second.

Hon. Melly: I rise as the Vice Chairman of the Departmental Committee on Education, Research and Technology. As part of trying to make this country equal and to ensure that we have equal access to education, knowing very well that we have newfound resources like oil in Turkana, we are going to ensure that that region is developed fast with the new university.

I support and wish that, that amount of money is found and the university is established as fast as possible to develop the much needed human capital.

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

The Temporary Deputy Speaker (Hon. Cheboi): I will give chance to a maximum of three or four Members starting with the Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. This amendment looks like it is rotating within Turkana County. That is why I have no much problem. The Chairman of the Departmental Committee on Energy, Communication and Information is here. The money is going to education under the Turkana University. It is coming from the Department of Energy

under the Power Transmission and Distribution Programme, more so, within the Turkwel-Lokichar line. The Kshs300 million is from the off-grid stations in Turkana, Wajir, Lodwar and Mandera. This is Kshs300 million from the diesel power station. Then we will ask the Chair of the Departmental Committee on Energy, Communication and Information to, at least, return that money to the State Department for Energy when we later come to the Supplementary Budget. The Turkwel-Lokichar line is a huge long term capital investment. Let us give Turkana the first university and Lowdar. This is a sensible amendment than the one following it.

The Temporary Deputy Speaker (Hon. Cheboi): Now, let us have Hon. Protus Akujah.

Hon. Akujah: Hon. Temporary Deputy Speaker, first, I want to support the amendment by Hon. Jacob Macharia. Turkana is one of the fast growing counties in this county. Therefore, the need for human capital is necessary. Increasing Kshs600 million to the Vote of State Department for University Education will actually facilitate the education sector in that particular area.

Secondly, the people of Turkana County travel, as has been said, for more than 300 kilometres to access education. Establishing the first public university in this area will help the poor and needy students from Turkana. It will save them a lot of transport and accommodation costs which they normally incur as they seek education from those other areas.

Thirdly, the establishment of Turkana University will open Turkana County to other people from Kenya. In the past, the people of Turkana people travel to other parts of the country, but very few people travel to Turkana County. This will open up the county and many people will go there.

I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Nanok, Member for Turkana West.

Hon. Nanok: Hon. Temporary Deputy Speaker, I also rise to support this amendment. First, just like my first two colleagues have observed, the establishment of Turkana University College will go a long way in giving the Turkana region a very essential service. University education is now becoming a necessity in terms of human resource development. It will enable these people to compete effectively with the rest of Kenyans. The cost of education will then go down for the people living in that county bearing in mind that Turkana County is very far from where most universities are.

Secondly, in terms of where the money is being sourced from, it is within the same county from the State Department for Energy under the Power Transmission and Distribution Programme. Many times, we hear of absorption capacity issues within Ministries. Some of this money may not be expended within that financial year. When we give this money to education, I want to believe it will hasten the establishment of this university. At the same time, the power transmission project will go on because there will be more allocation to its Budget.

I support.

The Temporary Deputy Speaker (Hon. Cheboi): Well, before I give a chance to the Chair of the Committee, let me give just a minute to the Member for Kiharu.

Hon. Kang'ata: Thank you, Hon. Temporary Deputy Speaker. I rise to support this document which is before us, except raise some few issues.

The Temporary Deputy Speaker (Hon. Cheboi): Well, were you ready to speak to this one, Hon. Member for Kiharu?

Hon. Kang'ata: Yes, I am speaking in respect of the original Paper that was presented.

The Temporary Deputy Speaker (Hon. Cheboi): Well, you are obviously out of order. So, I will give an opportunity to another Member.

Hon. Kang'ata: Yes, it is the one I wanted to speak to.

The Temporary Deputy Speaker (Hon. Cheboi): No, that is not what you are supposed to speak to. Let us give Hon. Pkosing and Hon. Sakaja, one minute each. Then I will give a chance to the Chair of the Departmental Committee on Energy, Communication and Information to see if there is concurrence.

Hon. Losiakou: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to speak. First, I support the amendment because realistically, to start a university in a pastoralist area will be historic. I was surprised when I saw the Mover is Hon. Jacob Macharia. The name does not look like the place because I come from there. I was wondering what is going on.

However, should we do that, I am proposing to the Department of Education and also the Departmental Committee of Energy, Communication and Information that the university should focus on petroleum studies and mining when it begins. The region where this university is going to be established has potential in terms of mining. The students will even go to Pokot, which is very rich in minerals, but the university should focus on mining, petroleum and even geothermal. It will be more useful if we go like that. Finally, I am urging the Chairman of the Departmental Committee on Energy, Communication and Information, who seems to be very philanthropic, that next year we should start a university in West Pokot.

I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us hear Hon. Sakaja. I can see there is quite a lot of interest on this particular one from Members and we could have you speak to the next one. I can see the Member for Emurua Dikirr and the rest. You would probably have to be patient and speak to the next one, so that we can save time on this.

Hon. Sakaja: Thank you, Hon. Temporary Deputy Speaker. I want to just commend Hon. Macharia for looking at this issue very creatively and finding consensus from the Members of that county. You know, I am the Chair of the Joint Committee on National Cohesion and Equal Opportunity. Around this area, part of the solutions that were proposed to fight the issue of cattle rustling and others was education and reviving the Turkwel Irrigation Scheme. I will be seeking to persuade the Members later, with the Chairman of the Budget and Appropriations Committee and probably with the Cabinet Secretary on a similar intervention. Right now, Masinde Muliro University---

The Temporary Deputy Speaker (Hon. Cheboi): Let us restrict ourselves, Hon. Sakaja to this one. The other one which you will be seeking to influence Members later on, we will cross the bridge once we get there.

Hon. Sakaja: I am just noting. You know it is in the same line of education.

The Temporary Deputy Speaker (Hon. Cheboi): No, I do not want you to add any other. You have supported this one. I think your sentiments have been heard.

Hon. Sakaja: But I have not finished. You gave me a minute.

The Temporary Deputy Speaker (Hon. Cheboi): No! You are already delving into another one.

Hon. Sakaja: I will go back to this one.

The Temporary Deputy Speaker (Hon. Cheboi): You are arguing with me Hon. Sakaja and I will not accept.

Hon. Sakaja: No, I have a right to be heard. You cannot say I am saying the wrong thing when you have given me a chance.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Jamleck Kamau and Chair, you are out of order.

Hon. Kamau: Thank you, Hon. Temporary Deputy Speaker. I will not take much time. Indeed, this is an issue that came to me this morning. When I looked at it seriously and critically, I thought that an education project is extremely important for this county, especially going to the people of Turkana and being the first public university in the region. I thought it was a good idea. I consulted a few Members and also talked to the Chair of the Budget and Appropriations Committee. We agreed that, indeed, since it is not too much money, we can recoup this money from the Supplementary Budget.

I support.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, I will put the Question. We have taken a lot of time on this. Sorry, Members, I think I am reading a different one. Hon. Mwadime seems to have taken the better part of the Speaker.

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

The Temporary Deputy Speaker (Hon. Cheboi): Let us go to the next amendment by the Member for Mwatate, Hon. Andrew Mwadime. We will take less time on this particular one.

Hon. Mwadime: Thank you, Hon. Temporary Deputy Speaker. At the outset, I request you to give me protection and at the same time, tell the members to have voice of reason than voice of numbers. So, I beg to move this amendment.

The Temporary Deputy Speaker (Hon. Cheboi): As you move the further amendment, Hon. Mwadime, I do not know what it is you know that I do not seem to know. This is because one might think that you are fairly well protected now. Members are listening very keenly. So, proceed and prosecute your further amendment.

Hon. Mwadime: Hon. Temporary Deputy Speaker, I beg to move:-

THAT, the Motion be amended by inserting the following words immediately after the words "as indicated in the Second Schedule" –

“subject to: –

(a) Inserting a new sub-paragraph (xxii) under Paragraph 98 (Recommendations) as follows:

(xxii) Increase the capital allocation to the State Department for Natural Resources under the programme ‘Natural Resource Management and Protection’ for fencing of Tsavo West National Park by Kshs250 million.

(b) Inserting a new sub-paragraph (xxiii) under Paragraph 99 (Recommendations) as follows-

(xxiii) Reduce the capital allocation to the State Department for Water Services under the programme ‘Water Resources Management’ for water for schools by Kshs250 million.

(c) Effecting consequential amendments to the First Schedule accordingly to reflect the adjustments in (a) and (b) above.”

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Members! I now see why Hon. Mwandime needed to be protected. You are protected, Hon. Mwandime. Order, Hon. Members! Hon. Mwandime will be heard in silence.

Hon. Mwandime: Hon. Temporary Deputy Speaker, I request you to give me time so that I can justify this. As I told you earlier, let us have the voice of reason other than the voice of numbers. I amend this Motion to protect the country and save the country a lot of money.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mwandime, I am sure you realise now three years into this term that numbers will eventually be very critical. So, probably, you should appeal to the numbers. The reason and the numbers will go together on this particular one because you will have to take a vote.

Hon. Mwandime: It is vice versa, Hon. Temporary Deputy Speaker. If we allocate this Kshs250 million to fence the Tsavo West National Park, we will save the taxpayer almost over Kshs4 billion in form of compensation. Taita Taveta County is also in Arid and Semi-Arid Lands (ASAL). My colleagues are saying that we should not take money from ASAL areas and yet Taita Taveta is also an ASAL area. If we take this money and fence the Tsavo West National Park, we will save the country almost Kshs4 billion in the next financial year. This is because over 60 per cent of the compensation money goes to that area. If we spend this Kshs250 million, we will save a lot of taxpayers' money. Yesterday, I initiated a Motion to urge the Government to provide all primary schools with tapped water since it has also connected them to electricity and started school feeding programmes.

According to Maslow's hierarchy of needs, God gave us air and, secondly, water. We are all the same. We are also in an ASAL area. So, I do not see why my colleagues have a problem with this amendment. I urge them, including the Leader of the Majority Party, to support it.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Mwandime! Nobody else has spoken to this particular amendment. So, the best thing for you is to convince members who will be speaking after you. What I am getting from you is that you are indicating that there is a resistance to your amendment, which I am not aware. I want you to simply prosecute your amendment. You are finalising. We will give members an opportunity to make their decisions. Proceed and finalise.

Hon. Mwandime: We are Kenyans. We are actually brothers and sisters in this country. We will save a lot of money if we spend Kshs250 million to fence the Tsavo West National Park. The Standard Gauge Railway (SGR) has side effects because all the elephants coming from Tanzania are blocked along the Mariakani-Manyani area and they are repulsed back to Mwatate Constituency. In doing so, we will have solved a very big problem and saved a lot of taxpayers' money. I know the ministry had put this figure into the budget but I do not know why it was not considered.

The Temporary Deputy Speaker (Hon. Cheboi): That should mark the end of that presentation by you. I hope you have a seconder. Who is your seconder?

Hon. Mwandime: Hon. Mbadi is my seconder.

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mbadi, you see that is the beauty of being a Chair. You become the reference all the time, especially from your own party members. Proceed and second if you are seconding. Are you seconding?

Hon. Ng'ongo seconded.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mbadi, you know you are a seasoned politician in this House. When you are seconding by bowing you do not have to wait for the microphone to be on. You can bend and I can see from here.

Hon. Ng'ongo: I can second, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): No. you have already seconded.

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

I will give very few Members a chance on this particular one. Let us start with the Leader of the Majority Party and then Hon. Ababu Namwamba.

Hon. A.B. Duale: I have no problem with what Hon. Mwadime is trying to do. He wants to fence Tsavo West National Park. We have no problems. We want to fence the Tsavo National Park and reduce compensation on behalf of the Government.

However, you should have consulted some of the technocrats and the Budget Office as to where to get the money from. However, he decided to get money allocated to schools for water which Members are waiting for in their constituencies. It is very selfish that there are only two boreholes in Hon. Pkosing's place and two boreholes in your place, Hon. Temporary Deputy Speaker and now that there is a programme introduced, he decides not to go to the budget of the National Intelligence Service (NIS)--- He could have got Kshs250 million from the Standard Gauge Railway (SGR) project or Defence but he decided to come back to his colleagues. The same Member has a Motion before this House asking the Government to provide water to every school. So, he is contradicting himself.

So, as the Hon. Leader of the Majority Party, I vehemently oppose in the interest of the Members of Parliament (MPs) who are here and those who are not here. We want to have boreholes in our schools for the children of Kenya. Hon. Mwadime, if this debate will not end today, I want to give you a lifeline. Let us meet on Monday so that we find where to get money from, but for this one you are driving on Thika Super Highway with no brakes and you will crash.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Ababu Namwamba.

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker. I am a consummate conservationist at heart and definitely I would love nothing more than to see resources in the direction of conservation, especially for such an important national resource like the Tsavo. I am also aware of the challenge of compensation because of rogue wildlife that go roaming uncontrolled. However, it has been said that if ever there was going to be a Third World War in this world, it is going to be triggered by water. This is because of the greatest challenge of sufficiency of clean drinking water or for other uses. We also know that among the greatest challenges we have in our schools and in many places including my own place which is known for a lot of water, is having clean safe water for our children in schools.

We should be talking about increasing the allocation for water to the department.

(Applause)

Just the other day I was having a conversation with the Water Cabinet Secretary (CS), my brother Hon. Eugene Wamalwa about this service and he decried the insufficiency of resources allocated to him as the CS that has made it difficult for him to sufficiently service the needs of Kenyans across the board. Therefore, very reluctantly, I would persuade the House that we do not alter the budget already allocated to water and then plead with my Chairman because I sit in the Budget and Appropriations Committee (BAC), that he could find another way of fulfilling this need of the people of Taita and to secure the very good goal of this fence around the Tsavo but not at the expense of this important allocation to water.

Rather than take this Motion to a vote, I would plead with Hon. Mwandime to kindly withdraw it with the assurance that we can explore other avenues of how this could be done now or at the next earliest opportunity when we could do this. Hon. Mwandime, this is something we could make a commitment that we can find another way to do it and just withdraw the Motion for consideration at another time.

Hon. Temporary Deputy Speaker, I submit.

The Temporary Deputy Speaker (Hon. Cheboi): Well, seeing no indication from the Hon. Member for Taita. I will put this to ---

Hon. Mwandime: Hon. Temporary Deputy Speaker, because the Chairman of BAC and my secretary generally have assured me that I will get ---

The Temporary Deputy Speaker (Hon. Cheboi): Avoid the party for now because in this House--- You also saw a few minutes the Chair of another party here was also giving some indications. For now let us avoid the party ones. We could work on the ones like the Chair of BAC.

Hon. Mwandime: Thank you. Being assured by the Chair of BAC that we will sit down and advise on how I can get this money--- It is a grave matter when you talk about the Tsavo West fence. So, I am withdrawing this amendment because of the Chair of BAC.

(Proposed amendment by Hon. Mwandime withdrawn)

The Temporary Deputy Speaker (Hon. Cheboi): Very well. It is therefore withdrawn. I will give an opportunity to Member for Eldama Ravine to prosecute his Motion of a further amendment.

Hon. Lessonet: Thank you, Hon. Temporary Deputy Speaker. I beg to move:-

THAT, the Motion be amended by inserting the following words immediately after the words "as indicated in the Second Schedule"--

"subject to:-

(i) inserting the following new sub-paragraphs immediately after the sub-paragraph (d) under further recommendations on page 39--

(e) allocate additional Kshs1 billion to the Development Expenditure for the Economic Policy and National Planning Programme under the Vote; State Development for Planning and Statistics for the National Government CDF.

(ii) Effecting the consequential amendments to the total sum approved and the First Schedule accordingly."

Hon. Temporary Deputy Speaker, the import of this amendment is to bring the amount allocated to the NGCDF to the same amount allocated this financial year, meaning the amount we have for 2015/2016 should be the same as the amount for 2016/2017.

At the moment the proposal by the National Treasury (NT) reduces the allocation of NGCDF by one billion shillings.

I call upon my colleagues to support this amendment. I have discussed with the Chairman of the Budget and Appropriations Committee and the CS, Treasury and I have thoroughly lobbied these Members to allow this amendment so that we have the same allocation of NGCDF as this year's allocation.

I beg Members to support and I thank you.

I call upon Hon. Nanok who is a major beneficiary of NGCDF which really favours Turkana to second.

Hon. Nanok: Thank you, Hon. Temporary Deputy Speaker and Chair of NGCDF Committee for allowing me to second this amendment. Allow me to state two observations on that.

In 2003 when NGCDF was introduced into this country, that was the first time some regions of this country saw equity in development. If you go round this country you will see the work of NGCDF. The lives of Kenyans have been changed by projects that have been undertaken through the funding of NGCDF. These projects done by NGCDF have positive impact. Students have gone to school and roads that would not have been constructed were constructed by these funds. You can appreciate that there is development across the country. So, we should retain what was given under NGCDF last year in this financial year.

I do not know why the CS for the National Treasury felt that we do not need the Kshs1 billion this year. It is prudent that we retain the allocation of the NGCDF in the current 2015/2016 Financial Year which was Kshs35.2 billion. I sit in the Departmental Committee on Finance, Planning and Trade and I saw that the figure had been reduced to Kshs34 billion. This is the right thing to do.

I beg to second.

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

The Temporary Deputy Speaker (Hon. Cheboi): What is the mood of the House?

Hon. Members: Please put the Question.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Namwamba, if we are in agreement, I will go ahead to put the Question. Hon. Namwamba, can I hear you?

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker. While I fully support this Motion, will I be in order just before we vote to seek a clarification from the Chairman of the Constituencies Development Fund Committee and my Chairman in the Budget and Appropriations Committee as to why the figure for NGCDF would be stuck? Even with the additional Kshs1 billion, we will only be maintaining the level of the financial year ending 30th June 2016, while we know that the Budget graduates every year. The Budget has increased so much the next financial year. All Votes have graduated by that percentage of increase of the Budget. Is there any good reason why NGCDF for the 2016/2017 Financial Year should not be higher than the year ending 2015/2016? On the basis of that clarification, will I be in order to propose a further amendment to this amendment that would increase the allocation to NGCDF by a further Kshs2 billion so that allocation to the Fund is graduated in a similar manner as other Votes? I will stand guided by the Chairman of the NGCDF Committee.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Namwamba, your proposal seems very popular but the only handicap we have is Article 114 of the Constitution, which does not give us a leeway when it comes to matters that have money implication on this particular one without going through the Budget and Appropriations Committee. At this point in time, our hands are tied and it might be difficult for us to prosecute your further amendment because the other one went through the Budget and Appropriations Committee.

Hon. Ababu: Hon. Temporary Deputy Speaker, for purposes of further exploring this matter, could we then put it on record that the Budget and Appropriations Committee becomes seized of this matter so that they could then consider it at the next earliest opportunity?

The Temporary Deputy Speaker (Hon. Cheboi): That is fine because there will be other avenues including the Supplementary Budget.

Hon. Ababu: Most obliged.

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

(Question of the Motion as amended proposed)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, we are now going back to the original Motion. I will start with the Member for Laikipia East.

Hon. Kimaru: Hon. Temporary Deputy Speaker, I stand to support the Motion on the adoption of the Report of the Budget Estimates for the 2016/2017 Financial Year.

Hon. Temporary Deputy Speaker, is the debate on the amendment or the adoption of the Report?

The Temporary Deputy Speaker (Hon. Cheboi): We are through with the amendment. We are debating the Motion as amended.

Hon. Kimaru: I would like to add my voice in support of the Motion on the adoption of the Report on the Budget Estimates for the 2016/2017 Financial Year.

The proposals that have been put forward are progressive in many ways. In particular, I am impressed by the provision for infrastructure development and especially the low volume tarmac which is going to be increased throughout the country by 3,500. Out of this number of kilometres, there are some roads in my constituency averaging almost 50 kilometres; Naromoru-Lamuria, Lamuria-Makutano, Umande-Demu-Ngenia, and Mwireri-Maili Sita. They are all going to be upgraded to low-volume tarmac. It is the first time tarmac roads will be built in my constituency. We only know of tarmac roads on the main roads. For the first time, we will have tarmac roads in villages. It is a good move.

The State Department for Public Service and Youth has been given Kshs25.7 billion. We all know the good work that the youth programme, which will eventually go to every constituency, is doing. We have seen a lot of good work. Right now, in my constituency, I have equipment from the National Youth Service (NYS). Through my NGCDF and the Kenya Rural Roads Authority (KeRRA) funds, we will be able to construct over a 100 kilometres of murrum road. So, that cannot be gainsaid when we shall distribute this road throughout the five wards in my constituency. What is important is the funds that have been given to public service and youth services. This time around, these funds must be used prudently. We must stop the plunder of funds that we saw in the last financial year. We saw the Government losing billions overnight. This is not justified. I can imagine the effects that Ms. Kabura's funds that went to some dubious

companies would have had. Kshs 1.7 billion was lost through the NYS. If you divide that money amongst all the constituencies in the country, you will see that each constituency would get a substantial amount of money for development. This money which we are giving to the youth department must be used prudently. It must be put to good use. It must not be given to a few people for self-aggrandisement.

Hon. Temporary Deputy Speaker, I am sure the laptop project will be in the vote for education. It is about time that we realised this great project. I was impressed by what the Cabinet Secretary for National Treasury said yesterday that there will be a move to build a computer laboratory in every public primary school. This is what we have been insisting for a long time that it must happen. It was not enough to give children in class one laptops, whereas the rest of the school did not enjoy these benefits. The computer laboratories which will be rolled out definitely will have a great impact on e-learning. I have an experience where we piloted one school, but we did not use Government funds. We used the funds from CDF and well-wishers. E-learning, where you have power point presentations has been enhanced. We piloted two schools. We have Kalalu Secondary School and a school near Nyakio, where we have resource centres that use technology to teach. The gains cannot be understated. E-learning is important. We support the vote given to education, if it will be put to good use.

We would have rolled out these programmes a long time ago, were it not that the processes of procurement were mysterious. I am in the Departmental Committee on Education, Research and Technology. We opposed from the very beginning processes that were not transparent. If the implementers were keen on implementing these programmes more transparently, I am sure we would be having laptops in school.

Regrettably, students in private schools are not having their examination money paid. This is an injustice that cannot be allowed. It is discrimination of the highest order. The President said that examination fees would be paid for all Kenyan students. I do not know why the implementers of that programme have chosen to discriminate against students in private schools. These are Kenyan children. I believe that the parents who are taking their children to private schools are sacrificing. The people in the private schools are also supplementing Government efforts in providing education to all Kenyans. So, the policy should be changed. It is immoral. It is not right to deny those children in private schools examination fees. It does not make sense. How much savings would be made from denying payment of examination fees for those children? We budget for all children. We do not count the number of children in public schools. So, where does this money eventually go because even the students in private schools are catered for, and then when it comes to implementing, that money is not sent? The students in private schools are forced to make payments for the examination.

We have seen a more enhanced cash transfer programme for the elderly. The amount of stipends that are given to the elderly people is increasing. We have these very beautiful policies, but the implementation is more important. It beats the purpose of having these programmes, when these elderly people were staying for six months without their stipends. It is important that the elderly receive their cash on time.

Before I finish, I welcome the provision of about Kshs 360 million for Lekiji settlement in Laikipia, to resettle the people in Lekiji. This should be replicated to cater for people in Liki, the former Kwambuzi and Majengo in Nanyuki. Regrettably, Laikipia is left out in the Equalisation Fund. Laikipia is so much similar to Isiolo, Samburu and Narok, in terms of climate. The exclusion of Laikipia from the Equalisation Fund is not justified.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Adan Nooru.

Hon. Nooru: Thank you, Hon. Temporary Deputy Speaker. I want to add my voice on this Report of the Budget Estimates for the Financial Year 2016/2017. I thank the Chair of Budget and Appropriations Committee. For the first time, he has incorporated the views of the relevant committees. The amendments that we brought have been incorporated into the Report. That is a good move. For the last years, we have been arguing on these issues, and at least it has worked out.

On the other hand, we appropriate Budget every year but the release of the money is an issue. The National Treasury keeps on bringing Supplementary Budgets. Most of the ministries, departments and State departments have been having backlog of pending bills. When the Budget is given to the ministries, they make commitments on the basis that they have been given a go ahead by the National Treasury through Appropriation Bill to implement some programmes. Some of them go into contractual obligations and then in the middle, the National Treasury withdraws that fund. This leaves the Government with a lot of debts. The Government is either taken to courts because of breaching contracts or given certificates which are to be paid earning interests. So, the Government keeps on paying double of what they are supposed to pay implementing these programmes. We need to avoid those circumstances. If we cannot meet these obligations, then there is no need to have a Budget of trillions of shillings. We must minimise and see what is available so that we can live within our means, rather than give people a lot of hopes and then the pending bills keep on accumulating year after year in every department and ministry.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Mbadi.

Hon. Ng'ongo: Thank you, Hon. Temporary Deputy Speaker. What we are debating this evening is in fulfilment of Article 221 of the Constitution that requires the National Assembly to debate the Budget Estimates every year. But, before we do that the Budget and Appropriations Committee must first look at the estimates and make recommendations. That is what we are doing this afternoon.

First of all, the Budget progress begins around September every year during the time the Budget Review and Outlook Paper is prepared and presented to Parliament. Since 2012, in February, this House receives the Budget Policy Statement. The Budget Policy Statement is expected to mirror or show the policy direction of the Government of the day. This year was not an exception. We received the Budget Policy Statement in February which Parliament debated and agreed on the budget ceilings and the policy direction of the Government of Kenya.

It is disappointing to note that even after Parliament approved the Budget Policy Statement, looking at the Budget Estimates there is a complete departure. The Government has completely shifted from what this Parliament approved and which was informed with thorough debate and considerations.

This came about because the Executive led by the President held a meeting in Naivasha. It was a good one but was held late after the Budget Policy Statement. I want to emphasise that going forward, the Government should wake up and hold executive meeting to agree on the Budget Estimates before the Budget Policy Statement is adopted by Parliament.

Looking at the Budget figures, they are completely at variance with what this House approved in February. What you want to ask is what is informing the Budget Estimates. Is it informed by the policy decision and direction of the Government? My answer is no. This House was informed of policy direction of the Government which has changed. I think this changed on realisation that we have an election next year. But, there is nothing wrong with the Government

of the day thinking about elections. At what point should it do that? The Government was late in doing that.

The figures have been mentioned. This year, we expect, as a country, to spend Kshs2.27 trillion. Out of that amount, as has been ably put, Kshs859 billion will go to the Recurrent Expenditure and Kshs817 will go to the Development Expenditure. We will have Kshs310 billion going to CFS and Kshs284 billion going to the counties, Kshs6 billion going for the Equalisation Fund and Kshs5 billion to contingencies.

The bottom line is that there is nothing wrong *per se* with huge amounts of money going to expenditure, but we need to ask ourselves whether we are able to finance that level of spending. As a country, we are not. The only amount that the National Treasury projects to receive or to collect through Kenya Revenue Authority (KRA) internally or from domestic revenue would amount to no more than Kshs1.5 trillion. Out of this only Kshs1.376 trillion will be sourced through ordinary revenue leaving Kshs124 billion to be sourced through Appropriation-in-Aid which over the years have not been realised in full.

What is the effect of this? The effect is that even the amount we expect to receive through taxation or ordinary revenue of Kshs1.376 trillion is based on a projection of economic growth of 6 per cent. Realising economic growth of 6 per cent in this economy is not realistic. For the past four or five years, we have not met the targets. We have been off the target. We realised that the Government, through the National Treasury has been over-estimating the revenue projections. But this year there are a lot of risks that we are exposed to as a country. There are a lot of shocks that this country is likely to be faced with. One is the elections fever which is already with us. It is not realistic that we will realise or achieve economic growth of 6 per cent. Therefore, in the event that that is not going to be realised, what are the options available to the Government? As we speak, the Government intends to receive just about Kshs72 billion in grants. The rest will be loans; over Kshs770 billion fiscal deficit. We expect to receive only Kshs72 billion from grants. The rest will be sourced from loans. An amount of Kshs559 billion will come from foreign borrowing and Kshs243 billion from domestic borrowing.

If, again, we do not meet the target which is Kshs1.37 trillion revenue collection, it means that the option that will be more available to us is borrowing. That borrowing is likely to happen domestically because you require a lot of negotiations and contract signing for foreign borrowing which may not be possible in the course of the year. If we are going to borrow more, the result would be to crowd out the private sector and that will have the effect of reducing investments in the economy which again will affect employment creation and the effect will be repeated.

So, how did we find ourselves here? I urge this Parliament that going forward we should be proactive and pragmatic enough to deny the Executive the appetite for borrowing. When the Jubilee Government came into Office - I see the Leader of the Majority Party looking at me - we had a debt level of Kshs1.8 trillion both domestic and foreign debts. As we speak today, we have a debt of Kshs3.3 trillion, an increase of Kshs1.5 trillion in three years. That is not sustainable. In fact, the warning signs have started coming even from unlikely quarters like the IMF and the World Bank. I call it "unlikely" because the IMF and the World Bank have been cooperating to our detriment with the Kenya Executive and Treasury, which is wrong.

Take the case of loans owed to the Chinese Government. As a country, we need to start asking ourselves fundamental questions. Are we getting a good deal from these negotiations with the Chinese Government? Last year on interest payment alone, we paid the Chinese Government Kshs4.3 billion. This year, the interest payment has shot from Kshs4.3 billion to Kshs16.2

billion. In a period of one year, we have increased interest repayment four fold. That is not acceptable because it is not sustainable. In fact, next year, it is projected to be about Kshs19 billion. So, we need to ask ourselves fundamental questions

The other thing is about planning by the Government. For the first time in the history of this country, in two consecutive years, we are going to have two Supplementary Budgets. That is a clear reflection of a Government that is not committed to proper planning. On planning, by the end of the last financial year in June, we had over 1,000 projects running, which cost about Kshs3 billion which can be translated to the current cost of about Kshs4.5 billion. Are we biting more than we can chew? As a country---

The Temporary Deputy Speaker (Hon. Cheboi): Your time is up. I will give an opportunity to the Member for Emurua Dikirr and the Member for Wajir South in that order.

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker. I also wish to support this Motion. Obviously I would wish to make some comments based on what is allocated to most of the departments and ministries.

Like many other Members, I am quite disappointed by some of the allocations of these funds. Looking at some of the departments and ministries, you wonder why we allocate money to them and leave some sectors which are very crucial to the country with a looming cash shortage. I take serious interest in the allocation of Kshs154 billion to the railway transport. We are currently working on the Standard Gauge Railway (SGR). Looking at this allocation, you tend to wonder exactly where this money is going. We already have the SGR being built by the Chinese Government. What exactly are we going to do with Kshs154 billion allocated to railway transport? In my opinion, priority should have been given to roads because they concern everybody, including people in the villages. I expected roughly around Kshs56 billion to be allocated to railway transport and the remaining Kshs100 billion going to the roads.

There is a tendency in this country to allocate money to roads and other projects, especially on infrastructure, which are then concentrated in certain regions. At the end of the five-year term of each Government, you realise that there are no substantive developmental projects in most areas. The railway does not affect the whole country. People in most remote areas do not even need tarmac roads; they need murram roads so that they can access places. I am disappointed when we concentrate cash on matters which do not seriously affect the country.

Health is a devolved function. The only issue under the national Government is policy and maybe the two referral hospitals. The allocation to the Moi Teaching and Referral Hospital (MTRH) was only Kshs5 billion yet the allocation to the Ministry of Health is Kshs60 billion. I wonder why we make such allocations yet they do not go to the substantive work they are meant for.

I also wish to register my disappointment on the allocation to the State Department of Energy and other departments like Defence. In my opinion, I would have wished that we looked at developmental matters so that we do not just allocate money to areas that do not need it. Defence is a very important department in our country, but I cannot remember the last time this country went to war other than what we are doing in Somalia. We took our soldiers to Somalia but it is not a very serious issue. I do not understand why we are allocating over Kshs98 billion to Defence instead of looking at matters of education, water or health.

I also wish to take issue with the allocation for education. Education is the backbone of this country. The Ministry of Education is the most fundamental part. The amount of money we allocated to that area, and especially the development of our academics, is a very small amount as compared to other departments which do not matter so much.

Hon. Temporary Deputy Speaker, the other day I was discussing with my friends about how we look at people with disabilities, instabilities and orphans. Those are areas where we are supposed to concentrate a lot of money. This country should provide free education to people with disabilities and orphans up to the university level. This country should allocate money to those areas so that they can also access education like other Kenyans.

When you look at how money is allocated, it is not proper. We put so much money in Defence, which we do not know how they use it. They will only say “we spend Kshs90 billion every year”. When you ask them on what, they will tell you they have been purchasing this and that. I would rather we spend a lot of money on the police. This is where we have seen some activity. We need to give policemen good salaries.

Hon. A.B. Duale: --- (*Off-record*)

Hon. Kipyegon: The police are taking care of us and looking after the security of this country. They are the ones who are dealing with everything other than what the Leader of the Majority Party is saying that they are dealing with Coalition for Reforms and Democracy (CORD). They are also dealing with internal terrorism where we have a serious problem. The salary we are giving them is so low. The housing we give them is completely bad and unimaginable yet they are the people guarding this country and the mighty in this nation.

Hon. Temporary Deputy Speaker, what exactly is Defence doing? It is just a luxury. I think we are giving them money which they do not deserve. This is money which should have been put in areas which can help this country.

When you also look at the allocation to the Ethics and Anti-Corruption Commission (EACC) vis-à-vis the National Intelligence Service (NIS), it is improper. We are told that the NIS is giving us vital information on matters of security each and every year. However, we are facing a lot of threats, especially from terrorists and so many other quarters every year. This is despite the fact that we have been giving money to the NIS. The major problem in this country is not insecurity but corruption. If we can reduce corruption in this country to even 10 per cent, even terrorists will fear coming to this country. Look at the money we have allocated to the EACC yet they are the people who are supposed to investigate major scandals and corruptions. We are only giving them Kshs2.8 billion yet they are a whole commission. These are people who are supposed to investigate even the President and this House. These are the people who are supposed to bring economic criminals to book. We are giving them Kshs2.8 billion then Kshs25 billion to the NIS, whom we do not know what they do. These are luxuries.

I wish the Chairman of the Budget and Appropriations Committee was here. The Constitution vested the power to budget with the House and not the Executive. The reason is that this House is a composition of Members who represent people and know where the problems are. The Chairman should be able to exactly tell us why he would prioritise the NIS against the EACC, which is supposed to be investigating corruption cases.

Before I conclude, I wish to ask something on the Constituencies Development Fund (CDF). I wish the Chairmen for the Constituencies Development Fund Committee and the Budget and Appropriations Committee were listening. When you tell us that the CDF has been reduced by Kshs1 billion, you are telling us that this money has no role. It is money for luxury. He should be telling us that the CDF has been doubled. That is what we want to hear. It is like you are making some recommendations with a lot of fear.

(*Applause*)

I want the Chairman of this Committee to give us a proper explanation next time as to why you would give the NIS that amount of money, which does not undertake any development, and ignore the part of this country which does a lot of development, like the CDF. I invite you to come to my constituency. I am initiating very serious projects which the NIS can never do in this country. Yet, you are giving them a lot of money and telling us that you are reducing the CDF kitty by Kshs1 billion.

Last is on the Equalisation Fund. We have been fighting for this Fund and we have got it. But, we are not happy with the way it was allocated. We are going to discuss this. No one among all Members from those areas is going to agree that the Executive should determine where to put the money. It is the people in those areas that have been marginalised who will determine where the Equalisation Fund money will be placed. After all, the money was meant to equalise members of the society with each other.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, we should be brief. Hon. Diriye.

Hon. Mohamed Diriye: Thank you, Hon. Temporary Deputy Speaker. I want to raise a very important issue. I can see the Members are very few, therefore, we do not have quorum yet, we are discussing a very serious and important issue on the Report of the Budget. I am, therefore, bringing this to your attention.

The Temporary Deputy Speaker (Hon. Cheboi): What did you say?

Hon. Mohamed Diriye: We are discussing very important issues on the Budget and looking around there are not enough Members in the House. So, at the risk of annoying my colleagues, I want to raise the issue of quorum.

The Temporary Deputy Speaker (Hon. Cheboi): Okay, I therefore order the Clerks to confirm if we actually do not have quorum. There is no quorum, therefore, I order the Bell to be rung for 10 minutes.

(Quorum Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Members! I order the Bell to stop ringing. We cannot raise the requisite quorum.

The time being 6.12 p.m., the House stands adjourned until Tuesday, 14th June, 2016 at 2.30 pm.

The House rose at 6.12 p.m.