

NATIONAL ASSEMBLY

OFFICIAL REPORT

SPECIAL SITTING

Tuesday, 20th September, 2016

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Speaker: We have established that we do not have quorum to commence business. Ring the Quorum Bell.

(The Quorum Bell was rung)

I think we are now okay for the brief session.

PAPERS LAID

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

The Economic Partnership Agreement between the East African Community (EAC) Partner States and the European Union (EU) and its Member States and the Memorandum.

The Report of the Auditor-General and the Financial Statements of the National Government Constituencies Development Fund (NG-CDF) in respect of the following constituencies for the year ended 30th June, 2015 and the certificates therein:-

- (i) Tinderet Constituency;
- (ii) Ainabkoi Constituency;
- (iii) Turbo Constituency;
- (iv) Keiyo North Constituency;
- (v) Kapenguria Constituency;
- (vi) Cherangany Constituency;
- (vii) Soy Constituency;
- (viii) Marakwet East Constituency;
- (ix) Kapseret Constituency;
- (x) Moiben Constituency;
- (xi) Kangundo Constituency;
- (xii) Konoin Constituency;
- (xiii) Juja Constituency;

- (xiv) Gatundu North Constituency;
- (xv) Lari Constituency;
- (xvi) Ruiru Constituency;
- (xvii) Maragwa Constituency; and,
- (xviii) Limuru Constituency.

The Annual Reports and Financial Statements in respect of the following institutions for the year ended 30th June, 2015:-

- (i) Taita Taveta University College;
- (ii) Kirinyaga University College;
- (iii) Kenya Tourism Board;
- (iv) The Kenya Nuclear Electricity Board; and,
- (v) The Kenya Institute for Public Policy Research and Analysis (KIPPRA).

The Kenya Economic Report 2016 on the fiscal decentralisation in support of devolution.

Hon. Speaker, it is very important for Members to go through the audited reports of their constituencies as mentioned.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Chairperson, Departmental Committee on Finance, Planning and Trade.

Hon. Langat: Hon. Speaker, I beg to lay the following Paper on the Table of the House, today, Tuesday, 20th September 2016:-

The Progress Report of the Joint Committee on Finance, Planning and Trade and the Regional Integration on the Consideration of the Ratification of the Economic Partnership Agreement Paper.

Thank you.

Hon. Speaker: Next Order.

NOTICE OF MOTION

RATIFICATION OF THE ECONOMIC PARTNERSHIP AGREEMENT

Hon. Langat: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade and Regional Integration on its consideration of the Economic Partnership Agreement intended to be comprehensively entered between the Partner States of the East African Community (EAC) on the one hand, and the European Union (EU) and its Member States on the other hand, laid on the Table of the House on Tuesday, 20th September, 2016 (Morning Sitting), and in furtherance to the provisions of Article 2(6) of the Constitution and in accordance with the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the Economic Partnership Agreement entered between the Republic of Kenya, as a Partner State of the EAC on the one hand, and the European Union and its Member States on the other hand.

Thank you Hon. Speaker.

Hon. Speaker: Next Order. Hon. Lessonet, you have a statement.

STATEMENT

DELAYED DISBURSEMENT OF NATIONAL GOVERNMENT
CONSTITUENCIES DEVELOPMENT FUND

Hon. Lessonet: Thank you, Hon. Speaker. I want to inform the House that the new National Government Constituencies Development Fund (NG-CDF) Act is now in operation. The notice inviting Members for this special sitting today morning and afternoon, gave an indication that we shall discuss the issue of NG-CDF. So I want to inform Members that in the next half an hour, we shall be meeting with the NG-CDF Board to receive the status of disbursements for the last financial year, receive the ceilings for each constituency for this financial year and also to be briefed accordingly in terms of the disbursement from the National Treasury. I am aware that the National Treasury has disbursed funds to the NG-CDF Board for this financial year. So, I just want to request that you indulge me that I come and speak appropriately on this matter of NG-CDF this afternoon in the event we shall have a sitting.

I want to request for your indulgence until today afternoon so that I can come with the hard facts. Thank you.

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

Hon. Speaker: Yes, Hon. Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, the Chair of the Committee has spoken many things which are not very important to the Members. We are aware that the Act has been signed into law but what we need today is for him to table the allocation and ceiling per constituency for Members to go and prepare projects for their respective constituencies. This has never happened in my life in this House that this list is yet to be tabled by such a time and I want the Chair to confirm. Yesterday afternoon, the Board stated that they were to have a meeting with the Committee this morning.

Can the Chair confirm to the House whether he is going to table the list of allocations and ceilings? That is what is important to all of us because the first quarter budget for 2016/2017 Financial Year is coming to an end and this is the only time we have during this recess. Can he clarify whether we can go back to our constituencies and at least allocate the Kshs25 billion that is due for us? That is the main reason why we recalled the House.

Hon. Speaker: Hon. Lessonet, just take note of the points being made so that you do not have to repeat, so that I allow other Members who have put in interventions to also raise their issues. Just take note so that you respond to all of them adequately.

Let us have Hon. David Ochieng'.

Hon. Ochieng': Hon. Speaker, thank you very much. Following up on what Hon. Duale and the Chairman of the NG-CDF Committee have said, Members are getting frustrated. The Chairman cannot talk about things that are not important. The Bill becoming a law is public knowledge. What we hope to receive in the afternoon today is the ceilings and a letter to each constituency manager telling them to submit the proposals to the NG-CDF Board.

We need to be given those letters today even as they send copies to our NG-CDF managers in the constituencies. We are now getting to October and we need these pending monies. We only have eight months to the end of the financial year. Hon. Lessonet has decided to abdicate his duties. He is not doing his job and we are in our last lap. Everyone is trying to finish their job. Even Parliament needs to finish its job. Since it is in the Gazette Notice that called us here, we hope that in the afternoon we will not be receiving rumours about the Board

meeting and being briefed by the Chairman. No. We want documents that relate to the work that we are supposed to do as constituencies. Thank you.

Hon. Speaker: Let us have Hon. Dr. Robert Pukose.

Hon. (Dr.) Pukose: Thank you, Hon. Speaker. It is very unfortunate that we are at this stage without the proposals for our constituencies in as far as the NG-CDF is concerned. This is very frustrating because last week, one of the television channels aired one of the schools being brought down in West Pokot in my neighbouring constituency because the classrooms are in bad state. This gives us a very bad picture.

I wanted Hon. Lessonet to take this matter seriously. We know he could be campaigning to be a governor but he still has a responsibility to the people of Eldama Ravine to make sure that their projects are done on time and for all of us as Members of Parliament (MPs). So this is a very serious matter. We all have travelled from our constituencies to address this matter so that it can come to a conclusion. The assurance I need from him is that as we leave this House in the afternoon, we are going to go back and start the projects immediately and have the money disbursed timely. We are getting to October and yet the money is not in the accounts.

(Applause)

Hon. Speaker, those claps are welcoming Hon. Cecily Mbarire, the incoming Governor for Embu and we wish her all the best. She is seated next to the incoming Governor for Bomet. Thank you.

(Laughter)

Hon. Speaker: Let us have Hon. Michael Onyura.

Hon. Onyura: Hon. Speaker, the House has expressed itself and this is not the first time that we are expressing concern and disappointments with the NG-CDF Committee. I would like that as the Chairman comes to talk to us this afternoon, to tell us when those constituencies that have not received their full allotment for 2015/2016 Financial Year, will get them. It is unfortunate that three or four months into the new financial year we are still begging and requesting the Board to disburse money to our constituencies. In my constituency, I have not received nearly 35 per cent of my financial disbursement. That means that all the programmes and projects that I had informed my constituents to expect have not been delivered. This is not good. I hope you will assist us in ensuring that this Committee delivers on its mandate and responsibilities.

Hon. Speaker: Hon. Mary Emaase.

Hon. (Ms.) Otucho: Thank you, Hon. Speaker. I was surprised that the Chair did not mention anything about the constituencies that have not received their money. Referring to what Hon. Onyura has just mentioned, I am expecting more than half of the allocation for Teso South for the last financial year. Most of projects in the constituency have stalled. I have just come from my constituency and it is not pleasing to see some students still learning under trees yet I had budgeted for the construction of classrooms in those particular schools.

When the Chairman comes this afternoon, he should categorically tell us when we will receive our money. Before we talk about the ceilings and proposals for the current financial year, can we receive our money for the last financial year? It will be fair for all of us to be at the same level of disbursement before we move to the next financial year.

Hon. Speaker: I hope Hon. Lessonet is noting all the issues being raised because it is very clear that there are many concerns.

Hon. John Serut.

Hon. Serut: Thank you, Hon. Speaker. Let me also add my voice to what my colleagues, Hon. Emaase and Hon. Onyura, have said. As we sit here today, we have been told that disbursement in respect to the 2015/2016 Financial Year was released 100 per cent. Some constituencies, Mt. Elgon included, have received less than 50 per cent. The Chair should be serious and tell us this afternoon when some of us will receive the money and where the money for the 2015/2016 Financial Year went.

Hon. Speaker: Hon. Harrison Kombe.

Hon. Kombe: Thank you, Hon. Speaker, for giving me this opportunity. This afternoon, I would like to urge the Chair to confirm to us when the money will be in the respective constituencies' bank accounts. Several students are at home waiting for bursaries to go back to school. Other students should be joining college, but are still at home for lack of bursaries, yet the money is with the Board. We need that money now.

Hon. Speaker: Hon. Members, some of those things have already been canvassed. We can spare ourselves the agony of listening to them several times.

Hon. Patrick Wangamati!

Hon. Wangamati: Thank you, Hon. Speaker, for giving me an opportunity to join my colleagues in contributing to this matter. I am a Nominated Member and I stand with this House. Since the Constituencies Development Fund (CDF) became the National Government Constituencies Development Fund (NG-CDF), it has become cumbersome. Money is not flowing like it used to before.

I support my colleagues because there are many problems on the ground. Some students come to us for help and we tell them that the money is coming. You should give direction on this issue this afternoon, so that Members can know what they will do when they go back home. Otherwise, I am very happy that my colleagues came to Parliament urgently. This Sitting was not even announced, but we are all here.

Hon. Speaker: Hon. Members, as we discuss some of these issues, it has been noted that we are getting some deep concerns about non-availability of Members in Committee meetings to sometimes adopt reports and deal with other matters. I urge the Members of the NG-CDF Committee to ensure that they meet regularly, even if it means putting the Chair under pressure to come from Eldama Ravine. If he is not able to come, get the Vice-Chair to convene meetings, so that you can do the necessary to ensure that some of the issues that the Members are raising are addressed. I hope Hon. Lessonet will be addressing each of these concerns.

Hon. Lentoimaga.

Hon. Lentoimaga: Thank you, Hon. Speaker for giving me this opportunity. As the Members have said, we have had a very bad financial year as regards the NG-CDF issues, especially after the case was taken to court. From February to date, we have not had a smooth ride regarding NG-CDF disbursements. I have made a lot of promises to the people of Samburu North, but I am unable to fulfil them because of the delay in disbursement of funds. The Chairman should come back this afternoon and tell us what we should do about the staff. They have not been paid for the last four months. Continuing students and those who are supposed to join various universities and colleges this September are stranded. We are unable to pay their fees yet we had planned to do so. The Chairman should answer these questions this afternoon, table the ceilings and have the money disbursed immediately.

Hon. Speaker: Hon. Yusuf Hassan.

Hon. Abdi: Thank you, Hon. Speaker. It is more than frustrating waiting for the disbursement of the NG-CDF money. I would like to urge the NG-CDF Board and the Chairman to accelerate the process. I do not understand what he meant by saying that the National Treasury has already transferred the money to the NG-CDF Board. The question is why it is taking a lot of time to reach the recipients.

Through the NG-CDF, we assist the poor members of our communities. Some children cannot go to school and essential projects cannot be started because of this delay. The money should be disbursed quickly for us to start the projects. Kamukunji Constituency has not received funding from the last financial year. We want a clear answer from the Chairman as to when the 2016/2017 Financial Year disbursements will be done, so that we can quickly take the programmes and projects that we want to implement for approval. It is important for the NG-CDF to act on this matter. The Chairman should have clear answers to our concerns this afternoon.

Hon. Speaker: Hon. Justice Kemei.

Hon. Kemei: Thank you, Hon. Speaker for giving me an opportunity to comment on this matter. I want to join my colleagues in raising concerns that have already been enumerated. In addition, during this financial year, the Members will not be much involved in the NG-CDF matters. There will be a committee that will do the work in the constituencies. We must provide guidance during this period so that there can be continuity in the work we have been doing as Members of Parliament.

In addition, the Chairman of the CDF Committee, Hon. Lessonet, should expound on the responsibilities of the monitoring committee at the constituency. He should indicate how their allowances should be paid and how they should hold regular sittings now that distinct responsibility has been given to them.

Hon. Speaker: Hon. Cornelly Serem.

Hon. Serem: Thank you, Hon. Speaker. I want to appreciate the good job that the Chairman has been doing for us. However, I want to raise my reservations. Next year is an election year and all of us will be engaged in campaigns. If you look at the timeframe that we have, I am very concerned that if the funds are released late, we might not be in a position to disburse all the funds knowing that Members of this House will not serve for five years, but for only four years. So, it will be very unfair if Members of this House will be out there for less than three- and-a-half years. It is very important that all the funds are released now so that our constituents can benefit. As we wait for the Chairman to table the figures for this financial year, he should also give us explanation as to why there was a delay, so that we do not have the same problem in future.

Hon. Speaker: Hon. Gaichuhie.

Hon. Gaichuhie: Thank you, Hon. Speaker. Knowing that the new Act had been passed, we went ahead as a constituency and took the ceiling, which is Kshs25 billion, and divided it by 290 and got what we expect to be allocated to us and we started working on that formula. So, I want the Chairman to confirm if we should stop working on that assumption. If there is a new formula, then he should table the list. But if that is the way forward, then he should confirm if we should go ahead and bring our proposals based on that new formula.

Hon. Speaker: Hon. Moses Lessonet.

Hon. Lessonet: Thank you, Hon. Speaker. I want to thank you for giving opportunity to Members to raise issues and ventilate on this important matter of the NG-CDF. I have listened

keenly to comments and questions by Hon. Ochieng', Hon. Pukose, Hon. Onyura, Hon. Emaase, Hon. John Serut, Hon. Kombe and, of course, the wise comments by Hon. Wangamati. I think you need to give Hon. Wangamati opportunity more frequently to dispense words of wisdom to Members like he has done today. The others are Hon. Lentoimaga, Hon. Yusuf Hassan, Hon. Justice Kemei, Hon. Serem and Hon. Gaichuhie.

I have noted the concerns in terms of disbursements for the last financial year and also the need to promptly disburse funds for this financial year. I want to confirm that the constituencies which had not received all their money for the 2015/2016 Financial Year, as I speak, disbursements are on transit to the constituencies. If the funds were not there yesterday and are not there today, I am confident and ready to be quoted that the funds for the 2015/2016 Financial Year are on transit to the constituencies.

Like Hon. Gaichuhie has mentioned, we passed an amendment to the NG-CDF Act, which requires that money henceforth shall be shared equally among the 290 constituencies. I want to congratulate Hon. Gaichuhie for being proactive. It is fairly easy to determine how much each constituency will get. It will be Kshs25 billion, less 5 per cent to be used by the Board, and balance will be divided equally. Each Member of Parliament should have known by now their ceiling for this financial year.

That notwithstanding, I still undertake to bring the exact figure this afternoon, which takes care of other matters like allocation to emergency and the maximum allocation to administration. I will bring that this afternoon, so that constituencies can also promptly give the national Government the projects that they want to finance this financial year.

We have discussed with the Cabinet Secretary, National Treasury, Mr. Henry Rotich, the urgency in terms of the promptness of disbursing funds and I can see commitment on their part, in that they have already disbursed Kshs8 billion for this quarter, which is already with the NG-CDF Board. Immediately we bring projects, the Board will disburse the same to the constituencies.

Like I said earlier, indulge me until this afternoon and I will come with a more comprehensive, convincing and informative report for the Members.

Hon. Speaker, I really want to thank you for recalling the House for this one day, so that Members can properly be informed on matters NG-CDF and we can listen to them like we have done this morning. We are ready to listen to them again this afternoon.

With those remarks, I thank you.

Hon. Speaker: Next Order.

MOTION

CONSIDERATION OF SENATE AMENDMENTS TO PHYSICAL PLANNING BILL, 2015

THAT, the Senate Amendment to the Physical Planning Bill (National Assembly Bill No. 46 of 2015) be now considered.

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I want to request that we step down this Motion because we are yet to receive any Communication from the Senate on whether they have passed amendments to this Bill or not. By the time we gave notice to your office for the recalling of the House, we expected the Senate would have communicated but as of this morning, they are yet to

do so and we do not even know the fate of this Bill in the Senate. So, I want to request that we step down this matter.

Hon. Speaker: I think it is important that Members and, indeed, the country know that the National Assembly discharged its obligation with regard to its consideration of the Physical Planning Bill, 2015 and forwarded it to the Senate, and that, therefore, it is the Senate which has not found time because of their busy schedule to consider the Bill and bring it back to the National Assembly. Be that as it may, we are in active communication with the Senate to try and finalise consideration of this Bill and refer it back.

(Motion deferred)

ADJOURNMENT

Hon. Speaker: Hon. Members, in accordance with the Gazette Notice regarding today's Special Sitting in terms of Standing Order No.29, that was the only business that was to be transacted. The House now stands adjourned until this afternoon at 2.30 p.m.

The House rose at 10.20 a.m.