

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 24th June, 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table: -

Report of the Departmental Committee on Justice and Legal Affairs on the Statute Law (Miscellaneous Amendments) Bill, 2009.

(By Mr. Abdikadir)

The 16th Report of the Public Investments Committee on the accounts of State Corporations.

Treasury Memorandum on the implementation status of the 14th Report of the Public Investments committee on the accounts of State Corporations.

(By Mr. Linturi)

NOTICE OF MOTION

Mr. Abdikadir: Mr. Speaker, Sir, I beg to give Notice of the following Motion:-
THAT, the Report of the Departmental Committee on Justice and Legal Affairs on the Statute Law (Miscellaneous Amendments) Bill, 2009---

Mr. Speaker: Order, Mr. Abdikadir! You do not give a Notice of Motion for that kind of a report. It is presumed that your report encompasses amendments necessary to the Bill. So, those will be brought at the Committee Stage.

Mr. Abdikadir: I stand corrected, Mr. Speaker, Sir.

ADOPTION OF 16TH PIC REPORT

Mr. Linturi: Mr. Speaker, Sir, I beg to give Notice of the following Motion:-
THAT, this House adopts the 16th Report of the Public Investments Committee on the accounts of State Corporations laid on the Table of the House today, 24th June, 2009.

QUESTIONS BY PRIVATE NOTICE

DETENTION/DENIAL OF MEDICAL ATTENTION
TO WOMAN ASSAULTED IN COMPANY
OF YOUTH AFFAIRS PS

(**Ms. Odhiambo**) to ask the Minister of State for Provincial Administration and Internal Security: -

(a) Could the Minister explain why the woman who was gang-raped by robbers while in the company of the Permanent Secretary, Ministry of Youth Affairs and Sports, has been detained by the police and denied access to urgent life-saving medical attention?

(b) Could the Minister ensure that she accesses medication immediately?

Mr. Speaker: Ms. Odhiambo! She is not here.

The Assistant Minister for Water and Irrigation (Mr. Kiunjuri): On a point of order, Mr. Speaker, Sir. I raised a similar point of order in the Ninth Parliament, in 2006 concerning the order of Questions on the Order Paper. The ruling of the Speaker then was that all Ministries are equal, and no Ministry is more prominent than the other. Therefore, there is no Ministry that should be given preference, so that Questions directed to it always appear first on the Order Paper.

It is not by accident that some Questions always appear last on the Order Paper. You will notice that even in the morning, the Question that was directed to the Ministry of Water and Irrigation appeared last on the Order Paper. This afternoon, our Question is still the last one. The same case applies to the Ministry of Energy and other Ministries.

Is there any Ministry that is superior to others? Is there any Ministry that should be answering its Questions last while others answer their Questions first? The ruling is already on record, but we need your guidance.

Mr. Speaker: Fair enough! Mr. Kiunjuri, that appears to be a genuine concern, but I will want to go back to institutional memory. So, you will have to allow the Chair time to acquaint itself with the previous ruling on the matter. Then I will give directions easily. I will not give a ruling. I will just give directions depending on what that ruling says.

Mr. Chanzu: On a point of order, Mr. Speaker, Sir. When I look at this Order Paper, as much as the Question to the Ministry of Water and Irrigation is at the bottom, I can see that a Question to the office of the Deputy Prime Minister and Ministry of Finance, which is a very prominent Ministry, is the second last. A Question to the Ministry of Medical Services is third from the bottom, and a Question to the Ministry of State for Provincial Administration and Internal Security is fourth from the bottom. So, I think the Assistant Minister is out of order!

Mr. Speaker: Fair enough! Mr. Chanzu, thank you for your observation, but, that notwithstanding, I will still give directions after I acquaint myself with the institutional memory.

Mr. J.M. Kamau: On a point of order, Mr. Speaker, Sir. Once we ask Questions in this House, what is the proper follow up? I need your guidance on this; we ask Questions here and are given answers by Ministers, but when it comes to the follow up, nothing is done.

Mr. Speaker: Order! Hon. James Kamau, the procedure, and what is expected of you as a Member of Parliament, is that once you are given answers in this House, those

answers are binding on the Ministry, or the Government Department, that has provided them. So, it is your duty to follow up on those answers for implementation. If there is no implementation, you have recourse to the Standing Orders on what else to do. That rests the matter, Mr. James Kamau?

Mr. J.M. Kamau: Yes, Mr. Speaker, Sir.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. As you seek institutional memory, I would like to bring to your attention that last week I raised an issue about Questions that appear on the programme of the week, but fail to appear on the Order Paper on the day they are supposed to appear.

You may wish to consider under what circumstances that happens, and why that should be so. What is the possible cause of this anomaly? I am talking about Questions which appear on the programme of the week. For example, my Question was supposed to appear on today's Order Paper, but it is not on it, yet I came prepared for it.

Mr. Speaker: It has disappeared mysteriously!

Mr. Ethuro: Mr. Speaker, Sir, I do not know whether mysteriously, but it has disappeared.

Mr. Speaker: You have no explanation; so, there is mystery!

Mr. Ethuro: Agreed, Mr. Speaker, Sir.

Mr. Speaker: I will cover that in my directions.

Has Hon. Odhiambo come in? She is still not here! The Question is dropped!

(Question dropped)

UPDATE ON CHOLERA OUTBREAK IN THE COUNTRY

Dr. Khalwale: Mr. Speaker, Sir, I beg to ask the Minister for Public Health and Sanitation the following Question by Private Notice.

(a) Could the Minister give an update on the situation of the cholera outbreak in the country?

(b) What steps is the Minister taking to control the disease and stop further spread?

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Speaker, Sir, I beg to reply.

(a) From December, 2008, when the first case was detected, 31 districts have been affected, and in 20 districts the disease has been contained. About 3,946 cumulative suspected cases have been reported. There have been only 200 laboratory confirmed cases. Out of these, 89 deaths have occurred among those suspected and confirmed cases since December, 2008. Currently, there are outbreaks of diarrheal diseases in 11 districts. I say diarrheal diseases because it is not all of them that are cholera cases.

(b) My Ministry, in collaboration with other stakeholders in the health sector, has initiated the following steps to control and stop further spread of the disease:-

(i) Issued cholera alerts to all the health workers across the country;

(ii) Health workers in affected districts treat all cases of watery effortless diarrhea in adults or children above two years of age as suspected cases in areas with laboratory confirmed cholera;

(iii) All cases of diarrhea are treated appropriately, and close contact suspected cases have been given appropriate antibiotics for prevention;

(iv) Eating places that do not meet the minimum hygienic standards have been closed down in several parts of the country, where cases have been reported;

(v) Hawking of food has been banned in all the affected districts;

(vi) There is intensified surveillance for all diarrheal diseases;

(vii) We have worked to ensure safety of water at the household level through chlorination of wells, distribution of chlorine tablets to households and routine random sampling of water points in the affected areas;

(viii) In collaboration with our development partners, we have recruited more health workers on temporary basis and posted them to the affected areas as follows: ten to Moyale, ten to Isiolo and 12 to Laisamis; we are making arrangements with the World Health Organization (WHO) to employ some health workers for Garbatulla;

(ix) An aggressive public awareness campaign has been mounted, and we are scaling it up and using all media of communication countrywide. The advice to the public through the media includes:-

(a) Washing hands with soap before handling food and after visiting toilets;

(b) Ensuring that water is safe by boiling or chlorination;

(c) Cooking food thoroughly and eating it while it is still hot;

(d) Covering food and water from flies and dust;

(e) Washing with clean safe water all fruits and vegetables which are eaten raw;

(f) Avoiding illicit brews;

(h) Maintaining high standards of personal hygiene.

Mrs. Mugo: Mr. Speaker, Sir, I would like to add that there are figures given from other quarters and not from the Ministry of Public Health or the Ministry of Medical Services. Those other partners or stakeholders do not test the cases. They term any diarrheal cases as cholera and we all know that not all diarrheal cases are cholera. One time and another, I am sure many hon. Members have suffered like I have.

Mr. Speaker: Dr. Khalwale, seek clarifications. It is actually a Question by Private Notice so just do a supplementary.

Dr. Khalwale: Mr. Speaker, Sir, I do not know whether it is the gods of Africa who are unhappy with Zimbabwe and Kenya because in Zimbabwe where there is a Coalition Government, there is cholera; and in Kenya where there is a Coalition Government, there is cholera.

(Laughter)

It is not nice to be compared to Zimbabwe and I was happy that this Minister would give an answer that would make us look different from Zimbabwe. She knows very well that the first line of defense in this particular outbreak has been by the Red Cross under the support of the World Health Organization (WHO) which has given this Ministry over Kshs22 million. How can then she depend on reports from doctors who are in hospitals and not on first line defense like the Red Cross and doubt the report that over 80 Kenyans have died and over 4,000 Kenyans are hospitalized? But that is not my question!

What is she doing to make sure that the broken down water system, which is the real reason why cholera is there, is improved?

Mrs. Mugo: Mr. Speaker, Sir, I would like to correct the insinuation that it is the Red Cross which has been at the forefront in fighting this disease. On the contrary, it is the officials, doctors and nurses from both Ministries of Public Health and Sanitation and Medical Services. We appreciate the support given by the Red Cross but it cannot test. The hon. Member is a doctor and he knows that you have to grow a culture before you can know it is truly cholera. Many people suffer from diarrhoea which is not---

Dr. Eseli: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House that a culture has to be done to confirm whether it is cholera when we know very well that you can do a rectal swab and diagnose cholera without doing a culture? So, is the Minister in order to mislead this House?

(Applause)

Mrs. Mugo: Mr. Speaker, Sir, the swab has to be cultured. You have to develop that. He is a doctor, I am not a doctor but I know and I have been informed by professionals that after the swab, it has to be developed to decide whether it is cholera or not.

(Applause)

But the fact is, all the diarrhoea cases are not cholera. After such rains we are having now, first, we had the drought. It was an agent for cholera because water dried up and our people get water from all sorts of sources. Nobody knows what is in this water and whereas we have tried to chlorinate the wells and give out tablets to clean the water, they still cannot cover the whole country. After the drought our people bought water without knowing the source. Then we had floods which bring with them the Swine Flu. So, this has nothing to do with having coalitions. In fact, Kenya is not anywhere near to be compared to what happens in Zimbabwe. In Kenya, we are able to detect these diseases. In fact, all the samples for the Swine Flu are coming to Kenya from the whole region and we should be happy that, at least, we have the necessary institutions and very capable workers who are doing this work.

On cholera, we all know it spreads through unclean water or food. There is a problem of water which is not the problem of the Ministry of Public Health and Sanitation. We thank the Deputy Prime Minister and Minister for Finance for giving the Ministry of Water and Irrigation a lot of money to provide water through dams and boreholes which we shall then chlorinate. But this is a problem of climatic change. I just attended a meeting in Geneva and all the countries are crying about an increased outbreak of diseases because of the extreme weather patterns; either it is drought or floods. So, I would like to say for sure that we have been able to contain this disease in very many areas. I have provided the hon. Member with a list of how many cases are where as of now. Because it would take very long for me to read – I do not know if you want me to read – it shows that the cases which are remaining in our hospitals of confirmed cholera are 46. We have itemized each area where that is. The rest are diarrheal diseases which will be with us as long as we do not have clean water, but our officers are on the ground doing the best they can. I am sure the Minister for Water and Irrigation is also working

out on how to give us clean water in the shortest time possible. I might add here that water is delivered by the Ministry of Water and Irrigation. Where critical situations are, they try and supply water.

Mr. Bahari: Mr. Speaker, Sir, I want to thank the Minister for the action she took on the outbreak of cholera in my constituency. The staff of the Ministry, for professional reasons, are so cautious about taking action along those lines. As a matter of priority, in order to improve the prevention, they should immediately move in once such cases are noted and test for cholera on site.

Mrs. Mugo: Mr. Speaker, Sir, I want to thank Mr. Bahari. As I said in my answer, because we did that in Laisamis and all the areas that this has happened. As soon as there is onset of such a situation; that patients report acute diarrhoea or unstoppable diarrhoea, immediately, we give medication. We do not even wait until that is tested to decide whether it is cholera or not. All patients who are coming in that condition are being treated. We also treat their families or the areas where they are coming from. That is the way we are trying to stop it from spreading. I want to say here that the people who are still in the hospital in the 11 districts, or the new cases reported both pure diarrhoea and cholera is 232 cases. Out of those, 46 only had cholera. In Mombasa which was highlighted a lot, only ten of the reported cases were cholera.

Mr. Joho: Mr. Speaker, Sir, I had an opportunity to visit the Coast General Hospital (CGH) when the outbreak was reported. At that point, the administrator hinted to me that they had almost run out of the test kits. So, I would like the Minister to tell me the last time they sent the test kits to the CGH, given that that is the regional hospital. How many test kits did they send to test malaria? Could she also tell us whether they have enough personnel to handle the testing and treatment?

Mrs. Mugo: Mr. Speaker, Sir, whereas I know sometimes there are shortages, but I know we have enough test kits. Unless they were late in being delivered by the Kenya Medical Supplies Agency (KEMSA), they have enough test kits. I cannot say here now how many because that is completely a different Question. But if the hon. Member is keen to know how many test kits we have, I can bring back the number, but we have enough.

We have a shortage of staff. I have always told this House that we were waiting for nurses to be employed after they had been interviewed by the Public Service Commission (PSC). However, it has taken this long. Hon. Members, as you have noticed, the Minister for Medical Services and I, have requested the PSC to allow us, at least, at the Ministerial level, to employ nurses. It is sad my Ministry will return money to Treasury because we have not used it to employ nurses. We have been waiting to employ nurses for the last one year. It is true that we do not have enough nurses in this country. However, I am glad to report to this House that the interviews have been completed. We will soon be posting nurses to some of our health facilities. Given that each constituency will employ 20 nurses as provided in the Budget, I am sure, this will be a problem of the past.

Mr. Letimalo: Mr. Speaker, Sir, I do appreciate the fact that there is always inadequate staff. However, the answer given by the Minister lists the areas that were heavily hit by cholera. How come that Archer's Post, which is in Samburu East, is not on that list of the areas to be considered for the deployment of public health technicians?

Mrs. Mugo: On a point of order, Mr. Speaker, Sir. I can hardly hear the question.

Mr. Speaker: Mr. Letimalo, could you repeat your question?

Mr. Letimalo: Mr. Speaker, Sir, the Minister in her answer listed the areas that were hit by cholera. However, she did not include Archer's Post in Samburu East as one of areas she will deploy public health technicians. What is the position?

Mrs. Mugo: Mr. Speaker, Sir, we do have regular staff in all the areas wherever we have our health centres, dispensaries and even district hospitals. The areas we employed special staff---

Mr. Speaker: Madam Minister, why do you not just narrow in on Archer's Post? Have you sent any public health technicians there?

Mrs. Mugo: No, Mr. Speaker, Sir. We sent our staff to areas where cholera was very acute. That is what I wanted to explain. These are the areas where there were highest casualties.

Mr. Letimalo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Madam Minister, could you, please, consider that area?

Mrs. Mugo: Yes, Mr. Speaker, Sir, we will consider it.

Mr. Letimalo: On a point of order, Mr. Speaker, Sir. Is she in order to say that---

Mr. Speaker: Order! Mr. Letimalo! The Minister has given an undertaking that she will consider that area.

Mr. Shakeel: Mr. Speaker, Sir, I want to thank Madam Minister for that very eloquent description of what they have done to contain the situation. There is cholera outbreak in Nyalenda, Kajulu and Kolwa areas. There was a cholera emergency action that took place in my constituency. Yesterday, I talked to the Provincial Medical Officer of Health (PMOH). I asked him about the four cholera cases that have been reported in Kisumu. The fact of the matter is that the public health officers are not doing their jobs. There is raw sewage in Kisumu. This is right in the centre of Kisumu City. Could she instruct her public health officers to sue the Kisumu City Council in respect of the raw sewage which is causing the cholera?

Mrs. Mugo: Yes, Mr. Speaker, Sir. I will definitely direct them to do so, if they have not already done so. However, I would like to urge Kisumu City Council to clear the raw sewage. It is not the work of my Ministry to clear it. I would also like to urge the Ministry of Environment and Mineral Resources and the Ministry of Local Government to do their work. If they do not, we will sue them.

Mr. Speaker, Sir, on the four cases of cholera reported in Kisumu, these are new cases. In fact, we had contained cholera in Kisumu. The four cases referred to by hon. Shakeel have not been confirmed that they are cholera. But we are treating them as cholera. We are definitely making sure that it does not spread to other areas.

Mr. Lekuton: Mr. Speaker, Sir, I do appreciate the efforts that the Minister has made to make sure that cholera is now contained in Laisamis Constituency. I came from there yesterday, but we still have some cases there.

Mr. Speaker, Sir, there are 16 reported deaths in Laisamis, including a young man who was coming from tending his cows and he could not walk any more. He slept under a tree. He was eaten by hyenas because he was too weak to walk. The next thing we found was a piece of cloth and his identity card. I would like to ask the Minister; 28 days after cholera was reported in Laisamis, the Government took no action. It was zero action! It is the *Medicins Sans Frontiers* and the Red Cross which did all the work! How

can she explain to the people of Laisamis that 14 deaths were reported, but there was no response from Government? How do you explain that?

Mrs. Mugo: Mr. Speaker, Sir, I am truly sorry for the young man. I know about that incident because we talked about it. We will give them an ambulance, so that no one has to walk to the hospital. I do not know what exactly could have happened because I have my officers on the ground. However, when we were told those officers were not enough to handle the situation, we send a specific team to Laisamis. I am sorry if the action came a little bit late. It will not happen next time. I will follow the officers responsible for that.

Mr. Speaker: Last question, Dr. Khalwale!

Dr. Khalwale: Mr. Speaker, Sir, just like in Zimbabwe, the Minister, who is a layman in medicine is attempting to teach professional doctors in this House issues of medicine! I would like her to wake up and know that for every one case that dies in hospital, there are several other cases that have died in the villages because of the logistics of no ambulance, poor diagnosis and many other things. That is not the reason I am asking this question. Could she confirm that cheap as the treatment is, the treatment for cholera is actually in the peripheral hospitals? This is because we know that patients in peripheral hospitals are forced, not only to buy drugs, but also to buy simple things like paper on which prescriptions can be made.

Mrs. Mugo: Mr. Speaker, Sir, I cannot confirm that is what is happening. We have enough supplies in the hospitals. If the hon. Member brings any particular case, we will deal with it instead of generalizing. I cannot really pretend to teach medics here medical issues because I know management. I can teach the hon. Member management!

(Applause)

Having said that, I have very good professionals in my Ministry. They are very qualified, if not more than the hon. Member, they are the same. I believe that they do correct diagnosis.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order!

Ms. Mugo: They do correct diagnosis!

Mr. Speaker: Order! Order! Order, Madam Minister! You have responded to the Question. That looks like more of a side show.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Dr. Khalwale! Do you really want to dwell on it?

Dr. Khalwale: Yes, I do, Mr. Speaker, Sir.

Mr. Speaker: Okay, let us hear you. What is it?

Dr. Khalwale: Mr. Speaker, Sir, I just want to protest that it is completely unfair for the hon. Minister, whose Curriculum Vitae is very well known even on the web, to doubt my professional qualifications.

I would like to inform her to go and tell that doctor who misled her that when you do a rectal swab and you take that swab under the microscope, you are able to identify the bacteria that cause cholera! Tell that doctor that you only do culture when you want to establish the actual strain of the cholera. Please!

Mrs. Mugo: Mr. Speaker, Sir, as far as I am concerned, it is still developing. Whatever that specimen is, it is yet to be developed. I have told the hon. Member that we have very qualified doctors and nurses whose diagnosis is recognised not only in this country, but also abroad. So, the medical personnel cannot mislead me. I have given this House the correct---

Mr. Speaker: Order, Madam Minister! That must settle the matter now. I think what worried Dr. Khalwale more was that you seemed to put his qualifications in doubt, and yet it is known that Dr. Khalwale is a qualified surgeon. We know that in Parliament.

Mrs. Mugo: I acknowledge that, Mr. Speaker, Sir.

ORAL ANSWERS TO QUESTIONS

Question No.116

GOVERNMENT EXPENDITURE ON SUBSIDIZED FERTILIZER

Ms. Karua asked the Minister for Agriculture:-

(a) how much money the Government has spent on subsidized and/or free fertilizer for the last one year and what the quality, size and brand procured is; and,

(b) who has been the recipient of the subsidized/free fertilizer by name and location.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I would like to request you to defer this Question until tomorrow. The Minister answered the Question, but Ms. Karua sought time to go through the papers. She is now back and the Minister is away. Could you defer this Question until tomorrow when the Minister will be available to answer it?

Mr. Speaker: Hon. Members, the circumstances as expressed by the Assistant Minister are understandable. The substantive Minister is seized of this matter. The Assistant Minister is, therefore, unable to proceed. Ms. Karua, could I defer this Question to the earliest date when the House shall sit after tomorrow? Will the Minister be available tomorrow?

Ms. Karua: Mr. Speaker, Sir, the Assistant Minister has requested that the Question be deferred until tomorrow. I plead that it appears on the Order Paper tomorrow before I forget.

Mr. Speaker: Fair enough. The Question will be asked tomorrow at 2.30 p.m.!

(Question deferred)

Hon. Members, that brings us to the end of Question Time. Because of the nature of business on the Order Paper, we must now move to Prime Minister's Time. Not later than 3.30 p.m. we must move to Order No.8.

Mr. Konchella: On a point of order, Mr. Speaker, Sir. This is the third time my Question is being deferred. Could I be allowed to ask it?

Mr. Speaker: Order, Mr. Konchella! I have already given directions. I am afraid that I cannot revisit that matter. If we save any time from the Prime Minister's Time, and we want to stop the Prime Minister at 3.35 p.m., then we will take your Question.

Question No.175

INVESTIGATION OF FRAUD IN MARA
CONSERVANCY/OLOOLO GAME RANCH

(Question deferred)

Question No.207

TARMACKING OF EJINJA-BUMULA ROAD

(Question deferred)

Question No.301

PARTICULARS OF PROPERTIES AFFECTED
BY EXPANSION OF THIKA ROAD

(Question deferred)

Question No.156

PROVISION OF SERVICEABLE VEHICLES TO
GARBA TULLA/SERICHO POLICE STATIONS

(Question deferred)

Question No.178

AMPUTATION OF MWANAKHAMISI KOMBO'S
ARM AT COAST GENERAL HOSPITAL

(Question deferred)

Question No.242

ACCESSING OF INFORMATION ON SUPPLEMENTARY
ESTIMATES BY MARS GROUP

(Question deferred)

Question No.188

PROVISION OF CLEAN DRINKING
WATER TO MWEA RESIDENTS

(Question deferred)

PRIME MINISTER'S TIME

Mr. Ngugi: Mr. Speaker, Sir, I have not received a copy of the written answer.

Question No.QPM 008

PROCUREMENT OF INTERTEK INTERNATIONAL SERVICES TO CONDUCT FITNESS TESTS ON MAIZE IMPORTED FROM SOUTH AFRICA

Mr. Ngugi asked the Prime Minister:-

(a) the criteria and procedure the Government used to procure the services of M/s Intertek International Ltd to conduct fitness tests on the maize imported from the Republic of South Africa; and,

(b) the amount of money paid by the Government for the services rendered.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, this Question was asked and answered by the Minister for Industrialization some time back. However, it was referred to the Office of the Prime Minister because of the argument that ensued that day. I would like to state from the outset that I do not have much to add to what the Minister said in this House on that particular day.

However, for the benefit of those who might not have been there, a meeting was held in my office---

Mr. Mungatana: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.40 for a very simple reason. The Prime Minister has been absent from this House for three consecutive sessions. I, and Kenyans expected that the first thing he would do is to, at least, explain where he has been. The Prime Minister has been sending his two deputies here. The first one, Mr. Uhuru Kenyatta runs an extremely busy Ministry. The same case applies to Mr. Mudavadi. In fact, Mr. Mudavadi told us in this House that he was unable to explain---

Mr. Olago: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Olago! Mr. Mungatana is on a point of order! We have to hear him.

Mr. Mungatana: Mr. Speaker, Sir, Mr. Mudavadi said that he was unable to explain a simple issue like the meeting that the Prime Minister had with the Chairman of the Barclays Bank in South Africa regarding the Kshs1.2 billion facility that I raised here. He requested if the matter could await the coming of the Prime Minister to explain it. We are worried that we are not using this time optimally because of his absence. Could the Prime Minister undertake to schedule his foreign visits either when Parliament is on recess or during the days he is supposed to be away, for example, on Thursdays and Fridays? Could he also give an explanation to that effect? What is going on now is not right.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, if the hon. Member will allow me time to explain, I will do so. There is a specific Question that has been asked. I will

make a Statement and deal with those issues after I have answered it. I have very little time. However, there are hon. Members who are in the habit of standing up on points of order and so, we waste a lot of time when we are supposed to deal with substantive issues.

Mr. Mungatana: On a point of order, Mr. Speaker, Sir.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, Mr. Mungatana is doing exactly the same thing. He is notorious for doing that.

Mr. Speaker: Order, Mr. Mungatana! The Prime Minister has undertaken to respond to the issues that you have raised in your point of order.

(Mr. Mungatana moved to the microphone)

Order, Mr. Mungatana! I will have to allow you before you move to the microphone!

Mr. Mungatana: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it? Mr. Prime Minister, let us hear him.

(Mr. Raila remained standing in his position)

Mr. Mungatana: Mr. Speaker, Sir, the Prime Minister should yield. It is the tradition of this House that when a Minister is absent or late, the first thing to do is to explain his or her absence. Where we are dealing with the Prime Minister---

(Several hon. Members stood up in their places)

Mr. Speaker: Order, Mr. Ochieng! Order, Mr. Outa! Let us hear him. Mr. Mungatana, could you get to the point?

Mr. Mungatana: Mr. Speaker, Sir, the point I want to make briefly is that the traditions of this House demand that if a Minister is absent or comes late to the House, he should give an explanation before addressing us. Standing Order No.40 is specific to the Prime Minister. It is only fair that the Prime Minister gives an explanation. That is a reasonable demand.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I have said that I will make a Statement and deal with my absence from the House. I have been longer in this House and I know its traditions.

I want to inform the House that a meeting was held in my Office on 25th February, 2009 specifically to discuss the issue of maize which was then being held at the Port of Mombasa. During that meeting, it became evident that there were conflicting test results which had been carried out by different authorities of the Government. It became incumbent upon us to carry out investigations. The meeting resolved that a team of Permanent Secretaries accompanied by officials from the respective institutions in their Ministries should go to Mombasa, carry out verifications and witness the sampling of maize for fresh tests.

That meeting also resolved that an independent testing authority be appointed to carry out the test. So, as a result of the resolution of that meeting, we used the provisions

of the Procurement Act, in particular Section 74, which allows for quick procurement under circumstances such as this one.

So, there were other testing authorities. One of them was the SGS, which had tested this maize at its port of origin and was, therefore, disqualified on those grounds. The other testing authority, M/s Cotetna, did not have testing facilities at the Port of Mombasa. Therefore, that left M/s Intertek International Limited, which was appointed to go and carry out independent testing. This is provided for by Section 74 of the Public Procurement and Disposal Act, which says:-

“A procurement entity may use direct procurement as allowed under Section 203 as long as the purpose is not to avoid competition.”

This Section goes further to say, in Subsection (3):-

“A procurement entity may use direct procurement if the following are satisfied:-

(a) there is an urgent need for the goods, works or services being procured;
(b) because of the urgency, the other available methods of procurement are impractical;

(c) circumstances that gave rise to the urgency were not foreseeable and were not the result of the deliberate conduct on the part of the procurement entity.”

M/s Cotetna then did carry out the test and charged Kshs25,520. So, I want to inform the House that proper procedure was followed in contracting the agency.

Mr. Speaker: Is there any request for clarification; we will take three? This matter had, at any rate, been dealt with fairly substantively. We will begin with Dr. Khalwale.

Dr. Khalwale: Mr. Speaker, Sir, I remember that when the issue of quality of Alvaro came to this House and it was doubted, the Chairman of the Departmental Committee on Health, Housing, Labour and Social Welfare upon realising that the Kenya Bureau of Standards (KEBS) had already spoken, chose to go all the way to France and Geneva to see whether they would duplicate the same results. So, my question to the Prime Minister is: Aware that the premier quality assurance authority in this country is KEBS, why did you choose to refer the matter to an inferior entity called “Intertek”, instead of opening up your mind and going the international route? Could the Prime Minister clarify if there are any people in Government, who either had something to hide or a special interest in the matter?

Mr. Speaker: Order! Order! Dr. Khalwale, you seek one clarification at a time.

Mr. Baiya: Mr. Speaker, Sir, the Prime Minister did not respond to part (b) of the Question paused.

Mr. Speaker: I thought he gave you the amount of money spent.

Mr. Kambi: Mr. Speaker, Sir, while we appreciate the answer that the Prime Minister has given to this House, the contract, which was entered between M/s Intertek International Limited and KEBS, was to do tests outside Kenya. Why was it done in Kenya? As per the contract, the tests were to be done outside Kenya.

Mr. Speaker, Sir, I table this document for your reference.

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

Mr. Gabbow: Mr. Speaker, Sir, I would like to ask the Prime Minister to tell the House who determines which contracts are urgent? Under whose docket do the contracts that are supposed to be awarded directly fall, because they were actually urgent? We know very well that right now, in Kenya, we have a serious and biting drought, but the Ministry of Water and Irrigation could not be given the indulgence to invoke that Section of the law, so that direct contracts for drilling boreholes in Northern Kenya could be awarded. The Ministry of Finance refused completely to grant the indulgence. Was the maize more important than the drilling of those boreholes?

Mr. Speaker: Your point is made, Mr. Gabbow!

The last one, Ms. Karua!

Ms. Karua: Mr. Speaker, Sir, with your permission, I want to begin by appreciating the Prime Minister's statement in Geneva on Prof. Alston's Report. On this issue, may I ask the Prime Minister if he could tell the House who was the procuring entity for purposes of that contract. Could we see a copy of the contract with M/s Intertek International Limited, for this particular task?

Mr. Ngugi: Mr. Speaker, Sir, the reason this Question was deferred until the Prime Minister got back to the country was because the Minister for Industrialization was not able to satisfy the House. For example, what is the technical capability - both professional and of equipment - of M/s Intertek International Limited *vis-a-vis* KEBS, Government Chemist and Kenya Plant Health Inspectorate Service (KEPHIS)?

Two, if KEBS, the Government Chemist and KEPHIS condemned this maize and then M/s Intertek International Limited said, "This maize is okay", who do we believe? If we believe M/s Intertek International Limited, could the Prime Minister tell us whether these Government bodies are going to be dissolved? If he believes the Government bodies, when are we going to cancel the contract with M/s Intertek International Limited, because we cannot rely on a company that is likely to lead our people to death?

Thank you, Mr. Speaker, Sir.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, for the information of hon. Members, I am going to lay on the table a copy of the minutes of the meeting that decided that an independent testing authority be appointed, and the reasons for the decision.

On the reasons, I will summarise and say that there were conflicting testing results. The KEPHIS results certificate said: "Unfit for human consumption but fit for animal consumption." The KEBS had three certificates. One says: "Unfit for human consumption but fit as animal feed." The second one says: "Unfit for both human and animal consumption."

The third one says: "Fit for human consumption." The certificate by Government Chemist says: "Unfit for both human and animal consumption." So, faced with this kind of unusual situation, where three authorities in the country came up with very conflicting results, it was decided that an independent authority be appointed to test the maize. That was the reason.

Mr. Speaker, Sir, to respond to Dr. Khalwale's question, I have no doubt about the competence of KEBS. I was one of the first professional officers to be employed by KEBS. I know the capacity that they have, and their laboratories. However, if KEBS comes up with a contradictory statement, their reputation and competence

notwithstanding, I am duty bound, as an officer of the Government, to carry out investigations and verify the position.

The work of the Prime Minister is to supervise and co-ordinate functions of Government, including the Ministries. So, I acted in that capacity, because there were several agencies involved. The KEPHIS is under the Ministry of Agriculture. The Government Chemist is under the Ministry of Public Health and Sanitation.

The KEBS is under the Ministry of Industrialization. So, that is how the Office of the Prime Minister comes in. To inform Ms. Karua, that is why the Office of the Prime Minister was the contractor. There are documents available. If they are needed, they will be tabled in the House.

Mr. Speaker, Sir, emergencies are emergencies as they are. This was an emergency because the goods were lying at the Port of Mombasa and the ship owner was threatening to sue because his ship had been delayed there holding the goods for 35 days. We needed to make a decision one way or the other.

In the minutes, which I am going to table, we resolved that because doubt had been raised on this particular consignment, irrespective of the outcome of the test to be carried out by M/s. Intertek International Limited or any other agency, this consignment would not be released for human consumption. That is why we said that there was no need to have these goods sent back to South Africa. If it was not suitable for human consumption, South Africans are also human beings and we would rather destroy it here.

Mr. Speaker, Sir, drought is an urgent matter but that is not an issue that we want to deal with here when we are dealing with the consignment of maize at the Port of Mombasa.

Mr. Speaker: Fair enough!

Rt. Hon. Prime Minister, there was a request amongst those clarification requests that you table documents incorporating the contract. If they be minutes, that will be good enough but they need to be tabled.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I said I do not have the contract with me but I will table them some other time. The documents that I have here are the procurement rules that allow this and the Certificate of Analysis---

Mr. Speaker: Order, Mr. Prime Minister! Those have not been requested for.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I also have a copy of the minutes of the meeting that did resolve that an independent authority be appointed to carry out the tests.

Mr. Speaker: Rt. hon. Prime Minister, it is documents incorporating the contract with Intertek International Limited that are needed. So, ---

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I understand that but somebody also asked how the decision to appoint M/s. Intertek International Limited to carry out the tests was made. I have copy of the minutes that resolved---

Mr. Speaker: Let us have those minutes and you will need to table the documents incorporating the contract.

Mr. Ngugi: On a point of order, Mr. Speaker, Sir. I need your guidance because the Rt. Hon. Prime Minister has not responded to the clarifications that I sought on the technical and professional capability of M/s. Intertek International Limited.

Secondly, I appreciate the responsibility of the Office of the Prime Minister to protect all Kenyans. That is why I am asking, since this so called independent firm has

given a contradicting report to our own Kenya Bureau of Standards (KEBS) and others, what action is he taking to protect Kenyans either to cancel the contract for M/s. Intertek International Limited because we do not believe them or revamp and reorganize the KEBS? I would like some guidance.

Mr. Speaker: Rt. hon. Prime Minister, the hon. Member is concerned that you have not responded to the issues that he raised.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I did say that M/s. Intertek International Limited is an international independent testing authority. It is registered in many industrialized countries where it does tests. It is registered in the United Kingdom (UK), France and several other countries.

Mr. Speaker, Sir, I do not think that Members of Parliament who are conversant with these matters will doubt the qualifications of M/s. Intertek International Limited. I do not want to try to compare the competence of the KEBS and M/s. Intertek International Limited because KEBS is our national institution and we protect our national institutions. However, when doubts are raised, we must therefore, try to verify them. That is the reason we have a bureau of standards. A bureau of standards should be like the Caesar's wife. But if it comes out with three different certificates which are conflicting, what do you do? You would do exactly what we did and I am sure the hon. Member, faced with a similar situation would not have acted differently.

Mr. Speaker: Rt. Hon. Prime Minister, are you prepared to undertake to protect the KEBS?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, to the extent that the KEBS maintains professional integrity, I will protect it. If doubts are raised about the work of the KEBS, I will investigate them. That is my responsibility.

Dr. Eseli: On a point of order, Mr. Speaker, Sir. Is the Rt. Hon. Prime Minister in order to mislead this House? While I do not claim to be an expert in maize testing, what I know is that the initial test that will be done, will be to find out if this substance is suitable for human consumption. After that---

Mr. Speaker: Order, Dr. Eseli! We have rules to respect. We closed requests for clarifications with the last clarification being sought by the Questioner. Therefore, if you are introducing another matter---

Dr. Eseli: It is not another matter, Mr. Speaker, Sir.

Mr. Speaker: So, what is your point of order then, in relation to the response made by the Rt. Hon. Prime Minister?

Dr. Eseli: Mr. Speaker, Sir, the Rt. Hon. Prime Minister is misleading the House because the testing of the maize by the KEBS or all the other laboratories is showing what is purported to be conflicting results and that is not the case. They were just results at a certain stage of testing.

Mr. Speaker: Rt. Hon. Prime Minister, would you want to respond to that?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member is a professional, I would like him to come here and look at the results. One says the maize is unfit for human consumption but fit as animal feed. The second one says, unfit for both. Another one says fit for both. This is unprofessional.

I promised the House that I was going to make a Statement on Green Energy---

Mr. Speaker: Order, Rt. Hon. Prime Minister! When will you table the contract?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, when the House sits next.

Mr. Kambi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Kazungu! The Prime Minister is responding to a direction from the Chair.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the document will be available during the next sitting of the House.

Mr. Speaker: Next Wednesday is fair enough?

The Prime Minister (Mr. Raila): Yes, Mr. Speaker, Sir.

Mr. Kambi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it Mr. Kazungu?

Mr. Kambi: Mr. Speaker, Sir, I appreciate the answer by the Prime Minister. However, the document the Prime Minister is promising to bring on Wednesday is the same one I already laid on the Table.

Mr. Speaker: Order, Mr. Kazungu! That is anticipating the future. So let us wait until the Rt. Hon. Prime Minister tables the document.

Mr. Gabbow: Mr. Speaker, Sir, now that one of the highest authority in this country has put doubt on the KEBS, is there any need for the existence of KEBS?

Mr. Speaker: Order, Mr. Gabbow! When you say, “the highest authority in Kenya” what do you have in mind?

Mr. Gabbow: Mr. Speaker, Sir, I said one of the highest. I am considering that this is a Grand Coalition Government.

Mr. Speaker: I think the Rt. Hon. Prime Minister responded to that. I did direct him to give an undertaking to the House that he will protect the KEBS. That undertaking has been forthcoming. That should rest the matter.

Mr. Olago: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Olago? It had better be a point of order that is relevant to what has immediately transpired.

Mr. Olago: Mr. Speaker, Sir, this is a fundamental point of order. It relates to an issue that was raised by my very good friend, Mr. Mungatana, which the Prime Minister has thought wise not to respond to. I think it is very fundamental. Mr. Mungatana raised the issue that the Rt. hon. Prime Minister has been absent consistently from the House and that he owes the House an apology. The issue which Mr. Mungatana has deliberately left out is the fact that the Rt. hon. Prime Minister can choose to delegate to any of his Deputy Prime Ministers. That is set out under Standing Order No.40 (3).

Mr. Speaker: Order, Mr. Olago! That really speaks for itself. I did not think we would go that way. Even the Chair is able to read these Standing Orders. I thought that the HANSARD has the record of who acted in the absence of the Prime Minister. Therefore, let us not belabour it really. Let us not go that way, please. It is not very helpful. I know it may be helpful to some extent but not really.

(Laughter)

The Prime Minister (Mr. Raila): Thank you, Mr. Speaker, Sir. I want us to spend our time much more seriously in the House. We have spent too much time on that issue. On the issue of laying on the Table the contracts for Kshs25,000, if we go to the extent of doubting the honesty of the Government with regard to Kshs25,000, we will be going too far. I do not want to go that route. I now want to address a more substantive issue.

Mr. Mungatana was concerned that the hon. Prime Minister has been away for three consecutive weeks and that he owes an apology to the House. It is not an apology that the Prime Minister owes the House because out there, the Prime Minister was also on Government duties. The Standing Orders, as Mr. Olago, has pointed out allow the Prime Minister to delegate duties. What I owe the House is to say what I was doing outside there.

In South Africa, Cape Town, I attended the World Economic Forum which was discussing issues of development in Africa in the light of the global recession and the investment climate in Africa at this time. I was accompanied by the Minister for Trade, Mr. Kimunya. Thereafter, I was invited to give a keynote address to the UN Conference on Climate Change and Disaster Risk Reduction and Management in Geneva. That is the reason why I was not able to be in the House at that time.

DEVELOPMENT OF GREEN ENERGY

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I had promised that I would talk to the House today on a subject which is of extreme importance to our country; that is the subject of development of the green energy. Energy is the engine of an economy. Energy drives our industries. Therefore, unless we are able to generate sufficient energy in our country, we face a very grim future. The economic conditions in Kenya remain very difficult. The energy costs continue to be prohibitively high and its supply remains grossly inadequate. Factories and households are equally hurt from the high energy costs. The high energy costs are making our manufacturers less competitive in the regional market. The energy situation is expected to worsen as the expansion of power generation capacity has not matched the demand. Our current installed capacity is 1,200 megawatts. Our demand is almost equal to that. About 70 per cent of our generation is hydro-based and based primarily on rivers. As drought continues, we continue to experience serious problems with our generation. In order to boost economic activity through adequate supply of energy at low cost and at the same time to move into transforming Kenya into a green economy, the Grand Coalition Government intends to launch an Accelerated Green Energy Development Initiative over the next 36 months.

The target is the installation of an additional power generation of 2, 000 megawatts by June, 2012 through the accelerated construction of:-

- (a) geothermal power plants;
- (b) wind and solar power plants;
- (c) bio-fuel power co-generation plants;
- (d) biomass, solid wastes and other recycled power generating facilities;
- (e) conversion from conventional energy application devices to energy saving ones including light bulbs in institutions, homes and private enterprises and,
- (f) environmentally compliant coal fired plants.

To this end, a national taskforce on Accelerated Development of Green Energy has been formed to steer the accelerated development of green energy. The taskforce consists of a steering committee and a group of experts. The taskforce will identify and recommend a package of technical and financial measures that will promote the accelerated development of green energy power generation projects through public and private partnerships.

Two, it will investigate and recommend a package of measures that will significantly expedite the construction and commissioning of up to more than 2, 000 megawatts power plants by June, 2012.

Three, it will identify and recommend a package of measures that will, within existing multi-lateral arrangements and green energy, generate carbon credit for Kenya with the most advantageous terms. This taskforce is authorized to liaise with development partners and other specialized institutions and private investors in the discharge of its mandate. The taskforce shall complete its work and submit an implementation matrix to the Cabinet not later than the end of August, 2009. Thereafter, the taskforce shall coordinate the national implementation of the measures recommended and approved by the Cabinet during the period of August 2009 and June, 2012.

I wish to lay on the Table a copy of Gazette Notice No.6065 dated 9th June 2009 on the taskforce. With this, we will be able to complement our current generation capacity. We have sufficient geothermal reservoir within the Rift Valley. We also have sufficient wind power in a number of areas in our country such as Marsabit, Maralal and Lamu. We also have enough sunshine and solar energy is available and abundant in this country and we want to harness it.

Mr. Speaker, Sir, finally, I want to say that we should not be shy of looking at nuclear as a source of energy. We are exploring the serious possibility of introducing nuclear energy in our country. We must move beyond the 1,000 megawatts to over 10,000 megawatts over the next ten years. That is when investors will come to invest in this country. No serious investor will come when they are told that the entire power generation capacity of Kenya is 1,200 megawatts.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Hon. Members, we will take three clarifications only. Please, note that this is a Supply Day and we are constrained with time.

We will begin with Mr. Lekuton. Please, keep your requests brief!

Mr. Lekuton: Mr. Speaker, Sir, I think the Prime Minister's speech was excellent. It is time that this country woke up and realised that the world is changing. In some countries like the United States of America and even China, as I mentioned before in one of my Questions last time, by 2030 at least 40 per cent of their power will come from renewable energy. I think the Prime Minister's speech and his visit to South Africa was excellent and I appreciate it.

However, I would like the Prime Minister to clarify something. We are going towards clean energy and the carbon credit point. We also have another hazard in our country. Our country has no gas emission qualifications and standards. We have vehicles and motor cycles which continually destroy our air and pollute our environment. I would like to urge the Prime Minister that as we continue to talk about the clean air, getting wind energy and solar power, we should also seriously look at the amount of pollution emitted by our vehicles, trucks and motor cycles.

With those few remarks, I would like to give my friends a chance to contribute. I wish to support the Prime Minister 100 per cent.

Mr. Ethuro: Mr. Speaker, Sir, I also wish to congratulate the Rt. hon. Prime Minister for this good initiative.

I had occasion to look at the maps of continents at night. All of them were brighter except the African Continent, which was dark because of the low output of

power. I would like the Prime Minister to clarify whether the 2,000 megawatts of electricity that we require is not part of the deal between the Kenyan Government and the Ethiopian Government, as a result of damming River Omo, hence causing untold suffering both ecological and economic to the communities around Lake Turkana.

Mr. Speaker, Sir, could he also confirm further that the Kenyan Government has actually not entered into an agreement with the Ethiopian Government for the supply of electricity over the blood of our people?

Finally, could the Prime Minister confirm that there is an existing Inter-Ministerial team between Kenya and Ethiopia, just like the River Rhine states of River Nile Treaty?

Mr. Ngugi: Mr. Speaker, Sir, I also want to enjoin my colleagues in congratulating the Rt. hon. Prime Minister for that speech. This is foresight, proactive and what we would like to see this Government do.

Having said that, the Prime Minister has stated that 70 per cent of our power is hydro generated. The others include geo-thermal, wind and bio-fuel which constitute 30 per cent of power production. We did not hear from him how we will protect the 70 per cent production which has reduced because rivers are drying up and the water towers are not being protected. In addition, our forest cover has declined instead of increasing.

Mr. Speaker: Mr. Mungatana, we will make an exception only if you seek your clarification in one minute.

Proceed!

Mr. Mungatana: Mr. Speaker, Sir, I also thank the Prime Minister for his speech. According to the Economic Survey of 2009, the petroleum import bill increased from Kshs113 billion in 2006 to Kshs121 billion in 2007. Therefore, it is a good and proactive move when we look at new sources of energy. I join the other Members in supporting the Prime Minister.

However, when the Independent Power Producers (IPPs) were introduced in the country, and I believe the Prime Minister was the then Minister for Energy, the mode of paying the IPPs was very expensive to the consumer. In fact, the Chair will remember that, that made the cost of electricity almost ten times the one of South Africa. Kenyans are worried. What will the Prime Minister do to ensure that the task force that he gazetted on 15th June this year will put measures that will protect Kenyan consumers? He has told us that he will set up wind and solar-generated plants. We thank him and his task force for those plans. However, what will the Prime Minister do to protect the Kenyan consumer against the exorbitant prices that we experience to date because of the IPPs that were introduced a few years ago?

Mr. Speaker: Rt. hon. Prime Minister, try and finish in seven minutes!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I agree entirely with Mr. Lekuton about the pollution of our environment by what we call “vehicular pollution”. There are emission standards that need to be enforced by the authorities, but are not being enforced. Other countries have made the use of bicycles in certain circumstances mandatory. If you visit a country like Netherlands, you will find many people riding bicycles. The same thing happens in China. They use muscle power rather than vehicular power. This is something that should be explored. I will propose that the task force also looks into this by factoring the use of other alternative means of transport. This will require that we also create special lanes so that cyclists are not endangered by motorists.

Mr. Speaker, Sir, I share the concerns of Mr. Ethuro about River Omo and what is going on there. At the moment, the Ethiopians are constructing a large dam on River Omo which will have the effect of diverting the water. This will affect the water level at Lake Turkana. I confirm that negotiations between our Government and the Government of Ethiopia are on-going to ensure that once completed the dam will leave enough water, so that the water level of Lake Turkana does not recede.

Mr. Speaker, Sir, hon. Ngugi knows my patience about our water towers. We have in this country---

(Loud consultations)

Mr. Speaker, Sir, hon. Members are consulting very loudly.

Mr. Speaker: Order, hon. Members! Please, lower the level of your consultations, so that we can hear the Prime Minister!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, we have five water towers in our country; namely, Mt. Kenya, Aberdares, Cherangani, Mt. Elgon and the Mau Complex. Of the five towers, Mau Complex is the largest. At the moment, the Mau Complex is threatened by settlers who are living on it. Mt. Kenya was also threatened, but the Government moved in and removed the settlers. Some of them have been settled elsewhere. Measures have been taken to fence the Aberdares. So, most parts of the Aberdares have been fenced off although there are still threats of incursions. We still have problems in Cherangani, but the Government is taking action. The same thing with Mt. Elgon.

Mr. Speaker, Sir, hon. Members will realise that I have set up a taskforce on Mau Complex. It has completed its work and produced a report which we are in the process of discussing among various stakeholders before taking it to the Cabinet and finally bringing it to this House. However, I want to promise the House that when we resume after the short recess; that is, by next month, we will be ready to bring the report before this House for discussion and approval.

Finally, yes, the petroleum bill is very heavy. Most of the IPPs use fuel oil or diesel which is very expensive. That has the effect of raising the tariffs. That is the reason our energy is very expensive. Before 2003, there were agreements which were signed by the Government which were fairly skewed in favour of the investor. That is the reason the tariffs were very high. But beginning from 2003 onwards, those tariffs have been reviewed by the Government and they are continuing to be reviewed to bring them down. This is because the high cost of energy in our country is making our industries less competitive in the regional and international markets. There is no way a manufacturer who is paying between eight to eleven cents per unit can compete with the manufacturer in South Africa or in Egypt who is paying two to three cents per unit. Therefore, every effort will be made by the Government to lower the cost of energy, not only for domestic consumers, but also for industrial consumers.

Mr. Speaker, Sir, this under the green energy we will look at production of cost saving bulbs. There are bulbs which consume about an eighth of what is consumed by the bulbs currently within our homes. By promoting production and distribution of cost saving bulbs, we will be saving as much as 40 megawatts in the country. That is a very substantial figure.

Thank you.

(Mr. Mungatana stood up in his place)

Mr. Speaker: Fair Enough! What is it, Mr. Mungatana!

Mr. Mungatana: Mr. Speaker, Sir, the Prime Minister gave a good answer, but there is something he has failed to address. The geothermal power plants that he promised he would build, the wind and solar power plants, biomass power plants, among others. What measures is he going to take to make sure that we do not have those costs? What measures will he take to make sure that it does not become another IPPs or expensive venture that we, as Kenyans, will bear in the final analysis of this green energy movement?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I appreciate the hon. Members' concern. That is reason we have set up the task force consisting of experts chaired by the Prime Minister. We have Ministers in there. Once the experts come up with their report, they will bring it to a committee that is chaired by the Prime Minister. We will finally look at it before it is taken to the Cabinet. Finally, that report will be brought to this House for approval. What we want is to ensure that the cost is reduced so substantially that Kenya can become competitive in the regional and international markets.

Mr. Speaker: Hon. Members, in view of the time we have so far spent, we would continue our business until 6.57 p.m.

Next Order!

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION

VOTE ON ACCOUNT

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, on 11th June, 2009, I tabled before the House Estimates for the Financial Year 2009/2010. During this time and thereafter, I have received overwhelming encouragement and support from hon. Members and Kenyans in general. I would like to take this opportunity to thank hon. Members for their valuable contributions that informed the 2009/2010 Budget Speech and their continued support. I would also wish to thank my fellow Kenyans for the positive feedback on the Grand Coalition Government's development agenda that we intend to implement in the ensuing year.

Mr. Speaker, Sir, the Budget Estimates include proposal on taxation and expenditure projections. These two components will be subject of in-depth deliberations by this House during sessions of Committee of Ways and Means and the Committee of Supply. Before the commencement of these deliberations, I am sure hon. Members will have ample time to scrutinise resource allocation in detail as provided in the Budget Estimate books for the Financial Year 2009/2010.

Mr. Speaker, Sir, as mentioned during the presentation of the Budget Estimates, the world economy is facing the worst recession since the great depression and it is adversely affecting both the developed and developing nations. Developed countries----

Mr. Speaker: Order! Deputy Prime Minister and Minister for Finance we have reminded you about this one before. My Clerks-at-the Table who keep the record when I am otherwise detracted intimate that you have still not moved the Motion. You have not read it out.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, I beg to move:-

THAT, in accordance with Section 101 of the Constitution of Kenya, the withdrawal of Kshs283,860,390,124 representing one-half of the total net estimates of Recurrent and Development Expenditure made up in the manner set out in the Vote on Account Schedules laid in the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending on the 30th June, 2010 until such time as the Appropriation Act for the year comes into operation.

**(His Excellency The President has given
his consent to this Motion)**

VOTE ON ACCOUNT SCHEDULE (RECURRENT) FINANCIAL YEAR 2009/2010

Estimates Showing The Several Services For Which A Vote On Account is Required for the Year Ending 30 th June, 2010			
Vote No.	Services	Total Net Estimates	Vote on Account
R01	Ministry of State for Provincial Administration and Internal Security	39, 954,489,000	19,977,244,500
R02	State House	958,061,000	479,030,500
R03	Ministry of State for Public Service	1,422,211,800	711,105,900
R04	Ministry of Foreign Affairs	6,966,068,000	3,483,034,000
R05	Office of the Vice-President and Ministry of Home Affairs	9,805,300,000	4,902,650,000
R06	Ministry of Planning, National Development and Vision 2030	6,301,035,000	3,150,517,500
R07	Office of the Deputy Prime Minister and Ministry of Finance	20,104,040,100	10,052,020,050
R08	Ministry of State for Defence	44,399,000,000	22,199,500,000
R09	Ministry of Regional Development Authorities	835,080,400	417,540,200
R10	Ministry of Agriculture	7,663,876,960	3,831,938,480
R11	Ministry of Medical Services	21,188,398,000	10,594,199,000
R12	Office of the Deputy Prime Minister and Ministry of Local Government	907,200,00	453,600,000
R13	Ministry of Roads	1,355,400,000	677,700,000

R14	Ministry of Transport	1,400,555,560	700,277,780
R15	Ministry of Labour	1,128,041,900	564,020,950
R16	Ministry of Trade	1,590,505,180	795,252,590
R17	Ministry of Justice, National Cohesion and Constitutional Affairs	2,016,002,600	1,008,001,300
R18	Ministry of Gender, Children and Social Development	2,584,796,200	1,292,398,100
R19	Ministry of Livestock Development	3,147,400,000	1,573,700,000
R20	Ministry of Water and Irrigation	3,336,967,570	1,668,483,785
R21	Ministry of Environment and Mineral Resources	2,001,500,000	1,000,750,000
R22	Ministry of Cooperative Development and Marketing	923,000,000	461,500,000
R23	Cabinet Office	1,085,006,000	542,503,000
R24	Ministry of East African Community	912,386,570	456,193,285
R25	State Law Office	1,011,600,000	505,800,000
R26	Judicial Department	1,953,300,000	976,650,000
R27	Public Service Commission	403,935,220	201,967,610
R28	Kenya National Audit Office	1,351,305,910	675,652,955
R29	National Assembly	7,685,893,530	3,842,946,765
R30	Ministry of Energy	197,179,040	98,589,520
R31	Ministry of Education	116,874,507,900	58,437,253,950
R32	Ministry of Information and Communications	1,136,706,880	568,353,440
R33	Interim Independent Electoral Commission	1,251,000,000	625,500,000
R34	Kenya Anti-Corruption Commission	1,338,000,000	669,000,000
R35	Ministry of State for Special Programmes	3,002,322,880	1,501,161,440
R36	Ministry of Lands	1,436,963,200	718,481,600
R40	Ministry of State for Immigration and Registration of Persons	780,464,620	390,232,310
R41	Ministry of State for National Heritage and Culture	1,758,600,000	879,300,000
R42	Ministry of Youth Affairs and Sports	5,272,697,100	2,636,348,550
R43	Ministry of Higher Education, Science and Technology	21,601,532,500	10,800,766,250
R44	Ministry of Housing	921,064,830	460,532,415
R45	National Security Intelligence Service	9,516,300,000	4,758,150,000
R46	Ministry of Tourism	1,604,252,100	802,126,050
R48	Office of the Prime Minister	1,275,200,000	637,600,000
R49	Ministry of Public Health and Sanitation	6,914,000,000	3,457,000,000
R55	Ministry of Forestry and Wildlife	3,573,100,000	1,786,550,000
R56	Ministry of Fisheries Development	1,115,324,480	557,662,240

R57	Ministry of Nairobi Metropolitan Development	338,262,930	169,131,465
R58	Ministry of Development of Northern Kenya and Other Arid Lands	314,700,000	157,350,000
R59	Ministry of Public Works	1,364,300,000	682,150,000
R60	Ministry of Industrialization	1,099,000,000	549,500,000
R61	Interim Independent Boundaries Review Commission	351,000,000	175,500,000
SUB TOTAL		Kshs 377,428,834,960	188,714,417,480

**VOTE ON ACCOUNT SCHEDULE (DEVELOPMENT) FINANCIAL YEAR
2009/2010**

ESTIMATES showing The Several Services For Which A Vote On Account is Required for the Year Ending 30 th June, 2010			
Vote No.	Services	Total Net Estimates	Vote on Account
D01	Ministry of State for Provincial Administration and Internal Security	3,573,020,000	1,786,510,000
D02	State House	239,000,000	119,500,000
D03	Ministry of State for Public Service	405,040,000	202,520,000
D04	Ministry of Foreign Affairs	1,055,000,000	527,500,000
D05	Office of the Vice-President and Ministry of Home Affairs	1,796,000,000	898,000,000
D06	Ministry of Planning, National Development and Vision 2030	14,361,500,180	7,180,750,090
D07	Office of the Deputy Prime Minister and Ministry of Finance	22,381,840,940	11,190,920,470
D09	Ministry of Regional Development Authorities	2,582,067,210	1,291,033,605
D10	Ministry of Agriculture	4,048,430,000	2,024,215,000
D11	Ministry of Medical Services	2,532,700,000	1,266,350,000
D12	Office of the Deputy Prime Minister and Ministry of Local Government	3,098,715,430	1,549,357,715
D13	Ministry of Roads	28,799,100,000	14,399,550,000
D14	Ministry of Transport	3,020,800,000	1,510,400,000
D15	Ministry of Labour	450,620,000	225,310,000
D16	Ministry of Trade	688,410,000	344,205,000
D17	Ministry of Justice, National Cohesion and Constitutional Affairs	217,035,000	108,517,500
D18	Ministry of Gender, Children and	1,983,377,700	991,688,850

	Social Development		
D19	Ministry of Livestock Development	1,232,060,230	616,030,115
D20	Ministry of Water and Irrigation	13,724,122,865	6,862,061,433
D21	Ministry of Environment and Mineral Resources	1,566,618,920	783,309,460
D22	Ministry of Cooperative Development and Marketing	223,200,000	111,600,000
D23	Cabinet Office	205,000,000	102,500,000
D24	Ministry of East African Community	120,900,000	60,450,000
D25	State Law Office	69,300,000	34,650,000
D26	Judicial Department	580,500,000	290,250,000
D30	Ministry of Energy	20,819,111,700	10,409,555,850
D31	Ministry of Education	16,153,817,500	8,076,908,750
D32	Ministry of Information and Communications	3,264,300,000	1,632,150,000
D34	Kenya Anti-Corruption Commission	50,000,000	25,000,000
D35	Ministry of State for Special Programmes	3,105,740,000	1,552,870,000
D36	Ministry of Lands	450,400,000	225,200,000
D40	Ministry of State for Immigration and Registration of Persons	1,914,350,000	957,175,000
D41	Ministry of State for National Heritage and Culture	427,505,000	213,752,500
D42	Ministry of Youth Affairs and Sports	3,284,584,100	1,642,292,050
D43	Ministry of Higher Education, Science and Technology	3,858,000,000	1,929,000,000
D44	Ministry of Housing	2,194,000,000	1,097,000,000
D46	Ministry of Tourism	1,269,000,000	634,500,000
D48	Office of the Prime Minister	392,432,932	196,216,466
D49	Ministry of Public Health and Sanitation	9,266,440,000	4,633,220,000
D55	Ministry of Forestry and Wildlife	1,698,128,850	849,064,425
D56	Ministry of Fisheries Development	1,306,526,000	653,263,000
D57	Ministry of Nairobi Metropolitan Development	1,420,156,310	710,078,155
D58	Ministry of Development of Northern Kenya and Other Arid Lands	3,895,724,420	1,947,862,210
D59	Ministry of Public Works	5,091,400,000	2,545,700,000
D60	Ministry of Industrialization	1,475,970,000	737,985,000
SUB TOTAL		Kshs 190,291,945,287	95,145,972,644
GRAND TOTAL		Kshs 567,720,780,247	283,860,390,124

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, as mentioned during the presentation of the Budget Estimates, the world economy is facing the worst recession since the Great Depression and it is adversely affecting both the developed and developing nations. Developed countries have heavily intervened to mitigate their economies against the adverse effects. However, the anticipated positive results are yet to be realized, thus leaving the developing countries exposed and vulnerable. The challenges presented by the global recession, coupled with the effects of the post-election crisis, food shortage due to failure of the short rains last year, a slump in economic performance, high food and fuel prices and rising unemployment are causing misery and suffering to our people.

Mr. Speaker, Sir, aware of the socio-economic challenges the country is facing, the Budget Estimates that I presented two weeks ago outlined bold and appropriate policy measures that we must undertake in order to restore the economy to a higher growth path and expand economic opportunities, create employment and protect the livelihoods of the poor and vulnerable members of our society.

Hon. Members may recall that I did emphasize on the need to restore the confidence of the Kenyan people in our country and indeed, in the existing institutions. I also emphasized on the need to build a cohesive and prosperous nation. As a Government, we are committed to these goals and it is with this in mind that we allocated funds to spur rapid economic growth, address issues related to the poor and vulnerable, expand physical infrastructure and accelerate implementation of the reform agenda as stated in the National Accord of 2008. In addition, we allocated conditional grants as an economic stimulus at the constituency level to minimize regional imbalances in allocation of resources.

Mr. Speaker, Sir, I am indeed aware that the concern of most hon. Members and indeed, Kenyans is how the good policies and strategies outlined in the Budget, particularly, the stimuli package shall be implemented in a timely manner. I wish to assure hon. Members that as I stated in my speech, the implementation of the economic stimuli shall be done through the existing Constituencies Development Fund (CDF) framework. I have no doubt in my mind that the CDF framework has generally served us well and should therefore, be adopted for quick implementation of the stimulus package. In this regard, Treasury will ensure that this is done immediately on commencement of the new Financial Year.

In compliance with the law, the Government of Kenya will close the financial books relating to the 2008/2009 on the 30th June, 2009. The authority that was granted by this House to withdraw funds from the Consolidated Fund applies then towards the provisions of goods and services, will accordingly expire. Consequently, I am requesting Parliament to authorize the withdrawal from the Consolidated Fund of monies not exceeding one-half of the total net sums included in the estimates of Recurrent and Development Expenditure for the Financial Year, 2009/2010. This is to facilitate the Government to continue offering services uninterrupted until such time that the Appropriations Act is enacted by Parliament and becomes operational.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, the net estimates of the Recurrent Expenditure amount to Kshs377,428,834,960 for which I am requesting for an approval of money not exceeding Kshs188,714,417,480 and that for the net Development Expenditure amount to Kshs190,291,145,287 for which again, I am requesting for the approval of monies not exceeding Kshs95,145,972,644. In this regard, I am requesting Parliament to authorize the withdrawal of a total of Kshs283,860,390,124 from the Consolidated Fund. The funds sought will be used for payment of salaries for public servants and to meet operations and maintenance expenses under the Recurrent Vote while those sought under the Development Vote are to be used to implement development programmes including the economic stimulus package for constituencies.

Mr. Deputy Speaker, Sir, this is a procedural Motion and I therefore, call upon hon. Members to pass it to enable Treasury to release funds to line Ministries at the commencement of the new Financial Year on 1st July, 2009.

In conclusion, I wish to assure hon. Members that the funds being sought shall be utilized efficiently for the purposes and to provide services for which this House has approved. Financial discipline and economy will be our guiding principles to achieve micro-economic stability and indeed, attain our development goals. We shall also continue to strengthen the capacity of Government departments at the district level so as to ensure and enable provision of timely technical support which is a requisite for the programme and project implementation and also for monitoring and evaluation. I urge hon. Members to enhance the utilization of the pool of skills and knowledge in order to enhance quality implementation of programmes and projects.

With those few remarks, I beg to move.

Mr. Deputy Speaker: Who is seconding?

The Minister for Energy (Mr. Murungi): Mr. Deputy Speaker, Sir, I beg to second.

(Question proposed)

Mr. Ogindo: Mr. Deputy Speaker, Sir, I rise to propose an amendment to the said Motion. I want the Motion to be amended by deleting the words “one-half” appearing immediately after the word “representing” and inserting the words “30 per cent” in the place thereof---

Mr. Deputy Speaker: Order, hon. Member! The tradition of the House is that when you want to move an amendment on such a Motion, you allow other hon. Members to contribute. Allow hon. Members to ventilate on the Motion itself first.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I agree with your ruling. I am in a very great personal dilemma whether to support the Deputy Prime Minister and Minister for Finance, which is a natural inclination because I think he has done a good job, but I am also informed by greater wisdom that the facts dictate that I do not support it. Let me put the facts on the table and the House will decide for itself.

First, the Deputy Prime Minister and Minister for Finance claims that this is a procedural Motion. He has quoted the Constitution of the Republic of Kenya, a Constitution that he aspires that in the near future, to swear to defend. It cannot be

procedural. It is also working on assumption that until such time that the Appropriation Act for the year comes into operation. The assumption here is that by the end of October, you do the guillotine. Those were the old Standing Orders. We have moved on. The new Standing Orders state that by the end of August, we will have finished with the business of the Government. So, what justification does he have apart from traditions for asking for 50 per cent which is between July and December, if by the end of August, we are going to give him everything he needs. He needs to move with the House. The House has moved with Kenya and he cannot be the only one remaining behind.

Mr. Deputy Speaker, Sir, my other misgiving is that I have never known why we give the Minister for Finance 50 per cent of the money and yet, the CDF Committee never gets all the money. He has increased CDF and I agree with him but let us walk the talk. There is an outstanding amount of Kshs2 billion.

There is still Kshs2 billion outstanding for the current financial year. I want to take this earliest opportunity to give warning to the big five in the Government like the big five in the wild that failure to release this money, we are not going to release money for the famous constituencies of Othaya, Langata and Gatundu South. Where do they expect us to get the money from if they cannot release it?

(Applause)

(Mr. Ethuro laughed)

Mr. Deputy Speaker: Proceed, Mr. Ethuro! You are amused by your own statement!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I think I have given sufficient warning and since I know and pray that he will be there next year in the same Ministry, I will bite that time. For now, I will allow him to get away with this one.

With those few remarks, I beg to support.

Mr. Bahari: Mr. Deputy Speaker, Sir, I want to support this Motion because the Minister just read the Budget Speech the other day and it was quite in line with the thinking of Kenyans. We are in a rush to implement those thoughts. Because of this, I have no option other than to support the Minister while I agree with my colleague, Mr. Ethuro, that perhaps, times have changed so that this Ministry must also change. But I would be very reluctant given where I come from, where there is a lot of drought and Kenyans are suffering in that place. There is no water and food. It behoves me to support--

*(Mr. Kenyatta and Mr. E.I Mohamed
consulted loudly)*

Mr. Deputy Speaker: Order, hon. Ministers! You listen to the hon. Member!

Mr. Bahari: Mr. Deputy Speaker, Sir, it behoves me to support this Motion without any reluctance.

So, without wasting time, I beg to support.

Mr. Deputy Speaker: I think the Minister meant routine. It is a substantive Motion that is being debated now. When you say a Procedural Motion, it is that you want to---

(Several hon. Members stood up in their places)

Mr. Okemo has the Floor! I want to believe that the Minister meant routine; tradition!

Mr. Okemo: Mr. Deputy Speaker, Sir, looking at the HANSARD when we were debating the Vote on Account last year, if one takes the trouble to go that far back, there were many comments that were made, some by me and some by other hon. Members. It is unfortunate that I do not think the Minister took the trouble to look at the concerns and comments that hon. Members made last year when his predecessor laid the Vote on Account for the year 2008/2009 on the Table.

One of the concerns that was raised in this House was that we would like the Minister to justify the maximum provision under the Constitution which is 50 per cent by making an attempt to show the implementation status for the same period last year. For example, to say when we asked for a Vote on Account, 2008/2009, we got 50 per cent which was so much. During that period, by the time the Appropriations Bill was passed and became an Act of Parliament, we actually spent so much of that Vote on Account so that we are able to see that, indeed, there is a strong justification for asking for 50 per cent and not 40 per cent or 30 per cent. So, that is one observation I made. I thought that in moving the Motion, the Minister would have shown some implementation status to show how much money was spent out of the Vote on Account. That did not happen! So, I am a little concerned about that.

The other thing that I thought the Minister would have done would be to show up to date – I know that he did it when he presented the Supplementary Estimates, the actual expenditure up to date – but he should have highlighted areas where he spent less than was provided for or where he spent more or spent exactly what was budgeted for. That really gives us some feel for whether this 50 per cent that he is asking for now is justified or not. I was chatting with Mr. Ogindo about his amended Motion and I said it suffers exactly the same shortcomings as the Minister's because he has just thrown a figure and the Minister has thrown a figure. So, there is no difference. Therefore, if there had been an attempt to justify Vote by Vote, how much is required, and I think that should be done in future, so that we know. In fact, some of the Votes, I know that he may even require more than 50 per cent. I know that from experience! For some Votes, he will require 50 per cent to be spent immediately because of contractual obligations. Some will be linear; in other words, it will be equal amounts per month. So, when he puts that some total of requirements, it might probably end up with 60 per cent but let us see the actual figures to justify. So, I believe that since the Minister has taken a shortcut and everybody is showering praise on him although I know that there are going to be a lot of challenges ahead--- In fact, I am worried because when they say we are in a hurry to pass this Motion so that we can implement and yet when you look at the implementation structures on the ground, they are not there--- He has said we are going to implement the Budget in accordance with the Constituencies Development Fund (CDF) framework; I do not know what that means, but whatever it means, if we have to use the existing law as the CDF

prescribes, there is no mechanism for getting money from the line Ministries at the constituencies level to go to the CDF framework. That has not happened and we are going to start spending money from 1st July, 2009.

(Applause)

So, I think our nightmares are going to begin at that time. I do not know whether the Minister has addressed that issue yet because we have only a few days before 1st July. For example, the Ministry of Education at the constituency level, we have talked of a model; a centre of excellence worth Kshs30 million. How is that money going to move from the Ministry of Education's Vote at the constituency level to the CDF kitty? How is that going to happen? We are not clear here. So, there is going to be tags of war between hon. Members and line Ministries as to who is in control. I think that must be addressed very quickly before we go too far into the financial year.

Mr. Deputy Speaker, Sir, I also would like to inform the Minister that as I said in some earlier contributions, I have a problem with the revenue---

(Several hon. Members stood up in their places)

Is my time up?

Mr. Deputy Speaker: Indeed, yes!

Mr. Okemo: Mr. Deputy Speaker, Sir, I will reluctantly support him because of the mood in the House.

(Laughter)

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Thank you, Mr. Deputy Speaker, Sir, I beg to support this Motion.

The Minister for Finance has asked for the authority to withdraw 50 per cent of the coming financial year Budget in order to make the Government departments run. I want to support him because there are some Government Departments or Ministries, if not all, that need urgent attention, for instance, the Ministry of State for Special Programmes. Our people in some areas need a lot of relief food like the area I come from. We cannot wait until August or October for the authority to withdraw money for that purpose to be given by this House. So, I urge this House that we consider this Motion positively because of the plight of those Kenyans living on relief food.

We also have the commission that this House has just formed; the Interim Independent Commission on Boundary Review (IIBRC) and I think it is high time that we also give them money to start their work immediately because those are some of the reforms that we are saying as Kenyans that they need to be addressed urgently.

Mr. Deputy Speaker, Sir, when the Minister was moving this Motion, he talked of timely implementation of this Budget. I want to remind him that the flow of funds in the just ending financial year has not been good at all.

It is good that the Minister for Finance really walked the talk by assuring this House and Kenyans at large, that there is going to be timely implementation of the Budget, starting from 1st of July, 2009, which is just next week, we better adhere to that.

If you look at some of the projects that were actually planned for the last financial year, and the closing of the financial year was today in all Government Ministries, they have not been done. So, we may be forced to spend money for the coming financial year to do projects that were budgeted for the last financial year.

Finally, Mr. Deputy Speaker, Sir, I would also like to urge the Deputy Prime Minister and Minister for Finance that in future, they should consider allocating more money to Development Expenditure or more money should go to development projects rather than to Recurrent Expenditure. If you look at this year's Budget, you will realize that 28 Ministries have been allocated more money for Recurrent Expenditure whereas 18 Ministries have been allocated more funds for Development Expenditure. Even for the Vote on Account that he is asking this House to pass today, out of that money, over 50 per cent--- In fact, the Development Vote is only 50 per cent of the Recurrent Vote. This makes me to wonder, especially in his own Ministry. In the Ministry for Finance, you will find that Kshs20 billion is going for Recurrent Expenditure while Kshs22 billion is going for Development expenditure. So, one wonders, what does the Ministry of Finance have in terms of the Development Vote to carry a whopping Kshs22 billion in this year's financial Budget. So, it is my kind request that we consider giving the Development Vote more money than the Recurrent Vote.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support.

Mr. Mbadi: Mr. Deputy Speaker, Sir, as a Committee, we had time to look at this Motion of Vote on Account and to think through whether what the Minister is asking for; 50 per cent, really, it needs to be given to the Minister to spend at this time.

Mr. Deputy Speaker, Sir, I would like to say that, as a Committee, we failed to arrive at a scientific way of assessing the 50 per cent or any other percentage that would be proposed. So, we agreed, as a Committee, that we would support this Motion, but on condition to the Minister that, next time, we expect a bit of innovation and creativity. Because if you look at the request for 50 per cent, the Recurrent Expenditure that the Minister is asking for is normally spent almost evenly throughout the year. So, if you strictly follow the Recurrent Expenditure, probably the Minister would have come up with something like 16 to 20 per cent of the total Recurrent Expenditure Budget because we only have two months to critically analyze the Budget and make the approval at the end of August, 2009. So, as a Committee, yes, we accepted to support the Motion, but on condition that the Minister becomes more creative next time so that we do not just have a uniform percentage request for approval of Vote on Account.

Mr. Deputy Speaker, Sir, I would also like to concur with Mr. Okemo that even if you talk of 10 per cent, it is not scientifically arrived at. There are some Ministries, probably the Ministry of Roads, which may require more money because there could be some ongoing projects which require spending, even at the beginning of the financial year. One of us also mentioned about the Ministries of Agriculture, Water and Irrigation, that there are some projects that require immediate spending. So, based on that, after a lengthy deliberation, as a Committee, we agreed that this Motion would be supported. But during the next Budget, we expect the Deputy Prime Minister and Minister for Finance to be a bit more creative, to give us more explanation why he requires whatever he is asking this House to approve.

Mr. Deputy Speaker, Sir, my final comment is that, we hope that the operationalization of the Fiscal Analysis and Management Act will be done immediately so that we set the whole Budget process rolling.

Otherwise, Mr. Deputy Speaker, Sir, I beg to support the Motion.

Mr. Muthama: Mr. Deputy Speaker, Sir, I also stand to support this Motion. I want to start by saying that when the Estimates of this year's Budget were presented here in Parliament, we all clapped and we gave kudos to the Deputy Prime Minister and Minister for Finance. This Budget was referred as the first ever Budget in this House to be the people's Budget. So, let us not try to water down the impact that was created by this Budget. Since we all know and have accepted that this money is now going to the citizens, and that they will benefit, we should not question it or hesitate. We should just support it and say, once again, kudos to the Deputy Prime Minister and Minister for Finance. We should just say that we are going to pass this Motion now so that the citizens can have access to the services.

Mr. Deputy Speaker, Sir, we need this money to implement the projects that were mentioned by the Deputy Prime Minister and Minister for Finance. If we will hesitate to pass it, we will delay delivery of services to the common mwananchi.

With those very many words, Mr. Deputy Speaker, Sir, I beg to support in totality!

Mr. Ruto: Mr. Deputy Speaker, Sir, I rise to also support this Motion provided that certain conditions are actually met.

Mr. Deputy Speaker, Sir, while I laud the Deputy Prime Minister and Minister for Finance for being fairly innovative, I believe he is yet to prove that he can actually walk the talk. The serious challenge, once we go to implementation, is the apparent thinking within the bureaucracy that they monopolize all the knowledge on implementation of projects. We are hearing statements to the effect that they intend to tell us what to buy, how to buy, how to proceed. We are hearing very confusing noise! I think it would be proper if the Ministry actually consults properly with Parliament so that the relevant Committees can give advice that would not lead into disillusionments in terms of implementation. There have been serious bottlenecks in line Ministries implementing projects. In fact, that is why development has stalled in this country for several years. Money is voted, and I am aware of one project in my constituency which was allocated Kshs6 million for the youth centre. The money has been returned to the Ministry. I have no idea why. I do not know! Why do they do these things? We cheat the youth that we are going to build these things, the money comes and it goes back to the Treasury! Is this what the Ministry of Planning, National Development and Vision 2030 and, maybe, the Ministry of Finance intends to do with this year's Budget? We are also aware of certain very noble ideas that came along, for example, the one on sports for the youth.

We believed that it was going to be managed reasonably well. But the Ministry of Sports and Youth Affairs has confused the exercise and up to now, even the youth are complaining in our constituencies. We are told that we are patrons, but we do not even know when the money was released, who is spending it and how. There is no way we can sanction these officers to work properly.

Despite that, we come here and make lofty announcements. I believe that the Deputy Prime Minister and Minister for Finance is very sincere. I have heard him speak and he has convinced me that he still believes in what he read in the Budget Speech. We expect

him not to be pushed into a corner by the bureaucracy both in his Ministry and the entire Government, into reneging on what he promised Kenyans. We would like to see results. I hope it is not just an invention of a new word “stimulus”. I hope he is not coining a new terminology. I would like to see the Budget proposals being implemented. We might end up supporting him in his aspirations if he proceeds like that.

Mr. Ogindo: Mr. Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

First, by deleting the words “one-half” appearing immediately after the word “representing” and inserting the words “thirty per cent” in place thereof.

Secondly, by deleting the words “Kenya Shillings 283,860,390,124” appearing in the second line and inserting the words “Kenya Shillings 170,316,234,074.10” in place thereof.

Thirdly, by inserting the following words at the end “and the schedules laid be amended to reflect the above.”

Mr. Deputy Speaker, Sir, I propose these amendments with very clean hands. Last year, we made a similar proposal in this House. This house is in the business of legislation, oversight and representation. In exercise of the oversight role, this House is normally called upon to approve the Estimates. The Standing Orders have since been revised and the approval process has been shortened. Previously, the House needed up to the end of October to approve the Estimates, but this time round that has been reduced up to 31st August. If you do the calculation, that gives us only two months into the next financial year. I find it a little extravagant for the Minister to seek 50 per cent of the vote because he only has two months to operate before the House grants him 100 per cent.

It is also incumbent upon this House to scrutinise the Budget. That exercise requires time. With expanded Committees, this House will expedite that process on behalf the taxpayers who cannot come here and see what their money is being spent on. This House is being called upon to see to it that their money is being put to right use and for their benefit on a Vote by Vote basis. It will be negligent on the part of this House to abrogate that duty.

Mr. Deputy Speaker, Sir, we also know that the revenue flow of this country is spread throughout the year. Within the next two months, there will be no revenue equivalent of 50 per cent of the Budget for the Deputy Prime Minister and Minister for Finance to spend. The other thing is that the practice world over is that nobody is so extravagant with the Budget. It is given to the extent that is necessary before approval is granted. You will realise that we have already given the Deputy Prime Minister and Minister for Finance the go ahead to spend on the Consolidated Fund Services (CFS) which amounts to about Kshs160 billion. If we give him another Kshs283 billion, this House will be left to scrutinise only Kshs283 billion. That amounts to about 32 per cent of the Budget. That will be negligent on the part of this House.

Last, but not least, the Constitution says that the Deputy Prime Minister and Minister for Finance can get not more than 50 per cent of the Budget. Doing my calculations on the figures presented by the Deputy Prime Minister and Minister for Finance, I see that he is seeking more than 50 per cent of the Vote. I find that unconstitutional because the Deputy Prime Minister and Minister for Finance has exceeded the 50 per cent mark by 50 cents.

With those few remarks, I beg to move and request Mr. Mungatana to second the amendment.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I beg to second. This Motion of amendment is here to make a point that the Fiscal Management Bill has now become law. This Parliament will, therefore, not surrender its authority to the Treasury to be doing business as usual.

If you look at the Standing Orders, specifically, Standing Order No.152, you will find that the moment the Deputy Prime Minister and Minister for Finance read the Financial Estimates, they stood committed to the relevant Departmental Committees automatically. These Committees are supposed to give a full report of the scrutiny of those Votes within 21 days. So, this is not what used to happen in the previous Budgets. The rules have changed.

Secondly, Standing Order No.155(8) states that the last allotted date when we are supposed to carry out the Guillotine procedure is 31st August. This is different from what used to happen in the past where we would wait until December. If you look at this matter seriously, you will find that if the Deputy Prime Minister and Minister for Finance had come last year and told us that he needed half of the money because he needed to spend it by December the year that is ending, it made sense because that is what the Standing Orders stated. Sincerely speaking, right now, he requires about 25 per cent. The Mover of this Motion has said that we give the Deputy Prime Minister and Minister for Finance 30 per cent. That is in the spirit of trying to make the Treasury to look at our Standing Orders. The Treasury should know that this Parliament wants to take control of what is happening there. We no longer want to come here and say; “We support”. Sometimes we could be supporting errors like it happened with the Supplementary Estimates.

So, the House needs to look at this amendment in good spirit. In one month’s time, we will be sitting in Committee of the whole House, and we will approve everything that the Minister wants. If we just give him half the amount and, already, they have taken Kshs160 billion, then we will be approving just 32 per cent, which is very little. We will just be doing procedural things. It will be business as usual. We need to move away from business as usual in the management of the funds of this country.

So, in seconding this Motion, I would like to ask the House to look at these concerns. Even Mr. Ethuro, and the first person who stood up to support the Minister, which means we are also supporting him, raised the same concern, that there is a problem. Why give all the money now? What are we going to be left scrutinising?

With those few remarks, I would ask the House to support this amendment, which is basically to reduce the amount from a half to 30 per cent, in good faith. In another one month, we will give him the full amount, after we have had the benefit of scrutinizing the Estimates.

With those remarks, I beg to second.

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

Mr. Murungi: Mr. Deputy Speaker, Sir, I thank you for giving me an opportunity to oppose these amendments.

Both the Mover and the Seconded have given us the real intentions of these amendments. The amendments are intended to make a point. The point is that Parliament is no longer a rubberstamp, and that Parliament is no longer an holding automaton of the Executive as far as Budget-making is concerned. The point is that it is no longer business as usual; that the end day for the Budget business is no longer 31st October, but the end day of the Budget business is 31st of August every year. Simply put, that is the whole purpose of these amendments. As Government, we accept that point. We thank the hon. Members for reminding us that things have changed, and that, indeed, it is no longer business as usual.

The hon. Members, having made that point, which we have no problem with, it is also true that, in the spirit of this House, everybody accepts that this year's Budget is a very revolutionary Budget. This year's Budget is a very popular Budget, and we all support it. Mr. Mungatana said that, indeed, come the 31st of August, we are going to give the Minister everything he is asking for. So, my issue is: If by 31st of August, we are going to give everything to the Minister, because we are supporting him since we want all this money to go to the grassroots---

In fact, since his presentation of the Budget Speech, Mr. Kenyatta is being celebrated all over the country. Wananchi expect this money like yesterday. So, why should we delay it? We appreciate the point made by Mr. Ogindo. This is not a procedural matter. It is, indeed, a constitutional matter, but how did he arrive at one-third? Why not one-fifth? Why not one-quarter? This figure is arbitrary. What I am saying is, if one-third, why not one-half? What is the difference?

So, so long as we accept the basic principles and say that, as Parliament, we are going to, thoroughly scrutinise this Budget, I do not think there is any point in us rejecting this Motion on the basis of one-third and one half. Let us concentrate on the true spirit of this Motion. Let us give Mr. Kenyatta the benefit of the doubt. Let us support this Motion. Let us have all this money going to our constituencies as soon as possible. The one-half is coming to my constituency. It is not going anywhere else.

I would urge Mr. Ethuro, who is the Chairman of the Constituencies Development Fund (CDF) Committee--- These obstacles we are putting to our committees, including red tape, should be done away with. Please, let them have their own independence in dealing with the funds that go to our constituencies. As the Member of Parliament for South Imenti, I am the one who knows what my people need most, and not a Committee sitting in Nairobi or some bureaucrats sitting in Mr. Oparanya's office. Let Members of Parliament have a free hand in determining how the CDF funds are going to be used.

With those few remarks, I beg to oppose the amendment and urge my friend to withdraw it, in the spirit of this House.

Mr. Mbau: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to very strongly oppose this amendment.

It is only yesterday that Members of the Fiscal and Appropriations Committee sat and elected its Chairman and Vice-Chairman. I was elected the Chairman. When this morning we learnt that the Minister for Finance was going to bring this Motion on Vote on Account, we called a meeting of Members of the Parliamentary Budget Committee. Members came and we held a meeting that lasted one-and-half hours.

I want to apologise to Mr. Mungatana, because he was not in that meeting this afternoon, but I must admit that my colleague, former Chairman, Mr. Martin Ogindo, was in that Committee. We deliberated on this matter at length, as my colleague, Mr. John Mbadi, earlier on said. We all agreed that there is great need to jump-start the economic activities of this country. We also noted that recently when the Minister for Planning, National Development and Vision 2030 launched the Economic Survey Report, he said that the economy has been growing at a slow pace of 1.7 per cent.

Mr. Deputy Speaker, Sir, the Budget that was presented by the Deputy Prime Minister and Minister for Finance is a Budget that has been applauded across the country. It is a very balanced Budget that is going to increase economic activities in every corner of this Republic. We note that the concerns that my colleague, and Mover of this amendment, raised are genuine; we need to caution the Ministry of Finance, or the Treasury, in so far as spending public concerns wantonly is concerned.

We are the representatives and the watchdog of the public but, at the same time, we cannot stand here and say that we are so keen, or careful, that even when we want to stimulate development activities, we at the same time want to keep on putting breaks on those activities. I note that, for instance, the Ministry of Agriculture, and the Ministry of Water and Irrigation, required money yesterday to ensure that the dams and the various irrigation projects that need to supply food at the end of the year, as it was anticipated in the Budget, should begin putting those programmes in place. Mr. Deputy Speaker, Sir, if we do not give money to these Ministries now, we are going to take rather long to do so.

It is good for us to note, for instance, that the procurement procedures of this country take rather long, and that when they take that long, they lead to delayed implementation of projects and programmes.

Mr. Deputy Speaker, Sir, I want to remind my colleague Mr. Mungatana that the Fiscal Management Act, even though the President has kindly assented to it and can be published anytime, it is not yet operational. It will only become operational after 90 days. We may not now say that we are operating within the law as prescribed by that Act. I am the author of that law and when I say that, I know what I mean.

It is good for us to note that even the monies that we are anticipating that the Deputy Prime Minister and Minister for Finance is going to disburse, only come after taxes have been collected. Collection of revenue takes sometime. For instance, I know many companies and corporations only give their tax returns on a quarterly basis. This means, for example, October. Therefore, we are talking about allowing the Minister to spend 50 per cent which is not necessarily going to be available for spending. It is going to take some time for revenue to be generated and taxes to be collected. It does not mean that when we say, "use 50 per cent" the money is there to be used.

Mr. Temporary Deputy Speaker, Sir, I want to oppose this amendment very dutifully and with all due respect to my colleagues. It is good for us to be alert, forward looking and know we want development to go to our areas.

I support that we must move fast with the mood of the House and support the 20 per cent of the account.

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Deputy Speaker, Sir. Am I in order to ask the Chair to put the Question of the amendment now that we have heard both sides, including the Chairman of the Budget Committee?

(Applause)

Mr. Deputy Speaker: Fair enough! I think there is need to dispose of the amendment either way.

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

(Debate on the original Motion resumed)

Mr. Deputy Speaker: Order, hon. Members! The amendment has been disposed of. It has been killed. We now revert to the original Motion.

Mr. I. E. Mohammed, please, proceed!

The Minister for Development of Northern Kenya and other Arid Areas (Mr. E.I. Mohammed.): Mr. Deputy Speaker, Sir, I want to support the Motion. I am glad that the amendment has been killed. It is a good thing because---

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. Judging from the mood of the House, would I be in order to ask that the Question be put?

(Applause)

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. The mood is in support of the Motion; however, we still need to ventilate and inform the Treasury officials who are here and the Minister, ---

Mr. Deputy Speaker: Order, Mr. Ruto! Your point is very well taken. Fair enough. The Chair exercises its own discretion and allows one or two more people to contribute to the Motion!

Mr. Mohammed I.E., please, proceed!

The Minister for Development of Northern Kenya and other Arid Areas (Mr. Mohammed I.E.): Mr. Deputy Speaker, Sir, I support the Motion. I am happy that the amendment was defeated because we have a major drought as I speak. Large parts of this country require emergency assistance. By delaying the Budget process, people will suffer.

I also support the Motion with very clear feeling that we must put implementation as quickly as possible so that we are able to not only feed our people but also save their livestock. This is particularly in arid areas where livestock is the main-stay.

Mr. Temporary Deputy Speaker, Sir, I would like to support the Motion because as everyone else has said, this was one of the more progressive budgets. It has set the governance agenda by devolving a substantial amount of money to the grassroots. However, I want to mention an area in which the Budget fell short. This is the area of equity. Dividing resources equally across the country, in my opinion, does not mean equity. There are parts of this country in which additional two secondary schools or five primary schools will have significant impact on enrolment rates. In some parts, the addition of five schools will have no impact because most of the children are already going to school. I am urging my colleague that in the next Budget, we would like to see a

bit of equitable distribution and not necessarily dividing resources equally. There are areas that are lagging behind. Our nation needs to move forward in unison. In my view, equity does not mean dividing equally. It means providing additional resources where they are required in order to catch up with other places.

With those few remarks, I beg to support.

Mr. Ngugi: Mr. Deputy Speaker, Sir, I would like the Deputy Prime Minister and Minister for Finance and his team to go back to their office and release this money to the constituencies. We want to take a vote on this Motion and everyone here supports that. Why are we delaying?

Mr. Deputy Speaker, Sir, I request you to call upon the mover to reply and then put the Question.

Mr. Deputy Speaker: Order! Hon. Member, if you want the mover to be called upon to reply, you rise on a point of order! You have been in Parliament for one year and a half years.

Rise on a point of order and put your case and say the mover should be called upon to reply.

Mr. Baiya, please, proceed!

Mr. Baiya: Thank you Mr. Deputy Speaker, Sir. I am not rising on a point of order. I wish to contribute to this Motion.

I want to agree with my colleague Mr. Ruto, who has just left the House, that this Motion is important and Members' sentiments should be given an opportunity to be put across.

Mr. Deputy Speaker, Sir, I support the Motion. I wish to concur with the sentiments that have been expressed by the other speakers about the peculiar nature of this year's Budget. Those are well noted. The Budget has also come up with very innovative suggestions. I hope that the Deputy Prime Minister and Minister for Finance will ensure that he will not stop at the level of those suggestions. We are urging him to push through those innovations, especially at the grassroots level. We have talked about the framework of the CDF which still needs to be worked on, so that we can streamline the CDF framework so that it can accommodate more resources at the grassroots. I am also in agreement with the comments by the—

Mr. Njuguna: On a point of order, Mr. Deputy Speaker, Sir. The mood in this House, on this patriotic Budget, is that we call the Mover of this Motion to respond.

(Applause)

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

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Thank you, Mr. Deputy Speaker, Sir. I want to thank my colleagues, hon. Members, and say that I have taken very seriously, the comments they have made. Indeed, I agree with the sentiments that in future, before we discuss the Vote on Account, it is important to give additional information so that hon. Members can comprehensively understand why the figure we have requested is necessary. The Treasury will take that into account in future Budgets.

I also agree with hon. Members that, indeed, there will be major challenges as we implement this Budget. However, the fear of challenges should not deter us from being committed to what is going to succeed. We, at the Treasury, are committed to ensuring that despite the challenges, we succeed alongside Members of Parliament and Kenyans as a whole, in ensuring that we implement this Budget in accordance with the stated objectives.

Mr. Deputy Speaker, Sir, there was an issue which had been raised with regard to the implementation modalities. You will recall that I had promised this House that we would be issuing guidelines that would be followed in the implementation, especially of the stimulus programmes. I want to assure hon. Members that we, at the Treasury, are working continuously and before the beginning of the next financial year, we will have those guidelines ready. I will be in a position to address hon. Members and explain the processes, procedures and guidelines that we will use to implement the proposals that are contained in the Budget. I want to assure hon. Members that despite the fact that we are asking for this Vote on Account, we are not saying that we do not want the scrutiny of hon. Members. We acknowledge and recognize the role of this House. We want to work with this House with the objective of making the process of Budget making both more transparent and more accountable not just to this House but to the Kenyan nation as a whole.

With those few remarks, taking into cognizant the fact that our officers are also here and have taken note of most of the issues that were raised by hon. Members, I beg to move.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 25th June, 2.30 p.m.

The House rose at 5.10 p.m.