

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 16th August, 2007

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.325*

UTILIZATION OF SPANISH AID FOR  
CONSERVATION OF MAU FOREST

**Mr. Deputy Speaker:** Where is Mr. Mirugi? He is not here? The Question is dropped!

*(Question dropped)*

*Question No.452*

THEATRE/MORTUARY FOR LONDIANI  
SUB-DISTRICT HOSPITAL

**Dr. Rutto** asked the Minister for Health:-

- (a) whether she is aware that Londiani Sub-District Hospital does not have a functional theatre and mortuary; and,
- (b) when the Ministry will provide these important facilities.

**The Assistant Minister for Health** (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Londiani Sub-District Hospital has no functional theatre and mortuary.

(b) The policy of the Ministry is to ensure that all sub-district hospitals have all necessary facilities, including theatres and mortuaries. The Ministry has allocated Kshs240,000 for refurbishment of buildings and Kshs1.1 million for purchase of plant and equipment under the Development Vote this year. However, this money is not adequate for construction of new theatre and mortuary facilities, but these are a priority in the next financial year.

**Dr. Rutto:** Mr. Deputy Speaker, Sir, the answer is terribly wanting. This sub-district hospital serves Molo, parts of Kericho, parts of Eldama Ravine and Eldoret South. It is a very important sub-district hospital, and the bodies that are kept in the mortuary are often eaten by rats. There is need to bury the dead with dignity. There is terrible negligence on the part of Government regarding Londiani Sub-District Hospital. I am saddened that the Assistant Minister does not seem to have any plans to put those facilities in place, because he says the two facilities will be financed next year when funds become available.

Could he commit himself, in a more serious manner than the way he has done, in this House?

**Dr. Machage:** Mr. Deputy Speaker, Sir, I cannot be more serious than I have been to confirm that I will consider construction of these facilities in the next financial year when funds are available.

**Mr. Kimeto:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that every year the Ministry of Health sends some money to health centres, Kshs240,000, just to put up, maybe, some small fences in all parts of the district? Why can he not, as the Assistant Minister, prioritise in terms of what is much needed, rather than spend a lot of money on construction of gates? He should put up these necessary facilities!

**Dr. Machage:** Mr. Deputy Speaker, Sir, yes, it is true that the Ministry sends money to health centres, dispensaries and district hospitals for refurbishment of buildings every year. It is the duty of the management committees to decide where to utilise this money.

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I heard Dr. Rutto say that dead bodies at this facility are usually eaten by rats, and that it is important to send off these bodies with dignity, yet the Assistant Minister was not struck by that fact. He did not either deny or admit what we are saying, because we are raising a very serious issue. Did the Assistant Minister hear it said that bodies are eaten by rats?

**Dr. Machage:** Mr. Deputy Speaker, Sir, this is the first time I am having that report from the hon. Member. It is true that this is a sad situation. I will endeavour to ask my officers to confirm if it is true. However, I do not have that report in my office.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, yesterday a similar Question was asked here, and the Assistant Minister said that he was going to consider doing something when funds were available. That is a chorus by the Ministry. What are the priorities? If they supply drugs to hospitals they know that people die. What are the priorities of the Ministry if they cannot build a mortuary and a theatre? Could he tell us exactly what the priorities of the Ministry are? They went and built a health facility and they did not provide those necessary facilities, yet people die!

**Dr. Machage:** Mr. Deputy Speaker, Sir, my current priority is to make sure that the sick are treated adequately and effectively. It is true that the dead have also to be taken care of. But in view of my limited resources, I would rather concentrate on the living than the dead.

**Mr. Sirma:** Mr. Deputy Speaker, Sir, you can see how this Government is playing politics and ignoring the basic needs of Kenyans. When the Government decides that a health centre is upgraded to a district or sub-district hospital, there are facilities that make it qualify for that. How did the Ministry consider Londiani Sub-District Hospital? In Koibatek District, we also have a district hospital which has no mortuary and yet, the Ministry upgraded it. Why do you create a district hospital and then not give it facilities?

**Dr. Machage:** Mr. Deputy Speaker, Sir, some of the most important factors that are considered are the flow of patients into those institutions, the disease patterns, epidemics such as malaria and so on. If the population that needs treatment is big, the Ministry has to respond by doing just that. To promote or improve the standards of that facility to a certain level, it means more funding is pushed to that facility through the Exchequer. That is exactly what we are doing. It also means that we need more personnel, drugs and so on.

It is true that, if there are no funds to do certain facilities now, the Ministry cannot just do it! But I will consider Londiani Sub-District Hospital, when funds are available.

**Mr. Deputy Speaker:** Last question, Dr. Rutto!

**Dr. Rutto:** Mr. Deputy Speaker, in the answer to part (b) of the Question, the Assistant Minister has talked about Kshs240,000 that has been allocated for refurbishment, Kshs1.1 million for purchase of plant and equipment and Kshs7.4 million for some other things. Could he specify

what will be done, particularly with Kshs1.1 million and Kshs7.4 million? Could he specifically state which equipment and plant he intends to buy?

Mr. Deputy Speaker, Sir, secondly, I would like to request him, through the Chair, to visit the hospital personally, rather than sending an officer there. We would like to see him there, so that he can see and witness for himself the predicament of the dead in Londiani Sub-District Hospital.

**Dr. Machage:** Mr. Deputy Speaker, Sir, even at that level of hospital, without a main theatre building being put up, the sub-district hospital is expected to handle minor operations, which require equipment. Even with refurbishment of some of the already existing buildings, we can have medium-level operations done at the same centres, depending on the expertise of the personnel that we have already sent to the place. They need equipment. That is where that money will be used.

We can discuss with the hon. Member on when I can visit that institution.

*Question No.457*

ACADEMIC/PROFESSIONAL QUALIFICATIONS  
OF CHAIRPERSONS OF SUGAR  
COMPANIES' BOARDS

**Mr. Deputy Speaker:** Mr. Muturi is out of the country on Parliamentary business. The Question is, therefore, deferred generally without a date assigned to it.

*(Question deferred)*

*Question No.458*

DEMOTION/RE-DEPLOYMENT OF  
COMMISSIONER OF LANDS

**Mr. Rotino** asked the Minister of State for Public Service under what circumstances the Commissioner of Lands was demoted and re-deployed.

**The Assistant Minister, Office of the President** (Mr. Mganga): Mr. Deputy Speaker, Sir, I beg to reply.

The Commissioner of Lands was transferred from the Ministry of Lands to the State Law Office for re-designation and deployment as a result of the ongoing reforms in the Ministry of Lands aimed at improving service delivery. She was not, therefore, demoted but was transferred and retains the same terms of service and remuneration.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, it is common knowledge, and we read in the newspapers, that the former Commissioner of Lands is under investigations. If she is, indeed, under investigations, why was she transferred to another department? Why not suspend her, if that is the case, while awaiting the results of the investigations?

**Mr. Mganga:** Mr. Deputy Speaker, Sir, there are procedures that are followed before an officer of the Government is suspended, interdicted or dismissed from the service for that matter. If there is not enough evidence to interdict or suspend an officer, there is no need to take such an action. But, administratively, if there is need to deploy an officer elsewhere, then the Government is at liberty, due to the exigencies of the service, to take that action. **Mr. Omondi:** Mr. Deputy Speaker, Sir, it is my opinion, that the treatment accorded to public officers---

**Mr. Deputy Speaker:** Mr. Omondi, could you repeat your question?

**Mr. Omondi:** Mr. Deputy Speaker, Sir, it is my opinion that the treatment accorded to public officers should be commensurate to the position that an officer is holding. I want the

Assistant Minister to tell the House, if that kind of treatment was accorded to him, what would be his feelings?

**Mr. Mganga:** Mr. Deputy Speaker, Sir, he is allowed to have feelings. But feelings are not necessarily what is contained in Government regulations. In any case, the officer was not the only one who was affected by that action. There were other officers who were affected by the same deployment at the same time.

**Mr. Mwanzia:** Mr. Deputy Speaker, Sir, could the Assistant Minister confirm whether the former Commissioner of Lands is under investigations by Kenya Anti-Corruption Commission (KACC)? What are the accusations?

**Mr. Mganga:** Mr. Deputy Speaker, Sir, I am not aware.

**Mr. Billow:** Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that the officer was actually demoted. For an officer to be demoted, in the first instance, before he or she is re-deployed, there must have been some confirmation by the Ministry of some irregularity or something that he or she did, and which led to his or her demotion. What exactly did that officer do that led to her demotion before the re-deployment? Ongoing reforms are not a reason to demote and re-deploy officers. What action was she involved in that led to her demotion?

**Mr. Mganga:** Mr. Deputy Speaker, Sir, at no point did I say that the officer was demoted. What I said is that the officer, along with other two directors of the department in the same Ministry, plus other four officers, were deployed elsewhere in other Ministries. But they still retain the same terms of service and remuneration. Let me reiterate that the officer, including the others, the Director of Settlement and the Director of Survey, were transferred to other Ministries in similar circumstances. None of them was demoted.

**Mr. Deputy Speaker:** Last question, Mr. Rotino!

**Mr. Rotino:** Mr. Deputy Speaker, Sir, the Assistant Minister is trying to evade the Question by going round and round. Could he simply tell us: What circumstances led to her re-deployment? She is a senior officer who has worked in the Ministry of Lands for more than 30 years. She cannot just be deployed to a junior office! I think the Assistant Minister is just trying to be evasive. Could he go to the point and tell us what circumstances led to her deployment? We understand there is a court case about a land issue. He should be categorical and tell us what position she is holding where she was sent to. The Ministry deployed her to a junior office! She is not a simple officer!

**Mr. Mganga:** Mr. Deputy Speaker, Sir, there is no single officer in Government who owns an office. Positions are given as per the need of the service. I do not know why we should be concentrating on one officer. The Commissioner of Lands was deployed on the same day together with the then Director of Survey, the then Director of Lands Adjudication and Settlement and four other officers. Indeed, there was a precedent. The same officer had been deployed in the year 2000 to the State Law Office where she was further deployed to the Public Service Commission, as a legal officer. She was then taken back to the Ministry later in 2002 as the Deputy Commissioner of Lands. So, this has happened before. She is now not at the State Law Office. She has further been deployed to the Ministry of Education to head the Legal Department there, which is commensurate to her grade.

**Mr. Deputy Speaker:** The hon. Minister of State for Special Programmes has a Ministerial Statement.

## MINISTERIAL STATEMENT

### LANDSLIDE IN KHUSAVALI VILLAGE

**The Minister of State for Special Programmes (Mr. Munyes):** Thank you, Mr. Deputy Speaker, Sir. This is a special report on the mudslide incident that occurred in Western Province.

The

Khuvasali Village mudslide incident occurred on Saturday morning at 4.03 a.m., engulfing a family of three members who were asleep at that time. The local emergency response, commanded by the chief and villagers of Khuvasali, started search operations at 08.30hrs. Over 100 people converged in the area at that time. Due to the weight of the early responders, the ground caved in, engulfing about 100 people, of which 56 were retrieved and rushed to various hospitals, including Malava, where they were treated and discharged.

At this juncture, the local people realised the magnitude of the incident and reported it to the Provincial Administration where the OCPD took command of the situation by first cordoning off the area and preventing more deaths from occurring. About 39 people were not injured but seven people went missing and have been recovered dead on the scene. This is the number of people affected. There are no people believed to be dead and covered by mud. The number of people recovered dead at 15.00 hrs were seven. The people injured, hospitalised and discharged were 56. The people who were not injured were 39, bringing the total number to 102. Out of these statistics, the death toll is seven and not 20 as claimed.

The Ministry of State for Special Programmes together with the Provincial Administration received the information on Saturday at 10.00 a.m, through the PPO Western Province and the DC Kakamega, who mobilised the search and rescue teams from the Kenya Red Cross, Kisumu and the National Youth Service from Turbo, to move to the scene to carry out search and recovery efforts. The Kenya Red Cross personnel arrived at 1.30 p.m. and commenced rescue and recovery work at 3.00 p.m. while the National Youth Service personnel arrived at 6.00 p.m. and commenced work on Sunday, 12th August, 2007. The delay was occasioned by two main factors.

*(Mr. Munyes continued to stand at  
the Dispatch Box)*

**Mr. Deputy Speaker:** Order! Order! The Minister is issuing a very important Statement on a matter that must be of interest to all Kenyans, and particularly to the hon. Members. So, please, listen!

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker Sir, due to the high demand, I will try to summarise the---

**Mr. Oloo-Aringo:** On a point of order, Mr. Deputy Speaker, Sir. While you were giving your ruling, the Minister was standing there as if you are not the Deputy Speaker. When you are speaking, he should resume his seat! Can you tell him that he is out of order?

**Mr. Deputy Speaker:** Mr. Oloo-Aringo is actually right. I called the House to order and the hon. Minister should have sat down! He did not do that! But he may wish to proceed!

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker, Sir, I apologise. Let me summarise this report. The delay was occasioned by many factors such as weather, whereby heavy rains poured on Saturday and Sunday night. The rain is still continuing. The ground became wet, moving downwards and sliding exposing the rescue teams to even more risks.

The following resources were sent to the ground; earth- moving shovels, two earth movers from the Mumias Sugar Factory and one from the Ministry of Roads and Public Works. These two were undesirable implements as they kept on sinking into the mud due to weight. Local resources were: *Jembes* and shovels, which were mobilised from around that area. The National Youth Service from Turbo also came with some.

The current situation is that there is enough manpower resources on the ground for the task. No additional personnel is required and the Disaster Management experts from the Office of the President are on the ground and we have ten police officers, seven Red Cross personnel, 70 National Youth Service personnel, 100 volunteers. We have several heavy duty equipment. We

have earth movers, over 100 *jembes*, sniffer dogs and standby teams, which include the military personnel and the police service personnel. Government relief supplies for the displaced persons have already arrived in those areas. Already, 24 families consisting 139 people are displaced and have been moved out of the risk zone. Emergency food supplies arrived by means of military aircraft on 13th August, 2007, which carried 50 bags of rice and 100 cartons of oil. Food supplied by road from Nairobi consisting of 120 bags of 50 kilogrammes rice and 150 cartons of 18 kilogrammes cooking oil was also sent. Relief food supplies from Malaba GoK depots to the affected areas consisting of 500 bags of maize, 200 bags of beans was also sent there. All the above supplies are worth Kshs2.6 million. Other supplies include tents, cooking utensils, water purifying machines and medical camps to avert any emerging diseases.

In conclusion, the Government has undertaken the necessary action on emergency response and has advised the community living around areas that are hilly and wet at this moment to take precautionary measures by moving to safer grounds. The Government is considering the issue of resettlement of the displaced persons and will issue necessary guidelines after consultations with other relevant Ministries. The recovery efforts are still going on to ensure that no more people could have been left under the mud. Therefore, mobile operations will continue until the area is declared clear of victims. The Government, through my Ministry, in collaboration with the Administration and National Security, is responding to incidents of disaster in the areas of Kitale and West Pokot. Security rescue and recovery operations are going on effectively. The National Disaster Operation Centre is being strengthened to continue to monitor the disaster on 24 hour basis, mobilise national resources and co-ordinate the rescue efforts as necessary.

**Mr. Deputy Speaker:** We are going to have three clarifications by the hon. Member for Shinyalu, the hon. Member for Khwisero and then the hon. Member for Saboti, in that order.

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, thank you very much for giving me a chance to seek clarification on this matter. The Minister has said that only seven bodies have been recovered to date. He has not told us how many people are feared to have been buried in the debris.

First, could the Minister tell this House how many people are feared still buried in the debris and have not been recovered? Secondly, the response by the Government on this matter, as I stood here to seek a Ministerial Statement, was really lacking. I want the Minister to confirm to this House, that incidents of this nature happening again anywhere, leave alone Western Province which has been neglected, will be attended to promptly with speed as has happened in other instances where disasters have occurred.

This problem is not short-term. It is going to be with the affected families for a long time to come and the Minister has only enumerated the little food the Government has sent to those people, which will only last a few days. Could he tell us what long-term measures are in place, including re-allocation of those people? The Government should be able to make sure that those people are taken care of.

**Mr. Arungah:** Mr. Deputy Speaker, Sir, following what Mr. Khamasi has requested, I would also like the Minister to explain, or tell the House, what specific measures are in place in terms of manpower and equipment, to be able to respond to emergencies of this nature because the problem is that there does not seem to be any organized manner in which the Ministry responds to emergencies.

Secondly, what is the chain of command? In other words, who makes decisions about what should be done in emergencies? I have dealt with this department and it seems that there is no particular individual who is responsible for making decisions as to what should happen. In fact, the length of time it takes is long because there is no particular person to make decisions.

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, the Ministry of State for Special Programmes which is in charge of disaster management should explain to the nation what modalities they have for search and rescue during disasters like this.

It does not make sense to send local people and the National Youth Service (NYS) to

rescue when the military is less than 100 kilometres away from the scene and they were not involved. What is this Government doing?

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker, Sir, on 15th August, 2007, according to our reports and findings, seven people are feared dead and the search and rescue is still going on. Other 15 people could be dead and under the mud. So, we are still going on to dig out the mud to ensure that we clear all the bodies. We want to assure Kenyans that we shall discuss this matter fully with the Ministry in charge of Administration and National Security to clarify the chain of command as hon. Members have actually put today.

As you know, the long-term measure is the policy that is pending in the Cabinet. That is the only instrument which will clarify that. As we speak now, the chain of command is not clear. I want to make it very clear to hon. Members that I co-ordinate famine relief. The Department of Disaster Co-ordination and the Department of National Operation Centre resides with the Ministry of Internal Security. In terms of the chain of command, I want to admit that, that affected our response when we wanted to save those Kenyans. I must accept that.

Specific measures to be undertaken in future, will mean that we ensure that there is enough manpower which we have; the military. I am responding to Mr. Arungah's question. We have enough manpower in the military, NYS and the Kenya Red Cross. There is enough equipment in the military and the Ministry of Roads and Public Works. The only issue required is how to co-ordinate that. I want to say that we need to put these departments in the right Ministry.

**Mr. Deputy Speaker:** Mr. Minister, did I hear you say that, that particular disaster is not under your docket and that it is under the Ministry in charge of Administration and National Security. If that is the case, was the Ministerial Statement that you have issued meant to be issued by the Minister of State for Administration and National Security?

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker, Sir, I think there is a section that is in my docket because I am in charge of food relief. When I responded by going to the site, I ensured that there is food in all those areas. I sent food to Kakamega and West Pokot where we had some problems. I have already sent some food to Trans Nzoia. But in terms of co-ordinating this, for the last one year, it was taken to the Ministry in charge of Administration and National Security.

**Mr. Khamasi:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! I want to assist. I think I can anticipate the point of order Mr. Khamasi wants to raise because the hon. Member for Saboti asked why the military was not involved in the exercise of search and rescue. Mr. Minister, you have not addressed that! Could you now address that matter?

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker, Sir, let me just explain. Some time last year - I think this was occasioned by this policy that is being discussed - I was in charge of the National Disaster Operation Centre. This year, it is in the Ministry in charge of Administration and National Security. It is the National Disaster Operation Centre---

**Mr. Bifwoli:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Let the Minister finish and I will give you a chance!

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker, Sir, the National Disaster Operation Centre resides in the Ministry in charge of Administration and National Security, so sometimes, it is difficult to make those commands until I discuss with my colleagues to ensure that the response is directed from there.

**Mr. Bifwoli:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** I will come to you later! Mr. Khamasi had stood earlier on a point of order. I will be generous on this matter.

**Mr. Khamasi:** On a point of order, Mr. Deputy Speaker, Sir. You can hear that clear admission by the Government that the man who we are all looking upon to assist in a matter like

this says that the docket was removed from his Ministry. Why should he come here and pretend that he wants to give an answer to a matter that is not in his docket?

**Mr. Deputy Speaker:** Yes, that is true!

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker, Sir, I want to clarify this so that Kenyans understand that disaster co-ordination is under the Ministry in charge of Administration and National Security and not Ministry of State for Special Programmes. That is one thing that I wanted to say.

Secondly, because Kenyans out there were in need of food and I am in charge of famine relief, I had to respond to ensure that there is enough food there. That is why I wanted to issue this Ministerial Statement.

*(Several hon. Members stood  
up in their places)*

**Mr. Deputy Speaker:** Order! Will you all sit down? You have just been reminded by Mr. Oloo-Aringo that when the Chair is speaking, you sit down!

What the Minister is saying is that, as far as rescue effort is concerned, he has nothing to do with it. He has only something to do with the food that they need. I think I got the Minister correct. That is what he said. What is it Mr. Bifwoli?

**Mr. Bifwoli:** On a point of order, Mr. Deputy Speaker, Sir. Following the explanation of the Minister, he has just said that he is in charge of giving out food. That is all. When one is hungry that is his work. However, we want the Minister in charge of disasters, emergencies and accidents to stand here and tell us what measures they have put in place. This Government is not serious. It appears that there are internal quarrels over who should be in charge of which department in Ministries which is the cause of Kenyans' suffering when they are being buried. Nobody is coming to these people's aid because of the quarrels among the Ministers. Would I be in order to request that the right Minister in charge of disasters comes here and tells us what to do when we have these emergencies?

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker, Sir, the statement has been directed to the docket of internal security. As far as I am concerned, I wanted hon. Members to understand that I am in charge of famine relief and not disaster management.

**Prof. Oniang'o:** Mr. Deputy Speaker, Sir, I visited that area to condole the community and it was very clear that more people died while trying to retrieve the bodies of the four who had initially been buried. That area is very fragile. The Government should have known that by now because it is not the first time it has happened. I want to commend the Minister in charge of famine relief because he already took there food. However, the army never reached that place. There are still more bodies in the ground. People do not know how many they are. Does this Government have a national strategy to respond to disasters such as this one? If so, could we be told what it is?

**The Minister of State for Special Programmes** (Mr. Munyes): Mr. Deputy Speaker, Sir, let me repeat that the disaster management policy will be brought to this House for debate. But, as I speak now, disaster co-ordination is under the docket of internal security assisted by the docket of special programmes through famine relief.

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Hon. Members, the Minister has clearly stated that he is not in charge. Therefore, he cannot respond to the questions you are raising.

**Mr. Ligale:** On a point of order, Mr. Deputy Speaker, Sir. We want a statement from the right Minister on this matter. Hon. Munyes has tried his best, under famine relief, but he is not able to respond to the question we are asking here. Could I request that the Minister in charge of disaster management comes to issue a statement to this august House?

**Mr. Deputy Speaker:** The Chair agrees that the Minister in charge of disaster management



should issue a statement to the House on this matter.

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. I just want to plead that when there are Kenyans who are buried, the emotional trauma is great. So, this matter is very urgent. The correct Minister should come and enlighten the House on when they are going to send the army there, so that they can retrieve the bodies of these Kenyans who are buried.

**Mr. Deputy Speaker:** As the House can understand, it is really not the responsibility of the Chair to ask Ministers to come to the House and issue policy statements or make explanations. Indeed, I would expect Ministers to come and inform the Chair as often as they can whenever they want to make such statements. In fact, the Chair has invited all Ministers to be coming and issuing policy statements whenever it is necessary. The Chair will always make sure that time is availed for such.

**Mr. Rotino:** On a point of order, Mr. Deputy Speaker, Sir. On that note, I would also like to request the Minister that when he is issuing that statement to take into account that even in my constituency we had two landslides. Fortunately, nobody died. The Government response was not there. I want to thank the Minister because when we asked him to give us some food he gave us. He should take care of the emergency part of it because it is something that is recurrent. Could he also respond to that?

**The Minister of State for Special Programmes (Mr. Munyes):** Mr. Deputy Speaker, Sir, the hon. Member has already said that I responded by making sure that 1,000 bags of food were sent to those victims. That is what the Government did.

**Mr. Billow:** Mr. Deputy Speaker, Sir, you heard the Minister say that he was in charge of the National Disaster Response Centre up to last year and that this year it was transferred to the docket of National Administration and Internal Security. The docket of National Administration and Internal Security is notorious for taking over departments whenever there is money involved. Could the Minister confirm that, that transfer was done because the US Government was in the process of giving up to US\$50 million to the National Disaster Response Centre last year and that is the reason which led to that unit being transferred from this docket to the other? Could he also confirm that there have been requests to transfer this National Disaster Response Unit to Kenya Red Cross Society (KRCS), instead of the Government Ministries getting bogged down with it?

**Mr. Deputy Speaker:** Mr. Billow, surely, it is not the responsibility of the Minister to assign Ministries assignments. I think really the question by Mr. Billow, directed to the Minister, is not proper. It is not the responsibility of any Minister to assign Ministries assignments. So, how do you expect Mr. Munyes to respond to that?

**The Minister of State for Special Programmes (Mr. Munyes):** Thank you, Mr. Deputy Speaker, Sir, for supporting me on that one. I do not assign myself responsibilities since it is other people's responsibilities up there to do so. However, let me comment on the KRCS. It is an auxiliary arm of the special programmes docket supporting us on disasters. I think we are not going to give our responsibility to it. What I have always said and repeated many times is to see whether we can popularise creation of KRCS branches all over the country. So far, we have 59 branches. I would want hon. Members to consider the creation of KRCS branches in all constituencies for them to assist us in response management.

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, hon. Members! This is a matter which is very important. It is a matter of national importance. I have given it 20 good minutes and I think it has been exhausted.

## COMMUNICATION FROM THE CHAIR

MEMBERS' WORKSHOP  
ON CLASSIFICATION/OPERATIONALISATION  
OF CDF-FUNDED HEALTH FACILITIES

**Mr. Deputy Speaker:** Hon. Members, I wish to issue the following short Communication and to inform you that the Constituencies Development Fund (CDF) Committee has, in conjunction, with the Ministry of Health, organised a workshop for all hon. Members tomorrow, Friday 17th August, 2007 at the Safari Park Hotel from 8.30 a.m. The workshop is on the "Classification and Operationalisation of the Health Facilities funded under CDF".

*(Applause)*

Hon. Members, this House has dealt with many questions by hon. Members on this subject and, therefore, I wish to appeal to hon. Members to find time and attend this workshop in order to familiarise themselves with the policy.

Thank you, hon. Members.

*(Applause)*

### POINT OF ORDER

#### CONFISCATION OF MR. OJODE'S WALKING STICK BY SERJEANT-AT-ARMS

**The Assistant Minister for Health** (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir. I noticed Mr. Ojode walk into the Chamber in great pain after the Serjeant-At-Arms took away his third "limb", which was prescribed for him by a doctor in a hospital. Is it in order for Mr. Ojode to suffer when everybody knows that he was involved in an accident, and that he, indeed, needs that walking stick? As a medical doctor, I am concerned.

**Mr. Deputy Speaker:** In the past, hon. Members who have been unable to walk have been allowed to come into the Chamber with walking sticks. I remember only last week Mr. Mwenje sitting here with a walking stick. So, probably, Mr. Ojode is not so much disabled. Probably, he did not inform the Serjeant-At-Arms of his disability. So, really, I do not see the issue here.

**The Assistant Minister for Health** (Dr. Machage): Mr. Deputy Speaker, Sir, as a medical doctor, I think Mr. Ojode needs his walking stick.

**Mr. Deputy Speaker:** Order, Mr. Assistant Minister! This is not a consulting room for a doctor! If you wish to exercise the function of a doctor, as far as Mr. Ojode is concerned, you may do so elsewhere. In this House, we are a different outfit. In any case, Mr. Ojode is here. If he is aggrieved, and wishes to make use of his walking stick, he can go and inform the Serjeant-At-Arms about it, and the necessary action will be taken.

*(Mr. Ojode beckoned the  
Serjeant-At-Arms)*

So much for that, Mr. Ojode. You do not have to raise your hand. Just go and discuss the matter with him, or you just stay where you are.

Thank you, Mr. Assistant Minister, for your concern.

**The Assistant Minister for Health** (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. Assistant Minister! I do not wish to engage you any more on that issue.

Next Order!

**BILL***Second Reading*THE STATUTE LAW  
(MISCELLANEOUS AMENDMENTS) BILL

**Mr. Deputy Speaker:** Hon. Members, as you will notice from your Order Paper, at page 493, the Motion for the Adjournment should be moved not later than 3.30 p.m. It is now only five minutes to 3.30 p.m. Therefore, I do not think we can proceed with the Statute Law (Miscellaneous Amendments) Bill.

*(Bill deferred)*

Next Order!

**MOTION**ADOPTION OF REPORT ON  
SEVENTH SESSION OF  
PAN AFRICAN PARLIAMENT

**Mr. Deputy Speaker:** Hon. Members, the same applies to this Motion.

*(Motion deferred)*

Next Order!

**MOTION FOR THE ADJOURNMENT**ADJOURNMENT TO A DAY OTHER THAN  
THE NEXT NORMAL SITTING DAY

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to move that this House do now adjourn until Tuesday, 25th September, 2007.

Mr. Deputy Speaker, Sir, we are almost entering the last stretch of this Parliament. In the last few months, this House has suffered a great deal due to lack of quorum. It is obvious that Members of Parliament feel tired, and that they need to go and rest, interact with their constituents and "re-charge their batteries". We have been here for the last four years and eight months. That is a long time for us to do bonding, know each other, make friends and be able to talk with one another instead of talking at each other. It has been stated that in politics one day can appear to be like a century. So, four years and eight months must appear like several centuries. That would be the period in which we should, really, have made friends with one another. But the altercations that have appeared in this House from time to time showed that bonding has not---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Mr. Mwanzia, if you wish to leave do so quietly! Hon. Members, please, listen and consult quietly!

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, I was just saying that we have been here for four years and eight months, which is time after which we should, really, be better friends. Unfortunately, looking at the way sometimes contribution to debate is done in this House, and how hon. Members relate on the corridors and out there, we seem to have missed something. As I said, it is possible that at this time we are tired, and that we need to go and "recharge our batteries". I think it is necessary.

Mr. Deputy Speaker, Sir, we have not done very well so far as our dealing with Bills is concerned. We still have quite a number of outstanding Bills. I believe that if we go out for, at least, four weeks, when we come back, we should be able to dispose of very many important Bills. For instance, we have just stated that the Statute Law (Miscellaneous Amendments) Bill, because of time, should now not be dealt with, and that we should deal with it when we return. That is a Bill which requires a lot of bonding and discussion with each other, so that when we come back, there should be no reason at all as to why we should not pass it. It has got a lot of facets which are extremely important.

When we return, we want quality debate. I remember that every time we return from recess, hon. Members appear very fresh in their minds, and make quality contributions to debates. We need to do that just before the House is dissolved towards the end of the year. Apart from that, I think it is necessary that we should try and explain various things to our constituents out there. All of us want to come back to Parliament after the forthcoming general election. It is, therefore, necessary that the people who sent us here in the first place, understand the work being done here. For instance, we should explain to them why we have not been able to increase the number of constituencies.

Mr. Deputy Speaker, Sir, with those remarks, I beg to move.

**The Minister for Justice and Constitutional Affairs** (Ms. Karua): Mr. Deputy Speaker, Sir, I beg to second.

**Mr. Deputy Speaker:** Hon. Members, I am going to propose the Question, but before I do so, I think it is necessary that I draw your kind attention to Standing No.42 in as far as it relates to Motions. So, I would like to draw the attention of the hon. Members to Standing Order No. 42. The reason why I am reading it this afternoon is because, in the past, we have not observed Standing Order No.42 when it comes to Motions of Adjournment. I want to say from the Chair that we intend to strictly observe Standing Order No.42 this time round. It reads:-

"No Motion may be moved which is the same in substance as any question which has been resolved (in the affirmative or in the negative) during the preceding six months in the same session:"

That is Standing Order No.42.

*(Question proposed)*

*(Mr. Ojode stood up in his place)*

**Mr. Deputy Speaker:** Yes, Mr. Ojode.

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** What is it?

**Mr. Sambu:** Mr. Deputy Speaker, Sir, I heard you right, Sir, and I agree with you. But the same Standing Order 42 continues to say:-

"Provided that a Motion to rescind the decision of such a question may be moved with the permission of Mr. Speaker."

Therefore, we cannot predict the future. The Speaker may give permission on request, when the

time comes.

**Mr. Deputy Speaker:** You are quite right, Mr. Sambu. What you have read is exactly what the Standing Order says. You are absolutely right.

Mr. Ojode now!

**Mr. Ojode:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to the Motion for the Adjournment. Although the Chair had ordered the Sergeant-at-Arms to bring for me my other "limb", I have not received it to date. But---

**Mr. Deputy Speaker:** Just a minute. The Chair did not order the Sergeant-at-Arms to bring the stick. The Chair stated that if Mr. Ojode requires the stick, he may go and inform the Sergeant-at-Arms. I did not see you go to talk to the Sergeant-at-Arms. So, whenever you require, you will go and talk to the Sergeant-at-Arms.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I want to contribute to the Motion for the Adjournment. But it really pains me, as hon. Ojode, when a discussion on corruption is still "eating" into Ministries in this country.

Mr. Deputy Speaker, Sir, I will start with a parcel of land in Lamu known as Baragoni. Baragoni Livestock Holding Ground---

**Mr. Deputy Speaker:** Am I reading you correctly? Are we on the Motion for the Adjournment?

**Mr. Ojode:** Yes.

**Mr. Deputy Speaker:** Proceed.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, Baragoni Livestock Holding Ground, measuring 30,000 acres, has been sold to a private developer in Lamu by the Minister and the Permanent Secretary in the Ministry of Livestock and Fisheries Development. There was a letter written by the Deputy Permanent Secretary telling the Director of Livestock Production:-

"Although you are intending to use the holding grounds at Bagoni, the following procedure must be followed. One, the conditions necessary for its use by lease. Confirmation from your department of the acreage you do not require, and which can be leased out. The Government procurement procedures must be followed."

That is the Deputy Permanent Secretary writing to---

**Mr. Deputy Speaker:** Just one second, Mr. Ojode.

*(Mr. Omamba stood up in his place)*

Order! Mr. Omamba, since when did you become an expert in Standing Orders?

**Mr. Ojode:** Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Could you sit down, Mr. Ojode? I just want to understand that you stood to debate on the Motion. Is that where we are?

**Hon. Members:** Yes!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you know, in the debate on the Motion for the Adjournment, you have to tell *wananchi* - your people - what is actually happening on the side of the Government! This is what I am telling them.

*(Applause)*

Mr. Deputy Speaker, Sir, that same land was leased through single sourcing. That is because the Minister and his team wanted to give that parcel of land to his personal friend.

**The Assistant Minister for Health** (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir. The Minister for Lands is a Member of Parliament in this House. Is it in order for the

hon. Member to discuss the Minister without bringing in substantive Motion?

**Mr. Deputy Speaker:** No! I do not think we are discussing the Minister.

**Mr. Ojode:** Exactly! Exactly! Let me continue, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, the Ministry advised the Director of Livestock Development:

"We would do a sub-lease, but we must follow Government procurement procedures"

Even the Head of Public Service and Secretary to the Cabinet, Ambassador Francis Muthaura, said the following about that particular land:-

"Dr. Jacob Ole Miaron

Permanent Secretary, Ministry of Livestock and Fisheries Development.

Refer- Baragoni Holding Ground.

"We have received information that your Ministry leased the land parcel amounting to 30,000 acres to a private company for 25 years without authority from the Treasury".

Mr. Deputy Speaker, Sir, the Head of the Public Service and Secretary to the Cabinet wrote this letter saying:-

"The purpose of this letter is to request you, as a matter of urgency, to give basis on which you executed the lease agreement with a private company."

This is the letter- Reference OP/Cabinet/1/66(A).

The worst part of it is that even the sub-lease is leased at Kshs14.30 per acre!

**Mr. Deputy Speaker:** Order, Mr. Ojode! I am told your time is up!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I wish to table these two letters!

**Mr. Deputy Speaker:** Order, Mr. Ojode! Your time is up!

Capt. Nakitare!

**Capt. Nakitare:** Thank you, Mr. Deputy Speaker, Sir---

**An hon. Member:** Mr. Ojode, table the letters!

**Mr. Deputy Speaker:** As far as the Chair is concerned, no papers were laid on the Table of the House.

**The Assistant Minister for Health (Dr. Machage):** On a point of order, Mr. Deputy Speaker, Sir. Hon. Ojode cannot walk. Could you allow him to table the papers in a way he would be able to do so?

**Mr. Deputy Speaker:** Capt. Nakitare!

**Capt. Nakitare:** Mr. Deputy Speaker, Sir, this House pleads for your indulgence. The Leader of Government Business is seeking an adjournment of the House. He has emphasised that we have worked for four years tirelessly. To my dismay, the contentions and the conclusions were that we have several pending Bills that we need to exhaust before this 9th Parliament proceeds to the next general elections. That presumes that there is another Government that will come to vote. If we have been given homework by our nationals, we must finish that home work. I stand to oppose the adjournment on the Floor of this House. We have been accused and even called names. We have been told that we come here to sleep and that we are having an easy time here. We need to have a yardstick to measure our performance. The performance contract for Members of Parliament requires us to completely exhaust all the pending Bills before we go home. The Vice-President and Minister for Home Affairs, who is also the Leader of Government Business, and all the Ministers concerned should bring all the pending Bills in their custody so that we can exhaust them here before we leave this Parliament whether permanently, seasonally, or short-term.

Mr. Deputy Speaker Sir, I stand to oppose this Motion for Adjournment.

**Mr. Cheboi:** On a point of order, Mr. Deputy Speaker, Sir. I stand to seek guidance from the Chair on the basis of Standing Order No.42. You ruled that---

**Mr. Deputy Speaker:** Order, Mr. Cheboi! I did not make a ruling. I only guided the House. Hon. Members, do not put words in my mouth. If you read the HANSARD, I said that I wanted to draw the attention of hon. Members. I never ruled. Those are your own Standing Orders.

**Mr. Cheboi:** Mr. Deputy Speaker, Sir, I apologise. It is an issue of English. However, does this Motion have---

**Mr. Deputy Speaker:** Are you still standing on a point of order?

**Mr. Cheboi:** Yes, Mr. Deputy Speaker, Sir, and that is why I am seeking clarification from the Chair. Does this Motion, therefore, have your permission? This is because the proviso is that we can only debate this Motion with your permission. It is very clear and I can see it. It is in black and white.

**Mr. Deputy Speaker:** If you read it clearly, Mr. Cheboi, it is in the event that it does not go through. That is when the proviso comes into play. But you are a lawyer, are you not? Someone says that you are!

**Mr. Bifwoli:** Thank you, Mr. Deputy Speaker, Sir. I would like to contribute to this Motion for Adjournment. You heard the Vice-President and Minister for Home Affairs and Leader of Government Business say that Members of Parliament are tired. I want to go on record by reminding him that we are not tired. That is why even come next year, we shall go to look for the mandate to come back so that we can continue debating. That is, therefore, not a basis for us to go home to rest for two weeks. We are not yet tired!

Mr. Deputy Speaker, Sir, it appears that the Government is tired. It is unable to bring Bills to this House. So, I oppose this Motion and request the Leader of Government Business to go back and get business for us to debate. When these people are tired, let them admit that they are tired. They should not drag us into the business of being tired!

*(Laughter)*

Mr. Deputy Speaker, Sir, I actually would have supported this Motion, but because I am being told that I am tired--- I am sure that only those who are tired will want to say that this House should go on recess and yet I know that nobody is tired. Nobody will support this Motion.

Mr. Deputy Speaker, Sir, I beg to oppose this Motion highly!

*(Laughter)*

**The Minister for Science and Technology** (Dr. Wekesa): Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to support this Motion for Adjournment.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, Members! The Minister will be heard!

**The Minister for Science and Technology** (Dr. Wekesa): Mr. Deputy Speaker, Sir, we all know that we have a General Election this year. This is going to give us time to check on our progress in our respective constituencies. We have built many projects through the Constituencies Development Fund (CDF). We want to make sure that these projects are complete before our enemies start using them as a way of getting to Parliament. There is also need for us to get together with our supporters to organise how we can get to the next year being sure that we will be re-elected.

Mr. Deputy Speaker, Sir, I would like to talk about security. The issue of Mt. Elgon is very worrying. I want to be on record for having appealed for intervention by us in Government with

regard to this Mt. Elgon saga. We have lost many people in Mt. Elgon. I think over 100 Kenyans have died in Mt. Elgon, including about 20 or 30 people in Trans Nzoia District. What happens in Mt. Elgon, spills over to Trans Nzoia District because members of the various communities which live in Mt. Elgon also live in Trans Nzoia District. So, in the process of accommodating those who are running away, we---

**The Assistant Minister for Planning and National Development** (Mr. Serut): On a point of order, Mr. Deputy Speaker, Sir. You have heard the Minister say that we should go to recess because there is an issue in Mt. Elgon. Is the Minister in order to mislead the House that they will go to Mt. Elgon when I know that even the Minister of State for Administration and National Security will be going to his home in Kangema, or wherever it is?

*(Laughter)*

**The Minister for Science and Technology** (Dr. Wekesa): Mr. Deputy Speaker, Sir, I think my colleague got me wrong. I did not say that, that is the reason we are going on recess. I said that it is a worrying issue. I said that it worries me to see so many Kenyans dying and yet we have the machinery in place to stop that. I have advocated for some military intervention in Mt. Elgon. If we can have some of our young soldiers going to this area to assist in roads construction, supply of water and building schools that have been damaged, this will act as a deterrent and at the same time we could use them to flash out those who are holding small arms. They are actually the people who are killing Kenyans.

Mr. Deputy Speaker, Sir, I am saying so because we have lost a lot of people not only in Mt. Elgon, but also in Trans Nzoia. It is high time that this came to an end. We also have floods in my constituency. Many Kenyans have moved from their homes and they are now living in schools. In Namanjalala, Marinda and Veya, many of the homes have been damaged by floods. I do sympathise with the Minister of State for Special Programmes who does not have enough equipment and strategies to deal with floods. This is an issue that we should look at.

Mr. Deputy Speaker, Sir, I would like to share the feelings of farmers in Trans Nzoia District. This is harvesting time and many of the roads are in a bad state. The road between Kitale and Endebbes, close to one kilometre, is impassable because of flooding.

Mr. Deputy Speaker, Sir, I beg to support.

**Mr. Kombe:** Asante, Bw. Naibu Spika, kwa kunipa nafasi ili niongeze sauti yangu juu ya Hoja hii ya kwenda likizoni.

Kusema ukweli na uwazi bado kuna kazi nyingi sana ya kufanywa. Kwa mfano, Wizara ya Ardhi ina kazi nyingi ya kufanya. Kwa hivyo, kusema Waziri aende kupumzika kwa muda wa wiki mbili ni hasara kwetu sisi na Kenya nzima kwa jumla. Lile ambalo Waziri angetangulia kulifanya ni kuyaleta marekebisho katika Wizara hii. Kwa mfano, angeweza kushughulikia swala la uchoraji ili nyumba zetu ziwe safi na zipangwe kwa utaratibu. Pia Wizara ya Maji bado ina kazi nyingi ya kufanya. Kwa hivyo, tukifunga Bunge hili na kwenda kupumzika, kazi hizi zote zitasimama.

*(Applause)*

**The Minister for Water and Irrigation** (Mr. Katuku): On a point of order, Mr. Deputy Speaker, Sir. Is Mr. Kombe in order to mislead this House and the country at large that when the House is on recess, Ministers are also on recess? The fact is that when hon. Members of Parliament are on recess, Ministers are not.

**Hon. Members:** Wamechoka!

**Mr. Deputy Speaker:** Endelea, Bw. Kombe!



**Mr. Kombe:** Bw. Naibu Spika, tumeambiwa kwamba wamechoka na wanataka kwenda kupumzika!

*(Applause)*

Bw. Naibu Spika, hakuna haja ya sisi kwenda likizoni.  
Kwa hayo machache au mengi, ninapinga Hoja hii.

**Maj-Gen. Nkaiserry:** Thank you, Mr. Temporary Deputy Speaker, Sir. I also stand to oppose this Motion.

*(Applause)*

Mr. Deputy Speaker, Sir, it seems that the Government is tired. Since the Legislature is part of the Government of the Republic of Kenya, we cannot allow ourselves to go on recess when we have unfinished business. We have very important Bills which Kenyans require to be passed. One of the most important is the Bill that deals with the issue of organised crime. We, as a House, needed to pass this Bill before we go for elections.

Mr. Deputy Speaker, Sir, the second very critical thing is to give our security organs the mandate to deal with insecurity. We have a problem in Mt. Elgon District and the *Mungiki* menace. We, as elected leaders of this country, cannot go and rest when people are---

*(Mr. Wanjala crossed the Floor  
without bowing to the Chair)*

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Wanjala, whom I understand is very tired, to cross over from this side to the other side of the House, without following the procedure? The fact that Mr. Wanjala is tired does not mean he should not bow to the Chair.

**Mr. Deputy Speaker:** Order! Mr. C. Kilonzo, your point is taken!  
Mr. Wanjala, did you do that?

**The Assistant Minister for Water and Irrigation** (Mr. Wanjala): Mr. Deputy Speaker, Sir, I did not even go there. I just waved at them.

**Hon. Members:** No! No!

**Mr. Deputy Speaker:** Mr. Wanjala, will you go back there and do what you should to do before you cross to the other side?

*(Mr. Wanjala went and bowed  
to the Chair)*

Maj-Gen. Nkaiserry, please, proceed!

**Maj-Gen. Nkaiserry:** Mr. Deputy Speaker, Sir, I was talking about the issue of unfinished businesses. We know that this country has benefited a great deal from the Constituencies Development Fund (CDF). We had recommended that the percentage of the CDF be increased to at least 7.5 per cent. That is unfinished business. We should not go on recess unless or until we finish that.

Mr. Deputy Speaker, Sir, we have a critical issue which this House must deal with. That is the issue of Statute Law (Miscellaneous Amendments) Bill, which has just been abandoned. We should ensure that Parliament is independent of the Executive. We have a lot of unfinished

business. Therefore, when the Leader of Government Business points out that---

*(Hourglass light was put on)*

That was not my *nini*--- That was Mr. Kombe's time!

**Mr. Deputy Speaker:** Order, Maj-Gen. Nkaisserry! You are out of order to talk to the Clerks-at-the-Table! You should address the Chair, if you have any grievances! What are your grievances?

**Maj-Gen. Nkaisserry:** Mr. Deputy Speaker, Sir, I saw the light and thought my time was up. That was Mr. Kombe's time, therefore, I still have five minutes left.

Mr. Deputy Speaker, Sir, I would like to thank hon. Members for throwing out yesterday's Bill. That was sale of this nation. The woman of this country deserves representation. However, the way the Bill was moved yesterday was as a result of pressure from international Non-Governmental Organisations (NGOs). We cannot allow this nation to be on sale.

*(Applause)*

Therefore, I would like to congratulate hon. Members for throwing out that Bill. It was not because we hate our women, but this country was on auction yesterday. We, however, managed to stamp out that.

Mr. Deputy Speaker, Sir, the other thing I would like to comment on is the issue of Ministers who are doing their job. I would like to thank the Minister for Tourism and Wildlife. He promised me that he would visit my area and see the people. I report now that we went with him and we have now resolved the issue of Oloirien.

Mr. Deputy Speaker, Sir, the other issue is that of political parties in this country

**Mr. Deputy Speaker:** Your time is up!

**Maj-Gen. Nkaisserry:** With those few remarks, I beg to oppose.

**Mr. Rai:** Bw. Naibu Spika, ninaungana na wenzangu waheshimiwa Wabunge kuipinga Hoja hii.

*(Applause)*

Bw. Naibu Spika, tumechaguliwa kufanya kazi kwa miaka mitano. Wakati umefika wa sisi Wabunge kuongezewa muda wa kufanya kazi katika Bunge hili. Haifai sisi kushurutishwa kwenda nyumbani wakati matatizo yamezidi katika sehemu zetu.

Bw. Naibu Spika, katika historia ya taifa hili ni mara ya kwanza mwaka huu hatujamaliza Hoja inayoshughulikia Bajeti ya Wizara mbalimbali. Kufikia wakati huu, si Wizara nyingi ambazo zimepata pesa. Leo tunaombwa kwenda nyumbani wakati Wizara nyingi hazijapata pesa za kuziwezesha kufanya kazi.

Bw. Naibu Spika, hii ni dhambi kubwa. Wakati kama huu, tunahitaji sisi kama Wabunge kulaani vitendo kama hivi. Kama kuna baadhi ya Wabunge ambao wanajisikia wamechoka, basi wana uhuru wa kujiuzulu kwa sababu kazi hii si ya lazima. Watuwache sisi tunaotaka kuendelea na kazi. Muda si mrefu, tutafanya uchaguzi mkuu. Hatutishwi na uchaguzi. Tuko tayari hata kama Bunge litavunjwa kesho!

*(Applause)*

Wengine kama mimi tunajua kuanguka na kufaulu. Nilikuwa hapa Bungeni mwaka wa

1992. Ilipofika 1997 nilianguka na kukaa nje miaka mitano. Mwaka wa 2003, nikarudi tena.

Bw. Naibu Spika, wakati kama huu si vizuri Wabunge kuombwa kwenda nyumbani kwa sababu tumechoka. Nguvu za binadamu ajuaye mwenyewe. Hakuna aliyeingia katika mwili wa mwingine na kujua amechoka.

*(Applause)*

Bw. Naibu Spika, ni lazima tuseme ukweli. Ninakumbuka yuko nabii mmoja ambaye alikuwa na umri wa juu na akajisikia kuchoka. Akaenda akaomba radhi apate kuondoka duniani lakini akaambiwa wakati wake haukuwa umefika. Aliambiwa asubiri hadi nabii fulani aje kwanza amuone ndio yeye aombe radhi ya kuondoka duniani. Umri wetu wa kuishi hapa Bungeni haujamalizika. Kwa hivyo, kukatiwa maisha yetu, haiwezekani.

Bw. Naibu Spika, kama Serikali ina wakati, ikajipange, ijiandae na ijue kwamba sisi tuko tayari kufanya kazi na kuendelea kumpa huduma mwananchi anayesubiri huduma kule nje.

Bw. Naibu Spika, napinga vikali na moja kati ya mambo ambayo yanaudhi ni kama vile ulivyomsikia Bw. Ojode akizungumza pale. Kule kwetu Pwani, kuna shamba moja linaitwa Vipingo, ambalo lilikatwa, na watu walipokaa katika *Land Control Board*, walikataa. Lakini DC wa wakati huo akakata shauri kwamba lazima shamba hilo litoke na hivi sasa, limefanywa *Vipingo Golf Ridge*. Mambo kama hayo ni mambo ambayo yananyanyasa hadhi ya Serikali!

*(Applause)*

Ni lazima mambo kama hayo yachunguzwe na yajaribu kuangaliwa.

Bw. Naibu Spika, kitu ambacho ningetaka kugusia nikimalizia ni kwamba, ikiwa Serikali inajijua ina makosa, ina haja ya kuambia taifa hili kwamba kuna makosa fulani ambayo yanaendelea. Serikali ilikuja hapa na ikaanza kuwalipa *allowances* Mawaziri na Mawaziri Wasaidizi, jambo ambalo halijapitishwa na Bunge hili! Lakini, hivi sasa, wanataka kuhalalisha *wrong* kuwa *right*! Sisi hatuwezi kuwa *rubber stamp* hapa! Kwa hivyo, naiomba Tume ya Bw. Ringera hivi sasa ianze kazi, na wale Mawaziri waliokua wakipokea pesa hizo wazitapike ili zipate kwenda kufanya kazi ya wananchi!

*(Applause)*

Mpaka itakapokuwa imepitishwa katika Bunge hili, na ianze kazi wakati itakapokuwa imepitishwa katika Bunge, ndipo nitakapotosheka kwamba pesa zile ni halali. Lakini, kwa sasa, ni haramu! Nai kiwa Bw. Ringera hawezi kufanya kazi kama hiyo, basi inaonekana pia na yeye ameshindwa. Atuambie na tuko tayari kumchagua mtu mwingine kufanya kazi hiyo.

Kwa hayo machache ama mengi, napinga!

**Mr. C. Kilonzo:** Thank you very much, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, it is turning out to be very interesting because this Government cannot even convince its own Members to support its Motion, and any other Bill for that matter!

Mr. Deputy Speaker, Sir, it is something very interesting! The assertion by His Excellency the Vice-President and Minister for Home Affairs, that, indeed, they are tired is true. So, I am calling upon Kenyans to retire the entire Government next year!

**An hon. Member:** December!

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, the Assistant Ministers in that Government are idle. I do not know the name of the party of that Government! But in that Government, the Assistant Ministers have said that they do not have jobs! They are idle! Yet, the Vice-President and

Minister for Home Affairs is saying that they are tired! That is why the majority of the Assistant Ministers have walked out in protest!

Mr. Deputy Speaker, Sir, it is true that there are many pending Bills. I do not need to repeat it. Give them an opportunity to bring them back. We shall, as usual, pass some and reject others!

Mr. Deputy Speaker, Sir, it is very dangerous for voters when they elect people who get tired easily. That is very dangerous!

Mr. Deputy Speaker, Sir, as I conclude, I want to thank the men and women of this honourable House for opposing that foreign Bill - the so-called Womens' Bill yesterday. It was a job well done yesterday.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Khamasi) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I wish to oppose.

**Mr. Ogur:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order! Order, hon. Members! Order! All you need to do is just to stand up quietly and catch the Speaker's eye. Mr. Ochola Ogur, you do not need to shout at me to see you!

**Mr. Ogur:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Khamasi): Yes! What is your point of order?

**Mr. Ogur:** Mr. Deputy Speaker, Sir, you can read the mood of this House.

*(Applause)*

Hon. Members have spoken from this side, that side, front and backwards! We all know what to do! Could I be in order to request you to call upon the Mover to reply?

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order! This is a timed Motion! We have to abide by our own rules. We have to go on for three hours until I see nobody standing to catch my eye. That is when I will call upon the Mover to reply.

Proceed, Mr. Serut!

**The Assistant Minister for Planning and National Development** (Mr. Serut): Thank you, Mr. Temporary Deputy Speaker, Sir.

I stand to oppose this particular Motion.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, as I stand here, I was shocked when I heard the Vice-President and Minister for Home Affairs, who is also the Leader of Government Business, say that we are tired. He also said that there is a lot of Business that has not been carried out by this House. I thought it is the business of the Leader of Government Business, together with the Government,

to bring business here, and not hon. Members! That does not hold any water, despite the fact that, I am in this Government.

Mr. Temporary Deputy Speaker, Sir, when we go for recess, it means that even the Ministers will go back to their constituencies. My concern is this: For the last one year, there have been killings going on in Mt. Elgon. If the Minister of State for Administration and National Security is going to retire back to his Kangema Constituency for the next one month, what is going to happen to the people of Mt. Elgon? I am opposing this Motion because I want the Minister to be in his office, so that we can access him, and keep him on his toes to follow the issues in Mt. Elgon.

Mr. Temporary Deputy Speaker, Sir, I want to use this particular forum to tell the Vice-President and Minister for Home Affairs that he is the Vice-President of this country. He should get concerned with the issues of Mt. Elgon. He comes from Western Province, but I have never heard him, even on a single day, talk about the issues affecting Mt. Elgon here at the Dispatch Box!

Mr. Temporary Deputy Speaker, Sir, I am not against the Vice-President and Minister for Home Affairs. But that is an issue for Kenyans. There is nobody who is going to invest in this country, especially in Mt. Elgon, if there is insecurity. The Government cannot even develop Mt. Elgon because of insecurity. Why is it taking too long to crush those criminals in Mt. Elgon? It took only two or three days to crush the *Mungiki* here in Mathare! What is so special about the people who were being killed in Mathare? Are the people in Mt. Elgon lesser human beings?

Mr. Temporary Deputy Speaker, Sir, I have talked about those issues severally in this House, to the Government and in Mt. Elgon, but there seems to be no answer. Is Mt. Elgon part of this country? If it is, why is the Government not taking action?

Mr. Temporary Deputy Speaker, Sir, from September, 2006, more than 30 schools have been closed down in Mt. Elgon. This Government talks of having no business, people are tired and they want to go home. Who is going to save the children of Mt. Elgon? Who is going to open the schools for the children of Mt. Elgon, if the Government is tired and wants to go home?

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, it is my considered opinion that this Government should be kept in office until its term is over. The only way to keep these Ministers in their offices is to retain them in this Parliament, until the time is over.

I beg to oppose this Motion!

**Mr. Billow:** Mr. Temporary Deputy Speaker, Sir, you heard the Government side very clearly expressing the very pitiful differences between them. You see the picture of a Government that is in total disarray, a Government that wants to run home. They want to run home, so that they can go and hide. This Government should know that there is only one thing they can do if they are tired and unable to move forward. That thing is for them to honourably hand over the reigns of power to the alternative government.

*(Applause)*

It is not appropriate for the Government to stand up here and tell us that "we are tired!" when, indeed, the agenda, or the business, which was set out by the Leader of Government Business has not been completed. Over 30 Bills were listed in the Budget Speech, yet this Government says that we have no business and we are tired. We have not seen even 10 per cent of those Bills tabled in this House. What is the Government then talking about? For example, the Fiscal Management Bill is a very important one that we have been pushing for. If you want this House to perform its oversight responsibility, we must have that Bill passed in this House. They are not interested!

The Political Parties Bill is a very necessary Bill for us in this coming general election. Why is this Government unable to fast-track it and bring it to this House? Where is the Constituencies Development Fund (CDF) (Amendment) Bill, which has been published? More importantly, these Ministers and Assistant Ministers have been taking money from the Consolidated Fund from 2005 up to now without approval from this House.

*(Applause)*

Each one of them will be liable to pay it back, if the Statute Law (Miscellaneous Amendments) Bill is not tabled and approved in this House. It is, therefore, interesting that this Government should now decide that we must go on holiday. We are not willing to go! As the Official Opposition, we are ready! We are not only ready, as the Official Opposition, to continue business in this House, but are also ready--- If you guys think the best thing is--- There is a concern here that, indeed, this Government wants to use this opportunity of adjournment---

**The Temporary Deputy Speaker** (Mr. Khamasi): You are out of order, Mr. Billow!

**Mr. Billow:** I apologise, Mr. Temporary Deputy Speaker, Sir. They are honourable gentlemen and ladies.

There are concerns that, perhaps, when we go for an adjournment this Government will take the easy route out and dissolve the House. But even if you dissolve the House today, the Official Opposition is also ready. So, either way, you cannot hide. Let us continue with the business of this House, so that we can assist the people of Kenya.

The other point I want to raise - two issues - is on the privatisation of Safaricom. Concern has been raised that, indeed, the shareholders of Safaricom are not the Government of Kenya and Vodafone. There is another company by the name Mobitelea, which has a 10 per cent stake. It is surprising that the Public Investments Committee (PIC) of this House, which is essentially, this House, gave an order that the current process of privatising Safaricom be suspended until the issue of Mobitelea is resolved, or until the issue of the ownership of Safaricom is resolved. This Government's Minister in charge of finance announced through the media that the sale of Safaricom will go on whether the PIC wants it or not. This is total disrespect for this House. It is this House which is constitutionally mandated to decide on such matters. If this House said that it cannot go on, then how can the Government say it can go on? I think this Government has a lot to do. It has failed to do and running away for two weeks or two months is not going to be a solution.

In that regard I, therefore, beg to oppose this Motion.

**The Minister for Water and Irrigation** (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the opportunity to support this Motion of Adjournment.

From the outset, I want to allay the fears that this Government is tired. Personally, I am not tired and I think it is wrong to take us as tired. We are very committed; what we intend to do has been the tradition. I have been in this House for the last ten years. You will find that in August we have always had two or three weeks adjournment. So, due to that tradition, we have been adjourning for holidays in August. However, for obvious reasons which you know. I can understand why you are opposing this. We have a lot of business to do, especially that particular business we have interest in. I want to say that it will still come, even if we adjourn and we will deal with it. I would, therefore, want to appeal to hon. Members to support this adjournment, come after two weeks and deal with the business we have interest in.

Mr. Temporary Deputy Speaker, Sir, hon. Members have said that this adjournment may result in the dissolution of Parliament, and I want to allay those fears. His Excellency the President, himself, has, on different occasions, made it very clear that elections will be held at the end of this year. So, hon. Members should not misconstrue this to mean that we are adjourning, so that

Parliament can be dissolved. Parliament can even be dissolved when we are here, and so, that should not be an issue.

I want to say that when we are on recess, Ministers get time to also visit constituencies to see how monies that are voted by this House are spent. So, as one of the Ministers, I want to assure you that I will be visiting your area, if I get time, to also see how water projects are being undertaken in your constituency. I want to inform hon. Members that when they go on recess--- In particular, my Ministry has sent monies for different projects, and I want you to take interest to visit them and give me a feedback on how they are being implemented. We want to see funds voted by this House being spent properly out there.

My last point on this is that I have read from the Press over the last two weeks, and even today, about some foreigners taking sides on our internal matters that have something to do with elections, starting with what happened at the United Nations Development Programme (UNDP) yesterday. I have seen the newspapers today, and they were trying to be partisan. I have seen some information attributed to a German official, who is taking sides, and even going for campaigns in a partisan manner. On the issue of funding women, nobody is against funding them, but why do you have to make it public? You can fund them! You can even fund men and anybody else. But foreigners must respect our systems. They should not start saying: "We are funding so-and-so against so-and-so!" Foreigners should not start saying that they are going to campaign for so-and-so. They should just sit and let us exercise our democratic rights in this matter.

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

**Prof. Mango:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute.

I would like to contribute to this Motion of Adjournment and ask the Minister for Roads and Public Works to look into the roads in Butula Constituency. There is Road C30 which has totally been ignored, and I request the Minister for Roads and Public Works to address it.

The people of Butula, together with the people of Nambale, contributed land - they gave away their land - about 20 years ago for a sugar factory, which was to be known as "Nambale Sugar Factory". Twenty years down the line, it has never seen the light of day. Could the Minister for Agriculture look into that and help the people of Butula and Nambale to have a factory? This will ensure that our youth are employed, and not left to *boda boda* business which is causing them other biological problems. They also need *kujivunia kuwa Wakenya* by being employed.

Mr. Temporary Deputy Speaker, Sir, the Minister for Local Government also needs to look at our markets. We have had a market called Bumala for the last 30 years. That market has been ignored. *Wananchi* have been left sitting in the sun or rain the whole day, and their foodstuffs get all the dust. The Minister should look after this whole Republic because everybody pays tax. It does not matter whether *wananchi* buy kerosene or other products. But they pay tax. We are all taxpayers and, therefore, we should be helped.

Mr. Temporary Deputy Speaker, Sir, the sugar industry is having problems because the Sugar Act is being kept in a cold storage. I would like to see the Minister for Agriculture bringing back that Sugar Act to this House for amendments, so that the sugar industry can benefit. He seems to have purposely kept it away, so that the sugar barons can continue importing sugar to the detriment of the sugar-cane farmers, who have donated their land and farms to grow sugar-cane and get nothing at the end of the harvest. The Sugar Act should have been here. But four years down the line, it has never seen the light. I understand that matter started during the Eighth Parliament. The Ninth Parliament term is almost coming to an end, but the amendments to the Sugar Act have never seen the light.

Mr. Temporary Deputy Speaker, Sir, the question of the Rural Electrification Programme (REP) is a thorny one. We leave Nairobi only to go into darkness. As Kenyan taxpayers, we would

also like to enjoy the facilities of REP in our rural areas, so that our children could access the advantages of Information and Communication Technology (ICT) and study at night. They are left to use the sun. Once the sun goes down, they cannot study. Therefore, they end up performing poorly because they cannot have extra time to study using electricity.

Mr. Temporary Deputy Speaker, Sir, REP could also help to create jobs. As it is, we do not have electricity in our market places. Therefore, not much of *Jua Kali* jobs are created in our areas. The Minister for Energy needs to look into that and ensure that there is more distribution in Butula Constituency, so that my people could enjoy jobs creation through the *Jua Kali* sector.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to oppose.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to air my views on this important Motion. The lives of Kenyans lie in the hands of this honourable House. First and foremost, I would like to thank the Minister of State for Public Service for what he has done. This is a Public Service Week where the public meets their servants or heads of departments directly. Yesterday, I was in Kapenguria Town and many people in that area were able to mingle with the police, Officer Commanding Police Division (OCPD) and the military officer in charge of Kacheliba Barracks. It was a wonderful day where the public had an opportunity to ask various questions. They were given answers by those who are concerned. That shows that, if we continue at that rate, this country will be in a better position in future.

Mr. Temporary Deputy Speaker, Sir, I am also concerned with what Mr. Serut raised. I would like to say that it is not the Government which is not working. Personally, I would like to say that the Official Opposition in this House is dead! The reason is that people are being killed in Mt. Elgon District. The other day, the Uganda Peoples' Defence Force (UPDF) came 26 kilometres into Kenya and killed Kenyans. None of the people from the other side of the House visited that place! You are the voice of Kenyans! You are the people to go and ask: "What is happening?" But their work is only to shout in this House!

**Mr. Osundwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Moroto! What is your point of order, Mr. Osundwa?

**Mr. Osundwa:** Mr. Temporary Deputy Speaker, Sir, is Mr. Moroto in order to say that the Opposition is dead, when he is actually an Opposition hon. Member sitting on the Government side?

*(Applause)*

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Mr. Temporary Deputy Speaker, Sir, I am serving a Government of National Unity (GNU). This is where we take our responsibilities and serve Kenyans. It is not like the days where we picked people only from one unit - a single party. This is a wonderful Government! It can take anybody from anywhere to serve Kenyans. I am now here to serve them! But my question is to my colleagues on the other side. The other day, in Western Province, there was a landslide where people were killed. None of those people have even gone to that place!

**Mr. Poghiso:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I did not want to interrupt my good friend, Mr. Moroto. But I do sit on the Opposition Benches and I went to Uganda and brought back the cows.

**An hon. Member:** Alone?

**Mr. Poghiso:** So, is he in order to mislead the House that no one from this side cared. I am from this side and I cared!



**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Mr. Temporary Deputy Speaker, Sir, I respect my friend, Mr. Poghio. But it was the efforts of this good Government that did that. He only went there when everything was on the table! I was also there with him. There was no struggle from this other side. It is good that he was there and we worked together to bring back those cows. Otherwise, greater efforts were made by our Government. That is because even our High Commissioner from Uganda drove all the way by road to Kacheliba Constituency and Kitale. In fact, we met at Kitale Club.

Some of us have been in West Pokot. They have been fighting up and down. But at no time did a High Commissioner or a high-powered delegation from the Government side go to Uganda to bring back animals. That is what the Government did this time. We have to give credit to His Excellency President Kibaki and his team.

Mr. Temporary Deputy Speaker, Sir, despite the fact that, we are praising what the Government is doing, the Minister of State for Administration and National Security should do something on what is happening in Mt. Elgon District. Recently, two people were killed at the same place where we went with Mr. Poghio. In fact, a lady was injured. She is now hospitalised at Kapenguria District Hospital.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support so that hon. Members could go home and visit those places.

**Mr. Sungu:** Mr. Temporary Deputy Chairman, Sir---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! It is Mr. Speaker!

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I am very apologetic! I do get confused sometimes!

I have only one thing that I want to ask of this Government. My colleagues have talked about the Government's agenda of having about 30 Bills. I have looked at the papers of the House and I have noticed that we have over 22 Bills which are outstanding. Most of them are waiting for the Third Reading in the Committee Stage. We have, on many occasions, been accused by the Press that, as hon. Members, we are not doing our work. Why can we not bring these issues to the Floor of the House so that we can finish with them? If we go home, we should do so when we have completed our work. What is this Government afraid of? Why is the Government afraid of its own Bills? For example, we have been waiting for the Government to bring the Anti-Money Laundering Bill, the Political Parties Bill, the Finance Bill and the Fiscal Management Bill, among others. What really affects me most is that this House granted me leave in the year 2003, to form a Committee, of which I had the honour of chairing, to investigate the death of the late Dr. Robert Ouko.

The Committee sat for several years and even went to London at a great cost. I laid the Report of the Committee on the Table of this House in the year 2005. You know that some terrible people decided to take me to court because of that; for daring to table a Report of a Committee of this House. Apart from the issues of the privileges raised therein, I want to know from this Government why they do not want us to discuss this issue since 2005. We spent a lot of money. Do I have to go down on my knees for the Vice-President and Minister for Home Affairs, who is the Leader of Government Business and the Chairman of the House Business Committee to have this matter discussed on the Floor of this House? We know how Dr. Ouko was killed. We have a Report. This man was killed so cruelly and in 1990, I was not a Member of this Parliament. As a Member of Parliament, I dare say that the current leader of Government Business may have been a Member of Parliament at that time. Therefore, that guy was his colleague. It is a shame that we are not willing to face the truth and solve this issue once and for all.

Mr. Temporary Deputy Speaker, Sir, I am close to dying. People have called me names! The Press have called me names and imputed improper motive on my part. The members of the

public have also inquired. My political opponents have said on radio that I have been bribed because this Report has not been discussed on the Floor of this House. What do I need to do for the Report to come to the Floor of this House? What did I do?

*(Mr. Sungu cried loudly)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order! Mr. Sungu, we will discuss this matter without emotions. This is a national matter and we are discussing it in this House. So, keep emotions out of it. Be cool!

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I apologise. I have been called names. People have called me names. It is a shame that this Parliament cannot dare discuss a Report of its own Committee so that we can either accept or reject it. That way, people out there will know what the Committee did. The Report is there and was prepared at a great cost of over Kshs100 million. We spent over Kshs100 million of taxpayers money, yet this House has refused to discuss the Report. They are asking us to go home. There is still a lot of business to discuss. I want to plead with this House not to go on recess until we discuss this Report by the Committee investigating the Death of Dr. Robert Ouko. I want to plead with the Vice-President and Minister for Home Affairs to withdraw this Motion. I want to plead with hon. Members to reject this Motion. We can discuss the Report in one day so that I can live freely like a bird and say that I have done my bit for this country, as small as I am.

Mr. Deputy Speaker, Sir, I know that the Government has the power to do anything. They can even tell us to go home. If we go home and this Parliament is dissolved, this Report may never be discussed. What is it that these Members of the House Business Committee hold against hon. Members of this House that we cannot discuss it? Some of them who have been named adversely in that Report, go all over the world gallivanting, giving instructions to Kenyans about which parties to support and which ones not to support. Some of them have monies and walk around showing that they have a lot of it, trumpeting their money left and right, saying that they will do this and that because of what they have. Why can we not discuss this Report?

I beg to oppose and say that I am sorry that I got a bit emotional.

**Ms. Abdalla:** Thank you, Mr. Temporary Speaker, Sir. I stand to oppose this Motion of adjournment.

*(Applause)*

I am surprised that the Vice-President and Minister for Home Affairs, who I highly respect, would come and say that the Government is tired and is not able to work. My Committee on the Fiscal Management Bill and the Appropriation Bill has written to the Vice-President and Minister for Home Affairs to beg him to allow us to discuss and hold the Third Reading of that very important Bill. If the Government is tired, we are not. We would like to remain.

I have been coming to the House for the last two weeks to give the Report of the Committee on Administration of Justice and Legal Affairs on the Statute Law (Miscellaneous Amendment) Bill. This includes an amendment which His Excellency the President promised this House and the nation in his opening Speech during the State Opening of Parliament. His Excellency the President promised that Kenyans would have, at least, 200 judges. The Statutes Law (Miscellaneous Amendment) Bill proposes that we have 70 judges. Our Committee was just helping this Government because it cannot help itself. You saw that yourselves yesterday. So, we were trying to help this Government to get those judges so that the backlog of cases at the Judiciary can be dealt with. A Government which cannot accept help from the Opposition is a Government

which needs to go home.

**An hon. Member:** Yes!

*(Applause)*

**Ms. Abdalla:** Mr. Temporary Deputy Speaker, Sir, this is an election year. One of the problems that many of us, women, who are willing and ready to get elective positions, are worried about is the issue of security. There is a Bill on the Prevention of Organised Crime waiting for debate by this House. Unless the Government of the day wishes to use organised crime to fight those people who oppose them in the coming general election, it is the duty of this Government to bring that Bill so that we can deal with the issues of organised crime once and for all.

Another business that this Government should do, if it is worth its name, is that instead of them using illegal measures of applying the proposed Anti-Terrorism Bill, why can they not bring the Bill to this House so that we, in the Opposition, can show them what Kenyans want so that they do not have to wait and deport Kenyans to Guantanamo Bay. They would, at least, have a law if they are a Government worth its salt. If this Government does not want to work, because I believe it does not only want to work, but it cannot work because one of its hands does not know the other part of its own anatomy. Yesterday was a true embarrassment. Women of Kenya were brought to this House to be made fun of because the President promised to give them 50 seats. The Front Bench was in the fore front by voting against its own Government. It is very clear that His Excellency the President might be having some good intentions for Kenyans but he is unable to control his Front Bench. Since they are tired, they should not bother adjourning the House. They should just dissolve this House so that we can send them home for good.

With those few remarks, I wish to urge Members of this House to oppose this Motion of Adjournment, despite our respect for His Excellency the Vice-President and Minister for Home Affairs.

Thank you.

**The Assistant Minister for Information and Communications** (Mr. Were): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to contribute to this Motion. On the outset, I would like to assure the people of Matungu and Kenyans at large that I am not tired. I am young and energetic. I do not see the need of us going on recess at this time when we have a lot of business which is undone. Why should we go home when we still have a lot of business to do?

His Excellency the Vice-President and Minister for Home Affairs, whom I respect and like very much, has stated that we need time to go home and meet our people. We have been going home and meeting these people. Why should we be told to go home and meet them? We are elected and we know our duties. We will continue going home every weekend. As we finish this Sitting today, I will be on my way home, whether there is a recess or not. I always go home to meet my people.

On the issue of CDF, I believe that we do not need a break to go and inspect CDF projects. That is our baby and we have been inspecting the projects all through. As we have been constructing, we have been inspecting. We do not need a break to go and inspect them. Those who have not been inspecting projects and meeting their people, even if you gave them a recess of one month, they would still stick in Nairobi. They would not go home.

*(Applause)*

I am saying that there is no need of going home because we are tired and we want to go and inspect

the Constituencies Development Fund (CDF) projects or to go and meet our people. That is our duty. We know very well that, this is a year of election. If we want to stick here, it is up to us. We do not need to be given a chance to go and meet the people. If you want to go and stay there, it is fine. Whether you are given a break or not, you have decided.

Mr. Temporary Deputy Speaker, Sir, I come from Mumias District and we rely on sugar-cane. If you told me to go home and inspect CDF projects or meet the people, there is only one question on their lips; sugar-cane! Whether I inspect one million CDF projects and I do not tell them any good news about sugar-cane, I will be doing nothing. Sugar is our life. In Mumias, Busia and Bungoma districts, that is what we live on.

In 2002 when we came to power, the price of sugar per tonne was Kshs2,015. Somewhere along the line, it was found to be uneconomical to pay that amount. So, it was reduced to Kshs1,750 and gradually it has gone to about Kshs2,200. As we speak now, the price per tonne of cane should be Kshs2,750. I would urge that the price of Kshs2,750 which is being paid by West Kenya Sugar Company be applied in all the sugar companies so that the people of Mumias, Nzoia and SONY who rely on sugar cane should earn Kshs2,750 per tonne so that they also enjoy what other people are enjoying.

Mr. Temporary Deputy Speaker, Sir, we are not worried about the dissolution of Parliament, it is normal that when we go home, many remain and a few come back. It is going to continue whether we go now or in future. The trend will be the same. So, we are not worried about that. For this particular time and instance, I oppose going for recess.

**Prof. Oniang'o:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity. I oppose the Motion. The reason why I am opposing this Motion is because we have a lot of unfinished business. We are on the last lap of the Ninth Parliament and we just need to recall on what basis we elected this Government. One of it was to fight corruption.

As we speak right now, the Ringera Commission is unable to bring back Kenyans' money which was stolen from this country because of a technical hitch in the law. That hitch could be amended by this very Government. So, as we go and finish this Government, they did not fulfil that promise. The second one was the constitution review. We were going to have a new constitution in 100 days.

**The Assistant Minister for Co-operative Development and Marketing (Mr. Mwenje):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought I heard the Professor saying that "as we go to finish this Government." Could she substantiate? Finish how? Killing who? Could she withdraw and apologise?

**The Temporary Deputy Speaker (Mr. Khamasi):** Mr. Mwenje, I have not got your point of order. What is it that is out of order?

**The Assistant Minister for Co-operative Development and Marketing (Mr. Mwenje):** The Professor said that "as we go to finish this Government." That is verbatim. I want her to substantiate or withdraw that particular remark.

**The Temporary Deputy Speaker (Mr. Khamasi):** What did you say, Professor?

**Prof. Oniang'o:** Mr. Temporary Deputy Speaker, Sir, my age is such that, I learnt the English language; the Queens version. So, when I say "finish," I mean we are finishing the five years of this administration. Is that not correct?

Mr. Temporary Deputy Speaker, Sir, we were promised a constitution in 100 days. What has happened is that the Bomas Draft has been mutilated by taking piece-meal things in it and trying to bring them here for amendment. As we now finish this administration at the end of these five years, we still do not have a constitution for Kenyans.

Yesterday was a true demonstration of what truly happens when you do not dialogue with the Opposition to pass Bills. Yesterday was a great embarrassment. Many of the Bills are pending

because this Government has not learnt how to dialogue with the Opposition in order to pass Bills. As we go, all of us are being blamed for not actually having done the business of this House. We need more time to revisit the issue of women's representation in this Parliament. Even as we went out yesterday, most hon. Members here would like to see more women here, but it should be done in a proper way. Why was it waited until it was too long, forced on to people's throats and was not done properly but in an arrogant manner? So, we need time to revisit that issue.

Mr. Temporary Deputy Speaker, Sir, we need time to actually bring things properly to closure. We are aware that this Government of National Unity (GNU) is what is leading to hon. Members voting against their own Government. It has destroyed democracy in this Parliament. So, I wish to say that we are not tired and we are going to sit here until we bring this to proper completion.

With those few remarks, I wish to oppose.

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, I also want to stand here to oppose this Motion. I remember when we were passing the Vote of the Ministry of Health, very many hon. Members talked about the National Social Health Insurance Fund (NSHIF). I would like to assure hon. Members that as a Ministry, we are working very hard to bring the amendments to that Act so that we operationalise it. That is the only way to look after the health of our people in this country. So, if we go on recess, we shall not have time to do that.

Mr. Temporary Deputy Speaker, Sir, I was born and I grew up in Mt. Elgon. I feel very sad for what is happening in there. I would like to ask this Government, although I am part of it - the relevant arms of this Government - that time has reached for them to deploy the army in Mt. Elgon to bring security under control.

The other thing that I would like to talk about, is the amendment to the CDF Act. We have it and some of the amendments are excellent. For example, it would allow us to buy land and expand our schools and for the children to play. The amendments would allow us to use the funds for sports and also buy equipment. I say that, that Act should come to this House before we go on recess.

Mr. Temporary Deputy Speaker, Sir, regarding the Political Parties Bill which many hon. Members have mentioned, it will bring sanity in our political parties. That Bill should come to this House so that we can deal with it. The President has created so many districts in this country and all of them have not been regularised. We need a Bill to come to this House for us to regularise the districts. Most times when we talk, we are told that they are actually not regular although most of them have been operationalised.

Finally, I would like to talk about Lugari. Right now in Lugari, Pan-African Paper Mills' trucks have completely destroyed our roads. They have completely destroyed our roads because they harvest trees in Lugari and they use our roads and do not plough back in terms of trying to repair the roads.

Mr. Temporary Deputy Speaker, Sir, I want to say so, so that it can go on record that very soon, without appearing to threaten anybody, that we will bar the Pan African Paper Mills from coming to Lugari District.

With those few remarks, I beg to oppose.

**Mr. Cheboi:** Mr. Temporary Deputy Speaker, Sir, I will be very brief in opposing this Motion. I want to point out that I was surprised when I heard very seasoned Members of Parliament saying that we are tired and that we want to go and meet our constituents.

Mr. Temporary Deputy Speaker, Sir, as far as I know and as far as the Standing Orders are concerned, we do not need permission from the Speaker to be away as long as we do not miss eight consecutive sittings. That means we can as well be out of this Parliament for three weeks, without seeking permission from the Speaker. So, it is very surprising that anyone can insinuate that he

needs permission through a Motion to go home and visit his constituents.

With those few remarks, I beg to oppose.

*(Laughter)*

**Mr. Osundwa:** Thank you, Mr. Deputy Speaker, Sir, for giving me this time to oppose this Motion. I will take only two minutes because I can gauge the mood of the House. I want to give them time to do justice to this Motion.

Mr. Temporary Deputy Speaker, Sir, the Vice-President and Minister for Home Affairs, in his contribution, said that we must go home today because he expects us to solve peoples' problems while we are on recess. One of the problems in my constituency is the acquisition of national Identification Cards (IDs). In the two districts of Butere and Mumias, we do not have a single camera for taking photographs that are used in making the IDs. Indeed, we have been pleading with the Government to speed up the issuance of IDs in our constituencies. Nothing is happening on the ground. So, I want to ask the Vice-President and Minister for Home Affairs to advise me on how to assist my people get IDs. There is no camera in the entire district.

Mr. Temporary Deputy Speaker, Sir, finally, there is a time we are asked to pass some votes here under the system called guillotine. Under that system, we do not scrutinise votes of a number of Ministries. They just go under guillotine. Between now and 25th September when he expects us to be away, I want to ask the House to refuse to go home today, so that the Government tables all Ministries' votes here. I am sure, within one month, we should have gone through all of them.

With those few remarks, I beg to oppose.

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): Thank you, Mr. Temporary Deputy Speaker, Sir, for also giving me this opportunity to also give my views on this matter. Indeed, I agree with those opposing this Motion.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, I realise I am in the Government. I also realise that I cannot be in the Government if I am not in this House. The first thing I must do is to make sure I come to this House and give my views. It is true that where the Government is right, we should say it is right. The problem with the Opposition is that when they come here they want to become angels. This Motion was discussed in the House Business Committee and some Members of the Opposition are its members.

**Hon. Members:** Where are they?

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): Who said they are not there? Go and get the list!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Mwenje! You know you should not listen to that sort of reaction. Address the Chair. So, do not reply to it!

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): Thank you, Mr. Temporary Deputy Speaker, Sir, for reminding me on that. I am addressing the Chair now. I was saying that the House Business Committee which decides the business of this House is comprised of Members from both sides of the House.

**Mr. Osundwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Mwenje is out of order. He has been in this House long enough to know that the House Business Committee is a subordinate committee to the entire House. It cannot decide matters for the entire House. So, is he in order?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Osundwa! In fact, I do not know what type of point of order you are raising. Mr. Mwenje has not said that what the House Business Committee decides in its meetings is final. I believe Mr. Mwenje wants to say that some Members of Parliament who sit in the House Business Committee on this side support the Motion. He is not saying it.

Proceed!

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): Mr. Temporary Deputy Speaker, Sir, I am surprised that Mr. Osundwa has been long enough in this House and he still does not seem to understand this.

Mr. Temporary Deputy Speaker, Sir, I was saying that when the matter was being discussed in the House Business Committee which is represented by both sides of this House, that is where it should have been said that the Motion should not be brought because of "a", "b", "c" and "d". However, when we sit here and some Members want to pretend that it is only brought here by the Government, I want to say it is those Members of the Committee who should have discussed that matter thoroughly and said that we still have a lot of pending business and we should not adjourn.

**Mr. Poghiso:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My good friend is saying that Members here have come to pretend. This is very unparliamentary language. Could he, please, use parliamentary language on Members?

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Mwenje): Mr. Temporary Deputy Speaker, Sir, there is no substitution for the word "pretending" because if you are not saying what you mean or what you should have done, then you are pretending. I had a distinction in English. I do not know any other word that I would substitute it with.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, I am saying that even if personally I am opposed to this Motion, but it is important to note that some Members of Opposition are members of that Committee. You know some Members said that we promised a new Constitution within 100 days. What happened? When we went for referendum most of the hon. Members who were on the Opposition side, including myself, opposed it because we thought it had a few things which were not acceptable. How can you now sit there and say the Government did not give us a new constitution? How could it have done so, when we opposed it? I was opposed to it because I thought it was not right. A new constitution will come when there is consensus. I do not think it is right for anybody to stand here and blame the Government for not providing a new constitution or for things which have not been done. A lot of things have been done by this Government. A lot has been done by the President of this country. I think it is good to appreciate what has been done by this Government. Even if you do not agree on particular issues, but the truth is that development has taken place. You cannot say that free education has not been implemented.

Mr. Temporary Deputy Speaker, Sir, I oppose this Motion, but let the Opposition also be fair to us.

**Mr. Poghiso:** Thank you very much, Mr Temporary Deputy Speaker, Sir. This is a very timely Motion. I know that there is something known as collective responsibility when it comes to Government. That is why I will not take the long route of putting blame on just the Leader of Government Business. This is the business of the whole Government. The Leader of Government Business is simply a messenger of that side. Therefore, I think it is good for that side of the House to put their house in order.

Mr. Temporary Deputy Speaker, Sir, there is something happening in the political---

**The Assistant Minister for Water and Irrigation** (Mr. Wanjala): On a point of order,

Mr. Temporary Deputy Speaker, Sir. I do not know whether you heard the hon. Member on the Floor refer to the Leader of Government Business as a "messenger"? Is he in order to call the Vice-President and Minister for Home Affairs a messenger?

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Wanjala, I do not think we need to waste time on such trivial points of order.

Proceed, Mr. Poghiso!

**Mr. Poghiso:** Mr. Temporary Deputy Speaker, Sir, we actually need the Political Parties Bill brought to this House very quickly, so that we can have rules to guide us in our parties, so that we can bring discipline to political parties and to the House. Of course, it astounds me that a House that is so divided does not seem to fall. We are told very clearly that a divided House falls. So, I think it is very clear that, at the moment, the Government is "falling". Anybody who is not seeing that needs to be aided to see.

I oppose this Motion. I just wish that we could be led by a strong and united side. I am sure that everybody will now hear us given the way we speak. It means that we do not discuss matters before they are brought to this House. I do not agree that we should take blame for what the House Business Committee does. I do not think the whole House is privy to what the House Business Committee brings here. We are simply consumers of what is put on the Order Paper. We do not know what goes on when Members of the House Business Committee meet in the evenings to decide on the business to be brought here.

We have been shown this Motion today, and so we decided to debate it as it is. That is why we are opposed to it. There is no consensus involving the whole House. As for the lack of business in the House, or hon. Members being tired, that is, really, jargon from the Government side. It is important for us to know that there are many people who would like to do some work. We are here to work. I would like to take this opportunity to say that there is such a thing as Vision 2030, which the Government is talking about. That document has not even been brought to this House. That would actually help us to see what kind of legislation is being proposed in Vision 2030, so that we can have a better life for this country's people.

We have a retinue of legislation which has not even been touched or dented. Let us not go home just on the basis of what has been arranged, just because we think it is a routine. We should cut our suit according to our cloth. How much time do we have left this year? That is the way we should do business. Let us see how many days we have this year to do business, how much business is left and divide the number of days with the number of Bills and Motions that we have and then see how to work. We cannot go on recess, knowing that this House is very soon going to be dissolved. We cannot, because we have 30 days, take our time-off. We have no time. We have so much business and so little time. So, let us think in terms of how much we can do within the short time left. Let us do it and when we have finished our business, we can then say: Let us take a break. That is the way we should work.

That is why it is important for this House to control its own calendar. It is very important, so that these kind of things do not take us by surprise. When we have our own calendar, we will know that next week, we are leaving, and in the following week we are coming back. That will make it easier for us. That is one of the things which the Government should bring to this House, so that we can conclude this matter.

I am not in a hurry to go home. Very recently, we got new districts. One of them was Pokot North District, and we want to be thankful for that. However, I would like to ask that the creation of districts be based on proper boundaries. There is a lot to do. I hope that the Government will do its job.

With those remarks, I beg to oppose.

**Mr. Arungah:** Mr. Temporary Deputy Speaker, Sir, I also join my colleagues in opposing



the Motion.

For a Government which has come up with the fantastic idea of Vision 2030 to be in a hurry to take us home is incomprehensible. I have had the opportunity of looking at the Vision 2030, and seen that there is an enormous amount of legislative work, or legal framework, which needs to be put in place for it to be put into effect. It is the same Government that wants us to go home which developed that policy. So, I do not understand it.

When I came to this House, I was amazed at the rate at which each hon. Member was complaining about how the national resources of this country were being allocated. The only legacy that the Ninth Parliament would have left this country was to pass the Fiscal Analysis and Management Bill, because it provides a framework within which Parliament can engage the Executive by seeking to know exactly how the Government allocates the resources of this country.

*[The Temporary Deputy Speaker  
(Khamasi) left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Poghisio) took the Chair]*

We have debated the bigger part of the Bill. We are only left with the Committee Stage. I suspect that there is something which the Government wants to hide. I do not understand why the Government cannot bring that Bill here for us to pass, so that whoever will be in the next Parliament will have the chance of engaging the Executive in a more constructive way, so that hon. Members do not come here to grumble and complain about how the resources of this country are allocated.

The other point which has something to do with resources is the Constituencies Development Fund (CDF). We have seen how much the 2.5 per cent Budget allocation to the CDF has done in the entire country. We have prepared an amendment to the CDF Act. We have gone far enough. I do not see why the Executive does not allow us to conclude that piece of legislation, so that we can enhance the amount of money that we take back to the villages, through the CDF, so that the impact of development can be felt further.

I do not want to belabour the point, but we are saying that if we have to achieve the goals contained in Vision 2030, we have to change the *modus operandi*. We should not continue doing things the way we have always done them. With due respect, I do not expect the Vice-President and Minister for Home Affairs to tell us that since we go on recess every August, we must continue doing so even this August, despite the fact that we have a lot of pending work; I do not find that acceptable. I would want to do a little more work to, at least, thank the Government for giving us a new district. The only way I can pay back is by putting in more hours of work.

With those remarks, I beg to oppose.

**Mr. Kimeto:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support those opposing this Motion.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Kimetto, did you say you are opposing or supporting?

**Mr. Kimeto:** Mr. Temporary Deputy Speaker, Sir, I said: "Mr. Temporary Deputy Speaker, Sir, I thank you very much for giving me the opportunity to support those opposing this Motion". That is my language.

There are so many Bills which are pending, and this is the Parliament which can pass them. A very good example is the Statute Law (Miscellaneous Amendments) Bill, which has not been disposed of to enable us go to the constituencies and do the job. In the Statute Law (Miscellaneous Amendments) Bill, there is an amendment relating to roads money, which we want disbursed to the constituencies. How can you tell hon. Kimetto to go home and do nothing when he was expecting to do his work here and then proceed to the constituency? This will completely "beat" us up, especially when we say that we are tired. We should not say that we are tired at this time of the year, when the "broom" is about to sweep away those who have already said that they are tired.

*(Laughter)*

The broom is near. Do not ever bring that word near hon. Kimeto because, hon. Kimeto will again, as soon as the term of this Parliament ends, vie for Sotik Parliament Seat to come back again to this House. How can I say at this time: "I am tired", while I want to come back to Parliament! No! That language does not augur very well.

Mr. Temporary Deputy Speaker, Sir, I want to tell the Members of Government who have brought this Motion: "Let us finish up these things and have a break, so that we can come back to Parliament in 2008", instead of saying: "We are tired!" Discard those words and say: "We are never tired!" People, especially on this side, want this Government to continue. Maybe, in the near future, if they want--- If you listen to them--- They should bring those Bills so that we can see them through. That will enable them to come again to this House and put Kenya in the right position.

With those few remarks, let me oppose! Everybody should listen with a lot of care.

**Hon. Members:** *Tosha! Tosha!*

**The Assistant Minister for Livestock and Fisheries Development** (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, I rise to oppose. Before I make my contribution, I want to make some few comments concerning some wild allegations that have been made against our Ministry by one hon. Member.

Mr. Temporary Deputy Speaker, Sir, concerning Bagoni Holding Grounds, which is in Lamu, there were some allegations that were made by one hon. Member. I want to put the record straight. One, that lease was cancelled after one month. After that one month, we formed a task force to look into the status of all the holding grounds all over the country. So, there is no lease agreement between the Ministry and any business people in Coast Province or elsewhere in the Republic.

**Mr. Ojode:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Assistant Minister is not aware of what is taking place in his own Ministry. An agreement was signed on 7th April, 2006. The Head of the Public Service and Secretary to the Cabinet, Ambassador Muthaura, wrote a letter to his Permanent Secretary, asking him about the lease of April. That was on July, 20th. I have tabled documents. Let the Assistant Minister also table what he purports to have cancelled; the lease agreement of April. That is because within the agreement, it is stated that the lease would be just Kshs13.40 per acre for 30,000 acres. He does not know what he is talking about.

**The Temporary Deputy Speaker** (Mr. Poghio): Order, Order, Mr. Ojode! What kind of point of order was that?

**The Assistant Minister for Livestock and Fisheries Development** (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, I just want to put the records straight because those allegations---

**The Temporary Deputy Speaker** (Mr. Poghio): Order, Mr. Assistant Minister! You know, if you want to re-introduce Question Time and Ministerial Statements during this time--- You see, I do not have the privilege of asking people to seek clarifications. So, this is now going to

bring about that kind of argument. So, could you make your contribution to the Motion?

**The Assistant Minister for Livestock and Fisheries Development** (Mr. ole Ntutu): Thank you very much, Mr. Temporary Deputy Speaker, Sir. That is also part of the contribution because the issues were raised on the Floor of the House. I believe that I also have the right to respond to some of the issues touching on our Ministry. That is because I believe those allegations were baseless, malicious and in bad faith---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Assistant Minister! Order! Mr. Assistant Minister, what has got into you?

**An hon. Member:** Is he part of the team?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! Mr. Assistant Minister, I have just given you direction. Just go according to the direction.

**The Assistant Minister for Livestock and Fisheries Development** (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, let me conclude by opposing the Motion.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Members!

**Hon. Members:** Put the Question!

**The Temporary Deputy Speaker** (Mr. Poghisio): I cannot put the Question before the Mover is called upon to reply. Now that I do not see anybody interested in contributing, I now call upon the Mover to Reply.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to reply. I want to thank all hon. Members who have made their contributions on this Motion. I just want them to go down memory lane. In the last quarter of a Century that I have been in this House, every year without fail, at the beginning of August, this House goes on recess. Therefore, there is nothing strange in my standing here and moving a Motion for the Adjournment at this time. In fact, I am almost two weeks behind the time that the Motion for the Adjournment was supposed to have been moved. So, let us make that very clear. This Motion for the Adjournment is always moved at this time, so that we can then move on.

Mr. Temporary Deputy Speaker, Sir, the question of reference to tiredness has nothing to do - if you look at the HANSARD - with the Government. We said that the House is tired. That is its Members. Just look at the House. Why do we not have, at least, 100 hon. Members here? The question that we are discussing should not be personalised. This is a matter for the House. Ministers are on duty 24 hours, whether the House is in recess or not. So, the question of Ministers being tired does not apply. The question of saying that there is insecurity in one place or another and that, when we go on recess, Ministers will be going to their constituencies leaving those people to suffer, is a misconception.

Mr. Temporary Deputy Speaker, Sir, with all the due respect, why is it that we are not coming to discuss the very reason why we are talking of not going on recess? We have talked about the many businesses that are unfinished. How many times have we, in fact, gone against the Constitution, and passed Bills here, with 17 people? Even with seven people!

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect to His Excellency--- I do respect him a lot! The Standing Order is very clear. It states:-

"Unless any Member raises the question of quorum, the Chair is blind to that fact."

Therefore, any number of hon. Members who are here, even if they are three, would pass that as Parliament and not as 17 people.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, that is not a point of order.

**The Temporary Deputy Speaker** (Mr. Poghisio): I agree! That was not a point of order.

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, we have lost a day here discussing a vote because there was no quorum. How can we go through all the Bills when, many times, there is no quorum to discuss those Bills? There are, indeed, many Bills that we need to deal with. The Prevention of Organised Crime Bill is one of them. The Constituency Development Fund (Amendment) Bill is another. But let us not give that as a reason because, I can predict that, even on Tuesday, next week, the number of times quorum would be called, only you could tell.

Mr. Temporary Deputy Speaker, Sir, let us be frank with one another here. The matter of Committee reports that are pending at the moment has nothing to do with the House Business Committee not bringing them here. When we bring matters here and they are not completed, who do you blame? It is this House which has got the responsibility. There are many Bills that have been brought here and read the First Time, but have not been debated. Let us be frank that there is only one reason why we are opposing our going to recess.

**Hon. Members:** What is the reason?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): The Statute Law (Miscellaneous Amendments) Bill! That is all! Why is that the case? It is because there is---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Your Excellency the Vice President and Minister for Home Affairs! You do not have to respond to the chorus. Just go on! There is very little time left!

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir---

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, with due respect to my uncle, His Excellency the Vice-President and Minister for Home Affairs. Is he in order to anticipate debate on a Bill that is to come before the House and yet what we are debating today is completely different?

**An hon. Member:** He is out of order!

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I am not out of order. I intend to stick to that. I know that the only reason why we are opposing our going to recess is because the Statute Law (Miscellaneous Amendments) Bill has not been brought here.

*(Several hon. Members stood up in their places)*

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to move.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Members! Order!

*(Question put and negatived)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, that concludes the business on the Order Paper. The House is, therefore, adjourned until Tuesday, 21st August, 2007,

at 2.30 p.m.

The House rose at 5.25 p.m.