

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 25th April, 2006

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Agricultural Development Corporation for the year ended 31st March, 2002, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Agricultural Finance Corporation for the year ended 30th June, 2003, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Plant Health Inspectorate Service for the year ended 30th June, 2003, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Mwea Rice Mills Ltd. for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of National Cereals and Produce Board for the year ended 30th June, 2003, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Nzoia Sugar Company for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Tea Board of Kenya for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Tea Research Foundation of Kenya for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Pyrethrum Board of Kenya for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Sisal Board of Kenya for the year ended 30th June, 2001, and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Agriculture (Mr. Kaindi) on behalf
of the Minister for Agriculture)*

Annual Report and Accounts of Kenya Dairy Board for the year ended 30th June, 2002, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Dairy Board for the year ended 30th June, 2003, and the Certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Dairy Board for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Agriculture (Mr. Kaindi) on behalf
of the Minister for Livestock
and Fisheries Development)*

Annual Report and Accounts of Kenya Industrial Research and Development Institute for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Agriculture (Mr. Kaindi) on behalf of
the Minister for Trade and Industry)*

Annual Report and Accounts of New Kenya Co-operative Creameries Limited for the year ended 30th June, 2004, and the Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Agriculture (Mr. Kaindi) on behalf
of the Minister for Co-operative
Development and Marketing)*

QUESTIONS BY PRIVATE NOTICE

WHEREABOUTS OF MASTER COHEN KIPLAGAT

Mr. Sambu: Mr. Speaker, Sir, I beg to ask the Minister of State for Administration and National Security the following Questions by Private Notice.

(a) Is the Minister aware that on 19th July, 2005 at Kabiyet Police Post, a police officer, Inspector Mohammed, took away a little boy, Cohen Kiplagat, then aged one and a half years?

(b) Is he further aware that none of the child's relatives has seen him since?

(c) Could the Minister inform the House where the child is and ensure that he is reunited with his parents and disciplinary action taken against the officer in question, for separating such a young child from his parents?

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

(a) Further to the information that I gave last week about this Question, we have carried out further investigations and found out that the mother of the above named child, Ms. Rael Cherobon Chepkwony, escaped from lawful custody, and abandoned the said child at Kabiyet Police Station. She has admitted escaping from lawful police custody, and abandoned her child through, a sworn affidavit. We have a copy of that affidavit.

The Officer Commanding Station (OCS), Kabiyet Police Station, called the maternal grandparents to hand over the child, but they refused. Consequently, the OCS, Kabiyet Police Station, requested Inspector Mohammed to keep the child in his custody until his other relatives are found. That is common procedure. Police officers are still looking for the mother.

(b) Investigations have revealed that the child was given to one Philip Bowen and Christine Bowen, who are the relatives of the mother to the child. That was done on 20th April, 2006, after the necessary procedures were followed to release the child.

(c) Currently, the child lives with Christine Bowen in Lelmuk Location. Our officers visited the home of Christine Bowen on 24th April, 2006 at 4.00 p.m., and found the child safe, happy and

in very good health. Inspector Mohammed was requested by the OCS, Kabiyet, to take care of the child after the mother escaped from custody on 19th July, 2005. Therefore, he did not act on his own accord. That was a temporary measure to safeguard the child as efforts to identify close relatives were being made. The officer, therefore, does not deserve disciplinary action. It is the mother who escaped from lawful custody and left the child.

Mr. Sambu: Mr. Speaker, Sir, the Assistant Minister says that Inspector Mohammed was requested by the OCS to keep the child, Cohen, in his custody. Inspector Mohammed was the officer in charge of the station! There was no other officer! He made his own decision and took away that child. Why did he take the child to Eldama Ravine when he was transferred in December? That child has never been seen since July. Why did he not leave the child either at the Kapsabet Police Station or the Childrens' Department in Kapsabet?

Mr. Kingi: Mr. Speaker, Sir, from the information we have, the child is with his relatives, Christine and Philip Bowen in Lelmuk Location. That was confirmed yesterday. So, the assertion that the child has not been seen ever since is misleading. I said last week, and I want to repeat, that the mother of this child abandoned the child in the police cells and it was up to the police to take custody until the parents were found. The mother swears in her affidavit that she would like to be re-united with her child, and we are willing to do that. Let the mother come forward and we will deliver the child to her.

Mr. Muiruri: Mr. Speaker, Sir, the Assistant Minister is going round and round. He has no clear answer to this Question. It is a fact that this child has been at the police station since July last year, which is illegal. The mother is said to have escaped from lawful police custody. What was this big crime that the mother committed to warrant her leaving her two-year-old kid in police custody? How did the police obtain her affidavit? Did they not know where the woman was? There is something that is not clear in this matter. What was the woman charged with?

Mr. Kingi: Mr. Speaker, Sir, it is a long story. But what we are informed is that the mother was involved in a scuffle with another lady. So, there was a scuffle. In the process, the mother is alleged to have caused actual bodily harm to the person she was fighting with. So, she was arrested and put in a police cell. But she had her kid. Before she was taken to court, she escaped from police custody and abandoned the child in the process.

Mr. Speaker, Sir, a copy of her affidavit was given to us by the Member of Parliament for the area. So, I am sure he can help us locate the mother of the child. We are willing to hand over the child to the mother.

Mr. Kombe: On a point of order, Mr. Speaker, Sir. You have heard the Minister say that by yesterday, the child was with his relatives. Then, he has again said that if the mother surrenders, they will give the child back to her.

Mr. Speaker, Sir, now, is he in order to mislead this House that the child is with his relatives when they are still holding him?

Mr. Kingi: Mr. Speaker, Sir, we have handed over the child to the relatives of the mother. The mother swears in her affidavit that she wants to be re-united with her child and we are more than willing to do that. In fact, if the mother comes forward, we will definitely hand over the child to her. We have no problem with that.

Mr. Sambu: Mr. Speaker, Sir, when a Government allows police officers to act as kidnappers and abductors of young children, then I say woe unto this nation, because we are becoming a nation of slave traders and abductors of children. What action will the Government take against Inspector Mohammed for declaring that he would keep the child because he has no son of his own? He has kept this child illegally from July last year to Sunday last week.

Mr. Kingi: Mr. Speaker, Sir, Inspector Mohammed acted out of humanity. The mother abandoned the child in the police cells. We have been looking for the mother in order to hand over

the child to her. So, we see no reason for taking action against a police officer who was simply doing his duty.

(Several hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members! Today is a Supply Day as you know. This Question has taken more than 15 minutes and I think we have to get out of it.

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to allow the police to keep the child as a bait in order to arrest the mother on sight?

Mr. Speaker: Where would you propose the police take him?

Capt. Nakitare: We have the Children's Department!

Mr. Speaker: Would you want to respond?

Mr. Kingi: Mr. Speaker, Sir, the child we are talking about has parents who are known and who have relatives. The mother has sworn an affidavit that she would like to be re-united with her child. Why would we go to the extent of sending this child to a Children's Home when the mother wants her child?

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

Mr. Speaker: Order! No more!

Next Question!

Mr. Sambu: *Utumwa!*

Mr. Speaker: Order, Mr. Sambu! Relax!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to make a reference to the Assistant Minister as "*mtumwa*", meaning a slave?

Mr. Speaker: Order! Mr. Sambu, did you refer to the hon. Member as such?

Mr. Sambu: Mr. Speaker, Sir, I did not say "*mtumwa*", I said "*utumwa*", meaning slavery. That is what the child is going through now. *Kama yeye hafahamu Kiswahili---*

(Laughter)

Mr. Kingi: Bw. Spika, sisi tunaitumikia Serikali yetu na tunamtumikia hata Bw. Sambu. Kwa hivyo, sioni utumwa katika kazi tunayoifanya. Kwa hivyo, ningemuomba Bw. Sambu---

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

Mr. Speaker: Order! I understand Kiswahili very well. In fact, I have sat and passed a Kiswahili examination with a distinction. So, I know the difference between "*mtumwa*" and "*utumwa*".

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

Mr. Speaker: You will sit down.

Next Question!

DEVELOPMENT OF HOTEL
FACILITIES AT MANGO FARM

Mr. Khamisi: Mr. Speaker, Sir, I beg to ask the Minister for Lands the following Question by Private Notice:-

(a) Is the Minister aware that a golf course and hotel facilities are being developed at

Mango Farm at Vipingo in Bahari?

(b) Could he assure the House that no squatters will be displaced in the neighbouring villages as a result of the project?

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Speaker, Sir, on behalf of the Ministry of Lands, I beg to reply.

(a) I am not aware.

(b) Where private owners of land want to undertake development and squatters may be affected, the Provincial Administration, the Ministry of Agriculture and the Ministry of Lands are always involved to ensure that fairness is upheld.

Mr. Khamisi: Mr. Speaker, Sir, I am really surprised that the Minister is not aware of this project, which is being implemented on land formerly belonging to Vipingo Estates, and whose authority must have been obtained from the Ministry. Is he saying that he is not aware of the transfer of the ownership from Vipingo Estates to a company called Sunsail Limited?

Prof. Kibwana: Mr. Speaker, Sir, no proposals for the change of user from agricultural to some other use have been approved by my Ministry. It is in that context, therefore, that I am stating that, as of now, I am not aware that the land in question has been converted from agricultural use into anything else.

Mr. Twaha: Mr. Speaker, Sir, now that the Minister has been informed of the new development, could he take action immediately to stop the work which is going on illegally?

Prof. Kibwana: Mr. Speaker, Sir, as I have pointed out, where any work begins prior to the appropriate change of user being approved by the Ministry, that work is not legal. I am, of course, very much aware of the problem of squatters, especially within the Coast Province. Indeed, I am in discussion with the Members of Parliament from that region. Again, I am going to the Coast Province this week to look at the problem, including this particular issue.

Mr. Twaha: Mr. Speaker, Sir, some people along the coast have received letters from the Land Registrar asking them to return their title deeds for cancellation. Could the good law professor inform us from where the Land Registrar derives these powers? Is the Ndung'u Report superior to the Constitution of Kenya?

Prof. Kibwana: Mr. Speaker, Sir, we are all aware that the Attorney-General's Office, the Ministry of Lands and the Kenya Anti-Corruption Commission (KACC) are all implementing reforms regarding corruption in terms of land that was illegally and irregularly allocated. Obviously, all of us in the country, and obviously as Parliament, will be united in routing out corruption in connection with land issues.

Mr. Twaha: On a point of order, Mr. Speaker, Sir. I did not refer to land that has been allocated or grabbed. I am talking about land that people bought for value. What is the status of title deeds for such land?

Prof. Kibwana: Mr. Speaker, Sir, I would be happy to answer a very specific Question on the particular aspect the hon. Member is referring to. Indeed, this week, when I will be in the Coast Province, I will be able to actually receive petitions and deal with them in accordance with the Kenyan law.

Mr. Speaker: Last question, Mr. Khamisi!

Mr. Khamisi: Mr. Speaker, Sir, the construction of the wall of this project has already begun. My worry is that the local people in that area are already concerned that their dwellings may be interfered with. Could the Minister assure this House that, now that he knows that this project is going on, he will ensure that those squatters are not displaced from that area?

Prof. Kibwana: Mr. Speaker, Sir, my Ministry is very concerned about the plight of squatters in the Coast Province and the country in general. I can assure the hon. Member that any development that is done prior to the change of user being approved by my Ministry is illegal, and

my Ministry will proceed to stop it.

Mr. Mukiri: On a point of order, Mr. Speaker, Sir. There is an issue between squatters and somebody who has a title deed to a property. The Minister is confirming that the rights of a squatter are going to take priority over those of the title deed holder. Is he in order to make such a statement from the Government side?

Mr. Speaker: Has he said that?

Mr. Mukiri: Yes, Mr. Speaker, Sir. He says that he is going to respect the rights of the squatters on land whose owner has a title deed!

Prof. Kibwana: Mr. Squatter, Sir---

(Laughter)

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Could the Minister withdraw that remark immediately, because the Chair is not what he is calling it?

Mr. Speaker: Prof. Kibwana, I am not squatting on the Chair!

(Laughter)

Prof. Kibwana: Mr. Speaker, Sir, I apologise. That was a slip of the tongue. You are not squatting on the Chair and I am sure we are not doing so in this House.

Actually, Vipingo Estates Limited has even been in dialogue with some of the squatters with a view to assisting them. But, obviously, I cannot confirm that squatters will have a right to private property, because that is not the Kenyan law. But at the same time, the Government has schemes, particularly at the coast and elsewhere, to really make sure that there is land made available for squatters, because they are also deserving Kenyans.

Mr. Speaker: Next Question by the Member of Parliament for Mwatate Constituency!

INVASION OF FARMS BY
ARMY WORMS IN MWATATE

Maj. Madoka: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that army worms have invaded shambas in Mwatate, destroying many acres of maize crop?

(b) What steps has he taken to stop this menace?

(c) Could the Minister provide seeds so that farmers can re-plant?

The Assistant Minister for Agriculture (Mr. Kaindi): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that army worms have invaded parts of Mwatate, and have also invaded other parts of the country.

(b) After the outbreak was reported, my Ministry undertook the following measures. It immediately mobilised and dispatched agricultural officers armed with pesticides and equipment to the affected areas to control this invasion. Secondly, it issued an army worm alert to provincial and district agricultural officers in order for them to sensitize communities in the affected areas. (c) The district was issued with 103 tonnes of seed maize under the Drought Recovery Programme this year. In addition, the Ministry is consulting with the Ministry of Special Programmes in order to supply additional seeds to the affected areas.

Maj. Madoka: Mr. Speaker, Sir, I want to thank the Assistant Minister for his answer. I asked this Question one month ago. It is true that something has been done. But I would like to

know from him what mechanisms are in place for the Ministry to be able to detect in advance possible invasions by army worms. Although the Ministry has provided the seeds, chances are that these people will not be able to harvest because the rains are beginning to fail now.

Mr. Kaindi: Mr. Speaker, Sir, the Ministry is taking cognisance of this problem, which recurs over and over again, particularly after dry spells. It has initiated a pilot project for control of army worms in Machakos, whose results we, in the long run, expect to replicate in other areas. But more importantly, the Ministry has also instituted corrective mechanisms, through a system of forecasts in various areas of the country. Therefore, we have stations spread across the country to detect moths. We have also established moth traps to try and deal with this problem. But this is a problem that recurs after a long dry period. The Ministry, through consultation and assistance from the Desert Locust Control Organisation, is trying to put in place mechanisms to see whether we can detect this problem before it arises and causes harm in this district.

Capt. Nakitare: Mr. Speaker, Sir, you have heard the explanation from the Assistant Minister. My concern is about environment and human misuse of the chemical that is applied to destroy the army worms. Could he tell the House what kind of chemical his Ministry is using to destroy the army worms and also tell us whether the use of this chemical is to the detriment of human beings and livestock?

Mr. Kaindi: Mr. Speaker, Sir, the hon. Member is aware that our Ministry is also in charge of safety measures through KEPHIS. Therefore, the chemical that we use does not, according to the results of a research conducted by the Ministry, injure individuals or affect the environment. I have a long list of the pesticides that the Ministry is using in those areas. We have used various types of pesticides and various methods to address that problem. There are some chemicals in spray form which we are using. I think the hon. Member knows a chemical called 4ULB. As a lay man, I may not know what these chemicals are, but suffice it to say that we are using the chemicals to spray the army worms, cognisant of the concerns he has raised.

Mr. Speaker: Last question, Maj. Madoka!

Maj. Madoka: Mr. Speaker, Sir, I would like to give the chance to Mr. Mwandawiro.

Mr. Speaker: Thank you. Very well, Mr. Mwandawiro!

Mr. Mwandawiro: Ahsante sana, Bw. Spika. Uvamizi wa wadudu waharibifu pia umetokea katika sehemu za Wundanyi na nyanda za chini za Wilaya ya Taita-Taveta kwa jumla, na kusababisha upungufu mkubwa sana, na haswa wa mbegu. Je, Waziri Msaidizi anaweza kueleza ni lini mbegu alizoahidi zitatolewa kwa wakulima? Je, ni lini atawapelekea wakulima mbegu hizo? Mvua inaendelea kunyesha na mbegu bado zinahitajika.

Mr. Kaindi: Mr. Speaker, Sir, the consultations we had confirmed that the seeds will be in the affected areas in a week's time.

ORAL ANSWERS TO QUESTIONS

Question No.293

OFFICIAL VEHICLE FOR KASARANI DISTRICT OFFICER

Mr. Omondi asked the Minister of State, Administration and National Security:-

(a) whether he is aware that the District Officer, Kasarani, has been operating without a vehicle for almost a year; and,

(b) if the answer to part "a" above is in the affirmative, when a vehicle will

be supplied to the division.

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

(a) I am aware that the District Officer, Kasarani, has been operating without a vehicle for almost a year.

(b) The District Officer will be considered for a new vehicle along with DOs in other new divisions this financial year, as we receive the vehicles.

Mr. Omondi: Mr. Speaker, Sir, the answer that has been given by the Assistant Minister sounds very beautiful and temporarily satisfying. If by the end of this year we will not have received that vehicle, what will he advise?

Mr. Kingi: Mr. Speaker, Sir, I want to assure the hon. Member that we will issue vehicles to the affected divisions, as I have already said, before the end of this financial year, as we receive them.

Mr. Karaba: Mr. Speaker, Sir, what the Assistant Minister is trying to allude is that he will issue a Land Rover to Kasarani Division. Is he aware that there are very many District Officers in Kenya who also deserve the same treatment, and that this cannot be done? That is one of the ways in which insecurity is crippling the country.

Mr. Kingi: Mr. Speaker, Sir, I am aware that there are many divisions in this country whose District Officers do not have vehicles. That is why we requested Kshs800 million for purchase of vehicles. Since our budgetary allocation is only half the amount we have asked for, we will buy some vehicles and allocate them to District Officers using a criteria we have established. However, we will eventually ensure that every District Officer gets a vehicle.

Mr. Bahari: Mr. Speaker, Sir, the issue of lack of motor vehicles for District Officers and the police has come up in this House, time and again, for the last four years. This House had approved, on several occasions, funds for purchase of vehicles for District Officers and the police. Promises have been made but no vehicles have been delivered to officers who require them on the ground, particularly to officers in remote and insecurity-prone areas. Could the Assistant Minister, for purposes of transparency, undertake to provide to this House a list of the vehicles, once he finally decides to allocate them to specific areas?

Mr. Kingi: Mr. Speaker, Sir, in fact, I thought the hon. Member was about to ask how we allocated the vehicles that were bought last year. We have a list showing the number of divisions we gave vehicles to in the last one year. However, as he has requested, when we finally allocate the vehicles we are buying, we will bring a list to Parliament, showing where those vehicles will have been sent to.

Mr. Omondi: Mr. Speaker, Sir, it is common knowledge that mobility improves service delivery. The Assistant Minister has agreed that, for a whole year, Kasarani Division has been lacking a vehicle and hence there has been less mobility. Could he confirm that, to forestall that shortfall, he will give us two District Officers and two vehicles before the end of this financial year?

Mr. Kingi: Mr. Speaker, Sir, I have already confirmed that we will issue a vehicle to Kasarani Division alongside other divisions, in the current financial year. The issue of posting two District Officers to one division does not arise.

Question No.058

COMPLETION OF KATITO-KENDU BAY ROAD

Mr. Odoyo asked the Minister for Roads and Public Works:-

(a) whether he is aware that the construction of Road C19, between Katito and Kendu Bay, that was commissioned by His Excellency the President, has

stalled;

(b) whether he is further aware that the road, which is an important link to Suba, Gucha and Migori Districts and Tanzania, has a design that cannot sustain 40-tonne lorries; and,

(c) what measures he is taking to ensure that the construction of the road will be completed on schedule and redesigned to sustain heavy cargo export vehicles going to Tanzania and beyond.

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that the construction of Road C19, between Katito and Kendu Bay, that was commissioned by His Excellency the President in the year 2005, has stalled.

(b) I am not aware that the road has a design that cannot sustain 40-tonne lorries.

(c) Despite the fact that the contractor delayed in mobilizing the works, the rate of progress is currently satisfactory and I expect the project to be completed as scheduled. Since the road has been designed to carry legal axle load limits, it will not be necessary to re-design the road.

Mr. Odoyo: Mr. Speaker, Sir, while appreciating the answer given by the Assistant Minister, I would like to voice my concern about the persistent habit by the Government, of only responding to issues after hon. Members have brought Questions to this House. Be that as it may, I am happy with the confirmation by the Assistant Minister that the construction works will not stall. However, when this road was last done, it lasted less than 24 months because of the 40-tonne lorries that used the road to ferry goods to Tanzania. Since the design of the said road has not changed, I wish to put it to the Assistant Minister that the 40-tonne lorries that use the road to transport goods to Tanzania will, again, spoil it within 24 months unless he re-designs it. Could he confirm that he will table before this House the design for this road, so that we can have engineers to confirm to him that he is being economical with the truth when he says that the road can sustain 40-tonne lorries?

Eng. Toro: Mr. Speaker, Sir, the road has been re-designed. As opposed to previous times when contractors would go on site and commence work even before the design has been done, we now do the design first before the contractor goes to the ground. I can assure the hon. Member that the design for this road has been done, and that the road will sustain the 40-tonne lorries he has talked about. The issue is really not the 40-tonne lorries he has talked about, but rather the axle load legally allowed on the road. The design limit is per axle load and we allow eight tonnes per axle. The more axles a lorry has, the more tonnage it can carry. So, when we are checking on mobile bridges, we check per axle and the gross weight of the vehicle. So, I can assure you that the design is going to cater for all that.

Mr. Manoti: Mr. Speaker, Sir, the construction of roads is too expensive for this nation. The Ministry of Roads and Public Works started a system of controlling the road tonnage of commercial vehicles. However, as we speak, lorries are carrying more than the required eight tonnes per axle. What is the Assistant Minister going to do to control this corruption? This will control the usage of our roads.

Eng. Toro: Mr. Speaker, Sir, the hon. Member should have declared his interest because he is a transporter. Maybe his lorries have been carrying more than eight tonnes per axle and he is a witness to that. However, the Ministry has taken measures---

Dr. Rutto: On a point of order, Mr. Speaker, Sir. The Assistant Minister is imputing an improper motive on an hon. Member of this House. Is he in order?

Mr. Speaker: What did he say?

Eng. Toro: Mr. Speaker, Sir, I said that the hon. Member should have declared his interest because he is a transporter. That is a fact!

Mr. Speaker: Order! Being a transporter is not the issue. The issue here is overweight! Does he overload his lorries?

Eng. Toro: Mr. Speaker, Sir, if his lorries pass the weighbridges carrying loads of over eight tonnes per axle, then that could be a case in point. However, the measures that the Ministry is taking---

Mr. Manoti: On a point of order, Mr. Speaker, Sir. I have just pointed out what the Ministry is not doing. Is it in order for the Assistant Minister to impute an improper motive on me? I am a transporter and I am asking the question as an hon. Member of this House.

Eng. Toro: Mr. Speaker, Sir, I was answering the hon. Member's question. The Ministry has already decided to put up weighbridges for vehicles in motion. At the static weighbridges, the gross weight of the vehicles will be determined first. Vehicles which will be found to be overloaded will be taken to the weighbridges and those that will be found to be underweight will not be taken to the weigh bridges in order to save time for the transporters.

Mr. Odoyo: Mr. Speaker, Sir, while averring to your decision, this road touches on almost ten constituencies. However, the southern part of Tanzania imports goods through the Port of Mombasa through Lungalunga and Taveta; the central part imports goods through Namanga and the upper part imports goods through Isebania and Migori. The most direct route is through this section of the road that is being repaired. It reduces the distance to Tanzania from Mombasa by over 50 kilometres.

The Assistant Minister is being economical with the truth. The quickest and the cheapest route is through this particular road. Since the Ministry has been unable to control the axle load on our roads, I would like to request the Assistant Minister to redesign this road or guarantee to the House that the axle load limit will be implemented once the road is completed. However, he has not specified when the road will be completed.

Eng. Toro: Mr. Speaker, Sir, we will have either a static or mobile weighbridge on this road, so that lorries coming from Tanzania can be axle-weighed to ensure that we do not have excess axle weight on that road. Unless we do that, we will not be able to safeguard the road that the hon. Member is talking about.

The Ministry is procuring 16 mobile weighbridges at the moment and I am sure that some of them will be put along the new roads, so that the roads are not damaged as we complete them. I am sure one of the weighbridges will be put along that road to weigh the lorries that are coming from Tanzania.

Question No.036

NON-COMPLETION OF ROAD WORKS
IN BUNGOMA MUNICIPALITY

Mr. Wamunyinyi asked the Minister for Local Government:-

(a) whether he is aware that the contractor M/s. Associated Companies Ltd., who undertook the urban transport project in Bungoma Municipality did not complete all the roads as contracted;

(b) whether he is further aware that some of the roads which were tarmacked are already in poor condition; and,

(c) what the Government is doing to ensure that the contractor completes the works on the roads which were abandoned, and that those rehabilitated are properly maintained.

The Assistant Minister for Local Government (Mr. Shaaban): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that the contractor was unable to complete the roads project in Bungoma Municipality. Going by the Ministry's records, the roads earmarked for rehabilitation were completed as per the completion certificates and defect liability certificate. The roads were

completed on 27th June, 2000.

(b) Yes, I am aware.

(c) My Ministry, through the Kenya Roads Board, has been disbursing road maintenance funds for the maintenance and rehabilitation of roads in Bungoma Municipal Council. The Municipal Council has so far received a total of Kshs13.58 million beginning with the Financial Year 1999/2000 to 2004/2005. My Ministry is also intending to rehabilitate any roads which are in despair in the next financial year, particularly in the Central Business District.

Mr. Wamunyinyi: Mr. Speaker, Sir, I am surprised at the manner in which Ministers are responding to Questions. When hon. Members bring Questions to this House, they must be treated with the seriousness they deserve. I did not ask this Question for fun. This Question should have been answered by the Minister himself. The Assistant Minister has given an answer which is misleading to the House.

This contractor did not tarmack all the roads that he was required to tarmack. In fact, most of the roads that he tarmacked have already been washed away. Most of them are full of potholes. I cannot tell where the money that is said to have been disbursed to Bungoma Municipality went to because nothing has taken place on the ground. Could the Assistant Minister tell the House specifically which works have been done with the money?

Part of the problem that we have within the local authorities is corruption. Clerks and chief officers in the Ministry are responsible for the poor performance of the local authorities. The Ministry does not seem to be serious. The local authorities are not working. This House should be taken seriously and Ministers should take their job seriously.

I want this House to be serious---

An hon. Member: *Endelea!*

(Applause)

Mr. Speaker: Order, hon. Members! Order!

An hon. Member: Wamunyinyi for a Ministerial flag!

(Laughter)

Mr. Speaker: Order! Who is that who is not taking my order seriously?

Mr. Mukiri: On a point of order, Mr. Speaker, Sir. Is it in order for the Chair to allow hon. Wamunyinyi to make a speech instead of asking a question?

Mr. Speaker: He is absolutely out of order! Ask your question, Mr. Wamunyinyi!

Mr. Wamunyinyi: Mr. Speaker, Sir, I was trying to build up my question and the hon. Member does not understand.

Mr. Speaker: Order, Mr. Wamunyinyi! Sometimes if you build on quicksand, it will collapse very quickly. You should ensure that you build on solid rock. Ask your question!

Mr. Wamunyinyi: Mr. Speaker, Sir, now that the Assistant Minister has confirmed that he is aware that the roads are in a bad state, what specific measures has he put in place other than what is done through the Kenya Roads Board (KRB)? If he has allocated money, how much has been allocated and when will the work start on those roads?

Mr. Shaaban: Mr. Speaker, Sir, I would like to tell the hon. Member that the Ministry of Local Government is a serious Ministry. The contract comprised of the construction of the rehabilitation works for the municipal councils of Bungoma, Busia and Kakamega.

For the information of the hon. Member, the contract, particularly the one carried out in the Municipal Council of Bungoma, cost about Kshs68 million. The following roads were repaired and constructed by means of bitumen and they included Moi Avenue, site and surface of the KMTC Street, Market loop?, Bumula Street and Saloon Street, among others.

Mr. Wamunyinyi: I would like the Assistant Minister to answer the question I have asked. Now that he has admitted that he is aware that the roads are in bad shape, could he tell the House how much money he has set aside for those roads and when the works is going to start to improve the roads? He should not read us a story!

Mr. Shaaban: Mr. Speaker, Sir, in my earlier answer, I had said that the Ministry is allocating some funds for the purpose of repairing all those roads that are in disrepair in the next financial year. Our engineers are already on site to assess what it would cost to repair those roads.

Mr. Speaker: Very well! Next Question!

Question No. 117

MONKEYS/BABOONS MENACE
IN LARE DIVISION

Mr. Mukiri asked the Minister for Tourism and Wildlife:

(a) whether he is aware that monkeys/baboons from Lake Nakuru Game Park have been invading *shambas* in Naishi Game Park and Bagaria Locations of Lare Division causing extensive damage to crops; and,

(b) what urgent measures he is taking to curb this menace.

The Assistant Minister for Tourism and Wildlife (Mr. Muriungi): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that monkeys/baboons from Lake Nakuru Game Park have been invading *shambas* in Naishi Game Park and Bagaria Locations of Lare Division causing extensive damage to crops.

(b) The District Warden, Nakuru, has deployed rangers to attend to all reported cases from the area and so far, three monkeys have all been eliminated during the Problem Animal Control exercise. Patrols have also been intensified with the aim of reducing crop-raiding incidents.

Mr. Mukiri: Mr. Speaker, Sir, that answer is not satisfactory. The Assistant Minister has said that they have only killed three monkeys in Lake Nakuru National Park. This is not enough to deter the menace caused to farmers at both Naishi Game Park and Bagaria locations. What is the population of monkeys in Lake Nakuru National Park?

Mr. Ethuro: And what is the proportion of the three killed monkeys to that population?

(Laughter)

Mr. Muriungi: Mr. Speaker, Sir, our aim is not to eliminate the monkeys, but to control them. I appreciate the fact that there are many monkeys which are causing havoc, but the Ministry is trying to control them through giving very firm instructions to the rangers that they should know that human life is more important than that of the primates. Therefore, they should intensify surveillance in that area.

With regard to the population of monkeys, I appreciate the fact that they are very many, but everything will be done to ensure that the monkeys will be kept off the farms.

Archbishop Ondiek: Mr. Speaker, Sir, the Assistant Minister is not taking this matter seriously. Monkeys are really destroying people's crop, among other things. Could he tell us how he is going to control these monkeys all over the country?

Mr. Muriungi: Mr. Speaker, Sir, the Ministry is instituting several measures, including trapping and translocating the monkeys to other unsettled areas. The other measure is to ask the farmers to report the cases immediately so that the rangers can go and eliminate any monkeys which seem to be a menace to the residents.

Mr. Mukiri: Mr. Speaker, Sir, it is not true that rangers have been patrolling the buffer

zone between Lake Nakuru National Park, Bagaria and Naishi Game Park, where farmers are farming. This menace has been there for many years. When will they compensate these farmers because they suffer year in, year out? The Assistant Minister does not seem to be serious to stop this menace.

Mr. Muriungi: Mr. Speaker, Sir, we are very serious in stopping this menace, and that is why I said earlier that we are trying to trap and translocate some of these primates to unsettled areas. For the case of compensation, I would like to remind the hon. Member that in the 1989 Wildlife Conservation (Amendment) Act, Cap. 376, the amendment outlawed compensation for crops, livestock and other related manmade infrastructure. However, the Ministry has initiated a review of this amendment so that there can be sustainable corrections for compensation. We expect the hon. Member to support this initiative when it is presented in this House.

Mr. Speaker: Order, hon. Members! Time is up! We have a Supplementary Order Paper. The reason for having a Supplementary Order Paper is the Motion to transfer Personal Allocation from Vote R29 to Vote R03 at the end of the day. But everything else remains the same.

You must also appreciate that a Supplementary Estimates Motion must end within a day, unless the House, otherwise, orders that it takes more than one day. It is allocated three hours. I have no time for any other interlocutory matters. Hon. Members who have interlocutory matters can raise them tomorrow! It is now 3.30 p.m.! The Order paper says: "Not later than 3.30 pm!"

Next Order!

(Mr. J.M. Mutiso stood up in his place)

Order, Mr. Mutiso! Until the matter comes to the Floor! Is it in relation to this matter?

Mr. J.M. Mutiso: No, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. J.M. Mutiso! If it is not, therefore---

Mr. J.M. Mutiso: Mr. Speaker, Sir, you have not given direction on the remaining Questions.

Mr. Speaker: I am sorry! I think the Clerk knows that when I have not made a direction, he will disperse them in the course of this week! The Questions will, therefore, have to appear on the Order Paper in the course of this week! That is standard practice. I am sorry we cannot deal with any other matter now!

Question No.93

MEASURES TO CATER FOR
ORPHANS IN BUTULA CONSTITUENCY

(Question deferred)

Question No.052

RE-OPENING OF MARALAL AFC OFFICE

(Question deferred)

Question No.253

ELECTRIFICATION OF SCHOOLS
IN HAMISI CONSTITUENCY

(Question deferred)

Question No.295

EXCLUSION OF KITHANGATHINI FARMERS
SOCIETY FROM STABEX FUNDING

(Question deferred)

(Mr. Wario stood up in his place)

Sorry, Mr. Wario! Because of time, I can only give you a chance when we get to the Supplementary Estimates! If it is related to that, fine! Mr. Wario, why do you not do it in the morning? Is it very urgent?

Mr. Wario: Mr. Speaker, Sir, on 30th, March, 2006, you ordered the Minister for Livestock and Fisheries Development to table some documents.

Mr. Speaker: Mr. Wario, that is a matter that can wait until tomorrow morning!

Mr. Wario: It is not in the Order Paper, Mr. Speaker, Sir! It might get lost!

Mr. Speaker: Order! It can never be on the Order Paper! It cannot!

Mr. Wario: Mr. Speaker, Sir, could you advise us? What do we do next?

Mr. Speaker: What you do is this: If the time comes, ask the Minister to respond! I hope the Minister will follow the promise he made on the Floor of the House.

Mr. Minister, can you do it tomorrow, either in the morning or afternoon?

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Speaker, Sir, I will do it on Tuesday.

Mr. Speaker: Tuesday is too far. Do it tomorrow afternoon!
Next Order!

MOTION

APPROVAL OF SUPPLEMENTARY
ESTIMATES (RECURRENT AND DEVELOPMENT) 2005/2006

- (i) THAT, a sum not exceeding Kshs12,536,446,290 be granted from the Consolidated Fund to meet expenditure during the year ending 30th, June, 2006, in respect of Supplementary Estimates of 2005/2006 Financial Year (Recurrent) having regard to the proposed reduction of Kshs4,983,986,530 therein appearing.
- (ii) THAT, a sum not exceeding Kshs8,245,146,348 be granted from the Consolidated Fund to meet expenditure during the year ending 30th, June, 2006, in respect of Supplementary Estimates of 2005/2006 Financial Year (Development) having regard to the proposed reduction of Kshs15,784,941,614 therein appearing.

*(The Minister for Finance
on 20.4.2006)*

*(Resumption of Debate
interrupted on 20.4.2006)*

Mr. Speaker: Who was on the Floor? I think this matter is continuing. Prof. Kibwana, you had time to continue? Well, we had not set a time limit for this debate. But you must be aware that,

for all practical purposes, last Thursday was not counted. This debate must end in three hours!

Prof Kibwana, you have the Floor now!

The Minister for Environment and Natural Resources (Prof. Kibwana): Thank you, Mr. Speaker, Sir, for giving me the opportunity to continue with my contribution. I would like to conclude my contribution by supporting the Motion.

Mr. Speaker, Sir, it is obvious that the debate on the Supplementary Estimates has taken more time than usual. Usually, the debate is concluded by January. The Financial Year is about to end. Parliament should take a cue from that and conclude the debate on the Supplementary Estimates, so that money can be availed. If that is not done, we will not be able to spend the money appropriately. The money will be returned to the Treasury. That will be a bad indicator that Government Ministries and parastatals are not spending their money appropriately. So, it is essential that this House acts expeditiously on this matter.

Mr. Speaker, Sir, hon. Members have been accused of not responding to these Estimates and, as a consequence, failed to make money available for Kenyans, particularly those who are suffering from drought and famine. One way to prove them wrong is by passing the Supplementary Estimates today. The House should further public and national interests, and not personal interests as some of our critics would want the country to believe. Therefore, it is important that we rise to the occasion.

When one looks at most of the areas where money is required until the end of June, they are very deserving. There is money for youth, women, drought and education. One really hopes that Parliament will expeditiously support these Supplementary Estimates. By doing that, we will address needy issues that are affecting our people.

Mr. Speaker, Sir, issues affecting parliamentarians can be debated in the usual way, without appending them to Supplementary Estimates. That is how Parliament should do its business. So, without wasting much time, I urge this honourable House to expeditiously pass these Estimates. It is in the national interest to secure our people, particularly those in hardship areas. I was in my constituency over the weekend. It was clear that more seeds are needed. Famine relief is needed. Many roads and bridges have broken down. This money will assist not only Makueni, but many parts of the country. A lot of money has been allocated for the supply of electricity. Again, many places in this country require electricity, and it is necessary to assist them.

It is not correct for hon. Members not to pass these Estimates, because of the Constituencies Development Fund (CDF). It is a fact that we have not discussed the CDF Report. So, one cannot legitimately argue that hon. Members are resisting these Estimates because they want the CDF to be enhanced. When we discuss the CDF Report, we shall cross that bridge. So, I am happy to note that we have a quorum and we finalise this matter today. If we have any other interests, we shall lay them on the Table.

With those few remarks, I beg to support.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I rise to oppose this Motion.

[(Applause)]

I rise to ask the House to reject these Supplementary Estimates for very good reasons. When the Minister for Finance was requesting the House to support the Government in voting billions of Kenyan shillings for both the Development and Recurrent Expenditure, he argued that he is doing so, so that this can support an economy that is doing well. That is a falsehood. The economy is not doing that well. It is not doing that well, not because Kenyans are not working hard, do not want to do well, are not sacrificing for development but because a Government which is opposite us has abdicated its responsibility for serving economic growth in this country and has instead decided to misuse the resources of this nation in a very profligate manner.

Mr. Speaker, Sir, the nation cannot pay taxes to a Government that is illegal and irresponsible. If you look at the Constitution, it says very well that for the Cabinet to be chosen, it

must first and foremost be chosen from hon. Members of this House who are on the Government side and if any hon. Member from the Opposition is to join the Government, that party must be consulted and give its concurrence.

(Applause)

Mr. Speaker, Sir, it is a fact that the Government has poached hon. Members from the Opposition without the concurrence of the party concerned---

The Minister for Environment and Natural Resources (Prof. Kibwana): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Prof-Anyang'-Nyong'o to discuss what is before the courts in this House?

Mr. Speaker: Sorry, I did not follow the debate. What was he discussing about?

The Minister for Environment and Natural Resources (Prof. Kibwana): Mr. Speaker, Sir, he was discussing a court case about the status of those who are in Government from the Opposition which is a matter before the courts of law and there is a doctrine of separation of powers.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, when Argentina is playing against Chad, a team which is known internationally to be weaker than Argentina, it is a known fact that the Chadians will try to mark Maradona to stop him from scoring any goals because they do not know any other style.

(Laughter)

So, it has come to my notice that the Members of Government have developed a practice of interrupting me when I am speaking because they know I am going to "score".

(Applause)

Mr. Speaker: Prof. Anyang'-Nyong'o, so are you saying in other words that you are a "Maradona"?

(Laughter)

Prof. Anyang'-Nyong'o: Yes, Mr. Speaker, Sir. So, if the hon. Member was patient enough to listen to what I was saying, I was not referring to an age-old case in court. This idea of *sub judice* is often used very frequently by the Government to stop democratic discussion in this country and this practice must stop.

(Applause)

Mr. Speaker, Sir, secondly, the Constitution says that for a Cabinet Minister to be appointed, this House must first of all, establish a number of Cabinet positions in Government. That is in the Constitution! So, we have been operating a Government unconstitutionally and a Government that is established unconstitutionally and illegally, cannot expect to ask Parliament to vote money for it to spend. That is a basic point.

(Applause)

Mr. Speaker: Order, hon.

Members! I think for correct records, could you also want to confirm that at some stage you served in that Cabinet contrary to the principles you are bringing up?

(Laughter)

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, you are a lawyer and you know that law is never implemented retroactively. I am not in the Government; I am in the Opposition and I am arguing before you as a member of the Opposition and not of the Government. So, you cannot revert to my argument retroactively.

The Attorney-General (Mr. Wako): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say law cannot be made to act retroactively when the Constitution itself permits this House to enact a law which will operate retroactively? The only exception is that this Parliament cannot create an offence and for that offence to act retroactively. I believe that my senior counsel, hon. M. Kilonzo who is seated here will confirm that.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I am surprised that the Attorney-General who has consistently misadvised the Government is seeking today to advise it.

(Applause)

I will accordingly ignore his advice.

Mr. Speaker, Sir, this House knows pretty well that one of the reasons why we have not been able to employ 500,000 people in the economy is not because the economy is not growing but---

Mr. Speaker: Order! Just before we leave that, there has been a matter that has been with us since I became Speaker which is this question of: "How many Ministries do we have?" First, it was by the Government side when they were on Opposition side and now *vice-versa*. Now, when the Opposition side were on this side, they were resisting it and now that they are in the Government side they are saying it is right. However, I think as hon. Members and people with intellectual honour, our positions should never be shifting depending on where you sit.

(Applause)

I think our positions must always remain on what is truly believed to be the case. I have had occasions to say something in relation to Section 16 of the Constitution and I want to read it to the House so that we do not give a wrong impression to the country and I have been consistent on this. It reads:-

"There shall be party offices of Ministers of Government of Kenya as may be established by Parliament or if Parliament fails to do that, subject to any provisions made by Parliament by the President".

So, if Parliament fails to make the number of Ministerial offices, then the President does that. So, until you act as Parliament, do not say it is illegal. It is perfectly constitutional.

Proceed!

The Assistant Minister for Co-operative Development and Marketing (Mr. Mwenje): On a point of order, Mr. Speaker, Sir. My good friend, Prof. Anyang'-Nyong'o, has just said that he is in the Opposition.

As far as I know, he was elected on a NARC ticket which represents the Government. Does that therefore mean that he has crossed the Floor, declared he is not in the same party and,

therefore, his seat should be declared vacant?

(Applause)

Mr. Speaker: Order, hon. Members! "Maradona" will continue!

(Laughter)

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, that also demonstrates that a Government that is totally confused cannot expect to correct anybody.

Mr. Speaker, Sir, one of the most important issues in these Supplementary Estimates is the issue of hiding expenditures of Government under very dubious lines. If you look at the Recurrent Expenditure, you will realise that there are certain lines--- I am referring to lines of expenditure, which are called: Other Operating Expenses.

Mr. Speaker: Which page are you referring to?

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I will take you through. If you look at page two---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Order! Please, listen to the hon. Member. He is probably making a very valid point. Often times, we, as a Parliament, have been accused of passing things without looking at them, particularly when it is something that has to do with finances of the country. Please, listen!

Proceed, Prof. Anyang'-Nyong'o!

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, if you look at page two of the Recurrent Expenditure Estimates, under the Estimates for the Office of the President, Item 2211300 on Other Operating Expenses has Kshs402,800 indicated as the Printed Estimates and Kshs496,670 as the Revised Estimates. The amount of increase is Kshs93,870. I would like the Chair to mark that.

Mr. Speaker: Prof. Anyang'-Nyong'o, I have not followed you. I do not know if hon. Members have.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I would like you to mark Head 001, Sub-Head 000, Item 2211300 on Other Operating Expenses as indicated on page two of the Recurrent Expenditure Estimates.

Mr. Speaker, Sir, if you look at page five, Head 577 on National Economic and Social Council, Sub-Head 000, Item 2211300 is also on Other Operating Expenses. The Printed Estimates for this Item amount to Kshs5,500,000. The Revised Estimates amount to Kshs45,950,000. There is a difference of Kshs40,450,000.

If you look at page nine, Head 005, Sub-Head 000, Item 2211300, again this is on Other Operating Expenses, the Printed Estimates amount to Kshs2.5 million---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Please, I hope hon. Members have their Printed Estimates and can follow the arguments of the hon. Member, so that when you vote, you do so when you know what is being talked about.

Proceed, Professor!

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, the Printed Estimates amount to Kshs2.5

million and the Revised Estimates amount to Kshs78,400,000.

Mr. Speaker: Which Item is that?

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, that is indicated at the bottom of page nine as Item 2211300. The amount of increase for this Item is Kshs75,900,000.

If you move on to page 11, still under the Office of the President, if you look at Head 011, Sub-Head 000, Item 2211300 on Other Operating Expenses, the Printed Estimates amount to Kshs11,250,062 and the Revised Estimates amount to Kshs66, 597,126. The amount of increase is Kshs55,347,064.

If you move on to page 13, Head 371 on Immigration Department Headquarters, if you look at Item 2211300, again you will find that the Printed Estimates amount to Kshs8,714,800. The Revised Estimates amount to Kshs85,547,206. There is a difference of Kshs76,832,406.

I can go on, but the point I am trying to make is that you cannot put under Other Operating Expenses such a variation order running into millions. That huge sum of money, if we will be accountable to the people of Kenya, must be itemised; otherwise I will come to the conclusion that the Office of the President is trying to hide the expenses of the referendum under Other Operating Expenses.

Hon. Members: You are right!

(Applause)

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, this is probably what is happening. That is why I am saying apart from this Government being illegal, it is irresponsible and it is mis-using the funds of the public. This House, as a House elected to look after the taxes of the citizens of this country, cannot possibly vote in Printed Estimates of this nature. I am sure that any Minister of Finance and hon. Members knowledgeable in accounting matters, will support me.

If you go through this document, and look at items under Other Operating Expenses in whatever Ministry, you will realize that there is a rise from a meagre figure of Kshs5 million or so, to hundreds of millions. Unless the Government can offer ocular proof that Other Operating Expenses can be clearly itemised and explained, I would plead with hon. Members to be responsible to the people of Kenya and reject the Printed Estimates.

Mr. Speaker, Sir, having said that, and having convinced the House that these Supplementary Estimates must be rejected until the Government explains these figures correctly, let me move on to other issues.

A sum of Kshs200 million that is allocated for the increase in the Constituencies Development Fund (CDF) is peanuts. The CDF, as every hon. Member of this House knows, has revolutionised the distribution of resources to the grassroots. We know for certain that we have problems of capacity building of the CDF. However, problems of capacity building should inform this House that we need more resources to strengthen the CDF rather than to disparage it. If you add Other Operating Expenses in these Printed Estimates, you will find out that they amount to billions of shillings. A Government that is concerned about poverty eradication would rather put this money into grassroots expenses where poverty exists than spread it in a very deceptive manner, to what they are calling, Other Operating Expenses. I submit that the money needed for strengthening the CDF exists in these Printed Estimates under an Item called, Other Operating Expenses. Indeed, if we are being fair to the people of Kenya, who are the taxpayers, the Printed Estimates should be revised, and that money, which the Minister is saying is not there, should be taken to where it ought to be. That is to the eradication of poverty at the grassroots level.

I want to address another issue. We know that there has been haemorrhage in Government expenditure through what is called lease financing. Hon. Members in this House have said, and I

agree with them, that lease financing of Government expenditure, particularly if it is for Development Expenditure is quite a noble thing. However, when lease financing goes to fleecing the country, this is not noble.

When we came to Government, we promised the people of Kenya that we would build the Mombasa Highway, from Mombasa to Busia as a dual carriage way. I must confess to this House that this idea was originally mine. I know that when the President was addressing a fund raising function at Hotel Intercontinental in

October, 2002, I put that issue in his speech. He announced it in a very clear and committed fashion.

Mr. Speaker, Sir, we are now in 2006 and have no dual-carriage road between Busia and Mombasa. Rather than building a dual carriage road between Busia and Mombasa through lease financing, we have financed very funny projects in the Office of the President, which, in the final analysis, have been proven to be non-existent. At stake in these Supplementary Estimate is Kshs20.7 billion. Any Engineer will tell you that Kshs20.7 billion, if added to lease financing, will build a dual carriage road between Busia and Mombasa.

Today, Prof. Katama Mkangi would have been alive because he would have been driving on a safer highway. Many Kenyans, great and small, would have been alive, because they would have been driving on a safer highway. We would rather print Supplementary Estimates and bring them to the House to spend money on what is called "other operating expenses" than allocate money to what this country needs. I would like to submit that it is time this House put its foot down to ensure that the wealth of this nation is used for development and not for bureaucratic expenditure. We have people who would rather put money into their pockets and businesses than build this nation.

The reports we get, as the people of Kenya, indicate that there is tremendous looting going on in the Government at this time. When I was in the Government I went to New Nyanza General Hospital and saw that, that Hospital was improving. But when I went there last weekend, I saw that it had gone back to Nyayo days. We have one nurse to 60 patients at this Hospital. I would like to tell you that from first hand experience. My father was admitted to the amenity ward at the New Nyanza General Hospital in Kisumu with my own nurse to attend to him. The nurse could not sleep in that amenity ward because of mosquitoes. Mosquitoes were harassing patients in the hospital. Instead of spending money to fight mosquitoes at this hospital, we have that money being spent on "other operating expenses". What is the Government operating?

I would like to see the money that is in these Supplementary Estimates go to genuine expenditures like rehabilitating our hospitals and staffing them to ensure that we have one nurse per patient, as is the case in the Nairobi Hospital, so that our people can truly believe that 40 years after Independence we are fighting poverty, ignorance and disease. If we are going to approve these Supplementary Estimates as they are, then as it is said in the Bible, there is no truth in us and we will be deceiving ourselves. I would like to see submitted Estimates that are in line with what we agreed when I was in the Government, namely to empower the people of Kenya and advance democracy.

It is important to note, and I would like this House to note this, that only two Ministries in this Government follow the Economic Recovery Strategy, as we agreed. These Ministries are that of Water and Irrigation and that of Wildlife and Tourism. If you look at the records of the Government, you will see that these are the two Ministries that have recorded progress. Other Ministries have been starved of resources by the Office of the President. It is in that Office where the Anglo Leasing beast reared its ugly head and took away development money from other Government Ministries.

Unless we deal with the basic problem in this country, which is stifling development, we

will not get anywhere. That problem is having an authoritarian system of Government. Unless we deal this issue once and for all, we shall, as the famous philosopher said, be dancing on the tip of a pin as if we are angels when we are not. I am saying this because doctorate students in their final analysis should find out the fundamental cause of a problem. The fundamental cause of our problem is that the Government thinks that if everything is scheduled under the Office of the President, Parliamentarians will be scared enough to pass it.

We have come of age in this House, and say once and for all that an authoritarian Presidential system, which is stifling development in this country, must be uprooted from our system of Government, so that democracy can enable development. I would have wanted to see in these Printed Estimates a commitment by the Government not only to renew the constitutional review process but also have a clear time table for its conclusion. The Government should not deceive the people of Kenya forever by establishing commissions and committees to look for ideas, when the people of Kenya know what they want. The people of Kenya want democracy in a Parliamentary system of Government, where the representatives of the people will make decisions and not unelected officials.

I would like to submit that, for all intents and purposes, we should have a prime minister in this country. There is an official who is like a God, because he is three things in one. He is the Head of the Public Service, Secretary to the Cabinet and also a Permanent Secretary in the President's Office. Having three positions in the hands of one person is dictatorial. When we sit as a Cabinet the Head of Public Service is the Secretary and does not speak. As soon as he comes out of the Cabinet, he orders everybody in the Government. He writes circulars to Ministers, Assistant Ministers and everybody else and you cannot face him. If we have a *de facto* prime minister in the form of somebody who is not elected, it is high time we had a *de facto* prime minister who is elected by the people of Kenya and can answer questions in this House. This is a great anomaly in our system of Government and we know it. Unless we are pretending about democracy, we should accept that democracy is found in a representative government. Democracy reflects the principle of no taxation without representation.

I will be abdicating my responsibility, as an hon. Member of Parliament for Kisumu Rural Constituency, if I hand over these Estimates to a non-elected "Head of Government" called the Head of Public Service, who will, as soon these Estimates are passed, sit down with his Permanent Secretaries and decide how this money will be spent. That is the truth about this Government, and we have experienced it. If, indeed, there cannot be taxation without representation, then those of us who are elected must be in charge of how this money is spent and should not surrender our responsibilities to the Head of the Public Service.

(Loud consultations)

Mr. Speaker: Order, hon. Members! As I said when we began this Motion, it runs for only three hours unless the House orders otherwise. Therefore, I urge hon. Members making contributions to be concise, so that we hear the voices of others. Otherwise, we may have only three hon. Members contributing and may not hear others.

Prof. Anyang'-Nyongo: Mr. Speaker, Sir, I will bow to your plea. I will make my last point. A gentleman will always respect others' pleas. So, I will, in a gentlemanly fashion, accept your plea and conclude.

I would urge the other side of the House to stop this talk about pro poor policies. Pro poor policies are very discriminatory and condescending. Our mission, as a Government, is to eradicate poverty and not to put the poor in a corner somewhere and deplore them. When you begin being pro poor then you end up dishing out small amounts of money here and there for projects that

will benefit the poor. Since there is a policy of being pro poor, you will find that money allocated to projects that would eradicate poverty has been reduced. I would argue that we adopt an anti-poverty rather than a pro poor policy, because an anti-poverty philosophy will lead us to voting large sums of money to poverty eradication projects including the CDF.

With those few remarks, I beg to oppose.

Mr. M'Mukindia: Mr. Speaker, Sir, I rise to support this Motion because I realise that when we do a budget it is not humanly possible to foresee what is likely to happen in the next 12 months. This is true in any budgeting process; whether it be Government or the private sector. We have to accept the fact that we do not know fully what will happen in the future.

Nevertheless, I feel that, like hon. Members have said, there are certain concerns regarding these Supplementary Estimates. This is especially true if you look at how the money is being transferred from the Development Vote to the Recurrent Vote. We have been told that a lot of this money will go into meeting requirements of the famine relief efforts. I do not think any hon. Member would wish to see any of our people suffering merely because we do not want to vote for these Supplementary Estimates. For that reason, we must support this Motion.

However, Mr. Speaker, Sir, we are aware that as far back as June 2005 when the Budget was read, indications were quite clear that there would be a drought in this country. In fact, it had started, not just last year, but in 2004. One, therefore, wonders - and this must go to the Executive arm - why we did not foresee the problems that would be associated with the drought conditions prevailing from the year 2004, 2005 to date. Therefore, part of this transfer of Development Expenditure to Recurrent Expenditure must be borne by the Ministry itself for not factoring in this problem.

Mr. Speaker, Sir, the other concern I have with these Supplementary Estimates, is simply because one of the major policy feelers of this Government is that we shall continue to try to create jobs. It, therefore, means that we are taking money meant for development projects; wealth creation areas and poverty eradication to consumption, where we do not produce wealth and jobs. Therefore, this affects our efforts in reducing employment, poverty and ensuring that the rice fields which have been lying idle in Kisumu Rural where Prof. Anyang'-Nyong'o comes from are rehabilitated. The genuine concern is that we are moving money from the poverty reduction efforts to consumption. Again, this must have been seen in advance. Why was this not factored in since it was a well known fact for two years? The Meteorological Department was continuously telling us that there was going to be serious drought conditions, not only in Kenya, but throughout Eastern Africa. Why was this not factored in?

Mr. Speaker, Sir, as I said earlier, the buck stops squarely on the planners and those in charge of the Budget within the various Ministries concerned. I also note that we are moving a substantial amount of funds from the National Assembly Vote to the Directorate of Personnel Management. I think we need to be explained to very clearly by the Minister what this means to the budget of Parliament? Is it as a result of savings within Parliament or as a result of not using the money in Parliament. Again, we must put this question squarely on the laps of the Clerk of the National Assembly. Why have we failed to spend this money in Parliament so that it has become necessary to transfer it from the Legislature to the Executive?

Mr. Speaker, Sir, I do not wish to belabour the point. I want to take account of the fact that this Motion must not last for more than three hours, but I hope, when replying, the Minister will explain to us which areas of development will be affected by this transfer of Kshs15.8 billion from the Development Vote to the Recurrent Vote. Secondly, we shall want to know, as hon. Members of the Legislature, which areas of Parliament will be affected by the transfer of Kshs324 million from the parliamentary vote to the Executive Vote.

With those few remarks, I beg to support.

Capt. Nakitare: Thank you, Mr. Speaker, Sir. This Supplementary Budget has question marks, but I stand to support it, because I would like to see the Government functioning. If you cut the arm that feeds you, you will starve to death. There are constraints that this Budget has carried, probably because of unprofessional economics or because of oversights.

Mr. Speaker, Sir, looking at the expenditure summary on the Recurrent Vote, I am completely betrayed to see that the Ministry of Defence is underestimated. One can stand on the Floor of the House and say that Kenya is not at war and, therefore, we do not need ships, aircrafts, army transportation and personnel. This is laughable. I must support this Budget to supplement whatever efforts the Government is making. An amount of Kshs300 million is not enough to run the Ministry of Defence in the whole country. I must elaborate openly that there is a problem in the Elemi Triangle. There is a problem along the Kacheliba-Uganda border. There is also a problem along the borders of Moyale and Marsabit. There is a problem along the Somalia border and in the Indian Ocean. Our Navy is not compatible and competent to curb the piracy in the Indian Ocean. We have seen the demise of our colleagues through the failure of the Kenyan Government not acquiring up to date aircrafts. This has resulted in the loss of hon. Members.

When I look at the Budget of the Office of the President that has Kshs8 billion, that money must be shared between the Ministry of Defence. It should also be used to upgrade our police to enable them deal with insecurity in the country. The money must be used in the running and maintenance of poverty eradication programmes. When we think of poverty eradication, we have to think about drought. Drought may be seasonal, but it is a recurrent thing. The country has to be bold to face it when it occurs. The drought we experienced recently was last experienced 100 years ago. The drought occurred due to climatic changes and is self explanatory. We have seen the invasion of armyworms in farms and people using chemicals to deter the invasion and destruction of crops by army worms. That should make this House behave and approve the Budget, however irregular it may be. We do not have to be bull fighters to know who is stronger and who is weak.

When I look at the Ministry of Finance, I do not understand why it should be given Kshs2.8 billion when the Ministry of Defence is given Kshs300 million. What will the Ministry of Finance do with the money? It is supposed to be collecting money from us through taxes. The Budget reflects the Executive's empowerment of luxury---

Mr. Speaker: Order, order! I must bring you to relevancy. This is not a Budget. These are Supplementary Estimates. We are only giving money where it ought to be added. But if what had been given earlier in ordinary circumstances is enough, then it remains. Please, address the Supplementary Estimates, reallocation, if you please, because that is what it is.

Capt. Nakitare: Thank you, Mr. Speaker, Sir. The figures we have are exaggerated. So, if I go with what you have said, with all due respect, I will be undermining my thoughts. My school of thought will also be undermined greatly.

Mr. Speaker: Order, order! Order, Capt. Nakitare! You know you are obligated to take guidance of the Chair. You have to take my guidance, please. I am not trying to do anything to you, apart from guide.

Capt. Nakitare: Mr. Speaker, Sir, it is a Recurrent Supplementary Estimate. It is self explanatory. From what we are seeing, this country cannot develop due to lack of money. We had a Budget; why do we need to have Supplementary Estimates? It is because of the failure of the main Budget. If we had budgeted correctly, we would not have any deficit. If those who worked on the main Budget had a vision for this country, we would not have a calamity like the drought. What has been said by Prof. Anyang'-Nyong'o is true. However, instead of opposing the Supplementary Estimates, I support it.

With those few remarks, I support.

Mr. Raila: Mr. Speaker, Sir, I, like my colleagues who spoke earlier on, stand to oppose

this Motion. I do not want to belabour the point that this country cannot develop if we continue to spend most of our meagre resources, merely in consumption; when we put too much money in Recurrent Estimates at the expense of development. Therefore, looking at the Supplementary Estimates, one is saddened that we are reducing the very little we had provided for in the Printed Estimates. When you look at the Printed Estimates, you will see that we had allocated Kshs69.3 billion for development as opposed to Kshs229 billion for Recurrent Expenditure. That constituted 23 per cent of the amount for development and 77 per cent for Recurrent. If this House passes the Supplementary Estimates, the net effect will be reducing Development Estimates from 23 per cent to 21 per cent and increasing the Recurrent Estimates from 77 per cent to 79 per cent. That has the effect of reducing several development projects which were in the approved Printed Estimates.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

I have looked at the other Ministries' Votes and found out that the trend is consistent. There is increment in the Recurrent Expenditure and reduction in Development Expenditure. For example, I have looked at the Vote for the Ministry of Roads and Public Works and seen that a number of road projects which were approved have either been cancelled or funding has been substantially reduced. I want to give one example so as to explain what I am talking about.

On page 381, Head 385, Sub-Head 420, Isiolo District, Construction of Roads, in the Printed Estimates, there was Kshs102 million provided for the Isiolo-Marsabit Road. In the Revised Estimates, that has been slashed off completely and we have a decrease of Kshs102 million. When we move on to page 385 Sub-Head 490, Maua Central District, Construction of Roads, there is an Item of Kshs240 million. Funding is required to cater for advance payment and certified works on Ruiru-Isiolo Road, which was erroneously left out in the 2005/2006 Printed Estimates. We are slashing off funds for Isiolo-Marsabit Road which has been a subject of discussion here. Very recently, when we went to bury our dead in Marsabit, we spoke very eloquently about developing the road. We are cancelling the provisions for that particular road and creating expenditure for another road of Kshs240 million which was not in the Printed Estimates. Why is it not possible to use this money to begin the construction of the Isiolo-Marsabit Road if at all this Government is serious with the promises the President made in Marsabit when we went to bury our colleagues who died recently?

There there exists in this country the office of the Government Spokesman. If you look at page 6 of the Revised Estimates, under Head 712, Sub-Head 000, there is a title: Government Spokesman (Public Communications Office). This is, perhaps, an office with two or three officers. You will realise that under the Item: Communications, Supplies and Services, there is an increase from Kshs1,850,000 to Kshs5,342,072. With regard to Domestic Travel and Subsistence and other Transportation Costs the money has been raised from Kshs2,200,000 to Kshs6,200,000. The money allocated for Printing, Advertising and Information Supplies and Services has been increased from Kshs5,500,000 to Kshs26 million. Further on, the amount allocated for Hospitality Supplies and Services has been increased from Kshs2,020,000 to Kshs4,020,000.

With regard to Other Operating Expenses, which Prof. Anyang'-Nyong'o was talking about, the Government will spend Kshs8 million. The amount of money for Routine Maintenance- Other Assets has been increased from Kshs1,100,00 to Kshs2,774,968 while Purchase of Office Furniture and General Equipment will cost the Government Kshs4,500,000. Research, Feasibility Studies, Project Preparation and Design, Project Supervision will cost Kshs2 million.

The office of the Government Spokesman alone has been allocated Kshs45 million. The

question is: Should this Government be spending money on a Mr. Mutua who is known to run around with a motorcade of so many vehicles and shouting his voice hoarse without being coherent in whatever he says, or should this money be put to better use? Another question that this Government needs to ask is: What are these other expenses which amount to Kshs8 billion being given to this particular office? Like the hon. Member who spoke before me, I want to say that we cannot come to any other conclusion other than that these "Other expenses" is a new trick that the Government has invented to try to cover up for the money that they illegally withdrew from the Treasury and used during the referendum campaigns.

It is very sad that at a time when many people are dying, the Government can only scheme for ways of trying to recover the money that was illegally removed from the Treasury. The media has been saying that hon. Members of Parliament are not considerate and that they have refused to approve the money that is meant to purchase food for those people who are starving. I have looked at that particular Item concerned with relief food and found out that there is only Kshs600 million which has been allocated for the purpose of emergency supplies for the people who are starving. So, one of the prime purpose of these Supplementary Estimates is to cover up for illegal expenditure and, secondly, to provide money for the bloated Executive which has been created through Executive fear simply because of blunders which have been occasioned by the President.

Mr. Deputy Speaker, Sir, neither did anybody ask the President nor did he consult anybody when he was creating a Cabinet of 34 Ministers. The President promised the people of Kenya that he was going to run a lean Cabinet. He increased the Cabinet from 29 Ministers to 34 Ministers for no other reason other than for political expediency and survival. He then appointed two Assistant Ministers in almost each and every Ministry in order to create the strength that is required in this House. This is the reason why the Development Vote is suffering. The Government has to provide money to pay additional salaries to Ministers who are running departments. Government departments have been elevated to the Cabinet level so that Ministers can fly flags and be here like voting machines.

This Parliament must rise to the occasion and tell the President that they are not going to dance to his tune and approve illegalities which he has created himself in order to survive politically. I would like to urge my colleagues in this House that a time has come for Members of Parliament to stand up and be counted. Kenyans are looking at Members of this House. This House should be responsible and reject the Supplementary Estimates because they are not in the interest of the common man. This is not meant to reduce poverty, rather it is meant to deal only with political expediencies.

Mr. Deputy Speaker, Sir, in being mindful of other colleagues who want to contribute, I beg to oppose.

The Minister for Trade and Industry (Dr. Kituyi): Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to this debate.

In my contribution, I intend to say that I am satisfied that this House has persons who can take the challenges that floor us down on our responsibilities and, in fact, rise beyond partisan rivalries and competition and do what is right. That is exactly what we are going to do today. I will also attempt to say a few things about what I think is the rationale of the Supplementary Estimates and the reallocation of public resources. Lastly, I will attempt to make a personal response to some of the things that gleamed out of the statements made by my friends hon. Raila and hon. Prof. Anyang'-Nyong'o.

Mr. Deputy Speaker, Sir, the desire to settle scores to show that there is weakness here and, that this Government is bad, can sometimes blind us to the opportunities that we have to constructively say what we need to do together. I know that there have been some issues which have been raised by the Opposition about the Supplementary Estimates which are legitimate issues

for the Government to respond to.

We are operating on the reality where the media can set a momentum for us. The media in this country today feels very disappointed when we have consensus in this House. I saw the faces of my friends in the media gallery when we had consensus on the PAC Report; that drama had been avoided and that an opportunity to see people settling scores had been sidestepped. They like it when some bloodied noses appear on the Floor of the House. If you look at the build up today, you will think that the country is on the brink of war and that the gladiators will meet on the Floor of Parliament today. It is very interesting because drama sells but the reality can glean the substance from the rhetoric.

Mr. Deputy Speaker, Sir, it is my hope that the Minister for Finance has heard the very legitimate concerns raised by some of the more constructive critiques from the Opposition.

Particularly important, is the issue of transferring ministerial benefits from the Treasury to Parliament. I would like urge the Minister for Finance to heed this call and rectify this situation so that the ministerial allowances can go back to the Treasury away from the Parliamentary Vote. I think it is a legitimate concern. I think it makes sense and I think the Minister was wrong.

Mr. Deputy Speaker, Sir, I think it is an atrocious economy with truth for an hon. Member of Parliament to manufacture a story before this House that this Government wants to put Kshs600 million in the Supplementary Estimates for famine relief, because he wants to show how bad the Government is. Either he does not know what he is talking about or whoever advised him showed him the wrong figures which had the same net effect. That is the better part. Otherwise, it is a bit of opportunistic negativism. These Supplementary Estimates seek to put together out of the different components of the Supplementary Estimates, Kshs13.8 billion for famine relief. I listened to a critique of how the Government prepared the Printed Estimates. When I was listening to the bloating of further---

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. Could the Minister point out where the Kshs13.8 billion for famine relief is? On which page is it?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, I will come to that presently. I will address some of the issues you have raised even with reference to irrelevant facts. But let me go on---

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

The Minister for Trade and Industry (Dr. Kituyi): It is not a question and answer session between me and the hon. Member for Lang'ata.

Mr. Deputy Speaker: Order, Mr. Raila! I do not want to allow interruptions for the sake of it. It is up to the Minister to point out if he wants to. You cannot say that he must say it because it is not a matter of argument. I would like our debate to be devoid of interruptions unless it is absolutely necessary.

Proceed, Dr. Kituyi!

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, I was speaking in broad terms; I will come down to the specifics. I was in Cabinet with Mr. Raila and Prof. Anyang'-Nyong'o when the Government, with substantial and extensive participation by Prof. Anyang'-Nyong'o who is my personal friend and former teacher started shifting away from the traditional itemising of detailed budget line to a new standard classification of the Budget, where output rather than line items is put in the broad categorisation. This means that if you go into the details that are read horizontally you have those items that are put under "other" delineated. To just look at what you were glad to have in the Printed Estimates, that structure was there in the Printed Estimates which you were party to presenting to this Parliament. At that time you did not find anything wrong with it. But when they come today in the same structure in the Supplementary Estimates, you say that they are hiding money that is being stolen by the Government. That is not

particularly honest nor is it intelligent.

Mr. Deputy Speaker, Sir, there were two other things that were of concern to me. The people of Marsabit, Isiolo, North Horr and Moyale desperately need a good road. Those people need to be alive and there before they can use the good road. This country is taking money from other areas; Kshs45 million has been taken from the roads in Bondo District, Kshs125 million has been taken from the roads in Busia District and Kshs350 million in Narok District, because this Government believes that the citizens of this country can understand the immensity of the problem of famine today and say: "We can forego the initial construction of this road for the next few months if it will keep Kenyans alive." You do not want to build a tarmac road for carcasses of animals which were killed because the State could not intervene in famine relief.

Mr. Deputy Speaker, Sir, recently, I watched the BBC from Singapore and I was proud to be Kenyan. I saw on the BBC television an army truck stopping by the roadside in Modogashe. Army men came out and distributed drinking water to women standing by the road. I saw an army truck supplying hay to pastoralists when the time is over. I felt proud that this is a society that is responding to a domestic problem honourably and collectively. I did not think that by the Government moving resources to address the life and death matter of victims of drought in northern Kenya and other parts of the country, it was reducing Development Estimates vis-a-vis Recurrent Estimates.

Mr. Deputy Speaker, Sir, I have looked at the draft agreement being signed by the Government of Kenya and the Government of China. If you look at the contents of the part that is to be signed by myself and Mr. Buchi Ley on Friday morning, you will see a reflection of the reality that this Government has been thinking about how to source resources to deal with the issue of roads in the face of a shortfall in domestic expenditure. By the end of this week, we will have received a grant as part of the construction of the Nanyuki-Moyale Road. This is a statement of a Government which says that, when we have an emergency at home, let us use resources we had put on line for building roads to attend to an emergency. Friends of our country should step in to ameliorate the problem of infrastructure by putting new money into the construction of roads we were going to attempt to construct. I do not think that a responsible government could do better than that.

I heard a statement from the good professor - and I wish he was here to amend it - that this Government is killing development and it is reversing us. Prof. Anyang'-Nyong'o and I have been in the same Government and we went to address an international forum recently. We said that public revenues in Kenya today are 350 percent of what they were in January, 2003. If you look at the Budget and the fecundity of the investments on the Nairobi Stock Exchange, you will note that Kshs20 billion has been mopped up locally on the IPO of KenGen. This is a statement of an economy that is up and about.

I share the sense that growth alone is not economic development. This Government has done very well in returning us to growth but the essence of economic development and social pacts between the governed and the Government are pacts in which leadership sails beyond our partisan divide. We have to commit ourselves to do what it takes to ensure that no Kenyan will die because of want. We have to ensure that no Kenyan girl will be raped because of a disgraced male and that Kenyans will not be insecure because they do not carry guns into the bedroom. That contract takes more than an Opposition and Government which are ready to settle scores the way some of my colleagues who were only recently with me in the Government are talking before this House.

Mr. Deputy Speaker, Sir, I heard Prof. Anyang'-Nyong'o say that Kenyans want an elected Prime Minister. I do not think so. First of all, there is no country which has an elected Prime Minister. What Kenyans want right now is that no other Kenyans should die because they do not have food due to lack of rain. Let this Government start investing in infrastructure to make sure

that the next drought will not translate into famine. Those are the more immediate things that Kenyans want, and not the ability of us eloquently settling scores on the Floor of the House and pretend away the responsibilities that we were celebrating only recently. When you hear an hon. Member - not from the Official Opposition party - wailing more than the bereaved about the illegal composition of Government---

I remember very vividly one time when, at the end of a Cabinet meeting, my friend Prof. Anyang'-Nyong'o, sat at the same table with Mr. Karume and discussed how they could create synergies between their Ministries. It was an eloquent statement of approval that, that was from a colleague. They could include the budgetary estimates for the Ministry of Mr. Karume, as he worked together with the Ministry of Finance to present the Printed Estimates. But, all over a sudden, his eyes have been opened now! He sees Mr. Karume as the enemy. He did not see that when they were sitting at the same table in the Cabinet.

My friend, Mr. Raila, once famously said: "If you are joining the Government and they give you less than a full mandate, *hata mkia ni nyama!*" That was a famous statement from Raila Odinga. But, all of a sudden, he is denigrating Ministries that they are departments. Where was he? Where has he come from?

Mr. Sungu: On a point of order, Mr. Deputy Speaker, Sir. With due respect to my friend, Dr. Kituyi, is he in order to discuss personalities rather than issues in the Supplementary Estimates?

Mr. Deputy Speaker: Order! Let us discuss the Estimates.

The Ministry of Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, if I have been discussing personalities, then I am wrong. But if I am discussing issues raised by persons, I am right. The analogy that "*hata mkia ni nyama*" is a statement by Mr. Raila that money is being spent on people who are heading departments being called Ministries. It is not about the character and person of Mr. Raila. But because he saw the difference, he did not raise any point of order. I hope you also start seeing the difference.

Mr. Deputy Speaker, Sir, this country is at a critical moment. We cannot pretend that now we have gone through mourning, everything is fine. At a very personal level, when I look at a debate like this, I am sub-consciously waiting to hear Dr. Godana make his remarks. I feel a hollowness when I see that he is not at that space. But it was not for nothing that those hon. Members lost their lives. There is no virtue in perpetual settling of petty scores. There is a time for us to show our opposition with each other. There is time for us to rise to the challenge, not only to answer on national issues, but to redeem the credibility of Parliament. The public out there is wrongly thinking that Parliamentarians are sitting here intimidating the Government to give them more money for mileage. That is not in the Printed Estimates. We are not asking for any money from the Treasury to add to Parliament. If we are not able to speak with one voice to redeem and protect the stature and integrity of Parliament, they will believe that, that is actually the issue. If we find consensus and pass the Supplementary Estimates - which I hope we will do - they will believe that we have "cut" some deal about money for hon. Members.

None of us can win if we look at the smaller issues, and forget about our responsibility to redeem the larger picture. The redemption of the larger picture is a collective statement from this House that: "Yes, it is painful to forego some roads that we promised our own people. It is painful to forego some things that we promised as a developmental agenda. It is even possible to forego some of the benefits of enhanced Constituencies Development Fund (CDF)." Those are the sacrifices that we have to make for citizens of this country in order for them not to go hungry. Those are sacrifices we have to make, so that our disciplined forces can keep the peace and silence the gun. They should be able to follow a prayer with firm action. That message gets drowned when we try to hit at each other. Even the message that Parliament is giving out, that there is something

unfair about Ministerial allowances being transferred to the Vote of Parliament, we cannot afford to make that a partisan divide issue. We should say: "Technically, this is wrong! The Minister for Finance, please reverse this as soon as possible!" We can do that without saying that one side of this House has lost!

Historically, in the 14 years that I have been here, the greatest moments of this House have not come when we have been able to point out the weaknesses of each other. When we have been able to lower our voices, stop talking at each other and talk to each other and start taking collective decisions about what is necessary for us. We should say that procurement and financing of Government activities should be within the law. A clear signal that we are empathising with Kenyans who are starving today. The Government has to move about its business of going beyond prayer, to show that we cannot condone primitive and wanton violence that has led to the deaths of some of our cleverest hon. Members. To stop inventing new arguments about procedures that we were party in developing and justifying.

With those few remarks, I beg to support.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. Dr. Kituyi promised to show us the Kshs38 billion for famine relief in the Supplementary Estimates!

Mr. Deputy Speaker: Dr. Kituyi, what do you want to say about that?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, the Kshs13.8 billion that I mentioned is as follows:-

(i) Because of the need for emergency energy because of the drought that affected the sourcing of power, Kshs4 billion has been allocated. That is the Global Energy Budget.

(ii) For relief food and rehabilitation, there is Kshs6.3 billion and Kshs6.6 billion for Strategic Food Security Reserves.

(iii) There are Kshs3 billion for Ministry of Water and Irrigation for digging boreholes, purchase of livestock and maintenance of breeding stocks for regeneration. I am afraid that, that was comprehensively discussed when the Government sought to use it.

Mr. Deputy Speaker, Sir, I cannot immediately give the pages of the Printed Estimates but I can, if the House so wishes, sit down and look at specific Items line by line, and refer to pages to show that the claim by my good friend, that Kshs600 million is all that there is, is laughable.

Mr. Deputy Speaker: Order! I now ask the Assistant Minister for Finance to come forward.

Mr. Syongo: On a point of order, Mr. Deputy Speaker, Sir. The Chair promised to give me the next chance after Mr. Raila. Could you give me the chance?

Mr. Deputy Speaker: I am sorry, Mr. Syongo. I know about that but, those who spoke took a long time. If you look at page 7 of the Supplementary Order Paper, there is an amendment proposed by the Assistant Minister. It is only fair that we give him time to move the amendment now.

Mr. Syongo: I promise not to take much time!

Mr. Deputy Speaker: Order! I think that is final. When we revert back after the proposed amendment, I will consider you, Mr. Syongo.

The Assistant Minister for Finance (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to move that the Motion on Supplementary Estimates for 2005/2006 (Recurrent Expenditure) be amended as follows:-

By deleting the full-stop at the end thereof, and adding thereto the following:
"Subject to re-allocating from Vote R29 - The National Assembly - the following from Head 881, Item 210100, Kshs157 million; Item 2, Kshs86,407,898 and Item 3, Kshs82 million to Vote R7, Head 135 - Ministry of Finance."

Mr. Deputy Speaker: Attention of hon. Members is drawn to the fact that, there is an

amendment to what is on the Order Paper. The Order Paper reads: "Vote R03, Head 025 - Directorate of Personnel Management."

The Chair has approved the amendment on Vote R7, Head 135 - Ministry of Finance. That is the proposed amendment.

The Assistant Minister for Finance (Mr. Kenneth): Mr. Deputy Speaker, Sir, the purpose of this amendment is to take back the money that was being paid to Ministers and Assistant Ministers from the National Assembly to the Ministries. We are proposing that it goes back to the Ministry of Finance, which could then appropriate to the respective Ministries. There has been questions as to the manner in which that was done. Hon. Members can take this opportunity to pass this amendment, so that we can regularise what was done.

I will ask Dr. Kituyi to second the amendment.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, in seconding, I want to thank the Assistant Minister for Finance for this amendment. I too expressed a desire that for us to do things the right way, what seems to be infringing on separate accounting procedures has to be corrected, and I am glad that it is being done. The import of what the Assistant Minister is doing is to rectify what was wrongly done.

While at it, may I take this opportunity to point out to Members what I mentioned and was challenged by Mr. Raila.

Mr. Deputy Speaker: Order, Dr. Kituyi. Please, confine yourself to the issue at hand.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Deputy Speaker, Sir, to my mind, the main thing that was legitimately raised by Members of the Opposition was the transfer of Ministerial benefits to the Parliamentary Budget. I am glad that the Ministry of Finance is responding to that genuine concern. I encourage the spirit that when matters are legitimately raised, Government has to show the maturity to positively respond to them and not go into reverse gear or resist them.

With those remarks, I beg to second.

Mr. Okemo: On a point of order, Mr. Deputy Speaker, Sir. I do not understand under what regulation the amendment can hold? If there was to be a proper transfer, it should be from the National Assembly to the respective Ministries. It cannot go to the Ministry of Finance and then from there go to other Ministries. There is no regulation under which you could do that.

Mr. Raila: Mr. Deputy Speaker, Sir, in addition to that, the Assistant Minister is talking about Vote R03, which is the Directorate of Personnel Management---

Mr. Deputy Speaker: No, it is Vote R07, Head 135, Ministry of Finance. This House is only concerned about moving the money from the Legislature to the Executive. That is the gist of the proposed amendment.

Mr. Syongo: On a point of order, Mr. Deputy Speaker, Sir. This issue should be clarified further. If included in this sum are the basic salaries of Ministers and Assistant Ministers which they are entitled to by virtue of being Members of Parliament, then it would be an illegality, so to speak---

Mr. Deputy Speaker: Order, Mr. Syongo! You are entitled to debate this matter as soon as I propose the Question.

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

Mr. Okemo: Mr. Deputy Speaker, Sir, if this amendment had come in the form that we transfer these various items from the National Assembly to the various Ministries where the basic salaries and allowances had originally been budgeted, then I would support it.

[Mr. Deputy Speaker left the Chair]

[Mr. Speaker resumed the Chair]

But this is the wrong way to do it. I think we are trying to find a short-cut to solve an irregularity which had originally been committed by the Ministry of Finance. I know they are in a hurry to make a correction, but they are doing it the wrong way. These amounts of money represent persons who can be identified, namely, Ministers and Assistant Ministers. We know that these officers do not serve in the Ministry of Finance, but under various Ministries. So, those specific amounts must, therefore, go to the specific Ministries. In fact, under the approved estimates, there is no money that goes to the Ministry of Finance which then passes it on to any other Ministry. The role of the Ministry of Finance is to appropriate expenditures once this House has approved them.

Mr. Speaker: Mr. Okemo, I think you can also assist the House by following the right way. We correct anything by amendments. An amendment Motion is also capable of being amended. But for the House to appreciate what is being done, I think we must get the background of it. This money is not coming out of the blue. It is from the Budget itself, previously sitting in every Ministerial Vote as either Ministerial Responsibility or House Allowances. Those matters that cover Ministers as such. They were brought from the original Vote to this Vote. If you think it is wrong for it to go to the Treasury and then to have it disbursed to the various Ministries, you could actually amend that amendment by proposing that the various sums be dispatched to the various relevant Vote Heads in the relevant Ministries to cover those allowances. But you can only do that, not by wondering, but by moving the right amendment. You stand guided.

(Applause)

Mr. Okemo: Mr. Speaker, Sir, as much as I agree with the Chair, I think it is the responsibility of the Mover, who is the Minister for Finance, to come up with that amendment. But on my part, I am not even supporting the Motion, leave alone having to help them to correct the anomaly which they have created themselves.

Mr. Speaker: Well, you are entitled to oppose. But what Members are not entitled to, is to put hurdles. If you think there is something wrong, oppose it. If you think it is done the wrong way, then you are entitled as a Member to correct it. Indeed, you have a responsibility to bring an amendment. But you can continue opposing, if you want.

Mr. Okemo: Mr. Speaker, Sir, on top of opposing the amendment, I also have very fundamental observations to make. I have listened very carefully to what Prof. Anyang'-Nyong'o raised. He raised some very serious concerns, that there are huge variations between the approved Budget and the revised Budget. The variations are so big that I do not believe it would be fair for this House to be expected to approve huge variations without explanation as to the clarification of the composition---

The Assistant Minister for Finance (Mr. Kenneth): On a point of order, Mr. Speaker, Sir. I think we should confine ourselves to this particular amendment. The hon. Member can have an opportunity to discuss the Supplementary Estimates at another time.

Mr. Speaker: Order! I agree. We will have to discuss the amendment, dispose of it one way or the other, and then come back to the main Motion, which is the Supplementary Estimates.

Mr. Okemo: Mr. Speaker, Sir, I will not spend much time, because I think I have made my fundamental point. But I think what needs to be done is what happened actually when we were approving the Budget. The Assistant Minister should go back and actually itemise those figures

that relate to the specific Ministries and bring them to this House for approval.

Mr. Speaker: Order, hon. Members! Maybe the Chair can again attempt to help. I want to try to shed some light on this. Since Independence, Ministerial responsibility, house, domestic servant allowances, gratuity and all other payments that relate to being a Minister have always been paid by the Executive. Parliament makes all those payments that relate to an hon. Member, as an hon. Member. Now, for some strange reason, after we passed the Budget--- All these figures are not from the blues. They are actually a collection of what was in the Budget we passed, or rather the balance of it, because a lot of it has already been spent over the last few months. The Minister, for some reason now wants such payments to be made by Parliament. If I understood Dr. Kituyi well, I think the rationale is the following: There is separation of powers between the Executive and the Legislature. That principle is not procedural. It is constitutional and basic to parliamentary democracy. The minute you try to fuse, because this is what the proposal attempts to do, you completely destroy the concept of separation of powers, as we understand it.

(Applause)

So, what is being attempted to be done here is to rectify that and take back that money to wherever it came from. The Executive will pay its own Ministers their dues the way it has always done. Parliament will continue to pay Ministers and Assistant Ministers what it has always been paying by virtue of their being Members of Parliament. I think that is the position.

Thank you. Yes, Dr. Machage!

The Assistant Minister for Health (Dr. Machage): Thank you, Mr. Speaker, Sir, for that elaborate and wise explanation of the situation. Indeed, we are faced with the issue of deciding whether money that is not due to Parliament, or money that Parliament should not handle or pay, is to be paid out by it. That bit is painful to Parliament. If the Minister for Finance has looked at his own Budget and thought it wise that this money be moved to his Ministry, there is nothing wrong with that. Therefore, I do not see the necessity of even thinking of an amendment to this amendment to move this money to the respective Ministries. It is just prudent that we see the reality and sense, as explained by the Chair, and approve this amendment.

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

Mr. Speaker: Very well! Yes, Mr. Billow!

Mr. Billow: Mr. Speaker, Sir, to begin with, I seek your guidance regarding page 416 of the Recurrent Expenditure Estimates. Under Head 881, Legislature, Item 2110100, Basic Salaries, Permanent Employees---

Mr. Speaker: Hon. Members, look at page 416, Head 881, Legislature. You will find 000, Headquarters. The hon. Member is referring to the first Item after that, I believe.

Mr. Billow: Yes, Mr. Speaker, Sir. I am referring to the first Item, Basic Salaries. It says: "Additional funds are required to cater for the salaries of Ministers and Assistant Ministers." That figure, if you turn to page 414, is Kshs157 million. That is the figure the Minister is trying to transfer from the National Assembly back to the Treasury. My question is: Who is supposed to pay the basic salaries of the Ministers? Is it Parliament or the Treasury? I am seeking your guidance. Could you clarify this?

Mr. Speaker: Hon. Members, this matter is very plain and simple. This figure of Kshs157 million is the collective entitlement to Ministers who were being previously paid by the various Ministries. Now a lump sum amount has been provided the National Assembly Vote, so that it can pay the Ministers. It is a lump sum amount and is contained in these Supplementary Estimates. It is only a balance of the Budget.

You will also find that among the things being removed are the house allowances payable

to Ministers, as Ministers. You will also find that the thing that is now being removed and transferred to the relevant Ministries is the gratuity payable to Ministers, which is not payable to Members of Parliament. It is payable to Ministers because they are Ministers. They must be paid by the Executive under the relevant Ministries.

That is the position!

Mr. Billow: Thank you, Mr. Speaker, Sir, for the clarification. It is just that the use of the words 'basic salary' causes a bit of anxiety.

Mr. Speaker, Sir, I have no problem with this amendment. I support it. But I need to raise just two points very quickly. One, I think the preparation of Budgets, if I may use the words of my colleague here, is not rocket science. It should be as accurate as possible, so that we do not have wide variations. The kind of amendments being made to some Items, for example Kshs597 million being removed from pensions because it is not going to be used, are not encouraging.

Secondly, there is a question that had been raised, both inside and outside the House, about an increase of the salaries of Ministers and Assistant Ministers through a circular by the Head of the Public Service and Secretary to the Cabinet. Perhaps, just to encourage transparency, I would advise the Minister to also shed some light on that matter. Where exactly is the so called increase that the Head of the Public Service and Secretary to the Cabinet has, in fact, effected? We cannot find it in this particular document. I understand it was included in the Estimates for June, 2005, where we find Kshs200,000 in every Ministry as salaries for Ministers, and, I think, Kshs100,000 for Assistant Ministers. It is important that we bring it out clearly, so that hon. Members of this House can approve something they can see, without hiding anything or causing such an impression.

Otherwise, I support the amendment.

The Assistant Minister for Finance (Mr. Kenneth): Mr. Speaker, Sir, I would like to thank the shadow Minister for Finance for supporting the Ministry in this very important amendment to the Motion.

This particular amendment has no cost implication, because whatever came back to the House from 1st November, 2005, so that everybody is paid here, is what is being returned to the Ministry of Finance. I also fully appreciate what the former Minister for Finance said, that, perhaps, we should have appropriated it to the respective Ministries. I see no problem with appropriating it to the respective Ministries. We have put it to the Vote of the Ministry of Finance because it is the custodian of the entire funds of the Government. If it is the wish of the House that the funds provided under these line Budget Items be reverted to the appropriate Ministries, I would have no problem.

Mr. Speaker: Order! If I may help the House, when you make this resolution, a Supplementary Appropriation Bill will come to the House for approval. It is through the resultant Supplementary Appropriation Act that you will disburse all this money from the Treasury to the various Ministries. Is that okay?

The Assistant Minister for Finance (Mr. Kenneth): Yes, Sir.

Mr. Speaker: Thank you. Very good! Why do you not all applaud?

(Applause)

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

Mr. Speaker: Hon. Members, the Motion, as amended, now reads as follows:-

(i) THAT, a sum not exceeding Kshs12,536,446,290 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2006, in

respect of Supplementary Estimates of 2005/2006 Financial Year (Recurrent) having regard to the proposed reduction of Kshs4,983,986,530 therein appearing.

(ii) THAT, a sum not exceeding Kshs8,245,146,348 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2006, in respect of Supplementary Estimates of 2005/2006 Financial Year (Development) having regard

to the proposed reduction of Kshs15,786,941,614 therein appearing, subject to reallocating from Vote R29, National Assembly, the following from Head 881-

(1) Item 210100 - Kshs157,000,000

(2) Item 211300 - Kshs86,407,898 and,

(3) Item 2710100 - Kshs82,000,000 to Vote R07, Head 135, Ministry of Finance.

(Question of the Motion as amended proposed)

Mr. Speaker: Mr. Michuki, you may have the Floor!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, I wish to thank you very much for granting me the opportunity to contribute to the debate on the Supplementary Estimates that have been tabled before this House.

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! We will have some silence! Proceed, Mr. Michuki!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, let me take this opportunity to, first of all, correct an impression which has been made on the Floor of this House on the so-called "large variations of the Estimates".

Last year, when the Government assessed the extent of drought and famine, a decision was made that everything must be done to make sure that we save lives and contain the calamity, which was natural. The drought, famine and all those deficiencies were estimated to cost Kshs19 billion. This money had to come from the revenues that provide the voted provisions.

To that extent, there had to be drastic reductions, which had been provided, to meet expenditure under normal circumstances because the situation had drastically changed. Making reference to "large variations" without understanding this background is misleading. I thought the issue would have been to seek clarification rather than conclude on those re-allocations. The statement ignored the reality that we have been dealing with since the drought and famine struck.

Therefore, although these Supplementary Estimates call for additional funds, to the extent that they are mostly dealing with re-allocation, it must be said that these re-allocations are caused by the drought, lack of water in ASAL areas, the famine that we are facing right now, and where we have to provide additional food to our people, particularly in ASAL areas and also the timing of the referendum.

Revised Estimates of this kind deal with situations that could never have been foreseen when the original Estimates were cast. Therefore, this is what the Revised Estimates are dealing with; deliberate re-allocation and adjustments of provision to Votes by the Government to raise money to meet those emergencies.

Mr. Speaker, Sir, a lot has been said about the economy not growing. These are fallacies

that are coming from people who would rather say that the grapes are sour. Those who have commented on this aspect have been hon. Members of this Government only a few months ago. Since they are not on the Government side, what the Government does must turn out to be unacceptable to them.

First of all, as hon. Dr. Kituyi has said, our economy is yielding three-and-a-half times the revenue the former Government was collecting. In fact, this is without a lot of sweat. Obviously, systems have been adjusted. The Kenya Revenue Authority should be congratulated by this House for facilitating so many projects to be implemented---

(Loud consultations)

Mr. Speaker: Order, hon. Members! This is a very crucial issue! Why do we not listen? We will pass things here that you did not listen to. Let me tell you my experience; in either 1994 or 1995, hon. Members failed to listen when the Supplementary Estimates were being discussed and they ended up reducing their benefits without knowing. This is because they did not listen.

Please, proceed!

The Minister of State for Administration and National Security (Mr. Michuki): Thank you very much, Mr. Speaker, Sir, for drawing the attention of the House to this very important matter.

Mr. Speaker, Sir, I was talking about our economy. Our economy is so strong that those who were unable to revive it before are jealous. If you look at today's newspapers, you will see that the KenGen Initial Public Offer (IPO)---

Mr. Speaker, Sir, I am sure hon. Okemo does not know what I am talking about.

Mr. Okemo: On a point of order, Mr. Speaker, Sir. Surely, we are talking about the Supplementary Estimates. For somebody to say that we are jealous about not having been able to revive the economy is irresponsible and out of order. We would all like to have a revived economy.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, hon. Okemo knows very well that when I talk about the economy, I am talking about the Supplementary Estimates. It is the economy that produces the kind of money that we are looking for.

I was saying that the KenGen initial public offer attracted from the public Kshs20 billion. This was from ordinary Kenyans who bought 500 shares each. If you noticed, since the offer was floated, there were queues at every bank which had offered to assist in giving loans that were required by our ordinary people. People who could not afford to buy more than 500 shares at Kshs11.90 eventually raised Kshs20 billion. The shares were worth Kshs7.8 billion and the balance of over Kshs12 billion has to be surrendered back to the banks. The article that I am drawing your attention to is anticipating that interest rates will go down because of the high liquidity. We have to create a demand to absorb that money.

Mr. Speaker, Sir, the Supplementary Estimates provided for the construction of 334 dams last year in Arid and Semi-Arid Lands (ASAL) areas. These dams are meant to collect water that can be used by the whole Kenyan population of 33 million people for six days. Also, 288 boreholes were dug last year. I am sure the hon. Members on the other side of the House are aware of these facts.

I will not comment on the allegations about the Cabinet appointments because there is not much there to comment about. In my opinion, it was hot air. The law is quite clear and the authority of the Government is well understood.

Mr. Speaker, Sir, if this authority is exercised to the disadvantage of certain people who

made themselves unfit to be in the Government, it is nothing to worry about.

Finally, any Government---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Proceed, Mr. Minister!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, any Government in the world, as long as it operates within the law, can create institutions. Whether you talk about the Government Spokesperson or Dr. Mutua's office, the office has been created legitimately by the Government in power. Other than the fact that Dr. Mutua is performing his job properly, there has been no reason why we should argue about the Kshs45 million that would be spent to make sure that Kenyans are told the truth about what the Government is doing, which is what Dr. Mutua is supposed to do. If it is the case that Dr. Mutua appears to be scoring well, that is good.

With those few remarks, I beg to support.

Mr. Weya: On a point of order, Mr. Speaker, Sir. I would like to request that the Mover be called upon to reply because we need to make progress.

Mr. Speaker: Order, Mr. Weya! Apparently, all of you do not know the law. This Motion must go on for not less than three hours. That is why we must begin not later than 3.30 p.m. You must learn the law and respect it!

The Minister for Trade and Industry (Dr. Kituyi): On a point of order, Mr. Speaker, Sir. With the indulgence of the Chair, when I was making my contribution, I made certain statements and I was asked by hon. Members to show where they appear in the Supplementary Estimates. If you can grant me the indulgence, I would like to substantiate what I said.

Mr. Speaker: What information were you asked to give?

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, I was arguing that hon. Raila was wrong to claim that the total provision for famine relief in the Supplementary Estimates is Kshs600 million. I contested that and I just wanted to show where the evidence is.

Mr. Speaker: Go ahead, as long as you do not re-open debate.

The Minister for Trade and Industry (Dr. Kituyi): Mr. Speaker, Sir, I will not re-open any debate. My purpose is just to prove that the claim of Kshs600 million is not correct. I would like to refer hon. Members to page 3 of the Recurrent Expenditure, Head 275, Item 2640200, Emergency Relief and Refugee Assistance, Kshs6.3 billion. On page 4 of the same volume, Head 564, Item 3120100, Acquisition of Strategic Stocks has an allocation of Kshs1.6 billion, showing an increase of Kshs600 million. Additionally, there are pages 492 and 627 of the Development Estimates concerning what I had mentioned about energy and the Ministry of Water and Irrigation, which directly relate to drought and famine. I would like to negate the claim that the only provision for famine relief is Kshs600 million.

(Mr. Kipchumba stood up in his place)

Mr. Speaker: What is it, Mr. Kipchumba?

Mr. Syongo: On a point of order, Mr. Speaker, Sir. Before you took the short break, you actually promised me that I would be the next person to speak after hon. Raila.

Mr. Speaker: All right! I have heard you plead so often. I cannot be having a deaf ear, so I will hear you out. Mr. Kipchumba, I promise that I will hear you after hon. Syongo.

Hon. Members, you all know that by 6.00 p.m., I am compelled by law to call upon the Minister to respond. So, we have about 15 minutes to discuss this Motion.

Proceed, Mr. Syongo!

Mr. Syongo: Thank you, Mr. Speaker, Sir. First, may I take this opportunity to really commend you because you guided this House very ably and professionally when we were discussing the amendments, and the ruling you made could not have been better. I hope that the Minister for Finance will take note that those emoluments that are due to the Ministers and Assistant Ministers on account of their being hon. Members, specifically their basic salaries, which are their entitlements as hon. Members, should remain under the Vote of the National Assembly when the Supplementary Appropriation Bill is prepared.

Mr. Speaker, Sir, having said so, I want to make a few remarks. When moving this Motion, the Minister for Finance attributed the need for these Supplementary Estimates to two reasons: One, because of the emergency that we are all aware of; the famine and drought-related situation. Secondly, he talked about the shortfall in tax revenue. I would like to say that, as a House, we must support the introduction of the Electronic Tax Registers (ETRS). This instrument will definitely help the Kenya Revenue Authority (KRA) to increase the amount of tax revenue for this country. Every hon. Member should support it so that an equitable amount of money is collected from those who are able to pay taxes, in order to finance the development and expenses of this Government.

Mr. Speaker, Sir, there is something that worries me. The Minister for Finance indicated that there was a shortfall of Kshs5.2 billion in terms of Import Duty and Value Added Tax on imports. The Minister attributed this shortfall to the introduction of the new import documentation procedure. I happen to know the Director-General of the KRA as a classmate and also because he is a professional. I cannot believe that such measures, like a new system, could have been introduced without carrying out an impact assessment of that new policy to the extent that we have a shortfall of Kshs5.2 billion! I can see that the Assistant Minister for Finance is very busy consulting with his colleagues, but I would like to appeal to him to check on the banking and the revenues which were collected during that period to ascertain that, indeed, there was a shortfall of that magnitude; because I do not believe that, that kind of shortfall could have been allowed to take place without the financial impact assessment.

Mr. Speaker, Sir, the third point I want to make is this. When the Minister was moving this Motion, he talked about one of the ways he is going to use to deal with the problems that necessitated the Supplementary Estimates. He stated that he is going to fall back to domestic borrowing to the tune of Kshs5.9 billion. If we have to increase our domestic borrowing by that amount, then we must be very, very concerned. For one, we are going to reduce substantially the amount of credit available for the private sector to invest and expand their businesses. There is also a possibility that, indeed, we are going to see that the gains in terms of the improvement of the economy, and indications are very clear that it is beginning to improve, are likely to be reversed. So, we are likely to see unemployment continuing and, in fact, even tax revenue collection will also be threatened.

But, Mr. Speaker, Sir, even more worrying is that inflation is likely to increase. Only last year, the inflation rate was a single digit. At the moment, it stands at 20 per cent. If we have to borrow another Kshs5.9 billion on the domestic market, the inflation is going to increase. The Government needs to take cautionary measures before it uses this particular method to bridge the gap between estimates and actuals that are required.

The second method which the Minister told us he is going to use to deal with the shortfall is the re-allocation of very substantial amounts of money from one Ministry to another. It is very important that before this is done, and even before this was proposed, a detailed analysis of the impact of such re-allocation is taken care of.

Mr. Speaker, Sir, it is only the other day when we lost our colleagues in an air disaster. Recently, we witnessed a documentary on one of the television stations, showing the pathetic

conditions of our airstrips. It is only last week, after the Marsabit disaster, when we had another case where a Kenya Airforce plane was unable to take off from an airstrip in Busia.

Mr. Speaker, Sir, there was also a news coverage that, indeed, a number of police helicopters cannot be used because they cannot be maintained. The issue of serviceability of sensitive military equipment - including aircraft - is so critical that we must take it into account before we reallocate funds.

Mr. Speaker, Sir, I am reliably informed - I have not had a chance to look at the Estimates - that the Ministry of Education will have to forego Kshs1.3 billion! That money will be taken away from the Ministry and reallocated elsewhere. What is the impact of that in terms of education service delivery? I urge the Minister to look at those issues very critically. Otherwise, we will be trying to solve one problem and causing a more serious one.

Mr. Speaker, Sir, I want to conclude by saying the following. Several hon. Members have alluded to the over-subscription of KenGen shares. Those monies will increase Government revenue. Have those amounts been taken into account? There is no evidence that they have been taken into account. Since we are going to get money before the end of this financial year, I want to request the Minister for Finance not to deny sensitive departments substantial amounts of money by bringing these Supplementary Estimates. If he has done that, he should refund those monies, so that we do not compromise on service delivery. I feel that sufficient care was not taken when these Supplementary Estimates were prepared. So, I can only say I very reluctantly support this Motion!

Thank you, Mr. Speaker, Sir.

Mr. Kipchumba: Thank you, Mr. Speaker, Sir. I want to support this Motion because it is a normal practice. But I would like to make some comments.

The Government should prioritise the purchasing of strategic reserves by using the money meant for Emergency Relief and Refugee Assistance. The other day, the Minister for Agriculture said that a substantial amount of food will be brought from outside the country. We could not raise adequate stocks for the reserves because of the low price that was prevailing in the market.

Mr. Speaker, Sir, I urge the Ministry of Finance to give adequate finances. It should further direct the National Cereals and Produce Board (NCPB) to increase their prices. That will mop up the stocks that are still held by farmers, who are hoping that the prices will increase. We should do that, instead of losing the much needed foreign exchange to import strategic reserves. We would be better off buying the stocks locally. We will enrich Kenyans.

We know the reason why many people prefer to import stocks rather than buy them locally. It is because of the little kick-backs that they get in the process. We would like to discourage that.

Secondly, the National Registration Bureau has an additional Kshs84 million. The registration exercise is going on all over the country to ensure that Kenyans get identity cards. The only problem is that most of the personnel involved in the exercise cannot move because of lack of vehicles and fuel. Many hon. Members have to dig deep into their pockets to fuel Government vehicles. That is because they want their constituents to get identity cards, so that they can register as voters. I hope this money will be released quickly to this Ministry which has been disabled in very many aspects in order to enable its personnel to register persons.

Mr. Speaker, Sir, I want to raise a concern on the Government Printer. On many occasions in this House we have raised concerns over the Government Press. There is an additional Kshs639 million. We hoped that this critical department called the Government Press would be able to raise its own revenue. If you visited this critical department, you will realise they have massive equipment. They can print bank notes. They can print anything that we would like to have in this country, but a lot of money has been lost because there are certain facilities which have not been completed. Electrification has not been done and certain critical equipment has not been activated. I think it is important that we need to make this critical department work because I have personally

visited it and I have realised that once this equipment is activated, we can actually print anything for the East and Central African region and not just for Kenya. I think, in addition, the Government Press can raise a lot of revenue. I do not understand why we would want to be giving it money every year and yet every Ministry has a Vote for printing, which in my understanding, they should be paying the Government Printer so that it can be able to sustain itself and, in effect, probably even raise quite a lot of revenue for this country. I hope that in the next financial year, the Government Press should be able to raise quite a lot of money for this country, and the equipment that is there must be put in use.

I have a problem with the Cabinet Office. In as much as I am not quite aware of what it deals with, the Ksh198 million that is allocated for it is quite a lot of money. I wish that this money could be given to famine relief so that Kenyans can be fed. Let us not take advantage of the fact that there are Kenyans who are starving by increasing money for famine relief food when, in effect, in terms of distribution, many Kenyans do not get adequate food. We must invest in logistics. I think the biggest problem that we have in this country is not really the food shortage because there is a lot of it in Western Kenya and North Rift but the movement of that food is the biggest problem in this country. I wish that we can be convinced that no Kenyan will die because of lack of adequate food and that the emergency response must be prompt and befitting. Our earnings must be used to distribute food in the cheapest way possible.

The other day it had to take the Head of State to order that the army be made to distribute food to the famine-stricken areas. Why should we wait until the Head of State makes an order? We need to be proactive. Famine is something that we can always project and move adequate food to those areas in good time so that no Kenyan dies because of lack of adequate food.

Mr. Speaker, Sir, I want to say that the fact that there was over-subscription in KenGen shares is not a very good thing as many of the Ministers are saying. In fact, it is bad that many Kenyans are holding a lot of money. Too much liquidity creates a lot of inflation. In as much as there will be low interests, simple economics will tell you that there will be a lot of inflation in this country, which is in fact very bad for the economy. These two must balance.

With those few shares, I beg to support.

Mr. Speaker: Order, hon. Members! It is now time for me to call upon the Minister to respond. Go ahead, Mr. Kenneth!

The Assistant Minister for Finance (Mr. Kenneth): Mr. Speaker, Sir, with your indulgence, I would like to donate four minutes of my time to Mr. Kagwe, three minutes to Mrs. Mugo and three minutes to Mr. Konchella.

Mr. Speaker: You are not a very generous brother! Anyway, it is your time!
Proceed, Mr. Kagwe!

The Minister for Information and Communications (Mr. Kagwe): Mr. Speaker, Sir, I would like to thank Mr. Kenneth for his generous donation of four minutes.

I rise to support this Motion. When we talk about expenditure for famine relief, it is important for us to---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Again, let us have some order!
Proceed, Mr. Kagwe!

The Minister for Information and Communications (Mr. Kagwe): Mr. Speaker, Sir, it is very important to appreciate that the expenditure on famine relief is multi-ministerial in the sense that it is not just the question of purchase of food. Indeed, the purchase of food probably takes up about half of the money. Most of the money will go to areas such as transportation of the food.

Transporting a plane-load of food to North Eastern Province, for example, may be more expensive than the cost of purchasing the food. However, that notwithstanding, that food must be taken to the places where Kenyans are suffering. Therefore, in considering, and in hon. Members looking at expenditure on this area, it is very important to keep that at the back of our minds.

Mr. Speaker, Sir, in supporting this Motion, I would like to congratulate Kenyans. Kenyans have kept this country going, and they are the ones who are paying this money. It is Kenyans, as opposed to popular opinion, where the thinking is that the donor community is the one that keeps Kenya running, who keep this country going.

The expected revenue from our own people this year is about Kshs327 billion. The expected Recurrent Expenditure this year, from what we have seen in the Printed Estimates, is Kshs237 billion. This tells you that Kenya runs on its own. This is something that we should all, as a nation, be very proud of. When you consider that the Uganda budget is 50 per cent donor-funded, and the one in Tanzania is approximately 45 per cent donor-funded, this nation has a lot to be proud of. When I talk about this nation, I am not necessarily talking of the Government side. Kenya is made up of both the Government and Opposition sides. We should all remember that when we speak in this House, it is forgotten out there that we are simply playing the roles that we are supposed to play. We are not necessarily saying that the Government is evil; we are simply saying that there is a role for the Opposition, and that is to oversight the Government.

However, there is a sense in which the media begins to think that because somebody in the Opposition is opposing the Government, it means that, that person hates Kenya. That person does not hate Kenya. That person is doing what they are supposed to do. Therefore, I would like to urge that those who oppose various issues, like my good friend, Prof. Anyang'-Nyong'o, do so in that same spirit, appreciating that you oppose not for the sake of opposing, but you oppose to correct so that all Kenyans, irrespective of whether they sit on that side or this side, and irrespective of whether they are in this House or not, can continue to benefit from the good work that the Government will continue doing.

One of the issues that we are suffering from even as we sit on opposite sides, is that we are being demonised out there, particularly by the media. I understand that there is a Ministerial Question to this effect. I will respond to it when it is asked. I understand that there was a wish within the media fraternity of an individual speaking in the morning and saying that he wishes that lightning would strike and that the whole of this House would be demolished, including yourself, Mr. Speaker, Sir.

Mr. Speaker: And particularly!

(Laughter)

The Minister for Information and Communications (Mr. Kagwe): Mr. Speaker, Sir, I was unable to decipher whether it is in particular or it is including. However, there are those saying that hon. Members of Parliament are "*Ibilisi*". When somebody wishes people ill and dead, the only individual who is capable of doing that; the only being capable of wishing all hon. Members of Parliament dead is the devil! It is not possible for right-thinking individuals of the community to wish any ill anywhere in the world. These are people who have lost sight of their role. They have forgotten that the freedom of the media is a means to an end, and it is not an end in itself. That is not how to go about issues. It is for that reason that we will present the Media Bill to this House. It is up to this House to decide how the media is going to operate from now on. We do not do so because we do not appreciate the role of the media in the democratisation process of our country. Indeed, the media is vital for democracy, but it is not the only institution that is vital. Parliament is also vital in a democratisation process. My four minutes seem to be over; I will continue with this

matter tomorrow afternoon.

With those few remarks, I beg to support.

The Assistant Minister for Education (Mrs. Mugo): Thank you Mr. Speaker, Sir. I would also like to thank the hon. Assistant Minister for giving me this opportunity to contribute to this Motion, which I support fully.

I would like to thank the Ministry of Finance, and Kenyans in general, for feeding all the millions of starving Kenyans. In the same breadth, I understand that money has to come from somewhere. That is why reductions in some Ministries were absolutely necessary. We cannot support the feeding of million of starving Kenyans on the one hand, and bash the Government on the other hand for reducing the Development Votes. That is, indeed, double standards. We, therefore, need to rise above any petty issues that tend to show that we are better than them, especially when it comes to issues of national interest. I also want to thank both sides of the House and all Kenyans, because when they are threatened, they come together and show that they are one people.

I would like to appeal to Kenyan traders, and leaders in this House, who oppose installation of electronic tax registers (ETRs) to revise their stance. We appreciate that many traders are honest and are paying up their taxes, and that is why the Government is able to run. But there are a few unscrupulous traders who would like to get away with public taxes. It is for this reason that, as a House, we must support installation of ETRs to make sure that we do not run short of funds, and take money for emergencies from our Development Votes. I believe that when this matter comes to this House, we will unanimously support installation of ETRs.

Finally, I want to urge this House to pass these Supplementary Estimates, particularly those for the development of the education sector. We have the Education Sector Support Programme. We also have fast-tracking grants from our donor partners, which we must match with our own funds. Failure to match them with our own funds means interference with our free primary education programme, which I am sure no Kenyan wants interfered with.

Many of you have been asking when bursaries will be released. It is for this reason that we must all support these Estimates. Even as we reduce certain Votes, I want to urge special consideration for my Ministry, because we have a programme with our donors into which we must put a lot of money. The money for my Ministry must not be reduced, or else we will say goodbye to this beautiful free primary education programme. I am sure none of you will want that to happen.

With those few remarks, I support the Motion.

The Minister of State for Immigration and Registration of Persons (Mr. Koncheloh): Mr. Speaker, Sir, I would like to thank the Assistant Minister for giving me a few minutes to support to this Motion.

I would like to talk about the livestock off-take. The Government provided funds to buy livestock from our people in ASAL areas. While this Budget provides the same money to support livestock programmes, I want to ask the Government and the Minister concerned to not only buy the livestock back and provide to the people but also ensure that the people who have no money to buy that livestock are able to access resources either through soft loan credit, or every family should be given a set number of cattle for re-stocking.

When you look at the cattle rustling going on in the country now, it is a direct reflection of the poverty of the ASAL areas where people are fighting for their livelihood. They are taking cattle from other people to try and survive.

Mr. Speaker, Sir, we, therefore, need to provide for and strengthen the Ministry in charge of internal security, to provide security for our people. When you look at the number of people dying either in towns or elsewhere because of insecurity, it is a shame to this country, and yet we have enough skilled labour. We are supplying skilled labour to other parts of Africa in terms of teachers, engineers and doctors, yet we cannot provide security for our people. The money that is allocated

to security should be utilised well. We should train a special force of people from the area where cattle rusting takes place. If we train 50 Somalis, 50 Pokots, 50 Turkanas and 50 Samburus and deploy them in those areas, they will flush out all cattle rustlers from there. I would like to suggest that the Minister considers special training for people from that area to tackle cattle rustling because it is impoverishing our people.

On the issue of relief food, I want to thank the Government for providing food to ensure that our people do not die of hunger. Indeed, I also want to thank the World Food Programme for working with the Government to feed our people during the drought period. We still know that a lot of food is growing in the fields and it will take another three months before it is harvested. We will soon have a problem of transport. We, therefore, want to ask the Minister for Roads and Public Works to ensure that there are sufficient funds to construct roads so that our people can transport their food to the market.

Mr. Speaker, Sir, in my constituency, I have one pathetic road from Chebunyo to Esoit where people grow a lot of food but they cannot transport it to the market. Right now we have a lot of maize in the fields, which will be ready soon. However, the farmers cannot be able to transport it to the market, and yet they want to use the earnings to buy livestock.

Finally, on the issue of registration in my Ministry, the Government gave directives that every Kenyan who has attained the age of getting an identity card should access the service for free. This is a Government policy and any officer who is charging the applicants is committing an offence. He will be dealt with accordingly. Indeed, I will take responsibility to ensure that four million Kenyans are registered within the stipulated time.

Mr. Speaker: Mr. Konchellah, your time is up!

The Assistant Minister for Finance (Mr. Kenneth): Thank you, Mr. Speaker, Sir, for allowing me to donate some of my time to a few selected respective hon. Members.

The Treasury appreciates the comments that have been made and the issues that have been brought up here by hon. Members. Indeed, it is arising from such issues that we are able to pick the feeling of hon. Members as we prepare for the main Budget, to take into consideration some of the facts and opinions that have been raised.

We have keenly followed the debate. One of the issues that have particular concerns to hon. Members is on the implementation of the Budget as approved by this House last year, and in respective years. We are aware that we need to respect issues that have been factored in the Budget, that have not been implemented. We want to reassure hon. Members that action will be taken against Accounting Officers who return funds to the Treasury without any reasonable excuse, denying Kenyans the services for which the Budget was set for. Indeed, Budget implementation is a major component of the performance contract of the Accounting Officers, which they have now signed. I am sure that one or two years from now, we will be able to pin-point in the performance contract, those officers who do not perform their duties.

Mr. Speaker, Sir, I have also noted the concern by hon. Members, of wastage by Ministries through purchase of vehicles and equipment. It appears as if this has been a perennial problem. We, indeed, are looking at what takes place in neighbouring and developed countries. We intend to provide a transport policy which is being prepared. We hope it will address this particular issue, conclusively.

Mr. Speaker, Sir, the Supplementary Estimates allow Ministries to realign their budgets. This is because in certain cases, we need to realign unforeseen expenditures. The reduction in the Development Expenditure is not for reallocation to the Recurrent Expenditure. The reductions have been necessitated by the revisions on donor commitments for various programmes. The reduction in the Development Expenditure for the Ministry of Health was due to revisions to commitment of the Global Fund. Indeed, the provisions for the Recurrent Vote for Health have increased to cater for personnel expenses and other operating expenses. Hon. Kipchumba and Mr. Syongoh raised an

issue about KenGen, which demonstrates in some way, confidence because we have more Kenyans subscribing for shares.

I also appreciate the concern which was raised from an economic point of view, of inflation. If you look at certain factors, like the dollar rate vis-a-vis the inflation, you will see that we are still in sound management. This Government has an obligation to feed its people and prevent any further loss of lives. Indeed, the supplementary budget has been caused by the need by the Government to undertake certain urgent measures to mitigate the effects of drought. I support the sentiments of hon. Members, of the need to find a lasting and sustainable solution to famine relief. Indeed, the Budget, beginning last year, set resources for boreholes to be sunk in ASAL areas. This will increase accessibility and availability of safe, clean drinking water for domestic use and for the livestock, which has been a source of conflict in the ASAL areas. The Treasury wants to assure hon. Members that this issue will be taken very seriously, while drafting the next Budget.

An issue was raised about the strategic food reserve. I think we have fully taken care of that for the time being. We hope that when we are working on the next Budget, we will allocate more money for strategic food reserve.

Mr. Speaker, Sir, we must count ourselves lucky because the rains have come and we can now plant maize. However, we need to have proper planning so that in future, we are able to use our own strategic food reserve to feed our people. We also appreciate that people in ASAL areas have not only been affected from a point of what to eat, but also from a point of their livestock.

We need to think of how to re-stock the livestock so that they can go back to their old habits and be able to feed themselves. The Supplementary Estimates, as hon. Members may have noted, have recorded a provision for compensation of civil servants. This is despite the recent increments that were made. This has arisen due to the implementation of the integrated personnel payroll data that has brought about transparency and quality in personnel information, and hence eliminated over-estimation of the wage bill and leakage in the payroll. I would like to assure the hon. Members that the reduction in Development Expenditure was due to reduction in dollar commitment.

In the case of the Ministry of Roads and Public Works the reduction of money meant to fund some projects is because no work has yet started and if the funds are left as reflected in the Vote they will be surrendered to the Treasury. That is the case with regard to the procurement procedures that are now in place. We have now passed a Bill on procurement matters and we are going to operationalise it. Mr. Speaker, Sir, we hope that as we approach the next Budget, the operations of that Public Procurement and Disposal Act will be in place to hasten the implementation of what this House has budgeted for.

Mr. Speaker, Sir, I want to thank hon. Members for the commitment that they have shown this afternoon when discussing the Supplementary Estimates. We have heard of all shades of comments. I can assure Members, on behalf of Treasury, that we have taken in those comments and we shall consider them, especially at this time when we are approaching the next Budget.

With those few remarks, I wish to appeal to Members to support this Bill.

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

Resolved accordingly:

- (i) THAT, a sum not exceeding Kshs12,536,446,290 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2006, in respect of Supplementary Estimates of 2005/2006 Financial Year (Recurrent) having regard to the proposed reduction of Kshs4,983,986,530 therein appearing.
- (ii) THAT, a sum not exceeding Kshs8,245,146,348 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June, 2006, in

respect of Supplementary Estimates of 2005/2006 Financial Year (Development) having regard to the proposed reduction of Kshs15,786,941,614 therein appearing, subject to reallocating from Vote R29, National Assembly, the following from Head 881-

- (1) Item 210100 - Kshs157,000,000
- (2) Item 211300 - Kshs 86,407,898 and,
- (3) Item 2710100 - Kshs82,000,000 to
Vote R07, Head 135, Ministry of Finance.

ADJOURNMENT

Mr. Speaker: Hon. Members, for the convenience of the House, we will now adjourn our business to tomorrow, Wednesday, 26th April, 2006, at 9.00 a.m.

The House rose at 6.25 p.m.