

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 2nd December, 2010

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

ABOLITION OF KENYA CERTIFICATE OF PRIMARY EDUCATION

Mr. Kioni: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, considering that the Kenya Government has made commitment to provide education to every child as a fundamental human right; acknowledging that education is an equalizer of opportunities with transformation positive effects on health, agricultural production, industrial production, crime reduction, neighbourhood interactions, nationalism and self esteem; aware that the provision of effective universal basic education has the potential to break generation cycles of poverty and equip children with life skills, knowledge, attitude and competencies for closing gender gaps, fighting HIV/AIDS, and making independent critical decisions required in adult life; considering that since Independence KCPE has acted as a screening and filtering device for more than 40 per cent of the children who cannot access any secondary education; aware that the education system cannot account for the specific alternative transition pathways for this huge group of young Kenyans and in cognition of the fact that the average primary completion rate since the introduction of Free Primary Education (FPE) has been 75 per cent and never above 81 per cent despite the abolition of school fees; and acknowledging that those shocking inefficiencies and wastage are attributable to the KCPE examinations that screens and filters out children at the age when they have not acquired necessary knowledge, skills and competencies for life-long learning and participation in a knowledge economy as envisioned in Vision 2030; this House resolves that the Government abolishes KCPE and adopts a competence-based education system that provides for a continuous uninterrupted flow of children from early childhood development up to Form IV in order to accord all Kenyan children universal basic education.

QUESTIONS BY PRIVATE NOTICE

DELAYED TREATMENT OF NYAYO STADIUM STAMPEDE VICTIMS AT KNH

Mr. Ruto: Mr. Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Could the Minister confirm or deny that some of the victims of the stampede that occurred on Saturday, 23rd October, 2010 at the Nyayo National Stadium died while waiting for treatment at the Accident and Emergency Unit of Kenyatta National Hospital because urgent and life-saving treatment was not administered?

(b) Does the hospital implement quality assurance systems to ensure acceptable levels of service delivery?

(c) Could the Minister explain why Kenyatta National Hospital, being the biggest referral hospital in East Africa, does not have a functioning CT Scan Unit and patients are referred to Nairobi West Hospital for the service?

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Kenyatta National Hospital's (KNH) Accident and Emergency Unit received ten patients from the stampede that occurred at the Nyayo National Stadium on 23rd October, 2010. Eight of them were treated and discharged while two absconded before treatment. The 11th victim of the stampede was brought to the hospital dead.

(b) The KNH has an active Quality Assurance Unit at the Accident and Emergency Unit. The quality assurance interventions in place include the following:-

- (i) Availability and implementation of Standards Operating Procedures (SOPs).
- (ii) Monthly quality assurance committee meetings.
- (iii) Continuous training on quality management systems.
- (iv) A quality improvement team which monitors, evaluates and reports on non-conformity to SOPs.

(c) The hospital has a functional CT Scan Unit acquired in 2005 at a cost of Kshs146,765,100. The equipment is on a full maintenance contract with our supplier, M/s Philip Medical Systems. Unfortunately, it broke down on 22nd October, 2010 and needed replacement of some worn out fans which had to be imported from the Netherlands. Normal CT Scan services resumed on 28th October, 2010 after the replacement of the fans. It was during the sixth day when the equipment was down that patients were referred to Nairobi West Hospital and The Nairobi Hospital.

Mr. Ruto: Mr. Deputy Speaker, Sir, I must sympathize with the Assistant Minister because apparently he does not seem to be aware of what exactly happened on that day. Several patients were taken to the KNH. Some of them were put on stretchers and they were left there unattended. Apparently, at the KNH, nobody attends to you until you have paid and you have a receipt. Some of them were brought alive, but they succumbed to their injuries while waiting for medical attention. How come the CT Scan Unit was not functioning throughout that period? The Assistant Minister has told us that the CT Scan Unit is on a full maintenance contract and yet he has also told us that some spares had to be purchased. Does the supplier not understand what spares he is supposed to keep if, indeed, he has a maintenance contract? How come the KNH refers patients to a

very tiny hospital in Nairobi West? It is also strange because the CT Scan charge at Nairobi West Hospital is Kshs6,000 during the day and at night it is Kshs18,000. Patients are left until night and then they are told to go and do the CT Scan at Nairobi West Hospital. Is there a relationship between the Kshs6,000 charged during the day and Kshs18,000 that is charged at night and the non-functioning CT Scan Unit at the KNH?

Mr. Deputy Speaker: Order, Mr. Ruto! How many questions do you want to ask?

Mr. Ruto: Mr. Deputy Speaker, Sir, I have to ask the Assistant Minister as many questions as possible.

Mr. Deputy Speaker: Mr. Assistant Minister, proceed and answer the questions.

Mr. Kambi Mr. Deputy Speaker, Sir, I am not aware that the KNH demands that patients pay before they are treated. However, if what the hon. Member has said is true, I will investigate and if there are officers involved then definitely they will be punished according to the law. We have a contract with the Netherlands. Today, I was with officials from the Netherlands Government and I told them that once they supply us with the equipment, they should also supply us with the technology and engineers to maintain them. If equipment broke down today, we have to wait for spare parts from the Netherlands. That is what happened.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, it is apparent that the KNH has become a death trap to patients seeking emergency services. For example, during the bomb blast, some of the patients who were taken to that hospital ended up dying because of negligence and lack of immediate treatment. The Nyayo Stadium incident is another one. What is the relationship between Nairobi West Hospital and the KNH, in that patients are always referred to that small hospital and yet the KNH is supposed to have facilities to accommodate and treat emergency patients?

Mr. Kambi: Mr. Deputy Speaker, Sir, there is no relationship between KNH and The Nairobi Hospital or any other private hospital. However---

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir! The Assistant Minister is referring to The Nairobi Hospital which is different from Nairobi West Hospital.

Mr. Kambi: Mr. Deputy Speaker, Sir, I said that both The Nairobi Hospital and Nairobi West Hospital are private hospitals. There is no relationship between the KNH and those private hospitals including Nairobi Women's Hospital. In this case, the machines had broken down and we had to refer patients to the hospital where the CT Scan could be done and then they come back for treatment.

Mr. Ochieng: Mr. Deputy Speaker, Sir, could the Assistant Minister inform this House when they plan to install a second machine of a similar nature so that whenever the other one breaks down, at least, Kenyans can have another machine to give them service?

Mr. Kambi: Mr. Deputy Speaker, Sir, it is within the budget for the next financial year and once we are given that money, we are going to buy a machine and this problem will be a thing of the past.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that the purchase of another CT Scan is in the next financial year's budget when, in fact, no such budget has actually been drawn?

Mr. Kambi: Mr. Deputy Speaker, Sir, I want to inform my colleague that we plan ahead. If you want to do things tomorrow, you must plan them today. So, we have already planned for tomorrow.

Mr. Njuguna: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that some patients at KNH were referred to Nairobi West Hospital because of the non-performance of the CT Scan Unit. What plans has he put in place to give subsidy to those patients who were referred to Nairobi West Hospital where the charges are prohibitive and very high indeed?

Mr. Kambi: Mr. Deputy Speaker, Sir, it only happened during this incident. As I am talking today, the machine is functioning. Therefore, we cannot talk of how to help them in terms of finances if we have already sorted out the problem.

Mr. Deputy Speaker: Last question, Mr. Ruto!

Mr. Ruto: Mr. Deputy Speaker, Sir, although it is a matter of grave national importance, nevertheless, I will go by your ruling. I asked the Assistant Minister to tell us the relationship between the Kshs6,000 charged during the day and Kshs18,000 charged at night at Nairobi West Hospital. Does it have any relationship with the fact that this particular machine ceased to function?

He has also not told us whether he is aware that some patients actually died as they queued at the Kenyatta National Hospital. Even right now, the radiotherapy machine is not functioning. Cancer patients are now waiting for months to get very basic treatment. I suggest the Assistant Minister gets more serious.

Mr. Kambi: Mr. Deputy Speaker, Sir, Nairobi West Hospital is a private hospital. As a Ministry, it does not fall within our jurisdiction.

Mr. Shakeel: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Kazungu, do you want the information?

Mr. Kambi: Mr. Deputy Speaker, Sir, I do not want the information!

(Laughter)

Mr. Deputy Speaker: Okay, please, proceed!

Mr. Kambi: Mr. Deputy Speaker, Sir, there is no symbiosis between KNH and the Nairobi West Hospital.

Mr. Deputy Speaker: Next Question by Eng. Gumbo!

NUMBER OF EMPLOYEES OF KENYA AIRPORTS AUTHORITY

Eng. Gumbo: Mr. Deputy Speaker, Sir, once again, I beg to ask the Minister for Transport the following Question by Private Notice.

(a) Could the Minister table before the House a list of all employees (excluding the casuals) of the Kenya Airports Authority (KAA) categorized into stations indicating their respective names, dates of birth, dates of first employment by KAA, academic/professional qualifications, job group/rank, department and home district?

(b) Could the Minister also provide a comprehensive/detailed organogram of the Kenya Airports Authority?

(c) What steps is the Minister taking to ensure equity and regional balance in employment at the Authority?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, as you will recall, I had already answered this Question and the hon. Member asked for time to interrogate the documents that I tabled and then we come back to supplementary questions.

As we begin the interrogation process in accordance with the Standing Orders, I would like to ask if the hon. Member has any interest in the operations of KAA on this matter that he would wish to declare before we begin the process.

Mr. Deputy Speaker: Eng. Gumbo, if you have an interest, declare it.

Declaring interest does not come up with the presumption that you cannot interrogate the Question to the fullest.

Eng. Gumbo: Mr. Deputy Speaker, Sir, the only interest I have is that I am a Kenyan and I am interested in seeing regional balance in all public corporations in this country.

Mr. Deputy Speaker: Minister, the hon. Member does not have an interest. Please, proceed!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, perhaps the hon. Member may wish to inform this House if he has any interest in a company called Faradon Limited that is currently doing business with the KAA.

Eng. Gumbo: Mr. Deputy Speaker, Sir, I have no interest there. Like every Kenyan, I am entitled to do business in this country. I founded Faradon Associates. However, when I came to Parliament, Parliament has record to show that I resigned from being a Director in that company.

Mr. Deputy Speaker: Minister, the hon. Member has said that he has no interest!

Minister, do not pursue the matter of interest any further unless you have information that suggests otherwise from what the hon. Member has said.

Proceed and answer the Question!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, for the second time I wish to answer the Question.

I had already tabled the list of the 1,417 employees of KAA. I have also already tabled the organogram of the KAA as requested.

Mr. Deputy Speaker, Sir, I already indicated that in order to achieve equity and regional balance, the KAA management is ensuring that equal opportunities are availed to all. All vacancies are filled competitively with emphasis on merit and ensuring that candidates are not discriminated on account of their regions of origin. The KAA will also be reviewing the recruitment process to ensure that it is in tandem with the requirements of the new Constitution.

In a document that I tabled, I went one step further; although the hon. Member asked for the home district, we identified the ethnic group of each of those members. This is because we were probably asking for home district hiding under the cover of searching for the ethnicity of the members. I have provided that for all the 1,417 members working for KAA.

Eng. Gumbo: Mr. Deputy Speaker, Sir, I would request that the Chair protects Members from frivolous attempts to avoid answering Questions. The Question was very clear. It was about the staffing at the KAA and not what I do in my private life.

The accuracy of the documents that the Minister provided is a bit in doubt. The Minister said here on Tuesday that one Mr. Tito used to be the General Manager, Legal

Services and he has since resigned but is included as one of the employees. I also want the Minister, as I ask the supplementary question, to address the apparent anomalies because in the document that he has given me the Managing Director and Deputy Managing Director are the same grade.

Nevertheless, the question of regional balancing at the KAA is a matter of concern and the Minister has to address it. In the document the Minister has given me over 45 per cent of employees at KAA in job groups eight to ten who come from the same ethnic community. It is also not lost to me that most of these people were employed in 2004. This cannot be an accident because we know who was in charge of KAA in 2004.

Mr. Deputy Speaker, Sir, I am saying this because it is very sad that communities that have representatives in this House, for example, my good friends the people from Kuria District; there is not a single person from Kuria District in KAA. We cannot accept being told about qualifications. We know our good neighbours in Kuria have professors, engineers and doctors. I may go on and on and on.

Mr. Deputy Speaker: Can you ask your question?

Eng. Gumbo: Mr. Deputy Speaker, Sir, even as this is going on and we have serious youth unemployment in the country, there is one General Manager in charge of security who is two years shy of being 70 years old. He has worked in the Civil Service for nearly 40 years. What is a 68-year old doing at KAA as a General Manager in charge of security when he should have retired at the age of 55 years?

Mr. Deputy Speaker: Minister, a question has been asked: What is a 68 year old person doing there when he should have retired? Proceed and answer the question. The Chair is not going to entertain exchanges between the Questioner and the Minister.

Please, proceed.

Mr. Kimunya: Mr. Deputy Speaker, Sir, the employee, who is providing services to the KAA, is doing so on a contract basis. He is deemed competent and has vast experience. Therefore, so long as he is productive, we have no reason to doubt his competence.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I want to thank the Minister for taking the trouble to show the House the ethnic backgrounds of these employees. I believe that he was trying to be transparent by showing that there is no ethnic community which is discriminated against. Could he tell us why Mathew Wamalwa, the Deputy Managing Director (MD), who comes from an ethnic community which does not have majority representation on this particular Authority, was denied the opportunity to become the MD and why did they instead choose to surpass him and give the job to somebody who was less experienced than Mathew Wamalwa?

Mr. Kimunya: Mr. Deputy Speaker, Sir, I do not wish to discuss the competence or lack of competence of the staff of the KAA at that senior level. The matter of the recruitment of the MD was exhaustively discussed, and concluded through a Committee of this House; Mr. Speaker did rule that that matter should not be re-visited.

Be that as it may, the current MD, Eng. Gichuki, was recruited through a process. Mr. Mathew Wamalwa appeared before the same panel of interviewers, and they ranked them accordingly. The two are currently serving as MD and Deputy MD, and they are happy to serve in those positions. I do not want to go back to why one was picked for one

position and the other one for the other position. I would like to request that we respect those positions and the persons holding them.

Mr. Deputy Speaker, Sir, for the benefit of this House, it is important that we appreciate some facts, given that Dr. Khalwale said that some communities may not have been represented in KAA, and given the figures that were given by the Questioner. I have not only given the ethnic figures, but I have also gone further to look at the totality of the KAA. Contrary to what Eng. Gumbo says – that 45 per cent of the Authority's employees come from one community---

Eng. Gumbo: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to attempt to deliberately misinterpret what I said? I said here very clearly that 45 per cent of the Authority's staff in Grades eight to ten come from the same community. That is not the same as what he has said. Is he in order?

Mr. Kimunya: Mr. Deputy Speaker, Sir, I take that point of order, but Eng. Gumbo's statement was meant to give the impression that 45 per cent of the employees of KAA come from one area. I want to show that there is a fair distribution within the entire organisation. If I may give you statistics in terms of community representation, 228 out of 1,417 employees, or 25 per cent, are Kikuyu whereas 287 out of 1,417 employees, or 20 per cent, are Kalenjin. Luhyas---

Mr. Deputy Speaker: Minister, you have already tabled the list.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I was responding to the issue raised by Dr. Khalwale, when he said that there is a community which is marginalised. That community occupies 11 per cent of the positions in the KAA. If you relate that to the results of the latest national census, you will see that we are basically at par in terms of regional balance.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to portray me as a Member of Parliament who is attempting to pursue the interests of my community when he knows very well that as a patriot of this country, I am aware of the fact that he should not have allowed one community to get 45 per cent of the positions in the grades referred to? The position is that we should not allow one community to occupy more than one third of available positions in any organisation, which is around 33.33 per cent. Is he in order to portray me as a tribalist when I am a nationalist, who is ensuring that every community, including the Pokomo, also get its share? Can he declare what interest he has in the community which has 25 per cent of the positions in KAA when there are many other communities he should have fought for?

Mr. Kimunya: Mr. Deputy Speaker, Sir, the hon. Member said that Mr. Mathew Wamalwa comes from a community which is marginalised. Mr. Wamalwa is a Luhya. I am being frank here, because I have realised that we are trying to sugar-coat issues when we talk ethnicity. Unless we confront the issue of ethnicity, we will never solve the issue of merit in the recruitment of staff.

In terms of my own interest, it is very clear that I am Kenyan, in the first instance, but of Kikuyu extraction. If he wants me to go to the clan level, I will be happy to do so.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead this House that his actions depict him as Kenyan, yet we know very well that since he became the Minister for Transport, of the three senior appointments he has made, he has only appointed people from his ethnic community?

Mr. Kimunya: Mr. Deputy Speaker, Sir, it is unfortunate the hon. Members have to go to this level. The persons appointed do not necessarily come from the same ethnic community. The MD of Kenya Ferry Services (KFS) is perhaps an exemption to that rule, for his information.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the Minister should know how their Government is operating. The first thing that one does when they are appointed Minister in this Government is look at the parastatals under their Ministry and replace the majority of their Chief Executive Officers (CEOs) with members of their community. This is not a problem with only this particular Minister, but rather a problem with the entire membership of the Front Bench on the Government side. Once one is appointed Minister, or transferred to another Ministry, irrespective of one's community, one ensures that he or she replaces the CEO of the parastatals under him or her. My question is: What action is the Government taking to ensure that Ministers do not abuse office?

Mr. Deputy Speaker: Order! Order, hon. C. Kilonzo! The Question is not to the Prime Minister, the Question is to the Minister for Transport. It is a very specific Question. Can you ask the Minister the question you want to ask?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, since he is perceived as the Leader of Government Business and because of collective responsibility, I am trying to understand whether the Ministers have agreed to be doing that in the Ministries they take over. This is because it is not only him but several Ministers, including my good brother there.

The Minister for Co-operative Development and Marketing (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, Sir. Is my good friend---

Mr. Deputy Speaker: Order! Order, hon. Nyagah! I think this is your second or third term in Parliament. How could a Member of the Front Bench address the House from the Back Bench? Have you resigned? Could you come forward?

(Mr. Nyagah moved to the Dispatch Box)

The Minister for Co-operative Development and Marketing (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, Sir. Is my good friend, my father in this Parliament who escorted me to be sworn in, in order to make a general statement that everyone of us, including myself, only appoint people from the same tribe?

Mr. Deputy Speaker: Hon. C. Kilonzo, you cannot make a sweeping statement. You are out of order. Proceed and ask your question!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I hear you. But the majority of them, even from my own community, put Chief Executive Officers (CEOs) from their own community. Whether it is Kikuyus or Luos, they put CEOs from their own community. That is most offending. What I am asking is very simple; When will these Ministers start thinking as true Kenyans, so that the positions of CEOs in their Ministries do not belong to them and their communities?

Mr. Keter: On a point of order, Mr. Deputy Speaker, Sir. I am sorry to interrupt my good friend, Charles, but I want him to substantiate what he means by "majority of them."

Mr. Deputy Speaker: Hon. C. Kilonzo, are you in a position to substantiate that, indeed, the majority of Ministers appoint people from their communities?

Mr. C. Kilonzo: Yes, Mr. Deputy Speaker, Sir. Can I name one by one?

Hon. Members: Yes!

Mr. Deputy Speaker: Proceed!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, you will also bear with me because we are talking about 90 Ministers. So, the Back Bench will also assist me.

I will start. Hon. Amos Kimunya has done it. Prof. Anyang'-Nyong'o; a Committee of this House has produced a report---

Mr. Deputy Speaker: Order! Order!

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I have not even began.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order, hon. Members! Whereas hon. Members are required to substantiate instantaneously any statements they make on the Floor of the House and it would be fair to get Members to do that, but at the same time, there is a provision of Standing Order No.79(4), which says that no Member shall impute improper motive on any other Member except upon a specific substantive Motion of which, at least, three days notice has been given calling in question the conduct of that Member. So, in the event that you want to pursue this matter, the Standing Orders are very explicit. You cannot now proceed on with the naming.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. Under Standing Order No.82, on responsibility for statement of facts it says:-

“ If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegations instantly, the Speaker shall require that such Member substantiates the allegations not later than the next sitting day, failure to which the Member shall---“

Mr. Deputy Speaker, Sir, would I be in order to request that you invoke this particular Standing Order and request the hon. Member to substantiate it properly tomorrow or on Tuesday? He must be capable of doing that and you ought to allow him to actually substantiate, because we are not imputing improper motive on anyone. We just want to fight graft and nepotism in Government.

Mr. Deputy Speaker: Order, hon. Members! Yes, indeed, that is provided for and the Speaker has the discretion to allow a Member to take more time until the next sitting day to substantiate. But, again, we are caught by Standing Order No.79(4) which says that you cannot then discuss the conduct of any Member without bringing a substantive Motion and give a three days notice. In the event that you want to discuss the conduct of Ministers on account of their nepotism in their management of their own Ministries or parastatals that come under their own Ministries, then proceed and do what is the needful.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. I appreciate your ruling, but I think what the hon. Member was canvassing was the conduct of Ministers, who are public officers and are entitled to accountability to the Kenyan public. So, hon. C. Kilonzo was not imputing improper motive but probing the conduct of Cabinet Ministers in discharging their duties, which they are entrusted to do on behalf of the people of Kenya.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. While I do not in any way wish to contradict hon. C. Kilonzo, I am in pain because he has imputed

improper motive on Ministers in general whereas the Vice-President and Minister for Home Affairs, who is my party leader, does not appoint people from the Kamba Community where he comes from. Is he in order?

(Laughter)

Mr. Deputy Speaker: Order! Order! Order, hon. Members! Hon. Members - Backbenchers or Frontbenchers – do understand that you cannot play mischief with the Standing Orders of the House and moreso, with the Chair. Hon. K. Kilonzo, you will spend the rest of today outside this House for fragrantly abusing--- You are a stranger in this House as of this time.

Proceed!

(Mr. K. Kilonzo withdrew from the Chamber)

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. I quite agree with you that the Standing Orders demand that one should not impute improper motive on an hon. Member without the due process. However, in view of the fact that the supreme law of this land, the Constitution of Kenya, provides that appointments in public sector will put into consideration regional and ethnic balance, how does the Chair want to guide this House because apparently, what was driving hon. C. Kilonzo was a desire that the new Constitution of Kenya be respected by all these Ministers? When you challenge us to then move a substantive Motion, since they are so many of them, are you tempting us now to move a Motion of no confidence in the entire Government?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I plead with the Chair just to give me the opportunity to table these lists on Thursday afternoon, showing clearly abuse of office and the trend and practice. It is a standard practice that when Ministers take over, they attempt as much as possible to put members of their community as CEOs. If there are exceptions, they are very few. It is true that there are exceptions, but I will produce a list showing the parastatals and the practice the Ministers are using.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I know that you ruled on that matter. However, just in case you want to rule differently, hon. Kilonzo---

Mr. Deputy Speaker: Order! You cannot anticipate the ruling of the Chair!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I withdraw that bit. However, hon. C. Kilonzo has made a serious allegation on a process. He has said that when Ministers are appointed, they go through a process of asking for a list of the parastatal chiefs and start replacing them. I believe that hon. C. Kilonzo owes us substantiation on where that process has taken place, with details of who requested for the lists and how the replacements were done. That is different from saying that people were replaced. He has described a very clear process that seems to be taking place in his imagination.

Mr. Deputy Speaker: Order! Hon. Members, whereas Ministers are responsible for their actions both at a personal as well as official level; whereas there are provisions in our Constitution which supersede our Standing Orders and which recognize ethnicity as a criteria in the employment or the face of Ministries, agencies and institutions of this

country, the Chair will meditate on this, reflect heavily and give a direction on the same on Tuesday afternoon. In the meantime, the Chair directs that this Question be deferred to Thursday next week.

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

Mr. Speaker: Not on the same! That matter has been disposed off, Mr. Isaac Ruto.

(Question deferred)

RELEASE OF DIFFERENT PRE-BAR EXAMINATION
RESULTS BY KSL/CLE

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Justice, National Cohesion and Constitutional Affairs the following Question by Private Notice.

a) Under what circumstances did the Kenya School of Law/Council for Legal Education release two different Pre-Bar examination results on 22nd October 2010 and 3rd November 2010, for the same candidates?

(b) Could the Minister table the two sets of examination results?

(c) Could the Minister confirm that the candidates listed as having passed in the list dated 22nd October 2010 will attend classes in January 2011?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) In the academic year 2011/2012, the Kenya School of Law admitted 104 applicants to sit for the pre-bar examinations. The examination consists of six courses; namely, Legal Methods, Systems and Constitutional Law, the Law of Contracts, the Law of Torts, Land Law, Family Law, Succession and Commercial Law with a pass mark grade of 40 per cent. Out of the 104 candidates, only 12 passed the examination. That represents a rate of 12.2 per cent. Due to the poor performance, the Board of Examiners recommended to the Academic Affairs of the Council of Legal Education that, instead of requiring that candidates pass in all the six subjects, the results should be aggregated to arrive at a mean mark of the six subjects. Using that formula, the pass rate would rise from 21 per cent to 63.5 per cent, which would result to 66 candidates passing the examinations instead of the 12.

The results as recommended by the Board of Examiners constituted provisional results and the Director of the School released the same pursuant to Regulation 8. Those provisional results are the ones dated 22nd October, 2010 and were posted on the school's notice board and the website. The provisional results as recommended by the Board of Examiners were conveyed to the Academic Affairs Committee of the Council and the Council of Legal Education for approval as required under Regulation 7. In the meetings held on 29th October and 5th November, 2010, respectively, both the Academic Affairs Committee and the Council of Legal Education guided by the provisions of Section 11 of the First Schedule to the Regulations, rejected the recommendations of the Board of Examiners. Section 11 provides that a student shall sit and pass examination papers in all courses undertaken in order to qualify for admission to the advocate's training programme. Accordingly, therefore, the Kenya School of Law did not release two sets of results. The results dated 22nd October are provincial results as recommended by the

Board of Examiners while the ones dated 3rd November are the final results as approved by the Academic Affairs Committee and, subsequently, by the Council of Legal Education in their respective meetings.

(b) Yes, I can lay the documents on the Table.

(c) I cannot confirm that all the students listed as having passed in the provincial results dated 22nd October will attend classes in January 2010. That is because the said results were provisional and not approved by the Academic Affairs Committee and the Council of Legal Education.

(Mr. Cheptumo laid the documents on the Table)

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the Kenya School of Law posted in its website and in its notice board pre-bar academic results for the Academic Year 2011/2012. A week later, they went back to the same notice board and to the same website and posted another set of results. In the first one, nothing is there to show that they were provisional results. My question is: Is there something behind this? The first list did not show the subject breakdown. Is there something wrong or is there an attempt to fail students who studied outside the country in their pre-bar exams? You know very well that Kenyan students are not subjected to the same?

Mr. Cheptumo: Mr. Deputy Speaker Sir, my answer is very clear. When the provincial results were released, the performance of the exams was not very good. The pass mark in those exams was 40 per cent. Out of the 104, I said that only 12 had passed. The Board of Examiners, being concerned with the fate of the other students, came up with a formula. They came up with a formula to aggregate the results. That recommendation was taken to the Council for approval. The Council did not approve those recommendations. Therefore, it was not done in bad faith. The Council did not approve the recommended results because it was in contravention of Section 11 of the Schedule of the Regulations. So, it was not done by the Council to fail students. If anything, it was done to see how to help those students.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, both results are signed by the same people, namely, Judge Retired Richard Kuloba and Prof. W. Kulundu Bitonye. One is dated 22nd October, 2010, with the same signatures while others are dated 20th November, 2010. Why would they post provisional results in their website and on the notice board at the Kenya School of Law, if, indeed, they knew they were not the right results?

Mr. Cheptumo: Mr. Deputy Speaker, Sir, I want to repeat that under the law or the regulations, the director of the school has the authority to release provisional results. Therefore, the first results were provisional. However, they had to be approved by the Council after they were released by the director of the school.

HIGH RATE OF LOAN DEFAULTERS IN VIHIGA TEACHERS SACCO

Mr. Chanzu: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Co-operative Development and Marketing the following Question by Private Notice.

(a) Could the Minister explain why there has been an unusual increase in the rate of loan repayment defaulters in the Vihiga Teachers Cooperative Society (VITECO) over the period covering June, 2010 to date?

(b) Is the Minister aware that the high default rate by borrowers from VITECO is making it impossible for Members to access loans from the SACCO for emergency cases such as medical and education?

(c) Could the Minister provide a comprehensive list of the borrowers indicating how much each owes the SACCO and state the action the Ministry is taking to assist the SACCO recover the amount owed?

The Minister for Co-operative Development and Marketing (Mr. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The loan repayments default at Vihiga Teachers Co-operative Society Limited has not increased, but has reduced by about 50 per cent from Kshs3 million in June, 2010, to Kshs1.5 million currently.

(b) The Vihiga Teachers SACCO has not failed to advance loans, both normal and for emergency cases to its members. The society does not have any loan backlog as of now.

(c) I now seek your permission to table the list of society defaulters and the amounts owed.

(Mr.. Nyagah aid the documents on the Table)

Together with the current management, my Ministry has carried out intensive member training and education to enable them to understand the critical need for members to promptly repay their loans. The society has done agreements with the borrowers and has seen the loan repayment situation improve. As a result of this, the society has witnessed remarkable economic growth during the last few years.

Mr. Chanzu: Mr. Deputy Speaker, Sir, first of all, I want to commend the Minister highly for the fact that in 2008, this society was on the verge of collapse and when I raised the issue here, he set up an inquiry which looked into the matters of the society and assisted it, and now it is where it is. Maybe because this is a Question by Private Notice, he did not get all the information. As of that date, the amount that was in default, which was subject of surcharge was Kshs6.2 million. There is an authentic document here which is signed by the Commissioner of Co-operatives on 13th January, 2009, showing the Kshs6.2 million which was supposed to be a subject of surcharge. Secondly, the list of defaulters as at 14th October, 2010, shows a total of Kshs3,553,957. There are a few people who owe a lot of money. There is a single person who owes Kshs1.556 million. This is a person by the name of Tom Kisia Onacha, the Kenya National Union of Teachers (KNUT) Executive Secretary, Vihiga Branch. The KNUT Executive Secretary for Emuhaya owes Kshs430,000.

Mr. Deputy Speaker: Could you, please, ask a question?

Mr. Chanzu: Mr. Deputy Speaker, Sir, these are small savers. They are depending on the society to borrow and shop for their families for Christmas. January is coming and they have to pay school fees. What is the Minister doing to ensure that recoveries of money from these defaulters are fast-tracked, so that the savers can benefit from their savings?

Mr. Nyagah Mr. Deputy Speaker, Sir, I wish to confirm that it is true that there were serious problems in this particular SACCO about two years ago. It is true that the Ministry sent a team to inquire, which made several recommendations. The problem we

ran into was that when that inquiry report was about to be issued, which was implicating the whole team, they went to court and that held back the process for a long time. There are actions that we would have taken almost a year ago, but we were not able to until we got a court decision recently when we won the matter. The new management team has gone to the Co-operative Tribunal and the case was heard yesterday and today. I want to confirm that the teachers who messed up this co-operative society in the past have been surcharged and the law will lead to a logical conclusion. If it means collecting their furniture and chicken, that will be done, so that in future nobody messes up property that is owned by poor co-operators in this country.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I have said that the small savers want to borrow this money to use for Christmas and for paying school fees for January. Could the Minister fast-track the recoveries, so that the savers benefit from the money before Christmas and January?

Mr. Nyagah: Mr. Deputy Speaker, Sir, I wish to confirm that the Tribunal has done its work today in Kisumu. The next step is for the management team, which has been suffering due to lack of money because of the mismanagement of the past, to move on as quickly as possible, so that these teachers can stop suffering. It is the responsibility of the current team to do so and I have talked to them to ensure that they take action immediately.

SUSPENSION OF KENYA SUGAR BOARD CEO

Dr. Khalwale: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that operations at the Kenya Sugar Board (KSB) have been paralyzed following the suspension of the Chief Executive Officer (CEO) and, if so, what urgent measures is the Ministry taking to normalize operations at the Board?

(b) What informed the decision to suspend the CEO?

The Assistant Minister for Agriculture (Mr. Mbiuki): Mr. Deputy Speaker, Sir, I would like to seek the indulgence of this House to defer this Question to Tuesday, next week. There are serious and weighty matters which needed to be addressed in this Question. In the absence of my Permanent Secretary, Dr. Romano Kiome, and the substantive Minister, Dr. Kosgei, I was unable to get adequate and satisfactory answer to the Question.

Mr. Deputy Speaker: Dr. Khalwale, are you comfortable with this Question being deferred to Tuesday, next week?

Dr. Khalwale: Mr. Deputy Speaker, Sir, whereas I have no problem in the request, the danger is that inside that Question, the real reason goes back to Butali Sugar Company.

Mr. Deputy Speaker: Do not debate the Question! The issue is: Are you comfortable with this Question appearing on the Order Paper on Tuesday, next week? Yes or no, or give a date that is favourable to you. A Question can only be asked and answered, but you cannot debate the Question before it is answered.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I will wait until Tuesday at 2.30 p.m.

Mr. Deputy Speaker: Fair enough! Next Question!

Mr. Washiali: On a point of Order, Mr. Deputy Speaker, Sir. It is only yesterday that a Question I had put to the Ministry of Agriculture was postponed to next week. Is it in order for the Ministry of Agriculture to keep on postponing Questions?

Mr. Deputy Speaker: Yes, because the Minister and the Permanent Secretary are not around. The Assistant Minister is not able to deal with it adequately. This matter is settled.

Next Question.

BENEFICIARIES OF FUNDS FOR THE ELDERLY IN MARAKWET

Mr. Kaino: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Gender, Children and Social Development the following Question by Private Notice.

(a) Could the Minister provide a list of all persons who have ever been registered as beneficiaries of funds disbursed as benefits to older members of the society in Marakwet West District?

(b) Under what circumstances were some of the previous beneficiaries (excluding the pensionable and underage) omitted from the list, and what measures did the Ministry take to inform them of the decision to omit them?

(c) What measures is the Ministry taking to streamline the programme and ensure that the District Social Development Officer incorporates all deserving cases and that the process is done in consultation with chiefs, who have all the necessary information?

The Minister for Gender, Children and Social Development (Dr. Shaban): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There were 750 beneficiaries of funds disbursed as benefits to older members of the society in Marakwet West District. I wish to table the list of the beneficiaries of the funds from Marakwet West District.

(Dr. Shaban laid the document on the Table)

(b) Some beneficiaries previously benefiting from the programme were omitted after it was noted that they did not meet some of the laid down criteria. The legibility criteria is that an older person must be aged 65 years and above. Other criteria used are:-

- (i) the household must have a 65 year old and above;
- (ii) must be extremely poor;
- (iii) the older person must not be enrolled in any other cash transfer programme;
- (iv) the older person must not be receiving any pension.

The ranking criteria also have other considerations, that is:

1. the number of orphans and vulnerable children in a household;
2. number of persons with disabilities in a household;
3. age of the oldest member in a household;
4. number of chronically ill persons in a household;
5. poverty level of the household;
6. highest level of education of the household head.

The measures taken by the Ministry to inform those affected are that the persons omitted from the programme were informed through sensitization delivered through

barazas at the district and community levels. The programme implementation in a district sets the following steps:

- (a) district sensitization where relevant organizations and Government departments are made aware of the programme;
- (b) the community sensitization where the chiefs and their assistants are involved in mobilization;
- (c) information of locational committees;
- (d) household identification;
- (e) community validation of potential beneficiaries;
- (f) enrolment of beneficiaries; and,
- (g) cash transfers to the beneficiaries.

The older persons cash transfer programme has an allocation of Kshs530 million for the financial year 2010/11. This amount is not adequate to cover all older persons above the age of 65. The programme as implemented targets older persons in 44 districts. Seven hundred and fifty beneficiaries are selected at targeted districts, meaning needy cases are likely to be omitted owing to budgetary constraints.

(c) In order to streamline the programme in the district, the Ministry deployed one officer in June, 2010 to assist the District Gender and Social Development Officer, Marakwet West. Plans are underway to enhance capacity of the District Gender and Social Development Officer to enable her to perform duties efficiently.

As for the involvement of chiefs in identification of beneficiaries, in line with the programme implementation guidelines, identification of beneficiaries is done through community targeting and not through chiefs, their assistants or councillors. The chiefs only do mobilization. I, however, confirm that the District Commissioners of both districts were involved in the entire process. The Ministry is lobbying for additional funds from the Treasury so that the programme is upscaled in coming years to accommodate more beneficiaries in it. It is envisioned that with availability of funds the programme will become universal for all older persons aged 65 years and above.

Mr. Kaino: Mr. Deputy Speaker, Sir, I am not satisfied. The answer that the Minister has given is actually misleading. The only thing that has made me to be satisfied a little bit is the list that she has given. She has given a full list, but I am not satisfied with the rest of the answer because it is not true that there has been any sensitization or meeting that the officer in the field has ever undertaken.

I have held more than ten meetings for women where she is supposed to attend and she is ever absent. She has never attended those meetings. I have come here to state facts that are correct. This issue involves old people. There are over 70 people and they are very old. They are suffering at Kapsowar; they come wait for this money but it does not come.

In some other cases I have gone to the Ministry to plead with its officers to change. They have been following the old people asking them to give them Kshs1,000 or Kshs2,000, because their names are on record. I have explained this matter to the PS but she is adamant. I have also explained it to the Director of Gender but she is also adamant. I have also explained it to my new Minister, who has just joined the Ministry, and she has told me that she will study the case.

I want to know the target that the Minister is talking about, since she is saying that they do not involve chiefs. What is this target that the Minister says she is following and

not the chiefs? If the chiefs are not involved, who else on the ground can be involved in this matter?

Dr. Shaban: Mr. Deputy Speaker, Sir, I think I actually said that chiefs are involved in the mobilization through *barazas*; members of the community attend meetings and then the targeting is done. I just want to point out that the hon. Member is in agreement that the list is correct, and it has the 750 members. They are the ones who are deserving. I know that it is very frustrating, and, maybe, more than the 750 people deserve to be given the money. The money is not enough and we cannot cover everybody.

I know the hon. Member has been to my office. He has written also about the issues and we are trying to see what we can do; the officer who is involved covers a very big area. So, we are trying to see whether it will be possible for them--- We have just been employing new Gender Social Development Officers, so that we can post another person to the field and reduce the workload for the one officer who is there.

Mr. Nyambati: Mr. Deputy Speaker, Sir, while I want to thank the Minister for what she is doing, I was of the opinion that this idea of paying all those who are aged 65 years and above should be a national policy. I want to know from the Minister what criteria she is using to pay people in certain parts of the country and leaving out others? Not even a single person in my constituency is benefitting from this scheme, yet I have very many old people who are very poor. I want the Minister to tell me when she will start this programme in my constituency.

Dr. Shaban: Mr. Deputy Speaker, Sir, I mentioned that only 44 districts are covered. Just to mention a few, for example in Nyanza Province we have Migori, Gucha, Suba, Homa Bay, Kisii Central, Bondo, Nyando, Kisumu West, Kuria and Siaya districts. The amount we have is only Kshs530 million, and it cannot cover the whole country. I just want to mention that the number of elders who are supposed to be covered are 606,065 males and 992,573 females, giving a total of 1,198,638. The number we have covered is only 33,000, which is far much below the almost 2 million.

Mr. Kaino: Mr. Deputy Speaker, Sir, allow me to ask the Minister to explain something to this House. There are about 60 people on the list that she has given me, who have not been given their money; their names are actually on this list. I thought they had been omitted from the list but their names are there. They have not been given their money. When will they be given their money? They are about 65. I will just give her the list, so that she can go and find out where there money is. There is a lot of cheating in this Ministry.

She is dealing with very corrupt people. If this money is not properly managed, she will not do much. I want to know from her when these people will be paid their money. They are old people; some are in their late 60s and others are over 80 years of age. They have been waiting for their money year in, year out, but it is not coming forthwith. There is no reason why they should not be given this money. They are qualified. They are lying at Kapsowar waiting for this money. Every month they are told their money is available, but at the end of the day, they do not get it. This is humanitarian problem. I want her to take it very seriously because these are old people and she will also get old and require support.

(Laughter)

Dr. Shaban: Mr. Deputy Speaker, Sir, this issue is very serious. I want to reassure the hon. Member that these people will be paid their dues. I will make sure they will get their right. I will also make sure that all---

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. It seems that hon. Kaino has a big problem with his constituents; especially the elderly people. Could the Minister agree to go with him to the constituency, so that this issue is addressed while she is there?

Mr. Deputy Speaker: Mr. Deputy Speaker, Sir, it is the assumption of the Chair as well as the House in that kind of unanimity that the Minister will, indeed, take this matter very seriously.

Hon. Kaino is an old politician and as far back as Seventh Parliament, I have never seen him get that emotional. So, it must be a serious matter. Could the Minister make an undertaking?

Dr. Shaban: Mr. Deputy Speaker, Sir, first of all, the most important thing is to make sure that all people are paid. That is what I will do. I will make sure that they are paid. After that, we will make arrangements to visit them.

Mr. Deputy Speaker: Fair enough.

Next Question by Private Notice, Mr. Letimalo!

INVASION OF ELAND DOWN FARM
BY ADMINISTRATION POLICE

Letimalo: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Why did the Laikipia East District Commissioner, accompanied by over 400 Administration Police officers, invade Eland Down Farm on 23rd November, 2010, burn houses and evict over 300 families in disregard of court orders issued by the High Court in Nyeri on 22nd November, 2010?

(b) Could the Minister explain the circumstances under which 18 month-old Baby Lekamario, was burnt during the illegal operation and why did police officers deny the Kenya Red Cross and Human Right officers entry to the farm to assist victims with medication?

(c) Could the Minister withdraw the Administration Police Officers stationed at the disputed land in order to avoid further harassment of the people pending determination of the matter by the High Court?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) At no time did the Laikipia East District Commissioner, accompanied by over 400 Administration Police officers, invade Eland Down Farm on 23rd November, 2010, nor were there any houses burnt or 300 families evicted. The DC or his office has never been served with any court order regarding Eland Down Farm and the issue of disregarding a court order, therefore, does not arise.

(b) I am also not aware of any report or incident in which an 18 month-old minor Lekamario was burnt. My officers have checked with all the police stations in Laikipia

East, including the Ngarengiro Police Station which is a short distance, less than three kilometres away from the farm. No such report has been made.

I kindly request the concerned persons to report the incident to the nearest police station to enable commencement of investigation, if indeed, it is true that we lost this 18 month old minor.

(c) There are about 12 APs, including two who are stationed to patrol the area around the farm, Segera Ranch, Mutara ADC Farm and other neighbouring settlement to ensure adequate security. I have no plans at all to withdraw the officers as their services are required there.

Mr. Letimalo: Mr. Deputy Speaker, Sir, the matter in question is a civil case of 2009, which is still pending at the Nyeri High Court. It involves a group of pastoralists who are claiming ownership of Eland Down Farm against Africa Wildlife Foundation.

Mr. Deputy Speaker, Sir, on 22nd November, the High Court issued court orders to maintain status quo until 24th when this case was going to be mentioned. On 23rd even before the expiry of the court order, the police moved in and torched houses. That is where the 18 month-old baby was burnt. They shifted the pastoralists and the livestock.

Mr. Deputy Speaker, Sir, on 24th the lawyer of the pastoralists went back to the High Court. In fact, I want to table the first court order.

(Mr. Letimalo laid the document on the Table)

On 24th the lawyers went to the court and they were issued again with court orders. I want to read part four of the orders. It says:-

“That the plaintiffs advocate, Mr. Ambani and the second defendant’s advocate Mr. Kiplenge to liaise with the second defendant from farm manager to identify and ensure that the squatters in occupation and/or grazing on the suit land are not evicted nor harassed until this suit is heard and determined.”

This order was written by the High Court.

Mr. Deputy Speaker, Sir, the Government and, by extension any Government agency, including the police are not party to this matter, which is a civil case. How did the police get involved in this matter? Who gave authority for the police to move into a disputed land where status quo has already been issued by the court? Under what law did the police move in to harass people? We need to know!

Mr. Ojode: Mr. Deputy Speaker, Sir, I mentioned here that there was no court order for a stay. That was not served to the OCPD. That was not served to the DC.

Mr. Deputy Speaker, Sir, there is something which is purported to be a court order here. From my knowledge because I have been dealing with these cases on daily basis, this is not a seal. This must have been printed at River Road and is not acceptable.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. We have heard with consternation how the hon. Assistant Minister can dismiss a document properly signed by the Deputy Registry of High Court at Nyeri. How can he dismiss it as a product of River Road? Is this not imputing improper motive on the Member of Parliament? Could he withdraw or get proper sanctions from you?

Mr. Ojode: Mr. Deputy Speaker, Sir, the reason I am alleging this must have been printed in River Road is because it does not have a seal. Ordinarily, court cases, especially injunctions, must have a seal. I am not a lawyer, but there are lawyers in this

House. I would want the Chair to authenticate whether this is the true copy, which we can rely on as a House.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. As you verify the document that the able Assistant Minister is talking about, part of the question has not been answered. The question that has not been answered is: How did the police get involved in a civil matter regardless of the order or no order? How did they get involved? He is able to answer that question.

Mr. Ojode: Mr. Deputy Speaker, Sir, I am even disputing the figure. He alleged that over 400 Administration Police officers were deployed there. Where would I get 400 officers?

Mr. Deputy Speaker: How many were deployed there?

Mr. Ojode: Mr. Deputy Speaker, Sir, we only have 12 APs to maintain law and order in that area because those squatters also need security.

Mr. Deputy Speaker: Order! Order! Hon. Assistant Minister, are you disputing that no members of security forces were sent there to evict those squatters from that ranch?

Mr. Ojode: Mr. Deputy Speaker, Sir, I am not aware of any 400 APs---

Mr. Deputy Speaker: Order! Order! The numbers are neither here nor there. Did your officers go there to evict the squatters from that ranch?

Mr. Ojode: Mr. Deputy Speaker, Sir, I am not aware of any police officers who were taken there to evict squatters from that particular farm.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. The information we have is that 400 police officers went and invaded this farm that has only 300 people. Here is a situation where the police are the ones that are involved and the Assistant Minister is telling us that he is not aware. Do you expect your own police to come and report that they invaded and hurt an 18 months old baby in the process? So, is the Assistant Minister in order to be evading answering the question from the Member?

Mr. Ojode: Mr. Deputy Speaker, Sir, this is a very serious issue because it involves the death of an 18 month old child---

Mr. Deputy Speaker: Indeed, there was an 18 old month old child who was killed.

Mr. Ojode: I am not talking about the allegations. If indeed there was any death, it would have been reported at the police station. Up to now, there is no death case which has been reported at the police station including the one which is next.

(Several hon. Members stood up in their places)

Mrs. Shebesh: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister continues to really say this is a serious matter yet he does not deal with it seriously. Is it in order for him to say that there is no case that has been reported in the nearest police station when the Member has said clearly that these were pastoralists who were chased away by police officers from their area? Is it fair to for the Assistant Minister to insist on legalities when his own officers are not following the law?

Mr. Deputy Speaker: Hon. Assistant Minister, you are maintaining that these orders are not genuine. For the purpose of the Standing Orders of this House, these court

orders are signed and as long as they are signed, the Standing Order is clear. Are you categorically saying that in your own privileged position to have this information---

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

Mr. Deputy Speaker: Order! Based on your own privileged status as the Assistant Minister, are you maintaining that actually these orders are not genuine and that they are fake?

Mr. Ojode: Mr. Deputy Speaker, Sir, generally, what happens with the court orders is that there must be a seal fixed on the injunction ordinarily. That is why I thought the Chair would seek advice from one of the advocates---

Mr. Deputy Speaker: Order! Order! For purposes of the---

Mr. Ojode: Mr. Deputy Speaker, Sir, there are so many court orders which I have come across and they must have a seal and those seals are clearly marked even when you photocopy the documents.

(Several hon. Members stood up in their places)

Mr. Gabbow: Mr. Deputy Speaker, Sir, that is a photocopy of the original document. Can the seal appear on a photocopy and the letter is signed?

Mr. Deputy Speaker: You have indeed the machinery as a Government Assistant Minister in charge of internal security to know whether the order is genuine. That is privileged information that you do not expect anybody else to have. You have that information in your own domain.

Mr. Ojode: Mr. Deputy Speaker, Sir, that is why even in my answer, I mentioned that there was no court order served at all. So when these ones were laid on the Table, I was just wondering aloud why there is no fixed seal on the one that was signed.

Mr. Deputy Speaker: Fair enough!

Mr. Letimalo: On a point of order, Mr. Deputy Speaker, Sir. I would like to inform the Assistant Minister that---

Mr. Deputy Speaker: Do you want to be informed?

Mr. Letimalo: He should take my information because the people are already suffering. So he has no reason to reject my information. One, the child who was burnt is hospitalized in Nanyuki Hospital. He is not dead. This was caused by the police torching the houses. Two, this is a photocopy of the original document which is being held by the lawyers. If you read through, you will see that it has a letterhead and it is signed by the Registrar of the High Court. So how can he deny that?

(Several hon. Members stoop up in their places)

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. This is a very serious matter and the Assistant Minister is taking it lightly. He is in denial and yet it is a matter of life and death affecting ordinary Kenyans. Would I be in order to request that this matter actually be referred to the Departmental Committee on Administration and National Security so that it can embark on fact-finding mission in this area because the Assistant Minister is denying that whole thing.

It is not about numbers, it is about harassment of very innocent Kenyans. The Office of the President is fond of denial. Would I be in order to request that this matter be

referred because we are not expecting any answer from the Assistant Minister. He is usually good but, unfortunately, in this situation he has been “bought”.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order, hon. Members! Given the seriousness of the matter whichever way it goes, the seriousness in the event that these are actually orders issued by the High Court in Nyeri and in which case the hon. Assistant Minister says he does not believe that it is genuine, which is a serious matter in the position of the Chair; given the fact that in the event it turns out that this is a forged document and not a genuine document, for an hon. Member to come and lay it on the floor of the House, the Chair directs that this Question appears on the Order Paper on Wednesday morning next week. In the meantime, the Clerk’s Department will do due diligence to establish the facts and the Chair will come and give a direction on the same.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.398

DELAYED PAYMENT OF CENSUS DUES TO KENYA POLICE RESERVISTS

Dr. Nuh asked the Minister of State for Planning, National Development and Vision 2030 :-

(a) whether he could provide the number per district, of Kenya Police Reserves who participated in providing security during last year’s census exercise;

(b) whether he could confirm that all security personnel, except Kenya Police Reserves, who participated in the said exercise were paid their dues; and,

(c) to state the reasons why the Kenya Police Reserves have not been paid, and when they will be paid.

The Assistant Minister, Ministry of State for Planning, National Development and Vision 2030 (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

(a) We have given the list to the hon. Member

(b) I would like to confirm that all security personnel from Kenya Police and the Administration Police have been paid their dues.

(c) I would like to confirm that all police reserves with complete details and duly signed by District Census Committees would be paid as soon as the process is completed. Some of the reasons why police reserve payments have not been effected are due to the lists not being certified by the District Commissioners and the District Census Officers, names appearing without any identification numbers or reservist numbers, excessive number of police reserves in some districts due to the total number not being commensurate with the number of enumerators to whom security was provided.

Dr. Nuh: Mr. Deputy Speaker, Sir, it is disheartening that the Kenya Police Reservists provided services to Kenyans and a year down the line the Assistant Minister alleges that the list has not been compiled and submitted to the Ministry. How long does it take for the list to be submitted from the districts to the headquarters to effect payments? It has taken more than a year and they are still alleging that the list is not complete.

Mr. Kenneth: Mr. Deputy Speaker, Sir, some of the lists appeared as late as September this year, especially the one from Bura. It was brought on 2nd September, 2010 but it was not signed by the District Census Officer. In addition, some of the names do not have identification numbers or the reservist numbers. Therefore, the list was taken back to the DC to ensure that it is complete.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, in the Assistant Minister's written answer, he has actually indicated that one of the reasons that they have not paid is because some of those reservists do not have bank accounts. Given that these people are not ordinarily employed and, therefore, not paid on a month by month basis, how does he expect them to open a bank account just for purposes of payments? Could he find a different way of paying them so that their payment is not delayed just because they do not have bank accounts?

Mr. Kenneth: Mr. Deputy Speaker, Sir, in fact, we have now started paying through the district treasuries to avoid the problem of having to open bank accounts. In the case of Bura whose list came on 2nd September, 2010, we have sent the money to Bura District Commissioner. The District Statistician Officer is not there. I have asked the Director-General, Kenya National Bureau of Statistics to recall the officer and ensure that all the police reservists in Bura are paid next week.

Mr. Mwangi: Mr. Deputy Speaker, Sir, if you listen to the answer given by the Assistant Minister, you will find that there are very many flimsy reasons given by the Provincial Administration for not having paid those reservists. They include lack of bank accounts and lack of national identification cards. The third reason is that an officer goes on leave while the reservists are suffering. What action will the Assistant Minister take to make sure that civil servants at Bura District pay those people without further delay?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I have already answered that. Today, I have directed Mr. Kilele to recall the officer to ensure that Bura Police Reservists are paid by Monday or Tuesday.

Mr. Deputy Speaker: I think the Assistant Minister has made it clear.

Dr. Nuh, could you ask the last question or are you satisfied?

Dr. Nuh: Mr. Deputy Speaker, Sir, the delay in these payments has raised a lot of suspicion and we even doubt whether the Kenya Police Reservists will be paid their dues fully because the money is not being sent to any account. Since the money will be paid from the district treasury, could the Assistant Minister make public how much is due to each individual for the services that they rendered?

Mr. Kenneth: Mr. Deputy Speaker, Sir, the figure is what was agreed from the beginning which is Kshs400 per day for four continuous days.

Mr. Deputy Speaker: Fair enough. Let us move on to the next Question by Mr. K. Kilonzo.

Question No.316

ALLOCATION OF FUNDS FOR CONSTRUCTION
OF KITUI BUS STATION

Mr. Deputy Speaker: Mr. K. Kilonzo is out of the Chambers today for obvious reasons. Under the circumstances, I direct that this Question appears on the Order Paper on Tuesday, next week.

(Question deferred)

Question No.548

TRANSFER OF ASSISTANT CHIEF'S
OFFICE IN HARAMBEE SUB-LOCATION

Mr. Kabogo, on behalf of **Mr. Mbuvi**, asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he could state to the House why the Assistant Chief's office in Harambee Sub-location in Makadara Constituency was relocated to Uhuru Location, which is in Kamukunji Constituency; and,

(b) whether he could clarify to the House why the land meant for the said Assistant Chief's office is currently occupied by a private developer.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I beg to reply.

I had answered part "a" of this Question and it is part "b" which was deferred.

Mr. Deputy Speaker, Sir, we have referred this matter to the Office of the Deputy Prime Minister and Ministry of Local Government to investigate the circumstances under which that land was allocated and yet it had a chief's office. Therefore, we need more time to get a reply from the Office of the Deputy Prime Minister and Ministry of Local Government.

Mr. Deputy Speaker: How much time do you need?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Presumably, two weeks, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Kabogo, are you okay with that?

Mr. Kabogo: Mr. Deputy Speaker, Sir, the Assistant Minister had indicated to me the same and I was thinking that since the Question was deferred last week, Thursday, next week will be an appropriate time.

Mr. Deputy Speaker: Are you okay with Thursday, next week, Mr. Assistant Minister?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I will not be available on Thursday, next week.

Mr. Deputy Speaker: But that is an institution. The Ministry of State for Provincial Administration and Internal Security is not just you. I direct that this Question appears on the Order Paper on Thursday, next week.

(Question deferred)

Hon. Members, under the circumstances, the Chair directs that Question Nos.402, 546, 601, 554 and 610 appear on the Order Paper respectively on Wednesday and Thursday, next week.

Question No.402

NON-PAYMENT OF SERVICES DELIVERED TO
MAKUENI DC BY MS MATE ENTERPRISES

(Question deferred)

Question No.546

SENSITIZATION PROGRAMME OF CITIZENS
ON MAJOR ROAD PROJECTS

(Question deferred)

Question No.601

FUNDS SPENT ON MAINTENANCE OF
KABATI-TULIA-MBONDONI ROAD

(Question deferred)

Question No.554

DELAYED COMPENSATION TO PROPRIETORS
OF PERFECT FARMS LIMITED

(Question deferred)

Question No.610

STALLING OF SIOMO DISPENSARY PROJECT

(Question deferred)

The Minister for Roads (Mr. Bett): On a point of order, Mr. Deputy Speaker, Sir. I respect your ruling on deferring the remaining Questions. Two of those Questions belong to my Ministry and were also deferred from another date. I want to request the Clerks' Office through you that when Questions are being put on the Order Paper they

are mixed because my Ministry is always being listed last. Consequently, all my Questions are deferred to the next day.

Mr. Deputy Speaker: Fair enough! The Chair directs that all these Questions that have been deferred take precedence over other Questions.

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

Mr. Deputy Speaker: On the same?

Mr. Keter: No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Could you allow the Chair to make Communication?

COMMUNICATION FROM THE CHAIR

MEMBERS' RETREAT TO REVIEW IMPLEMENTATION STATUS OF THE NEW CONSTITUTION

Mr. Deputy Speaker: Hon. Members, as you are aware the implementation of the Constitution is underway and the National Assembly is playing a key role in the process. This House has already established the Constitutional Implementation Oversight Committee (CIOC) which is mandated to oversee the implementation of the Constitution. The National Assembly is further expected to consider and enact several legislations to fully operationalise the Constitution. It is in this regard that the CIOC in conjunction with the Departmental Committee on Justice and Legal Affairs through the office of the Speaker, has organized a one-day retreat for all Members of Parliament to review the implementation status of the Constitution and come up with strategies to meet the Constitutional deadlines and appraise hon. Members on matters that the House must urgently deal with. The retreat will take place on Monday, 6th December, 2010 starting at 9.00 a.m. in the morning at the Kenya Institute of Administration (KIA), Nairobi. I, therefore, urge all hon. Members to attend and participate in this important retreat that is aimed at fulfilling the mandate of the National Assembly in the constitutional implementation process.

POINTS OF ORDER

FUNDING OF YOUTH GROUPS BY USA GOVERNMENT

Mr. Keter: Mr. Deputy Speaker, Sir, I wish to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. The Statement concerns the Government Spokesman, Dr. Alfred Mutua's statement that was issued the other day and the subsequent statement by the United States of America (USA) Ambassador to Kenya that the USA has channelled about US\$20 million which is equivalent to Kshs1.6 billion to Kenya to support youth groups. I wish the Minister to clarify the following. First, how was this money channelled to Kenya? Secondly, I would like the Minister to table all the records of disbursement. Thirdly, I would like the Minister to name the beneficiaries either as individuals or proxies. Fourthly, I would like the Minister in his statement to name the areas or constituencies where these groups are or were.

Finally, I would like him to tell us the activities these youth groups or individuals are doing or were doing.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, can I bring an elaborate Statement a week after today; that is on Tuesday of the other week? The reason is because of the number of---

Mr. Keter: On a point of order, Mr. Deputy Speaker, Sir. I think it is on record that the US Ambassador said that this is the money that has been spent for the last three years. So, the Assistant Minister does not need to take one week. They should be having the records. This Statement should be brought by next week on Tuesday.

Mr. Deputy Speaker: Assistant Minister, you realize that this is a matter that is drawing a lot of anxiety and interest in the country as well as in the composition of Parliament itself. So, how soon can you have this Statement ready?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I am requesting the Chair to allow me one week because of the other details which he wants me to include. First of all, it is an allegation, which I need to confirm with the Ambassador. I am not sure whether I will get him on time. Secondly, I have to go to the Treasury and check whether, indeed, there was some money which was wired to these youth groups. Thirdly, is it true that there was money? Fourthly, there are a number of other things. So, I am requesting that you give me one week until Tuesday of the other week or Wednesday morning in order for me to come up with a complete list, if at all there is something like that.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister has not been watching news. Last night, the Ambassador came out in the news trying to clarify how this money has been given and for what purposes. The information was on his fingertips! So, I am sure that the Assistant Minister is attempting to get this House to go on recess before he delivers the Statement.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. You will realize that, that money was not given through the Government. It looks like the money was wired directly to those youth groups.

Hon. Members: No!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I am just suggesting, Mr. Deputy Speaker, Sir. I do not have any evidence to that effect. All we are saying here are allegations, and that is why I am asking for time to come up with an elaborate Statement; a Statement which will stand the times.

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

Mr. Deputy Speaker: What is your point of order, Mr. Keter?

Mr. Kabogo: Mr. Deputy Speaker, Sir, the Assistant Minister is---

Mr. Deputy Speaker: Order, Mr. Kabogo! Order! You do not have the Floor! Proceed, Mr. Keter!

Mr. Keter: Mr. Deputy Speaker, Sir, as you put it rightly, this is an issue which is there and it is very serious for the Minister to suggest that this is money which he does not know how it came to Kenya. It seems to me that he has an answer; he is trying to

answer part “a” of my Question. Therefore, since the Assistant Minister has the answers, I still stand by the point that he gives the Statement by Tuesday and latest on Wednesday.

Mr. Deputy Speaker: Assistant Minister, ordinarily, a Government would want to dispel rumours; a Government would want to dampen the anxiety of the masses of its own nation. Do you not think it would be fair for you to bring this Statement as soon as possible?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I will try, if possible, by Thursday, next week. But if I fail to get the other facts, I will, definitely issue this Statement, whether we are on recess or not.

Hon. Members: No!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): That is the truth of the matter!

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is well aware that the Government’s financial system provides that donor funds are audited by the Controller and Auditor-General (C&AG) by the 31st of December. Could he, kindly, as he brings the Statement, also bring the report of the C&AG in respect of these particular funds?

(Applause)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, the audited report will come out by next year. But let me just zero in on what has been requested by hon. Keter. I will try my level best to get this information if, indeed, it is true that there are some monies which are being channeled directly to the youth groups by Thursday next week.

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

Mr. Deputy Speaker: Hon. Kabogo, you realize that in as much as the Chair---

Mr. Kabogo: It is a very important issue, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is your point of order?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Is it on drugs?

Mr. Kabogo: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that this could be rumours; he is not sure. I want to remind him that, yesterday, on the Floor of the House, the Prime Minister himself talked about the money being negligible – Kshs1.2 billion – so, it is not a rumour! He is misleading the House!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, that is why I have agreed that I am going to find out if I can get an elaborate Statement on that particular issue.

Mr. Deputy Speaker, Sir, just equally, even on drugs! We have said that we are going to make public the issue of drugs and those who are involved in drug trafficking.

Mr. Keter: Forget about drugs; this is an issue about money. *Wachana na hiyo!*

Mr. Deputy Speaker: Order! Order!

Fair enough! The Chair directs that the Statement be delivered on Thursday, next week.

Mr. Kabogo: Correct!

(Applause)

COURT RULING ON LICENSING OF
BUTALI SUGAR FACTORY

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Three weeks ago, the Speaker of the National Assembly directed that he would be soon issuing a statement in respect of documents that have been tabled here by the hon. Minister for Agriculture and myself in respect of court rulings concerning the fate of licensing of Butali Sugar Factory.

Mr. Deputy Speaker, Sir, while awaiting for that Statement, which has since become long overdue, the process of trying to delay the licensing ended up now attracting a further court process, and this process came to a conclusion in Kisumu yesterday and the hon. Justice Josphat Karanja issued a *mandamus* order to the extent that, forthwith, Butali Sugar Factory be issued with a licence.

(Applause)

Mr. Deputy Speaker, Sir, I rise to table this ruling by the honourable court so that I request the Chair to now come up on Tuesday and allow us to interrogate why the Government has refused to license Butali Sugar Factory; an investment of Kshs3.2 billion, offering 2,000 direct jobs for our youth and 6,000 indirect jobs to the other farmers and players.

This should be treated urgently because the sugar-cane which was grown to service Butali Sugar Factory has now overgrown.

Thank you.

(Dr. Khalwale laid the document on the Table)

Mr. Deputy Speaker: Is that the last court case? To the best of the recollections of the Chair, I remember that there were a series of court cases. Is that the last one or do we still have some other pending ones? That is not to suggest that I am preempting, in any way, the communication that is to be given from the Chair.

Dr. Khalwale: Mr. Deputy Speaker, Sir, in fact, irrespective of whether we know that there are other cases or not – because the Chair is an outstanding legal mind – I am hoping that when he will be making the ruling, he will address himself to the legal thing called “double jeopardy”. If the High Court has already made a ruling on a particular matter, why should the same ruling again be brought up? It amounts to double jeopardy and I expect that the Chair will address himself to this.

Mr. Deputy Speaker: Fair enough! A ruling will be given on the same.
Next Order!

(Mr. Kimunya stood up in his place)

Or, indeed, this is a Thursday and, the honourable Deputy Leader of the Government Business has a function to perform.

Can you proceed, now?

MINISTERIAL STATEMENT

HOUSE BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 7TH DECEMBER, 2010

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, pursuant to the provisions of Standing Order No. 36(4), I take the opportunity to make the following Statement with regard to the Business for the week commencing Tuesday, 7th of December, 2010:

Mr. Deputy Speaker, Sir, the House will consider for deliberation the following two Bills: The first Bill will be the Committee of the whole House on the Finance Bill, Bill No. 9 of 2010, and the second one will be a Motion to Adopt the Report of the Public Accounts Committee on the Government of Kenya accounts for the Financial Year 2007/2008.

Mr. Deputy Speaker, Sir, the House Business Committee (HBC) had balloted for consideration of Mr. Eugene Wamalwa's Motion to the Ministry of Transport. Lastly, I wish to share the concern of the other hon. Members that we have been losing substantial House business, especially, during Wednesday Morning Sessions. That is mostly caused by the late arrival or absence of both hon. members of the Back Bench and the Government side. I am giving my undertaking to the House today that the Office of the Leader of Government Business will try its best to reverse that unfortunate trend as it relates to the Government side. The HBC will sit on Tuesday 7th December, 2010 to consider business for the rest of the week.

Thank you and I beg to table the same.

(Mr. Kimunya laid the document on the Table)

MOTION

ADOPTION OF 2006/2007 PAC REPORT

THAT, this House adopts the Report of the Public Accounts Committee (PAC) on the Government of Kenya accounts for the year 2006/2007 laid on the Table of the House on Thursday, 25th November, 2010.

(Dr. Khalwale on 30.11.2010)

(Resumption of Debate interrupted on 1.12.2010)

Dr. Eseli: Mr. Deputy Speaker, Sir, thank you for giving me this chance to contribute to the debate on the PAC Report. Just as was mentioned yesterday, it is very unfortunate that, as we discuss the accounts of the Government of Kenya, the Deputy Prime Minister and Minister for Finance does not find it necessary to grace the occasion.

In fact, the Deputy Prime Minister and Minister for Finance continues to treat Parliament with the disdain that he has always treated it with. As we discuss the expenditure of Government funding, he does not deem it fit to appear, neither does he deem it fit to even send his Assistant Minister.

(Applause)

In the House of Commons, the Prime Minister attends. In fact, I will suggest to my colleagues that as we start the new constitutional dispensation; as we start looking at the Standing Orders, we probably might need to put in some sections that will compel hon. Members and especially the Government to attend the debate on the PAC Report. That is because, in essence, that is about half of the work that hon. Members are supposed to do in this House.

Looking at the PAC Report, I would like to congratulate the Committee. This is one of the few audit Committees that are almost getting current with the accounts. I am sure the Committee has worked very hard and very soon, we will not be doing a postmortem thing. We will be looking at, probably, the previous year's accounts.

I realize that they have also suggested that we take the route of performance audit or value for money audit. So long as we continue doing financial audits, we will never be able to stem the tide of loss of Government funds; the leakage of Government funds. That is because, as it has been said before, almost half the Government funds leak out. So, it is only half the Budget that actually performs any work for this country. If we could adopt a value for money audit---

QUORUM

The Minister of State for Defence (Mr. Haji): On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that we do not have a quorum, can we really proceed with this important discussion?

Mr. Deputy Speaker: Indeed, yes, hon. Minister. We do not have a quorum. I direct the Serjeant-at-Arms to ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

Mr. Deputy Speaker: When the Motion on the Public Accounts Committee (PAC) resumes, Dr. Eseli still has 16 minutes more.

Hon. Members, there being no quorum, the business of the House is, therefore, adjourned until Tuesday, 7th December 2010 at 2.30 p.m.

The House rose at 4.37 p.m.